

MUNICIPALITY OF LOUISE
BY LAW# 2018-11

A By law of the Municipality of Louise to regulate harmful noise within the Municipality of Louise which includes the LUD of Clearwater, LUD of Crystal City and LUD of Pilot Mound.

Whereas subsection 232(1) (a), (b) and (c) of the Municipal Act provides; in part that,

232 (1) A Council may pass By laws for municipal purposes respecting the following matters;

- (a) The safety, health and 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 centers, restaurants, facilities, retail stores, malls and private clubs and facilities that are exempt from municipal taxation;
- (c) Subject to section 233, activities or things in or on private property;

And whereas subsection 233(d) of the Municipal Act provides in part as follows;

233 A By law under clause 232(1) (c) (activities or things in or on private property) may contain provision only in respect of;

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

And whereas it is deemed advisable to exercise the powers set out in the said sections of the Municipal Act as excessive sound is a serious hazard to the public health and welfare, safety and quality of life and the public has a right to and should be ensured an environment free from excessive sound that may be prejudicial to their health or welfare or safety or diminish the quality of life,

Now therefore the Council of the Municipality of Louise enacts as follows:

1. That this By law shall be referred to as the 'Municipality of Louise 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 harbouring any animal or bird shall 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 any mechanical power saw, drill, sander, grinder, lawn or garden tool, lawn mower or tractor, 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 6am and 11pm on weekdays and Saturdays and between the hours of 8am and 11pm 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 or playing 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 purposes of advertising some patriotic or other public object and unless a permit has been used under the Liquor Control Act.

- f) No person shall by shouting or otherwise, whether by amplified sound or other, cause a noise nuisance within the Municipality.
 - g) No person shall repair, rebuild, modify or test any motor vehicle, motorcycle, motor boat, outboard motor or motorized recreation vehicle in such a manner as to create a noise nuisance at a point of reception between the hours of 11pm and 7am.
3. That exceptions to the provisions of this By law shall not apply to the following:
- 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 the 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 permission of the Municipality of Louise.
 - 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) Concerts, circuses, fairs, parades or any like activity where approval has been granted by the Municipality of Louise
 - g) Any activity, work or undertaking by the Municipality of Louise employees if required to respond to an emergency situation
4. That any person who contravenes, refuses, neglects, omits or fails to obey or observe any provision of this By law is guilty of an offence and liable of a fine not less than:
- a) Fifty dollars (\$50) for the first offense
 - b) One hundred dollars (\$100) for the second offense
 - c) Two hundred dollars (\$200) for the third offense
 - d) Three hundred dollars (\$300) for each subsequent offense.

Done and passed in Council duly assembled at the LUD of Crystal City, in the Municipality of Louise within the Province of Manitoba this 10th day of May 2018

MUNICIPALITY OF LOUISE



Reeve



CAO

Read a first time this 9th day of May 2018
Read a second time this 10th day of May 2018
Read a third time this 10th day of May 2018