

BYLAW
Village of Caronport, Province of Saskatchewan
Bylaw #2020-04

A BYLAW FOR THE PURPOSE OF PROHIBITING, ELIMINATING AND ABATING NOISE IN THE VILLAGE OF CARONPORT

The Council of the Village of Caronport, in open session, duly assembled, enacts as follows:

1. This Bylaw may be cited as the “**Noise Bylaw**”.
2. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of the Village of Caronport through the reduction, control and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.
3. In this Bylaw, including this section:
 - a) “**Village**” means the Village of Caronport;
 - b) “**dwelling**” means any type of dwelling as defined in *The Zoning Bylaw*;
 - c) “**engine brake**” means a device commonly used in a truck, power unit or semi-trailer unit to slow or brake the vehicle by means of closing the exhaust valves on the engine or the vehicle, or any similar device;
 - d) “**commercial district**” means any commercial zone as established by *The Zoning Bylaw*;
 - e) “**justice**” means a judge of the Provincial Court of Saskatchewan or a presiding justice of the peace;
 - f) “**motor vehicle**” means “motor Vehicle” as defined in *The Highway & Transportation Act; 1997*
 - g) “**outdoor public event**” means an outdoor concert, sporting event, festival, attraction or similar event, whether held on private or public property, to which the public-at-large is invited or admitted, with or without charge;
 - h) “**Zoning Bylaw**” means *The Zoning Bylaw No. 5/93* of the Village of Caronport;
 - i) “**premises**” shall mean the area contained within the boundaries of any lot and includes any building situated within such boundaries
 - j) “**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.

SCOPE:

4. (1) This Bylaw applies to the control of all sound originating within the jurisdictional limits of the Village of Caronport.
- (2) This Bylaw is intended to apply to making, or knowingly permitting to be made, any unreasonably loud or excessive noise, disturbance or commotion in any dwelling, place of business or other structure, or upon any public street, park or other place or building.

The ordinary and usual sounds and noises incidental to the occupation and use of property and the activities of persons in the Village, when conducted in accordance with usual standards or practices and in a manner that will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business, are not intended to be subject to the provisions of this Bylaw.

GENERAL PROHIBITION:

5. (1) No person shall make, continue, or cause to be made or continued, or suffer or permit to be made or continued:

- a) Any unreasonably loud or excessive noise;
 - b) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity within the jurisdictional limits of the Village; or
 - c) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers of places of business, or as to detrimentally or adversely affect such residences of places of business.
- (2) In the absence of other evidence, or by way of corroboration of other evidence, a justice may infer from the evidence of a peace officer relating to the conduct of a person or persons that a sound is unreasonably loud or excessive.

NOISES PROHIBITED:

6. The following acts are deemed to be violations of this Bylaw. The enumeration does not constitute an exclusive list:
- a) *Lawn Mowers, Snow Blowers and Similar Devices:* In residential districts, the operation of power equipment or machinery used in lawn and garden care or property maintenance including any lawn mower, leaf blower, hedge trimmer, power fan, edge trimmer, line trimmer, roto-tiller, snow blower, compressor, internal combustion engine or similar equipment, between the hours of 10:00 p.m. and 7:00 a.m. on Monday to Saturday inclusive, and 10:00 p.m. to 9:00 a.m. on a Sunday or statutory holiday.
 - b) *Radios, Television, Stereos, Compact Disc Players, Musical Instruments and Similar Devices:* The use or operation of a radio, television, compact disc player, stereo, "boombox", "ghetto blaster", musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of persons residing in the vicinity, including persons residing in separate dwelling units within the building from which the sound emanates.
 - c) *Engine Brakes:* The use of an engine brake on any motor vehicle driven with the Village of Caronport, except in cases of emergency.
 - d) *Air Horns:* The use of an air horn on any motor vehicle with the Village, except in cases of emergency.
 - e) *Construction or Repair of Buildings:* In all areas of the Village except commercial districts, the construction, demolition, alteration or repair of any building or structure between the hours of 10:00 p.m. and 7:00 a.m. on a weekday, and 10:00 p.m. and 9:00 a.m. on a Sunday or a statutory holiday, that produces sound that is plainly audible across the property line of the property from which the sound emanates and is unreasonably loud or excessive. In cases of emergency, construction noises are exempt from this provision.
 - f) *Outdoor Public Events:* The use or operation of a loudspeaker, amplifier, public address system radio, "boombox", "ghetto blaster", stereo, musical instrument or similar device that produces, reproduces or amplifies sound at an outdoor public event, other than during the following hours:
 - (i) on a Monday, Tuesday, Wednesday or Thursday, between the hours of 11:00 a.m. and 9:00 p.m.;
 - (ii) on a Friday or Saturday, between the hours of 11:00 a.m. and 10:00 p.m.; and
 - (iii) on a Sunday or statutory holiday, between the hours of 1:00 p.m. and

6:00 p.m.

