M-11 (a)

CITY OF HUMBOLDT

BYLAW NO. 07/2021

A BYLAW OF THE CITY OF HUMBOLDT TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE

The Council of the City of Humboldt in the Province of Saskatchewan in open meeting hereby enacts Bylaw No. 07/2021 in the manner hereinafter set forth:

Short Title

1. This Bylaw may be cited as The Noise Bylaw.

Purpose

2. This Bylaw is enacted to protect, preserve, and promote the safety, health, welfare, peace and quiet of the citizens of the City of Humboldt through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity.

Definitions

3. In this Bylaw,

a) "City" means the corporation of the City of Humboldt, or the area contained within the boundaries of the City of Humboldt;

b) "Emergency vehicle" means a motor vehicle used in response to a public catastrophe or to protect persons or property from imminent danger;

c) "Emergency work" means work made necessary to restore property to a safe condition following a public catastrophe, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger;

d) "Motor vehicle" means "motor vehicle" as defined in The Traffic Safety Act;

i. "Light Vehicle" means a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of 1 ton or less.

ii. "Motorcycle" means a motorcycle within the meaning of *The Traffic Safety Act*, S.S. 2004, Chapter T-18.1;

iii. "All Terrain Vehicle" means a vehicle defined within *The All-Terrain Vehicles* Act A-18.02, Section 2(1) (b).

iv. "Snowmobile" means a vehicle defined within the *Snowmobile Act* S-52, Section 2 (l)

e) "Residential building" means a structure used for the shelter or accommodation of persons;

f) "Residential district" means a district as referred to in the Zoning Bylaw enacted by the Council of the City of Humboldt and amendments thereto;

g) "Engine brake" means a device commonly used in trucks and semi-trailer units to slow or brake the said vehicles by means of closing the exhaust valves on the engines of the said vehicles, or any similar device;

h) "Sound level meter" means a device used to measure sound pressure, which meets the applicable American National Standards Institute, S1.4-1983(R2006), the

M-11 (a) International Electro-Technical Council Standard No. 123, or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961;

i) "dB(A)" means the sound pressure measured in decibels using the 'A' weighted scale of a sound level meter;

General Prohibition

4. a) Except to the extent it is allowed by this Bylaw, no person shall make, or continue to make, or cause to be made, or allow to be made, or allow to be continued to be made, any loud noise, or any unnecessary noise, or any unusual noise.

b) Except to the extent it is allowed by this Bylaw, no person shall make, or continue to make, or cause to be made or cause to be continued or allow to be made, or allow to be continued, 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 City.

c) No Person shall engage, operate, apply, or otherwise use an engine brake on any vehicle being driven within the City of Humboldt, except in an emergency where it is necessary in the circumstances to do so.

d) The interpretation of what constitutes a loud noise, an unusual noise, or a noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of other persons is a question of fact for the Trial Judge hearing a prosecution of an offence against this Bylaw. In determining whether a noise or sound is unreasonably or unnecessarily loud, consideration may be given, but is not limited to:

i. The nature of the activity of persons being disturbed;

ii. The land use, nature, and zoning of the area from which the sound emanates and the area where it is received;

iii. The time of day or night the sound occurs;

iv. The duration of the sound;

v. The volume of the sound;

vi. The nature of the sound;

vii. Whether the sound is recurrent, intermittent, or constant, and;

viii. The decibel level, if measured.

Domestic Noises

5. Without restricting the generality of Section 4, no person shall operate or allow to be operated a lawn mower of any kind, or a snow clearing device powered by an engine of any type or a model aircraft driven by an internal combustion engine, Snowmobiles in any residential district between the hours of:

11:00 P.M. and 7:00 A.M

6. No person who owns, keeps, houses, harbours, or allows to stay in his premises a dog shall allow such dog to bark excessively or howl excessively.

7. a) No person being the owner or occupant of any premises shall operate, or permit to be operated, or suffer to be operated, or allow to be operated, play or allow to be played, any radio, phonograph, record player, tape recorder, television set, musical instrument, or any other apparatus, appliance, device or machine used for the production or amplification of sound, either in or on private premises in a residential district in such a manner that the same can be easily heard by an individual or member of the public who is not on the same premises from which such noise or sound emanates.

