



ROCKY VIEW COUNTY

BYLAW C-8067-2020

A bylaw of Rocky View County, in the Province of Alberta, to regulate and control noise within Rocky View County.

WHEREAS Section 7 of the *Municipal Government Act* allows Council to pass bylaws respecting nuisances; the safety, health, and welfare of people; and the protection of people and property;

AND WHEREAS Council deems it necessary to provide for the fair and efficient regulation and control of noise occurring within Rocky View County;

AND WHEREAS Council recognizes that Rocky View County is large and diverse, and includes areas where residential, commercial, agricultural, and industrial uses of land and buildings are permitted;

NOW THEREFORE, the Council of Rocky View County, duly assembled, hereby enacts as follows:

Title

- 1 This Bylaw may be cited as the *Noise Control Bylaw*.

Definitions

- 2 Words in this bylaw have the same meaning as those set out in the *Municipal Government Act*, except for the definitions in Schedule 'A' of this bylaw.

General Prohibition

- 3 No person shall in either the daytime or the nighttime:
- (1) make, continue, cause, or allow to be made or continued any excessive, unnecessary, or unusual noise of any type; or
 - (2) allow or permit any real or personal property that is owned, occupied, or controlled by that person to be used in a way that allows excessive, unnecessary, or unusual noise of any type to emanate from such property; or
 - (3) operate, allow, or permit the operation of a speaker system of any type at an unnecessarily loud volume, thereby creating excessive noise.
- 4 Whether a particular sound complained of constitutes a noise, or constitutes an excessive, unnecessary, or unusual noise are questions of fact to be determined by a court hearing a prosecution pursuant to this bylaw. When making a determination as to whether a particular sound constitutes an excessive, unnecessary, or unusual noise the court shall consider any admissible evidence as to:
- (1) the time of the disturbance complained of and whether it was during the daytime or the nighttime;
 - (2) the location of the disturbance and whether or not the disturbance occurred in a residential development or residential building;
 - (3) the duration and nature of the disturbance; and

(4) any other circumstances or factors relating to the disturbance which the court deems are relevant to the said determination.

5 When a business, commercial, or agricultural activity otherwise lawfully permitted at a location within Rocky View County necessarily involves the creation of noise, as defined by this Bylaw:

(1) the person owning, operating, or controlling the activity; or

(2) the person owning or controlling the property upon or within which the activity is allowed to take place;

shall take all reasonable steps to ensure that the noise created by such 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 the 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 Residential Developments

7 No person shall operate, allow, or permit the operation of:

(1) a motorized power tool outside of any building or structure;

(2) a model aircraft, boat, vehicle, or similar device that is powered by an internal combustion engine; or

(3) a signaling device of any kind, including a vehicle horn;

in a residential development in the nighttime.

8 No person who owns, operates, or controls a truck-tractor, truck or semi-trailer-trailer shall allow such vehicle to remain running for a period in excess of 20 minutes when it is stationary within a residential development or within 150 meters of a residential development.

9 No person shall carry on, allow, or permit the carrying on of construction outside of any building or structure within a residential development in the nighttime.

Vehicle Noises

10 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 Rocky View County where the use of engine retarder brakes is prohibited by signage placed by the County, the Provincial Government, or other proper authority.

11 No person who owns, operates, or controls a truck, concrete mixer, tractor-trailer, semi-trailer, or garbage truck shall allow or permit such vehicle to be loaded or unloaded within a residential development or within 150 meters of a residential development during the nighttime.

12 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.

- 13 No person who owns, operates, or controls a vehicle equipped with or powering a stereo, boom box, or other amplified speaker system shall allow such system to be operated at an unnecessarily loud volume, thereby creating excessive noise.
- 14 No person who owns, operates, or controls a vehicle shall allow the engine of the vehicle to be raced or otherwise operated so as to cause excessive and unnecessary noise.

Exemption and Exceptions

- 15 The provisions of this bylaw do not apply to:
- (1) emergency vehicles;
 - (2) the aeronautical related operations of a federally regulated airport;
 - (3) any farming or agricultural work on a bona-fide farming or agricultural property which requires the work being performed to be done at that time in order to maintain crops or livestock being raised for sale;
 - (4) fireworks with an approved fireworks permit issued by Rocky View County Fire Services;
 - (5) construction during the daytime, whether or not such construction requires a permit;
 - (6) any activity identified and approved by way of a development permit;
 - (7) any activity that violates any provision of the Land Use Bylaw in which case, enforcement will occur through the development compliance process;
 - (8) work by the County, a public utility, or contractors on County infrastructure or public utilities;
or
 - (9) 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:
- (1) the ringing of bells in churches, religious establishments, and schools;
 - (2) the use of signaling devices on vehicles in their normal operation for the purpose of giving warnings to other drivers or pedestrians;
 - (3) the sounding of any alarm or warning to announce a fire or other emergency; or
 - (4) the playing of a band or other activities relating to a lawful parade or public demonstration whereby a special event permit has been issued by Rocky View County under the Special Events Bylaw.

