

BYLAW 2220/G/05

**BEING A BYLAW OF THE TOWN OF STONY PLAIN IN THE PROVINCE OF ALBERTA TO
REGULATE NOISE WITHIN THE TOWN OF STONY PLAIN**

WHEREAS the *Municipal Government Act*, Revised Statutes of Alberta 2000, and amendments thereto, provides that a council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property and respecting the people, activities, and things in, on or near a public place,

AND WHEREAS Town Council deems it advisable to prohibit, eliminate or abate noise within the municipality,

NOW THEREFORE, the Council of the Town of Stony Plain, in the Province of Alberta, duly assembled enacts as follows:

1.0 Title

1.1 This bylaw may be cited as "The Noise Control Bylaw".

2.0 Definitions

In this bylaw

2.1 "Hospital District" means any area which

- i) is designated as such by signs or other devices or
- ii) any portion of the Town within five hundred (500) feet in any direction from the boundaries of a site on which is situated a hospital as defined in the *Hospitals Act*;

2.2 "Commercial District" means a district described as such in the Town's Land Use Bylaw;

2.3 "Industrial District" means a district described as such in the Town's Land Use Bylaw;

2.4 "Land Use Bylaw" means Bylaw 1166/LUO/94 of the Town of Stony Plain, as amended from time to time and includes any bylaw passed in substitution for or in addition to Bylaw 1166/LUO/94;

2.5 "Noise" means any sound, especially that which is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, health, peace or safety of persons;

2.6 "Offence Ticket" means a ticket issued pursuant to the *Provincial Offences Act*, RSA 2000;

2.7 "Peace Officer" means a member of the RCMP, a Bylaw Enforcement Officer or Special Constable as appointed by the Town;

2.8 "Person" includes Her Majesty, public bodies, bodies corporate, societies, partnerships, firms, individuals, or companies;

2.9 "Property" means real property and includes land, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof;

2.10 "Residential District" means a district defined as such in the Town's Land Use Bylaw;

2.11 "Town" means the Town of Stony Plain or the area within the corporate limits of the Town of Stony Plain, as the context may require;

2.12 "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 an offence ticket has been issued.

3.0 General

3.1 Except as permitted by this bylaw, no person shall at any time cause or permit noise or vibration which disturbs the quiet, rest or comfort, or which causes annoyance or danger, to inhabitants of the Town.

- 3.2 No person being the owner, tenant, or occupier of property shall allow or permit such property to be used so that noise, which occurs on or emanates from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons within the Town.
- 3.3 No person shall own, keep or harbor 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 Town.
- 3.4 In determining whether a noise or sound unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons in the Town, consideration may be given but is not limited to the:
- 3.4.1 Type, volume and duration of the sound;
 - 3.4.2 Time of day and day of the week;
 - 3.4.3 Nature and use of the surrounding area; and
 - 3.4.4 The nature of the activity of the persons being disturbed.
- 3.5 No person shall emit or cause or permit the emission of sound or noise resulting from an act listed below if the sound is clearly audible outside the premises from which the noise originates:
- 3.5.1 Racing of any motor vehicle other than in a racing event regulated by law;
 - 3.5.2 The operation of a motor vehicle in such a way that the tires squeal;
 - 3.5.3 The operation of a vehicle, engine, motor, construction equipment, or pneumatic device without an effective exhaust, intake-muffling device or other sound attenuation device of a type specified by the manufacturer, which is in good working order and in constant operation;
 - 3.5.4 The operation of a vehicle or vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment or inadequate maintenance;
 - 3.5.5 The operation of a vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices; and
 - 3.5.6 Use of engine retarder brakes within Town limits, including that portion of Highway 16A that passes through the Town.

4.0 Hospital District

- 4.1 Where an area is designated by signs or other means as being a hospital district no person shall, without the permission of the Director of Planning & Infrastructure, or designate, or Peace Officer, make or continue any noise or loud sound within the area.

5.0 Industrial Noise

- 5.1 Notwithstanding any other provisions of this bylaw and whether or not the noise resulting there from may be heard in an adjoining area which is designated 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 at any time during the day or night in any area which is classed as an industrial district in the Land Use Bylaw where the activity is one which
- i) is a 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
 - ii) is a non-conforming use as the same is defined in Bylaw 1166/LUO/94 for the district in which the use is being carried on
- 5.2 In the operation or carrying on of an industrial activity in a zone in which it would be curtailed or restricted but for Section 5.1, 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.

