

RURAL MUNICIPALITY OF DUNDURN NO. 314
BYLAW 09/2024

THE NOISE BYLAW

THE COUNCIL OF THE RURAL MUNICIPALITY OF DUNDURN NO. 314 ENACTS;

Short Title

1. This Bylaw may be cited as The Noise Bylaw.

Purpose

2. This Bylaw enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Rural Municipality of Dundurn No. 314 through the reduction, control, and prevention of loud and excessive noise or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

Definitions

3. In this Bylaw,
 - a. "Agricultural operations" means a system of tillage and animal husbandry through which one may gain livelihood from large areas of land by the raising of crops or the rearing of livestock as established by *The Zoning Bylaw*;
 - b. "Municipality" means the Rural Municipality of Dundurn No. 314
 - c. "Engine Brake" means a device commonly used in a truck, power unit or semitrailer unit to slow a brake the vehicle by means of closing the exhaust valves on the engine of the vehicle, or any similar device;
 - d. "Commercial/Industrial District" means a commercial/industrial district as established by *The Zoning Bylaw*;
 - e. "Motor Vehicle" means a motor vehicle within the meaning of *The Traffic Safety Act*;
 - f. "Outdoor Public Events" means an outdoor concert, sporting event, festival, attraction or similar event, whether held on private or public property, to which the public-at-large is invited or admitted, with or without charge;
 - g. "Permitted premises" means permitted premises within the meaning of *The Alcohol and Gaming Regulations, Act 1997*
 - h. "Power Unit" means a power unit within the meaning of *The Traffic Safety Act*;



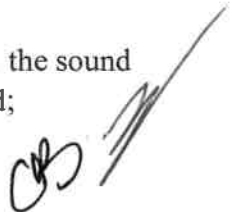
- i. “Residential District” means a residential district as established by *The Zoning Bylaw*;
- j. “Semi Trailer” means a semi-trailer within the meaning of *The Traffic Safety Act*;
- k. “Truck” means a truck within the meaning of *The Traffic Safety Act*;
- l. “Zoning Bylaw” means the Rural Municipality of Dundurn No. 314 Zoning Bylaw including any amendments to the bylaws as may be enacted from time to time.
- m. “Noise” means any sound which in the opinion of a Municipal Development Officer/Bylaw Officer, having regard for all circumstances, including the time of day and the nature of the activity generating the sound, is likely to unreasonably annoy or disturb persons or to injure, endanger or detract from the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity within the Municipality.
- n. “Municipal Development Officer” means the Municipal Administrator or an individual appointed by the Municipal Administrator to enforce the Municipal Bylaw
- o. “Bylaw Officer” means Bylaw Officer contracted by the municipality to enforce the Municipal Bylaws.

Scope

- 4. This Bylaw applies to control all sounds originating within the jurisdictional limits of the Municipality

General Prohibition

- 5.
 - a. No persons shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued any noise which is unreasonably loud or excessive
 - b. For the purpose of this Bylaw, a noise will be considered to be unreasonably loud or excessive if it unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity in the vicinity.
 - c. Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
 - i) The proximity of the sound to sleeping facilities, whether residential or commercial;
 - ii) The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;



- iii) The time of day or night the sound occurs;
 - iv) The duration of the sound;
 - v) The volume of the sound;
 - vi) The nature of the sound;
 - vii) Whether the sound is recurrent, intermittent or constant; and the nature of the event or activity from which the sound emanates.
- d. The Municipal Development Officer or Bylaw Officer may direct any person who has caused or made a noise, or any person who owns property from which noise has originated, to abate or eliminate the noise. Such a direction may be either verbal or written.

Noise Prohibited

6. The following acts are deemed to be violations of this Bylaw per se and are prohibited. This enumeration does not constitute an exclusive list. No person shall do the following:
- a. Idling of trucks: in residential districts, the idling of any truck or power unit or the operation of any motor, "reefer" or similar device on a semi-trailer for more than twenty (20) minutes.
 - b. Engine Brakes: the use of an engine brake on any motor vehicle driven within the Municipality, except in cases of emergency
 - c. Air Horns: the use of an air horn on any motor vehicle within the Municipality, except in cases of emergency.
 - d. In respect to residents in the municipality loud outdoor activities shall be restricted to the hours between 7:00 a.m. to midnight.
 - e. Where a use of land or activity otherwise lawfully permitted at a location within the Municipality necessarily involves the creation of noise, as defined by this Bylaw, the person owning, operating or controlling the activity; or the person owning or controlling the property upon or within which the activity is allowed to take place shall take all reasonable steps to ensure that the noise creation by the said activity is minimized as much as practicable, in all circumstances.
 - f. Whether or not an activity referred to in this Section 6 of this Bylaw "necessarily" involves the creation of noise, and whether or not the Person controlling the said activity has taken "all the reasonable steps" to minimize such noise are questions to be determined by a court hearing a prosecution pursuant to this Bylaw.

