

# VILLAGE OF BOYLE

## BYLAW # 04 - 94

A BYLAW OF THE VILLAGE OF BOYLE IN THE PROVINCE OF ALBERTA, TO PROHIBIT, ELIMINATE OR OTHERWISE ABATE NOISE AND TO RESTRICT HOURS WHEN CERTAIN NOISES MAY BE MADE.

*WHEREAS, Council wishes to prohibit, eliminate or otherwise abate noise and to restrict hours when certain noises may be made,*

*WHEREAS, Section 160 of the Municipal Government Act, being Chapter M26, R.S.A. 1980 and amendments thereto, Council may, by by-law, prohibit, eliminate or abate noise, and establish permissible noise levels for varying periods of the day,*

*WHEREAS, Section 159 of the Municipal Government Act, being Chapter M26, R.S. A. 1980, provides that the Council may pass bylaws for any other matter or thing for the reduction of noise as much as possible, compatible with the normal activities of urban life.*

*NOW THEREFORE, the Council of the Village of Boyle in the Province of Alberta, duly assembled, and under the authority and provisions of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 1980, as amended, enacts as follows:*

1. *This bylaw may be cited as the Noise Abatement Bylaw.*

2. *Definitions:*

*"Council" - means the Council of the Village of Boyle in the Province of Alberta.*

*"Signalling Devices" - horn, bell, gong, klaxon or other device for drawing the attention of people to an approaching vehicle.*

3. *No person shall make, cause to be made, or continue any loud, unnecessary, or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of persons within the Village of Boyle.*
4. *No person shall allow property belonging to him/her or under his/her control to be used so that there originates from the property noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of persons within the Village of Boyle.*
5. *No person shall unload a truck in a residential area between 2200 hours (10:00 pm) and 0700 hours (7:00 am) of the following forenoon weekdays, or 2200 hours (10:00 pm) and 0800 hours (8:00 am) of the following forenoon on Sundays and holidays, except as noted in Section 7 (b) of this Bylaw.*
6. *No person shall operate a power lawn mower or snow removal device in a residential area between 2200 hours (10:00 pm) in the evening and 0700 hours (7:00 am) of the following forenoon weekdays, or 2200 hours (10:00 pm) and 0800 hours (8:00 am) of the following forenoon on Sundays and holidays, except as noted in Section 7 (b) of this Bylaw.*

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7. a) *No person shall carry on construction of any kind that can be heard beyond the boundary of the construction site between 2200 hours (10:00 pm) and 0700 hours (7:00 am) of the following forenoon weekdays, or and 0800 hours (8:00 am) of the following forenoon on Sundays and holidays, except as noted in Section 7 (b) of this Bylaw.*
  - b) *Notwithstanding Section 7 a), the Bylaw Enforcement Officer may allow construction to be carried on subject to restrictions and conditions he/she may deem necessary.*
8. *No person shall operate or allow to be operated any sound amplifying equipment from any residence, business premises, vehicle or in any park or other public place or private premises so as to unduly disturb or offend other residents of the Village of Boyle.*
9. *If a person fails to comply with the provisions of the Highway Traffic Act, being Chapter H7, R.S.A., 1980, and amendments thereof, regarding:*
  - a) *the prohibition against the use of signalling devices in motor vehicles, motorcycles, or bicycles so as to make more noise than is reasonable necessary for the purpose of giving warning to other persons as set out in Section 45 of the Highway Traffic Act,*
  - b) *the restrictions on the type or use of mufflers and similar equipment as set out in Section 46 of the Highway Traffic Act,*
  - c) *the prohibition against equipping a vehicle, other than those specified, with a siren as set out in Section 59 of the Highway Traffic Act,*
  - d) *the operation of a vehicle of any type in a street in a residential zone at any time of the day or night in such a way as to disturb the residents of the area in which he/she is operating the vehicle as set out in Section 135 of the Highway Traffic Act,*

*he/she shall be guilty of an offence under this bylaw in addition to and not in substitution for any offence of which he/she may be guilty under the provisions of the Highway Traffic Act.*

10. *Any person who contravenes, refuses, neglects or otherwise fails to comply with the provisions of the Bylaw is guilty of an offence and is liable, on summary conviction, to a fine of not less than \$150.00 (one hundred fifty dollars and no cents) and not more than \$2,500.00 (two thousand five hundred dollars and no cents), excluding all costs and in default of payment thereof to imprisonment for a term not to exceed 6 (six) months.*
11. *Where a Bylaw Enforcement Officer or a Peace Officer believes that a person has contravened any section of this Bylaw he/she may serve upon a person an offence ticket. The Village of Boyle shall accept voluntary payment of said ticket in lieu of prosecution for the offence.*
12. *Any person who is issued a summons, offence ticket or warning notice shall immediately discontinue creating the said noise. If the said noise continues or is allowed to continue or is allowed to continue a second summons or offence ticket may be issued.*
13. *Failure to voluntarily pay an offence ticket within the time specified may result in prosecution under Section 10 of this Bylaw, and Section 11 of this Bylaw shall no longer apply.*

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14. *No part of this Bylaw shall:*


- a) *Prevent a person from exercising his/her right to defend any charge of committing a breach of this Bylaw,*
- b) *Prevent a Bylaw Enforcement Officer or Police Officer from issuing a warning notice in lieu of an offence ticket.*

15. *This Bylaw shall not apply to work on a Village of Boyle Street or Provincial Highway or Public Utility where carried on by a Village of Boyle Department, a Public Utility or a contractor working for the Village of Boyle.*

16. *This Bylaw shall take effect on the date of final reading thereof.*

**DONE AND PASSED AS A BYLAW OF THE VILLAGE OF BOYLE, at the Village of Boyle in the Province of Alberta, this 18th Day of May, AD 1994.**

**VILLAGE OF BOYLE**

  
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**MAYOR RAY TANNAS**

  
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**ADMINISTRATOR CHARLIE SHEEN**

*READ A FIRST TIME THIS 18th DAY OF MAY, AD, 1994 - Coucillor Herman*

*READ A SECOND TIME THIS 18th DAY OF MAY, AD, 1994 - Councillor Stromberg*

*READ A THIRD TIME THIS 18th DAY OF MAY, AD, 1994 - Councillor Duplessis*