

# RESORT VILLAGE OF METINOTA

## BYLAW NO 02-2021

### A BYLAW FOR THE PURPOSE OF PREVENTING, PROHIBITING, CONTROLLING OF LOUD AND EXCESSIVE NOISE, OR ANY NOISE WHICH UNREASONABLY DISTURBS, INJURES, OR ENDANGERS THE COMFORT, REPOSE, HEALTH, PEACE OR SAFETY OF OTHER PERSONS

The Council of the Resort Village of Metinota in the Province of Saskatchewan enacts as follows:

#### TITLE

1. This bylaw shall be referred to as the "*Noise Bylaw*".

#### PURPOSE

2. To protect the health and welfare of people and environment by regulating, preventing, prohibiting, and controlling of loud and excessive noise, or noise which unreasonably disturbs, injures, or endangers, the comfort, repose, health, peace or safety of reasonable persons.
3. In this bylaw:
  - a) "**Administrator**" shall mean the administrator or Chief Administrative Officer of the municipality, and shall include any person designated to act on the Administrator's behalf;
  - b) "**Bylaw Enforcement Officer**" means a person appointed as such pursuant to Section 373 of the *Municipality's Act*;
  - c) "**Council**" means the council of the Rural Municipality of Meota #468;
  - d) "**Designated Officer**" means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator, a Bylaw Enforcement Officer and a Peace Officer;
  - e) "**Emergency Vehicle**" shall mean an ambulance, a fire department vehicle, a police vehicle;
  - f) "**Engine Retarder 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 of the vehicle, or any similar device;
  - g) "**Justice**" means a justice as provided in *The Summary Offences Procedure Act*;
  - h) "**Motor vehicle**" means a motor vehicle as defined in the *Traffic Safety Act*;
  - i) "**Municipality**" means the Resort Village of Metinota;
  - j) "**Occupant**" shall mean the owner or owners, occupant or licensee of the premises or any person found in the premises at or around the time when the noise or sound issues from the premises;
  - k) "**Peace Officer**" means a peace officer as defined in *The Summary Offences Procedure Act*;

- l) "Person" shall include any company or corporation, owner, partnership, firm, association, society, party or tenant;
- m) "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 of such building and the land surrounding the building within the boundaries of the lot shall be deemed to be separate premises;
- n) "Sound Level Meter" means a device used to measure sound pressure, which meets the applicable American National Standards Institute, S1.4-1983(R2006), the International Electro-Technical Council Standard No. 123, or the British Standard No. 3539 Part 1, or the U.S.A. Standard S1.4-1961; and
- o) "Vehicle" means a vehicle as defined in the *Traffic Safety Act*.

#### **GENERAL PROHIBITION**

- 4. No person shall make or continue, or allowed to be made or continued any loud unnecessary or unusual noise or any noise whatsoever which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of other persons within the jurisdictional limits of the municipality, except to the extent it is allowed by this bylaw.
- 5. A loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures endangers the comfort, repose, health, peace or safety of other persons is a question of fact to be determined by a justice who hears a prosecution of an offence against this bylaw.
- 6. 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 or a Bylaw Enforcement Officer that any loud noise, any unnecessary noise, or any unreasonable noise occurred and was of a nature as to annoy, disturb, injure, endanger, or detract from the comfort, repose, health, peace or safety of persons within the meaning of this Bylaw.

#### **DOMESTIC NOISE**

- 7. No person being the owner or occupant of a premises located within the jurisdictional limits of the Municipality shall operate, or allow to be operated, play or allow to be played, any radio, loudspeaker, amplifier, public address system radio, stereo, musical instrument or similar device that produces, reproduces or amplifies sound, either in or on any public or private premises in such a manner that the same interferes with the peace and comfort of persons within the jurisdictional limits of the municipality and who are not on the same premises from which such noise or sound emanates.

