

TOWN OF CHESTERMERE

PROVINCE OF ALBERTA

NOISE BYLAW #2002-204/1

BEING A BYLAW OF THE TOWN OF CHESTERMERE IN THE PROVINCE OF ALBERTA, AUTHORIZING THE COUNCIL TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS CAN BE MADE.

WHEREAS Chapter M-26.1 of *The Municipal Government Act*, Revised Statutes of Alberta, 1994 provides that the Council of a Town may pass bylaws among other things for the purpose of prohibiting, eliminating or abating noise;

AND WHEREAS the incidence of noise in the Town of Chestermere is such that the Council of the Town of Chestermere deems it expedient that regulations be made restricting, mitigating and abating the activities which can give rise to unnecessary noise;

AND WHEREAS the intent of this Bylaw is that all noise shall be reduced as much as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated;

NOW, THEREFORE, THE COUNCIL OF THE TOWN OF CHESTERMERE ENACTS AS FOLLOWS:

- 1.0 This Bylaw may be cited as "The Noise Bylaw";
- 2.0 (1) In this Bylaw, including this section,
 - (a) "contractor mixer" means a mobile concrete mixer mounted on a truck chassis capable of carrying concrete in the mixed or partially mixed form and pouring the same at the location where it is to be used;
 - (b) "daytime" means the period commencing at the hour of seven o'clock in the morning and ending at the hour of ten o'clock in the evening of the same day;
 - (c) "holiday" means any statutory holiday as defined in *The Interpretation Act*;
 - (d) "hospital zone" means an area which:

- (i) is designated as such by signs or other devices, or
 - (ii) any portion of the Town within one hundred fifty metres (150 M) or four hundred and ninety-five feet (495'), in any direction, from the boundaries of a site on which is situated a hospital as defined in *The Alberta Hospitals Act*;
- (e) "Land Use Bylaw" means Bylaw #99-600, as the same is amended from time to time and includes any Bylaw passed in substitution for or in addition to Bylaw #99-600;
- (f) "light motor vehicle" means a motor vehicle which has a gross vehicle weight of two thousand, seven hundred and twenty kilograms (2,720 kg.) or six thousand pounds (6,000 lbs) or less and includes light commercial vehicles, passenger vehicles, and motor scooters;
- (g) "motorcycle" means a motor vehicle mounted on two or three wheels but does not include a vehicle known to the trade as a scooter or vehicle known to the trade as a power bicycle;
- (h) "motor truck" means a motor vehicle which:
- (i) has a gross vehicle weight in excess of same as (c), and
 - (ii) is not a concrete mixer or a tractor trailer;
- (i) "motor vehicle" means any vehicle propelled by any power other than muscular power except aircraft, tractors (whether equipped with rubber tires or not), implements of husbandry and such motor vehicles as run only upon rails;
- (j) "nighttime" means the period commencing at the hour of ten o'clock in the evening and ending at the hour of seven o'clock in the morning of the following day;
- (k) "residential building" means a building which is constructed as a dwelling for human beings and includes a hotel;
- (l) "Residential District" means a district defined as such in The Land Use Bylaw 99-600;
- (m) "signalling device" means a horn, gong, bell or claxon or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;

- (n) "sound rating" means the intensity of a noise as measured in decibels on the "A" Scale of a Bruel & Kjaer Noise Event Meter when such meter is set on the "A" rating network and on the fact response, or equivalent noise measuring device;
- (o) "Town" means the corporation of the Town of Chestermere or the area contained within the boundaries of the Town as the context requires;
- (p) "tractor-trailer" means a combination of vehicles comprised of one semi-trailer used for carrying merchandise and one truck tractor used solely for the supplying of power for propelling or hauling a semi-trailer;
- (q) "Traffic Bylaw" means Bylaw Number #78-022, The Town of Chestermere Traffic Bylaw, and every amendment thereof and includes any bylaw passed in substitution for Bylaw Number #78-022.
- (r) "weekday" means any day other than Saturday, Sunday or Holiday;

3.0 General Prohibition

- 3.1 Except to the extent permitted by the Bylaw, no person shall make, continue, cause or allow to be made, continued, or caused any noise whatsoever, which by reason of its nature, intensity or volume, annoys, disturbs, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the Town of Chestermere.
- 3.2 Where any person is engaged in any recreational or other activity, occupation, project, work, construction or endeavor, which is not prohibited or regulated by other provisions of this Bylaw or any other Bylaw of the Town or by any Provincial or Federal Statute or Regulation, and such recreational or other activity, occupation, project work, construction or endeavor creates or makes a sound which:
 - (a) is or may become, or
 - (b) creates or produces or may create or produce
 a disturbance or annoyance to other residents of the Town or to occupants of adjoining properties, a person engaged in such recreational or other activity, occupation, project, work, construction or endeavor shall conduct the same in such a manner as will create as little of such sound as practicable under the circumstances.
- 3.3 Where an area is designated by signs or other means as being a hospital zone no person shall:

- (a) carry on any noise making activity in the area unless it cannot be carried on in some other area, or
- (b) make or continue any noise or loud sound within the area

4.0 Motor Vehicle Noises

4.1 The failure of a person to comply within the Town with the following provisions of *The Highway Traffic Act*

- (a) the prohibition against the use of signaling devices on motor vehicles, motorcycles or bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway as set out in Subsection (2) of Section 45;
- (b) the restrictions on the type or use of mufflers and similar equipment on motor vehicles and other internal combustion engines;
- (c) the prohibition against equipping a vehicle other than those specified with a siren.

shall constitute a violation of this Bylaw in addition to and not in substitution for the offence created by *The Highway Traffic Act*.

