

COUNTY OF BARRHEAD NO. 11

NOISE AND POLLUTION BY-LAW

pursuant to the Municipal Government Act, Revised Statutes of Alberta, 1980, Chapter M-26 and amendments thereto, the Council of the County of Barrhead No. 11 duly assembled, HEREBY ENACTS AS FOLLOWS:

PART I - Purpose and Interpretation

1. PURPOSE:

This By-Law is passed for the purpose of prohibiting, eliminating or abating noise and establishing permissible noise levels for varying periods of the day in designated districts of the County of Barrhead No. 11.

2. INTERPRETATION:

- (a) "County" means the corporation of the County of Barrhead No. 11 or the area contained within the boundaries of the County of Barrhead No. 11 as the context requires;
- (b) "country residential district" comprises all the land in the County of Barrhead No. 11 within the area so designated on the land use district map - Schedule "A";
- (c) "holiday" means any statutory holiday as defined in the Interpretation Act, Revised Statutes of Alberta, 1980, Chapter I-7 and amendments thereto, or as defined in the Interpretation Act, Statutes of Canada, 1970, Chapter I-23 and amendments thereto;
- (d) "designated districts" comprises country residential districts, summer resort districts and urban general districts;
- (e) "development officer" means:
 - (i) a person appointed as a development officer pursuant to a resolution of council, or;
 - (ii) where a municipal planning commission is authorized to act as a development officer, the municipal planning commission, or;
 - (iii) where a municipal planning commission is authorized to act as a development officer, in addition to a person appointed as a development officer, either or both of them;
- (f) "land use by-law" means By-Law No. 50-79, as the same is amended from time to time and includes any By-Law passed in substitution for or in addition to By-Law No. 50-79;
- (g) "motor vehicle" means:
 - (i) a vehicle propelled by any power other than muscular power, or;
 - (ii) a moped, but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only on rails;
- (h) "off-highway vehicle" means an off-highway vehicle as defined in the Off-Highway Vehicle Act, 1980, Revised Statutes of Alberta, C.O-4, and amendments thereto;
- (i) "signalling device" means a horn, gong, bell, claxon or other device producing audible sound for the purpose of drawing peoples attention to an approaching vehicle, including a bicycle;

2. INTERPRETATION (con't.)

- (j) "summer resort district" comprises all the land in the County of Barrhead No. 11 within the area so designated on the land use district map - Schedule "A";
- (k) "truck" means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis-cab, crawler mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in the Off-Highway Vehicle Act, Revised Statutes of Alberta, 1980, Chapter 0-4, and amendments thereto;
- (l) "truck tractor" means a truck that is designed primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of the vehicle drawn, and includes a vehicle that is designed to accommodate a fifth wheel coupling, but does not include a crane equipment breakdown vehicle;
- (m) "urban general district" comprises all the land in the County of Barrhead No. 11 within the area so designated on the land use district map - Schedule "A", the hamlets of Manola, Neerlandia, and Vega;
- (n) "vehicle" means a device in, on or by which a person or thing may be transported or drawn on a highway;
- (o) "weekday" means any day other than a Sunday or holiday.

PART II - General Prohibition:

- 3. (a) No person shall make, continue or cause, or allow to be made or continued any loud, unnecessary or unusual noise, except for noise created through normal farming operations, or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the designated districts.
- (b) The question of what constitutes a loud noise, an unnecessary or unusual noise, or a noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the designated districts is a question of fact for a court which hears a prosecution of an offence against this By-Law.

PART III - Motor Vehicle Noises:

- 4. (a) The failure of a person to comply, within the designated districts, with the following provisions of the Highway Traffic Act, Revised Statutes of Alberta, 1980, Chapter H-7, and amendments thereto:
 - (i) the prohibition against the use of signalling devices on motor vehicles, motorcycles or bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons on the highway as set out in subsection 2 of Section 45;
 - (ii) the restrictions on the type or use of mufflers and similar equipment on motor vehicles and other internal combustion engines as set out in Section 46;
 - (iii) the prohibition against equipping a vehicle, other than those specified, with a siren as set out in Section 59;

PART III - Motor Vehicle Noises (con't.):

shall constitute a violation of this By-Law in addition to and not in substitution for the offence created by the Highway Traffic Act.

