

## BYLAW NO. 1657

BEING A BYLAW OF THE MUNICIPAL DISTRICT OF BONNYVILLE IN THE PROVINCE OF ALBERTA TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE, TO ABATE THE INCIDENTS OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE

**AND WHEREAS**, the Municipal Government Act, R.S.A. 2000, c. M26, as amended, provides that the Council of a municipality may pass bylaws respecting the safety, health and welfare of people and the protection of people and property, respecting people, activities and things in, or near a public place that is open to the public, and respecting nuisances;

**AND WHEREAS**, the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended, provides that the Council of a municipality may make bylaws defining what constitutes objectionable Noise, devising a system or method of determining or measuring that Noise, and prohibiting the operation of Motor Vehicles that make objectionable Noise.

**NOW THEREFORE**, Council of the Municipal District of Bonnyville No. 87, in the Province of Alberta, duly assembled, enacts as follows:

### SECTION 1 - NAME OF BYLAW

1.1 This bylaw may be cited as the "Noise Control Bylaw".

### SECTION 2 – DEFINITIONS

2.1 "Agricultural Operation" means

- a) the planting, growing and sale of trees, shrubs or sod;
- b) the raising, production or protection of crops, livestock, fish or poultry; or
- c) beekeeping.

2.2 "Audible Bird Scare Device" means a stationary instrument that creates an impulse sound from impacts or explosions and can include but is not limited to propane-fueled exploders or cannons.

2.3 "Construction Equipment" includes any tool, device, or machine of a noisy nature used primarily for construction or manufacturing.

2.4 "Council" means the Council for the Municipal District of Bonnyville No. 87.

2.5 "Domestic Equipment" means any implement or equipment used in the normal maintenance of a residential property including lawnmowers, snow blowers, garden tillers, vacuum cleaners, electric tools, or similar implements.

2.6 "Farm Implement" means any implement, equipment, engine, motor, machine, combine, vehicle or attachment used or intended for use in Agricultural Operation.

2.7 "Holiday" means any day declared as such by a municipal, provincial, or federal authority.

2.8 "Livestock" means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep and swine.

2.9 "M.D." means the Municipal District of Bonnyville No. 87.

- 2.10 "Motor Vehicle" is any means of transportation by which a person or thing is transported or drawn upon land and which is propelled by power other than muscular power.
- 2.11 "Night" means:
- a) the period of time between ten o'clock in the evening and six o'clock in the morning the following day on a weekday;
  - b) the period of time between eleven o'clock in the evening and seven o'clock in the morning the following day of a Weekend or Holiday.
- 2.12 "Noise" means any sound that in the opinion of a Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to and is reported as such that it annoys or disturbs a person(s), or which injures, endangers, or detracts from the comfort, health, peace and safety of a person within the boundaries of the M.D.
- 2.13 "Peace Officer" means:
- a) any member of the Royal Canadian Mounted Police;
  - b) any Municipal District of Bonnyville Community Peace Officer;
  - c) the Chief Administrative Officer of the Municipal District of Bonnyville No. 87 or any person designated by the Chief Administrative Officer to enter and inspect property in accordance with the provisions of this bylaw.
- 2.14 "Residentially Zoned Area" means any area designated as a residential zone in accordance with the Land Use Bylaw of the Municipal District of Bonnyville.
- 2.15 "Violation Tag" means a tag or similar document issued by the Municipal District pursuant to the Municipal Government Act, R.S.A. 2000, c. M-26 as amended.
- 2.16 "Violation Ticket" means a ticket or similar document issued by the Municipal District pursuant to Part II of the Provincial Offences Procedures Act, R.S.A. 2000, c. P-34, as amended and regulations thereunder.
- 2.17 "Weekend" means both Saturday and Sunday.

