

BYLAW NO. 2025-1

- A Bylaw to Prohibit, Eliminate and Abate Loud, Unusual and Unnecessary Noise or Noises which Annoy, Disturb, Injure or Endanger the Comfort, Repose, Health, Peace or Safety of Others with in the Town of Francis -
-

The Council of the Town of Francis in the Province of Saskatchewan enacts as follows:

Part I Short Title & Definitions

1. This bylaw may be cited as the “**Noise Abatement Bylaw**”.
2.
 - a) “Town” means the Town of Francis or the area contained within its boundaries as the contest requires.
 - b) “Council” means the council of the Town of Francis.
 - c) “Emergency Vehicle” means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance.
 - d) “Motor Vehicle” shall have the same meaning given it in *The Traffic Safety Act*.
 - e) “Inspector” means any person or persons designated by resolution of Council from time to time as may be required to enforce the bylaw.
 - f) “Person” includes any company, corporation, owner, partnership, firm, association, society, party or tenant.
 - g) “Peace Officer” shall have the same meaning as in *The Summary Offences Procedure Act*.
 - h) “Permitted Premises” has the same meaning as that given it in *The Alcohol and Gaming Regulations Act, 1997*.
 - i) “Public Highway” has the same meaning as that given it in *The Traffic Safety Act*.
 - j) “Residential Building” means a building which is constructed as a dwelling place for human beings and includes a hotel and motel.
 - k) “Residential Zone” means the area contained within the boundaries of the Town of Francis.
 - l) “Signaling Device” means a horn, gong, bell, claxon, or other device producing audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle.
 - m) “Vehicle” shall have the same meaning given to it in *The Traffic Safety Act*.

Part II General Prohibitions

- 3 a) No person shall make, continue or cause to allow to be made or continued any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town, except to the extent it is allowed by this bylaw.
- b) What is a loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this bylaw.

Part III Specific Prohibitions

4. Motor Vehicle Noise
 - a) No person shall create loud unusual or unnecessary noise in the operation of a motor vehicle upon a public street, land or thoroughfare within the Town whether the noise is caused by the mechanical condition of the motor vehicle or the manner which the motor vehicle is operated and whether or not the vehicle is stationary or moving at the time the noise is created.
 - b) No person shall emit or cause the emission of any loud, unusual or unnecessary noise, or noises which annoy, disturb, injure, endanger, or detracts from the comfort, repose, health, peace or safety of others within the Town resulting from any of the following acts:
 - i) The sounding of a motor vehicle signaling device or warning device, or siren, except where required or authorized by the bylaw.
 - ii) The operation anywhere other than on a public highway of an engine or motor, in or on any motor vehicle, or vehicles, or item, of auxiliary equipment for a continuous period exceeding five minutes while such is stationary in a residential zone unless:
 - i) The vehicle is in an enclosed structure so as to effectively prevent excessive noise emissions; or
 - ii) The operation of such engine or motor is essential to a basic function of the vehicle or equipment including but not limited to the operation of ready-mixed concrete trucks, lift platforms or refuse compactors; or
 - iii) Weather conditions justify the use of heating or refrigerating systems powered by a motor or engine for the safety and welfare of the operator, passengers or animals, or the preservation of perishable cargo; or
 - iv) Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - v) The idling is for the purpose of cleaning and flushing the radiator and associated circulation system for season change of anti-freeze, cleaning of the fuel system, carburetor or like, when such work is performed other than for profit

- c) No person shall allow the diesel motor on a tractor which pulls a trailer or semi-trailer truck to remain running longer than 15 minutes while the tractor-trailer or tractor alone is not in motion in any residential district or zone or in any other location within five hundred feet (500') of a residential zone.
- d) The provisions of Section 4 of the bylaw do not apply to an emergency vehicle, or to work on a Town street or public utility carried on by the Town of Francis Public Works Department, Saskatchewan Power Corporation, Saskatchewan Telecommunications, SaskEnergy, or to a contractor working for any of the above cited persons.

