

**SMOKY LAKE COUNTY
IN THE PROVINCE OF ALBERTA
BYLAW NO. 1342-19**

**BEING A BYLAW OF SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE
PURPOSE TO REGULATING, ELIMINATING OR ABATING NOISE.**

WHEREAS, pursuant to the *Municipal Government Act*, R.S.A. 2000 c. M-26 a amendments thereto, authorizes Council to pass a Bylaw for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

AND WHEREAS, pursuant to the *Municipal Government Act*, Council of Smoky Lake County wishes to exercise its authority in a bylaw passed for the purpose to regulate, eliminate or abate noise for a varying period of the day, in all or a designated part of location of the municipality.

AND WHEREAS, Council deems it expedient and in the public's interest to pass a bylaw to establish provisions of noise control.

NOW THEREFORE, be it resolved that the Council of Smoky Lake County in the Province of Alberta, duly assembled hereby enacts as follows:

PART ONE: INTERPRETATION

- 1.1 This Bylaw shall be cited as the "**Noise Bylaw**".
- 1.2 Words or phrases defined in the Alberta *Interpretation Act*, *Traffic Safety Act* or *Municipal Government Act* or any successor legislation, as amendments thereto shall have the same meaning when used in this Bylaw unless otherwise defined in this Bylaw.
- 1.3 The headings in the **Noise Bylaw** have been inserted for reference as a matter of convenience only and are not to be construed in no way as to define, limit or enlarge the scope or meaning of this Bylaw or any provisions thereof.
- 1.4 Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa.

PART TWO: DEFINITIONS

- 2.1 "**Bylaw**": means this Noise Bylaw for Smoky Lake County.
- 2.2 "**County**": means the geographic area contained within the boundaries of the municipality of Smoky Lake County.
- 2.3 "**Event**": means any public or private event, gathering, celebration, festival, competition, contest, exposition or similar type of activity held indoors, outdoors or a combination of both, which has an expected attendance of more than 300 people, including promoters, staff personnel and entertainers, and includes but is not limited to the following events:
 - Music festivals or concerts, including live and/or pre-recorded music with professional and/or amateur performers.
 - Dances and dance parties, including live and/or pre-recorded music with professional and/or amateur performers.
 - Rodeos
 - Trade Shows
 - Expositions
 - Exhibitions
 - Athletic or sports events, meets, shows, contests, trials and other competitive events.
- 2.4 "**Municipality**": means the Municipal Corporation of Smoky Lake County.

- 2.5 “**Noise**”: means any sound which in the opinion of the 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 to unreasonably annoy or disturb person(s) or which injures, endangers, or detracts from the comfort, repose, health, peace or safety of persons within the boundary of the County.
- 2.6 “**Peace Officer**”: has the same meaning as in the *Alberta Interpretation Act*, *Traffic Safety Act*, *Provincial Offences Procedures Act* and includes the Royal Canadian Mounted Police (RCMP); and as duly appointed or employed by Smoky Lake County as such and shall include Bylaw Enforcement Officer.
- 2.7 “**Person**”: means a natural person, a company, corporation, partnership, firm, association, society, and the personal or other legal representatives or a person to whom the context can apply according to law.
- 2.8 “**Premises**”: means any place occupied by an individual such as a residence.
- 2.9 “**Real Property**”: means land, with or without improvements so affixed to the land as to make them in fact and in law part of the real property, and includes, as the context requires, individual premises located on the real property.
- 2.10 “**Vicinity**”: means close to neighboring or near a particular place of origin.
- 2.11 “**Violation Tag**” means a municipal tag or similar document form issued by the County pursuant to the *Municipal Government Act*, R.S.A. 2000, c-M-26 as amended.
- 2.12 “**Violation Ticket**” means a ticket issued pursuant to Part II of the *Provincial Offences Procedures Act*, S.A. 2000, c-P-34, as amended and Regulations thereunder.

PART THREE: NOISE REGULATIONS

- 3.1 On **weekends** or statutory holidays, no person being the owner, occupier or tenant of real property or hosting an event shall allow or permit such real property to be used so that noise which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the vicinity of that property between the hours 2:00 a.m. to 7:00 a.m.
- 3.2 On **weekdays**, no person being the owner, occupier or tenant of real property or hosting an event shall allow or permit such real property to be used so that noise which occurs thereon or emanates therefrom, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same property or in the vicinity of that property between the hours 12:00 a.m. to 7:00 a.m.

PART FOUR: NOISE VIOLATIONS

- 4.1 Without limiting the generality of Section 3.1 and 3.2 herein, any of the following sounds as noise are deemed by the municipality to be objectionable and disturbing the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public and are, therefore, restricted within the terms set forth in sections 3.1 and 3.2:
- 4.1.1 the use of a megaphone, microphone or other voice amplification device, or shouting, banging or making similarly disruptive sounds, whether produced outdoors or from the occupants within a premise, vehicle, such that the sound can be heard from a neighbouring lot, or from other premises in the vicinity.
- 4.1.2 sound from a radio, stereophonic equipment, television, musical instrument, computer or other instrument or other apparatus from the production or amplification of sound, whether produced outdoors or from within a premise, vehicle, such that the sound can be heard from a neighbouring lot, or from other premises in the vicinity.

