

**TOWN OF PEACE RIVER
BYLAW NO. 1939**

**A BYLAW OF THE TOWN OF PEACE RIVER TO CONTROL AND ABATE
NOISE.**

WHEREAS, PURSUANT TO Section 7 of the *Municipal Government Act* (RSA 2000, as amended) a municipal council may pass bylaws for purposes respecting the following matters: the safety, health and welfare of people and the protection of people and property, and

WHEREAS the Council of the Town of Peace River deems it expedient to adopt measures to control and abate activities which give rise to undue and unnecessary noise, and

WHEREAS it is the intent of this bylaw is to control and abate noise that disturbs the comfort or repose of citizens;

NOW THEREFORE the Municipal Council of the Town of Peace River, in the Province of Alberta, duly assembled enacts as follows:

TITLE

1. This bylaw may be cited as the "Noise Bylaw".

DEFINITIONS

2. In this Bylaw, unless the context otherwise requires, the term:
 - a) "CAO" means the Chief Administrative Officer of the Town of Peace River.
 - b) "Commercial Zone" means any area designated as a commercial, highway commercial or commercial-residential zone by the Land Use Bylaw.
 - c) "Construction noise" means any noise created by the process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process.
 - d) "Council" means the Municipal Council of the Town of Peace River.
 - e) "Holiday" means any day designated as a statutory holiday under the *Interpretation Act* (RSA 2000, as amended).

- f) "Hospital Zone" means any portion of the Town within 150 meters of a site on which a hospital is situated.
- g) "Industrial Zone" means any area designated as an industrial zone by the Land Use Bylaw.
- h) "Land Use Bylaw" means the Town of Peace River Land Use Bylaw (#1891, as amended).
- i) "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 boundaries of the Town.
- j) "Peace Officer" means a member of the Royal Canadian Mounted Police or a Bylaw Enforcement Officer of the Town appointed pursuant to Section 555(1) of the *Municipal Government Act*.
- k) "Person" means an individual, partnership, corporation, trustee, executor or administrator.
- l) "Quiet Hours" means the period beginning at 11:00 pm and ending the following day at:
 - (i) 7:00 am if the following day is a weekday
 - (ii) 9:00 am if the following day is a Sunday or a holiday,unless otherwise specified. Time is Mountain Standard or Daylight Savings Time, whichever is in effect.
- m) "Special Event" is an event that does not normally occur within the Town and, as such, may require special permits and/or authorizations to lawfully take place pursuant to this Bylaw.
- n) "Town" means the Municipal Corporation of the Town of Peace River, or the area contained within the boundaries of the Town, as the context requires.
- o) "Violation Ticket" means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedures Act* (RSA 2000, as amended).

3. General Prohibitions:

- 3.1 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.

3.2 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.

3.3 A person may apply to the CAO for a temporary exemption where circumstances make it impractical to fully meet the intent of this Bylaw.

4. Hospital Zones:

4.1 No person shall, at any time, make, cause to be made or permit noise within one hundred and fifty (150) meters of any hospital site.

5. Domestic Noise:

5.1 No person shall during quiet hours in a residential zone, 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
- Mechanical tools and equipment

5.2 In addition to, but not in substitution of, any penalty a person may incur by a contravention of the Animal Control Bylaw, a person who keeps on his property any animal which creates a disturbance by barking, howling or other noise is guilty of an offence under this bylaw.

5.3 No person shall make any noise in any park or other public place between the hours of 11.00 pm and 9:00 am so as to unduly disturb residents of the Town.

- a) Organizers of special events in parks and other public places shall submit an application to the Town requesting a temporary relaxation of the provisions of this Bylaw for the period of the event.

5.4 In relation to boat noise; *Canada Small Vessel Regulation (SOR/2010-91), Part 10, Section 1000*, requires engines to be muffled except during an official race, formal training or preparation for a race. This is a federal regulation and must be enforced by an agency authorized by the Government of Canada.

6. Motor Vehicle Noise:

6.1 No person shall operate any motor vehicle on any residential street in such a way as to unduly disturb any resident. This offence under the bylaw shall be in addition to, but not in substitution of, an offence under Section 82 of the *Use of the Highway and Rules of the Road Regulation*, under the *Traffic Safety Act*.

