BYLAW 6/2001

BYLAW TO CONTROL AND REGULATE NOISE

The Council of the Village of Frobisher in the Province of Saskatchewan enacts as follows:

1. DEFINITIONS:

All words and phrases used in this Bylaw which are of a technical nature and are related to sound shall have the meanings specified for them below:

(A)	Municipality	Means the Village of Frobisher
(B)	Administrative Authority	The Royal Canadian Mounted Police detachment serving the Village of Frobisher.
(C)	Council	The Council of the Village of Frobisher.
(D)	Noise	Means any unwanted sound.
(E)	Motor Vehicle	Means a vehicle propelled or driven by any means other than by muscular power.
(F)	Occupant	Means the owner, occupant or licensee of the premises or any person found on the premises at or around the time where the noise or sound issues from the premises.
(G)	Premises	Means the area contained with the boundaries of any lot and includes any building situated with 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.
(H)	Residential Building	Means a building which is constructed as a dwelling for human beings.

2. RESTRICTIONS:

(A) No person shall make or continue to cause or permit to be made or continued any sound which:

(1) is such that it annoys, inconveniences or disturbs persons; or

(2) causes loss of enjoyment of normal use of property; or

(3) interferes with the normal conduct of business; or

(4) may cause damage to property.

(B) Non Vehicular Sources

The sound from a source is prohibited if it does not conform to the following restrictions on sound level and time.

(1) Yelling, Shouting, Etc.

No person shall shout, sing, yell or indulge in any noise producing activity so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity or any person in any office, dwelling, or any other type of residence except for legal, commercial and community activities.

(2) Radios, Phonographs, Loudspeakers, Etc.

No person shall use, operate or permit to be played, used or operated any radio, musical instrument, loudspeaker or other device for the producing or reproducing of sound with volume to annoy or disturb any person in the vicinity with the exception of legal, commercial, and community activities.

(C) Construction Noises

(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 of 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 o'clock in the e r of 8:00 o'clock in the morning of any day.

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(2) Except in the case of an emergency, no person shall operate or be allowed to 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 tool, device or machine of a noisy nature, so as to create a noise which may be heard in any residence between the hours of 10:00 o'clock in the evening and 8:00 o'clock in the morning.

(D) Diesel Motors

(1) No person shall allow the diesel motor of a tractor intended to be used for the pulling of a trailer to remain running for longer than 20 minutes while stationary in a residential district.

3. EXCEPTIONS:

The provisions of this Bylaw shall not apply to:

(1) the ringing of bells in churches, religious establishments and schools;

(2) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection for a charitable undertaking during the Christmas season or at any other time;

(3) 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 an parade;

(4) the moderate playing of musical instruments appropriate to any religious street service;

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

(6) the sounding of police whistles or the sirens of any vehicle used by the police or fire department or any ambulance or public service vehicle;

(7) any use of sound amplification equipment used by the police, fire department, or any ambulance service or public service;

(8) 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;

(9) transit vehicles engaged in normal transit operations;

(10) the sounding of motor vehicle horns when used within reason.

4. SEVERABILITY

It is the intention of the Village of Frobisher that each separate provision of this Bylaw shall be deemed independent of all other provisions herein, and it is further that intention of the Village of Frobisher that if any provisions of this Bylaw be declared invalid, all other provisions thereof shall remain valid.

5. PENALTIES:

Any person who fails to comply or contravenes any provision of this Bylaw is guilty of an offence and is liable, on summary conviction to a fine in an amount not less than One Hundred ($100.00) Dollars and to a maximum of Five Hundred ($500.00) Dollars and in default in imprisonment for a period not exceeding thirty (30) days.

6. This Bylaw shall apply to all operations or activities carried out by or for the Municipality.

7. This Bylaw shall come into effect on the date of final passing by the Council.

Certified a true copy of
Bylaw 6/2001 passed by the
Council of the Village of
Frobisher 10th day of