

Bylaw 7, 2014

The Council of the Rural Municipality of Hillsdale No. 440 in the Province of Saskatchewan enacts as follows:

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

Definitions

2. In this Bylaw:

- (a) "Enforcement Officer" means the Municipal Administrator and any other person who may be appointed in writing by the Municipal Administrator and/or Bylaw of Council to enforce the Bylaws of the Municipality;
- (b) "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;
- (c) "Motor Vehicle" means a motor vehicle within the meaning of *The Traffic Safety Act*;
- (d) "Municipal Administrator" means the Administrator appointed pursuant to s. 110 of *The Municipalities Act*;
- (e) "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;
- (f) "Power Unit" means a power unit within the meaning of *The Traffic Safety Act*;
- (g) "Semi-trailer" means a semi-trailer within the meaning of *The Traffic Safety Act*;
- (h) "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;
- (i) "Truck" means a truck within the meaning of *The Traffic Safety Act*;

Scope

3. This Bylaw applies to the control of all sound originating within the jurisdictional limits of the Municipality.

General Prohibition

4. (1) No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:
 - (a) Any unreasonably loud or excessive noise; or
 - (b) Any noise which is likely to unreasonably disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable persons in the vicinity.
- (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 emanates 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 emanates.
- (3) In the absence of other evidence, or by way of corroboration of other evidence, a justice or court may infer from the evidence of an Enforcement

Officer relating to a noise, including, but not being limited to evidence concerning the factors referenced in subsection (2) hereof that a noise is:

- (a) Unreasonably loud or excessive; and/or
 - (b) Likely to unreasonably disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable persons in the vicinity.
5. Whether or not an activity referred to in Section 10 of this Bylaw "necessarily" involves the creation of noise, and whether or not the Person controlling the said activity has taken "all the reasonable steps" to minimize such noise are questions of fact to be determined by a Court hearing a prosecution pursuant to this Bylaw.

Specific Prohibitions

6. The following acts are deemed to be violations of this Bylaw *per se* and are prohibited. This enumeration does not constitute an exclusive list:
- (a) Idling Trucks: No person shall cause or permit the idling of any Truck or Power Unit of the operation of any motor, "reefer" or similar device on a Semi-trailer for more than twenty (20) minutes within the boundaries of a Residential District.
 - (b) Engine Brakes: No person shall cause or permit the use of an Engine Brake on any Motor Vehicle driven within the Municipality, except in case of emergency.
 - (c) Air Horns: No person shall cause or permit the use of an air horn on any Motor Vehicle within the Municipality, except in cases of Emergency.
 - (d) Outdoor Public Events: No person shall cause or permit the use or operation of a loudspeaker, amplifier, public address system radio, "boombox", "ghetto blaster", stereo, musical instruments 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.;
 - ii. On a Friday or Saturday, between the hours of 11:00 a.m. and 10:00 p.m.;
 - iii. On a Sunday or statutory holiday, between the hours of 1:00 p.m. and 6:00 p.m.

Exemptions

7. Sounds caused by the following are exempt from the prohibitions set out in this Bylaw, but are subject to the provisions of sections 10 and 11 hereof:
- (a) The performance of work by any person directly associated with an Agricultural Operation for the purpose of carrying on all activities normally associated with a farming operation including the operation of farming implements;
 - (b) Work carried on by the Municipality or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be;
 - (c) Except as provided in Section 8 of this bylaw; the performance of work by any person in an Industrial District if:
 - i. The noise is generated pursuant to work performed in the normal and unusual manner to that end; and
 - ii. The work is authorized pursuant to the Zoning Bylaw, and does not otherwise contravene any federal, provincial or municipal law or regulation.
 - (d) Persons using domestic equipment including, without restricting the generality of the foregoing, lawnmowers, snow blowers, garden tillers and other landscaping equipment, and persons

owning or controlling property upon which such equipment is used if:

- i. The noise is of a temporary or intermittent nature;
 - ii. The equipment is properly maintained and operated in a normal manner for that type of equipment; and
 - iii. The noise occurs between the hours of 7:00 a.m. and 10:00 p.m.
- (e) Persons using air conditioning and cooling units in either domestic or commercial use if the units are properly maintained and are operated in a normal manner.

8. Sounds cause or permitted uses set forth in Schedule "A" are exempt from the prohibitions set forth in this Bylaw, provided that the occur during the permitted times set forth in that Schedule. Such sounds are subject to the provisions of sections 10 and 11 hereof.

