

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

THE CITY OF SPRUCE GROVE

BYLAW C-908-15

NOISE CONTROL BYLAW

A Bylaw of the City of Spruce Grove in the Province of Alberta, for the purpose of prohibiting, eliminating and abating noise.

WHEREAS, the *Municipal Government Act*, RSA, 2000, c. M-26, provides that the Council of a Municipality~~municipality~~ may pass a Bylaw~~bylaw~~ for the purpose of prohibiting, eliminating or abating noise; in all or a designated part or location of a municipality, and

WHEREAS the *Traffic Safety Act*, RSA, 2000 c. T-6 provides that the Council of a Municipality~~municipality~~ may make Bylaws~~bylaws~~ defining what constitutes objectionable Noise~~noise~~, devising a system or method of determining or measuring that Noise~~noise~~, and prohibiting the operation of a Motor Vehicle~~motor vehicle~~ which in any manner makes objectionable Noises~~noises~~;

NOW THEREFORE, The Municipal Council of the City of Spruce  
Grove duly assembled, hereby enacts as follows:

1. Section 1 **SHORT TITLE**

1.1. ~~2.1~~ This Bylaw may be cited as “the Noise Control Bylaw”

2. Section 2 **DEFINITIONS**

2.1. ~~2.1~~ “City” means the municipal corporation of the City of Spruce Grove

2.2. ~~2.2~~ “City Manager” means the City Manager for the City of Spruce Grove or a designated officer appointed by Council.

2.3. ~~2.3~~ “Community Event” means any celebration, event, activity or thing so designated by Resolution~~resolution~~ of Council, and to which this Bylaw~~bylaw~~ shall not apply by reason of said designation.

2.4 “Community Recreation” means recreational, social or multipurpose use in a venue without fixed seats and with an occupancy capacity of less than

2.4. ~~500~~ persons, ~~—~~primarily ~~—~~intended ~~—~~for ~~—~~local community purposes. Typical uses include community ~~-~~halls, community centers, ~~-~~and community league buildings operated by local ~~-~~community organizations.

2.5. ~~2.5~~ “Construction Equipment” includes but is not limited to a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer, pneumatic drill, tractor other than a tractor used in a Farming Operation~~farming operation~~, bulldozer, front end loader, motor scraper, motor grader or any other tool, device ~~—or—~~ machine ~~—of a—~~ noisy nature.

2.6. ~~2.6~~ “Construction Noise” means Noise~~noise~~ caused by Construction Equipment~~construction equipment~~

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

~~2.7.~~ ~~2.7~~ —“Council” means the Municipal Council of the City of Spruce Grove.

~~2.8~~ —“Holiday” means any day declared as such by Municipal, Provincial or Federal authority and includes Sundays.

~~2.9~~ —“Lease” means a lease to use the property for a period of time in excess of 48 hours.

~~1.1.~~ ~~2.10~~ —“Excessive License” means a license to use the property for a period of time in excess of 72 hours.

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

~~1.1. 2.11~~ “Motor Vehicle” means ~~Motor Vehicle as defined in the Traffic Safety Act, RSA, 2000, c. T-6~~

~~2.8. 2.12~~ “Noise” means any sound which in the opinion of the Peace Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace or safety of persons within the boundary of the City of Spruce Grove.

~~2.9.~~ “Holiday” means any day declared as such by municipal, provincial or federal government and includes Sundays.

~~2.10.~~ “Lease” means a lease to use the property for a period of time in excess of 48 hours.

~~2.11.~~ “License” means a license to use the property for a period of time in excess of 72 hours.

~~2.12.~~ “Motor Vehicle” means motor vehicle as defined in the *Traffic Safety Act*, RSA, 2000, c. T-6

~~2.13~~ “Off highway Vehicle” means an Off Highway Vehicle as defined in the ~~Off Highway Vehicle~~ *Traffic Safety Act*, ~~RSA 1980, c.0-4~~, as amended.

