

**RESORT VILLAGE OF SOUTH LAKE
NOISE BYLAW
BYLAW NO 19-15**

A BYLAW TO CONTROL AND REGULATE NOISE.

The Council of the Resort Village of South Lake, in the Province of Saskatchewan, enacts as follows:

Short Title

1 This Bylaw may be cited as the Noise Bylaw.

Purpose

2 Pursuant to Section 8 of *The Municipalities Act*, the purpose of this Bylaw is to provide for the abatement of nuisances caused by activities that:

- (a) affect or may affect the safety, health and welfare of people in a neighbourhood: or
- (b) affect or may affect the amenity of a neighbourhood.

Definitions

3 In this Bylaw:

- (a) “**Village**” means the Resort Village of South Lake;
- (b) “**Council**” means the Council of the Resort Village of South Lake;
- (c) “**dwelling unit**” means a dwelling unit within the meaning of the Zoning Bylaw;
- (d) “**engine brake**” means a device commonly used in a truck, power unit or semi-trailer unit to slow or brake the vehicle by means of closing the exhaust valves on the engine of the vehicle, or any similar device;
- (e) “**highway**” means a highway within the meaning of *The Traffic Safety Act*, SS 2004, c T-18.1;
- (f) “**holiday**” means New Year’s Day, Family Day, Good Friday, Victoria Day, Canada Day, Saskatchewan Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day and Boxing Day, and when one of those dates, other than Remembrance Day and Boxing Day, falls on a Sunday, it includes the following day; and any holiday proclaimed as such by the Council of the Resort Village of South Lake;
- (g) “**Designated Officer**” means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purposes of this Bylaw.
- (h) “**motor vehicle**” means a motor vehicle within the meaning of *The Traffic Safety Act*, SS 2004, c T-18.1;
- (i) “**occupant**” means a person who is the owner, occupant or licensee of a premises or any person found on the premises at or around the time when the noise or sound emanates from the premises;
- (j) “**premises**” means a parcel of land and any buildings thereon, except where a building contains more than one dwelling unit, then “premises” means a single dwelling unit;
- (l) “**semi-trailer**” means a semi-trailer within the meaning of *The Traffic Safety Act*, SS 2004, c T-18.1;
- (m) “**signalling device**” means a horn, bell, siren or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle;
- (n) “**truck**” means a truck within the meaning of *The Traffic Safety Act*, SS 2004, c T-18.1;
- (o) “**vehicle**” means a vehicle within the meaning of *The Traffic Safety Act*, SS 2004, c T-18.1; and
- (p) “**Zoning Bylaw**” means the Resort Village of South Lake Zoning Bylaw, being Bylaw No. 14-89.

General Prohibition

- 4(1) Except as may be authorized under this Bylaw, no person shall make, continue, permit, or cause to be made, continued or permitted, a noise that:
- (a) is unreasonably or unnecessarily loud; or
 - (b) unreasonably annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of other persons within the Village limits.
- (2) Whether a noise or sound is unreasonably or unnecessarily loud is a question of fact to be determined by a court of competent jurisdiction which hears 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:
- (a) the nature of the activity of persons being disturbed;
 - (b) the land use, nature and zoning of the area from which the sound emanated and the area where it is received;
 - (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; and
 - (g) whether the sound is recurrent, intermittent or constant.
- (3) In the absence of other evidence, or by way of corroboration of other evidence, the court may infer from the evidence of a Designated Officer relating to the conduct of a person or persons, whether ascertained or not, that any loud, unnecessary or unreasonable noise;
- (a) occurred; and
 - (b) was of a nature as to annoy, disturb, injure, endanger or distract from the comfort, repose, health, peace or safety of other persons, within the meaning of subsection 2(1)(b).

Domestic Noise

- 5 Between the hours of 10:00 p.m. and 7:00 a.m., no person shall operate or allow to be operated:
- (a) a lawn mower of any kind;
 - (b) a snow clearing machine powered by an engine of any type;
 - (c) a rototilling machine of any kind; or,
 - (d) any other machine or device of a similar or like nature that is powered by an internal combustion engine or an electrical motor.
- 6 No person who owns, has the care or control of, keeps, houses or harbours any animal or bird, shall allow the animal to excessively bark, whine, cry, howl or make any sound that unduly disturbs the peace, quiet, rest or tranquility of the neighbourhood or the public at large.
- 7 No owner or occupant of a premises in a residential district shall operate or permit or allow to be operated, or play or allow to be played, any instrument, equipment or device that produces, reproduces or amplifies sound, such that the noise or sound can be easily heard by a person who is not in or on the same premises, or by a person residing in a separate dwelling unit within the building from which the sound emanates.

