

TOWN OF EDSON

BYLAW NO. 1614

Consolidated Bylaw #1614 with Amendment #1889 and #1986

A bylaw of the Town of Edson in the Province of Alberta to prohibit, eliminate, or otherwise control certain activities creating noise; and to abate the incidence of noise and restrict the hours when certain sounds can be made.

WHEREAS provisions of the Municipal Government Act provide that the council of a town may pass bylaws for the purpose of prohibiting, eliminating, or abating noises;

AND WHEREAS provisions of The Highway Traffic Act provide that Council, with respect to highways under its direction, control and management, may make bylaws for the regulation and control of vehicle traffic by defining what constitutes objectionable noise and prohibiting the operation of motor vehicles which in any manner make objectionable noise;

AND WHEREAS the incidence of noise in the Town of Edson is such that the Council deems it expedient that regulations be made restricting, mitigating, and abating the activities which can give rise to unnecessary noise, especially during the hours normally used for sleeping;

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

NOW THEREFORE the Council of the Town of Edson, duly assembled, enacts as follows:

PART I TITLE AND DEFINITIONS

Section 1

This Bylaw may be cited as the "Town of Edson Noise Abatement Bylaw".

Section 2

In this Bylaw, unless the context otherwise requires, the word(s), term, or expression:

1. "Bylaw Enforcement Officer" shall mean the person or persons (and shall include any Peace Officer) appointed from time to time by Town Council to enforce and administer this Bylaw.
2. "Commercial Zone" shall mean any area or zone classified as commercial by the Land Use Bylaw of and for the town.
3. "Concrete Mixer" shall mean a mobile concrete mixer mounted on a truck chassis, and capable of carrying concrete in a mixed or partially mixed form and pouring the same at the location where it is to be used.
4. "Council" shall mean the Council of the Town of Edson.
5. "Daytime" shall mean the period commencing at the hour of seven o'clock in the morning and ending at the hour of eleven o'clock in the evening of the same day.
6. "Electronic Equipment" shall mean any device or mechanism which is operated by battery or electricity for the purpose of reproducing sound and/or pictures and, without restricting the generality of the foregoing, includes any radio receiver, radio transmitter, record or tape player, television set, amplifier and loud speaker system, public address system, alarm, or siren.
7. "Holiday" shall include
 - a) New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Remembrance Day and Christmas Day
 - b) the birthday, or the day fixed by proclamation for the celebration of the birthday, of the reigning sovereign
 - c) December 26, or December 27 when December 26 falls on a Sunday or a Monday

- d) any day appointed by proclamation of the Governor General in Council or by proclamation of the Lieutenant Governor in Council for a public holiday, or for a day of fast or thanksgiving, or as a day of mourning
 - e) with reference to any particular part of Alberta, the day in each year that may, by proclamation of the Lieutenant Governor in Council, be appointed as a public holiday for that part of Alberta for the planting of forest or other trees.
8. "Hospital Zone" shall mean an area which
 - a) is designated as such by signs or other devices, or
 - b) any portion of the Town within one hundred fifty meters in any direction from the boundaries of a site on which is situated any institution operated for the care of diseased, injured, sick or mentally disordered people.
 9. "Industrial Zone: shall mean any area or zone classified as industrial by the Land Use Bylaw for the Town of Edson.
 10. "Motorcycle" shall mean a motor vehicle mounted on two or three wheels and, without restricting the generality of the foregoing, shall include those motor vehicles known to the trade as motorcycles, scooters, and power bicycles.
 11. "Motor Vehicle" means any vehicle propelled by 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.
 12. "Nighttime" shall mean the period commencing at the hour of eleven o'clock in the evening and ending at the hour of seven o'clock in the morning of the following day.
 13. "Noise" shall include any loud outcry clamour, shouting or movement, or any sound that is loud or harsh or undesirable.
 14. "Peace Officer" shall mean any member of the Royal Canadian Mounted Police.
 15. "Person" shall include any company, corporation, owner, partnership, firm, association, society or party.
 16. "Property" shall mean real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.
 17. "Residential Building" shall mean a building which is constructed as a dwelling for human beings and includes a hotel or motel.
 18. "Residential District" shall mean any district or zone classified for residential purposes in the land Use Bylaw of the town of Edson.
 19. "Signalling Device" shall mean a horn, gong, ball, claxon, or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including bicycles.
 20. "Town" shall mean the municipal corporation of the Town of Edson.
 21. "Tractor-Trailer" shall mean 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.
 22. "Traffic Bylaw" shall mean the Traffic Bylaw of the Town of Edson and any amendments thereto.
 23. "Weekday" shall mean any day other than a holiday.

