

RESORT VILLAGE OF B-SAY-TAH

BYLAW NO. 9

A BYLAW TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE, TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS ARE MADE

The council of the Resort Village of B-Say-Tah in the Province of Saskatchewan enacts as follows:

SHORT TITLE

1. This Bylaw may be cited as the Noise Bylaw

DEFINITIONS

2. In this Bylaw
 - (a) “resort village” means the corporation of the Resort Village of B-Say-Tah or the area contained within the boundaries of the Resort Village of B-Say-Tah as the context requires
 - (b) “concert” means musical entertainment or performance by voices or instruments or pre-recorded means or all of them, with or without amplification, of an outdoor nature, to which members of the public are invited or admitted, with or without charge.
 - (c) “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;
 - (d) “holiday” means any statutory holiday as defined in *The Interpretation Act*, and amendment thereto, or any holiday proclaimed as such by the Council of the Resort Village of B-Say-Tah
 - (e) “motor vehicle” means motor vehicle as defined in Saskatchewan *Highway Traffic Act*;
 - (f) “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.
 - (g) “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.
 - (h) “private property” means property to which the public have access, whether on payment or otherwise, only by permission of the owner, occupier or lessee of the property.
 - (i) “residential building” means a building constructed as a dwelling for human beings;
 - (j) “residential district” means a district defined as such in the Zoning Bylaw enacted by the Council of the Resort Village of B-Say-Tah and amendments thereto;
 - (k) “signaling device” means a horn, gong, bell, klaxon, siren or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle;
 - (l) “weekday” means any day other than Saturday, Sunday or holiday;
 - (m) “Zoning Bylaw” means Bylaw No. 2/89 as enacted by the Council of the Resort Village of B-Say-Tah and amendments thereto and includes any bylaw passed in substitution for or in addition to Bylaw No. 2/89

GENERAL PROHIBITION

- (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 resort village.

- (c) A loud noise is an unnecessary 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 a court which hears a prosecution of an offense against this Bylaw.

DOMESTIC NOISE

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) 11 o'clock in the evening and 7:30 o'clock of the next morning on weekdays;
 - (b) 11 o'clock in the evening and 8 o'clock in the morning of the following day which is a Saturday, Sunday or holiday.
5. No person who owns, keeps, houses, harbours or allows to stay in his premises a dog, shall allow such dog to bark or howl excessively.
6. 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, stereo, 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

7. 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 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 or steam compressor, a jack-hammer or pneumatic drill, 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 in any residence between the hours of:
- (a) 10 o'clock in the evening and 7:30 o'clock of the next morning on weekdays;
 - (b) 10 o'clock in the evening and 8 o'clock in the morning of the following day which is a Saturday, Sunday or holiday.

ADVERTISING NOISES

8. No persons 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 loudspeakers or other devices for 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.

CONCERTS

9. (a) No person shall operate, maintain or conduct a concert on private property or in a park within the Resort Village of B-Say-Tah which produces, reproduces or amplifies sound in such a manner as to create an unusual or unnecessary noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons who are not on the same property from which the sound emanates.
- (b) No person shall operate, maintain or conduct a concert in a park unless he/she has first obtained a permit, issued by the Resort Village of B-Say-Tah, to operate or conduct such a concert.
- (c) No person shall operate, maintain or conduct a concert in a park except in accordance with the conditions set out or attached to the permit to operate or conduct such concert.
- (d) No person shall operate, maintain or conduct a concert, in a park or on private property, except during the following times:
- (i) on each day from Monday to Thursday, inclusive, after the hour of 11 o'clock a.m. but not later than 9 o'clock p.m.;
 - (ii) on Friday and Saturday, after the hour of 11 o'clock a.m. but not later than 10 o'clock p.m.; or

- (iii) on Sunday, after the hour of 1 o'clock p.m. but not later than 6 o'clock p.m.
- (e) The Resort Village of B-Say-Tah may, upon written application, issue a special permit extending the hours during which a concert may be conducted.

DIESEL MOTORS

- 10. No person shall allow the diesel motor on a tractor which pulls a trailer or on a semi-trailer truck to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, is stationary in a residential district.

ENGINE BRAKES

- 11. No person shall engage, operate, apply or otherwise use an engine brake on any vehicle being driven within the Resort Village of B-Say-Tah, except in an emergency where it is necessary in the circumstances to do so.

EXCEPTIONS

- 12. 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 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 factory whistles and similar devices at normal appropriate times;
 - (g) the sounding of police whistles or the sirens on any vehicles used by the police or fire department or on any ambulance or public service vehicle;
 - (h) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
 - (i) 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;
 - (j) transit vehicles engaged in normal transit operations;
 - (k) snow removal, road maintenance or other construction equipment engaged by the Resort Village of B-Say-Tah in snow removal or the construction, repair or maintenance of any streets, crossings, sewers, culverts and approaches, grades, sidewalks, or any other works authorized by The Municipality Act, and amendments thereto, including any Act passed in substitution for or in addition thereto, or any other Act.
 - (l) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Saskatchewan Power Corporation and Saskatchewan Telecommunications and Sask Energy.
 - (m) 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.
- 13. Council may, by resolution, exempt from the provisions of this Bylaw the noises made by any person, firm or corporation in the lawful operation of any industrial or commercial or any other business undertaking.
- 14. Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a maximum fine of:
 - (a) Two Thousand Dollars (\$2,000.00) in the case of an individual; or
 - (b) Five Thousand Dollars (\$5,000.00) in the case of a Corporation.

{Seal}

Mayor
Ron Cox

Administrator
Caralen M. Okolita

Read a third time and adopted
this 14th day of December, 2009

Administrator
Caralen M. Okolita