

Bylaw 2-18

A BYLAW OF THE TOWN OF THE TOWN OF YELLOW GRASS IN THE PROVINCE OF SASKATCHEWAN, TO PROHIBIT ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN NOISES MAY BE MADE

WHEREAS the incident of noise in the Town of Yellow Grass is such that the Council of the Town of Yellow Grass deems it expedient that regulations be made restricting and abating the activities which give rise to unnecessary noise in the Town 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 that unnecessary noise be eliminated.

NOW THEREFORE, THE COUNCIL OF THE TOWN OF YELLOW GRASS ENACTS AS FOLLOWS:

- 1. This Bylaw be cited as “The Noise Bylaw”**
- 2. In this Bylaw including this Section:**
 - (a) “Town” means the Corporation of the Town of Yellow Grass, or the area contained within the boundaries of the Town of Yellow Grass as the context requires;**
 - (b) “motor vehicle” means “motor vehicle” as defined in the Vehicles Act of Saskatchewan;**
 - (c) “residential building” means a building which is constructed as a dwelling for human beings;**
 - (d) “signaling devise” 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;**

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, 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, endangers or detracts from the comfort, repose, health, peace or safety of other persons, within the limits of Town.**
 - (c) What constitutes 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 rototiller, powered by an engine of any type or a model aircraft driven by an internal combustion engine in any residential district between the hours of:**
 - (a) 11:00 o’clock in the evening and 7:00 o’clock of the next morning.**

5. **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.**
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 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 between the hours of 11:00 o'clock in the evening and 7:00 o'clock in the morning.**
(b) For the purpose of the 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 purposed 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 Town of Yellow Grass between the hours of 9 o'clock in the evening and 7 o'clock in the morning.**
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 a 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 9 o'clock in the evening and 7 o'clock in the morning.**

MOTORS

9. **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 a residential district between the hours of 11 o'clock in the evening and 7 o'clock in the morning.**

EXCEPTIONS

10. The Provisions of this Bylaw shall no 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 the 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 vehicle used by the police or fire department or an 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.**

COUNCIL DISCRETION

- 11. 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 this bylaw with respect to any source of sound.**

ORDERS AND PENALTIES

12. No person shall:

- (a) fail to comply with an order made pursuant to this Bylaw;**
- (b) obstruct or interfere with any Designated Officer or any other person acting under the authority of this Bylaw; or**
- (c) Fail to comply with any other provision of this Bylaw.**

13. Any person or corporation who commits an offence under this Bylaw is guilty of an offence punishable on summary conviction and is liable:

- (a) for a first or second offence, in the case of an individual who commits an offence under this Bylaw, to a minimum fine of Two Hundred Fifty (\$250.00) Dollars and**
- (b) a maximum fine of Two Thousand (\$2000.00) Dollars and in the case of a corporation to a minimum fine of Five Thousand (\$5000.00) Dollars, or in default of payment of the fine, to imprisonment for a period not exceeding Ninety (90) days;**

- (c) **for each subsequent offence, in the case of an individual who commits such subsequent offence within a one year period of time following his or her last conviction for an offence under this Bylaw to a minimum fine of Two Thousand (\$2000.00) Dollars.**
14. **Any person or corporation who contravenes any provision of this Bylaw three or more times within a one year period shall be subject to the maximum fine provided in Section 16 for each conviction.**
15. **Bylaw No. 4-06 is hereby repealed**
16. **This Bylaw shall come into force and take effect on the day of the final passing thereof.**

Introduced and read a first time this 12th day of April, 2018

Read a second time this 12th day of April, 2018

Read a third time and passed this 12th, day of April, 2018

Mayor

Administrator