

## RURAL MUNICIPALITY OF WOODLANDS

### BY-LAW NO. 2705/18

Being a By-law to regulate Unnecessary and Harmful Noise within the Rural Municipality of Woodlands.

**WHEREAS** Section 232 and 233 of *The Municipal Act*, L.M. 1996, c.58 Cap. M225 provide in part as follows:

- 232 (1) A Council may pass by-laws for municipal purposes respecting the following:
- (a) The safety, health, protection and well-being of people, and the safety and protection of property.
  - (c) Subject to Section 233, activities or things in or on private property;
- 233 A by-law under clause 232(1)(c) activities or things in or on private property may contain provision only in respect of:
- (d) Activities or things used in the opinion of the Council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

**AND WHEREAS** it is considered desirable to prohibit all loud, unnecessary or unusual noises or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or welfare of inhabitants of the Rural Municipality of Woodlands:

**NOW THEREFORE** the Council of the Rural Municipality of Woodlands in session duly assembled, enacts as follows:

#### 1. Title

This By-law may be referred to as "The Rural Municipality of Woodlands Noise By-law".

#### 2. Definitions

Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in *The Municipal Act*.

- (a) "CAO" means the Chief Administrative Officer of the Rural Municipality of Woodlands or his/her designate;
- (b) "Emergency" means any occurrence or set of circumstances involving actual or imminent trauma or property damage necessitating immediate action;
- (c) "Fire Chief" mean the Fire Chief of any Fire Department of the Rural Municipality of Woodlands as appointed from time to time.
- (d) "Municipality" means the Rural Municipality of Woodlands.
- (e) "Nuisance Noise" means any loud, unnecessary or unusual sound or any sound whatsoever which annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace and/or safety of any reasonable person as determined by an Officer;
- (f) "Officer" means any member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable, Rosser Woodlands By-law Enforcement Officer, designated officer or other person

appointed and employed by the Rural Municipality of Woodlands for preservation and maintenance of the public peace;

- (g) "Owner" means the person or persons or the corporation shown as the registered owner on the latest revised assessment rolls of the Municipality;
- (h) "Occupant" means and includes an owner, lessee, tenant, sub-tenant, under-tenant and respective assigns, heirs and legal representative, and includes any person, business or corporation exercising physical control or possession of real property or premises with or without the consent of the owner;
- (i) "Recreational Vehicle" means any motorized recreational vehicle, whether licensed and registered or not, including but not necessarily restricted to, racing cars, motorcycles, go-carts all-terrain vehicles, off road vehicles, snowmobiles, trail bikes, amphibious craft, jet skis and motor boats.
- (j) "Residential Area" means the residential zones as defined in the Rural Municipality of Woodlands Zoning By-Law;
- (k) "Vehicle" means an automobile, motorcycle, truck, bus and any other vehicle propelled or driven by means other than by muscular power, solar power, or wing;
- (l) "Drone" means a motorized model or unmanned craft generally remotely or computer controlled.

### **3. Prohibited Noises**

No person shall make, continue to cause, or allow to be made or continued, by whatever means, any Nuisance Noise except where otherwise permitted by this By-law.

The following shall be deemed likely to be Nuisance Noise and restricted between the hours of 11:00 p.m. of any day and 7:00 a.m. of the following day:

- (a) The sound caused by the lighting and/or setting off any explosive noise making device, including a firecracker or other fireworks;
- (b) The sound emanating from excavation or construction work of any nature;
- (c) The sound resulting from the use and/or operation of any power tool, motorized lawn mower, snow clearing device, chain saw, leaf blower, motorized garden tiller, weed/grass trimmer or similar device used outdoors in any Residential Zone.
- (d) The sound created by the use or operation of any drum, horn, bell, radio or mechanical loudspeaker, or other instrument or device or sound producing, sound re-producing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, ware or merchandise which projects noise or sound into any street or other public place except where such noise or sound has been prior authorized by the CAO;

The following shall be deemed likely to be Nuisance Noise regardless of the hour:

- (a) Any loud, blasphemous, abusive, obscene or insulting language or singing or shouting or speaking in a boisterous manner.

- (b) The sound emanating from any musical instrument or loudspeaker, when as determined by an Officer is audible from a distance of thirty (30) meters or more, unless authorized by an Officer or CAO;
- (c) The excessive sound emanating from any motorized toy, drone, recreational vehicle or vehicle as determined by an Officer of the Municipality unless authorized by an Officer or CAO of the Municipality.

The property/owner, lessee, occupier or person in control of a premises is responsible for Nuisance Noise created by invitees, guest or other persons on the premises in the same manner as the person actually creating the Nuisance Noise unless the property owner, lessee, occupier or person in control of the premises establishes that he exercised due diligence in a bona fide effort to control and abate such Nuisance Noise.

