

TOWN OF ROCKGLEN

BYLAW NO. 05-2021

NOISE ABATEMENT BYLAW

The Council of the Town of Rockglen in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as "The Noise Abatement Bylaw."

Purpose

2. The purpose of this bylaw is to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Town of Rockglen through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

Definitions

3. In this bylaw;
 - a. "council" means the council of the Town of Rockglen;
 - b. "designated officer" means an employee or agent of the Municipality appointed by Council to act as a municipal inspector and/or Bylaw Enforcement Officer for the purposes of administration and enforcement of this Bylaw and/or their authorized representative;
 - c. "emergency vehicle" means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance;
 - d. "mixed use zone" means any mixed use zone established by the Zoning Bylaw for the Town;
 - e. "motor vehicle" shall have the same meaning given it in *The Traffic Safety Act*;
 - f. "municipality" means the Town of Rockglen;
 - g. "person" includes any company, corporation, owner, partnership, firm, association, society, party or tenant;
 - h. "public place" has the same meaning as that given it in *The Alcohol and Gaming Act Regulation, 1997*;
 - i. "residential building" means a building which is constructed as a dwelling place for human beings and includes a hotel or motel; and
 - j. "residential zone" means any zone as established in the Zoning Bylaw for the Town.

General Prohibition

4. No person shall make, continue, cause or permit to be made or continued any unreasonably loud or excessive noise likely to disturb any reasonable person within the municipality.
5. Factors for determining whether a sound is unreasonably loud or excessive noise

likely to disturb any reasonable person include, but are not limited to, the following:

- k. land use and zoning of the surrounding area, including proximity of the sound to any residential use or other use containing sleeping quarters;
 - l. time of day and day of week;
 - m. duration;
 - n. volume;
 - o. type of nature of the sound;
 - p. the frequency of occurrence;
 - q. the nature of the activity from which the sound emanates;
- and any other relevant factor.

Domestic Noises

- 6. 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) o'clock in the evening to seven (7) o'clock of the next morning.
- 7. No person shall operate a model aircraft driven by an internal combustion engine of any description between the hours of ten (10) o'clock in the evening to seven (7) o'clock of the next morning.
- 8. No person shall detonate fireworks or explosive devices in any area designated as a residential district between the hours of ten (10) o'clock in the evening to nine (9) o'clock of the next morning.
- 9. Every person who owns or has the care and control of, or keeps or harbours, any animal which by reason of excessive barking or excessive howling disturbs other persons is guilty of an offence under this bylaw.

Construction Noise

- 10. Except in an emergency, no person shall carry on construction of any type of structure which involves hammering, sawing, or the use of 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 district in the municipality other than designated in the Zoning Bylaw as M1 or M2 Industrial District or A1 Agricultural District between the hours of ten (10) o'clock in the evening to seven (7) o'clock of the next morning.
- 11. Except in the case of an emergency, no person shall operate or allowed to be operated:
 - a. a cement mixer;
 - b. a cement mixer truck;
 - c. a gravel crusher;
 - d. a riveting machine;
 - e. a trenching machine;
 - f. a drag line;
 - g. an air or steam compressor;
 - h. a jack hammer or pneumatic drill;
 - i. a tractor or bulldozer;
 - j. or 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) o'clock in the evening to seven (7) o'clock of the next morning.

Advertising Noises

- 12. No person shall advertise any event or merchandise by
 - a. ringing bells;
 - b. blowing whistles;
 - c. calling loudly;
 - d. playing music;
 - e. playing any type of musical instrument;
 - f. playing or using any type of noisemaking instrument; or
 - g. by the use of loudspeakers or other devices for the amplification of sound; or
 - h. 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 is audible to persons using or frequenting any street or public place.

Motor Vehicle Noises

- 13. No person shall create a loud unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the municipality, 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.
- 14. No person shall allow the diesel motor of a tractor intended to be used for the pulling of a trailer to remain running for longer than 20 minutes which stationary in a residential zone.

Land Use Noises

- 15. Subject to section 16, no person shall cause or permit to be made or continued any noise that exceeds the following standards for a cumulative period greater than 15 minutes in any hour measured in A-weighted decibels (dBA) using Type 2 sound level meter at 1.2 metres above the ground level surface of the lot line of site where the noise originates:

Zone	Sound Pressure (dBA)	
	7:00 a.m. – 10:00 p.m.	10:00 p.m. – 7:00 p.m.
Residential zone	75	55
Mixed use zone	75	60
All other zones within 30 metres of a residential zone	75	65
All other zones	85	75

- 16. The following noises shall be exempt from this section:
 - a. Noises from construction or maintenance activities between 7:00 a.m. and 10:00 p.m.;
 - b. Noises from safety signals, emergency vehicles and equipment, warning devices and emergency pressure release valves;
 - c. Notwithstanding section 13 and section 14, noises from motor vehicles, airplanes and trains; and
 - d. Ordinary domestic noises at a residential property such as voices or music and noise generated by tools or animals.

Exemptions

- 17. 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:

- a. 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 municipality in connection with any public election meeting, public celebration, recreational event, or other lawful gathering;
- b. Any band or parade, provided the consent of the Council has been first obtained;
- c. Any carnival, fair or exhibition provided that the consent of the Council to operate or hold such carnival, fair or exhibition has been first obtained;
- d. Any event authorized by the municipality on Town owned lands;
- e. The sounding of bells in churches, religious establishments and schools;
- f. The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking;
- g. The sounding of factory whistles, train whistles, and similar devices at normal appropriate times;
- h. The use of any tractors, trucks or other equipment for snow removal, snow clearing 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 utilities operated by Saskatchewan Power Corporation, SaskEnergy, Sasktel and the municipality.

Council Discretion

18. At the discretion of Council, upon receipt of a written application, the Council may, by resolution, grant and exemption to any person from any of the provisions of this bylaw with respect to any source or sound.

Severability

19. 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 remain in force and effect.

Penalties

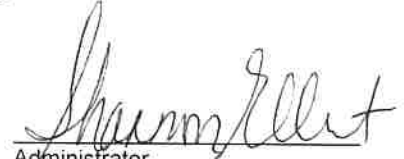
20. Subject to section 21, any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:
 - a. two thousand dollars (\$2,000) in the case of an individual;
 - b. five thousand dollars (\$5,000) in the case of a corporation:or, in default of payment by an individual, by imprisonment for a term of not more than thirty (30) days.
21. Pursuant to section 10 of *The Summary Offences Procedure Act, 1990*, where a Summary Offence Ticket Information is issued for a violation of any section of this bylaw, the designated officer may enter on the ticket the following voluntary payment amounts:
 - a. \$200.00 for the first offence; and
 - b. \$400.00 in the case of any subsequent offence within three months of any previous offence.

Coming into force

- 22. Bylaw No. 4-08, A Bylaw of the Town of Rockglen in the Province of Saskatchewan respecting Noise is hereby repealed.
- 23. This bylaw shall come into force and take effect upon the final passing thereof.




Mayer


Administrator

Certified a true copy of
Bylaw# 5-2021 adopted by
Resolution of Council on 11 Day
of August 2021 Town
Administrator Sharon Ellet