

CITY OF COLD LAKE
BYLAW #534-PL-14- Unofficial Consolidation
Please note: in a bylaw that is “Unofficially Consolidated”, the original approved bylaw is updated to include all of the approved amendments to that bylaw.
Consolidated as of September 18, 2018

A BYLAW OF THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING NOISE AND PUBLIC NUISANCE WITHIN THE CITY

WHEREAS, Council deems it necessary and in the public interest to regulate noise and nuisances within the City of Cold Lake; and

WHEREAS, pursuant to Sections 7 (a), 7 (c) and 7 (i) of the Municipal Government Act Revised Statutes of Alberta R.S.A. 2000 Chapter M-26, a Council may pass bylaws for municipal purposes respecting the following matters:

- (a) the safety, health and welfare of people and the protection of people and property;
- (b) nuisances;
- (c) the enforcement of bylaws made under the Municipal Government Act or any other enactment including any or all of the following:
 - (i) the creation of offences;
 - (ii) for each offence, imposing a fine not exceeding \$10,000 or imprisonment for not more than one year, or both;
 - (iii) providing for imprisonment for not more than one year for non-payment of a fine or penalty;
 - (iv) providing that a person who contravenes a bylaw may pay an amount established by bylaw and if the amount is paid, the person will not be prosecuted for the contravention;
 - (v) providing for inspections to determine if bylaws are being complied with; and
 - (vi) remedying contraventions of bylaws;

NOW THEREFORE, by the authority of the Council of the City of Cold Lake, in the Province of Alberta, Council enacts the bylaw as follows:

SECTION 1 - TITLE

1. This Bylaw shall be cited as the “Noise and Public Nuisance Bylaw”.

SECTION 2 - DEFINITIONS

2. In this bylaw:

- 2.1. “City” means the municipal corporation of the City of Cold Lake, or the geographical area falling within the municipal boundaries of the City of Cold Lake, as the context requires.
- 2.2. “Commercial Area” means any Commercial Land Use District defined as such under the City’s Land Use Bylaw 382-LU-10 as amended from time to time.
- 2.3. “Commercial Vehicle” means any vehicle used in the operation of a business or commercial activity and includes but is not limited to: a delivery vehicle, a mobile workshop, and a tractor-trailer truck which can include the trailer portion of the truck.
- 2.4. “Construction Equipment” means any equipment or device designed to be used in construction including, but not limited to: hand tools, power tools, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators,

trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off highway haulers or trucks, ditchers, compactors, rollers, pumps, concrete mixers, graders, or other material handling equipment and vehicles.

- 2.5. “Construction” includes but is not limited to: erection, alteration, repair, dismantling, demolition, and maintenance, of any structure, and also includes earth clearing and moving, grading, excavating, and any other work normally connected with construction work.
- 2.6. “Emergency Vehicle” means any vehicle equipped with flashing lights and sirens used for emergency response, which includes an ambulance, police vehicle, peace officer vehicle, fire services vehicle, and a military police vehicle.
- 2.7. “Firearm” means a firearm as defined in the *Criminal Code of Canada*, R.S.C. 1985, c C-46, as amended or repealed and replaced from time to time,
- 2.8. “Harass” without limiting the generality of the term, means to torment, trouble, worry, or badger another person.
- 2.9. “Highway” means the same as defined in the *Traffic Safety Act Revised Statutes of Alberta 2000 Chapter T-6* and its amendments and regulations, and includes a parking lot to which the public normally is permitted access.
- 2.10. “Holiday” means any statutory holiday as defined in the *Interpretation Act Revised Statutes of Alberta 2000 Chapter I-8* and its amendments and regulations.
- 2.11. “Hospital Zone” means an area which:
 - 2.10.1. is designated as such by signs or other devices; and/or
 - 2.10.2. any portion of the Municipality within one hundred fifty meters in any direction from the boundaries of a site on which a hospital is situated.
- 2.12. “Industrial Area” means any Industrial Land Use District defined as such under the City’s Land Use Bylaw as amended from time to time.
- 2.13. “Motor Vehicle” means the same as defined in the *Traffic Safety Act Revised Statutes of Alberta 2000 Chapter T-6* and its amendments and regulations.
- 2.14. “Noise Permit” means a permit issued by the City under this Bylaw to provide a temporary exemption from the Bylaw for the purposes of:
 - 2.13.1. A special event, including but not limited to: a demonstration, parade, sporting event, festival, carnival, street dance, residential block party, concert, fireworks display, and any other similar special event; or
 - 2.13.2. Construction work when it will be necessary to continue the work during the Quiet Hours.
- 2.15. “Officer” means a Peace Officer, a Bylaw Officer, a member of the RCMP, or any person appointed by the CAO to enforce this Bylaw.
- 2.16. “Public Place” means any place within the City to which the public may have either expressed or implied access.
- 2.17. “Quiet Hours” means the period commencing at 2200 hrs and ending at 0700 hrs the following day during the Weekdays, and the period commencing at 2200 hrs and ending at 0900 hrs the following day during Weekends and Holidays.
- 2.18. “Residential Area” means any Residential Land Use District defined as such under the City’s Land Use Bylaw as amended from time to time.
- 2.19. “Building” means a building which is constructed as a dwelling unit as defined under the City’s Land Use Bylaw as amended from time to time and for the purposes of this Bylaw includes a hotel, motel, or similar facility.

