

BYLAW 8-2007

A BYLAW TO REGULATE NOISE WITHIN THE TOWN OF DUNDURN, KNOWN AS THE NOISE BYLAW

WHEREAS Section 8(1)(a) of *The Municipalities Act* provides:

A municipality has a general power to pass any bylaws for the purposes of the municipality that it considers expedient in relation to the following matters respecting the municipality:

- a) the peace, order and good government of the municipality;

THEREFORE, the Council of the Town of Dundurn in the Province of Saskatchewan, enacts as follows:

1. This Bylaw may be cited as "The Noise Bylaw".
2. (a) In this bylaw
 - i) "Emergency" includes but is not restricted to work carried out to preserve, protect or repair property that is an imminent danger to the health or safety of any person or that will fall into further disrepair or collapse without immediate work;
 - ii) "Holiday" means any statutory holiday as defined in *The Interpretation Act* or any holiday proclaimed as such by the Council of the Town of Dundurn;
 - iii) "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;
 - iv) "Premises" means the area contained within the boundaries of any lot and includes any building situated within 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;
 - v) "Town" means the Town of Dundurn or the land and area within the boundaries or jurisdiction of the Town of Dundurn.

3. DEFINING SECTION

- 1) Without restricting the generality hereof, a noise is loud or unusual or unnecessary if the noise is persistent and can be easily heard by an individual or member of the public who is not on the same premises from which the noise emanates or if the noise from a street, or other public place can be easily heard from within a residence or place of work or business or otherwise annoys, disturbs, injures, endangers or detracts from the comfort, repose, peace or safety of other persons within the Town.
- 2) In the absence of other evidence, or by way of corroboration of other evidence, the court may infer from the evidence of a peace officer relating to the conduct of other persons, whether ascertained or not, that a noise annoyed, disturbed any person or detracted from the comfort, repose, peace or safety of any person within the Town.

4. GENERAL PROHIBITION

- 1) Except as may be otherwise provided by this bylaw or any other superseding legislation, no person shall make, cause, allow, suffer, or permit to be made or continue to make, cause, allow, suffer or permit to continue to be made any loud or unusual noise.
- 2)
 - i) Without detracting from the generality of section 4(1), offenses under this bylaw include but are not restricted to the following specific offenses.
 - ii) No person who owns, keeps, or harbours a dog or who is the owner or occupant of a premise on which a dog is kept, shall allow such dog to continue to bark or howl thereby creating a loud or unusual noise.
 - iii) No person, being the owner or occupant of any premise shall operate or permit or suffer or allow to be operated, play or allow to be played any radio, phonograph, record player, tape, records, compact discs, television, musical instrument or any other appliance, device or machine used for the production of amplification of sound either in or on a premise or in a public place hereby creating a loud or unusual noise.

- iv) No person shall operate or allow to be operated a lawn mower or snow cleaning device or a model aircraft or model car powered by an engine of any kind in any residential district before the hour of 7 o'clock in the morning or after the hour of 11 o'clock in the evening.

CONSTRUCTION NOISE

- v) Except in an emergency, no person shall carry on the construction, erection, demolition or repair of any type or in any building or structure or on any premise by hammering, sawing, drilling, or using any type or kind of tool or power tool or equipment that creates a noise easily heard beyond the boundaries of the site where the work is being carried on except if the construction is being carried on in a site designated in the Zoning Bylaw of the Town as within the Industrial District between the hours of 11 o'clock in the evening and 7 o'clock in the morning.
- vi) 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, so as to create noise which may be heard in any residence between the hours of 11 o'clock in the evening and 7 o'clock in the morning.
- vii) No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any place or in any building or premises with the intention or result that the sound there from shall be or is audible to persons using or frequenting any or other public place.

EXCEPTIONS

- 5. The provisions of this bylaw shall not apply to:
 - a) the ringing of bells in churches, religious establishments and schools;

- b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking;
- c) the playing of a band, the sound of a steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment used in connection with any parade;
- d) the moderate playing of musical instruments appropriate to any religious street service;
- e) the sounding of factory whistles and similar devices at normal appropriate times;
- f) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
- g) the sounding of police whistles or the sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
- h) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service, including any department of the Town.
- i) 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 election meeting, public celebration, or other reasonable gathering;
- j) transit vehicles engaged in normal transit operations;
- k) 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;

- l) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy, Saskatchewan Telecommunications and the Town.

COUNCIL DISCRETION

6. At the discretion of Council upon application, the Council may, by resolution, grant an exemption to any person or organization from any of the provisions of this bylaw with respect to any source of sound.

PENALTY CLAUSE

7. Any person who violates any provision of this bylaw is guilty of an offense and is liable on summary conviction to the penalty provided for in Schedule "A".

COMING INTO EFFECT

8. This bylaw shall come into effect upon final reading and adoption of this bylaw by council for the Town of Dundurn.
9. THAT bylaw 13-2003 be repealed.

Mayor Bill Lamb

(S E A L)

Administrator Michelle Roepe

Introduced and given first reading on this 16th day of April, 2007.
Given second reading on this 16th day of April, 2007.
Given final reading and hereby adopted on this 16th day of April, 2007.

Certified true copy of Bylaw 8-2007
Adopted by resolution of council on
April 16, 2007.

Administrator Michelle Roepe

Schedule “A” to Bylaw 8-2007

Penalty Clause

1. Fines for summary conviction of Bylaw No. 8-2007 shall be set at no less than fifty dollars (\$50.00) and shall not exceed five hundred dollars (\$500.00).