

RM OF COLDWELL

BY-LAW NO. 06/04

BEING A BY-LAW TO REGULATE UNNECESSARY AND HARMFUL NOISE WITHIN THE RM OF COLDWELL.

WHEREAS Section 232(1) (c) of The Municipal Act provides that subject to section 233, activities or things in or on private property;

AND WHEREAS Section 233 (d) of The Municipal Act provides in part that activities or things that in the opinion of the council are or could become a nuisance, which may include noise,.....and vibrations.

NOW THEREFORE BE IT RESOLVED as a By-Law of the RM of Coldwell and it is hereby enacted as follows:

- 1) THAT this By-Law be referred to as the RM of Coldwell Noise Control By-Law;
- 2) Definitions: All terminology used in this by-law not defined below, shall be in conformance with current publications of the Canadian Standards Association (CSA) and the American National Standards Institute (ANSI) or respective successor body.
 - a) Rural Municipality means the RM of Coldwell.
 - b) Commercial, Industrial or Residential District means the various zoning districts as defined in the By-Laws relating to Zoning and the planning Scheme of the RM of Coldwell.
 - 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 rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- 3) Except to the extent permitted by this By-Law, no person shall make, continue, or cause to be made or continued, any noise nuisance, and specifically the following acts, among others, and the causing thereof, are declared to be in violation of this By-Law, namely:
 - a) No person owning or possessing or harbouring any dog or domestic animal shall allow it to create a noise nuisance.
 - b) Except to the extent, as may hereinafter be permitted by this By-Law, 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.


- c) (i) 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 11:00p.m. and 7:00a.m. of the following day.
 - (ii) No person shall operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors, to create a noise nuisance at the point of reception at any time except between the hours of 7:00a.m. and 11:00p.m. on weekdays and Saturdays and between the hours of 11:00a.m. and 11:00p.m. on Sundays.
 - d) 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.
 - e) 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.
 - f) No person shall by shouting, or otherwise, whether by amplified sound or other, cause a noise nuisance within the RM of Coldwell.
 - g) No person shall repair, rebuild, modify or test any motor vehicle, motorcycle, motor boat, outboard motor or motorized recreational vehicle in such a manner as to create a noise nuisance at a point of reception between the hours of 11:00p.m. and 7:00a.m. of the following day on weekdays and Saturdays and at no time on Sundays.
- 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 resolution from the RM of Coldwell.
 - 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 a resolution has been passed by the RM of Coldwell.
 - h) Any activity, work or undertaking which would otherwise be prohibited by this By-Law where a resolution has been passed by the RM of Coldwell.
 - i) Aircraft.
- 5) This By-Law shall be administered by a Peace Officer in and for the Province of Manitoba.
- 6) Any person guilty of a breach of the provisions of this By-Law shall, upon conviction, be liable for a fine of not less than \$50.00 plus costs and not more than \$500.00 plus costs or to be imprisoned for a period of three months in default of payment of any fine and costs so levied.
- 7) When the contravention, or failure to comply with an order or direction given under this By-Law continues for more than one day, the person is guilty of separate offence for each day that the contravention continues.

8) 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 in Council duly assembled at the RM of Coldwell in the Province of Manitoba this 14th day of September, 2004.



Brian Thomas – Reeve



K. Janet Isfeld, CMMA
Chief Administrative Officer

Read a first time this 5th day of August, 2004.

Read a second time this 14th day of September, 2004.

Read a third time this 14th day of September, 2004.