

R. M. OF ABERDEEN NO. 373  
BYLAW NO. 2002 - 06

A BYLAW TO REGULATE NOISE WITHIN THE LIMITS OF THE RURAL  
MUNICIPALITY OF ABERDEEN NO. 373

WHEREAS, under the provisions of Section 215, subsection 1(f) of the Rural Municipality Act, The Rural Municipality of Aberdeen #373 is empowered to enact a bylaw to prohibit, eliminate or abate the making or causing of noises in any area of the Municipality.

NOW THEREFORE, The Council of the Rural Municipality of Aberdeen No. 373, in the Province of Saskatchewan hereby enacts as follows:

1. This bylaw may be cited as "The Noise Bylaw".
2. DEFINITIONS
  1. (a) Words defined in The Highways Transportation Act, Chapter h-3.1 of the Revised Statutes of Saskatchewan 1986 and the Rural Municipality Act, 1989, shall have the same meaning when used in this bylaw unless defined in the bylaw or unless the context otherwise requires.
  1. (b) In this bylaw unless the context otherwise requires:
    - (i) "Municipality" means the R. M. of Aberdeen No. 373;
    - (ii) "inspector" means any person or persons appointed from time to time by the Municipality to enforce and administer the bylaw;
    - (ii) "Noise" includes, without limiting the generality of the word, any clamour, loud outcry, screaming, shouting, yelling or swearing or any other sound or sounds being either naturally or electronically produced which are loud, harsh, undesirable or disagreeable;
    - (iii) "Peace Officer" shall have the same meaning as the Summary Offences Procedures Act being Chapter S-63, revised Statutes of Saskatchewan 1978, plus the person or persons who are appointed To enforce and administer this bylaw;
    - (iv) "Person" includes any company, corporation, firm, association, partnership, society, individual or party;
    - (v) "Property" means real property, together with all improvements, which have been affixed or brought on to land within the limits of the Municipality.

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- (vi) "motor vehicle" means a vehicle propelled or driven by any means other than by muscular power;

3. GENERAL REGULATIONS

1. Except to the extent it is allowed by this Bylaw, no person shall make, or continue to make, or cause to be made, or allow to be made, or allow to be continued to be made, any loud noise, or unnecessary noise, or any unusual noise.
2. Except to the extent it is allowed by the Bylaw, no person shall make, or continue to make; or allow to be made or continue to allow to be made; any noise whatsoever which annoys, disturbs, injures, endangers, or detracts from the peace, comfort, repose, quiet, health, rest, tranquility or safety of any other person within the limits of the Municipality.
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.
  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 devise powered by an engine of any type, or any other vehicle or toy driven by an internal combustion engine, within the limits of the municipality between the hours of:
    - a) 10:00 o'clock in the evening and 8:00 o'clock of the following morning on weekdays;
  2. No person who owns, keeps, houses, harbours or allows to stay on his premises a dog, shall allow such dog to bark or howl loudly or excessively which by its sounds unduly disturbs the peace, comfort, repose, quiet, health, rest, tranquility or safety of any other person.
  3. No person shall own, keep, house, harbour or allow to stay on his premises any animal or bird, which by its cries or sounds unduly disturbs the peace, comfort, repose, quiet, health, rest, tranquility or safety of any other person.

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4. No person, being the owner or occupier of any premises, shall operate, play, permit, suffer, or allow to be operated or 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, wither in or on private premises in such a manner that the sounds unduly disturbs the peace, comfort, repose, quiet, health, rest, tranquility or safety of any other person.

5. CONSTRUCTION NOISE

1. No person shall construct, erect, reconstruct, alter, repair or demolish any building, structure or thing, or fill in land, in any manner which sounds unduly disturbs the peace, comfort, repose, quiet, health, rest, tranquility or safety of any other persons during the hours of 10:00 o'clock in the evening and 8:00 o'clock in the morning.
2. Where it is impossible or impractical to comply with section 5.1, the Municipality may give written approval to carry on the work that is found to be necessary outside the designated hours.
3. Responsibility for obtaining written approval stated in section 5.2 lies with the person carrying on the work.

6. EXEMPTIONS

The provision of this Bylaw shall not apply to:

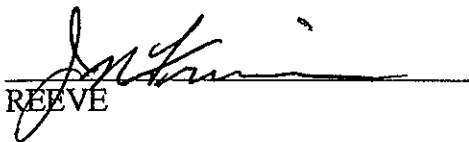
1. (a) the ringing of bells in churches, religious establishments and schools;
1. (b) the moderate use of musical instruments to call attention to an opportunity to contribute to a collection made for a charitable undertaking during the Christmas season or at any other time;
1. (c) the playing of the band, the sounding of a steam whistle, sounding of motor vehicle's horns or the use of sound amplification equipment used in connection with any authorized parade;
1. (d) the moderate playing of musical instruments appropriated to any religious street service;

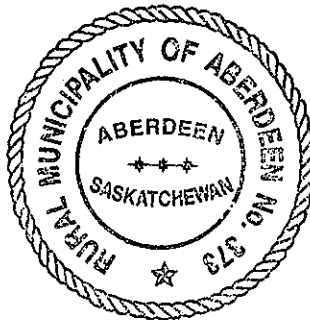
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1. (e) the sounding of a general or a particular alarm or warning to announce a fire or other emergency or disaster;
1. (f) The sounding of a factory whistle and similar devices at normal appropriate times;
1. (g) transit vehicles engaged in normal transit operation;
1. (h) any sound amplification equipment used by the police, fire department or any ambulance service or public service;
1. (i) 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 or public celebration;

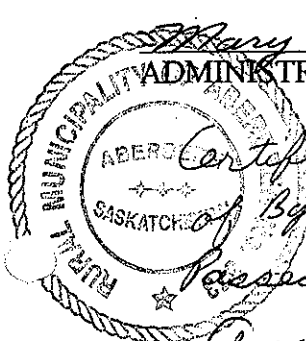
7. PENALTIES

1. Any person who contravenes any 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; or who neglects to do or refrains from doing anything required to be done by any of the provisions of this bylaw; is guilty of an offence and upon summary conviction is liable to the penalties imposed in the General Penalty Bylaw of the municipality. Each day that a violation continues to exist shall constitute a separate offence.

  
REEVE



  
ADMINISTRATOR



A circular seal with a rope-like border, identical to the one above, containing the text "RURAL MUNICIPALITY OF ABERDEEN NO. 373" and "SASKATCHEWAN" with a star.

*Certified A True Copy  
of Bylaw 2002-06  
Passed by Resolution 02120  
August 21, 2002  
Mary E. Glenister  
ADMINISTRATOR*