



**TOWN OF BOW ISLAND**  
**BYLAW NO. 2024:03**  
**NOISE BYLAW**

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

WHEREAS the Municipal Government Act, permits the Council of the Town of Bow Island, 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 Bow Island deems it advisable to adopt such a bylaw.

NOW THEREFORE THE COUNCIL OF THE TOWN OF BOW ISLAND, 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 Bow Island or the area within the corporate limits of the Town of Bow Island.
  - (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, 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. I-8, as amended or replaced from time to time.

#### **GENERAL**

1. 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.
2. 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.
3. 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.
4. No person who owns, keeps, or harbors any animal or bird shall permit or allow such animal or 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.
5. A person shall not cause or permit any noise because of construction activity or snow removal, whether contracted or voluntary, between the Nighttime hours, as defined in this Bylaw. This includes any snow clearing device powered by an engine of any kind; a motorized snow or leaf blowing device, or any motorized garden tool that is of temporary or of intermittent nature and occurs between the Nighttime hours, as defined in this Bylaw.

#### **EMERGENCIES & EXEMPTIONS**

6. 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.
7. The provisions of this bylaw do not apply to:
  - (a) Emergency Vehicles
  - (b) 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)
  - (c) 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)
  - (d) Work conducted by the Town of Bow Island Public Works Department on Town infrastructure or a public utility by the respective operators and/or contractors.



- (e) Cultural or recreational activities sanctioned by the Town.
- (f) Private or entertainment events that have the required provincial or municipal permits in place.

#### **PENALTIES**

1. 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.
2. In the event a Municipal Violation Ticket remains unpaid after a period of seven (7) days a summons will be issued.
3. 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 than 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.

#### **8. REPEAL OF BYLAWS**

Bylaw Number #2015:01 is hereby repealed in its entirety.

READ a first time in open council this 18<sup>th</sup> day of March, 2024,

READ a second time in open council this 8<sup>th</sup> day of April, 2024,

READ a third and final time in open council this 22<sup>nd</sup> day of April, 2024.

**MAYOR**

**CHIEF ADMINISTRATIVE OFFICER**