

BYLAW NO. 1162
OF THE TOWN OF INNISFAIL

BEING A BYLAW OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA, TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS Section 157 (1) (g) of the Municipal Government Act provides Authority for a Council to pass bylaws for the purpose of prohibiting, eliminating or abating noise, and establishing permissible noise levels for all or varying periods of the day, in all or a designated part or location of the municipality.

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

- 1) This Bylaw may be cited as “The Noise Bylaw”.
- 2) In the Bylaw, including this section,
 - a) Town means the corporation of the Town of Innisfail or the area contained within its corporate boundaries, as the context requires;
 - b) “Holiday” means:
 - (i) New Years Day
 - (ii) Good Friday
 - (iii) Victoria Day (the first Monday immediately preceding the 25th day of May in each year).
 - (iv) Dominion Day
 - (v) Heritage Day (the first Monday in August).
 - (vi) Thanksgiving Day (second Monday in October) when proclaimed as a holiday by the Government of Canada or the Government of the Province of Alberta
 - (viii) Remembrance Day
 - (ix) Christmas Day
 - (x) Boxing Day (26th day of December, or when such day fall on a Sunday, then the 27th day of December).
 - (xi) Any other day designated as a holiday by the Mayor and Council.
 - c) “Hospital district” means an area which is
 - (i) either designated as such by signs or other devices, or
 - (ii) any portion of the Town within five hundred feet in any direction from the boundaries of a site on which is situated a hospital as defined in The Alberta Hospitals Act;
 - d) “Residential building” means a building which is constructed as a dwelling for human beings and includes a hotel;
 - e) “Residential district” means a district defined as such in the Land Use Bylaw;
 - f) “Weekday” means any day other than a Sunday or holiday;
 - g) “Land Use Bylaw” means Bylaw No. 1138 as the same is amended from time to time and includes any Bylaw passed in substitution for or in addition to Bylaw No. 1138.

General Prohibition

- 3) (a) Except to the extent it is allowed by this Bylaw, no person shall make, continue, cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of this Town.
- (b) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
- (c) Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or of the Province of Alberta or by any provision of this Bylaw involves creating or making a sound which
- (i) is or may become, or
 - (ii) 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 such a manner as to create as little of such sound as practicable under the circumstances.
- (d) Where an area is designated by signs or other means as being a hospital district no person shall
- (i) carry on any noise-making activity in the area unless it cannot be carried on in some other area, or
 - (ii) make or continue any noise or loud sound within the area.

Industrial Noises

- 4) (a) Notwithstanding any other provision of this Bylaw and whether or not the noise resulting therefrom may be heard in an adjoining area which is designated other than an industrial district, nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof during some or any of the hours between ten o'clock in the evening and seven o'clock in the next forenoon in any area which is classed as an industrial district in the Land Use Bylaw where the activity is one which:
- (i) is permitted use in the zone in which it is carried on or is a discretionary use for which the required permission has been given, or
 - (ii) is a non-conforming use and as the same is defined in Bylaw No. 1138 for the district in which the use is being carried on.
- (b) In the operation or carrying on of an industrial activity in a zone in which it would be curtailed or restricted but for sub-section (a) 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.

Construction Noises

- 5) Unless permission from the Development Officer of the Town for such operation is first obtained:
- 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 a 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 a residential district or an industrial district after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

6) Unless permission from the Development Officer of the Town is first obtained 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 bull-dozer, 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 between the hours of ten o'clock in the evening and seven o'clock in the morning of any day other than a Sunday, or at any time during a Sunday.

7) Notwithstanding anything contained in this Bylaw, this Bylaw does not apply to work carried on by the Town, or by a contractor carrying out the instructions of the Town, in the event of an emergency.

Penalties

8) A person who contravenes any provision of this Bylaw either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offence and is liable on summary conviction to a fine not in excess of five hundred dollars or in default of payment of the fine and cost to imprisonment.

THIS BYLAW SHALL TAKE EFFECT ON THE DATE OF FINAL PASSING THEREOF.

READ a FIRST time in Open Council this 23rd day of JUNE 1980

READ a SECOND time in Open Council this 23rd day of JUNE 1980

READ a THIRD time in Open Council and FINALLY PASSED this 7th day of July 1980.

Mayor

Municipal Manager

BY-LAW NUMBER 1312

BY-LAW NUMBER 1312 OF THE TOWN OF INNISFAIL, IN THE PROVINCE OF ALBERTA,
BEING A BY-LAW TO AMEND BY-LAW NUMBER 1162 OF THE TOWN OF INNISFAIL.

WHEREAS, Council deems it necessary to amend By-law Number 1162 – the Noise By-law
– Section 8, penalties.

NOW THEREFORE, the Municipal Council of the Town of Innisfail, duly assembled amends
as follows:

SECTION 8 - A person who contravenes any provision of this By-law either by doing
something which he is prohibited from doing or failing to do something which he is required
to do is guilty of an offence and is liable on summary conviction to a minimum fine of
\$500.00 or in default of a payment of the fine and cost to a term of imprisonment not to
exceed thirty days.

THIS BY-LAW TO TAKE EFFECT ON THE DATE OF FINAL PASSING THEREOF.

READ A FIRST TIME IN OPEN COUNCIL THIS 14TH DAY OF NOVEMBER 1994.

READ A SECOND TIME IN OPEN COUNCIL THIS 14TH DAY OF NOVEMBER 1994.

READ A THIRD TIME IN OPEN COUNCIL AND FINALLY PASSED THIS 14TH DAY
OF NOVEMBER 1994.

ORIGINAL DOCUMENT SIGNED

BYLAW NUMBER 1380

Bylaw Number 1380 of the Town of Innisfail, in the Province of Alberta, a Bylaw to amend Bylaw Number 1162 the Noise Bylaw of the Town of Innisfail;

WHEREAS, Innisfail Town Council deems it necessary to provide for a specified penalty for first and subsequent offences under Bylaw Number 1162;

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

Remove Section 8 under Penalties in its entirety and by adding the following:

8. Any person who contravenes any provision of this Bylaw is guilty of an offence:
 - a) the specified penalty for a first offence is \$100.00;
 - b) the specified penalty for a second and each subsequent offence is \$250.00.

This Bylaw shall take effect on the date of final reading thereof.

Read a **FIRST** time in Open Council this 8th day of November, 1999.

Read a **SECOND** time in Open Council this 8th day of November, 1999.

Read a **THIRD** time in Open Council and **FINALLY PASSED** this 8th day of November, 1999.

Original Document Signed