

RESORT VILLAGE OF CHITEK LAKE

BYLAW NO. 125/2016

A BYLAW TO REGULATE, PROHIBIT AND OTHERWISE CONTROL NOISE WITHIN THE RESORT VILLAGE OF CHITEK LAKE.

THE COUNCIL OF THE RESORT VILLAGE OF CHITEK LAKE IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. SHORT TITLE

This Bylaw may be cited as the "Noise Bylaw"

2. PURPOSE

The purpose of this Bylaw is to:

- i) Prohibit certain activities creating noise
- ii) Abate incidence of noise
- iii) Restrict hours when certain noise may be made.

According to *the Municipalities Act* Section 8, this Bylaw is enacted to protect, preserve and promote safety, health, welfare, peace and quiet for the citizens of the Resort Village of Chitek Lake.

3. DEFINITIONS

In this bylaw, including this section:

- a) "Resort Village" means the Corporation of the Resort Village of Chitek Lake, or the area contained within the boundaries of the Resort Village of Chitek Lake as the context requires;
- b) "Bylaw Enforcement Officer" means any person designated by Council as a Bylaw Enforcement Officer, and includes every Peace Officer;
- c) "Concert" means musical entertainment or performance by voices or instruments or pre-recorded means, or a combination of all, with or without amplification, or an outdoor nature, to which members of the public are invited or admitted, with or without charge;

- d) "Council" means the Municipal Council of the Resort Village of Chitek Lake;
- e) "Engine Brake" means a device used in trucks and semi trailer units to slow or brake the said vehicles by means of closing the exhaust valves on the engine of the said vehicles, or any similar device;
- f) "Occupant" means a person who is the owner, occupant or lessee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises;
- g) "Peace Officer" means any member of the Royal Canadian Mounted Police and any person appointed as a Bylaw Enforcement Officer under Section 373 of *The Municipalities Act*;
- h) "Person" includes the owner, occupant, company, corporation, firm, association, partnership, society, individual of party;
- i) "Premises" means the area contained within the boundaries of any lot and includes any building situated within such boundaries; "Holiday" means any statutory holiday as defined in the *Interpretation Act*, and amendments thereto;
- j) "Private property" means property to which the public have access, whether on payment or otherwise, only by permission of the owners, occupier or lessee of the property;
- k) "Property" means real property, together with all improvements which have been affixed or brought on to the land;
- l) "Residential Building" means a building which is constructed as a dwelling for human beings;
- m) "Residential District" means a district established as a residential district by a Bylaw in effect with the Resort Village;

- n) "Signalling Device" means a horn, bell, klaxon, siren, or other device producing an audible sound for the purpose of drawing peoples' attention to an approaching h=vehicle or bicycle;
- o) "Weekday" means 12:01 a.m. Monday through noon Friday of any week, but does not include any statutory holiday;
- p) "Vehicle" shall have the same meaning as the vehicle has in *The Traffic Safety Act, 2004* as amended or substituted.

4. DOMESTIC NOISES

- 4.1 No person shall make or cause, or permit to be made or caused, in or on a highway or elsewhere in the Resort Village of Chitek Lake, any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of persons in the vicinity, except to the extent where it is allowed by this Bylaw;
- 4.2 Without limiting the generality of the foregoing, no person shall own, keep, house harbour or allow a dog, animal or bird to make a sound of noise in contravention of Subsection 4.1;
- 4.3 Without limiting the generality of Section 4.2 or 4.3 of this Bylaw, no person shall operate or play any musical instrument, radio, stereophonic equipment, or other device for the production or amplification of sound, or permit such devices to be operated or played, in the Resort Village in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort, or convenience of the neighborhood or of persons in the vicinity, contravention of Subsection 4.1;
- 4.4 Without limiting the generality of the foregoing, no person shall advertise by any means in contravention of this Bylaw;

4.5 The factors for determining, whether a noise or sound meets the criteria of Subsections 4.1 to 4.4 shall include, but are not limited to, the following:

- a) the proximity of the sound to sleeping facilities, whether residential or commercial;
- b) the land use, nature and zoning of the area from which the noise of sound emanates and the area where it is received or perceived;
- c) the time of day or night that the noise or sound occurs
- d) the duration of the noise or sound;
- e) the volume of the noise or sound;
- f) the nature of the noise or sound;
- g) whether the noise or sound is recurrent, intermittent or constant; and
- h) the nature of the activity from which the noise or sound emanates.

