



Bylaw No. 6980

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Office Consolidation

THE NOISE ABATEMENT BYLAW

No. 6980

Including Amendments to November 27, 2014

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- a) the original bylaw and of all bylaws amending it; and**
- b) the fact of passage of the original and all amending bylaws.**

AMENDMENTS

DATE PASSED

Bylaw No. 7498

April 11, 1983

Bylaw No. 8449

May 11, 1987

Bylaw No. 9504

May 17, 1993

Bylaw No. 9986

April 27, 1998

Bylaw No. 2009-71

November 23, 2009

Bylaw No. 2014-50

November 27, 2014

BYLAW NO. 6980

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 WITHIN THE CITY OF REGINA

THE COUNCIL OF THE CITY OF REGINA ENACTS AS FOLLOWS:

Part I Short Title & Definitions

1. This Bylaw may be cited as "The Noise Abatement Bylaw".
2.
 - (a) "City" means the corporation of the City of Regina or the area contained within its boundaries as the context requires.
 - (b) "Council" means the Council of the City of Regina.
 - (c) "Emergency Vehicle" means a fire department vehicle, a police vehicle, or a vehicle used as an ambulance.
 - (d) "Hospital Zone" means an area which (i) is designated as such by signs or other devices, or (ii) any portion of the City within five hundred (500') feet in any direction from the boundaries of a site which is situated a hospital as defined in *The Facility Designation Regulations*, R.R.S. 2005 c. R-8.2 Reg 6.
 - (e) "Industrial Zone" means a zone defined as such in *The Regina Zoning Bylaw* No. 9250.
 - (f) "Motor Vehicle" shall have the same meaning given it in *The Traffic Safety Act*, S.S. 2004 c. T-18.1.
 - (g) "Inspector" means any person or persons designated in Schedule 'A' Council from time to time as may be required to enforce the Bylaw.
 - (h) "Person" includes any company, corporation, owner, partnership, firm, association, society, party or tenant.
 - (i) "Peace Officer" shall have the same meaning as in the *The Summary Offences Procedure Act, 1990*, S.S. 1990-91 c. S-63.1".

- (j) "Public Highway" has the same meaning as that given it in *The Traffic Safety Act*, S.S. 2004 c. T-18.1.
- (k) "Public Place" has the same meaning as that given it in *The Alcohol and Gaming Regulation Act, 1997*, S.S. 1997 c. A-18.011.
- (l) "Residential Building" means a building which is constructed as a dwelling place for human beings and includes a hotel or motel.
- (m) "Residential Zone" means a a zone defined as such in *The Regina Zoning Bylaw No. 9250*.
- (n) "Signalling 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.
- (o) "Vehicle" shall have the same meaning given to it in *The Traffic Safety Act*, S.S. 2004 c. T-18.1.
(#9986, s. 2, 1998, #2014-50, s.s. 2, 3, 4, 5, 6, 7, 8 and 9, 2014)

Part II General Prohibitions

- 3. (i) No person shall make, continue, cause or permit to be made or continued, any unreasonably loud or excessive noise likely to disturb any reasonable person within the City of Regina.
- (ii) Factors for determining whether a sound is an unreasonably loud or excessive noise likely to disturb any reasonable person include, but are not limited to, the following:
 - (a) land use and zoning of the surrounding area, including proximity of the sound to any residential use or other use containing sleeping quarters;
 - (b) time of day and day of week;
 - (c) duration;
 - (d) volume;
 - (e) type or nature of the sound;
 - (f) the frequency of occurrence;

- (g) the nature of the activity from which the sound emanates; and any other relevant factor.

(#2014-50, s. 10, 2014)

Part III Specific Prohibitions

4. (A) Motor Vehicle Noises

- (a) No person shall create loud unusual or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the City of Regina 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 City of Regina resulting from any of the following acts:
 - (i) The sounding of a motor vehicle signalling device or warning device, or siren, except where required or authorized by this 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 seasonal 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 of a residential zone.
- (d) The Provisions of Section 4 of this Bylaw do not apply to an emergency vehicle, or to work on a City street or public utility carried on by a City Department, Saskatchewan Power Corporation, Sask-Tel, or to a contractor working for any of the above cited persons.

5. Commercial and Industrial Noises

- (a) No person shall load or unload motor trucks in any area designated as being a residential zone or within one City 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 advertise any event or merchandise by ringing bells, calling aloud, playing any type of musical instrument or by any audible means in any part of the City other than in an area designated as the Downtown Central Business District or designated shopping centre in the Regina Municipal Development Plan.
- (c) No person shall, without first obtaining a written permit from the Chief of Police of the City of Regina or his appointee (which the said Chief of Police of the City of Regina or his appointee may, in his discretion, refuse or grant) use or permit the use of a loud-speaker or other device for the amplification of sound;
 - (i) upon any street, lane, or other public place within the City; or
 - (ii) in any building or place with the intention that the sound therefrom shall be, or with the effect that is or may be, audible to persons using or frequenting any such street, lane or other public place.
- (d) No person shall make, continue or cause to allow to be made or continued any noise contrary to this Bylaw in relation to a filming project without first obtaining a written permit from the Coordinator of Arts, Culture and Film employed by the City of Regina, which may be granted at the discretion of the Coordinator of Arts, Culture and Film.

