

**TOWN OF BON ACCORD**  
**By-LAW #1999-02**  
**NOISE BYLAW**

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**A BY-LAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING, ELIMINATING, OR ABATING NOISE.**

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**WHEREAS**, the *Municipal Government Act*, S.A., 1994, c.M-26.1, as amended, provides that the Council may pass a By-law respecting nuisances and the safety, health, and welfare of people.

**AND WHEREAS** the *Highway Traffic Act*, R.S.A. 1980, c.H-7, as amended, provides that the council of a Municipality may make bylaws defining what constitutes objectionable Noise, devising a system or method of determining or measuring that Noise and prohibiting the operation of Motor Vehicles which in any manner make objectionable Noise;

**NOW THEREFORE**, the Council of the Town of Bon Accord, in the Province of Alberta, duly assembled, enacts as follows:

**1. SHORT TITLE**

- 1.1 This By-law may be cited as the Town of Bon Accord 'Noise Control By-law'.

**2. DEFINITIONS**

- 2.1 "Enforcement Officer" means a By-law Enforcement Officer appointed by the Municipality pursuant to the *Municipal Government Act*, to enforce the Municipality's By-laws, and includes the Chief Administrative Officer, a member of the Royal Canadian Mounted Police and, when authorized, a Special Constable.
- 2.2 "Chief Administrative Officer" means the Town Administrator for the Municipality and whatever subsequent title may be conferred on that officer by Council or stature.
- 2.3 "Construction Equipment" includes a riveting machine, a concrete mixer, gravel crusher, steam shovel, drag line, backhoe, air or steam compressor, jack-hammer or pneumatic drill, tractor other than a tractor used in a Farming Operation, bulldozer, front-end loader, motor scraper, motor grader, or any other tool, devise, or machine of a noisy nature.
- 2.4 "Construction Noise" means Noise caused by Construction Equipment.
- 2.5 "Council" means the Municipal Council of the Town of Bon Accord, in the Province of Alberta.
- 2.6 "Motor Vehicle" means Motor Vehicle as defined in the *Highway Traffic Act*, R.S.A. 1980, c.-H-7, as amended.
- 2.7 "Municipality" means the Town of Bon Accord.
- 2.8 "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 boundary of the Municipality.
- 2.9 "Off-Highway Vehicle" means an Off-Highway Vehicle as defined in the *Off-Highway Vehicle Act*, R.S.A. 1980, c.0-4, as amended.

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- 2.10 "Person" includes an individual, partnership, corporation, trustee, executor, or administrator.
- 2.11 "Violation Tag" means a ticket or similar document issued by the Municipality pursuant to Section 7 of the *Municipal Government Act*, S.A. 1994, c.M-26.1, as amended.
- 2.12 "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, S.A. 1988, c.P-21.5, as amended, and Regulations thereunder.
- 2.13 "Property" includes land and chattels.
- 2.14 "Farm Implement" includes any implement, equipment, engine, motor, machine, combine, tractor, or attachment used or intended for use in Farming Operations.
- 2.15 "Farm Land" means land used for Farming Operations but does not include land less than one acre in area.
- 2.16 "Farming Operations" means:
- a) the planting, growing, and sale of trees, shrubs or sod;
  - b) the raising, or production of crops, livestock, fish, pheasants, or poultry; or
  - c) fur production or bee keeping.
- 2.17 "Electronic Devise" means any devise or mechanism which is operated by the application of electric current, and without restricting the generality of the foregoing, includes a radio receiver, radio transmitter, record or tape player device which reproduces recorded sound, television set, amplifier and loud speaker system, public address system, alarm or siren.

**3. VIOLATIONS**

- 3.1 Except to the extent permitted by this By-law, no Person shall:
- 3.1.1 cause a Noise within the Municipality;
  - 3.1.2 operate within the Municipality, a Motor Vehicle which causes a Noise.
  - 3.1.3 operate within the Municipality, an Off-Highway Vehicle which causes a Noise.
- 3.2 No Person, including a tenant or agent of the owner, shall allow Property under their ownership or control to be used in such a way that there is Noise originating from the Property.
- 3.3 An Enforcement Officer may direct any Person who has caused or made a Noise, or any Person, including a tenant or agent of the owner, who owns or controls Property from which Noise has originated, to abate or eliminate the Noise. Such a direction may be either verbal or written.
- 3.4 Where an activity which is not specifically prohibited by any federal, provincial, or municipal laws or regulations, including this By-law and which involve creating or making a sound which:
- 3.4.1 is or may become; or the
  - 3.4.2 creates or produces or may create or produce

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a Noise, a Person engaging in such an activity shall do so in such a manner as to create as little sound as practicable under the circumstances.