4.2 If a person operates a vehicle of any type on a street in a Residential District at any time of the day or night in such a way as unduly to disturb the residents of the street in the Residential District in which he is operating the vehicle he shall be guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which he may be guilty against the provisions of Section 123 to Section 125 inclusive of *The Highway Traffic Act*.

4.3 Where a vehicle is allowed by the provisions of Section 59 of *The Highway Traffic Act* to be equipped with a siren the driver thereof shall only use the siren at such time as the vehicle is proceeding in response to an emergency call and at such times shall only use the siren when it is necessary for the purpose for which the siren is allowed to be used.

4.4 Nothing in Section 4.3 shall prohibit or restrict the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, a member of the substitute Chestermere Volunteer Fire Department or a Special Constable.

- 4.5 No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running for longer than twenty (20) minutes while the tractor-trailer or tractor alone is not in motion in any Residential District or in any other location within one hundred fifty metres (150 meters) or four hundred and ninety-five feet (495 feet) of a Residential District.
- 4.6 The provisions of Section 4.2 do not apply to work on a Town street or on a public utility carried on by:
- (a) a Town Department
 - (b) a company authorized to supply electric power, natural gas services , telephone or cable television services in the Town
 - (c) a contractor working for the either the Town, or a supplier falling under the provisions of Section 4.6 (b) above.

5.0 Boating Noises

- 5.1 Every boat, hovercraft, or watergoing vessel of any kind shall have their exhaust muffled in such a manner as not to create a nuisance noise when in operation on the lake.
- 5.2 More specifically, boats shall operate with exhaust being baffled by way of diversion under water.
- 5.3 Municipal employees will deny launching privileges at Town controlled launch sites to any craft which may, or has, created a nuisance noise and/or is in contravention or has been in contravention of any of the provisions of this Bylaw.
- 5.4 If a person operates a boat, hovercraft or water-going vessel of any type at any time of the day or night in such a way as unduly to disturb the residents of the Town he shall be guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which he may be guilty against the provisions of any Provincial Act or any other legislation.

6.0 Residential, Commercial and Industrial Noises

- 6.1 No person shall load or unload motor trucks in any area designated a Residential District or within two Town blocks of the boundary of any such area between the hours of:
- (a) ten o'clock in the evening and seven o'clock of the next forenoon on weekdays or

- (b) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday
- 6.2 Notwithstanding the provisions of Section 6.1 trucks containing the following items may be unloaded during the hours when such unloading is prohibited by Section 6.1 whether or not the location at which they are unloaded is within a Residential District or within two blocks thereof:
- (a) trucks containing foodstuffs, fresh fruit and merchandise of perishable nature,
 - (b) trucks containing milk including trucks delivering milk to the final consumers thereof,
 - (c) trucks containing baked goods, and
 - (d) trucks containing daily or weekly newspapers being delivered to Vendors of the same.
- 6.3 Notwithstanding the provisions of Section 3 or Section 7.3 or any other provision of this By-law where an open area is provided for parking of patrons in connection with the operation of a retail store or group of stores the owner or person in charge of the parking area may after having secured a general permission from the Town Council for such use and making no more noise than is reasonably necessary in connection therewith use a machine for clearing snow or debris from the said open area provided for parking during such hours as is necessary or expedient to keep the area clear of snow and debris in order to allow the use thereof for parking of patrons.
- 6.4 Subject to Section 6.5 to 6.6 no person shall advertise any event or merchandise by ringing bells, calling loud, playing any type of musical or noise making instrument or by any other audible means in any part of the Town.
- 6.5 Notwithstanding Section 6.4 a person may use an audible type of advertising for the sale of goods in a district other than a Residential District if:
- (a) the device is of a type approved by the Town Council and is operated at a noise level no greater than that approved for the purpose, and

- (b) the device is used during only such hours and on such days as the Town Council may designate,

6.6 The provisions of Section 6.4 shall not be construed to prevent:

- (a) the ringing of bells in churches, religious establishments and schools;
- (b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking first approved by Council during the Christmas season or some other time approved by Council;
- (c) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
- (d) the sounding of factory whistles and similar devices at normal appropriate times;
- (e) the playing of a band in connection with a parade allowed pursuant to the provisions of the Street Bylaw;
- (f) the playing of a musical instrument appropriate to a street service allowed pursuant to any Bylaw in a moderate manner;
- (g) the sounding of police whistles, police, fire or ambulance sirens;
- (h) the sounding of horns or claxons on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warnings to persons and vehicles using the streets; or
- (i) the operation of a musical device approved by the Town Council and installed on a vehicle equipped for the sale of ice cream or confection while the vehicle is used for such sales.

