

BYLAW NO. 06-20

**A BYLAW OF THE RESORT VILLAGE OF BIRD'S POINT  
TO CONTROL AND REGULATE NOISE**

The Council of the Resort Village of Bird's Point, in the Province of Saskatchewan, enacts as follows:

1. This Bylaw may be cited as "The Noise Bylaw".
2. In this Bylaw, including this Section:
  - (a) **"municipality"** means the Resort Village of Bird's Point;
  - (b) **"holiday"** means any holiday as defined in The Interpretation Act, or any holiday proclaimed by the municipality;
  - (c) **"motor vehicle"** means a vehicle propelled or driven by any means other than by muscular power;
  - (d) **"occupant"** means the owner, occupant or licensee of the premises or any person found on the premises at or around the time where the noise or sound issues from the premises.
  - (e) **"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 buildings within the boundaries of the lot shall be deemed separate premises.
  - (f) **"residential building"** means a building which is constructed as a dwelling for human beings;
  - (g) **"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.
  - (h) **"weekday"** means any day other than a Sunday or holiday.

**3. GENERAL PROHIBITION**

1. 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.
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, and 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.

#### **4. DOMESTICS NOISES**

1. 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 device powered by an engine of any type, a rototilling machine of any kind, or any other machine or device of a similar or like nature that is powered by an internal combustion engine or an electric motor in any residential and commercial district between the hours of:
  - a) 11:00 p.m. and 7:00 a.m. on weekday;
  - b) 11:00 p.m. and 8:00 a.m. on a Sunday or holiday.
2. No person who owns, keeps, houses, harbors or allows staying in his premises a dog shall allow such dog to bark or howl excessively.
3. 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.
4. For the purpose of this Bylaw, 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 areas of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.
5. For the purpose of this Bylaw, 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.

**5. CONSTRUCTION NOISES**

1. 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 create a noise which may be heard in any residence between the hours of:

- (a) 11:00 p.m. and 7:00 a.m. on a weekday;
- (b) 11:00 p.m. and 8:00 a.m. on a Sunday or holiday.

**6. ADVERTISING NOISES**

1. 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 therefrom shall be or is audible to persons using or frequenting any street or other public place.

**7. DIESEL MOTORS**

1. No person shall allow the motor of a tractor which pulls a trailer or of a semitrailer truck, or any other truck, to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, or truck, is stationary in a residential district.

**8. EXCEPTIONS**

1. The provisions of this Bylaw shall not apply to:
  - a. the ringing of bells in churches, religious establishment 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 times;
  - c. the playing of a band, the sounding of steam whistle, the sounding of motor vehicles' horns or the use of sound amplification equipment used in the connection with a parade;
  - d. the moderate playing of musical instruments to any religious street services;

- e. the sounding of a general or particular alarm of warning to announce a fire or other emergency of disaster;
- f. the sounding of a factory whistle and similar devices at normal appropriate times;
- g. the sounding of police whistles or the sirens on any vehicle 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 any 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; and
- k. the sounding of motor vehicle horns when used within reason.

## **9. SPECIAL EVENTS**

1. THAT any outdoor events held on Commercial Property must apply to Council for a special event permit to extend the time of the event passed 11:00 p.m., all cases will be decided on a case by case basis. All applications to Council must include a description of the event, date of the events and proposed time of event.

## **10. PENALTIES**

1. As per section 387 of *The Municipalities Act*, any person who is in contravention to the provisions of this Bylaw, is guilty of an offence and may be liable on summary conviction.
2. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
  - a. for a first offence, to a fine of \$100.00; and
  - b. for a second offence, to a fine of \$300.00; and
  - c. for a third or subsequent offense, to a fine not less than \$700.00 and not more than \$10,000.00.
3. In the case of commercial, to a fine not exceeding \$5,000.00 and, in the case of a continuing offence, to a further fine of not more than \$25,000.00 for each day during which the offence continues

**11. VOLUNTARY PAYMENT TO AVOID PROSECUTION**

1. Any person who is in contravention of this Bylaw, and has been served with a Notice of Violation, may voluntarily pay the penalty.
2. For the purpose of determining the prescribed penalty required, the number of prior offences shall be determined by the number of Notices of Violation issued in relation to the specified contravention, with the exception of those which have been cancelled or dismissed by the Court.

**12. NOTICE OF VIOLATIONS**

1. The Notice of Violation, known as "Form A", is attached hereto and forms part of this Bylaw.

SEAL

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MAYOR

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ADMINISTRATOR

Introduced and read a first time this 23 day of November, 2020

Read a second time this 23 day of November, 2020

Read a third time this 23 day of November, 2020

**Form A  
Notice of Violation**

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**This ticket has been issued for breach of provision of**

Bylaw No 06-20

**A BYLAW OF THE RESORT VILLAGE OF BIRD'S POINT  
TO CONTROL AND REGULATE NOISE**

**Owner's Name:** \_\_\_\_\_

**Owner's Address:** \_\_\_\_\_

**DETAILS OF OFFENCE**

**DATE:** \_\_\_\_\_

**TIME:** \_\_\_\_\_

**DESCRIPTION**

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**LOCATION OF VIOLATION**

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**SERVED BY:**

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(To be signed by the Bylaw Officer/or person appointed by Council

**You are charged with violation of Bylaw No. 06-20**

**Section (s)** \_\_\_\_\_

**The penalty for violation of Section (s)** \_\_\_\_\_ **is \$** \_\_\_\_\_

You may make voluntary payment of the above penalty at the Resort Village of Bird's Point ( 169 Currie Ave) or mail the find amount to Resort Village of Bird's Point, Box 1019 Whitewood, Sask. S0G 5C0 within (7) days from the date of the service of the Notice of Violation or otherwise prosecution proceedings may be commenced.