

TOWN OF SPIRIT RIVER BYLAW NO. 966

A Bylaw of the Town of Spirit River, to prohibit certain nuisances, disturbances and activities creating noise; and to abate the incidence of noise and to restrict when certain sounds may be made.

WHEREAS pursuant to the Municipal Government Act, RSA 2000, the Council of the Town of Spirit River may pass a bylaw respecting the safety, health and welfare of people and the protection of people and property and respecting the people, activities and things in, on or near a public place.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE TOWN OF SPIRIT RIVER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "Noise, Nuisance and Public Disturbance Bylaw".

DEFINITIONS

2. In this bylaw:

- (a) "Attractant" will include any substance which could be reasonably expected to attract a wild animal or animals or does attract a wild animal or animals, including but not limited to food products, pet food, feed, grain or salt.
- (b) "Bullying" means any objectionable or inappropriate comment, conduct or display by a person:
 - i) directed at an individual, not of the same household;
 - ii) which causes or is likely to cause physical or emotional distress
- (c) "Town" means the municipal corporation of the Town of Spirit River or where the context permits, means the area within the municipal limits of the Town of Spirit River.
- (d) "Town Manager" means the Chief Administrative Officer of the Town from time to time.
- (e) "Construction Equipment" includes, but is not limited to trenching machines, concrete mixers, backhoes and similar equipment.
- (f) "Device" means feeding stands, salts blocks, bird feeders less than (eight) 8 feet in height.
- (g) "Disturbance" means the interruption of the peace, quiet and good order of a neighborhood or community, including but not limited to unnecessary and distracting noises.
- (h) "Feed" or "Feeding" means the deliberate act of furnishing, or otherwise making available food or other substances which is likely to be consumed by wild animals.

- (i) "Firearm" means a barreled weapon from which any shot, bullet or other projectiles can be discharged and includes, without limitation, a rifle, shotgun, revolver, pistol and air gun.
- (j) "Hazing" means any intentional or reckless act meant to induce physical pain, humiliation or embarrassment that causes physical or mental discomfort and is directed against a minor for the purpose of being initiated, introduced into, affiliated with or maintaining membership in any club, school, athletic team or other similar group or organization in which minors participate.
- (k) "Loiter" means to stand by idly around or move slowly about or to linger or spend time idly.
- (l) "Minor" means an individual under 18 years of age.
- (m) "Molesting" means to interfere with, annoy or disturb maliciously.
- (n) "Natural" means food or other substances consumed by wildlife produced by, or existing in nature, not artificial.
- (o) "Peace Officer" means a member of the Royal Canadian Mounted Police, a Special Constable appointment pursuant to the provisions of the Police Act (Alberta), or a Bylaw Enforcement Officer of the Town of Spirit River.
- (p) "Person" means an individual or any business or other entity including a Firm, partnership, Association, Corporation, Company or Society, but does not include the Town.
- (q) "Power Tool" includes any tool powered by an engine, motor or compressed air.
- (r) "Public Place" means any place including privately and publicly owned or leased property, to which the public reasonably has or is permitted to have access, whether on payment or otherwise, within the municipal limits of the Town of Spirit River.
- (s) "Public Property" means any schoolyard, highway, parkland, public bridge, road lane, footway, alley or passage, whether a thoroughfare or not and includes any open space to which the public have or are permitted to have access.
- (t) "Quiet Hours" shall mean between the hours of 10:00pm and 7:00am on any day.
- (u) "Residential District" means any district designated for residential use in the Town's Land Use Bylaw as amended from time to time.
- (v) "Wild Animals" means all animals other than domestic animals (some examples include, but are not exclusive to deer, bears, fox, squirrels, groundhogs, etc.).

GENERAL PROHIBITION

3. Except to the extent permitted by this bylaw, no person shall make, continue, cause or allow to be made or continued any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety or any other person of ordinary sensitivity within the Town.
4. Except to the extent permitted by this bylaw, no person shall permit, suffer or allow property, real or personal which he owns, occupies or controls, to be used in a manner such that there emanates there from any unreasonably loud, raucous or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other person of ordinary sensitivity within the Town.
5. Factors for determining whether a sound is unreasonably loud, raucous or unusual include, but are not limited to the following:
 - (a) proximity of the sound to sleeping facilities, whether residential or commercial;
 - (b) the time of day or night the sound occurs;
 - (c) the duration and volume of the sound; and
 - (d) whether the sound is recurrent, intermittent or constant.
6. No person shall cause a disturbance in or near public property:
 - (a) by fighting, screaming, shouting, swearing or using insulting language; or
 - (b) by molesting any other person
7. No person unless lawfully authorized shall discharge any firearm within the Town.
8. No person shall cast, project or throw any stones, balls of snow or ice or use any projectile in any manner, which is dangerous to the public.
9. No person shall urinate or defecate on public property.
10. No person Shall:
 - (a) Commit the act of bullying against another person in any public place, on public property or in any other place.
 - (b) Commit the act of bullying against another person through written or electronic communication.
 - (c) Commit the act of hazing against a minor in any public place, on public property or in any other place.

