

TOWN OF STOUGHTON

Bylaw #424/14

A bylaw of the Town of Stoughton for control of unnecessary noise.

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

PART I - INTERPRETATION

1. This Bylaw shall be cited as the "Noise Bylaw"
2. **Definitions:**
 - i. "Town" means the Town of Stoughton;
 - ii. "Council" means the municipal council of the Town of Stoughton;
 - iii. "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 Town of Stoughton;
 - iv. "Motor Vehicle" shall have the same meaning given it in *The Traffic Safety Act*, and amendments thereto;
 - v. "Night" means the period commencing at 2300 hours and ending at 0700 hours of the following calendar day;
 - vi. "Occupant" means 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;
 - vii. "Person" includes a corporation, partnership, association or society;
 - viii. "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;
 - ix. "Public property" means any highway, parkland, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which the public has or is permitted to have access, whether on pavement or otherwise, that is owned by the Town of Stoughton;
 - x. "Residential district" means a district where people live, occupied primarily by private residences;
 - xi. "Semi-trailer" shall have the same meaning given it in *The Traffic Safety Act*, and amendments thereto;
 - xii. "Signaling 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 bicycle;
 - xiii. "Truck" shall have the same meaning given it in *The Traffic Safety Act*, and amendments thereto;
 - xiv. "Weekday" means any day other than a Sunday or holiday.

PART II – STANDARDS

3. Except as may be authorized under this bylaw:
 - a. No person shall make, cause or permit any noise or sound on private or public property that unreasonably disturbs, or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
 - b. No person owning or controlling premises shall permit the use and occupation of those premises in a way that makes or causes any noise or sound that unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.
4. In determining whether a noise or sound unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity, consideration may be given but is not limited to the:

- a. Type, volume and duration of the sound;
 - b. Time and day of the week;
 - c. Nature and use of the surrounding area; and
 - d. The nature of the activity of persons being disturbed.
5. 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 11:00 o'clock in the evening and 7:00 o'clock of the next forenoon on weekdays, Sundays and holidays.
 6. 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.
 7. 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, phonograph, record player, tape recorder, 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 or 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.
 8. 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, or 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 jackhammer or pneumatic drill, a tractor or bulldozer or any other tools, device or machine of a noisy nature, so as to create a noise which may be heard in any residence between the hours of 11:00 o'clock in the evening and 7:00 o'clock of the next forenoon on weekdays, Sundays and holidays.
 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 loudspeakers 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 result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.
 10. No person shall allow the diesel 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 residential district.
 11. Except as provided under Section 10 hereof, no person shall allow the diesel motor of any motor vehicle to remain running for longer than 30 minutes while the motor vehicle is stationary in a residential district.
 12. 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 a motor vehicles' horns or the use of sound amplification equipment in connection with any parade authorized by Council;
 - d. The moderate playing of musical instruments appropriate to any religious street service;

- e. The sounding of a general or 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 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 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 public utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy Corporation and Saskatchewan Telecommunications.

13. Notwithstanding any other provision of this bylaw:

- a. A person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature;
- b. A person may apply for and receive from the Town a permit for a special event, which in the Council's opinion is in the public interest, in which case the requirements of this bylaw may be waived;
- c. Council may grant exemptions to this bylaw upon application as it may consider to be in the public interest.

14. 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.

PART III – ENFORCEMENT

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

PART IV – OFFENCES AND PENALTIES

16. Any person in violation of a provision of this 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.

17. Where any person commits or alleged 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 to the Town Administrator the sum of one hundred dollars (\$100.00) for the first offence and two hundred dollars (\$200.00) 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.

PART V – SEVERABILITY

18. 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.
19. Bylaw #176/82 is hereby repealed.
20. This Bylaw shall come into force and take effect on the day of its final passing.

SEAL



Certified a true copy of the bylaw
adopted by resolution of council on the
4th day of November, 2014.

~~Bill Knous, Mayor~~

PAT SHIELS, DEPUTY MAYOR

R. C. Miskolczi, Administrator

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