

BYLAW NO. 2/99

A BYLAW TO REGULATE NOISE WITHIN THE TOWN OF LEMBERG

WHEREAS, under the provisions of Section 152 Subsection 8 of the Urban Municipality Act being Chapter U-10 of the Revised Statutes of Saskatchewan 1973 the Council or Municipality is empowered to enact a bylaw to prohibit, eliminate or abate the making or causing of noises or sounds in or on a highway or elsewhere in the municipality and make different regulations or prohibitions for different areas of the municipality and

WHEREAS this bylaw may be cited as the LEMBERG NOISE CONTROL BYLAW.

NOW THEREFORE, the Municipal Council of the Town of Lemberg in open meeting assembled, enacts as follows:

A. DEFINITIONS

1. (a) Words defined in The Vehicles Act being Chapter V-3 of the Revised Statutes of Saskatchewan, 1978, and the Urban Municipality Act, being Chapter U-10 of the Revised Statutes of Saskatchewan, 1978 shall have the same meaning when used in this bylaw unless defined in the bylaw or unless the context otherwise requires.

(b) In this bylaw unless the context otherwise requires:

(i) "Town" means the Town of Lemberg;

(ii) "Council" means the Council of the Town of Lemberg;

(iii) "Inspector" means any person or persons appointed from time to time by the Council to enforce and administer the bylaw;

(iv) "Noise" includes without limiting the generality of the word and clamour any loud outcry, screaming, shouting, yelling or swearing or any other sound or sounds which are loud, harsh, undesirable or disagreeable;

(v) "Peace Officer" shall have the same meaning as in the Summary Offences Procedures Act being Chapter S-63. Revised Statutes of Saskatchewan 1978, plus the person or persons who are appointed to enforce and administer this bylaw;

(vi) "Person" includes any company, corporation, firm, association, partnership, society, individual or party;

(vii) "Property" means real property, together with all improvement which have been affixed or brought on to the land.

B. GENERAL REGULATIONS

1. Except to the extent it is allowed by this Bylaw no person shall make or continue to make or allow to be made or continue to allow to made any unnecessary noise.

2. Except to the extent it is allowed by this Bylaw no person shall make, or continue to make or allow to be made or allow to be continued, any noise whatsoever which noise annoys, disturbs, injures, endangers or detracts from the comfort, repose, health, peace or safety of other persons within the limits of the Town.

C. DOMESTIC NOISE

1. No person shall operate or allow to be operated a lawn mower of any kind, or snow clearing devise powered by an engine of any type, or a model aircraft driven by an internal combustion engine in any residential district between the hours of:

(a) 10:00 o'clock in the evening and 6:00 o'clock of the next morning on weekdays;

(b) 10:00 o'clock in the evening and 9:00 o'clock in the morning of the following day which is a Sunday or holiday.

2. No person who owns, keeps, houses, harbours or allows to stay on his premises a dog, shall allow such dog to bark or howl loudly or excessively.

3. No person shall own, keep or harbour any animal or bird which by its cries or sounds unduly disturbs the peace, quiet, rest or tranquillity of the neighbourhood or the public at large.

4. No person, being the owner or occupier of any premises, shall operate, play, permit, suffer or allow to be operated or 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 sound emanates.

D. CONSTRUCTION NOISES

1. Except in an emergency no person shall for profit or gain on a Sunday, construct, erect, reconstruct, alter, repair or demolish any building structure or thing or fill in land, in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of any person in the neighbourhood.

2. Where it is impossible or impractical to comply with this section, the Town Council, Town Commissioner, or Director of Public Services may give written approval to carry on the work that is found to be necessary at designated ours. Responsibility for obtaining written approval lies with the person carrying on the work.

E. ADVERTISING NOISES

1. No person shall operate any outdoor public address system in the Town without first having obtained a permit therefore.

2. No person shall advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing anytype of musical instrument, playing or using any type of noise-making instrument, or by the use of loud speakers or other devices for the amplification of sound, or by any other audible means, on the street or other public place, or in any building or premises with the intention or result that the sound therefrom shall be or is audible to persons using or frequenting any street or other public place.

F. DIESEL MOTORS

No person shall allow any diesel motor including a tractor which pulls a trailer or on a semi-trailer truck to remain running for longer than thirty (30) minutes while the tractor-trailer or tractor alone is stationary in a residential district.

G. EXEMPTIONS

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 the Christmas season or at any other time.

(c) the playing of the band, the sounding of a steamwhistle, the sounding of motor vehicle horns or the use of sound amplification equipment used in connection with any authorized 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 or other emergency or disaster.

(f) the sounding of whistles or sirens on any vehicle used by the police or fire department or on any ambulance service or public service vehicle.

(g) any sound amplification equipment used by the police, fire department or any ambulance service or public service.

(h) the use, in a reasonable manner, of any apparatus, mechanism for the amplification of the human voice or of music in public election meeting or public celebration.

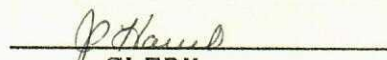
H. PENALTIES

1. Every person who contravenes or violates any other provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of in violation of any of the provisions of this bylaw or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw is guilty of an offence against this bylaw and liable to the penalties hereby imposed. Each day that a violation continues to exist shall constitute a separate offence.

2. Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than Five Hundred Dollars (\$500.00) and not less than One Hundred Dollars (\$100.00) for each offence, and in default of payment thereof to imprisonment for a period not exceeding thirty (30) day.

Introduced this 10th day of August, 1999.


MAYOR


CLERK

*This is to certify
that this is a copy
of the original Bylaw
filed with Council Minutes*
R. R. R.