

TOWN OF THE PAS

BY-LAW NO. 4577

BEING A BY-LAW OF THE TOWN OF THE PAS PERTAINING TO NOISE AND TO REPEAL BY-LAW NO. 4511.

WHEREAS Section 232(1) of the Municipal Act provides:

The Council may pass by-laws for municipal purposes respecting the following matters:

- (b) people, activities and things in, or near a public place, or place open to the public, including parks, municipal roads, recreation centres, 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.

WHEREAS Section 233(d) of the Municipal Act provides inter alia:

- (a) A by-law under clause 232(1)(c) "activities or things in or on private property, may contain provisions only in respect of (d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.

WHEREAS Section 239 of the Municipal Act provides:

- (1) If this or any other act or by-law authorizes or requires anything to be inspected, remedied, enforced or done by a municipality, a designated officer of the municipality may, after giving reasonable notice to the owner or occupier of land or building or other structure to be entered to carry out inspection, remedy, enforcement or action,
 - (a) enter a land or structure at any reasonable time, carry out an inspection, enforcement or action authorized or required by the act or by-law;
 - (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
 - (c) make copies of anything related to the inspection, remedy enforcement action.
- (2) In an emergency, or in extraordinary circumstances, the designated officer need not give reasonable notice or enter at a reasonable hour and may do things referred to in clauses (1)(a) and (c) without the consent of the owner

AND WHEREAS it is deemed advisable to exercise the powers set out in the said section of 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, the public has a right to and should be ensured an environment free from excessive sound that may be prejudicial to their life or welfare, or safety, or diminish the quality of life.

NOW THEREFORE BE IT ENACTED as a By-Law of The Town of The Pas, and **IT IS HEREBY ENACTED** as follows:

1. This by-law shall be referred to as the Noise By-Law of the Town of The Pas.

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2. Definitions:

- (a) **“Town”** means the Town of The Pas
 - (b) **“Industrial Noise”** means a noise normally made in the course of normal operations by a machine when used by industry or in construction, exclusive of motor vehicles required to be licensed under The Highway Traffic Act;
 - (c) **“Industrial Machine”** means any machine properly used in any zone of the Town in accordance with applicable provisions of the Town Planning Scheme, including contractors' equipment, that cause noise immediately outside the limits of the parcel of land on which it is located.
 - (d) **“Town Limits”** means territorial limits of The Town of The Pas;
 - (e) **“Wrongful Noise”** means any noise unnecessarily or unreasonably caused, whether as to degree of noise or at all, within the Town Limits which is liable to disturb or annoy residents lawfully within the Town Limits by night or by day, and without restricting the generality of the foregoing, includes the ringing of bells other than church bells or school bells, the blowing of horns, the beating of drums, shouting or screaming or otherwise disturbing the peace, the firing of firearms, the operating of any vehicle other than an “industrial machine” with an internal combustion engine that is not equipped with an adequate muffler, the operation of anything which causes unnecessary or unreasonable noise, the operation of anything that causes noise because of bad maintenance, bad repair or improper operation.
3. The making of a wrongful noise within the limits of The Town of The Pas is prohibited.
 4. No industrial machine may be operated between the hours of ten (10) o'clock in the evening and seven (7) o'clock in the forenoon of the following day except equipment owned and /or operated by The Town of The Pas in emergency situations.” During the hours of seven (7) o'clock in the morning and ten (10) o'clock in the evening of the same day such industrial machines may be operated, provided all reasonable effort is made to minimize the noise produced by means of such machines, and provided such sound minimization equipment as is normally used with such machines is in operation. Snow removal and street (parking lot) sweeping shall be exempt from this clause.
 5. No loud speaker or other device for the amplification of sound shall be used on the highways or at any public place in The Town of The Pas that is not fully enclosed, between the hours of 10 o'clock in the evening and 7 o'clock on the following morning without a permit first being obtained from the authority of Town Council prescribing the time, place and period and for the use thereof.
 6. (a) No motor vehicle shall be operated within the limits of The Town of The Pas so as to cause unnecessary squealing of tires or throwing of gravel, therein, from the spinning of wheels of the vehicle due to willful and excessive acceleration thereof, and no motor vehicle shall be operated in such a manner so as to cause wrongful noise

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by virtue of the undue and excessive acceleration of the motor of any such motor vehicle.

(b) The use of engine retarder brakes are prohibited within the limits of the Town of The Pas and that signs will be placed on highways prior to Town limits advising that engine retarder brakes are prohibited.

7. No person who is in lawful control of a place shall permit any wrongful noise to be made in that place, or any noise to be made by an industrial machine during the prohibited period of the day hereinbefore set forth.
8. Any person violating any of the provisions of this by-law shall be liable to a fine not exceeding one thousand dollars (\$1,000.00), refer to the Town of The Pas Provincial Offences Act By-Law No. 4572.

Furthermore every person violating any of the provisions of this by- law is liable to the Town for any expenses, loss or damage incurred by the Town by reason of such violation and such cost along with the fine may be charged against the property owner and treated and collected as taxes levied against the property.

9. This by-law shall come into force upon the passing thereof.
10. By-law No. 4511 is hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 23 DAY OF April A.D. 2018.



Mayor



Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4577 WAS:

READ A FIRST TIME THIS 9th DAY OF April A.D. 2018.
READ A SECOND TIME THIS 23rd DAY OF April A.D. 2018.
READ A THIRD TIME THIS 23rd DAY OF April A.D. 2018.



Assistant C.A.O.