

**MUNICIPALITY OF JASPER**  
**Bylaw #108**

**BEING A BYLAW OF THE MUNICIPALITY OF JASPER IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF PROHIBITING, ELIMINATING OR ABATING NOISE WITHIN THE TOWN OF JASPER.**

**WHEREAS** Council of the Municipality of Jasper finds it desirable to prohibit, eliminate or abate noise within the Town of Jasper; and

**WHEREAS** the provisions of the Agreement for the Establishment of Local Government in Jasper dated June 13<sup>th</sup>, 2001 and *Municipal Government Act R.S.A. 2000 c. M-26* as amended, provide Council with the authority to regulate noise within the Town;

**NOW THEREFORE**, the Council of the Municipality of Jasper in the Province of Alberta, duly assembled, enacts:

**1. CITATION**

- 1.1 This Bylaw may be cited as Municipality of Jasper Bylaw #108, the “Town of Jasper Noise Bylaw 2008”.
- 1.2 Municipality of Jasper Bylaw #071, the “Amended Jasper Noise Bylaw 2005”, is hereby repealed.

**2. DEFINITIONS**

2.1 In this Bylaw:

- 2.1.1 “*Bylaw Enforcement Officer*” shall mean a person appointed by the Municipal Manager as a Bylaw Enforcement Officer pursuant to the provisions of the Jasper Municipal Enforcement Officer Bylaw;
- 2.1.2 “*Construction Equipment*” shall include a riveting machine, concrete mixer, gravel crusher, excavating machine, trenching machine, dragline, backhoe, air or steam compressor, jack-hammer or pneumatic drill, bulldozer, front-end loader, motor scraper, motor grader, power saw, grinder, sander or any other tool, device or machine of a noisy nature;
- 2.1.3 “*Construction Noise*” shall mean Noise created by Construction Equipment;
- 2.1.4 “*Council*” shall mean the Council of the Municipality of Jasper;
- 2.1.5 “*Chief Bylaw Enforcement Officer*” shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;
- 2.1.5 “*Holiday*” shall mean any day declared as such by Municipal, Provincial or Federal Authority and includes Sundays;
- 2.1.6 “*Hospital Zone*” shall mean an area which;

- 2.1.6.1 is designated as such by signs or other devices; or
- 2.1.6.2 any portion of the Town within one hundred and fifty metres (150 m) in any direction from the boundaries of a parcel on which is situated a hospital as defined in the *Alberta Hospital Act*, as amended;
- 2.1.7 “*Jasper Community Land Use Plan 2001*” means the plan of that name approved by the Minister of Canadian Heritage in June, 2001, pursuant to the *Canada National Parks Act*, or its successors;
- 2.1.8 “*Leaseholder*” shall mean a grantee or a Person or other legal entity holding a valid lease or licence of occupation with the federal Crown for the use or occupation of land in Jasper National Park, and shall mean Canadian National Railway in respect of lots or land parcels held by Canadian National Railway, and shall mean Jasper National Park of Canada in respect of lots or land parcels held by the Crown;
- 2.1.9 “*Motor Vehicle*” shall mean a Motor Vehicle as defined in the *Highway Traffic Act* (Alberta) as amended;
- 2.1.10 “*Municipal Manager*” shall mean the individual duly appointed to that position for the Municipality of Jasper at any given time and includes any person authorized to act for and in the name of that individual;
- 2.1.11 “*Municipality*” shall mean the Municipality of Jasper in Jasper National Park in the Province of Alberta;
- 2.1.12 “*Noise*” shall mean any sound which annoys or disturbs reasonable Persons, or which injures, endangers or detracts from the comfort, repose, health, peace or safety of reasonable Persons within the boundary of the Town;
- 2.1.13 “*Owner*” shall include a Leaseholder or a manager and any Person having authority over a business establishment;
- 2.1.14 “*Peace Officer*” shall mean:
  - 2.1.14.1 a member of the Royal Canadian Mounted Police;
  - 2.1.14.2 a Bylaw Enforcement Officer; or
  - 2.1.14.3 a Community Peace Officer;
- 2.1.15 “*Person*” shall mean an individual, society, partnership, corporation or Peace Officer;
- 2.1.16 “*Residential District*” shall mean an area or district so designated or described in the Jasper Community Land Use Plan 2001;
- 2.1.17 “*Signalling Device*” shall mean a horn, gong, bell, klaxon or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle including, without limitation, a bicycle;
- 2.1.12 “*Town*” shall mean the Town of Jasper as defined in the Agreement for the Establishment of Local Government in Jasper dated June 13<sup>th</sup>, 2001;

- 2.1.13 “*Weekday*” shall mean any day other than Saturday, Sunday or a Holiday;
- 2.1.15 Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice versa; and
- 2.1.16 Words importing the singular shall include the plural or vice versa whenever the context so requires.

