

BRAZEAU COUNTY

BYLAW NO: 1140-23

BEING A BYLAW OF BRAZEAU COUNTY, IN THE PROVINCE OF ALBERTA, TO REGULATE NOISE WITHIN BRAZEAU COUNTY.

WHEREAS, pursuant to Section 7 (a) of the *Municipal Government Act*, the Council of Brazeau County may pass bylaws for municipal purposes respecting the safety, health and welfare of people and the protection of people and property;

WHEREAS, Council is concerned about excessive noise within the County,

NOW THEREFORE, the Council of Brazeau County enacts as follows:

PART 1 DEFINITIONS

1. This bylaw may be cited as "the Noise Control Bylaw".
2. In this bylaw including this section,
 - a. "Approved Device" means a Decibel measuring instrument used to assess noise or sound levels by measuring sound pressure;
 - b. "Agriculture" any farm related activity;
 - c. "Agricultural Districts" means any area or district classified as agricultural by the Land Use Bylaw;
 - d. "Chief Administrative Officer or CAO" has the meaning attributed to it in section 1(1) of the *Municipal Government Act* and includes the designate of the Chief Administrative Officer;
 - e. "Commercial District" means an area or district classified as commercial by the Land Use Bylaw;
 - f. "Construction Equipment" includes a riveting machine, concrete mixer, gravel crusher, steam shovel, dragline, backhoe, air or steam compressor, jack-hammer or pneumatic drill, tractor other than tractor used for farming operations, bulldozer, front end loader, motor scraper, motor grader, industrial water pumps,

industrial light plants, industrial generators or any other tool, device or machine of a noisy nature;

- g. "Court" means the Provincial Court of Alberta;
- h. "Day-time" means the period:
 - i. Beginning at 0700 hours and ending at 2200 hours of the same day on weekdays, or
 - ii. Beginning at 0700 hours and ending at 2300 hours of the same day on a weekend;
- i. "dBA" means the sound pressure measured in decibels using the "A" weighted scale of a sound level meter;
- j. "Decibel" means a unit for expressing the relative intensity of sounds;
- k. "Emergency Vehicle" means:
 - i. A vehicle operated by a Peace Officer or police service as defined in the *Police Act, RSA 2000, c.P-17*,
 - ii. A fire-fighting or other type of vehicle operated by the fire protection service,
 - iii. an ambulance operated by a person or organization providing ambulance services,
 - iv. a vehicle operated as a gas, power or water disconnection unit of a public utility,
 - v. a vehicle designated by regulation as an emergency response unit; or
 - vi. a helicopter used by a police service or by emergency response service personnel.
- l. "Farming Machinery" includes any implement, equipment, engine, motor, machine, combine, tractor or attachment used or intended for the use in farming operations.
- m. "Industry" all commercial activities, except activities related to natural resource extraction and processing;
- n. "Industrial District" means an area or district classified as industrial by the Land Use Bylaw;
- o. "Land Use Bylaw" means the Brazeau County's Land Use Bylaw;

- p. **“Natural Resource Extraction and Processing District”** means an area or district classified as Natural Resource Extraction and Processing by the Land Use Bylaw; or a Direct Control District that allows for Natural Resource Extraction and Natural Resource Processing uses on the land.
- q. **“Night-time”** means the period:
 - i. Beginning at 2200 hours and ending at 0700 hours of the next day on weekdays, or
 - ii. Beginning at 2300 hours and ending at 0700 hours of the next day on a weekend;
- r. **“Noise”** means any sound which either annoys or disturbs persons or which injures, endangers or detracts from the comfort, repose, health, peace of safety of persons;
- s. **“Peace Officer”** means a member of the RCMP, a Bylaw Enforcement Officer or a Community Peace Officer;
- t. **“Permit”** means a form as prescribed by the County shown in **“Schedule B”**.
- u. **“Residential District”** means an area or district classified as residential by the Land Use Bylaw;
- v. **“Signaling device”** means a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, include a bicycle;
- w. **“Sound level”** means the sound pressure measured in Decibels using the **“A”** weighted network of a Sound Level Meter with fast response. Schedule **“A”** sets out a list of Decibel levels of common sounds;
- x. **“Weekday”** means Monday through Friday, inclusive unless it falls on a holiday as defined in the *Interpretation Act*, RSA 2000, c.I-8; and
- y. **“Weekend”** means Saturday, Sunday and any other holiday, as defined in the *Interpretation Act*, RSA 2000, c.I-8.

PART 2 GENERAL PROHIBITION

3. Except to the extent it is allowed by this bylaw, no person shall make, continue, cause to be made or allow to be made or continued any unreasonable or unusual noise or any Noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of any other person.

Criteria

4. In determining if a Noise is reasonably likely to disturb the peace of others, the following criteria may be considered but are not limited to:
 - a. type, volume and duration of the sound at the location where the complaint originated;
 - b. time of day and day of the week;
 - c. nature and use of the surrounding area;
 - d. Decibel level, if measured; or
 - e. any other relevant factor.

