

BYLAW NO: 87

A BYLAW FOR THE PURPOSE OF REGULATING NOISE IN THE SUMMER VILLAGE OF NORRIS BEACH

WHEREAS the *Municipal Government Act, Chapter M-26 of the Revised Statutes of Alberta, 2000, part 2, section 7 and 8 and amendments thereto*, authorizes the Council of a municipality to pass bylaws pertaining to the protection of people, property and nuisances within it's corporate boundary;

AND WHEREAS the Council of the Summer Village of Norris Beach deems it advisable to adopt such a bylaw;

NOW THEREFORE the Council of the Summer Village of Norris Beach, in the Province of Alberta, duly assembled, does hereby enact as follows:

SECTION 1 – NAME OF BYLAW

1.0 This Bylaw shall be known as the 'Noise Bylaw'.

SECTION 2 – PURPOSE OF BYLAW

2.0 The purpose of this Bylaw is to enable the comfort and health of residents and visitors to Norris Beach.

SECTION 3 – DEFINITIONS

- 3.0 In this bylaw,
- a. 'Ambient Sound Level' means the Sound Level measured by a Tester at a Point of Reception, which excludes the noise generated by an activity with respect to which a complaint about noise has been made;
 - b. 'Concrete Mixer' means a machine that is mounted on a truck chassis or trailer capable of carrying concrete in a mixed or partially mixed form and pouring it at a location where it is to be used;
 - c. 'Continuous Sound' means any Sound Level that occurs:
 - i. for a continuous duration of more than 3 minutes; or
 - ii. sporadically for a total of more than 3 minutes, in any continuous 15 minute time period;
 - d. 'Day-time' means the period beginning at 8:00 a.m. and ending at 11:00 p.m. on each day of the week;
 - e. 'Garbage Truck' means any vehicle equipped for transporting refuse or any vehicle equipped to load, unload and transport containers for handling refuse;
 - f. 'Leq' means the equivalent continuous Sound Level over periods of time as specified in this Bylaw at a specified location as measured by a Sound Level Meter;
 - g. 'Motorized Garden Tool' means any tool used for horticulture that is powered by electric or internal combustion engine of any kind including a lawn mower;

- h. 'Municipal Tag' means a tag or ticket wherein the Person alleged to have committed a breach of a provision of this bylaw is given an opportunity to pay a voluntary penalty to the Summer Village in lieu of prosecution for the offence;
- i. 'Night-time' means the period beginning at 11:00 p.m. and ending at 8:00 a.m. on each day of the week;
- j. 'Non-Continuous' Sound means any Sound Level that is not a Continuous Sound measured with a Sound Level Meter;
- k. 'Outdoor Speaker System' means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:
 - i. outside of a building;
 - ii. inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building;
 - or
 - iii. in a tent;
- l. 'Peace Officer' means a member of the Royal Canadian Mounted Police, a Special Constable, or a Bylaw Enforcement Officer;
- m. 'Person' includes public bodies, bodies corporate, societies, partnerships, individuals and companies;
- n. 'Point of Reception' means any location at a residence in the Village where noise or Sound Levels are heard by a complainant, as determined by the Tester to be appropriate in each circumstance;
- o. 'Power Tool' means any tool powered by an engine or a motor, regardless of whether that mechanism is powered by compressed air, electricity or a fossil fuel;
- p. 'Property' means real property and includes land together with all improvements which has been so affixed to the land as to make them in fact and in law a part thereof;
- q. 'Residential Construction' means the temporary process of demolishing or building any structure, or repairing or improving a building that already exists, including landscaping, home repair, property improvement and any work in connection with that process including the use of a Concrete Mixer;
- r. 'Signalling Device' means any device that produces an audible sound used for the purpose of drawing an individual's attention, including a horn, gong, bell, klaxon, back-up alarm or public alarm system;
- s. 'Sound Level' means the sound pressure measured in decibels using the "A" weighted network of an integrated Sound Level Meter;
- t. 'Sound Level Meter' means any Type 2 or better integrating instrument (as established by the Standards of the American National Standards Institute "A.N.S.I.") that measures Sound Levels;
- u. 'Summer Village' means the Summer Village of Norris Beach;
- v. 'Tester' means a Peace Officer or an individual authorized by the Peace Officer and trained in the operation of a Sound Level Meter as defined in this Bylaw;

- w. 'Truck' means a public vehicle that is properly registered to operate on a highway in Alberta having a licensed maximum gross weight in accordance with the Traffic Safety Act, Revised Statutes of Alberta 2000, Chapter T-6, of more than five thousand kilograms (5,000 kg), regardless of the vehicles weight at a specific time;
- x. 'Voluntary Penalty' means a penalty specified in this bylaw for a contravention of a provision of this bylaw, which amount shall be paid by a Person to whom a municipal tag has been issued.

