



MUNICIPAL BYLAW AND ENFORCEMENT SECTION  
**BYLAW 1926 (ANTI-NOISE BYLAW)**

A BYLAW OF THE MUNICIPAL CORPORATION OF  
THE CITY OF MEDICINE HAT

WHEREAS Section 14, Sub-section 7 "The Highway Traffic Act 1975" in Chapter 56 Statutes of Alberta 1975 as amended, provides that Council with respect to highways under its direction, control and management, may make By-Laws for the regulation and control of vehicle traffic by defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner makes objectionable noise;

AND WHEREAS section 157 (1) (g) of the Municipal Government Act being Chapter 246 R.S.A. 1970, provides that Council may pass a By-Law for the purpose of prohibiting, eliminating or abating noise;

AND WHEREAS the said Section 157 also provides that Council may by By-Law; prevent or compel the abatement of nuisances generally;

AND WHEREAS the intent of this By-Law is to prevent a deterioration of the noise environment in this City and to adopt as the acceptable noise level a reading in DBA units according to a sound level meter used as herein provided.

NOW THEREFORE THE MUNICIPAL CORPORATION OF" THE CITY OF MEDICINE HAT IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

**1. This By-Law may be cited as "The Anti-Noise By-Law".**

**PART 1 – DEFINITIONS**

**2. In this By-Law,**

(a) "City" means the Corporation of the City of Medicine Hat or the area contained within the boundaries of the City as the context requires.

(b) "Development Control By-Law" means By-Law 1539 as amended from time to time, and includes any By-Law or resolution passed in substitution for or in addition thereto.

(c) "Commercial Zone" means an area or zone classified as local commercial, control commercial, general commercial and tourist commercial by Development Control Resolution passed pursuant to Development Control By-Law No. 11539 for the City of Medicine Hat.

(d) "Residential Zone" means any area or zone classified as residential one, residential two, residential three or residential four by the Development Control Resolution passed pursuant to the Development Control By-Law No. 1539 for the City of Medicine Hat.

(e) "Industrial Zone" means an area or zone classified as industrial light, industrial heavy by the Development Control Resolution passed pursuant to the Development Control by-Law No. 1539 for the City of Medicine Hat.

- (f) "Daytime" shall mean the period between 7:00 o'clock in the forenoon and 9:00 o'clock in the afternoon the **same** day.
- (g) "Night time" shall mean the period between 9:00 o'clock in the afternoon and 7:00 o'clock in the forenoon on the following day.
- (h) "Holiday" means any statutory holiday as defined in the Interpretation Act, being Chapter 189 R.B.A. 1970 as amended.
- (i) "Week Day" shall mean any day of the week not being a holiday as defined aforesaid.
- (j) "Tractor-Trailer" means a combination of vehicles comprised as one semi-trailer used for carrying merchandise and one truck tractor used solely for supplying of power for propelling or hauling a semi-trailer.
- (k) "Motor Truck" means a motor vehicle which has a gross vehicle weight in excess of six thousand pounds.
- (l) "Motor Vehicle" or "Vehicle" means a vehicle that is drawn, propelled or driven by any means other than muscular power but does not include a vehicle of a railway that operates on rails.
- (m) "Motorcycle" means a motor vehicle mounted on two or three wheels and without restricting the generality of the foregoing shall include those vehicles known to the trade as motorcycles, scooters and power bicycles.
- (n) "A Weighted Sound Pressure Level" is the sound pressure level measured using the A weighting filter in the sound level meter. The unit of measure is dB(A).
- (o) "Decibel" is the unit of sound pressure level measurement equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard. It is abbreviated as dB.
- (p) "Device" means any mechanism which is intended to produce, or which actually produces noise when operated or handled.
- (q) "Emergency Vehicle" means a motor vehicle used in response to a public calamity or to protect persons or property from imminent danger.
- (r) "Emergency Work" means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities or work required to protect persons or property from an imminent exposure to danger.
- (s) "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that cause compression and rarefaction of that medium, and which propagates at finite speed to distant points.
- (t) "Sound Level" is the A weighted sound pressure level obtained by using a sound level meter and the A weighting filter
- (u) "Sound Level Meter" is an instrument that is sensitive to and calibrated for the measurement of sound and which conforms to the International Standards for Type 1 or Type 2 Sound Level Meters or equivalent.

(v) "Sound Pressure Level" is a measure of the sound pressure at a point expressed in decibels. For the purpose of this By-Law, the terms sound, sound level, and sound pressure level will be analogous.

