

VILLAGE OF ST-PIERRE-JOLYS

BY-LAW 2003-13

BEING A BY-LAW TO REGULATE UNNECESSARY AND HARMFUL NOISE WITHIN THE VILLAGE OF ST-PIERRE-JOLYS.

WHEREAS subsection 232(1) of *The Municipal Act* provides as follows:

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

subject to section 233, activities or things in or on private property;

AND WHEREAS Section 233 of *The Municipal Act* provides as follows:

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

- d) 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 subsection 232(1) (o) of *The Municipal Act* provides as follows:

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

the enforcement of by-laws.

NOW THEREFORE BE IT RESOLVED that the Village of St-Pierre-Jolys hereby adopts this By-law as which is enacted as follows:

1. **THAT** this by-law be referred to as the Village of St-Pierre-Jolys Noise-Control By-law;

2. **THAT** 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) No person owning or possessing or harboring any animal or bird shall allow it to create a noise nuisance;

b) Except to the extent, as may hereinafter be permitted in 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) (i) 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 11:00 p.m. and 7:00 a.m. of the following day;
ii) No person shall operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoors, to create a noise nuisance at the point of reception at any time except between the hours of 7:00 a.m. and 11:00 p.m. on weekdays and Saturdays and between the hours of 10:00 a.m. and 11:00 p.m. on Sundays;

d) 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 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.

e) No person shall operate, play, or permit the operation of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a commercial district 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 patriotic or other public object and unless a permit has been issued by the Village of St-Pierre-Jolys;

f) No person shall by shouting, or otherwise, whether by amplified sound or other, cause a noise nuisance with the village.

g) 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 11:00 p.m. and 7:00 a.m. of the following weekdays and weekends.

h) The use of Engine retarder brakes shall be prohibited.

3. Exceptions:

a) The existence of an 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;

b) Work performed in respect of maintenance, construction or demolition of a public right-of-way or public space;

c) Any military or other bands or any parade, operating under written permit from the Village of St-Pierre-Jolys;

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 rendering of Christmas carols;

g) Concerts, circuses, socials, fairs or parades or any like activity;

h) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Village of St-Pierre-Jolys;

i) Aircraft.

4. This by-law shall be administered by a Peace Officer in and for the Province of Manitoba, or an officer appointed by the Village of St-Pierre-Jolys.

5. Offence - Any person contravening this by-law commits an offence and is liable on conviction to a fine of a minimum of One Hundred (\$100.00) but not exceeding One Thousand (\$1,000.00) Dollars.

6. Wherever the provisions of any by-law or Village Planning Scheme, or any by-law or Planning Scheme administered by the village 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 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 the by-law shall not be invalidated.

AND FURTHERMORE BE IT RESOLVED THAT By-Law 2001-5 be repealed.

DONE AND PASSED in Council assembled in the Village of St-Pierre-Jolys in the Province of Manitoba this 1st day of October 2003.

VILLAGE OF ST-PIERRE-JOLYS

MAYOR

CHIEF ADMINISTRATIVE OFFICER

1st Reading September 17, 2003

2nd Reading October 1, 2003

3rd Reading October 1, 2003