

**VILLAGE OF MANNVILLE  
BYLAW NO. 2012-782**

**Noise Bylaw**

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BEING A BY-LAW OF COUNCIL OF THE VILLAGE OF MANNVILLE TO PROHIBIT CERTAIN DISTURBANCES AND ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS CAN BE MADE:

**WHEREAS** Section 7(a) (c) of the Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto (hereafter referred to as "MGA") provides the authority for Council of the Village of Mannville to promote safety, health and welfare of people and the protection of people and property.

**NOW THEREFORE**, the Council of the Village of Mannville in the Province of Alberta, duly assembled hereby enacts as follows.

**PART 1 –Titles and Definitions:**

1. **This Bylaw may be called the "Noise Bylaw".**

2. **For the purpose of this Bylaw:**

"**Bylaw**" means a Municipal Bylaw, and includes any amendments thereto.

"**Council**" means the means the elected Council of The Village of Mannville in the Province of Alberta.

"**Construction Equipment**" includes, but is not limited to trenching machines, concrete mixers, backhoes, front end loaders, motor graders, jackhammers or any other tool, device, machinery\_or equipment of a noisome nature.

"**Construction Noise**" means noise cause by construction equipment.

"**Designated Officer**" Council appointed position to carry out the powers, duties and functions of a designated officer under this or any other enactment or bylaw.

"**Land**" means real property registered within the corporate limits of the Village of Mannville, including residential, commercial and industrial property.

"**Land Use Bylaw**" shall mean the Land Use Bylaw currently in force, as amended, repealed or replaced from time to time for the Village of Mannville.

"**Municipal Violation Tag**" means a Village issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the Village in lieu of prosecution for the offence.

"**Municipal Manager**" means the Person holding the position of Chief Administrative Officer for the Village.

"**Noise**" means any unusual, unnecessary or extraordinary sounds that disturbs the quiet peace, rest, enjoyment, comfort, safety or convenience of the neighborhood within the boundary of the municipality.

"**Occupy**" or "**Occupies**" means residing on or to be in apparent possession or control of Property.

"**Own**" or "**Owns**" means:

- (i) in the case of land, to be registered under the *Land Titles Act* as the owner of the fee simple estate in a parcel of land; or,
- (ii) in the case of personal property, to be in lawful possession or have the right to exercise control over it or to be the registered owner of it.

"**Peace Officer**" means a person employed for the purposes of preserving and maintaining the public peace and includes a Community Peace Officer, Municipal Enforcement Officer, Bylaw Enforcement Officer or Police Officer (RCMP).

"**Person**" means any individual, firm, partnership, association, corporation, trustee, executor, administrator or other legal representative.

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“**Power Tool**” includes any tool powered by an engine, motor or compressed air.

“**Public Property**” means any schoolyard, highway, parkland, public bridge, road, lane footway, alley, whether a thoroughfare or not, and includes any open space to which the public have or are permitted to have access.

“**Quiet Hours**” shall mean between the hours of 10:00 pm and 7:00 am.

“**Residential District**” means any district designated for residential use in the Village’s Land Use Bylaw as amended from time to time.

“**Vehicle**” means a device in, on or by which a Person or thing may be transported or drawn on a Highway and includes a combination of Vehicles as defined in the current Traffic Bylaw # 2010-752, as amended, repealed or replaced from time to time.

“**Village**” means the Village of Mannville, a municipal corporation in the Province of Alberta.

**Part 2 – General Prohibition**

**2.1** Except to the extent permitted by this bylaw, no person shall make, continue, cause or allow to be made or continued any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort repose, health, peace or safety of any other persons within the Village.

**2.2** Except to the extent permitted by this bylaw, no person shall permit, suffer or allow property, real or personal which he owns, occupies or controls, to be used in a manner such that there emanates therefore any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of persons within the Village.

**2.3** Factors for determining whether a sound is unreasonable:

- proximity of sound to sleeping facilities, whether residential or commercial;
- the time of day or night the sound occurs;
- the duration and volume of sound;
- whether the sound is recurrent, intermittent or constant.

**2.4** No person shall cause a disturbance in or near public property by fighting, screaming, shouting, swearing or using insulting language.

