

VILLAGE OF BRIERCREST
Box 25, Briercrest, Sk. S0H 0K0

BYLAW NO. 4-2015

A BYLAW TO REGULATE NOISE WITHIN THE VILLAGE OF BRIERCREST

A Bylaw of the Village of Briercrest to prohibit certain activities creating noise and to abate the incidence of noise and to restrict the hours during which certain noises may be made.

The Council of the Village of Briercrest in the Province of Saskatchewan enacts as follows:

1. Short Title

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

2. Purpose

1. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Village of Briercrest through the reduction, control, and prevention of loud excessive noise, or any noise which unreasonably disturbs, endangers the comfort, repose, health, peace or safety of ordinary sensitivity, and injures or reasonable persons of

3. Definitions

1. In this Bylaw,
 - (a) “village” means the Village of Briercrest;
 - (b) “emergency vehicle” means a motor vehicle used in response to a public catastrophe or to protect persons or property from imminent danger;
 - (c) “emergency work” means work made necessary to restore property to a safe condition following a public catastrophe, to restore public utilities, or work required to protect persons or property from an imminent exposure to danger;
 - (d) “holiday” means any statutory holiday as defined in *The Interpretation Act*, and amendments thereto, or any holiday proclaimed as such by the Village;
 - (e) “motor vehicle” means “motor vehicle” as defined in *The Motor Vehicle Act of Saskatchewan*;
 - (f) “residential building” means a structure used for the shelter or accommodation of persons;
 - (g) “signaling device” means a horn, gong, bell, siren or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle;
 - (h) “weekday” means any day other than a Sunday or holiday.
 - (i) “premises” shall mean the area contained within the boundaries of any lot and includes any building situation 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.
 - (j) “occupant” shall mean 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.

4. General Prohibition

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 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 Village.

3. The interpretation of what constitutes a loud 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 the Trial Judge hearing a prosecution of an offence against this Bylaw.

5. Domestic Noises

1. Without restricting the generality of Section 4, no person shall operate or allow to be operated a lawn mower of any kind, leaf blower, hedge trimmer, power fan, edge trimmer, line trimmer, roto-tiller, snow clearing device, compressor, internal combustion engine or similar equipment in any residential area between the hours of 10:00 p.m. and 7:00 a.m. Sunday to Saturday inclusive.

2. No person who owns, keeps, houses, harbors or allows to stay on his premises a dog or other animal by reasons of barking, howling, or creating any other noise to disturb the comfort or repose of other persons in the vicinity of the premises of the said person.

3. (a) 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.

6. Construction Noises

1. 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 steam compressor, a jack-hammer or pneumatic drill, a tractor or bulldozer or any other tool, devices or machine of a noisy nature, so as to create a noise which may be heard in any residence between the hours of: 10:00 p.m. and 7:00 a.m..

7. Advertising Noises

1. 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 audible to persons using or frequenting any street or other public place.

8. Motor Vehicle Noises

1. No person shall allow the motor on a tractor which pulls a trailer or on a semi-trailer truck, or any other truck, to remain running for longer than 30 minutes while the tractor-trailer, or tractor alone, or truck, is stationary in a residential district.

9. Exemptions

1. 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 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 police sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
 - (g) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
 - (h) 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;
 - (i) 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;
 - (j) the use of any tractors, trucks or other equipment by contractors for snow removal and snow clearing on commercial property.
 - (k) 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 and Saskatchewan Telecommunications;
 - (l) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any exhibition, circus, sporting event or any other activity lawfully authorized on or in the lands and buildings of the Village;

(m) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any lawfully authorized sporting event in any sports arena or building, public park or any other public place where such sporting event may be lawfully carried on.

10. Village Discretion

1. The Village may, by resolution, exempt from the provisions of this Bylaw the noise made by any person, firm or corporation in the operation of any industrial or commercial or any other undertaking.

11 Penalties

1. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
 - a) in the case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine of not more than \$10,000.00 for each day during which the offence continues.
2. In default of payment of a fine imposed under Subsection (1), the individual convicted may be imprisoned for a term of not more than one year.
3.
 - a) Notwithstanding Subsection (1) in the case of a person who contravenes a provision of this bylaw for the first time, a Peace Officer; Bylaw Enforcement Officer may issue a notice of violation to that person;
 - b) The notice of violation shall provide that, if the person pays the sum of:
 - (i) \$100.00 in the case of any violation;

within 14 calendar days of the date of the notice of violation, the person shall not be prosecuted for the contravention.

- c) The fine may be paid:
 - (i) in person, during regular office hours, to the Municipal Office of the Administrator, 245 Main Street, Briercrest, Saskatchewan, S0H 0K0;
 - (ii) by mail addressed to the Municipal Office of the Administrator, Village of Briercrest, Box 25, Briercrest, Saskatchewan, S0H 0K0.
4. Notwithstanding Subsection (3), if it is, in the opinion of a peace officer, in the public interest to compel a person who has contravened a provision of this Bylaw for the first time to appear before a justice under this Bylaw, the peace officer may issue a summons that requires the person to appear before a justice without the alternative of paying the specified amount to avoid prosecution.
5. If, in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the person mentioned in Subsection (4) to pay the specified amount to avoid prosecution.
6. A person who contravenes this Bylaw is guilty of an offense and liable to a fine of not less than \$200.00 and not more than \$500.00.

12. Severability

1. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

13. Coming Into Force

1. (1) Bylaw No 4-2003 repealed

This Bylaw shall come into force on the 13th day of August, 2015.

(SEAL)

Mayor

Administrator

Read a first time this __13__ day of __August__, 2015.
Read a second time this _13_ day of _August_, 2015.
Read a third time and passed this _13_ day of _August_, 2015.

Certified a true copy of Bylaw No. 4-2015
Adopted by resolution of Council on
The _13_ day of _August_, 2015.

(SEAL)

Administrator

**VILLAGE OF BRIERCREST
Noise Bylaw Complaint Form**

Content of Noise Complaint Form

TO: VILLAGE OF BRIERCREST

NOISE COMPLAINT

RE: _____
Name of person(s) against whom complaint is made

Residential address of source of complaint

Date and time of occurrence

Brief description of occurrence

Was occurrence reported to the police? yes no

Did police attend? yes no

DETAILS OF COMPLAINANT:

Name of complainant

Address of complainant

Phone Number(s)

Date and signature of complainant