

TOWN OF CUT KNIFE

BYLAW No. 134-2001

A BYLAW TO CONTROL AND REGULATE NOISE

The council of the Town of Cut Knife, 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 Cut Knife;
 - (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) "premises" means the area contained within the boundaries of any parcel 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 parcel shall be deemed to be separate premises.
 - (f) "residential building" means a building which is constructed as a dwelling for human beings;
 - (g) "signal 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 and a railway locomotive;
 - (h) "weekday" means any day other than a holiday.

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 made, or allow to be continued to be made, any loud noise, or any unnecessary noise, or 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, 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, or endangers the comfort, repose, health, peace or safety of other persons is a question of fact for a court which hears a prosecution of an offense against this Bylaw.
4. No person being the owner or occupant of any premises shall, between the hours of Eleven o'clock in the evening and Seven o'clock of the forenoon, 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.

DIESEL MOTORS

5. No person shall allow the diesel motor of a motor vehicle to remain running for longer than 30 minutes while stationary in a residential district.

EXCEPTIONS

6. 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;
 - (c) the playing of a band, the sounding of a steam whistle, the sounding of motor vehicle horns or the use of sound amplification equipment used in connection with any parade;
 - (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 other emergency or disaster;

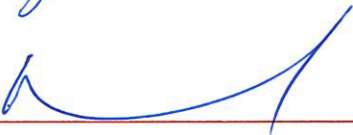
- (f) the sounding of a factory whistle and similar devices at normal appropriate times;
- (g) the sounding of police whistles, or signal devices on police, fire, ambulance or public service vehicles;
- (h) any use of sound amplification equipment used by the police, fire, ambulance or public services;
- (i) 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;
- (j) transit vehicles engaged in normal transit operations;
- (k) the sounding of motor vehicle horns when used within reason;
- (l) the sounding of railway locomotive signal devices at railway crossings;
- (m) the noises made by any person, firm or corporation in the lawful operation of any business undertaking.

PENALTIES

- 7. Any person who contravenes any provision of this bylaw is guilty of an offense and shall be given one verbal warning to cease the contravention; following a continuance or recurrence of a contravention the person is liable on summary conviction to a fine of \$200.00 for a first offense, \$400.00 for a second offense or \$600.00 for a third or subsequent offense
- 8. Any fine provided for in Clause 7 may be paid to the municipality within 30 days of the date of service of a summary offense ticket, upon which payment there shall be no prosecution for the offense.



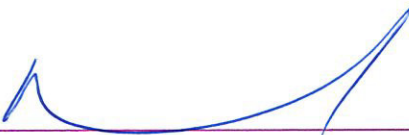
Mayor



Administrator

ADOPTED this 14th day of November, 2001

Certified to be a true copy of Bylaw No. 134-2001 adopted by the council of the Town of Cut Knife on the 14th day of November, 2001



Administrator