

BYLAW NO. 94-2020  
Resort Village of Sunset Cove

A BYLAW OF THE RESORT VILLAGE OF SUNSET COVE  
TO CONTROL AND REGULATE NOISE

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WHEREAS, pursuant to subsection 8(1) of The Municipalities Act, a municipality is authorized to make bylaws respecting peace, order and good government of the municipality and the safety, health and welfare of people and the protection of people and property; and

WHEREAS it is necessary and advisable to control and regulate noise in the municipality;

NOW THEREFORE the Council of the Resort Village of Sunset Cove, in the Province of Saskatchewan, enacts as follows:

Short title

This Bylaw shall be referred to as the *Noise Bylaw*.

Definitions

1. In this Bylaw:
  - (a) "Motor vehicle" means "motor vehicle" as defined in The Traffic Safety Act;
  - (b) "Loud, unusual or unnecessary noise" means a noise that is persistent and:
    - (i) can easily be heard by an individual who is not on the same premises as those from which the noise emanates;
    - (ii) if the noise emanates from a street or other public place, can easily be heard from within a residence; or

(iii) otherwise annoys, disturbs, injures, endangers or detracts from the comfort, repose, peace or safety of other persons within the Resort Village of Sunset Cove; and

(iv) is a question of fact for a court which hears a prosecution of an offence against this Bylaw.

(c) "Premise" means the area contained within the boundaries of any lot and includes any building situated on the lot,

(d) "Municipality" means the Resort Village of Sunset Cove.

(e) "Council" means the council of the Resort Village of Sunset Cove.

(f) "Violation Ticket" shall mean a ticket issued for an offense committed against any provision of this Bylaw.

(g) "Emergency" in this bylaw means a situation where work must be carried out to preserve, protect or repair property that is in imminent danger to the health or safety of any person, or that likely will fall into immediate disrepair or collapse without immediate work.

h) "Special Occasions" are generally meant to be family celebrations of a significant events such as, but not limited to:

- i. family reunions
- ii. wedding receptions and anniversaries
- iii. pre-wedding socials
- iv. gift openings
- v. religious gatherings (e.g. bar mitzvahs, baptisms, funerals, etc.)
- vi. retirement parties
- vii. graduations
- viii. 'milestone' birthdays

## Regulations

2 On weekday evenings, being Sunday evening up to and including Thursday evening, no person shall make, cause, allow, suffer or permit to be made, or continue to make, cause, allow, suffer or permit to continue to be made, any loud or unusual or

unnecessary noise between the hours of 10:00 p.m. and 7:00 a.m. at a premise or in a public place in the municipality, unless permitted by another section or subsection of this bylaw:

(1) On weekends evenings, being Friday and Saturday evenings, as well as on Saskatchewan provincial holidays; no person, being the person or occupant of any premises, shall operate or play or allow, or permit to be operated or played; any radio, record player, tape, DVDs, stereo, television, musical instrument or any other appliance, device or machine used for the production or amplification of sound on a premise which can be clearly heard beyond the boundaries of one's premise, between the hours of 12:00 a.m. (midnight) and 8:00 a.m. on any day.

(2) Special Occasion Permits, in the manner approved by council, may be issued by council for events deemed to be special occasions. These permits will allow temporary exemptions of the noise bylaw, limited to the conditions attached to the permit. Special Occasion Permit applications must be submitted to council a minimum of 14 days in advance of the event.

(3) No person who owns, has the care and control of, keeps or harbours a dog, or is the owner or occupant of a premise on which a dog is kept, shall allow the dog to continue to bark or howl at any time.

(4) No person shall operate or allow to be operated a lawn mower, rototiller, chainsaw, pressure washer or a model aircraft, boat or vehicle powered in any manner between the hours of 10:00 p.m. and 7:00 a.m. on any day.

(5) Except in an emergency, no person shall, between the hours of 10:00 p.m. and 7:00 a.m. on any day:

(a) carry on the construction, erection, demolition, alteration or repair of any type of building, structure or motor vehicle that involves hammering, grinding, sawing, drilling or the use of any machine, tools, power tools, or equipment that creates a noise easily heard beyond the boundaries of the site where the work is being carried on.