- 2.20. "Signaling Device" means any noise producing device that is meant to signal or draw a person's attention, including but not limited to: a horn, bell, alarm, siren, sound amplifying device, sound reproductions device, loudspeaker, or any other similar device.
- 2.21. "Violation Tag, Municipal" means a tag or similar document issued by the City pursuant to the *Municipal Government Act* R.S.A. 2000 as amended;
- 2.22. "Violation Ticket, Provincial" has the same meaning as in the *Provincial Offences Act* R.S.A. 2000 as amended;
- 2.23. "Weekday" means Monday through Friday, but excludes statutory holidays.
- 2.24. "Weekend" means Saturday and Sunday, and can include statutory holidays.

SECTION 3 - INTERPRETATION

- 3.1. Each provision of this bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a Court of competent jurisdiction all other provisions of this bylaw remain valid and enforceable.
- 3.2. Nothing in this bylaw relieves a person from complying with the provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- 3.3. Any heading, subheading or tables of content in this bylaw are included only for convenience, and shall not form part of this bylaw.
- 3.4. Where this bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act bylaw, regulation or agency that may be substituted therefore.

SECTION 4 -GENERAL AUTHORITY

- 4. The Chief Administrative Officer is hereby delegated the authority to:
 - 4.1. carry out any inspections to determine compliance with this bylaw;
 - 4.2. take any steps or carry out any actions required to enforce this bylaw;
 - 4.3. take any steps or carry out any actions required to remedy any contravention of this bylaw;
 - 4.4. establish investigation and enforcement procedures with respect to any contravention of this bylaw;
 - 4.5. establish forms for the purposes of this bylaw;
 - 4.6. issue permits with such terms and conditions as are deemed appropriate; or
 - 4.7. delegate any powers, duties or functions under this bylaw.

SECTION 5 - GENERAL PROHIBITIONS

- 5.1. No person shall:
 - 5.1.1. cause or permit any loud, unnecessary, or unusual noise that is likely to disturb the peace or safety of the inhabitants of the City;
 - 5.1.2. cause or permit any loud, unnecessary, or unusual noise in a Hospital Zone;
 - 5.1.3. cause or permit any loud, unnecessary, or unusual noise during the Quiet Hours;