Special Event Permits

9. (1) Any person may apply to the Municipal Administrator for an exemption to any provisions of this Bylaw with respect to any noise to allow such a person to emit, cause or permit such noise for the period of time set out in such application.
- (2) Every person applying for an exemption shall, at least 15 business days prior to the date for which the exemption is sought (or in the case of an application for several days, the first such date), provide to the Municipal Administrator a complete and accurate application in the form appended as Schedule B, setting out the particulars respecting the exemption requested.
- (3) Upon receipt of an application, the Municipal Administrator shall:
- (a) evaluate the applications having due regard to the following criteria:
 - i. The criteria set out in subsection 5(2);
 - ii. The nature of the activity or event, including but not being limited to:
 - (A) Whether the activity or event is related to a significant event for the applicant or the applicant's family such as a wedding, or significant anniversary (such as a 25th, 50th or 60th wedding anniversary);
 - (B) Whether the activity or event is for the benefit of the public or in the public interest;
 - (C) The date or dates of the activity or event;
 - (D) The times of the activity or event;
 - (E) The nature of the noise likely to be associated with the activity or event; and
 - (F) The mitigation measures proposed by the applicant.
 - (b) Where the Municipal Administrator is of the opinion that granting of an exemption is not appropriate, deny the exemption.
 - (c) Where the Municipal Administrator is of the opinion that granting of an exemption is appropriate, grant the exemption, or grant an alternative exemption.
 - (d) Where the Municipal Administrator is of the opinion that the matter is one which is more appropriately dealt with by Council, refer the matter to the next Council meeting for a determination. Council shall thereafter, with due regard to the criteria set forth in subsection (a) above, deny the exemption, grant the exemption or grant an alternative exemption.

- (4) The Municipal Administrator (or Council where the determination has been referred to it by the Municipal Administrator) may impose terms and conditions upon any exemption.
- (5) The grant or denial of a permit, and the imposition of terms and conditions by the Municipal Administrator or by Council is wholly discretionary and is not subject to review or appeal.
- (6) Where an exemption is granted, the Municipal Administrator shall issue a Special Event Permit setting forth the details and the terms and conditions of the exemption, in such form as the Municipal Administrator shall adopt from time to time.
- (7) Where an exemption is granted, the Municipal Administrator or by resolution of Council, the exemption shall render any and all provisions of this Bylaw referenced therein applicable and shall, except where the permit is rendered null and void by breach, exempt the person or persons from prosecution under this Bylaw.
- (8) The breach of any terms or conditions of the exemption shall render the exemption null and void.

Duty to Mitigate

10. Where a use of land or activity otherwise lawfully permitted at a location within the municipality necessary involves the creation of noise, as defined by this Bylaw, the Person owning, operating, or controlling the activity; or the Person owning or controlling the property upon or within which the activity is allowed to take place shall take all reasonable steps to ensure that the noise created by the said activity is minimized as much as practicable, in all circumstances.
11. An Enforcement Officer may direct any Person who has caused or made a noise, or any Person who owns property from which noise has originated, to abate or eliminate the noise. Such a direction may be either verbal or written.

Offences and Penalties

12. (1) Every person who contravenes any provisions of this Bylaw is guilty of an offence and is liable on summary conviction to:
- (a) A minimum of One Thousand Dollars (\$1,000.00) for a first offence; and
 - (b) A minimum of Two Thousand Five Hundred Dollars (\$2,500.00) for a second or subsequent offence.
- (2) Upon receipt of a notice of violation, full payment must be received by the Municipality within Fourteen (14) days from the date of the notice.

Severability

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

Schedules Form Part of Bylaw

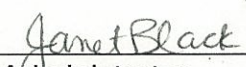
14. Schedules "A" and "B" attached hereto form part of this Bylaw.

I certify this to be a true copy
of the original document

Bylaw 7, 2014
Date May 8, 2014
Janet Black, Administrator
Name Position

Janet Black
Signature


Reeve


Administrator



Schedule A
Noise Bylaw

Hours During Which Noise Associated with Permitted Uses is Permitted

Land Use/Activity	Weekdays	Weekends/Statutory Holidays
Mineral Resource Extraction and Storage – includes all activities associated, including processing and hauling.	7 am till 10 pm Monday – Saturday	10 am till 8 pm Sundays/Stat Holidays
Commercial Recreation – including but not limited to drag strips, motor speedways and paintball operations and associated activities.	8 am till 10 pm Monday – Saturday	8 am till 6 pm Sunday/Stat Holidays
Clean Fill Operations – includes all activities associated.	7 am till 10 pm Monday - Saturday	10 am till 8 pm Sunday/Stat Holidays

Schedule B

Noise Bylaw

SPECIAL EVENT PERMIT APPLICATION**RURAL MUNICIPALITY OF HILLSDALE NO. 440**

The undersigned hereby requests the Municipal Administrator of the Rural Municipality of Hillsdale No. 440 to consider this application for an exemption from certain provisions contained with Bylaw No. 7, 2014 known as the Noise Bylaw

The undersigned certifies the information contained herein, on which this application is based, to be true and the owner is aware of this exemption request.

1. Applicant/Property Owner

Applicant: _____

Address: _____

Phone: _____ Fax: _____

Email: _____

2. Legal Land Description for Event

All/Part _____ ¼ Section, Twp. _____ Rge. _____ W3M

LSD(s) _____ Lot(s) _____ Block(s) _____

3. Type of Event: _____

4. Anticipated Event Attendance: _____

5. Description of noise anticipated and the source(s) of the noise:

6. Time of day noise anticipated: _____

7. Date(s) for which an exemption is being sought: _____

8. Name and Cell Phone Number for person in charge during event:

9. The names of nearby residents and businesses which may be affected, their telephone numbers, and a summary of their questions and comments shall be attached to this Application Form.

Signature of Applicant: _____ Date: _____

Applications must be received at least 15 business days prior to the proposed date of the event.