

DISTRICT OF LOGAN LAKE

BYLAW 721, 2012

A bylaw to regulate and/or prohibit the making or causing of noise that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.

WHEREAS pursuant to the *Community Charter*, Council may, by bylaw, regulate, prohibit, and impose requirements in relation to the protection and enhancement of the well-being of the municipality, including without limitation, in relation to noise, vibrations, odor, dust, illumination or any other matter that is liable to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of individuals or the public;

AND WHEREAS Council deems it necessary and in the public interest to regulate and/or prohibit noise in the municipality;

NOW THEREFORE the Council of the District of Logan Lake in open meeting assembled enacts as follows:

1. This bylaw may be cited as "District of Logan Lake Noise Control Bylaw 721, 2012.
2. In this bylaw the following definitions apply:

"Authorized person" means a person appointed by the Council as a Bylaw Enforcement Officer, an Animal Control Officer or the Chief Administrative Officer or his/her designate and an RCMP Officer.

"Bylaw Enforcement Officer" means the person appointed by the Council to enforce municipal bylaws.

"Chief Administrative Officer" means the person appointed by Council as the Chief Administrative Officer for the District, or his/her designate.

"Construction" means erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, 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 work in connection therewith.

"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 or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.

"Construction noise" means any noise or sounds made by the operation of any machinery or construction equipment or made in the construction, reconstruction, alteration, repair or demolition of any building, structure or thing, including the excavation or filling of land.

"Council" means the Council of the District of Logan Lake.

"Director" means the individual responsible for supervising the public works and parks and recreation departments of the District, or their authorized delegate.

"District" means the District of Logan Lake.

Highway" means a street, road, lane, bridge, viaduct and any other way open to public use, other than a private right of way on private property.

"Idle" means the operation of the engine of a commercial motor vehicle while the commercial motor vehicle is not in motion, and "idling" shall have a corresponding meaning.

"Mobile workshop" means a motor vehicle containing equipment that must be operated inside or in association with a motor vehicle.

"Noise" means any sound that is loud, unpleasant, unexpected or un-desired, that causes a disturbance.

“Person” shall include any corporation, partnership, owner, association, society or party.

“Public place” means a highway, (other than an arterial highway or school board property) municipal park or any other lands under the care, management and jurisdiction of the District.

“Real property” means land within the District that holds registered ownership at Land Titles, with or without improvements.

“Vehicle” includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, self-propelled implement of husbandry or road building machine.

3. Regulation of Noise

- (a) No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the District any noise which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood or of persons in the vicinity.
- (b) No person in the District shall before 7:00 am or after 8:00 pm on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, or before 10:00 am or after 8:00 pm on Sunday, construct, erect, reconstruct, alter, repair or demolish any building, structure, or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (c) No person in the District shall before 7:00 am or after 8:00 pm on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, or before 10:00 am or after 8:00 pm on Sunday, carry on works in connection with the operation of any machinery or construction equipment for the construction, reconstruction, alteration, repair or demolition of any building, structure or thing, including the excavation or filling of land, that disturbs the quiet, peace, rest or enjoyment, comfort or convenience of individuals or the public.
- (d) No person being the owner, tenant, or occupier of real property shall allow or permit such property to be used so that noise which occurs emanates for longer than 10 minutes in duration, which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (e) No person shall play or operate any radio, stereophonic or digital sound equipment or other instrument, or any apparatus for the production or amplification of sound either in or on private property or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (f) No person shall own, keep or harbour an animal or bird, which by its cries, disturbs or tends to disturb the peace, quiet, rest, or tranquility of the surrounding neighbourhood or the public.
- (g) No person shall cause or permit a commercial motor vehicle to idle in a residential area for more than twenty (20) consecutive minutes every eight (8) hours.

