

RURAL MUNICIPALITY OF WOODLANDS

BY-LAW NO. 2082

A By-law of the Rural Municipality of Woodlands to regulate noises in the municipality.

WHEREAS Section 362 of The Municipal Act S.M. 1970, C.100, cap. M225 provides in part as follows:

The Council of any municipality may pass by-laws

(a) for regulating or prohibiting the ringing of bells, except church and school bells, blowing of horns, beating of drums, and other noises liable to disturb or annoy residents of the municipality; and

(b) for regulating, controlling, or prohibiting the use, on the highways or in any public place, in the municipality, of loud-speakers or other devices for the amplification of sound;

NOW THEREFORE the Council of the Rural Municipality of Woodlands IN OPEN SESSION ASSEMBLED enacts as follows:

Section 1 - Definitions

1.1. Municipality

Means the Rural Municipality of Woodlands

1.2. Emergency

Means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

1.3. Emergency Work

Means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

1.4. Motor Vehicle

Means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.

1.5. Motorized Recreational Vehicles

Means all recreational motorized vehicles whether or not duly licenced and registered, including, but not limited to commercial or non commercial racing vehicles, motorcycles, go-carts, snowmobile, trail bikes, amphibious craft and motor boats.

1.6. Noise Nuisance

Means any loud, unnecessary or unusual sound or any sound whatsoever which either annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of any person.

1.7. Person

Means any individual, firm partnership, association, corporation, company or organization of any kind.

1.8. Point of Reception

Means any point on any lands or premises where sound, originating from other lands or premises is received.

1.9 Powered Model Vehicle

Means any self-propelled airborne, waterborne or landborne airplane, vessel or vehicle, which is not designed to carry a person including, but not limited to, any model airplane, boat, car or rocket.

1.10 Public Right of Way

Means any street, avenue, lane, highway, boulevard, sidewalk, park, square, subway, bridge, wharf, thoroughfare or way or similar place, which is owned or controlled by a governmental entity.

1.11 Public Square

Means any real property or structures thereon which are owned or controlled by a governmental entity.

1.12 Sound

Means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarification of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

Section 2 - Prohibited Acts

2.1 Noise Nuisance Prohibited

Except to the extent permitted by this by-law no person shall make, or cause to be made or continued any noise nuisance.

2.2 Specific Prohibitions

The following acts, among others and the causing thereof, are declared to be in violation of this by-law, but said enumeration shall not be deemed exclusive, namely:

2.2.1 Equipment Noise (including motor vehicles)

No person shall operate or permit the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance.

2.2.2. People Noise

No person shall yell, shout, whistle or sing to the extent that a noise nuisance is created.

2.2.3 Powered Model Vehicles

No person shall operate or permit the operation of a powered model vehicle so as to create a noise nuisance at a point of reception between the hours of 9:00 p.m. on any day and 9:00 a.m. of the following day.

2.2.4 Radios, Television Sets, Musical Instruments and Sound Producing Devices

No person shall operate, play or permit the operation of any radio, television, phonograph, drum, musical instrument, loud speaker, public address system, sound amplifier or similar device which produces, reproduces or amplifies sound in such manner so as to create a noise nuisance at a point of reception at any time.

2.2.5 Vehicle or Motor Boat Repairs and Testing

No person shall repair, rebuild, modify or test any motor vehicle, motorcycle, motor boat, outboard motor or recreational vehicle in such a manner as to create a noise nuisance at a point of reception between the hours of 10:00 p.m. on any day and 7:00 a.m. of the following day on week days and Saturdays and at no time on Sunday.

Section 3 - Exemptions

3.1 The provisions of this by-law shall not apply to:

3.1.1 The existence of an emergency or the emission of sound in the performance of emergency work unless such sound is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of such emergency purposes.

3.1.2 Work performed in respect of the maintenance, construction or demolition of a public right of way or public space.

3.1.3 Any military or other bands or any parade, operating under permit from the Municipality.

3.1.4 Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.

3.1.5 The ringing of bells by a church or school.

3.1.6 The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas Carols.

3.1.7 Concerts, circuses, fairs, parades or any like activity where a permit has been obtained from the Municipality.

3.1.8 Any activity, work or undertaking which would otherwise be prohibited by this by-law where permission has been obtained from the Municipality.

3.1.9 Aircraft and railway rolling stock.

3.1.10 Any operation of agricultural machinery being used for agricultural purpose.

Section 4 - Permits

4.1 Any permits required under this by-law shall be requested in writing.

4.2 There shall be no charge for permits issued under this by-law.

Section 5 - Penalty

5.1 Any person found guilty of any breach of any of the provisions of this by-law shall on conviction before a Police Magistrate or Justice of the Peace, forfeit and pay a penalty not less than Fifty (\$50.00) Dollars and not more than One Hundred (\$100.00) Dollars in addition to costs for each offence, and in default of immediate payment thereof, the Police Magistrate or Justice of the Peace convicting as aforesaid, may issue a warrant under his hand to levy the said penalty and costs or penalty or costs only, by distress and sale of the offenders' goods and chattels and in case there is not sufficient distress to satisfy the said penalty and costs or penalty or costs, the said Police Magistrate or Justice of the Peace may commit the offender or offenders to the common gaol of the East Judicial District for any period not exceeding twenty-one days, unless the said penalty and costs or penalty or costs be sooner paid.

5.2 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of separate offence for each day that it continues.

DONE AND PASSED by the Council of the Rural Municipality of Woodlands IN OPEN SESSION ASSEMBLED at Woodlands, in the Province of Manitoba, this 13th day of July, A.D. 1982.


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Reeve


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Secretary-Treasurer

Read a first time June 8th, 1982

Read a second time July 13th, 1982

Read a third time July 13th, 1982