

**TOWN OF CROSSFIELD
NOISE BYLAW
BYLAW NO. 2024-06**

BEING A BYLAW OF THE TOWN OF CROSSFIELD IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING, ELIMINATING, AND ABATING NOISE.

WHEREAS the Municipal Government Act as amended provides that the Council of a municipality may pass a bylaw for the purpose of prohibiting, eliminating or abating noise; in all or in a designated part or location of a municipality.

NOW THEREFORE the Council of the Town of Crossfield in the Province of Alberta duly assembled, enacts the following:

SECTION 1: BYLAW TITLE

1.1 This Bylaw may be referred to as **“The Town of Crossfield Noise Bylaw”**.

SECTION 2: INTERPRETATIONS AND APPLICATION

2.1 In the Bylaw, unless the context otherwise requires:

- a) *“Chief Administrative Officer”*: shall mean a person appointed as Chief Administrative Officer under the Municipal Government Act, 2000, Chapter M-26 and amendments thereto.
- b) *“Council”*: means the Council of the Town of Crossfield.
- c) *“Court”* means the Provincial Court of Alberta.
- d) *“Day-time”* means the period
 - i) commencing at 7:00 a.m. in the morning and ending at the hour of 11:00 p.m. in the evening of the same weekday (Monday to Friday)
 - j) Commencing at 8:00 a.m. in the morning and ending at the hour of 11:00 p.m. in the evening on the same weekend (Saturday to Sunday and any statutory holiday)
- e) *“Emergency Vehicle”*: has the same meaning as in the Traffic Safety Act RSA 2000 Chapter T-6. with amendments from time to time.

- f) *"Holiday"* means any Statutory Holiday as defined in the Municipal Government Act.
- g) *"Industrial Area"* means an area defined as such in the Town's Land Use Bylaw.
- h) *"Land Use Bylaw"* means any zoning or development control bylaw in force, and that is amended from time to time within the Town.
- i) *"Light Motor Vehicle"* means a motor vehicle which has a gross vehicle weight of 2.75 metric tonnes, or less, and includes light commercial vehicles, passenger vehicles, and motor scooters.
- j) *"Motorcycle"* means a motor vehicle, other than a moped, that is mounted on two or three wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters.
- k) *"Motorized Power Tool"* means any tool or implement that is powered by an electric, battery operated, internal combustion motor, or compressed air, including, but not limited to, snow blowers, lawn mowers, motorized garden tools, saws and drills
- l) *"Motor Vehicle"* means any vehicle propelled by any power other than muscular power, or a moped, but does not include a bicycle, an aircraft, implements of husbandry, or a motor vehicle that runs only on rails.
- m) *"Nighttime"* means the period commencing at 11:00 p.m. in the evening and ending at 7:00 a.m. in the morning of the following day on weekdays and 8:00 am in the morning of the following day on weekend and statutory holidays.
- n) *"Noise"* means a sound that is undesired, consists of an unnecessary noise, considered unpleasant, loud, unusually noise, or a noise which annoys, disturbs, injures, or endangers the comfort, health, peace, or safety of others or interferes with one's hearing.
- o) *"Peace Officer"* means any Bylaw Officer, Community Peace Officer, or RCMP of the local policing authority.
- p) *"Permitting Officer"* means the Chief Administrative Officer or their delegate who is responsible for issuing and coordinating noise exemption permits.
- q) *"Residential Area"* means an area defined as such in the Land Use Bylaw.

- r) *“Residential Building”* means a building which is constructed as a dwelling for people for short or long term purposes and may include hotels and motels.
- s) *“Snow Vehicle”* means a motorized vehicle designed or intended to be driven exclusively on snow or ice.
- t) *“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.
- u) *“Speaker System”* means any sound amplified 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.
- v) *“Tractor-trailer”* means a combination of vehicles comprised of one or more trailers used for carrying merchandise or equipment, and one truck-tractor used solely for supplying power for propelling or hauling the trailer or trailers.
- w) *“The Town”* means the Corporation of the Town of Crossfield or the area contained within its corporate boundaries.
- x) *“Vehicle”* means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid.
- y) *“Violation Ticket”* means a ticket as defined in the Provincial Offenses Procedures Act.

SECTION 3: GENERAL PROHIBITION

3.1 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 Crossfield at any time of the day or night.

3.2 No person shall in either the Daytime or Nighttime:

- i) 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.

- ii) operate, allow to permit the operation of a speaker system of any type at an unnecessarily loud volume, thereby creating excessive noise.

