

TOWN OF CENTRAL BUTTE BYLAW 2022-07

A BYLAW OF THE TOWN OF CENTRAL BUTTE IN THE PROVINCE OF SASKATCHEWAN  
TO REGULATE AND CONTROL NOISE, AND CERTAIN ACTIVITIES RELATED THERETO.

The Council of the Town of Central Butte enacts:

1. TITLE

This Bylaw may be cited as Noise Bylaw.

2. INTERPRETATION

2.1 In this bylaw:

(a) “**Concert**” means a musical entertainment or performance by voices or instruments or pre-recorded means or all of them, with or without amplification, of an outdoor nature, to which members of the public are invited or admitted, with or without charge.

(b) “**Engine Brake**” means a device used in trucks and semi-trailer units to slow or brake the said vehicles by means of closing the exhaust valves on the engines of the said vehicle, or any similar device.

(c) “**Holiday**” shall have the same meaning as set forth in The Interpretation Act as amended or substitutes, and includes any day proclaimed as a civic holiday by the Council of the Town of Central Butte.

(d) “**Loud or Unreasonable Noise**” means any noise or sound which annoys, offends or disturbs a Person, provided such noise would annoy, offend or disturb a reasonable Person.

(e) “**Occupant**” includes all persons who are the owners, inhabitants or lessees of Premises, and any other Persons on Premises when a Loud or Unreasonable Noise emanate therefrom.

(f) “**Person**” includes any company, corporation, firm, association, partnership, society, individual or party.

(g) “**Premises**” means the area contained within the boundaries of any lot and includes any buildings situated within such boundaries except where any building contains more than one (1) dwelling unit, and in such case, such dwelling unit, the common area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.

(h) “**Private Property**” means property to which the public have access whether on payment or otherwise, only by permission of the owner, occupier or lessee of the property.

(i) “**Property**” means real property, together with all improvements which have been affixed or brought on to the land.

(j) “**Residential District**” means a district established as a Residential district by any Zoning Bylaw in effect within the town of Central Butte.

(k) “**Signaling Device**” means a horn, gong, bell, siren or other device producing audible sound for the purpose of drawing people’s attention to an approaching vehicle or bicycle.

(l) “**Town**” means the corporation of the town of Central Butte or the area contained within the boundaries of the Town of Central Butte as the context requires.

(m) “**Vehicle**” shall have the same meaning as set forth in The Highway Traffic Act, S.S. 1986 as amended or substituted.

2.2 The determination as to whether a noise is loud, unreasonable is unnecessary a question of fact to be determined by the court hearing a prosecution of an offense against the Bylaw.

3. GENERAL PROHIBITION:

3.1 No Person shall:

(a) make or cause to be made, or;

(b) permit, suffer or allow to be made from Premises of which they are an Occupant;

Any Loud or unreasonable Noise whatsoever wither within the Town or which is heard within Town, except to the extent that it is allowed by this Bylaw.

3.2 Nothing else contained in the Bylaw shall be construed or considered as limiting the generality of the foregoing except for section 5.2.

4. PERSONAL DOMESTIC NOISES:

4.1 Without restricting the generality of Section 3, no Person shall operate or allow to be operated in any Residential District, any device, tool, appliance or machine powered by an internal combustion or electrical motor (other than motor vehicles and snowmobiles, to which this section 4 does not apply), including:

- Lawnmower
- Rototiller
- Power chain saw
- Leaf blower

a) After the hour of 9 o'clock in the evening and before the hour of 8 o'clock in the morning.

4.2 No person who owns, keeps, houses, harbours or allows to stay in his Premises aa dog, shall allow such dog to bark, howl or whine excessively, and no Person shall own, keep, house or harbour any animal or bird, which makes sounds, including barking, whining or howling, which are capable of being heard continuously from outside the Premises.

4.3 No Person shall operate, or permit to be operated, any radio, stereo, tape recorder, television, musical instrument, or any other apparatus, appliance, device or machine used for the reproduction of amplification of sound, at a volume that interferes the peace or enjoyment of other persons.

5. COMMERCIAL AND CONSTRUCTION NOISES:

5.1 Except in an emergency, No Person shall:

a) carry on the construction, erection, demolition, alteration or repair of any type of building or structure;

b) engage in hammering, sawing, drilling or the use of any machine, tools or any other equipment, or;

c) operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, sand blaster, welder, a trenching machine, a drag line, a air or steam compressor, a jackhammer, a pneumatic drill, a tractor, a bulldozer, a bobcat or any other tool, device or machine, capable of creating a sound beyond the boundaries of the site on which the activity is being carried on;

- a) after the hour of 9 o'clock in the evening and before the hour of 8 o'clock in the morning.

