

THE RURAL MUNICIPALITY OF RITCHOT

BY-LAW NO. 14-2003

Being a by-law of the Rural Municipality of Ritchot to prohibit or regulate certain activities and things creating noise and to restrict when certain sounds may be made

- A. **WHEREAS** sections 232(1) and 233 of *The Municipal Act*, empower a council to pass a by-law respecting
- i. the safety, health, protection and well-being of people, and the safety and protection of property, and
 - ii. activities and things in, on or near a public place, and in or on private property, including activities or things that in the opinion of council are or could become a nuisance, which may include noise;
- B. **AND WHEREAS** the Council of the Municipality wishes to provide for an environment free from unusual, unnecessary or excessive noises which may degrade the quality and tranquility of life in the Municipality and therefore deems it advisable and in the public interest to pass this By-law;

THEREFORE the Council of the Rural Municipality of Ritchot ENACTS AS FOLLOWS:

1. PURPOSE

- a. The purpose of this By-law is to prohibit or regulate certain activities and things creating noise, to abate the incidence of noise, and restrict when certain sounds may be made.

2. INTERPRETATION

- a. In this By-law,
- i. Agriculture means the practice of cultivating the soil or rearing animals;
 - ii. Construction includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, moving, land clearing, earth moving, grading, excavating, the laying of pipes and conduit whether above or below ground level, street and highway building, concreting, equipment installation and alteration and the structural installation of construction components and materials in any form or for any purpose, and includes any work in connection therewith;
 - iii. Construction Equipment means any equipment or device designed and intended for use in construction or material handling, including but not limited to, air compressors, pile drivers, pneumatic or hydraulic tools, bulldozers, tractors, excavators, trenchers, cranes, derricks, loaders, scrapers, pavers, generators, off-highway haulers or trucks, ditchers, compactors and rollers, pumps, concrete mixers, graders or other material handling equipment;
 - iv. Conveyance includes a vehicle and any other device employed to transport a person or persons or goods, from place to place but does not include any such device or vehicle if operated only within the premises of a person;
 - v. Highway includes a common and public highway, street, lane, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles;
 - vi. Intermittent means to cause to cease for a time or at intervals;

- vii. Motor Vehicle includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include cars of electric or steam railways, construction equipment, farm tractor, self-propelled implement of husbandry or road building machine within the meaning of *The Highway Traffic Act* as amended;
- viii. Motorized Conveyance means a conveyance propelled or driven otherwise than by muscular, gravitational or wind power;
- ix. Municipality means the land within the geographic limits of the Rural Municipality of Ritchot;
- x. Noise means unwanted noise;

3. GENERAL PROHIBITIONS

- a. No person shall make, emit or cause or permit the emission of sound resulting from any of the following activities or things:
 - i. The racing of any motorized conveyance other than in a racing event regulated by law.
 - ii. The operation of a motor vehicle in such a way that the tires squeal.
 - iii. The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.
 - iv. The operation of a vehicle or a vehicle with a trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.
 - v. The operation of a motor vehicle horn or other warning device except where required or authorized by law or in accordance with good safety practices.
 - vi. The operation of any item of construction equipment in a residential area without effective muffling devices in good working order and in constant operation.
 - vii. The operation of any malfunctioning condenser fan related to a refrigeration unit on a commercial property.
 - viii. The operation or use of any electronic device at a level that disturbs the peace, enjoyment and comfort of individuals or the public.
 - ix. The operation of any banger or other noise-producing device used for the purpose of scaring away animals, unless the impact noise is minimized at all times the device is operated and the time restriction set out in Table 1 of Section 4 is complied with.
 - x. Intermittent barking, calling or whining or other similar intermittent noise-making, if such noise persists for a period of time in excess of one/half hour, by a domestic pet or any other animal kept for any purpose other than agriculture.
 - xi. The detonation of fireworks or explosive devices not used in construction.

4. PROHIBITIONS BY TIME AND PLACE

- a. No person shall make, emit or cause or permit the emission of sound resulting from any activity or thing listed in Table 1 within a prohibited time shown for such an activity or thing.

