

Bylaw 622-16

Noise Control Bylaw

of the

Village of Innisfree

In the Province of Alberta

BEING A BYLAW IN THE VILLAGE OF INNISFREE IN THE PROVINCE OF ALBERTA TO REGULATE NOISE WITHIN THE VILLAGE OF INNISFREE.

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, and amendments thereto, provides that a council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting the people, activities and things in, on or near a public place.

AND WHEREAS Village Council deems it advisable to prohibit, eliminate or abate noise within the municipality.

NOW THEREFORE the Village of Innisfree Council, in the Province of Alberta, duly assembled, enacts as follows:

1.0 Title

1.1 This Bylaw may be cited as the 'Noise Control Bylaw.'

2.0 Definitions

In this Bylaw:

2.1 'CAO' means 'Chief Administrative Officer' as defined in section 1(1)(c) of the *Municipal Government Act*, RSA, 2000, c M-26.

2.2 'Commercial District' means a district described as such in the Village Land Use Bylaw.

2.3 'Council' means the Council of the Village of Innisfree, as defined in section 1(1)(e) of the *Municipal Government Act*, RSA, 2000, c M-26.

2.4 'Industrial District' means a district described as such in the Village Land Use Bylaw.

2.5 'Land Use Bylaw' means the current Land Use Bylaw, as amended from time to time and includes any Bylaw passed in substitution for, or in addition to, the current Land Use Bylaw.

2.6 'Noise' means any sound, especially that which is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, health, peace or safety of persons.

2.7 'Offence Ticket' means a ticket issued pursuant to the *Provincial Offences Procedures Act*, R.S.A. 2000.

2.8 'Peace Officer' means a member of the RCMP, a Bylaw Enforcement Officer or Special Constable appointed by the Village.

2.9 'Person' includes Her Majesty, public bodies, corporate bodies, societies, partnerships, firms, individuals or companies.

2.10 'Property' means real property and includes land, together with all improvement which have been so affixed to the land as to make them in fact, and in law, a part thereof.

2.11 'Residential District' means a district described as such in the Village Land Use Bylaw.

- 2.12 'Signaling Device' means a horn, gong, bell, or other device producing audible sound for the purpose of drawing people's attention to an approaching vehicle including a bicycle.
- 2.13 'Vehicle' or 'Motor Vehicle' means a method of conveyance as defined in the *Traffic Safety Act* R.S.A. 2000, c.T-6, section 1(1) (ww).
- 2.14 'Village' means the Village of Innisfree or the area within the corporate limits of the Village of Innisfree, as the context may require.
- 2.15 'Voluntary Penalty' means a penalty specified in this Bylaw for a contravention of a provision of this Bylaw for the amount which shall be paid by a person to whom an offence ticket has been issued.
- 2.16 'Weekday' means any day other than Saturday, Sunday and holidays.

3.0 **General**

- 3.1 Except as permitted by this Bylaw, no person shall at any time cause or permit noise or vibration which disturbs the quiet, rest or comfort, or which causes annoyance or danger, to inhabitants of the Village.
- 3.2 No person being the owner, tenant or occupier of property shall allow or permit such property to be used, so that noise, which occurs on, or emanates from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, or convenience of any persons within the Village.
- 3.3 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 or convenience of any person or persons within the Village.
- 3.4 In determining whether a noise or sound unreasonably disturbs, or is likely to disturb the quiet, rest, peace, enjoyment, comfort or convenience of any person or persons in the Village, consideration may be given but is not limited to:
- a. Type, volume and duration of the sound;
 - b. Time of day and day of week;
 - c. Nature and use of the surrounding area, and
 - d. The nature of the activity of the persons being disturbed.
- 3.5 No person shall emit or cause or permit the emission of sound or noise resulting from an act listed below if the sound is clearly audible outside the premises from which the noise generates:
- a. Racing of any vehicle other than in a racing event regulated by law;
 - b. The operation of a motor vehicle in such a way as the tires squeal;
 - c. The operation of a motor vehicle, engine, motor construction equipment or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order and in constant operation;
 - d. The operation of a vehicle or vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment or inadequate maintenance;
 - e. The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practises; and

- f. Use of engine retarder brakes within Village limits, including that portion of Secondary Highway 870 and Highway 16A (Innisfree Road) that pass through the Village.

