

RESORT VILLAGE OF ISLAND VIEW

BYLAW #14/94

A BYLAW TO CONTROL AND REGULATE NOISE

Enacted pursuant to Section 128, THE URBAN MUNICIPALITIES ACT, 1984

The Council of the Reosrt Village of Island View in the province of Saskatchewan enact as follows:

1. This Bylaw may be cited as "The Noise Bylaw".
2. In this Bylaw, including this section:
 - (a) A "municipality" means the Resort Village of Island View.
 - (b) "motor vehicle" means a vehicle propelled or driven by any means other than by muscular power;
 - (c) "occupant" means the owner, occupant or licensee of the premises or any person found onthe premises at or around the time where the noise or sound issues from the premises.
 - (d) "premises" means 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;
 - (e) "residential building" means a building which is constructed as a dwelling for human beings;
 - (f) "signalling 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;

GENERAL PROHIBITION

3. (1) Except to the extent it is allowed by this Bylaw no person shall make, or continue tomake, 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.
- (2) 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.
- (3) What is a loud noise, 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 offence against this Bylaw.
- (4) 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.

3. (5) 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 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. The above also applies to Resort Village Public Reserve areas.
- (6) No person shall operate a motor vehicle within the Resort Village limits, which causes to make any loud noise, or any unnecessary noise, or any unusual noise, or a noise which annoys, disturbs or endangers the comfort of other persons within the Resort Village.

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 capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, after the hours 10 o'clock in the evening and before the hour of 7 o'clock in the morning.
- (8) 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 trenching machine, 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 10 o'clock in the evening and 7 o'clock in the morning.

EXCEPTIONS

- (9) The provisions of this Bylaw shall not apply to:
- (a) the playing of a band or the use of sound amplification equipment used in connection with a parade or any public activity organized by the Resort Village of Island View;
 - (b) the use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music on the public reserve in connection with any public election, annual meeting, public celebration, or other reasonable gathering;
 - (c) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - (d) the sounding of police whistle or sirens on any vehicle used by the police or fire department or on any ambulance;
 - (e) any use of sound amplification equipment used by the police, fire department or ambulance service.

PENALTIES

- (10) Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to the penalties imposed in the General Penalty Bylaw of the Resort Village.



[Signature]
Mayor

[Signature]
Clerk

Certified true copy of bylaw #14/94 adopted by council on the 7th day of December, 1994.

[Signature]
Clerk