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T O W N O F N O K O M I S

BYLAW #97-02

A BYLAW TO REGULATE AND CONTROL NOISE
IN THE TOWN OF NOKOMIS

The Council of the Town of Nokomis 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 Town of Nokomis;
 - (b) "motor vehicle" means a vehicle propelled or driven by any other means other than by muscular power;
 - (c) "occupant" means 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;
 - (d) "premises" means the area contained within the boundaries of any lot and includes any building or motor vehicle 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; "premises" shall include any motor vehicle that is parked, or otherwise situated, on any municipal thoroughfare or other municipal property.

GENERAL PROHIBITION

3.
 - (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 continued to be made, any loud noise, 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 allow to be made, or allowed to be continued to be made, 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.
 - (c) What is a loud noise, an unnecessary noise, an unusual noise, or a noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of other persons is a question of fact for a court which hears a prosecution of an offence against this Bylaw.
 - (d) No person who owns, keeps, houses, harbours, or allows to stay in his premises a dog shall allow such dog to bark or howl excessively.

- (e) No person being the owner or occupant of any premises shall operate, or permit to be operated or play, or permit to be played, any radio phonograph, record-player, tape-recorder, tape cassette, 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 heard by an individual or member of the public who is not on the same premises from which such noise or sound emanates.

EXCEPTIONS

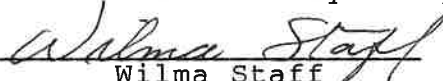
4. The provisions of this Bylaw shall not apply to:
- (a) the ringing of bells in churches, religious establishments, and school;
 - (b) the playing of a band, the sounding of motor vehicles' horns, or the use of sound amplification equipment used in connection with any parade (unless such parade is disallowed by the municipality);
 - (c) the moderate playing of musical instruments appropriate to any religious street service.
 - (d) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
 - (e) the sounding of police whistles or the sirens on any vehicles used by the police or fire department or on any ambulance or public service vehicle;
 - (f) any use of sound amplification equipment used by this police, fire department, or any ambulance service or public service.
 - (g) 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, public celebration, or other reasonable gathering (unless such amplification is disallowed by the municipality);
 - (h) the sounding of motor vehicle horns when used within reason.

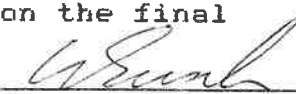
PENALTIES

5. A person who contravenes the provisions of this Bylaw is guilty of an offence and upon conviction, shall be liable to the penalties provided in the in the general penalty bylaw of the Town of Nokomis.
6. This bylaw shall come into force upon the final passing thereof.

Certified a true copy of Bylaw 97-02 adopted by resolution of Council on the 21st day of April 1997.

Administrator


Wilma Staff


Mayor


Administrator