

BYLAW NO. 2013 – 04

Town of Rocanville

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

Short Title

1. This Bylaw may be cited as The Noise Bylaw, 2013.

Purpose

2. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Town of Rocanville through the reduction, control and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

Definitions

3. In this Bylaw,
 - (a) “Council” means the Council of the Town of Rocanville;
 - (b) “dwelling unit” means a dwelling unit within the meaning of *The Zoning Bylaw*;
 - (c) “engine brake” means a device commonly used in a truck, power unit or semi-trailer unit to slow or brake the vehicle by means of closing the exhaust valves on the engine of the vehicle, or any similar device;
 - (d) “justice” means a judge of the Provincial Court of Saskatchewan or a presiding justice of the peace;
 - (e) “motor vehicle” means a motor vehicle within the meaning of *The Highway Traffic Act*;
 - (f) “permitted premises” means permitted premises within the meaning of *The Alcohol and Gaming Regulation Act, 1997*;
 - (g) “power unit” means a power unit within the meaning of *The Highway Traffic Act*;
 - (h) “semi-trailer” means a semi-trailer within the meaning of *The Highway Traffic Act*;
 - (i) “Town” means the Town of Rocanville;
 - (j) “truck” means a truck within the meaning of *The Highway Traffic Act*;
 - (k) “Zoning Bylaw” means *The Zoning Bylaw No. 69-7* of the Town of Rocanville.

Scope

4. (a) This Bylaw applies to the control of all sound originating within the jurisdictional limits of the Town of Rocanville.
 - (b) This Bylaw is intended to apply to making, or knowingly permitting to be made, any unreasonably loud or excessive noise, disturbance or commotion in any dwelling unit, place of business or other structure, or upon any public street, park or other place or building.

The ordinary and usual sounds and noises incidental to the occupation and use of property and the activities of persons in the Town, when conducted in accordance with usual standards or practices and in a manner that will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business, are not intended to be subject to the provisions of this Bylaw.

General Prohibition

5. (a) No person shall make, continue or cause to be made or continued, or suffer or permit to be made or continued:
 - (i) Any unreasonably loud or excessive noise;
 - (ii) Any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity within the jurisdictional limits of the Town;
 - (iii) Any noise which is so harsh, prolonged, unnatural or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighbourhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbours or their guests, or operators or customers of places of business, or as to detrimentally or adversely affect such residences or places of business; or
 - (iv) 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.
- (b) Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
 - (i) the proximity of the sound to sleeping facilities, whether residential or commercial;
 - (ii) the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (iii) the time of day or night the sound occurs;
 - (iv) the duration of the sound;
 - (v) the volume of the sound;
 - (vi) the nature of the sound;
 - (vii) whether the sound is recurrent, intermittent or constant; and
 - (viii) the nature of the event or activity from which the sound emanates.
- (c) In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer from the evidence of a peace officer relating to the conduct of a person or persons that a sound is unreasonably loud or excessive.

Noises Prohibited

6. The following acts are deemed to be violations of this Bylaw *per se*. This enumeration does not constitute an exclusive list:
 - (a) *Domestic Noises*: In residential neighbourhoods, the operation of power equipment or machinery used in lawn and garden care or property maintenance including any lawn mower, leaf blower, hedge trimmer, power fan, edge trimmer, line trimmer, roto-tiller, snow blower, compressor, internal combustion engine or similar equipment, between the hours of 10:00 p.m. and 7:00 a.m. the next morning.
 - (b) *Musical Devices/Instruments*: The use or operation of a radio, television, music equipment, musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of persons residing in the vicinity including persons residing in separate dwelling units within the building from which the sound emanates.
 - (c) *Idling Trucks*: In residential neighbourhoods, the idling of any truck or power unit or the operation of any motor, or similar device on a semi-trailer for more than twenty (20) minutes.
 - (d) *Engine Brakes*: The use of an engine brake on any motor vehicle driven within the Town of Rocanville, except in cases of emergency.
 - (e) *Construction or Repair of Buildings*: The construction, demolition, alteration or repair of any building or structure between the hours of 10:00 p.m. and 7:00 a.m. the next morning, that produces sound that is plainly audible across the property line of the property from which the sound emanates and is unreasonably loud or excessive. In cases of emergency, construction noises are exempt from this provision.

- (f) *Permitted Premises:* Any unreasonably loud or excessive noise in a permitted premises or in a patio area which is part of the permitted premises which can be heard in a residential neighbourhood and which unreasonably disturbs the peace, quiet and comfort of persons in the residential neighbourhood.

Exemptions

7. Sounds caused by the following are exempt from the prohibitions set out in this Bylaw:
- (a) The reasonable sounding of any bell, siren, chime, whistle or similar device by a church, religious organization, school or other educational institution.
 - (b) A parade which the Town has approved.
 - (c) An outdoor religious service, memorial service or other similar gathering.
 - (d) The construction, repair and maintenance of streets, sidewalks, alleys, water mains, sewer mains, parking lots and other works performed by the Town or by a contractor.

Application to Council

8. 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 the Bylaw with respect to any source of sound.

Offences and Penalties

9. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a minimum fine of \$100 to a maximum fine of \$500. In default of payment of a fine and costs, to imprisonment for a term of not more than 30 days.

Repeal

10. Bylaw No. 88 – 1 is repealed.

Coming Into Force

11. This Bylaw shall come into force on the 9th day of May, 2013.

Mayor

SEAL

Administrator

1st Reading – April 24, 2013
2nd Reading – April 24, 2013
3rd Reading – May 8, 2013