**4 PERMITS AND NON-APPLICATION OF BY-LAW**

- 4.1 The Chief Administrative Officer may, upon written request, issue a permit to a Person for the purpose of suspending the provisions of this By-law, and the permit shall specify the dates and hours during which Noise may occur. Reasonable attempts will be made to notify persons who may be affected by the suspension of this By-law.
- 4.2 Any such permit issued shall be produced to an Enforcement Officer upon demand.
- 4.3 Persons owing or controlling Construction Equipment, and Persons owing or controlling land on which Construction Equipment is being operated shall be exempt from the provisions of this By-law if:
  - 4.3.1 the Noise is generated pursuant to work done in the normal manner to that industry;
  - 4.3.2 the Noise is generated between the hours of 7:00 a.m. and 9:00 p.m.; and
  - 4.3.3 all necessary federal, provincial, and municipal permits, licenses, and approvals have been obtained and the work is not contrary to any federal, provincial, or municipal laws or regulations.
- 4.4 This By-law does not apply to the following if the equipment is properly maintained and operated in a normal manner for that type of equipment and if the Noise occurs between the hours of 7:00 a.m. and 11:00 p.m.:
  - 4.4.1 to the performance of work by any Person on Farm Land for the purpose of carrying on Farming Operations including the operation of a Farm Implement;
  - 4.4.2 to work carried on by the Municipality or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be; or
  - 4.4.3 to the performance of work by any Person on land zoned as Industrial pursuant to the Municipality's Land Use By-law, as amended, if:
    - 4.4.3.1 the Noise is generated pursuant to work done in the normal manner to that end; and
    - 4.4.3.2 the work is authorized pursuant to the Municipality's Land Use By-law, as amended, and does not otherwise contravene any federal, provincial, or municipal laws or regulations.
  - 4.4.4 to Persons using domestic equipment, including lawnmowers, snow blowers, garden tillers, and built-in vacuum cleaners which are vented to the outside, and Persons owing or controlling Property upon which such equipment is used if:
    - 4.4.4.1 the equipment is properly maintained and operated in a normal manner for that type of equipment;
    - 4.4.4.2 the Noise is of a temporary or intermittent nature.

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- 4.4.5 to Persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner.
- 4.4.6 to work, or activities carried, on by the schools, staff, and students on school lands in the normal scope of school activities, or,
- 4.4.7 to persons taking part in organized or informal activities occurring on the recreational grounds and parks of types for which the lands were intended, but excluded are all activities not conforming to municipal, provincial, or federal laws or regulations, and events involving the use of electronic devices.

4.5 This By-law does not apply to emergency services acting within the scope of their agency.

**5. PENALTIES**

5.1 Any Persons who contravenes any provision of this By-law is guilty of an offence and is liable to a penalty in the amount as specified in Schedule 'A'.

**6. VIOLATION TAGS**

6.1 An Enforcement Officer is hereby authorized and empowered to issue a Violation Tag to any Person who the Enforcement Officer has reasonable and probable grounds to believe has contravened any provision of this By-law.

6.2 A Violation Tag may be issued to such Person:

6.2.1 Either personally; or

6.2.2 By mailing a copy of such Person at his or her last known post office address.

6.3 The Violation Tag shall be in a form approved by the Chief Administrative Officer and shall state:

6.3.1 the name of the Person;

6.3.2 the offence;

6.3.3 the appropriate penalty for the offence being the minimum penalty prescribed by this By-law;

6.3.4 that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag;

6.3.5 any other information as may be required by the Chief Administrative Officer.

6.4 Where a contravention of this By-law is of a continuing nature, further Violation Tags may be issued by an Enforcement Officer, provided that no more than one Violation Tag shall be issued for each day that the contravention continues.

6.5 Where a Violation Tag is issued pursuant to this By-law, the Person to whom the Violation Tag is issued may, in lieu of being prosecuted for the offence, pay to the Municipality the penalty specified in the Violation Tag.

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6.6 Nothing in this By-law shall prevent an Enforcement Officer from immediately issuing a Violation Ticket.

**7. VIOLATION TICKET**

7.1 Notwithstanding s.3.3 of this By-law, a Bylaw Enforcement Officer is hereby authorized and empowered to immediately issue a Violation Ticket pursuant to Part II of the *Provincial Offences Procedure Act*, S.A. 1988, c.P-21.5, as amended, to any person who the Bylaw Enforcement Officer has reasonable ground to believe has contravened any provision of this By-law.

**8. SEVERABILITY PROVISION**

8.1 Should any provision of this By-law be invalid, then such provision shall be severed and the remaining By-law shall be maintained.

**9. INSPECTION**

9.1 An Enforcement Officer may enter any land, building, or premises to inspect for conditions that may constitute a contravention of this By-law.

**10. EFFECTIVE DATE**

10.1 This By-law shall come into effect upon final reading. By-law #218 shall be rescinded upon passage of By-law 2000-01 and By-law 1999-02.

**11. SCHEDULES**

11.1 Schedules can be amended by resolutions of Council.

**READ A FIRST TIME THIS 5<sup>th</sup> DAY OF January, 1999.**

\_\_\_\_\_  
Mayor/Deputy Mayor

\_\_\_\_\_  
Chief Administrative Officer

**READ A SECOND TIME THIS 22 DAY OF June, 1999**

\_\_\_\_\_  
Mayor/Deputy Mayor

\_\_\_\_\_  
Chief Administrative Officer

**READ A THIRD TIME THIS 22 DAY OF June, 1999**

\_\_\_\_\_  
Mayor/Deputy Mayor

\_\_\_\_\_  
Chief Administrative Officer

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**SCHEDULE 'A'**

- 0.0.1 A minimum of One Hundred Dollars (\$100.00), for a first offence; and
- 0.0.2 A minimum of Five Hundred Dollars (\$500.00) for a second or subsequent offence.
- 0.0.3 Under no circumstances shall any Person contravening any provision of this By-law be subject to the penalty of imprisonment.