- 5.1.4. shout, yell, or scream in a manner that is likely to disturb the peace or safety of the inhabitants of the City;
- 5.1.5. play music, or a musical instrument, in a loud, unnecessary, or unusual manner likely to disturb the peace or safety of the inhabitants of the City;
- 5.1.6. cause or permit the operation of a noise amplification or noise reproduction device in a manner that is likely to disturb the peace or safety of the inhabitants of the City;
- 5.1.7. cause or permit a signaling device to be used in a manner that is likely to disturb the peace or safety of the inhabitants of the City; or
- 5.1.8. cause or permit property under their ownership or control to be used for the making of noise that is contrary to this Bylaw.
- 5.2. Outside of Quiet Hours, a person may make a reasonable amount of noise. The reasonableness of the noise is at the discretion an Officer.
- 5.3. The provisions of Section 5 shall not be construed as to prevent:
 - 5.3.1. The ringing of bells in churches, religious establishments, and schools;
 - 5.3.2. The moderate use of musical instruments to call attention to an opportunity to contribute to a charitable collection made during the Christmas season, or another time, as approved by the CAO or their designate;
 - 5.3.3. The playing of a musical instrument or band in conjunction with a parade or special event provided it is done in a reasonable manner;
 - 5.3.4. Noise related to a special event or construction work where a Noise Permit has been obtained; or
 - 5.3.5. The ringing of an alarm or siren to draw attention to a potential emergency.

SECTION 6 - MOTOR VEHICLE NOISE

- 6.1. No person shall use a signaling device on a motor vehicle other than when reasonably necessary for the purpose of giving notice or warning to other persons on a highway.
- 6.2. Notwithstanding subsection (1), an ice cream truck may use a chime, bell, or melody to draw attention to services being offered, provided that it is done at a reasonable volume and is outside of the Quiet Hours.
- 6.3. No person shall cause or permit a motor vehicle to be used in a manner that causes the engine to rev unnecessarily, creating loud noise from the engine or exhaust system which is likely to disturb the peace or safety of the inhabitants of the City.
- 6.4. No person shall cause or permit a motor vehicle to be used in a manner that causes the tires of the vehicle to squeal unnecessarily, which is likely to disturb the peace or safety of the inhabitants of the City.
- 6.5. No person shall utilize an exhaust system, or any other aftermarket vehicle accessory, that is designed to create a loud vehicle exhaust sound on a motor vehicle within the City.
- 6.6. No person shall cause or permit any music to be played from a motor vehicle in a manner that is likely to disturb the peace or safety of the inhabitants of the City.

SECTION 7 - VEHICLE IDLE

- 7.1. No person shall idle, or allow to be idled, a commercial vehicle in a residential area for period longer than 20 minutes.

- 7.2. Notwithstanding Section 7.1, a commercial vehicle may idle in a residential area if:
- 7.2.1. The vehicle belongs to the City of Cold Lake, or its contractors, and is engaging in work on behalf of the City;
 - 7.2.2. The vehicle is a mobile workshop and must be idled in order to complete the work being undertaken at the time;
 - 7.2.3. The vehicle contains fresh foodstuffs, or other perishable materials, and it is necessary to idle the vehicle to prevent the loss of goods; or
 - 7.2.4. The vehicle belongs to a utility company or their contractors and must be idled in order to complete the work being undertaken at the time.
- 7.3. If a motor vehicle is the cause of any sound that contravenes a provision of this bylaw, the owner of the vehicle may be liable for the contravention.
- 7.4. Subsection (19) does not apply if the owner, on a balance of probabilities, satisfies the court that, at the time the motor vehicle was involved in the contravention, the owner was not present in the motor vehicle and no other person was operating the motor vehicle with the owner's expressed or implied consent.

SECTION 8 - RESIDENTIAL NOISE

- 8.1. No person shall cause or permit any loud, unnecessary, or unusual noise within a residential area during Quiet Hours.
- 8.2. No property owner shall allow their property to be used for making loud, unnecessary, or unusual noise within a residential area during Quiet Hours.
- 8.3. No person shall cause or permit any music, musical instrument, television, or sound amplification device to be played in a loud, unnecessary, or unusual manner within a residential area, or from a residential building, during Quiet Hours.
- 8.4. No person shall use any power tool or equipment, including but not limited to a lawn mower, air compressor, power washer, snow blower, model aircraft, leaf blower, chain saw, or any other similar device within a residential area during Quiet Hours.

