

**Town of Altona**

**By-Law 1708/2013**

Being a by-law to regulate unnecessary and harmful noise.

WHEREAS Section 232 of *The Municipal Act* reads as follows:

"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;"

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

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

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

NOW THEREFORE the Council of the Town of Altona, in session duly assembled, enacts as follows:

1. THAT this by-law may be referred to as the Town of Altona Noise Control By-Law";

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) **Town** means the Town of Altona

(b) **Commercial, Industrial or Residential District** means the various zoning districts as defined in the Town of Altona Zoning by-laws and the Town of Altona Development Plan.

(c) **Emergency** means any occurrence or set of circumstances involving actual or imminent physical

trauma or property damage threatened or caused by an emergency.

- (d) **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.
- (e) **Motor Vehicle** means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.
- (f) **Motorized Recreational Vehicles** means 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 craft and motor boats.
- (g) **Noise Nuisance** means any unreasonably loud or unusual sound or any sounds which are likely to annoy, injure or disturb the health, peace or safety of any person.
- (h) **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.
- (i) **Sound** means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

2. Except to the extent permitted by this by-law, no person shall make, continue, or cause to be made or continue, 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) (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 10:00 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, 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 10:00 p.m. on weekdays and Saturdays and *between the hours of 9:00 a.m. and 10:00 p.m. on Sundays.*
- (d) No person shall operate, play or permit the operation or playing of any radio, television, stereo system, 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 any time.
- (e) No person shall operate, play or permit the operation or playing of any radio, television, stereo system, 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 some patriotic or other public object and permission has been issued by the Town of Altona.
- (f) No person shall by shouting, or otherwise, whether by amplified sound or other, cause a noise nuisance within the Town of Altona.
- (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 10:00 p.m. and 7:00 a.m. of the following day on weekdays and not before 9 a.m. on Sundays.

**3. Exceptions:**

The provisions of this by-law shall not apply to:

(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 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 from the Town of Altona.

(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, fairs, parades or any like activity where permission has been given by the Town of Altona.

(h) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Town of Altona.

(i) Aircraft

(j) Sounding of the outdoor Warning Siren

(k) Snow clearing

4. This by-law shall be administered by the Town of Altona Chief of Police or a Peace Officer in and for the Province of Manitoba, or a designated officer of the Town of Altona.

5. Penalty shall be in accordance with Section 249(1) of the Municipal Act.
6. Wherever the provisions of any Town by-law or Town Development Plan 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 the by-law shall not be invalidated.

DONE AND PASSED as a by-law of the Town of Altona, this 14<sup>th</sup> day of May, 2013.



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Mayor Town of Altona



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CAO Town of Altona

Read a first time this 23<sup>rd</sup> day of April, 2013.

Read a second time this 14<sup>TH</sup> day of May, 2013

Read a third time this 14<sup>th</sup> day of May, 2013