

TOWN OF KAMSACK
BYLAW NO. 23/2017

A BYLAW TO REGULATE NOISE WITHIN THE TOWN OF KAMSACK

The Council of the Town of Kamsack in the Province of Saskatchewan enacts as follows:

Title

1. This Bylaw may be referred to as “The Noise Bylaw.”

DEFINITIONS

2. In this Bylaw unless the context requires otherwise, the expression:

- a) “Council” means the Council of the Town of Kamsack;
- b) “Inspector” means any person or persons appointed from time to time by Council to enforce and administer the Bylaw;
- c) “Municipality” means the Town of Kamsack;
- d) “Noise” includes, without limiting the generality of the word, any clamor, and loud outcry, screaming, shouting, yelling or swearing, or any other sound or sounds which are loud, harsh, undesirable or disagreeable;
- e) “Peace Officer” shall have the same meaning as in The Summary Offences Procedures Act plus the person or persons who are appointed to enforce and administer this Bylaw;
- f) “Person” includes any company, corporation, firm, association, partnership, society, individual or party;
- g) “Property” means real property, together with all improvements which have been affixed or brought on to the land.

3. GENERAL REGULATIONS

- 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 municipality.
- c) In determining whether a noise or sound unreasonably disturbs or is likely to disturb the quiet, peace, rest, enjoyment, comfort or convenience of persons in the neighbourhood or vicinity, consideration may be given but is not limited to:
 - a. Type, volume and duration of the sound;
 - b. Time of day and day of week;
 - c. nature and use of the surrounding area; and
 - d. the nature of the activity of person being disturbed.

4. DOMESTIC NOISES

4. Without restricting the generality of Section 3, no person shall operate or allow to be operated a lawn mower of any kind, or a snow clearing devise powered by an engine of any type, or a model aircraft driven by an internal combustion engine in any residential district between the hours of;

- a) 10:00 o'clock in the evening and 7:00 o'clock of the next morning on weekdays;
- b) 10:00 o'clock in the evening and 9:00 o'clock in the morning of the following day which is a Sunday or holiday.

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

6. No person shall own, keep or harbor any animal or bird, which by its cries or sounds, unduly disturbs the peace, quiet, rest or tranquility of the neighborhood or the public at large

7. 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.

CONSTRUCTION NOISES

8. 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 10:00 o'clock in the evening and before the hour of 7:00 o'clock in the morning of any day.

9. Except in an emergency, no person shall for profit or gain on a Sunday, construct, erect, reconstruct, alter, repair or demolish any building structure or thing, or fill in land, in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person in the neighborhood.

10. Where it is impossible or impractical to comply with this section, the Town Council, Town Administrator, or Director of Public Works 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 NOISES

11. No person shall operate any outdoor public address system in the municipality without first having obtained **permission from Town Council**.

12. 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 there from shall be or is audible to persons using or frequenting any street or other public place.

DIESEL MOTORS

13. No person shall allow the diesel motor of a tractor intended to be used for the pulling of a trailer or of a semi-trailer truck to remain running for longer than thirty (30) minutes stationary in a residential district.

EXEMPTIONS

14. 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 during the Christmas season or at any other time;
- c) The playing of a band, the sounding of a steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment used in connection with any authorized parade;
- 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 whistles or sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
- g) Any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
- h) The use, in a reasonable manner, of any apparatus or mechanism for the amplification of the human voice or of music in a public election meeting, public celebration, or other reasonable gathering.

OFFENCES AND PENALTIES

15. A Designated Officer who has reason to believe that a person has contravened any provision of this Bylaw may serve on that person a Notice of Violation.

16. Where the Municipality receives payment of the amount prescribed under Section 16, the person receiving the Notice of Violation shall not be liable to prosecution for the alleged contravention.

17. Every person who contravenes any provision of the bylaw is guilty of an offence and liable on summary conviction:

- a) In the case of an individual, to a fine of not more than \$10,000;
- b) In the case of a corporation, to a fine of not more than \$25,000; and
- c) In the case of a continuing offense, to a maximum daily fine of not more than \$2500 per day.

18. The applicable penalty for contravention of the Bylaw shall be \$200.00 or a voluntary payment of \$25.00.

19. A violator, upon being served with a Notice of Violation may voluntarily pay the prescribed penalty at the Kamsack Town Office within 72 hours of the date when the Notice of Violation was issued.

20. When the Administrator receives a voluntary payment of the prescribed amount, the person receiving the Notice of Violation shall not be liable to prosecution for that alleged contravention.

21. Nothing in this section shall be construed to prevent any person from exercising his right to defend a charge of contravention of the Bylaw.

22. Any person violating the provisions of this Bylaw, who does not pay the voluntary penalty or does not make the appropriate payment within the required time, will be charged under *The Summary Offence Procedures Act*.

23. Bylaw No. 15/2016 is hereby repealed.

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

**Read and adopted
this 14th day of August, 2017**

SEAL

Mayor

Administrator