

BYLAW NO. PI 4/02

A Bylaw of the Town of Gibbons, In the Province of Alberta, Preventing and Compelling the Abatement of Noise.

WHEREAS, the Municipal Government Act, 2000, Chapter M 26. 1 RSA of the Province of Alberta provides that a Municipal Council may enact a Bylaw for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels in all or a designated part or location of the municipality.

AND WHEREAS, it is deemed expedient by the Council of the Town of Gibbons to pass a Bylaw to provide for the preventing and compelling the abatement of noise within the Town of Gibbons.

NOW THEREFORE, the Council of the Town of Gibbons in the Province of Alberta, duly assembled, enacts as follows:

1. TITLE

This Bylaw may be cited as “The Noise Abatement Bylaw”

2. DEFINITIONS

- a) “Chief Administrative Officer” means the Town Manager for the Municipality or whatever subsequent title may be conferred on that officer by Council or statute.
- b) “Commercial District” means any area or district classified as commercial by the Land Use Bylaw of the Town of Gibbons.
- c) “Council” means the Municipal Council of the Town of Gibbons.
- d) “Electronic Device” means any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record, tape or c.d. player or device which reproduces recorded sound, television set amplifier and loud speaker systems, public address system, alarm or siren.
- e) “Holiday” means a Sunday, a public holiday as defined in the Interpretation Act (Alberta) and a day or portion of a day proclaimed by the Mayor or by the Council of the Town of Gibbons as a Civic Holiday.
- f) “Industrial District” means any area or district classified as industrial by the Land Use Bylaw of the Town of Gibbons.

- g) "Lessee" means any person, including his agent or member of his family who rents, or occupies property owned by another person or persons.
- h) "Noise" includes any sound:
 - i) which unduly or unreasonably interferes with the use or enjoyment of land or property within the Town; or
 - ii) which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.
- i) "Official Tag" means a ticket, tag or similar document issued for any bylaw offense as an alternative to the issuance of a summons.
- j) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, Special Constable or any person authorized by Council to enforce the provisions of this Bylaw.
- k) "Property" means anything owned by any person whether in whole or in part, and also includes real property.
- l) "Real Property" means any land and/or building whether occupied or not.
- m) "Residential District" means any area or district classified as residential by the Land Use Bylaw of the Town of Gibbons.
- n) "Special Permit" means any notice issued and signed by the Chief Administrative Officer or his designate and includes the terms and conditions stated therein.
- o) "Town" means the Corporation of the Town of Gibbons or the area contained within the boundaries of the said Town in the Province of Alberta.
- p) "Weekday" shall be defined as Monday 12:01 a.m. to Saturday 12 midnight.
- q) "Violation Ticket" means a violation ticket as defined in Alberta Regulation 233/89, as amended, being the Violation Ticket Regulation under the Provincial Offenses Procedure Act S.A. 2000.

3. General Abatement Provisions

- a) No person shall make, continue or cause, or allow to be made or continued, any loud, unnecessary or unusual noise or any noises

whatsoever which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town of Gibbons.

- b) No person shall allow property belonging to him or under his control, to be used so that there originates from the property any loud, unnecessary or unusual noise which disturbs the comfort or the repose of other persons in the vicinity of such property or generally within the limits of the Town.

4. Ice Cream Sales

- a) No person shall ring bells advertising the sale of ice cream in a residential area between the hours of ten o'clock in the evening and seven o'clock of the next morning on weekdays, and between the hours of ten o'clock in the evening and eight o'clock of the next morning on Sundays and holidays.

5. Operation of Appliances

- a) No person shall operate a hand or power operated lawn mower, snow removal, gardening or landscaping devices or motorized model aircraft in a residential area between the hours of ten o'clock in the evening and seven o'clock of the next morning on weekdays, and between the hours of ten o'clock in the evening and eight o'clock of the next morning on Sundays and holidays.

6. Construction Noises

- a) No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between the hours of ten o'clock in the evening and seven o'clock of the next morning.
- b) Notwithstanding Sections 6(a) the Council of the Town of Gibbons may allow construction to be carried on subject to such restrictions and conditions as the Council may impose.