~~2.14. 2.14~~ “Owner” means

a. ~~2.14.1~~ with respect to property used for ~~Community Recreation~~ community recreation, the ~~Person~~ person with ~~the Short Term Rental Agreement, Sublicense Agreement, Lease~~ short term rental agreement, sublicense agreement, lease or ~~License~~ license to use the property, and the ~~Person~~ person occupying or otherwise controlling the said property, but does not include the ~~Person~~ person who is the registered owner of the property.

b. ~~2.14.2~~ with respect to all other property, the ~~Person~~ person with the ~~Short Term Rental Agreement, Sublicense Agreement, Lease~~ short term rental agreement, sublicense agreement, lease or ~~License~~ license to use the ~~Property~~ property, the ~~Person~~ person occupying or otherwise controlling the said ~~Property~~ property and the ~~Person~~ person who is the registered owner of the ~~Property~~ property.

~~2.15. 2.15~~ “Peace Officer” means a member of the Royal ~~Canadian Mounted Police, and a Peace Officer appointed under the Peace Officer Act, or a City of Spruce Grove Enforcement Services~~ Bylaw Officer.

~~2.16. 2.16~~ “Permit” means a written permit issued by the City Manager pursuant to Section 4.1 of the ~~Bylaw~~ bylaw.

~~2.17. 2.17~~ “Person” includes ~~any~~ any individual, corporation, firm, partnership, corporation, trustee, executor or administrator association, society, or registered company.

~~2.18. 2.18~~ “Short Term Rental Agreement” means a right to use ~~property~~ property for a period of time of 72 hours or less.

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

~~2.19.~~ ~~2.19~~—“Sublicense Agreement” means a right to use property for a period of 72 hours or less, which is obtained from the holder of a ~~License~~license to use the said property.

~~2.20~~—“Violation Tag” means a ticket or similar document issued by a Peace  
~~2.20.~~ Officer pursuant to the *Municipal -Government Act*, RSA, 2000, c. M-26.

~~2.21~~—“Violation Ticket” means a ticket issued pursuant to Part II of the  
~~2.21.~~ *Provincial Offences Procedure Act*, RSA, 2000, c. P-34.

~~Section 3~~—~~Violations~~

~~3.~~ ~~3.1~~—**VIOLATIONS**

~~3.1.~~ Except to the extent permitted by the ~~Bylaw~~bylaw, no person shall:

a. ~~3.1.1~~—cause excessive noise within the City~~;~~

b. ~~3.1.2~~—operate or permit any other ~~Person~~person to operate within the City  
a ~~Motor Vehicle~~motor vehicle that causes ~~Noise~~excessive noise; or

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

c. ~~3.1.3~~ operate or permit any other ~~Person~~person to operate within the City an ~~Off-Highway Vehicle~~off-highway vehicle that causes ~~Noise~~excessive noise.

~~3.2.~~ ~~3.2~~ No owner shall allow property they own to be used in such a way that there is excessive noise originating from the property.

~~3.3.~~ ~~3.3~~ A Peace Officer may direct any ~~Person~~person who has caused or made ~~Noise~~excessive noise, or any ~~Person~~person who owns property from which ~~Noise~~excessive noise has originated, to abate or eliminate the ~~Noise~~excessive noise. Such a direction may be either verbal or written. If the direction is written, the direction ~~shall be in the form set out in~~ Schedule "A" attached hereto and forming part of this ~~Bylaw~~bylaw.

~~3.4.~~ ~~3.4~~ Where an activity which is not specifically prohibited by any federal, provincial or municipal laws or regulations, including this ~~Bylaw~~bylaw and which involves creating or making a sound which:

a. ~~3.4.1~~ is or may become; or

b. ~~3.4.2~~ creates or produces or may create or produce ~~Noise,~~

~~noise,~~ a person engaging in such activity shall do so in such manner as to create as little sound as practicable under the circumstances.

~~3.5.~~ ~~3.5~~ Engine Retarder Brakes

a. ~~3.5.1~~ The use of Engine Retarder Brakes is prohibited within the City Limits. Such limits shall include that portion of Highway 16A, which passes through the City ~~of Spruce Grove~~.

4. ~~Section 4~~ PERMITS AND NON-APPLICATION OF BYLAW

~~4.1.~~ ~~4.1~~ The City Manager may upon written request; issue a ~~permit~~ to a ~~Person~~person for the purpose of suspending the provisions of this ~~By-Law~~bylaw, and the ~~Permit~~permit shall specify the dates and hours during which ~~Noise~~noise may occur.

