

## TOWN OF CARLYLE

### BYLAW NO. 2010-03

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#### A BYLAW TO PROVIDE FOR NOISE CONTROL WITHIN THE TOWN OF CARLYLE

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

1. This Bylaw may be cited as “The Noise Bylaw”.
2. In this Bylaw,
  - i. “Town” means the Town of Carlyle;
  - ii. “Dwelling” means a dwelling within the meaning of The Zoning Bylaw;
  - iii. “Dwelling Unit” means a dwelling unit within the meaning of The Zoning Bylaw;
  - iv. “Engine brake” means a device commonly used in a truck, power unit or semi-trailer unit to slow or brake the vehicle by means of closing the exhaust valves on the engine of the vehicle, or any similar device;
  - v. “Motor vehicle” means a motor vehicle within the meaning of *The Highway Traffic Act*;
  - vi. “Outdoor public event” means an outdoor concert, sporting event, festival, attraction or similar event, whether held on private or public property, to which the public at large is invited or admitted, with or without charge;
  - vii. “Permitted premises” means permitted premises within the meaning of *The Alcohol and Gaming Regulation, Act, 1997*;
  - viii. “Zoning Bylaw” means The Zoning Bylaw of the Town of Carlyle.

#### Scope

3. This Bylaw is intended to apply to making, or knowingly permitting to be made, any unreasonably loud or excessive noise, disturbance or commotion in any dwelling, place of business or other structure, or upon any public street, park or other place or building.

The ordinary and usual sounds and noises incidental to the occupation and use of property and the activities of persons in the Town, when conducted in accordance with usual standards or practices and in a manner that will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business, are not intended to be subject to the provisions of this Bylaw.

#### General Prohibition

4. No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:
  - i. Any unreasonably loud or excessive noise;

- ii. Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity within the limits of the Town; or
- iii. Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers of places of business, or as to detrimentally or adversely affect such residences or places of business.

#### 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, a chain saw, or a rototiller, 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:
  - i. 11:00 o'clock in the evening and 7:00 o'clock of the next morning on weekdays;
  - ii. 11:00 o'clock in the evening and 9:00 o'clock in the morning of the following day which is a Sunday or holiday.
- 6. No person who owns, keeps, houses, harbours or allows to stay in his premises a dog, shall allow such dog to bark excessively or howl excessively.
- 7. a. No person, being the owner or occupant of any premises in a residential district, shall operate, or permit to be operated, or suffer to be operated, play or allow to be played, any radio, record-player, tape recorder, television, compact disc player, stereo, "boom-box", "ghetto blaster", musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person who is not on the same premises from which such noise or sound emanates.  
  
b. For the purposes of this Bylaw, "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.

#### 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, in any district of the Town of Carlyle except the Industrial and commercial zones, as designated in the Zoning Bylaw, after the hour of 11:00 o'clock in the evening and before the hour of 7:00 o'clock 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 11:00 o'clock in the evening and 7:00 o'clock in the morning of any day.

#### Advertising Noises

10. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music or any type of musical instrument, or by the use of loud speakers or other devices for the amplification of sound, in any place or building or premises with the intention or result that the sound shall be or is audible to persons using or frequenting any street or other public place.

#### Motors

11. No person shall allow the motor on a truck or 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 between the hours of:
  - i. 11:00 o'clock in the evening and 7:00 o'clock in the morning on weekdays;
  - ii. 11:00 o'clock in the evening and 9:00 o'clock in the morning of the following day which is a Sunday or holiday.

#### Exceptions

12. The provisions of this Bylaw shall not apply to:
  - i. The ringing of bells in churches, religious establishments and schools;
  - ii. The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking;
  - iii. The playing of a band, the sounding of motor vehicles' horns or the use of sound amplification equipment used in connection with a parade;
  - iv. The moderate playing of musical instruments appropriate to any religious street service;
  - v. The sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
  - vi. The sounding of police whistles or the sirens on any vehicle used by the police or fire department or on any ambulance or alarms on public service vehicle;
  - vii. Any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
  - viii. 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 space in connection with any public meeting, public celebration, or other reasonable gathering;
  - ix. Transit vehicles engaged in normal transit operations.

Council Discretion

13. At the discretion of Council upon application, the Council may, by resolution, grant an exemption to any person or organization from any of the provisions of this Bylaw with respect to any source of sound.

Orders and Penalties

14. a. Any person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- i. For a first offence, to a fine of \$250.00; and
  - ii. For a second offence, to a fine of \$500.00
  - iii. For a third or subsequent offence, to a fine not more than \$10,000.
- b. In the case of a corporation, to a fine not exceeding \$10,000.00 and in the case of a continuing offence, to a further fine of not more than \$10,000.00 for each day during which the offence continues.
15. a. Notwithstanding subsections a and b, in the case of a person who contravenes a provision of this Bylaw, a peace officer may issue a notice of violation to that person.
- b. The notice of violation shall provide that, if the person pays the Town of Carlyle the sum of Two Hundred and Fifty Dollars (\$250.00) within fourteen (14) calendar days of the date of the notice of violation, the person shall not be required to appear in court on the charge.
- c. The fine may be paid:
- i. in person, during regular office hours, to the Town Office, Carlyle, Saskatchewan;
- or
- ii. by mail addressed to The Town of Carlyle, Box 10, Carlyle, Sask. SOC 0R0.

Repeal of Bylaw

16. Bylaw No. 1/81 is hereby repealed.

Coming into Force

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

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Mayor/Deputy Mayor

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Administrator