

**TOWN OF SEXSMITH
BYLAW NO. 719
NOISE BYLAW**

1. This Bylaw may be cited as "The Noise Bylaw".
 2. (1) In this Bylaw, including this section
 - (a) "Town" means the corporation of the Town of Sexsmith or area contained within the boundaries of the Town as the context requires;
 - (b) "Holiday" means any statutory holiday as defined in The Interpretation Act;
 - (c) "Residential building" means a building which is constructed as a dwelling for human beings and includes a hotel;
 - (d) "Residential building" means a district defined as such in the Land Use Bylaw;
 - (e) "Signalling device" means a horn, gong, bell, claxon or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;
 - (f) "Weekday" means any day other than a Sunday or holiday;
 - (g) "Land Use Bylaw" means Bylaw No. 682 as the same is amended from time to time and includes any Bylaw passed in substitution for it.
 3. (1) Except to the extent it is allowed by this Bylaw no person shall make, continue or cause or allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any person within the limits of the Town.
 - (2) Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or of the Province of Alberta or by any provision of this Bylaw involves creating or making a sound which
 - (a) is or may be or become, or
 - (b) creates or produces or may create or producea disturbance or annoyance to other people or a danger to the comfort, repose, health, peace or safety of others, a person engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.
- Motor Vehicle Noises
4. (1) The failure of a person to comply with the following provisions of The Highway Traffic Act within the Town of Sexsmith:
 - (a) the prohibition against the use of signalling devices on motor vehicles, motorcycles or reasonably necessary for the purpose of giving notice or warning to other persons on the highway as set out in subsection (2) of section 35;
 - (b) 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 36; and
 - (c) the prohibition against equipping a vehicle other than those specified with a siren as set out in section

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shall constitute a violation of this Bylaw in addition to and not in substitution of the offence created by The Highway Traffic Act.

- (2) If a person operated a vehicle of any type on a street in a Residential District at any time of the day or night in such a way as to unduly disturb the residents of the street in the Residential District in which he is operating the vehicle he shall be guilty of an offence under this Bylaw in addition to and not in substitution for any offence of which he may be guilty against the provisions of section 135 of The Highway Traffic Act.
 - (3) Where a vehicle is allowed by the provisions of section 59 of The Highway Traffic Act to be equipped with a siren the driver thereof shall only use the siren at such times as the vehicle is proceeding in response to an emergency call and at such other times as is allowed by The Highway Traffic Act and at such times shall only use the siren when it is allowed to be used.
 - (4) Nothing in subsection (3) shall prohibit or restrict the use of a siren on a vehicle operated by a member of the Royal Canadian Mounted Police, an inspector of the Inspection Services Branch of the Department of the Attorney General or a Special Constable.
 - (5) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running for longer than twenty minutes while the tractor-trailer or tractor alone is not in motion.
 - (6) The provisions of subsection (2) do not apply to work on a Town street or on a public utility carried on by
 - (a) A Town Department
 - (b) Northwestern Utilities, A.G.T. or Alberta Power Ltd. or a cable television company authorized to supply cable television in the Town, or
 - (c) a contractor working for the Town, for Northwestern Utilities, or for the A.G.T. or for Alberta Power Ltd.
5. (1) In this section
- (a) "Concrete Mixer" means a mobile concrete mixer mounted on a truck chassis capable of carrying concrete in the mixed or partially mixed form and pouring the same at the location where it is to be used;
 - (b) "Daytime" means the period commencing at the hour of seven o'clock in the morning and ending at the hour of ten o'clock
 - (c) "Light motor vehicle" means a motor vehicle which has a gross vehicle weight of 2700 kilograms, or less and includes light commercial vehicles, passenger vehicles, and motor scooters.
 - (d) "Motorcycle" means a motor vehicle mounted on two or three wheels but does not include a vehicle known to by the trade as a scooter or a vehicle known to be the trade as a power bicycle;
 - (e) "Motor truck" means a motor vehicle which
 - (i) has a gross vehicle weight in excess of 2700 kilograms, and

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- (ii) is not a concrete mixer or a tractor-trailer;
- (f) "Motor vehicle" means any vehicle propelled by any power other than muscular power except aircraft, tractors (whether equipped with rubber tires or not), implements of husbandry and such motor vehicles as run only upon rails;
- (g) "Night time" means the period commencing at the hour of ten o'clock in the evening and ending at the hour of seven o'clock in the morning of the following day;
- (h) "Tractor-trailer" means a combination of vehicles comprised of one semi-trailer used for carrying merchandise and one truck tractor used solely for the supplying or power for propelling or hauling a semi-trailer;

Commercial and Industrial Noises

- 6. (1) No person shall load or unload motor trucks in any area designated a Residential District or within two town blocks of the boundary of any such area between the hours of
 - (a) ten o'clock in the evening and seven o'clock of the next forenoon on weekdays or
 - (b) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday.
 - (2) Notwithstanding the provisions of subsection (1) trucks containing the following items may be unloaded during the hours when such unloading is prohibited by subsection (1) whether or not the location at which they are unloaded is within a Residential District or within two blocks thereof:
 - (a) trucks containing foodstuffs, fresh fruit and merchandise of perishable nature,
 - (b) trucks containing milk including trucks delivering milk to the final consumers thereof,
 - (c) trucks containing baked goods, and
 - (d) trucks containing daily or weekly newspapers being delivered to vendors of the same.
 - (3) Notwithstanding the provisions of subsection 3 or of subsection (3) of section 10 or any other provision of this By-law where an open area is provided for parking of patrons in connection with the operation of a retail store or groups of stores the owner or person in charge of the parking area may after having secured a general permission from the Town for such use and making no more noise than is reasonably necessary in connection therewith use a machine for clearing snow or debris from the said open area provided for parking during such hours as is necessary or expedient to keep the area clear of snow and debris in order to allow the user thereof for parking of patrons.
- 7. (1) Subject to subsections (2) and (3) 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.
 - (2) Notwithstanding subsection (1) a person may use an audible type of advertising for the sale of goods in a district other than a Residential District if:

