

TOWN OF DALMENY
REGULAR COUNCIL MEETING
MONDAY, SEPTEMBER 11, 2017
DALMENY TOWN OFFICE

PRESENT: Mayor Jon Kroeker, Councillors Ed Slack, Jon Redekop, Anna-Marie Zoller, Christa-Ann Willems, and Greg Bueckert. Also present was CAO Jim Weninger.

ABSENT: None.

CALL TO ORDER

Mayor Jon Kroeker called the Regular Council Meeting to order at 7:00 p.m., a quorum being present.

ADOPTION OF AGENDA

330/17 – Zoller/Bueckert – That the agenda for the Regular meeting of Council of the Town of Dalmeny for September 11, 2017 be adopted as presented.

Carried.

MINUTES

331/17 – Zoller/Bueckert – That the minutes of the August 21, 2017 Regular Council meeting be approved as circulated.

Carried.

LETTER FROM HIGHWAYS-PERMIT FOR ROAD CLOSURE

332/17 – Zoller/Bueckert – That the letter of September 5, 2017 from the Ministry of Highways and Infrastructure regarding the “Permit for Highway No. 305-02 Road Closure” be accepted by Council.

Carried.

LETTER FROM HIGHWAYS- 250mm WATER PIPELINE ACROSS HIGHWAY 305

333/17 – Redekop/Bueckert – That the letter of September 5, 2017 (Revised from May 10, 2017) from the Ministry of Highways and Infrastructure regarding “A 250mm Water Pipeline Along and Across Provincial Highway No. 305” be accepted by Council.

Carried.

LETTER FROM HIGHWAYS – 250mm WATER PIPELINE TIE-IN

334/17 – Slack/Willems – That the letter of September 5, 2017 from the Ministry of Highways and Infrastructure regarding the “Proposed New 250mm Water Pipeline Tie-In and Open Cut across Highway 305” be accepted by Council.

Carried.



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LETTER FROM GOVERNMENT RELATIONS – NOTICE OF DECISION

335/17 – Redekop/Bueckert – That the letter of August 15, 2017 from the Ministry of Government Relations, Community Planning Branch regarding the Notice of Decision Certificate of Approval regarding Part of Parcel A, Plan 102223460 and Proposed Parcel C be accepted by Council.

Carried.

LETTER FROM TOWN OF LANGHAM – REGIONAL POLICING

336/17 – Slack/Bueckert – That the letter of August 28, 2017 from the Town of Langham regarding the Regional Policing Proposal be acknowledged by Council.

Carried.

ACCOUNTS PAYABLE

337/17 – Redekop/Willems - That the accounts as detailed on the attached cheque listing and amounting to \$1,377,570.24 for the period ending September 8, 2017 and representing cheque numbers 12874 to 12890 and cheque numbers 12892 to 12924 be approved by Council.

Carried.

Mayor Jon Kroeker declared a conflict of interest and a pecuniary interest and left the room at 7:30p.m.

During Mayor Jon Kroeker absence, Deputy Mayor Ed Slack presided over the meeting.

ACCOUNTS PAYABLE-CATTERALL AND WRIGHT

338/17 – Redekop/Willems – That the account from Catterall & Wright as detailed on the attached cheque listing and amounting to \$54,325.45 for the period ending September 8, 2017 and representing cheque number 12891 be approved by Council.

Carried.

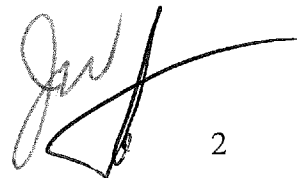
Mayor Jon Kroeker returned to the meeting at 7:32 p.m. and presided over the meeting.

Deputy Mayor Ed Slack vacated the chair and resumed his position as Councillor.

PAYROLL

339/17 – Redekop/Willems – That the payroll in the amount of \$22,851.30 for the pay period ending August 28, 2017 be approved by Council.

Carried.



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PER DIEMS

340/17 – Bueckert/Zoller – That the per diems in the amount of \$2,200.93 for the pay period ending September 30, 2017 be approved by Council.

Carried.

OUTSTANDING TAX COMPARISONS

341/17 – Bueckert/Zoller – That the listing of outstanding municipal and school property tax comparisons for the month of August be accepted by Council.

Carried.

CORRESPONDENCE

342/17 – Bueckert/Zoller – That the following correspondence be filed:

- A. New Entity in Response to Report on Crime – Protection and Response Team (RPT)
- B. SaskPower – R2 Municipal Reserve – Plan 67S23388
- C. SREDA Tops List of Economic Development Groups

Carried.

CAO REPORT

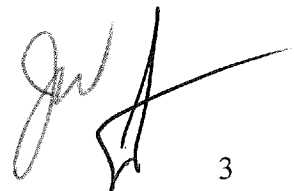
343/17 – Bueckert/Zoller – That the Town Administrator/CAO Report as presented by Town Administrator/CAO Jim Weninger for September 11, 2017 be accepted by Council.

