

## BYLAW NO. 10 – 2003

A BYLAW OF THE TOWN OF FOAM LAKE FOR THE PURPOSE OF PROHIBITING, ELEMENATING AND ABATING NOISE AS PROVIDED IN SECTION 128 (a) OF THE URBAN MUNICIPALITY ACT.

THE COUNCIL of the Town of Foam Lake enacts as follows:

### PART 1:

- 1.1 This Bylaw may be cited as "The Noise Bylaw".
- 1.2 Definitions:
- a) "Town " means the Town of Foam Lake or the area contained within its boundaries.
  - b) "Noise" includes any unnecessary, unusual or loud outcry, clamour, shouting or movement, or any motor vehicle sound that is loud, or harsh or undesirable, and distributes the comfort and repose of persons within the Town.
  - c) "Person" includes any company, corporation, owner, partnership, association, society, party or tenant.
  - d) "Hospital/Health Centre" means an area designated as such by signs or other devices, or any portion of the Town within five hundred (500') feet in any direction from the boundaries of a site upon which is situated a hospital/health centre.
  - e) "Emergency Vehicle" means a fire department vehicle, a police vehicle or a vehicle used as an ambulance.
  - f) "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.

### PART 2: - General Prohibitions

- 2.1 NO PERSON BEING the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates there from disturbs or tend to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- 2.2 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.
- 2.3 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 eleven (11:00) PM in the evening and seven (7:00) AM the next morning.
- 2.4 EVERY PERSON who owns or has the care of, control of, or keeps or harbours, any animal, which by reason of excessive barking or excessive howling disturbs other persons, is guilty of an offence under this bylaw.

- 2.5 NO PERSON BEING the owner or occupier of real property shall allow or permit such real property to be used so that noise or sound, which emanates there from, disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person in the neighbourhood or vicinity.
- 2.6 NO PERSON SHALL make any loud, unnecessary or unusual noise in a Personal Care Home, Hospital or Health Centre zone, or within 500 feet from the boundaries of a site upon which is situated a Nursing Home.
- 2.7 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 by the current zoning bylaw as an Industrial Zone, after the hours of eleven (11:00) PM in the evening and before the hours of seven (7:00) AM in the morning of the next day.

### **PART 3 – Exemptions**

- 3.1 Notwithstanding any of the provisions of this 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:
- a) Life saving duty or responsibility, or the operation of an Emergency Vehicle.
  - b) Work to restore public utilities.
  - c) Police officers in the discharge of duties.
  - d) Any band or parade provided that the consent of the Town Council has been first obtained.
  - e) 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, in connection with any public election meeting, celebration, recreational event or other lawful gathering.
  - f) The sounding of bells in churches or schools or train whistles and similar devices, at normal appropriate times.

### **PART 4 – General**

- 4.1 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 Police Officer relating to the conduct of any person or persons, whether ascertained or not, that the comfort or repose of other persons within the limits of the town was disturbed.

### **PART 5 – Severability**

- 5.1 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 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.

### **PART 6 – Penalties**

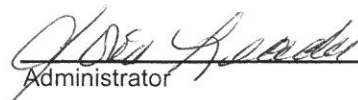
- 6.1 ANY PERSON who contravenes any provision of this bylaw is guilty of an offence and is liable on summary conviction to a minimum of

\$200.00 dollars and a maximum fine not in excess of \$1,000.00 dollars or, in default of payment of the fines and costs, to imprisonment for a period not exceeding 30 days.

**PART 7 – Effect**

- 7.1 Bylaw No. 8 – 1982 is hereby repealed.
- 7.2 This Bylaw shall take effect on the date of the final passing hereof.

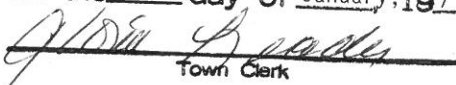
  
Mayor

  
Administrator

Read three times by unanimous consent and adopted at a regular meeting of Council held on January 13, 2004.

S E A L

CERTIFIED A TRUE COPY of  
By-law No. 10-2003, passed  
on the 13th day of January, 13/ 2004.

  
Town Clerk