

THE TOWN OF GILBERT PLAINS  
BY-LAW NO. 2006

A BY-LAW OF THE TOWN OF GILBERT PLAINS TO REGULATE OR PROHIBIT  
THE MAKING OR CAUSING OF NOISES OR SOUND IN THE MUNICIPALITY.

WHEREAS The Council of the Town of Gilbert Plains believes:

- (a) that certain noises or sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public, and
- (b) that it is desirable to regulate or prohibit the making or causing of noises or sounds in the municipality.

Now, Therefore, the Council of the Town of Gilbert Plains in council assembled, enacts as follows:

1. That this by-law may be referred to as "The Town of Gilbert Plains Noise Control By-Law."
2. Council considers that the acts listed below cause noises or sounds which are objectionable or are liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public:
  - (a) The noises caused by the discharge of a gun or other firearm or the firing or setting off of any sort of firecracker, grenade, fireworks or the operation of any other sort of noise-making device, unless specially authorized by the Mayor or Council;
  - (b) The sounding of any bell, horn, siren or other signal device on any motor vehicle, motorcycle, bicycle, or other vehicle of whatsoever kind, except when required by law;
  - (c) The sounding of any such bell, horn, siren or signal device for an unreasonable period of time;
  - (d) Playing or operating any radio, stereophonic equipment, television receiving set or other instrument or any apparatus for the production or amplification of sound, where the noise or sound is clearly audible at a point of reception in a residential area between the hours of 11:00 pm. one day and 9:00 am. the following day;
  - (e) The grating, grinding or rattling noise or sound caused by a condition of disrepair or maladjustment of any motor vehicle, motorcycle, or other vehicle whatsoever or part or accessory thereof, except when such vehicle is being driven or towed for the purpose of being repaired or adjusted or any unnecessary noise caused by the operation of any motor vehicle, motorcycle or other vehicle whatsoever;
  - (f) Idling or continuously running of a diesel engine, a truck or bus for more than 15 minutes at the same location, except, where the truck or bus is located within a garage or depot intended to be used for the long term parking of that vehicle;
  - (g) The discharge into the open air of the exhaust of any motor vehicle or motorcycle, except through a muffler or other device which effectively prevents loud or explosive noises;
  - (h) Erecting, demolishing, constructing, reconstructing, altering or repairing of any building or other structure within the Municipality or the excavating of any street, highway, lane, or other land before 7:00 am., or after 10:00 pm., Monday to Saturday and before 9:00 am., or after 10:00 pm., on Sundays and Statutory Holidays;
  - (i) The noise or sound created by the use or operation of any drum, horn, radio or mechanical loudspeaker, or other instrument or device or sound-producing, or sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise or which projects noise or sound into any street or other public place unless used for the purpose of advertising some patriotic or other public object and unless specially authorized by the Mayor or the Council;
  - (j) Crying, shouting or loud speaking creating or amounting to a public nuisance in or adjacent to any public street or place;
  - (k) Using a lawnmower or rototiller before 7:00 am., or after 10:00 pm.;
  - (l) Loading, unloading, delivering, collection, packing, unpacking, or otherwise handling any containers, products, materials, or refuse whatsoever before 7:00 am., or after 10:00 p.m., in any residential area;

- (m) Creating noise or sound by blasting or the operation of drills, compressors or other equipment used to prepare land for blasting before 7:00 am., or after 5:00 pm., Monday to Saturday and at all times on Sundays and Statutory Holidays.
- 3. No person shall make or cause or permit to be made a noise or sound described in Section 2.

4. EXEMPTIONS

The emission of noise or sound in connection with the following are excluded from the prohibitions, regulations and penalties contained in the By-law;

- (a) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering;
- (b) Noise or sound created from parades or public festivities authorized by Council;
- (c) Police, Fire Department or Emergency vehicles when engaged upon a service of public convenience or necessity;
- (d) Horn or signaling device on a boat, train or vehicle when used as a danger warning signal;
- (e) Municipal, other government or utility companies when engaged upon a service of the public or while engaged upon a service of public convenience or necessity;
- (f) Bells or chimes from churches or public institutions;
- (g) The unloading, loading, pick up or delivering of containers, products, materials, or whatsoever that is deemed necessary for the maintenance of essential services or the moving of household effects;
- (h) Noise or sound created in connection with emergency measures undertaken for the immediate health, safety or welfare of individuals or for the preservation or restoration of property;

5. INSPECTION

A Bylaw Enforcement Officer or Peace Officer is hereby authorized to enter, at all reasonable times, on any property to ascertain whether the requirements of this Bylaw are being met or the regulations contained in this By-law are being observed.

6(1) PENALTY

A person who contravenes a provision of this By-law is guilty of an offense and is liable, upon summary conviction, to a fine of not less than \$200.00 and not more than \$1,000.00 as stipulated in Schedule 'A' of this By-law.

6(2)

Any person who interferes with or obstructs the duties of a By-law Enforcement Officer or Peace Officer or any other person authorized to enforce any provisions of this By-law is guilty of an offense and is liable:

- (a) to a fine of not less than \$500.00 and not more than \$2,000.00, or to imprisonment for a term of not more than (30) thirty days, for the first offense, plus all applicable apprehension and impoundment costs.
- (b) to a fine of not less than \$1000.00 and not more than \$5,000.00, or to imprisonment for not more than six (6) months, for each subsequent offense, plus all applicable apprehension and impoundment costs.

7. REPEAL

The Town of Gilbert Plains "NOISE CONTROL BY-LAW NO. 681 IS HEREBY REPEALED.

DONE AND PASSED by the Council of the Town of Gilbert Plains, in Council  
assembled at Gilbert Plains, in the Province of Manitoba, this 22<sup>nd</sup> day of June  
AD 2000.

*Vern Ellis*

VERN ELLIS – Mayor

*Lori Parker*

LORI PARKER - CAO

READ A FIRST TIME THIS 13<sup>TH</sup> DAY OF JUNE A.D. 2000.  
READ FOR A SECOND TIME THIS 13<sup>TH</sup> DAY OF JUNE A.D. 2000.  
READ FOR A THIRD TIME THIS 22<sup>ND</sup> DAY OF JUNE A.D. 2000.