Carried.

CAO HOLIDAYS

344/17 – Zoller/Bueckert – That the Town Administrator/CAO Jim Weninger be given permission to take holidays from December 8 to December 11, 2017 inclusive.

Carried.



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SREDA- LUNCH WITH TIMOTHY LANE

345/17 – Bueckert/Zoller – That Town Administrator/CAO Jim Weninger be given permission to attend the SREDA sponsored event “Lunch with Timothy Lane, Deputy Governor of the Bank of Canada”, on Monday, September 18, 2017 from 11:30 a.m. to 1:15 p.m. Expenses to be paid for in accordance with Town of Dalmeny Policies and Procedures.

Carried.

SUMA NORTHWEST REGIONAL MEETING

346/17 – Willems/Zoller – That Mayor Jon Kroeker, Councillor Christa-Ann Willems, along with Town Administrator/CAO Jim Weninger be given permission to attend SUMA’s Northwest Regional Meeting on Thursday, September 28, 2017 at Blaine Lake, SK commencing at 9:00 a.m. Expenses to be paid for in accordance with Town of Dalmeny Policies and Procedures.

Carried.

TENDER FOR SOUTH LANDSCAPING

347/17 – Willems/Zoller – That the Landscaping Plan as created by Catterall & Wright, Crosby Hanna & Associates, along with the Town of Dalmeny be accepted by Council and that this work be tendered as the final Project component under the Clean Water and Wastewater Fund (CWWF). Also, depending on the tendered amount, picnic tables, benches and recycling and trash containers be purchased directly by the Town.

Carried.

LETTER – HIGH ACCIDENT/MORTALITY NUMBERS

348/17 – Willems/Zoller – That the letter of September 7, 2017 from Linda Crosson regarding the High Accident/Mortality Numbers – Questions/Concerns be acknowledged by Council and that this letter be shared with Dalmeny Police Service and the Fire & Rescue Department.

Carried.

COUNCILLOR ROBIN PETERS RESIGNATION

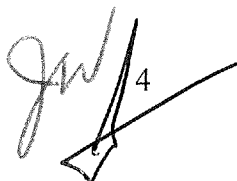
349/17 – Slack/Redekop – That Robin Peters resignation as a member of Council be accepted, with regret.

Carried.

COUNCILLOR BY-ELECTION

350/17 – Zoller/Bueckert – That a by-election be held on December. 13, 2017 for the position of Councillor, with Nomination Day being on November 8, 2017.

Carried.



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WALL ST. TRAFFIC CALMING

351/17 – Zoller/Bueckert – That Council consider “Traffic Calming” along Wall Street adjacent to MR9, Plan 102136531 and MR10, Plan 102136531.

Carried.

BYLAW 9-2017- NOISE BYLAW

352/17 – Redekop/Zoller – That Bylaw 9-2017 be read a third time and adopted.

The CAO read Bylaw 9-2017 a third time, and the Mayor and CAO signed and sealed the bylaw.

IN-CAMERA

353/17 – Willems/Slack – That Council move into the Committee of the Whole and that the session be “in camera” at 8:48 p.m.

Carried.

RECONVENE

354/17 – Willems/Slack - That Council reconvene and report at 10:03 p.m.

Carried.

LAND SWAP AGREEMENT AND LAND SALES AMENDING AGREEMENT

355/17 – Redekop/Bueckert – That Council authorize the work at New Era Janitorial Services Inc. and Indoc Crane Services Ltd. as it pertains to the Land Swap Agreement and the Land Sales Amending Agreement respectively, along with partial funding from New Era Janitorial Services Inc. Estimated cost of the work is between \$12,000.00 and \$16,000.00.

Carried.

RETENTION POND NAME

356/17 – Willems/Slack – That the Retention Pond behind Wall Street and Loepky Avenue be named “Gerald Funk Park”.

Carried.

A handwritten signature in black ink, appearing to be 'JW', is located in the bottom right corner of the page.

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STORM SEWER – OPTION 1

357/17 – Slack/Zoller – That the Council approve Storm Sewer – Option 1 at an estimated cost of \$78,772.20, plus applicable taxes and that Municipal Infrastructure and Finance, Government Relations, Senior Program Engineer Frank Reid be advised of the same.

Carried.

Councillor Christa-Ann Willems requested a recorded vote on resolution 357/17 as stated above.

For:

Councillor Ed Slack
Councillor Jon Redekop
Councillor Anna-Marie Zoller
Councillor Greg Bueckert.

Against:

Mayor Jon Kroeker
Councillor Christa-Ann Willems

ADJOURN

358/17 – Slack/Redekop – That the meeting be adjourned. Time 10:14 p.m.

Carried.