8. No person who owns, keeps, houses, harbors or allows to stay in their premises a dog, shall allow such dog to bark, howl, or whine excessively.
9. No person shall own, keep, house, or harbor any animal or bird, which by its cries or its sounds unduly disturbs the peace, quiet, rest or tranquility of the neighborhood or the public at large.
10. No person shall operate, or allow to be operated, any power equipment or machinery used in lawn or garden care, or property maintenance, including any lawn mower, leaf blower, hedge trimmer, chain saw, rototiller, snow clearing device, or any similar machine, between the hours of 11:00 pm of any day and 7:00 am of the next day.
11. No person shall carry on the construction, erection, demolition, alteration or repair of any structure or building which involves hammering, sawing, drilling, or the use of any machine or vehicle, or any other equipment capable of creating noise beyond the boundaries of the site on which the activity is being carried on, within the jurisdictional limits of the municipality, between the hour of 11:00 pm of any day and before the hour of 7:00 am of the next day.

#### **MOTOR VEHICLE NOISE**

12. No person shall use an engine brake on any motor vehicle driven within the municipality between the hours of 11:00 pm of any day and before the hour of 7:00 am of the next day.
13. No person shall operate a vehicle which is capable of emitting any sound exceeding 92 dB(A), as measured by a sound meter at a minimum of 50 centimeters from the exhaust outlet while the engine is at idle; or emitting any sound exceeding 96 dB(A), as measured by a sound level meter at a minimum of 50 centimeters from the exhaust outlet while the engine is at a minimum of 1000 r.p.m..

#### **SOUND LEVEL METER CERTIFICATE**

14. A certificate issued by the manufacturer of a sound level meter shall be admitted in to evidence *prima facie* proof the meter meets the applicable standard set out in clause 3(o).

#### **EXCEPTIONS**

15. The provisions of this Bylaw shall not apply to:
  - a) The sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster,
  - b) The sounding of a police whistle or the sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;
  - c) Any use of sound amplification equipment used by the police, fire department, or an ambulance service or public service;
  - d) The use of any tractors, trucks or other equipment for snow removal, snow

clearing or sanding of streets, the repair of streets or the repair and maintenance of any municipal works or utilities;

- e) The use of any equipment for the repair or maintenance of any public utilities including the public utilities operated by the Sask Power Corporation, Sask Energy Corporation and Saskatchewan Telecommunications.
- f) Any person who has obtained a written permit from the Municipality allowing a certain noise or activity.

#### **ENFORCEMENT**

16. This bylaw may be enforced by:
- a) A Peace Officer; or
  - b) a Bylaw Enforcement Officer appointed by the Municipality.

#### **OFFENCES AND PENALTIES**

17. Any person found in contravention of any part of this bylaw shall be subject to the penalties provided in Schedule "A" as attached to and forming part of this Bylaw.
18. A Designated Officer may issue a Notice of Violation with a voluntary payment option for breach of any provision of this Bylaw as set out in Schedule "B" attached to and forming part of this Bylaw.
19. All penalties set forth in this Bylaw may be recovered and enforced by summary conviction as provided by *The Summary Offences Procedure Act*, and in default of payment, the person convicted may be imprisoned for a term of not more than 90 days, unless the penalty is paid sooner.
20. Conviction of a person for a contravention of any provision of this Bylaw does not relieve that person from compliance with the Bylaw, and the Justice may, in addition to any penalty imposed, order the person to perform any act or work necessary for the proper observance of this Bylaw or to remedy the contravention of it.
21. A Designated Officer may cancel any Notice of Violation issued pursuant to this Bylaw, where in the opinion of the Designated Officer, the Notice of Violation was issued in error.

#### **SEVERABILITY**

22. If a Justice should declare any part of this Bylaw invalid, such part shall not be construed as having influenced Council to pass the remainder of the Bylaw, and it is hereby declared that the remainder of this Bylaw shall be valid and shall remain in full force and effect.

COMING INTO FORCE

This bylaw shall come into force and take effect on the day of final passing thereof.



Read a Third Time and  
Adopted this 21st  
day of July 2021

  
Administrator

  
\_\_\_\_\_  
Mayor



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Administrator