

NOISE BYLAW

RURAL MUNICIPALITY OF BRITANNIA NO. 502 BYLAW NO. 09-2019

A BYLAW TO REGULATE NOISE AS IT PERTAINS TO THE PEACE AND SAFETY OF THE MUNICIPALITY

The Council of the Rural Municipality of Britannia No. 502 in the Province of Saskatchewan enacts as follows:

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

Definitions

2. In this Bylaw, including this section:
 - (a) "Agricultural Operation" means:
 - (1) the planting, growing and sale of trees, shrubs or sod;
 - (2) the raising, production or protection of crops, livestock, fish or poultry; or
 - (3) beekeeping.
 - (b) "Audible Bird Scare Device" means a stationary instrument that creates an impulse sound from impacts or explosions and can include but is not limited to propane-fueled exploders or cannons.
 - (c) "Council" means the Council of the Rural Municipality of Britannia No. 502.
 - (d) "Farm Implement" means any implement, equipment, engine, motor, machine, combine, vehicle or attachment used or intended for use in an Agricultural Operation.
 - (e) "Livestock" means alpacas, bison, cattle, donkeys, goats, horses, llamas, mules, sheep and swine.
 - (f) "Municipality" means the Rural Municipality of Britannia No. 502.
 - (g) "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.
 - (h) "Outdoor Public Event" means an outdoor concert, sporting event, festival, attraction or similar event, whether held on private or public property, to which the public-at-large is invited or admitted, with or without charge.
 - (i) "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 building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.

General Prohibition

3.
 - (a) No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:
 - (1) Any unreasonably loud or excessive noise; or
 - (2) Any noise which is likely to unreasonably disturb, injure or endanger the comfort, repose, health, peace or safety of reasonable persons in the vicinity.
 - (b) Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
 - (1) the proximity of the sound to sleeping facilities, whether residential or commercial;
 - (2) the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
 - (3) the time of day or night the sound occurs;
 - (4) the duration of the sound;
 - (5) the volume of the sound;
 - (6) the nature of the sound;
 - (7) whether the sound is recurrent, intermittent or constant; and
 - (8) the nature of the event or activity from which the sound emanates.

Domestic Noises

4. No person who owns, keeps, houses, harbours, or allows to stay in his premises a dog or other domestic animal shall allow such animal to bark excessively or howl or whine excessively.

Amplification of Noise

5. No person being the owner or occupant of any premises shall operate, or allow to be operated, any device or machine used for the production or amplification of sound, either in or on those premises in such a manner that the same unreasonably disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the municipality.

Motors / Engines

6. No person being the owner or occupant of any premises shall operate, or allow to be operated, any device or machine with a combustion engine, in such a manner that the same unreasonably disturbs, injures, endangers, or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the Municipality.

Outdoor Public Events

7. No person shall cause or permit the use or operation of a loudspeaker, amplifier, public address system radio, "boombox", "ghetto blaster", stereo, musical instrument or similar device that produces, reproduces or amplifies sound at an Outdoor Public Event, other than during the following hours:
 - (a) on a Monday, Tuesday, Wednesday or Thursday, between the hours of 11:00 a.m. and 9:00 p.m.;
 - (b) on a Friday or Saturday, between the hours of 11:00 a.m. and 10:00 p.m.; and
 - (c) on a Sunday or statutory holiday, between the hours of 1:00 p.m. and 6:00 p.m.

Special Event Permits

8. (a) The Municipality may, upon written application, grant approval, in accordance with the Special Event Application process, to extend the hours during which amplification equipment may be used at an outdoor public event.

(b) Every person applying for an exemption shall, at least 15 business days prior to the date for which the exemption is sought (or in the case of an application for several days, the first such date), provide to the Municipal Administrator a complete and accurate application in the form appended as Schedule A, setting out the particulars respecting the exemption requested.

(c) Upon receipt of an application, the Municipal Administrator shall categorize each application as follows:

- (1) For night time outdoor public events that do not have an established history from the previous year, or that have changed the hours or scope of the previous years' event, applications to extend the hours during which amplification equipment may be used as provided for in clause 7, shall be subject to approval by the Council of the Municipality.