SECTION 9 - COMMERCIAL AND INDUSTRIAL NOISE

- 9.1. No person or business shall load or unload a commercial vehicle within a residential area, or within two blocks of a residential area, during Quiet Hours.
- 9.2. Notwithstanding Section 9.1, a commercial vehicle may be unloaded if such vehicle contains:
 - 9.2.1. Fresh foodstuffs, or other perishable materials;
 - 9.2.2. Daily or weekly newspapers being delivered to vendors of the same;
 - 9.2.3. It is not practical to unload a commercial vehicle at any other time but during Quiet Hours, subject to the prior written approval of the CAO or their designate.
- 9.3. No person or business shall cause or permit any bell, chime, signal, music, or similar device meant to advertise or draw attention to the business to be used in a loud, unnecessary, or unusual manner which is likely to disturb the peace or safety of the inhabitants or of other businesses located within the City.
- 9.4. No person or business shall cause or permit any loud, unnecessary, or unusual music to be played from within the business during the Quiet Hours, which is likely to disturb the peace or safety of the inhabitants of the City.

- 9.5. Nothing in this bylaw shall prevent loud noises associated with the normal and continual operation of a business or activity within an industrial area, regardless of whether the noise generated occurs during the Quiet Hours.

SECTION 10 - CONSTRUCTION NOISE

- 10.1. No person or business shall cause or permit any construction to take place during the Quiet Hours.
- 10.2. No person or business shall cause or permit any construction equipment to be operated during the Quiet Hours.
- 10.3. Sections 10.1 and 10.2 shall not apply:
- 10.3.1. To work being done during an emergency situation where it is not feasible to conduct the work at any other time; or
- 10.3.2. When a Noise Permit has been issued by the City to conduct work during the Quiet Hours.

SECTION 11 - NOISE PERMITS

- 11.1. The CAO or their designate, may issue a permit that temporarily exempts a person, business, or organization from the provisions of this Bylaw in the case of:
- 11.1.1. A Special Event; or
- 11.1.2. Construction work where it is necessary to continue the work during the Quiet Hours.
- 11.2. An application for a Noise Permit must be made in writing and be received by the City at least twenty (20) days prior to the start of the special event or construction. This application must include the following:
- 11.2.1. The name, address, and telephone number of the person making the application;
- 11.2.2. The name, address, and telephone number of the business or organization making the application, if applicable;
- 11.2.3. The name and type of special event or construction taking place;
- 11.2.4. The date(s), start time(s), and end time(s) of the special event or construction for which the exemption is sought;
- 11.2.5. The location(s) of the special event or construction;
- 11.2.6. The source(s) of the sound for which the exemption is sought;
- 11.2.7. The name and phone number of a contact person who will be supervising the special event or construction on the day(s) the exemption is sought;
- 11.2.8. The reason or rationale why an exemption from this Bylaw is required;
- 11.2.9. A diagram or map of the location(s) and surrounding areas where the special event or construction is to take place; and
- 11.2.10. Payment of a \$25 application processing fee.
- 11.3. When processing an application the CAO or their designate may:

