

CONSOLIDATION OF BYLAW NO. 557-2004

TRAIN WHISTLING BYLAW

Adopted January 23, 2006

AS AMENDED BY:

Bylaw No. 627-2006 adopted March 27, 2006

This consolidation is not an Official Bylaw. It is prepared by the City Clerk's Office for assistance only. Copies of the official bylaw(s) may be purchased from the City Clerk's Office.

This consolidated bylaw was authorized pursuant to Bylaw No. 389-97

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Code 04/03

A BYLAW OF THE CITY OF LEDUC IN THE PROVINCE OF ALBERTA, TO REGULATE THE USE OF TRAIN WHISTLES

WHEREAS the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, provides that the 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 WHEREAS the *Railway Safety Act*, R.S.C. 1985, c. 32 (4th Supplement), legislates to ensure the safe operation of railways within Canada;

AND WHEREAS the *Railway Safety Act*, R.S.C. 1985, c. 32 (4th Supplement) provides that the Council of a municipality may, in appropriate circumstances, prohibit the use of the whistle on any railway equipment in an area within the municipality;

AND WHEREAS the Council of the City of Leduc has determined that continued exposure to the noise of train whistles at various times of the day and night is not in the long term interests of the health and welfare of the citizens of the municipality;

AND WHEREAS substantial upgrades to the railway crossings and lands adjacent to the railway line will be undertaken to ensure the safety of railway operations within the City of Leduc are maintained;

AND WHEREAS the Council of the City of Leduc deems it desirable to pass a bylaw to prohibit the use of train whistles at specified railway crossings situated within the boundaries of the City of Leduc;

THEREFORE, the Council of the City of Leduc in the Province of Alberta in open meeting assembled, hereby enacts as follows:

PART I: BYLAW TITLE

1. This bylaw may be cited as the "Train Whistling Bylaw".

PART II: DEFINITIONS

2. For the purposes of this Bylaw the following words will have the meanings assigned:

City:	means the Municipal Corporation of the City of Leduc;
Peace Officer:	means a member of the Royal Canadian Mounted Police, a Bylaw Enforcement Officer, or Special Constable appointed pursuant to the provisions of Section 38 of the <i>Police Act</i> , R.S.A. 2000, c. P-17, as

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amended.

Railway Safety Act means the *Railway Safety Act*, R.S.C. 1985, c. 32 (4th Supplement), as amended.

PART III: PROHIBITION OF TRAIN WHISTLES

3. Except as hereinafter provided, the sounding of a train whistle at any railway crossing within the limits of the City, listed in Schedule "A" hereto attached and forming part of this Bylaw, is hereby prohibited.
4. Section 3 of this Bylaw shall not prohibit use of a whistle if:
 - a) there is an emergency;
 - b) any rules in force under section 19 or 20 of the *Railway Safety Act* require its use; or
 - c) a railway safety inspector orders its use under section 31 of the *Railway Safety Act*.

PART IV: OFFENCE

5. Anyone who fails to comply with the provisions of this Bylaw is guilty of an offence and is liable to the penalties imposed under this Bylaw.
6. Each violation may be deemed to be a separate offence under this Bylaw.

PART V: PENALTIES

7. If a Peace Officer believes that an offence has been committed under this Bylaw, a summons under Part 2 of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 as amended, may be issued by means of a Violation Ticket in respect of an alleged contravention, and the specified penalty payable upon conviction in a court of competent jurisdiction shall be:
 - a) \$2,500.00 for a first offence;
 - b) \$5,000.00 for a second offence, and
 - c) \$10,000.00 for a third or subsequent offence.

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PART VI: ENFORCEMENT

8. The City is not required to enforce this Bylaw. In deciding whether to enforce this Bylaw the City may take into account any practical concerns regarding enforcement including the funds available under the municipal budget and available personnel resources.

PART VII: SEVERABILITY

9. If at any time any provision of this Bylaw is declared or held to be illegal, invalid or *ultra vires*, in whole or in part, then that provision shall not apply and the remainder of this Bylaw shall continue in full force and effect and shall be construed as if it had been enacted without the illegal, invalid or *ultra vires* provision.

PART VIII: ENACTMENT

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10. This Bylaw shall come into effect at 12:01 AM, MST on *June 30, 2006*.

First Reading date:	February 9, 2004
Second Reading date:	March 22, 2004
Third Reading date:	January 23, 2006
Date Signed:	January 26, 2006

"Greg Krischke"
Mayor

"Mary Nordvedt"
City Clerk

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Schedule "A"

1. Vehicle / Pedestrian Crossing (Mile 80.06) - 65 Avenue, between 46 Street and 46A Street;
2. Vehicle / Pedestrian Crossing (Mile 79.03) - 50 Avenue, between 46 Street and 47 Street;
3. Pedestrian crossing (Mile 78.75) - 46 Avenue, between 46 Street and 47 Street;
4. Vehicle / Pedestrian Crossing (Mile 78.53) - Black Gold Drive, between 46 Street and 47 Street;
5. Vehicle / Pedestrian Crossing (Mile 78.02) - Rollyview Road, 400 feet East of 50 Street.