6.0 Construction Noises

- 6.1 Unless a permit for such operation is first obtained from the Director of Planning & Infrastructure, or designate, or Peace Officer, no person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical 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 agricultural district, future residential district or an industrial district, after 10:00 p.m. and before 7:00 a.m. of any day.

6.2 Subject to Section 5.1, unless a permit is first obtained from the Director of Planning & Infrastructure, or designate, or Peace Officer, 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 at any time on a Sunday and after 10:00 p.m. and before 7:00 a.m. of any day other than a Sunday.

7.0 Exceptions and Allowances

7.1 Any person performing work of an emergency nature for the preservation or protection of life, health or property may be exempt from this bylaw. The onus shall be on the person performing the work to show that the work was of an emergency nature and may be required to obtain a permit.

7.2 Where an activity within the scope of this bylaw is deemed essential or practical, the Peace Officer, at the Officer's discretion, may approve a permit allowing the activity. Such permit may be revoked at any time by the Town Manager.

7.3 Town-sanctioned activities are not subject to the provisions of this bylaw. Such activities could include, but are not limited to, snow removal, street sweeping, cultural or recreational functions.

7.4 Notwithstanding section 7.2, persons engaged in snow removal or street sweeping in land use districts designated commercial or industrial may be exempt from provisions of this bylaw.

7.5 Persons may operate domestic equipment including, but not limited to, lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers and air blowers, gas or electric if:

- a) the equipment is properly maintained,
- b) the equipment is operated in a normal manner for that type of equipment,
- c) the noise is of a temporary or intermittent nature,
- d) the noise occurs between the hours of 7:00 a.m. and 10:00 p.m. with the excepted prohibition between 9:00 p.m. on a Saturday evening to 9:00 a.m. on a Sunday morning.

7.6 Where an activity, which is allowed by this bylaw, involves creating or making a sound which is or may become, or 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 engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.

8.0 Penalties

8.1 Everyone who commits a breach of any of the provisions of this bylaw shall be liable:

- a) For the first offence to a voluntary penalty of One Hundred Dollars (\$100.00) and upon Summary Conviction to a fine of not less than One Thousand Dollars (\$1000.00) and in default of payment to a term of imprisonment of six (6) months or to both.
- b) For a second and subsequent offence to a voluntary penalty of Two Hundred Dollars (\$200.00) and upon Summary Conviction to a fine of not less than One Thousand Dollars (\$1000.00) and in default of payment to a term of imprisonment of six (6) months or to both.

8.2 Voluntary payment in lieu of prosecution must be made within 21 clear days of issuance of an offence ticket.

8.3 Any person who is issued an offence ticket shall immediately discontinue creating such noise. If the noise continues or is allowed to continue, a second offence ticket may be issued and so on.

9.0 Repeal

9.1 This bylaw repeals Bylaw 926.

10.0 Severability

10.1 If any portion of this bylaw is declared or held to be illegal, invalid or ultra vires, then the provision shall not apply, and the remainder of this bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

11.0 Effective

11.1 This bylaw shall take full force and effect upon passage of third and final reading upon signing in accordance with Section 213, Municipal Government Act, Revised Statutes of Alberta 2000.

Read a first time this 29th day of March, A.D. 2005.


Read a second time this 29th day of March, A.D. 2005.

Given unanimous consent this 29th day of March, AD. 2005.

Read a third time this 29th day of March, A.D. 2005.



Mayor Donna Cowan



Randy Dubord, CMA
Director of Finance and Administration



**ACTIVITY PERMIT
FOR THE PURPOSE OF NOISE CONTROL**

(Complies with Bylaw 2220/G/05)

Date of Application: _____

Name of Applicant: _____

Name of Legal Entity: _____

Address of Legal Entity: _____

Contact Information:
(phone, fax, email) _____

Address of Activity: _____

Describe activity, possible
noise generated, during
what time periods: _____

Date and Time Period of Permit: _____

Restrictions or Conditions: _____

Once signed, this permit authorizes the applicant to engage in the activity as stated above. The permit may be revoked at any time upon written notice by a Peace Officer or the Town Manager.

Signature of Applicant

Signature of Town Representative

Any inquiries regarding this permit may be directed to:

Town of Stony Plain
Bylaw Enforcement
4905 51 Avenue
(780) 919-6860

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