

# The Local Government District of Pinawa

## By-law No. 941-2025

**BEING A BY-LAW OF THE LOCAL GOVERNMENT DISTRICT OF PINAWA TO REGULATE UNNECESSARY AND HARMFUL NOISE WITHIN THE LOCAL GOVERNMENT DISTRICT OF PINAWA.**

**WHEREAS** Section 231 (a) of the of the Manitoba Municipal Act hereinafter referred to as the MMA, provides the authority the power to pass by-law to respect its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this or other acts.;

**AND WHEREAS** 232(1) (a) of the MMA permits a council to pass by-laws for municipal purposed respecting the safety, health, protection and well-being of people, and the safety and protection of property.

**AND WHEREAS 232(1) (c)** of the MMA permits a council, subject section 233, to pass by-laws respecting activities or things in or on private property.

**AND WHEREAS** Section 233 (d) of the MMA permits a council to pass by-law regarding 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.

**AND WHEREAS** the Council of the Local Government District of Pinawa wishes to establish restrictions on the level of certain noises within the municipality

**NOW THEREFORE** the Council of the Local Government District of Pinawa, in open session assembled, enacts as follows:

### **SECTION 1 – SHORT TITLE**

This By-law may be referred to as “the Local Government District of Pinawa Noise Control By-law”.

### **SECTION 2 - DEFINITIONS**

**Construction** - shall mean any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private rights-of-way, structures, utilities or similar property.

**Demolition** - shall mean any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**Emergency** - shall mean any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

**Emergency Work** - shall mean any work performed for the purposes of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**Industrial Machine** - shall mean any machine properly used in any zone of the LGD in accordance with applicable provisions of an LGD By-law – including contractors' equipment – that cause noise immediately outside of the limits of the parcel of land on which it is located in excess of 85 decibels.

**Motor Vehicle** - shall mean an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.

**Motorized Recreational Vehicle** - shall mean all recreational motorized vehicles whether or not licensed or registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, amphibious craft and motor boats.

**Noise Nuisance** - shall mean any loud, unnecessary or unusual sound or any sound whatsoever which either annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of any person.

**Person** - shall mean any individual, firm, partnership, association, corporation, company or organization of any kind.

**Point of Perception** - shall mean any point on any lands or premises where sound, originating from other lands or premises, is received.

**Powered Model Vehicle** - shall mean any self-propelled airborne, waterborne or land borne airplane, vessel or vehicle, which is not designed to carry a person including, but not limited to, to any model airplane, boat, car or rocket.

**Sound** - shall mean 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.

**LGD** - shall mean the Local Government District of Pinawa.

### **SECTION 3 – PROHIBITED ACTS**

3. Except to the extent permitted by this by-law no person shall make, continue, or cause, or allow to be made or continued any noise nuisance.

The following acts, among others, and the causing thereof, are declared to be violations of this by-law. The said enumeration shall not be deemed to be exclusive, namely:

- a) Owning, possessing or harboring any animal or bird which creates a noise nuisance.
- 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) Operating or permitting the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snow blower, or similar device used outdoors which creates a noise nuisance on any day of the week between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. the following day.
- d) Operating or permitting the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance.
- e) Operating or permitting 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.
- f) Operating or permitting the operation of an engine or motor in or on any motor vehicle or attached auxiliary equipment for a continuous period exceeding 10 minutes, while such vehicle is stationary in a residential district or in any other location within one hundred and fifty (150) meters of a residential district between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- g) Beating of Drums.
- h) Yelling, shouting, screaming, whistling, or singing to the extent that a noise nuisance is created.
- i) Firing of firearms, the firing or setting off of fireballs, squibs, firecrackers or fireworks. The operation of anything with the intent to cause unnecessary or unreasonable noise.
- j) The operation of anything that causes noise because of bad maintenance, bad repair, or improper operation (as for instance spinning motor vehicle wheels to make the tires squeal on the pavement).
- k) Operating, playing or permitting the operating or playing of any radio, televisions, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or other 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 at any time, including the operation of any radio or sound amplifications system of any kind in any motor vehicle.
- l) Repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle, motorboat, outboard motor or recreational vehicle in such a manner as to create a noise nuisance at a point in reception between the hours of 10:00 p.m. and 7:00 a.m.