- 11.3.1. Take into consideration the location, surrounding areas, type of noise, type of special event or construction, duration, and possible persons affected when deciding whether to issue a Noise Permit;
- 11.3.2. Require the applicant to provide documentation that residents and businesses surrounding the location have been made aware of the special event or construction work;
- 11.3.3. Attach any conditions to the issuance of a Noise Permit; or
- 11.3.4. List reasons why an application was denied.
- 11.4. The applicant may appeal the conditions of a Noise Permit, or the denial of an application, by submitting a written letter to the CAO within five (5) days of the issuance or denial of a Noise Permit.
- 11.5. The CAO, when hearing an appeal may:
 - 11.5.1. Reissue the Noise Permit with new or no conditions;
 - 11.5.2. Deny the original Noise Permit;
 - 11.5.3. Issue a Noise Permit where one was denied; or
 - 11.5.4. Uphold the original decision to deny the application.
- 11.6. The decision of the CAO is final.
- 11.7. During the special event or construction, the contact person must ensure that a copy of the Noise Permit is kept at the location and is available to be produced at the request of an Officer.
- 11.8. An Officer may, at any time prior to or during a special event or construction, revoke the Noise Permit if:
 - 11.8.1. The noise being created is not permitted or exempted by the Noise Permit;
 - 11.8.2. The noise being created is adversely affecting the peace and safety of residents surrounding the location;
 - 11.8.3. The applicant is not abiding by the conditions of the Noise Permit;
 - 11.8.4. The applicant misrepresented information on the application;
 - 11.8.5. The special event or construction is not in keeping with the original intent for which the Noise Permit was issued; or
 - 11.8.6. At the request of the CAO.

SECTION 12 - PUBLIC NUISANCES

- 12.1. No person shall cause a disturbance in a public place by:
 - 12.1.1. Fighting;
 - 12.1.2. Screaming or shouting;
 - 12.1.3. Swearing or using abusive, insulting, or derogatory language;
 - 12.1.4. Molesting, harassing, or interfering with a person in a way that detracts from their peace or safety;
 - 12.1.5. Being in under the influence of, or intoxicated by, alcohol, cannabis or drugs;

- 12.1.6. Loitering in a way that obstructs the use of a public place by any person;
- 12.1.7. Sleeping in an area where such activity would not normally take place; or
- 12.1.8. Urinating or defecating in an area where such activity would not normally take place.
- 12.2. No person shall behave in a manner that disturbs or is likely to disturb the peace or safety of a person in a public place.
- 12.3. No person shall use any object in a manner that disturbs or is likely to disturb the peace or safety of a person in a public place.
- 12.4. No person shall intentionally damage or vandalize public or private property.
- 12.5. No person shall discharge any firearm within the City of Cold Lake.

SECTION 13 - EXEMPTIONS

- 13.1. The provisions of this bylaw shall not apply to the following agencies and groups when carrying out their regular duties, or responding to emergencies:
 - 13.1.1. The RCMP
 - 13.1.2. The City's Community Peace Officers and Bylaw Officers;
 - 13.1.3. Cold Lake Fire Rescue, or any other fire vehicle;
 - 13.1.4. Cold Lake Ambulance Society, or any other ambulance vehicle;
 - 13.1.5. 4 Wing Military Police, and any activities associated with normal military operations at 4 Wing;
 - 13.1.6. Any other bona fide emergency vehicle;
 - 13.1.7. The City of Cold Lake or its contractors, the Government of Alberta, or the Government of Canada;
 - 13.1.8. Any public utility, or its contractors, when the noise created is in connection with work undertaken for the immediate health, safety, or welfare of the inhabitants of the City; and
 - 13.1.9. Street cleaning or snow clearing equipment when used on City streets or public parking lots, even if the activity takes place during Quiet Hours because it is not feasible to conduct the work at any other time.

SECTION 14 - OFFENCES AND PENALTIES

- 14.1. Any person or corporation that contravenes this Bylaw is guilty of an offence.
- 14.2. Any person who willfully obstructs an Officer or assault an Officer with the intent to resist or prevent the lawful arrest or detainment of themselves or another person in the exercise or performance of their duties related to this Bylaw is guilty of an offence.
- 14.3. A person who is guilty of an offence is liable, upon summary conviction, to a fine in an amount not less than that established in Schedule "A" of this Bylaw, and not exceeding Ten Thousand (\$10,000.00), and to imprisonment for not more than one-year for non-payment of a fine or penalty.

- 14.4. The penalty for a second offence under the same section of this bylaw, within a calendar year, shall be double the fine amount as indicated in Schedule “A” of this Bylaw.
- 14.5. The penalty for a third and subsequent offences under the same section of this bylaw, within a calendar year, shall be triple the fine amount as indicated in Schedule “A” of this Bylaw.