7. Electronic Devices

- a) No person shall operate any electronic devices from any residence, business premises or in any park or other public place so as to unduly disturb residents of the Town.

8. Day Use and Overnight Camping

- a) Quiet hours in all parks and recreation areas are observed from eleven o'clock in the evening until seven o'clock of the next day.

9. Handling Of A Complaint

- a) Upon complaint by any person of unreasonable noise, a Peace Officer, may in addition to issuing any warning, official tag, violation ticket or laying any information with respect to an alleged breach of this Bylaw, order the occupant and any other person found therein to forthwith cease causing such noise and refrain from continuing said noise.
- b) Every Peace Officer is hereby authorized to enter any lands or building or premises other than a dwelling house to inspect for conditions that make undue noise a nuisance, or contravene or fail to comply with the provisions of this Bylaw and such Peace Officer may order the owner or occupant thereof to remedy any condition which is deemed to be in contravention of this Bylaw.

10. Occupants

- a) In any proceedings under this Bylaw, the following persons shall be deemed to be the occupants of any property upon which it has been alleged that an offense has been committed; a person who:
 - i) resides therein; or
 - ii) claims to reside therein; or
 - iii) is a lessee to such property; or
 - iv) has title to such property; or
 - v) possess said property under a purchase agreement

provided, however, that such person was present at the time of the alleged offense, or permitted other persons to use said property.

11. Exceptions

- a) The provisions of the Bylaw do not apply to:
 - i) employees or agents of the Town carrying out work authorized by the Town, or
 - ii) work carried out pursuant to a special permit, or
 - iii) persons engaged in the operation of snow removal or sweeping in land use districts designated commercial or industrial under the Town of Gibbons Land Use Bylaw.

12. Permits

- a) Notwithstanding any other provisions in this Bylaw, the Chief Administrative Officer or his designate may, at their discretion, issue

a permit to any person or organization to operate an Electronic device within the Town.

- b) Such permit shall specify:
 - i) the name of the person or organization being granted the permit, and
 - ii) the type of electronic device being permitted; and
 - iii) the period of time for which the permit is valid, and
 - iv) and other conditions pertinent to the use of such device, having regard to the public order and peace.

13. Penalties

- a) The Peace Officer is hereby authorized and empowered to issue an “Official Tag” or “Violation Ticket” to any person who has committed or is committing an offence under this Bylaw.
- b) The “Official Tag” shall:
 - ii) specify the alleged offense committed by the person to whom the “Official Tag” is issued; and
 - iii) require payment within thirty (30) days from the date of issue in the amount as specified in accordance with the offense in Schedule “A”.
 - iv) If the fine specified on an “Official Tag” is not paid within the prescribed time period, then the Peace Officer is hereby authorized and empowered to lay a complaint and issue a summons by means of a “Violation Ticket”.
- c) The “Violation Ticket” shall be in the form prescribed by Alberta Regulation 233/89, as amended, being the Violation Ticket Regulations passed pursuant to the Provincial Offense Procedures Act.
- d) The “Official Tag” or “Violation Ticket” shall be served upon the alleged offender personally or by single registered mail.
- e) Where contravention of this Bylaw is of a continuing nature, further “Official Tags” or “Violation Tickets” may be issued by the Peace Officer.

14. Effective Date

- a) This bylaw comes into effect on the third and final reading and signing thereof, and Bylaw No. PI 2/01 is hereby repealed


15. Severability Provision

- a) Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

Read a first time this 9th day of October, 2002.

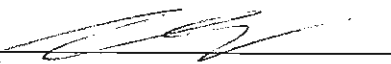


Mayor

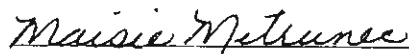


Manager

Read a second time this 9th day of October, 2002.



Mayor

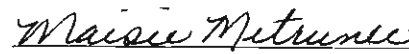


Manager

Read a third and final time this 9th day of October, 2002.



Mayor



Manager

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Schedule "A"

Specified Penalties for the Noise Abatement Bylaw

1 st Offence	\$200.00
2 nd Offence	\$500.00
3 rd & Subsequent Offences	\$1000.00