Original Signed by Mayor Jon Kroeker

Original Signed by CAO Jim Weninger



Report Date
9/08/2017 11:49 AM

Dalmeny
Accounts for Approval
As of 9/08/2017
Batch: 2017-00044 to 2017-00046

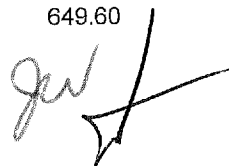
Payment #	Date	Vendor Name Invoice #	Reference	Invoice Amount	Payment Amount
Bank Code: AP - AP-GENERAL OPER					
Computer Cheques:					
12874-Man	8/30/2017	Top Grade Construction 071-088 P2	PROGRESS PMT 2-SOUTH	692,202.90	692,202.90
12875	8/31/2017	AMSC Insurance Services Ltd 33	SEPTEMBER INSURANCE PREM	6,035.23	6,035.23
12876	8/31/2017	Katrina Funk 2	CRYSTAL'S CAKE AND GIFT	141.42	141.42
12877	8/31/2017	M.E.P.P. 175	AUGUST MEPP PAYMENT	9,118.34	9,118.34
12878	8/31/2017	Prairie Spirit School Div #206 61	AUGUST SCHOOL TAXES	43,237.58	43,237.58
12879	8/31/2017	Receiver General For Canada 200	PIER REPORT-2016 DEFICIENCY	247.72	247.72
12880	8/31/2017	Sask. Power Corp. 181	SASKPOWER/ENERGY PMT	10,589.64	10,589.64
12881	8/31/2017	SASK. WCB 2017- 2/2	2017- 2/2 WORKERS COMP FEE	4,994.75	4,994.75
12882	9/11/2017	Aon Reed Stenhouse Inc. 2017-2	2017-ADJUST PREMIUM	1,770.00	1,770.00
12883	9/11/2017	Applied Industrial Technologe 7011360888	MOBILE PUMP PART	121.69	121.69
12884	9/11/2017	ASL Paving Ltd. 11701/11702	HOT MIX FOR STREETS	2,271.94	2,271.94
12885	9/11/2017	ATS Traffic 1231-5000751	STREET SIGNS	1,253.82	1,253.82
12886	9/11/2017	B & B Truck Repairs Ltd. 9065/9064	PW-OLD GRAVEL TRUCK REPAIR	1,016.81	1,016.81
12887	9/11/2017	Bell Mobility Inc. 2	AERATION BUILDING AUTODIALER	67.71	67.71
12888	9/11/2017	Bricks 4 Kids 7	LIBRARY PROGRAM	197.00	197.00
12889	9/11/2017	C & K Lawn & Yard Care 229/230	CUT&MOW BACK ALLEYS/RINK	553.88	553.88
12890	9/11/2017	Canadian National Railways 91328367	SIGNAL MAINTENANCE	248.00	248.00
12891	9/11/2017	Catterall & Wright Limited O-233	INDUSTRIAL PARK-PHASE 1	54,325.45	54,325.45
12892	9/11/2017	Central Repair Ltd. 13410	FIRE-1994 FORD REPAIR	1,069.21	1,069.21
12893	9/11/2017	Cervus Equipment 401508	JD MOWER PARTS	33.93	33.93

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Payment #	Date	Vendor Name Invoice #	Reference	Invoice Amount	Payment Amount
12894	9/11/2017	Clartech Industries Inc. 717697/164371	WATER PLANT CHEMICALS	91.56	91.56
12895	9/11/2017	Community Safety Net SK0500 444805	DRUG SAFETY PARTNER	315.00	315.00
12896	9/11/2017	Crosby Hanna & Assoc. #52 (334-28)	ADVISORY SERVICES	302.59	302.59
12897	9/11/2017	Early's Farm and Garden Centre 669878	LAGOON WEED CONTROL	87.50	87.50
12898	9/11/2017	Earthworks Equipment Corp S36805	KUBOTA RIDING MOWER	25.45	25.45
12899	9/11/2017	First Filter Service 203920	PW-FILTERS	224.50	224.50
12900	9/11/2017	Graycon Saskatoon 89111-01	OFFICE-FORTINET FORTI-WIFI	2,331.00	2,331.00
12901	9/11/2017	Inter-City Electric LTD. 17274	RINK/CURLING DOOR WIRE	471.87	471.87
12902	9/11/2017	Jenson Publishing 3000040843	TAX ENFORCEMENT AD	69.83	69.83
12903	9/11/2017	Jim Weninger 35	MEAL & MILEAGE	123.15	123.15
12904	9/11/2017	MuniCode Services Ltd. 45759...	BUILDING INSPECTIONS	1,088.62	1,088.62
12905	9/11/2017	Munisoft 2017/2018-02555	WORKSTATION WARRANTY OFFICE	83.25	83.25
12906	9/11/2017	Nor-Tec Linen Services 166750/166566	OFFICE/POLICE MATS	94.36	94.36
12907	9/11/2017	Petty Cash 181	PETTY CASH REPLENISH	371.30	371.30
12908	9/11/2017	Pitney Works 69	OFFICE POSTAGE	1,302.65	1,302.65
12909	9/11/2017	Prairie Mobile Communications 798996	POLICE CHRISTINE PHONE	160.93	160.93
12910	9/11/2017	Prairie Paving (2006) Inc. 071-077-P2	ASPHALT PROJECT 2016	31,051.98	31,051.98
12911	9/11/2017	Prince Albert SFS W30019320	STAFF JACKET	117.39	117.39
12912	9/11/2017	Sask Research Council 58003/8232/8444	WATER LAB TESTING	82.68	82.68
12913	9/11/2017	Sask. Government Insurance 119	FIRE-TRAILER REGISTRATION	199.48	199.48
12914	9/11/2017	Sask. Tel 290	SASKTEL PAYMENT	649.60	649.60
12915	9/11/2017	Sea Hawk Specialized			



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Payment #	Date	Vendor Name Invoice #	Reference	Invoice Amount	Payment Amount
		1774/1773	FIRE-TRUCK #23/21 INSPECTION	1,291.40	1,291.40
12916	9/11/2017	Sherwin Williams Co. 2752-1	PW-PAINT FOR ROADS	115.94	115.94
12917	9/11/2017	SPI Health and Safety Inc. 10033578-00	SHOP SUPPLIES	13.96	13.96
12918	9/11/2017	Success Office Systems INV178079	OFFICE-COPIER USEAGE	421.18	421.18
12919	9/11/2017	SVP Envoyer paiement a 6043027/6054250	LAGOON/WATER METERS	12,778.52	12,778.52
12920	9/11/2017	The Rent-It-Store 103058B	STREET-COMPRESSOR RENTAL	1,823.12	1,823.12
12921	9/11/2017	Top Grade Construction 071-088-P3	PROGRESS PMT 3- SOUTH	535,529.18	535,529.18
12922	9/11/2017	Trans-Care Rescue 15440/15493	CONFINED SPACE/FIRE EQUIPMENT	723.88	723.88
12923	9/11/2017	Tyco Integrated Fire/Security 83588270	ARENA SMOKE DETERTOR REPAIR	546.40	546.40
12924	9/11/2017	Wilco Contractors Southwest PAYMENT 5/6	OUTDOOR RINK PMT 5/6	9,910.40	9,910.40
				Total for AP:	1,431,895.69

Certified Correct This September 8, 2017

Original Signed by Mayor Jon Kroeker

Original Signed by CAO Jim Weninger



Customer Automated Funds Transfer

Main Menu Log off Help

SID:525750871 Current System Date: 2017-Aug-28 UserID: CUPSSD3380

Payor/Payee's List Ready for Manual Release

Originator ID: 2288945575 Originator Name: Town of Dalmeny Currency: CAD

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Payor/Payee Name

- Bates, Lyle
- Bates, Wesley
- Benoit, Crystal
- Cowley, Cody
- Dreger, Jody
- Dyck, Bradley
- Elder, Rick
- Emard, Terry
- Furi, Bonnie
- Halcro, Mathew
- Heggestad, Dawson
- Honeker, Sheila
- Janzen, Kelly
- Johnson, Jeffrey
- Klein, Marlys
- Mossop, Edward
- Rowe, Scott
- Slack, Angela
- Sonmor, Rick
- Van Meter, Christine
- Weninger, Jim

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Rec	Type	Amount
C		1774.94
C		1543.78
C		250.24
C		1007.57
C		875.76
C		1340.76
C		610.09
C		457.60
C		298.06
C		1174.29
C		777.43
C		90.17
C		1133.10
C		1411.06
C		969.26
C		1942.05
C		1641.23
C		236.96
C		1332.96
C		1393.99
C		2590.00

\$ 22,851.30



Customer Automated Funds Transfer

[Main Menu](#) [Log off](#) [Help](#)

SID:159546244 Current System Date: 2017-Sep-01 UserID: CUPSSD3380

Payor/Payee

Originator ID: 228894

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Payor/Payee Name

Bueckert, Greg

Hueser, Wilbur

Kroeker, Jonathan

Peters, Robin

Redekop, Jonathan

Slack, Edward

Willems, Christa-Ann

Zoller, Anna-Marie

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[Link to Manual Release](#)

Rec Type	Amount
C	271.90
C	163.26
C	611.74
C	271.90
C	271.90
C	271.90
C	66.43
C	271.90

2 200.93

BYLAW NO. 9-2017

The Council of The Town of Dalmeny enacts as follows:

1. Short Title

1.1 This Bylaw may be cited as the *Noise Bylaw, 2017*.

2. Purpose

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

3. Scope

3.1 This Bylaw applies to the control of all sound originating within the jurisdictional limits of the Municipality.

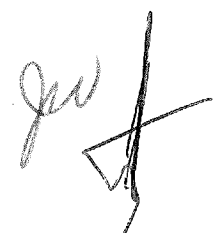
4. Definitions and Interpretation

4.1 In this Bylaw:

- (a) "Approved Sound Meter" means a sound meter approved by Council by resolution;
- (b) "Council" means the Council of the Town of Dalmeny;
- (c) "Designated Officer" means the person appointed by Council by resolution for the purposes of receiving, evaluating and granting applications for Special Event Permits hereunder.
- (d) "Enforcement Officer" means a police officer or police constable or any other person appointed by resolution of Council to enforce this bylaw, including but not being limited to any member of the Dalmeny Police Service.
- (e) "Engine Brake" means a device commonly used in a Truck, Power Unit or Semi-Trailer unit to slow or brake the vehicle by closing the exhaust valves on the engine of the vehicle, or any similar device;
- (f) "Emergency" means works or activity of an urgent nature, undertaken for the preservation or protection of life, health or property.



- (g) "Emergency Vehicle" means a vehicle employed by police, firefighters, paramedics and or emergency medical technicians, an ambulance service or other first responders in the discharge of their duties.
- (h) "Holiday" means Sunday, any statutory holiday, and any day declared by resolution of Council to be a holiday.
- (i) "Motor Vehicle" means any vehicle propelled by power other than muscular power, including, but not being limited to a scooter, motorcycle, automobile, truck, snowmobile or Power Unit.
- (j) "Municipality" means the Town of Dalmeny;
- (k) "Outdoor Public Event" shall have the meaning ascribed in subsection 8.3 hereof;
- (l) "Point of Reception" the point at which a sound level is measured by an Approved Sound Meter, located as close as is practicable to a height of 1.4 meters above ground level.
- (m) "Power Unit" means a power unit within the meaning of The Traffic Safety Act;
- (n) "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 separate premises;
- (o) "Quiet Hours" means any time of the day occurring:
 - (A) On any day after 11:00 pm;
 - (B) On any Weekday before 7:00 am; or
 - (C) On any Sunday or Holiday before 9:00 am.
- (p) "Semi-Trailer" means a semi-trailer within the meaning of The Traffic Safety Act;
- (q) "Special Event Permit" means a permit granted under subsection 8.4 hereof;
- (r) "Truck" means a truck within the meaning of *The Traffic Safety Act*;



(s) "Signaling Device" means a horn, gong, bell, whistle, siren or other device producing an audible sound to draw people's attention to an approaching vehicle, including a bicycle; and

(t) "Weekday" means any day other than a Holiday.

4.2 For the purposes of this bylaw, and without in any way limiting the generality of any provision contained herein, a person shall be deemed to:

(a) Cause a noise or an activity giving rise to a noise where that person is:

(i) An owner of a business where the noise, or the activity giving rise to the noise is associated with, arises from or is incidental to the carrying out of the business enterprise; and

(ii) The organizer of any event conducted with a view to a profit (whether or not a profit actually occurs) at which any person shall create a noise or undertake an activity giving rise to a noise incidental to or in furtherance of the hosting or operation of such event;

(b) Suffer and/or permit any noise to be caused, or any activity giving rise to a noise to be carried on, where that person is any or all of the following:

(i) A registered owner of the Premises upon which the noise originates;

(ii) A tenant of the Premises upon which the noise originates;

(iii) The employer and/or supervisor of any person creating a noise or undertaking an activity giving rise to a noise; or

(iv) The organizer of any not-for-profit event at which any person shall create a noise or undertake an activity giving rise to a noise.

5. General Prohibition

5.1 Except as otherwise permitted under this bylaw, no person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:

(a) Any unreasonably loud or excessive noise;

(b) Any noise which is likely to unreasonably annoy, disturb, injure, or endanger, or distract from, the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and likely to unreasonably annoy, disturb, injure, or endanger, or distract from, the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, where those persons are located



or may be located in Premises other than those from which the noise originates.; or

- (c) Any noise which is so harsh, prolonged, unnatural or unusual so as to cause unreasonable discomfort to, unreasonably interfere with the peace and comfort of, or detrimentally or adversely affects Premises (and the people therein) other than those Premises from which the noise, including residences and/or places of business.

5.2 In determining whether a sound is unreasonably loud or excessive, considerations shall include, but are not limited to, the following:

- (a) The land use, nature and zoning of the Premises from which the sound emanates and the Premises where it is received or perceived;
- (b) The proximity of the sound to Premises used for sleeping, whether residential, commercial or industrial;
- (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.

6. Specific Prohibitions

6.1 **Specific Prohibitions Do Not Derogate:** The following specific prohibitions do not in any way restrict or derogate from the General Prohibition contained in Section 5 hereof.

6.2 **Domestic Noise:** No person shall:

- (a) Operate, or suffer or permit to be operated, during Quiet Hours:
 - (i) A tractor, lawn mower, leaf blower, tiller, chain saw, mulcher, snow clearing device, or other similar yard or garden equipment, which is powered by an engine of any type;
 - (ii) A model aircraft, model vehicle, or other similar toy or recreational device driven by an internal combustion engine; and



- (iii) Vehicle mounted: carpet cleaning, duct cleaning, or similar equipment.
- (b) Cause, allow, suffer or permit the sound of howling, wailing or barking of a dog or the caterwauling of a cat or the cry of an animal or bird, any of which can be heard by a person not on the same Premises from which such noise or sound emanates and which unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person affected or possibly affected thereby.
- (c) Cause, allow, suffer or permit or operate, play or allow to be played, any radio, phonograph, record player, tape recorder, television set, musical instrument, speaker, stereo or any other apparatus, appliance, device, electronic or machine used for the promotion or amplification of sound, either in or on private or public property in such a manner that the same can be heard by persons who are not on the same Premises from which such noise or sound emanates, and which unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person affected or possibly affected thereby.

6.3 **Construction Noise:** Except in the case of a an Emergency, no person shall carry on, or suffer or permit the construction, erection, demolition, alteration or repair of any building or structure which involves hammering, sawing, drilling or using any machine, tools or any other equipment; or to 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 or steam compressor, a jackhammer or pneumatic drill, a tractor or bulldozer or any other tools, device or machine: so as to create a noise or sound which:

- (a) May be heard in any residence during Quiet Hours; or
- (b) Regardless of the time or day, unreasonably disturbs or is likely to unreasonably disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons located in Premises other than that from which the noise emanates.

6.4 **Advertising Noise:** No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any musical instrument, playing or using any noise-making instrument, by the use loudspeakers 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 noise or sound therefrom shall be or is audible to persons using or frequenting any street or other public place or any other Premises. Notwithstanding the foregoing, and subject to the General Prohibition set out in section 5, a mobile vendor of food products may, outside of Quiet Hours, and while moving (and for a period of no longer than may be required to stop and service customers) play music or ring a handbell to announce its arrival and/or proximity.



6.5 **Vehicle Noise:** No person shall:

- (a) Cause, suffer or permit:
 - (i) The idling of any Truck or Power Unit or the operation of any motor, refrigeration unit or similar device on a Semi-Trailer for more than twenty (20) minutes;
 - (ii) The use of an Engine Brake on any Motor Vehicle driven within the Municipality, except in case of an Emergency; or
- (b) The use of a signalling device except on an Emergency Vehicle; employed by those persons referenced in subsection 8.1(g); and
- (c) The use of an air horn on any Motor Vehicle within the Municipality, except in cases of Emergency.

7. **Absolute Prohibitions**

7.1 Notwithstanding (and without in any way restricting or derogating from any provision set out in section 5 or in section 6 hereof), no person shall:

- (a) Operate or suffer or permit the operation of a Motor Vehicle within the Municipality that is capable of or emits any exhaust or related sound exceeding 92 dBA at a location 50 centimeters from the exhaust outlet thereof while the engine is at any speed greater than idle;
- (b) Carry on or suffer or permit any other person to carry on any activity giving rise to noise at a level which exceeds any of the following:
 - (i) 88 dBA at a Point of Reception located at or within one meter outside the boundary of the Premises from which the noise emanates;
 - (ii) 85 dBA at a Point of Reception located at or within one meter outside the boundary of, or anywhere within a Premises upon which is located a school, church, library or residence;
 - (iii) 70 dBA at a Point of Reception located at or within one meter outside the boundary of, or anywhere within a Premises upon which is located a residence where the noise is measured during Quiet Hours.



8. Exemptions

8.1 **General Exemptions:** The provisions of this bylaw shall not apply to:

- (a) The ringing of bells in churches, religious establishments and schools;
- (b) The moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking;
- (c) The playing of musical instruments, the sounding of a steam whistle, the sounding of horns or the use of sound amplification equipment for any parade authorized by Council;
- (d) The moderate playing of musical instruments appropriate to any religious street service;
- (e) The sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
- (f) The sounding of a factory whistle and similar devices at normal appropriate times;
- (g) Emergency Vehicles, police, firefighters, paramedics, emergency medical technicians, ambulance attendants and other first responders (while acting as such) and equipment and other vehicles used by any of the foregoing in the discharge of their duties (including training exercises);
- (h) Work carried on by the Municipality or its agents, contractors, servants or employees, acting within the scope of their agency, contract, or employment, as the case may be;
- (i) Sound emanating from any public work owned or operated by the Municipality;
- (j) The use of any equipment for the repair or maintenance of any public utilities including, but not being limited to the public utilities operated by the Saskatchewan Power Corporation, Saskatchewan Energy Corporation and Saskatchewan Telecommunications;

8.2 **Emergencies:** If not otherwise the subject of an exemption under this bylaw, a person performing works or activities intended to prevent, control limit or otherwise relieve from an Emergency shall be exempted from the provisions of this bylaw, provided that any such person shall demonstrate that the work for such a purpose, and the noise created thereby was reasonable, having regard to all the circumstances.