5.2 Where it is impossible or impractical to comply with this section, the Town Council, Town Administrator, or Director of Public Works may in their discretion, on application by any person introduced in the activity in question, give written approval to carry on the work that is found to be necessary at designated hours or on such terms and codes as they consider advisable.

6. DIESEL ENGINES:

- 6.1 No person shall cause or allow a diesel or heavy engine to remain running longer than 30 minutes while the unit is located in any Residential district or zone or any other location within five hundred (500) feet of any residential zone.

7. ENGINE BRAKES:

- 7.1 No Person shall engage, operate, apply or otherwise use an engine brake on any vehicle while being driven within the Town of Central Butte except in an emergency where it is necessary in the circumstances to do so.

8. CONCERTS:

- 8.1 No Person shall operate, maintain or conduct a Concert in a park or other public property within the Town of Central Butte without first obtaining written permission

from the Town of Central Butte, and then only in accordance with the conditions setout or attached in the written permission from the Town of Central Butte

## 9. EXCEPTIONS

9.1 The provisions of the Bylaw shall not apply to:

- a) The ringing of bells (or electronic versions or reproductions thereof) in churches, religious establishment and schools;
- b) The moderate use of music, bells or similar sounds to call attention to an opportunity to contribute to a collection made for a charitable undertaking during Christmas season or at any other time;
- c) The participants in any parade authorized by the Town of Central Butte;
- d) The moderate playing of musical instruments and singing appropriate to any religious on the street service;
- e) The sounding of a general or particular alarm or warning to announce a fire or other emergency or disaster, or to announce a practice in that regard;
- f) The sounding of factory whistles and similar devices at normal appropriate times;
- g) The sounding of sirens, sound amplification equipment or other signaling devices on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
- h) 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 lawful public gathering of a similar nature;
- i) Transit vehicles engaged in normal transit operations;
- j) The use of any tractors, trucks or other equipment for snow removal, snow clearing, refuse collection or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;
- k) The use of any equipment for the repair or maintenance of any public utility or work including the public utilities operated by the Sask Power Corporation, Sask Energy Corporation and Saskatchewan Telecommunications;
- l) Any Person who is carrying on an activity for which they obtained a written permit from The Town of Central Butte, provided the activity is being carried on in accordance with the terms thereof, insofar as the same are implied or used in the course of or incidentally to the said activities.

## 10. PENALTY:

10.1 Every Person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:

- a) \$200.00 in the case of a first offence; and
- b) \$300.00 in the case of each and every subsequent offence within a twenty-four (24) hour period;
- c) \$500.00 in the case of any subsequent offence within three (3) months of any previous offense;

And not more than:

- d) \$2000.00 in the case of an individual;
- e) \$5000.00 in the case of a corporation.

10.2 all fines, penalties and forfeitures set forth in this Bylaw may be recovered and enforced with late payment charges by summary conviction proceedings under The Summary Offences Procedure Act, in any substituted legislations and, in default of payment, the Person convicted may be imprisoned for a term of not more than ninety (90) days, unless the fine or penalty is paid sooner.

10.3 This Bylaw may be enforced, and the contravention of any provision of the Bylaw retrained, by any court on action brought by the Town of Central Butte whether or not any penalty is imposed for the contravention.

10.4 This Bylaw may be enforced, and the contravention of any provision of this Bylaw does not relieve him from compliance with the Bylaw, and the conviction Judge or Justice of the Peace may, in addition to any fine imposed, order the Person to perform, within a specified period, any act or work necessary for the proper observance of the Bylaw or to remedy the contravention of this Bylaw.

10.5 A Person who fails to comply with an order made pursuant to subsection 12.4 within the period specified in the order, is guilty of an offence and liable on summary conviction to a fine of not more than Two Hundred Fifty (\$250.00) Dollars for each day during which the failure continues, to imprisonment for a term of not more than ninety (90) days or to both such fine and imprisonments.

## 11. RELIEF FROM REQUIREMENTS:

11.1 Applications for a permit for relief from any provision of this Bylaw may be made to the Council only on the grounds of under hardship or substantial impracticality on the basis of undue hardship in writing and must include:

- a) The name and address of the applicant
- b) A description of the source of sound in respect of which exception is sought;
- c) The period of time for which the exemption is sought;
- d) The reasons why the exemptions should be granted;
- e) Any other information required at the time; and
- f) A statement of the steps, if any, planned or presently being taken to bring about compliance.

11.2 Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exception of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit. Council may, by resolution revoke such exemption on 48 hours written notice to the applicant delivered by ordinary registered mail.

## 12. SERVERABILITY:

12.1 If court of competent jurisdiction should declare any section or part of any section of this Bylaw to be invalid, such section or part of any section shall not be construed as having persuaded or influenced the Council to pass the remainder of

the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

13. This Bylaw shall come into force and take effect upon its passage.

(SEAL)

---

Read a third time and adopted  
August 25, 2022

---

---