4.0 Industrial Noise

- 4.1 Notwithstanding any other provisions of this Bylaw and whether or not the noise resulting from there may be heard in an adjoining area which is designated other than that as an Industrial District, nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity or performance or carrying on thereof at any time during the day or night in any area which is classed as an Industrial District in the Land Use Bylaw where the activity is one which:
 - a. Is a permitted use in the zone on which it is carried on or is a conditional use for which the required permission has been given, or
 - b. Is a non-conforming use as the same is defined in the Land Use Bylaw for the district in which the use is being carried on.
- 4.2 In the operation or carrying on of an industrial activity in a zone in which it would be curtailed or restricted but for Section 4.1, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

5.0 Construction Noise

- 5.1 Unless a permit for such operation is first obtained from the Village, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district, other than one designated in the Land Use Bylaw as an Agricultural District, future Residential district or an Industrial District, after 10:00 p.m. and before 7:00 am of any day.
- 5.2 Subject to Section 5.1, unless a permit is first obtained from the Village, no person shall operate or allow to be operated:
 - a. A riveting machine
 - b. A concrete mixer
 - c. A gravel crusher
 - d. A steam shovel
 - e. A trenching machine
 - f. A drag line
 - g. An air or steam compressor, jack hammer or pneumatic drill
 - h. A tractor or bulldozer, or
 - i. Any other tool, device or machine of a noisy nature

so as to create a noise, confusion or disturbance which may be heard in a Residential building at any time on a Sunday and after 10:00 p.m. and before 7:00 a.m. of any day other than a Sunday.

6.0 Exceptions and Allowances

- 6.1 Any person performing work of an emergency nature for the preservation or protection of life, health or property may be exempt from this Bylaw. The onus will be on the person performing the work to show that the work was of an emergency nature and may be required to obtain a permit.
- 6.2 The following entities are not subject to the provisions of this Bylaw:
 - a. a Village employee;
 - b. Natural Gas Services Contractor;
 - c. Electric Services Contractor;



- d. Telecommunications Contractor;
 - e. a contractor performing specified work for the Village.
- 6.3 Where an activity within the scope of this Bylaw is deemed essential or practical, the Peace Officer or the CAO, at their discretion, may approve a permit allowing the activity. Such permit may be revoked at any time by the Village CAO.
- 6.4 Village-sanctioned activities are not subject to the provisions of this Bylaw. Such activities could include, but are not limited to, snow removal, street sweeping, cultural or recreational functions.
- 6.5 Notwithstanding section 6.3, persons engaged in snow removal or street sweeping in Land Use Districts designated commercial or Industrial may be exempt from provisions of this Bylaw.
- 6.6 Persons may operate domestic equipment including, but not limited to, lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers and air blowers, gas or electric if:
- a. The equipment is properly maintained;
 - b. The equipment is operated in a normal manner for that type of equipment;
 - c. The noise is of a temporary or intermittent nature;
 - d. The noise occurs between the hours of 7:00 a.m. and 10:00 p.m. with the excepted prohibition between 9:00 p.m. on Saturday evening to 10:00 a.m. on a Sunday morning.
- 6.7 Where an activity, which is allowed by this Bylaw involves creating or making a sound which is, or may become, or creates or produces or may create or produce a disturbance or annoyance to other people, or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such an activity shall do so in a manner so as to create as little sound as practicable under the circumstances.

7.0 Penalties

- 7.1 Everyone who commits a breach of any of the provisions of this Bylaw shall be liable:
- a. For the first offence to a voluntary penalty of One Hundred Dollars (\$100) and upon Summary Conviction, to a fine of not less than One Thousand Dollars (\$1,000) and in default of payment to a term of imprisonment of six (6) months or to both.
 - b. For a second and subsequent offence to a voluntary penalty of Two Hundred Dollars (\$200) and upon Summary Conviction, to a fine of not less than One Thousand Dollars (\$1,000) and in default of payment to a term of imprisonment of six (6) months or to both.
- 7.2 Voluntary Payment in lieu of prosecution must be made within Twenty One (21) clear days of issuance of an offence ticket.
- 7.3 Any person who is issued an offence ticket shall immediately discontinue creating such noise. If the noise carries on or is allowed to continue, a second offence ticket may be issued and so on.
- 7.4 Any Peace Officer is hereby authorized to issue a municipal violation tag, or a violation ticket, pursuant to the provisions of of the *Provincial Offences Procedures Act*, R.S.A. 2000, c. P-34 ("*POPA*"), or under the provisions hereunder, in regard to this Bylaw.



8.0 Repeal

8.1 This Bylaw repeals Bylaw 608-15 and any other previous Noise Control Bylaws upon final passing of Bylaw 622-16.

9.0 Severability of Bylaw Provisions

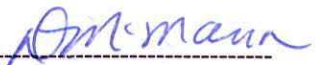
9.1 Each separate provision of this Bylaw shall be deemed independent of all other provisions, and;

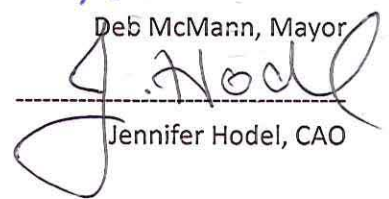
9.2 Should any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then that provision may be severed and all other provisions of this Bylaw remain valid and enforceable.

10.0 Effective

10.1 This Bylaw shall take full force and effect upon passage of third and final readings and upon signing in accordance with *Municipal Government Act*, RSA 2000, c M-26, Section 213.

READ A FIRST, SECOND, AND BY UNANIMOUS CONSENT OF COUNCIL, A THIRD TIME AND FINALLY PASSED THIS 19th DAY OF JULY, 2016.



Deb McMann, Mayor


Jennifer Hodel, CAO

