

BYLAW NO. 2023-02

NOISE CONTROL BYLAW

A BYLAW OF THE TOWN OF MIDALE, IN THE PROVINCE OF SASKATCHEWAN TO PROVIDE FOR NOISE CONTROL

The Council of the Town of Midale, in the Province of Saskatchewan, enacts as follows:

SHORT TITLE

- 1) The bylaw shall be referred to as the “Noise Control Bylaw”.

PURPOSE

- 2) The purpose of this Bylaw is 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.

DEFINITIONS

- 3) In this bylaw:
 - a) “Town” means the Town of Midale;
 - b) “Council” means the Council of the Town of Midale;
 - c) “Noise” shall include, without limiting the generality of the foregoing, any clamor, loud outcry, screaming, shouting yelling, swearing or any other sound or sounds which are loud, harsh, undesirable, or disagreeable;
 - d) “Person” includes any company, corporation, firm, association, partnership, society, individual, party, tenant or owner;
 - e) “Property” includes any real property, together with all improvements which have been affixed or brought onto the land;

GENERAL PROHIBITIONS

- 4)
 - a) Except to the extent it is allowed by the Bylaw, no person shall make, continue or cause to allow to be made or continued any loud noise, 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 Town of Midale, except to the extent it is allowed by the Bylaw.
 - b) What is a loud 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 of competent jurisdiction which hears a prosecution of an offence against this Bylaw.

DOMESTIC NOISES

- 5) Without restricting the generality of Section 4, on weekdays between the hours of 11:00 p.m. and 7:00 a.m., and weekends between the hours of 12:00 a.m. and 7:00 a.m. Saturday or Sunday morning:
 - a) No person shall operate or allow to be operated any lawn mower, roto tiller, power garden tool, hedge trimmer, snow clearing device powered by an engine, or any other device powered by an engine of any description;
 - b) No person who owns, keeps, houses, harbours or allows to stay on his/her premises any animal or bird shall allow such animal or bird to bark, howl or make any sounds

excessively which unduly disturbs the peace, quiet or tranquility of the neighbourhood or the public at large at any time.

- c) No person, being the owner or occupant of any premises, shall operate, or permit to be operated, play or allow to be played, any device that produces or reproduces music or sound in a manner that is plainly audible to any person who is not on the same premises from which such noise or sound emanates.

CONSTRUCTION NOISES

- 6) Unless permission of Council is first obtained or in an emergency situation, no person shall carry on construction of any type which involves hammering, sawing or the use of any mechanical or power 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 after the hour of 11:00 p.m. and before the hour of 7:00 a.m. each day.

EXEMPTIONS

- 7) The provisions of this Bylaw shall not apply to:
- a) Any sound amplification equipment or noise in connection with any life saving duty or responsibility or any person acting in an emergency situation;
 - b) The reasonable use of any sound amplification equipment used in connection with any public meeting, parade or celebration;
 - c) Any other celebration or event which has been approved by the Council.

PENALTIES

- 8) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a minimum fine of five hundred (\$500.00) dollars and a maximum fine of one thousand (\$1,000.00) dollars.
- 9) Notwithstanding section 8, any person who contravenes a provision of this Bylaw shall have the option of providing a voluntary payment to the Town of Midale as set out in the notice of violation by either attending the Town Office in person during regular business hours, or by sending an e-transfer to: townofmidale@sasktel.net stating what the e-transfer is in payment of.

REPEAL OF BYLAW

- 10) Bylaw No. 07-92 is hereby repealed.

COMING INTO FORCE

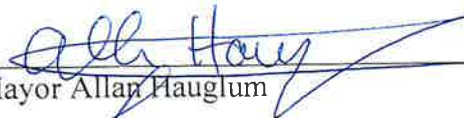
- 11) This Bylaw shall come into force and take effect on the day of its final passing.


INTRODUCED AND READ A FIRST TIME THIS 11th DAY OF JULY, 2023.

READ A SECOND TIME THIS 11th DAY OF JULY, 2023.

READ A THIRD AND FINAL TIME ON THE UNANIMOUS CONSENT OF THE COUNCIL PRESENT THIS 11th DAY OF JULY, 2023.




Mayor Allan Hauglum


Administrator Dena Scott

Certified a true copy of Bylaw No. 202302
adopted by resolution of the council present at the
meeting on the 11th day of July, 2023


Administrator