

**TOWN OF ARBORG**

**BY LAW NO. 20-2000**

Being a By-Law of the Town of Arborg to Provide for the  
Regulation and Prevention of Noise

**WHEREAS** subsection 232(1) of The Municipal Act, Revised Statutes of Manitoba LM 1996 c.58 provides:

“A council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities and things on private property;”

**AND WHEREAS** subsection 233(d) of the Act provides that regulations regarding private property may contain provisions in respect of

- (d) activities or things that in the opinion of council are or could become a nuisance, which may include noise.....”

**NOW THEREFORE** be it enacted as a by-law of the Town of Arborg enacts as follows:

**SECTION 1 – Short Title**

1. This by-law may be referred to as “The Town of Arborg Noise Control By-law”

**SECTION 2 - DEFINITIONS**

- 2 a) **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 Town of Arborg.
- b) **Construction**  
means any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition, for or of public or private right-of-ways, 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 threatened or caused by an emergency.
- 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) **Motor Vehicle**  
means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular.

- g) **Motorized Recreational Vehicle**  
means all recreational motorized vehicles whether or not licensed or registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, all terrain vehicles, amphibious craft and motor boats.
- h) **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.
- i) **Person**  
means any individual, firm, partnership, association, corporation, company or organization of any kind.
- j) **Point of Perception**  
means any point on any lands or premises where sound, originating from other lands or premises, is received.
- k) **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.
- l) **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 characteristics of such sound, including duration, intensity and frequency.
- m) **Town**  
means the Town of Arborg.

### **SECTION 3 – PROHIBITED ACTS**

- 3.1 Except to the extent permitted by this by-law, no person shall make, continue, cause or allow to be made or continued any noise nuisance.
- 3.2 The following acts, among others, and the causing thereof, are declared to be in violation of this by-law. The said enumeration shall not be deemed to be exclusive, namely:
- a) Owning, possessing or harbouring any animal or bird which creates a noise nuisance;
- b) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle or other vehicle of whatsoever kind, except when required by law;
- c) Operating or permitting the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snowblower or similar device used outdoors which creates a noise nuisance on weekdays between the hours of 10:00 P.M. and 7:00 A.M. on the following day or on Saturdays and Sundays and statutory holidays before 9:00 A.M. and after 10:00 P.M.;
- d) Operating or permitting the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance;
- e) Operating or permitting 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. and 7:00 A.M. of the following day;

- f) Operating or permitting the operation of any engine or motor vehicle or attached auxiliary equipment for a continuous period exceeding ten minutes, while such vehicle is stationary in a residential district or in any other location within 150 meters of a residential district between the hours of 10:00 P.M. and 7:00 A.M. of the following day;
- g) Beating of drums;
- h) Yelling, shouting, screaming, whistling or singing to the extent that a noise nuisance is created;
- i) Firing of firearms, the firing or setting off of fireballs, squibs, firecrackers or fireworks;
- j) The operation of anything with the intent to cause unnecessary or unreasonable noise;
- k) The operation of anything that causes noise because of bad maintenance, bad repair or improper operation (as in spinning motor vehicle wheels to make the tires squeal on pavement);
- l) Operating, playing or permitting the operating or playing of any radio, television, stereo, drum, musical instrument, loudspeaker, public address system, sound amplifier or other 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, including the operation of any radio or sound amplification system of any kind in any motor vehicle;
- m) Repairing, rebuilding modifying or testing of any motor vehicle, motorcycle, motorboat, outboard motor or recreational vehicle in such a manner as to create a noise nuisance at a point in reception between the hours of 10:00 o'clock P.M. and 7:00 o'clock A.M.;
- n) The use of engine retarders (jake brakes) within the boundaries of the Town of Arborg.

#### **SECTION 4 - Exemptions**

- 4 The provisions of this by-law shall not apply to:
  - 4.1 The existence of any emergency or the emission of such 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 the emergency purpose.
  - 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 written permit from the Council of the Town of Arborg and the approval of the R.C.M.P.
  - 4.4 Any vehicle of the police, fire department or ambulance or any public service or emergency vehicle.
  - 4.5 The ringing of church bell.
  - 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 issued by the Council of the Town of Arborg with the approval of the R.C.M.P.

- 4.8 The lighting of fireworks, by certified personnel, as a public display for the benefit of the community at large with the approval of Council.
- 4.9 Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Council of the Town of Arborg and the approval of the R.C.M.P.

**SECTION 5 – Penalty**

- 5.1 Any person violating any of the provisions of this by-law shall upon conviction before the appropriate authority be liable to a penalty not exceeding \$500.00 in addition to costs or, in the case of non-payment of fine and costs inflicted, to imprisonment for a period not exceeding thirty (30) days.
- 5.2 Wherever the provision of any by-law or town planning scheme of the Town, or any by-law or town planning scheme administered by the town impose overlapping or contradictory regulations of the control or prohibition of noise, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive standard shall apply.

**SECTION 6 – By-laws Repealed**

- 6. Town of Arborg By-law No. 11-97 is hereby repealed.

**SECTION 7 – Severability**

- 7. 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** by the Council of the Town of Arborg duly assembled in Arborg, Manitoba this **10<sup>th</sup>** day of **January**, A.D. 2001.

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**Randy Sigurdson**  
**Mayor**

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**Lorraine Bardarson**  
**Chief Administrative Officer**

Read a first time this	<b>13<sup>th</sup></b>	day of	<b>December</b>	A.D. 2000
Read a second time this	<b>13<sup>th</sup></b>	day of	<b>December</b>	A.D. 2000
Read a third time this	<b>10<sup>th</sup></b>	day of	<b>January</b>	A.D. 2001