

## TOWN OF EATONIA

### BYLAW NO. 3/14

#### A BYLAW TO PROVIDE FOR THE MANAGEMENT OF THE CONTROL OF NOISE

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**WHEREAS** Section 8(1)(a) of *The Municipalities Act* provides:

A municipality has a general power to pass any bylaws for the purposes of the municipality that it considers expedient in relation to the following matters respecting the municipality:

- a) the peace, order and good government of the municipality;

**THEREFORE**, the Council of the Town of Eatonia, in the Province of Saskatchewan, enacts as follows:

#### **SECTION I**

#### **SHORT TITLE, APPLICATION AND INTERPRETATION:**

##### **Short Title**

1. This Bylaw may be cited as the Noise Bylaw.

##### **Application**

2. All provisions and enactments set forth in this Bylaw relate to and be in full force and effect within the limits of the Town of Eatonia.

##### **Interpretation**

3. In this Bylaw, including this section:
  - a) “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 Eatonia;
  - b) “Motor vehicle” means a vehicle propelled or driven by any means other than by muscular power;
  - c) “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;
  - d) “Premises” means the area contained within the boundaries of a 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;
  - e) “Residential building” means a building which is constructed as a dwelling for human beings;
  - f) “Residential district” means a district defined as such in the Zoning Bylaw enacted by the Council of the Town of Eatonia and amendments thereto;
  - g) “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 a bicycle;
  - h) “Town” shall mean the Town of Eatonia in the Province of Saskatchewan;
  - i) “Weekday” means any day other than a Sunday or holiday;
  - j) “Zoning Bylaw” means Bylaw No. 2/82 as enacted by the Council of the Town of Eatonia and amendments thereto and includes any bylaws passed in substitution for or in addition to Bylaw No. 2/82.

## **SECTION II**

### **GENERAL PROHIBITION:**

4. 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 allowed 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 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 all 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 Town.
- 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.

## **SECTION III**

### **DOMESTIC NOISES:**

5. a) Without restricting the generality of Section II, no person shall operate or allow to be operated a lawn mower of any kind, a snow clearing device, a chainsaw, or a roto tiller, 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:
  - (1) 11 o'clock in the evening and 7 o'clock of the next forenoon on weekdays;
  - (2) 11 o'clock in the evening and 9 o'clock in the forenoon of the following day which is a Sunday or holiday.
- b) 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.
- c) 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 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 manner that the same can be easily heard by an individual or member of the public who is not on the premises from which such noise or sound emanates.

### **CONSTRUCTION NOISES**

6. a) 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, other than one designated in the Zoning Bylaw as an Industrial District after the hour of 11 o'clock in the evening and before the hour of 7 o'clock in the morning of any day.
- b) Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a rivetting 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.
- c) Any equipment utilized to clear snow, sweep parking lots or undertake normal outside maintenance of commercial properties that are located within 500 feet of a private

residence, shall not be permitted to operate between the hours of 11 o'clock in the evening and 7 o'clock of the next forenoon on weekdays, or between 11 o'clock in the evening and 9 o'clock of the next forenoon of the following day which is a Sunday or holiday.

- d) The provisions of Section 6 hereto do not apply to any work carried on by the town or by a contractor carrying out the instructions of the town which are of an exigent nature.

#### **ADVERTISING NOISES:**

7. 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 other audible means, on any street or other public place or in any building or premise with the intention or result that the sound there from shall be or is audible to persons using or frequenting any street or other public place.

#### **DIESEL MOTORS:**

8. a) No person shall allow the diesel motor on a truck, on a 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:
- 1) 11 o'clock in the evening and 7 o'clock of the next forenoon on weekdays;
  - 2) 11 o'clock in the evening and 9 o'clock in the forenoon of the following day which is a Sunday or holiday.

#### **SECTION IV**

#### **EXCEPTIONS:**

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;
  - 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 sound 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) 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;
  - I) transit vehicles engaged in normal transit operations;
  - j) the operation of municipally-owned equipment acting to sweep or flush or plow a street as part of a municipal service where, in the judgement of the Director of Works and Utilities, such action is not practicable between the hours of 7:00 a.m. and 11:00 p.m.

**SECTION V**

**COUNCIL DISCRETION:**

10. a) 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.
- b) Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on a summary conviction to a minimum fine of five hundred (\$500.00) and maximum fine not in excess of fifteen hundred (\$1,500.00) dollars or, in default of payment of the fine, to imprisonment for a period not exceeding 30 days.

**SECTION VI**

**REPEAL AND COMING INTO FORCE:**

**Repeal**

11. Bylaw No. 10/83 and 2/06 is hereby repealed.

**Coming into Force**

12. This bylaw shall come into force and be in effect on the final passing thereof.

Given 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> readings and adopted the 14<sup>th</sup> day of October, 2014.

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*R. W. Peters*  
Mayor

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*Cheryl Bailey*  
Administrator

Certified a true copy of  
Bylaw No. 3/14 adopted  
by resolution of Council  
on the 14<sup>th</sup> day of  
October, 2014.



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*Cheryl Bailey*  
Administrator