

THE CITY OF SPRUCE GROVE

BYLAW C-908-15

NOISE CONTROL BYLAW

A Bylaw of the City of Spruce Grove in the Province of Alberta, for the purpose of prohibiting, eliminating and abating noise.

WHEREAS, the *Municipal Government Act*, RSA, 2000, c. M-26, provides that the Council of a municipality may pass a bylaw for the purpose of prohibiting, eliminating or abating noise; in all or a designated part or location of a municipality, and

WHEREAS the *Traffic Safety Act*, RSA, 2000 c. T-6 provides that the Council of a municipality may make bylaws defining what constitutes objectionable noise, devising a system or method of determining or measuring that noise, and prohibiting the operation of a motor vehicle which in any manner makes objectionable noises;

NOW THEREFORE, The Municipal Council of the City of Spruce Grove duly assembled, hereby enacts as follows:

1. SHORT TITLE

- 1.1. This Bylaw may be cited as “the Noise Control Bylaw”

2. DEFINITIONS

- 2.1. “City” means the municipal corporation of the City of Spruce Grove
- 2.2. “City Manager” means the City Manager for the City of Spruce Grove or a designated officer appointed by Council.
- 2.3. “Community Event” means any celebration, event, activity or thing so designated by resolution of Council, and to which this bylaw shall not apply by reason of said designation.
- 2.4. “Community Recreation” means recreational, social or multipurpose use in a venue without fixed seats and with an occupancy capacity of less than 500 persons, primarily intended for local community purposes. Typical uses include community halls, community centers, and community league buildings operated by local community organizations.
- 2.5. “Construction Equipment” includes but is not limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer, pneumatic drill, tractor other than a tractor used in a farming operation, bulldozer,

front end loader, motor scraper, motor grader or any other tool, device or machine of a noisy nature.

- 2.6. "Construction Noise" means noise caused by construction equipment
- 2.7. "Council" means the Municipal Council of the City of Spruce Grove.
- 2.8. "Excessive Noise" means any sound which in the opinion of the Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace or safety of persons within the boundary of the City of Spruce Grove.
- 2.9. "Holiday" means any day declared as such by municipal, provincial or federal government and includes Sundays.
- 2.10. "Lease" means a lease to use the property for a period of time in excess of 48 hours.
- 2.11. "License" means a license to use the property for a period of time in excess of 72 hours.
- 2.12. "Motor Vehicle" means motor vehicle as defined in the *Traffic Safety Act*, RSA, 2000, c. T-6
- 2.13. "Off highway Vehicle" means an Off Highway Vehicle as defined in the *Traffic Safety Act* as amended.
- 2.14. "Owner" means
 - a. with respect to property used for community recreation, the person with the short term rental agreement, sublicense agreement, lease or license to use the property, and the person occupying or otherwise controlling the said property, but does not include the person who is the registered owner of the property.
 - b. with respect to all other property, the person with the short term rental agreement, sublicense agreement, lease or license to use the property, the person occupying or otherwise controlling the said property and the person who is the registered owner of the property.
- 2.15. "Peace Officer" means a member of the Royal Canadian Mounted Police, a Peace Officer appointed under the Peace Officer Act, or a City Bylaw Officer.
- 2.16. "Permit" means a written permit issued by the City Manager pursuant to Section 4.1 of the bylaw.

- 2.17. "Person" includes any individual, corporation, firm, partnership, association, society, or registered company.
- 2.18. "Short Term Rental Agreement" means a right to use property for a period of time of 72 hours or less.
- 2.19. "Sublicense Agreement" means a right to use property for a period of 72 hours or less, which is obtained from the holder of a license to use the said property.
- 2.20. "Violation Tag" means a ticket or similar document issued by a Peace Officer pursuant to the *Municipal Government Act*, RSA, 2000, c. M-26.
- 2.21. "Violation Ticket" means a ticket issued pursuant to Part II of the *Provincial Offences Procedure Act*, RSA, 2000, c. P-34.

3. VIOLATIONS

- 3.1. Except to the extent permitted by the bylaw, no person shall:
 - a. cause excessive noise within the City;
 - b. operate or permit any other person to operate within the City a motor vehicle that causes excessive noise; or
 - c. operate or permit any other person to operate within the City an off-highway vehicle that causes excessive noise.
- 3.2. No owner shall allow property they own to be used in such a way that there is excessive noise originating from the property.
- 3.3. A Peace Officer may direct any person who has caused or made excessive noise, or any person who owns property from which excessive noise has originated, to abate or eliminate the excessive noise. Such a direction may be either verbal or written. If the direction is written, the direction shall be in the form set out in Schedule A attached hereto and forming part of this bylaw.
- 3.4. Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this bylaw and which involves creating or making a sound which:
 - a. is or may become; or
 - b. creates or produces or may create or producenoise, a person engaging in such activity shall do so in such manner as to create as little sound as practicable under the circumstances.

