

**TOWN OF NEEPAWA
BY-LAW NO. 2439**

**BEING A BY-LAW FOR REGULATING AND PROHIBITING NOISES LIABLE TO
DISTURB OR ANNOY THE RESIDENTS OF THE TOWN OF NEEPAWA.**

WHEREAS Section 362 of The Municipal Act permits a Municipality to pass by-laws for the regulating and prohibiting of noises liable to disturb or annoy residents of that Municipality

AND WHEREAS in the opinion of the Council it is necessary to regulate and prohibit such noises:

NOW THEREFORE the Municipal council of the Town of Neepawa, in Council duly assembled, enacts as follows:

1. No person shall make or continue or cause or permit to be made or continued any sound which:
 - a. Is such that it does, or is likely to annoy, inconvenience or disturb persons;
 - b. Cause loss of enjoyment of normal use of property;
 - c. Interferes with the normal conduct of business; or
 - d. Cause damage to property
2. Applications for a permit for release from the provisions of this by-law on the basis of undue hardship may be issued by council. The application shall be made in writing and must include:
 - a. The name and address of the applicant;
 - b. A description of the source of sound in respect to which exemption is sought;
 - c. The period of time for which the exemption is sought;
 - d. The reasons why the exemption should be granted;
 - e. Any other information required at the time; and
 - f. A statement of steps, if any, planned or presently being taken to bring about compliance.

Council, by resolution, may refuse to grant any exemption or may grant the exemption applied for or any exemption of lesser effect and any exemption granted shall specify the time period during which it is effective and may contain such terms and conditions as Council sees fit.

3. In all work undertaken for or on behalf of the Municipality and in all agreements for work performed for the Municipality or for the acquisition of machinery or equipment by the municipality, it shall be required that due consideration be given to the sound level produced by any such machinery or equipment to be used or acquired.
4. Sound from any source is prohibited if it does not conform to the following restrictions:
 - a. In a residential zone or within 500 feet of an inhabited building, no person shall operate or allow to be operated between 10:00 p.m. and 7:00 a.m. Monday to Saturday or 10:00 p.m. and 9:00 a.m. Sundays and holidays, any device, including any tool or item of machinery or equipment which is powered by an electric motor or an internal combustion engine. This clause shall not apply to the above when operated within an enclosed structure.
 - b. No person shall shout, sing, yell or indulge in any other noise-producing activity between the hours of 10:00 p.m. and 7:00 a.m., so as to annoy or disturb the quiet, comfort or repose of any person in the vicinity or any person in any office, dwelling or hotel or any other type of residence.
 - c. No person shall cause or permit the keeping of livestock or any other animals in vehicles in any street, alley or public property, if their cries are audible on any residential property.

- d. No person shall allow any animal or bird in their charge to cause frequent or long-continued noise, which would disturb any person or persons in the vicinity.
5. No person shall drive, turn or stop any vehicle in a manner, which causes any unnecessary noise from the engine, exhaust system or the braking system or from the contact of the tires with the roadway.
6. No person shall idle any engine or motor or any motor vehicle or trailer for a continuous period exceeding five minutes while such a vehicle is stationery in a residential or commercial area unless:
 - a. The vehicle is in an enclosed structure constructed so as to effectively prevent excessive noise emission;
 - b. The original equipment manufacturer specifically recommends a longer idling period for normal and efficient operation of the motor vehicle;
 - c. Operation of such engine or motor is essential to a basic function of the vehicle or equipment, including but not limited to ready-mix concrete trucks, lift platforms and refuse compactors;
 - d. Prevailing low temperatures make longer idling periods necessary, immediately after starting the motor or engine; or
 - e. The vehicle is a bus operated for the transportation of passengers in an approved stopping area.
7. No person shall operate an auditory warning device of any kind on a motor vehicle, except to directly avoid an accident, unless required specifically permitted by law.
8. No person shall cause or permit the operation of any gas, gasoline, diesel or other engine or motor, unless it is equipped with a device or devices in good working order and in constant operation to prevent unnecessary noise from the exhaust system of such an engine or motor.
9. The banging, clanging, rattling or other like sound coming from a vehicle or the load on a vehicle or the trailer of a vehicle or the load on such trailer is prohibited unless operated on road surfaces which are not in good repair.
10. No person shall excavate or fill land, or construct, demolish or carry on construction of any type which involves hammering, sawing or the use of any machine, tool or equipment capable of creating a sound which may be heard beyond the boundaries of the site on which the activity is being carried out between 10:00 p.m. and 7:00 a.m. Monday to Saturday, or 10:00 p.m. to 9:00 a.m. Sunday and holidays.

The above restrictions do not apply to agricultural and industrial zoned land unless the sound impinges upon residential or commercial zones and exceeds the sound level limits for those zones.

11. It is the intention of the Town of Neepawa that each separate provision of this by-law shall be deemed independent of all other provisions herein, and it is further the intention of the Town of Neepawa that if any provision of this by-law be declared to be invalid, all other provisions there of shall remain valid.
12. Any person who fails to comply or contravenes any provision of this by-law is guilty of an offence and is liable, on summary convictions to a fine in an amount not less than \$25.00 nor more than \$100.00 each day the offence is permitted to continue. Each day it continues shall constitute a separate offence and shall be punishable as an offence.

DONE AND PASSED in Council assembled this 15th day of July, A.D., 1980.

TOWN OF NEEPAWA

Mayor

Municipal Administrator