PART II REGULATIONS

Section 3 – General Provisions

1. No person shall make or cause, or permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
2. No person, being the owner or occupier of property, shall allow or permit such property to be used so that noise or sound which emanates therefrom disturbs, or tends to disturb, the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.

3. What is a loud noise, an unnecessary noise, an unusual noise, or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court to determine which hears a prosecution of an offence against this Bylaw.
4. Any person engaging in an activity which is not specifically prohibited or restricted by any provision of Legislation or regulations of Canada or of the Province of Alberta, or by any provision of this Bylaw but which involves creating or making a sound which
 - a) is or may be or become, or
 - b) creates or produces, or may create or produce, a disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, shall do so in such a manner as to create as little of such sound as is practicable under the circumstances.
5. Where an area is designated by signs or other means as being a hospital zone, no person shall
 - c) carry on any noise-making activity in the area unless it cannot be carried on in some other area, or
 - d) make or continue any noise or loud sound within the area.
6. The provisions of this Bylaw shall not be construed to prevent
 - e) the ringing of bells in churches, religious establishments, and schools
 - f) 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
 - g) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster
 - h) the sounding of factory whistles and similar devices at normal appropriate times
 - i) the playing of a band in connection with a parade allowed pursuant to the provisions of the town of Edson Traffic Bylaw
 - j) the sounding of police whistles, police, fire or ambulance sirens
 - k) 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
 - l) the operation of a musical device approved by the Chief of Police and installed on a vehicle equipped for the sale of ice cream or confection while the vehicle is being used for such sales
 - m) approved organized recreational/cultural events.
7. No person shall operate any outdoor public address system in the Town without first having obtained a permit to do so, unless the Public Address system is part of an activity or program which has already received approval from either the Town Manager or the Development Officer.
8. This Bylaw is in effect twenty-four (24) hours a day, unless otherwise stated.

Section 4 – Commercial and Industrial Noises

1. No person shall load or unload motor vehicles in any area designated as a Residential District, or within two blocks of the boundary of any such area between the hours of
 - n) eleven o'clock in the evening and seven o'clock of the next forenoon on weekdays, or
 - o) eleven o'clock in the evening and nine o'clock of the next forenoon on holidays.
2. Notwithstanding the provisions of Subsection 1, trucks containing the following items may be unloaded during prohibited hours within a Residential District or within two blocks thereof:
 - a) foodstuffs, fresh fruit, and merchandise of perishable nature
 - b) milk, including trucks delivering milk to the final consumers thereof
 - c) baked goods, and

- d) daily or weekly newspapers being delivered to vendors of the same.
3. Notwithstanding the provisions of any section of this Bylaw, the owner or person in charge of a parking area provided in connections with the operation of a retail store, or group of stores, may use a machine to clear snow or debris from said parking area during such hours as is necessary or expedient to keep the area clear for use by patrons.

