

RURAL MUNICIPALITY OF WELLINGTON No. 97

BYLAW NO. 4-2013

A BYLAW FOR THE PURPOSE OF PROHIBITING, ELIMINATING AND ABATING NOISE

The Council of the Rural Municipality of Wellington No. 97, in the Province of Saskatchewan, enacts as follows:

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

GENERAL REGULATIONS

2.
 - a) 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 unnecessary noise, or any unusual noise.
 - b) 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 Hamlets in 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.

DOMESTIC NOISES

3. Without restricting the generality of Section 3, no person shall operate or allow to be operated in any residential district:
 - a lawn mower of any kind;
 - a snow clearing machine powered by an engine of any type;
 - 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 electrical motor
 - a) after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday (Monday through Friday);
 - b) after the hour of 10 o'clock in the evening and before the hour of 8 o'clock in the morning of any weekend (Saturday and Sunday) and holiday.
4. No person who owns, keeps, houses, harbours or allows a dog to stay in his premises shall allow such dog to bark excessively or to howl excessively.
5.
 - a) 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, a 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 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.
 - b) For the purposes 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 area of such building and the surrounding the building within the boundaries of the lot shall be deemed to be separate premises;
 - c) For the purposes 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.

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CONSTRUCTION NOISES

6. Except in an emergency, no person shall carry on the construction, erection, demolition, alternation or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or other equipment capable of creating a sound beyond the boundaries of the site on which the activity is being carried on:
- a) after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday (Monday through Friday);
 - b) after the hour of 10 o'clock in the evening and before the hour of 8 o'clock in the morning of any weekend (Saturday and Sunday) and holiday.
7. 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 noise nature, so as to create a noise which may be heard in any residence building,
- a) after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday (Monday through Friday);
 - b) after the hour of 10 o'clock in the evening and before the hour of 8 o'clock in the morning of any weekend (Saturday and Sunday) and holiday.

TRUCK MOTORS

8. No person shall allow the motor on a tractor which pulls a trailer or on 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 Hamlet.

EXEMPTIONS

9. 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 factory whistles and similar devices at normal appropriate times;
 - g) the sounding of police whistles or the sirens or other signalling devices 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;
 - 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 lawful public gatherings of a similar nature;
 - k) the use of any tractors, trucks or other equipment for snow removal, snow clearing, refuse collection or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;

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- l) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Sask Power Corporation, Sask Energy Corporation and Saskatchewan Telecommunications;
10. Council may, by resolution, exempt from the provisions of this Bylaw, noise made by any person, firm, or corporation in the lawful operation of any farming, industrial or commercial or any other business undertaking.

PENALTIES

11. a) Any person who contravenes any provisions of this Bylaw, is guilty of an offence and is liable on summary conviction to a minimum fine of \$100.00 and a maximum fine not in excess of \$500.00 or in default of payment of the fine and costs, to imprisonment for a period not exceeding 30 days.
- b) Voluntary payment of a specified penalty sum is hereby authorized. Every contravention of this Bylaw shall have a specified penalty sum equal to the minimum fine allowed for the contravention. Voluntary payment shall be received within 7 days of the date of the contravention notice. Failure to do so will result in summary conviction proceedings.
12. The provisions of this bylaw shall apply within the limits of all Hamlets within the boundaries of the Rural Municipality of Wellington No. 97.

(seal)



Reeve

Heather Wauro
Administrator

Certified to be a true copy of Bylaw No. 4-2013 adopted by the council of the Rural Municipality of Wellington No. 97 on the 9 day of August 2013.



Heather Wauro
Administrator