

TOWN OF BIRCH HILLS

BYLAW NO. 13 of 2023

A BYLAW TO CONTROL AND REGULATE NOISE WITHIN THE TOWN OF BIRCH HILLS

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

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

DEFINITIONS

2. In this Bylaw:
 - a. "Town" means the Town of Birch Hills;
 - b. "Council" means the Council of the Town of Birch Hills;
 - c. "Motor Vehicle" means any vehicle propelled by any power other than muscular power;
 - d. "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;
 - e. "Person" includes a corporation, partnership, association or society;
 - f. "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;
 - g. "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law part thereof;
 - h. "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

3. Except as may be authorized under this bylaw:
 - a. No Person shall make, cause or permit any noise or sound on private or public Property that unreasonably disturbs, or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of Persons in the neighborhood or vicinity.
 - b. No Person owning or controlling Premises shall permit the use and occupation of those Premises in a way that makes or causes any noise or sound that unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of Persons in the neighborhood or vicinity.

4. In determining whether a noise or sound unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of Persons in the neighborhood or vicinity, consideration may be given but is not limited to the:
 - a. Type, volume and duration of the noise or sound;
 - b. Time of day and of the week;
 - c. Nature and use of the surrounding area;
 - d. The frequency of occurrence; and
 - e. The nature of the activity from which the noise or sound emanates; and
 - f. Any other relevant factor.

DOMESTIC NOISES

5. Without restricting the generality of Section 3, no Person shall operate or allow to be operated a lawn mower, leaf blower, or snow clearing device, which is 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 10:00 o'clock in the evening and 7:00 o'clock in the morning of the following day.
6. No Person owning or controlling any Premises shall cause, allow or permit the sound of howling, wailing or barking of a dog or the caterwauling of a cat or the cry of an animal or bird, any of which can be heard by a Person not on the same Premises from which such noise or sound emanates and which unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of that Person.
7. No Person owning or controlling 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, phonograph, record player, tape recorder, television set, musical instrument, speaker, stereo or any other apparatus, appliance, device, electronic or machine used for the promotion or amplification of sound, either in or on private or public Property in such a manner that the same can be easily heard by Person who is not on the same Premises from which such noise or sound emanates, and which unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of that Person.

CONSTRUCTION NOISE

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; or to 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 stream compressor, a jackhammer or pneumatic drill, a tractor or bulldozer or any other tools, device or machine of a noisy nature, so as to create noise or sound which:
 - a. May be heard in any residence between the hours of 10:00 o'clock in the evening and 7:00 o'clock in the morning of the following day; or
 - b. Unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of Persons in the neighborhood or vicinity.

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, playing or using any type of noise-making instrument, or by the use of loudspeakers 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 noise or sound therefrom shall be or is audible to Persons using or frequenting any street or other public place.

DIESEL MOTORS

10. No Person shall allow the diesel motor of any motor vehicle to remain running for longer than 20 minutes which the motor vehicle is stationary.

EXEMPTIONS

11. 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 provision 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 a police whistle or the siren 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;
 - k. The use of any tractors, trucks, or other equipment used in the repair of streets or the repair and maintenance of any municipal works or utilities;
 - l. The use of equipment for cleaning or clearing streets including street sweepers and equipment for snow removal, snow clearing or sanding streets;
 - m. The use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy Corporation and Saskatchewan Telecommunications;
 - n. The reasonable use of Signaling Device, provided that the Signaling Device is used for the purposes of avoiding injury to person or property or to alert a Person or animal to the approach of a moving vehicle (including a bicycle).

GENERAL REGULATIONS

12. Notwithstanding any other provision of this bylaw:
- a. A Person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the Person performing the work to show cause that the works was of an emergency nature;
 - b. A Person may apply for and receive from the Town a permit for a special event, which in the Town Council's opinion is in the public interest, in which case the requirements of this bylaw may be waived.

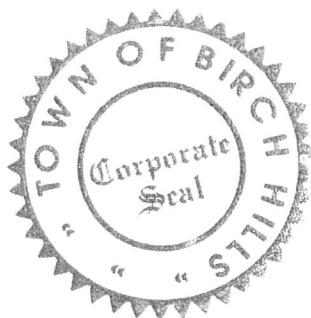
SEVERABILITY

13. Each provision of this bylaw is independent of all other provisions. If any provision is declared invalid by a court of competent jurisdiction, all other provisions of this bylaw will remain valid and enforceable.

OFFENSES AND PENALTIES

14. Any Person who contravenes any provision of this bylaw is guilty of an offense and is liable on summary conviction:
- a. For a first-time offence, or for an offence which occurs more than one year after a prior offence, **\$200.00**
 - b. For a second offence within the one year of an offence for which a fine was assessed under Section 14(a), **\$300.00**
 - c. For a third offence within one year of an offence for which a fine was assessed under Section 14(b), **\$400.00**
 - d. The progression shall continue, with any person convicted of an offence liable for an additional **\$100.00** fine for each subsequent offence within one year of the previous, provided that no fine shall exceed **\$10,000.00** and, in the case of a continuing offence, to a further fine of not more than **\$10,000.00** for each subsequent offence.
15. Voluntary payment may be remitted to the Town of Birch Hills in the amount stipulated above to avoid prosecution for this offence.
16. Bylaw No. 1/84, is hereby repealed.

Read a third time and adopted
this 8th day of November, 2023.






Mayor



Chief Administrative Officer

Certified a true copy of Bylaw No. 13 of 2023
adopted by resolution of council on the
8th day of November, 2023.



Chief Administrative Officer

