

Bylaw No. 4 (2010)

A BYLAW OF THE TOWN OF BIENFAIT TO PROHIBIT, ELIMINATE, AND ABATE, LOUD, UNUSUAL AND UNNECESSARY NOISE, OR NOISES WHICH ANNOY, DISTURB, INJURE OR ENDANGER THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF OTHERS

The Council of the Town of Bienfait in the Province of Saskatchewan enacts as follows:

1. Short Title

This Bylaw may be cited as the “**Noise Abatement Bylaw**”.

2. Definitions

- a) “Council” means the Council for the Town of Bienfait.
- b) “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 that will fall into further disrepair or collapse without immediate work.
- c) “Holiday” means any statutory holiday as defined in *The Labour Standards Act* or any holiday proclaimed as such by the Council of the Town of Bienfait.
- d) “Municipality/Town” means the Town of Bienfait or the land and area within the boundaries or jurisdiction of the Town of Bienfait.
- e) “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.
- f) “Noise” 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, that a noise annoyed, disturbed any person or detracted from the comfort, repose, peace or safety of any person within the Town.
- g) “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.
- h) “Person” includes any company, corporation, owner, partnership, firm, association, society, party or tenant, or individual.

3. General Prohibition

- 1) No person shall make, continue or cause to allow to be made or continued any loud noise, unnecessary or unusual noise, or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the Municipality, except to the extent it is allowed by this Bylaw.
- 2) Without detracting from the generality of section 3(1), offences under this bylaw include, but are not restricted to the following specific offences:

- I. No person, being the owner or occupant of any premise shall operate or permit 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 or amplification of sound either in or on a premise or in a public place hereby creating a loud or unusual noise.
- 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 shall operate or allow to be operated a power tool, hedge trimmer, roto-tiller, power or hand 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 10 o'clock in the evening, Monday to Friday. For Statutory Holidays and/or the weekend days of Saturday and Sunday, the times shall be 8 o'clock in the morning and 10 o'clock in the evening.

4. Construction Noise

- 1) 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 premises 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 and/or Railway District between the hours of 10 o'clock in the evening and 7 o'clock in the morning, Monday to Friday. For Statutory Holidays and/or the weekend days of Saturday and Sunday, the times shall be 10 o'clock in the evening and 8 o'clock in the morning.
- 2) 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 10 o'clock in the evening and 7 o'clock in the morning, Monday to Friday. For Statutory Holidays and the weekend days of Saturday and Sunday, the times shall be 10 o'clock in the evening and 8 o'clock in the morning.
- 3) 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.
- 4) The provisions of Sections (1) and (2) above do not apply to the work carried on by or for the Municipality, which is of an exigent nature.

5. Exceptions

The provisions of this bylaw shall not apply to:

- 1) the ringing of bells in churches, religious establishments and schools;
- 2) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking;
- 3) 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;

- 4) the moderate playing of musical instruments appropriate to any religious street service;
- 5) 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;
- 6) the sounding of a general or particular alarm or warning to announce a fire or other emergency or disaster;
- 7) any use of sound amplification equipment used by the police, fire department or any ambulance services or public service, including any department of the Town;
- 8) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering;
- 9) 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;
- 10) 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 Telecommunication and the Town.

6. Council Discretion

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.

7. Penalty Clause

Any person who violates any provision of this bylaw is guilty of an offence and is liable on summary conviction to a penalty in an amount not less than One Hundred (\$100.00) Dollars and to a maximum of Five Hundred (\$500.00) Dollars.

8. Coming into Effect

This bylaw shall come into effect upon the final reading and adoption of this bylaw by the Council for the Town of Bienfait.

9. THAT Bylaw 242 (1983) shall be repealed.

Mayor

Administrator

Certified a true copy of
Bylaw No. 4 (2010) passed
by Council on 08/09/2010 A.D.