Construction Noise

- 8 Except in the case of an emergency, between the hours of 10:00 p.m. and 7:00 a.m. no person shall produce a sound, through the construction, erection, demolition, alteration, or repair of any type of building or structure, that is audible outside the parcel from which the noise emanates.

- 9 Between the hours of 10:00 p.m. and 7:00 a.m. no person shall operate or allow to be operated any tool, device, machine or equipment capable of creating a sound that can be heard in any residential dwelling unit.
- 10 Where it is impossible or impractical to comply with section 8 and/or 9, the Council of the Resort Village of South Lake, may give written approval to carry on the work that is found to be necessary at designated hours. Responsibility for obtaining written approval lies with the person carrying on the work.

Advertising Noise

- 11 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.

Motor Vehicle Noise

- 12 No person shall create loud, unreasonable or unnecessary noise in the operation of a motor vehicle upon a public street, lane or thoroughfare within the Village limits 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.
- 13 No person shall cause any loud, unreasonable 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 resulting from any of the following acts:
 - (a) the sounding of a motor vehicle signalling device or warning device, or siren, except where required or authorized by this Bylaw;
 - (b) the operation anywhere other than on a highway of an engine or motor, in or on any motor vehicle, or vehicles, or items of auxiliary equipment for a continuous period exceeding twenty (20) minutes while such is stationary in a residential district unless:
 - i. the vehicle is in an enclosed structure so as to effectively prevent excessive noise emissions;
 - 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 a ready-mix concrete truck or lift platforms;
 - iii. whether 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;
 - 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;

Exceptions

- 14(1) Notwithstanding any of the provisions of this Bylaw, this Bylaw does not apply to noise resulting from:
 - (a) the use of any tractors, trucks or other equipment for snow removal, snow clearing or sanding of streets.
- (2) 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.

Relief from Requirements

- 15(1) Applications for a permit of relief from the sound levels designated in this Bylaw on the basis of undue hardship may be considered by Council. The application shall be made in writing and must include:
- (a) the name and address of the applicant;
 - (b) a description of the source of sound in respect of which exemption is sought;
 - (c) the period of time for which the exemption is sought;
 - (d) the reasons why the exemption should be granted;
 - (e) the other information required at that time; and
 - (f) a statement of steps, if any, planned or presently being taken to bring about compliance.
- (2) Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effect and may contain such terms and conditions as Council sees fit.

Offences and Penalties

- 16(1) Designated Officers shall be granted the authority to administer and enforce the provisions of this Bylaw.
- (2) The persons designated as Designated Officers may represent the Village before a justice of the peace or provincial court judge in the prosecution of anyone who is charged with a contravention of any bylaw of the Village.
- (3) Designated Officers are entitled, while performing the duties of their office, to all the protection to which peace officers are entitled pursuant to the *Criminal Code of Canada*.
- 17(1) Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:
- (a) \$150.00, in the case of a first offence; and
 - (b) \$300.00, in the case of any subsequent offence;
- and not more than:
- (c) \$2,000.00.
- (2) Every corporation who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction to a fine of not less than:
- (a) \$300.00, in the case of a first offence; and
 - (b) \$600.00, in the case of any subsequent offence;
- And not more than:
- (c) \$5,000.00.
- (3) The court may, in default of payment, order imprisonment of an individual or director of a corporation for a term not exceeding ninety (90) days, or until the fine is paid, whichever is earlier.
- (4) In addition to any fine impose under this Bylaw, the court may order the person to comply with the Bylaw within a specified period, and undertake any work necessary to remedy the contravention.
- (5) A person who fails to comply with an order made pursuant to subsection (4) within the time specified by the court is guilty of an offence and liable on summary conviction to a fine of not more than \$250 for each day during which the failure continues or to imprisonment for a term of not more than ninety (90) days, or both.

Severability

18 If any section, subsection or other portion of this Bylaw is, for any reason, found to be invalid or unconstitutional by any Court of competent jurisdiction, that portion of the Bylaw shall be deemed to be a separate, distinct and independent provision and such finding of the Court shall not affect the validity of the remaining portions of the Bylaw

Repeal and Coming into Force

19 Bylaw No. 10-89 is hereby repealed.

20 This Bylaw comes into force and effect upon its passage.

READ A FIRST TIME this 12th day of August, 2015

READ A SECOND TIME this 12th day of August, 2015

READ A THIRD AND FINAL TIME this 12th day of August, 2015

Mayor

Administrator

[Seal]

Certified a true copy of Bylaw #19-15

Administrator