11. No person shall by himself or with another person loiter in a public place in such a manner as to obstruct, hinder or impede:
 - (a) the free and uninterrupted passage of vehicles, traffic or pedestrians through, from or to such public places;
 - (b) access to the entryway of any premises normally used by the public for gaining entrance to the premises, unless permission is granted by the person in authority of the property.
12. No person shall loiter on any property where the person in authority of the property prohibits loitering on the property.
13. Any person shall be deemed to be loitering within the meaning of this bylaw when he is standing or sitting on any highway, including, without limiting the generality of the foregoing any sidewalk located thereon or within three feet thereof and fails to vacate the area when requested to do so by a peace officer.
14. Any person shall be deemed to be loitering within the meaning of this bylaw when he is standing or putting his feet on the top surface of any table, bench, planter or sculpture placed in any public place.
15. When a peace officer finds any person loitering, he may direct such person to cease such loitering and vacate the area and any person so directed shall forthwith cease such loitering and vacate.
16. No prosecution shall be commenced for contravention of the loitering provisions of this bylaw unless a warning to cease loitering and vacate the area has first been given by a peace officer or any person in authority of the property.
17.
 - (a) No owner or occupier of land within the Town shall intentionally feed, cause to be fed or provide or make available food attractants (any fruit, grain, mineral, plant, salt, vegetable, pellets) or other substances for the consumption by wild animals within the boundaries of the Town, either on private or on public property.
 - (b) No owner or occupier of land may place or allow any device or other material to be placed outdoors or on any public or private property for the purpose of attracting or feeding wild animals.
 - (c) Each property owner or occupier shall have the duty to remove any device placed on the owner's or occupier's property in violation of this bylaw.
 - (d) Each property owner or occupier shall have the duty to remove any device placed on the owner's or occupier's property to which wild animals or from which wild animals actually feed. Alternatively, a property owner or occupier may modify such device or make other changes to the property that prevents wild animals from having access to feeding from the device. Failure to remove such a device or to make such modifications within twenty-four (24) hours after notice is given by the Town shall constitute a separate violation.

- (e) This section shall not apply to any natural product that is growing on a particular land owned or occupied where feeding or wildlife is occurring.
- (f) Bird feeders, using bird feed only, are allowed but must be inaccessible to wild animals.

MOTOR VEHICLES

- 17. No person shall use or engage in the use of engine retarder brakes within the Town.
- 18. The failure of a person to comply with the provisions of the Traffic Safety Act or any regulations thereunder regarding:
 - (a) the prohibition against the use of signalling devices on motor vehicles so as to make more noise than is reasonably necessary;
 - (b) the restrictions in the type or use of mufflers and similar equipment;
 - (c) the prohibition against creating or causing the emission of any loud and unnecessary noise from a motor vehicle; or
 - (d) the operation of a vehicle on a highway in a residential district between the hours of 10:00pm and 7:00am in a manner that unduly disturbs the residents of that area;

is an offence under this Bylaw in addition to and not in substitution for any offence of which a person may be guilty under the provisions of such Act or the regulations thereunder.

CONSTRUCTION

- 20. Unless written permission from the Town of Spirit River 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 Town.

DOMESTIC

- 21. No person shall operate construction equipment, power tools, a power lawn mower or any snow-clearing device in any residential district during quiet hours.

INDUSTRIAL

- 22. (a) Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
 - (i) is a permitted use; or

(ii) is an approved discretionary use;

- (b) In the operation or carrying on of an industrial activity, 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.

SNOW REMOVAL

23. No person shall remove snow from commercial or private property in or adjacent to a residential district between the hours of 12:00am and 6:00am on any day, without a permit granted by the Town of Spirit River.

EXCEPTIONS

24. This Bylaw shall not apply to:
- (a) Any person performing work of an emergency nature for the preservation or protection of life, health, or property, but the onus shall be on the person performing the work to show that the work was of an emergency nature;
 - (b) Any act of maintenance or repair being carried out by employees or contractors of the Town;
 - (c) Any act of emergency maintenance or repair being carried out by employees or contractors of any private utility;
 - (d) The operation of emergency equipment or any emergency vehicle;
 - (e) A Peace Officer engaged in performing his duty; or
 - (f) Any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.
 - (g) A special event where a License has been issued under Bylaw [insert bylaw #], the Special Events Bylaw.

PERMITS

25. The Town of Spirit River may issue a permit to a person for the purpose of allowing noise within a designated area and between designated times. Such permit may be revoked at any time by the Town Manager.

SEVERANCE

26. If any section of this Bylaw is found to be illegal or beyond the power of the Town's Council to enact, such section shall be deemed to be severable from all other sections of this Bylaw.

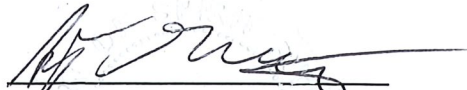
PENALTIES


27. Any person who contravenes any provision of this Bylaw is guilty of an offence punishable on the summary conviction and is liable:
- (a) for a first offence to a fine of \$250.00; or
 - (b) for a second or subsequent offence, to a fine of not less than \$500.00 and not more than \$2,500.00.
28. Where an officer believes that a person has contravened any provision of this bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, provided however that, this section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant or from laying an information instead of issuing a violation ticket.
29. Each occurrence of a contravention of this Bylaw, or in the case of continuous contraventions, each day a contravention occurs or continues, constitutes a separate offence and may be punished separately.
30. Any person who receives a fine for contravention of Section 10 under this Bylaw may be given the following choices:
- (a) Paying the specified penalty pursuant to Paragraph 27; or
 - (b) At the discretion of the issuing Peace Officer and/or Prosecutor, attending an educational anti-bullying session and having the charge withdrawn.
31. If any section of this bylaw is in conflict with another bylaw in regards to noise, nuisance or public disturbance, this bylaw will take precedence.
32. This bylaw shall take effect on the date it is passed.

READ a first time this 16th day of September, 2019.

READ a second time this 2nd day of March, 2020.

READ a third time and finally passed this 2nd day of March, 2020.


MAYOR ALLAN GEORGET


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