### **3. GENERAL NOISE PROHIBITIONS**

- 3.1 Except to the extent allowed by this Bylaw no Person shall make, continue or cause, or allow to be made, continued or caused within the Town any Noise.
- 3.2 Except to the extent allowed by this Bylaw no Person shall permit, suffer or allow property, real or personal, which he owns, occupies or controls to be used in a manner such that Noise emanating therefrom annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of Persons within the limits of the Town.
- 3.3 No Person shall play or operate any radio, stereophonic equipment or other instrument, or any apparatus for the production or amplification of sound, either in or on private premises or in or on any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of Persons in the vicinity of the Town.
- 3.4 Where an activity which is not specifically prohibited or restricted by any provision of any legislation or regulations of Canada or of the Province or Alberta or by any provision of this Bylaw involves creating a sound which is or may become, or which creates or produces or may create or produce a disturbance or annoyance to a Person or a danger to the comfort, repose, health, peace or safety of a Person, a Person engaging in such an activity shall do so in such a manner as to create as little of such sound as practicable under the circumstances.
- 3.5 No person shall in a Hospital Zone:
  - 3.5.1 carry on any Noise-making activity in the area unless it cannot be carried on in some other area; or
  - 3.5.2 make or continue any loud Noise or loud sound within the area.

### **4. COMMERCIAL AND INDUSTRIAL NOISES**

- 4.1 No Person shall load or unload motor trucks in any area of the Town designated in the Jasper Community Land Use Plan 2001 as a Residential District between the hours of:
  - 4.1.1 ten o'clock (10:00) in the evening and seven- thirty (7:30) in the morning of the following day which is a Weekday; or
  - 4.1.2 ten o'clock (10:00) in the evening and ten o'clock in the morning of the following day which is not a weekday .
- 4.2 Notwithstanding the provisions of Section 4.1, trucks containing the following items may be unloaded during the hours when such unloading is prohibited by Section 4.1, whether or not the location at which they are unloaded in the Town is within a Residential District:

- 4.2.1 trucks containing foodstuffs, fresh fruit and merchandise of a perishable nature;
  - 4.2.2 trucks containing milk including trucks delivering milk to the final consumers thereof;
  - 4.2.3 trucks containing baked goods; and
  - 4.2.4 trucks containing daily or weekly newspapers being delivered to vendors of the same.
- 4.3 Subject to the provisions of Section 4.4 herein, no Person shall;
- 4.3.1 advertise any event or merchandise by ringing bells, calling aloud, playing any type of musical or Noise-making instrument or by any other audible means including outside speakers in any part of the Town, or use outside speakers to convey music or any Noise to the public in any part of the Town;
  - 4.3.2 by any method, convey to the public in any part of the Town music or any other Noise from inside any premises.
- 4.4 The provisions of Section 4.3 shall not be construed to prevent:
- 4.4.1 the ringing of bells in churches, religious establishments and schools;
  - 4.4.2 the moderate use of musical instruments to call attention to a charitable or non-profit undertaking or event approved by Council during the Christmas season or some other time approved by Council;
  - 4.4.3 the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
  - 4.4.4 the playing of a band or the use of a public address system in connection with a parade or special event permitted by Council;
  - 4.4.5 the sounding of police whistles, police, fire or ambulance sirens; or
  - 4.4.6 the sounding of horns or klaxons on vehicles allowed on the streets for the purpose of enforcement, emergency response or similar activities and to the extent necessary to give signals or warnings to Persons and vehicles using the streets.
- 4.5 In the operation or carrying on of an industrial activity in the Town in a Land Use District described in the Jasper Community Land Use Plan 2001 as one in which such activity is permitted, the Person operating or carrying on the activity shall not make more Noise than is necessary in the normal method of performing or carrying on the activity.
- 4.6 No Person shall operate a power lawn mower or chain saw or other motorized garden tool in any area of the Town designated in the Jasper Community Land Use Plan 2001 as a Commercial district between the hours of:

