

Bylaw #18/2023 – Noise Bylaw – Resort Village of Aquadeo

BYLAW #18/2023

RESORT VILLAGE OF AQUADEO

Noise Bylaw of the Resort Village of Aquadeo

A **BYLAW** of the Resort Village of Aquadeo, in the Province of Saskatchewan, to provide for the prohibiting, eliminating and abating noise within the Resort Village of Aquadeo.

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

1. The provisions of this bylaw shall apply within the boundaries of the Resort Village of Aquadeo.
2. In this Bylaw the expression:
 - a) “Designated Officer” means an employee or agent of the Municipality appointed by Council to act as a municipal inspector for the purpose of this bylaw;
 - b) “Emergency Vehicle” means a fire department vehicle, a police vehicle or a vehicle used as an ambulance.
 - c) “Municipality” means the Resort Village of Aquadeo
 - d) “Council” means the Council of the Resort Village of Aquadeo;
 - e) “motor vehicle” means any automobile, ATV, tractor, truck, trailer or other vehicle as defined in the Vehicles Act of Saskatchewan
 - f) “occupant” means the cabin owner and/or occupant and/or licensee of the premises and/or any persons found on the premises at/or around the time when the noise or sound issues from the premises.
 - h) “person” includes any company, corporation, owner, partnership, firm, association, society, party or tenant.
 - i) “premises” means the area contained within the boundaries of any surveyed or surveyed lot or designated lot of a trailer court and includes any buildings, mobile home, trailer, tent or shack 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 same within the boundaries of the surveyed lot, shall be deemed to be separate premises.

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GENERAL PROHIBITION:

3. a) No person shall make, continue, or cause to allow to be made or continued, any loud, unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the municipality, except to the extent it is allowed by this bylaw.
- b) What is a loud noise? A loud noise is an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers the comfort, repose, health, peace or safety of others and is a question of fact for a court of law which hears a prosecution against this bylaw.

DOMESTIC NOISES

4. 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, played or allow to be played, any radio, phonograph, record player, tape recorder, CD, DVD, 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 and/or within the municipality, 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 and/or in the same vehicle, from which such noise or sound emanates.
5. No person who owns, keeps, houses, harbours or allows to stay in /on his premises a dog, shall allow such dog to bark excessively or howl excessively.

EXCEPTIONS:

6. The provisions of this bylaw shall not apply to:
 - a) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - b) the sounding of a police whistle or the sirens of any vehicle used by the police, fire department, ambulance or public service vehicle;
 - c) any use of sound amplification equipment used by the police, fire department, ambulance service or public service;
 - d) the use of any tractors, trucks or other equipment for snow removal, snow clearing or sanding of streets and roads, the repair of streets and roads, or the repair and maintenance of any municipal works or utilities;
 - e) the use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by Sask Energy, Sask Power and Sask Tel Corporations;
 - f) special community occasions exempted by resolution of council.

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WHEN IN EFFECT

7. This bylaw will be in effect every day between the hours of 12:00 a.m. (midnight) and 7:00 a.m.

ENFORCEMENT

8. The administration and enforcement of this Bylaw is hereby delegated to the Administrator (or Acting Administrator) for the Resort Village of Aquadeo.

The Administrator of the Resort Village of Aquadeo is hereby authorized to further delegate the administration and enforcement of this Bylaw to:

- a) the Royal Canadian Mounted Police
- b) any special Constable as may be hired by the municipality
- c) any Conservation Officer
- d) any person designated in a resolution of Council

No person shall obstruct or interfere with any Designated Officer or any other person who is acting under the authority of this Bylaw.

PENALTIES

9. Every “occupant” who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
 - a) to a fine not exceeding \$2,000.00, and of not less than \$1,000.00 and in the case of a continuing offence, to a further fine of not more than \$2,000.00 for each day during which the offence continues;
 - b) in default of payment of a fine imposed under subsection 9 a) “The municipality, under section 369 of the Municipalities Act, may add the amount of the conviction to the property taxes of the “owner”;
 - c) in the case of a person who contravenes a provision of this Bylaw for the first time, a peace officer or person designated by council may issue a “Notice of Warning” or a “Notice of Violation” to that person;
 - d) the notice of violation shall provide that, if the person pays the Resort Village the specified amount within 21 calendar days of the date of the Notice of Violation, the person shall not be prosecuted for the contravention;
 - e) the fine may be paid:
 1. in person during regular office hours to the office of the Resort Village of Aquadeo; or
 2. by mail addressed to the Resort Village of Aquadeo at Box 501, Cochin, SK, S0M 0L0.
 - f) Notwithstanding subsection e), if it is, in the opinion of a peace

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officer, in the public interest to compel a person who has contravened a provision of this bylaw to appear before a Justice under this bylaw, the peace officer may issue a summons that requires the person to appear before a Justice without the alternative of paying the specified amount to avoid prosecution; and

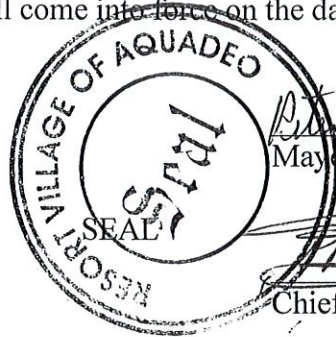
- g) if, in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the Court appearance date, permit the person mentioned in subsection f) to pay the specified amount to avoid prosecution.

RECOVERY OF UNPAID EXPENSES AND COSTS:


- 10. Any unpaid expenses and costs incurred by the Municipality in remedying a contravention of this Bylaw may be recovered:
 - a) by civil action for debt in a court of competent jurisdiction in accordance with Section 368 of The Municipalities Act; or
 - b) the “owner” may pay voluntarily; or
 - c) under section 369 of the Municipalities Act – added to the property taxes of the “owner”.

COMING INTO FORCE

- 11. Bylaw #65/04 and Bylaw #12/2007 are hereby repealed
- 11. This Bylaw shall come into force on the day of its final passing.

 *Peter DeLain*
Mayor
[Signature]
Chief Administrative Officer

Read a first time on November 17, 2023
Read a second time on November 17, 2023
Read a third time on November 17, 2023

 Certified true copy of *Bylaw #18/2023*
of the Resort Village of Aquadeo,
dated this *17* day of *Nov*, 2023
[Signature]
Administrator