If permission has been obtained from the Village to extend the hours for the use or operation of amplification equipment at any outdoor public event in accordance with section 8 of this Bylaw, amplification equipment may be used at the event during the extended hours.

(g) Permitted Premises: Any unreasonably loud or excessive noise in a permitted premise or in a patio area which is part of the permitted premises which can be heard in a residential district and which unreasonably disturbs the peace, quiet and comfort of persons in the residential district.

EXEMPTIONS

7. Sounds caused by the following are exempt from the prohibitions set out in this Bylaw:

(a) The reasonable sounding of any bell by a church or other religious organization.

(b) The reasonable sounding of any bell, siren, whistle or similar device by a school or other educational institution.

(c) The reasonable sounding of any bell, chime or similar device or the use or operation of any musical instrument by a charitable organization soliciting donations.

(d) A parade for which a permit has been obtained from the Town.

(e) An outdoor political rally, public protest, demonstration, religious service, memorial service or other similar gathering.

(f) The construction, repair and maintenance of streets, bridges, sidewalks, alleys, water mains, storm sewer mains, sanitary sewer mains, electrical facilities and any other works by or on behalf of the Village.

(g) The snow removal of streets on behalf of the Village and residential private driveways and alleys.

EXTENSION OF HOURS FOR OUTDOOR PUBLIC EVENTS

8. (1) The Village may, upon written application, grant permission to extend the hours during which amplification equipment may be used at an outdoor public event.

(2) In exercising its authority pursuant to subsection (1), the Village may grant its permission with or without conditions.

OFFENCES AND PENALTIES

9. (1) Except as provided in Subsection (2), every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:

(a) in the case of an individual, to a fine not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine of not more than \$10,000.00 for each day during which the offence continues;

(b) in the case of a corporation, to a fine not exceeding \$25,000.00 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.

(2) Every person who uses engine brakes in contravention of Section 6(d) of this Bylaw is guilty of an offence and liable on summary conviction:

(a) in the case of an individual, to a fine not less than \$250.00 and not exceeding \$10,000.00 and, in the case of a continuing offence, to a further fine of not more than \$10,000.00 for each day during which the offence continues;

(b) in the case of a corporation, to a fine not less than \$250.00 and not exceeding \$25,000.00 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.

(3) In default of payment of a fine imposed under either Subsection (1) or Subsection (2), the individual convicted may be imprisoned for a term of not more than one year.

(4) (a) Notwithstanding Subsection (1) and Subsection (2) in the case of a person who contravenes a provision of this Bylaw for the first time, a Peace Officer/ Bylaw Enforcement Officer may issue a notice of violation to that person;

(b) The notice of violation shall provide that, if the person pays the sum of:
(i) \$250.00 in the case of a violation of Section 6(d); or
(ii) \$100.00 in the case of any other violation; within 14 calendar days of the date of the notice of violation, the person shall not be prosecuted for the contravention.

(c) The fine may be paid:
(i) in person, during regular office hours, to the Village of Caronport, P.O. Box 550, Caronport, SK S0H 0S0
(ii) by mail addressed to the Village of Caronport, P.O. Box 550, Caronport, SK S0H 0S0.

(5) Notwithstanding Subsection (4), if it is, in the opinion of a peace officer, in the public interest to compel a person who has contravened a provision of this Bylaw for the first time 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.

(6) 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 (5) to pay the specified amount to avoid prosecution.

(7) A person who contravenes this Bylaw is guilty of an offense and liable to a fine of not less than \$200.00 and not more than \$500.00.

SEVERABILITY

10. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

COMING INTO FORCE

This Bylaw shall come into force on the 16th day of July, 2020.



Read a third time and adopted by the Council of the Village of Caronport on the 16th day of July, 2020.

Certified a true copy of Bylaw #2020-04 adopted by the Village of Caronport on the 16th day of July, 2020.
[Signature]
CAO
Village of Caronport

[Signature: Daniel Bueh]
Mayor

[Signature: Gino Hallberg]
CAO