### **SECTION 3 – GENERAL PROHIBITIONS**

- 3.1 Except to the extent it is permitted by this bylaw, no person shall:
- a) cause Noise within the Municipal District; or
  - b) operate or permit any other person to operate a Motor Vehicle which causes Noise.
- 3.2 No person shall allow property they own to be used in such a way as there is Noise originating from the property.
- 3.3 Where an activity which is not specifically prohibited or restricted by any legislation of Canada or Alberta or by this bylaw, but involved making a sound that will or may become a disturbance or annoyance to other people or a danger to the comfort, health, peace or safety of others, the activity shall be carried out in a manner aimed to create as little Noise as practicable.

3.4 Any Bylaw Enforcement Officer may direct any person(s) who has caused or made Noise, or any person who owns or controls property from which the Noise has originated, to abate or eliminate the Noise. Such a direction may be either verbal or written.

3.5 No Audible Bird Scare Devices may be used at Night.

#### **SECTION 4 – MOTOR VEHICLE NOISE**

4.1 The failure of a person within the M.D. to comply with the following provisions of the Traffic Safety Act, R.S.A. 2000, c. T-6, as amended and Regulations thereof constitutes a violation of this bylaw in addition to and not in substitution for the offence under the Traffic Safety Act, R.S.A. 2000, T-6 as amended:

- a) the prohibition against the use of signaling devices such as a horn or bell or other Noise making devices on Motor Vehicles so as to make more Noise than is reasonably necessary for the purpose of giving notice or warning other persons on the roadway, as set out in Subsection (2) of Section 83 of the Use of Highway and Rules of the Road Regulation;
- b) the restrictions on the type or use of mufflers and similar equipment on Motor Vehicles, as set out in Section 61(1) of the Vehicle Equipment Regulation;
- c) the prohibition against equipping a Motor Vehicle with a siren, as set out in Section 74 of the Vehicle Equipment Regulation.

4.2 A person who operates a Motor Vehicle in a Residentially Zoned Area or at any time in such a way as to cause Noise is guilty of an offence under this bylaw in addition to and not in substitution for any offence of which the person may be guilty under Section 13(1)(g)(iii) of the Traffic Safety Act, R.S.A. 2000, c T-6, as amended.

#### **SECTION 5 – COMMERCIAL AND INDUSTRIAL NOISE**

5.1 Persons owning or controlling Construction Equipment and persons owning or controlling land on which the Construction Equipment is being operated shall be exempt from the provisions of this bylaw if:

- a) the Noise is generated pursuant to work done in the normal manner of that industry;
- b) the Noise is not generated at Night;
- c) All necessary federal, provincial, and municipal permits, licenses, and approvals have been obtained and the work is not contrary to any federal, provincial, or municipal laws or regulations.

#### **SECTION 6 – DOMESTIC NOISE**

6.1 A person must not generate objectionable Noise during the Night time hours when within a Residentially Zoned Area.

#### **SECTION 7 – NON-APPLICATION OF BYLAW**

7.1 The M.D. Administration may, upon written request, issue a permit to person for the purpose of suspending the provisions of the bylaw, and the permit shall specify the dates and hours during which Noise may occur.

7.2 This bylaw does not apply:

- a) to the performance of work by any person(s) for the purpose of carrying out an Agricultural Operation including the operation of a Farm Implement with the exception of the use of an Audible

- Bird Scare Device which must adhere to the guidelines provided in this bylaw;
- b) Noise generated by Livestock involved in an Agricultural Operation;
- c) to work carried out by the M.D. or its agents, contractors, servants employees, acting within the scope of their responsibilities;
- d) to the work carried out by persons owning or operating domestic equipment permitted that:
  - i. the Noise is temporary or intermittent in nature;
  - ii. the Domestic Equipment is properly maintained and operated in a normal manner for that type of equipment; and
  - iii) the Noise does not occur at Night.

**SECTION 8 – AUTHORIZATION TO INSPECT**

- 8.1 A Peace Officer may enter any land, building, or premises to inspect for conditions that may constitute a contravention of this bylaw in accordance with Section 542 of the Municipal Government Act, R.S.A. 2000, c. M-26.

