

# RESORT VILLAGE OF TURTLE VIEW

## BYLAW NO 38-2023

### A BYLAW TO REGULATE NOISE IN THE RESORT VILLAGE OF TURTLE VIEW

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

1. **TITLE:**

This Bylaw may be cited as "The Noise Abatement Bylaw".

2. **PURPOSE:**

This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of The Resort Village of Turtle View through the reduction, control, and prevention of loud and excessive noise, or any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity.

2. **DEFINITIONS:**

In this Bylaw:

- (a) 'Bylaw Enforcement Officer' means any person designated by Council as a Bylaw Enforcement Officer, and includes every Peace Officer;
- (b) 'Concert' means a musical entertainment or performance by voices or instruments or pre-recorded means, or a combination of all, with or without amplifications, or an outdoor nature, to which members of the public are invited or admitted, with or without charge;
- (c) 'Council' means the Municipal Council of the Resort Village of Turtle View
- (d) "Municipality" means the Resort Village of Turtle View
- (e) 'Noise' is a loud noise, unnecessary noise, an unusual noise and/or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons;
- (f) 'Occupant' means a person who is the owner, occupant or lessee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises;
- (g) 'Peace Officer' means any member of the Royal Canadian Mounted Police and any person appointed as a Bylaw Enforcement Officer under Section 373 of *The Municipalities Act*;
- (h) 'Person' includes any owner, occupant, company corporation, firm, association, partnership, society, individual of party;
- (i) "Premises" shall mean the area contained within the boundaries of any lot and include 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.
- (j) 'Private Property' means property to which the public only have access to by permission from the owners, occupier or lessee of the property;

- (k) 'Residential District' means a district established as a residential district by a bylaw in effect with the Resort village
- (l) 'Signalling Device' means a horn, gong, bell, claxon, siren, or other device producing an audible sound for the purpose of drawing peoples' attention to an approaching vehicle or bicycle;
- (m) 'Vehicle' shall have the same meaning as vehicle has in The Traffic Safety Act, 2004 as amended or substituted.
- (n) 'Weekday' means 10:00 p.m. Sunday to 12:00 p.m. Friday of any week, but does not include Statutory Holidays;
- (o) 'Weekend' means 12:01 p.m. Friday to 9:59 p.m. Sunday (exception of Statutory Holidays where Monday is the designated holiday)

### 3. GENERAL:

- 3.1 No person shall make, continue, or cause to be made or continued, or offer or permit to be made or continued:
  - (a) Any unreasonably loud or excessive noise;
  - (b) Any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace or safety of reasonable persons of ordinary sensitivity within the jurisdictional limits of the Municipality;
  - (c) Any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or as to detrimentally or adversely affect such residences or public areas.
- 3.2 Factors for determining whether a sound is unreasonably loud or excessive include, but are not limited to the following:
  - (a) The land use, nature and zoning of the area from which the sound emanates and the area where it is received or perceived;
  - (b) The time of day or night the sound occurs;
  - (c) The duration of the sound;
  - (d) The volume of the sound;
  - (e) The nature of the sound;
  - (f) Whether the sound is recurrent, intermittent or constant; and
  - (g) The nature of the event of activity from which the sound emanates.
- 3.3 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 relating to the conduct of a person or persons that a sound is unreasonably loud or excessive.
- 3.4 Except to the extent it is allowed by this Bylaw, no person shall make or cause, or permit to be made or caused any noise or sound which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.
- 3.3 What is a loud noise, an unnecessary noise, an unusual noise, or a noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of other persons is a question of fact for a court which hears a prosecution of an offence against this Bylaw.

#### **4. DOMESTIC NOISES**

4.1 Without restricting the generality of Section 3, no person shall operate or allow to be operated a lawn mower of any kind, or a 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) 10:00 p.m. in the evening and 7:00 a.m. in the next forenoon on weekdays;
- (b) 10:00 p.m. in the evening and 9:00 a.m. in the next forenoon of the following day on weekends.

4.2 No person who owns, keeps, houses, harbors or allows a dog to stay in his premises shall allow such dog to bark excessively or howl excessively.

4.3 No person being the owner or occupant of any premises shall operate, or permit to be operated, play or allow to be 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 such noise or sound emanates.

