

TOWN OF KYLE

BYLAW NO. 05-92

A bylaw to Regular Noise within the Town of Kyle.

WHEREAS under the provisions of Section 128 of The Urban Municipality Act, 1984 the Council may enact a bylaw to prohibit, regulate or abate noise from whatever source on any public or private place and may provide that no one shall make any unnecessary or unreasonable noise for all or varying periods of the day within the urban municipality or within any specified areas of the municipality;

The Council of the Town of Kyle, in the Province of Saskatchewan enacts as follows:

1. NOISE BYLAW

This bylaw may be cited as the "Kyle Noise Control Bylaw".

2. DEFINITIONS

- (1) "Council" means the Council of the Town of Kyle;
- (2) "Holiday" means any Statutory Holiday as defined in the Interpretation Act, and amendments thereto or any holiday proclaimed as such by the Council of the Town of Kyle;
- (3) "Motor Vehicle" means motor vehicle as defined in the Motor Vehicle's Act of Saskatchewan;
- (4) "Noise" includes any loud outcry, clamour, shouting or movements, or any sound that is loud or harsh or undesirable;
- (5) "Occupant" means the owner, occupant or licensee of the premises or any person found on the premises at or around the time the noise or sound issues from the premises;
- (6) "Person" includes any company, corporation, owner, partnership, firm, association or party;
- (7) "Premises" means the area contained within the boundaries of any lot and includes any building situated within such boundaries provided however that when any building contains more than one dwelling unit, each dwelling unit or common area of the building and the land surrounding the buildings within the boundaries of the lot shall be deemed to be separate premises;
- (8) "Residential District" means a district defined as such in the Zoning Bylaw enacted by Council of the Town of Kyle and amendments thereto;
- (9) "Signalling 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;
- (10) "Town" means the corporation of the Town of Kyle or the area contained within the boundaries of the Town of Kyle as the context requires;
- (11) "Weekday" means any day other than a Sunday or holiday.

3. GENERAL REGULATIONS

- (1) No person being the owner, tenant or occupier of real property shall allow or permit such real property to be used so that noise or sound which occurs thereon or emanates therefrom disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of any person or persons on the same piece of property or in the neighbourhood or vicinity.
- (2) No person shall play or operate any radio, stereophonic equipment or other instrument or any apparatus for the production or amplification of sound either in or on private premises or in any public place in such a manner as to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- (3) No person shall own, keep or harbour any animal or bird which by its cries unduly disturbs the peace, quiet, rest or tranquility of the surrounding neighbourhood or the public at large.
- (4) Excepting with prior approval of Council, no person shall 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 loudspeakers 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 intention or result that the sound therefrom shall disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public.
- (5) No person shall operate any outdoor public address system in the Town without first having obtained a permit therefor.
- (6) Without restricting the generality of Section 3, no person shall operate or be allowed to operate a lawnmower of any kind, or snow clearing device 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) ten o'clock in the evening and seven o'clock of the next forenoon on week days;
 - (b) ten o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday.

4. CONSTRUCTION HOURS

- (1) No person in the Town shall between the hours of:
 - (a) ten o'clock in the evening and seven o'clock of the next forenoon on week days;
 - (b) ten o'clock in the evening and nine o'clock in the forenoon of the following day which is a Sunday or holiday;

Construct, erect, reconstruct, alter, repair or demolish any building, structure or thing or excavate or fill in land in any manner which disturbs the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of the persons in the vicinity.

- (2) (a) Where it is impossible or impractical to comply to this section, the Town Administrator may give written approval to carry on the work that is found to be necessary at designated hours.
- (b) Responsibility for obtaining written approval lies with the person carrying on the work.
- (3) Notwithstanding any provisions of this Bylaw, a person may perform works of an emergency nature for the preservation or protection of life, health or property but the onus shall be on the person performing the work to show cause that the work was of an emergency nature.

5. EXCEPTIONS

- (1) 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 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 which has been authorized in accordance with Section VI 1(a) of the Town Traffic Bylaw No. 9-87 and amendments thereto;
 - (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 a factory whistle and similar devices at normal, appropriate times;
 - (g) 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;
 - (h) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service.

6. PENALTY SECTION

- (1) Every person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw or who does any act which violates any of the provisions of this bylaw is liable to the penalties hereby imposed.

- (2) Every person who commits an offence against this bylaw is liable to a fine and penalty of not more than \$500.00 and not less than \$100.00 for each offence and in default of payment thereof, to imprisonment for a period not exceeding 30 days.
- (a) A Notice of Bylaw Violation may be issued to every person committing an offence under this Section. The Notice shall require the person to pay the Town of Kyle the amount named in Section 6(2) within fourteen (14) calendar days of the date of the Notice of Bylaw Violation and if payment is made within such time and accepted, the person contravening the Bylaw shall not be liable to prosecution for that offence.
- (b) The fine may be paid:
- (i) in person during regular office hours at the Town Office, Kyle, Saskatchewan;
- (ii) by mail, postmarked within the prescribed fourteen (14) day period, to Office of the Administrator, Town of Kyle, Box 520, Kyle, Saskatchewan, S0L 1T0.
7. This bylaw shall come into force on the date of final passing thereof.


Mayor


Administrator

SEAL

Read three times and passed
this 8th day of July, 1992.

Certified a True Copy


TOWN ADMINISTRATOR