

BYLAW 2005-06  
VILLAGE OF BEISEKER  
PROVINCE OF ALBERTA

BEING A BYLAW OF THE VILLAGE OF BEISEKER IN THE  
PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING,  
ELIMINATING AND ABATING NOISE

WHEREAS, the Municipal Government Act as amended provides that the Council of a municipality may pass a by-law for the purpose of prohibiting, eliminating or abating noise; in all or in a designated part or location of a municipality;

NOW THEREFORE the Council of the Village of Beiseker, in the Province of Alberta duly assembled, enacts the following:

1. This By-Law may be referred to as the Village of Beiseker Noise By-Law.
2. Definitions:
  - (a) "the Village" means the corporation of the Village of Beiseker or the area contained within its corporate boundaries;
  - (b) "daytime" means the period commencing at 8:00 a.m. in the morning and ending at the hour of 10:00 p.m. in the evening of the same day;
  - (c) "holiday" means any Statutory Holiday as defined in the Municipal Government Act;
  - (d) "land use by-law" means any zoning or development control by-law in force from time to time with the Village;
  - (e) "light motor vehicle" means a motor vehicle which has a gross vehicle weight of 2.75 metric tones, or less, and includes light commercial vehicles, passenger vehicles and motor scooters;
  - (f) "motorcycle" means a motor vehicle, other than a moped, that is mounted on two or three wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters;
  - (g) "motor vehicle" means any vehicle propelled by any power other than muscular power, or a moped, but does not include a bicycle, an aircraft, implements of husbandry, or a motor vehicle that runs only on rails;
  - (h) "implement of husbandry" means a tractor designed and used for agricultural purposes, or a vehicle designed and adapted exclusively for agricultural, horticultural, aqua cultural or livestock raising operations;

BYLAW 2005-06  
VILLAGE OF BEISEKER

- (i) "night time" means the period commencing at 10:00 p.m. in the evening and ending at 8:00 a.m. in the morning of the following day;
- (j) "residential area" means an area defined as such in the Land Use By-Law;
- (k) "off highway vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and without limiting the generality of the foregoing, includes, when specifically designed for such travel:
  - (i) 4 wheel drive vehicles;
  - (ii) low pressure tires;
  - (iii) motorcycles and related 2 wheel vehicles;
  - (iv) amphibious machines;
  - (v) all terrain vehicles;
  - (vi) miniature motor vehicles;
  - (vii) snow vehicles;
  - (viii) minibikes; and
  - (ix) any other means of transportation that is propelled by any power other than muscular power or wind, but does not include motor boats, or any other vehicle exempted from being an off-highway vehicle by regulation;
- (l) "snow vehicle" means a motorized vehicle designed or intended to be driven exclusively on snow or ice;
- (m) "vehicle" means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid;
- (n) "residential building" means a building which is constructed as a dwelling for people, and includes hotels and motels;
- (o) "industrial area" means an area defined as such in the Land Use By-Law;

3. General Prohibition

A loud noise consists of an unnecessary noise, an unusual noise or a noise, which annoys, disturbs, injures or endangers the comfort, health, peace, or safety of others. What is a loud noise is a question for the Court, which hears the prosecution of an offence against this By-Law and is addressed in this section.

- (a) Except to the extent permitted in the By-Law, no person shall make, continue to make, create, cause or allow to be created or caused or continued, any noise which by reason of its intensity, volume, or nature causes or is likely to cause some discomfort,

BYLAW 2005-06  
VILLAGE OF BEISEKER

any annoyance, or disturbance to other persons with the Village at  
time of the day or night;

not (b) Where a person is engaged in any recreational or other activity,  
occupation, project, work, construction or endeavour which is  
prohibited or regulated by other provisions of the by-law or any  
other by-law of the Village or by any Provincial or Federal  
Statute or regulation, and such recreational or other activity,  
occupation, project, work, construction or endeavour creates or  
makes a sound which:

(i) is or may become, or creates or produces or may create or  
produce a disturbance or annoyance to other residents of the  
Village or to occupants of adjoining properties, a person  
engaged in such recreational or other activity, occupation,  
project, work, construction or endeavour shall conduct the  
same in such a manner as to create as little of such sounds as  
practicable under the circumstances.

