

DECEMBER MINUTES 2002

Bylaw No. 262

A BYLAW FOR THE PURPOSE OF PROHIBITING, ELIMINATING AND ABATING NOISE

The Council of the Rural Municipality of Lajord No. 128 in the Province of Saskatchewan, enacts as follows:

1. The provisions of this bylaw shall apply within the limits of the Hamlets of Kronau, Gray, Riceton, Davin and Lajord in the Rural Municipality of Lajord No. 128.

2. DEFINITIONS

All words and phrases used in this bylaw which are of a technical nature and are related to sound shall have the meanings specified for them below:

(1) A Weighted Sound Pressure Level

The A weighted sound pressure level is the sound pressure level measured using the A weighting filter in the sound level meter. The unit of measurement is dB(A).

(2) Decibel

A decibel is the unit of sound pressure level measurement equal to the logarithm of the ratio of the intensity of the sound to the intensity of an arbitrarily chosen standard. It is abbreviated as dB.

(3) Device

Device means any mechanism which is intended to produce or which actually produces noise when operated or handled.

(4) Emergency Vehicle

Emergency Vehicle means a motor vehicle use in response to a public calamity or to protect persons or property from imminent danger.

(5) Emergency Work

Emergency Work means work made necessary to restore property to a safe condition following a public calamity, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger.

(6) Noise

Noise means any unnecessary sound or any sound level in excess of those sound levels established in this bylaw consisting of a steady, fluctuating, or impulsive noise which may or may not contain a pure tone, which varies in sound pressure level such that the same level is obtained repetitively at reasonably uniform intervals of time.

(7) Sound

Sound means a temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

(8) Sound Level

The sound level is the A weighted sound pressure level obtained by using a sound level meter and the A weighting filter.

(9) Sound Level Meter

A sound level meter is an instrument that is sensitive to and calibrated for the measurement of sound and which conforms to the International Standards of Type 1 or Type 2 Sound Level Meters or equivalent.

The 1981 BgenRad precision Sound level Meter conforms to I.E.C. Publications 179 and ANSI SI.4 (1971) type SIA requirement and therefore shall be acceptable for the purposes of this bylaw.

(10) Sound Pressure Level

The sound pressure level is a measurement of the sound pressure at a point expressed in decibels. For the purpose of this bylaw, the terms sound, sound level and sound pressure level will be analogous.

3. INSPECTIONS AND RECORDS

In order to implement the provisions of this bylaw, the Police are hereby authorized to make inspection for reasonable cause, and upon presentation of proper credential, enter any building, property, premises or place, except a dwelling house, and inspect any noise source for the purpose of ascertaining the compliance or non-compliance with any provision of this bylaw, and having access to, and require the production of books and papers pertinent to any matter under investigation. Entry into a dwelling house must be made by permission of the owner or occupant thereof or by means of a warrant.

4. PROCEDURES AND STANDARDS

Any test or measurement to be made pursuant to this bylaw shall be performed by a person empowered to do so by the council of the Rural Municipality; or his designate, and shall be made in accordance with applicable procedures and standards.

5. LOW NOISE EMISSION PRODUCTS

In all work undertaken for or on behalf of the municipality and in all agreements for work to be performed for the municipality in the hamlets of Kronau, Gray, Riceton, Davin and Lajord, it shall be required that due consideration be given to the sound level produced by any such machinery or equipment to be used or acquired.

6. PROHIBITIONS

1. No person shall emit or cause the emission of a sound resulting from the following acts, which among those are declared to be loud, disturbing, or excessive noises in violations of this bylaw:

- (a) The operation of any combustion engine without an effective muffling device in good working order and in constant operation.
 - (b) The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, or other like sounds due to improperly secured load or equipment.
 - (c) The operation of any engine or motor in, or on any motor vehicle or trailer or item of attached auxiliary equipment for a continuous period exceeding five minutes while such vehicle or equipment is stationary in a residential area unless:
 - i) the vehicle is in an enclosed structure constructed so as to prevent excessive noise emissions.
 - ii) The above section shall not apply to buses.
 - (d) The operation of any item of construction equipment in a residential zone without effective muffling devices in good working order and in constant operation.
 - (e) It shall be unlawful in places of public entertainment for the operating, or permitting to be operated, any loudspeaker or other source of sound in any place of public entertainment which produces maximum levels of 95 dB(A) at any point that is normally frequented by a human being, without a conspicuous and legible sign located outside such place, near the entrance stating "WARNING, SOUND ENVIRONMENT WITHIN MAY CAUSE TEMPORARY HEARING IMPAIRMENT WHICH MAY BECOME PERMANENT WITH CONTINUED EXPOSURE."
 - (f) Notwithstanding the foregoing, noise emission measured at a distance of not less than five (5) meters from a stationary vehicle in excess of those levels outlined in Schedule "B" hereto, for the type and class of vehicle specified in Schedule "B" shall be a violation of this bylaw.
- (2) Any person who shall make or continue or cause or permit to be made or continued any sound which:
- a) is such that it does or is likely to annoy, inconvenience, or disturb persons;
 - b) causes loss of enjoyment of the normal use of property;
 - c) interferes with the normal conduct of business; and
 - d) may cause damage to property;

shall be in violation of this bylaw and subject to the penalty provided herein.