~~4.2.~~ ~~4.2~~ Any such ~~Permit~~permit issued shall be produced to a Peace Officer upon demand.

~~4.3.~~ ~~4.3~~ Persons owning or controlling ~~Construction Equipment~~construction equipment, and ~~Persons~~persons owning or controlling land on which ~~Construction Equipment~~construction equipment is being operated shall be exempt from the provisions of this ~~By-Law~~bylaw if:

a. ~~4.3.1~~ the ~~Noise~~noise is generated pursuant to work done in the normal manner to the industry;

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

b. ~~4.3.2~~ the ~~Noise~~noise is generated between the hours as authorized by and set out in Schedule “B” attached to and forming part of this ~~Bylaw~~bylaw; and

c. ~~4.3.3~~ all necessary federal, provincial and municipal permits, licenses and approvals have been ~~obtained~~ and the work is not contrary to any federal, provincial or municipal laws or regulations.

~~4.4.~~ ~~4.4~~ This ~~Bylaw~~bylaw does not apply:

a. ~~4.4.1~~ to work carried on by the City ~~of Spruce Grove~~ or its agents, contractors, servants or employees, acting within the scope of the ~~agency, contract, or employment, as the case may be;~~

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

~~4.4.2~~ to the performance of work by any person on land zoned as M-1

~~b.~~ Industrial pursuant to the City ~~of Spruce Grove~~ Land Use Bylaw, as amended, if:

~~(i) 4.4.2.1~~ the ~~Noise~~noise is generated pursuant to the work done in the normal manner to that end; ~~and~~

~~c. 4.4.3~~ to ~~Persons~~persons operating domestic equipment including, without restricting the generality of the foregoing, lawn mowers, snow blowers, garden tillers, hedge trimmers, weed trimmers and air blowers, ~~gas or electric~~, and persons owning or controlling property upon which such ~~Equipment~~equipment is used if the ~~Noise~~noise is of a temporary or intermittent nature, the equipment is properly maintained and operated in a normal manner for that type of equipment; and the ~~Noise~~noise occurs between the hours of 7:00 a.m. and 10:00 p.m.; ~~or~~

~~d. 4.4.4~~ to Community Events.

~~5. Section 5~~ **AUTHORIZATION TO INSPECT**

~~5.1.~~ A Peace Officer may enter any land, building or premise to inspect for conditions that may constitute a contravention of this ~~Bylaw~~bylaw.

~~6. Section 6~~ **EMERGENCIES**

~~6.1.~~ Nothing shall render any ~~Person~~person liable to a fine, penalty or punishment for performing work of an emergency nature for the preservation or protection of life, health or property.

~~7. Section 7~~ **PENALTIES**

~~7.1. 7.1~~ Any ~~Person~~person who contravenes the provisions of this ~~Bylaw~~bylaw is guilty of ~~an offence and liable upon summary conviction;~~

~~a. 7.1.1~~ to a fine for a first offence as set out in Schedule "C" attached hereto and forming part of this ~~Bylaw~~bylaw;

~~b. 7.1.2~~ to a fine for a second offence as set out in Schedule "C" attached hereto and forming part of this ~~By-Law~~bylaw.

~~7.2. 7.1.3~~ ~~under~~ Under no ~~circumstances~~ shall ~~any~~ ~~Person~~person contravening any provisions of this ~~Bylaw~~bylaw be subject to the penalty of imprisonment.

~~8. Section 8~~ **VIOLATION** ~~Tag~~TAG

~~8.1. 8.1~~ A Peace Officer is hereby authorized and empowered to issue a ~~Violation~~ ~~Tag~~violation tag to any person who the Peace ~~officer~~Officer has reasonable and probable grounds to believe has contravened any provisions of this ~~By-Law~~bylaw.

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

~~8.2.~~ ~~8.2~~ Any ~~Person~~person who is issued a ~~Violation Tag~~violation tag for contravention of this ~~By-Law~~bylaw shall immediately discontinue creating ~~excessive~~ noise to avoid prosecution or a second offence.

~~8.3.~~ ~~8.3~~ If the ~~Noise~~excessive noise continues, or is allowed to continue, a second ~~Violation~~violation tag may be issued.