SECTION 15 - MUNICIPAL VIOLATION TAGS AND PROVINCIAL VIOLATION TICKETS

- 15.1. A municipal violation tag or provincial ticket may be issued in respect to an offence, and the violation tag or ticket must specify the fine amount established by this Bylaw for the offence;
- 15.2. The person receiving the municipal violation tag or provincial violation ticket may pay the fine amount on or before the required date, and this person shall not be prosecuted for the offence;
- 15.3. A provincial violation ticket must be paid before the date specified by the ticket;
- 15.4. A municipal violation tag must be paid within thirty (30) days of the date it was issued; and
- 15.5. If a municipal violation tag has been issued, a person may, prior to the required date, request that a provincial violation ticket be issued in place of a municipal violation tag to allow that person to attend court with respect to the offence.
- 15.6. If a provincial violation ticket is issued in respect to an offence:
 - 15.6.1. The provincial violation ticket may specify the fine amount established by this bylaw for the offence;
 - 15.6.2. The provincial violation ticket may require a person to appear in court without the alternative of making a voluntary payment;
- 15.7. If a provincial violation ticket specifies a fine amount, a person may make a voluntary payment equal to the fine amount specified on or before the required date, and this person shall not be prosecuted for the offence; or
- 15.8. If a provincial violation ticket specifies a fine amount, a person or their agent may appear in court on the required date and elect to enter a plea with respect to the offence.

SECTION 16 - ENFORCEMENT

16. In accordance with conditions contained in the Municipal Government Act Revised Statutes of Alberta R.S.A. 2000 Chapter M-26, an Officer may enter onto or into any property within the City for the purposes of enforcing this Bylaw.

SECTION 17 - EFFECT

17. This bylaw shall come into full force and effect immediately upon the date of its final passing.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 26th day of August, A.D. 2014, on motion by Councillor MacDonald.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of November, A.D. 2014, on motion by Councillor Buckle, as amended.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta this 25th day of November, A.D. 2014, on motion by Councillor Plain.

**CARRIED
UNANIMOUSLY**

Executed this____ day of _____, 2014

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Unofficial Consolidation

**CITY OF COLD LAKE
BYLAW #534-PL-14
A BYLAW REGULATING**

NOISE AND PUBLIC NUISANCE

Schedule “A” – Fines*

Section No.	Description	Fine Amount
5.1.1	Disturbing noise level-City General	\$200
5.1.2	Hospital Zone Noise	\$200
5.1.3	Quiet Hours Noise-General	\$200
5.1.4	Disturbing screaming/yelling	\$200
5.1.5	Disturbing music volume level	\$200
5.1.6	Disturbing use of amplification equipment	\$200
5.1.7	Disturbing use of signaling devices	\$200
5.1.8	Non-control of disturbing noise level from property	\$200
6.1	Unnecessary use of signal devices	\$200
6.3	Unnecessary vehicle noise level	\$200
6.4	Vehicle tire squealing	\$200
6.5	Disturbing vehicle exhaust noise level	\$200
6.6	Disturbing music noise level from a vehicle	\$200
6.7	Use of engine retarder brakes	\$200
7.1	Vehicle idling exceeding 20 minutes	\$200
8	Disturbing noise in residential areas – Quiet Hours	\$200
9.1	Loading/unloading commercial vehicles – residential areas	\$200
9.3	Disturbing use of advertising bells/chimes/music	\$300
9.4	Disturbing business noise levels – Quiet Hours	\$300
10	Construction noise – Quiet Hours	\$500
12.1/12.2/12.3	Behavior disturbing peace and safety in public place	\$250
12.4	Damaging/vandalizing public property	\$300
12.5	Discharge firearm	\$500
14.2	Obstruct an Officer	\$500

Second Offence under the same section within a calendar year: Double Fine Amount

Third and subsequent offences under the same section within a calendar year: Triple Fine Amount

*Where the listed fines conflict with those set out in any applicable Provincial Act or Regulation, the fines set out in the Act or Regulation shall apply.