



THE RURAL MUNICIPALITY OF ALEXANDER

BY-LAW NO. 10/20

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ALEXANDER to regulate unnecessary and harmful noise within the Municipality.

WHEREAS sections 232 and 233 of *The Municipal Act* L.M. 1996, c.58 Cap M225 provide in part as follows:

Spheres of Jurisdiction:

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 the safety and protection of property;
- (b) Subject to section 233, activities or things in or on private property;

Exercising by-law making powers

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) Regulate or prohibit;

Content of by-laws under clause 232(1)(c)

232(1) A by-law under clause 232(1) (c) (activities or things in or on private property) may contain provisions only in respect of:

- (c) Activities or things that in the opinion of the Council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations;

AND WHEREAS it is considered desirable to prohibit all loud, unnecessary or unusual noises or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or welfare of inhabitants of the Rural Municipality of Alexander;

NOW THEREFORE BE IT RESOLVED that the Council of the Rural Municipality of Alexander duly assembled enacts as follows:

Short Title

1. This By-Law may be referred to as the Rural Municipality of Alexander Noise By-Law 10/20.

Definitions

2. Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-Law have the same meaning as the same words and expressions in *The Municipal Act* with other definitions as follows:
 - a) “CAO” means the Chief Administrative Officer of the Rural Municipality of Alexander or his/her designate;
 - b) “Drone” means a motorized model or unmanned craft generally remotely or computer controlled;
 - c) “Emergency” means any occurrence or set of circumstances involving actual or imminent trauma or property damage necessitating immediate action;
 - d) “Municipality” means the Rural Municipality of Alexander;
 - e) “Noise” means:
 - i. An unreasonably loud, unnecessary or excessive noise or sound
 - ii. A noise or sound which unreasonably disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable individual or ordinary sensitivity; or

- iii. A noise or sound which is so harsh, prolonged, unnatural or unusual in time and place so as to occasion unreasonable discomfort to any individual or so as to detrimentally affect residential properties or places of business;

As determined by a Designated Officer, taking into account:

- i. The time of day and day of the week on which the noise or sound was made;
 - ii. The nature and use of the area from which the noise or sound emanates and the nature and use of the area at which it is received;
 - iii. The nature of the event or activity produce the noise or sound; and
 - iv. The volume, duration and nature of the sound, including whether it is recurrent, intermittent or constant;
- f) “Occupant” means and includes an owner, lessee, tenant, sub-tenant, under-tenant and respective assigns, heirs and legal representative, and includes any person, business or corporation exercising physical control or possession of real property or premises with or without the consent of the owner;
 - g) “Officer” means any designated officer or other person appointed and employed by the Municipality to administer and enforce this by-law and preserve and maintain the public peace;
 - h) “Owner” means the person or persons or the corporation shown as the registered owner of real property on the latest revised assessment rolls of the Municipality;
 - i) “Recreational Vehicle” means any motorized recreational vehicle, whether licensed and registered or not, including, but not restricted to racing cars, motorcycles, go-karts, all-terrain vehicles, off-road vehicles, snowmobiles, trail bikes, amphibious craft, jet skis and motor boats;
 - j) “Residential Area” means the residential zones as defined in the Zoning By-Law No. 08/20, and any amendments thereto; and
 - k) “Vehicle” means an automobile, motorcycle, truck, bus and any other vehicle propelled or driven by means other than by muscular power, solar power or wind.

Prohibited Noises

- 3. No person shall make or continue or cause to be made or continued, by whatever means, a Nuisance Noise except where otherwise permitted by this By-Law.

Prohibited Under Any Circumstances

- 4. Without restricting the generality of Section 3 hereof, the following shall be deemed to be Nuisance Noise in any part of the Municipality:
 - a) The sound of any loud, blasphemous, abusive, obscene or insulting language that is sung, shouted or spoken in a boisterous manner;
 - b) The sound emanating from any musical instrument, loudspeaker, or other machine or device for producing or reproducing sound which is audible from a distance of thirty (30) meters or more as determined by an Officer, unless authorized by Council;
 - c) The excessive sound emanating from any motorized toy, Drone, Recreational Vehicle or Vehicle as determined by an Officer, unless authorized by Council;
 - d) The sound of any horn, siren or similar signaling device except as a danger warning.
 - e) The use of engine retarder brakes (“Jake Brakes”) shall be prohibited within the following limits of the Rural Municipality of Alexander:
 - i. PTH 11 for one KM in either direction from the intersection of PTH 11 and Great Falls Road;
 - ii. PR 315 one KM west of PR 315 on PR 313 and one KM north of PR 313 on PR 315;
 - iii. 500 metres each side of the intersection of RD 97 and Stead Rd

Prohibited at Specific Times

5. Without restricting the generality of section 3 and the specifics of section 4, the following shall be deemed to be Nuisance Noise in any part of the Municipality if undertaken between the hours of 10:00 p.m. of any day and 7:00 a.m. of the following day:
 - a) The sound caused by the lighting and/or setting off of any explosive noise making device, including a firecracker or any fireworks, unless authorized by Council;
 - b) The sound emanating from excavation or construction work of any nature;
 - c) The sound resulting from the use and/or operation of any power tool, motorized lawn mower, snow clearing device, chain saw, leaf blower, motorized garden tiller, weed/grass trimmer or similar devices used outdoors in any Residential Zone;
 - d) The sound created by the use or operation of any drum, horn, bell or radio;
 - e) The sound created by any means for the purposes of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise which projects noise or sound into any street or public place, except where authorized by Council.

