

BYLAW NO. 2018-566

BEING A REVISION TO BYLAW 2009-539 TO PROHIBIT CERTAIN ACTIVITIES  
CREATING NOISE, TO ABATE THE INCIDENCE OF NOISE, AND TO RESTRICT  
THE HOURS WHEN CERTAIN SOUND MAY BE MADE IN THE VILLAGE OF  
MUNSON IN THE PROVINCE OF ALBERTA

WHEREAS the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and all amendments thereto, empower Council to pass bylaws respecting nuisances; the safety, health, and welfare of people; and the protection of people and property;

AND WHEREAS the Council deems necessary to provide for the fair and efficient regulation and control of noise occurring within the Village of Munson;

NOW THEREFORE the Council of the Village of Munson duly assembled, enacts as follows:

1. TITLE

This By-law may be cited as the "Noise Control Bylaw" of the Village of Munson.

2. DEFINITIONS

In this By-law, unless the context otherwise requires:

(a) "Council" means the Council of the Village of Munson

(b) "Court" means the Provincial Court of Alberta

(c) "Daytime" means the period

- i. Beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on Sunday to Thursday, exception for Sunday of long weekends where Sunday will be 11:00 p.m.;
- ii. Beginning at 8:00 a.m. and ending at 11:00 p.m. of the same day on Friday and Saturday;

(d) "Emergency Vehicle" has the same meaning as in the Traffic Safety Act RSA 2000 Chapter T-6;

(e) "Enforcement Officer" means a Bylaw Enforcement Officer, Peace Officer or Special Constable employed/contracted by the Village, Chief Administrative Officer for the Village and includes a member of the R.C.M.P. who is authorized to enforce Bylaws of the Village

(f) "Motorized Power tool" means any tool or implement that is powered by an electric or internal combustion motor, compressed air, including snow blowers, lawn mowers and motorized garden tools;

(g) "Night-time" means the period beginning at 11:01 P.M and ending the following day at:

- i. 6:59 A.M. if the following day is a weekday; or
- ii. 7:59 A.M if the following day is a weekend;

(h) "Noise" means any sound that annoys, aggravates, endangers or disturbs humans or animals, or which detracts from the comfort, peace, or repose of humans, including any loud music or outcry, clamor, shouting, or any other sound that is loud, harsh, or otherwise undesirable;

(i) "Residential Building" means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, mobile home, tent, trailer, motor home, camper, or recreational vehicle of any type;

- (j) "Signaling Device" means any device that produces an audible sound used for the purpose of drawing a person's attention, including a horn, gong, bell, klaxon or public address system
- (k) "Speaker System" means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, computer, or public address system, including any such device located in a building, vehicle, or portable self-contained unit;
- (l) "Tractor-Trailer" means the combination of a Truck-Tractor and a Trailer as those terms are defined in the Traffic Safety Act;
- (m) "Traffic Safety Act" means the Traffic Safety Act, RSA 2000, Chapter T-6, as amended or replaced from time to time;
- (n) "Truck" means any vehicle that has a gross vehicle weight in excess of 5500 kilograms
- (o) "Vehicle" has the same meaning as in the Traffic Safety Act
- (p) "Village" means the municipal corporation of the Village of Munson or the areas contained within the boundary thereof as the context requires.
- (q) "Weekday" means Monday through Friday, inclusive,
- (r) "Weekend" means Saturday and Sunday, inclusive,

3. GENERAL PROHIBITIONS

No person shall in either the daytime or the nighttime:

- (a) make, cause, or allow, to be made or continued any excessive, unnecessary, or unusual noise of any type; or
- (b) allow or permit any real or personal property that is owned, occupied or controlled by the person to be used in a way that allows excessive, unnecessary, or unusual Noise of any type to emanate from such property; or,
- (c) operate, allow or permit the operation of a speaker system of any type at an unnecessarily loud volume, thereby creating excessive noise,
- (d) operate, allow or permit the operation of any equipment, machinery, appliances or mechanical devices, thereby creating excessive noise.

- 4. (a) Whether or not a particular sound complained of constitutes a noise, or is an "excessive, unnecessary or unusual noise" are questions of fact to be determined by a Court hearing a prosecution pursuant to the provisions of this bylaw.
- (b) When making the determination as to whether a particular sound constitutes an "excessive, unnecessary or unusual noise" the Court shall consider any admissible evidence as to:
  - (i) the time of the disturbance complained of and whether it was during the daytime or the nighttime;
  - (ii) the location of the disturbance and whether or not the disturbance occurred in a residential development
  - (iii) the duration and nature of the disturbance
  - (iv) any other circumstances or factors relating to the disturbance which the Court deems are relevant to the said determination



5. Where a business, commercial, agricultural or industrial activity otherwise lawfully permitted at a location within the Village necessarily involves the creation of noise, as defined by this bylaw:
  - (a) the person owning, operating, or controlling the activity; or
  - (b) the person owning or controlling the property upon or within which the activity is allowed to take placeshall take all reasonable steps to ensure that the noise created by the said activity is minimized as much as practicable, in all the circumstances
6. Whether or not an activity referred to in Section 5 of this bylaw "necessarily" involves the creation of noise, and whether or not the person controlling the said activity has taken "all reasonable steps" to minimize such noise are questions of fact to be determined by a Court hearing a prosecution pursuant to this bylaw.

