

CITY OF ST. ALBERT

BYLAW 31/2006

Being a Bylaw to regulate noise within the City of St. Albert.

NOW THEREFORE the Municipal Council of the City of St. Albert hereby ENACTS AS FOLLOWS:

**PART 1
DEFINITIONS**

1. This Bylaw may be referred to as "The Noise Bylaw".
2. In this Bylaw
 - (a) "Approved Device" means a noise level meter used to measure sound pressure levels which approved device meets the International Electro-Technical Commission Standard No. 123 or the British Standard No. 3539 Part I, or the American National Standard (ANSI) S1.4-1983;
 - (b) "Bylaw" means a City bylaw, and includes any amendments thereto;
 - (c) "Bylaw Enforcement Officer" means an individual appointed as such in accordance with Bylaw 21/2003, the "*Bylaw Enforcement Officer Bylaw*", as amended;
 - (d) "City" means the City of St. Albert, a municipal corporation of the Province of Alberta, and includes, where the context so requires, the area contained within the boundaries of the City of St. Albert;
 - (e) "City Manager" means the City's chief administrative officer;
 - (f) "Council" means the City's municipal council;
 - (g) "Court" means the Provincial Court of Alberta;
 - (h) "Daytime Hours" means all hours outside of Quiet Hours;
 - (i) "dBA" means the intensity of a noise as measured in decibels on the "A" scale of a noise level meter when the said meter is set on the "A" weighted network and on the fast response;
 - (j) "Early Payment" means a payment made within 7 days of the offence date recorded on a Municipal Violation Tag;
 - (k) "Emergency Vehicle" means
 - (i) a Vehicle operated by a Peace Officer or police service as defined in the *Police Act* R.S.A. 2000, Ch.P-17, as amended,
 - (ii) a fire-fighting or other type of Vehicle operated by the fire protection service,
 - (iii) an ambulance operated by a Person or organization providing ambulance services,
 - (iv) a Vehicle operated as a gas, power or water disconnection unit of a public utility,

- (v) a Vehicle designated by regulation as an emergency response unit; or
 - (vi) a helicopter used by police service or by emergency response service personnel.
- (l) "Holiday" includes
- (i) New Year's Day, Alberta Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Labour Day, Remembrance Day and Christmas Day,
 - (ii) the birthday or the day fixed by proclamation for the celebration of the birthday of the reigning sovereign,
 - (iii) December 26, or when that date falls on a Sunday or a Monday, then December 27,
 - (iv) any day appointed by proclamation of the Governor General in Council or by proclamation of the Lieutenant Governor in Council for a public holiday or for a day of fast or thanksgiving or as a day of mourning, and
 - (v) with reference to any particular part of Alberta, the day in each year that may by proclamation of the Lieutenant Governor in Council be appointed as a public holiday for that part of Alberta for the planting of forest or other trees;
- (m) "*Land Use Bylaw*" means Bylaw 9/2005 and includes any amendments thereto or replacements thereof;
- (n) "Municipal Violation Tag" means a City-issued notice that alleges an offence and provides a person with the opportunity to pay an amount to the City in lieu of prosecution for the offence;
- (o) "Operator" means a Person who drives a vehicle or operates equipment as the Owner thereof, or as the Owner's agent, employee, servant or lessee;
- (p) "Outdoor Public Address System" means a sound transmission system (or any separate component thereof) used primarily as an outdoor audio communication device, including a business intercom or a sound amplification device used in conjunction with a public event;
- (q) "Owner" means
- (i) the Person who owns a vehicle and includes any Person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days or,
 - (ii) if the context so dictates, a landowner or tenant;
- (r) "Peace Officer" means a Person employed for the purposes of preserving and maintaining the public peace, and includes
- (i) a provincially-appointed Special Constable or Community Peace Officer, and
 - (i) a Bylaw Enforcement Officer authorized to enforce this Bylaw in accordance with his or her appointment;

