

BYLAW NO. 13-2019

TOWN OF MARSHALL

A BYLAW OF THE TOWN OF MARSHALL 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 OF MARSHALL** 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 Marshall through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

Definitions

3. In this Bylaw, including this section:
 - a) “Municipality” means the Town of Marshall;
 - b) “Council” means the Council of the Town of Marshall;
 - c) “Emergency Vehicle” means a motor vehicle used in response to a public catastrophe or to protect persons or property in imminent exposure to danger;
 - d) “Emergency work” means work made necessary to restore property to safe conditions 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 statutory holiday as defined in *The Interpretation Act 1995*, and amendments thereto, or any holiday proclaimed as such by the Municipality;
 - f) “Motor Vehicle” means “motor vehicle” as defined in *The Vehicle Administration Act*;
 - g) “Residential Building” means a building which is constructed as a dwelling for human beings;
 - h) “Residential Zone” means a district defined as such in the current Town of Marshall 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 Sunday or holiday.

General Prohibition

4. (1) Except to the extent it is allowed by this Bylaw no person shall make, or continue to make, or cause to be made, or allow to be made, or allow to continue to be made, any loud noise, or unnecessary noise, or any unusual noise.

(2) Except to the extent is allowed by this Bylaw, no person shall make, or continue to make, or cause to be made or cause to be continued, or allow to be made, or allow to be continued, any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Municipality.

(3) What is a loud noise, an unnecessary noise, an unusual noise, or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons is a question of fact for the Trial Judge hearing a prosecution of an offence against this Bylaw.

Domestic Noises

5. Without restricting the generality of Section 4, no person shall operate or allow to be operated a lawn mower of any kind, or snow clearing device powered by an engine of any type or model aircraft driven by an internal combustion engine in any residential district between the hours of:
 - a). 10:00 pm in the evening and 8:00 am of the next forenoon on weekdays;
 - b). 10:00 pm in the evening and 9:00 am in the forenoon of the following day which is a Sunday or holiday.
6. No person who owns, keeps, houses, harbours or allows to stay on their premises a dog, shall allow such dog to bark excessively or howl excessively;
7. No person shall detonate fireworks or explosive devices in any area within the boundaries of the Town of Marshall, as per Bylaw 03-2019, Open Outdoor Fires and Fireworks, Section 10.
8. (1) No person being the owner or occupant of any premises shall operate, or permit to be operated, or suffer to be operated, or allow to be operated, play or allow to be played, any radio, phonograph, record player, tape recorder, television set, musical instrument or any other apparatus, appliance, device or machine used for the production or amplification of sound, either in or on private premises in a residential district in such a manner that the same can be easily heard by an individual or member of the public who is not on the same premises from which such noise or sound emanates.

(2) For the purpose of this Bylaw, "premises" shall mean the area contained within the boundaries of any lot and include any building situated within such boundaries. Provided, however that where any building contains more than one dwelling unit, each dwelling unit, or common area of such a building and land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.

(3) For the purpose of this Bylaw "occupant" shall mean the owner, occupant or licensee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises.

Construction Noises

9. Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or any other equipment capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, after the hour of 10:00 pm in the evening and before the hour of 8:00 am in the morning of any day.
10. Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a trenching machine, a drag line, an air or steam compressor, a jack hammer or pneumatic drill, a tractor or bulldozer or any other tools, device or machine in any residence between the hours of 10:00 pm in the evening and 8:00 am in the morning.

Advertising Noises

11. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, playing or using any type of noise making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place or in any building or premises with the intention or results that the sound there from shall be or is audible to persons using or frequenting any street or other public place.

Diesel or Gas Motors

12. No person shall allow the diesel or gas motor on a tractor which pulls a trailer or on a semi-trailer to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, is stationary in a residential district.

Motor Vehicle

13. No person shall create loud, unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane, or thoroughfare within the Town of Marshall.

Exceptions

14. The provisions of this Bylaw shall not apply to:
 - a) the ring of bells in Churches, religious establishments and schools;
 - b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking during the Christmas season or at any other time;
 - c) the playing of a band, the sound of steam whistle, the sounding of motor vehicle horns or the use of sound amplification equipment used in connection with any parade;
 - d) the moderate playing of musical instruments appropriate to any religious street service;
 - e) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - f) the sounding of a factory whistle and similar devices at normal appropriate times;

- g) the sounding of police whistles or the sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
- h) any use of sound amplification equipment used by the Police, Fire Department or any ambulance service or public service;
- i) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering.
- j) any work carried on the Town of Marshall or by a contractor carrying out the instructions of the Town.

Penalties


- 15. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction of not more than Five thousand (\$5,000.00) dollars for the cost of every offence, and a maximum fine not to exceed more than ten thousand (\$10,000.00) for the cost of every offence as per Bylaw 10-2018, General Penalty Bylaw.

Coming Into Force

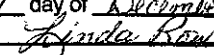
- 16. This Bylaw shall come into force and take effect on the date of third and final reading by the Council of The Town of Marshall.

- 17. Bylaw 4-96 is hereby repealed.




 Mayor


 Administrator

Certified a true copy of Bylaw 13-2019
 Adopted by resolution of Council on the
17 day of December, 2019

 Administration