- 4.1.3 no person shall construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner so as to generate any noise that can be heard from a neighbouring lot, or from other premises in the vicinity.
- 4.1.4 no person shall use the signaling devices such as a horn or bell on Motor Vehicles or the use of motor vehicle noise so as to make more Noise than is reasonability necessary for the purpose of giving notice or warning other persons on highway as set out in subsection 82 and 83 under the *Traffic Safety Act - Use of Highway and Rules of the Road Regulation*, Alberta Regulation 304/2002, as amended.
- 4.1.5 Where an activity which is not specifically restricted by any legislation of Canada or Alberta or by this Bylaw, but involves 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.

PART FIVE: EXEMPTIONS

- 5.1 This Bylaw does not apply to any existing Bylaws or regulations of Smoky Lake County relating to provisions for Noise Control, i.e. Development Permits, under the Municipal Land Use Bylaw, in which the use is being carried out.

No provisions of this bylaw shall apply to or be interpreted to prevent:

- 5.2 Operating or in charge of Fire Department, Police or Ambulance or Emergency vehicles while in the execution of their duties.
- 5.3 Performing works of an emergency nature for the preservation or protection of life, health or property.
- 5.4 Agricultural Operations including Farm implements or other activities conducted on land designated as a farm area or Agricultural Land Use.
- 5.5 Performing work carried out by the County or its agents, contractors, servants, employees, acting within the scope of their responsibilities; i.e., snow clearing or removal operations.
- 5.6 Operating a commercial delivery vehicle.
- 5.7 Community or private events (i.e., wedding ceremonies) held at a community hall, or events held by a non-profit society, Community Association, or as endorsed by the County.
- 5.8 The ringing of bells in churches, religious establishments and schools.
- 5.9 Barking dogs.

PART SIX: ENFORCEMENT

- 6.1 The provisions of this Bylaw may be enforced by the Peace Officer unless otherwise specified.
- 6.2 No persons shall obstruct or interfere with the Peace Officer in the exercise of their duties.
- 6.3 The Peace Officer shall have the right to enter upon the property of any owner or occupant at all reasonable times and in a reasonable manner to inspect and determine whether the requirements, restrictions and regulations of this Bylaw are being met.

- 6.4 The Peace Officer may direct any person(s) who has caused or made Noise, or any person who owns or controls real property from which the Noise has originated, to abate or eliminate the Noise during the specified hours. Such a direction may be either verbal or written.

PART SEVEN: PENALTY

- 7.1 A person who contravenes any provisions of this Bylaw, or who directs, permits, suffers, or allows any act or thing to be done in contravention or violation of any of the provisions of this Bylaw, commits an offence; and each day that the offence continues constitutes a separate offence:
- 7.1.1 For the first offence to a fine of Five Hundred Dollars (\$500.00).
- 7.1.2 For the second offence to a fine of One Thousand Dollars (\$1,000.00).
- 7.1.3 For a third offence or subsequent offence within one (1) year of the date of conviction of the first offence, upon summary conviction to a fine of not less than Two thousand, Five Hundred Dollars (\$2,500.00) and not more than Ten Thousand Dollars (\$10,000.00) and in default of payment, imprisonment for a term not exceeding six (6) months.

PART EIGHT: VIOLATION TAGS AND TICKETS

Violation Tags:

- 8.1 A Peace Officer is hereby authorized and empowered to issue a Violation Tag to any Person, who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.
- 8.2 A Violation Tag shall be served upon such a Person personally, or by mailing a copy to such Person by registered mail.
- 8.3 The Violation Tag shall state:
- 8.3.1 the name of the Person;
- 8.3.2 the offence;
- 8.3.3 the appropriate penalty for the offence as specified in this Bylaw;
- 8.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag to the municipality; and
- 8.3.5 any other information as may be required by the Peace Officer.
- 8.4 If the penalty specified on the Violation Tag is not paid with 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.

Violation Tickets:

- 8.5 Notwithstanding anything in this Bylaw, 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, to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this Bylaw.

PART NINE: APPLICATION

- 9.1 The provisions of this Bylaw apply to lands located with the boundaries of the municipality situated within the geographic area of the Smoky Lake County.

PART TEN: SEVERABILITY

10.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision 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 and enforceable.

PART ELEVEN: EFFECTIVE DATE

11.1 This Bylaw shall come into force and effect on the final date of passing thereof.

Read a First time this 23rd day of May, 2019.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER

Read a Second time this ____ day of _____, 2019.

Read a Third and Final time this ____ day of _____, 2019 and finally passed.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER