



**Town of Alberton, PEI  
A Bylaw with respect to Nuisance and Noise Control  
Bylaw # 2021-3**

**BE IT ENACTED** by the Town of Alberton  
as follows:

**PART I – APPLICATION AND INTERPRETATION**

**1. Title**

- 1.1 This bylaw shall be known and cited as the “Nuisance and Noise Control bylaw #2021-3.”

**2. Authority**

- 2.1 Section 180(b)(i) of the *Municipal Government Act*, RSPEI 1988, Cap. M-12.1 permits a council to pass bylaws respecting Nuisances, loitering, dangerous or unsightly property, noise, pollution and waste in or on public or private property.

**3. Application**

- 3.1 This bylaw shall apply to all Persons, events and organizations within the Town of Alberton.

**4. Definitions**

4.1 In this bylaw:

- (a) “Act” means the *Municipal Government Act*, RSPEI 1988, Cap. M-12.1.
- (b) “Contaminant” includes any solid, liquid, gas, waste, odour, vibration, radiation, sound, or a combination of them
- (i) which is foreign to or in excess of the natural constituents of the environment into which it is being introduced,

- (ii) which will or may adversely affect, either directly or indirectly, the natural, physical, chemical, or biological quality of the environment,
- (iii) which is or may be injurious to the health or safety of a person or be damaging to property or to plant or animal life, or
- (iv) which interferes with or is likely to interfere with the comfort, well being, livelihood, or enjoyment of life of a person.

(c) "Council" means the duly elected Council of the Town of Alberton.

(d) "dB(A)" means the sound pressure measured in decibels using the "A" weighted scale of a sound level meter.

(e) "Enforcement Officer" means a duly appointed Bylaw Enforcement Officer for the Town of Alberton, the Chief Administrative Officer, or the Royal Canadian Mounted Police.

(f) "Excessive Noise" refers to noise in excess of the decibel levels outlined in Schedule "B".

(g) "Nighttime" means the period beginning at 10:00 p.m. and ending the following day at 7:00 a.m.

(h) "Nuisance" means any person, noise, vibration, odour, substance or Contaminant which unreasonably interferes with the enjoyment of life by a Person or Persons in the Town of Alberton.

(i) "Owner" includes:

(i) A tenant, lessee, or other Person in possession or occupancy of the subject property.

(ii) An executor, administrator, trustee, agent or other Person managing the subject property for the registered Owner.

(iii) When used in reference to real property, includes a Person assessed for the property pursuant to the *Real Property Assessment Act*, RSPEI 1988, CAP. R-4.

(iv) When used in reference to a Nuisance Service Call, includes a Person who has any legal right, title, estate or interest in a Residential Property and shall include, without limitation, a landlord, lessor, sublessor or other Person permitting the occupation of a rental unit, their agents, heirs, assigns, personal representatives and successors in title.

(j) "Person" means a corporation, partnership or party, and the personal or other legal representatives of a Person to whom the context can apply according to law.

(k) "Sound System" means any system of loudspeakers, amplifiers, microphones or reproducers, or any combination of such equipment, used in the reproduction or amplification of music, speech or other sounds, when used for communication to, or otherwise addressing or entertaining, whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground.

(l) "Town" means the Town of Alberton.

## **5. Interpretation**

5.1 This bylaw is to be given a broad, liberal interpretation in accordance with applicable legislation and the definitions set out in it.

5.2 In this bylaw words importing the singular shall include the plural and words importing the masculine gender shall include the female gender and vice versa.

## **6. Severability**

6.1 It is the intention of the Town Council that each separate provision of this bylaw shall be deemed independent from all other provisions of this bylaw, such that, if any provisions of this bylaw are declared invalid, all other provisions of this bylaw shall remain valid and enforceable.

## **7. Regulations**

7.1 Council may, by simple resolution, make such regulations to this bylaw as are necessary for the carrying out of the purposes of this bylaw.