3.5. Engine Retarder Brakes

- a. The use of Engine Retarder Brakes is prohibited within the City Limits. Such limits shall include that portion of Highway 16A, which passes through the City.

4. PERMITS AND NON-APPLICATION OF BYLAW

- 4.1. The City Manager may upon written request; issue a permit to a person for the purpose of suspending the provisions of this bylaw, and the permit shall specify the dates and hours during which noise may occur.
- 4.2. Any such permit issued shall be produced to a Peace Officer upon demand.
- 4.3. Persons owning or controlling construction equipment, and persons owning or controlling land on which construction equipment is being operated shall be exempt from the provisions of this bylaw if:
 - a. the noise is generated pursuant to work done in the normal manner to the industry;
 - b. the noise is generated between the hours as authorized by and set out in Schedule B attached to and forming part of this bylaw; and
 - c. all necessary federal, provincial and municipal permits, licenses and approvals have been obtained and the work is not contrary to any federal, provincial or municipal laws or regulations.
- 4.4. This bylaw does not apply:
 - a. to work carried on by the City or its agents, contractors, servants or employees, acting within the scope of the agency, contract, or employment, as the case may be;
 - b. to the performance of work by any person on land zoned as M-1 Industrial pursuant to the City Land Use Bylaw, as amended, if:
 - (i) the noise is generated pursuant to the work done in the normal manner to that end;
 - c. to persons operating domestic equipment including, without restricting the generality of the foregoing, lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers and air blowers, and persons owning or controlling property upon which such equipment is used if the noise is of a temporary

or intermittent nature, the equipment is properly maintained and operated in a normal manner for that type of equipment; and the noise occurs between the hours of 7:00 a.m. and 10:00 p.m.; or

- d. to Community Events.

5. AUTHORIZATION TO INSPECT

- 5.1. A Peace Officer may enter any land, building or premise to inspect for conditions that may constitute a contravention of this bylaw.

6. EMERGENCIES

- 6.1. Nothing shall render any person liable to a fine, penalty or punishment for performing work of an emergency nature for the preservation or protection of life, health or property.

7. PENALTIES

- 7.1. Any person who contravenes the provisions of this bylaw is guilty of an offence and liable upon summary conviction;
 - a. to a fine for a first offence as set out in Schedule C attached hereto and forming part of this bylaw;
 - b. to a fine for a second offence as set out in Schedule C attached hereto and forming part of this bylaw.
- 7.2. Under no circumstances shall any person contravening any provisions of this bylaw be subject to the penalty of imprisonment.

8. VIOLATION TAG

- 8.1. A Peace Officer is hereby authorized and empowered to issue a violation tag to any person who the Peace Officer has reasonable and probable grounds to believe has contravened any provisions of this bylaw.
- 8.2. Any person who is issued a violation tag for contravention of this bylaw shall immediately discontinue creating excessive noise to avoid prosecution or a second offence.
- 8.3. If the excessive noise continues, or is allowed to continue, a second violation tag may be issued.
- 8.4. Where a violation tag is issued pursuant to this bylaw, the person whom the violation tag is issued may, in lieu of being prosecuted for the offence, pay the City the penalty specified on the violation tag.

9. VIOLATION TICKET

- 9.1. If the penalty specified on the violation tag is not paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA, 2000, c. P-34.
- 9.2. Notwithstanding Section 8.1 of this bylaw a Peace Officer is hereby authorized and empowered to immediately issue a violation ticket pursuant to Part II of the *Provincial Offences Procedures Act*, RSA, 2000 c. P-34, as amended to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this bylaw.

10. SEVERABILITY

- 10.1. If at any time, any provision of this bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, 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. EFFECTIVE DATE

- 11.1. This bylaw shall come into force and effect upon being given third and final reading.

12. REPEAL OF BYLAW C-475-03

- 12.1. Bylaw C-475-03 is hereby repealed.

