

Town of Nipawin
Bylaw No. 1060/19

A BYLAW OF THE TOWN OF NIPAWIN, IN THE PROVINCE OF SASKATCHEWAN, TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE

The Council of the Town of Nipawin the Province of Saskatchewan enacts as follows:

Short Title

1. This bylaw may be cited as The Noise Bylaw.

Purpose

2. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Town of Nipawin 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) **Town** means the corporation of the Town of Nipawin or the area contained within the boundaries of the Town of Nipawin;
 - (b) **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.
 - (c) **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.
 - (d) **residential building** means a building which is constructed as a dwelling for human beings;
 - (e) **residential district** means a district defined as such in the Zoning Bylaw enacted by the Council of the Town of Nipawin and amendments thereto;

General Prohibition

4. (a) Except to the extent it is allowed by this bylaw, no person shall make, continue to make, cause to be made, allow to be made, or allow to be continued to be made, any loud, unnecessary, or unusual noise 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..
- (b) The interpretation of what constitutes a loud 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

5. Without restricting the generality of Section 4, 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 in any residential district between the hours of 11:00 o'clock in the evening and 7:00 o'clock of the next forenoon.
6. Any person who owns, keeps, houses, harbours, or allows a dog to stay in a premise shall follow the provisions of the current Town of Nipawin Animal Control bylaw, and shall not allow said dog to bark or howl excessively.
7. No 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, CD player, 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

8. 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 or 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 11:00 o'clock in the evening and 7:00 o'clock of the next forenoon.

Large Truck Motors

9. No person shall allow the motor on any truck over one ton (GVW) to remain running for longer than 30 minutes while the unit is stationary in a residential district.

Engine Brakes

10. No person shall engage, operate, apply or otherwise use an engine brake on any vehicle being driven within the Town of Nipawin except to avoid or reduce the impact of a collision or in the case of such other emergency.

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;
 - (c) the playing of a band, the sounding of a steam whistle, the sounding of or the use of sound amplification equipment in connection with any parade authorized by Council pursuant to the provisions of the Traffic Bylaw;
 - (d) the sounding of an alarm or warning to announce emergencies or disasters;
 - (e) the sounding of sirens on any emergency vehicle;
 - (f) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or music in a public space in connection with any public election meeting, public celebration or other reasonable gathering;
 - (g) 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;
 - (h) the use of any tractors, trucks or other equipment by contractors for snow removal and snow clearing on commercial property.
 - (i) the use of any equipment for the repair or maintenance of any public utilities
 - (j) the sounds caused by any person, animal, or machine during any lawfully authorized exhibition, circus, sporting event or other activity in any sports arena, building, or any public place where such event may be carried on.

- (k) the moderate use of playing any type of musical instrument, playing music, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means in any business building or premises for the purpose of advertising a business sales promotion or celebration.

Offences and Penalties

- 12. Any person who contravenes any provisions of this Bylaw is guilty of an offence and liable to a penalty as follows:
1st offence \$ 100.00
2nd offence \$ 200.00
3rd or subsequent offence \$300.00.
- 13. The Notice of Violation shall be in a form approved by the Chief Administrative Officer and may be given to such person personally or by mail. The notice shall require the person to appear at the Town Office and pay the appropriate penalty specified in lawful money of Canada.

Compliance with such notice within the period of time prescribed therein shall relieve such person from liability to prosecution in respect of such infraction.

Coming into Force

- 14. Bylaw No. 747/00 is hereby repealed.
- 15. This Bylaw shall come into force and take effect upon the final passing thereof.

Mayor

Chief Administrative Officer

Read a Third Time and Finally
Adopted this _____ day of
_____,20_____