

WHEREAS there are many complaints with regards to noisy vehicles and or/vehicles with modified exhaust systems throughout the province;

WHEREAS the province is responsible for establishing guidelines for controlling operational noise levels of many consumer products, equipment and vehicles;

WHEREAS vehicle noise violations are challenging to enforce due to the subjectivity and discretion of the current provincial law;

NOW THEREFORE BE IT RESOLVED THAT the Alberta Urban Municipalities Association ask the Province of Alberta to establish provincial standards with respect to noise produced in connection with a vehicle, define what constitutes an objectionable noise and establish a consistent method of determining or measuring noise, and prohibiting the use or operation of a vehicle that emits a noise above an established and regulated level.

BACKGROUND:

A number of municipalities across the province are challenged to find a solution to the enforcement of excess vehicle noise in their municipality without the establishment of a local bylaw.

The following are the areas that the Alberta Traffic Safety Act addresses vehicle noise:

**Alberta Traffic Safety Act - Use of Highway and Rules of the Road
Regulation**

Section 82 A person shall not create or cause the emission of any loud and unnecessary noise

(a) from a vehicle or any part of it, or

(b) from any thing or substance that the vehicle or a part of the vehicle comes into contact with.

Section 87 A person driving a vehicle shall not, during the period of time commencing at 10 p.m. and terminating at the following 7 a.m., drive the vehicle on a highway in a residential area in a manner that unduly disturbs the residents of the residential area.

Section 115 (2) A person shall not do any of the following: (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway; (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway.

Alberta Traffic Safety Act - Vehicle Equipment Regulations

Section 61 (1) A motor vehicle propelled by an internal combustion engine must have an exhaust muffler that is cooling and expelling the exhaust gases from the engine without excessive noise and without producing flames or sparks.

(2) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if the exhaust outlet of the muffler has been widened.

(3) A person shall not drive or operate a motor vehicle propelled by an internal combustion engine if a device is attached to the exhaust system or the muffler that increases the noise made by the expulsion of gases from the engine or allows a flame to be ignited from the exhaust system.

(4) This section applies to a power bicycle that is propelled by an internal combustion engine.

The limitations of these sections of Traffic Safety act is based on the subjectivity of what is considered excessive noise. There are no specific sound measurements included in the Traffic Safety Act that outline what is illegal; this leads to the challenge of enforcement of this portion(s) of the Traffic Safety Act and is based on a subjective interpretation of excessive noise by the officer. Municipalities across the province are attempting to address this concern on an individual basis through municipal bylaws. However the discretionary judgement of what is considered excessive noise is still subjective and has led to many cases being thrown out in the judicial system.

Other pieces of legislation apply but also are challenged in the area of enforcement and/or charges being upheld in the courts:

Community Standards Bylaw 3383/2007 states:

- (1) No person shall cause or permit any noise that annoys or disturbs the peace of any other person.
- (2) No person shall permit property that they own or control to be used so that noise from the property annoys or disturbs the peace of any other person.
- (3) No person shall yell, scream, or swear in any public place.
- (4) In determining what constitutes noise likely to annoy or disturb the peace of other persons, consideration may be given, but is not limited to:
 - a) type, volume and duration of the sound;
 - b) time of day and day of the week;
 - c) nature and use of the surrounding area.

<http://www.reddeer.ca/media/reddeerca/city-government/bylaws/Community-Standards-Bylaw-3383-2007.pdf>

Criminal Code of Canada states s. 175. (1) Everyone who (d) disturbs the peace and quiet of the occupants of a dwelling-house by discharging firearms or by other disorderly conduct in a public place or who, not being an occupant of a dwelling-house comprised in a particular building or structure, disturbs the peace and quiet of the occupants of a dwelling-house comprised in the building or structure by discharging firearms or by other disorderly conduct in any part of a building or structure to which, at the time of such conduct, the occupants of two or more dwelling-houses comprised in the building or structure have access as of a right or by invitation, express or implied; is guilty of an offence punishable on summary conviction.