- (s) "Person" includes any individual, corporation, society, association, partnership or firm;
- (t) "Quiet Hours" means
 - (i) Monday through Friday between 10:00 pm and 7:00 am (local time),
 - (ii) Saturday between 11:00 pm and 9:00 am (local time), and
 - (iii) Sunday and Holidays between 10:00 pm and 9:00 am (local time);
- (u) "Residential District" is as referenced or defined in the *Land Use Bylaw*;
- (v) "Schedule" means a schedule attached to and forming part of this Bylaw;
- (w) "Section" means a section of this Bylaw;
- (x) "Subsection" means a subsection of this Bylaw;
- (y) "*Traffic Bylaw*" means Bylaw 18/2005 and includes any amendments thereto or replacements thereof;
- (z) "Truck" means any vehicle, other than a registered disabled persons vehicle or transit vehicle (as defined in the *Traffic Bylaw*), that is
 - (i) greater than 11 metres in length, or
 - (ii) registered (in any jurisdiction) to operate at a maximum gross weight of 8000 kg or more.

For the purposes of this Bylaw, a Truck's load or any attached or non-attached (but proximate) trailer shall be included as part of the Truck;
- (aa) "Violation Ticket" means a violation ticket issued in accordance with the *Provincial Offences Procedure Act* R.S.A. 2000, c.P-34, as amended.

PART 2 GENERAL PROHIBITION

Unreasonably Loud, Raucous or Unusual Sounds

- 3. (1) Except to the extent permitted by this Bylaw, no Person shall make, continue, cause or permit to be made or continued any unreasonably loud, raucous or unusual sound which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other person of ordinary sensitivity.
- (2) Factors for determining, under Subsection (1), if a sound is unreasonably loud, raucous or unusual include the following:
 - (a) proximity of the sound to sleeping facilities or accommodations, whether residential or commercial;
 - (b) the time of day or night the sound occurs;
 - (c) the duration and volume of the sound; and
 - (d) whether the sound is recurrent, intermittent or constant.

- (3) A Court may enter a conviction against a Person who violates Subsection (1) notwithstanding that the Person has not exceeded a maximum dBA level specified in Part 3 of this Bylaw.

PART 3 SPECIFIC PROHIBITIONS

Daytime Restriction

4. (1) No Person shall cause, or permit to be caused, sounds that may be heard in a Residential District during Daytime Hours at a level greater than 65 dBA unless such sounds are of a temporary or intermittent nature and:
- (a) where such sounds measure from 66 to 70 dBA, last for no more than 2 hours (of elapsed time during a calendar day's Daytime Hours);
 - (b) where such sounds measure from 71 to 75 dBA, last for no more than 1 hour (of elapsed time during a calendar day's Daytime Hours);
 - (c) where such sounds measure from 76 to 80 dBA, last for no more than 30 minutes (of elapsed time during a calendar day's Daytime Hours); and
 - (d) where such sounds measure from 81 to 85 dBA, last for no more than 15 minutes (of elapsed time during a calendar day's Daytime Hours).
- (2) No Person shall cause, or permit to be caused, sounds that may be heard in a Residential District during Daytime Hours at a level in excess of 85 dBA.

Quiet Hours (General)

5. No Person shall cause, or permit to be caused, sounds that may be heard in a Residential District during Quiet Hours at a level in excess of 50 dBA.

Construction Work

6. No Person shall carry on, or permit to be carried on, in a Residential District during Quiet Hours, construction, repair, alteration, or demolition work such that sounds produced therefrom, including those produced by hammering, sawing, drilling and the use of any power tools or construction equipment, may be heard beyond the property line or boundary of the site upon which the activity is being carried out.

Outdoor Maintenance Work

7. No Person shall operate or permit to be operated during Quiet Hours any power lawn, power garden maintenance, or power snow-clearing equipment.

Truck Loading / Unloading

8. No Person shall load or unload, or permit to be loaded or unloaded, a Truck in a Residential District during Quiet Hours.

Outdoor Public Address Systems

9. No Person shall operate, or permit to be operated, an Outdoor Public Address System, at any time, such that sounds emitted therefrom may be heard within a Residential District at a level in excess of 50 dBA.

Diesel Engines

10. No Person shall permit, at any time, a stationary vehicle with a diesel engine to remain running for longer than 10 minutes at a time in a Residential District. For greater certainty, this section does not permit a vehicle with a diesel engine to idle in a manner that is in contravention of the Idle-Free Bylaw 16/2007.