Temporary Permits

- 17 A person may make a written application to the Permitting Officer for a temporary permit allowing for noise that would otherwise violate this bylaw.
- 18 An application made pursuant to section 17 of this bylaw must be made within 10 business days prior to the proposed activity and must contain the following:

- (1) the name, address, and telephone number of the applicant;
- (2) the address or legal description of the Premises where the activity is to take place;
- (3) the number of any valid Building or Development Permits, if applicable;
- (4) a description of the source of noise and/or Sound Levels;
- (5) the dates that the exemption is required;
- (6) the applicant's reason why the Permit should be granted;
- (7) a statement outlining the measures that will be taken to minimize the noise or Sound Level;
and
- (8) any other information that the Permitting Officer deems necessary.

19 The Permitting Officer may, in their sole discretion:

- (1) waive any requirements of this bylaw with the exception of section 18 of this bylaw;
- (2) issue a temporary permit with any conditions that the Permitting Officer considers appropriate; or
- (3) refuse to issue a temporary permit, if the Permitting Officer believes that the activity will have an undue effect on any neighbouring properties.

20 The Permitting Officer or an Enforcement Officer may revoke a temporary permit at any time, if in their opinion the conditions of the temporary permit are not being adhered to.

21 If a temporary permit has been issued, it must be produced upon request by and Enforcement Officer.

22 Anyone who, being a person named on a temporary permit, fails to adhere to the conditions of the temporary permit, is guilty of an offence.

22 Any person who is applying for a special event permit, pursuant to the Special Events Bylaw No. C-7990-2020, as amended from time to time, may make an application to the Permitting Officer to include an exemption to this bylaw as part of their special event permit.

General Penalty Provision

23 In accordance with the *Municipal Government Act*, any person who violates any provision of this bylaw is guilty of an offence and is liable, upon conviction, to a maximum fine of \$10,000.00, 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

- 24 The specified penalty for any violation of this bylaw is \$500.00 and minimum penalty for any such violation is \$250.00.
- 25 Notwithstanding section 24 of this bylaw, if a person violates the same provision of this Bylaw twice within a one-year period, the minimum and specified penalties for the second such violation shall be double the amounts set out in section 24.

Enforcement

- 26 When an Enforcement Officer has reasonable grounds to believe that a person has violated any provision of this bylaw, the Enforcement Officer may commence court proceedings against such person by:
- (1) Issuing the person a Violation Ticket pursuant to the *Provincial Offences Procedure Act*; or
 - (2) Swearing out an Information and Complaint against the person.
- 27 When an Enforcement Officer issues a person a Violation Ticket in accordance with section 26 of this Bylaw, the Officer may either:
- (1) allow the person to pay the specified penalty as provided for the offence in sections 24 and 25 of this Bylaw by including such specified penalty in the Violation Ticket; or
 - (2) require a court appearance of the person where the Enforcement Officer believes that it is in the public interest pursuant to the provisions of the *Provincial Offences Procedure Act*.

Severability

- 28 Each provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

Strict Liability Offence

- 29 It is the intention of Council that all offences created by this bylaw are to be interpreted as strict liability offences.

Repeal and Effective Date

- 30 Bylaw C-5772-2003, being the *noise Control Bylaw*, is repealed upon this bylaw passing and coming into full force and effect.
- 31 Bylaw C-8067-2020, being the *noise Control Bylaw*, is passed and comes into full force and effect when it receives third reading and is signed in accordance with the *Municipal Government Act*.
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READ A FIRST TIME this _____ day of _____, 2021

READ A SECOND TIME this _____ day of _____, 2021

UNANIMOUS PERMISSION FOR THIRD READING this _____ day of _____, 2021

READ A THIRD AND FINAL TIME this _____ day of _____, 2021

Reeve

Chief Administrative Officer or Designate

Date Bylaw Signed

Bylaw C-8067-2020

Schedule 'A' – Definitions

- 1 **"Agricultural Operation"** means an agricultural activity conducted on agricultural land for gain or reward or in the hope or expectation of gain or reward, and includes:
 - (1) the cultivation of land;
 - (2) the raising of poultry, fur-bearing animals, pheasants, fish, or livestock, including domestic cervids, within but not limited to the meaning of livestock in the *Livestock Industry Diversification Act*.
 - (3) the production of agricultural field crops, fruit, vegetables, sod, trees, shrubs, other specialty horticultural crops, eggs, milk, and honey;
 - (4) the operation of agricultural machinery and equipment, including irrigation pumps;
 - (5) the application of fertilizers, insecticides, pesticides, fungicides and herbicides, including application by ground and aerial spraying, for agricultural purposes;
 - (6) the collection, transportation, storage, application, use, transfer and disposal of manure, composting materials and compost; and
 - (7) the abandonment and reclamation of confined feeding operations and manure storage facilities;
- 2 **"Agricultural Producer"** means any person conducting an agricultural activity on agricultural land for gain or reward or in the hope or expectation of gain or reward.
- 3 **"Chief Administrative Officer"** means the person appointed as Chief Administrative Officer of Rocky View County or their authorized delegate.
- 4 **"Construction"** means the temporary process of demolishing, building, repairing, or improving any existing lawful structure, including landscaping, repair, property improvement, or any work connected with that process.
- 5 **"Council"** means the duly elected Council of Rocky View County.
- 6 **"County"** means Rocky View County.
- 7 **"Court"** means a court of competent jurisdiction in the Province of Alberta.
- 8 **"Daytime"** means the period:
 - (1) Beginning at 7:00 a.m. and ending at 10:00 p.m. of the same day on weekdays; and
 - (2) Beginning at 9:00 a.m. and ending at 10:00 p.m. of the same day on a weekend.
- 9 **"Emergency vehicle"** has the same meaning as in the *Traffic Safety Act*.