4. (b) If a person operates a vehicle or off-highway vehicle of any type, whether on a highway or not, at any time of the day or night in such a way as to unduly disturb the residents of a designated district, he shall be guilty of an offence under this By-Law in addition to and not in substitution for any offence of which he may be guilty pursuant to the provisions of Section 135 of the Highway Traffic Act, Revised Statutes of Alberta, 1980, Chapter H-7, and amendments thereto;
- (c) Where a vehicle is allowed by the provisions of Section 59 of the Highway Traffic Act, Revised Statutes of Alberta, 1980, Chapter H-7 and amendments thereto, to be equipped with a siren, the driver thereof shall use the siren only at such times as the vehicle is proceeding in response to an emergency call and at such other times as is allowed by the said Act, and at such times shall use the siren only when it is necessary for the purpose for which the siren is allowed to be used;
- (d) Nothing in subsection (c) above shall prohibit or restrict the use of a siren on a vehicle operated by a member of the Barrhead Municipal Police Department, Royal Canadian Mounted Police or an inspector of the Inspections Services Branch of the Department of the Attorney General or a special constable, or the fire department or an ambulance;
- (e) No person shall allow, in any designated district or within thirty (30) metres from an occupied residence, other than their own, the diesel motor on a truck tractor which pulls a trailer or semi-trailer truck to remain running for longer than 20 minutes while the truck tractor-trailer or truck tractor alone is not in motion;
- (f) The provisions of subsection (b) above do not apply to work on a highway or on a public utility carried on by:
 - (i) a county department;
 - (ii) Northwestern Utilities Company Ltd., ICG, or the Ste. Anne Natural Gas Co-op; or,
 - (iii) a contractor working for the County, Northwestern Utilities Company Ltd., ICG, Ste. Anne Natural Gas Co-op, Alberta Government Telephones or Transalta Utilities Ltd.

PART IV - Commercial and Industrial Noises:

5. No person shall load or unload motor trucks in any designated district or within thirty (30) meters of the boundary of any such district between the hours of:
 - (a) 10 o'clock in the evening and 7 o'clock of the next forenoon on weekdays; or,
 - (b) 10 o'clock in the evening and 9 o'clock of the following day which is a Sunday or a holiday.

PART V - Domestic Noises:

6. (a) No person shall operate a power or hand lawnmower, chain saw, or any other tool, device or machine of a noisy nature in any designated district or so as to create a noise which may be heard in a designated district between the hours of:
- (i) 10 o'clock in the evening and 8 o'clock of the next forenoon on weekdays; or,
 - (ii) 10 o'clock in the evening and 9 o'clock in the morning of the following day which is a Sunday or holiday;
- (b) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of a lawnmower is prohibited by subsection (a) in any designated district;
- (c) No person shall operate a snow clearing device powered by an engine of any type in any designated district between the hours of:
- (i) 10 o'clock in the evening and 6 o'clock of the next forenoon on weekdays; or,
 - (ii) 10 o'clock in the evening and 9 o'clock in the morning of the following day which is a Sunday or holiday;
- (d) A person who owns, keeps, houses, or harbours on his premises or owns and allows to stray a dog which by reason of barking or howling disturbs persons in a designated district is guilty of an offence under this By-Law.

PART VI - Construction Noises:

7. (a) Unless permission from the development officer for such operation is first obtained, 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 by persons in a designated district after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any day.
- (b) The provisions of this section do not apply to any work of emergency nature carried on by the County of by a contractor carrying out the instructions of the County.
8. (a) Subject to the provisions of subsection (b), unless permission for such operation from the development officer is first obtained no person shall operate or allow to be operated:
- (i) a riveting machine;
 - (ii) a concrete mixer;
 - (iii) a gravel crusher;
 - (iv) a steam shovel;
 - (v) a trenching machine;
 - (vi) a dragline;
 - (vii) an air or steam compressor, jackhammer or pneumatic drill;
 - (viii) a tractor or bulldozer;
 - (ix) a chain saw, or,
 - (x) 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 designated district between the hours of 10 o'clock in the evening and 7 o'clock in the morning of any day other than a Sunday;

PART VII - Penalties

9. A person who contravenes any provision of this By-Law either by doing something which he is prohibited from doing or failing to do something which he is required to do is guilty of an offence and is liable on summary conviction to a fine not in excess of \$2,500.00, exclusive of costs; or, in default of payment of the fine and costs of committal, to imprisonment for a period not exceeding six (6) months or until such fine and costs are sooner paid.

FIRST READING GIVEN THIS 6th day of December, 1985 - WIMMER

SECOND READING GIVEN THIS 6th day of December, 1985 - RYDER

THIRD AND FINAL READING GIVEN THIS 6th day of December, 1985 - MILLER, with the unanimous consent of Council.

REEVE

SEAL

COUNTY MANAGER