Responsibility for Nuisance Noise

6. The Owner or Occupant in control of a property or premises is responsible for Nuisance Noise created by invitees, guests or other persons on the property or premises in the same manner as the person actually creating the Nuisance Noise.

Permitted Noises

7. None of the provisions of this By-Law shall apply to:
 - a) Sound emanating from any concert, circus, fair, parade, street festival, block party or similar activity authorized by a resolution of Council;
 - b) Any farmer or agent or employee of a farmer operating farm equipment during the normal course of farming operation;
 - c) Any agent, employee, servant or contractor of the Municipality performing services for or on behalf of the Municipality including, without limitation, the performance of any public work including snow clearing, road maintenance and road construction;
 - d) Sound emanating from the clearing of snow from private parking lots and driveways;
 - e) The sirens of any emergency service vehicle while engaged in providing Emergency work or responding to an Emergency or during testing of any Emergency warning siren including any sounds emanating from a fire hall alarm;
 - f) sound emanating from the sound system of recognized recreational facilities with the Municipality during special events authorized by Council;
 - g) The use of any bell, chime or similar sound for the purpose of calling persons to church and/or school services.

Enforcement, Contravention and Fines

8. The enforcement process will be as follows:
 - a) Any person may allege a violation of this by-law by filing a written complaint with the Municipality or representative of the Municipality;
 - b) Where an Officer determines that a contravention of any provision of this by-law has occurred, the Officer may commence enforcement proceedings in accordance with the Municipality's enforcement policy and procedures;
 - c) A person who receives an order to remedy a contravention may appeal such order in accordance with the Municipality's General Enforcement By-Law. Council's decision on the issue is final and not subject to further appeal;
 - d) The Municipality and/or the Officer may take whatever action or measures are necessary to remedy a contravention of this by-law in accordance with the Municipality's General Enforcement By-Law;

- e) Any person who contravenes or disobeys or refuses or neglects to obey or comply with any provision of this by-law or any order made under this by-law is guilty to an offence and is liable to fines and penalties as set out in the Municipality's General Enforcement By-Law, or any fine by-law enacted by Council under the Provincial Offences Act or Municipal By-law Enforcement Act;
- f) All applicable fines, costs and charges remaining outstanding after the expiration of thirty (30) days from the date of issue of the offence notice shall be added to the owner's property tax account to be collected in the same manner as a tax may be collected under *The Municipal Act*.

Severability

- 9. 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.

Repeal

- 10. By-Law 768 and any amendments hereto is hereby repealed in its entirety.

THE RURAL MUNICIPALITY OF ALEXANDER


 Mayor

 Chief Administrative Officer

Read a 1st time this 8th day of December A.D. 2020

Resolution No. 2020 479

Read a 2nd time this 12th day of January A.D. 2021

Resolution No. 2021 016

Read a 3rd time this 12th day of January A.D. 2021

Resolution No. 2021 017

THE RURAL MUNICIPALITY OF ALEXANDER
BY-LAW NO. 10/20

SCHEDULE “A”

By-Law Enforcement Warning

RURAL MUNICIPALITY OF ALEXANDER
MUNICIPALITE' RURALE D'ALEXANDER

INFORMATION
OFFENCE NOTICE

The undersigned, being a By-Law Officer, says that he has reasonable and probable grounds to believe, and does believe that at R. M. of Alexander, Manitoba on the

DENONCIATION
AVIS D'INFRACTION

Le soussigné en qualité d'agent exécutif des règlements la paro, déclare qu'il a des motifs raisonnables et probables de croire et il croit qu'à la M.R. d'Alexander, Province du Manitoba, le:

DAY - JOUR	MONTH - MOIS	YEAR - ANNEE	TIME - HEURE
Name and address of registered owner/occupant / Nom et adresse du propriétaire/exploitant			
D.O.B.		DAY - JOUR	MO - MOIS
YEAR - ANNEE		D.O.B.	
VEH. LIC. NO. / No. DE PLAQUE		MAKE - MARQUE	
		COLOUR - COULEUR	
LOCATION - EMPLACEMENT			
DID UNLAWFULLY COMMIT THE FOLLOWING OFFENCE TO WIT / A ILLEGALEMENT COMMIS LE CRIME SUIVANT, A SAVOIR:			
BY-LAW / ARRÊTE MUNICIPAL		SECTION / DEMI-TOUR INTERDIT	
HTA			
No truck route / Passage interdit aux camions			
No truck parking / Stationnement interdit aux camions			
Other / Autre			
contrary to law. Signed on the date of the violation at R. M. of Alexander, Manitoba / contrairement à la loi. Signé à la date de la violation à la M.R. d'Alexander, Province du Manitoba.			
INFORMANT / DENONCIATEUR			
COMMENT / COMMENTAIRE			
1151			