

**CITY OF MEADOW LAKE
BYLAW NO. 10/2012
NOISE BYLAW**

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

WHEREAS the incident of noise in the City of Meadow Lake is such that the Council of the City of Meadow Lake deems it expedient that regulations be made restricting and abating the activities which give rise to unnecessary noise in the City 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 CITY OF MEADOW LAKE ENACTS AS FOLLOWS:

1. This Bylaw be cited as "The Noise Bylaw".
2. In this Bylaw, including this Section:
 - (a) "City" means the Corporation of the City of Meadow Lake, or the area contained within the boundaries of the City of Meadow Lake as the context requires;
 - (b) "holiday" means any statutory holiday as defined in the Interpretation Act, and amendments thereto, or any holiday proclaimed as such by the Council of the City of Meadow Lake;
 - (c) "motor vehicle" means "motor vehicle" as defined in *The Traffic Safety Act* of Saskatchewan;
 - (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 City of Meadow Lake and amendments thereto;
 - (f) "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;
 - (g) "weekday" means any day other than a Sunday or holiday;
 - (h) "Zoning Bylaw" means the current Zoning Bylaw enacted by the Council of the City of Meadow Lake and amendments thereto.

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 be continued to be made any unnecessary noise, or any unusual noise, that is audible in a residential district.

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- (b) Except to the extent it is allowed in 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 allowed 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 in a residential district, within the limits of the City.
- (c) What constitutes 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 offense 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, a snow clearing device, a chain saw, or a rototiller, 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 7:00 o'clock of the next morning on weekdays;
 - (b) 11:00 o'clock in the evening and 9:00 o'clock in the morning of the following day which is a Sunday or holiday.
- 5. No person who owns, keeps, houses, harbours or allows to stay in his premises a dog, shall allow such 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, play or allow to be played, any radio, phonograph, stereo, 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 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 capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, in any district in the City of Meadow Lake other than one designated in the Zoning Bylaw as an Industrial Zone and Urban Renewal Zone after the hour of 11 o'clock in the evening and before the hour of 7 o'clock in the morning of any day.

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8. 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 11 o'clock in the evening and 7 o'clock in the morning.

ADVERTISING NOISES

9. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any 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.

MOTORS

10. No person shall use engine retarder brakes within the city limits of Meadow Lake.

EXCEPTIONS

12. 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 motor vehicles' horns or the use of sound amplification equipment used in connection with the parade;
 - (d) the moderate playing of musical instruments appropriate to any religious street service;
 - (e) the sounding of factory whistles and similar devices at normal appropriate times;
 - (f) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - (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) transit vehicles engaged in normal transit operations.

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COUNCIL DISCRETION

- 13. 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.

ORDERS AND PENALTIES

- 14. Any person or corporation who commits an offence under this Bylaw is guilty of an offence punishable on summary conviction and is liable:
 - (a) for a first or second offence, in the case of an individual who commits an offence under this Bylaw, to a minimum fine of Two Hundred Fifty (\$250.00) Dollars and a maximum fine of Two Thousand (\$2,000.00) Dollars and in the case of a corporation to a minimum fine of Five Thousand (\$5,000.00) Dollars, or in default of payment of the fine, to imprisonment for a period not exceeding Ninety (90) days;
 - (b) for each subsequent offence, in the case of an individual who commits such subsequent offence within a one year period of time following his or her last conviction for an offence under this Bylaw to a minimum fine of Two Thousand (\$2,000.00) Dollars.
- 15. Any person or corporation who contravenes any provision of this Bylaw three or more times within a one year period shall be subject to the maximum fine provided for in Section 14 for each conviction.
- 16. Bylaw No.16/2004 is hereby repealed.
- 17. This Bylaw shall come into force and take effect on the day of the final passing thereof.

Introduced and read a first time this 25th day of June, 2012.
 Read a second time this 25th day of June, 2012.
 Read a third time and passed this 9th day of July, 2012.

Chiodda
 CITY CLERK

[Signature]
 MAYOR

Certified True Copy of
 Bylaw # 10/2012
 Adopted by Resolution of
 Council on the 9th
 day of July, 2012.
Chiodda
 CITY CLERK