

BYLAW 2016-10

THE VILLAGE OF CHAPLIN

NOISE BYLAW

A BYLAW OF THE VILLAGE OF CHAPLIN 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 Village of Chaplin enacts the following:

SHORT TITLE

1. This bylaw shall be known as the “Noise Bylaw”.

DEFINITIONS

2. In this bylaw the following definitions apply:

- a) **Village** – shall mean the corporation of the Village of Chaplin or the area contained within the boundaries of the Village of Chaplin, as the context requires
- b) **Holiday** – shall mean any public holiday as defined in *The Saskatchewan Employment Act*, and amendments thereto, or any holiday proclaimed as such by the Council of the Village of Chaplin;
- c) **Motor Vehicle** - shall mean motor vehicle as defined in *The Highway Traffic Act* of Saskatchewan;
- d) **Residential Building** - shall mean a building which is constructed as a dwelling for human beings;
- e) **Residential District** – shall mean a district defined as such in the Zoning Bylaw enacted by the Council of the Village of Chaplin and amendments thereto;
- f) **Signalling Device** – shall mean 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;
- g) **Weekday** – shall mean any day other than a Sunday or holiday.

GENERAL PROHIBITION

3. (a) 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 continue to be made, any loud noise, or any unnecessary noise, or any unusual noise.

(b) 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.

(c) 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:

(a) 11:00 o’clock in the evening and 6:30 o’clock in the morning on weekdays;
(b) 11:00 0’clock in the evening and 7:30 o’clock in the morning on Saturdays, Sundays, or holidays.

5. No person who owns, keeps, houses, harbours, or allows to stay in his premises a dog, shall allow said dog to bark excessively or howl excessively.
6. (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, 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.

(b) For the purpose of this bylaw, “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 to be separate premises.

(c) For the purpose of this bylaw, “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.

CONSTRUCTION NOISES

7. 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:
 - (a) 11:00 o’clock in the evening and 6”30 o’clock in the morning on weekdays;
 - (b) 11:00 o’clock in the evening and 7:30 o’clock in the morning on weekends and holidays.

DIESEL MOTORS

8. No person shall allow the diesel 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.

ENGINE BRAKES

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

EXCEPTIONS

10. 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 authorized by Council pursuant to the provisions of the Traffic Bylaw;
 - (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 music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering;
 - (j) Transit vehicles engaged in normal transit operations;
 - (k) 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;
 - (l) The use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation and Saskatchewan Telecommunications;
 - (m) 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 or sporting event authorized by the Village of Chaplin;
 - (n) Any sounds caused by any person or animal, machine or by any other means during the carrying on or operation of any lawfully authoriz3ed sporting event in any sports arena or building, public park, or any other public place where such sporting event may be lawfully carried on;
 - (o) 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.
11. Council may, by resolution, exempt from the provisions of this bylaw the noises made by any person, firm, or corporation in the lawful operation of any industrial or commercial or any other business undertaking.

PENALTIES

12. A person who contravenes any provision of this bylaw or neglects or refuses to comply therewith shall be guilty of an offence and liable upon summary conviction to a fine of not less than \$50.00 and not more than \$2,000.00.
13. This bylaw shall come into force and take effect on the day of the final passing thereof.

Village of Chaplin

[SEAL]

Mayor

Administrator

Read a third time and adopted this
_____ day of _____, 2016

Administrator