#### ACTIVITIES IN A RESIDENTIAL AREA

7. No person who owns operates or controls a Truck-Tractor or Tractor-Trailer shall allow such vehicle to remain running for a period in excess of 20 minutes when it is stationary within a Residential area.
8. No person shall carry on, allow or permit the carrying on of construction outside of any building or structure within a residential area in the nighttime.

#### VEHICLE NOISES

9. No person who owns, operates or controls a vehicle equipped with engine retarder brakes shall allow such brakes to be engaged in any area within the Village limits.
10. No person who owns, operates or controls a truck or tractor-trailer shall allow or permit such vehicle to be loaded or unloaded within a residential area during the nighttime.
11. No person who owns, operates or controls a vehicle equipped with an audible alarm system shall allow such system to be activated repeatedly or excessively, whether such activation is due to system malfunction, improper installation or setting, or any other reason.
12. No person who owns, operates or controls a vehicle equipped with a stereo, boom box or other amplified speaker system shall allow such system to be activated repeatedly or excessively.
13. No person who owns, operates or controls a vehicle shall allow the engine of the vehicle shall allow the engine of the vehicle to be raced or otherwise operated so as to cause excessive and unnecessary noise.
14. No person who owns, operates or controls a vehicle shall allow the motor of any diesel powered vehicle to remain running for a period longer than thirty (30) minutes while the vehicle is not in motion in any residential area or in any other location within five hundred feet of a residential area.

#### EXEMPTION AND EXCEPTIONS

15. The provisions of this bylaw do not apply to:
  - (a). Emergency Vehicles;
  - (b) Construction activities and related noise during the daytime
  - (c) work performed in relation to a highway or public utility by the owner or operator of the public utility, or its contractors

- (d) the aeronautical related activities of an airport located nearby the Village
  - (e) any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta
16. The provisions of this bylaw must not be interpreted to prevent:
- a. the use of signaling devices on vehicles in their normal operation for the purpose of giving warnings to other drivers or pedestrians;
  - b. the sounding of any alarm or warning to announce a fire or other emergency;
  - c. work carried on by the Village or by a contracting carrying out the instructions of the Village to meet an emergency
  - d. the playing of a band or other activities relating to a lawful parade or public demonstration

#### GENERAL PENALTY PROVISION

17. Any person that violates any provision of this bylaw is guilty of an offence and is liable upon conviction to a maximum fine of \$5000.00 or in default of payment of the fine to imprisonment for a period not exceeding one year, or to both fine and imprisonment in such amounts.

#### MINIMUM AND SPECIFIED PENALTIES

18. The minimum and specified penalty for a violation of Section 9 of this bylaw is \$400.00, and the minimum and specified penalty for a violation of any other provision of this bylaw is \$200.00.
19. Notwithstanding Section 18 of this bylaw if a person violates the same provision of this bylaw twice within a one-year period, the minimum and specified penalty for the second such violation shall be double the amount set out in Section 18

#### ENFORCEMENT

20. Any person that has contravened any provision of this bylaw maybe served upon such person a violation ticket.
21. A violation ticket will be deemed to have been sufficiently served
- i. If served personally on the accused; or
  - ii. If sent by registered mail; or
  - iii. If left at the accused's usual place of abode with an occupant thereof who appeared to be at least eighteen (18) years of age or over; or
  - iv. Sent by regular mail
22. All violation tickets issued must contain the section of the bylaw which was contravened, provide for a voluntary payment amount pursuant to the provisions of this bylaw.

#### SEVERABILITY

23. Each provision of this bylaw is independent of all other provisions. If any such provision is declared invalid by a Court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

#### STRICT LIABILITY OFFENCE

24. It is the intention of Council that all offences created by this bylaw be interpreted to be strict liability offences

THIS BY-LAW SHALL REPLACE BYLAW 2009-539 AND COME INTO  
FULL FORCE AND EFFECTIVE AS OF THE DATE OF THE THIRD AND  
FINAL READING.

READ A FIRST TIME THIS 18 DAY OF December, 2018.

READ A SECOND TIME THIS 18 DAY OF December, 2018.

READ A THIRD TIME AND FINALLY PASSED THIS 18 DAY OF  
December, 2018.

  
MAYOR

  
ADMINISTRATOR