First Reading Carried 23 March 2015

Second Reading Carried 23 March 2015

Third Reading Carried 13 April 2015

Date Signed 20 April 2015

Mayor

City Clerk

SCHEDULE A – NOTICE OF ABATEMENT

To:

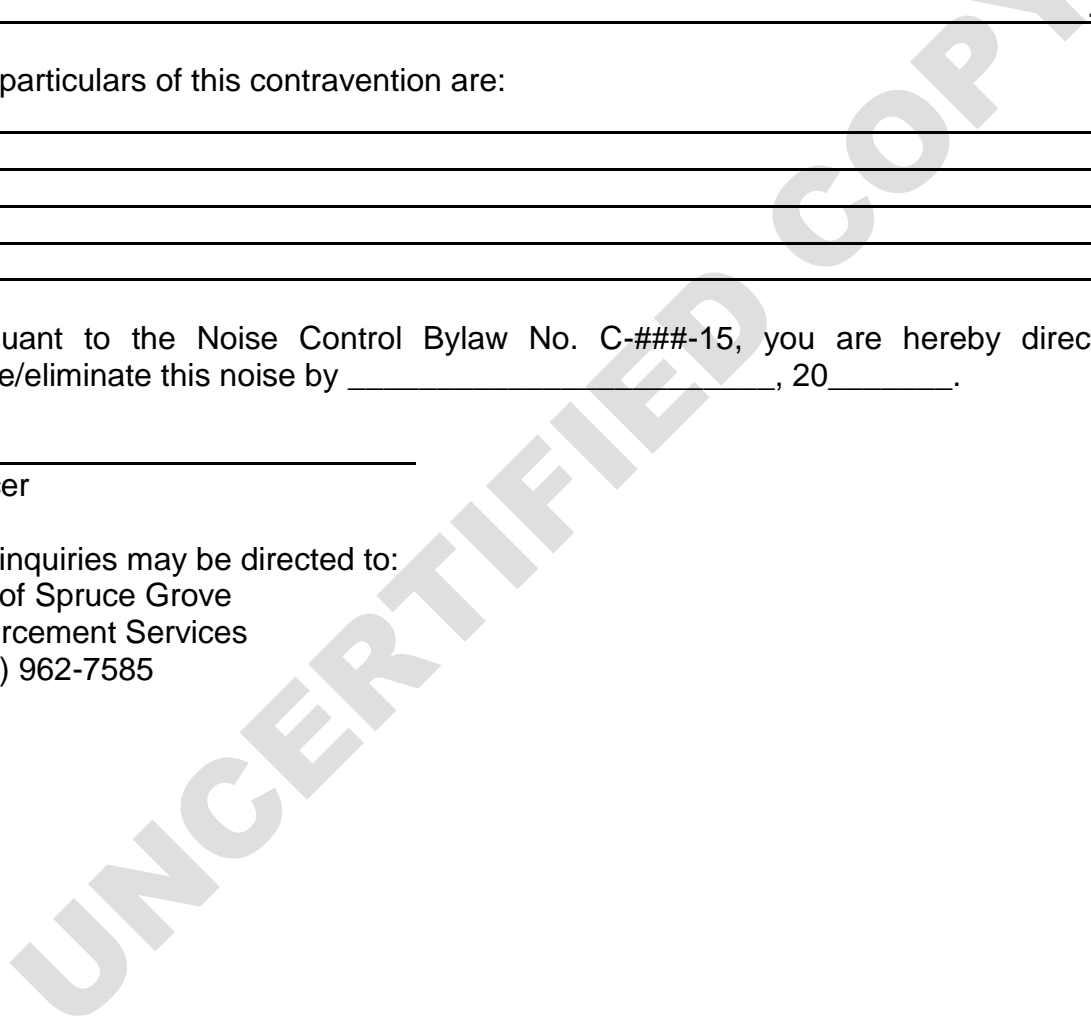
You are hereby notified that on or about the _____ day of _____, 20__ at approximately _____ a.m. /p.m., a Peace officer within the City of Spruce Grove observed a breach of the City of Spruce Grove Noise Control Bylaw No. C-###-15 at:

The particulars of this contravention are:

Pursuant to the Noise Control Bylaw No. C-###-15, you are hereby directed to abate/eliminate this noise by _____, 20_____.

Officer

Any inquiries may be directed to:
City of Spruce Grove
Enforcement Services
(780) 962-7585



SCHEDULE B – HOURS DURING WHICH CONSTRUCTION EQUIPMENT NOISE IS PERMITTED

Monday - Saturday
7:00 a.m. – 10:00 p.m.

Sundays, Statutory Holidays
10:00 a.m. – 10:00 p.m.

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SCHEDULE C - PENALTIES

First offence, fine of	\$250.00
Second and subsequent offence, fine of	\$500.00

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