- 3.3 No person shall make or cause to be made or continue any noise which disturb or annoy a reasonable person.
- 3.4 No person shall operate any motorized power equipment, in any area designated as residential during the hours of nighttime.
- 3.5 No person shall operate or permit any other person to operate a lawn mower that produces a noise within the boundaries of the Town during the nighttime
- 3.6 Where a person is engaged in any recreational or other activity, occupation, project, work, construction or endeavor 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 activity creates or makes a sound which is or may become, or 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 activity, shall ensure that the Noise created by the said activity is minimized as much as practicable.

SECTION 4: COMMERCIAL AND INDUSTRIAL NOISE

- 4.1 No provisions of this Bylaw shall prevent the continual operation or carrying on of commercial or industrial activity (CBD, C-2, I-1, I-2, I-3) during the nighttime where the activity is one which:
 - i) is a permitted use in which it is carried on or is a conditional use for which the required permission has been given; or
 - ii) is an approved discretionary use; or
 - iii) is a non-conforming use and the same is defined in the current Land Use Bylaw for the district in which the use is being carried out.
- 4.2 In the operation or carrying on of any commercial or industrial activity in a zone in which it would be curtailed or restricted, 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.

- 4.2 No person shall load or unload, at night, any truck or tractor trailer units in any area designated a Residential area, or within one hundred and fifty (150) meters of the Residential area.
- 4.3 Commercial and Industrial owners shall, in all circumstances, take all reasonable steps to ensure that the Noise created by the said preapproved business activity is minimized as much as practicable.

SECTION 5: CONSTRUCTION NOISES

- 5.1 Unless permission from the Chief Administrative Officer or their designate is granted for such operation is first obtained:
- i) No person shall carry on construction of any type of structure which involves hammering, sawing or the use of any mechanical or motorized 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 during the nighttime.
 - ii) No person shall carry on, allow, or permit the carrying on of construction of any type of structure which involves hammering, sawing or the use of any mechanical or motorized tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which within a residential district during the night-time.
- 5.2 The provision of subsection 5.1 does not apply to any work carried out by the Town or by a contractor carrying out the instructions of the Town.

SECTION 6: VEHICLE NOISES

- 6.1 No person shall operate or permit any other person to operate a motor vehicle that produces a loud noise as described in Section 3.1 in a residential area during the daytime or nighttime in such a manner as to unduly to disturb the residents of the street in the residential area.
- 6.2 No person who owns, operates or controls a motor vehicle equipped with engine retarder brakes shall allow such brakes to be engaged in any area within the Town where use of engine retarder breaks is prohibited by signate placed by the Town, the Province or other body having jurisdiction.

- 6.3 No person who owns, operates, or controls a truck-tractor or tractor-trailer shall allow such vehicle to remain running for a period in excess of 20 minutes when it is stationary within a residential district or within 150 meters of a residential district.
- 6.4 No person who owns, operates or controls a truck, concrete mixer, tractor-trailer, or garbage truck, shall allow or permit such vehicle to be loaded or unloaded within a residential district during the nighttime.
- 6.5 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.
- 6.6 No person who owns, operates, controls a vehicle equipped with a stereo or other amplified speaker system, shall allow such system to be activated repeatedly or excessively.
- 6.7 No person who owns, operates or controls a vehicle shall allow the vehicle engine to be raced or otherwise operated to cause excessive and unnecessary noise.

SECTION 7: EXEMPTIONS AND EXCEPTIONS

- 7.1 Notwithstanding other provisions in this Bylaw, the Town may, upon written application, grant permission to extend the hours of which amplification equipment may be used at an outdoor public event.
- 7.2 The provisions of this Bylaw do not apply to:
- i) Town vehicles and equipment, and/or contractors hired by the Town used to clear snow and ice, sweep, wash and/or remove debris from Town roadways, highways, sidewalks, boulevards or Town premises.
 - ii) Contractor's vehicles and equipment hired by the business property owners used to clear snow and ice, sweep, wash and/or remove debris from Town roadways, highways, sidewalks, boulevards or Town premises.
 - iii) Emergency vehicles;
 - iv) Construction in a residential development activities and related noise during the daytime whether or not the construction requires any Town permits;

- v) Work of any urgent nature carried on by or on behalf of the Town, ATCO Gas, Fortis, Telus, Shaw/Rodgers or any other utility company authorized to carry out such work
- vi) Work performed in relation to a highway or public utility by the owner or operator of the public utility, or its contractors;
- vii) The aeronautical related activities of any airports located near the Town.
- viii) Any activity within the sole jurisdiction of the Government of Canada or the Province of Alberta.

