

TOWN OF BIGGAR

SASKATCHEWAN



BYLAW NO. 23-855

A BYLAW FOR PROHIBITING, ELIMINATING OR ABATING NOISE

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

1. SHORT TITLE

This Bylaw may be cited as the “Noise Bylaw”.

2. PURPOSE

This Bylaw is enacted to reduce all unusually loud or bothersome noise as far as possible, with noises compatible with the normal activities of urban life permitted, while eliminating unnecessary noise, for reasonable persons of ordinary sensitivity.

3. DEFINITIONS

In this Bylaw:

1. “Town” means the Corporation of the Town of Biggar or the area contained within its boundaries as context requires.
2. “Council” means the Council of the Town of Biggar.
3. “Emergency Vehicle” means a Fire Department Vehicle, a Police vehicle or a vehicle used as an ambulance.
4. “Motor Vehicle” means a motor vehicle within the meaning of *The Traffic Safety Act* of Saskatchewan.
5. “Inspector” means any person or persons designated by resolution of Council from time to time as may be required to enforce this Bylaw.
6. “Person” includes any company, corporation, body corporate, owner, partnership, proprietorship, firm, association, society, party or tenant.
7. “Peace Officer” shall include a Bylaw Enforcement Officer, Special Constable or a Community Safety Officer, as appointed by Council or members of the Royal Canadian Mounted police.
8. “Residential Building” means a building which is constructed as a dwelling place for human beings and includes a hotel or motel.
9. “Residential Zone” means a district defined as such by the Zoning Bylaw of the Town of Biggar.

10. "Industrial Zone" means a district defined as such by the Zoning Bylaw of the Town of Biggar.
11. "Signalling Device" means a horn, gong, bell, claxon, or other device producing audible sounds for the purpose of drawing people's attention to an approaching vehicle, including a bicycle.
12. "Animal" includes:
 - a) Meat animal or an animal of the bovine species or by whatever technical or familiar name it is known, and includes a horse, mule, ass, pig, sheep or goat;
 - b) Any dog or cat.
13. Other than as defined herein, the words and phrases of this Bylaw shall have the meaning subscribed to them by *The Municipalities Act*.

4. PROHIBITIONS

1. No person shall make, continue or cause to allow to be made or continued any loud unnecessary or unusual noise or any noise whatsoever which either annoys, disrupts, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town, except to the extent as is allowed in this Bylaw.
2. What is a loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.

4.1 MOTOR VEHICLE NOISES

1. No person shall create loud, unusual, or unnecessary noise in the operation of a motor vehicle upon a public street, land, or thoroughfare within the Town of Biggar whether the noise is caused by the mechanical condition of the motor vehicle or the manner in which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
2. No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of others within the Town of Biggar resulting from any of the following acts:
 - a) the sounding of a motor vehicle signalling device or warning device or sound, except where required or authorized by this Bylaw;
 - b) the operation anywhere other than on a public highway of an engine or motor, in or on any motor vehicle or vehicles, or item of auxiliary equipment for a continuous period exceeding five (5) minutes while such is stationary in a residential zone unless:
 - i. the vehicle is in an enclosed structure so as to effectively prevent excessive noise emission; or
 - ii. the operation of such engine or motor is essential to the basic function of the vehicle or equipment, including, but not limited to, the operation of ready-mixed concrete trucks, lift platforms or refuse compactors; or
 - iii. weather conditions justify the use of heating or refrigerating systems powered by a motor or engine for the safety and welfare of the operator, passengers, or animals, or the preservation of perishable cargo; or

- iv. prevailing low temperatures making longer idling period necessary, immediately after starting the motor or engine; or
- v. the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit;
- c) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running longer than fifteen (15) minutes while the tractor-trailer or tractor alone is not in motion in any residential district or zone or any other location within five hundred (500) feet of a residential zone.
- d) The provisions of Section 4 of this Bylaw do not apply to an emergency vehicle, or to work on Town streets or public utilities carried on by the Town of Biggar, Saskatchewan Power Corporation, Sask Tel or to a contractor working for any of the above-cited persons.