4.6 Without restricting the generality of Section 4, no person shall operate or allow to be operated in any residential district:

- 1) between the hours of 11:00 p.m. and 7:00 a.m. of any weekday; and
- 2) between the hours of 11:00 p.m. and 8:00 a.m. of any weekend and statutory holiday:
 - a lawn mower of any kind;
 - a snow clearing machine powered by an engine or any type;
 - a roto-tilling 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 electrical motor.

4.7 A Judge may determine from the evidence of a Peace Officer whether the events in Subsection 4.1 to 4.6 have occurred.

5. CONSTRUCTION NOISES

5.1 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 of creating sound beyond the boundaries of the site on which the activity is being carried on:

- 1) between the hours of 11:00 p.m. and 7:00 a.m. of any weekday;
- 2) between the hours of 11:00 p.m. and 9:00 a.m. Sundays and holidays

5.2 Except in an emergency, no persons shall operate or allow to be operated 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, so as to create a noise which may be heard in any residential building:

- 1) between the hours of 11:00 p.m. and 7:00 a.m. of any weekday;
and
- 2) between the hours of 11:00 p.m. and 9:00 a.m. of any weekend or statutory holiday.

6. AIRPLANES

6.1 No person shall operate or allow to be operated, an airplane so as to create a noise which may be heard in any residential building:

- 1) between the hours of 11:00 p.m. and 7:00 a.m. of any weekday;
and
- 2) between the hours of 11:00 p.m. and 7:00 a.m. of any weekend or statutory holiday.

7. OUTDOOR PUBLIC EVENTS

7.1 The use of a loud speaker, amplifier, musical instrument or similar device that produces or reproduces or amplifies sound at an outdoor public event unless:

- 1) Between the hours of 11:00 a.m. and 9:00 p.m. of any weekday;
and
- 2) Between the hours of 11:00 a.m. and 6:00 p.m. of any weekend or statutory holiday.

7.2 No person shall, within the Resort Village, operate, maintain or conduct a concert which produces, reproduces or amplifies sound in such a manner s to create an unusual or unnecessary noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace and safety of other persons who are on the same premises from which the sound emanates.

7.3 No person shall operate, maintain or conduct a concert on any Municipal Reserve within the boundaries of the Resort Village without first obtaining written permission and conditions from the Resort Village.

8. EXEMPTIONS

The provisions of this bylaw shall not apply to:

- 1) the ringing of bells in churches, or 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 charity undertaking the Christmas;
- 3) the playing of a band, the sounding of a steam whistle, the sound of motor vehicle horns or the use of sound amplification equipment used in connection with any parade;

- 4) the moderate playing of musical instruments appropriate to any religious street service;
- 5) the sounding of general or particular alarm or warning to announce a fire or other emergency vehicle;
- 6) the sounding of police whistles or sirens or other signalling devices on any vehicle by the police or fire department or on any ambulance or public service vehicle;
- 7) any use of sound amplification equipment used by the police, fire department or any ambulance 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 area or any other commodious space in connection with any public election meeting, public celebration or other lawful public gathering of similar nature;
- 9) the use if any tractor, trucks or other equipment for snow removal, snow clearing, refuse collection. Street sanding, the repair or maintenance of streets, drainage by the Resort Village public works.

9. INSPECTION

- 9.1 A peace Officer or Bylaw Enforcement Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the requirements of this Bylaw are being observed. No person shall obstruct a Peace Officer or Bylaw Enforcement Officer under this Section.