Other General Provisions

5. A Court may enter a conviction against a person who violates Part 2 of this Bylaw notwithstanding that the person has not exceeded a maximum dBA level specified in Part 3 of this Bylaw.
6. A person may apply to the CAO for a temporary exemption where circumstances make it impractical to fully meet the intention of this Bylaw.

PART 3 SPECIFIC PROHIBITIONS

A. Residential Districts

Day-time restrictions

7. In a Residential District during the Day-time, no person shall cause or permit to be caused, Noise of a level greater than 70 dBA unless the Noise is of a temporary or intermittent nature.
8. In a Residential District during the Day-time, no person shall cause or permit to be caused, Noise of a level in excess of 80 dBA.

9. Except to the extent permitted by this Bylaw, no person shall use or operate or allow to be used or operated loudspeakers, public address systems, other devices for the amplification of sound or musical instruments or devices.

Night-time restrictions

10. In a Residential District during the Night-time, no person shall cause, or permit to be caused, Noise of a level exceeding 60 dBA.
11. In a Residential District during the Night-time, no person shall make, cause to be made, or permit any Noise including, but not limited to:
 - a. shouting or fighting;
 - b. electronic or acoustical devices;
 - c. lawnmowers;
 - d. a motorized snow or leaf blowing device;
 - e. a motorized garden tool;
 - f. mechanical tools and equipment (including hammering and sawing);
 - g. drone engine sounds; and
 - h. a model aircraft driven by an internal combustion engine of any kind.
12. Except to the extent permitted by this Bylaw, no person shall use or operate or allow to be used or operated "Construction Equipment" as outlined in the definition section of this bylaw in Residential Districts without prior approval and Permit (see "Schedule B) from the CAO.

B. Agricultural Districts

13. Except to the extent permitted by this Bylaw, no person shall use or operate or allow to be used or operated loudspeakers, public address systems and other devices for the amplification of sound or musical instruments or devices.
14. In Agricultural Districts during the Night-time, no person shall make, cause to made, or permit any Noise including, but not limited to:
 - a. shouting or fighting;
 - b. electronic or acoustical devices;
 - c. lawnmowers;
 - d. a motorized snow or leaf blowing device;
 - e. a motorized garden tool;
 - f. mechanical tools and equipment (including hammering and sawing); and
 - g. a model aircraft driven by an internal combustion engine of any kind.

C. Commercial or Industrial Districts

Day-time Restrictions

15. In a Commercial or Industrial District during the Day-time, no person shall cause, or permit to be caused, Noise of a level greater than 90 dBA, unless the noise is of a temporary and intermittent nature and does not exceed the following limits:

dBA	100	110
Time	2 hours	1 hour of less

The time lapse in the table is the total elapsed time during Day-time hours during any one calendar day.

Night-time Restrictions

16. No person shall cause, or permit to be caused, Noise of a level greater than 80 dBA in a Commercial or Industrial District during the Night-time.

D. Natural Resource Extraction and Processing Districts

17. In a Natural Resource Extraction and Processing District during the hours of operation stated in the approved Development Permit, no person shall cause, or permit to be caused, Noise of a level greater than 70 dBA. unless the Noise is of a temporary and intermittent nature.
18. Natural Resource Extraction and Processing District during the hours of operation stated in the approved Development Permit, no person shall cause or permit to be caused, Noise of a level in excess of 80 dBA.
19. If the approved activity exceeds the above noted Noise level, sound level noise mitigation shall be implemented.
20. No person shall cause, or permit to be caused, Noise of a level greater than **60 dBA** in a Natural Resource Extraction and Processing District outside the hours of operation stated in the approved Development Permit.
21. Activities not related to the approved Natural Resource Extraction and Natural Resource Processing operation shall adhere to the prohibitions under Part 3 Article A "Residential Districts".

PART 4 EXEMPTIONS

Specific Exemptions

22. The restrictions of this Bylaw do not apply to:
- a. a person operating an Emergency Vehicle;
 - b. a person acting in the normal course of that person's employment as a County employee, or as an agent under contract by the County;
 - c. the ringing of bells in churches, religious establishments and schools;
 - d. a person operating Farming Machinery for the purpose of carrying out farming operations;
 - e. a person operating equipment for the purpose of carrying out Industry related operations;
 - f. the sounding of any alarm or warning to announce a fire or other emergency or disaster; and/or
 - g. the use of Signaling Devices on vehicles in the normal operation for the purpose of giving warnings to other vehicles or persons.

Permitted Exemptions

23. A person may make written application to the CAO for a Permit (see "Schedule B") allowing for activities that would otherwise violate this Bylaw.
24. The CAO may grant an exemption in writing to any person in his sole discretion. The CAO must notify Council of any variation to the Bylaw
25. Any Permit application (see "Schedule B") made pursuant to Sections 13, 25, and 30 must be made at least five (5) business days prior to the proposed activity for which the exemption is sought and shall contain:
- a. the name, address and telephone number of the applicant;
 - b. the legal description, or municipal address of the site;
 - c. the Development permit (if applicable);
 - d. a description of the source(s) of noise of Sound levels;
 - e. the period of the time that the exemption is desired;
 - f. the applicant reason(s) why the exemption should be granted;
 - g. a statement of measures that will be taken to minimize the noise or Sound levels; and
 - h. the signature of the applicant.