4. Industrial Noise

which (a) Notwithstanding any other provision of this By-Law and whether  
or not the noise resulting may be heard in an adjoining area

is designated other than a industrial district (MG or M-RWY),  
nothing in this by-law shall prevent the continual operating or  
carrying on of a normal industrial activity or the performance or  
carrying on during some or any of the hours between 10:00 p.m.  
in the evening and 8:00 a.m. in the morning of the next day in

any area which is zoned as an industrial district in the Land Use By-  
Law where the activity is on which:

- is a permitted use in the zone in which it is carried on or is a  
conditional use for which the required permission has been  
given; or
- is a non-conforming use and the same is defined in the current  
Land Use By-Law for the district in which the use is being  
carried on.

(b) In the operation or carrying on of an industrial activity in a zone  
in which it would be curtailed or restricted but for subsection (a)  
of this section, the person operating or carrying on the activity  
shall make no more noise than necessary in the normal method of  
performing or carrying on that activity.

5. Construction Noises

BYLAW 2005-06  
VILLAGE OF BEISEKER

Unless permission from the Development Officer of the Village for such operation is first obtained:

(a) No person shall carry on construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Land Use By-Law as an industrial district after the hour of 10:00 p.m. in the evening and before the hour of 8:00 a.m. in the morning of the following day; of any day of the week.

6. No person shall operate, or permit any other person to operate, within a designated area, a motor vehicle that produces a noise.

7. No person shall operate, or permit any other person to operate, within a designated area, a snow vehicle that produces a noise, within the boundaries of the Village.

8. No person shall operate or permit any other person to operate, with a designated area between the hours of 10:00 p.m. and 8:00 a.m. a lawn mower that produces a noise within the boundaries of the Village.

9. No person shall cause or permit any other person to cause, within a designated area between the hours of 10:00 p.m. and 8:00 a.m. a construction noise; except as specifically provided for.

10. Whether or not a noise has been created, justifying the issuance of a summons under the By-Law is a question of fact for the Court that hears the evidence in the case.

11. To issue a summons under this By-Law, a complaint must be received by a Peace Officer, By-Law Officer or Special Constable. Any person who is issued a summons for contravention of this By-Law shall immediately discontinue creating a noise to avoid prosecution for a second offence; if the noise continues, or is allowed to continue, a second summons may be issued.

12. Notwithstanding anything contained in this By-Law, this By-Law does not apply to work carried on by the Village or by a contractor carrying out the instructions of the Village to meet an emergency.

13. Penalties

(a) **Any person who contravenes the provisions of this By-Law is guilty of an offence and liable upon summary conviction to a minimum fine of \$500.00;**

(b) A violation ticket may be issued by a Peace Officer, By-Law Officer, Special Constable to a person who is believed to have violated a provision of this By-Law and the said violation ticket *may provide for payment within 30 days from the date of issue*

BYLAW 2005-06  
VILLAGE OF BEISEKER

*and* **to the Village in the amount of \$250.00 for the first offence**  
**mandatory court for the second offence. If a payment is made**  
*lieu* **within the time limit, then such payment shall be accepted in**  
**of prosecution for the same offence;**

(c) A violation ticket shall be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender;

*and* (d) If a violation ticket is issued pursuant to Section 11 above, if the amount that is specified on the violation tag is not paid within 30 days from the date of issue of the violation ticket, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply;

(e) Where a violation ticket is issued pursuant to Section 11 above, and where payment is not made within 30 days from the date of issue of the violation tag, then a notice shall be laid before a Provincial Judge, and prosecution for the alleged offence shall proceed as though no violation tag had ever been issued.

The Village of Beiseker By-Law No. 1991-10 is hereby repealed.

This By-Law shall come into full force and effect upon third and final reading.

READ A FIRST TIME THIS 14th day of NOVEMBER, AD. 2005.

READ A SECOND TIME THIS \_\_\_\_ day of \_\_\_\_\_,  
A.D. 2005.

READ A THIRD TIME AND FINALLY PASSED, this \_\_\_\_ day of \_\_\_\_\_,  
A.D. 2005.

SIGNED BY THE CEO & CAO THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
A.D. 2005.

---

MAYOR

---

MUNICIPAL ADMINISTRATOR