

VILLAGE OF ALMA

BY-LAW NO. 63A

A BY-LAW CONCERNING THE REGULATING OF

NOISE IN THE VILLAGE OF ALMA

By-Law no. 63A will supersede existing By-Law no. 63 dated February 25, 1991.

BE IT ENACTED by the Council of the Village of Alma and under the authority of section 10 (1)(c) of the Local Governance Act and amendments thereto as follows:

DEFINITIONS:

- 1.1 **“Village of Alma”** means The Corporation of the Village of Alma as incorporated on November 09, 1966 and all of its administrative officers;
- 1.2 **“Construction”** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavation, blasting and detonation of explosive devices other than fireworks, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any associated or related work;
- 1.3 **“Construction equipment”** means any equipment or device designed and intended for use in construction or material handling, including but not limited to air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers, trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
- 1.4 **“Council”** and **“Village Council”** means the Council of the Village of Alma;
- 1.5 **“Emergency”** means a situation or an impending situation, often dangerous, caused by the forces of nature, an accident, an intentional act or otherwise, which arises suddenly and calls for prompt action;
- 1.6 **“Emergency Vehicle”** includes a land ambulance, an air ambulance, a fire department vehicle and a motor vehicle being used to respond to an emergency;
- 1.7 **“Town Administration Officer”** means the Mayor of the Village of Alma who is responsible for enforcing the general by-laws of the Village, or any designated By-Law Officer, Police agency, Peace Officer or agent appointed or contracted by the Village council;

- 1.8 **“Motor Vehicle”** includes an automobile, bus, truck, motorcycle, motor-assisted bicycle, and any other vehicle propelled or driven other than by muscular power, but does not include a motorized snow vehicle, traction engine, farm tractor, other farm vehicle or road-building machine;
- 1.9 **“Municipal Service Vehicle”** means a vehicle operated by or on behalf of the Village of Alma while the vehicle is being used for the construction, repair or maintenance of a highway, including the clearing and removal of snow, the construction, repair or maintenance of a utility, the collection or transportation of waste, or another municipal purpose;
- 1.10 **“Noise”** means sound that is unusual or excessive, or that is unwanted by or disturbing to persons;
- 1.11 **“Person”** includes a corporation as well as an individual;
- 1.12 **“Premises”** means a piece of land and any buildings and structures on it, and includes a place of business, a road, and any other location or place;
- 1.13 **“Residence”** means a room, suite of rooms, or dwelling, including a mobile trailer, operated as a housekeeping unit that is used or intended to be used as a separate domicile by one or more persons, and that normally contains cooking, eating, living, sleeping and sanitary facilities;
- 1.14 **“Road”** includes a public highway, private road, lane, pathway and sidewalk;
- 1.15 **“Utility”** means a system that is used to provide utility service to the public, including water, sewage, electricity, gas, communications networks and cable services;
- 1.16 **“Utility Service Vehicle”** means a vehicle operated by or on behalf of the Village of Alma and by any other company or agency that supplies or manages a service within the Village while the vehicle is being used for the construction, repair or maintenance of that service;
- 1.17 **“Vehicle”** includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and other machines propelled or driven other than by muscular power; and

2. APPLICATION:

- 2.1 The general prohibitions on activities described in Schedule A apply to the lands within the entire Village of Alma designated in Schedule D.
- 2.2 The prohibitions on activities by time described in Schedule B apply to the lands within the entire Village of Alma designated in Schedule D.

3. ADMINISTRATION:

- 3.1 The Village of Alma Clerk is responsible for the administration of this By-Law.

3.2 All officers with authority to enforce the By-Laws of the Village of Alma are responsible for enforcing the provisions of this By-Law.

3.3 Any person may submit an application to the Village Clerk requesting an exemption from any of the prohibitions described in Schedules A and B.

3.4 If the Council approves the application, the exemption will be in effect for the dates specified, and the Council may impose any conditions that it considers appropriate.

3.5 An exemption shall be invalid if these conditions are contravened.

4. REGULATIONS:

4.1 No person shall, at any time, make, cause or permit the making of noise within the entire Village of Alma that is the result of any of the activities described in Schedule A and that is audible to:

4.1(1) a person in premises or a vehicle other than the premises or vehicle from which the noise is originating;
or

4.1(2) a person in a residence other than the residence from which the noise is originating.

4.2 No person shall, between the hours specified in Schedule B, make, cause or permit the making of noise within the entire Village of Alma designated in Schedule D that is the result of any of the activities described in Schedule A and that is audible to:

4.2(1) a person in premises or a vehicle other than the premises or vehicle from which the noise is originating;
or

4.2(2) a person in a residence other than the residence from which the noise is originating.

5. EXEMPTIONS:

5.1 The prohibitions described in Schedules A and B do not apply if the noise is the result of measures undertaken in an emergency for the:

5.1(1) immediate health, safety or welfare of the inhabitants of the Village of Alma; or

5.1(2) preservation or restoration of property, unless the noise is clearly of a longer duration or a more disturbing nature than is reasonably necessary to deal with the emergency.

5.2 The prohibitions described in Schedules A and B do not apply if the noise is the result of any of the activities described in Schedule C.