Section 5 – Construction Noises

1. 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 Industrial District after eleven o'clock in the evening and before seven o'clock in the morning.
2. Subsection 1 does not apply to work of an emergency nature carried on by, or on behalf of the Town by Alberta Government Telephones, Northwestern Utilities Limited, TransAlta Utilities Corporation, or a cable television company authorized to supply cable television in the Town.
3. Where it is impossible or impractical to comply with the provisions of Subsection 3, the Town Manager may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

Section 6 – Domestic Noises

1. No person shall operate
 - a) a power or hand lawn mower,
 - b) a chainsaw,
 - c) a model aircraft driven by an internal combustion engine of any description, or
 - d) a snow clearing device powered by an engine of any type in any area designated as a Residential District between the hours of
 - i) eleven o'clock in the evening and seven o'clock of the next forenoon on weekdays, or
 - ii) eleven o'clock in the evening and nine o'clock in the morning on weekends or holidays.
2. No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquillity of the surrounding neighbourhood or the public at large.
3. No hawker, huckster, pedlar, newsvendor, or other person shall by his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or his public.

Section 7 – Electronic Equipment Noises

1. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or the public at large.

Section 8 – Motor Vehicle Noises

1. The failure of a person to comply with the following provision of the Highway Traffic Act within the Town shall constitute a violation of this Bylaw in addition to, and not in substitution for, the offence created by said Act:
 - a) the prohibition against the use of signalling devices on motor vehicles, motorcycles or bicycles which make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway

- 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.
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 to unduly disturb the residents thereof, he shall be guilty of an offence under this Bylaw in addition to, and not substitution for, any offence of which he may be guilty against the provisions of The Highway Traffic Act.
 3. Where a vehicle is allowed by the provisions of The Highway Traffic Act to be equipped with a siren, the driver thereof shall only use the siren
 - a) at such times as the vehicle is proceeding in response to an emergency call
 - b) at such other times as he is allowed by The Highway Traffic Act, and
 - c) when it is necessary for the purpose for which the siren is allowed to be used.
 4. 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 minutes while the tractor-trailer alone is not in motion in any Residential District or in any other location within one hundred fifty meters of a Residential District.
 5. The provisions of Subsection 2 do not apply to work on a Town street or on a public utility carried on by
 - a) a Town department
 - b) Alberta Government Telephones, Northwestern Utilities Limited, TransAlta Utilities Corporation, or a cable television company authorized to supply cable television in the Town
 - c) a contractor working for the Town or for any of those companies named in Subsection 5(b).
 6. The use of engine retarder brakes within the corporate limits of the Town of Edson is prohibited.

Section 9 – Penalties

1. Every person who violates any of the provisions of this Bylaw, who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this Bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this Bylaw, is guilty of an offence against this Bylaw and liable to the penalties thus imposed. Each day that a violation continues to exist shall constitute a separate offence.
2. Any person who commits a breach of any of the provisions of this Bylaw shall be liable to a voluntary penalty of:
 - i) One Hundred (\$100.00) Dollars for the first offence and upon Summary Conviction to a fine of not less than One Hundred (\$100.00) Dollars and not more than Two Thousand, Five Hundred (\$2,500.00) Dollars and in default of payment, judgement,
 - ii) Two Hundred (\$200.00) Dollars for the second offence within a six (6) month period from the first offence and upon Summary Conviction to a fine of not less than Two Hundred (\$200.00) Dollars and not more than Two Thousand, Five Hundred (\$2,500.00) Dollars and in default of payment, judgement,
 - iii) Three Hundred (\$300.00) Dollars for the third offence within a six (6) month period from the first offence, at which time a summons shall be issued and upon Summary Conviction to a fine of not less than Three Hundred (\$300.00) Dollars and not more than Two Thousand, Five Hundred (\$2,500.00) Dollars and in default of payment, judgement.

That this Bylaw shall take force and have effect from the final passing thereof.

READ a first time this 16th day of October A.D. 1984.

READ a second time this 19th day of March A.D. 1985.

READ a third time and finally passed this 19th day of March A.D. 1985.

Mayor

Director of Finance & Administration