M-11 (a)

b) For the purpose of this Bylaw, "premises" shall mean the area contained within the boundaries of any lot and includes any building situated within such boundaries. Provided, however, that where any building contains more than one dwelling unit, each dwelling unit, or common area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.

c) For the purpose of this Bylaw, "occupant" shall mean the owner, occupant or licensee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises.

Construction Noise

8. Except in an emergency work situation, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or any other equipment or operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a trenching machine, a drag line, an air compressor, a jack-hammer or pneumatic drill, a tractor or bulldozer or any other tool, devices or machine of a noisy nature, so as to create a noise which may be heard in any residence between the hours of:

11:00 P.M. and 7:00 A.M

Advertising Noises

9. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type of musical instrument, playing or using any type of noise making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on any street or other public place or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place outside of standard business hours:

8:00 A.M. to 5:00 P.M

Land Use Noises

10.

a) Subject to subsection b), no person shall cause or permit to be made or continued any noise that exceeds the following standards for a cumulative period greater than 15 minutes in any hour as measured in A-weighted decibels dB(A) using a approved sound level meter at 1.2 metres above the ground level surface at the lot line of the site where the noise originates:

Zone	Sound Pressure dB(A)	
	7:00 AM – 11:00 PM	11:00 PM – 7:00 AM
Residential Zone	60	55
All Other Zones Within 30 Metres of a Residential Zone	70	65
All Other Zones	85	75

M-11 (b) The following noises shall be exempt from this section:

i. Noises from construction or maintenance activities between 7:00 am and 11:00 pm.

ii. Noises from safety signals, emergency vehicles and equipment, warning devices and emergency pressure release valves;

iii. Noises from Motor Vehicles, airplanes, and trains; and

Motor Vehicle Noises

11. Without limiting the generality of section 4, for the purpose of regulating motor vehicle noise, the following provisions shall apply:

a) No person shall allow the motor on a tractor which pulls a trailer or on a semi-trailer truck, or any other truck, to remain running for longer than 30 minutes while the tractor trailer, or tractor alone, or truck, is stationary in a residential district.

b) No person shall operate a motor vehicle in such a manner that it makes, continues, causes to be made or continues or suffers or permits to be made or continued any unreasonably loud or excessive noise;

c) No person shall operate a light vehicle within the City of Humboldt that is capable of emitting any sound exceeding 96 dB(A), as measured by the regulations set forth in *SAE J1492 OCT2008.* Reference Appendix "A" for light vehicle testing regulations

d) No person shall operate a motorcycle within the City of Humboldt that is capable or emitting any sound exceeding 92 dB(A) at idle; emitting any sound exceeding 96 dB(A), for engines with less than three (3) cylinders or more than four (4) cylinders; and emitting any sound exceeding 100 dB(A), for engines with three (3) or four (4) cylinders. In accordance with *SAE J2825 Jul2020*

Engine Configuration	Test Procedure	dB(A) Limit
All	Idle Test	92
Less than 3 cylinders or more than 4	Set RPM Test Swept RPM Test	96
Engines with 3 or 4 cylinders	Set RPM Test Swept RPM Test	100

Reference Appendix "B" for motorcycle testing regulations

Sound Level Meter Certificate

12. A certificate issued by the manufacturer of a sound level meter shall be admitted into evidence as *prima facie* proof the meter meets the applicable standard set out in clause 3(k)

Testing Permitted

13. The operator of any motor vehicle shall, upon the request of a Peace Officer take the motor vehicle to any site designated by the officer and have the motor vehicle tested for sound.

Failure to Comply with Request of Officer

M-11 (a) 14. It shall be an offence for the operator of any motor vehicle to refuse to take the motor vehicle to any site designated by the officer and have the motor vehicle tested for sound when requested by the officer.

