

**TOWN OF EASTEND  
BYLAW NO. 768/2024**

M-11 (a)

**A BYLAW OF THE TOWN OF EASTEND TO REGULATE OR PROHIBIT THE  
MAKING OR CAUSING OF NOISES OR SOUND IN THE TOWN OF EASTEND**

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

**SHORT TITLE**

1. This Bylaw may be cited as the "Noise Control Bylaw".

**DEFINITIONS**

2. In this Bylaw:

- a. **"CAO" or "ADMINISTRATOR"** shall refer to the Chief Administrative Officer of the Town of Eastend.
- b. **"Construction"** includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipe and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration, and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith.
- c. **"Construction Equipment"** means any equipment or device designed and intended for use in construction or material handling, including, but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment.
- d. **"Council"** shall refer to the Council of the Town of Eastend.
- e. **"Designated Officer"** means an employee or agent of the Town appointed by Council for the purposes of this bylaw and includes a Regional Bylaw Enforcement Officer, Peace Officer, Special Constable, Community Safety Officer and members of the Royal Canadian Mounted Police.
- f. **"Town Foreman"** means the person appointed as the Manager of Public Works and from time to time may include any person appointed or designated by the Town Foreman or the Chief Administrative Officer to act on his/her behalf.
- g. **"Highway"** includes every highway within the meaning of the *Highway Act*, and every road, street, lane or right-of-way designed or intended for or used by the general public for the passage of vehicles, and every place or passage way to which the public, for the purpose of the parking or servicing of vehicles, has access or is invited; and every place or passage way owned or operated by the Town of Eastend for the purpose of providing off-street parking.
- h. **"Engine Brakes"** means a device commonly used in trucks, power units, semi trailer units or other vehicles to slow or brake the said vehicle by means of closing exhaust valves on the engine of the said vehicle; or any similar device.
- i. **"Municipality"** means the municipal jurisdiction of the Town of Eastend.
- j. **"Noise"** includes sound.
- k. **"Persistent/Persistently"** means enduring or constantly repeated.
- l. **"Point of Reception"** means any point on the premises of a person where sound or vibration originating from other than those premises is received or any place on a highway sound is received.
- m. **"Truck"** means any motor vehicle with a licensed gross vehicle weight over 8,600 kg.
- n. **"Vehicle"** includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or traction engine, farm tractor, or road building machine.

**PURPOSE**

3. The purpose of this Bylaw is to regulate and control the making of or causing of noises or sounds which are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public within the municipality.

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**TOWN OF EASTEND  
BYLAW NO. 768/2024**

**PROHIBITIONS**

4. No person shall make or cause or permit to be made a noise or sound described as follows:
- a. Playing or operating any radio, stereophonic equipment, television receiving set or other instrument or any apparatus for the production or amplification of sound, where the noise or sound is clearly audible at a point of reception in a residential area between the hours of 11:00 p.m. one day and 7:00 a.m. the following day;
  - b. Harboursing or keeping any animal or bird which persistently cries, barks, or howls;
  - c. Idling or continuously running of a diesel engine, a truck or bus for more than 20 minutes at the same location, except, where the truck or bus is located within a garage or depot intended to be used for the long-term parking of that vehicle;
  - d. Operating, applying or using engine brakes within the municipality except in the case of an emergency when the operation of engine brakes is necessary to avoid the imminent possibility of a collision or traffic accident, hazard or dangerous situation;
  - e. Erecting, demolishing constructing, reconstructing, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane or other land before 7:00 a.m. or after 11:00 p.m., Monday to Saturday and before 9:00 a.m. or after 10:00 p.m., on Sundays and Statutory Holidays;
  - f. Using a lawnmower, rototiller, leaf blower or snow blower before 7:00 a.m. or after 11:00 p.m.
5. Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to, the following:
- a. the proximity of the sound to sleeping facilities, whether residential or commercial;
  - b. the land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
  - c. the time of day or night the sound occurs;
  - d. the duration of the sound;
  - e. the volume of the sound;
  - f. the nature of the sound;
  - g. whether the sound is recurrent, intermittent or constant; and
  - h. the nature of the event or activity from which the sound emanates.

**EXEMPTIONS**

6. The emission of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in this Bylaw:
- a. Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity.
  - b. Horn or signaling device on a train when used as a danger or warning signal.
  - c. Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity.
  - d. Bells or chimes from churches or public institutions.
  - e. The unloading, loading, pick up or delivering of containers, products, materials, or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects.
  - f. Noise or sound created in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property.
  - g. Noise or sound created from parades or public festivities authorized by Council.
  - h. Noise or sound created by extraordinary construction projects which have been authorized to take place by the Council.

JLG

**TOWN OF EASTEND  
BYLAW NO. 768/2024**

- i. Noise or sound created from the act of clearing snow on business lots within the town boundaries, where such snow removal is required prior to the businesses usual time of opening and to accommodate the comings and goings of their customers. Such businesses will be permitted to commence snow clearing one hour prior to the usual time of opening, provided this is not before 6:00 a.m. on any day of the week.

**COUNCIL DISCRETION**

7. At the discretion of Council upon application, the Council may, by resolution, grant an exemption to any person or organization from any of the provisions of this bylaw with respect to any source of sound.

**PENALTY**

8. Where a notice of violation is issued, a person may make a voluntary payment in the amount of \$300.00 for that violation if they do so before the specified date set out in the notice of violation.
9. A person who contravenes a provision of this Bylaw is guilty of an offence and is liable, upon summary conviction, to a penalty of not less than \$300.00 and not more than \$2,000.00.

**SEVERABILITY**

10. If any section or subsection of this Bylaw is found to be invalid by a court of competent jurisdiction, the section or subsection may be severed from the Bylaw without affecting the validity of the remainder of the Bylaw.

**REPEAL PREVIOUS BYLAW**

11. Bylaw 610/03 is hereby repealed.

**COMING INTO FORCE AND EFFECT**

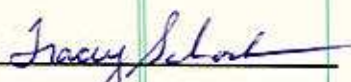
12. This Bylaw shall come into force and effect on the day it is passed by Council.



  
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Mayor

  
\_\_\_\_\_  
Administrator

Read a third time and adopted  
this 14<sup>th</sup> day of August, 2024.

  
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Administrator