

TOWN OF ASQUITH
BYLAW NO. 5/89
A BYLAW TO CONTROL AND REGULATE NOISE

The council of the Town of Asquith, 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) "Municipality" means the Town of Asquith;
 - b) "Holiday" means any holiday as defined in The Interpretation Act, or any holiday proclaimed as such by the Municipality;
 - c) "Motor Vehicle" means a vehicle propelled or driven by any means other than by muscular power;
 - d) "Occupant" means the owner, occupant or licensee of the premises or any person found on the premises at or around the time the noise or sound issues from the premises;
 - e) "Premises" means 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;
 - f) "Residential Building" means a building which is constructed as a dwelling for human beings;
 - g) "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;
 - h) "Weekday" means any day other than a holiday.

GENERAL PROHIBITION

3.
 - 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 noise, or 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 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 and safety of other persons is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
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 or any type or model aircraft driven by an internal combustion engine in any residential district between the hours of:
 - a) 10 o'clock in the evening and 7 o'clock of the next forenoon on weekdays;
 - b) 10 o'clock in the evening and 8 o'clock the forenoon of the following day which is a holiday.
5. No person who owns, keeps, houses, harbours or allows to stray in his/her premises, a dog, shall allow such dog to bark or howl excessively.
6. No person being the owner or occupant of 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 music, 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 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.

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 the 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 10 o'clock in the evening and before the hour of 7 o'clock in the morning of any weekday or 8 o'clock in the morning of any holiday.
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 stream compressor, a jack hammer or a 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 10 o'clock in the evening and 7 o'clock in the morning of any weekday or 8 o'clock in the morning of any holiday.

ADVERTISING NOISES

9. No person shall advertise any event or merchandise by ringing bell, blowing whistles, calling loudly, playing music, playing any type of 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.

DIESEL MOTORS

10. No person shall allow the diesel motor of a tractor intended to be used for the pulling of a trailer to remain running for longer than 20 minutes while stationary in a residential district.

EXCEPTIONS

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 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 used in connection with a parade,
- 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 on any vehicle used by the police or fire department or 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 sounding of motor vehicle horns when used within reason.

PENALTIES

- 12. Any person who contravenes any provision of this Bylaw is guilty of an offense and is liable on summary conviction to the penalties imposed in the General Penalty Bylaw of the Municipality.
- 13. Bylaw No. 252 passed December 6, 1948 is hereby repealed.
- 14. This Bylaw shall come into force and take effect on final passing.

Read the third time and passed the 11th day of September, 1989.

BYLAW 2/00

A BYLAW TO AMEND BYLAW NO. 5/89

RESPECTING CONTROL AND REGULATION OF NOISE

The Municipal Council of the Town of Asquith in the Province of Saskatchewan, hereby enacts as follows:

1. That the Bylaw No. 5/89 be amended by deleting clause 12 and inserting the following clauses
 - 12(1) "Every person who commits a breach of any section of this Bylaw shall be guilty of an offence and upon conviction, shall be liable to a penalty of one hundred and fifty dollars (\$150.00) for each offence,"
 - (2) "A person in contravention of this Bylaw, upon being served notice of the violation may, within seven (7) days, voluntarily pay a reduced penalty of twenty-five dollars (\$25.00),"
 - (3) "The Notice of Violation shall be as in Form 'A', attached and forming part of this Bylaw,"
 - (4) "Service of a Notice of Violation may be made by personal service upon such a person; or by delivery to an adult person at the home of such person."

Read a third time and adopted this 2nd day of October, 2000.

