

**By-Law #1600**

A By-Law for the purpose of regulating noise in the Town of Cardston, in the Province of Alberta

WHEREAS the Municipal Government Act, Chapter 26, Revised Statutes of Alberta 2000 and amendments thereto permits the Council of the Town of Cardston, by By-Law, to prohibit, climate or abate noise and establish permissible noise levels for all or varying periods of the day:

AND WHEREAS the Council of the Town of Cardston deems it advisable to adopt such a By-Law;

NOW THEREFORE the Council of the Town of Cardston, in the Province of Alberta, duly assembled enacts as follows:

**TITLE**

1.0 This By-Law may be cited as the "Noise By-Law"

**DEFINITIONS**

2.0 in this By-Law,

- a) "In Default" means failure to fulfill the legal obligation or duty set out in a municipal tag or provincial ticket
- b) "Municipal Tag" means a tag or ticket wherein a person alleged to have committed a breach of a provision of this By-Law is given an opportunity to pay a voluntary penalty to the Town of Cardston in lieu of prosecution for the offence;
- c) "Person" includes Her Majesty and public bodies, bodies corporate, Societies, Partnerships, Firms, an individual, Companies
- d) "Property" means real property and includes land, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;
- e) "Town" means the Town of Cardston or the area within the corporate limits of the Town of Cardston, as the context may require;
- f) "Voluntary penalty" means a penalty specified in this By-Law for the contravention of a provision of this By-Law which amount shall be paid by a person to whom a municipal tag has been issued.

**GENERAL**

- 3.0 a) No person shall make, cause or permit to be made or caused, any noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons within the corporate limits of the Town.  
b) That the use of engine retarder brakes be prohibited from use within the Municipal Boundaries of the Town of Cardston.
- 4.0 No person being the owner, tenant or occupier of property shall allow or permit such property to be used so that noise which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons within the corporate limits of the Town.
- 5.0 No person shall own, keep or harbor any animal or bird which makes, or causes to be made, any noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons within the corporate limits of the Town.

6.0 The hours of the By-Law would be in effect from 10:00 PM to 7:00 AM, regardless of whether it is standard or daylight savings time on the day of the incident and would in effect include any construction and/or industrial activity, but excluding:

- a) any municipal employees, Town delegated representatives and equipment working in emergency repair situations and snow removal
- b) Southwest Concrete Ltd. At their business sight 230 1<sup>st</sup>. Street East, grandfathered as an established business in the Central Commercial Zone with previously established hours of operation of 6:00 am to 6:00 pm as normal hours.

**EMERGENCIES**

7.0 Nothing herein shall render any person liable to a fine, penalty or punishment for performing work of an emergency nature for the preservation or protection of life, health or property.

**PENALTIES**

8.0 A Municipal tag or ticket in the amount of the voluntary penalty will be issued for any breach of this By-Law.

9.0 In the event a municipal tag remains unpaid after the period of thirty (30) days a summons will be issued.

10.0 Any person who commits a breach of any provision of this By-Law shall be liable to a voluntary penalty of:

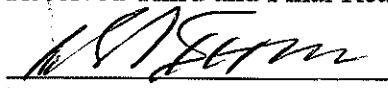
- a) For the first offence to a voluntary penalty of One Hundred (\$100.00) Dollars and upon Summary Conviction to a fine of not less than Two Hundred (\$200.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) months, or to both.
- b) For the second offence within a six (6) month period to a voluntary penalty of Two Hundred (\$200.00) Dollars and upon Summary Conviction to a fine of not less than Three Hundred (\$300.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) months, or to both.
- c) For a third and subsequent offence within a six (6) month period a summons shall be issued and upon Summary Conviction to a fine of not less than Three Hundred (\$300.00) Dollars and not to exceed Twenty-five Hundred (\$2,500.00) Dollars, and in default of payment to a term of imprisonment of not more than six (6) months, or both.

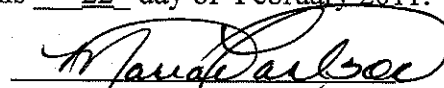
By-Law #1435 and 1435 B and all amendments thereto shall be rescinded upon the passing of this By-Law.

Received First Reading this 8 day of February 2011.

Received Second Reading this 8 day of February 2011.

Received Third and Final Reading this 22 day of February 2011.

  
Mayor

  
Municipal Administrator

Dated FEB 24, 2011