#### **4. Permitted Noises**

None of the provisions of this By-law shall apply to:

- (a) Sound resulting from an activity which is being carried on and is not in breach of any applicable land use provisions, and it is shown, to the satisfaction of the Officer, By-law Enforcement Officer or CAO, that:
  - (i) The sound intensity level is not unreasonable, taking into consideration the type of activity allowed by the applicable land use provisions, that;
  - (ii) All reasonable steps have been taken by the owner, lessee, occupier or person in control of the property from which the sound is emanating in order to reduce the intensity;
- (b) Sound emanating from any concert, circus, fair, parade, street festival, block party or similar activity authorized by a resolution of Council;
- (c) Any farmer or agent or employee of a farmer operating farm equipment during the normal course of farming operations;
- (d) Any agent, employee, servant or contractor of the Municipality performing services for or on behalf of the Municipality;
- (e) Sound emanating from the clearing of snow from private parking lots and driveways;
- (f) Sound emanating from the Fire Hall alarm, or the sirens of any emergency vehicle while engaged in providing Emergency work or responding to an Emergency or during testing of an Emergency warning siren;
- (g) Sound emanating from the sound system of recognized Recreational facilities with the Municipality during special events;
- (h) The use of any bell, chime or similar sound for the purpose of calling persons to church and/or similar school services;
- (i) The lighting and setting off of fireworks, by certified persons, as a public display or celebration with the approval of the Fire Chief.

#### **5. Contravention and Fines**

- (a) The Notice of Breach, as provided for in this Section, and to be issued by an Officer for contravention of this By-law shall be in the form as provided for in Schedule "A" attached hereto and forming part of this By-law.

- (b) A Person who contravenes this By-law shall be issued a Notice of Breach by the Officer and such person may voluntarily dispose of the matter by attending at the Municipal Office during regular office hours within thirty (30) days of the date of the Notice of Breach and pay to the CAO the fine as set out in the Notice of Breach which fine shall be as follows:
- (i) To a fine of One Hundred Dollars (\$100.00) for the first offence.
  - (ii) To a fine of Two Hundred Dollars (\$200.00) for the second offence.
  - (iii) To a fine of Five Hundred Dollars (\$500.00) for the third offence and for each subsequent offence within twelve (12) months of the first offence, and in default of payment, to imprisonment for not more than thirty (30) days.
- (c) A fine levied and costs charged under this By-law may be collected by the municipality in the same manner as a tax may be collected or enforced under *The Municipality Act*.

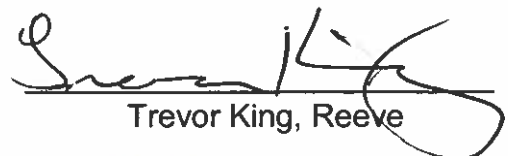
## 6. Severability

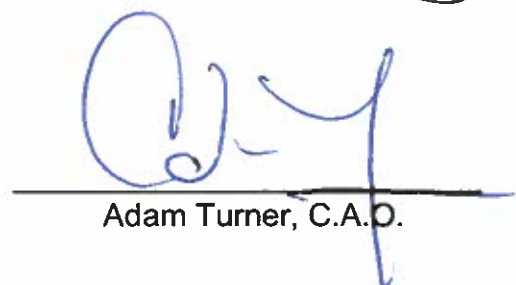
If any provision of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.

## 7. Repeal

By-law 2082 and any amendments hereto is hereby repealed in its entirety.

DONE AND PASSED in Council duly assembled, this 9<sup>th</sup> day of October, 2018.

  
Trevor King, Reeve

  
Adam Turner, C.A.O.

Read a first time this 25<sup>th</sup> day of September, A.D. 2018  
Read a second time this 9<sup>th</sup> day of October, A.D. 2018  
Read a third time this 9<sup>th</sup> day of October, A.D. 2018

SCHEDULE "A"  
To By-law No. 2705/18

**NOTICE OF BREACH**  
Rural Municipality of Woodlands – Noise By-law No. \_\_\_\_/18

**TO:**

Name: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

You are charged that on \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ on or about  
\_\_\_\_\_ am/pm you did unlawfully –

	Make, continue to cause, or allow to be made or continued by whatever means a Nuisance Noise.
	Light or set off an explosive or noise making device, including fire crackers or other fireworks between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
	The emanating from excavation or construction work between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
	The use and/or operation of a power tool, motorized lawn mower, snow clearing device, chain saw, leaf blower, motorized garden tiller, weed/grass trimmer or similar device used outdoors in a residential area between 11:00 p.m. and 7:00 a.m. of the following day.
	The use and/or operation of a drum, horn, bell, radio or mechanical loudspeaker or other instrument or device or sound producing, sound re-producing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, ware, or merchandise or which projects noise or sound into any street or other public place between the hours of 11:00 p.m. and 7:00 a.m. of the following day.
	Loud, blasphemous, abusive or insulting language or singing or shouting or speaking in a boisterous manner.
	The sound emanating from a musical instrument or loudspeaker, audible from a distance of 30 meters without prior authorization from an Officer or the CAO of the Rural Municipality of Woodlands.

The property owner, lessee, occupier or person in control of a premises is responsible for Nuisance Noise created by invitees, guest, other persons on the premises in the same manner as the person actually creating the Nuisance Noise unless the property owner, lessee, occupier or person in control of the premises establishes the he/she exercised due diligence in a bona fide effort to control and abate such Nuisance Noise.

- Fine Amount:**     - \$100.00, 1st offence  
                           - \$200.00, 2nd offence  
                           - \$500.00, 3rd or subsequent offence

Disposition of this charge may be made by attending the Municipal Office of the R.M. of Woodlands during office hours within 30 days and pay the above noted fine.

**IF YOU FAIL TO DISPOSE OF THIS CHARGE** within 30 days of the date on the Notice of Breach, the monies may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.

Dated at \_\_\_\_\_, in the Province of Manitoba this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Officer, R.M. of Woodlands