### **3. RELIEF FROM REQUIREMENTS**

1. Any person may make application to the Chief of Police to be granted an exemption from any of the provisions of this By-Law with respect to any source of sound for which he may be prosecuted. The Chief of Police may refuse to grant any exemption or may grant the exemption and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as seen fit. The application, unless of an emergency nature, shall be made in writing and shall contain:

- (a) the name and address of the applicant in full
- (b) a description of the source of the sound in respect of which an exemption is sought
- (c) the period of time for which it is sought
- (d) the reasons why an exemption should be granted
- (e) any other information required at the time; as well as
- (f) a statement of the steps planned or presently being taken to bring about compliance

2. In a prosecution under this By-Law the onus of proving any such exemption or the existence of any emergency, as defined, shall be upon the Defendant.

3. In every case where an application for exemption is refused by the Chief of Police, the person seeking the exemption may appeal to the City Council and Council after hearing the appeal may grant or deny the exemption as it considers proper and desirable in the circumstances. Such appeal shall be governed by the Development Control By-Law No. 1539.

### **4. INSPECTIONS AND RECORDS**

In order to implement the provisions of this By-Law, the Medicine Hat City Police are hereby authorized to make inspection for reasonable cause, and upon presentation of proper credential, enter any building, property, premises or place, except a dwelling house, and inspect any noise source for the purpose of ascertaining the compliance or non-compliance with any provision of this By-Law and having access to and require the production of books and papers pertinent to any matter under investigation. Entry into a dwelling house must be made by permission of the owner or occupant thereof or by means of a warrant.

### **5. PROCEDURES AND STANDARDS**

Any test or measurement to be made pursuant to this By-Law shall be performed by a person empowered to do so by the Chief of Police or his designate and shall be made in accordance with applicable procedures and standards. '

### **6. LOW NOISE EMISSION PRODUCTS**

In all work undertaken for or on behalf of the municipality and in all agreements for work to be performed for the municipality, it shall be required that due consideration be given to the sound level produced by any such machinery or equipment to be used or acquired.

## 7. PROHIBITIONS

- (1) No person shall emit or cause the emission of a sound resulting from the following acts which are declared to be loud, disturbing or excessive noise in violation of this By-Law:
- (a) the operation of any combustion engine without an effective muffling device in good working order and in constant operation
  - (b) the operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, or other like sounds due to improperly secured load or equipment
  - (c) the operation of an engine or motor in, or on any motor vehicle or trailer or item of attached auxiliary equipment for a continuous period exceeding five minutes while such vehicle or equipment is stationary in a residential area unless:
    - (i) the vehicle is in an enclosed structure constructed so as to prevent excessive noise emissions
    - (ii) the above section shall not apply to buses.
  - (d) the operation of any item of construction equipment in a residential zone without effective muffling devices in good working order and in constant operation.
  - (e) it shall be unlawful in places of public entertainment for the J operating, or permitting to be operated, any loudspeaker or other source of sound in any place of public entertainment which produces maximum levels of 95 dB(A) at any point that is normally frequented by a human being, without a conspicuous and legible sign located outside such place stating: "WARNING, SOUND ENVIRONMENT WITHIN MAY CAUSE TEMPORARY HEARING IMPAIRMENT WHICH MAY BECOME PERMANENT WITH CONTINUED EXPOSURE."
  - (f) notwithstanding the foregoing, noise emission from a vehicle measured from the curb line in excess of those levels outlined in Schedule "A" hereto, for the type and class of vehicle specified in Schedule "A" shall be a violation II of this By-Law.
- (2) Any person who shall make or continue or cause or permit to be made or continued any sound which:
- (a) is such that it does or is likely to annoy, inconvenience or disturb persons
  - (b) causes loss of enjoyment of the normal use of property
  - (c) interferes with the normal conduct of business; and
  - (d) may cause damage to property shall be in violation of this By-Law and subject to the penalty provided herein:

- (i) in the absence of other evidence or by way of corroboration of other evidence, the Court may infer from the evidence of a Police Officer relating to the conduct of any person or persons whether ascertained or not, that any of the provisions of subsection (2) Section 7 of this By-Law were violated.

(3) The following acts and sound levels are considered to be in excess of the above restrictions and in violation of subsection (2) Section 7 of this By-Law:

