

**VILLAGE OF MACGREGOR
BY-LAW 692/01**

**BEING A BY-LAW OF THE VILLAGE OF MACGREGOR
RESPECTING NOISE CONTROL**

**THE COUNCIL OF THE VILLAGE OF MACGREGOR IN SESSION
ASSEMBLED ENACTS AS FOLLOWS:**

For the purpose of this by-law the following definitions shall apply:

1. DEFINITIONS

- a) By-Law Enforcement Officer or Designate – shall mean the authorized By-Law Enforcement Officer of The Village of MacGregor or any person authorized by resolution of Council to enforce this by-law and the R.C.M. Police.
- (b) Construction – means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.
- (c) Demolition – means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (d) Emergency – means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (e) 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.
- (f) Equipment – includes any internal combustion engine or anything powered by an internal combustion engine and any other machine which may disturb the peace and quiet in an unreasonable manner when operated.
- (g) Motor Vehicle – means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.
- (h) 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.
- (i) 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.
- (j) Owner – includes:
 - i) the owner at law,
 - ii) the registered owner, when reference is made to a vehicle registered under The Highway Traffic Act of Manitoba or any provincial or state legislation similar to The Highway Traffic Act, and;

- iii) a person who is renting, leasing or otherwise authorized by the owner of same to have possession or control of any equipment.
- (k) Person – means any individual, firm, partnership, association, corporation, company or organization of any kind.
- (l) Point of Reception – means any point on any lands or premises where sound, originating from other lands or premises, is received.
- (m) Powered Model Vehicle – means any self-propelled airborne, waterborne 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.
- (n) Public Right-of-Way – means any street, avenue, lane, highway, boulevard, sidewalk, park, square, subway, bridge, wharf, thorough-fare or way or similar place, which is owned or controlled by a governmental entity.
- (o) Public Space – means any real property or structures thereon which are owned or controlled by a governmental entity.
- (p) Weekday - means any day Monday through Friday, which is not a statutory holiday.

2. PROHIBITED ACTS

- (a) Noise Nuisance Prohibited – Except to the extent permitted by this by-law, no person shall make, continue, or cause to be made or continued, any noise nuisance.
- (b) Specific Prohibitions – The following acts, among others, and the causing thereof, are declared to be in violation of this by-law, but the enumeration shall not be deemed to be exclusive.
 - (i) Animals and Birds – No person shall own or possess or harbour any animal or bird which creates a noise nuisance at a point of reception.
 - (ii) Construction Activities – No person shall operate or permit the operation of any tools or equipment used in construction, drilling, or demolition work on Sundays at any time or on weekdays between the hours of 10:00 P.M. and 7:00 A.M. the following day or on Saturdays and statutory holidays before 7:00 A.M. and after 9:00 P.M.
 - (iii) Domestic Power Tools – No person shall operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoors which creates a noise nuisance on weekdays between the hours of 9:00 P.M. and 7:00 A.M. the following day or on Saturdays or Sundays and statutory holidays before 7:00 A.M. and after 9:00 P.M.
 - (iv) 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.
 - (v) Loading and Unloading – No person shall load, unload, deliver, pack or unpack, or otherwise handle any containers, products, materials or refuse in such a manner as to create a noise nuisance.

- (vi) People Noise – No person shall yell, shout, whistle or sing to the extent that a noise nuisance is created.
- (vii) 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. and 9:00 A.M. of the following day.
- (viii) Radios, Television Sets, Musical Instruments and Sound Producing Devices in Residential Districts – No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a residential district which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception at any time.
- (ix) Radios, Television Sets, Musical Instruments and Sound Producing Devices in Commercial Districts – No person shall operate play or permit the operation of playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a commercial district which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception, unless used for the purpose of advertising some patriotic or other public object and unless a permit has been issued by the Village.
- (x) Standing Equipment and Motor Vehicles – No person shall allow to operate or leave operating or running any equipment or motor vehicle that is parked or standing, outside of a closed building, for more than one hour at a time, except:
 - 1) in the event of an emergency and then only if the person is taking immediate steps to remedy the emergency; or
 - 2) with the prior written authorization of the Chief Administrative Officer, given for the purpose of facilitating construction, repair or other short-term needs where no reasonable alternative exists.
- (xi) Street Sales – No person shall offer for sale or sell anything by shouting, out-cry or amplified sound.
- (xii) Vehicle or Motor Boat Repairs and Testing – No person shall repair, rebuild, modify or test any motor vehicle, motorcycle, motor boat, outboard motor, recreational vehicle or motorized equipment in such a manner as to create a noise nuisance at a point of reception between the hours of 10:00 P.M. and 7:00 A.M. of the following day on weekdays and Saturdays and at no time on Sundays.

3. EXEMPTIONS

- (a) the provisions of this by-law shall not apply to:
 - (i) 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.
 - (ii) Work performed in respect of the maintenance, construction or demolition

of a public right-of-way or public space.

- (iii) Any military or other bands or any parade, operating under written permit from the Village.
- (iv) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- (v) The ringing of church or school bells.
- (vi) The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas Carols.
- (vii) Concerts, Circuses, Fairs, Parades or any like activity where a permit has been issued by the Chief Administrative Officer.
- (viii) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Chief Administrative Officer.
- (ix) Railway rolling stock.

4. ENFORCEMENT

- a) Any person who contravenes this by-law, any owner(s) of an animal that creates a noise nuisance in contravention of this by-law and any owner(s) of equipment, motor vehicle, motorized recreational vehicles, powered model vehicle operated in contravention of this by-law, commits an offence and is liable on conviction to payment of a fine of not less than \$100 or more than \$500 on each such conviction.
- b) Where a contravention of this by-law continues for more than one day, the person and owner(s) is guilty of a separate offence for each day it continues.
- c) In addition to any prosecution for a contravention of this by-law, where the By-Law Enforcement Officer or Designate observes a contravention of it in progress, the Officer or designate may seize and impound any animal or equipment, motor vehicle, motorized recreational vehicles, powered model vehicle involved in the contravention. In such an event, the impounded item will remain impounded until:
 - i) the owner reimburses the Village for the actual cost of seizure and impoundment and for storage costs of \$25 per day; and
 - ii) any prosecution hereunder has been finally concluded and any fine imposed as a result has been paid in full or Council has determined that it will not prosecute for this specific contravention of this by-law.
- d) Where there is more than one owner of the animal or equipment, motor vehicle, motorized recreational vehicles, powered model vehicle each owner is jointly and severally liable for all amounts due under this by-law.
- e) Where any person or owner liable to pay money to the Village as a result of a contravention of this by-law owns an interest in land within the Village, the money owing may be collected in any manner in which a tax may be collected or enforced under The Municipal Act.

4. This by-law shall come into force and effect forthwith after the passing thereof.

Mayor Darwin Crabbe

Daryl Hrehirchuk, CMMA
Chief Administrative Officer

Read a first time this 4th day of July, 2001 A.D.
Read a second time this 5th day of September, 2001 A.D.
Read a third time this 5th day of September, 2001 A.D.