

BY-LAW NO. 1909

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEHEAD, TO CONTROL AND REGULATE UNNECESSARY NOISE WITHIN THE MUNICIPALITY.

WHEREAS Section 362 of the Municipal Act, being Chapter M225 of the Continuing Consolidation of Statutes of Manitoba.

"The Council of any Municipality may pass by-laws:

- (a) for the regulating or prohibiting the ringing of bells, except church and school bells, blowing of horns, beating of drums, and other noises liable to disturb or annoy residents of the Municipality; and
- (b) for regulating, controlling, or prohibiting the use, on highways or on any public place, in the Municipality, of loudspeakers or other devices for the amplification of sound".

AND WHEREAS Section 97 of the Municipal Act, being Chapter M225 of the Continuing Consolidation of the Statutes of Manitoba, provides inter alia that a Municipality may by by-law make regulations "for the health, safety, morality, and welfare of the inhabitants and for the peace, order, and good government of the Municipality as the Council deems necessary or advisable".

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 insured of an environment free from excessive sound that may be prejudicial to the health or welfare or safety of the public or diminish the quality of life in the Municipality of Whitehead.

NOW THEREFORE THE COUNCIL OF THE RURAL MUNICIPALITY OF WHITEHEAD, IN COUNCIL DULY ASSEMBLED, ENACTS AS FOLLOWS:

1. That this By-law may be referred to as "the Municipality of Whitehead Noise Control By-law".
2. That in this By-law "Noise Nuisance" includes any unreasonable loud or unusual sound or any sounds which are likely to, or do annoy, injure, or disturb the health, peace, or safety of any person.
3. No person shall create a noise nuisance in the Municipality of Whitehead.
4. No person shall, at any time, shout, ring bells, except church or school bells, blow horns, operate mechanical devices or vehicles, 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 or reproduces or amplifies sound within the Municipality of Whitehead in such a manner as to create a noise nuisance.
5. Paragraphs 2 and 3 shall not apply to the making of announcements of a public or emergent nature by the Municipality of Whitehead or by any department thereof, nor to any activity undertaken under the authority of a permit issued by the Council of the Municipality of Whitehead.
6. That the Council of the Municipality of Whitehead may, by resolution, grant a permit for announcing or advertising public meetings or the holding of concerts, dances, entertainments, musical events, plays, theatrical events, athletic games and contests and carnivals when such are sponsored and operated by a service club or by a charitable, religious, community, fraternal, athletic, youth or municipal organization having its head office or a branch office located within the Municipality of Whitehead.

7. This By-law does not apply to any noises generated by the normal operation of the farming industry or any noise generated by the construction or like industries, when such operations are carried out under normal working conditions and times.

8. Any person who contravenes or violates, refuses, omits, neglects or fails to observe, obey or comply with any of the provisions of this By-law is guilty of an offence and liable, on summary conviction, to a fine not to exceed \$ 1,000.00 and costs for such an offence and in the case of non-payment of such fine and costs, to imprisonment for a period not exceeding 30 days.

PASSED AND ENACTED in Council duly assembled in Alexander, in Manitoba, this 14th day of December, A.D. 1987.

R.M. of WHITEHEAD



Reeve



secretary-Treasurer

I DO HEREBY CERTIFY the above to be a true and correct copy By-law No. 1909 of the RM. of Whitehead.

Dated at Alexander, in Manitoba, this 14th day of December, A.D. 1987.



Secretary-Treasurer