

CITY OF PRINCE ALBERT BYLAW NO. 7 OF 2003

A Bylaw of The City of Prince Albert to prohibit certain activities which give rise to objectionable and unnecessary noise and sounds within the corporate limits of the City.

WHEREAS the Council of The City of Prince Albert deems it expedient that regulations be made restricting and abating activities which give rise to objectionable and unnecessary noise and sounds within the City as provided under *The Cities Act*; and

NOW THEREFORE THE COUNCIL OF THE CITY OF PRINCE ALBERT IN OPEN MEETING ASSEMBLED ENACTS AS FOLLOWS:

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

DEFINITIONS

2. In this Bylaw:

- (a) "City" means the corporation of The City of Prince Albert or the area contained within the boundaries of the City of Prince Albert, as the context requires;
- (b) "council" means the Council of the City of Prince Albert
- (c) "holiday" means any statutory holiday as defined in the Interpretation Act, and amendments thereto, or any holiday proclaimed as such by The Council of the City of Prince Albert;
- (d) "motor vehicle" means any vehicle propelled by any power other than muscular power except motorcycles, aircraft or a motor vehicle that runs only upon rails;
- (e) "motorcycle" means a vehicle that is propelled or driven by any means other than by muscular power, has two or three wheels, is designed for use on a highway, and does not have a cab for the driver;
- (f) "night" shall mean the period commencing at 2300 hours and ending at 0600 hours of the following calendar day;

- (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) "person" includes a corporation, partnership, association or society;
- (i) "premises" shall mean the area contained within the boundaries of any lot and includes any building situate 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;
- (j) "public property" means any highway, parkland, public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not; and includes any open space to which the public have or are permitted to have access, whether on pavement or otherwise, that is owned by the City of Prince Albert.
- (k) "residential district" means a district defined as such in the Zoning Bylaw enacted by the Council of the The City of Prince Albert and amendments thereto;
- (l) "semi-trailer" means a vehicle that is at any time drawn on a highway by motor vehicle and that is designed for the conveyance of goods or as living quarters for persons and so that its weight and the weight of its load is carried partly on its own axles and partly on another vehicle;
- (m) "signaling device" means a horn, gong, bell, klaxon, siren or other device producing an audible sound for the purpose of drawing people's attention to an approaching vehicle, including a bicycle;
- (n) "truck" means a motor vehicle that is designed for the conveyance of goods, equipped with a lifting device; or on which any machinery is permanently mounted;
- (o) "weekday" means any day other than a Sunday or holiday;

GENERAL PROHIBITION

3. Except as may be authorized under this Bylaw:

- (a) No person shall make, cause or permit any noise or sound on private or public property that unreasonably disturbs, or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

(b) No person owning or controlling premises shall permit the use and occupation of those premises in a way that makes or causes any noise or sound that unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity.

4. In determining whether a noise or sound unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity, consideration may be given but is not limited to the:

(a) type, volume and duration of the sound;

(b) time of day and day of the week;

(c) nature and use of the surrounding area; and

(d) the nature of the activity of persons being disturbed.

DOMESTIC NOISES

5. Without restricting the generality of Section 3, no person shall operate or allow to be operated a lawn mower or leaf blower or a snow clearing device, powered by an engine of any type or a model aircraft driven by a internal combustion engine in any residential district between the hours of 11:00 o'clock in the evening and 6:00 o'clock of the next forenoon on weekdays, Sundays and holidays.

6. No person being the owner or occupant of any premises shall cause, allow, or permit the sound of a howling, wailing or barking dog or the caterwauling of a cat or the cry of an animal or bird which can be heard by a person not on the same premises and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.

7. No person being the owner or occupant of any premises shall operate, or permit to be operated, or suffer to be operated, or allow to be operated, play or allow to be played, any radio, phonograph, record player, tape recorder, television set, musical instrument, or any other apparatus, appliance, device or machine used for the promotion or amplification of sound, either in or on private or public property in a location within or the immediate proximity of a residential district in such a manner that the same can be easily heard by an individual or member of the public who is not on the same premises from which such noise or sound emanates, and which unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of that person.

CONSTRUCTION NOISES

8. Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or any other

equipment or operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a trenching machine, a drag line, an air or steam compressor, a jack-hammer or pneumatic drill, a tractor or bulldozer or any other tool, device or machine of a noisy nature, so as to create a noise which may be heard in any residence between the hours of 11:00 o'clock in the evening and 6:00 o'clock of the next forenoon on weekdays, Sundays and holidays.

ADVERTISING NOISES

9. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, playing or using any type of noise-making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.

DIESEL MOTORS

10. No person shall allow the diesel motor on a tractor which pulls a trailer or on a semi-trailer truck, or any other truck, to remain running for longer than 30 minutes while the tractor-trailer, or tractor alone, or truck, is stationary in a residential district.
11. Except as provided under section 10 hereof, no person shall allow the diesel motor of any motor vehicle to remain running for longer than 20 minutes while the motor vehicle, is stationary in a residential district.

EXEMPTIONS

12. 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 in connection with any parade authorized by Council pursuant to the provisions of the Traffic Bylaw;
 - (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 use of any tractors, trucks or other equipment for snow removal in any area of the City which is zoned for Commercial or Industrial uses pursuant to the Zoning Bylaw;
- (k) the aeronautical related activities of the Prince Albert Airport Authority;
- (l) the activities of the Prince Albert Exhibition Association during the period of the annual exhibition;

GENERAL REGULATIONS

13. Notwithstanding any other provision of this Bylaw:
- (a) a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature;
 - (b) a person may apply for and receive from the City, a permit for a special event, which in the City Council's opinion is in the public interest, in which case the requirements of this bylaw may be waived;
 - (c) City Council may grant exemptions to this Bylaw upon application as it may consider to be in the public interest;

INTERPRETATION

14. Any exceptions or exemptions as may be provided under this Bylaw are not to be interpreted so as to create vagueness or uncertainty as to the standard by which noise is measured under the prohibiting sections of this Bylaw.

OFFENCES and PENALTIES

- (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 two hundred and fifty (\$250.00) dollars and a maximum fine not in excess of seven hundred and fifty (\$750.00) dollars or, in default of payment of the fine and costs, to imprisonment for a period not exceeding sixty (60) days;
- (b) where the contravention, refusal, neglect, omission or failure continues for more than one (1) day, the person is guilty of a separate offence for each day that it continues;

SEVERABILITY

- 16. Each provision of this Bylaw is independent of all other provisions. If any provision is declared invalid by a Court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

REPEAL

- 17. Bylaw No 83 of 1981, Bylaw No. 67 of 1982 and Bylaw No. 56 of 1991 are hereby repealed.


COMING INTO FORCE

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

INTRODUCED AND READ A FIRST TIME THIS 24th DAY OF February , AD 2003.

READ A SECOND TIME THIS 24th DAY OF February , AD 2003.

READ A THIRD TIME AND PASSED THIS 5th DAY OF May , AD 2003.



MAYOR



ACTING CITY CLERK