

**TOWN OF OSLER
BYLAW 2013-04
A BYLAW TO REGULATE OR PROHIBIT
THE MAKING OR CAUSING OF NOISES OR SOUND IN THE MUNICIPALITY**

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

PART I - SHORT TITLE

This Bylaw may be cited as the Town of Osler Noise Control Bylaw

PART II – DEFINITIONS

In this Bylaw:

"Bylaw Enforcement Officer" means a person appointed by the Municipal Council as a Bylaw Enforcement Officer and includes a Peace Officer.

"CAO" or **"ADMINISTRATOR"** shall refer to the Chief Administrative Officer of the Town of Osler

"Construction" includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.

"Construction Equipment" means any equipment or device designed and intended for use in construction or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.

"Council" shall refer to the Council of the Town of Osler.

"Town Foreman" means the person appointed as the Manager of Public Works and from time to time may include any person appointed or designated by the Town Foreman or the Chief Administrative Officer to act on his/her behalf.

"Highway" includes every highway within the meaning of the *Highway Act*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the Town of Osler for the purpose of providing off-street parking.

"Municipality" refers to the Town of Osler.

"Noise" includes sound.

"Persistent/Persistently" means enduring or constantly repeated.

"Point of Reception" means any point on the premises of a person where sound or vibration originating from other than those premises is received or any place on a highway sound is received.

"Truck" means any motor vehicle with a licensed gross vehicle weight over 8,600 kg.

"Vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, or road building machine.

PART III – PURPOSE

The purpose of this Bylaw is to regulate and control the making of or causing of noises or sounds which are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public within the municipality.

PART IV – PROHIBITIONS

No person shall make or cause or permit to be made a noise or sound described as follows:

1. Playing or operating any radio, stereophonic equipment, television receiving set or other instrument or any apparatus for the production or amplification of sound, where the noise or sound is clearly audible at a point of reception in a residential area between the hours of 11:00 p.m. one day and 7:00 a.m. the following day.
2. Harboursing or keeping any animal or bird which persistently cries, barks, or howls.
3. Being in the care or control of any vehicle, except for buses and trucks, which creates or emits a noise or sound which is audible beyond 150 metres in any direction from the vehicle.
4. Idling or continuously running of a diesel engine, a truck or bus for more than 15 minutes at the same location, except, where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle.
5. Erecting, demolishing constructing, reconstructing, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or other land before 7:00 a.m. or after 11:00 p.m., Monday to Saturday and before 9:00 a.m. or after 10:00 p.m., on Sundays and Statutory Holidays.
6. Using a lawnmower or rototiller before 7:00 a.m. or after 11:00 p.m.
7. Loading, unloading, delivering, collection, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever before 7:00 a.m. or after 11:00 p.m. in any residential area.

PART V - EXEMPTIONS

8. The emission of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:
 - 1) Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
 - 2) Horn or signaling device on a train when used as a danger or warning signal.
 - 3) Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
 - 4) Bells or chimes from churches or public institutions.
 - 5) The unloading, loading, pick up or delivering of containers, products, materials, or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects.

- 6) Noise or sound created in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.
- 7) Noise or sound created from parades or public festivities authorized by Council.
- 8) Noise or sound created by extraordinary construction projects which have been authorized to take place by the Council.
- 9) Noise or sound created from the act of clearing snow on business lots within the town boundaries, where such snow removal is required prior to the businesses usual time of opening and to accommodate the comings and goings of their customers. Such businesses will be permitted to commence snow clearing one hour prior to the usual time of opening, provided this is not before 6:00 a.m. on any day of the week.

PART VI – PENALTY

A person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than \$100.00 and not more than \$2,000.00.

PART VII – SEVERABILITY

If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

PART VIII – REPEAL PREVIOUS BYLAW

Bylaw 5 – 90 is hereby repealed.

PART IX - COMING INTO FORCE AND EFFECT

This Bylaw shall come into force and effect on the day it is passed by Council.

Read a first time this 16th day of April, 2013

Read a second time this 14th day of May, 2013

Read a third time this 14th day of May, 2013

Mayor

SEAL

Chief Administrative Officer