

## BYLAW No. 3-96

### A BYLAW TO CONTROL AND REGULATE NOISE

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

#### TITLE

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

#### DEFINITIONS

2. In this Bylaw, including this section:
  - (a) "municipality" means the Town of Lumsden;
  - (b) "holiday" means any holiday as defined in The Interpretation Act, or any holiday proclaimed as such by the municipality;
  - (c) "motor vehicle" means a vehicle propelled or driven by any means other than by muscular power;
  - (d) "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.
  - (f) "residential building" means a building which is constructed as a dwelling for human beings;
  - (g) "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;
  - (h) "weekday" means any day other than a holiday;
  - (i) "zoning district" means an area as provided in the Town's Zoning Bylaw and any amendments made thereto.

#### GENERAL PROHIBITION

3.
  - (1) Except to the extent it is allowed to 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.
  - (2) Except to the extent it is allowed by 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 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 municipality.
  - (3) 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.

4. Without restricting the generality of Section 3, no person shall operate or allow to be operated a lawn mower of any kind, rototiller, or a snow clearing device powered by an engine of any type or a model aircraft driven by an internal combustion engine in any within 500 feet of an inhabited building within the residential district between the hours of:
  - (a) 10 o'clock in the evening and 7 o'clock in the next forenoon on weekdays;
  - (b) 10 o'clock in the evening and 9 o'clock in the next forenoon of the following day which is a Sunday or holiday;
5. No person who owns, keeps, houses, harbours or allows to stay in his premises a dog shall allow such dog to bark or howl excessively.
6. 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, any radio, phonograph, record-player, tape recorded, 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.

#### **CONSTRUCTION NOISES**

7. Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type or 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, after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning 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 creating a noise which may be heard in any residence between the hours of 10 o'clock in the evening and 7 o'clock in the morning of any day.

#### **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 of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place.

#### **DIESEL MOTORS**

10. No person shall allow the diesel motor of a tractor intended to be used for the pulling of a trailer to remain running for longer than 20 minutes while stationary in a residential district.

#### **MOTOR VEHICLE NOISES**

11.
  - (a) No person or persons by use of any device on a motor vehicle, shall while operating a motor vehicle make any unnecessary or unreasonable noise on any street or on private premises in a residential district or within 500' of an inhabited building in such a manner that the noise can be easily heard and disturbs or annoys the comfort or repose of other persons in the vicinity of the premises.
  - (b) Without restricting the generality of the foregoing, unnecessary or unreasonable noise shall include noise caused by the screeching of tires, backfiring of motors, blowing of horns and power turns.

**EXCEPTIONS**

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 motor vehicles' horns or the use of sound amplification equipment used in conjunction with any parade;
  - (d) the moderate playing of musical instruments appropriate to any religious street service;
  - (e) the sounding of a general or particular alarm of 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 commodious space in connection with any public election meeting, public celebration, or other reasonable gathering;
  - (j) municipal equipment or vehicles engaged in normal public service operations;
  - (k) the sounding of motor vehicle horns when used within reason;
  - (l) railroad trains and other transit vehicles engaged in normal transit operations.

**PENALTIES**

13. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a minimum fine of Fifty (\$50.00) Dollars and a maximum fine not in excess of Five Hundred (\$500.00) Dollars.
14. Bylaw No. 6-85, being A Bylaw For The Purpose of Prohibiting, Eliminating, and Abating Noise, is hereby repealed.

(SEAL)

  
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Mayor

  
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Administrator

Certified to be a true copy of Bylaw No. 3-96 adopted by resolution of Council of the Town of Lumsden on the 10<sup>th</sup> day of June, 1996.

  
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Administrator

(SEAL)