

Noise

BY-LAW # 462

Noise

VILLAGE OF NOBLEFORD

BEING A BY-LAW OF THE VILLAGE OF NOBLEFORD TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISES AND RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS clause (g) of Subsection (1) of Section 157 of the Municipal Government Act provides that a Council may pass By-Laws for the purpose of prohibiting, eliminating or abating noise;

AND WHEREAS the incidence of noise in the Village of Nobleford is such that the Council of the Village of Nobleford deems it expedient that a By-Law be made restricting, mitigating and abating activities which give rise to unnecessary noise in the Village of Nobleford, especially during the hours normally used for sleeping;

AND WHEREAS the intent of this By-Law 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 WHEREAS the Council of Nobleford duly assembled, enacts as follows:

1. This By-Law may be cited as "The Noise By-Law".

DEFINITIONS

2. In this By-Law

a) Village means the Village of Nobleford or the area contained within the boundaries of the Village as the context requires;

b) Holiday means any statutory holiday as defined in THE INTERPRETATION ACT.

c) Industrial Zone includes a zone defined as Industrial in the Land Use By-Law;

d) Residential Building means a building which is constructed as a dwelling for human beings and includes a hotel;

e) Residential Zone includes a zone defined as Residential in the Land Use By-Law

f) Signalling Device means a horn, gong, bell, claxon or other device producing an audible sound for the purpose of drawing a person's attention to an approaching vehicle, including a bicycle;

g) Weekdays means any day other than a Sunday or a holiday;

3. 1) Except to the extent allowed under this By-Law no person shall make, continue to make or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Village.

- 2) What constitutes 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 to be determined by the Court which hears the prosecution of an offence against this By-Law.
- 3) Where an activity which is not specifically prohibited or restricted by any legislation of Canada or the Province of Alberta or by this By-Law involves making a sound, which
- a) is or may be or may 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, a person engaged in that activity shall do so in a manner creating as little sound as practicable under the circumstances.

MOTOR VEHICLE NOISE

4. 1) The failure of a person to comply within the Village with the following provisions of the Highway Traffic Act 1975
- a) The prohibition against the use of signalling devices on motor vehicles, motorcycles, or bicycles so as to make more noise than is reasonable necessary for the purpose of giving notice or warning to other persons on the highway, as set out in subsection (2) of Section 35.
  - b) the restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in Section 36.
  - c) the prohibition against equipping a vehicle other than those specified with a siren, as set out in Section 45
- constitutes a violation of this By-Law in addition to and not in substitution for the offence under The Highway Traffic Act.
- 2) Where a person operates a vehicle of any type on a street in a Residential Zone at any time in such a way as to unduly disturb the residents of that street, he is guilty of an offence under this By-Law in addition to and in substitution for any offence of which he may be guilty under Section 148 of the Highway Traffic Act.
- 3) Subsection (2) does not apply to work on a street or on a public utility carried on by
- a) A Village Department
  - b) Canadian Western Natural Gas Limited, or Government Telephones; or Calgary Power Ltd.,
  - c) A contractor working for the Village, for Canadian Western Natural Gas or for Alberta Government Telephones or Calgary Power Ltd.
- 4) Where a vehicle is equipped with a siren under Section 45 of the Highway Traffic Act, the driver thereof shall only use the siren

- a) when the vehicle is proceeding in response to an emergency call; or
- b) at any other time permitted under the Highway Traffic Act
- c) only when such use is necessary for the purpose set out in clause a) and b)

5) Subsection 4) does not apply to the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, an Inspector of the Inspection Service Branch of the Department of Attorney General or a Special Constable.

#### COMMERCIAL AND INDUSTRIAL NOISES

5. 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 Village unless authorized or granted permission by the Village to do so.
6. 1) Notwithstanding any other provision of this By-Law and whether or not the noise resulting therefrom may be heard in an adjoining area which is zoned other than as an Industrial Zone, nothing in this By-Law shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof during some or any hours between ten o'clock in the evening and seven o'clock of the next forenoon in any area which is classed as an Industrial Zone in the Land Use By-Law where the activity is one which;
- a) is permitted use in the zone in which it is carried on or is a conditional use for which the required permission has been given: or

2) In the operation or carrying on of an industrial activity in a zone in which it would be curtailed or restricted but for subsection 1) the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

#### DOMESTIC NOISES

7. 1) No person shall operate
- a) a power or hand lawn mower;
  - b) a model aircraft driven by an internal combustion engine of any description;
  - c) a snow clearing device powered by an engine of any type;
  - d) loud musical instruments, radios, stereos, T.V.'s outside their homes;
- in a Residential Zone between the hours of
- a) ten o'clock in the evening and eight o'clock in the forenoon of the next day which is a weekday; or
  - b) ten o'clock in the evening and nine o'clock in the forenoon of the next day which is a Sunday or a holiday.

2) A person who owns, keeps, houses, harbors, or allows to stay on his premises an animal which by reason, of barking, or howling, disturbs persons in the vicinity of his home is guilty of an offence under this By-Law.

CONSTRUCTION NOISES

8. 1) Unless written permission from the Village Administrator is first obtained, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any machines, 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 zone affer the hour of ten o'clock in the evening and before the hour of seven o'clock in the forenoon of the next day.

2) Subsection 1) does not apply to emergent work carried on by the Village or by a contractor carrying out the instructions of the Village.

9. 1) Unless written permission from the Administrator first be obtained no person shall operate or allow to be operated

- a) a riveting machine
- b) a 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 forenoon of the next day.

2) Subsection 1) does not apply to the work of an exigent nature being carried on by the Village, Alberta Government Telephones or Canadian Western Natural Gas Limited or Calgary Power Ltd.

PENALTIES

A person who contravenes any provision of this By-Law is guilty of an offence and liable on summary conviction to a fine not exceeding \$500.00 or in default of payment of the fine and costs to imprisonment with or without hard labour for a period not exceeding thirty days or until such fine and costs, including costs of committal, are sooner paid.

This By-Law shall come into force and take effect on the day of the final passing thereof.

Read a first time this 2 day of December, 1980 A.D.

Read a second time this 27 day of April, 1981 A.D.

Read a third and final time this 5 day of May 1981 A.D.

*Henry Brindley*  
Mayor

*Joe D'Amore*  
Administrator