

BYLAW 371
OF THE
VILLAGE OF BITTERN LAKE

BEING A BYLAW OF THE VILLAGE OF BITTERN LAKE IN THE PROVINCE OF ALBERTA 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, THE MUNICIPAL GOVERNMENT ACT CHAPTER M-26.1 1994 PROVIDES THAT THE COUNCIL OF THE VILLAGE OF BITTERN LAKE MAY PASS BYLAWS AMONG OTHER THINGS FOR THE PURPOSE OF PROHIBITING, ELIMINATING OR ABATING NOISE;
AND WHEREAS THE INCIDENCE OF NOISE IN THE VILLAGE OF BITTERN LAKE IS SUCH THAT THE COUNCIL OF THE VILLAGE OF BITTERN LAKE DEEMS IT EXPEDIENT THAT REGULATIONS BE MADE RESTRICTING, MITIGATING AND ABATING THE ACTIVITIES WHICH CAN RISE TO UNNECESSARY NOISE BE ELIMINATED;

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 VILLAGE OF BITTERN LAKE ENACTS AS FOLLOWS;

1. THIS BYLAW MAY BE CITED AS "THE NOISE BYLAW".

2. 1) IN THIS BYLAW, INCLUDING THIS SECTION,

a) "VILLAGE" MEANS THE CORPORATION OF THE VILLAGE OF BITTERN LAKE OR THE AREA CONTAINED WITHIN THE BOUNDARIES OF THE VILLAGE OF BITTERN LAKE AS 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;

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) "WEEK DAY" MEANS ANY DAY OTHER THAN A SUNDAY OR HOLIDAY;

g) "LAND USE BYLAW" MEANS BYLAW 339, AS THE SAME IS AMENDED FROM TIME TO TIME AND INCLUDES ANY BYLAW PASSED IN SUBSTITUTION FOR IT.

General Prohibition

- (1) Except to the extent it is allowed by this By-Law 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 other persons within the limits of the VILLAGE OF BITTERN LAKE.
- (2) 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 offence against this By-Law.
- (3) 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 By-Law 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 VILLAGE WITH THE following provisions of The Highway Traffic Act
 - (a) the prohibition against the use of signalling devices on motor vehicles, motorcycles or bicycles so as to make more noise than is 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 45;shall constitute a violation of this By-Law in addition to and not in substitution for 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 By-Law 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, 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 in any Residential District or in any other location within one hundred fifty metres of a Residential District.
- (6) The provisions of subsection (2) do not apply to work on a VILLAGE street or on a public utility carried on by

- A) A VILLAGE DEPARTMENT
- B) NORTH WESTERN UTILITIES, OR ALBERTA GOVERNMENT TELEPHONES OR TRANS ALTA UTILITIES, OR A CABLE TELEVISION CO. AUTHORIZED TO SUPPLY CABLE TV IN THE VILLAGE, OR
- C) A CONTRACTOR WORKING FOR THE VILLAGE, FOR NORTH WESTERN UTILITIES LTD. OR FOR THE ALBERTA GOVERNMENT TELEPHONES OR FOR TRANS ALTA UTILITIES.

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 in the evening of the same day;
- (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 be 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
 - (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) "nighttime" 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) "sound rating" means the intensity of a noise as measured in decibels on the "A" Scale of a Bruel & Kjaer Noise Event Meter when such meter is set on the "A" rating network and on the fast response;
- (i) "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 of power for propelling or hauling a semi-trailer;

- 1) Notwithstanding anything elsewhere contained in this By-Law 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 By-Law 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.
 - (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-conforming use as the same is defined in By-Law No. 763 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

7. (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 Pest By-Law 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 By-Law.
- (5) No person shall operate an air conditioner, fan or similar device at more than the following levels measured at any location on the lot line; 50 db A (Day), 45 db A (Night).

Construction Noises

8. (1) Unless permission from the By-Law Officer of the Village 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 Village or by a contractor carrying out the instructions of the Village.

9. PENALTIES

THE COUNCIL HEREBY PRESCRIBES THAT A PERSON WHO CONTRAVENES THIS BYLAW BY DOING SOMETHING WHICH IS PROHIBITED OR BY NOT DOING SOMETHING WHICH IS REQUIRED IS SUBJECT TO A PENALTY OF \$ 25.00 FOR EACH OFFENCE WITH A PENALTY OF 10.00 FOR EACH OFFENCE THERE AFTER.

*revised
see
Bylaw
08/97*

(initials)

READ A FIRST TIME THIS 24th DAY OF July 1995

READ A SECOND TIME THIS 24th DAY OF July 1995.

READ A THIRD TIME THIS 24th DAY OF July 1995.

MAYOR Walter J. Kuefler

WALTER J. KUEFLER

Anne R. Hoyme

ANNE R HOYME
SECRETARY TREAS.

THIS IS A BYLAW OF THE VILLAGE OF BITTERN LAKE IN THE PROVINCE OF ALBERTA
TO AMEND ITEM 9. PAGE 5, PENALTIES OF BYLAW 371.

WHEREAS, SECTION 63 OF THE MUNICIPAL GOVERNMENT ACT, STATUES OF
ALBERTA, 1994, CHAPTER M-26.1 WITH AMENDMENTS IN FORCE AS OF JULY 15, 1996.
GIVES THE COUNCIL OF THE VILLAGE OF BITTERN LAKE THE POWER TO ENACT THE
FOLLOWING AMENDMENT:

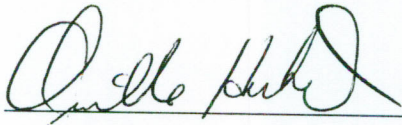
9. PENALTIES

THAT COUNCIL HEREBY PRESCRIBES THAT A PERSON WHO CONTRAVENES THIS
BYLAW BY DOING SOMETHING WHICH IS PROHIBITED OR BY NOT DOING
SOMETHING WHICH IS REQUIRED IS SUBJECT TO A WARNING FOR THE FIRST
OFFENSE, A FINE OF \$100.00 FOR THE SECOND OFFENSE AND THE FINE SHALL BE
DOUBLED FOR EACH OFFENSE THEREAFTER.

READ A FIRST TIME THIS 10TH DAY OF NOVEMBER, 1997.

READ A SECOND TIME THIS 10TH DAY OF NOVEMBER, 1997.

READ A THIRD TIME THIS 10TH DAY OF NOVEMBER, 1997.



MAYOR ORVILLE HENKEL



ANNE HOYME, SECRETARY TREAS.