Exceptions

15. The provisions of this Bylaw shall not apply to:

a) the ringing of bells and buzzers in churches, religious establishments, and schools;

b) The sounding of the fire department air horn at the noon hour;

c) The hourly sounding of bells by the museum clock;

d) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking during the Christmas season or at any other time;

e) the playing of a band, the sounding of a steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment in connection with any parade authorized by Council pursuant to the provisions of The Traffic Bylaw;

f) the moderate playing of musical instruments appropriate to any religious street service;

g) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;

h) the sounding of sirens on any emergency vehicle or public service vehicle;

i) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;

j) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration, or other reasonable gathering;

k) transit vehicles engaged in normal transit operations;

l) the use of any tractors, trucks or other equipment for snow removal, snow clearing or sanding of streets; the repair of streets or the repair and maintenance of any municipal works or utilities;

m) the use of any tractors, trucks, or other equipment by contractors for snow removal and snow clearing on commercial property

n) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy and Saskatchewan Telecommunications;

o) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any exhibition, circus, sporting event or any other activity lawfully authorized on or in the lands and buildings of the City of Humboldt;

p) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any lawfully authorized sporting event in any sports arena or building, public park, or any other public place where such sporting event may be lawfully carried on.

16. Applications to carry on activities outside the designated hours may be made to the City
M-11 (a) Manager or Designate which, in his or her absolute discretion may approve or deny the application but must provide the applicant with written reasons for doing so.

17. Council may, by resolution, exempt from the provisions of this Bylaw the noise made by any person, firm, or corporation in the lawful operation of any industrial or commercial or any other business undertaking.

Penalties

18. A person who is guilty of a violation of any provision of this Bylaw shall be liable on summary conviction:

i. to a fine of $150.00 for the first offense;

ii. to a fine of $250.00 for the second offense;

iii. and to a fine not less than $500.00 and not more than $2,000 for the third and subsequent offences

