

BYLAW NO. 99

A BYLAW OF THE VILLAGE OF ABBEY IN THE PROVINCE OF SASKATCHEWAN, TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE.

WHEREAS Section 83 of The Urban Municipality Act, 1984 provides that Council may pass bylaws for all or any of the following purposes:

- a) for the peace, order and good government of the urban municipality;
- b) for promoting the health, safety, morality and welfare of the inhabitants of the urban municipality:

and,

WHEREAS Section 128 provides that Council may pass such bylaws as are deemed expedient and are not contrary to law for the control of Noise:

and

WHEREAS Section 128 of The Urban Municipality Act, 1984 provides that council may pass Bylaws for all or any of the following purposes:

- a) prohibit, regulate or abate noise from whatever source, on any public or private place, and, without restricting the generality of the foregoing, may establish permissible noise levels or may provide that no one shall make any unnecessary or unreasonable noise for all or varying periods of the day within the urban municipality.
- b) prohibit and regulate the use of loudspeakers or other devices for the amplification of sound on any street or other public or private place or in any building.

and,

WHEREAS the incident of noise in the Village of Abbey is such that Council of the Village of Abbey deems it expedient that regulations be made restricting and abating the activities which give rise to unnecessary noise in the Village:

and

WHEREAS the intent of this Bylaw is that all noise shall be reduced as far as possible compatible with the normal activities of urban life and the unnecessary noise be eliminated.

NOW THEREFORE, THE COUNCIL OF THE VILLAGE OF ABBEY ENACTS AS FOLLOWS:

1. This Bylaw be cited as "The Noise Bylaw".
2. In this Bylaw, including this Section:
  - a) "Village" means the Corporation of the Village of Abbey, or the area contained within the boundaries of the Village of Abbey 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 Village of Abbey;
  - c) "motor vehicle" means "motor vehicle" as defined in the Highway Traffic Act of Saskatchewan;
  - d) "residential building" means a building which is constructed as a dwelling for human beings;
  - e) "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;
  - f) "weekday" means any day other than a Sunday or 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 unnecessary noise, or any unusual noise.
- b) Except to the extent it is allowed in 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 allowed to be continued, any noise whatsoever which either annoys, disturbs, injures, or endangers other persons within the limits of the Village.
- c) What constitutes 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 offense 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 snow clearing device, a chain saw, or a roto tiller, powered by an engine of any type or a model aircraft driven by an internal combustion engine in the Village of Abbey between the hours of:

- a) 11:00 o'clock in the evening and 7:00 o'clock of the next morning on weekdays;
- b) 11:00 o'clock in the evening and 9:00 o'clock in the morning of the following day which is a Sunday or holiday.

5. No person who owns, keeps, houses, harbors or allows to stay in his premises a dog, shall allow such dog to bark excessively or howl excessively.

6. a) No person, being the owner or occupant of any premises, shall operate, or permit to be operated, or suffer 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 the Village of Abbey 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.
- b) 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 area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.
- c) 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 capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, in any district in the Village of Abbey before the hour of 7 o'clock in the morning of any day, or after the hour of 11 o'clock in the evening 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 11 o'clock in the evening and 7 o'clock in the morning.

#### 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 place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to person using or frequenting any street or other public place.

#### MOTORS

10. No person shall allow the motor on a truck or tractor which pulls a trailer or on a semi-trailer truck to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, is stationary in the Village of Abbey between the hours of:

- a) 11 o'clock in the evening and 7 o'clock in the morning on weekdays.
- b) 11 o'clock in the evening and 9 o'clock in the morning of the following day which is a Sunday or holiday.

#### 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;
  - 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 factory whistles and similar devices at normal appropriate times;
  - f) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
  - g) the sounding of police whistles or the sirens on any vehicles 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;
  - j) transit vehicles engaged in normal transit operations.

#### COUNCIL DISCRETION

12. At the discretion of council upon any application, the Council may, by resolution, grant an exemption to any person or organization from any of the provisions of this Bylaw with respect to any source of sound.

13. Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to a minimum fine of fifty (\$50.00) dollars and maximum fine not in excess of two thousand (\$2,000.00) dollars or, in default of payment of the fine, to imprisonment for a period not exceeding 30 days.

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

15. This bylaw given three readings and passed the 20th day of September 1995.

  
\_\_\_\_\_  
Mayor

SEAL

  
\_\_\_\_\_  
Administrator

Certified a true copy of  
Bylaw 95-3 adopted by resolution of  
Council on the 20th day of September,  
1995

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Administrator