

**TOWN OF OYEN
BYLAW NO. 927-24 NOISE BYLAW**

**A BYLAW OF THE TOWN OF OYEN, IN THE PROVINCE OF ALBERTA, TO PROHIBIT
CERTAIN ACTIVITIES CREATING NOISE.**

WHEREAS the Municipal Government Act, permits the Council of the Town of Oyen, by Bylaw, to prohibit, eliminate or abate noise and establish permissible noise levels for all or varying periods of the day;

AND WHEREAS THE Council of the Town of Oyen deems it advisable to adopt such a bylaw.

NOW THEREFORE THE COUNCIL OF THE TOWN OF OYEN, 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,

- (a) "Daytime" means the period:
 - (i) beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or
 - (ii) beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend.
- (b) "Town" means the Town of Oyen or the area within the corporate limits of the Town of Oyen.
- (c) "Municipal Violation Ticket" means a tag or ticket wherein the person alleged to have committed a breach of a provision of this Bylaw is given an opportunity to pay a voluntary penalty to the Town of Bow Island in lieu of prosecution for the alleged offence.
- (d) "Night-time" means the period beginning at 10:00 P.M. and ending the following day at:
 - (i) 7:00 A.M. if the following day is a Weekday; or
 - (ii) 9:00 A.M. if the following day is a Weekend.
- (e) "Peace Officer" means the appointed Peace Officer for the Town, the CAO or designate, or a member of the Royal Canadian Mounted Police,
- (f) "Person" includes public bodies, societies, partnerships, firms, and individuals.
- (g) "Property" means land or lands and buildings together with all improvements which have been affixed to land.
- (h) "Voluntary penalty" means a penalty specified in this Bylaw for a

contravention of a provision of this Bylaw, which amount may be paid by a person to whom a municipal violation ticket has been issued.

- (i) "Weekend" includes Saturday, Sunday and any statutory holiday, as defined in the *Interpretation Act* R.S.A 2000, c. 1-8, as amended or replaced from time to time.

GENERAL

3. No person shall make, cause or permit to be made or caused, any noise which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons. The noise that is created by the offending party is subject to interpretation by the investigating Officer and will be determined by the officer to be reasonable or unreasonable noise.
4. No person shall use or engage in the use of retarder brakes within the Town limits; further no person shall operate motorized vehicles which make or causes noise that disturbs the quiet, peace, rest, enjoyment, comfort, or convenience of any person, and includes but is not limited to loud exhaust, derelict vehicles, or excessive motorcycle noise.
5. No person being the owner, tenant, or occupier of property shall allow or permit such property to be used so that noise which occurs thereon or emanates therefrom, disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person or person in residential areas.
6. No person who owns, keeps, or harbors any bird shall permit or allow such bird to make or cause to be made, any noise which disturbs the quiet, rest, enjoyment, comfort or convenience of any person or persons in residential areas.
7. A person shall not cause or permit any noise because of construction activity, lawn mowing, whether contracted or voluntary, between the Nighttime hours, as defined in this Bylaw. This includes any leaf blowing device, motorized lawn mower, or any motorized garden tool that is of temporary or of intermittent nature and occurs between the Nighttime hours, as defined in this Bylaw.
8. Every person who owns, or has the care or control of, or keeps or harbours, any animal which by reason of excessive barking or excessive howling disturbs other persons is guilty of an offence under this Bylaw.
9. Except as authorized pursuant to this Bylaw, no owner or occupier of a Premises shall make or cause or allow to be made or continue any noise which emanates from the Premises that disturbs or annoys a person, including any loud outcry, clamor, shouting, movement, music or activity.

EMERGENCIES & EXEMPTIONS

10. Nothing herein shall render any person liable to a fine, penalty or punishment for performing work of emergency nature for the preservation or protection of life, health or property.
11. The provisions of this bylaw do not apply to:
 - (a) Emergency Vehicles

- (b) Industrial or Commercial Areas
- (c) Snow removal
- (d) Construction of Town approved projects during the following
 - hours: Monday to Friday
 - 0700 hours (7:00 am) to 2200 hours (10:00 pm)
 - Saturday, Sunday & Statutory Holidays
 - 0900 hours (9:00 am) to 2200 hours (10:00 pm)
- (e) The use of any motorized garden tool that are of temporary or intermittent nature and occurs between the following hours:
 - Monday to Friday
 - 0700 hours (7:00 am) to 2200 hours (10:00 pm)
 - Saturday, Sunday & Statutory Holidays
 - 0900 hours (9:00 am) to 2200 hours (10:00 pm)
- (f) Work conducted by the Town of Oyen Public Works Department on Town infrastructure or a public utility by the respective operators and/or contractors.
- (g) Cultural or recreational activities sanctioned by the Town.
- (h) Private or entertainment events that have the required provincial or municipal permits in place.

12. Town sanctioned activities are not subject to the provisions of this bylaw. Such activities could include, but are not limited to, cultural or recreational functions.

- (a) Notwithstanding any other provisions in the bylaw, Town Council may, at their discretion, issue a permit by way of exemption to the noise bylaw to any person or organization for the purpose of allowing noise within a designated area and between designated times.
- (b) Such permit shall specify
 - (i) the name of the person or organization being granted the permit, and
 - (ii) the type of device being permitted, and
 - (iii) the period of time for which the permit is valid, and
 - (iv) any other conditions pertinent to the use of such device, having regard to the public order and peace.

PENALTIES

13. Tickets for offenses may be issued as follows:

- (a) A Municipal Violation Ticket in the amount of the voluntary penalty will be issued for any breach of this Bylaw.
- (b) or if a Provincial Violation ticket issued, payment as specified on violation ticket.

14. In the event a Municipal Violation Ticket remains unpaid after a period of seven (7) days a summons will be issued.


15. Any person who commits a breach of any of the provisions of this Bylaw shall be liable to a voluntary penalty of:

- (a) For the first offence to a voluntary penalty of One Hundred (\$100.00) Dollars and upon Summary Conviction to a fine of not less the Two Hundred Dollars (\$200.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars and in default of payment, judgement.
- (b) For a second offence within a six (6) month period to a voluntary penalty of Two Hundred (\$200.00) Dollars and upon Summary Conviction to a fine of not less than Three Hundred Dollars (\$300.00) and not more than Two Thousand Five Hundred (\$2,500.00) Dollars and in default of payment, judgement.
- (c) For a third and subsequent offence within a six (6) month period a summons shall be issued and upon Summary Conviction to a fine of not less than Five Hundred (\$500.00) Dollars and not more than Two Thousand Five Hundred (\$2,500.00) Dollars and in default of payment, judgment.


READ a first time in open council this 10th day of December 2024.

READ a second time in open council this 14th day of January 2025

READ a third and final time in open council this 14th day of January 2025.



Mayor



CAO