

THE TOWN OF LUSELAND

BYLAW NO. 2024-01

A BYLAW 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 8 (1) of *The Municipalities Act* provides that Council may pass bylaws for the purposes of the municipality that it considers expedient in relation to the following matters respecting the municipality;

- (a) the peace, order and good government of the municipality;
- (b) the safety, health and welfare of people and the protection of people and property;
- (c) people, activities and things in, on or near a public place or place that is open to the public;
- (d) nuisances, including property, activities or things that affect the amenity of a neighborhood.

and,

WHEREAS, Section 52 (3) (O) of *The Planning and Development Act, 2007* provides that Council may have a zoning bylaw that may contain the following provisions;

- (a) regulating the amount and nature of sound that may be emitted from a building or from within a parcel of land or any operation on a parcel of land and specifying the manner in which, and the equipment with which, the sound shall be measured for the purpose of the bylaw;

and,

WHEREAS, the incidence of noise in the Town of Luseland, is such that the Council of the Town of Luseland 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.

NOW THEREFORE, The Council of the town of Luseland, in the province of Saskatchewan, enacts as follows:

TITLE

1. This Bylaw may be referenced as "The Noise Bylaw".

DEFINITIONS

2. In this Bylaw, including this section;
 - a. "Town" means the corporation of the Town of Luseland, or the area contained within the boundaries of the Town of Luseland as the context requires;
 - b. "Council" means the Council of the Town of Luseland
 - c. "Holiday" means any statutory holiday as defined in *The Interpretation Act* Section 17 (1) (10), and amendments thereto, or any holiday proclaimed as such by the Council of the Town of Luseland;
 - d. "Motor Vehicle" means motor vehicles as defined in *The Traffic Safety Act* of Saskatchewan;
 - e. "Residential building" means a building which is constructed as a dwelling for human beings;
 - f. "Occupant" means 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;
 - g. "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 separate premises.
 - h. "Residential district" means a district defined as such in the Zoning Bylaw enacted by Council of the Town of Luseland and amendments thereto;

- i. "Signaling 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;
- j. "Weekday" means any day other than a Sunday or holiday;
- k. "Zoning Bylaw" means the Zoning Bylaw enacted by the Council of the Town of Luseiland and amendments thereto and includes any Bylaw passed in substitution for or in addition to the Zoning Bylaw.

GENERAL PROHIBITION

- 3. Except as may be authorized under this Bylaw:
 - a. No person shall make, or continue to make, or cause to be made, or allow to be continued to be made, any loud noise, or any unnecessary noise, or any unusual noise;
 - b. 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 or other personas within the limits of the Town of Luseiland.
 - c. No person owning or controlling premises shall permit the use and occupation of those premises in a way that makes or causes any noise or sound that unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighborhood or vicinity.
- 4. In determining whether a noise or sound unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighborhood or vicinity, consideration may be given but is not limited to the:
 - a. Type, volume and duration of the sound;
 - b. Time of day and day of the week;
 - c. Nature and use of the surrounding area; and
 - d. The nature of the activity of person being disturbed.
- 5. 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

- 6. Without restricting the generality of Section 3 – 5, no person shall operate or allow to be operated a lawn mower or leaf blower 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. 10:00 PM and 7:00 AM of the following day on weekdays;
 - b. 10:00 PM and 9:00 AM of the following day which is a Sunday or a Holiday.
- 7. No person who owns, keeps, houses, harbors or allows to stay in his/her premises shall cause, allow, or permit the sounds of a howling, wailing or barking dog or the caterwauling of a cat or the cry of an animal or bird which can be heard by a person not on the same premises and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person(s).
- 8. 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, and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.

CONSTRUCTION NOISES

- 9. 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 Luselund between the hours of:

- a. 10:00 PM and 7:00 AM of the following day on weekdays;
- b. 10:00 PM and 9:00 AM of the following day which is a Sunday or a Holiday.

10. 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:
- a. 10:00 PM and 7:00 AM of the following day on weekdays;
 - b. 10:00 PM and 9:00 AM of the following day which is a Sunday or a Holiday.

ADVERTISING NOISES

11. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, 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, or any street or other public place or in any building or premises with the intention or result that the sound there from shall be or is audible to persons using or frequenting any street or other public place.

DIESEL MOTORS

12. 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 in a stationary position in a residential district.

EXCEPTIONS

13. 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 parades;
 - 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 gatherings;
 - j. Transit vehicles engaged in normal transit operation;
 - k. Use of public address systems to announce community functions or activities, provided it is only between the hours of 12:00 noon to 1:00 PM and 5:00 PM to 7:00 PM;
 - l. The sound created in the ordinary operation of a business enterprise, regardless of the time of day the business is in operation, and more particularly relating to grain elevators and railways and the loading of railway cars;
 - m. The use of any tractors, trucks, or other equipment used in the repair of streets or the repair and maintenance of any municipal works or utilities by or no behalf of the Town of Luselund; and
 - n. The use of equipment for cleaning or clearing streets including street sweepers and equipment for snow removal, snow clearing or sanding streets by or on behalf of the Town of Luselund.

GENERAL REGULATIONS

14. Notwithstanding any other provision of this Bylaw:

- a. A person may apply for and receive from the Town, a permit for a special event, which in the Town Council's opinion is in the public interest, in which case the requirements of this Bylaw may be waived.

ENFORCEMENT

15. The administration and enforcement of this Bylaw is delegated to anyone designated by the Council of the Town of Luseland

PENALTIES

16. General Penalty Bylaw

- a. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - i. In the case of an individual, to a fine not exceeding \$5,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$500.00 for each day during which the offence continues; and
 - ii. In the case of a corporation, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine not exceeding \$1,000.00 for each day during which the offence occurs.

PAYMENT OUT OF COURT

17. Where there is belief that a person has contravened the provisions of any of the sections of this Bylaw they may be served or cause to be served

- a. In the case of an individual, to a fine;
 - i. \$200.00 for a first offence
 - ii. \$400.00 for a second offence; and
 - iii. To a further fine not exceeding \$500.00 for each day during which the offence continues.
- b. In the case of a corporation, to a fine;
 - i. \$400.00 for a first offence
 - ii. \$800.00 for a second offence; and
 - iii. To a further fine not exceeding \$1,000.00 for each day during which the offence continues.

PAYMENT OF FINES

18. If payment under section 17 is made within seven (7) days, will be accepted as a guilty plea to the offence.

19. If payment under section 17 is not received within seven (7) days, a summons shall be issued to the person alleged to have committed the offence, and thereafter the provisions of section 17 shall no longer apply with respect to that offence, and may be liable to further prosecution with fines under section 16 being payable on summary conviction.

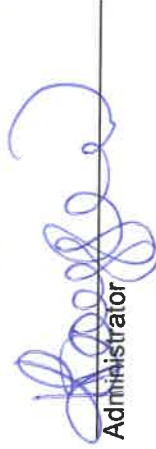
Bylaw No. 1995-07 and 2002-13 are hereby repealed.

This Bylaw shall come into force and take effect on the day of approval by the Council of the Town of Luseland.



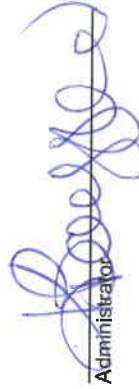


Mayor



Administrator

Read a third time and adopted this 12 day of March, 2024



Administrator