

BYLAW NO. 183

A bylaw of The Town of Ogema to prohibit certain activities creating noise and to abate the incidence of noise and to restrict the hours when certain sounds may be made.

WHEREAS Section 152 of The Urban Municipality Act provides that Council may pass bylaws for all or any of the following purposes:

- (4) controlling and regulating the use of all streets, sidewalks and other public places and delegating to the police powers in connection therewith to act in an emergency;
- (8) prohibiting, eliminating or abating noise; and

WHEREAS Section 137 of The Urban Municipality Act provides that in matters not specifically provided for in the Act, the Council may pass such bylaws as are deemed expedient and are not contrary to law for the peace, order, and good government of the municipality and for promoting the health, safety, morality and welfare of the inhabitants thereof; and

WHEREAS Section 165 of The Urban Municipality Act provides that Council may pass bylaws for all or any of the following purposes:

- (21) prohibiting or controlling and regulating and use of loudspeakers or other devices for the amplification of sound 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; and

WHEREAS Sections 60 and 61 of The Planning and Development Act provides that Council may pass bylaws to: regulate the amount and nature of sound that may be emitted from a building or other structure, or from within a parcel of land or any operation thereon.....; and

WHEREAS the incidence of noise in The Town of Ogema is such that the Council of The Town of Ogema 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; and

NOW THEREFORE, the Council of The Town of Ogema enacts as follows:

1. This Bylaw may be cited as "The Noise Bylaw".
2. In this Bylaw, including this Section:
 - (a) "Town" means the corporation of The Town of Ogema or the area contained within the boundaries of The Town of Ogema as the context requires;
 - (b) "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 Ogema;
 - (c) "motor vehicle" means "motor vehicle" as defined in The Motor Vehicles Act of Saskatchewan;
 - (d) "residential building" means a building which is constructed as a dwelling for human beings;
 - (e) "residential district" means The Town of Ogema;
 - (f) "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;
 - (g) "weekday" means any day other than a Sunday or holiday.

GENERAL PROHIBITION

3. (1) 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.
- (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 Town.
- (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.

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, or a snow clearing device 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) 10 o'clock in the evening and 7 o'clock of the next forenoon on weekdays;
 - (b) 10 o'clock in the evening and 9 o'clock in the 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 excessively or howl excessively.

6. (1) 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 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.

(2) For the purpose of this Bylaw, "premises" shall mean the area contained within the boundaries of any lot and includes any building situate 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.

(3) For the purpose 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 Ogema, 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 create 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.

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 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 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.

DIESEL MOTORS

10. No person shall allow the diesel motor 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.

EXCEPTIONS

11. 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 connection with any parade;
- (d) the moderate playing of musical instruments appropriate to any religious 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 a factory whistles 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 vehicle;
- (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.

PENALTIES

12. (1) 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 or, in default of payment of the fine and costs, to imprisonment for a period not exceeding 30 days.

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

Mayor *Frank Frank*
Town Clerk *Lozinsky*

Seal

Certified a true copy of the bylaw adopted by resolution of the Council on the 23rd day of June, 1981.

Mayor *Frank Frank*
Town Clerk *Lozinsky*