

TOWN OF WILKIE BYLAW NO. 2023-02

TOWN OF WILKIE

THE NOISE BYLAW
BYLAW NO. 2023-02

A BYLAW OF THE TOWN OF WILKIE TO PROHIBIT CERTAIN ACTIVITIES
CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT
THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE:

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

Short Title

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

Purpose

2. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Town of Wilkie through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, restfulness, health, peace or safety of persons with ordinary sound sensitivity.

Definitions

3. In this Bylaw,
- (a) "Council" means the Council of the Town of Wilkie;
 - (b) "dwelling or dwelling unit" means a dwelling or dwelling unit within the meaning of *The Zoning Bylaw*;
 - (c) "emergency vehicle" means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance;
 - (d) "emergency work" means work made necessary to restore property to a safe condition following a public catastrophe, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger;
 - (e) "holiday" means any provincial, federal or municipal day declared a statutory holiday;
 - (f) "motor vehicle" means a motor vehicle within the meaning of *The Traffic Safety Act*;
 - (g) "municipality" means the Town of Wilkie;
 - (h) "residential district" means a residential district as established by *The Zoning Bylaw*;
 - (i) "signaling device" means a horn, gong, bell, siren or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;
 - (j) "weekdays" means any day other than a Sunday or statutory holiday;
 - (k) "Zoning Bylaw" means *The Zoning Bylaw* of the Town of Wilkie.

TOWN OF WILKIE BYLAW NO. 2023-02

Scope

4. (1) This Bylaw applies to the control of all sound originating within the jurisdictional limits of the Town of Wilkie.
- (2) 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

5. (1) No person shall make, continue or permit:
- (a) any unreasonably loud or excessive noise;
 - (b) any noise which unreasonably disturbs, injures, or endangers the comfort, relaxation, health, peace or safety of persons with ordinary sound sensitivity within the jurisdictional limits of the Town; or
 - (c) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to cause unreasonable discomfort to any person within the neighbourhood from which said noises originate, or as to unreasonably interfere with the peace and comfort of neighbours or their guests, or operators or customers of places of business, or as to detrimentally or adversely affect such residences or places of business.
- (2) Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
- (a) the proximity of the sound to sleeping facilities, whether residential or commercial;
 - (b) the land use, nature and zoning of the area from which the sound originates and the area where it is received or perceived;
 - (c) the time of day or night the sound occurs;
 - (d) the duration of the sound;
 - (e) the volume of the sound;
 - (f) the nature of the sound;
 - (g) whether the sound is recurrent, intermittent or constant; and
 - (h) the nature of the event or activity from which the sound originates.
- (3) In the absence of other evidence, or by way or corroboration of other evidence, a justice may conclude from the evidence of a peace officer relating to the conduct of a person or persons that a sound is unreasonably loud or excessive.

TOWN OF WILKIE BYLAW NO. 2023-02

Motor Vehicle Noise Prohibition

6. For the purpose of regulating motor vehicle noise, the following provisions shall apply:
- (a) no person shall operate a motor vehicle in such a manner that it makes, continue to make or permits to be made any unreasonably loud or excessive noise; and
 - (b) in determining whether the noise from a motor vehicle is unreasonably loud or excessive, a justice may consider any of the factors mentioned in subsection 5(2).

Noises Prohibited

7. The following acts are deemed to be violations of this Bylaw, this listing does not constitute an exclusive list:
- (a) Lawn Mowers, Snow Blowers and Similar Devices: In residential districts, the operation of power equipment or machinery used in lawn and garden care or property maintenance including any lawn mower, leaf blower, hedge trimmer, power fan, edge trimmer, line trimmer, roto-tiller, snow blower, compressor, internal combustion engine or similar equipment, between the hours of 11:00 p.m. and 7:00 a.m. on a weekday, and 11:00 p.m. and 9:00 a.m. on a Sunday or a statutory holiday.
 - (b) Radios, Televisions, Stereos, Compact Disc Players, Bluetooth Speakers, Musical Instruments and Similar Devices: The use or operation of a radio, television, compact disc player, stereo, "boombox", "ghetto blaster", Bluetooth speaker, musical instrument or similar device that produces or reproduces sound and unreasonably disturbs the peace, quiet and comfort of persons residing in the vicinity, including persons residing in separate dwelling units within the building from which the sound originates.
 - (c) Idling Trucks: In residential districts, the idling of any truck or power unit or the operation of any motor, "reefer" or similar device on a semi-trailer for more than twenty (20) minutes.
 - (d) Engine Brakes: The use of an engine brake on any motor vehicle driven within the Town of Wilkie, except in cases of emergency.
 - (e) Air Horns: The use of any air horn on any motor vehicle within the Town, except in case of emergency.
 - (f) Construction or Repair of Buildings: In all areas of the Town except agricultural and industrial districts, the construction, demolition, alteration or repair of any building or structure between the hours of 11:00 p.m. and 7:00 a.m. on a weekday, and 11:00 p.m. and 9:00 a.m. on a Sunday or a statutory holiday, that produces sound that is plainly audible across the property line of the property from which the sound originates and is unreasonably loud or excessive. In cases of emergency, construction noises are exempt from this provision.
 - (g) Outdoor Public Events: The use or operation of a loudspeaker, amplifier, public address system radio, "boombox", or "ghetto blaster", stereo, musical instrument or similar device that produces, reproduces or amplifies sound at an outdoor public event, other than during the following hours:
 - (i) on a Monday, Tuesday, Wednesday, or Thursday, between the hours of 11:00 a.m. and 9:00 p.m.;

