

Rural Municipality of Buckland No. 491

Bylaw No 5 of 2017

**A BYLAW FOR THE PURPOSE OF PREVENTION, PROHIBITING,
CONTROLLING OF LOUD AND EXCESSIVE NOISE, OR ANY NOISE WHICH
UNREASONABLY DISTURBS, INJURES, OR ENDANGERS THE COMFORT, REPOSE,
HEALTH, PEACE OR SAFETY OF OTHER PERSONS.**

The Council of the Rural Municipality of Buckland No. 491, in the Province of Saskatchewan enacts as follows:

TITLE

1. This bylaw shall be referred to as the "*Noise Bylaw*"

PURPOSE

2. To protect the health and welfare of people and environment by regulating, preventing, prohibiting, and controlling of loud and excessive noise, or noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of other reasonable persons.
3. In this bylaw:
 - (a) "**Administrator**" shall mean the Administrator of the municipality, and shall include any person designated to act on the Administrator's behalf;
 - (b) "**Council**" means the council of the Rural Municipality of Buckland No. 491;
 - (c) "**Designated Officer**" means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator, a Bylaw Enforcement Officer and a Peace Officer;
 - (d) "**Emergency Vehicle**" shall mean an ambulance, a fire department vehicle, a police vehicle.
 - (e) "**Motor vehicle**" means a motor vehicle as defined in the *Traffic Safety Act*.
 - (f) "**Municipality**" means the Rural Municipality of Buckland No. 491.
 - (g) "**Occupant**" shall mean the owner or owners, 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**" shall include any company or corporation, owner, partnership, form, association, society, party or tenant.
 - (i) "**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 area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.
 - (j) "**Vehicle**" means a vehicle as defined in the *Traffic Safety Act*.

GENERAL PROHIBITION

4. a. No person shall make, continue or cause to allow to be made or continued any loud, 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 Municipality, except to the extent it is allowed by this bylaw.
- b. A loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers the comfort, repose, health, peace or safety of others is a question of fact to be determined by a court of competent jurisdiction which hears a prosecution of an offence against this bylaw.

DOMESTIC NOISE

5. No person being the owner or occupant of a 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 loud-speaker, amplifier, public address system, radio, television set, musical instrument, or any other apparatus, appliance, device or machine used for the production or amplification of sound, either in or on any public or private premises 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.
6. No person who owns, keeps, houses, harbors or allows to stay in their premises a dog, shall allow such dog to bark, howl, or whine excessively.
7. No person shall own, keep, house, or harbor any animal or bird, which by its cries or its sounds unduly disturbs the peace, quiet, rest or tranquility of the neighbourhood or the public at large.
8. Without restricting the generality of Section 4, no person shall operate or allow to be operated in any residential district between the hours of 10 o'clock pm and 6 o'clock am:
 - a. a lawn mower of any kind;
 - b. a leaf blower;
 - c. a snow clearing machine powered by an engine of any type;
 - d. a rototilling machine of any kind; or
 - e. any other machine or device of a similar or like nature that is powered by an internal combustion engine or an electrical motor

EXCEPTIONS

9. The provisions of this Bylaw shall not apply to;
 - a. The performance of work by any person directly associated with an Agricultural Operation for the purpose of carrying on all activities normally associated with a farming operation including the operation of farming implements;
 - b. the sounding of a general or particular alarm or warning to announce a fire or other emergency or disaster;
 - c. The sounding of police whistles or the sirens or other signaling devices on any vehicle used by the police or fire department or on any ambulance or public service vehicle;

- d. any sound amplification equipment used by the police, fire department or an ambulance or public services;
 - e. the ringing of bells in churches, religious establishments and schools;
 - f. 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 lawful public gatherings of a similar nature;
 - g. Work carried on by the Municipality or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be;
 - h. the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the SaskPower Corporation, SaskEnergy Corporation and Saskatchewan Telecommunications;
 - i. any person who has obtained written permission from the Municipality.
10. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
- a. in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues; and
 - b. in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
11. The imposition of any penalty for violation of this bylaw shall not relieve the person or corporation for complying with this bylaw.
12. Notwithstanding section 11, where a person commits or is alleged to have committed an infraction of this bylaw a Designated Officer may give to a person or corporation either in person, by mail or affixing the same to the dwelling a Notice of Violation requiring such person to appear at the Municipality's office within 14 days and pay to the municipal employee thereat, as a penalty for the specific infraction, the sum of:
- a. \$100.00 for a first offence.
 - b. \$200.00 in the case of each and every subsequent offence within a twenty-four (24) hour period.
 - c. \$500.00 in the case of any subsequent offence within three (3) months of any previous offence;
13. Compliance with the Notice referred to in section 13 shall relieve the person to whom the Notice was issued from liability to such prosecution.

SEVERABILITY

14. If a Court of competent jurisdiction should declare any section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

15. Bylaw No. 5 of 1992 is hereby repealed.

COMING INTO FORCE

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

Introduced and read a 1st time, this 10th day of October, 2017.

Read a 2nd time, this 10th day of October, 2017.

Read a third time and adopted this 10th day of October, 2017

(corporate seal)

REEVE

ADMINISTRATOR