

THE RURAL MUNICIPALITY OF MONTCALM

BY-LAW NO. 368/87

WHEREAS s.362 of The Municipal Act of Manitoba provides as follows:

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- a) for regulating or prohibiting the ringing 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 in any public place, in the municipality, of loud-speakers or other devices for the amplification of sound.

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

AND WHEREAS the people and residents of the Rural Municipality of Montcalm have the right to an environment free from disturbing or annoying noises;

NOW THEREFORE the Rural Municipality of Montcalm, in Council duly assembled, enacts as follows:

1. Except to the extent permitted by this by-law, no person shall make, continue or cause to be made or continued, any noise nuisance.
2. The following acts, amongst others, and the causing thereof, are declared to be in violation of this by-law, but the said enumeration shall not be deemed to be exclusive, namely:
 - a) No person shall own or possess or harbour any animal or bird which creates a noise nuisance at a point of reception;
 - b) No person shall operate or permit the operation of any motorized lawn or garden equipment before the hour of 9:00 a.m. on Sundays.
3. The provisions of this by-law shall not apply to:
 - a) The existence of any 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.

3. (continued)

- b) Work performed in respect of maintenance, construction or demolition of a public right-of-way or public place.
- c) Any military or other bands or any parade, operating under written permit from the Secretary-Treasurer.
- 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 purpose of Christmas Carols.
- g) Concerts, Circuses, Fair, Parades, Tractor Pull, or any like activity where a noise nuisance permit has been issued by the Secretary-Treasurer.
- h) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a noise nuisance permit has been issued by the Secretary-Treasurer.
- i) Aircraft and railway rolling stock.
- j) The ringing of the Town siren.
- k) The Secretary-Treasurer may, at his discretion, issue nuisance permits as specified herein, subject to any appeal of his decision to the Council of the Rural Municipality of Montcalm whose decision on the matter will be final.



4.

- a) Every person who violates any of the sections of this by-law is guilty of an offence on summary conviction and may be liable for payment of a fine not exceeding \$1,000.00, in addition to costs, or upon default in payment of said fine and costs, to imprisonment for a period not exceeding 30 days.
- b) Any fine or pecuniary penalty imposed on a conviction in a prosecution for an offence under this by-law shall be paid to the Rural Municipality of Montcalm.
- c) Where the violation of this by-law continues for more than one day, the person is guilty of a separate offence for each day that it continues.
- d) It is recommended that, in enforcing this by-law, police officers should, upon receiving a complaint and witnessing the continuation of a noise nuisance, first request the offending person to immediately cease causing the nuisance by issuance of a warning to that effect and if the said offending person persists in causing

4. d) (continued)

the noise nuisance, then a charge should be laid under this by-law.

DONE AND PASSED in Council duly assembled, this 8th day of April, A.D. 1987.


Reeve

Secretary-Treasurer

READ A FIRST TIME this 8th day of April, A.D. 1987.

READ A SECOND TIME this 8th day of April, A.D. 1987.

READ A THIRD TIME AND PASSED this 8th day of April A.D. 1987.