

**BY-LAW NO. 014-10
OF THE
TOWN OF SMOKY LAKE
IN THE PROVINCE OF ALBERTA**

**A BY-LAW OF THE TOWN OF SMOKY LAKE IN THE PROVINCE
OF ALBERTA FOR THE PURPOSE OF PROHIBITING,
ELIMINATING OR ABATING NOISE**

UNDER authority of and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and the Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6 and amendments thereto provides Council the authority to pass Bylaws defining objectionable Noise;

AND WHEREAS, it is desirable to regulate noise in the Town of Smoky Lake particularly where the type, source or location of such noise may annoy or disturb persons working or living in places affected by such noise;

AND WHEREAS, any sounds affecting the health, safety and welfare of people may be considered noise;

AND WHEREAS, the operation of any motorized vehicle and/or equipment may make objectionable noise;


NOW THEREFORE, the Council of the Town of Smoky Lake, duly assembled, enacts as follows:

SECTION 1 – SHORT TITLE

- 1.1 This Bylaw may be cited as the Town of Smoky Lake "Noise Bylaw".

SECTION 2 – DEFINITIONS

- 2.1 **"Bylaw Enforcement Officer"** means a Bylaw Enforcement Officer appointed by the Town of Smoky Lake pursuant to the Municipal Government Act to enforce the Town's Bylaws, and includes a member of the Royal Canadian Mounted Police, and any special constable employed by the Town.
- 2.2 **"Construction Equipment"** includes a riveting machine, a concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack hammer, or pneumatic drill, tractor, bull dozer, front end loader, motor scraper, motor grader, or any other tool, device, or machine of a noisy nature.
- 2.3 **"Construction Noise"** Means Noise caused by Construction Equipment.
- 2.4 **"Contractor"** means a person hired by a Private Company.
- 2.5 **"Council"** means the Municipal Council for the Town of Smoky Lake.



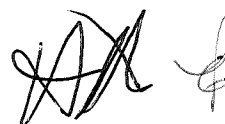
- 2.6 **“Designated Officer”** means a Bylaw Enforcement Officer, or any Person who has been appointed by Council.
- 2.7 **“Motor Vehicle”** means any Motor Vehicle as defined by the Traffic Safety ACT, R.S.A. 2000, Chapter T-6 as amended.
- 2.8 **“Noise”** Means any sound which may reasonably be expected to either annoy or disturb: Persons, or which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, or safety of a Person within the Municipal boundaries of the Town.
- 2.9 **“Occupant”** means any person other than the registered owner who is in possession of the property, including, but not restricted to, a lessee, licensee, tenant, or agent of the owner.
- 2.10 **“Owner”** means:
- Any person registered as the owner of Property under the Land Titles Act;
 - Any person who is recorded as the owner of Property on the Tax Role;
 - Any Person in control of Property under construction;
 - Any Person who is the Occupant of the Property under a lease agreement;
 - Any Person who has entered into a Purchase/Sale Agreement whether they have purchased or otherwise acquired directly from the owner or from another Purchaser, and who has not yet become the registered owner thereof.
- 2.11 **“Person”** means any corporation, partnership, or individual, and the heirs, executors, administrators or other legal representatives of an individual.
- 2.12 **“Property”** means any lands, buildings, structures or premises or any personal property located thereupon, within the municipal boundaries of the Town.
- 2.13 **“Violation Tag”** means a tag or similar document issued by the Town pursuant to the Municipal Government Act for the purpose of notifying a Person that an offence has been committed for which a prosecution may follow.
- 2.14 **“Off Highway Vehicle”** means any Off Highway Vehicle as defined by the Traffic Safety ACT, R.S.A. 2000, Chapter T-6 as amended.

SECTION 3 – NOISE

- 3.1 Construction projects likely to disturb the peace and quiet of any residential neighborhood shall be prohibited from beginning work until 7:00 a.m. and shall conclude their activities no later than 11:00 p.m.
- 3.2 No person shall operate an off highway or motor

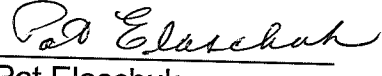
vehicle which makes or emanates noise

- 3.3 The following will be exempt from the Noise Bylaw:
- Emergency Services such as Fire, Ambulance and Police
 - Private Companies, Contractors and the Town for the purposes of snow removal and/or emergency repair work (such as utility main breaks.)
 - Farm Equipment used for the purpose of harvesting
- 3.4 Off-highway vehicles shall only be operated within residential sectors of the Town between the hours of 7:00 am and 11:00 pm.
- 3.5 Motorized private lawn, garden and snow removal equipment shall only be operated between the hours of 7:00 am and 11:00 pm.
- 3.6 No person or persons shall participate in any activity within the residential sectors of Town that create noise, particularly between the hours of 7:00 am and 11:00 pm.
- 4.0 Any person who contravenes the provisions of this bylaw, by means of Prohibited Noise, is guilty of an offense and liable upon summary conviction for the following fines:
- 1st offence not less than \$100.00
 - 2nd offence not less than \$200.00
 - Each subsequent offence after that not less than \$500.00
 - Up to a maximum of \$1000.00
- 5.0 The Chief Administrative Officer may, upon written request issue a permit to a person for the purpose of suspending the provisions of this bylaw and the permit shall specify the dates and hours during which noise may occur.
- 6.0 A violation ticket may be issued by a Peace Officer, to a Person who is believed to have violated a provision of this Bylaw and the said violation ticket may provide for payment within twenty one (21) days from the date of issue to the Town in the amounts specified in part 4. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.
- 7.0 Any occupant be it owner, agent, lessee or occupier who receives a notice, or contravenes or fails to comply with this bylaw and who thinks themselves aggrieved may appeal within ten (10) days to the Provincial Court.
- 8.0 That Bylaw 717-97, 748-99 and 470 be rescinded upon the final passing of this Bylaw. ^{001/09}

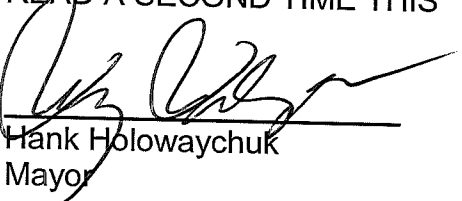



READ A FIRST TIME THIS 15th DAY OF December, 2010


Hank Holowaychuk
Mayor

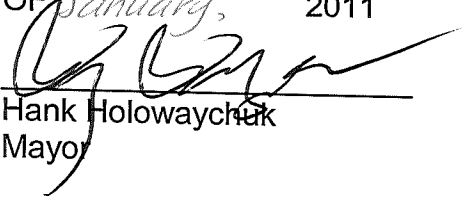

Pat Elaschuk
Acting Town Manager


READ A SECOND TIME THIS 5th DAY OF January, 2011


Hank Holowaychuk
Mayor


Pat Elaschuk
Acting Town Manager

READ A THIRD TIME AND PASSED IN COUNCIL THIS 5th DAY OF January, 2011


Hank Holowaychuk
Mayor


Pat Elaschuk
Acting Town Manager