4. Exemptions

- (a) Section 3 of this bylaw does not apply to:
 - (i) Buses, fire apparatus, police, or emergency medical service vehicles while engaged in operational activities, including training and patient transfer activities;
 - (ii) Commercial motor vehicles participating in an emergency activity;
 - (iii) Commercial motor vehicles where idling is required as part of the repair process or to prepare the vehicle for service.
 - (iv) Commercial motor vehicles engaged in a parade or race or any other such event authorized by Council;

- (v) Armored vehicles where a person remains inside the vehicle while guarding the contents of the vehicle or while the vehicle is being loaded or unloaded;
 - (vi) Mobile workshops;
 - (vii) The operation of municipal or Ministry of Transportation maintenance, construction or repair equipment for the excavation, filling, construction, reconstruction, alteration, or repair of streets, highways, bridges, public works, infrastructure, or lands by the District's employees or agents or Ministry of Transportation employees or agents;
 - (viii) The operation of a public alarm system, required under a building or fire code;
 - (ix) Snow removal or highway cleaning operations;
 - (x) Horn or signaling device on a vehicle when used as a danger or warning signal;
 - (xi) Operation of a public transportation system;
 - (xii) Operation of a municipal dog pound facility;
 - (xiii) Special events as authorized by Council;
 - (xiv) The use of bells or chimes for the announcing of religious services; and
 - (xv) Community dances or events between 8:00 am to 2:00 am; parades between 8:00 am to 8:00 pm; and/or District fireworks between 8 pm to 12:00 midnight.
- (b) Despite sections 3.(b) and (c), the Director may permit construction between the hours of 8:00 pm and 7:00 am on Monday, Tuesday, Wednesday, Thursday, Friday or Saturday, or between the hours of 8:00 pm Saturday until 10:00 am Sunday, for emergency situations.

5. Inspection and Enforcement

- (a) A Bylaw Enforcement Officer may enter onto real property in accordance with section 16 of the *Community Charter* for the purposes of determining whether a breach of this bylaw is occurring or has occurred.
- (b) No person shall obstruct the entry of an authorized person from entering any real property.

6. Public Notice

Where public notice is required to be given pursuant to this bylaw, the Director shall provide such written notice to adjacent property owners and/or occupiers within 30 meters (100 feet), of the construction site, at least one (1) day in advance of the construction commencing, by the following means:

- (a) personally serving the notice upon a person apparently aged 16 years or more and apparently occupying the real property affected by such notice; or
- (b) sending the notice to the owner and/or occupier of real property by mail, to the address appearing on the last revised assessment roll; or
- (c) depositing the notice in a place normally used for the reception of mail; or
- (d) affixing the notice to the property in a prominent place; and
- (e) in addition, posting the said notice on the District's website.

7. Offences and Penalties

- (a) Every person who violates any of the provisions of this bylaw or suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or who refrains from doing anything required by this bylaw shall be deemed to be guilty of an infraction thereof and liable to the penalties imposed in 7.(b) below, by means of a ticket in the form prescribed under the Community Charter, Bylaw Enforcement Ticket Regulation, Section 4.

- (b) Every person who violates a provision of this bylaw commits an offence and is liable for payment of the following penalties:

Bylaw Offence	Section	Fine
Noise which disturbs	3.(a)	\$100.00
Construction noise which disturbs before 7:00 am or after 8:00 pm on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, or before 10:00 am or after 8:00 pm on Sunday	3.(b)	\$200.00
Machinery or construction equipment noise which disturbs before 7:00 am or after 8:00 pm on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, or before 10:00 am or after 8:00 pm on Sunday	3.(c)	\$200.00
Noise which disturbs, exceeding 10 minutes duration	3.(d)	\$100.00
Amplified noise which disturbs on public or private property	3.(e)	\$100.00
Animal or bird noise which disturbs	3.(f)	\$100.00
Commercial motor vehicle idling in excess of 20 minutes every eight hours	3.(g)	\$100.00

- (c) Every day during which there is an infraction of this bylaw shall constitute a separate offence.

8. General

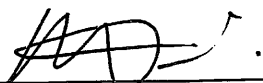
- (a) Noise Abatement and Control Bylaw 12, 1971 and all amendments thereto are hereby repealed in their entirety.

- (b) This bylaw shall come into full force and effect upon adoption.

READ A FIRST AND SECOND TIME this 14th day of August, 2012.

READ A THIRD TIME this 14th day of August, 2012.

RECONSIDERED AND ADOPTED this 4th day of September, 2012.



Mayor (M. Dosch)

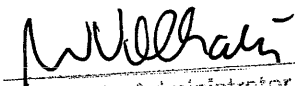


Chief Administrative Officer (W. Vollrath)

Certified a true copy of the
District of Logan Lake

Resolution No. _____ or
Bylaw No. 721

Dated this 13th day of
SEPTEMBER 2012



Corporate Administrator
District of Logan Lake