



BYLAW # 482 NOISE BYLAW

BEING A BYLAW OF THE VILLAGE OF NAMPA IN THE PROVINCE OF ALBERTA TO REGULATE AND ALLOW FOR THE CONTROL AND ABATEMENT OF NOISE WITHIN THE VILLAGE OF NAMPA

WHEREAS Section 7 (a) of the *Municipal Government Act* RSA 200 c M-26 states that a council may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS Section 7(i) of the *Municipal Government Act* RSA 2000 c M-25 states that a council may pass bylaws for municipal purposes respecting the enforcement of bylaws made under the *Municipal Government Act* or any other enactment;

WHEREAS the Council of the Village of Nampa deems it appropriate to adopt measures to control and abate activities which give rise to undue and unnecessary noise;

AND WHEREAS it is the intent of this bylaw to control and abate noise that disturbs the comfort or peacefulness of citizens;

NOW THEREFORE, the Council of the Village of Nampa, in the Province of Alberta duly assembled, enact as follows:

SECTION 1 - PURPOSE AND CITATION

- 1.1 The purpose of this bylaw is to regulate and allow for the control and abatement of noise within the Village of Nampa.
- 1.2 This Bylaw may be cited as the "Noise Bylaw"
- 1.3 Words importing the masculine gender only include the feminine gender whenever the context so requires.

SECTION 2 - DEFINITIONS

In this bylaw, unless the context otherwise requires:

- 2.1 "Chief Administrative Officer" (CAO) means the Chief Administrative Officer for the Village of Nampa.
- 2.2 "Council" means the Council of the Village of Nampa in the Province of Alberta.

- 2.3 "Village" means the Village of Nampa.
- 2.4 "Construction Noise" means any noise created by the process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process.
- 2.5 "Holiday" means any day designated as a statutory holiday under the *Interpretation Act* (RSA 2000, as amended).
- 2.6 "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 the Village of Nampa.
- 2.7 "Peace Officer" means a member of the Royal Canadian Mounted Police.
- 2.8 "Person" means an individual, partnership, corporation, trustee, executor or administrator.
- 2.9 "Quiet Hours" means the period beginning at 11:00 p.m. and ending the following day at:
a) 7:00 a.m. Monday to Friday
b) 9:00 a.m. Saturday, Sunday or a holiday, unless otherwise specified. Time is Mountain Standard or Daylight Savings Time, whichever is in effect.
- 2.10 "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.

SECTION 3- REGULATIONS

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 such 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 the noise
 - d) is the noise recurrent, intermittent or constant.
- 3.3 A person may apply to the CAO for a temporary exemption where circumstances make it practical to fully meet the intent of this Bylaw.

Domestic Noise

3.4 No person shall during quiet hours in a residential zone, make, cause to be made or permit any noise from, but not restricted to:

- Shouting or fighting
- Electronic or acoustical devices
- Lawnmowers
- Snow blowers
- Garden tillers
- Mechanical tools and equipment

3.5 In addition to, but not in substitution of, any penalty a person may incur by a contravention of the Dog Control Bylaw, a person who keeps on his property any dog which creates a disturbance by barking, howling or other noise is guilty of an offence under this bylaw.

Motor Vehicle Noise

3.6 No person shall operate any motor vehicle on any residential street in such a way as to unduly disturb any resident. This offence under the bylaw shall be in addition to, but not in substitution of an offence under Section 82 of the *Use of the Highway and Rules of the Road Regulation*, under the Traffic Safety Act.

3.7 No person shall permit any motorized vehicle to remain running while the vehicle is not in motion for more than fifteen (15) minutes in any residential district, or within fifty (50) meters of commercial sleeping facilities.

3.8 The provisions of Section 3.6 - 3.10 do not apply to vehicles engaged in work by the following:

- a) Village of Nampa Public Works Department
- b) Alberta Health Services
- c) RCMP
- d) Electric, gas and telephone utilities
- e) Protective Services Departments

3.9 The provisions of Section 3.6 - 3.8 shall not apply when the temperature is -25 Celsius or colder.

3.10 No person shall activate or apply engine retarder brakes within the Village of Nampa boundaries.

Construction Noise

3.11 No person shall carry on construction activities in any residential zone during quiet hours which involves hammering, sawing, or the use of any mechanical tools or equipment

capable of producing a loud noise which can be heard beyond the boundaries of the site on which the activity occurs. Work of an emergency nature being performed by Village of Nampa electrical and gas utilities are exempt from this regulation.

Commercial & Industrial Noise:

- 3.12 Notwithstanding Section 2.10 of this Bylaw, no person shall create any noise that may be audible outside commercial premises during quiet hours.
- 3.13 Notwithstanding anything elsewhere contained in this bylaw, nothing in the bylaw shall prevent operation or carrying on of an industrial activity on an area that is classed as an Industrial district in the Land Use Bylaw. The person operating or carrying on the activity shall not make more noise than is necessary in the normal method of performing or carrying on the activity.

Special Events:

- 3.14 Organizers of special events occurring within the boundaries of the Village of Nampa shall submit an application for a Noise Bylaw Exemption Request, which may allow noise otherwise not permitted by the provisions of this Bylaw.
- 3.15 All applications for a Noise Bylaw Exemption Request must be submitted in writing, a minimum of thirty (30) days prior to the event.
- 3.16 Applications will be received by the Chief Administrative Officer or his/her designate and conditions may attach to any permit granted.

SECTION 4 - ENFORCEMENT

- 4.1 Any person who violates any provision of the Bylaw is guilty of an offense and is liable to a fine of not more than two thousand five hundred dollars (\$2,500). In default of payment of the fine, the person is liable to imprisonment for a term not exceeding six months.
- 4.2 A Peace Officer may, at his discretion, issue a violation Ticket pursuant to Part II or III of the *Provincial Offense Procedures Act* in relation to offences under this Bylaw.
- 4.3 A person may avoid prosecution for an offense pursuant to the Bylaw by payment of the voluntary payment established in Schedule "A".

SECTION 5- SEVERABILITY PROVISION

- 5.1 Should any provision of this Bylaw be invalid then such invalid provision shall be served and the remaining Bylaw shall be maintained.

SECTION 6 - EFFECTIVE DATE

6.1 This Bylaw shall come into force and effect when it receives third reading and is duly signed. This bylaw shall repeal Bylaw 258 & 259 (amended).

Read a first time this 19 day of November, 2024.


Read a second time this 19 day of November, 2024.

Read a third time this 19 day of November, 2024.

Signed and made effective this 19 day of November, 2024.



Deputy Mayor



Chief Administrative Officer

Bylaw # 482
"Schedule A"
Voluntary Payment Penalties

Section	Offence	First Offence	Second Offence	Third Offence
3.1	Individual person creating noise or person in charge of property permitting continuance of noise	\$250	\$500	\$1000
3.4	Create noise in residential area	\$250	\$500	\$1000
3.5	Allow animal to create noise	\$250	\$500	\$1000
3.6	Excessive noise from motor vehicles in residential zone	\$250	\$500	\$1000
3.10	Operate engine retarder brakes within Village boundaries	\$250	\$500	\$1000
3.11	Construction noise audible off site	\$250	\$500	\$1000
3.12	Noise from commercial premises during quiet hours	\$250	\$500	\$1000