

TOWN OF STURGIS
BYLAW NO. 5, 2015

A BYLAW OF THE TOWN OF STURGIS IN THE PROVINCE OF SASKATCHEWAN
TO REGULATE AND CONTROL NOISE AND CERTAIN ACTIVITIES RELATED
THERE TO.

The Council of the Town of Sturgis in the Province of Saskatchewan enacts as follows:

1. This Bylaw may be cited as "The Noise Bylaw".
2. In this Bylaw, including this section:
 - a) "Town" means the corporation of the Town of Sturgis, or the area contained within the boundaries of the Town of Sturgis;
 - b) "Council" means the Council of the Town of Sturgis;
 - c) "Emergency Vehicle" means a motor vehicle used in response to a public catastrophe or to protect persons or property from imminent danger;
 - d) "Motor Vehicle" means "Motor vehicles" as defined in *The Motor Vehicles of Saskatchewan*.
 - e) "Engine Brake" means a device used in trucks and semi-trailer units to slow or brake the said vehicles by means of closing the exhaust valves on the engines of the said vehicle, or any similar device;
 - f) "Loud or Unreasonable Noise" means any noise or sound which annoys, offends or disturbs a Person, provided such noise would annoy, offend or disturb a reasonable Person;
 - g) "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 Town of Sturgis;
 - h) "Property" means real property, together with all improvements which have been affixed or brought on to the land;
 - i) "Private Property" means property to which the public have access whether on pavement or otherwise, only by permission of the owner, occupier or lessee of the property;
 - j) "Premises" means the area contained within the boundaries of any lot and includes any buildings situated within such boundaries except where any building contains more than one (1) dwelling unit, and in such case, such dwelling unit, the common area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises;
 - k) "Occupant" includes all persons who are the owners, inhabitants or lessee of Premises, and any other Persons on Premises when a Loud or Unreasonable Noise emanates therefrom;
 - l) "Person" includes any company, corporation, firm, association, partnership, society, individual or party;

- m) "Concert" means a musical entertainment or performance by voice or instruments or pre-recorded means or all of them, with or without amplification, of an outdoor nature, to which members of the public are invited or admitted, with or without charge;
- n) "Signaling Device" means a horn, gong, bell, siren or other device producing audible sound for the purpose of drawing people's attention to an approaching vehicle or bicycle.

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 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 Town.
 - c) 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 the 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 6:00 o'clock of the next forenoon;
 - b) 11:00 o'clock in the evening and 7:00 o'clock in the forenoon 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, howl or whine excessively, and no Person shall own, keep, house or harbour any animal or bird, which makes sounds, including barking, whining or howling, which are capable of being heard continuously from outside the Premises.
- 6. No person being the owner or occupant of any premises shall operate, or permit to be operated, any radio, stereo, tape recorder, television set, musical instrument, or any other apparatus, appliance, device or machine used for the reproduction or amplification of sound, at a volume that interferes the peace or enjoyment of other persons.

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 Town of Sturgis:
 - (a) after the hour of 11 o'clock in the evening and before the hour of 7 o'clock in the morning of Sunday and any Holiday;
 - (b) after the hour of 11 o'clock in the evening and before the hour of 6 o'clock in the morning of any other day.

ADVERTISING NOISES:

8.
 - (a) No person shall operate any outdoor public address system in the Town without first having obtained a permit therefor.
 - (b) No person shall advertise any event or merchandise by the use of any signaling device or 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 reproduction or amplification of sound in such a manner to interfere with the peace or enjoyment of other persons.

DIESEL ENGINES:

9. No person shall cause or allow on a highway tractor or other diesel or heavy engine to remain running longer than 60 minutes while the unit is located in any residential district.

ENGINE BRAKES:

10. No person shall engage, operate, apply or otherwise use an engine brake on any vehicle while being driven within the Town of Sturgis except in an emergency where it is necessary in the circumstances to do so.

IDLING VEHICLES:

11. No person who has caused or allowed a vehicle to be left running stationary in a residential district for a period longer than thirty (30) minutes shall continue to do so, upon being requested to turn the vehicles off by a Person who has been annoyed, offended, disturbed or has his or her comfort or response detracted from by running of that vehicle.

CONCERTS:

12. No person shall operate, maintain or conduct a concert in a park or other public property within the Town of Sturgis without first obtaining written permission from the Town of Sturgis, and then only in accordance with the conditions set out or attached in the written permission from the Town of Sturgis.

EXCEPTIONS:

13. The provisions of this Bylaw shall not apply to:
- (a) The ringing of bells in churches, religious establishment 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 participants in any parade authorized by the Town of Sturgis.
 - (d) The moderate playing of musical instruments and singing appropriate to any religious street service.
 - (e) The sounding a general or particular alarm or warning to announce a fire or other emergency or disaster, or to announce a practice in that regard.
 - (f) The sounding of sirens, sound amplification equipment or other signaling devices on any vehicle used by the police or fire department or on any ambulance or public service vehicle.
 - (g) 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 or public celebration or other lawful gathering of a similar nature.

PENALTY:

14. (a) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:
- (i) \$200.00 in the case of a first offence; and
 - (ii) \$300.00 in the case of each and every subsequent offence within a twenty four (24) hour period;
 - (iii) \$500.00 in the case of any subsequent offence within three (3) Months of any previous offense.

RELIEF FROM REQUIREMENTS:

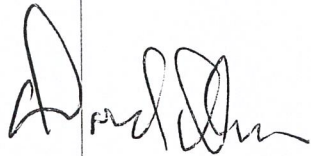
15. Applications for a permit for relief from any provision of this Bylaw may be made to the Council only on the grounds, of under hardship or substantial impracticality on the basis of undue hardship in writing and must include:
- (a) The name and address of the applicant.
 - (b) A description of the source of sound I respect of which exception is sought.
 - (c) The period of time for which the exemption is sought.
 - (d) The reasons why the exemptions should be granted.
 - (e) Any other information required at the time, and
 - (f) A statement of the steps, if any, planned or presently being taken to bring about compliance.

Council, by resolution, may refuse to grant any exemption or may grant the Exemption applied for or any exception of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit. Council may, by resolution revoke such exemption on 48 hours written notice to the applicant delivered by ordinary registered mail.

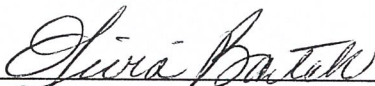
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16. Bylaw No. 8/82 is hereby repealed.

17. This Bylaw shall come into force on the day of final passing thereof.



Mayor



Administrator

Passed by Resolution No. 157, 2015

This 21st day of October, 2015

CERTIFIED A TRUE COPY
OF THE ORIGINAL DOCUMENT