## **PART II – DISORDERLY PREMISES/CONDUCT PROVISIONS**

### **8. Disorderly Premises**

8.1 Any Person who disturbs neighbors or passers-by by permitting or engaging in shouting, fighting, screaming or the making of any loud noise or any other improper or disorderly conduct in the house or premises occupied by such Person is guilty of an offence.

- 8.2 For the purpose of a prosecution pursuant to Section 8.1, evidence that one (1) neighbour is unreasonably disturbed by a noise is *prima facie* evidence that the neighbourhood is unreasonably disturbed by the noise.

## 9. Disorderly Conduct

- 9.1 A Person shall be guilty of disorderly conduct if, he or she is likely to create, or has created, a Nuisance, by doing one, or more, of the following:

(a) Screaming, shouting, yelling, fighting or initiating any other disruptive noise, commotion or action on public streets, public places or in any premise adjacent thereto in such a manner as to disturb any Person within the area of audibility;

(b) Addressing profane, obscene or abusive language or threats of violence to any Person present so as to create a Nuisance;

(c) Failing or refusing to obey a lawful order of dispersal by a police officer, where two (2) or more Persons are committing acts of disorderly conduct in the immediate vicinity;

(d) Willfully or wantonly ringing any doorbell or knocking at any door, building or fence so as to disturb or annoy any Person in his dwelling, place of business, or meeting place;

(e) Performing as a street musician or busker during Night time hours;

(f) Without lawful excuse, loitering, crowding, congregating, or failing or refusing to disperse when ordered to do so by a police officer on the public streets or sidewalks so as to unreasonably obstruct or interfere with pedestrian or vehicular traffic, and by doing so, creating an unsafe condition for vehicular or pedestrian traffic or use of such street or sidewalk;

(g) Molesting, harassing, or obstructing vehicular traffic by coasting, skateboarding, roller blading, skating or by throwing or propelling stones, balls, snowballs or other things, or by playing any game;

(h) Willfully or wantonly defacing or injuring any public or private building, fence or other structure or any property of any nature by any means howsoever;

(i) Making or lighting any fire in any street, or setting fire to any fireworks within the Town unless specially authorized by the Council;

(j) Throwing, putting, placing, or letting fall any litter, waste, trash, dirt, filth or other such matter on any street, square, lane, sidewalk, wharf or bridge of the Town, or from these upon any adjoining property.

9.2 Any Person who contravenes the provisions of Sections 8.1 and 9.1 is guilty of an offence.

### **PART III – EXCESSIVE NOISE**

#### **10. Excessive Noise**

10.1 Any Person who:

(a) uses their motor vehicle, lawn mower, chain saw or any other gas-powered or electrical tool or machine which causes excessive noise during Nighttime hours; or

(b) allows their dog to bark in such as manner as to disturb people during Nighttime hours,

is guilty of an offence.

10.2 The provisions of Section 10.1 do not apply to:

(a) snow removal of any type;

(b) motor vehicles, lawn mowers, chain saws or any other gas-powered or electrical tools or machines used or operated by, or on behalf of, the Town, the Province of Prince Edward Island, or the Government of Canada.

(c) reasonable business or commercial activities.

10.3 Any person who operates or causes or permits to be operated any Sound System within the Town that is causing a disturbance or Interfering with any person is guilty of an offence.

10.4 A finding of excessive noise under this section will be subject to objective evidence pursuant to Schedule "B".

10.5 A person may be found guilty of a contravention of this section whether or not the decibel level:

(a) is measured; or

(b) if measured, exceeds any limit prescribed by this bylaw.

10.6 In determining if a sound is reasonably likely to disturb the peace of others the following criteria may be considered:

(a) type, volume, and duration of the sound;

(b) time of day and day of week;

(c) nature and use of the surrounding area;

(d) decibel level, if measured; and

(e) any other relevant factor.

10.7 For the purpose of a prosecution pursuant to this section 10, evidence that one (1) neighbour is unreasonably disturbed by a noise is *prima facie* evidence that the neighbourhood is unreasonably disturbed by the noise.

