

BY-LAW #17/12
OF THE
RURAL MUNICIPALITY OF ROCKWOOD

Being a By-Law of the Rural Municipality of Rockwood to regulate unnecessary and harmful noise within the Rural Municipality of Rockwood.

WHEREAS Sections 232(1) (a) and (c) of The Municipal Act, S.M. 1996, C. M225, provides, in part:

“232(1) A council may pass by-laws for municipal purposes respecting the following matters:

- a) the safety, health, protection and well-being of people ...; and
- c) subject to Section 233, activities or things in or on private property”;

AND WHEREAS Section 233 (d) of The Municipal Act, S.M. 1996, C. M225, provides, in part:

“233 A by-law under clause 232(1)(c) may contain provisions only in respect of:

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

AND WHEREAS it is deemed expedient and in the best interest of the Municipality to pass a By-Law to regulate unnecessary and harmful noises and disturbances within the Rural Municipality of Rockwood;

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

1. 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) “Emergency” shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency.
- b) “Emergency Work” shall mean any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.
- c) “Motor Vehicle” shall mean an automobile, motorcycle, truck or any other vehicle propelled or driven otherwise than by muscular power.
- d) “Motorized Recreational Vehicle” shall mean 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, snowmobiles, trail bikes, amphibious crafts, and motor boats.
- e) “Noise Nuisance” shall mean any unreasonably loud or unusual sound or any sounds that are likely to annoy, injure, or disturb the health, peace, or safety of any person.
- f) “Peace Officer” shall mean a RCMP Officer or a Special Constable.

- g) “Powered Model Vehicle” shall mean any self-propelled air-borne, water-borne, or land-borne airplane, vessel or vehicle that is not designed to carry a person including, but not limited to, any model airplane, boat, car or rocket.
- h) “Sound” shall mean an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarification of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

2. **REGULATIONS:**

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) Any person owning, possessing, or harbouring any animal or bird shall not 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) 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 10:00 p.m. and 7:00 a.m. of the following day.
- d) No person shall operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors to create a noise nuisance at the point of reception except between the hours of 7:00 a.m. and 10:00 p.m. on any day.
- 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 zone in a townsite nor in the rural residential zones 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 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 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 written permission has been issued by the Rural Municipality of Rockwood.
- g) No person shall, by shouting or otherwise, whether by amplified sound or other, cause a noise nuisance.
- h) 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 10:00 p.m. and 7:00 a.m. on the following day.
- i) The sound emanating from excavation or construction work of any nature between the hours of 10:00 p.m. of any day and 7:00 a.m. of the next following day, except on Sundays when no excavation or construction work is permitted.

- j) The sound caused by the lighting and/or setting off of any explosive noise making device, including a firecracker or other fireworks is prohibited at all times unless specifically authorized, in writing, by the Rural Municipality of Rockwood.

3. **EXCEPTIONS:**

The provisions of this By-Law shall not apply to:

- a) Farming and agricultural activities;
- b) Quarry operations;
- c) The existence of an emergency or the emission of sound in 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.
- d) Work performed in respect of maintenance, construction or demolition of a public right-of-way or public space.
- e) Any military or other bands or any parade operating under written permission from the Rural Municipality of Rockwood.
- f) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
- g) The ringing of church or school bells.
- h) The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas carols.
- i) Concerts, circuses, fairs, parades or any like activity where written permission has been issued by the Rural Municipality of Rockwood.
- j) Any activity, work or undertaking which would otherwise be prohibited by this By-Law where written permission has been issued by the Rural Municipality of Rockwood.
- k) Aircrafts.
- l) Trains.
- m) Water & Sewer system alarms.
- n) Emergency maintenance on public or private sewer and/or water systems
- o) Work performed by any government body, being Municipal, Provincial or Federal, or representative for said government body, for the benefit and well-being of the Municipality.

4. **ENFORCEMENT:**

This By-Law shall be enforced/administered by a Peace Officer in and for the Province of Manitoba or a By-Law Enforcement Officer appointed by the Rural Municipality of Rockwood.

5. **PENALTIES:**

- a) Any person who contravenes or refuses, neglects, omits, or fails to obey or observe any provision of this By-Law is guilty of an offence and, upon summary conviction, liable to a fine of Two Hundred Fifty Dollars (\$250.00) plus applicable costs for a first offence and to a fine of Five Hundred Dollars (\$500.00) plus applicable costs for a second or subsequent offence.
- b) Each contravention shall be considered as a separate offence.

6. Wherever the provisions of any other By-Law impose overlapping or contradictory regulations over 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.

7. **SEVERABILITY:**

If any provision of this By-Law is held to be invalid by any Court of competent jurisdiction, the remaining provisions of this By-Law shall not be invalidated.

8. **EFFECT:**

This By-Law shall come into force and effect on and from the date of its enactment.

9. That By-Law #22/11 is hereby repealed.

DONE AND PASSED in Council assembled in the Council Chambers of the Rural Municipality of Rockwood, at Stonewall, in the Province of Manitoba, this 24th day of October, A.D., 2012.

THE RURAL MUNICIPALITY OF ROCKWOOD

JIM CAMPBELL, REEVE

GRANT THORSTEINSON, CAO

GIVEN First Reading this 10th day of October, A.D., 2012.
GIVEN Second Reading this 10th day of October, A.D., 2012.
GIVEN Third Reading this 24th day of October, A.D., 2012.