

BYLAW 62/86

A BYLAW TO PROHIBIT, ELIMINATE AND ABATE, LOUD, UNUSUAL AND UNNECESSARY NOISE, OR NOISES WHICH ANNOY, DISTURB, INJURE OR ENDANGER THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF OTHERS WITHIN THE VILLAGE OF JANSEN.

THE COUNCIL OF THE VILLAGE OF JANSEN ENACTS AS FOLLOWS:

PART 1 SHORT TITLE & DEFINITIONS

1. This Bylaw may be cited as the "Noise Abatement Bylaw".
2. (a) "City" means the corporation of the Village of Jansen or the area contained within its boundaries as the context requires.
- (b) "Council" means the Council of the Village of Jansen.
- (c) "Emergency Vehicle" means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance.
- (d) "Industrial Zone" means a district defined as such in the current Village of Jansen Zoning Bylaw.
- (e) "Motor Vehicle", shall have the same meaning given it in "The Vehicles Act", R.S.S. 1978, Chapter V-3 and amendments thereto.
- (f) "Inspector" means any person or persons designated by Resolution of Council from time to time as may be required to enforce the Bylaw.
- (g) "Person" includes any company, corporation, owner, partnership, firm, association, society, party or tenant.
- (h) "Peace Officer" shall have the same meaning as that given it in the "Summary Offences Procedure Act", R.S.S. 1978, S-63.
- (i) "Public Highway" has the same meaning as that given it in the "The Vehicles Act", R.S.S. 1978, c. V-3.
- (j) "Public Place" has the same meaning as that given it in "The Liquor Act", R.S.S. 1978, c. V-3.
- (k) "Residential Building" means a building which is constructed as a dwelling place for human beings and includes a hotel or motel.
- (l) "Residential Zone" means a district defined as such in the current Village of Jansen Zoning Bylaw.
- (m) "Signalling Device" means a horn, gong, bell, claxon, or other device producing audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle.
- (n) "Vehicle" shall have the same meaning given to it in "The Vehicles Act", R.S.S. 1978, c. V-3 and amendments thereto.

PART II GENERAL PROHIBITIONS

2. (i) NO PERSON SHALL Make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or 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 Village, except to the extent it is allowed by this Bylaw.
- (ii) That is, aloud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of others is a Question of fact for a court which hears a prosecution of an offence against this Bylaw.

PART III SPECIFIC PROHIBITIONS

4.(A) Motor Vehicle Noises

- (a) 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 Village of Jansen whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
- (b) No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of others within the Village of Jansen resulting from any of the following acts:
- (i) The sounding of a motor vehicle signalling device or warning device, or siren, except where required or authorized by this Bylaw.
- (ii) The operation anywhere other than on a public highway of an engine or motor, in or on any motor vehicle, or vehicles, or item of auxiliary equipment for a continuous period exceeding five minutes while such is stationary in a residential zone unless:
- (i) The vehicle is an enclosed structure so as to effectively prevent excessive noise emissions; or
- (ii) The 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; or
- (iii) Weather conditions justify the use of heating or refrigerating systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
- (iv) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
- (v) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for seasonal change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit.
- (c) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running longer than 15 minutes while the tractor-trailer or tractor alone is not in motion in any residential district or zone or in any other location within five hundred feet of a residential zone.
- (d) The Provisions of Section 4 of this Bylaw do not apply to an emergency vehicle, or to work on a Village street or public utility carried on by The Village of Jansen, Saskatchewan Power Corporation, Sask-Tel, or to a contractor working for any of the above cited persons.

5. Commercial and Industrial Noises

- (a) No person shall load or unload motor trucks in any area designated as being a residential zone or within one Village block of the boundary of such zone between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next forenoon.
- (b) No person shall advertise any event or merchandise by ringing bells, calling aloud, playing any type of musical instrument or by any audible means in any part of the Village other than in an area designated as the Commercial District.

(c) No person shall, without first obtaining a written permit from the Chief of Police of the Village of Jansen or his appointee (which the said Chief of Police of the Village of Jansen or his appointee may, in his discretion, refuse or grant) use or permit the use of a loud-speaker or other device for the amplification of sound;

(i) upon any street, lane, or other public place within the Village;
or

(ii) in any building or place with the intention that the sound therefrom shall be, or with the effect that is or may be, audible to persons using or frequenting any such streets, lane or other public place.

6. Domestic Noises

(a) No person shall operate a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower, or snow clearing device powered by an engine of any description in a residential zone between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next morning.

(b) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of power garden tools is prohibited by Subsection (a) in any residential zone.

(c) No person shall detonate fireworks or explosive devices in any area designated as a residential district between the hours of ten (10:00) o'clock in the evening and nine (9:00) o'clock of the next morning.

(d) Every person who owns, or has the care or control of, or keeps or harbours, any such animal which by reason of excessive barking or excessive howling disturbs other persons is guilty of an offence under this Bylaw.

7. Construction Noises

(a) Unless permission of an inspector, of the Village of Jansen is first obtained, no person shall carry on construction of any type of structure which involves hammering, sawing or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any zone other than one designated by the current Zoning Bylaw as an Industrial Zone, after the hours of ten (10:00) o'clock in the evening and before the hours of seven (7:00) in the morning of the next day.

(b) Unless permission of an Inspector, of the Village of Jansen is first obtained, no person shall operate or allow to be operated:

- (i) a riveting machine
- (ii) a concrete mixer
- (iii) a gravel crusher
- (iv) a steam shovel
- (v) a trenching machine
- (vi) a drag line
- (vii) an air or steam compressor, jack-hammer or pneumatic drill
- (viii) a tractor or bull-dozer or
- (ix) any other tool, device or machine of a noisy nature,

so as to create a noise, confusion, or disturbance to be heard in a residential building between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the morning of the next day.

(c) The provisions of Section 7 hereto do not apply to any work carried on by the Village or by a contractor carrying out the instructions of the Village which are of an exigent nature.

8. NOISES ABSOLUTELY PROHIBITED

(a) No person other than a Police Officer in the regular course of duty shall discharge a firearm within the Village of Jansen.

PART IV EXEMPTIONS

9. (a) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to a person who emits or causes to be emitted noise in connection with any of the following activities:

(i) The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreation area under the control and management of the Village of Jansen in connection with any public election meeting, public celebration, recreational event, or other lawful gathering.

(ii) Any band or parade, provided that the consent of the Chief of Police of the Village of Jansen or his appointee to operate such band or hold such parade has first been obtained.

(iii) Any carnival, fair or exhibition provided that the consent of the Council of the Village of Jansen or its designate to operate or hold such carnival, fair or exhibition has first been obtained.


- (iv) Any event authorized by the Village of Jansen on Village owned lands.
 - (v) The sounding of bells in churches, religious establishments and schools.
 - (vi) The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking approved by the Council of the Village of Jansen.
 - (vii) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.
- (b) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency situation.

PART V SEVERABILITY

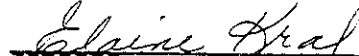
10. If a Court of competent jurisdiction should declare any section or part of a section of this Bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced the Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

PART VI PENALTIES

11. (a) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a minimum fine of Fifty (50.00) Dollars and a maximum fine not in excess of Five Hundred (\$500.00) Dollars or, in default of payment of the fine and costs, to imprisonment for a period not exceeding 30 days.



Mayor



Clerk