

BYLAW NO. 25 - 2014

A BYLAW TO REGULATE EXCESSIVELY LOUD NOISE WITHIN THE CITY OF SWIFT CURRENT

WHEREAS under the provisions of Section 128 of the Urban Municipality Act, 1984 the Council may enact a bylaw to prohibit, or regulate excessively loud noise from whatever source on any public or private place that may disturb, injure or endanger the comfort, peace or safety of reasonable persons of ordinary sensitivity in the City of Swift Current, and may provide that no one shall make any unnecessary or unreasonable noise for all or varying periods of the day or evening within the urban municipality or within any specified area of the municipality.

THE COUNCIL OF THE CITY OF SWIFT CURRENT IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

1. **NOISE BYLAW**

This bylaw may be cited as the "Swift Current Noise Control Bylaw".

2. **DEFINITIONS**

- (1) **"City"** means the City of Swift Current;
- (2) **"Council"** means the Council of Swift Current;
- (3) **"Noise"** includes any excessively loud outcry, clamour, shouting or movements, or any sound that is loud or harsh or undesirable;
- (4) **"Person"** includes any company, corporation, owner, partnership, firm association, society or party;

- (5) **"Property"** means real property and includes land, other than a highway, together with all improvements which have been so affixed to the land as to make them in fact and in law a part thereof.

3. **GENERAL REGULATIONS**

- (1) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that any unreasonably loud or excessive noise or sound which occurs thereon or emanates therefrom disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of any reasonable person or persons of ordinary sensitivity on the same piece of property or in the neighbourhood or vicinity.
- (2) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (3) No person shall own, keep or harbour any animal or bird which by its bark, sounds, or cries, creates unreasonably loud noise that may disturb the relative peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.
- (4) No hawker, huckster, peddler, news vendor, or other person shall by his intermittent or reiterated cries unduly disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (5) No person shall operate any outdoor public address system in the City without first having obtained a permit therefor. Public address systems shall be oriented to the subject property being served and not be heard on any adjoining properties or public rights-of-way adjacent to the subject property.

- (6) No person shall operate any motorized equipment or vehicle which makes or causes excessively loud noise in such a manner as to disturb the relative quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (7) These general provisions do not apply to any permitted or discretionary uses or their allowed accessory activities in the Direct Control-Central Commercial District (DC-C1) of the City; except to adjoining residential districts which may surround the DC-C1 boundaries.

4. **CONSTRUCTION HOURS**

- (1) No person in the City shall on any day before 7:00 a.m. or after 10:00 p.m. construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which creates excessively loud noise that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (2) No person in the City shall for profit or gain on a Sunday construct, erect, reconstruct, alter, repair or demolish any building or thing, or excavate or fill in land in any manner which creates excessively loud noise that disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (3) Where it is impossible or impractical to comply with this section, the authority having jurisdiction may give written approval to carry on the work that is found to be necessary at designated hours.

Responsibility for obtaining written approval lies with the person carrying on the work.

5. Notwithstanding any provisions of this bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the

responsibility shall be on the person performing the work to show cause to the City that the work was of an emergency nature.

6. **PENALTY SECTION**

(1) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed.

(2) Every person who commits an offence against this bylaw is liable to a fine and penalty of not less than \$100.00 for each offence; which may be increased in \$100.00 increments for multiple offences not to exceed \$500.00.

THIS BYLAW shall come into force on the final passing date thereof and Bylaw No. 40-1989 and all amendments thereto are hereby repealed.

_____ MAYOR _____ CITY CLERK

INTRODUCED AND READ a first time this 29th day of September, 2014.

READ a second time this 29th day of September, 2014.

READ a third time and finally passed this 29th day of September, 2014.