

**MUNICIPALITY OF PEMBINA**  
**BY-LAW NO. 5/2022**

BEING A BYLAW of the Municipality of Pembina to regulate harmful noise within the Local Urban District of Darlingford, the Local Urban District of La Riviere and the Town of Manitou.

**WHEREAS** subsection 232(1) (a), (b) and (c) of *The Municipal Act* provides; in part that,

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;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centre's, 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;

**AND WHEREAS** subsection 233 (d) of *The Municipal Act* provides in part as follows;

233 A by-law under clause 232(1) (c) (activities or things in or on private property) may contain provision 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, weed, odors, unsightly property, fumes and vibrations.


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

**NOW THEREFORE** the Council of the Municipality of Pembina duly assembled enacts as follows;

1. **THAT** this by-law shall be referred to as the "Municipality of Pembina Urban Noise Control Bylaw".
2. **THAT** this bylaw shall be enforceable with the LUD's of Darlingford, La Riviere and the Town of Manitou.
3. **THAT** except to the extent permitted by this by-law, no person shall make, continue, or cause to be made or continued, any noise nuisance, and specifically the following acts, among other, and the causing thereof, are declared to be in violation of this by-law, namely;
  - (a) No person owning or possessing or harbouring any animal or bird shall allow it to create a noise nuisance.
  - (b) No person shall operate or permit the operation of any device to create a noise nuisance at the point of reception at any time except between the hours of 7:00 A.M. and 11:00 P.M. on weekdays, Saturdays, and Sundays.
  - (c) No person shall by shouting, or otherwise, whether by amplified sound or other, cause a noise nuisance within the LUD's of Darlingford, La Riviere and the Town of Manitou.

4. **THAT** exceptions to the provisions of this by-law shall not apply to the following:
- (a) the existence of an emergency or the emission of 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 any parade, operating under written permission of the Municipality of Pembina.
  - (d) any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call.
  - (e) the ringing of church or school bells.
  - (f) concerts, circuses, fairs, parades, or any like activity where approval have been granted by the Municipality of Pembina.
  - (g) any activity, work or undertaking by the Municipality of Pembina employees if required to respond to an emergency.
5. **THAT** any person who makes a complaint alleging an offense under this bylaw against another person shall provide to the Municipal Office their name, address, and telephone number. It shall be at the discretion of the Municipal Office whether to proceed on any complaint or information.
6. **THAT** any person who contravenes or disobeys or refuses or neglects to obey any order made under this by-law is guilty of an offence and is liable, on summary conviction, to a fine not exceeding \$1,000.00.
7. **THAT** the costs of actions or measures taken by the Municipality to carry out the terms of an order issued by the designated officer are an amount owing to the Municipality by the owner of the property and may be collected by the Municipality in the same manner as a tax may be collected or enforced under *The Municipal Act*.
8. **THAT** Bylaw No. 7/2013 passed on the 15<sup>th</sup> day of August, 2013 by the former municipality known as the Town of Manitou is hereby repealed.

**DONE AND PASSED** by Council of the Municipality of Pembina duly assembled in Manitou, in the Province of Manitoba, this 14<sup>th</sup> day of July, 2022.

  
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Glenn Shiskoski, Reeve

  
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Wes Unrau, Chief Administrative Officer

Read a first time this 9<sup>th</sup> day of June, 2022.  
Read a second time this 14<sup>th</sup> day of July, 2022.  
Read a third time this 14<sup>th</sup> day of July, 2022.