SECTION 4 - GENERAL

4.0 Between the hours of 11:00 p.m. and 8:00 a.m. on any day of the week, i.e. night time.

- a. No Person shall make, cause, or permit to be made or caused, any noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons within the corporate limits of the Summer Village.
- b. No Person being the owner, tenant or occupier of property shall allow or permit such property to be used so that noise which occurs thereon or emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons within the corporate limits of the Summer Village.
- c. No Person shall own, keep or harbour any animal or bird which makes or causes to be made, any noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons within the corporate limits of the Summer Village.
- d. No Person shall operate or cause the operation of equipment such as:
 - i. a hand lawn mower;
 - ii. a motorized gardening tool;
 - iii. a power tool outside any building or structure;
 - iv. a engine driven model aircraft;
 - v. a motorized snow clearing or leaf blowing device;
 - vi. outdoor speaker systems, electrical, mechanical or otherwise that generate sound that tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any Person or Persons within the corporate limits of the Summer Village.
 - vii. Notwithstanding subsection 4-d-V1, an Outdoor Speaker System must comply with the Sound Levels established in this Bylaw.
- e. No Person shall permit a vehicle located on a Property to emit noise which emanates from that Property and disturbs or annoys a Person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- f. No owner or occupier of a Property shall permit a vehicle located on a Property to emit noise which emanates from that Property and disturbs or annoys a Person, including noise from excessive engine revving and stereo and amplification equipment in the vehicle.
- g. No Person shall operate or cause the operation of off-highway vehicles within the corporate limits of the Summer Village. See also *the Bylaw to Control the Use of the Municipally Owned Reserves, Parks, Roads and Pathways*.

- h. Whether any sound annoys or disturbs a Person, or otherwise constitutes objectionable noise, is a question of fact to be determined by a Court hearing a prosecution pursuant to this Section of the Bylaw.
- i. Notwithstanding the above, no Person who owns or controls a Truck shall at any time allow it to remain running in the Village for longer than 20 minutes when it is stationary. See also *the Land Use Bylaw*.

SECTION 5 - EXCLUSIONS

- 5.0 Nothing herein shall render any Person liable to a fine, penalty or punishment for:
- a. performing work of any emergency nature for the preservation or protection of life, health and property;
 - b. operating a snow clearing device for the purpose of removal of snow from Village roads and streets;
 - c. operating an emergency vehicle and the sounding of an alarm or warning to announce a fire or other emergency;
 - d. the use of Signalling Devices on vehicles in their normal operation for the purpose of giving warnings to other vehicles or Persons;
 - e. working on a Village road, street, reserve or park authorized by the municipality or the owner of a utility;
 - f. performing Residential Construction commencing at 7:00 a.m., Monday through Friday;
 - g. loading Garbage Trucks for municipal purposes commencing at 7:00 a.m., Monday through Friday;
 - h. the use of Motorized Garden Tools where;
 - i. the Sound Level does not exceed 75 decibels (dbA) Leq measured over a one (1) hour period; and
 - ii. the tool is used during the Day-time and for less than 3 hours during any given day;
 - i. any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

SECTION 6 – CONTINUOUS SOUND

- 6.0 No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of the following Sound Levels;
- a. 65 decibels (dbA) Leq measured over a one (1) hour period during the Day-time; or
 - b. 50 decibels (dbA) Leq measured over a one (1) hour period during the Night-time;
- at any Point of Reception within the Village.
- 6.1 Notwithstanding section 6.0, where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection 6.0, measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dbA) Leq over the Ambient Sound Level before it becomes an offence.

SECTION 7 – NON-CONTINUOUS SOUND

- 7.0 No Person shall cause or permit to be caused a Non-Continuous Sound that exceeds:
- a. 85 decibels (dbA) Leq measured over a period of 15 minutes during the Day-time; or
 - b. 75 decibels (dbA) Leq measured over a period of 15 minutes during the Night-time;
- at any Point of Reception within the Village.

SECTION 8 – PERMITS

- 8.0 A Person may make an application to a Peace Officer having jurisdiction within the Summer Village for a temporary permit allowing for noise or Sound Levels that would otherwise violate this Bylaw.
- 8.1 The Council of the Summer Village hereby authorizes the issuance of such permits by a Peace Officer having jurisdiction within the corporate limits of the Summer Village.

SECTION 9 – PENALTY PROVISIONS

- 9.0 A Peace Officer authorized to enforce this Bylaw under Section 7 of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, and who has reasonable and probable grounds to believe a Person has contravened any section of this Bylaw, may under the authority of this Bylaw, issue a Municipal tag, and where this tag is not paid by the offender a Part 2 violation tag may be issued under the *Provincial Offenders Procedures Act* R.S.A., Chapter 2000, P-34, to that Person.
- 9.1 Any Person who commits a breach of any of the provisions of this bylaw shall be liable to penalty as follows:
- a. a fine up to \$300.00 for a first offence; or a voluntary fine of \$100.00
 - b. a fine up to \$500.00 for a second offence; or a voluntary fine of \$200.00.
 - c. a fine up to \$1,000.00 for a third or subsequent offence; or a voluntary fine of \$500.00

SECTION 10 – SEVERABILITY

- 10.0 Should any section or part of this Bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this Bylaw. The Bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this Bylaw.

SECTION 11 – EFFECTIVE DATE

11.0 This bylaw comes into effect on the date of the third reading

READ a first time this 28th day of May, 2005

READ a second time this 9th day of July, 2005

Moved by Mayor Fowlie that consideration be given to third reading at this meeting.

CARRIED UNANIMOUSLY

READ a third time and finally passed this 9th day of July, 2005

—Bruce Fowlie, Mayor
Summer Village of Norris Beach

Peter Irwin, Chief Administrative Officer
Summer Village of Norris Beach