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- (a) the device is of a type approved by the Bylaw Officer and is operated at a noise level no greater than that approved for the purpose, and
 - (b) the device is used during only such hours and on such days as the Bylaw Officer may designate.
- (3) The provisions of subsection (1) shall not be construed to prevent
 - (a) the ringing of bells in churches, religious establishments and schools;
 - (b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for charitable undertaking first approved by council during the Christmas season or some other time approved by Council;
 - (c) the sounding of a general or a particular alarm of warning to announce a fire or other emergency or disaster;
 - (d) the sounding of factory whistles and similar devices at normal appropriate times;
 - (e) the playing of a band in connection with a parade;
 - (f) the playing of a musical instrument appropriate to a street service allowed pursuant to any Bylaw in a moderate manner;
 - (g) the sounding of police whistles, police, fire or ambulance sirens;
 - (h) the sounding of horns or klaxon on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warning to persons and vehicles using the streets; or
 - (i) the operation of a musical device approved by the Bylaw Officer and installed on a vehicle equipped for the sale of ice cream or confection while the vehicle is used for such sales.
- 8. Without limiting the generality of any other provision in this Bylaw no person shall ring a bell or a similar device to promote or advertise the sale of ice cream in a Residential District between the hours of
 - (a) ten o'clock in the evening and eight o'clock of the next forenoon on weekdays or
 - (b) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday.
- 9. (1) Notwithstanding anything elsewhere contained in this Bylaw whether or not the noise resulting therefrom may be heard in an adjoining area which is zoned other than as an Industrial District nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity or the performance or carrying on thereof during some or any of the hours between ten o'clock in the evening and seven o'clock on the next forenoon in an area which is classed as an Industrial District.
 - (a) is a permitted use in the zoning district in which it is carried on or is a conditional use for which the required permission had been given or
 - (b) is a non-conforming use as the same is defined in

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Bylaw no. 682 aforesaid for the district in which the use is being carried on.

- (2) In the operation or carrying on of an industrial activity in a district in which it would be curtailed or restricted except for the provision of subsection (1) the person operating or carrying on the activity shall not make more noise than is necessary in the normal method of performing or carrying on the activity.

Domestic Noise

10. (1) No person shall operate a power or hand lawn mower in any area designated as a Residential District between the hours of
- (a) ten o'clock in the evening and eight o'clock of the next forenoon on weekdays or
 - (b) ten o'clock in the evening and nine o'clock in the morning of the following day which is a Sunday or holiday
- (2) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of a lawn mower is prohibited by subsection (1) in any Residential District.
- (3) No person shall operate a snow clearing device powered by an engine of any type during the hours when the use of a lawn mower is prohibited by subsection (1).
- (4) In addition to but not in substitution for any penalty which a person may incur by a contravention of any provision of the Dog Bylaw a person who owns, keeps, houses, harbours or allows to stay on his premises a dog which by reason of barking or howling disturbs persons in the vicinity of his home is guilty of an offence under this Bylaw.

Construction Noises

11. (1) Unless permission from the Bylaw Officer of the Town 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 machine tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.
- (2) The provisions of this section do not apply to any work carried on by the Town or by a contractor carrying out the instruction of the Town.
12. (1) Subject to the provisions of subsection (2), unless permission for such operation from the Bylaw Officer of the Town is obtained first, no person shall operate or be allowed to operate:
- (a) a riveting machine
 - (b) a concrete mixer
 - (c) a gravel crusher
 - (d) a steam shovel
 - (e) a trenching machine
 - (f) a drag line
 - (g) an air or steam compressor or jack hammer
 - (h) a tractor or bull-dozer, or
 - (i) 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 any day.

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- (2) Subsection (1) does not apply to the work of an emergent nature, or work carried out on behalf of the Town of Sexsmith, Alberta Power, Northwestern Utilities or A.G.T. or a cable television company authorized to supply cable television to the Town of Sexsmith.

Penalties

- 13. (1) Subject to the provisions of subsection (2) and (3), a person who contravenes any provisions of this Bylaw 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 of not more than five hundred dollars or in default of payment of the fine to imprisonment for a period not exceeding thirty days.
- (2) The minimum fine for the contravention of any provision of section 6 of this bylaw is twenty -ive dollars for a first offence.
- (3) The minimum fine for a contravention of section 5 of this bylaw is fifty dollars, for a second or a subsequent offence.

14. Bylaw No. 625 is hereby rescinded.

15. This Bylaw shall come into effect upon the date of final reading.

READ A FIRST TIME IN COUNCIL THIS 8TH DAY OF AUGUST, 1995

READ A SECOND TIME IN COUNCIL THIS 8TH DAY OF AUGUST, 1995

READ A THIRD AND FINAL TIME IN COUNCIL THIS 8TH DAY OR AUGUST,
1995

MAYOR BOB ZAHARA

I. BASISTY, TOWN MANAGER