TOWN OF WILKIE BYLAW NO. 2023-02

- (ii) on a Friday or Saturday, between the hours of 11:00 a.m. and 10:00 p.m.; and
- (iii) on a Sunday or statutory holidays, between the hours of 1:00 p.m. and 6:00 p.m.

If approval has been obtained from the Town to extend the hours for the use of operation or amplification equipment at any outdoor public event in accordance with Section 9 of this Bylaw, amplification equipment may be used at the event during the extended hours.

- (h) Permitted Premises: Any unreasonably loud or excessive noise in a permitted premises or in a patio area which is part of the permitted premises which can be heard in a residential district and which unreasonably disturbs the peace, quiet and comfort of persons in the residential district.

Exemptions

8. Sounds caused by the following are exempt from the prohibitions set out in this Bylaw:

- (a) The reasonable sounding of any bell by a church or other religious organizations.
- (b) The reasonable sounding of any bell, siren, whistle or similar device by a school or other education institution.
- (c) The reasonable sounding of any bell, chime or similar device or the use or operation of any musical instrument by a charitable organization soliciting donations.
- (d) A parade for which a permit has been obtained from the Town.
- (e) An outdoor political rally, public protest, demonstration, religious service, memorial service or other similar gathering.
- (f) The construction, repair and maintenance of streets, sidewalks, alleys, water mains, storm sewer mains, sanitary sewer mains or any other works by or on behalf of the Town.
- (g) The sounding of any emergency sirens used by emergency responders such as fire, police and ambulance.

Extension of Hours for Outdoor Public Events

9. (1) The Town may, upon written application, grant approval to extend the hours during which amplification equipment may be used at an outdoor public event:
- (i) The request to extend the hours for an outdoor public event shall be made one week prior to the event.
 - (ii) In exercising its authority to subsection 9(1), the Town may grant its approval with or without conditions.

Offences and Penalties

10. (1) Except as provided in Subsection (2), every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine:
 - (i) for a first offence, not less than \$100.00;
 - (ii) for a second offence, not less than \$200.00 and

TOWN OF WILKIE BYLAW NO. 2023-02

(iii) for a third or subsequent offence, not less than \$400.00;

And not more than \$1,000.00 and, in the case of a continuing offence, to a further fine of not more than \$1,000.00 for each day during which the offence continues; and

- (b) in the case of a corporation, to a fine:
- (i) for a first offence, not less than \$100.00;
 - (ii) for a second offence, not less than \$200.00 and
 - (iii) for a third or subsequent offence, not less than \$400.00;

And not more than \$2,500.00 and, in the case of a continuing offence, to a further fine of not more than \$2,500.00 for each day during which the offence continues.

(2) Every person who uses engine brakes in contravention of Section 7(d) of this Bylaw is guilty of an offence and liable on summary conviction:

- (a) for a first offence, not less than \$150.00;
- (b) for a second offence, not less than \$250.00;

And not more than \$1,000.00 and, in case of continuing offence, to a further fine of not more than \$1,000.00 for each day during which the offence continues.

Severability

11. A determination of invalidity or unconstitutionality of a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

Repeal

12. Bylaw No. 08/15 is hereby repealed.

Coming Into Force

13. This Bylaw shall come into force and take effect upon final approval by the Council of the Town of Wilkie.



Mayor

Administrator

A certified true copy of Bylaw No. 2023-02
adopted by resolution by Council of the
Town of Wilkie on the 13 day of February 2023

Janice Belem
Administrator