4.2 COMMERCIAL INDUSTRIAL NOISES

1. No person shall advertise any event or merchandise by ringing bells, calling aloud, playing any type of musical instrument, or by any audible means in any part of the Town other than in an area designated as a C1 or C2 zone as contained in the Zoning Bylaw of the Town of Biggar.
2. No person shall, without first obtaining a written permit from the Council of the Town of Biggar (which the said Council may, in its discretion, refuse or grant), use or permit the use of a loud speaker, bells, or other device for the amplification of sound:
 - a) Upon any street, lane or other public place within the Town;
 - b) In any building or place with the intention that the sound therefrom shall be, or with the effect that is for may be audible to persons using or frequenting any such street, lane, or other public place.

4.3 DOMESTIC NOISES

1. No person shall operate a power garden tool, hedge trimmer, rototiller, lawn mower, or snow clearing device powered by an engine of any description or a hand lawn mower in a residential zone between the hours of 10 o'clock in the evening and 8 o'clock in the next morning.
2. No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of power garden tools is prohibited by subsection 1 in any residential zone;

4.4 CONSTRUCTION NOISES

1. Unless permission of the Council or its appointee is first obtained, no person shall carry on construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on, in any zone other than one designated by the current Zoning Bylaw as an industrial zone, after the hour of 10 o'clock in the evening and before the hour of 7 o'clock in the morning of the next day.
2. Unless permission of the Council or its appointee is first obtained, no person shall operate or allow to be operated:
 - a) a riveting machine;

- b) a concrete mixer;
 - c) a gravel crusher;
 - d) a steam shovel;
 - e) a trenching machine;
 - f) a drag line;
 - g) An air or steam compressor, jackhammer or pneumatic drill;
 - h) A tractor bulldozer;
 - i) Any other tool, device or machine of a noisy nature; or
 - j) So as to create a noise, confusion or disturbance to be heard in a residential building between the hours of 10 o'clock in the evening and 6 o'clock in the morning of the next day.
3. The provisions of Section 4.4 hereto do not apply to any work carried on by the Town or by a contractor carrying out the instructions of the Town which are of an exigent nature.

5. NOISES ABSOLUTELY PROHIBITED

1. No person other than a police officer or Town appointed delegate in the regular course of duty, shall discharge a firearm within the Town of Biggar.

6. EXEMPTIONS

1. Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency situation.
2. Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to a person who emits or causes to be emitted noise in connection with any of the following activities:
- a) The use in a reasonable manner of the apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the Town of Biggar in connection with any public election meeting, public celebration, recreational event or other lawful gathering;
 - b) Any band or parade, provided that the consent of the Council of the Town of Biggar or its appointee to operate such band or hold such parade has first been obtained;
 - c) Any carnival, fair or exhibition provided that the consent of the Council of the Town of Biggar or its designate to operate or hold such carnival, fair or exhibition has first been obtained;
 - d) Any event authorized by the Town of Biggar on Town owned lands;
 - e) The sounding of bells in churches, religious establishments and schools;
 - f) The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking approved by the Council of the Town of Biggar.
 - g) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.

7. RELIEF FROM REQUIREMENTS

Applications for a permit for relief from the sound levels designated in this Bylaw on the basis of undue hardship may be issued by Council. The application shall be made in writing and must include:

1. The name and address of the applicant;
2. A description of the source of sound in respect of which exemption is sought;
3. The period of time for which the exemption is sought;
4. The reasons why the exemption should be granted;
5. Any other information required at that time; and
6. A statement of the steps, if any, planned or presently being taken to bring about compliance.

Council, by resolution, may refuse or grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit. Council may, by resolution revoke such exemption on twenty-four (24) hours' written notice to the applicant delivered by ordinary registered mail.

8. SEVERABILITY

If a court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Bylaw shall remain in force and effect.

9. PENALTIES

Any person who contravenes any portion of this Bylaw is guilty of an offence and is liable on summary conviction to a fine as stated herein or, in default of payment of the fine and cost, to imprisonment for a period not exceeding ninety (90) days.

Contravention of Part IV, all sections

First Offence - \$200.00

Subsequent Offences - \$300.00

Contravention of Part V

Each Offence - \$1000.00

10. REPEAL OF BYLAWS

The following Bylaws are hereby repealed upon the Effective Date of this Bylaw:

Bylaw No. 93-538

Bylaw No. 22-844

11. EFFECTIVE DATE

This Bylaw shall come into force and take effect on the 19th day of September, 2023.

12. READINGS

Read a first time this 19th day of September, A.D., 2023.

Read a second time this 19th day of September, A.D., 2023.

Read a third time and adopted this 19th day of September, A.D., 2023.

(S E A L)

Mayor

Chief Administrative Officer