

## TOWN OF KINISTINO

### BYLAW NO. 11/05

#### A BYLAW OF THE TOWN OF KINISTINO TO PROHIBIT CERTAIN ACTIVITIES CREATING NOISE AND TO ABATE THE INCIDENCE OF NOISE AND TO RESTRICT THE HOURS WHEN CERTAIN SOUNDS MAY BE MADE

Whereas Council may pass such Bylaws as are deemed expedient and are not contrary to law for the peace, order and good government of the municipality and for promoting the safety, health and welfare of people and the protection of people and property;

And Whereas the incidence of noise in the Town of Kinistino is such that the Council of the Town of Kinistino deems it expedient that regulations be made restricting and abating the activities which give rise to unnecessary noise in the Town;

And Whereas the intent of this Bylaw is that all noise shall be reduced as far as possible compatible with the normal activities of urban life and that unnecessary noise be eliminated.

Now Therefore the Council of the Town of Kinistino enacts as follows:

1. This Bylaw may be cited as “The Noise Bylaw”.
2. In this Bylaw, the expressions:
  - a) **Town** means the corporation of the Town of Kinistino or the area contained within the boundaries of the Town of Kinistino;
  - b) **Emergency Vehicle** means a motor vehicle used in response to a public catastrophe or to protect persons or property from imminent danger;
  - c) **Emergency Work** means work made necessary to restore property to a safe condition following a public catastrophe, work to restore public utilities, or work required to protect persons or property from an imminent exposure to danger;
  - d) **Holiday** means any statutory holiday or any holiday proclaimed as such by the Council of the Town of Kinistino;
  - e) **Motor Vehicle** means a motor vehicle as defined by the Highway Traffic Board;
  - f) **Residential Building** means a structure used for the shelter or accommodation of persons;
  - g) **Residential District** means a district as referred to in the Zoning Bylaw enacted by the Council of the Town of Kinistino and amendments thereto;
  - h) **Signalling Device** means a horn, gong, bell, siren or other device producing an audible sound for the purpose of drawing people’s attention to an approaching vehicle, including a bicycle;
  - i) **Weekday** means any day other than a Sunday or holiday.

### 3. 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 Town.

c) The interpretation of what constitutes a loud 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 the Trial Judge hearing a prosecution of an offence against this Bylaw.

### Domestic Noises

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 device 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) 11:00 o'clock in the evening and 7:00 o'clock in the next forenoon on weekdays;

b) 11:00 o'clock in the evening and 8:00 o'clock in the forenoon on the following day which is a 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 excessively or howl excessively.

6. a) 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.

b) 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 area of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises.

c) 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.

### 7. Construction Noises

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) 11:00 o'clock in the evening and 7:00 o'clock of the next forenoon on weekdays;
- b) 11:00 o'clock in the evening and 8:00 o'clock in the forenoon of the following day which is a Sunday or holiday.

### **8. Advertising Noises**

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 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.

### **9. Truck Motors**

No person shall allow the motor on a tractor which pulls a trailer or on a semi-trailer truck, or any other truck, to remain running for longer than 30 minutes while the tractor-trailer, or tractor alone, or truck, is stationary in a residential district.

### **Exceptions**

10. 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 Christman 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 in connection with any parade authorized by Council.
  - 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 sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
  - g) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
  - h) 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 commodius space in connection with any public election meeting, public celebration or other reasonable gathering;

i) the use of any tractors, trucks or other equipment for snow removal, snow cleaning or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;

j) 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;

k) the sounds caused by any person, animal, machine or by any other means during the carrying on or operation of any exhibition, circus, sporting event or any other activity lawfully authorized by the Council of the Town of Kinistino.

11. 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.

## 12. Penalties

Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction to a minimum fine of \$100.00 and a maximum fine not in excess of \$500.00 or, in default of payment of the fine and costs, to imprisonment for a period not exceeding 30 days.

13. Bylaw No. 8-94 is hereby repealed.

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Mayor

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Town Administrator