- (i) whether any person is in violation of the provisions of subsection (2) Section 8 of this bylaw is a question of fact to be determined by the Summary Conviction Court.
- (ii) in the absence of other evidence or by way of

corroboration of other evidence, the Summary Conviction Court may infer from the evidence of a Peace Officer relating to the conduct of any person or persons whether ascertained or not that any of the provision of subsection (2) Section 8 of this bylaw were violated.

- (3) The following acts and sound levels are considered to be in excess of the above restrictions and in violation of subsection (2) Section 8 of this bylaw.
- (a) In a residential area, no person shall cause or allow to continue or permit to be made a sound in excess of the sound level specified in Schedule "A" hereto for the periods of time set out in Schedule "A" hereto, measured at the property line.
 - (b) In a commercial industrial area, no person shall cause or allow to continue a sound in excess of the sound level specified in Schedule "A" hereto, for the periods of time set out in Schedule "A" hereto, measured at the property line.
 - (c) Whenever a commercial or an industrial area adjoins a residential area, the sound level emanating from the commercial or industrial area shall not exceed the sound levels permitted in the residential area, measured at the property line of the residential area.
 - (d) No air conditioning, refrigeration, generating, heating equipment or venting equipment shall be allowed to emit sound levels in excess of the sound levels specified in Schedule "A" hereto, for the periods of time set out in Schedule "A" hereto, in a residential or commercial area at any time measured at the boundary line of the property containing the use.
 - (e) In a residential area or within 500 feet of an inhabited building, no person shall operate or allow to be operated between the hours and days specified in Schedule "A" hereto, any device, including any tool or piece of equipment or machinery which is powered by an electric motor or an internal combustion engine which produces a sound level in excess of those levels specified in Schedule "A" hereto. This clause shall not apply to the above-mentioned equipment when operated in an enclosed structure and used for domestic purposes, nor shall it apply to domestic
 - (f) equipment such as lawnmowers, rototillers, snowblowers, when operated outside of an enclosed structure between the hours of 9:00 AM. and 9:00 P.M. on any day.
 - (g) No person or persons shall cause or permit a sound level in excess of the sound level specified in Schedule "A" hereto, for the periods of time set out in Schedules "A" hereto, from the venting, release or pressure release of air, steam or other gaseous material, product or compound from nay autoclave, boiler, pressure vessel, machine device or system. This sound level shall be measured at the boundary of the nearest residential area or the property line of the closest residence.

- (h) No person shall use, operate or permit to be played, used or operated in any public place, any radio, musical instrument, loudspeaker or other device for the producing or reproducing of sound of a level which disturbs the comfort or repose of other persons.
- (i) No person who owns, keeps, houses, harbours, or allows to stay on his premises, a dog or any other animal shall allow or permit the said animal by reason of barking, howling, or crating any other noise to disturb the comfort or repose of other persons in the vicinity of the premises of the said person.
- (j) No person shall knowingly allow property belonging to him or under his control to be used so that there originates from the property any loud, unnecessary or unusual noise which disturbs the comfort or repose of other persons in the vicinity of such property or generally within the limits of the hamlet.
- (k)
 - (i) Whether any person is in violation of the provision of Clauses (g), (h), or (i) of subsection (3) Section 8 of this bylaw is a question of fact to be determined by the Summary Conviction Court.
 - (ii) In the absence of other evidence or by way of corroboration of other evidence, the Summary Conviction Court may infer from the evidence of a Peace Officer relating to the conduct of any person or persons whether ascertained or not, that the comfort or repose of other persons was disturbed.

6. PENALTY

Any person found guilty of any infraction of any of the provisions of this bylaw, shall be liable to the penalties provided in the General Penalty Bylaw of the municipality.



Originally Signed By
Reeve

Originally Signed By
Administrator

SCHEDULE "A" TO BYLAW NO. 262

LAND CATEGORY	<u>TIME</u>	SOUND LIMIT IN DECIBELS
RESIDENTIAL	7 AM-9PM Mon-Fri Except holidays	65 Db(A)
RESIDENTIAL	9AM-10PM Sat, Sun and Holidays	65 dB(A)
RESIDENTIAL	9PM-7 AM Mon-Fri Except holidays	55 Db(A)
RESIDENTIAL	10PM-9AM Sat, Sun and Holidays	55 dB(A)
LIGHT INDUSTRIAL, BUSINESS&COMMERCIAL AREAS		

SCHEDULE "B" TO BYLAW NO. 262

<u>VEHICLE CLASS</u>	<u>SOUND LEVEL</u>
All motor vehicles with manufactures gross rating of 10,000 pounds or more	90
Motorcycles	85
All other vehicles	90