19. This Bylaw shall come into force and take effect on its final passing.

20. Bylaws No. 16/85, 28/99, and 16/2000 are hereby repealed.

Mayor: Michael Behiel

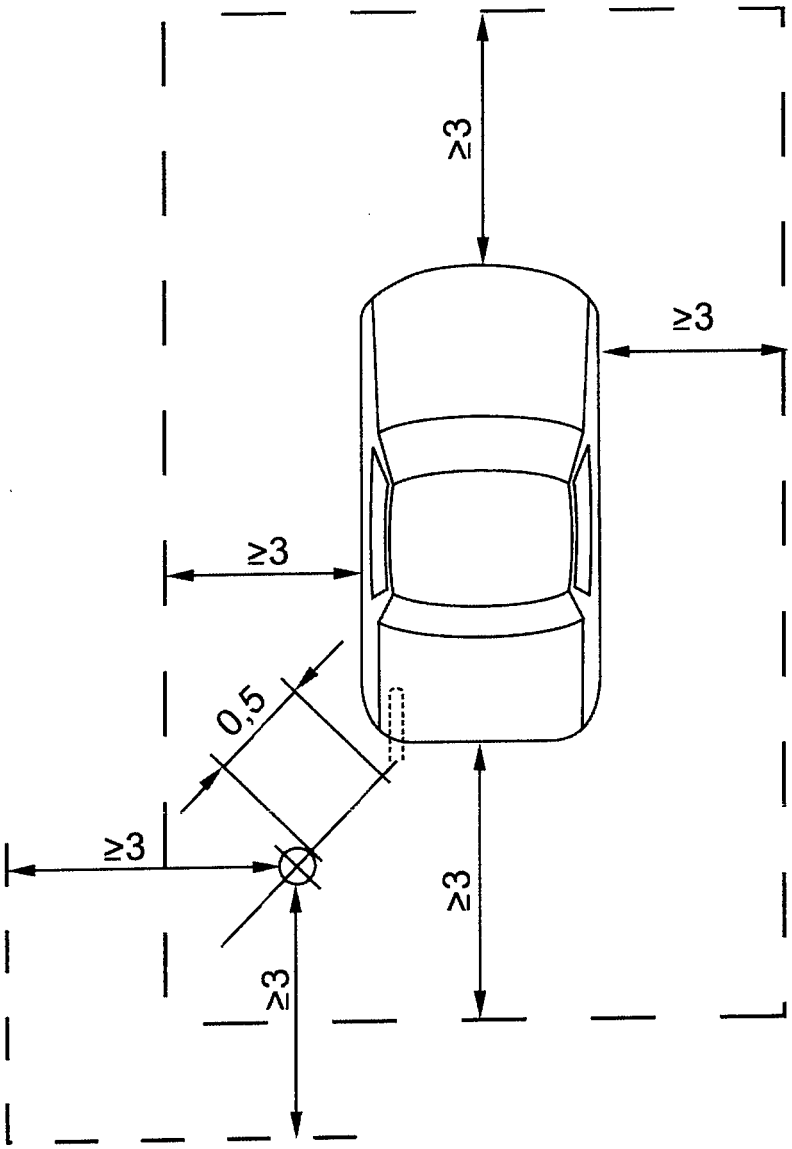
City Clerk: Lori Yaworski

INTRODUCED and read a first time this 23rd day of August 2021

READ a second time this 23rd day of August 2021