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

~~8.4.~~ ~~8.4~~ — Where a ~~Violation Tag~~violation tag is issued pursuant to this ~~By-Law~~bylaw, the ~~Person~~person whom the ~~Violation Tag~~violation tag is issued may, in lieu of being prosecuted ~~for the offence~~, pay the City ~~of Spruce Grove~~ the penalty specified on ~~the Violation Tag~~violation tag.

~~9. Section 9~~ **VIOLATION TICKET**

~~9.1.~~ ~~9.1~~ — If the penalty specified on the ~~Violation Tag~~violation tag is ~~not~~ paid within the prescribed time period then a Peace Officer is hereby authorized and empowered to issue a ~~Violation Ticket~~violation ticket pursuant to Part II of the *Provincial Offences Procedure Act*, RSA, 2000, c. P-34.

~~9.2.~~ ~~9.2~~ — Notwithstanding Section 8.1 of this ~~By-Law~~bylaw a Peace Officer is hereby authorized and empowered to immediately issue a ~~Violation Ticket~~violation ticket pursuant to Part II of the *Provincial Offences Procedures Act*, RSA. 2000 c. P-34, as amended to any person who the Peace Officer has reasonable grounds to believe has contravened any provisions of this ~~Bylaw~~bylaw.

~~10. Section 10~~ **SEVERABILITY**

~~10.1.~~ If at any time, any provision of this ~~Bylaw~~bylaw is declared or held to be illegal, invalid, or ultra vires, in whole or in part, then the provision shall not apply and the remainder of this ~~Bylaw~~bylaw shall continue in full force and effect and be construed as if it had been enacted without the illegal, invalid or ultra vires provision.

~~11. Bylaw 644-82 is rescinded when Bylaw C-475-03 comes~~ **EFFECTIVE DATE**

~~This bylaw shall come~~ into full effect.

~~11.1. This Bylaw comes into full force and~~ effect upon being given ~~being given Third~~third and ~~Final~~final reading.

~~Reading~~

**12. REPEAL OF BYLAW C-475-03**

12.1. Bylaw C-475-03 is hereby repealed.

First Reading Carried ~~26 January 2004~~<DD MONTH YYYY>

Second Reading Carried ~~26 January 2004~~<DD MONTH YYYY>

Third Reading Carried ~~26 January 2004~~<DD MONTH YYYY>

Date Signed <DD MONTH YYYY>

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

\_\_\_\_\_  
\_\_\_\_\_  
Mayor

\_\_\_\_\_  
~~Manager of Administrative Services~~

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

Schedule “

City Clerk

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL  
SCHEDULE  
A

NOTICE OF ABATEMENT

To:

You are hereby notified that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at approximately \_\_\_\_\_ a.m./\_\_\_\_\_/p.m., a Peace Officer/officer within the City of Spruce Grove observed a breach of the City of Spruce Grove Noise Control ~~By-Law~~Bylaw No. C-475-03-###-15 at:

The particulars of this contravention are:

Pursuant to the Noise Control ~~By-Law~~Bylaw No. C-475-03-###-15, you are hereby directed to abate/  
eliminate this noise by \_\_\_\_\_, 20\_\_\_\_.

Officer

Any ~~inquires~~inquiries may be directed to:  
City of Spruce Grove  
Enforcement Services  
(780) 962-7634 Ext 1067585

CITY OF SPRUCE GROVE

BYLAW C-475-03

NOISE CONTROL

Schedule “B”

HOURS DURING WHICH CONSTRUCTION EQUIPMENT  
NOISE IS PERMITTED

Weekdays	Weekends / Statutory Holidays
7:00a.m. – 10:00 p.m. Monday – Saturday	10:00a.m. – 10:00 p.m. Sundays, Statutory Holidays

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First Offence fine of \_\_\_\_\_ \$250.00

Second and Subsequent

Offences fine of ~~\$500.00~~

**SCHEDULE B – HOURS DURING WHICH CONSTRUCTION EQUIPMENT NOISE IS PERMITTED**

**Monday - Saturday**

7:00 a.m. – 10:00 p.m.

**Sundays, Statutory Holidays**

10:00 a.m. – 10:00 p.m.

## SCHEDULE C - PENALTIES

First offence, fine of \$250.00

Second and subsequent offence, fine of \$500.00