

**BYLAW NO. 8/2018
BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA**

A Bylaw of the Municipal District of Peace No. 135, in the Province of Alberta, for the purpose of controlling and abating noise within the Hamlet of Brownvale.

WHEREAS, Section 7(a) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, states that a Council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, Section 7(i) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, states that a Council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment,

AND WHEREAS, the Council of the Municipal District of Peace No. 135 deems it desirable and in the best interest of the public to provide for the control and abatement of noise within the Hamlet of Brownvale;

NOW THEREFORE, the Council for the Municipal District of Peace No. 135, duly assembled, hereby enacts as follows:

TITLE

- 1) This Bylaw may be cited as the "Noise Bylaw".

DEFINITIONS

- 2) In this Bylaw,
 - a) "**Council**" means the elected members of the Municipal District of Peace No.135 Council.
 - b) "**Disturbance**" means the interruption of the peace, quiet and good order of a neighborhood or community, including but not limited to unnecessary and distracting noises;
 - c) "**Municipality**" shall mean the Municipal District of Peace No. 135.
 - d) "**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 within the Hamlet of Brownvale;
 - e) "**Peace Officer**" means a member of the Royal Canadian Mounted Police;
 - f) "**Person**" includes an individual, an association, a firm, a partnership or a corporation.
 - g) "**Quiet Hours**" shall mean between the hours of 11:00 p.m. and 7:00 a.m. on any day;
 - h) "**Violation Ticket**" means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedures Act* (RSA 2000, as amended).

GENERAL PROHIBITION

- 3) No person shall permit any loud, unnecessary or unusual noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons, nor allow property, real or personal which he owns, occupies or controls, to be used in any manner that produces such noise.
- 4) In determining what constitutes noise likely to annoy or disturb other persons, consideration shall be given to, but is not restricted to:
 - a) the time of day or night,
 - b) the proximity to sleeping facilities, residential or commercial,
 - c) the duration and volume of the noise,
 - d) is the noise recurrent, intermittent or constant.
- 5) Unless written permission from a Development Officer is first obtained, no person shall during "quiet hours" carry on the construction, repair, alteration, or demolition of any type of structure including but not limited to hammering, sawing, and the use of any power tools or construction equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on within the Hamlet.

DOMESTIC NOISE

- 6) During quiet hours no person shall make, cause to be made or permit any noise from, but not restricted to, shouting or fighting, electronic or acoustical devices, lawnmowers, snow blowers, garden tillers or mechanical tools and equipment, within the Hamlet of Brownvale.

MOTOR VEHICLE NOISE

- 7) No person shall permit a vehicle located on a premise to emit noise which emanates from that premise and disturbs or annoys a person, including noise from aggressive engine revving and stereo and amplification equipment in the vehicle.
- 8) No person shall permit the motor of any diesel powered vehicle to remain running while the vehicle is not in motion for more than fifteen (15) minutes within the Hamlet of Brownvale.
- 9) The provision of Section 8) shall not apply when the temperature is -15°C or colder.

PENALTY PROVISION

- 10) Any person who contravenes this Bylaw is guilty of an offence punishable on summary conviction and is liable:
 - a) for a first offence to a fine of \$100.00, or
 - b) for a second or subsequent offence, to a fine of \$250.00.

- 11) A Peace Officer may, at his discretion, issue a Violation ticket pursuant to Part II or III of the *Provincial Offences Procedures Act* in relation to offences under this Bylaw.
- 12) A person may avoid prosecution for an offence pursuant to this Bylaw by payment of the voluntary penalty established in clause 10).

SEVERABILITY

- 13) Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

EFFECTIVE DATE

- 14) This Bylaw shall come into force and effect when it receives third reading and is duly signed.

Read a first time this 10 day of April, 2018.

Robert Willing, Reeve

Barbara Johnson, Chief Administrative Officer

Read a second time this 10 day of April, 2018.

Robert Willing, Reeve

Barbara Johnson, Chief Administrative Officer

Read a third time this 10 day of April, 2018.

Robert Willing, Reeve

Barbara Johnson, Chief Administrative Officer