TABLE 1

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| 1. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound. | 11 p.m. to 7 a.m |
| 2. The operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and intended for the production, reproduction or amplification of sound by any musical group or musical group members. | 11 p.m. to 7 a.m |
| 3. The operation of any auditory signaling devices, including but not limited to the ringing of bells, except for religious services, or gongs and blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means, except where required or authorized by law or in accordance with good safety practices. | 11 p.m. to 7 a.m |
| 4. The operation of a commercial car wash with air drying equipment abutting a residential zone. | 9 p.m. to 7 a.m. |
| 5. Yelling, shouting, hooting, whistling or singing. | 11 p.m. to 7 a.m |
| 6. All selling or advertising by shouting or outcry or amplified sound. | 9 p.m. to 8 a.m. |
| 7. Loading, unloading, delivering, packing, unpacking, or otherwise handling any containers, products, materials or refuse in a residential zone or a business operation adjacent to a residential zone, unless necessary for the maintenance of essential services or the moving of private household effects. | 11 p.m. to 6 a.m |
| 8. The operation of any equipment in connection with construction. | 11 p.m. to 7 a.m |
| 9. The operation or use, in a residential zone, of any tool for household purposes, other than snow removal. | 11 p.m. to 7 a.m |
| 10. The operation or use, in a residential zone, of any power tools for the purpose of repairing or constructing. | 11 p.m. to 7 a.m |
| 11. The operation of any motorized conveyance other than on a highway or other place intended for its operation. | 9 p.m. to 7 a.m. |
| 14. The operation of any banger or other noise-producing device used for the purpose of scaring away animals. | 11 p.m. to 7 a.m |

5. **EXEMPTIONS**

- a. **Public Safety**
Despite any other provisions of this By-law, it shall be lawful to emit or cause or permit the emission of sound or vibration in connection with emergency measures undertaken;
- i. for the immediate health, safety or welfare of the inhabitants or any of them, or;
 - ii. for the preservation or restoration of property.
- b. **Snow Removal**
This By-law does not apply to noise generating from the operation of removing or clearing snow or sanding and salting.
- c. **Construction Operations**
Despite any other provisions of this By-law, no person shall operate any equipment in connection with construction:
- i. before 8:00 a.m. or after 8:00 p.m. any Saturday, or;
 - ii. before 9:00 a.m. or after 8:00 p.m. on any Sunday or statutory or public holiday, or;
 - iii. before 7:00 a.m. or after 9:00 p.m., from Monday to Friday if the construction operation is pertaining to roadway excavation, construction or repair.

6. **EXEMPTION BY COUNCIL**

- a. **Application to Council**
Despite anything contained in this By-law, any person may apply to Council for an exemption from any of the provisions of this By-law with respect to any source of sound or vibration for which he/she may be prosecuted. Council may by resolution refuse to grant any exemption, or may grant the exemption applied for or any exemption of a lesser effect, and any exemption granted shall specify the time period, not to be in excess of six (6) months, during which it is effective and may contain such terms and conditions as Council may deem appropriate.
- b. **Decision**
In deciding whether to grant the exemption, Council shall give the applicant and any person opposed to the application an opportunity to be heard, and may consider such other information as it may deem appropriate.
- c. **Non-compliance**
Non-compliance by the applicant with any of the terms or conditions of any exemption granted by Council shall render the exemption null and void.

7. **SEVERABILITY**

- a. If a court of competent jurisdiction should declare any section or part of a section of this By-law invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of the By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.


8. **PENALTY**

- a. Every person who contravenes any of the provisions of this By-law is guilty of an offence and shall, upon conviction thereof, be liable on summary conviction to a fine of not more than \$100.00 for a first offence and not more than \$1000.00 for a second or subsequent offence.
- b. Where contravention of this by-law continues for more than one day, the person is guilty of a separate offence for each day that the offence continues.

9. **BY-LAW NO.33-97 REPEALED**

- a. By-law No.33-97 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Ritchot, duly assembled at St. Adolphe, in the Province of Manitoba this 1st day of June, 2004.



R. Stefaniuk, Mayor



Y. Sapourin, Chief Administrative Officer

Read a first time this 6th day of May, 2003.

Read a second time this 19th day of May, 2004.

Read a third time this 1st day of June, 2004.