

RURAL MUNICIPALITY OF CARTIER

BY-LAW NO. 1619-11

Being a By-Law of the Rural Municipality of Cartier to regulate unnecessary and harmful noise within the Rural Municipality of Cartier.

WHEREAS Subsection 233 (d) of the Municipal Act, S.M, 1996.c58 - Cap M225, provides that a Council may pass by-laws for:

“Activities or things that 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 deemed advisable to exercise the powers set out in the said Section of the Municipal Act as excessive sound is a serious hazard to the public health and welfare, safety and quality of life and the public has a right to and should be ensured an environment free from excessive sound that may be prejudicial to their health or welfare or safety or diminish the quality of life.

NOW THEREFORE be it resolved as a By-Law of the Rural Municipality of Cartier and it is hereby enacted as follows:

1. THAT this By-Law is referred to as the Rural Municipality of Cartier Noise Control By-Law";

2. Definitions:

(a) Municipality means the Rural Municipality of Cartier.

(b) Commercial, Industrial or Residential District means the various zoning districts as defined in the By-Laws relating to Zoning and the Development Plan of the Rural Municipality of Cartier.

(c) Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency.

(d) 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.

(e) Motor vehicle means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.

(f) 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, snow-mobiles, trail bikes, amphibious craft and motor boats.

(g) Noise Nuisance means any unreasonably loud or unusual sound or any sounds which are likely to, or annoy, injure, or disturb the health, peace, or safety of any person.

(h) Powered Model Vehicle means any self-propelled airborne, water-borne or land borne airplane, vessel or vehicle, which is not designed to carry a person including, but not limited to, any model airplane, boat, car or rocket.

(i) 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.

3. Regulations

3.1 No person shall make, cause, permit, or allow to continue, any loud unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or welfare of others in, on, or about any lands, buildings, structures, premises, vehicles or recreational vehicles owned or occupied by that person including, but not necessarily restricted to loud, unnecessary or unusual noises caused by:

- a) the sounding of any horn, siren or similar signaling device except as a danger warning;
- b) the operation of any drum, musical instrument, radio, CD player, laptop, audio or video cassette player, phonograph, loudspeaker, amplifier, public address system, television or other machine or device for producing or reproducing sound;
- c) yelling, shouting, whistling, hooting or singing;
- d) the discharge of exhaust from any stationary internal combustion engine, recreational vehicle or motor vehicle except through a muffler or other sound suppressing device;
- e) the use of any vehicle, recreational vehicle, machinery or equipment loaded or operated in such a manner as to create a grating, grinding, or rattling noise or sound;
- f) the operation of any noise creating blower or power fan or any internal combustion engine unless such noise is muffled or deadened by similar device;
- g) the use of engine retarder brake systems except in an emergency.

4. Exceptions:

The provisions of this By-Law shall not apply to:

- (a) 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 purpose.
- (b) Work performed in respect of the maintenance, construction or demolition of a public right of-way or public space.
- (c) Any military or other bands or any parade, operating under permission from Council of the municipality.
- (d) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (e) The ringing of church or school bells.
- (f) The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas carols.
- (g) Concerts, circuses, fairs, parades or any like activity where permission has been issued from Council of the municipality.
- (h) Any activity, work or undertaking which would otherwise be prohibited by this By-Law where permission has been issued from Council of the municipality.
- (i) Aircraft.

(j) Any sound arising from operation of a railway operating under the Railway Act of Canada or from any plant or work in connection with the operation of a railway.

5. This By-Law shall be administered by a Peace Officer in and for the Province of Manitoba, or a By-Law Enforcement Officer appointed by the Rural Municipality of Cartier.

6. Penalty


6.1 Every person who contravenes, or refuses, omits, or fails to obey or observe any provision of this by-law is guilty of an offence and is liable, on summary conviction to a fine no less than \$50.00 and not exceeding \$1,000.00 or to imprisonment for a term not exceeding one month or to both the fine and imprisonment.

6.2 Where a contravention of this By-law continues for more than one day, the person responsible is guilty of a separate offence for each day that it continues.

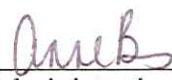
7. Severability

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.

DONE AND PASSED by the Council of the Rural Municipality of Cartier in Council duly assembled this 26th day of September, A.D. 2011.



Reeve



Chief Administrative Officer

Read a first time this 12th day of September A.D. 2011.
Read a second time this 26th day of September A.D. 2011
Read a third time this 26th day of September A.D. 2011.