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 in 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 of 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 excessive howling disturbs other persons is guilty of an offence under this Bylaw.

7. Construction Noises

- (a) Unless permission of the Manager of Building Standards, the Permit Supervisor, or the Building Inspection Engineer of the City of Regina is first obtained, 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 ten (10:00) o'clock in the evening and before the hour of seven (7:00) in the morning of the next day.
- (b) Unless permission of the Manager of Building Standards, the Permit Supervisor, or the Building Inspection Engineer of the City of Regina is first obtained, no person shall operate or allow to be operated:
 - (i) a riveting machine
 - (ii) a concrete mixer
 - (iii) a gravel crusher
 - (iv) 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 bull-dozer, or
 - (ix) any other tool, device or machine of a noisy nature,

so as to create a noise, confusion, or disturbance 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 in the morning of the next day.

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

(#2009-71, s. 14, 2009)

8. Noises Absolutely Prohibited

- (a) No person other than a Police Officer in the regular course of duty shall discharge a firearm within the City of Regina.

Part IV Exemptions

- 9. (a) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to any person who emits or causes the emission of noise in connection with any life-saving duty or responsibility or any person acting in an emergency situation.
- (b) 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:
 - (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 City of Regina in connection with any public election meeting, public celebration, recreational event, or other lawful gathering.
 - (ii) Any band or parade, provided that the consent of the Chief of Police of the City of Regina or his appointee to operate such band or hold such parade has first been obtained.
 - (iii) Any carnival, fair or exhibition provided that the consent of the Council of the City of Regina or its designate to operate or hold such carnival, fair or exhibition has first been obtained.
 - (iv) Any event authorized by the City of Regina on City owned lands.
 - (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 Council of the City of Regina.
 - (vii) The sounding of factory whistles, train whistles and similar devices at normal appropriate times.
- (c) Notwithstanding the provisions of Section 6, Subsection (a) it shall not be an offence against this bylaw to cause noise by removing snow by mechanical

means from parking lots used in conjunction with commercial, educational or institutional establishments where the owner or operator of the snow removal equipment has obtained a permit from the Council of the City of Regina or its designate, to operate the snow removal equipment at the designated location.

(#7498, s. 1, 1983)

Part V Severability

10. 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 VI Penalties

11. (a) Subject to subsection 11(b), any person who contravenes any provision of this Bylaw is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:
- (i) two thousand dollars (\$2,000) in the case of an individual;
 - (ii) five thousand dollars (\$5,000) in the case of a corporation;
- or, in default of payment by an individual, by imprisonment for a term of not more than thirty (30) days.
- (b) Pursuant to section 10 of *The Summary Offences Procedure Act, 1990*, where a Summary Offence Ticket Information is issued for a violation of clause 3(i) or 6(d) of this Bylaw, the peace officer may enter on the ticket the following voluntary payment amounts:
- (i) For clause 3(i): one hundred and fifty dollars (\$150.00) plus any applicable surcharge imposed pursuant to *The Victims of Crime Regulations*; and
 - (ii) For clause 6(d): one hundred dollars (\$150.00) plus any applicable surcharge imposed pursuant to *The Victims of Crime Regulations*.
- (#8449, s. 1, 1987; #9504, s. 1, 1993, #2014-50, s. 11, 2014)

Part VII Repeal

12. The following bylaws or sections thereto are hereby repealed:
- (i) Bylaw No. 2818
 - (ii) Section 17(a) of Bylaw No. 6321
 - (iii) Section 11 of Bylaw No. 6066

READ A FIRST TIME THE 15th DAY OF JUNE A.D. 1981;

READ A SECOND TIME THE 15th DAY OF JUNE A.D. 1981;

READ A THIRD TIME AND PASSED THE 15th DAY OF JUNE A.D. 1981.

Mayor

City Clerk

NOISE.CON

SCHEDULE "A"
(clause 2(g))

1. Persons employed with the City of Regina in the following positions are designated as inspectors for the purpose of enforcing *The Noise Abatement Bylaw*:
 - a) Manager of Building Standards;
 - b) Building Inspection Engineer;
 - c) Permit Supervisor;
 - d) Commercial Inspector;
 - e) Residential Inspector;
 - f) Manager of Bylaw Enforcement;
 - g) Senior Bylaw Standards Officer;
 - h) Bylaw Standards Officer;
 - i) Bylaw Enforcement Officer; and
 - j) any member of the Regina Police Service.
(#2009-71, s. 14, 2009, #2014-50, s. 12, 2014)

2. For the purpose of enforcing clause 6(d) of this Bylaw, the following persons are designated as inspectors.
 - a) any member of the Regina Police Service;
 - b) employees of the Regina Humane Society; and
 - c) any person employed by the City of Regina in the following positions:
 - (i) Manager of Bylaw Enforcement;
 - (ii) Senior Bylaw Standards Officer;
 - (iii) Bylaw Standards Officer; and
 - (iv) Bylaw Enforcement Officer.
(#9986, s. 3, 1998; #2009-71, s. 14, 2009)