

The Rural Municipality of North Qu'Appelle No. 187

Bylaw No. 09-08

A BYLAW TO PROHIBIT, ELIMINATE AND ABATE NOISE.

The Council of the Rural Municipality of North Qu'Appelle No. 187, incorporated in the Province of Saskatchewan, enacts as follows:

Short Title

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

Purpose

2. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the ratepayers of the Organized Hamlets and Hamlets within the Rural Municipality of North Qu'Appelle No. 187 as described on Schedule "A", which is attached to and forms part of this bylaw, 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 people of ordinary sensitivity.

Definitions

3. In this Bylaw:
 - a) "Holiday" has the same meaning as holiday has in *The Interpretation Act, 1995*, as amended or substituted, and includes any day proclaimed as a civic holiday by the Council of the R.M. of North Qu'Appelle No.187;
 - b) "Occupant" means a person who is the owner, occupant or licensee of the premises at or around the time when the noise or sound issued from the premises;
 - c) "Premises" means the area contained within the boundaries of any lot and includes any building situated within such boundaries;
 - d) "Residential Building" means a building which is constructed as a dwelling for human beings;
 - e) "Signaling Device" means a horn, gong, bell, klaxon, siren or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle or bicycle;
 - f) "Weekday" means any day other than a holiday;
 - h) "Vehicle" has the same meaning as vehicle has in *The Traffic Safety Act*, as amended or substituted.

General Prohibition

- 4.1 Except to the extent it is allowed by this Bylaw, no person shall make, or cause to be made, or allowed to be made, any loud noise, or any unnecessary noise, or any unreasonable noise.
- 4.2 What is a loud noise, an unnecessary noise or an unreasonable noise is a question of fact to be determined by a court of competent Jurisdiction which hears a prosecution of an offense against this bylaw.
- 4.3 Except to the extent it is allowed by this Bylaw, no person shall make, or allow to be made any loud noise, or an unnecessary noise or any unreasonable noise which annoys, disturbs, injures, endangers, or distracts from the comfort, repose, health, peace or safety of other persons within the areas described in Schedule "A".

- 4.4 In the absence of other evidence, or by way of corroboration of other evidence, a court of competent jurisdiction may infer from the evidence of a police officer relating to the conduct of a person or persons, whether ascertained or not, that any loud noise, any unnecessary noise, or unreasonable noise:
- a) occurred;
 - b) was of a nature as to annoy, disturb, injure, endanger, or distract from the comfort, repose, health, peace or safety of other persons,
5. Without restricting the generality of Section 4, no person shall operate or allow to be operated in any area described on Schedule "A":
- a) a lawn mower of any kind;
 - b) a snow clearing machine powered by an engine of any type;
 - c) a rototilling machine of any kind; or
 - d) any other machine or device of a similar or like nature that is powered by a internal combustion engine or an electric motor
- after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday; and after the hour of 10 o'clock in the evening and before the hour of 9 o'clock in the morning on any holiday.
- 6.1 No person, who owns, keeps, houses, harbours, or allows to stay in his premises a dog, shall allow such dog to bark, howl, or whine excessively.
- 6.2 In the absence of other evidence, or by way of corroboration of other evidence, a court of competent jurisdiction may infer from the evidence of a peace officer relating to a person who owns, keeps, houses, or harbours a dog or allows a dog to stay on or in his premises, whether ascertained or not, that such dog barked, howled, or whined excessively within the meaning of Section 6.1.
7. No person being the owner or occupant of any premises shall operate, or permit to be operated, or suffer to be operated, or allow to be operated, play or allowed to be played, any radio, phonograph, record player, tape recorder, television set, musical instrument, or any other apparatus, appliance, device or machine used 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 such noise or sound emanates.
8. Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, sawing, drilling, or the use of any machine, tools or any other equipment capable of creating a sound beyond the boundaries of the site on which the activity is being carried on within the areas described in Schedule "A" after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday; and after the hour of 10 o'clock in the evening and before the hour of 9 o'clock in the morning on any holiday.

9. Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a trenching machine, a drag line, an air or steam compressor, a jack-hammer or pneumatic drill, a tractor or bulldozer or any other tool, device or machine of a noisy nature, so as to create a noise which may be heard in any residential building after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday; and after the hour of 10 o'clock in the evening and before the hour of 9 o'clock in the morning on any holiday.
10. No person shall advertise any event or merchandise by the use of any signaling device or by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, playing or using any type of noise making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any audible means, on any street or other public place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.

Exceptions

11. The provisions of this bylaw shall not apply to:
- a) the ringing of bells in churches or religious establishments;
 - b) the playing of a band, the sounding of a steam whistle, the sounding of a motor vehicles' horns or the use of sound amplification equipment used in connection with any parades;
 - c) the moderate playing of musical instruments appropriate to any religious outdoor service;
 - d) the sounding of a general or a particular alarm or warning to announce a fire or other emergency disaster;
 - e) the sounding of police whistles or the sirens or other signaling devices on any vehicle used by the police or fire department or any ambulance or public service vehicle;
 - f) any use of sound amplification equipment used by police, fire department or any ambulance service or public service;
 - g) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public gathering of a similar nature;
 - h) the use of any tractors, trucks or other equipment for snow removal, snow clearing or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;
 - i) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Sask Power Corporation, Sask Energy Corporation, and Saskatchewan Telecommunications.


Penalty

- 11.1 Every person who contravenes any provision of this Bylaw is guilty of an offense and liable on summary conviction to a fine of not less than:
- a) \$50.00 in the case if a first offence; and
 - b) \$100.00 in the case of any subsequent offence within 3 months of any previous offence;
- and not more than:
- c) \$2,000.00 in the case of an individual;
 - d) \$5,000.00 in the case of a corporation.

- 11.2 All fines and penalties may be recovered and enforced with costs by summary conviction before a judge and, in default of payment, be added to the property taxes of the property where the contravention took place.
12. Bylaw No. 3/85 is hereby repealed.




Reeve


Administrator

Certified A True Copy of Bylaw No. 09-08 passed by the Council of the Rural Municipality of North Qu'Appelle No. 187 on the 14th day of October, 2009.


Administrator