

**TOWN OF CHESTERMERE**

**BYLAW 2004-204/1**

**PROVINCE OF ALBERTA**

**BEING A BYLAW OF THE TOWN OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO AMEND BYLAW 2002-204/1 TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS CAN BE MADE.**

**WHEREAS**

pursuant to the provisions of the *Municipal Government Act*, Chapter 26, Revised Statutes of Alberta 2000, and amendments thereto, provides that the Council of the Town of Chestermere has passed Bylaw 2002-204/1 for the purpose of prohibiting, eliminating or abating noise;

**AND WHEREAS**

the *Highway Traffic Acts* authorizes a municipality to regulate and control vehicle, animal and pedestrian traffic and parking on the streets and on other property within the municipality;

**AND WHEREAS**

the Council now deems it advisable that Bylaw 2002-204/1 be amended;

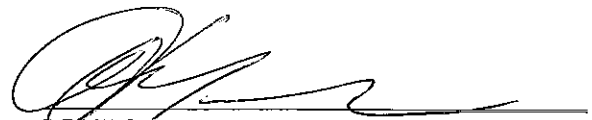
**NOW THEREFORE THE COUNCIL OF THE TOWN OF CHESTERMERE HEREBY ENACTS AS FOLLOWS:**


1. Section 2.0 is amended by the following:
  - (a) sub-section (n) "sound rating" is amended to read as follows:

"sound rating" means the intensity of a noise as measured in decibels.
2. Section 4.7 to be added as follows:
  - 4.7 The use of engine retarder brakes is prohibited within the Town boundaries.
3. Schedule 'A' entitled **THE NOISE ABATEMENT BYLAW AMENDMENT ASSESSMENT OF PENALTIES**, attached hereto, will be amended to incorporate sub-section (c), which describes the penalty for the infringement of the prohibition of engine retarder brakes as set out in Section 4.7. Further, existing sub-sections (a) and (b) of Schedule 'A' that describes penalties assessed for first and second offences of a particular section of this bylaw, will be amended to more fully explain that which constitutes cause for such assessment of penalties.

4. This Bylaw comes into full force and effect on the date of third and final reading.

<b>FIRST READING</b>	<u>19 January 04</u>
<b>SECOND READING</b>	<u>19 January 04</u>
<b>THIRD READING</b>	<u>19 January 04</u>

  
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**MAYOR**

  
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**CHIEF ADMINISTRATIVE OFFICER**

## **SCHEDULE 'A'**

### **THE NOISE ABATEMENT BYLAW AMENDMENT**

#### **ASSESSMENT OF PENALTIES**

- (a) On the first offence of any particular section of this bylaw, wherein an infringement of any particular section of this bylaw has been deemed to occur, a penalty of One Hundred dollars (\$100.00) will be assessed to the person/s so deemed to have committed the offence, except penalties assessed for the infringement of the prohibition of engine retarder brakes as set out in Section 4.7 of this bylaw.
- (b) On the second offence of any particular section of this bylaw, wherein an infringement of any particular section of this bylaw has been deemed to occur, a penalty of Two Hundred dollars (\$200.00) will be assessed to the person/s so deemed to have committed the offence, except penalties assessed for the infringement of the prohibition of engine retarder brakes as set out in Section 4.7 of this bylaw.
- (c) On the first offence and any subsequent offences, wherein an infringement of the prohibition of engine retarder brakes has been deemed to occur, a penalty of Two Hundred Fifty dollars (\$250.00) will be assessed to the person/s so deemed to have committed the offence according to that which is set out in Section 4.7 of the Noise Abatement Bylaw 2004-204/1 which amends the Noise Abatement Bylaw 2002-204/1 directly concerning the prohibition of engine retarder brakes within the boundaries of the Town of Chestermere.