- 10 **“Enforcement Officer”** means a member of the Royal Canadian Mounted Police (RCMP), a Community Peace Officer appointed in accordance with the *Peace Officers Act*, or a Bylaw Enforcement Officer employed by Rocky View County in accordance with the *Municipal Government Act*.
- 11 **“Garbage truck”** means any vehicle equipped for transporting refuse or any vehicle equipped to load, unload, and transport containers for handling refuse.
- 12 **“Generally Accepted Agricultural Practices”** refers to a practice that is conducted in a manner consistent with appropriate and accepted customs and standards as established and followed by similar agricultural operations under similar circumstances, and without restricting the generality of the foregoing includes the use of innovative technology used with advanced management practices.
- 13 **“Holiday”** has the same meaning as in the *Interpretation Act*.
- 14 **“Including”** when introducing a list of items does not limit the meaning of the words to those items or to items of a similar kind.
- 15 **“Interpretation Act”** means the *Interpretation Act*, RSA 2000, c I-8, as amended from time to time.
- 16 **“Motorized power tool”** means any tool or implement that is powered by an electric or internal combustion motor or compressed air, including snow blowers, lawn mowers, and motorized garden tools.
- 17 **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 18 **“Nighttime”** means the period beginning at 10:01 p.m. and ending the following day at:
- (1) 6:59 a.m. if the following day is a weekday; or
 - (2) 8:59 a.m. if the following day is a weekend.
- 19 **“Noise”** means any sound that:
- (1) annoys, aggravates, endangers, or disturbs humans or animals;
 - (2) interferes with a person’s peaceful enjoyment of their property;
 - (3) detracts from the comfort, peace, or repose of humans; or
 - (4) includes any loud music (low frequency or bass sound), shouting, banging, exhaust or engine sounds, or any other sound that is loud, harsh, or otherwise undesirable.
- 20 **“Peace Officers Act”** means the *Peace Officers Act*, RSA 2000, c P-3.5, as amended or replaced from time to time.

- 21 **“Permitting Officer”** means the Chief Administrative Officer or the person who has been delegated the responsibility to issue and coordinate noise exemption permits for Rocky View County.
- 22 **“Person”** means any individual or business, including a firm, joint venture, proprietorship, association, corporation, organization, partnership, company, society, or any other legal entity.
- 23 **“Provincial Offences Procedure Act”** means the *Provincial Offences Procedure Act*, RSA 2000, c P-34, as amended or replaced from time to time.
- 24 **“Residential building”** means a structure used as a residence containing one or more dwelling units, including a house, multi-family dwelling, apartment building, hospital, lodging house, hotel, motel, mobile home, tent, trailer, motor home, camper, or recreational vehicle of any type.
- 25 **“Residential development”** means any land that is the permitted and lawful site of one or more residential buildings, excepting farms, ranches, and other land used for purely agricultural purposes.
- 26 **“Rocky View County”** means Rocky View County as a municipal corporation and the area within its jurisdictional boundaries, as the context so requires.
- 27 **“Semi-trailer”** means a trailer that
- (1) has axles only at or near its rear end;
 - (2) while being towed, is supported at its front end by the truck tractor or the immediately preceding trailer;
 - (3) when connected to the truck tractor or preceding trailer, is connected by means of a kingpin and a fifth wheel.
- 28 **“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.
- 29 **“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.
- 30 **“Special Events Bylaw”** means Rocky View County Bylaw C-7990-2020, being the *Special Events Bylaw*, as amended or replaced from time to time.
- 31 **“Tractor-trailer”** means the combination of a truck-tractor and a semi-trailer as those terms are defined in the *Traffic Safety Act* or associated regulation.
- 32 **“Traffic Safety Act”** means the *Traffic Safety Act*, RSA 2000, c T-6, as amended from time to time.
- 33 **“Truck”** means any vehicle that has a gross vehicle weight in excess of 4500 kilograms and is intended for the transport of goods, people, or carrying of goods.

- 34 **“Vehicle”** has the same meaning as in the *Traffic Safety Act*.
- 35 **“Violation ticket”** means a ticket issued pursuant to the provisions of the *Provincial Offences Procedure Act*.
- 36 **“Weekday”** means Monday through Saturday, inclusive, with the exception of any holidays.
- 37 **“Weekend”** means Sunday, and any other holiday.