Exemptions

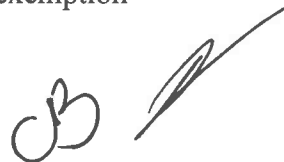
7. Sounds caused by the following are exempt from the prohibitions in this Bylaw:



- a. The performance of work by any person directly associated with an Agricultural Operation for the purpose of carrying on all activities normally associated with a farming operation including the operation of farming implements;
- b. Work carried on by the Municipality or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be;
- c. The performance of work by any person on land zoned Industrial District pursuant to the Zoning Bylaw if:
 - i) The noise is generated pursuant to work done in the normal manner to that end; and
 - ii) That work is authorized pursuant to the Zoning Bylaw as amended, and does not otherwise contravene any federal, provincial or municipal laws or regulations.
- d. Persons using domestic equipment including, without restricting the generality of the foregoing, lawnmowers, snow blowers, garden tillers and built-in vacuum cleaners which are vented to the outside, and persons owning or controlling property upon which such equipment is used if:
 - i) the noise of a temporary or intermittent nature;
 - ii) the equipment is properly maintained and operated in a normal manner for that type of equipment; and
 - iii) The noise occurs between the hours of 7:00 a.m. and 10:00 p.m.
- e. Persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner.

Special Event Permits

- 8. a. Despite the provisions of this Bylaw, any person may apply to the RM Administration for an exemption to any provision of this Bylaw with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application, and the RM Administration may grant such exception, grant an alternative exemption or refuse such exemption, and may set out conditions to be met as the RM Administration sees fit for any exemption granted.
- b. Where an exemption is granted by the RM Administration, in breach of any of the terms or conditions of the exemption shall render the exemption null and void.



- c. Every person applying for an exemption shall, at least 10 business days prior to the requested date of the event provide to the RM Administration a complete and accurate application by either mail or email.

Offences and Penalties

9. a. Every person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:
- i) A minimum of Two Hundred and Fifty (\$250.00) for first offence; and
 - ii) A minimum of Five Hundred Dollars (\$500.00) for second or subsequent offence
- b. Upon receipt of a notice of violation, full payment must be received by the Municipality within Fourteen (14) days from the date of the notice.

Severability

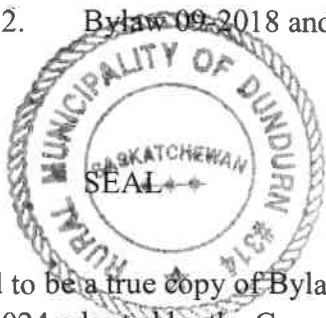
10. A determination of invalidity or unconditional by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

Schedule Form Part of the Bylaw

11. Schedules attached hereto and shall form part of this Bylaw.

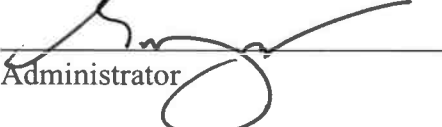
Repeal of Former Bylaw

12. ~~Bylaw 09-2018~~ and all amendments thereto are hereby repealed.

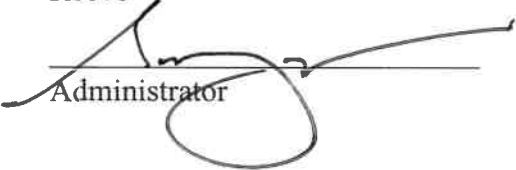


Certified to be a true copy of Bylaw
No. 09/2024 adopted by the Council
of the RM of Dundurn, on the

18 th day of June, 2024


Administrator


Reeve


Administrator

SCHEDULE A: NOISE BYLAW – SPECIAL EVENT PERMIT APPLICATION

The undersigned hereby request the Administration of the Rural Municipality of Dundurn No. 314 to consider this application for an exemption from the provisions contained within the Rural Municipality of Dundurn Noise Bylaw 09/2024.

The undersigned certifies the information contained herein, on which this application is based, to be true and the owner is aware of this exemption request.

1. Applicant/Property Owner

Applicant _____

Address _____

Phone _____

2. Legal Land Description for Event

All/Part _____ ¼ section _____ Twp _____ Rge _____, W3

LSD(s) _____ Lot(s) _____ Blocks _____ Plan _____

3. Type of Event _____

4. Anticipation Event Attendance _____

5. Description of noise anticipated and the source (s) of the noise

6. Time of day noise anticipated _____

7. Date (s) _____

8. Signature of Applicant _____

Date _____

Applications must be received at least 10 business days prior to the date of the event which the exemption request is being made for.

Approved by _____ Date of Approval _____

CB