READ a third and final time this 23rd day of August 2021

Appendix A



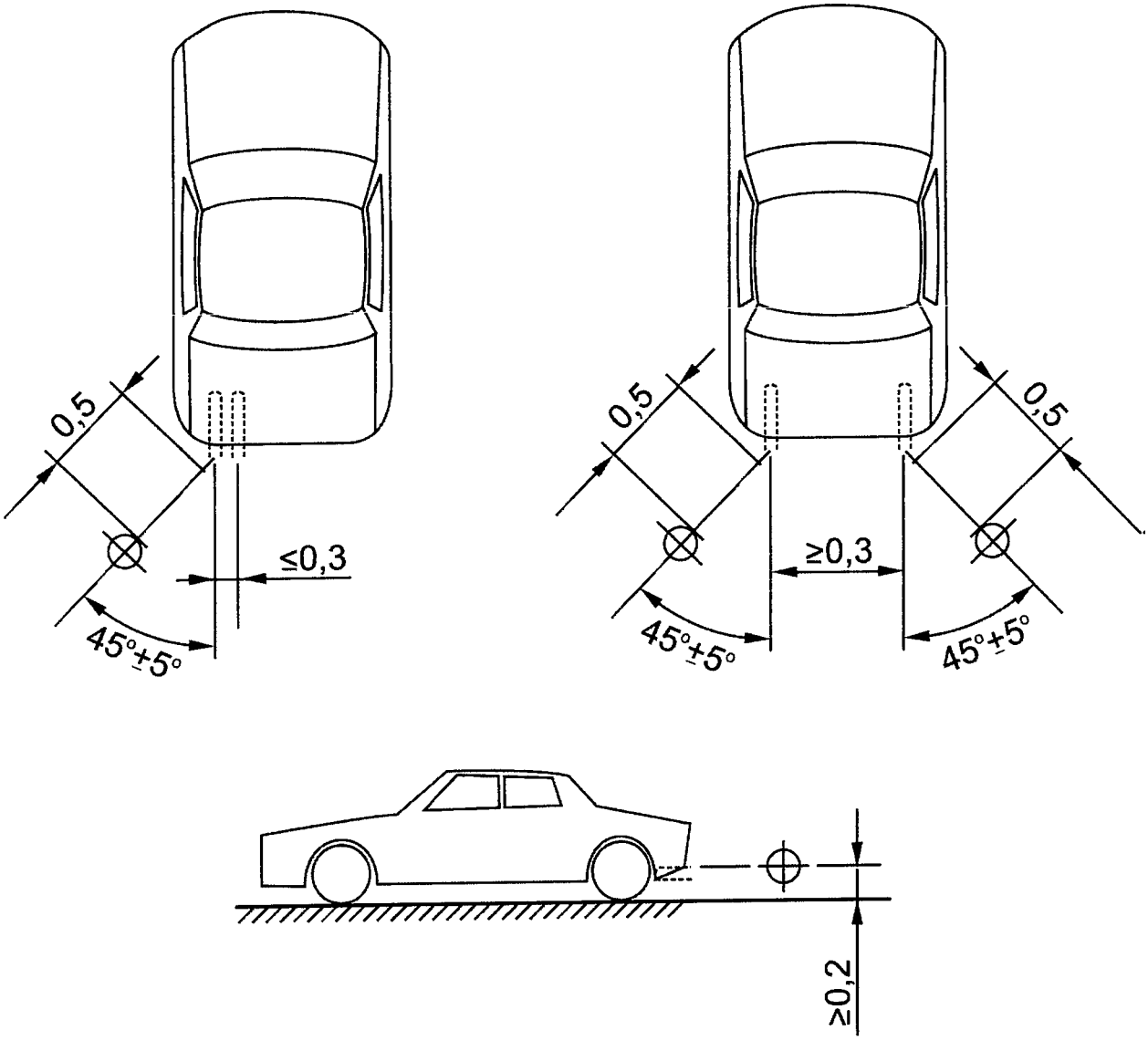


FIGURE 2A - EXAMPLES OF MICROPHONE POSITIONS FOR VARIOUS EXHAUST LOCATIONS:
REAR ACCESSABLE EXHAUST OUTLET

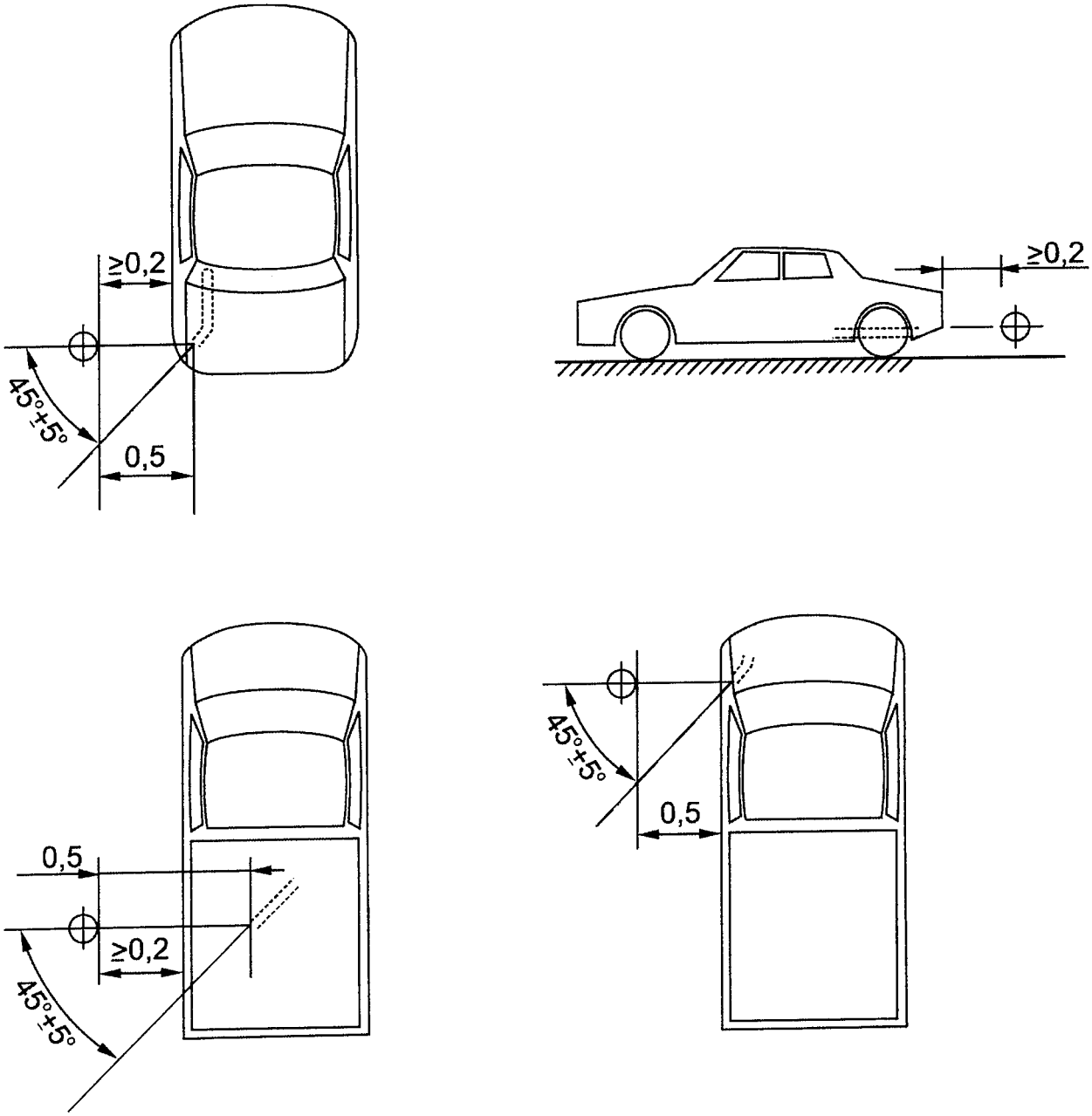


FIGURE 2B - EXAMPLES OF MICROPHONE POSITIONS FOR VARIOUS EXHAUST LOCATIONS:
ANGLED SIDE OUTLET AND UNDERBODY ANGLED OUTLET

