



REGIONAL MUNICIPALITY
OF **WOOD BUFFALO**

Consolidated Version
of
Noise Bylaw

(being Bylaw No. 83/024 of the Regional Municipality of Wood Buffalo, as amended by Bylaw No. 17/007, consolidated and printed under the authority of the Chief Administrative Officer of the Regional Municipality of Wood Buffalo)

This is certified to be a true copy of consolidated Bylaw No. 83/024 of the Regional Municipality of Wood Buffalo.

Audrey Rogers
Chief Legislative Officer

The text shown in parentheses in various locations throughout this document identifies the corresponding amending bylaw which authorized the change. For example (BL 17/007) refers to Bylaw No. 17/007.

BYLAW NO. 83/024

BEING A BYLAW OF THE CITY OF FORT MCMURRAY TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS Section 160 of the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta 1980 and amendments thereto provides that a council may pass bylaws for the purpose of prohibiting, eliminating, or abating noise; and

WHEREAS the incidence of noise in the City of Fort McMurray is such that the Council of the City of Fort McMurray deems it expedient that regulations be made restricting, mitigating and abating the activities which can rise to unnecessary noise in the City of Fort McMurray especially during the hours normally used for sleeping; and

WHEREAS the intent of this Bylaw is that all noise shall be reduced as far as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated;

NOW THEREFORE the Council of the City of Fort McMurray, in the Province of Alberta, duly assembled, enacts as follows:

1. This Bylaw may be cited as “The Noise Bylaw”.

PART 1 DEFINITIONS

2. In this Bylaw, including this section,
 - (a) “Chief Building Inspector” means that person in charge of the Building Inspection Division or his designate;
 - (b) “Chief Bylaw Officer” means that person in charge of the Bylaw Enforcement Division or his designate;
 - (c) “City” means the corporation of The City of Fort McMurray or the area contained within the boundaries of the City as the context requires;
 - (d) “Commercial District” means an area or district classified as commercial by the Land Use Bylaw of and for the City;
 - (e) “Holiday” means any statutory holiday as defined in the *Interpretation Act*;
 - (f) “Hospital Zone” means an area which

- i) is designated as such by signs or other devices; or
 - ii) any portion of the City within one hundred and fifty metres in any direction from the boundaries of a site on which is situated a hospital as defined in the *Hospital Act*;
- (g) “Industrial District” means an area or district classified as industrial by the Land Use Bylaw of and for the City;
 - (h) “Land Use Bylaw” means Bylaw No. 919 as amended from time to time, and includes any bylaw passed in substitution for or in addition thereto;
 - (i) “Residential Building” means a building which is constructed as a dwelling unit for human beings and includes an apartment building, hotel or motel;
 - (j) “Residential District” means any area or district classified as residential by the Land Use Bylaw of and for the City;
 - (k) “Signalling Device” means a horn, gong, bell, klaxon or other device producing audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle;
 - (l) “Vehicle” or “Motor Vehicle” refers to such vehicle as defined in section 2 of the *Highway Traffic Act*, being Chapter H-7 of the Revised Statutes of Alberta 1980, as amended;
 - (m) “Weekday” means any day other than a Sunday or holiday.

PART 2 GENERAL ABATEMENT PROVISIONS

- 3. (1) Except to the extent it is allowed by this Bylaw, no person shall make, continue, 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, safety of other persons within the limits of the City.
- (2) Except to the extent it is allowed by this Bylaw, no person shall allow property belonging to him or under his control to be used so that there originates from the property any loud, unnecessary noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, safety of other persons within the limits of the City.
- (3) What is a loud noise, an unnecessary noise, an unusual noise or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offense against this Bylaw.

- (4) 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 the Bylaw involves creating or making a sound which;
 - (a) is or maybe or become; or
 - (b) creates or produces or may create or produce a 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 so little of such sound practicable under the circumstances.

- (5) Where an area is designated by signs or other means as being a hospital zone no person shall:
 - (a) carry on any noise-making activity in the area unless it cannot be carried on in some other area, or
 - (b) make or continue any noise or loud sound within the area.

PART 3 COMMERCIAL AND INDUSTRIAL NOISE

- 4. (1) No person shall load or unload motor vehicles in any area designated a Residential District or within two city blocks of the boundary of any such area between the hours of;
 - (a) eleven o'clock in the evening and seven o'clock of the next forenoon on weekdays or;
 - (b) eleven o'clock in the evening and nine o'clock of the forenoon of the following day which is a Sunday or holiday.

- (2) Notwithstanding the provision of subsection (1), but subject to the provision of 3(4) motor vehicles 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) motor vehicles containing foodstuffs, fresh fruit and merchandise of a perishable nature;
 - (b) motor vehicles containing milk including motor vehicles delivering milk to final consumers thereof;

- (c) motor vehicles containing baked goods;
 - (d) motor vehicles containing daily or weekly newspapers being delivered to vendors of the same.
5. (1) Subject to subsection (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 City.
- (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;
- (a) the device is of a type approved by the Chief 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 Chief Bylaw Officer may designate, and
 - (c) the person or company advertising is licensed under authority of the City's current Licensing Bylaw.
- (3) The provision 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 the Chief Bylaw Officer during the Christmas season or some other time approved by the Chief Bylaw Officer.
 - (c) the sounding of a general or particular alarm or warning to announce a fire or other emergency or disaster;
 - (d) the sounding of factory whistles or similar devices at normal appropriate times;
 - (e) the playing of a band in connection with a parade allowed pursuant to the provision of the City's Traffic Bylaw;
 - (f) the playing in a moderate manner of a musical instrument appropriate to a street service allowed pursuant to any bylaw;
 - (g) the sounding of police whistles, police, fire or ambulance sirens;

