

VILLAGE OF SAYWARD

BYLAW NO. 342, 2005

A BYLAW TO REGULATE AND PROHIBIT THE MAKING OR CAUSING OF NOISE

The Municipal Council of the Village of Sayward in open meeting assembled enacts the following:

PART 1 - TITLE

- 1.1 This Bylaw may be cited for all purposes as "Village of Sayward Noise Control Bylaw No. 342,2005".

PART 2 - INTERPRETATION

- 2.1 In this bylaw:

"Authorized person" shall include the following:

- (a) a member of the RCMP
- (b) the Chief Administrative Officer for the Village
- (c) or any other person appointed by Council

"noise" includes any loud outcry, clamor, shouting or movement, or any sound that is loud or harsh or undesirable.

"person" includes any company, corporation owner, partnership, firm, association, society or party.

"property" means real property and includes land, other than highway, together with all improvements upon the land.

"Village" means the Village of Sayward

PART 3 – JURISDICTION

- 3.1 This bylaw is applicable and enforceable within the municipal boundaries of the Village.

PART 4 - PROHIBITION

- 4.1 No person, being the owner, tenant or occupier of real property, shall allow or permit the real property to be used so that noise which occurs on, or is emitted from, that real property is liable by its continuous or persistent nature to disturb the quiet, peace, rest, enjoyment, comfort or convenience of a reasonable person or persons in the neighbourhood or vicinity.
- 4.2 No person shall play or operate any electronic device or group of electronic devices incorporating one or more speakers designed for the production, reproduction or amplification of sound including but not limited to radios, stereophonic equipment, tape decks, compact disc players, DVD players, television, receivers, audio/visual tape players and musical instruments 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 a person in the vicinity.
- 4.3 No person shall make or cause, permit to be made or caused, any noise in or on a public or private place which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any person or persons in the neighbourhood or vicinity.
- 4.4 No person shall own, keep or harbour any animal or bird which, by its calls, cries, barks or other noise whatsoever, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience, of a person in the vicinity.

PART 5 – EXCEPTIONS

- 5.1 The provisions of this bylaw do not apply to:
 - 5.1.1 police, fire or other emergency personnel in the performance of their duties;
 - 5.1.2 emergency evacuation, construction or repair of bridges, streets, highways or lands by the Village or by the Ministry of Transportation and Highways;
 - 5.1.3 the use of bells or chimes for the announcing of church services;
 - 5.1.4 snow removal, sanding, salting or street cleaning operations;
 - 5.1.5 street repairs and construction;
 - 5.1.6 installation of underground or above ground services under a contract with the Village;
 - 5.1.7 the operation of or any act of construction, maintenance or repair being carried out by employees or contractors of the Village, Ministry of Transportation or any public or private utility;
 - 5.1.8 operation of a public transportation system;
 - 5.1.9 operation of a public address system required under a building or fire code;
 - 5.1.10 the use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or music in a public park or square in connection with any public meeting, public celebration or other public gathering;
 - 5.1.11 repairs to property of any emergency nature or works of an emergency nature for the preservation or protection of life, health or property, but should it be required by the Village, the onus shall be on the person performing the work to show cause that the work was of an emergency nature;

- 5.1.12 any parade, procession, performance, concert, ceremony gathering or meeting in or on any street, or public place, when duly authorized or permitted under the provisions of any bylaw in force in the Village;
- 5.1.13 operation of agricultural machinery or equipment in the conduct of a farming operation being operated in accordance with normal farm practices;
- 5.1.14 garbage collection service between the hours of 7:00 a.m. and 8:00 p.m. on any day except Sunday;
- 5.1.15 a lawnmower or power gardening equipment operated between 8:00 a.m. and 8:00 p.m. on any day;
- 5.1.16 the operation of sawmills or log peelers whether portable or permanent, where permitted between the hours of 7:00 a.m. and 8:00 p.m. on any day;
- 5.1.17 any type of manufacturing, processing, assembling, fabricating, testing, servicing, industrial uses, and repairing where permitted between the hours of 7:00 a.m. and 8:00 p.m. on any day; or
- 5.1.18 Blasting of rock or other material between the hours of 7:00 a.m. and 8:00 p.m. on any day except Sunday.

5.2 Construction Work

- 5.2.1 No person in the Village on any day before 7:00 a.m. and after 8:00 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 and enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 5.2.2 Where it is impossible or impractical to comply with this section, the Chief Administrative Officer may give written approval to carry out the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying out the work.

PART 6 - ENFORCEMENT

- 6.1 An authorized person may enter on any property at any time for the purpose of ascertaining whether the regulations and requirements of this bylaw are being observed.

PART 7 – PENALTY

- 7.1 Any person who contravenes any provision of this bylaw is liable upon summary conviction to a fine not exceeding two thousand dollars (\$2000.00) and the costs of the prosecution of each offence, every day during which there is an infraction of this bylaw shall constitute a separate offence.

PART 8 – GENERAL

- 8.1 Severability. If any section, subsection, sentence, clause, or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

8.2 Repeal. “Village of Sayward Noise Control Bylaw No. 232, 1991” and all its amendments are hereby repealed.

READ a first time by the Municipal Council this 12th day of January, 2005.

READ a second time by the Municipal Council this 12th day of January, 2005.

READ a third time by the Municipal Council this 12th day of January, 2005.

ADOPTED by the Municipal Council of the Village of Sayward this 26th day of January, 2005

Acting Mayor

Chief Administrative Officer