6.7 Without limiting the generality of any other provision in this Bylaw no person shall ring a bell or a similar device to promote or advertise the sale of ice cream in a Residential District between the hours of:

- (a) ten o'clock in the evening and eight o'clock of the next forenoon on weekdays or
- (b) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday

6.8 Notwithstanding anything elsewhere contained in this Bylaw whether or not the noise resulting therefrom may be heard in an adjoining area which is classified other than as an Industrial District nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof during some or any of the hours between ten o'clock in the evening and seven o'clock of the next forenoon in an area which is classed as an Industrial District, and set out in the Land Use Bylaw, as the same is from time to time amended or any bylaw passed in substitution therefore as long as the activity is on which is:

- (a) a permitted use in the Land Use district in which it is carried on or is a conditional use for which the required permission has been given or
- (b) a non-conforming use as the same is defined in Bylaw Number #99-600, aforesaid for the district in which the use is being carried on.

6.9 In the operation or carrying on of an industrial activity in a district in which it would be curtailed or restricted except for the provision of Section 6.8 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.

7.0 Domestic Noise

7.1 No person shall operate a power or hand lawn mower in an area designated as a Residential District between the hours of:

- (a) ten o'clock in the evening and seven o'clock of the next forenoon on weekdays or
- (b) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday

7.2 No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of a lawn mower is prohibited by Section 7.1 in any Residential District.

7.3 No person shall operate a snow clearing device powered by an engine of any type during the hours when the use of a lawn mower is prohibited by Section 7.1.

- 7.4 In addition to but not in substitution for any penalty which a person may incur by a contravention of any provision of the Dog Bylaw a person who owns, keeps, houses, harbors or allows to stay on his premises a dog which by reason of barking or howling disturbs persons in the vicinity of his home is guilty of an offence under this Bylaw.
- 7.5 No person shall operate an air conditioner, fan or similar device at more than the following levels measured at any location on the lot line of the subject property;

50 db A (Day)
45 db A (Night)

or at a level more than 5 db A over the ambient noise level (background), whichever is higher.

8.0 Construction Noises

- 8.1 Unless permission from the Town Council of the Town for such operations is first obtained no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any machine tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any district other than one designated in the Land Use Bylaw as an Urban Reserve or an Industrial District after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning weekdays, or ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or a holiday.
- 8.2 The provisions of this section do not apply to any work carried on by the Town or by a contractor carrying out the instructions of the Town.
- 8.3 Subject to the provisions of Section 8.1 unless permission for such operation from the Town Council of the Town is first obtained no person shall operate or allow to be operated.
- (a) a riveting machine
 - (b) concrete mixer
 - (c) a gravel crusher
 - (d) a steam shovel
 - (e) a trenching machine
 - (f) a drag line
 - (g) an air or steam compressor, jack hammer or pneumatic drill
 - (h) a tractor or bulldozer or
 - (i) any other tool, device or machine of a noisy nature

so as to create a noise, confusion or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day, weekday or

(a) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday.

8.4 Section 8.3 does not apply to work of an exigent nature carried on, by, or on behalf of:

(a) Town Department

(b) company authorized to supply electric power, natural gas services, telephone or cable television services in the Town

(c) a contractor working for the either the Town, or a supplier falling under the provisions of Section 4.6 (b) above.

9.0 Penalties

9.1 A person who contravenes any provision of this Bylaw either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offense and is liable on summary conviction to a fine not in excess of five hundred dollars (\$500.00).

10.0 Voluntary Specified Penalties

10.1 Notwithstanding Section 9.1 above, A Provincial Violation Ticket may be issued by a Peace Officer pursuant to the Provincial Offences Procedure Act to anyone contravening any provision of this Bylaw, as set out in Schedule 'A' of this Bylaw.

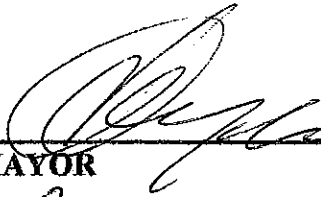
11.0 Bylaw 2000-204/1 is hereby repealed.

This Bylaw to take effect on and from the date of the final reading.


READ A FIRST TIME this 17th day of June, 2002.

READ A SECOND TIME this 17th day of June, 2002.

READ A THIRD TIME this 17th day of June, 2002.



MAYOR



MUNICIPAL SECRETARY

SCHEDULE 'A'

- (a) on the first offence of a particular section of this bylaw, a penalty of One hundred dollars (\$100.00).
- (b) on the second offence of a particular section of this bylaw and any subsequent offence(s) the sum of two hundred dollars (\$200.00).