

## **NOISE BYLAW**

### **1. Definition**

- a. For the purposes of this Bylaw noise is defined as:
  - i. sound that unreasonably disturbs a person; or
  - ii. sound that is likely to disturb a reasonable person in an area where people are present or residing, or may reasonably be expected to be present or residing.
- b. Factors for determining reasonableness in subsection 1.1 may include, but are not limited to the following:
  - i. the kind of sound;
  - ii. the volume of the sound;
  - iii. the duration of the sound;
  - iv. whether the sound is intermittent or constant;
  - v. the time of day or night the sound occurs;
    - 11:00 p.m. may be considered to be a time when most people in the City of Weyburn are commencing their evening rest;
    - 7:00 a.m. may be considered to be a generally accepted time in the City of Weyburn for the commencement of normal daytime sounds;
  - vi. the proximity of the sound to areas where people are or may reasonably be expected to be;
  - vii. the weather as an aggravating or ameliorating circumstance respecting its effect on the opening and closing of residential windows;
  - viii. the land use, nature or zoning of the area from which the sound emanates and the area where it is received;
  - ix. the nature of the event or activity from which the sound emanates;
  - x. whether the sound has an intimidating, insulting or vulgar quality;
  - xi. whether the sound interferes with the normal conduct of business;  
and
  - xii. whether the sound causes loss of enjoyment or normal use of property.
- c. In the absence of other evidence, or by way of corroboration of other evidence, a court of competent jurisdiction may infer from the evidence of a police officer that a sound is noise as defined in subsection 1.1(b).

### **2. General Prohibitions**

- a. No person or corporation shall make noise.
- b. No person or corporation shall allow noise or reasonably foreseen noise to emanate from property owned, possessed or controlled by such person or corporation.

### **3. Specific Prohibitions**

- a. The following acts are deemed to be noise, and no person or corporation shall make or permit noise to be made in any of the following manners:
  - i. idling a truck motor for more than 20 minutes in total during a 3 hour period within 100 meters of a dwelling house, hotel, motel, or any other type of residence.

#### **4. Exemptions**

- a. Sounds caused by the following are exempt from the prohibitions set out in this Bylaw:
  - i. sounds authorized by permit issued by the City Manager or his/her delegate;
  - ii. the construction, repair and maintenance of streets, bridges, sidewalks, alleys, water mains, storm sewer mains, sanitary sewer mains, electrical facilities, snow removal, or any other works by or on behalf of the City of Weyburn;
  - iii. snow removal on or near business premises;
  - iv. the annual summer fair and exhibition conducted by the Weyburn Agricultural Society;
  - v. the use of sound amplification equipment for the purpose of conducting a public auction between the hours of 7:00 a.m. and 9:00 p.m.

#### **5. Penalty**

- a. A person or corporation contravening subsection 2.2 of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$200 nor more than \$1,000 and in default of payment, imprisonment for not less than 30 days nor more than 90 days.
- b. Unless otherwise provided, a person or corporation contravening any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than \$100 nor more than \$1,000 and in default of payment, imprisonment for not less than 30 days nor more than 90.
- c. A violation of this Bylaw shall be prosecuted pursuant to Part III of The Summary Offences Procedure Act 1990.
- d. Voluntary payment of specified penalty sums is hereby authorized. Every violation of this Bylaw shall have a specified penalty sum equal to the minimum fine allowed for the violation.
- e. Subject to subsection 5.6, a violator of this Bylaw who has been served with a summons ticket and who wishes to plead guilty and pay a voluntary payment may deliver the summons and an amount equal to the specified penalty sum for the offence to a place indicated on the summons on or before the date specified on the summons.
- f. If, in the opinion of a police officer, it is in the public interest to compel a violator of this bylaw to appear before a court of competent jurisdiction, a summons ticket may be issued accordingly without the alternative of paying a specified penalty sum.

A person authorized to prosecute bylaws on behalf of the City of Weyburn may permit a violator mentioned in subsection 5.6 to pay an otherwise applicable specified penalty sum in lieu of attending court.