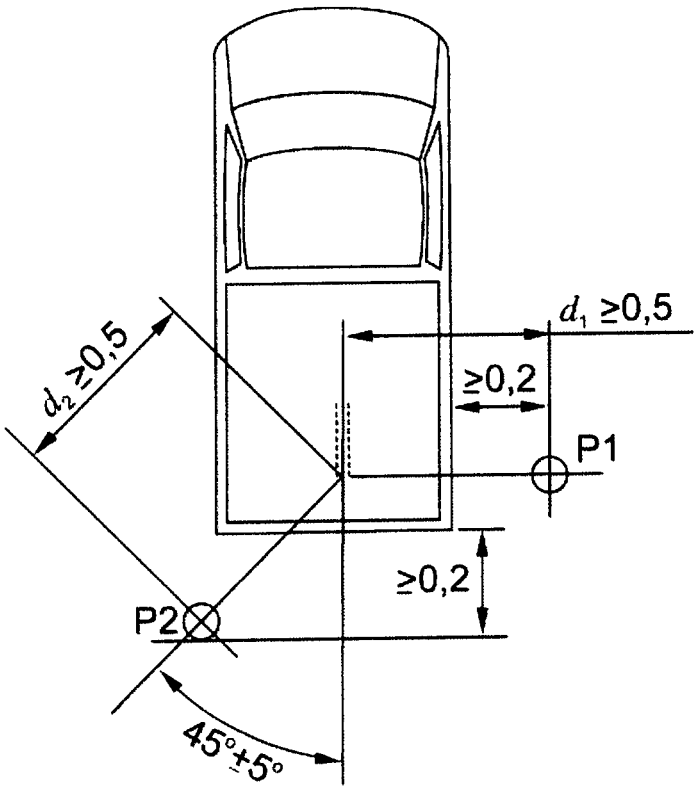


FIGURE 2C - EXAMPLES OF MICROPHONE POSITIONS FOR VARIOUS EXHAUST LOCATIONS: UNDERBODY REAR OUTLET

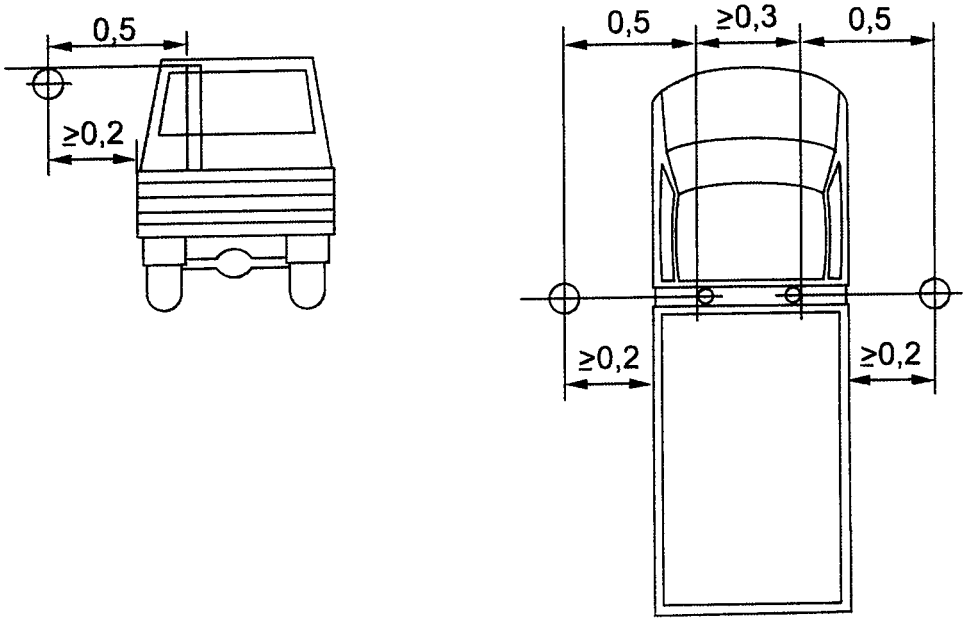