#### **5. CONSTRUCTION NOISES**

5.1 Except in an emergency, no person shall carry on the construction, erection, demolition, alteration or repair of any type of building or structure which involves hammering, sawing, drilling or the use of any machine, tools or any other equipment capable of creating a sound beyond the boundaries of the site on which the activity is being carried on, after the hour of 10:00 p.m. and before the hour of 7:00 a.m. of any day.

5.2 Except in an emergency, no person shall operate or allow to be operated a cement mixer, a cement mixer truck, a gravel crusher, a riveting machine, a trenching machine, a drag line, an air or steam compressor, a jack hammer or pneumatic drill, a tractor or bulldozer or any other tools, device or machine in any residence between the hours of 10:00 p.m. and 7:00 a.m. of any day.

#### **6. DIESEL MOTORS**

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

#### **7. EXCEPTIONS**

7.1 The provisions of this Bylaw shall not apply to:

- (a) the playing of a band, the sounding of motor vehicles' horns or the use of sound amplification equipment used in connection with any parade or public event;
- (b) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
- (c) the sounding of the sirens on any vehicle used by the police or fire department or on any ambulance or public service vehicle;

- (d) any use of sound amplification equipment used by the police, fire department or any ambulance service or public service;
- (e) 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.
- (f) the use of any tractors, trucks or other equipment for snow removal, snow clearing, refuse collection, street sanding, the repair or maintenance of streets, or drainage works.

## **8. INSPECTION**

8.1 A Peace officer or Bylaw Enforcement Officer may enter on any property at any reasonable time for the purpose of ascertaining whether the requirements of this Bylaw are being observed. No person shall obstruct a Peace Officer or Bylaw Enforcement Officer under this section.

## **9. OFFENCES AND PENALTIES**

9.1 Any person who contravenes any provision of this Bylaw is guilty of an offence and is liable on summary conviction:

- (a) For the first time offense, to a fine of one hundred dollars (\$100.00)
- (b) For the second offense, to a fine of two hundred dollars (\$200.00)
- (c) For a third or subsequent offense, to a fine of five hundred dollars (\$500.00).

9.2 Notwithstanding subsection 9.1, in the case of a person who contravenes a provision of this Bylaw, a Peace Officer or Bylaw Enforcement Officer may issue a Notice of Violation to that person.

9.3 The notice of violation shall provide that, if the person pays the Resort Village of Turtle View the sum of one hundred dollars (\$100.00) within fourteen (14) calendar days of the date of the notice of violation, the person shall not be required to appear in court of the charge.

9.4 The fine may be paid:

- a) in person, during regular business hours at the Resort Village of Turtle View office;
- b) by mail addressed to the Resort Village of Turtle View, P.O. Box 370, Livelong, Saskatchewan, S0M 1J0.

## **10. RELIEF FROM REQUIREMENTS**

10.1 Applications for a permit for relief from sound levels designated in this Bylaw on the basis of undue hardship may be issued by Council of the Resort Village of Turtle View. The application shall be made in writing and must include:

- a) the name and address of the applicant;
- b) a description of the source of sound in respect of which exemption is sought;
- c) the period of time for which the exemption is sought;
- d) the reasons why the exemption should be granted;

- e) any other information required at that time; a statement of the steps, if any, planned or presently being taken to bring about compliance.

10.2 Council of the Resort Village of Turtle View, by resolution, may refuse to grant any exemption or may grant the exemption applied for under Section 10.1 or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit. Council of the day, by resolution, revoke such exemption on twenty-four (24) hours written notice to the applicant, delivered by ordinary registered mail.

10.3 Council of the day, by resolution, approve a written request for a temporary relaxation of Sections of this Bylaw, for a specific event and for a specific time frame.

**11. COMING INTO FORCE**

This Bylaw shall come into force and take effect upon approval by the Minister.

Read a first time this 25<sup>th</sup> day of October, 2023

Read a second time this 25<sup>th</sup> day of October, 2023

Read a third time this 25<sup>th</sup> day of October, 2023



Lucy Felton  
Mayor

Luci R  
Administrator

**Certified a true copy of the original which has not been altered in any way.**  
Dated at Turtle View, Saskatchewan  
this 26<sup>th</sup> day of October, 2023.

Luci R  
Administrator