

**Bylaw 657  
NOISE BYLAW  
OF THE VILLAGE OF BERWYN  
IN THE PROVINCE OF ALBERTA**

**A BYLAW OF THE VILLAGE OF BERWYN IN THE PROVINCE OF ALBERTA, TO CONTROL AND ABATE NOISE.**

**WHEREAS, Section 7 of the Municipal Government Act, (Chapter M-26.1, 2000 as amended) a Municipal Council may pass bylaws for purposes respecting the following matters: the safety, health and welfare of people and the protection of people and property; and nuisances; and**

**WHEREAS, the Council of the Village of Berwyn deems it expedient to adopt measures to control and abate activities which give arise to undue and unnecessary noise, and**

**WHEREAS, it is the intent of this bylaw is to control and abate noise that disturbs the comfort or repose of citizens;**

**NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF BERWYN, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS:**

**Title**

1. That this Bylaw shall be cited as the "Noise Bylaw".

**Definition**

2. In this Bylaw:

- a. "CAO" means the Chief Administrative Officer of the Village of Berwyn.
- b. "Council" means the Municipal Council of the Village of Berwyn.
- c. "Disturbance" means the interruption of the peace, quiet and good order of a neighbourhood or community, including but not limited to unnecessary and distracting noises;
- d. "Noise" means any sound which either annoys or disturbs Persons, or which injures endangers or detracts from the comfort, repose, health, peace or safety of Persons within the boundaries of Berwyn;
- e. "Peace Officer" means a member of the Royal Mounted Canadian Police or a Bylaw Enforcement Officer of the Village appointed pursuant to Section 555(1) of the Municipal Government Act.
- f. "Person" means an individual, partnership, corporation, trustee, executor, or administrator.
- g. "Quiet Hours" shall mean between 11:00 pm and 7:00 am on any day.
- h. "Special Event" is an event that does not normally occur within the Village and, as such, may require special permits and/or authorizations to lawfully take place pursuant to this Bylaw.
- i. "Village" means the Municipal Corporation of the Village of Berwyn, or the area contained within the Village, as the context requires.
- j. "Violation Ticket" means a ticket issued pursuant to Part II or Part III of the *Provincial Offences Procedures Act* (RSA 2000, as amended).

**General Prohibitions:**

- 3.1 No person shall permit any loud, unnecessary, or unusual noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons, nor allow property, real or personal which he owns, occupies or controls, to be used in any manner that produces noise.
- 3.2 In determining what constitutes noise likely to annoy or disturb other persons, consideration shall be given to, but is not restricted to:
- a) the time of day or night;
  - b) the proximity to sleeping facilities, residential or commercial,
  - c) the duration and volume of noise
  - d) is the noise recurrent, intermittent or constant
- 3.3 No person shall permit a vehicle located on a Premise to emit noise which emanates from that Premises and disturbs or annoys a Person, including noise from aggressive engine revving and stereo and amplification equipment in the vehicle.
- 3.4 Unless written permission from a Development Officer is first obtained, no person shall during "quiet hours" carry on the construction, repair, alteration, or demolition of any type of structure including but not limited to hammering, sawing, and the use of any power tools or construction equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on within the Village.
- 3.5 With the exception of Section 3.4, the provisions of this Bylaw do not apply:
- 3.5.1 to work carried out by Village staff, agents, contractors, servants, while engaged in activity authorized by the Village.
  - 3.5.2 to Persons using domestic equipment, including without restricting the generality of the foregoing, lawnmowers, snow blowers, garden tillers and build in vacuum cleaners that vent to the outside of a Structure; or if any Person owning or controlling Property upon which equipment is used, if:
    - 3.5.2.1 the noise is of temporary or intermittent nature;
    - 3.5.2.2 the equipment is properly maintained, unmodified and operated in a normal manner; and
    - 3.5.2.3 the noise occurs between the hours permitted pursuant to definitions 2(g) of this Bylaw
- 3.6 No person shall make any noise in any park or other public place between the hours of 11:00 pm and 7:00 am so as to unduly disturb residents of the Village.
- 3.6.1 Organizers of special events in parks or other public places shall submit an application to the Village requesting a temporary relaxation of the provisions of this Bylaw for the period of that event.

**Penalties:**

4. Any person who violates any provision of this Bylaw is guilty of an offence punishable on summary conviction and is to pay a penalty as set out on Schedule A.


**Severability:**

5. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the bylaw is deemed valid.

**Repeal:**


6. Bylaw No. 597 is hereby repealed.

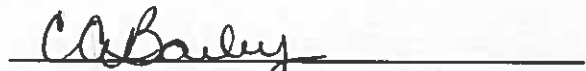
READ a first time this 25 day of April, 2019.

  
MAYOR

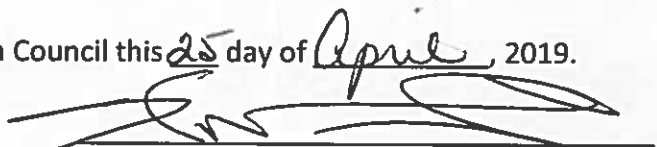
  
CHIEF ADMINISTRATIVE OFFICER

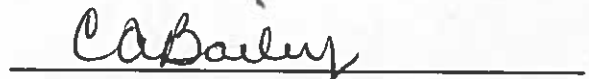
READ a second time this 25 day of April, 2019.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

READ a third time and finally passed in Council this 25 day of April, 2019.

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER

**SCHEDULE "A"**

<b><u>Offence</u></b>	<b><u>Section</u></b>	<b><u>Fine</u></b>
Noise (first offence)	3.1, 3.3, and 3.6	\$150.00
(2 <sup>nd</sup> offence within 1 year)	3.1, 3.3, and 3.6	\$250.00
(3 <sup>rd</sup> offence within 1 year)	3.1, 3.3, and 3.6	\$500.00