

Town of Fort Qu'Appelle
BYLAW NO.12 /2013

**A BYLAW OF THE TOWN OF FORT QU'APPELLE TO PROHIBIT CERTAIN
ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND
TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE**

NOW THEREFORE the Council of the Town of Fort Qu'Appelle in open meeting assembled enacts as follows:

1. This Bylaw may be cited as **The Noise Bylaw.**
2. In this Bylaw, including this section:
 - (a) **Town** means the corporation of the Town of Fort Qu'Appelle or the area contained within the boundaries of the Town of Fort Qu'Appelle, as the context requires;
 - (b) **Holiday** means any statutory holiday as defined in the Interpretation Act, and amendments thereto, or any holiday proclaimed as such by the Council of the Town of Fort Qu'Appelle;
 - (c) **Motor Vehicle** means motor vehicle as defined in the Vehicles Act of Saskatchewan.
 - (d) **Residential building** means a building which is constructed as a dwelling for human beings;
 - (e) **Residential district** means a district defined as such in the Zoning Bylaw enacted by the Council of the Town of Fort Qu'Appelle and amendments thereto;
 - (f) **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, including a bicycle;
 - (g) **Weekday** means any day other than a Sunday or holiday.

GENERAL PROHIBITION

3. (1) Except to the extent it is allowed by this Bylaw 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, any loud noise, or any unnecessary noise, or any unusual noise.
- (2) Except to the extent it is allowed by this Bylaw no person shall make, or continue to make, or cause to be made or cause to be continued, or allow to be made, or allow to be continued any noise whatsoever which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town.
- (3) What is a loud noise, an unnecessary noise, an unusual noise, or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons is a question of fact for a court which hears a prosecution of an offence against this Bylaw.

DOMESTIC NOISES

4. Without restricting the generality of Section 3, no person shall operate or allow to be operated a lawn mower of any kind, a rototilling machine of any kind, or any other machine or device of a similar or like nature that is powered by an internal combustion engine or an electric motor in any residential district between the hours of:
 - (a) 10:00 p.m. and 6:00 a.m. on a weekday;
 - (b) 10:00 p.m. and 8:00 a.m. on a Saturday, Sunday or holiday.
5. No person who owns, keeps, houses, harbours or allows to stay in his premises a dog shall allow such dog to bark excessively or howl excessively.
6. (1) 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 allow 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 or amplification of sound, either in or on private premises in a residential district in such 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.

- (2) For the purpose of this Bylaw, premises shall mean 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 areas of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.
- (3) For the purpose of this Bylaw, occupant shall mean 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.

CONSTRUCTION NOISES

7. 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 or 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 residence between the hours of:
 - (a) 10:00 p.m. and 6:00 a.m. on a weekday;
 - (b) 10:00 p.m. and 8:00 a.m. on a Saturday, Sunday or holiday.

ADVERTISING NOISES

8. No person shall advertise any event or merchandise 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 other audible means, on any street or other public 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 street or other public place.

TRUCK MOTORS

9. No person shall allow the motor of a tractor which pulls a trailer or of a semi-trailer truck, or any other truck, to remain running for longer than 30 minutes while the tractor-trailer, or tractor alone, or truck, is stationary in a residential district.

EXCEPTIONS

10. 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 during the Christmas season or at any other time;
 - (c) the playing of a band, the sounding of steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment in connection with any parade authorized by Council pursuant to the provisions of the Traffic Bylaw;
 - (d) the moderate playing of musical instruments appropriate to any religious street service;
 - (e) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - (f) the sounding of a factory whistle and similar devices at normal appropriate times;
 - (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;
 - (l) 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 and railway trains 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 Saskatchewan Power Corporation and Saskatchewan Telecommunications;
 - (m) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any exhibition, circus, sporting event or any other activity lawfully authorized on or in the lands and buildings of the Town of Fort Qu'Appelle;
 - (n) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any lawfully authorized sporting event in any sports arena or building, public park or any other public place where such sporting event may be lawfully carried on.
11. Council may, by resolution, exempt for the provisions of this Bylaw the noises made by any person, firm or corporation in the lawful operation of any industrial or commercial or any other business undertaking.

GENERAL PENALTY

12. (1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- (a) for a first offence, to a fine of \$300.00; and
 - (b) for a second offence, to a fine of \$500.00; and
 - (c) for a third or subsequent offense, to a fine not less than \$700.00 and not more than \$10,000.00
- (2) In the case of a corporation, to a fine not exceeding \$25,000.00 and, in the case of a continuing offence, to a further fine of not more than \$25,000.00 for each day during which the offence continues.

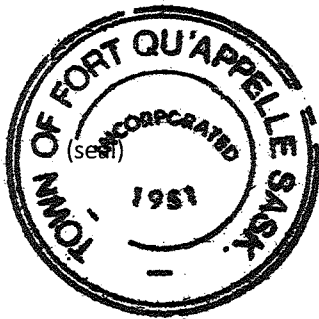
- (3) In default of payment of a fine imposed under either subsection (1) or subsection (2), the individual convicted may be imprisoned for a term of not more than one year.
 - (4)
 - (a) Notwithstanding subsection (1) and subsection (2) in the case of a person who contravenes a provision of this Bylaw for the first time, a bylaw officer may issue a notice of violation to that person;
 - (b) The notice of violation shall provide that, if the person pays the Town the sum of:
 - (i) \$300.00 in the case of a first offencewithin 14 calendar days of the date of the notice of violation, the person shall not be prosecuted for the contravention.
 - (c) The fine may be paid:
 - (i) in person, during regular office hours, to the cashier located at the Town Office, 160 Company Avenue South, Fort Qu'Appelle, Saskatchewan;
 - (ii) by mail addressed to the Town of Fort Qu'Appelle, Box 309, Fort Qu'Appelle, Saskatchewan, S0G 1S0.
 - (5) Notwithstanding subsection (4), if it is, in the opinion of a bylaw officer, in the public interest to compel a person who has contravened a provision of this Bylaw for the first time to appear before a justice under this Bylaw, the peace officer may issue a summons that requires the person to appear before a justice without the alternative of paying the specified amount to avoid prosecution.
 - (6) If, in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the person mentioned in subsection (5) to pay the specified amount to avoid prosecution.
13. Bylaw No. 87 is repealed.

14. This Bylaw shall come into force and take effect on, from and after the final passing thereof.

INTRODUCED and **READ** a First time this 11 th day of July, 2013.

READ a Second time this 11th day of July, 2013.

READ a Third time and **PASSED** this 22nd day of August, 2013.





Mayor



CAO