

BYLAW NO. 4-94


A BYLAW OF THE TOWN OF ESTON PROHIBITING,  
ELIMINATING OR ABATING NOISE

THE COUNCIL of the Town of Eston, in the Province of  
Saskatchewan, enacts as follows:

TITLE


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

NOISE TOWN LIMITS

2. No person shall make or continue any loud, unnecessary or unusual noise which disturbs the comfort and repose of other persons within the limits of the Town.
  3. (1) No person shall allow property belonging to him or under his control to be used so that there originates from the property any loud, unnecessary or unusual noise which disturbs the comfort or repose of other persons in the vicinity of such property or generally within the limits of the Town.  
  
(2) Any person found on any property from which originates any loud, unnecessary, or unusual noise which disturbs the comfort or repose of other persons in the vicinity of such property, or generally within the limits of the Town, is guilty of an offense under this bylaw.
  4. No person shall use, operate or permit to be played, used or operated any radio, musical instrument, loudspeaker or other device for the producing or reproducing of sound with enough volume to annoy or disturb persons.
  5. In a residential zone or within 500 feet of an inhabited building, no person shall operate or allow to be operated between the hours of 11:00 p.m. and 7:00 a.m. daily, any device, including any tool or piece of equipment or machinery which is powered by an electric motor or an internal combustion engine. This clause shall not apply to the above when operated in an enclosed structure.
  6. No person shall excavate or fill land or construct, demolish or carry on construction of any type which involves hammering, sawing or the use of any machine or tool or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which activity is being carried out between 11:00 p.m. and 7:00 a.m. daily. The above restrictions do not apply to agricultural and residential zoned land unless the sound is clearly audible or is being performed for public improvements and work on public service facilities and utilities.
  7. No person shall make or continue or cause or permit to be made or continued any sound which:
    - (1) is such that it does or is likely to annoy, inconvenience or disturb persons.
    - (2) Causes loss of enjoyment of the normal use of property.
    - (3) Interferes with the normal conduct of business.
    - (4) may cause damage to property.
  8. No person shall emit or cause the emission of a sound resulting from the following acts and which sound is clearly audible:
    - (1) The operation of any combustion engine without an effective muffling device in good working order and in constant operation.
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- (2) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, or other like sounds due to improperly secured load or equipment.
- (3) The operation of an engine or motor in, or on any motor vehicle or trailer or item of attached auxiliary equipment for a continuous period exceeding five minutes while such vehicle or equipment is stationary in a residential area unless:
  - (a) the vehicle is in an enclosed structure constructed so as to prevent excessive noise emissions.
  - (b) the original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle in which case such recommended period shall not be exceeded; or
  - (c) operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to, the operation of ready-mixed concrete trucks, lift platforms or refuse compactors and heat exchange systems; or
  - (d) weather conditions justify the use of heating or refrigeration systems powered by the motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
  - (e) prevailing low temperature makes longer idling periods necessary immediately after starting the motor or engine; or
  - (f) the idling is for the purpose of cleaning and flushing the radiator and associated circulation system for the seasonal change of antifreeze, cleaning of the fuel system, carburetor or the like, when such work is performed other than for profit.
  - (g) the above section shall not apply to buses operated for the transportation of persons while standing in established bus turnarounds, terminals, parking lots or other specified location.
- (4) The operation of a motor vehicle horn or other devices except to directly avoid an accident or where required or authorized by law.
- (5) The operation of any item of construction equipment in a residential zone without effective muffling devices in good working order and in constant operation.

#### NOISE LEVELS

- 9. What is a noise of a level to interfere with the comfort or the repose of any person or persons so as to justify a prosecution under this Bylaw is a question of fact for the Summary Conviction Court that hears the charge.
  - 10. In the absence of other evidence, or by way of corroboration of other evidence the Summary Conviction Court may infer from the evidence of a peace officer relating to the conduct of any person or persons, whether ascertained or not, that the comfort or repose of other persons within the limits of the Town was disturbed.
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#### PENALTY

11. (1) A person who contravenes this Bylaw is guilty of an offense and liable on summary conviction to a fine of not less than \$500.00 for the first offense, and not less than \$1,000.00 for a second and each subsequent offense; and in default of payment to imprisonment for not less than thirty (30) days or more than ninety (90) days.

(2) Conviction of a person or persons for breach of any provision of this Bylaw does not release the person or persons from compliance with the Bylaw and the convicting magistrate shall, in addition to any penalty imposed, order the person or persons to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the breach thereof.

#### POWER OF SEIZURE

12. A peace officer may seize any mechanical or sound equipment used to create an offense under this Bylaw for a period of 24 hours to prevent continuation of the offense upon which time the equipment can be claimed by its rightful owner and returned to him.

#### EXCEPTIONS

13. The provisions of this Bylaw shall not apply to the following:

- (a) the ringing 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;
- (c) the playing of a band, the sounding of a steam whistle, the sounding of motor vehicles' 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 factory whistles and similar devices at normal appropriate times.
- (f) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
- (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, including any department of the Town;
- (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 sanctioned by the Town;
- (j) transit vehicles engaged in normal transit operations;
- (k) the use of any tractors, trucks or other equipment for snow removal, snow clearing or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;
- (l) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation and Saskatchewan Telecommunications, and the Town;



COUNCIL DISCRETION

14. At the discretion of Council upon application, the Council may, by resolution, grant an exemption to any person or organization from any of the provisions of this Bylaw with respect to any source of sound.

EFFECTIVE DATE

15. This Bylaw shall come into force and take effect, from, and after the date of the final passing thereof.

  
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Mayor

SEAL

  
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Administrator

Certified True Copy of Bylaw No. 4-94  
Adopted by Resolution Of Council of the  
Town Of Eston on September 21, 1994.

  
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Administrator

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