**Part 3 – Construction/Domestic/Industrial**

**3.1** No person shall, during quiet hours, carry on any construction, repair, alteration or demolition to any residential property, unless a permit from a Development Officer is first obtained,

**3.2** No person shall during quiet hours, operate construction equipment, power tools, power lawn mower, and snow blowers in any residential district.

**3.3** No owner shall make, permit, or cause to be made, by amplifiers, loud speakers, or any other means whatsoever, any unnecessary or unusual noise, likely to disturb the peace and quiet of the area, or other persons in the neighborhood.

**3.4** Subject to the land use district, this bylaw shall not prevent the continued operation or carrying on of an industrial activity which is a permitted use or an approved discretionary use allowed in the Village Land Use Bylaw.

**Part 4 – Exceptions**

This Bylaw shall not apply to:

**4.1** any person performing work of an emergency nature; emergency equipment, or emergency vehicles;

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- 4.2** any act of maintenance or repair being carried out by employees or contractors of the Village but they too shall respect the quiet hours of the Village whenever practical.

**Part 5 - Permits**

- 5.1** A Designated Officer may issue a permit to a person for the purpose of allowing noise within a designated area and between designated times.
- 5.2** The Municipal Manager may revoke such a permit at any time.

**Part 6 – Authorization to Inspect**

- 6.1** A Peace Officer may, provided reasonable notice has been given the owner or occupier of the land unless an emergency or extraordinary circumstances exists, enter any land, building or premises to inspect for conditions that may constitute a contravention of this bylaw.
- 6.2** If a Person refuses or interferes with the entry, inspection or enforcement of this bylaw the Village may apply to the Court of Queen’s Bench for an Order restraining that person from preventing or interfering with the entry, inspection or enforcement or any other action as the court may order in accordance with Section 543 of the Municipal Government Act, as amended.

**Part 7 – Severance**

- 7.1** If any section of this bylaw is found to be illegal or beyond the power of the Village’s Council to enact, such section shall be deemed to be severable from all other sections of this bylaw.

**Part 8 – Offense and Penalty**

- 8.1** Any person that breaches or contravenes any provisions of this bylaw or fails to act in compliance and accordance with any notice given to him under this bylaw is guilty of an offence.
- 8.2** A peace officer is hereby authorized to issue a violation ticket in accordance with the provisions of the Provincial Offences Procedure Act, Chapter 21, R.S.A. 2000 and amendments thereto to any person who fails to pay the penalty specified in an offence ticket issued under Section 16 within the prescribed time period.
- 8.3** When a peace officer has reasonable grounds to believe that a person has contravened any provisions of this bylaw, he or she may serve upon such person an offence ticket allowing the payment of a specified penalty as described in Schedule A to the Village within thirty (30) days of the issuance date of the offence ticket. The Village shall accept such payment in lieu of prosecution for the offence.
- 8.4.** Service of an offence ticket shall be sufficient if it is:
- (a) personally served or,
  - (b) mailed by registered mail to the address of the person who has contravened the bylaw.
- 8.5** The offence ticket shall state:
- (a) the name and address of the offender if ascertainable;
  - (b) the offence;
  - (c) the location, date and time of the offence;
  - (d) the specified penalty; and
  - (e) that the penalty shall be paid within thirty (30) days of the issuance of the offence ticket to avoid prosecution for the offence.

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- 8.6** Unless otherwise stated in this bylaw, where contravention of this bylaw is of a continuing nature, further offence tickets may be issued by a peace officer.
- 8.7.** A violation ticket issued under Section 8.6 may specify a penalty as described in Schedule A.

**Part 9 Effective Date**

- 9.1** Bylaws #658 and 395 are hereby repealed.
- 9.2** This bylaw shall come into effect upon third reading.

Read a first time on the 13th day of October, 2010.

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Mayor

\_\_\_\_\_  
CAO

Read a second time on the 13<sup>th</sup> day of September, 2011.

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Mayor

\_\_\_\_\_  
CAO

Read a third time and finally passed on the 9 day of October, 2012

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Mayor

\_\_\_\_\_  
CAO

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**VILLAGE OF MANNVILLE**

**SCHEDULE A**

**Penalties**

1 <sup>st</sup> Non-Compliance Offence	\$150.00
2 <sup>nd</sup> Non-Compliance Offence	\$300.00
3 <sup>rd</sup> Non-Compliance and Subsequent Offences	\$600.00

These penalties may be amended from time to time.