

TOWN OF HUMBOLDT

BYLAW NO. 16/85

A BYLAW OF THE TOWN OF HUMBOLDT IN THE PROVINCE OF SASKATCHEWAN TO REGULATE NOISE

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

Short Title

1. This Bylaw may be cited as the Noise Bylaw.

Application

2. That all of the provisions and enactments set forth in this Bylaw shall relate to and be in full force and effect within the limits of the Town of Humboldt.

Interpretation

3. In this Bylaw unless the context otherwise requires, the expressions:
 - (a) “Council” shall mean the Council of the Town of Humboldt.
 - (b) “Noise” shall mean any loud outcry, clamor, shouting, or movement, or any other sound that is loud or harsh or undesirable.
 - (c) “Occupant” shall mean the owner, occupant or licensee of the premises or any person found on the premises at or around the time when the noise or sound issues from the premises.
 - (d) “Peace Officer” shall have the same meaning as in the Summary Offences Procedure Act: R.S.S. 1978 S63.”
 - (e) “Person” shall mean all human beings of either sex and shall include corporations, companies, partnerships, firms, associations or other aggregations of individuals.
 - (f) “Premises” shall mean the area contained within the boundaries of any lot, and includes any building situated within such boundaries, provided, however, that where any buildings 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.
 - (g) “Public Place” shall mean any place to which the public have access as of right or by invitation, express or implied.

- (h) "Town" shall mean the Town of Humboldt.

General Prohibitions

4. Except to the extent it is allowed by this Bylaw no person or occupant shall make or continue to make, or cause to be made or allowed to be made, any loud noise, or any unnecessary noise, or any unusual noise on a premise or public place.
5. Except to the extent it is allowed by this Bylaw no person or occupant shall make, or continue to make or cause to be made, or cause to be continued, or allow to be made, or cause to be continued, or allow to be made, or allow to be continued, any noise whatsoever which either annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace, or safety of other persons within the limits of the Town on a premise or public place.
6. No person being the owner or occupant of any premises shall operate, or permit to be operated, or suffer to be operated, or allow 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.
7. What is a loud noise, an unnecessary noise, unusual noise, or a noise which annoys, disturbs, injures, endangers, or detracts from the comfort, repose, health, peace or safety of others is a question of fact for a court which hears a prosecution of an offence against this Bylaw.

Exceptions

8. 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 Christmas season or at any other time;
 - (c) 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 any parade;
 - (d) The moderate playing of musical instruments appropriate to any religious street service;

- (e) The sounding of general or particular alarm or warning to announce a fire or other emergency or disaster;
- (f) The sounding of factory whistles and similar devices of normal appropriate times;
- (g) The sounding of police whistles or the sirens 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;
- (i) Any carnival, fair or exhibition provided that the consent of the Council of the Town or its designate to operate or hold such carnival, fair or exhibition has first been obtained;
- (j) 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 commedias space in connection with any public election meeting, public celebration, or other reasonable gathering;
- (k) Transit vehicles engaged in normal transit operations.

Enforcement

- 9. In the absence of other evidence; or by way of corroboration of other evidence, the summary conviction court may infer from the evidence of a peace officer relating to the conduct of any person or persons, whether ascertained or not, that the comfort or repose of any other person within the limits of the Town was disturbed.

Penalty

- 10. Any person found guilty of an infraction of any provision of this Bylaw shall be subject to the penalties provided in the General Penalty Bylaw of the Municipality.
- 11. Bylaw No. 18/82 is hereby repealed.
- 12. This Bylaw shall come into force and take effect on the day of the final passing thereof.

Mayor: Mark J. Seidel

Town Administrator: W.L. Herman

INTRODUCED AND READ A FIRST TIME THIS 9th DAY OF July, 1985.
 READ A SECOND TIME THIS 23rd DAY OF July, 1985.
 READ A THIRD AND FINAL TIME THIS 23rd DAY OF July, 1985.

TOWN OF HUMBOLDT

BYLAW NO. 28/99

A BYLAW TO AUTHORIZE AMENDMENTS TO BYLAW NO. 16/85, A BYLAW TO REGULATE NOISE

That Council of the Town of Humboldt, in the Province of Saskatchewan, enacts as follows:

1. That Section 10 Penalty be deleted and the following inserted thereon.

10. PENALTY

- a) A person who is guilty of a violation of any provision of this Bylaw shall be liable on summary conviction to a fine of \$150.00 for the first offense, \$250.00 for the second offense and to a maximum of \$2,000.00 for a third or subsequent violation within 6 months of previous violations.
- b) Where the Town Inspector or any other designated Bylaw Enforcement Officer or a Peace Officer believes that a person had violated a provision of this bylaw and the violation alleged is a first or second violation of a provision of this Bylaw, the Town Inspector, Bylaw Officer or Peace Officer may serve or cause to be served a Notice of Violation in a form approved by Council and setting out the section of the Bylaw alleged to have been violated and the applicable penalty. Upon production of the Notice of Violation within 30 days after the date of service, together with payment of the penalty prescribed in the Notice, the person to whom the Notice was issued shall not be liable for prosecution for the violation in respect of which the Notice was given provided, however, that such person shall be deemed to have been convicted for the purpose of determining whether a later conviction is considered to be a second, third or subsequent violation.

2. This Bylaw shall come into force and take effect on the day of the final passing thereof.

Introduced and read a first time this 26th day of October, 1999.

Read a second time this 26th day of October, 1999.

Read a third and final time this 26th day of October, 1999.

Mayor: Douglas Still

Town Administrator: Willard Struck

TOWN OF HUMBOLDT

BYLAW NO. 16/2000

A BYLAW TO AUTHORIZE AMENDMENTS TO BYLAW NO. 16/85, A BYLAW TO REGULATE NOISE

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

1. That Section 3 Definitions be amended to include the following:
 - (a.1) “engine brake” means a device commonly used in trucks and semi-trailer units to slow or brake the said vehicles by means of closing the exhaust valves on the engines of the said vehicles, or any similar device;
2. That the General Prohibition Section be amended to include the following:
 8. No Person shall engage, operate, apply or otherwise use an engine brake on any vehicle being driven within the Town of Humboldt, except in an emergency where it is necessary in the circumstances to do so.

Mayor: Douglas Still

Town Administrator: Willard Struck

Introduced and read a first time this 25th day of July, 2000.
Read a second time this 25th day of July, 2000.
Read a third and final time this 25th day of July, 2000.