

TOWN OF OLDS

BYLAW #1178-80

NOISE CONTROL BYLAW

BEING A BYLAW OF THE TOWN OF OLDS, IN THE PROVINCE OF ALBERTA, TO CONTROL OR PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN NOISE MAY BE MADE.

WHEREAS, Section 7 of the Municipal Government Act, Chapter M-26.1 as amended, provides the Council of a Municipality may pass Bylaws for the purpose of prohibiting, eliminating or abating noise.

AND WHEREAS, Council deems it proper and expedient that regulations be made prohibiting, eliminating or abating activities which can cause ;unnecessary noise in the Town of Olds.

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF OLDS ENACTS AS FOLLOWS:

1. This Bylaw may be cited as “the Noise Bylaw.”
2. In this Bylaw, including this section,
  - a) TOWN means the Town of Olds.
  - b) TOWN COUNCIL means the Town Council of the Town of Olds.
  - c) HOLIDAY means any statutory holiday as defined in “The Interpretation Act.”
  - d) RESIDENTIAL BUILDING means a building which is constructed as a dwelling for human beings and includes a hotel and motel.
  - e) RESIDENTIAL DISTRICT means a district defined as such in the Land Use Bylaw.
  - f) WEEKDAY means any day other than a Sunday or a holiday.
  - g) HOSPITAL DISTRICT means an area which
    - i) is designated as such by signs or other devices, or
    - ii) any portion of the Town within five hundred feet in any direction from the boundaries of a site on which is situated a hospital as defined in the Alberta Hospitals Act.
  - h) LAND USE BYLAW means Bylaw 1340-87, as the same is amended from time to time and includes any Bylaw passed in substitution for or in addition to Bylaw 1340-87.
  - i) PERSON shall include a corporation.
3. GENERAL PROHIBITION
  - a) Except to the extent permitted in this Bylaw, no person shall make, continue to make, create, cause or allow to be created or caused or continued, any noise which by reason of its intensity, volume, or nature causes or is likely to cause some discomfort, annoyance or disturbance to other persons within the Town of Olds at any time of the day or night.

b) Where any person is engaged in any recreational or other activity, occupation, project, work, construction or endeavour which is not prohibited or regulated by other provisions of this Bylaw or any other Bylaw of the Town or by any Provincial or Federal Statute or Regulation, and such recreational or other activity, occupation, project, work, construction or endeavour creates or makes a sound which

- i) is or may become, or
- ii) creates or produces or may create or produce

a disturbance or annoyance to other residents of the Town or to occupants of adjoining properties, a person engaged in such recreational or other activity, occupation, project, work, construction or endeavour shall conduct the same in such a manner as will create as little of such sound as practicable under the circumstances.

c) Where an area is designated by signs or other means as being a hospital district no person shall

- i) carry on any noise making activity in the area unless it cannot be carried on in some other area, or
- ii) make or continue any noise or loud sound within the area.

#### 4. INDUSTRIAL NOISES

a) Notwithstanding any other provision of this Bylaw and whether or not the noise resulting therefrom may be heard in an adjoining area which is designated other than as an Industrial district, nothing in this Bylaw shall prevent the continual operation or carrying on of a normal 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 in the next forenoon in any area which is classed as an industrial district in the Land Use Bylaw where the activity is one which

- i) is permitted use in the zone in which it is carried on or is a conditional use for which the required permission has been given, or
- ii) is a non-conforming use and the same is defined in Bylaw 1340-87 for the district in which the use is being carried on.

b) In the operation or carrying on of an Industrial Activity in a zone in which it would be curtailed or restricted but for sub-section (a) of this section, the person operating or carrying on the Activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

#### 5. CONSTRUCTION NOISES

Unless permission from the Development Officer of the Town of Olds for such operation is first obtained

a) No person shall carry on the construction of any type of structure which involves hammering, sawing or the use of any mechanical 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 on in any district other than one designated in the Land Use Bylaw as an industrial district after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

6. Unless permission from the Development Officer of the Town of Olds 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) a drag line
- f) an air or steam compressor, jack hammer, or pneumatic drill
- g) a tractor or bulldozer, or
- h) any other tool, device or machine of a noisy nature

so as to create a noise which may be heard or is likely to be heard in any residential area after ten o'clock in the evening and before seven o'clock in the morning weekdays, and ten o'clock in the evening of the day preceding a Sunday or a Holiday and eight o'clock in the forenoon on a Sunday or Holiday.

7. Notwithstanding contained in this Bylaw, this Bylaw does not apply to work carried on by the Town, or by a contractor carrying out the instructions of the Town.

#### 8. PENALTIES

A person who contravenes any provision of this Bylaw is guilty of an offense and liable on summary conviction to a fine not less than seventy-five dollars and not more than five hundred dollars, or in default of payment of the fine to imprisonment.

#### 9. ENACTMENT

This Bylaw comes into force and full effect on final reading thereof.

### TOWN OF OLDS BYLAW 1294-84

A BYLAW OF THE TOWN OF OLDS IN THE PROVINCE OF ALBERTA TO AMEND BYLAW 1178-80 TO PROVIDE FOR THE CONTROL OF NOISE WITHIN THE TOWN BOUNDARIES.

Bylaw 1178-80 is hereby amended by deleting Section 8 and replacing with the following:

8. A person who contravenes any provision of this Bylaw is guilty of an offense and liable on summary conviction to:

A fine of not less than \$100.00 for the first offense

A fine of not less than \$200.00 for the second offense

A fine of not less than \$300.00 for the third offense

READ a first time this 25<sup>th</sup> day of JUNE 1984 AD on a motion by Councillor Gordanier.

MOTION CARRIED UNANIMOUSLY

READ a second time this 25<sup>th</sup> day of JUNE 1984 AD on a motion by Councillor Peterson.

MOTION CARRIED UNANIMOUSLY

CONSENT given for third reading on a motion by Councillor Jensen.

MOTION CARRIED UNANIMOUSLY

READ a third time this 25<sup>th</sup> day of JUNE 1984 AD on a motion by Councillor Elmer.

MOTION CARRIED UNANIMOUSLY

(signed)  
Mayor Robert Armstrong

(signed)  
Secretary Treasurer D. Gilliland