## **PART IV – EXCESSIVE ODOUR OR SUBSTANCE**

### **11. Excessive Odour or Substance**

11.1 Any Person who causes or permits to be discharged, a Contaminant into the environment or who owns or has control of a Contaminant which is discharged into the environment is guilty of an offence.

## **PART V – CURFEWS**

### **12. Halloween Curfew**

12.1 Unless accompanied by a person over the age of 18 years, no person under the age of sixteen (16) years shall be in a public place within the Town of Alberton between 8:00 p.m. October 31st and 7:00 a.m. November 1st.

12.2 In a year that October 31st falls on a Sunday, the restrictions provided in section 11.1 shall also apply from 8:00 p.m. October 30th to 7:00 a.m. October 31<sup>st</sup>.

### **13. Park Curfew**

- 13.1 No person shall use or be in any public park within the town on any day during Night-Time hours without first obtaining written authorization from the town.

## **PART VI – GENERAL PROVISION**

### **14. General**

- 14.1 Any Person who commits a Nuisance or permits or causes any Nuisance to be committed, is guilty of an offence.
- 14.2 Any Person who permits or engages in any activity that unreasonably disturbs or tends to disturb the peace and tranquility of a neighbourhood is guilty of an offence.

## **PART VII – PENALTIES**

### **15. Penalties**

- 15.1 Every Person who commits an offence under this Bylaw is guilty of an offence, punishable on summary conviction and liable to:
- (a) a minimum fine of not less than \$200 and not more than \$500 for a first offence and a minimum fine of not less than \$400 and not more than \$1,000 for any subsequent offence;
  - (b) imprisonment for a term not exceeding ninety (90) days; or
  - (c) to both;

and in default of payment of any fine imposed, to a further term of imprisonment not exceeding ninety (90) days.

### **16. Evidence**

- 16.1 (a) A copy of any writing, paper or document filed in the Court or any statement containing any information from the records of the Department of the Minister appointed pursuant to the provisions of the *Real Property Assessment Act*, RSPEI 1988, Cap. R-4 shall be received in evidence in Court without proof of signature and is prima facie evidence of the facts contained therein as to the name of the Owner of the real property and the corresponding civic address.

- (b) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Minister or his representative is sufficient authentication of any such copy or statement.

16.2 The Town, its employees or its duly authorized agents are exempt from prosecution for any act done or performed in good faith while engaged in their course of duties as authorized by this Bylaw.

## **PART VIII – REPEAT NUISANCE SERVICE CALLS**

### **17. Repeat Nuisance Service Calls**

17.1 Where police or town staff have been required to respond to three (3) or more Nuisance service calls for a Residential Property within a twelve (12) month period in response to or for the abatement of Nuisance conduct, activity or condition, the Town may impose upon the Owner of that Residential Property an excessive Nuisance abatement fee in accordance with the amounts prescribed in Schedule “A” of this bylaw for each additional Nuisance service call responded to at that Residential Property within the twenty-four (24) month period following the Enforcement Officer’s notice referred to in Section 17.2.

17.2 Notwithstanding Section 17.1, where legal title to a Residential Property is transferred, Nuisance service calls made before the date that the new Owner obtains legal title to the Residential Property shall not apply to a determination under 17.1 of whether excessive Nuisance abatement fees are payable. The new Owner shall, in any event, be liable for all unpaid excessive Nuisance fees imposed against the Residential Property in respect of past Nuisance service calls. Prior to imposing an excessive Nuisance abatement fee, the Enforcement Officer shall first provide written notice to the Owner of the residential property describing in reasonable detail the nature of the Nuisance conduct, activity or condition that has occurred, been maintained or permitted in, on or near the residential property and:

- (a) informing the Owner that the Nuisance conduct, activity or condition must be abated within 60 days, or such other period of time as the Enforcement Officer considers reasonable in the circumstances, and steps taken to ensure that the Nuisance conduct, activity or condition does not reoccur and
- (b) advising the Owner that they may be subject to the imposition of excessive Nuisance abatement fees for each additional Nuisance service call responded to at the same



residential property within the twenty-four (24) month period following service of the Enforcement Officer's notice; and that the imposition of such fees is in addition to the Town's right to seek other legal remedies or actions for abatement of the Nuisance.

