



## VILLAGE OF EDBERG

### Bylaw#445-2015

Bylaw# 445-2015 being a bylaw of the Village of Edberg to prohibit certain public disturbances in the Village of Edberg, in the Province of Alberta.

WHEREAS pursuant to the Municipal Government Act, RSA 2000, the Council of the Village of Edberg may pass a bylaw respecting the safety, health, and welfare of people and the protection of people and property and respecting the people, activities and things in, on or near a public place.

NOW THEREFORE, THE COUNCIL OF THE Village of Edberg, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

**1. Short Title**

This bylaw may be cited as the "Public Disturbances Bylaw".

**2. Definitions**

In this bylaw

- a) "Chief Administrative Officer or CAO" means the Chief Administrative Officer appointed by the Village or his or her delegate.
- b) "Construction Equipment" includes, but is not limited to trenching machines, concrete mixers, backhoes and similar equipment.
- c) "Disturbance" means the interruption of the peace, quiet and good order of a neighbourhood or community, including, but not limited to unnecessary and distracting noises.
- d) "Firearm" means a barreled weapon from which any shot, bullet or other projectile can be discharged and includes, without limitation, a rifle, shotgun, revolver, pistol and air and paintball guns.
- e) "Peace Officer" means a member of the Royal Canadian Mounted Police, a County Officer or Community Peace Officer, a Constable appointment pursuant to the provisions of the Police Act (Alberta), or a Bylaw Enforcement Officer.
- f) "Person" means an individual or any business or other entity including a firm, partnership, association, corporation, company or society, but does not include the Village of Edberg.
- g) "Premises" means the external surfaces of all buildings and the whole or part of any parcel of real property, including the land immediately adjacent to any building or buildings.
- h) "Power Tool" includes any tool powered by an engine, motor or compressed air.
- i) "Public Place" means any place including privately and publicly owned or leased property to which the public reasonably has or is permitted to have access, whether on payment or otherwise within the municipal limits of the Village.
- j) "Public Property" means any schoolyard, highway, parkland, public bridge, road, lane, footway, alley or passage, whether a thoroughfare or not and includes any open space to which the public have or are permitted to have access.

- k) "Quiet hours" shall mean between the time between 10:00 PM and 7:00 AM on any day.
- l) "Residential District" means any district designated for residential use in the Village's Land Use Bylaw as amended from time to time.
- m) "Signalling Device" means a horn, gong, bell, claxon or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle.
- n) "Village" means the municipal corporation of the Village of Edberg or where the context permits, means the area within the municipal limits of the Village of Edberg.

3. **General Prohibition**

- 3.1 Except to the extent permitted by this bylaw, no person shall make, continue, cause or allow to be made or continued any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other person of ordinary sensitivity within the Village.
- 3.2 Except to the extent permitted by this bylaw, no person shall permit, suffer or allow property real or personal which he or she owns, occupies or controls to be used in a manner such that there emanates there from any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other person of ordinary sensitivity within the Village.
- 3.3 Factors for determining whether a sound is unreasonably loud, raucous or unusual include, but are not limited to the following:
  - (a) Proximity of the sound to sleeping facilities, whether residential or commercial;
  - (b) the time of day or night the sound occurs;
  - (c) the duration and volume of the sound;
  - (d) whether the sound is recurrent, intermittent or constant.
- 3.4 No person, unless lawfully authorized shall discharge any firearm within the Village
- 3.5 No person shall urinate or defecate on public property

4. **Motor Vehicles**

- 4.1 No person shall allow a motor vehicle engine to remain running in a residential district or within one hundred and fifty meters of a residential district for longer than 20 minutes while the motor vehicle is not in motion.
- 4.2 The failure of a person to comply with the Traffic Safety Act, or any regulations thereunder regarding:
  - (a) The prohibition against the use of signalling devices on motor vehicles so as to make more noise than is reasonably necessary
  - (b) the restrictions in the type or use of mufflers and similar equipment
  - (c) the prohibition against creating or causing the emissions of any loud and unnecessary noise from a motor vehicle; or
  - (d) the operation of a vehicle in a residential district or within one hundred and fifty meters of a residential district between the hours of dusk and 7:00 AM in a manner that unduly disturbs the residents of that area is an offence under this bylaw in addition to and not in substitution of any offence of which a person may be guilty under the provisions of such Act or the regulations thereunder.

5. **Construction**

- 5.1 Unless written permission from the Chief Administrative Officer is first obtained, no person shall, during quiet hours carry on construction, repair, alteration or demolition of any type of structure including, but not limited to hammering, sawing, and the use of any power tools or construction equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on within the Village.
- 5.2 Each construction site shall have a waste container to ensure that waste construction materials are placed in the container to prevent the material from being blown away from the construction site.

6. **Domestic**

- 6.1 No person shall operate construction equipment, power tools, a power lawn mower, or any snow-clearing device in any residential district or within one hundred and fifty meters of a residential district during quiet hours.

7. **Industrial**

- 7.1 Nothing in this bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one in which:
- (a) Is permitted use; or
  - (b) is an approved discretionary use.
- 7.2 In the operation or carrying on of an industrial activity, the person operating or carrying in that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

8. **Snow Removal**

- 8.1 No person shall remove snow from commercial or private property in or adjacent to a residential district during quiet hours without written permission from the Chief Administrative Officer.

9. **Exceptions**

- 9.1 This bylaw shall not apply to:
- (a) Any person performing work of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show that the work was of an emergency nature;
  - (b) any act of emergency maintenance or repair being carried out by employees or contractors of the Village;
  - (c) any act of maintenance or repair being carried out by employees or contractors of the Village;
  - (d) the operation of emergency equipment or any emergency vehicle;
  - (e) a Peace Officer engaged in performing his or her duty; or
  - (f) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

10. **Written Permission**

- 10.1 The Chief Administrative Officer may issue written permission to a person for the purpose of allowing noise within a designated area between designated times. Such permission may be revoked at any time by the Chief Administrative Officer.

11. **Severance**

11.1 If any section of this bylaw is found to be illegal or beyond the power of the Village's Council to enact, such section shall be deemed to be severable from all other sections of this bylaw, and the remaining bylaw will continue to be in force.

12. **Penalties**

12.1 Any person who contravenes any provision of this bylaw is guilty of an offence punishable on summary conviction and is liable as outlined in Schedule A.

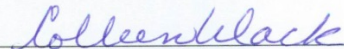
This bylaw shall take effect on the date it is passed

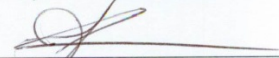
READ a first time this 17th day of June, 2015.

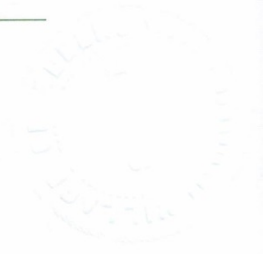
READ a second time this 17th day of June, 2015.

UNANIMOUS CONSENT for a third reading this 17th day of June, 2015.

READ a third time and finally passed this 17th day of June, 2015.

  
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Mayor, Colleen Wack

  
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CAO, Heather Leslie



**SCHEDULE A - PENALTIES**

Any person who contravenes any provision of this bylaw is guilty of an offence punishable on summary conviction and is liable:

- (a) For a first offence to a fine of \$380.00; or
- (b) for a second or subsequent offence, to a fine of not less than \$500.00 and not more than \$2,500.00.