

**BYLAW No. 07/13
THE NOISE BYLAW**

**A BYLAW TO REPEAL BYLAW 14/84
A BYLAW FOR THE VILLAGE OF BUENA VISTA, FOR THE
PURPOSE OF PROHIBITING, ELIMINATING, AND ABATING
NOISE AS PROVIDED IN THE SECTION 152(8) AND SECTION 165(21)
OF THE URBAN MUNICIPALITY ACT
AND REPLACE IT WITH THE NOISE BYLAW**

The Council of the Village of Buena Vista, in the Province of Saskatchewan, enacts as follows:

1. This Bylaw may be cited as the **“Noise Bylaw”**.
2. This Bylaw is enacted 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 Village of Buena Vista.
3. In this Bylaw, including this section:
 - (a) **“municipality”** means the Village of Buena Vista
 - (b) **“motor vehicle”** means “motor Vehicle” as defined in *The Traffic Safety Act*
 - (c) **“residential building”** means a building which is constructed as a dwelling for human beings
 - (d) **“premises”** shall mean the area contained within the boundaries of any lot and includes any building situated within such boundaries
 - (e) **“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
 - (f) **“signaling 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

GENERAL PROHIBITION:

4. (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 unnecessary 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 municipality.
- (3) 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

5. Without restricting the generality of Section 4, no person shall operate or allow to be operated a lawn mower of any kind, a snow clearing device powered by an engine of any type (except in exceptional circumstances), or a model aircraft driven by an internal combustion engine in any residential district between the hours of 11:00pm in the evening and 7:00am the next day.
6. No person who owns or harbours any animal shall allow them to make excessive noise so as to disturb others.
7. No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighbourhood, or any person in the vicinity

CONSTRUCTION NOISES

8. 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, after the hour of 11:00pm in the evening and before the hour of 7:00am in the morning of any day.
9. 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 11:00pm in the evening and 7:00am in the morning.

ADVERTISING NOISES

10. 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 there from shall be or is audible to persons using or frequenting any street or other public place.

DIESEL MOTORS

11. No person shall allow the diesel motor on a tractor which pulls a trailer or on a semi-trailer truck to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, is stationary in a residential district.

EXCEPTIONS

12. The provision 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 any parade as long as permission has been obtained from the Municipality.
 - (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 whistles or the sirens of 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) transit vehicles engaged in normal transit operation.

PENALTIES

- 13. Any person who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a maximum fine not in excess of two thousand (\$2,000.00) dollars.

COMING INTO FORCE

- 14. (a) That Bylaw 14/84 is hereby repealed
- (b) This Bylaw comes into force on the day of its final passing.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this day of , 2013
 Read a second time this day of , 2013
 Read a third time and adopted this day of , 2013