

TOWN OF WAWOTA

BYLAW NO. 5/2015

A BYLAW TO CONTROL AND REGULATE NOISE

The Council of the Town of Wawota, in the province of Saskatchewan, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as "The Noise Bylaw".

DEFINITIONS

2. In this bylaw, including this section:
 - a) "municipality" means the Town of Wawota;
 - b) "holiday" means any holiday as defined in, *The Interpretation Act, 1995* or any holiday proclaimed as by the municipality;
 - c) "motor vehicle" means a vehicle propelled or driven by any means other than by muscular power.
 - d) "occupant" means the owner, occupant or licensee of the premises or any person found on the premises at or around the time where the noise or sound issues from the premises;
 - e) "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;
 - f) "residential building" means a building which is constructed as a dwelling for human beings;
 - g) "signalling 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;
 - h) "weekday" means any day other than a holiday.

GENERAL PROHIBITION

3.
 - a) 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 allow to be continued to be made, any loud noise, or any unusual noise.
 - b) 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 either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the municipality.
 - c) 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.
4. Without restricting the generality of Section 3, no person shall operate or allow to be operated a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower, or snow clearing device powered by an engine of any description or a model aircraft driven by an internal combustion engine in any residential district between the hours of 10:00 o'clock in the evening and 7:00 o'clock of the next morning on any day.

5. No person being the owner or occupant of any premises shall cause, allow or permit the sound of howling, wailing or barking of a dog or the caterwauling of a cat or the cry of an animal or bird which can be heard by a person not on the same premises and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.
6. No person being the owner or occupant of any premises shall operate, or permit to be operated, play or allow to be played, any radio, stereo, CD player, television set, musical instrument, or any other apparatus, appliance, device or machine used for the promotion or amplification of sound, either in or on private public property in a location within or the immediate proximity of 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 emanated, and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.

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 capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, after the hour of ten o'clock in the evening and before the hour of seven o'clock in the morning of any day.
8. 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 residence between the hours of ten o'clock in the evening and seven o'clock in the morning of any day.

ADVERTISING NOISES

9. 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 the result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.

DIESEL MOTORS

10. No person shall allow the diesel motor of a tractor which pulls a trailer or on a semi-trailer truck, or any other truck, to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, or truck, is stationary in a residential district.

EXCEPTIONS

11. 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 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 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 of and 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;

- 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 used in the repair of streets or the repair and maintenance of any municipal works or utilities;
- l) the use of equipment for cleaning or clearing streets including street sweepers and equipment for snow removal, snow clearing or sanding streets;
- m) the use of any equipment for the repair or maintenance of any public utilities including the utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy Corporation and Saskatchewan Telecommunications.

11. Any exceptions or exemptions as may be provided under this bylaw are not to be interpreted so as to create vagueness or uncertainty as to the standard by which noise is measured under the prohibiting sections of this bylaw.

ENFORCEMENT

12. The administration and enforcement of this Bylaw is hereby delegated to the Bylaw Enforcement Officer or a Representative appointed by the Town Council.

OFFENCES AND PENALTIES

13. Any person or corporation in violation of provision of the Bylaw shall be guilty of an offence and shall be liable upon summary conviction to a fine not exceeding:

- a) Five hundred dollars (\$500) in the case of an individual; or
- b) One thousand dollars (\$1,000) in the case of a corporation.

14. Where any person commits or alleges to have committed an infraction of any of the provisions of this bylaw the following procedure may be followed:

- a) A notice in a form to be approved by the Town Council may be given to such person requiring them to appear at the Town Office within thirty days from the date of the notice and to pay the Town Administrator the sum of one hundred dollars (\$100) for the first offence and three hundred dollars (\$300) for the second offence, and five hundred dollars (\$500) for each subsequent offense, as penalty for the specific infraction described in such notice. Compliance with such notice within the period of time prescribed therein shall relieve such person from liability to prosecution in Provincial Court of Saskatchewan for non-compliance to the infraction.
- b) Any person who fails to comply with the given notice shall be liable to prosecution in the Provincial Court of Saskatchewan as per the provisions of the *Summary Offences Procedure Act*.
- c) Non-compliance with any such notice shall not in any way effect or prejudice the right of the person named therein to defend any charge which subsequently be laid against him in respect to the infraction described in such notice.

SEVERABILITY

15. Each provision of this bylaw is independent of all other provisions. If any provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

16. Bylaw No. 6/95 is hereby repealed.

COMING INTO FORCE

17. This bylaw shall come into force and take effect on the date of final passing thereof.



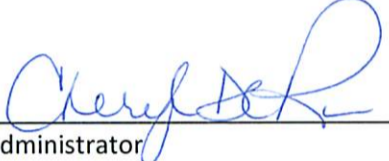


Mayor



Administrator

Certified a true copy of Bylaw No. 5/2015
Adopted by resolution of Council on the
15th day of April, 2015



Administrator