(b) operate or allow to be operated a cement mixer, a cement mixer truck, a trenching machine, a drag line, an air or steam compressor, a jack-hammer or pneumatic drill, a tractor or bulldozer, skid-steer or any other tool, device or machine of a noisy nature.

### Advertising noises

3. No person shall at any time advertise any event or merchandise by ringing bells, blowing whistles, calling loudly, playing music, playing any type 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 any street or other public place or in any building or premises with the result that the sound therefrom is audible to persons using or frequenting any street or other public place.

### Truck motors

4. No person shall allow the diesel motor on a tractor or truck that pulls a trailer or a semi-trailer to remain running for longer than 20 minutes while the tractor-trailer, or tractor alone, is stationary.

### Exceptions

5. This Bylaw does not apply to:

(a) events that have been granted a special occasion permit by council, but only while in accordance with the conditions and times specified within the permit. No council shall permit a special occasion celebration to exist beyond 02:00 am for any reason. Council's decision on what events qualify for Special Occasion Permits are final and absolute and will normally be limited to the recognition of a significant milestone or event in a person's life.

(b) the sounding of the horn of a motor vehicle or the use of sound amplification equipment in connection with a parade;

(c) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or pending disaster;

(d) the sounding of whistles, horns, sirens or the use of any sound amplification equipment on any vehicle used by the police or fire department or by any ambulance or public service or emergency vehicle;

(e) the use, in a reasonable manner, between the hours of 08:00 am and 10:00 pm, of any apparatus or mechanism for the amplification of the human voice or of music in a public place or any other open space in connection with any public election meeting, a public celebration, or other lawful public gathering;

g) municipal equipment or vehicles hired or engaged in normal or essential public service operations;

(k) the use of any equipment for the repair or maintenance of any public utilities, including the public utilities operated by SaskPower, SaskEnergy, SaskTel or the municipality.

7. Contravention:

When the Noise Bylaw is contravened, any person in charge or control of the equipment causing the noise, or in charge or care of the property where the infraction occurred, or the property owner(s) where the infraction occurred, shall be subject to the fines established within this bylaw.

8. Violation ticket:

Where a member of Council has reasonable grounds to believe that a person has committed a breach of any of the provisions of this Bylaw, he or she may have a Bylaw Officer of the Municipality or a member of the Royal Canadian Mounted Police, issue and serve such a person a Violation Ticket. A member of the RCMP can issue a violation ticket on their own accord if they are in attendance and deem the noise to be in violation of this bylaw.

9. Penalties

Any person who fails to comply with any aspect of the Noise Bylaw is guilty:

- a) of an offense and is liable to a fine of not less than \$250.00 and not more than \$500.00 on summary conviction for the first offense;
- b) to a fine of not less than \$500.00 and not more than \$1,000.00 on summary conviction for a second offense occurring within 6 months of the first offense;
- c) to a fine of \$2,000.00 on summary conviction for a third offense or subsequent offenses occurring within 12 months of the second offense.

10. Payment:

- a) The payment of a fine for any offence under this bylaw is in default when all or any part of the fine is due and unpaid after 14 days of being issued.
- b) If all or part of a fine for an offence is in default, the person to whom the ticket was issued shall continue to be liable to pay the fine imposed, and in addition, is liable to pay a late payment administration charge in the amount of \$100.00.
- c) Any person who fails to comply with any Part, Section or Subsection of this Bylaw shall also be liable for any cost of the Municipality for any services or activities provided towards respecting this Bylaw as a result of that person's contravention of this Bylaw.

11. Severability

If a Court of competent jurisdiction should declare any part or section of this bylaw to be invalid, such section or part of the section shall not be construed as having persuaded or influenced Council to pass the remainder of the bylaw and it is hereby declared that the remainder of the bylaw shall be valid and shall remain in force and effect.

Coming into force

This bylaw comes into force on the day on which it is passed.

Read a third time and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Administrator