PART 4 EXEMPTIONS

Specific Exemptions

11. The restrictions of this Bylaw do not apply to:
- (a) a Person operating an Emergency Vehicle in the normal course of that Person's employment;
 - (b) a Person acting in the normal course of that Person's employment as a City Employee (or as an agent under contract by the City);
 - (c) the normal operation of a bell or buzzer of a school building or religious establishment; and
 - (d) a Person sounding an alarm or warning to announce a fire or other emergency event (unless the event is determined by emergency response officials to be a false alarm).

Permitted Exemptions

12. A Person may make written application to the City Manager for a permit allowing for activities that would otherwise violate this Bylaw.
13. Any application to the City Manager made pursuant to Section 12 must be made in writing at least 5 business days prior to the event or activity and must be in a form approved by the City Manager.
14. The City Manager may, in writing, alter, suspend or revoke a permit issued by his or her office in accordance with Section 12 if
- (a) the permit was issued in error;
 - (b) the permit was issued based on incorrect information supplied to the City;
 - (c) the permit issued is in violation of any other Bylaw or resolution; or
 - (d) circumstances exist whereby the City Manager, acting reasonably, determines that the permit should be altered, suspended or revoked.

PART 5 SOUND LEVEL READINGS

15. (1) A Peace Officer is hereby authorized to measure sound levels with an Approved Device.
- (2) An Approved Device referenced under Subsection (1) shall be operated in accordance within the manufacturers' operating guide.
16. Any sound level reading taken with an Approved Device shall be taken from outside the property from which the sound is emanating.

**PART 6
DELEGATION OF AUTHORITY**

17. The City Manager may delegate his or her authority under this Bylaw to another individual.

**PART 7
ENFORCEMENT**

Offence

18. (1) A Person who contravenes any provision of this Bylaw is guilty of an offence.
- (2) When sound emanates from or is caused by property in contravention of this Bylaw, the Owner of the property may be deemed to have committed or permitted the contravention.

Continuing Offence

19. In the case of an offence that is of a continuing nature, a contravention of a provision of this Bylaw constitutes a separate offence with respect to each day, or part of a day, during which the contravention continues, and a person guilty of such an offence is liable to a fine in an amount not less than that established by this Bylaw for each such separate offence.

Fines and Penalties

20. A Person who is guilty of an offence under this Bylaw is liable
- (a) to a fine as prescribed in Schedule 1; or
- (b) on summary conviction, to a fine not exceeding \$10,000.00 or to an order of imprisonment for not more than 1 year, or both.

Municipal Violation Tag

21. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Municipal Violation Tag specifying the fine amount (including any Early Payment fine amount) established by this Bylaw.
- (2) Where a Municipal Violation Tag is issued, the fine amount indicated thereon may be paid as directed in lieu of prosecution.

Violation Ticket

22. (1) A Peace Officer may issue, with respect to an offence under this Bylaw, a Violation Ticket:
- (a) specifying the fine amount established by this Bylaw; or
- (b) requiring an appearance in court without the option of making a voluntary payment.
- (2) Where a Violation Ticket specifies a fine amount, a voluntary payment equal to the specified fine amount may be made as directed.

Certified Copy of Record

23. A copy of a record of the City, certified by the City Manager as a true copy of the original, shall be admitted in evidence as *prima facie* proof of the facts stated in the record without proof of the appointment or signature of the person signing it.

PART 8
BYLAW COMING INTO EFFECT

24. This Bylaw shall take effect, and Bylaw 19/68 shall be repealed, upon the signing and passing of this Bylaw.

READ a first time this 15th day of January, 2007.

READ a second time this 5th day of March, 2007.

READ a third and final time this 19th day of March, 2007.

SIGNED AND PASSED this _____ day of _____, 2007.

MAYOR

CHIEF LEGISLATIVE OFFICER

SCHEDULE 1 - PENALTIES

Offence	Section	Specified Penalty	Early Payment Discount Rate
PART 2			
Cause unreasonable sound	3(1)	250.00	N/a
PART 3			
Creating sounds exceeding permissible limits during Daytime Hours	4(1) and (2)	250.00	N/a
Creating sounds exceeding 50 dBA in residential district during quiet hours	5	250.00	N/a
Prohibited construction work	6	250.00	N/a
Prohibited maintenance work	7	250.00	N/a
Prohibited loading/unloading of truck	8	250.00	N/a
Outdoor P.A. system exceeds 50 dBA	9	250.00	N/a
Prohibited diesel engine idling	10	250.00	N/a