- (a) in a residential zone, no person shall cause or allow to continue or permit to be made a sound in excess of the sound level specified in Schedule "A" hereto, for the periods of time set out in Schedule "A" hereto, measured at the property line.
- (b) in a commercial industrial zone, no person shall cause or allow to continue a sound in excess of the sound level specified in Schedule "A" hereto, for the periods of time set out in Schedule "A" hereto, measured at the property line.
- (c) whenever a commercial or an industrial zone adjoins a residential zone, the sound level emanating from the commercial or industrial zone shall not exceed the sound levels permitted in the residential zone measured at the property line of the residential zone.
- (d) no air conditioning, refrigeration, generating, heating equipment, vacuum cleaner or venting equipment shall be allowed to emit sound levels in excess of the sound levels specified in Schedule "A" hereto, for the periods of time set out in Schedule "A" hereto, in a residential or a commercial zone at any time measured at the boundary line of the property containing the use.
- (e) in a residential zone or within 500 feet of an inhabited building, no person shall operate or allow to be operated between the hours and days specified in Schedule "A" hereto, any device including any tool or piece of equipment or machinery which is powered by an electric motor or an internal combustion engine which produces a sound level in excess of those levels specified in Schedule "A" hereto. This clause shall not apply to the above mentioned equipment when operated in an enclosed structure and used for domestic purposes, nor shall it apply to domestic equipment such as lawnmowers, rototillers, snow blowers, when operated outside of an enclosed structure between the hours of 9:00 a.m. and 9:00 p.m. on any day. Nor shall this clause apply to equipment of the City of Medicine Hat.
- (f) no person or persons shall cause or permit a sound level in excess of the sound level specified in Schedule "A" hereto, for the periods of time set out in Schedule "A" hereto, from the venting, release or pressure release of air steam or other gaseous material, product or compound from any autoclave, boiler, pressure vessel, machine, device or system. This sound level shall be measured at the boundary of the nearest residential area or the property line of the closest residence.
- (g) no person shall use, operate or permit to be played, used or operated in any public place, any radio, musical instrument, loudspeaker or other device for the producing or reproducing of sound of a level which disturbs the comfort or repose of other persons.

- (h) (h) no person who owns, keeps, houses, harbours or allows to stay on his premises a dog or any other animal shall allow or permit the said animal by reason of barking, howling or creating any other noise to disturb the comfort or repose of other persons in the vicinity of the premises of the said person.
- (i) no person shall knowingly allow property belonging to him or under his control to be used so that there originates from the property any loud, unnecessary or unusual noise which disturbs the comfort or repose of other persons in the vicinity of such property or generally within the limits of the City.
- (j) (i) Whether any person is in violation of the provisions of Clauses (g), (h) or (i) of subsection (3) Section 7 of this By-Law is a question of fact to be determined by the Court. ii) in the absence of other evidence or by way or corroboration of other evidence, the Court may infer from the evidence of a Police Officer relating to the conduct of any person or persons whether ascertained or not, that the comfort or repose of other persons was disturbed.

## 8. PENALTY

- (1) Unless otherwise provided in this By-Law the penalties for violating or contravention of any of the provisions of this By-Law are as outlined below.

Every person who contravenes any of the provisions of this By-Law, except Clause (i) of subsection (3) of Section 7, as a first offence may voluntarily pay the penalty fine of \$40.00 at the City Hall, Medicine Hat, Alberta.

Subject to the above, every person who contravenes any of the provisions of this By-Law, except Clause (i) of Subsection (3) of Section 7, is guilty of an offence and shall, upon conviction thereof, forfeit and pay a penalty of not less than \$50.00 nor more than \$100.00 for a first offence and not less than \$200.00 nor more than \$500.00 for a second and each subsequent offence.

- (2) A person who contravenes Clause (i) of Subsection (3) of Section 7, of this By-Law is guilty of an offence and liable on summary conviction to a fine of not less than \$250.00 nor more than \$500.00 and in default of payment to imprisonment for not less than thirty (30) days nor more than ninety (90) days.
- (3) Conviction of a person for breach of any provision of a By-Law does not release him from compliance with the By-Law and the convicting Magistrate shall in addition to any fine imposed, order the person to perform within a specified period, any act or work necessary for the proper observance of the By-Law or to remedy the breach thereof.

## 9. REPEAL

By-Law No. 1720 is hereby repealed.

*READ A FIRST TIME in Open Council this 26th day of June, A. D. 1979*

*READ A SECOND TIME in Open Council this 16<sup>th</sup> day of July, A.D. 1979*

*READ A THIRD TIME AND FINALLY PASSED in Open Council this 16<sup>th</sup> day of July, A.D. 1979*

**SCHEDULE “A”**

<u>LAND CATEGORY</u>	<u>TIME</u>	<u>SOUND LIMIT IN DECIBELS</u>
Residential	7 a.m. – 9 p.m. Mon.- Fri. Except holidays	65 d(B)(A)
Residential	9 a.m. – 9 p.m. Sat., Sunday & holidays	65 d(B)(A)
Residential	9 p.m. – 7 a.m. Mon. – Fri. Except holidays	55 d(B)(A)
	9 p.m. – 9 a.m. Sat., Sunday & holidays	55 d(B)(A)
Business and Commercial Zoning	At all times	75 d(B)(A)
Light Industrial Zoning	At all times	75 d(B)(A)

**SCHEDULE “B”**

<u>VEHICLE CLASS</u>	<u>SOUND LEVEL</u>
All motor vehicles with manufacturer’s gross rating of 6,000 pounds or more	90 d(B)(A)
Motorcycles	86 d(B)(A)
All other vehicles	80 d(B)(A)