5.3 The prohibitions described in Schedules A and B do not apply if the noise is the result of an activity that has been granted an exemption under section 3.4.

6. SCHEDULES:

The following schedules are attached to and form part of this By-Law:

- Schedule A – General Noise Prohibitions;
- Schedule B – Noise Prohibitions by Time;
- Schedule C – Exemptions from the Noise Prohibitions; and
- Schedule D – Map of the Village of Alma.

7. REPORTING OF NON-COMPLIANCE

7.1 All violations are to be reported to RCMP for logging, and to Village Clerk for issuing a warning for first offence or a fine for second and any subsequent offences.

8. OFFENCE AND PENALTY PROVISIONS:

8.1 Any person who contravenes the provisions of this By-Law is guilty of an offence and, upon conviction, is subject to a fine not less than \$500.00. For the first offence a warning will be issued. For second or any subsequent offences, a fine will be issued.

8.2 If this By-Law is contravened, and a conviction entered, the court in which the conviction has been entered, and any court of competent jurisdiction after that may, in addition to any other remedy and to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

9. VALIDITY:

9.1 If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-Law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-Law that each and every provision of this By-Law authorized by law be applied and enforced in accordance with terms to the extent possible according to law.

10. COMMENCEMENT:

10.1 This By-Law comes into effect after the day that it receives third reading and is passed.

First and Second Reading: _____

Third and Final Reading and enacted by Council _____

Brenda Hoar / Clerk

Kirstin Shortt /Mayor

SCHEDULE A

GENERAL NOISE PROHIBITIONS

1. Operation of a motor vehicle in such a way that the tires squeal.
2. Operation of a combustion engine or pneumatic device without an effective exhaust muffling device that is in good working order and constant operation.
3. Operation of any item of construction equipment without an effective exhaust muffling device that is in good working order and constant operation.
4. Operation of a vehicle in a manner that results in banging, clanking, squealing or similar sounds because of inadequate maintenance or an improperly secured load.
5. Operation of the horn of a vehicle or other warning device except where required or authorized, or by good safety practice.
6. Operation of any outdoor auditory signaling device, including but not limited to outdoor paging systems, the ringing of bells or gongs, the use of sirens, whistles or chimes, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law or in accordance with good safety practice.
7. Persistent barking, calling or whining or other similar persistent noise-making by animals and birds kept as household pets.
8. No person shall advertise any event or merchandise by ringing a bell, blowing whistles, calling loudly, playing music or sound recordings, playing any type of musical instrument, or by the use of loud speakers or other devices for the amplification of sound, in any place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.
9. Unauthorized setting off of fireworks.
10. Operation of an engine or motor in, or on, any vehicle or item of attached auxiliary equipment for a continuous period of more than five minutes while such a vehicle is stationary in a residential area, unless:
 - 10.(1) The vehicle is in an enclosed structure constructed to effectively prevent the emission of excessive noise;
 - 10.(2) Continuous operation of the 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, refuse compactors and heat exchange systems during normal operation; or
 - 10.(3) Weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo.

SCHEDULE B

NOISE PROHIBITIONS BY TIME

DURING WEEKDAYS

11:00 PM TO 7:00 AM

DURING WEEKENDS

11:00 PM TO 9:00 AM

SCHEDULE C



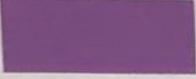

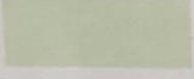
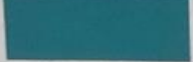
EXEMPTIONS FROM THE NOISE PROHIBITIONS

1. Operation of emergency vehicles.
2. Operation of municipal service vehicles and related equipment.
3. Operation of utility service vehicles and related equipment.
4. Authorized displays of fireworks.
5. Midways that have been authorized by the village council.
6. Races, parades, processions, and events for ceremonial, religious or traditional purposes that have been authorized by the village council.
7. Operation of bells, chimes, carillons and clocks in churches and public buildings.
8. Cultural, recreational, educational and political events in parks and other public places that have been authorized by the village council.
9. Neighbourhood events on municipal highways and other municipal property that have been authorized by the village council. (E.g. Activity Centre, multipurpose building).
10. Normal seasonal commercial activity at the Alma Village Wharf.
11. Events which have been approved by the village council for an exemption to the noise by-law.

SCHEDULE D



Legend

	R1 Single-Unit Dwelling Zone
	RT Residential Tourist Zone
	C Commercial Zone
	ER Environmental Zone
	RA Rural Area Zone
	ID Integrated Development Zone

APPLICATION FOR EXEMPTION TO THE NOISE BY-LAW

CONTACT INFORMATION

Date Applied: _____

Name of Applicant: _____

Address: _____

Telephone: _____ Home _____ Work or Cell

Name of Group/Organization _____

Club/Society (if applicable)

ACTIVITY INFORMATION

Purpose of Activity: _____

Date (s) of Activity: _____

Time (s) of Activity: _____

Location of Activity: _____

FOR INTERNAL USE

CLERK: _____

COUNCIL DECISION: _____

NOTE: This application must be submitted to the Village Office a minimum of thirty (30) days prior to the proposed activity.

