



VILLE DE - TOWN OF

Gravelbourg

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BYLAW NO. 766/81

A BYLAW TO PROHIBIT, ELIMINATE AND ABATE LOUD, UNUSUAL AND UNNECESSARY NOISE.

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

Part 1 – Short Title & Definitions

1. This Bylaw may be cited as “The Noise Abatement Bylaw”

- a) “Town” means the corporation of the Town of Gravelbourg, or the area contained within its boundaries as the context requires.
- b) “Council” means the Council of the Town of Gravelbourg.
- c) “Emergency Vehicle” means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance.
- d) “Hospital zone” means an area which
 - i. is designated as such by signs or other devices, or
 - ii. any portion of the town within five hundred (500’) feet in any direction from the boundaries of a site which is situated a hospital as defined in “The Hospitals Revenue Act”, R.S.S. 1978, Chapter H-9
- e) “Motor Vehicle”, shall have the same meaning given it in “The Hospitals Revenue Act”, R.S.S. 1978, Chapter V-3 and amendments thereto.
- f) “Inspector” means any person or persons designated by Resolution of Council from time to time as may be required to enforce the Bylaw.
- g) “Person” includes any company, corporation, owner, partnership, firm, association, society, party, or tenant.
- h) “Peace Officer” shall have the same meaning as in the “Summary Offences Procedure Act”, R.S.S. 1978, S-63.
- i) “Public Highway” has the same meaning as that given it in “The Vehicle Act”, R.S.S. 1978, Chapter V-3.
- j) “Public Place” has the same meaning as that given it in “The Liquor Act”, R.S.S. 1978, Chapter V-3.
- k) “Residential Building” means a building which is constructed as a dwelling place for human beings and includes a hotel or motel.
- l) “Residential Zone” means a district defined as such in the Zoning Bylaw of the town.
- m) “Signaling Device” means a horn, gong, bell, claxon, or other device producing audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle.
- n) “Vehicle” shall have the same meaning given to it in “The Vehicle Act”, R.S.S. 1978, Chapter V-3 and amendments thereto.

Part II General Prohibitions

2. i) 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 limits of the town except to the extent it is allowed by this Bylaw.
- ii) WHAT IS a loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers or detracts from 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.

Part III Specific Prohibitions

3. (A) Motor Vehicle Noises

- a) No person shall create loud unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the town, whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
- b) No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the town resulting from any of the following acts:
 - i) The sounding of a motor vehicle signaling device or warning device, or siren, except where required or authorized by this Bylaw.
 - ii) The operation anywhere other than on a public highway **of an** engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment for a continuous period exceeding five minutes while such is stationary in a residential zone unless:
 - 1) The vehicle is in an enclosed structure so as to effectively prevent excessive noise emissions: or
 - 2) The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, the operation of ready-mixed concrete trucks, lift platforms or refuse compactors: or
 - 3) Weather conditions justify the use of heating or refrigeration systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo: or
 - 4) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine: or
 - 5) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit.
- c) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running longer than 15 minutes while the tractor-trailer or tractor alone is not in motion in any residential district or zone or in any other location within five hundred feet of a residential zone.
- d) The Provisions of Section 4 of this Bylaw do not apply to an emergency vehicle, or to work on a town street or public utility carried on by a town employee,

Saskatchewan Power Corporation, SaskTel, or to a contractor working for any of the above cited persons.

(B) COMMERCIAL and INDUSTRIAL NOISES

- a) No person shall load or unload motor trucks in any area designated as being a residential zone or within one block of the boundary of such zone between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next forenoon.
- b) No person shall advertise any event or merchandise by ringing bell, calling aloud, playing any type of musical instrument or by any audible means in any part of the town other than in an area designated under the Main Street Development District.

No person shall, without first obtaining a written permit from the Town Administrator, use or permit the use of a loud-speaker or other device for the amplification of sound;

- i) upon any street, lane, or other public place within the town: or
- ii) in or on any building or place with the intention that the sound there from shall be, or with the effect that is or may be, audible to persons using or frequenting any such street, lane or other public place.

4. Domestic Noises

- a) No person shall operate a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower, or snow clearing device powered by an engine of any description in a residential zone between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next morning.
- b) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of power garden tools is prohibited by subsection (a) in any residential zone.
- c) No person shall detonate fireworks or explosive devices in any area in town limits without first obtaining a permit from Town Council, with all applications for said permits to state hours, location and purpose of display.
- d) Every person who owns, or has the care or control of, or keeps or harbors, any animal which by reason of excessive barking, excessive howling, or other excessive noises, which disturbs other persons, is guilty of an offence under this Bylaw.

5. Construction Noises

- a) Unless permission of the building inspector is first obtained, no person shall carry on construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any area in town limits, after the hours (11:00) o'clock in the evening and before the hour of seven (7:00) in the morning of the next day.
- b) Unless permission of the building inspector of the town is first obtained, no person shall operate or allow to be operated:
 - i) a riveting machine
 - ii) a concrete mixer
 - iii) a gravel crusher
 - iv) a steam shovel
 - v) a trenching machine
 - vi) a drag line
 - vii) an air or steam compressor, jack hammer or pneumatic drill
 - viii) a tractor or bull dozer, or

ix) any other tool, device or machine of a noisy nature, so as to create a noise, confusion, or disturbance to be heard in a residential building between the hours of ten(10:00) o'clock in the evening and seven (7:00) o'clock in the morning of the next day.

c) 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.

6. Noises Absolutely Prohibited

No person other than a Police Officer in the regular course of duty shall discharge a firearm within the town limits.

PART IV EXEMPTIONS

7. a) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency situation.

b) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to a person who emits or causes to be emitted noise in connection with any of the following activities:

i) The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the town, in connection with any public election meeting, public celebration, recreational event, or other lawful gathering.

ii) Any band or parade, provided that the consent of the Town Council, to operate such band or hold such parade has first been obtained.

iii) Any carnival, fair or exhibition provided that the consent of the Town Council to operate or hold such carnival, fair or exhibition has first been obtained.

iv) Any event authorized by the town on town lands.

v) The sounding of bells in churches, religious establishments and schools.

vi) The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking approved by Town Council.

vii) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.

PART V SEVERABILITY

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

PART VI PENALTIES

9. a) 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.

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

Guy Dauphinais

Mayor

seal

Ernest Karlson

Administrator

