

**TOWN OF SHAUNAVON
BYLAW NO. 2010 - 16**

A BYLAW TO REGULATE NOISE WITHIN THE TOWN OF SHAUNAVON

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

1. NOISE BYLAW

This bylaw may be cited as the "Town of Shaunavon Noise Bylaw".

2. DEFINITIONS

- a) "Town" means the Town of Shaunavon;
- b) "Council" means the Council of the Town of Shaunavon;
- c) "Noise" includes any loud outcry, clamour, shouting or movements, or any sound that is loud or harsh or undesirable;
- d) "Person" includes any company, corporation, owner, partnership, firm, association, society or party;
- e) "Property" means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

3. GENERAL REGULATIONS

- a) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates there from disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- b) In the absence of other evidence, or by way of corroboration of other evidence, a court of competent jurisdiction may infer from the evidence of a peace officer relating to the conduct of a person or persons, whether ascertained or not, that any loud noise, any unnecessary noise, or any unreasonable noise:
 - i) occurred;
 - ii) was of a nature as to disturb the quiet, peace, rest, enjoyment, comfort, convenience of any person or persons other persons; within the meaning of clause a)
- c) Without restricting the generality of clause a), no person shall operate or allow to be operated in any residential district:
 - i) a lawn mower of any kind;
 - ii) a snow clearing machine powered by an engine of any type;
 - iii) a rototilling machine of any kind; or,
 - iv) any other machine or device of a similar or like nature that is powered by an internal combustion engine or an electrical motor,
 - o after the hour of 10:00 p.m. and before the hour of:
 - 7:00 a.m. of any weekday; and
 - 8:00 a.m. of any weekend day or holiday.
- d) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on-private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- e) No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.

- f) No hawker, huckster, peddler, newsvendor or other person shall be his intermittent or reiterated cries disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- g) No person shall operate any outdoor public address system in the Town without first having obtained a permit therefore.
- h) No person shall operate any vehicle, including but not limited to: cars, trucks, vans, snow vehicles, motorboats or motorcycles, which makes or causes noise in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

4. **CONSTRUCTION HOURS**

- a) No person in the Town shall on any day before 7:00 a.m. or after 10:00 p.m. construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- b) Where it is impossible or impractical to comply with this section, the Town Administrator may give written approval to carry on the work that is found to be necessary at designated hours.
- c) Responsibility for obtaining written approval lies with the person carrying on the work.

5. **EMERGENCY WORK**

- a) Notwithstanding any provisions of this bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property, but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

6. **PENALTY SECTION**

- a) Every person who contravenes any provision on this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than;
 - i) \$500.00 in the case of a first offence; and
 - ii) \$750.00 in the case of any subsequent offence within 3 months of any previous offence; and not more than;
 - iii) \$3,000.00 in the case of an individual;
 - iv) \$6,000.00 in the case of a corporation.
- b) All fines, penalties and forfeitures mentioned in this Bylaw may be recovered and enforced with costs by summary conviction before a judge and, in the default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the fine or penalty are paid sooner.
- c) This Bylaw may be enforced, and the contravention of any provision of the bylaw restrained, by any court on action brought by the Town of Shaunavon whether or not any penalty is imposed for the contravention.
- d) Conviction of a person for a contravention of any provision of this Bylaw does not relieve him from compliance with the Bylaw, and the convicting judge or justice of the peace shall, in addition to any fine imposed, order the person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.
- e) A person who fails to comply with an order made pursuant to subsection within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than \$250 for each day during which the failure continues, to imprisonment for a term of not more than 90 days or to both such fine and imprisonment.

THIS BYLAW shall come into force on the final passing and Bylaw No. 17-82 is hereby repealed.

“Q.M. Elmgren”

Deputy Mayor

SEAL

“Charmaine Bernath”

Administrator

Read a third time and adopted
this 20th day of July, 2010.

“Charmaine Bernath”

Administrator