

THE RURAL MUNICIPALITY OF STE. ANNE

BY-LAW NO. 4 - 1990

BEING A By-law of The Rural Municipality of Ste. Anne regulating unnecessary and harmful noises.

WHEREAS Section 370 of The Municipal Act, R.S.M. 1988, c.M225 provides:

"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 public places in the municipality, of loud speakers or other devices for the amplification of sound."

AND WHEREAS excessive sound is a hazard to the public health and welfare, safety, and the quality of life;

AND WHEREAS the people have 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 THE RURAL MUNICIPALITY OF STE. ANNE in council assembled enacts as follows:

Section I - SHORT TITLE

That this by-law may be referred to as The Rural Municipality of Ste. Anne Noise Control By-law.

Section II - DEFINITIONS

In this by-law:

2.1 CONSTRUCTION

Means any site preparation, assembly, erection, substantial repair, alteration, or similar actions, but not excluding demolition, for or of the public or private right-of-ways, structures, utilities or similar property.

2.2 COUNCIL

Means The Rural Municipality of Ste. Anne.

2.3 COUNCIL'S APPOINTEE

Means a person appointed by Council to act on its behalf in the issuing of permits pertaining to the Noise Control By-law.

2.4 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.

2.5 MOTOR VEHICLE

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

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2.6 MOTORIZED RECREATIONAL VEHICLES

Means all recreational motorized vehicles whether or not duly licensed 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.

2.7 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.

2.8 OCCUPANT

Means and includes owner, lessee, sub-tenant, and his/her or their assigns, heirs, and legal representatives, and shall include any person exercising physical control or possession of any lands, dwelling house, or premises in question, whether or not such control or possession is with the consent of the owner.

2.9 OWNER

Means the person or persons shown as the registered owner on the last revised assessment roll for the Municipality of Ste. Anne and includes the lessor, the person giving or permitting the occupancy of the premises in question and his/her or their heirs, assigns and legal representatives, and also includes any person entitled to possession of the premises, dwelling house, real property, or lands.

2.10 PEACE OFFICER

Means a member of The Royal Canadian Mounted Police.

2.11 PERMIT

Means a permit which may be issued at the discretion of Council's Appointee setting the conditions pursuant to which a condition which otherwise might be a nuisance noise may be temporarily permitted.

2.12 PERSON

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

2.13 POINT OF RECEPTION

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

2.14 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.

2.15 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.

2.16 PUBLIC SPACE

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

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2.17 SOUND

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

Section III - NOISE NUISANCE PROHIBITED

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

3.1 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:

3.2 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.

3.3 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 10:00 P.M. on any day and 8:00 A.M. of the following day.

3.4 RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS AND SOUND PRODUCING DEVICES

No person shall operate 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.

3.5 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, seven days a week.

Section IV - EXEMPTIONS

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

- 4.1 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.
- 4.2 Work performed in respect of the maintenance, construction or demolition of a public right of way or public space.
- 4.3 Any military or other bands or any parade, operating under permit from the Municipality.
- 4.4 Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.

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- 4.5 The ringing of bells by a church or school.
- 4.6 The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas Carols.
- 4.7 Concerts, circuses, fairs, parades or any like activity where a permit has been obtained from the Municipality.
- 4.8 Any activity, work or undertaking which would otherwise be prohibited by this by-law where permission has been obtained from the Municipality.
- 4.9 Aircraft and railway rolling stock.
- 4.10 Any operation of agricultural machinery being used for agricultural purposes.
- 4.11 Sounds created by farm animals or farm dogs.
- 4.12 The operation of equipment by or on behalf of the Rural Municipality of Ste. Anne.

Section V - PERMITS

- 5.1 Any permits required under this by-law shall be requested in writing.
- 5.2 There shall be no charge for permits issued under this by-law.

Section VI - PENALTY

- 6.1 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 Three Hundred (\$300.00) Dollars in addition to costs for each offence, payable to The Rural Municipality of Ste. Anne, 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 Eastern Judicial District for any period not exceeding twenty-one days, unless the said penalty and costs or penalty or costs be sooner paid.
- 6.2 Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of a separate offence for each day that it continues.

Section VII - SEVERABILITY

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

DONE AND PASSED in Council assembled this 9th day of  
MAY A.D., 1990.

THE RURAL MUNICIPALITY OF STE. ANNE

First Reading March 14, 1990  
Second Reading March 22, 1990  
Third Reading May 9, 1990

  
REEVE

  
SECRETARY-TREASURER