10. PENALTIES

- 10.1 Every person who contravenes this Bylaw is guilty of an offense and liable on summary conviction to a fine of not less than:

- a) \$200.00 in the case of a first offence; and
- b) \$300.00 in the case of each and every subsequent offence within thirty (30) minutes to twenty-four (24) hours of the first offence; and
- c) \$500.00 in the case of any subsequent offence within three (3) months of any previous offence;

AND not more than

- i) \$2000.00 on the case of an individual; and
- ii) \$5000.00 in the case of a corporation.

10.2 All fines, penalties and forfeitures mentioned in the Bylaw may be recovered and enforced with costs by summary conviction before a judge.

10.3 This Bylaw may be enforced and the contravention of any provision of the Bylaw restrained by any Court, on action brought by the Resort Village whether or not any penalty is imposed for the contravention.

10.4 Contravention of a person for a contravention of any provision of the Bylaw does not relieve a person from compliance with the Bylaw, and convicting Judge or Justice of the Peace, in addition to any fine imposed, order the person to perform, within a specific time period, any work necessary for the proper observance of the Bylaw or to remedy the contravention of the Bylaw.

10.5 A person who fails to comply with the an order made pursuant to Subsection 10.4 within the period specified in the order, is guilty of

an offence and the liable on summary conviction to a fine of not more than \$250.00 for each day during which the failure continues.

- 10.6 Notwithstanding Subsections 10.1 to 10.5, a Peace Officer or Bylaw Enforcement Officer may issue a Notice of Violation to a person who contravenes a provision of this Bylaw. The Notice of Violation shall provide that if a person pays the Resort Village the sum of \$250.00 for a first offence and \$500.00 for a second offence within fourteen (14) days from the date of the Notice of Violation, the person contravening the Bylaw is not required to appear in Court to answer the charge and the person shall not be prosecuted for the contravention.

The fine may be paid:

In person during regular business hours at the Resort Village of Chitek Lake Administration Office located at

219 Pine Street, Chitek Lake, SK.

Or by mail addressed to:

The Resort Village of Chitek Lake:
Box 70, Chitek Lake, Sk. S0J 0L0

11. RELIEF FORM REQUIREMENTS

11.1 Applications for a permit for relief from sound levels designated in this Bylaw on the basis of undue hardship may be issued by Council of the Resort Village. The application shall be made in writing and must include:

- a) The name and address of the applicant;
- b) A description of the source of sound in respect of which exemption is sought;
- c) The period of time for which the exemption is sought;
- d) The reasons why the exemption should be granted;

- e) Any other information requires at the time; and
- f) A statement of the steps, if any, planned or presented being taken to bring about compliance.

11.2 Council of the Resort Village, by resolution, may refuse to grant any exemption or may grant the exemption applied for under Section 11.1 or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit. Council of the Resort Village may, by resolution, revoke such exemptions on twenty-four (24) hours written notice to the applicant, delivered by ordinary registered mail.

11.3 Council of the Resort Village may, by resolution, approve a written request for a temporary relaxation of Sections of this Bylaw, for a specific event and for a specific time frame.

12. SEVERABILITY

12.1 If a Court of competent jurisdiction should declare any section of the Bylaw to be invalid, such section or part shall not be construed as having persuaded or influenced Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and remain in force and effect.

13. REPEAL FORMER BYLAW

13.1 Bylaw 59/05 is hereby repealed.

Introduced and read for a first time this 17th day of November, 2016.

Read a second time this 16th day of March, 2017.

Read for a third time and passed this 16th day of March, 2017.



A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end.

Mayor

A handwritten signature in blue ink, featuring a large, stylized initial 'A' followed by a horizontal line.

Chief Administration Officer

Certified to be a true and accurate
Copy of Bylaw 125/2016 which was
Passed by Council for the Resort Village
Of Chitek Lake on March 16th, 2017.

A handwritten signature in blue ink, featuring a large, stylized initial 'A' followed by a horizontal line.

Chief Administrative Officer