

TOWN OF PONTEIX SASKATCHEWAN

BYLAW NO. 3, 1997

A BYLAW TO PROHIBIT, ELIMINATE AND ABATE
LOUD, UNUSUAL AND UNNECESSARY NOISE, OR NOISES
WHICH ANNOY, DISTURB, INJURE OR ENDANGER THE COMFORT,
REPOSE, HEALTH, PEACE OR SAFETY OF OTHERS WITHIN THE TOWN OF PONTEIX

THE COUNCIL OF THE TOWN OF PONTEIX ENACTS AS FOLLOWS:

Part I: Short Title and Definitions

1. This Bylaw may be cited as "The Noise Abatement Bylaw".

2. (a) "Council" means the Council of the Town of Ponteix.

(b) "Emergency Vehicle" means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance.

(c) "Health Centre Zone" means an area which

i) is designated as such by signs or other devices, or

ii) any portion of the Town within five hundred feet (500') in any direction from the boundaries of a site on which a Health Centre is situated, Health Centre being as defined in "The Health Act".

(d) "Motor vehicle" has the same meaning given it in "The Vehicles Act", R.S.S. 1978, Chapter V-3 and amendments thereto.

(e) "Inspector" means any person or persons designated by resolution of Council from time to time as may be required to enforce the Bylaw.

(f) "Person" includes any company, corporation, owner, partnership, firm, association, society, party or tenant.

(g) "Peace Officer" means a member of the Royal Canadian Mounted Police.

(h) "Public Highway" has the same meaning as that given it in the "The Vehicles Act", R.S.S. 1978, c. V-3.

(i) "Public Place" has the same meaning as that given it in "The Liquor Act", R.S.S. 1978, c. V-3.

(j) "Residential Building" means a building which is constructed as a dwelling place for human beings and includes a hotel or motel.

(k) "Signalling Device" means a horn, gong, bell, claxon, or other device producing audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle.

(l) "Town" means the Town of Ponteix.

(m) "Vehicle" has the same meaning as that given it in "The Vehicles Act", R.S.S. 1978, c. V-3 and amendments thereto.

Part II: General Prohibitions

3. (a) No person shall make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons with the limits of the Town, except to the extent it is allowed by this bylaw.

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- (b) What is a loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
- (c) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons on the same piece of property or in the neighborhood or vicinity.

4. Motor Vehicle Noises

- (a) No person shall create loud, unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the Town of Ponteix whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
- (b) No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of others within the Town of Ponteix resulting from any of the following acts:
- i) The sounding of a motor vehicle signalling device or warning device, or siren, except where required or authorized by this Bylaw.
 - ii) The operation anywhere other than on a public highway of an engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment for a continuous period exceeding five minutes while such is stationary in a residential zone unless:
 - i) The vehicle is in an enclosed structure so as to effectively prevent excessive noise emissions;
 - or
 - ii) The operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, the operation of ready-mix concrete trucks, lift platforms or refuse compactors; or
 - iii) Weather conditions justify the use of heating or refrigerating systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
 - iv) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - v) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit.

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- (c) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running longer than 15 minutes while the tractor-trailer or tractor alone is not in motion in any residential district or zone or in any other location within five hundred feet (500') of a residential zone.
- (d) The Provisions of Section 4 of this Bylaw do not apply to an emergency vehicle, or to work on a Town street or public utility carried on by a Town Department, Saskatchewan Power Corporation, Sask-Tel, or to a contractor working for any of the above cited persons.

5. Commercial and Industrial Noises

- (a) No person shall load or unload motor trucks in any area designated as being a residential zone or within one block of the boundary of such zone between the hours of Ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next forenoon.
- (b) No person shall advertise any event or merchandise by ringing bells, calling aloud, playing any type of musical instrument or by any audible means in any part of the Town other than in an area designated as the Business District.
- (c) No person shall, without first obtaining a written permit from the Royal Canadian Mounted Police (which the said R.C.M.P. office may, in his discretion, refuse or grant) use or permit the use of a loud-speaker or other device for the amplification of sound:
 - i) upon any street, lane, or other public place within the Town, or;
 - ii) in any building or place with the intention that the sound therefrom shall be, or with the effect that is or may be, audible to persons using or frequenting any such street, lane or other public place.

6. Domestic Noises

- (a) No person shall operate a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower, or snow clearing device powered by an engine of any description in a residential zone between the houses of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next morning.
- (b) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of power garden tools is prohibited by subsection (a) in any residential area.
- (c) No person shall detonate fireworks or explosive devices in any area designated as a residential district between the house of ten (10:00) o'clock in the evening and nine (9:00) o'clock of the next morning.
- (d) Every person who owns, or has the care or control of, or keeps or harbours, any animal which by reason of excessive barking or excessive howling disturbs other person is guilty of an offence under this Bylaw.

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7. Construction Noises

- (a) Unless permission of Council of the Town of Ponteix is first obtained, no person shall carry on construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried after the hour of ten (10:00) o'clock in the evening and before the hour of seven (7:00) o'clock in the morning of the next day.
- (b) Unless permission of the Council of the Town of Ponteix is first obtained, no person shall operate or allow to be operated:
- i) a riveting machine
 - ii) a concrete mixer
 - iii) a gravel crusher
 - iv) a steam shovel
 - v) a trenching machine
 - vi) a drag line
 - vii) an air or steam compressor, jack-hammer or pneumatic drill
 - viii) a tractor or bulldozer, or
 - ix) any other tool, device or machine of a noisy nature, so as to create a noise, confusion, or disturbance to be heard in a residential building between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the morning of the next day.
- (c) The provision of Section 7 hereto do not apply to any work carried on by the Town or by a contractor carrying out the instructions of the Town which are of an exigent nature.

8. Noises Absolutely Prohibited

No person other than a Police Officer in the regular course of duty shall discharge a firearm within the Town of Ponteix.

PART III EXEMPTIONS

9. (a) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency situation.
- (b) Notwithstanding any of the provisions of the Bylaw, this Bylaw does not apply to a person who emits or causes to be emitted noise in connection with any of the following activities:
- i) The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the Town of Ponteix in connection with any public election meeting, public celebration, recreational event, or other lawful gathering.
 - ii) Any band or parade, provided that the consent of the R.C.M.P. to operate such band or hold such parade has first be obtained.

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- iii) Any carnival, fair or exhibition provided that the consent of the Council of the Town of Ponteix to operate or hold such carnival, fair or exhibition has first been obtained.
- iv) Any event authorized by the Town of Ponteix on Town owned lands.
- v) The sounding of bells in churches, religious establishments and schools.
- vi) The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking approved by the Council of the Town of Ponteix.
- viii) The sounding of train whistles and similar devices at normal appropriate times.

Part IV: Severability

10. If a Court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw shall be valid and shall remain in force and effect.

Part V: Penalties

11. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a minimum fine of Two Hundred Dollars (\$200.00) and a maximum fine not in excess of Five Hundred (\$500.00) Dollars or, in default of payment of the fine and costs, to imprisonment for a period not exceeding thirty (30) days.
12. That Bylaw No. 7, 1983, be hereby repealed.
13. This Bylaw shall come into force and take effect on the 22nd day of April, 1997.

READ A THIRD TIME AND PASSED THIS 22ND DAY OF APRIL, 1997.

S E A L


MAYOR


ADMINISTRATOR

Certified a true copy of a bylaw
adopted by resolution No. 75/97
of the Council of the Town of
Ponteix, Saskatchewan this 22....
day of APRIL..... A.D. 1997.

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Town Administrator