

**BYLAW NO. 1304-23**  
**BEING A BYLAW OF**  
**MACKENZIE COUNTY,**  
**IN THE PROVINCE OF ALBERTA**

**FOR THE CONTROL AND ABATEMENT OF NOISE**

**WHEREAS** the Municipal Government Act, RSA 2000, Chapter M-26 provides that a Council of a municipality may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property; and nuisances;

**AND WHEREAS** the Council of Mackenzie County wishes to pass a Bylaw preventing and compelling the abatement of noise and nuisances within Mackenzie County hamlet residential areas;

**NOW THEREFORE**, the Council of Mackenzie County, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. NAME OF BYLAW**

This Bylaw be cited as the “Noise Abatement Bylaw”.

**2. INTERPRETATION**

Where there is a conflict between this Bylaw and any other Bylaw pertaining to noise abatement in the Municipality, the provisions of this Bylaw shall apply.

**3. DEFINITIONS**

In this Bylaw:

- a) “Construction Noise” means any noise created by the process of demolishing or building any structure, or repair or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process;
- b) “Designated Officer” means a designated officer as defined in the Municipal Government Act
- c) “Electronic Device” means any device or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record or tape player or device which reproduces recorded sound, television set, amplifier and loud

- speaker system, public address system, alarm, siren;
- d) "Engine Brake" means any device attached to the engine or engine exhaust of a vehicle with a primary purpose of retarding the vehicle's speed;
  - e) "Hamlet" means the area contained within the boundaries of Fort Vermilion and La Crete in the Province of Alberta;
  - f) "Holiday" means any day designated as a statutory holiday under the *Interpretation Act* (RSA 2000, as amended).
  - g) "Industrial Equipment" means any device, machinery, apparatus or tool, whether manually, electronically or mechanically operated for the purpose of the construction or maintenance industry;
  - h) "Mennonite Holiday" means all religious holidays that are not designated as statutory that are of significant importance to the Mennonite Community in the hamlet of La Crete:
    - I. Epiphany - January 6
    - II. Easter; Good Friday, Easter Monday & Tuesday
    - III. Ascension
    - IV. Pentecost
    - V. December 25, 26, 27
  - h) "MGA" means Municipal Government Act, R.S.A. 200, c. M-26 and amendments thereto;
  - i) "Municipality" means Mackenzie County;
  - j) "Noise" means any sound which either annoys or disturbs Persons, or which injures, endangers or detracts from the comfort, repose, health, peace or safety of Persons that is considered excessive within the boundaries of the hamlets of Mackenzie County.
  - k) "Nuisance" means any act or deed, or omission, or thing, which is, or could reasonably be expected to be annoying, troublesome, destructive, harmful, inconvenient, or injurious to another person and/or his property;
  - l) "Off-Highway Vehicle" means any motorized vehicle designated for cross country travel on land, water, snow, ice, marsh, swamp, or on other natural terrain;
  - m) "Occupant" means any person occupying any property, whether he is the owner or lessee of such property or whether such person resides thereon or conducts a business thereon;

- n) "Owner" means a person having title to or legal possession of any property, or who possesses property under a purchase agreement;
- o) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Designated Officer or a Special Constable pursuant to the Police Act of Alberta;
- p) "Quiet Hours" means period beginning at 11:00 pm and ending the following day at:

Fort Vermilion

- i. 7:00 a.m. Monday to Saturday
- ii. 9:00 a.m. Sunday or Statutory Holiday

La Crete

- i. 7:00 a.m. Monday to Saturday
- ii. 9:00 am. Sunday, or Mennonite Holiday, with "Quiet Hours" beginning at 7 p.m. the same day.

Zama

- i. Not Applicable

- q) "Property" means anything owned by any person, whether in whole or in part, and also includes real property;
- r) "Residential Zone" means any land use that allows for residential development pursuant to the Land Use Bylaw;

#### **4. REGULATIONS**

- a) No persons within hamlet limits shall permit any loud, unnecessary or unusual noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace and safety of other persons, nor allows property, real or personal which he owns, occupies or controls to be used in any manner that produces such noise during quiet hours.
- b) No person shall, within a Hamlet residential zone, operate an engine brake.
- c) No person shall during quiet hours in a residential zone, make, cause to be made or permit any noise from, but not restricted to:
  - Shouting or fighting
  - Electronic devices
  - Landscaping equipment
  - Gardening equipment
  - Snow removal equipment

- Mechanical tools and equipment
  - Industrial Equipment
  - Off Highway Vehicles
- d) Every Peace Officer is hereby authorized to enter any lands or building or premises other than a dwelling to inspect for conditions that may constitute a nuisance, or contravene or fail to comply with the provisions of this Bylaw and such Peace Officer may order the Owner or Occupant thereof to remedy any condition which is deemed to be in contravention of this Bylaw.
- e) In any proceedings under this section, the following persons shall be deemed to be the occupants of any property upon which it has been alleged that an offence has been committed;
- i. person who,
    - a) resides therein, or
    - b) claims to reside therein, or
    - c) is a lessee with respect to such property, or
    - d) has title to such property, or
    - e) possesses said property under a purchase agreement
  - ii. provided, however, that such person was present at the time of the alleged offence, or permitted other persons to use said property
- f) No person shall carry on construction activities in a residential zone during Quiet Hours.
- g) Nothing in this bylaw shall prevent the operation or carrying on of an industrial activity in an area that is zoned in the Land Use Bylaw as Industrial use. The person operating or carrying on the activity shall not make more noise than is necessary in the normal performing of the activity.
- h) The provisions of this Bylaw do not apply to the following while engaged in work of an emergent nature:
- i. County Operations or Utilities Departments
  - ii. Royal Canadian Mounted Police (RCMP)
  - iii. Alberta Health Services
  - iv. Electric, gas and telephone utilities
  - v. Persons involved in generally accepted agricultural practices as defined in the Agricultural Operations Practices Act.

## **5. ENFORCEMENT AND PENALTIES**

Any person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a specified penalty as outlined in Schedule "A" – Specified Penalties.

**6. SEVERABILITY PROVISION**

- a) Should any provision of this Bylaw be invalid then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

**7. REPEAL AND COMING INTO FORCE**

1. Bylaw No. 590/06 and all amendments thereto are hereby repealed.
2. This Bylaw shall come into effect upon receiving third and final reading.

READ a first time this 16<sup>th</sup> day of August, 2023.

READ a second time this 16<sup>th</sup> day of August, 2023.

READ a third time and finally passed this 16<sup>th</sup> day of August, 2023.

(original signed)

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Joshua Knelsen  
Reeve

(original signed)

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Darrel Derksen  
Chief Administrative Officer

**NOISE ABATEMENT BYLAW 1304-23**

**SCHEDULE "A"**

**Specified Penalties**

<b><u>Offence</u></b>	<b><u>Penalty</u></b>
First Offence	\$100
Second Offence	\$200
Third or subsequent Offence	\$500