5. Commercial and Industrial Noises

- a) No person shall operate an internal combustion engine for commercial or industrial use in any area designated as being a residential zone or within one Town block of the boundary of such zone between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock in the next forenoon.
- b) No person shall, without first obtaining a written permit from the Administrator or designate of the Town, use or permit the use of a loud speaker or other device for the amplification of the sound:
 - i) upon any street, lane or other permitted premises within the Town; or
 - ii) in any building or place with the intention the sound therefrom shall be, or with the effect which is or may be, audible to persons using or frequenting any such street, lane, or other permitted premises.

6. Domestic Noises

- a) No person shall operate a power garden tool, hedge trimmer, roto-tiller, power or hand lawn mower, or snow clearing device powered by an engine of any description in a residential zone between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock the next morning.
- b) No person shall operate a model aircraft driven by an internal combustion engine of any description during the hours when the use of power garden tools is prohibited by subsection a) in any residential zone.
- c) No person shall detonate fireworks or explosive devices in any area designated as a residential district between the hours of ten (10:00) o'clock in the evening and nine (9:00) o'clock the next morning.
- d) Every person who owns, or has the care or control of, or keeps or harbours, any animal which by reason of excessive barking or howling disturbs other persons is guilty of an offence under this bylaw.

7. Construction Noises

- a) Unless permission is first obtained from the Town Office, no person shall carry on construction of any type of structure which involves hammering, sawing, or the use of any mechanical tools or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried on in any zone other than one designated as an Industrial Zone, after the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock the next morning.
- b) Unless permission of the Council of the Town of Francis is first obtained, no person shall operate or allow to operate:
 - i) a riveting machine
 - ii) a concrete mixer
 - iii) a steam shovel
 - v) a trenching machine
 - vi) a drag line
 - vii) an air or steam compressor, jack hammer or pneumatic drill
 - viii) a tractor or bulldozer, or
 - ix) any other tool, device or machine of a noisy nature.

So as to create a noise, disturbance or confusion to be heard in a residential building between the hours of ten (10:00) o'clock in the evening and seven (7:00) o'clock the next morning.

- c) The provisions of Section 7 hereto do not apply to any work carried on by the Town or by a contractor carrying out the instructions of the Town which are of an exigent nature.

8. Noises Absolutely Prohibited

- a) No person other than a police officer in the regular course of duty shall discharge a firearm within the Town of Francis.

Part IV Exemptions

- 9. a) Notwithstanding any of the provisions of the bylaw, this bylaw does not apply to any person who emits or causes the emission of noise in connection with any lifesaving duty or responsibility or any person acting in an emergency situation.
- b) Notwithstanding any of the provisions of the bylaw, this bylaw does not apply to a person who emits or causes to be emitted noise in connection with any of the following activities:
 - i) The use in a reasonable manner of an apparatus or mechanism for the amplification of the human voice or of music in a public park or recreational area under the control and management of the Town of Francis in connection with any public election meeting, public celebration, recreational event, or other lawful gathering.
 - ii) Any band or parade, provided the consent of the Town of Francis to operate such band or hold such parade has first been obtained.

- iii) Any carnival, fair or exhibition provided the consent of the Town Office to operate or hold such carnival, fair or exhibition has first been obtained.
- iv) Any event authorized by the Town of Francis on Town owned land.
- v) The sounding of bells in churches, religious establishments and schools.
- vi) The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking approved by the Town Office.

Part V Severability

10. a) If a Court of competent jurisdiction should declare any section or part of a section of this bylaw to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw shall be valid and shall remain in force and effect.

Part VI Penalties

11. a) Any person who contravenes any provision of this bylaw is guilty of an offense and is liable on summary conviction to a minimum fine of fifty (\$50.00) dollars and a maximum fine not in excess of five hundred (\$500.00) dollars or, in default of payment of the fine and costs, to imprisonment for a period not exceeding 30 days.

This Bylaw comes into force on the day of its final passing.

READ A FIRST TIME THIS 8 DAY OF Jan., 20 25
 READ A SECOND TIME THIS 8 DAY OF Jan., 20 25
 READ A THIRD TIME AND PASSED THIS 8 DAY OF Jan., 20 25

(SEAL)



Melody Dixon-Lyze
 Administrator

[Signature]
 Mayor