

**TOWN OF RAYMOND
NOISE BYLAW
BYLAW 999-12**

BEING A BYLAW OF THE TOWN OF RAYMOND TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS pursuant to section 3 of the Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto, the purposes of a municipality are to develop and maintain safe and viable communities;

AND WHEREAS, pursuant to section 7 of the Municipal Government Act, R.S.A. 200, c. M-26 and amendments thereto, a council of a municipality may pass bylaws for the municipal purposes respecting the safety, health and welfare of people and the protection of people and property; activities and things in, on or near a public place that is open to the public; nuisances and the enforcement of bylaws.

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

- 1) This bylaw may be cited as "The Noise Bylaw".
- 2) DEFINITIONS - In this bylaw
 - a) "Town" means the Municipality of the Town of Raymond or the area contained within the boundaries of the Town as the context requires
 - b) "Holiday" means any statutory holiday as defined in the Interpretation Act (Alberta);
 - c) "Chief Administrative" Officer or "CAO" means the Chief Administrative Officer of the Town appointed by Council in accordance with the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26;
 - d) "Hospital Zone" means an area which
 - i) is designated as such by signs or other devices, or
 - ii) any portion of the Town within 150m in any direction from the boundaries of the site on which is situated a hospital as defined in the Hospital Act of Alberta;
 - iii) "Industrial Zone" includes a zone defined as Industrial in the Land Use Bylaw;

- iv) "Peace Officer" means the Person(s) so appointed as the Peace Officer, or Bylaw Officer by Council, or any member of the Police Service in the jurisdiction;
- v) "Residential Building" means a building which is constructed as a dwelling for human beings and includes a hotel;
- vi) "Residential Zone" includes a zone defined as General Residential (R-1), Manufactured Home Park (R-2) in the Land Use Bylaw;
- vii) "Signaling Device" means a horn, gong, bell, or other device producing an audible sound for the purpose of drawing a persons' attention to an approaching vehicle, including a bicycle;
- viii) "Weekday" means any day other than a Sunday or a holiday;
- ix) "Land Use Bylaw" means Bylaw No. 987-11, the Land Use Bylaw of the Town of Raymond as amended from time to time or any bylaw passed in substitution for or in addition to Bylaw 987-11.

3) POWERS AND DUTIES OF PEACE OFFICER

- a) The Peace Officer by virtue of his/her office is the officer responsible to control noise within the Town.
- b) The powers and duties of the Peace Officer are as follows:
 - i) To receive and respond to complaints of noise within the Town, or to assist the local policing authority with respect to noise complaints as required.
 - ii) To ascertain as far as possible that all information or complaints in respect to Noise are true in fact and substance.
 - iii) To administer this Bylaw and as far as practicable, see that all persons within the Town conform to its provisions, and to prosecute any person who fails to comply with those provisions.
 - iv) To direct any person who has caused or made a noise, or any occupant of property from which a noise originates to abate or eliminate the Noise.
 - v) To issue violation tickets in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34, or by laying an information instead of issuing a violation ticket.

4) GENERAL PROHIBITION

- a) Except to the extent allowed under this bylaw, 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 Town.
- b) 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 bylaw.
- c) Where an activity which is not specifically prohibited or restricted by any legislation of Canada or the Province of Alberta or by this bylaw involves making a sound, which
 - i) is or may be or may become; or
 - ii) 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
- d) No person shall
 - i) carry on any noise making activity in a Hospital Zone unless it cannot be carried on in some other area; or
 - ii) make or continue any noise or sound within a Hospital Zone.

5) MOTOR VEHICLE NOISES

- a) The failure of a person to comply within the Town with the following provisions of Traffic Safety Act and Regulations;
 - 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 83 of the Traffic Safety Act; Use of Highway and Rules of Road Regulation;
 - ii) The restrictions on the type or use of mufflers and similar equipment on motor vehicles, as set out in 61(1) of the Traffic Safety Act; Vehicle Equipment Regulation;

- iii) The prohibition against equipping a vehicle other than those specified with a siren, as set out in section 77 of the Traffic Safety Act Vehicle Equipment Regulation;

constitutes a violation of this by-law in addition to and not in substitution for the offence under Traffic Safety Act and Regulations.

- b) 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 bylaw in addition to and not in substitution for any offence of which he may be guilty under Section 13(1)(g)(iii) of the Traffic Safety Act.
 - c) Subsection (b) does not apply to work on a Town street or on a public utility carried on by
 - i) A Person acting in the normal course of that Person's employment as a Town Employee (or as an agent under contract by the Town); or
 - ii) A Person operating an Emergency Vehicle in the normal course of the Person's employment;
 - d) Where a vehicle is equipped with a siren under Section 77, of the Vehicle Safety Act; Vehicle Equipment Regulations, the driver thereof shall only use the siren when the vehicle is proceeding in response to an emergency call
 - e) Subsection (d) does not apply to the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, or a Peace Officer.
- 6) 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 Town except by permit from the Town.
- 7) Without limiting the generality of any other provision of this bylaw, no person shall ring a bell or a similar device to promote or advertise the sale of ice cream in a Residential Zone between the hours of:
- a) ten o'clock in the evening and eight o'clock in the morning of the next day which is a weekday; or
 - b) ten o'clock in the evening and nine o'clock in the morning of the next day which is a Sunday or holiday.
 - c) In the operation or carrying on of an industrial activity, 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.

8) DOMESTIC NOISES

a) No person shall operate

i) a motorized or electric construction/lawn/garden tool;

ii) a snow clearing device powered by an engine of any type;

in a Residential Zone between the hours of

(1) ten o'clock in the evening and six o'clock in the morning of the next day which is a weekday; or

(2) ten o'clock in the evening and eight o'clock in the morning of the next day which is a Sunday or holiday.

b) A person who owns, keeps, houses, harbours, 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 Bylaw.

9) Unless written permission from the Town is first obtained, no person shall operate or allow to be operated;

a) a riveting machine;

b) a concrete mixer;

c) a gravel crusher;

d) a trenching machine;

e) jack hammer or pneumatic drill;

f) a tractor or bulldozer; or

g) 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 morning of the next day.

Section (10) does not apply to the work of an exigent nature being carried on by a Town Department, Utility Company, or outside contractor acting on the Town's behalf.

10) Any person who contravenes any provision of this Bylaw is guilty of an offence and liable, on summary conviction, to a penalty of:

a) For a first offence, a minimum fine of \$100.00;

b) For a second offence (within 12 months of a first offence), a minimum fine of \$300.00; and

c) for any subsequent offences (within 12 months of a previous offence), a minimum fine of \$500.00.

11) A person who contravenes any provision of this Bylaw 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 for a period not exceeding thirty days or until such fine and costs, including costs of committal, are sooner paid.

12) Bylaw #639 is hereby repealed.

13) This bylaw shall come into effect upon third and final reading thereof.

Read a 1st time 6th day of November, 2012

Read a 2nd time 20th day of November, 2012

Read a 3rd time and finally passed 11th day of December, 2012

Amended Bylaw

Read a 1st time this 2nd day of July, 2019

Read a 2nd time this 16th day of July, 2019

Read a 3rd time this 16th day of July, 2019

Jim Depew, Mayor

Kurtis Pratt, Chief Administrative Officer