- m) No person shall operate an industrial machine between the hours of 10:00 p.m. and 7:00 a.m. without a written permit issued under the authority of the LGD.
- n) No person who is in lawful control of a place shall permit any noise nuisance to be made in that place or any noise to be made by an industrial machine during the prohibited period of the day.

#### **SECTION 4 – EXEMPTIONS**

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

- a) The existence of any emergency or the emission of such sound in the performance of emergency work unless such sound is clearly of a longer duration, or nature 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 parade, operating under written permit from the LGD.
- d) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle.
- 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) Any concert, circus, fair, parade, or other community event as the Council in its discretion may determine, where a permit for such event has been issued by Council. Any such exemption being subject to any restrictions imposed by Council in such permit.
- h) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Council.
- i) The clearing of snow on private parking lots, Monday to Saturday inclusive between the hours of 6:00 a.m. and 12:00 midnight.
- j) The lighting of Fire Works as a public display, as approved by the Fire Chief or his designate, in a controlled location for the benefit of the community at large on both July 1<sup>st</sup> and the May long weekend or on such other day as approved through a permit issued by the LGD.

#### **SECTION 5 - EXEMPTION PERMIT**

5.1 Any person may make an application to the LGD of Pinawa for an exemption from any of the provisions of this By-law.

5.2 An application for an exemption from any of the provisions of this By-law shall be made to the Resident Administrator and should be made at least 14 days prior to the first date for which the permit is sought.

5.3 The Exemption Application is set out on Schedule "A";

5.4 The Resident Administrator may if, in their discretion, it is in the public interest to do so:

- a) Require the publication of notice to the public by social media or a newspaper of general circulation or otherwise as directed by the Resident Administrator;
- b) post a notice of any application for an exemption permit on the LGD of Pinawa's website.

5.5 In considering an application for an exemption permit, the overriding consideration shall be the impact, as determined by the Resident Administrator in their discretion, on the public interest if the exemption request is granted.

5.6 Without limiting the generality of section 5.5, the Resident Administrator shall have regard to all of the following when considering a request for an exemption permit:

- a) any negative effects that the issuance of the permit may have on persons in the neighbourhood or the public generally;
- b) any benefits that the issuance of the permit may have on persons in the neighbourhood or the public generally;

- c) any previous violations of this by-law or any exemption permit by the applicant or any person on whose behalf the current exemption application has been made; and
  - d) anything else that the Resident Administrator deems relevant in their consideration of whether it would not be contrary to the public interest to issue the requested exemption permit.
- 5.7 The Resident Administrator, after reviewing and considering an exemption permit request, may, in their discretion:
- a) grant the requested exemption, with or without conditions;
  - b) refuse to grant the requested exemption; or
  - c) grant the requested exemption to a greater or lesser extent, with or without conditions.
- 5.8 Without limiting the generality of section 5.7, the conditions that the Resident Administrator may impose on an exemption permit, include, but are not limited to, conditions relating to:
- a) The event or other activity that may generate the noise;
  - b) the specific part of the property on which the noise may be made;
  - c) the type and volume of the noise that may be made;
  - d) the times during which noise may be made;
  - e) the period of time during which the exemption permit is in effect; and
  - f) the monitoring of the noise by a qualified person and, if required, the filing of an interim and/or final report to the Resident Administrator respecting the event or other activity;
- 5.9 Where the Resident Administrator refuses to grant an exemption or an exemption is granted with conditions, or a lesser exemption is granted, the applicant may appeal the Resident Administrator's decision to Council by filing with the Resident Administrator a written notice of appeal within twenty (20) days of the date that the Resident Administrator's decision on the application was made.
- 5.10 After receipt of a properly made notice of appeal, the Resident Administrator shall notify the applicant of the appeal hearing date, once established.
- 5.11 If the Applicant does not attend on the hearing date for the appeal, Council may deem the appeal to be abandoned or may consider it in the absence of the applicant and the applicant shall not be entitled to further notice of the proceeding.
- 5.12 Upon consideration of an appeal, Council shall have regard for the criteria established in sections 5.5 and 5.6 of this By-law and may uphold or vary, with or without conditions, the decision made by the Resident Administrator.
- 5.13 No person who receives an exemption permit under this By-law shall fail to comply with all terms and conditions contained in such permit, including, without limitation, any term specifying the date and period of time during which the permit is effective.
- 5.14 Any breach of the terms or conditions of an exemption permit, or any error or omission in the information provided to the LGD of Pinawa pursuant to Schedule "A" of this By-law shall immediately, and without notice, render the exemption null and void.