FIGURE 2D - EXAMPLES OF MICROPHONE POSITIONS FOR VARIOUS EXHAUST LOCATIONS: VERTICAL OUTLET

Appendix B

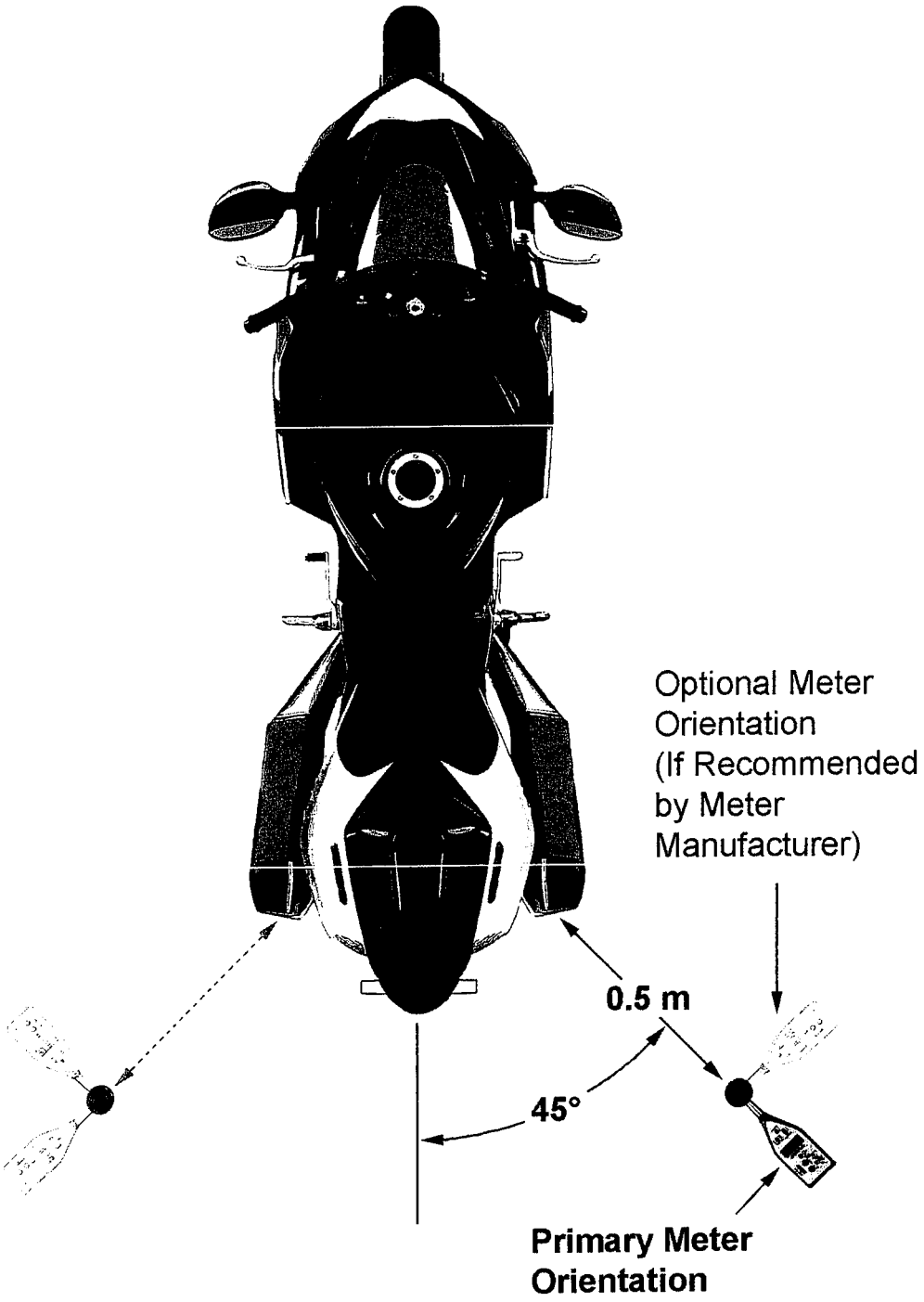


FIGURE 1 - ORIENTATION OF SOUND LEVEL METER