

**BYLAW NO. 1037/23  
CLEARWATER COUNTY**

BEING A BYLAW OF CLEARWATER COUNTY, IN THE PROVINCE OF ALBERTA, TO CONTROL ACTIVITIES TO PREVENT, PROHIBIT, ABATE AND REGULATE NOISE.

**WHEREAS** the *Municipal Government Act* RSA 2000, c. M-26, provides that Council of a municipality may pass bylaws for the health, safety and welfare of people and the protection of people and property;

**THEREFORE**, THE COUNCIL OF THE CLEARWATER COUNTY ENACTS AS FOLLOWS:

**PURSUANT** to the authority conferred upon it by the *Municipal Government Act*, Chapter M-26.1, RSA, 2000 and amendments thereto;

NOW THEREFORE THE COUNCIL HEREBY ENACTS AS FOLLOWS;

**1. TITLE**

1.1 This Bylaw shall be called the "Noise Bylaw" and applies to all areas within the corporate boundaries of Clearwater County.

**2. DEFINITIONS**

2.1 In this Bylaw, words have the meanings as set out in the *Municipal Government Act*, except that;

"County" means Clearwater County;

"Court" means the Provincial Court of Alberta;

"Peace Officer" means a Peace Officer, a Municipal Enforcement Officer, or a member of the Royal Canadian Mounted Police;

**3. NOISE**

3.1 No person shall cause or allow to be made, or to continue to be made, any continuous or persistently occurring noise that is likely to annoy or disturb the peace of any other person, or that detracts from the comfort, repose, health, peace or safety of any other person, including, but not limited to, shouting, music, or other activity resulting in noise, at any time of the day or night.

3.2 No person shall permit property, that they own or control, to be used so that noise emanating from the property is likely to annoy or disturb the peace of any other person, or that detracts from the comfort, repose, health, peace or safety of any other person, including, but not limited to, shouting, music, or other activity resulting in noise, at any time of the day or night.

3.3 In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:

(a) type, volume, frequency and duration of the sounds;

(b) time of day and day of the week;

(c) nature and use of the surrounding area.

#### **4. PERMISSIBLE OPERATIONS AND ACTIVITIES**

4.1 Nothing in this bylaw shall prevent the carrying on of an activity or operation, where the activity or operation is one which is:

- (a) associated with an emergency response;
- (b) a deemed approved use as defined in the County Land Use Bylaw for the district in which the use is being carried on;
- (c) a permitted use as defined in the County Land Use Bylaw for the district in which the use is being carried on and for which the required permission has been granted by the authority under the Land Use Bylaw; or
- (d) an approved discretionary use as defined in the County Land Use Bylaw for the district in which the use is being carried on and for which the required permission has been granted by the authority under the Land Use Bylaw; or
- (e) is a non-conforming, but not illegal, use as defined in the *Municipal Government Act*.

4.2 In the carrying on of an activity or operation set out in section 4, the person carrying on that activity or operation shall make no more noise than is necessary in the normal method of performing or carrying on that activity or operation.

4.3 With the exception of an activity or operation set out in section 4 herein, unless permission from the development authority for the County is first obtained, no person shall use, operate or allow to be used or operated, any equipment, machinery, tools, or any other device of a noisy nature so as to create noise or disturbance which may be heard in a residential building between the hours of 10:00 p.m. and 7:00 a.m.

4.4 Section 5 does not apply to work carried on by the County, or by a contractor carrying out the instructions of the County.

#### **5. PENALTIES**

5.1 Any person who breaches any section of this Bylaw is guilty of an offence and liable to:

- (a) payment of the penalty specified in Schedule "A" hereto;  
or
- (b) for any offence for which there is no penalty specified, to a penalty of not less than \$200.00 and not more than \$10,000.00;

and in default of payment of any penalty, to imprisonment for up to 6 months.

5.2 A Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to the Provincial Offences Procedure Act, RSA 2000, c. P-34 to any person who the Peace Officer has reasonable grounds to believe has contravened any provision of this bylaw.

5.3 If a violation ticket is issued in respect of an offence, the violation ticket may:

- (a) specify the fine amount established by this Bylaw for the offence; or
- (b) require a person to appear in Court without the alternative of making a voluntary payment.

5.4 A person who commits an offence may:

- (a) If a violation ticket is issued in respect of the offence;  
and
- (b) If the violation ticket specifies the fine amount established by this Bylaw for the offence, make a voluntary payment equal to the specified fine by delivering the violation ticket and the specified fine to the Provincial Court Office specified on the violation ticket.

## 6. SEVERABILITY

6.1 The invalidity of any provision of this Bylaw shall not affect the validity of the remainder.

## 7. EFFECTIVE DATE

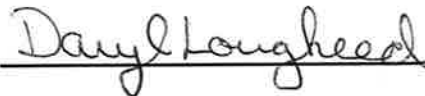
7.1 Bylaw No. 722/01, The Noise By-law is hereby repealed.

7.2 This Bylaw comes into force and effect when it receives third reading and is duly signed.

READ A FIRST TIME this 24<sup>th</sup> day of January 2023.

READ A SECOND TIME this 14<sup>th</sup> day of February 2023.

READ A THIRD AND FINAL TIME this 14<sup>th</sup> day of February 2023.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER