

RESORT VILLAGE OF THODE

BYLAW # 8/10

NOISE BYLAW

A BYLAW of the Resort Village of Thode in the Province of Saskatchewan, to regulate noise.

THE COUNCIL FOR THE RESORT VILLAGE OF THODE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. Short Title

This Bylaw may be cited as the Noise Bylaw.

2. Application

That all of the provisions and enactments set forth in this bylaw shall relate to and be in full force and effect within the limits of the Resort Village of Thode.

3. Interpretation

In this bylaw unless the content otherwise requires, the expressions:

- (a) "Council" shall mean the Council of the Resort Village of Thode.
- (b) "Municipality" shall mean the Resort Village of Thode.
- (c) "Motor Vehicle" shall mean a vehicle propelled or driven by means other than by muscular power.
- (d) "Noise" shall mean any loud outcry, clamor, shouting, or movement, or any other sound that is loud or harsh or undesirable.
- (e) "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.
- (f) "Peace Officer" shall have the same meaning as in the *Summary Offences Procedure Act, 1990*.
- (g) "Person" shall mean all human beings of either sex and shall include corporations, companies, partnerships, firms, associations or other aggregations of individuals.
- (h) "Premises" shall mean the area contained within the boundaries of any lot and includes any building situated within such boundaries.
- (i) "Public Place" shall mean any place to which the public have access as of right or by invitation, express or implied.

4. General Prohibitions

- (a) Except to the extent it is allowed by this bylaw, no person or occupant shall make or continue to make, or cause to be made, or cause to be continued, or allow to be made, or allow to continue, any loud noise, or any unnecessary noise, or any unusual noise on a premise or public place.
- (b) Except to the extent it is allowed by this bylaw, no person or occupant shall make or continue to make, or cause to be made, or cause to be continued, or allow to be made, or allow to continue, any noise whatsoever which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the municipality.
- (c) 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, music player, video player, television set, musical instrument, or 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.
- (d) Except in an emergency, 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 capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, after the hour of eleven (11) o'clock in the evening and before eight (8) o'clock in the morning on a weekday or nine (9) o'clock in the morning on a Sunday or statutory holiday.
- (e) Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a drag line, an air or steam compressor, a jack hammer or pneumatic drill, a lawn mower, a tractor, or bulldozer or any other tool, device or machine of a noisy nature, so as to create a noise which may be heard beyond the boundaries of the site on which the activity is being carried on, after the hour of eleven (11) o'clock in the evening and before eight (8) o'clock in the morning on a weekday or nine (9) o'clock in the morning on a Sunday or statutory holiday.

- (f) No person or occupant shall cause or allow the idling of any truck or power unit or the operation of any motor, "reefer" or similar device on a semi-trailer for more than twenty (20) minutes. to be made, or allow to continue,

5. Exceptions

The provisions of this bylaw shall not apply to:

- (a) The reasonable sounding of any bell by a church or other religious organization.
- (b) The reasonable sounding of any bell, siren, whistle or similar device or the use or operation of any musical instrument by a charitable organization soliciting donations.
- (c) A parade, a carnival, fair or exhibition, an outdoor political rally, public protest, demonstration, religious service, memorial service or other similar gathering.
- (d) The sounding of general or particular alarm or warning to announce a fire or other emergency or disaster.
- (e) The sounding of police sirens on any vehicle used by the police or fire department or on any ambulance.
- (f) The sounding of a motor vehicle horn when used within reason.
- (g) The construction, repair and maintenance of streets, alleys, water mains, sanitary sewer mains, electrical facilities and any other works by or on behalf of the municipality.

6. Enforcement

Where a Bylaw Enforcement Officer or a Peace Officer believes that a person has violated a provision of this bylaw, and the violation alleged is a first or second violation of a provision of this bylaw, the Bylaw Enforcement Officer or Peace Officer may serve or cause to be served a Notice of Violation in a form approved by Council and setting out the section of the bylaw alleged to have been violated and the applicable penalty. Upon production of the Notice of Violation within thirty (30) days after the date of service, together with payment of the penalty prescribed in the Notice, the person to whom the Notice was issued shall not be liable for prosecution for the violation in respect of which the Notice was given provided, that such person shall be deemed to have been convicted for the purpose of determining whether a later conviction is considered to be a second, third or subsequent violation.

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 peace officer relating to the conduct of any person or persons, whether ascertained or not, that the comfort or repose of any other person within the limits of the Resort Village was disturbed.

7. Penalties

Any person who is guilty of a violation of any provision of this bylaw shall be liable on summary conviction to a fine of \$150.00 for the first offense, \$250.00 for the second offense and to a maximum of \$2,000.00 for a third or subsequent violation within six (6) months of previous violations.

8. Repealing Clause

Bylaw #6/81 and #3/88 are hereby Repealed.

9. Coming Into Force

This bylaw shall come into force and take effect on the day of the final passing thereof.

Read a third time and adopted this
_____ day of _____, 2010.

Certified a true copy of Bylaw #8/10

Mayor Alan Thomarat

Administrator Jessie Williams

Administrator Jessie Williams