Council shall evaluate the application having due regard to the following criteria:

- (A) The nature of the activity or event, including but not being limited to:
 - i. Whether the activity or event is related to a significant event for the applicant or the applicant's family such as a wedding, or significant anniversary (such as a 25th, 50th or 60th wedding anniversary);
 - ii. Whether the activity or event is for the benefit of the public or in the public interest;
 - iii. The date or dates of the activity or event;
 - iv. The times of the activity or event;

- v. The nature of the noise likely to be associated with the activity or event; and
- vi. The mitigation measures proposed by the applicant.

- B. The efforts made by the applicant to inform residents and businesses likely to be affected by the noise of the application, and to obtain and accommodate their questions and concerns;
- C. The arrangements made by the applicant to monitor noise during the event and to take steps to mitigate noise and its effects during the event and activity;
- D. The number of previous exemptions granted to the applicant; and
- E. Whether any previous exemptions granted to the applicant, or granted in relation to the proposed location, activity or event have given rise to complication or negative outcomes.

(2) The Administrator of the Municipality or their designate shall have the authority to approve all other requests to extend the hours during which amplification equipment may be used at an outdoor public event.

- (d) Council (or The Municipal Administrator if they are the approving authority) may impose terms and conditions upon any exemption.
- (e) The grant or denial of a permit, and the imposition of terms and conditions by the Council or the Municipal Administrator is wholly discretionary and is not subject to review or appeal.
- (f) Where an exemption is granted, the Municipal Administrator shall issue a Special Event Permit setting forth the details and the terms and conditions of the exemption, in such form as the Municipal Administrator shall adopt from time to time.
- (g) Where an exemption is granted by resolution of Council or by the Municipal Administrator, the exemption shall render any and all provisions of this Bylaw referenced therein inapplicable and shall, except where the permit is rendered null and void by breach, exempt the person or persons from prosecution under this Bylaw.
- (h) The breach of any of the terms or conditions of the exemption shall render the exemption null and void.

Exceptions

- 9. The provisions of this Bylaw shall not apply to:
 - (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 during the Christmas season or at any other time;
 - (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 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) the performance of work by any person(s) for the purpose of carrying out an Agricultural Operation including the operation of a Farm Implement with the exception of the use of an Audible Bird Scare Device which must adhere to the guidelines of this bylaw;
- (k) noise generated by livestock in an Agricultural Operation;
- (l) work carried out by the Rural Municipality of Britannia No. 502 or its agents contractors, servants or employees acting within the scope of their responsibilities.

Enforcement

10. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the penalty provided for by the General Penalty Bylaw.

Repeal

11. Bylaw 01-2019 is hereby repealed

Coming in to Force

12. This Bylaw shall come into force and take effect upon final reading and adoption.

Read a first time this __24__ day of April, 2019.
Read a second time this __24__ day of April, 2019.
Read a third time this _24_ day of April, 2019.

Reeve

(SEAL)

Chief Administrative Officer

BYLAW 09/19

**SPECIAL EVENT PERMIT APPLICATION
RURAL MUNICIPALITY OF BRITANNIA NO. 502**

The undersigned hereby requests the Municipal Administrator of the Rural Municipality of Britannia No. 502 to consider this application for an exemption from certain provisions contained within Bylaw 01/19 known as The Noise Bylaw.

The undersigned certifies the information contained herein, on which this application is based, to be true and the owner is aware of this exemption request.

1. Applicant / Property Owner

Applicant: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

2. Legal Land Description for Event

All/Part _____ ¼ Section, Twp. _____ Rge. _____, W3 Meridian.

LSD(s) _____ Lot(s) _____ Block(s) _____

3. Type of Event: _____

4. Anticipated Event Attendance: _____

5. Description of noise anticipated and the source(s) of the noise:

6. Time of day noise anticipated:

7. Date(s) for which an exemption is being sought:

8. Name and Mobile Phone Number for person in charge during event:

9. The names of nearby residents and businesses which may be affected, their telephone numbers, and a summary of their questions and comments shall be attached to this Application Form

Signature of Applicant: _____ **Date:** _____

Applications must be received at least 15 business days prior to the proposed date of the event.