6.2 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 in any residential district or within fifty (50) meters of commercial sleeping facilities.

6.3 The provisions of Section 6 do not apply to vehicles engaged in work by the following:

- a) Town Of Peace River Public Works Department
- b) Town of Peace River Fire Department
- c) Alberta Health Services
- d) RCMP
- e) Electric, gas and telephone utilities

6.4 The provisions of Section 6 shall not apply when the temperature is -18°C (0° F) or less.

6.5 No person shall activate or apply engine retarder brakes within the Town.

Highways 2, 684, 743 and 744 are exempt from this regulation.

7. Construction Noise:

7.1 No person shall carry on construction activities in any residential zone during quiet hours which involves hammering, sawing or the use of any mechanical tools or equipment capable of producing a loud noise which can be heard beyond the boundaries of the site on which the activity occurs. Work of an emergency nature being performed by the Town of Peace River, electrical and gas utilities is exempt from this regulation.

8. Commercial & Industrial Noise:

8.1 Notwithstanding Section 2(l) of this bylaw, no person shall create any noise that may be audible outside commercial premises during quiet hours.

8.2 Notwithstanding anything elsewhere contained in this bylaw, nothing in this bylaw shall prevent operation or carrying on of an industrial activity in an area that is classed as an Industrial District in the Land Use Bylaw. The person operating or carrying on the activity shall not make more noise than is necessary in the normal method of performing or carrying on the activity.

9. Special Events:

9.1 Organizers of special events occurring within the boundaries of the Town shall submit an application for a Special Events Permit, which may allow noise otherwise not permitted by the provisions of this Bylaw.

9.2 All applications for Special Events Permits must be submitted, in writing, a minimum of thirty (30) days prior to the event.

9.3 Applications will be reviewed by Protective Services and Community Services and conditions may attach to any permit granted.

10. Offences and Penalties:

- 10.1 Any person who violates any provision of this Bylaw is guilty of an offence and is liable to a fine of not more than two thousand five hundred dollars (\$2,500.00). In default of payment of the fine, the person is liable to imprisonment for a term not exceeding six months.
- 10.2 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.
- 10.3 A person may avoid prosecution for an offence pursuant to this Bylaw by payment of the voluntary penalty established in Schedule "A".

11. SEVERABILITY

- 11.1 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the bylaw is deemed valid.

12. SCHEDULES

- 12.1 Schedule "A" forms part of this bylaw.

13. REPEAL

- 13.1 Bylaw No. 1194, and any amendments are hereby repealed.

14. Effective Date:

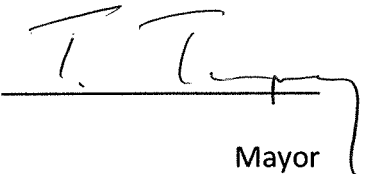
14.1 This bylaw shall come into force and have effect on the date of third and final reading.

READ a first time this 4th day of NOVEMBER, 20 13.

READ a second time this 24th day of FEBRUARY, 20 14.

READ a third and final time this 10th day of MARCH,
20 14.

SIGNED by the Mayor and Chief Administrative Officer this 31ST day
of MARCH, 20 14.



Mayor



Chief Administrative Officer

SCHEDULE "A"

Voluntary Payment Penalties

Section	Offence	1st Offence	2nd Offence	3rd Offence
3.1	Individual person creating noise or person in charge of property permitting continuance of noise	\$250	\$500	\$1000
4.1	Create noise in hospital zone	\$250	\$500	\$1000
5.1	Create noise in residential area	\$250	\$500	\$1000
5.2	Allow animal to create noise	\$150	\$300	\$600
5.3	Create noise in park/other public place	\$250	\$500	\$1000
6.1	Excessive noise from motor vehicle in residential zone	\$250	\$500	\$1000
6.2	Idle diesel motor in excess of 15 minutes or within 50 meters of commercial sleeping facility	\$250	\$500	\$1000
6.5	Operate engine retarder brake within corporate limits	\$250	\$500	\$1000
7.1	Construction noise audible off site	\$250	\$500	\$1000
8.1	Noise from commercial premises during quiet hours	\$250	\$500	\$1000
9.1	Noise from Special Event contrary to conditions	\$250	\$500	\$1000