## **SECTION 6 - PENALTY**

Subject to Section 249 of The Municipal Act, Contravention of By-law is an Offence. Any person who contravenes or refuses, neglects, omits or fails to obey, or observe any provision within this By-Law shall be subject to a penalty on summary conviction of a fine as set out in By-law 909-2023 Fees, Fines and Charges or subsequent replacement by-law, which shall

be payable to the Municipality, and may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act* (Manitoba).

Subject to Section 249(2) of the Municipal Act, Where a contravention continues for more than one day, the person is guilty of a separate offence for each day it continues.

An Administrative Fee will be applied as set out in By-law 908-2023 Provincial Offences Act or subsequent revised by-laws for unpaid fines.

Wherever the provision of any by-law of the LGD imposes overlapping or contradictory regulations over the control or prohibition of noise, or contains any restriction covering any of the same subject matter contained herein, the most restrictive standard shall apply.

#### **SECTION 7 – BY-LAW REPEALED**

Local Government District of Pinawa By-law number 868-2020 is hereby repealed.

#### **SECTION 8 – 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** at Pinawa in the Province of Manitoba this 13<sup>th</sup> day of May 2025.

  
Doug Murray  
Resident Administrator

Given first reading this 8<sup>th</sup> day of April, 2025  
Given second reading this 13<sup>th</sup> day of May, 2025  
Given third and final reading this 13<sup>th</sup> day of May, 2025

**Schedule A**



**Noise By-law Exemption Application/Permit**

Applicant \_\_\_\_\_ Mobile Phone No. \_\_\_\_\_

Address \_\_\_\_\_ Email: \_\_\_\_\_

Civic Address \_\_\_\_\_

Public or Private Property \_\_\_\_\_

Contact Person Responsible for Event \_\_\_\_\_ Mobile Phone No. \_\_\_\_\_

Dates and Times for Permit \_\_\_\_\_

Dates and Times for Permit \_\_\_\_\_

Dates and Times for Permit \_\_\_\_\_

Public or Private Event \_\_\_\_\_

Number of People Expected \_\_\_\_\_

Ages of Attendees \_\_\_\_\_

Reason why Exemption should be granted \_\_\_\_\_

Reason why noise must be so loud \_\_\_\_\_

Source of Sound \_\_\_\_\_

Is there a building or walls to contain sound \_\_\_\_\_

Which way will speakers be broadcasting \_\_\_\_\_

Can the sound be re-directed if complaint received \_\_\_\_\_

*I certify that the information I have provided on this application is true to the best of my knowledge. I have read the LGD of Pinawa Noise By-law and request a temporary exemption from the provisions of this By-law.*

Applicant Signature: \_\_\_\_\_ Date \_\_\_\_\_

Application Received by: \_\_\_\_\_ Phone \_\_\_\_\_