- 4.6.1 ten o'clock (10:00) in the evening and seven-thirty (7:30) in the morning of the following day which is a Weekday; or
- 4.6.2 ten o'clock (10:00) in the evening and ten o'clock (10:00) in the morning of the following day which is not a Weekday.
- 4.7 Notwithstanding any other provision of this Bylaw, where an open area in a Commercial land use district in the Town is provided for parking of patrons in connection with commercial activities of the Owner, the Owner or Person in charge of the parking area may use a machine for clearing snow and debris from the said open area provided for parking during such hours as is necessary or expedient to keep the area clear of snow and debris in order to allow the use thereof for parking of patrons.

## **5. DOMESTIC NOISE**

- 5.1 No Person shall operate a power lawn mower or chain saw or other motorized garden tool in any area of the Town designated in the Jasper Community Land Use Plan 2001 as a Residential district between the hours of:
  - 5.1.1 ten o'clock (10:00) in the evening and seven-thirty (7:30) in the morning of the following day which is a Weekday; or
  - 5.1.2 ten o'clock (10:00) in the evening and ten o'clock (10:00) in the morning of the following day which is not a Weekday.
- 5.2 No Person shall operate in the Town a model aircraft driven by an internal combustion engine of any description during the hours when the use of a lawn mower is prohibited by Section 5.1 in any Residential District.
- 5.3 No Person shall in any area of the Town designated in the Jasper Community Land Use Plan 2001 as a Residential District operate a snow-clearing device powered by an engine of any type during the hours when the use of a lawn mower is prohibited by Section 5.1.
- 5.4 A Leaseholder of a property in the Town in a Residential District designated in the Jasper Community Land Use Plan 2001 or the tenant of such Leaseholder may carry on activities of a type which involve hammering, sawing or the use of machine tools or equipment capable of creating a sound which may be heard beyond the boundaries of the property to the extent those activities are necessary in the normal course of maintaining his property and any improvements thereon and within those time periods specified in sections 5.1.1 and 5.1.2.

## **6. CONSTRUCTION NOISE**

- 6.1 Unless written permission from the Municipal Manager for such operation is first obtained, no Person providing construction, renovation, landscaping, building maintenance or other similar services shall carry on activities of any type in the Town which involve hammering, sawing or the use of machine tools or equipment capable of creating a sound which may be heard beyond the

boundaries of the site on which the activity is being carried out on any day before 7:30 am or after 9:00 pm, and at no time on any Holiday.

- 6.2 The provisions of Section 6.1 do not apply to any work carried on by the Municipal Manager or by a contractor carrying out the instructions of the Municipal Manager.
- 6.3 Subject to Section 6.2, unless permission for such operation is first obtained from the Municipal Manager no Person shall, in the Town, operate or allow to be operated Construction Equipment so as to create a Noise or disturbance which may be heard in Residential buildings between the hours of nine o'clock (9:00) in the evening and seven-thirty o'clock (7:30) in the morning of Monday through Saturday, and at no time on any Holiday.
- 6.4 Notwithstanding the provisions herein, work carried on by or on behalf of the Municipality or by ATCO Gas Limited, ATCO Electric Limited or TELUS and required to maintain water, sanitary sewer, storm sewer, road and street, solid waste, natural gas, electrical or telecommunications services in the Town shall take place as and when required.

## **7. PROSECUTION**

- 7.1 A notice or form commonly called an Offence Ticket having printed wording approved by the Municipal Manager, may be issued by a Bylaw Enforcement Officer or Peace Officer to any person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment to the Municipality of Jasper in the amount specified in this Bylaw or the regulations pursuant to the *Provincial Offences Procedure Act* (Alberta), as amended.
- 7.2 An Offence Ticket shall be deemed to be sufficiently served:
- 7.2.1. if served personally on the accused; or
- 7.2.2. if mailed to the address of the Owner or person accused.
- 7.3 Notwithstanding any provisions herein, the Municipal Manager may issue a written order to an Owner, agent, lessee, grantee, or occupier of any land or premises within the Town or a responsible Person, directing that a Noise be stopped or abated.
- 7.4 A written order issued pursuant to Section 7.3 may be appealed to Council within ten (10) days of the date the order was received and upon appeal Council may confirm, vary, set aside or modify any order made under Section 9.3 herein.