- (h) the sounding of horns or klaxons on vehicles allowed on the streets for the purpose of and to the extent necessary to give signals or warnings to persons and vehicles using the streets;
 - (i) the operation of a musical device approved by the Development Officer and installed on a vehicle equipped for the sale of ice cream or confection while the vehicle is used for such sales; or
 - (j) the sounding of a whistle or similar device by a person in distress.
6. Without limiting the generality of any other provision in this Bylaw, no person shall ring a bell or 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 forenoon of the following day which is a Sunday or holiday.
7. (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 of the next forenoon in an area which is classed as an Industrial District, as long as the activity is one which
- (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 has been given or;
 - (b) is a non-confirming use as the same is defined in the Land Use Bylaw.
- (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 necessary in the normal method of performing or carrying on the activity.

PART 4 MOTOR VEHICLE NOISE

8. (1) The failure of a person to comply within the City with the following provision of the *Highway Traffic Act*;
- (a) the prohibition against the use of signaling devices on motor vehicles and bicycles so as to make more noise than is reasonably necessary for the purpose of giving notice or warning to other persons in the highway as set out in subsection (2) of section 45;
 - (b) the restrictions in the type or use of mufflers and similar equipment on motor vehicles and other internal combustion engines as set out in section 46; and
 - (c) the prohibition against equipping a vehicle other than those specified with a siren as set out in section 59;

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

- (2) If a person operates 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 offense 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 necessary for the purpose for which the siren 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 or an inspector of the Inspector Services Branch of the Department of the Attorney General.
- (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 in any Residential District or in any other location within one hundred fifty metres of a Residential District.

PART 5 DOMESTIC NOISE

9. (1) No person shall operate a power or hand lawn mower in any area designated as a Residential District between the hours of:
 - (a) eleven o'clock in the evening and eight o'clock of the next forenoon on weekdays or;
 - (b) eleven o'clock in the evening and nine o'clock in the forenoon 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 in 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 in subsection (1) in any Residential District.

PART 6 CONSTRUCTION NOISE

10. (1) Unless permission from the Chief Building Inspector of the City 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 on in any district other than one designated in the Land Use Bylaw as an Industrial District between the hours of:
 - (a) eleven o'clock in the evening and seven o'clock of the next forenoon on weekdays or;
 - (b) eleven o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.

- (2) Unless permission from the Chief Building Inspector of the City for such operation 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 steam shovel,
 - (e) a trenching machine,
 - (f) a drag line,
 - (g) an air or steam compressor, jack-hammer, pneumatic drill,
 - (h) a tractor or bull dozer, or
 - (i) any other tool, device or machine of a noisy nature so as it creates a noise, confusion or disturbance which may be heard in a residential building between the hours of;
 - (i) ten o'clock in the evening and seven o'clock of the next forenoon on weekdays or;
 - (ii) ten o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.

PART 7 MISCELLANEOUS

11. (1) Notwithstanding any other provisions of this Bylaw, where an open area is provided for parking of patrons in connection with the operation of a retail store, group of stores, hotel or similar establishment, the owner or person in charge of the parking area may, after having secured a general permission from the Chief Bylaw Officer for such use and making no more noise than is reasonably necessary in connection therewith, use a machine or machines for cleaning snow or debris from the said open area provided for the parking during such hours as is necessary or expedient to keep the area clear of snow and /or debris in order to allow the use thereof for parking of patrons.

- (2) Notwithstanding any other provisions of this Bylaw
- (a) a City Department or employees of the City,
 - (b) Alberta Power Co. Ltd.,
 - (c) Northwestern Utilities Ltd.,
 - (d) Alberta Government Telephones,
 - (e) Alberta Broadcasting Corporation, or
 - (f) a contractor working for the City, Alberta Power Co. Ltd., Northwestern Utility Ltd., Alberta Government Telephones or Alberta Broadcasting Corporation

shall not be in contravention of this Bylaw when engaged in work deemed as being of non-repetitive and essential or emergency nature and which work is being conducted for the primary purpose of ensuring the health, safety, welfare or benefit of the inhabitants of the City.

PART 7A POST-WILDFIRE RECOVERY NOISE (DELETED)

BL 16/015, BL 17/007

PART 8 PENALTIES

12. (1) Subject to provisions of subsection (2) and (3), a person who contravenes any provision 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 not in excess of two thousand five hundred dollars, or in default of payment of the fine and costs, to imprisonment for a period not exceeding 6 months or until such fine and costs including the cost of committal shall have been sooner paid.
- (2) The minimum fine for the contravention of any provision of this Bylaw shall not be less than twenty-five dollars for the first offence.
- (3) The minimum fine for a contravention of any provision of this Bylaw shall not be less than fifty dollars for second or subsequent offense.
13. Bylaw Numbered 570 and all amendments thereto are hereby repealed.
14. This Bylaw shall take effect as on and from date of final reading.

READ a first time this 1st day of November, 1983

READ a second time this 1st day of November, 1983

READ a third and finally passed this 15th day of November, 1983.

Amendment:

16/015, 17/007