



TOWN OF MORRIS

BY-LAW NO. 04/20

BEING A BY-LAW OF THE TOWN OF MORRIS TO PROVIDE FOR THE REGULATION, REDUCTION AND/OR PREVENTION OF NOISE.

WHEREAS, the provision of the Municipal Act, L.M. 1996, c 58 – Chap. M225 provide in part as follows:

- Sec 232 (1) A Council may pass by-laws for municipal purposes respecting the following matters:
- a) the safety, health, protection and well-being of people, and the safety and protection of property
- Sec 232 (1)(0) The enforcement of by-laws
- Sec 232 (2) Without limiting the generality of subsection (1), a council may in by-law passed under this division:
- a) regulate or prohibit
- Sec 236 (1) Without limiting the generality of clause 232 (1)(0), a by-law passed under that clause may include provisions:
- b) remedying contraventions of by-laws 01/11 and 07/06.

AND WHEREAS it is deemed advisable and in the best interest of the Town of Morris to pass such a by-law for the regulation, reduction and/or prevention of noise:

NOW THEREFORE, the Council of the Town of Morris, duly assembled, enacts as that:

1. Definitions

- a. **“Town”** means Town of Morris.
- b. **“Prohibited Hours”** means any time of each day relating to nuisance noise.
- c. **“Tenant”** means any person, family, families, or business interest occupying any property or business interest in the Town on which they do not possess legal registered title, and on which they may or may not be paying any occupancy cost to the Owner
- d. **“Unattended Pets”** means pets that are left outside or allowed to roam free for extended periods of time with residents or property owners not in attendance.
- e. **“Emergency”** means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action

f. **“Emergency Work”** means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

g. **“Industrial Machinery”** means any machine properly used in any zone of the Town in accordance with applicable planning provisions of the Town – including contractor’s equipment that causes noise immediately outside the limits of the parcel of land on which it is located in excess of 75 decibels.

h. **“Motor Vehicle”** means any automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.

i. **“Motorized Recreational Vehicles”** means all recreational motorized vehicles whether or not duly licensed and registered, including, but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, snowmobile, trail trikes, trail quads, trail motorcycle, amphibious craft and motor boats.

j. **“Noise Nuisance”** means 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.

k. **“Person”** means any individual, firm, partnership, association, corporation, company or organization of any kind.

l. **“Point of Reception”** means any point on any lands or premises where sound, originating from other lands or premises, is received.

m. **“Powered Motor Vehicles”** means any self-propelled airborne, waterborne or land borne airplane, vessel or vehicle, which is not designed to carry a person including, but no limited to any model airplane, boat, car, rocket or drone.

n. **“Public Right-of-Way”** means any street, avenue, land, highway, boulevard, sidewalk, bridge, thoroughfare or way or similar place, which is owned or controlled by a government entity.

o. **“Public Space”** means any real property or structures thereon which are owned or controlled by a governmental entity.

p. **“Sound”** means an oscillation in pressure, particle displacement, particle velocity or other physical parameter in a medium with internal forces that causes compression and rarification of that medium. The description of sound may include characteristic or such sound, including duration, intensity and frequency.

2. Prohibited Noises

Without limitation as to the definition of a prohibited noise, the examples listed below are unnecessary in the opinion of Council, and no one within the Town shall make such noise, or allow such noise to be made on property which they own or rent, namely:

- a. Any excessive noises whatsoever at any time.
- b. The discharge of firearm, fireworks, or firecrackers, without prior approval in writing by the Town.
- c. The sounding of any horn or signaling device of any automobile, motorcycle, truck or other vehicle on any street or public place except as a danger warning; the creation by means of any such signaling devices of any unreasonable, loud or harsh sound; the sounding of such devices for any unnecessary and unreasonable period of time other than by accident or mechanical, electrical or other difficulty or failure; and the use of any such signaling device where traffic is held up shall be deemed a violation.
- d. The sound of any music, musical instruments, singing and/or speaking, or other sound-producing machine whether electronically amplified or not, that disturbs the peace and quiet of neighbors and can be heard at a distance of 30' or at the point of reception (whichever is the most severe) at any time.
- e. The use or operation or permitting to be played, used, or operated any radio, receiver set, musical instrument, phonograph, tape recorder, loudspeaker, sound amplifier or other machine or device for the production or reproduction of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of public in any residential area, except with the proper permit.
- f. Excessive noises made by vehicles of any kind due to the vehicle being in a state of disrepair, due to modification of the vehicle, or due to the vehicle not being equipped with adequate noise reduction (i.e. lack of a properly installed muffler)
- g. Yelling, shouting, or creating other loud noises which annoy or disturb the quiet, comfort or repose of persons in any office, dwelling, hotel or residence or of any persons in the vicinity shall be deemed a violation of this by-law.
- h. The creating of any excessive noise on any street adjacent to any hospital, school, institution of learning or church which interferes with the workings of such institution or which disturbs or annoys patients in a hospital shall be deemed a violation of this by-law.
- i. Construction, repair, or demolition work to commercial or residential buildings, roadways, utility facilities or infrastructure shall only be permitted during the hours of 7:00am and 10:00pm. Such work that disturbs the comfort or repose of others, shall be deemed a violation of this by-law.
- j. Pounding or hammering on any metal object or thing, except inside a building or in connection with the construction or erection of a building, shall be deemed a violation of this by-law.