8.3 **Outdoor Public Events:** The provisions of this bylaw do not apply to an outdoor public event such as a political rally, public protest, demonstration, religious service, civic ceremony or act of remembrance or other similar gathering, whether held on private or public land, provided that:

- (a) Except in the case of a religious service held on church premises, no such event shall occur within or immediately adjacent to residential properties during Quiet Hours; and
- (b) No person may operate or suffer or permit the operation of any device that produces, reproduces or amplifies sound at an Outdoor Public Event where:
 - (i) any noise created causes or is likely to cause interference with or distraction from any instruction or other activities carried on in or at a school; or
 - (ii) The operation of such equipment occurs:
 - (A) On a Weekday, before 9:00 am;
 - (B) On a Monday, Tuesday, Wednesday or Thursday, after 9:00 pm;
 - (C) On a Friday or Saturday, after 10:00 p.m.; and
 - (D) On a Holiday, before 1:00 pm or after 6:00 pm.

8.4 **Special Event Permits:**

- (a) Any person may apply to the Designated Officer for an exemption from any provision of this bylaw with respect to any noise to allow such person to emit, cause or permit such noise for the period of time set out in such application.
- (b) Every person applying for an exemption shall, at least 45 days prior to the date for which the exemption is sought (or in the case of an application for several days, the first such date), provide to the Designated Officer a complete and accurate application in the form appended as Schedule "A", setting out full particulars of exemption requested.
- (c) Upon receipt of an application, the Designated Officer shall evaluate the application having due regard to the following criteria:
 - (i) The prohibitions set forth in this bylaw, and the degree to which any noise may *cause* noise which would be otherwise prohibited hereunder, and the nature of the noise likely to be associated with the activity or event;

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- (A) The nature of the activity or event, including but not being limited to:
 - (B) Whether the activity or event is for the benefit of the public or in the public interest;
 - (C) Whether the activity or event is related to a significant event for the applicant or the applicant's family such as a wedding, or significant anniversary;
 - (D) The date or dates of the activity or event and the associated day of the week; and
 - (E) The times of operation;
- (ii) The general noise mitigation measures proposed by the applicant;
 - (iii) The efforts made by the applicant to inform residents and businesses likely to be affected by the noise of the application, and to obtain and accommodate their questions and concerns prior to the submission of the application;
 - (iv) The arrangements proposed by the applicant to monitor noise during the event and to mitigate noise and its effects during the event and activity;
 - (v) The number of previous exemptions granted to the applicant; and
 - (vi) Whether any previous exemptions granted to the applicant, or granted in relation to the proposed location, activity or event have given rise to complication or negative outcomes.
- (d) Where the Designated Officer is of the opinion that:
- (i) It is not reasonable or appropriate to grant the application, the Designated Officer shall deny the application;
 - (ii) It is reasonable or appropriate to grant part but not all of an application, or to impose conditions upon a permit, the Designated Officer may grant that portion of the application which he or she considers to be appropriate;
 - (iii) It is appropriate and reasonable to grant the application, the Designated Officer shall grant the application;
 - (iv) The matter is one which is more appropriately dealt with by Council; refer the matter to the next Council meeting for a determination together

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with a report summarizing the evaluation. Council shall thereafter, with due regard to the criteria set forth in subsection 8.3, deny the exemption, or grant the exemption in whole or in part.

- (e) The Designated Officer or Council, as the case may be, may impose terms and conditions upon any exemption.
- (f) The grant or denial of a permit, and the imposition of terms and conditions by the Designated Officer or by Council, is wholly discretionary and is not subject to review or appeal.
- (g) Where an exemption is granted, the Designated Officer shall issue a Special Event Permit setting forth the details and the terms and conditions of the exemption, in such form as the Administrator shall adopt from time to time.
- (h) Where an exemption is granted, the Special Event Permit shall render any and all provisions of this Bylaw referenced therein inapplicable and shall, except where the permit is rendered null and void, exempt all person or persons organizing and attending the special event from prosecution under this Bylaw for breach of the specified provisions.
- (i) The breach of any terms or conditions imposed on any exemption granted, and referenced in the Special Event Permit shall render the exemption null and void.

8.5 Duty to Mitigate Upon Direction: Where a person or an activity is otherwise exempt from the provisions of this bylaw:

- (a) An Enforcement Officer may nevertheless direct any such person or person in charge of any such activity to take such reasonable steps as the Enforcement Officer may specify (either verbally or in writing) to abate or eliminate noise; and
- (b) Any such person or person in charge of such activity shall comply with the direction given by the Enforcement Officer within a reasonable time, having due regard to all the circumstances.