**SECTION 9 – PENALTIES**

- 9.1 Any person who contravenes any provision of this bylaw, is guilty of an offence and is liable to a penalty as set out in Schedule "A" of this bylaw.
- 9.2 Notwithstanding Section 9.1 of this bylaw, any person who commits a second offence under this bylaw within one (1) year of committing the first offence may be liable to a fine of not less than nor more than the sum as set out in Schedule "A" of this bylaw, while any person who commits a third or subsequent offence under this bylaw within one (1) year of committing the first offence may be liable to a fine not less than nor more than the sum as set out in Schedule "A" of this bylaw.
- 9.3 Each occurrence of a contravention of this bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a separate offence and may be punished separately.

**SECTION 10 – VIOLATION TAGS AND TICKETS**

- 10.1 A Peace Officer is authorized and empowered to issue a Violation Tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provision of this bylaw.
- 10.2 A Violation Tag may be issued:
- a) personally; or
  - b) by mailing a copy of the Violation Tag to the person at their last known mailing address.
- 10.3 The Violation Tag shall state:
- a) the name of the person; and
  - b) the offence; and
  - c) the appropriate penalty for the offence as set out in this bylaw;
  - d) that the penalty shall be paid within thirty(30) days of the issuance of the Violation Tag;
  - e) any other information as may be required by the Peace Officer.

- 10.4 Where a Violation Tag is issued pursuant to this bylaw, the person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality, the penalty specified on the Violation Tag.
- 10.5 If the penalty specified on the Violation Tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a Violation Ticket pursuant to Part II of the Provincial Offences Procedure Act, S.A. 2000, c. P-34 as amended from time to time.
- 10.6 Notwithstanding anything in this bylaw, a Peace Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to the Provincial Offences Procedure Act, S.A. 2000, c P-34 as amended from time to time, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

**SECTION 11 – SEVERABILITY**

- 11.1 All sections of this bylaw are separate and severable. Should any section of part of this bylaw be deemed invalid or inoperative by any court or administrative body for any reason, the remaining sections shall remain valid and in full force and effect.

**SECTION 12 – REPEAL**

- 12.1 Bylaw No 994 is hereby repealed.

**SECTION 13 – AMENDMENT TO SCHEDULE**

- 13.1 Schedule 'A' attached hereto does not form part of this bylaw and may be amended by resolution of Council.


**SECTION 14 – EFFECTIVE DATE**

- 14.1 This bylaw shall become into effect upon third and final reading.

READ A FIRST TIME IN COUNCIL THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2017.

READ A SECOND TIME IN COUNCIL THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2017,

READ A THIRD AND FIANL TIME, WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 22<sup>ND</sup> DAY OF FEBRUARY, 2017.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE 'A'**  
**Bylaw 1657**

Section	Violations	Specified Penalty		
		1 <sup>st</sup> Offence	2 <sup>nd</sup> Offence	3 <sup>rd</sup> Offence
9.2	Escalating Fines			
3.1 (a)	Cause noise within the municipal district	\$200	\$400	\$800
3.1(b)	Operate/permit to operate a motor vehicle which causes noise	\$200	\$400	\$800
3.2	Property owner permit property to be used in way which causes noise	\$200	\$400	\$800
3.3	Fail to carry out activity with as little noise as practicable	\$150	\$300	\$600
3.4	Person/property owner/ fail to comply with directive of Peace Officer to eliminate/abate the noise	\$400	\$800	\$1600
3.5	Audible bird scare device used at night	\$200	\$400	\$800
4.1 (a)	Make more noise than is reasonably necessary with motor vehicle to give warning	\$200	\$400	\$800
4.1 (b)	Fail to follow restrictions regarding muffler or similar equipment on motor vehicle	\$200	\$400	\$800
4.2	Operate motor vehicle in residential area in such a way to cause noise	\$200	\$400	\$800
6.1	Generate objectionable noise during night time hours in residential area	\$200	\$400	\$800