PART 5 SOUND LEVEL READINGS

26. A Peace Officer is authorized to measure Sound levels with an Approved Device.
27. A Peace Officer shall operate an Approved Device in accordance with the manufacturer's operating guide.
28. Noise dBA level shall be measured from the property line of the closest residence in respect to the area of the complaint.

PART 6 ENFORCEMENT

Offence

29. A person who contravenes any provision of this Bylaw is guilty of an offence.

Powers of the Peace Officer

30. When a Peace Officer has reasonable grounds to believe a violation of this Bylaw exists, they may enter, without warrant, any land and seize and confiscate as evidence any noise-making devices or items they believes may have been used to violate the provisions of this Bylaw.
31. A Peace Officer may enter any land, building or premises to inspect for conditions that may constitute a contravention of this Bylaw in accordance with Section 542 of the *Municipal Government Act*.
32. Upon investigation of any complaint and ascertainment of Noise that violates this Bylaw, the Peace Officer may give one warning. For subsequent complaints during the same time-frame, the Peace Officer may issue citations and levy a fine.
33. If a Peace Officer seizes or confiscates any noise, noise-making devices or items, the Peace Officer may hold them until the expiry of all judicial process at which time the Peace Officer shall return the noise-making devices and items to the owner.

FINES AND PENALTIES

34. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - a. For a first offence to a fine of \$250.00, exclusive of costs;
 - b. For a second offence to a fine of \$400.00, exclusive of costs; and
 - c. For a third and subsequent offence to a fine of \$500.00, exclusive of costs.

THEREFORE, Bylaw No. 978-17 shall be repealed upon the passing of Bylaw 1140-23. References to references to an act, regulation or bylaw must be interpreted as a reference to the act, regulation or bylaw as amended or replaced from time to time.

READ a first time this 23rd day of May, 2023.

READ a second time this 23rd day of May, 2023.

READ a third and finally passed this 23rd day of May, 2023.

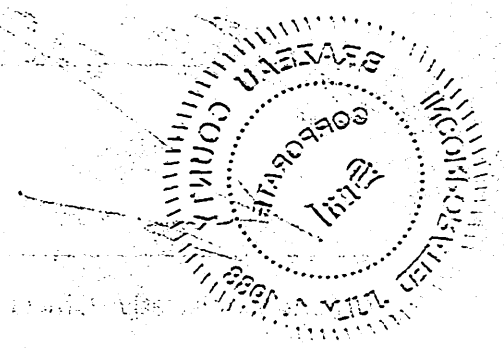


Reeve

Chief Administrative Officer

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SCHEDULE "A"

FORMING PART OF BYLAW 1140-23

DECIBEL LEVELS OF COMMON SOUNDS

Sounds intensities are typically measured in Decibels (dBA). A Decibel is defined as ten (10) times the logarithm of the power ratio (power ratio is the ratio of the intensity of the sound to the intensity of an arbitrary standard point). Normally, a change of 1dB is the smallest volume change detectable by the human ear.

Sound intensity is also defined in terms of energy (ergs) transmitted per second over a 1 square centimeter surface. This energy is proportional to the velocity of propagation of the sound.

Decibels (dBA)	Degree	Sound Source
225	Deafening	12" Cannon @ 12' in front and below
195	Deafening	Saturn rocket
180	Deafening	Aircraft at take-off
160	Deafening	Ram Jet
160	Deafening	Turbo Jet
140	Deafening	Artillery Fire
130	Deafening	Threshold of pain, Decibels at or about 130 cause immediate ear damage. Hydraulic press, pneumatic rock drill
120	Deafening	Riveter, chipper, thunder, diesel engine room, fireworks display
110	Deafening	Punch press, close to a train, ball mill
100	Very Loud	Passing truck, home lawn mower, car horn @ 5 meters, wood saw, boiler factory

90	Very Loud	Decibels at or above 90 regularly cause ear damage. Noisy factory, truck without muffler
80	Loud	Noisy office, electric shaver, alarm clock, police whistle
70	Loud	Average radio, normal street noise
60	Moderate	Conversational speech
50	Moderate	Normal office noise, quiet stream
45	Moderate	To awaken a sleeping person
40	Faint	Average residence, normal private office
30	Faint	Recording studio, quiet conversation
20	Very Faint	Whisper, empty theater, ticking of watch
10	Very Faint	Threshold of good hearing
0		Threshold of excellent youthful hearing



SCHEDULE "B"
FORMING PART OF BYLAW 1140-23
NOISE BYLAW PERMIT
Brazeau County

APPLICANT INFORMATION

Applicant Name: _____

Legal Description: _____

Development Permit: _____
(if applicable)

Mailing Address: _____

Contact Person: _____ Phone Number: _____

Email: _____

Start date: _____ End date: _____

Description of the sound: _____

Reason for request: _____

Measures taken to reduce noise: _____

Authorized Signature: _____

All applicants must complete all fields on form.

FOR OFFICE USE ONLY
Date Received: _____ Request #: _____ Initials: _____