

VILLAGE OF MIDDLE LAKE

BYLAW NO. 1-1996

NOISE BYLAW

A BYLAW OF THE VILLAGE OF MIDDLE LAKE IN THE PROVINCE OF SASKATCHEWAN TO REGULATE NOISE

The Council of the Village of Middle Lake, in the Province of Saskatchewan enacts as follows:

Short Title

1. This Bylaw may be cited as the Noise Bylaw.

Application

2. That all of the provisions and enactments set forth in this Bylaw shall relate to and be in full force and effect within the limits of the Village of Middle Lake.

Interpretation

3. In this Bylaw unless the context otherwise requires, the expressions:
 - a) "Council" shall mean the Council of the Village of Middle Lake.
 - b) "Noise" shall include any loud outcry, clamor, shouting, or movement, or any other sound that is loud or harsh or undesirable.
 - c) "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 the premises.
 - d) "Peace Officer" shall have the same meaning as in the "Summary Offences Procedure Act; R.S.S. 1978 S63".
 - e) "Person" shall mean all human beings of either sex and shall include corporations, companies, partnerships, firms, associations or other aggregations of individuals.
 - f) "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, 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.
 - g) "Public Place" shall mean any place to which the public have access as of right or by invitation, express or implied.
 - h) "Village" shall mean the Village of Middle Lake.

General Prohibitions

4. Except to the extent it is allowed by this Bylaw no person or occupant shall make or continue to make, or cause to be made or allow to be made, any loud noise, or any unnecessary noise, or any unusual noise on a premises or public place.
5. Except to the extent it is allowed by this Bylaw no person or occupant shall make, or continue to make or cause to be made, or cause to be continued, or allow to be made, or allow 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 Village on a premises or public place.
6. No person being the owner or occupant of any premises shall 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, stereo system, 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.

7. 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 others is a question of fact for a court which hears a prosecution of an offence against the Bylaw.

Exceptions

8. 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 during Christmas season or at another time;
 - c) The playing of a band, the sounding of a steam whistle, the sounding of motor vehicles' 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 general or particular alarm or warning to announce a fire or other emergency or disaster;
 - f) The sounding of factory whistles and similar devices at normal appropriate times;
 - g) The sounding of police whistles or the sirens of any ambulances or public service vehicle;
 - h) Any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
 - i) Any carnival, fair or exhibition provided that the consent of the Council of the Village or its designate to operate or hold such carnival, fair or exhibition has first been obtained.
 - j) 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;
 - k) Transit vehicles engaged in normal transit operations

Enforcement

9. In the absence of other evidence; or by way of corroboration of other evidence, the summary conviction court may infer from the evidence of a peace officer relating to the conduct of any person or persons, whether ascertained or not, that the comfort or repose of any other person within the limits of the Village was disturbed.

Penalty

10. Any person found guilty of an infraction of any provision of this Bylaw shall be subject to the penalties provided in the General Penalty Bylaw (2-1983) of the municipality.
11. This Bylaw shall come into force and take effect on the day of the final passing thereof.

INTRODUCED AND READ A FIRST TIME this 4th day of July, 1996.

READ A SECOND TIME this 4th day of July, 1996.

READ A THIRD AND FINAL TIME this 4th day of July, 1996.

SEAL

“Certified a true copy of Bylaw No. 1-1996 adopted by resolution of Council on the 4th day of July, 1996.”

(SEAL)

Clerk

Mayor – Alvin C. Melz

Acting Clerk – Tim Schmidt