

## BYLAW NO. 1-2012

### A BYLAW OF THE R.M. OF SWIFT CURRENT NO. 137 FOR THE PURPOSE OF PREVENTION, PROHIBITING, CONTROLLING OF LOUD AND EXCESSIVE NOISE, OR ANY NOISE WHICH UNREASONABLY DISTURBS, INJURES, OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF OTHER PERSONS WITHIN THE HAMLET OF WYMARK.

The Council of the R.M. of Swift Current No. 137 in the Province of Saskatchewan, under provision of Section 8(1)(a) of *The Municipalities Act*, in open meeting hereby enacts as follows:

#### TITLE

1. This bylaw shall be referred to as the “*Wymark Noise Control Bylaw*”

#### PURPOSE

2. To protect the health and welfare of people and environment by regulating, preventing, prohibiting, and controlling of loud and excessive noise, or noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of other reasonable persons within the Hamlet of Wymark.
3. In this bylaw:
  - (a) “**Administrator**” shall mean the Administrator of the municipality, and shall include any person designated to act on the Administrator’s behalf;
  - (b) “**Council**” means the council of the Rural Municipality of Swift Current No. 137;
  - (c) “**Designated Officer**” means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator, a Bylaw Enforcement Officer and a Peace Officer;
  - (d) “**Emergency Vehicle**” shall mean an ambulance, a fire department vehicle, a police vehicle.
  - (e) “**Hamlet**” shall mean the Hamlet of Wymark
  - (f) “**Motor vehicle**” means a motor vehicle as defined in the *Traffic Safety Act*
  - (g) “**Municipality**” means the Rural Municipality of Swift Current No. 137.
  - (h) “**Occupant**” shall mean the owner or owners, 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.

- (i) **“Peace Officer”** means a peace officer as defined in *The Summary Offences Procedure Act, 1990*.
- (j) **“Person”** shall include any company or corporation, owner, partnership, form, association, society, party or tenant.
- (k) **“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.
- (l) **“Vehicle”** means a vehicle as defined in the *Traffic Safety Act*.

#### General Prohibition

- 4. a. No person shall make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the Hamlet, except to the extent it is allowed by this bylaw.
- b. A loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers the comfort, repose, health, peace or safety of others is a question of fact to be determined by a court of competent jurisdiction which hears a prosecution of an offence against this bylaw.

#### Domestic Noise

- 5. No person being the owner or occupant of a 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 any public or private premises 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.
- 6. No person who owns, keeps, houses, harbors or allows to stay in their premises a dog, shall allow such dog to bark, howl, or whine excessively.
- 7. No person shall own, keep, house, or harbor any animal or bird, which by its cries or its sounds unduly disturbs the peace, quiet, rest or tranquility of the neighborhood or the public at large.
- 8. Without restricting the generality of Section 4, no person shall operate or allow to

be operated in any residential district:

- a. a lawn mower of any kind;
  - b. a leaf blower;
  - c. a snow clearing machine powered by an engine of any type;
  - d. a rototilling machine of any kind; or
  - e. any other machine or device of a similar or like nature that is powered by an internal combustion engine or an electrical motor
- i. after the hour of 11 o'clock in the evening and before the hour of 7 o'clock in the morning of any day;

9 Without restricting the generality of Section 4, no person shall set off any fireworks, firecracker, or similar object in a manner that would create a loud noise, danger, nuisance, annoy, disturbs, injures, or otherwise endanger or detract from the comfort, repose, health or safety of another person or property; and

- a. in any case no person shall set off any fireworks between the hours of 11:00 pm to 8:00 am the next day.

#### Construction Noise

10. a. No person in the Hamlet shall on any day before 7 a.m. or after 11 p.m. construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighborhood or of persons in the vicinity.
  - b. Where it is impossible or impractical to comply with this section, The R.M. Administrator may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.
11. Notwithstanding any provisions of this bylaw, 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.

#### Exceptions

10. The provisions of this Bylaw shall not apply to;
- a. the sounding of a general or particular alarm or warning to announce a fire or other emergency or disaster;
  - b. the sounding of police whistles or the sirens or other signaling devices on any vehicle used by the police or fire department or on any ambulance or public service vehicle;

- c. any sound amplification equipment used by the police, fire department or an ambulance or public services;
  - d. the ringing of bells in churches, religious establishments and schools;
  - e. the playing of a band, the sound of a steam whistle, the sound of motor vehicles' horns or the use of sound amplification equipment used in connection with any parade approved by Council;
  - f. the moderate playing of musical instruments appropriate to any religious street service;
  - g. the use in a reasonable matter 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 lawful public gatherings of a similar nature;
  - h. the use of any tractors, trucks or other equipment for snow removal, snow clearing, refuse collection or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;
  - i. the use of any equipment for the repair and maintenance of any public utilities including the public utilities operated by the Sask Power Corporation, Sask Energy Corporation and Saskatchewan Telecommunications;
  - j. any person who has obtained a written permit from the Municipality.
11. Every person who contravenes any provision of this any bylaw is guilty of an offence and liable on summary conviction:
- a. in the case of an individual, to a fine not exceeding \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues; and
  - b. in the case of a corporation, to a fine not exceeding \$25,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
12. The imposition of any penalty for violation of this bylaw shall not relieve the person or corporation for complying with this bylaw.
13. Notwithstanding section 11, where a person commits or is alleged to have committed an infraction of this bylaw a Designated Officer may give to a person or corporation either in person, by mail or affixing the same to the dwelling a Notice of Violation requiring such person to appear at the Municipality's office

within 14 days and pay to the municipal employee thereat, as a penalty for the specific infraction, the sum of;

- a. \$200.00 for a first offence.
- b. \$350.00 in the case of each and every subsequent offence within a twenty-four (24) hour period.
- c. \$500.00 in the case of any subsequent offence within three (3) months of any previous offence;

14. Compliance with the Notice referred to in section 13 shall relieve the person to whom the Notice was issued from liability to such prosecution.

**Severability**

15. If a Court of competent jurisdiction should declare any section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

**Coming into Force**

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

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REEVE

S E A L

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ADMINISTRATOR

Read a Third Time and Passed by  
resolution of Council on the 10<sup>th</sup>  
day of January, 2012.

Certified a true copy of Bylaw No. 1-2012 passed  
by the Council of the R.M. of Swift Current No. 137  
on the 10<sup>th</sup> day of January, 2012.

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ADMINISTRATOR