

BYLAW 3-96

A BYLAW TO CONTROL AND REGULATE NOISE WITHIN THE VILLAGE OF THEODORE

The Council of the Village of Theodore, 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) "village" means the Village of Theodore;
 - (b) "holiday" means any holiday as defined in The Interpretation Act, or any holiday proclaimed as such 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) "property" means real property, together with all improvements which have been affixed or brought on to the land;
 - (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 holiday;
 - (i) "noise" includes, without limiting the generality of the word, and clamour, any loud outcry, screaming, shouting, yelling or swearing, or any other sound or sounds which are loud, harsh, undesirable or disagreeable.

GENERAL REGULATIONS

1. Except to the extent it is allowed by this Bylaw, no person shall make, or continue to make, or allow to be made, or continue to allow to be made, any unnecessary noise.
2. Except to the extent it is allowed by this Bylaw, no person shall make, or continue to make, or allow to be made, or allow to be continued, any noise whatsoever which noise either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other person within the limits of the Village.

DOMESTIC NOISES

1. 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.

2. 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.

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

4. No person, being the owner or occupier of any premises, shall operate, play, permit, suffer, or allow to be operated or played, any radio, phonograph, record player, tape recorder, television set, musical instrument, or any other apparatus, appliance, device or machine used for the production of 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 sound emanates.

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 capable or creation a sound beyond the boundaries of the site of which the activity is being carried on, in any district in the Village of Theodore, 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.

2. 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 neighbourhood.

3. Where is is impossible or impractical to comply with this section, Village Council may give written approval to carry on the work that is found to be necessary at designated hours.

ADVERTISING NOISES

1. No person shall operate any outdoor public address system in the Village without first having obtained a permit therefor.

2. 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.

DIESEL MOTORS

1. 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 thirty (30) minutes while the tractor-trailer, or tractor alone, is stationary in a residential district.

EXEMPTIONS

The provisions of this Bylaw shall not apply to :

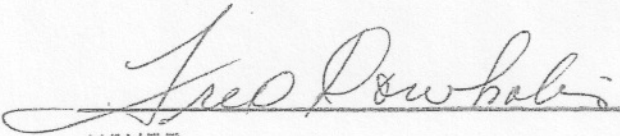
1. the ringing of bells in churches, religious establishments and schools;
2. the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking during the Christmas season or at any other time;
3. the playing of a band, the sounding of a steam whistle, the sounding of motor vehicle horns or the use of amplification equipment used in connection with any authorized parade;
4. the moderate playing of musical instruments appropriate to any religious street service;
5. the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
6. the sounding of whistles or sirens on any vehicles used by the police or fire department, or on any ambulance or public service vehicle;
7. any sound amplification equipment used by the police, fire department, or any ambulance service or public service;
8. 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 or public celebration;

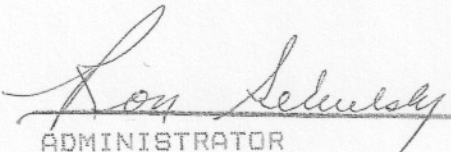
PENALTIES

1. Every person who contravenes or violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

2. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than Five Hundred Dollars (\$500.00) and not less than One Hundred Dollars (\$100.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty (30) days.

This bylaw shall come into force and take effect on this 17th day of July, 1996.


MAYOR


ADMINISTRATOR