- (c) Service of the notice referred to in Section 17.2 will be sufficient if the notice:
  - (i) in the case of service on an individual, is served personally or mailed by prepaid registered mail to the address of the Owner shown on the then current year's real property assessment roll for the Residential Property for which the notice is issued;
  - (ii) in the case of service on a corporation, is served personally on a director, officer or manager of the corporation or by leaving it at or mailing it by registered mail to the registered office of the corporation.
- (d) Excessive Nuisance abatement fees shall be paid by the Owner, as defined in Section 17.2(c)(i) and (ii) upon receipt of invoice from the Town. If the amount of each such invoice is not paid in full before the 31st day of December in the year received, upon written notice to the Owner, the amount shall be added to

and form part of the taxes on the  
taxes in arrears

Residential Property, as

- (e) Nothing in this Part VII shall be construed to limit the Town's other available remedies for violation of this or any other Town bylaw.

**18. Effective Date**

18.1 This Nuisance and Noise Control Bylaw #2021-3 shall be effective on the date of approval and adoption below.

**First reading:**  
This Nuisance and Noise Control Bylaw #2021-3 was read a first time at Council meeting held on the 14th day of June 2021.  
  
This Nuisance and Noise Control Bylaw #2021-3 was approved by a majority of Council members present at the Council meeting held on 14th day of June 2021.

**Second reading:**  
This Nuisance and Noise Control Bylaw #2021-3 was read a second time at Council meeting held on the 12th day of July 2021.  
  
This Nuisance and Noise Control Bylaw #2021-3 was approved by a majority of Council members present at the Council meeting held on the 12th day of July 2021.  
  
This Nuisance and Noise Control Bylaw #2021-3 was adopted by a majority of Council members present at the Council meeting held on the 12th day of July 2021.

**19. Signatures**



A handwritten signature in blue ink, appearing to be "D. Thomson", written over a circular official seal of the Town of Alberton.

**Mayor (signature sealed)**




A handwritten signature in blue ink, "Donne Thomson", written over a circular official seal of the Town of Alberton.

**Chief Administrative Officer  
(signature sealed)**

This Nuisance and Noise Control Bylaw #2021-3 adopted by the Council of the Town of Alberton is certified to be a true copy.

  
Chief Administrative Officer

  
Date

**Schedule "A"**

**Excessive Nuisance Abatement Fees**

1. Police Nuisance Response and Abatement Service Call .....

\$195.00/call

2. Town Staff Nuisance Response and Abatement Service

Call.....\$50.00/hr

3. Administration Fee.....10% on Total

Service Call Fees

## Schedule "B"

### Decibel Levels

A person is guilty of an offence under Part III and Part VI where the noise exceeds the applicable decibel level:

<p>Nighttime Decibel Limit - Residential</p>	<p>(1) A person shall not cause or permit any sound exceeding 45 dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.</p> <p>(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 45 dB(A), as measured at the property line of a property zoned for use as residential, before 7 a.m. or after 10 p.m.</p>
<p>Day Time Decibel Limit - Residential</p>	<p>(1) A person shall not cause or permit any sound exceeding 55 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.</p> <p>(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 55 dB(A), as measured at the property line of a property zoned for residential use, between 7 a.m. and 10 p.m.</p>
<p>Nighttime Decibel Limit – Non- Residential</p>	<p>(1) A person shall not cause or permit any sound exceeding 55 dB(A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.</p> <p>(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 55 dB(A), as measured at the property line of a property zoned for use other than residential, before 7 a.m. or after 10 p.m.</p>
<p>Day Time Decibel Limit – Non-Residential</p>	<p>(1) A person shall not cause or permit any sound exceeding 65 dB(A), as measured at the property line of a property zoned for use other than residential, between 7 a.m. and 10 p.m.</p> <p>(2) A person shall not cause or permit property they own or occupy to be used so that any sound coming from the property exceeds 65 dB(A), as measured at the property line of a property zoned for use other than residential between 7 a.m. and 10 p.m.</p>