## **8. PENALTIES**

- 8.1 Any person who contravenes this Bylaw is guilty of an offence.
- 8.2 Persons having contravened certain sections of this Bylaw shall be liable for the penalties set out in such section or set out in Schedule "A" hereto.

**9. SEVERANCE**

9.1 If any provision herein is adjudged by a Court of competent jurisdiction to be invalid for any reason, then that provision shall be severed from the remainder of this Bylaw and all other provisions of this Bylaw shall remain valid and enforceable.

**10. COMING INTO EFFECT**

10.1 This Bylaw shall come into force and effect on the final day of passing thereof.

10.2 If any provision herein is adjudged to be repugnant to any federal regulation or legislation, this Bylaw shall continue in full force and effect but any such repugnant provision shall be of no force or effect until such time as the repugnancy is removed by repeal or amendment of the federal legislation or regulation.

**GIVEN FIRST READING THIS 21<sup>ST</sup> DAY OF MAY A.D., 2008**

**GIVEN SECOND READING THIS 8<sup>th</sup> DAY OF JULY A.D., 2008**

**GIVEN THIRD AND FINAL READING THIS 5<sup>th</sup> DAY OF AUGUST A.D., 2008**

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Mayor

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Municipal Manager

**Schedule "A"**

**Penalties**

**3. GENERAL NOISE PROHIBITIONS**

3.1 Make, continue or cause or allow to be made, continued or caused within the Town any Noise.

First offence \$100.00

Second offence, and within thirty (30) days  
of any previous offence \$200.00

Third or subsequent offence, and within thirty  
(30) days of any previous offence \$400.00

3.2 Permit, suffer or allow property, real or personal, which he owns, occupies or controls to be used in a manner such that Noise emanating therefrom annoys, disturbs, injures, endangers or detracts from the peace or safety of Persons within the Town. \$100.00

3.3 Radio, stereophonic equipment or other instrument, or any apparatus for the production or amplification of sound disturbs neighbourhood or Persons.

First offence \$100.00

Second offence within one (1) calendar year  
of any previous offence \$200.00

Third or subsequent offence within one (1)  
calendar year of any previous offence \$400.00

3.5 Noise in a Hospital Zone. \$200.00

**4. COMMERCIAL AND INDUSTRIAL NOISES**

4.1 Load or unload trucks in Residential District during prohibited hours. \$200.00

4.3.1 Advertise or merchandise by ringing bells, calling aloud, playing musical or Noise-making instruments or including outside speakers, or use outside speakers to convey music or any Noise to the public. \$200.00

4.3.2 Convey to the public music or Noise from inside any premises.

First offence \$200.00



	Second offence within one (1) calendar year of any previous offence	\$400.00
	Third or subsequent offence within one (1) calendar year of any previous offence	\$2000.00
4.6	Operate a power lawn mower, chain saw or other motorized garden tool in a Commercial district during prohibited hours.	\$100.00
<b>5.</b>	<b>DOMESTIC NOISE</b>	
5.1	Operate a power lawn mower, chain saw or other motorized garden tool in a Residential district during prohibited hours.	\$100.00
5.2	Operate a model aircraft in a Residential District during prohibited hours.	\$100.00
5.3	Operate a snow-clearing device powered by an engine of any type in a Residential District during prohibited hours.	\$100.00
<b>6.</b>	<b>CONSTRUCTION NOISE</b>	
6.1	Carry on construction on any day before 7:30 am or after 9:00 pm or on any Holiday.	
	First offence	\$200.00
	Second offence within one (1) calendar year of any previous offence	\$400.00
	Third or subsequent offence within one (1) calendar year of any previous offence	\$2000.00
6.3	Operate Construction Equipment after nine o'clock (9:00) in the evening or before seven-thirty o'clock (7:30) in the morning of Monday through Saturday, or at any time on any Holiday.	
	First offence	\$200.00
	Second offence within one (1) calendar year of any previous offence	\$400.00
	Third or subsequent offence within one (1) calendar year of any previous offence	\$2000.00
6.4	All offences under this Bylaw not specified in Schedule A herein.	\$100.00