

BYLAW NO. 2015-009

TOWN OF CHURCHBRIDGE

Noise Bylaw

A BYLAW of the Town of Churchbridge in the Province of Saskatchewan, to provide for the abatement of noises within the Town of Churchbridge.

THE COUNCIL FOR THE TOWN OF CHURCHBRIDGE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as The Noise Bylaw.

2. PURPOSE

The purpose of this Bylaw is to:

- Prohibit certain activities creating noise
- Abate incidence of noise
- Restrict hours when certain noise may be made.

According to The Municipalities Act Section, 8 this bylaw is enacted to protect, preserve and promote safety, health, welfare, peace and quiet for the citizens of the Town of Churchbridge.

3. DEFINITIONS

3.0 Designated Officer

Means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purpose of this Bylaw.

3.1 Dwelling

Means a dwelling as defined in the Consolidated Zoning Bylaw 5-83 enacted by the Council of the Town of Churchbridge and amendments thereto.

3.2 Holiday

As defined in the *Interpretation Act, 1995*

- (a) Sunday;
- (b) New Year's Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day, and when one of those dates, other than Remembrance Day or Boxing Day, falls on a Sunday, it includes the following day;
- (c) any day appointed by an Act of the Parliament of Canada or by proclamation of the Governor General or Lieutenant Governor as a public holiday

3.3 Motor Vehicle

Means a vehicle as defined in *The Highway Traffic Act*.

3.4 Occupant

Means the owner, occupant or licensee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises occur.

3.5 Premises

Means the area contained within the boundaries of any lot and includes any buildings situated with such boundaries, provided however; that where any building contains more than one dwelling unit, each dwelling unit or common area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.

3.6 Residential District

Means a district as defined in the Consolidated Zoning Bylaw 5-83 enacted by the Council of the Town of Churchbridge and amendments thereto.

3.7 Town

Means the Town of Churchbridge.

3.8 Weekday

Means any other day other than a holiday.

3.9 Zoning bylaw

Means the Consolidated Zoning Bylaw 5-83 of the Town of Churchbridge and amended thereto. It includes any bylaw passed in substitution for or in addition to Consolidated Zoning Bylaw 5-83.

4. Scope

Unless otherwise specified, the owner of the property, including land, buildings and structures, shall be responsible for carrying out the provision of this Bylaw.

5. General Prohibition

1. No person shall make, or continue to make, or cause to be made, or allow to be made, or allowed to be continued to be made:
 - a) any loud noise, or any unnecessary noise, or any unusual noise
 - b) any noise whatsoever which either annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town.
 - c) any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers of places of business or as to detrimentally or adversely affect such dwelling or places of business.

2. Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
 - a) the proximity of the sound to sleeping facilities whether residential or commercial
 - b) the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived.
 - c) the time of day or night the sound occurs
 - d) the duration of the sound
 - e) the volume of the sound
 - f) the nature of the sound
 - g) whether the sound is recurrent, intermittent or constant
 - h) the nature of the event or activity from which the sound emanates.

3. In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer from the evidence of a peace officer related to the conduct of the person or

persons that a sound is unreasonably loud or excessive.

6. Noises Prohibited

a) Domestic Noise

Notwithstanding the generality of Section 5:

1. No person shall operate or allow to be operated a lawn mower of any kind, a snow clearing device, a chain saw, a roto tiller, or shop tools powered by an engine of any type or a model aircraft driven by an internal combustion engine in any residential district between the hours of:

10pm- 7am the next forenoon on weekdays

10pm- 9am the next forenoon on holidays.

2. No person, who owns, keeps, houses or allows to stay in his premises a dog, shall allow such dog to bark excessively or howl excessively.

3. No person, being the owner or occupant of any premises, shall operate or permit to be operated any machine or apparatus, such as radio, TV, disc players or other similar devices, for the production of amplification of sound either in or on private premises in a residential district in such a manner that the same can be easily heard by an individual or member of the public who is not on the same premises from which the noise emanates.

b) Construction Noises

Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type that involves creating a sound that is plainly audible beyond the boundaries of the site on which the activity is being carried on after the hours of:

10pm in the evening and before 7 am in the morning on weekdays

and

10pm in the evening and 9 am in the morning on holidays.

c) Outdoor Public Events

The use of loudspeaker, amplifier, musical instrument or similar device that produces or reproduces or amplifies sound at an outdoor public event unless between the hours of:

11 am and 9 pm weekdays

and

11 am and 6 pm holidays.

The Town may, upon written application, grant permission, with or without conditions, to extend hours during which the amplification equipment may be used at an outdoor event.

d) Motor Vehicle Noises

1. No person shall allow diesel motor on a truck or power unit to remain running for longer than 20 minutes in a residential district.

2. No person shall make any unnecessary noise in the operation of any vehicle, whether in motion or at rest. Without limiting the foregoing, the following noises shall be deemed unnecessary:

- noise by rapid acceleration
- noise by making fast turns at intersections
- noise by spinning of tires
- noises caused by exhaust cutouts or defective mufflers
- noises caused by rapidly setting a vehicle in motion.

3. No person shall use engine retarder brakes within the Town limits.

7. Exemptions

The provisions of this bylaw shall not apply to:

- ringing of bells in churches or religious organizations
- ringing of bells by schools or educational institutions
- moderate use of musical instruments to call attention to a charitable organization soliciting donations.
- a parade
- playing of music appropriate to any religious service
- sounding of an alarm to announce an emergency
- sounding of siren on any vehicle or sound amplification equipment used by police or fire department.
- use of equipment to amplify human voice or music in any public space in connection with any public election meeting, public celebration or other reasonable gathering
- construction, repair or maintenance of streets, sidewalks, alleys, water mains, sanitary sewer mains, electrical facilities or any other works by or on behalf of the Town

8 Enforcement of Bylaw

The administration and enforcement of this Bylaw is hereby delegated to a Designated Officer.

9. Penalties

1. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

- in case of an individual, to a minimum fine of \$100 and not more than \$10,000;
- in the case of a corporation, to a minimum fine of \$100 and not more than \$20,000.

2. Notwithstanding Subsection 1 in the case of a person who contravenes a provision of this Bylaw for the first time a designated officer may issue a notice of violation to that person.

The notice of violation shall provide that if the person pays the Town the sum of \$100 within 14 days of the date of the notice of violation, the person shall not be prosecuted for the contravention.

The fine may be paid:

- in person to the Town Office located at 116 Vincent Ave W
- or
- by mail to Box 256 Churchbridge, SK S0A 0M0

10. Coming into Force

This Bylaw shall come into force on the day of its final reading and will repeal Bylaw 4-77 and 5-81.

Administrator

Mayor

Date

Certified a true copy of Bylaw 2015-009

Date Carried on _____

Resolution _____

Administrator