

TOWN OF MAPLE CREEK

BYLAW NO. 2014-MC-14

A BYLAW TO CONTROL AND REGULATE NOISE

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

1. This Bylaw may be cited as "The Noise Bylaw".
2. In this Bylaw, including this section:
  - (a) "municipality" means the Town of Maple Creek;
  - (b) "holiday" means any statutory holiday as defined in *The Interpretation Act, 1995*, and amendments thereto, or any holiday proclaimed as such by the municipality;
  - (c) "Jake/Engine Brakes" means a device commonly used in trucks, power units, semi trailer units or other vehicles to slow or brake the said vehicle by means of closing exhaust valves on the engine of said vehicle; or any similar device.
  - (d) "motor vehicle" means "motor vehicle" as defined in *The Vehicle Administration Act*;
  - (e) "occupant" means the owner, occupant or licensee of the premises or any person found on the premises at or around the time where the noise or sound issues from the premises.
  - (f) "premises" means 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.
  - (g) "residential building" means a building which is constructed as a dwelling for human beings;
  - (h) "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;
  - (i) "weekdays" 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 allow 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 municipality.
- (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 11 o'clock in the evening and 7 o'clock of the next day;
5. (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.

### **Construction Noises**

6. 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, after the hour of 11 o'clock in the evening and before the hour of 7 o'clock in the morning of any day.
7. 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 tools, device or machine in any residence between the hours of 11 o'clock in the evening and 7 o'clock in the morning.

### **Advertising Noises**

8. 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**

9. No person shall allow any diesel powered vehicle or equipment to run for longer than 20 minutes, which is stationary within town limits.

### **Jake/Engine Brakes**

10. No person shall operate, apply, or use engine brakes within the Town of Maple Creek except in the case of an emergency when the operation of engine brakes is necessary to avoid the imminent possibility of a collision or traffic accident, hazard, or dangerous situation.

### 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 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 a factory whistle 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;
  - (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) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy, Saskatchewan Telecommunications and the Town;
  - (k) the use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in permitted areas under the control and management of the Saskatchewan Liquor and Gaming Authority and that the permitted hours will be in accordance with the Saskatchewan Liquor and Gaming Authority licence and permit issued.

### Council Discretion

11. 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.

**Penalties**

- 12. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a fine not less than;
  - (i) \$50.00 in the case of a first offence;
  - (ii) \$100.00 in the case of any subsequent offence within three (3) months of any previous offence; and not more than;
    - (a) \$2,000.00 in the case of an individual;
    - (b) \$5,000.00 in the case of a corporation.
- (b) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a judge and, in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalties are paid sooner.
- (c) This bylaw may be enforced, and the contravention of any provision of the bylaw restrained, by any court on action brought by the Town of Maple Creek whether or not any penalty is imposed for the contravention.
- (d) Conviction of a person for a contravention of any provision of this bylaw does not relieve him from compliance with the bylaw, and the convicting judge or justice of the peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the bylaw or to remedy the contravention of the bylaw.
- (e) A person who fails to comply with an order made pursuant to subsection (d) within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine or not more than \$250.00 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

**Repeal**

- 13. Bylaw No. 2010-MC-22 is hereby repealed.

**Coming Into Force**

- 14. This bylaw shall come into force and be in effect on the date of third and final reading by the Council of the Town of Maple Creek.



*[Signature]*  
 \_\_\_\_\_  
 Mayor

*[Signature]*  
 \_\_\_\_\_  
 Administrator

CERTIFIED A TRUE COPY OF  
 BYLAW No. 2014-MC-14  
 ADOPTED BY THE COUNCIL OF  
 THE TOWN OF MAPLE CREEK  
 ON THE 11<sup>th</sup> DAY OF June 2014  
*[Signature]*  
 \_\_\_\_\_  
 CLERK.

Read a third time and hereby adopted on the  
 11<sup>th</sup> day of June, 2014.