

BY-LAW NO. 896
OF THE
TOWN OF ST. PAUL

**A BY-LAW OF THE TOWN OF ST. PAUL IN THE PROVINCE
OF ALBERTA FOR THE PURPOSE OF PROHIBITING,
ELEMENATING AND ABATING NOISE.**

WHEREAS, the Council of the Town of St. Paul deem it expedient to prohibit eliminate and abate noise.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act 1980, as amended, and by virtue of all other powers it enables the Council of the Town of St. Paul hereby assembled enacts as follows.

Section 1 - Definitions

- 1-1 Town means the Town of St. Paul
- 1-2 Council means the Municipal Council of the Town of St. Paul
- 1-3 Peace Officer is a member of the Royal Canadian Mounted Police
- 1-4 Person includes any company, corporation, owner partnership firm, association, society or party.
- 1-5 Property means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in a law a part thereof.
- 1-6 Motor Vehicle is a device in, upon or by which a person or thing may be transported or drawn upon land and which device is propelled by any power other than muscular power.
- 1-7 Noise is any loud sound which either annoys or disturbs persons or which Injures, endangers or detracts from the comfort, repose, health, peace or safety of persons.
- 1-8 Residential Noise is a noise produced in a residence or upon residence grounds.
- 1-9 Weekday means any day other than a Sunday or a holiday.

Section 2 - Interpretation

- 2-1 A loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court, which hears a prosecution of an offence against this By-Law.

Section 3 - General Regulations

- 3-1 No person shall make or cause, or permit to be made or caused, any noise in

or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the neighbourhood or vicinity.

3-2 No person shall play or operate a radio, stereophonic equipment or other instrumental or any apparatus for the production of amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

3-3 No person shall operate a motor vehicle in such a manner that creates a loud noise.

Section 4 - Construction Hours

4-1 No person in the Town shall on any weekday before 0700 Hours or after 2200 Hours , construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner, which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

4-2 No person shall for profit or gain on a Sunday construct, erect, reconstruct, alter, repair or demolish any building or thing, or excavate or fill in land in any manner, which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

4-3 Where it is impossible or impractical to comply with this section, the Municipal Planning Commission or their designate may give written approval to carry on the work that is found to be necessary at designated hours.

Responsibility for obtaining written approval lies with the person carrying on the work.

Section 5 - Summons

5-1 To issue a summons under this By-Law, a complaint must be received by a Peace Officer.

5-2 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.

5-3 If the noise continues, or is allowed to continue, a second summons may be issued.

Section 6 - Exemptions

6-1 Notwithstanding anything contained in this By-Law, this By-Law does not apply to work carried on by the Town or by a contractor carrying out the instructions of the Town.

6-2 Notwithstanding anything contained in this By-Law, a person may perform works 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 cause that the work was of an emergency nature.

Section 7 - Penalties

- 7-1 Every person who violates any of the provisions of this By-Law or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-Law, who neglects to do or refrain from doing anything required to be done by any of the provisions of this By-Law is guilty of an offence against this By-Law and liable to the penalties hereby imposed.
- 7-2 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 Two Hundred Dollars (\$200.00).
- 7-3 A violation may be issued by a Peace Officer to a person who is believed to have violated a provision of this By-Law and the said violation may provide for payment within thirty (30) days from the date of issue to the Town in the amount of \$100.00. If payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the offence.

READ a first time this 8th day of August, 1988.

READ a second time this 26th day of September, 1988.

READ a third time and finally passed this 26th day of September, 1988.

Paul A. Langevin (Mayor)

Wayne C. Horner (Municipal Administrator)