- k. Operating or permitting the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors, which creates a noise nuisance on weekdays between the hours of 10:00pm and 7:00am the following day, or on Saturdays and Sundays and statutory holidays before 9:00am and after 10:00pm that same day.
- l. Excessive noises made by unattended pets.

3. Exceptions to Prohibited Noises:

It is the opinion of Council that exceptions to the rules regarding prohibited noises will be granted as follows:

- a. Reasonable industrial noises from any industrial concern operating in a properly zoned area of Town
- b. The emission of sound in the performance of emergency services.
- c. Work performed with respect to the maintenance, construction or demolition of a public right of way or public space, assuming such work is not taking place during the hours of 10:00pm and 7:00am the following day unless emergency circumstances dictate.
- d. Concerts, circuses, fairs, parades or any like activity where a permit has been issued by the Town.
- e. Any exceptions approved in writing by the Town as a variance to this by-law.
- f. Ringing of church bells by a church or school.
- g. Aircraft used for agricultural purpose.
- h. Any operation of agricultural machinery being used for agricultural purpose.

4. Noise Complaint Process

In the event a property owner or resident of the Town wishes to register a complaint against another resident or property owner due an alleged violation of this by-law, the process shall be as follows:

- a. A letter describing the nature of the complaint should be sent to the attention of the Chief Administrative Officer of the Town as the following address:
 - 1. Chief Administrative Officer
Town of Morris
1-280 Stampede Grounds
Box 28
Morris, MB
R0G 1K0
- b. After review of the complaint, if warranted, the Town will provide a letter of warning to the alleged violator informing them of the complaint, and inviting a response to the complaint within 7 days.
- c. The Town will review the complaint and response (if any), and will come to a decision as to whether a by-law violation has taken place. If a by-law officer is unavailable, the Protective Services Committee will review and bring forward a recommendation to Council regarding the complaint and subsequent response (if any).

- d. In the event it is decided a by-law violation has taken place, the violator will be assessed a fine in accordance with Schedule A (attached).
- e. Where the contravention, refusal, neglect, omission, or failure, continues for more than one day, the person is guilty of separate offense for each day that it continues.
- f. The owner of real property and/or personal property from which a noise nuisance emanates shall be deemed to have permitted the noise nuisance.
- g. If, at any point in the process, it becomes clear that the complaint does not have merit, the complainant will be informed by the Town of this in writing, including an explanation as to the basis for which the complaint was rejected.

5. Liability of Property Owner

Although it is the opinion of Council that the Tenant on any property should bear responsibility for their actions, this does not release the Owner from responsibility for the conduct of their Tenant.

Therefore;

- a. All Owners will be notified of any fines assessed against a Tenant.
- b. In the event a fine is assessed against a Tenant, and collection from the Tenant is unsuccessful within 90 days, this fine will become the responsibility of the Owner.
- c. The Owner will be notified of the Tenant's non-payment of the fine, and be given 90 days to pay the fine.
- d. In the event the Owner does not pay the fine, it shall be assessed against the tax roll of the property through a motion of council.
- e. By-Law No. 01/11 be repealed.

DONE AND PASSED in Council assembled at the Council Chambers of the Town of Morris in the Province of Manitoba this 27th day of August, 2020 A.D.

TOWN OF MORRIS

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time 23 rd day of July, 2020

Read a second time 27th day of August,2020

Read a third time 27th day of August 2020.

SCHEDULE A

Fines assessed due to violations to the Town of Morris By-law

First Violation: Waiver of fine, letter of warning detailing potential future fines

Second Violation: \$100

Third Violation: \$200

Fourth Violation: \$500

Fifth and Subsequent Violations: No less than \$500, and up to \$1000 per incident