9. Evidentiary Matters

9.1 Sound levels shall be measured by way of an Approved Sound Meter and the testimony of an Enforcement Officer respecting the location at which sound levels were measured, and the sound levels observed and recorded on an Approved Sound Meter, shall constitute *prima facie* proof of those matters;



9.2 Regardless of the availability of or absence of other evidence, or by way of corroboration of other evidence, a justice, judge or court may infer from the evidence of an Enforcement Officer relating to a noise and/or the conduct of persons, including, but not being limited to evidence concerning the factors referenced in subsection 5.2 hereof that a noise is:

- (a) Unreasonably loud or excessive;
- (b) Likely to unreasonably annoy, disturb, injure, or endanger, or distract from, the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity; and likely to unreasonably annoy, disturb, injure, or endanger, or distract from, the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity, where those persons are located or may be located in Premises other than those from which the noise originates.
- (c) So harsh, prolonged, unnatural or unusual so as to cause unreasonable discomfort to, unreasonably interfere with the peace and comfort of, or detrimentally or adversely affect Premises (and persons located therein) other than that from which the noise originates, including residences and/or places of business.

10. Offences and Prosecution

10.1 Every person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to:

- (a) In the case of an individual, to a fine:
 - (i) For a first offence not less than \$100.00 and not to exceed \$250.00;
 - (ii) For a second offence, not less than \$250.00 and not to exceed \$500.00; and
 - (iii) For a third and subsequent offence, not less than \$500.00 and not to exceed \$5,000.00, and in the case of a continuing offence, to a further fine of not more than \$5,000.00 for each day during which the offence continues.
- (b) In the case of corporation, to a fine:
 - (i) For a first offence not less than \$250.00 and not to exceed \$500.00;
 - (ii) For a second offence, not less than \$500.00 and not to exceed \$1,000.00; and



(iii) For a third and subsequent offence, not less than \$1,000.00 and not to exceed \$10,000.00, and in the case of a continuing offence, to a further fine of not more than \$10,000.00 for each day during which the offence continues.

(c) In default of payment of a fine imposed hereunder, an individual convicted may be imprisoned for a term not to exceed one year.

10.2 Notwithstanding subsection 10.1 above, in the case of a person who contravenes this bylaw for a first time, an Enforcement Officer may issue a notice of violation to that person.

10.3 Where a notice of violation is issued, that notice shall provide that if the person pays the Municipality the sum:

(a) In the case of an individual, the sum of \$100.00; and

(b) In the case of a corporation, the sum of \$250.00;

within 14 calendar days of the date of the notice of violation, the person shall not be prosecuted for the contravention.

10.4 A voluntary payment pursuant to subsection 10.3 may be paid in person, during regular office hours at the offices of the Municipality, or by mail addressed to the Municipal Office at Box 400, Dalmeny, Saskatchewan, S0K 1E0

10.5 Notwithstanding subsection 10.3 if, in the opinion of the Enforcement Officer, it is in the public interest to compel a person who has contravened this Bylaw for the first time to appear in court, the Enforcement Officer may issue a summons requiring such appearance without giving the alternative of paying the specified amount to avoid prosecution.

11. Schedule Forms Part of Bylaw

11.1 Schedule "A" attached hereto forms part of this Bylaw.

12. Severability

12.1 A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

13. Repeal

13.1 Bylaw No. 11/84 and all amendments thereto are repealed effective on the coming into force of this Bylaw

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14. Bylaw Comes Into Force

14.1 This bylaw comes into force upon third reading.

Original Signed by Mayor Jon Kroeker



Original Signed by CAO Jim Weninger

Schedule "A"

BYLAW 9-2017

TOWN OF DALMENY
NOISE BYLAW

SPECIAL EVENT PERMIT APPLICATION

The undersigned hereby requests the Designated Officer of the Town of Dalmeny to consider this application for an exemption from certain provisions contained within the Noise Bylaw.

The undersigned certifies the information contained herein, on which this application is based, to be true and the owner is aware of this exemption request.

1. Applicant:

- (a) Name of Applicant: _____
- (b) Address: _____
- (c) Postal Code: _____
- (d) Home Phone: _____
- (e) Mobile Phone: _____
- (f) Email: _____

2. Date (s) for which an exemption is being sought: _____

3. Civic Address for Event: _____

4. Name of Owner of Premises: _____

5. Type of Event: _____

6. Anticipated Event Attendance:

- (a) Expected Number: _____



(b) Estimated Age Range: _____

(c) Expected Percentage of Local Attendees: _____

7. Description of noise anticipated and the source(s) of the noise:

(add pages to application if required)

8. Time of Day noise anticipated: _____

9. Alcohol to be Served:

(a) Yes ____ If yes: hours of service: _____

(b) No ____

10. Steps to be taken to mitigate or control noise:

(add pages to application if required)



11. Security Arrangements:

12. Person in charge during event:

- (a) Name: _____
- (b) Mobile Phone Number: _____
- (c) Email: _____

13. The names, addresses and phone numbers of nearby residents and businesses which may be affected, and a summary of their questions and comments shall be attached to this Application Form

Signature of Applicant: _____ **Date:** _____

Applications must be received at least 30 days prior to the proposed date of the event.

<u>For Use by Designated Officer</u>	
Denied	_____
Approved	_____
Approved with Conditions	_____
Conditions:	

