

**VILLAGE OF CONSORT
BYLAW A695
NOISE BYLAW**

BEING A BYLAW OF THE VILLAGE OF CONSORT TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS, under section 7 of the Municipal Government Act, the Council of the Village of Consort may pass a Bylaw respecting the safety, health, and welfare of people and the protection of people and property and respecting the people, activities, and things in, on, or near a public place or place that is open to the public.

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF CONSORT ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Noise Bylaw
2. In this Bylaw, including this section:
 - a) *Holiday* means a holiday as defined in the Interpretation Act;
 - b) *Hospital District* means an area which
 - i) is designated as such by signs or other devices; or
 - ii) any portion of the Village within five hundred feet, in any direction, from the boundaries of a site on which is situated a hospital as defined in the Alberta Hospital Act;
 - c) *Residential Building* means a building which is constructed as a dwelling for human beings and includes a hotel or motel
 - d) *Residential District* means any district designated for residential use in the Village of Consort Land Use Bylaw
 - e) *Industrial District* means any district designated for industrial use in the Land Use Bylaw
 - f) *Land Use Bylaw* means Village of Consort Bylaw A683 as the same is amended from time to time and includes any Bylaw passed in substitution for Bylaw A683.

General Noise Prohibition

3. 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, or safety of other persons within the limits of the Village of Consort.
4. Except to the extent it is allowed by this Bylaw, no person shall permit, suffer or allow property, real or personal which he owns, occupies, leases, rents or controls, to be used in the manner such that a loud noise, an unnecessary noise, an unusual noise or any noise whatsoever which emanates therefrom, annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the Village of Consort.

5. 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 Bylaw.
6. Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or the Province of Alberta or by any provision of this Bylaw involves creating or making a sound which:
 - a) is or may 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 activity shall do so in a manner as to create as little of such sound as practicable under the circumstances.
7. Where an area is designated by signs or other means as being a Hospital District, 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.

Industrial Noises

8. Nothing in this Bylaw shall prevent the continual operation or carrying on of an industrial activity where the activity is one which:
 - a) is a permitted use; or
 - b) is an approved discretionary use; or
 - c) is a non-conforming, but not illegal use, as defined in the Municipal Government Act and the Village of Consort Land Use Bylaw.
9. In the operation or carrying on of an industrial activity, the person operating or carrying on that activity shall make no more noise than is necessary in the normal method of performing or carrying on that activity.

Construction Noises

10. Unless permission from the Village of Consort's Development Officer is first obtained, no person shall carry on the construction, renovation or demolition of any type of structure which involves hammering, sawing or the use of any electrical or mechanical 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 agricultural district or future residential district after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.

11. Unless permission from the Village of Consort's Development Officer 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, or pneumatic drill
 - h) a tractor or bulldozer; or
 - i) any other tool, device or machine of a noisy nature;
- so as to create a noise, confusion, or disturbance which may be heard in a residential building between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.
12. This Bylaw does not apply to work carried on by the Village of Consort, or by any contractor carrying out the instructions of the Village of Consort under emergency circumstances.

Domestic Noises

13. No person shall operate a power garden tool, hedge trimmer, rototiller, power or hand lawn mower, or snow clearing device powered by an engine of any description in a residential zone between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.
14. No person shall detonate fireworks or explosive devices in any area designated as a residential district between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.
15. No person shall make, continue, cause or allow to be made any excessive noises as a result of a private party or social gathering, either indoors or outside, 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 Consort between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.
16. Every person who owns, or has the care or control of, or keeps or harbors, any animal which by reason of excessive barking or excessive howling disturbs other persons is guilty of an offence under this Bylaw.

Noises Absolutely Prohibited

17. No person other than a police officer in the regular course of duty shall discharge a firearm within the Village of Consort unless permission to do so has been granted by the Village.

Motor Vehicle Noises

18. No person shall create loud, unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the Village of

Consort whether the noise is caused by the mechanical condition of the motor vehicle, the manner in which the motor vehicle is operated, or loud music, etc. which may be played within the vehicle, and whether or not the vehicle is stationary or moving at the time the noise is created.

19. No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger or detract from the comfort, repose, health peace or safety of others within the Village of Consort resulting from any of the following acts:
- a) The sounding of a motor vehicle signaling device or warning device, or siren, except where required or authorized by this Bylaw.
 - b) The operation anywhere other than on a public highway of an engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment for a continuous period exceeding five minutes while such is stationary in a residential district unless:
 - i) The vehicle is in an enclosed structure so as to effectively prevent excessive noise emissions; or
 - ii) The operation of such an engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, the operation of ready-mixed concrete trucks, lift platforms or refuse compactors; or
 - iii) Weather conditions justify the use of heating or refrigerating systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
 - iv) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - v) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit.
 - c) No person shall allow the diesel motor on a vehicle to remain running longer than 15 minutes while the vehicle is not in motion in any residential district or zone or in any other location within five hundred feet of a residential zone.
 - d) The provisions of this section do not apply to any emergency vehicle, or to work on a Village street or public utility carried on by the Village of Consort, or any public utility company, or to a contractor working under the instruction of the Village of Consort.

Commercial Noises

20. No person shall load or unload motor trucks in any area designated as being a residential zone or within one block of the boundary of such a zone between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.

Exemptions

21. Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency situation.

22. Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to a person who emits or causes to be emitted noise in connection with any of the following activities:
 - a) the use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreation area under the control and management of the Village of Consort in connection with any public meeting, public celebration, recreational event or other lawful gathering.

 - b) Any band or parade, provided that the consent of the Council of the Village of Consort to operate such band, or hold such parade has first been obtained.

 - c) Any carnival, fair or exhibition, provided that the consent of the Council of the Village of Consort to operate or hold such carnival, fair or exhibition has first been obtained.

 - d) Any event authorized by the Village of Consort on Village-owned lands.

 - e) The sounding of bells in churches, religious establishments and schools.

 - f) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.

Penalties

23. Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a minimum fine of \$500.00 and a maximum fine not to exceed \$2,000 or in default of payment of the fine is liable for imprisonment for a period not exceeding sixty days.

This Bylaw shall come into force on the date of the final approval by the Council of the Village of Consort. Bylaw A660 is hereby repealed

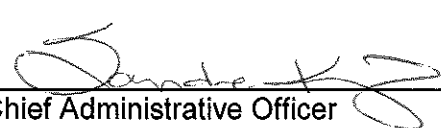
Read a first time this 13th day of August, 2001

Read a second time this 13th day of August, 2001

Read a third and final time this 13th day of August, 2001



Mayor



Chief Administrative Officer