

**RESORT VILLAGE OF KANNATA VALLEY
NOISE ABATEMENT BYLAW
BYLAW 40.2**

The Council of the Resort Village of Kannata Valley in the Province of Saskatchewan enacts the following articles and provisions:

PURPOSE

1. This Bylaw is enacted to protect, preserve and promote the safety, health, welfare, peace and quiet of the citizens of The Resort Village of Kannata Valley 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.

DEFINITION OF TERMS

2. The following definitions and the definitions contained in the Act apply to this Bylaw

Act	the Municipalities Act and amendments thereto
Administrative Authority (AA):	the Government of Canada and/or the Government of Saskatchewan.
Local Authority (LA):	the Council of the Resort Village of Kannata Valley
Municipality	the Resort Village of Kannata Valley
Council	the elected mayor and four elected councillors of the Resort Village of Kannata Valley
Owner	the person(s) or corporation listed as owner of private property in the municipality
Occupant	the person(s) using property in the municipality as owner or leaseholder
Property	land or improvements or both
Noise	a loud noise, an 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

GENERAL

3. 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; or
 - 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 neighbourhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbours or their guests, or operators or customers of places of business, or as to detrimentally or adversely affect such residences or places of business.
4. 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 or activity from which the sound emanates.
5. 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.

6. The following acts are deemed to be violations of this Bylaw *per se*. This enumeration does not constitute an exclusive list:
 - a. **Lawn Mowers, Snow Blowers and Similar Devices**: In residential districts, the operation of power equipment or machinery used in lawn and garden care or property maintenance including any lawn mower, leaf blower, hedge trimmer, power fan, edge trimmer, line trimmer, roto-tiller, snow blower, compressor, internal combustion engine or similar equipment, between the hours of 10:00PM and 7:30AM on a weekday, and 10:00PM and 8:00AM on a Sunday or a statutory holiday.
 - b. **Radios, Televisions, Stereos, Musical Instruments and Similar Devices**: The use or operation of a radio, television, stereo, musical instrument or similar device that produces or reproduces sound in a manner that is plainly audible to any person other than the player or operator of the device, and those who are voluntarily listening to the sound, and unreasonably disturbs the peace, quiet and comfort of persons residing in the vicinity, including persons residing in separate dwelling units within the building from which the sound emanates.
 - c. **Construction or Repair of Buildings and structures**: In all areas of the Municipality the construction, demolition, alteration or repair of any building or structure between the hours of 10:00PM. and 7:30AM on a weekday, and 10:00PM and 8:00AM on a Sunday or a statutory holiday, that produces sound that is plainly audible across the property line of the property from which the sound emanates and is unreasonably loud or excessive. In cases of emergency, construction noises are exempt from this provision.
 - d. **Outdoor Public Events**: The use or operation of a loudspeaker, amplifier, public address system radio, stereo, musical instrument or similar device that produces, reproduces or amplifies sound at an outdoor public event, other than during the following hours 11:00AM and 10:00PM unless If permission has been obtained from the Municipality to extend the hours accordance with Article 8 & 9 of this Bylaw.

EXEMPTIONS

7. Sounds caused by the following are exempt from the prohibitions set out in this Bylaw:
 - a. The reasonable sounding of any bell, chime or similar device or the use or operation of any musical instrument by a charitable organization soliciting donations.
 - b. A parade for which a permit has been obtained from the Municipality.
 - c. An outdoor political rally, public protest, demonstration, religious service, memorial service or other similar gathering sanctioned by the municipality.
8. The Municipality may, upon written application, grant permission to extend the hours during which amplification equipment may be used at an outdoor public event.
9. In exercising its authority pursuant to subsection (1), the Municipality may grant its permission with or without conditions.

OFFENCES AND PENALTIES

10. A person who, after having been given an official Notice of Violation again contravenes any of the provisions of this bylaw or fails to comply with any notice or order given there under is guilty of an offence and liable to an action in accordance with the provisions of the municipal Penalty Bylaw
11. Notwithstanding Article 10, if it is, in the opinion of a peace officer, in the public interest to compel a person who has contravened a provision of this Bylaw for the first time to appear before a justice under this Bylaw, the peace officer may issue a summons that requires the person to appear before a justice without the alternative of paying the specified amount to avoid prosecution.
12. If, in the opinion of a prosecutor it is appropriate, the prosecutor may, on or before the court appearance date, permit the person mentioned in Article 10 to pay the specified amount to avoid prosecution.

SEVERABILITY

13. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any provision of this Bylaw shall not affect the validity of the remaining parts of this Bylaw.

BYLAW REPEALED

14. Bylaw #40.1 is hereby repealed.

EFFECTIVE DATE

15. This bylaw comes into force and takes effect immediately after having received third reading.

Resolution R139/16, first reading of Bylaw 40.2, "CARRIED" at the June 20, 2016 regular council meeting
Resolution R140/16, second reading of Bylaw 40.2 "CARRIED" at the June 20, 2016 regular council meeting
Resolution R141/16, to consider third reading of Bylaw 40.2 "CARRIED" at the June 20, 2016 regular council meeting
Resolution R142/16, third reading of Bylaw 40.2 "CARRIED" at the June 20, 2016 regular council meeting.

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Mayor: Ken MacDonald

Seal

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Administrator: Jack McHardy