7.3 The provisions of this Bylaw must not be interpreted to prevent:

- i) the ringing of bell in Church, religious establishment and schools;
- ii) the use of signaling devices on vehicles in their normal operation for the purpose of giving warnings to other drivers or pedestrians;
- iii) the sounding of a general or particular alarm or warning to announce a fire or other emergency, on-coming trains or a disaster;
- iv) the playing of a band or other activities relating to a lawful parade or public demonstration.

7.4 Work carried out by the Town or by a contractor carrying out the instructions of the Town to meet an emergency.

7.5 Temporary Permits: A person may make a written application to the Permitting Officer for a temporary permit allowing for noise that would otherwise violate this bylaw.

7.6 An application made pursuant to section 7.5 of this bylaw must be made within a minimum of 10 business days prior to the proposed activity and must contain the following:

- i) the name, address, and telephone number of the applicant;
- ii) the address or legal description of the Premises where the activity is to take place;
- iii) a description of the source of noise and/or Sound Levels;

- iv) the dates that the exemption is required;
- v) the applicant's reason why the Permit should be granted;
- vi) a statement outlining the measures that will be taken to minimize the noise or Sound Level; and
- vii) any other information that the Permitting Officer deems necessary.

7.7 The Permitting Officer may, in their sole discretion:

- i) waive any requirements of this bylaw with the exception of section 7.6 of this bylaw;
- ii) issue a temporary permit with any conditions that the Permitting Officer considers appropriate;
- iii) refuse to issue a temporary permit, if the Permitting Officer believes that the activity will have an undue effect on any neighbouring properties. The Permitting Officer or a Peace Officer may revoke a temporary permit at any time, if in their opinion the conditions of the temporary permit are not being adhered to.

7.8 If a temporary permit has been issued, it must be produced upon request by a Peace Officer.

7.9 Anyone who is named on the temporary permit, fails to adhere to the conditions of the temporary permit, is guilty of an offence.

SECTION 8: PENALTIES

8.1 Whether or not a noise has been created, justifying the Part 3 Violation or Summons under this Bylaw is a question of fact for the Court that hears the evidence in the case.

8.2 To issue a Part 3 Violation or Summons under this Bylaw a complaint must be received by a Peace Officer. Any person who is issued a summons for contravention of this Bylaw shall immediately discontinue creating a noise to avoid prosecution for a second offence; if the noise continues, or is allowed to continue, a second summons may be issued.

8.3 Any person who contravenes the provisions of this Bylaw is guilty of an offence and liable upon summary conviction to a minimum fine of \$250.00.

8.4 A Violation Ticket may be issued by a Peace Officer to a person who is believed to have violated a provision of this Bylaw and the said violation ticket may provide for payment within 30 days from the date of issue to the Town in the amount of:

- i) \$250.00 for the first offence;
- ii) \$300.00 for the second offence;
- ii) \$500.00 for the third offence and mandatory court.

If a payment is made within the time limit, then such payment shall be accepted in lieu of prosecution for the same offence.

8.5 The violation ticket shall be issued by personally serving it upon the alleged offender, by electronic means (email) or by leaving it at the last known residence of the alleged offender.

8.6 If a violation ticket is issued pursuant to section 9.1 above, and if the amount specified on the Bylaw tag is not paid within 30 days from the date of issue, then the right of the alleged offender to settle the alleged offence without a court appearance shall no longer apply.

8.7 Where a Provincial violation ticket is issued pursuant to section 9.1 above, and where payment is not made within 30 days from the date of issue of the violation ticket, then a notice shall be laid before a Provincial Judge, and prosecution for the alleged offence shall proceed as though no violation ticket had ever been issued.

SECTION 9: VIOLATION TICKET

9.1 Where a Peace Officer issues a person a Violation Ticket, the Officer may:

- i) Allow the person to pay the specified penalty as provided for in Section 9.3 of this Bylaw, by indicating such specified penalty on the Violation Ticket; or
- ii) Pursuant to the provisions of Part 2 of the *Provincial Offences Procedure Act*, where the Peace Officer believes that it is in the public interest, may require a Court appearance of that person.

SECTION 10: COMMENCEMENT

10.1 That Town of Crossfield Bylaw 2024-02 is hereby repealed.

10.2 This Bylaw shall come into full force and effect upon final passing.

Given first reading this 5 day of November 2024.


Given second reading this 5 day of November 2024.

Given unanimous consent to go to third reading on this 5 day of November 2024.

Given third and final read this 5 day of November 2024.



Mayor Kim Harris



Russ Nash
Acting Chief Administrative Officer