

THE MUNICIPALITY OF RHINELAND

BY-LAW NO. 2020-09

Providing for Public Order, Morality and regulating of noises.

WHEREAS Section 232 of *The Municipal Act*, (Manitoba) provides as follows:

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 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; ...

AND WHEREAS Sub-section 233 of *The Municipal Act* provides, as follows:

- (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.

AND WHEREAS Section 236 (1) (b) (ii) of The Municipal Act C.C.S.M. c. M225 states:

236 (1) Without limiting the generality of clause 232 (1) (a) (enforcement of By-laws), a By-law passed under that clause may include provisions

(b) remedying contraventions of By-laws, including

- (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the By-law.

AND WHEREAS Section 3(2)(a) of the Municipal By-law Enforcement Act C.C.S.M.0 M245 states a municipality may require administration penalties to be paid if the municipality designates the By-law contraventions that may be dealt with by a penalty notice.

AND WHEREAS the Council of the Municipality of Rhineland, deems it expedient and in the best interests of the municipality to provide for Public Order, Morality and to regulate noises on property within the local urban district of Rosenfeld, as defined in Regulation No. 174/99 under the Act, and the local urban districts of Gretna and Plum Coulee, as defined in Regulation No. 135/2014 under the Municipal Amalgamations Act,

NOW THEREFORE, be it enacted as follows:

Enforcement

1. The position of an Officer is established. The Officer shall be the person appointed by the Municipality as its By-law Enforcement Officer.
2. The By-law Enforcement Officer may conduct inspections and take steps to administer and enforce this By-law or to remedy a contravention of this By-law, and for those purposes shall be a designated officer and have the powers of a designated officer under the Act, a by-law enforcement officer under the Municipal By-law Enforcement Act.
3. The Officer may enter property and buildings to carry out the administration and enforcement of this By-law including for determining what actions or measures a person must take in connection with any matter under this By-law, whether the actions or measures have been taken, to prevent the contravention of this By-law, to remedy a contravention of this By-law and to prevent a re-occurrence of a contravention.
4. The Officer may commence a prosecution under the Act, the Municipal By-law Enforcement Act for the purpose of enforcing a contravention of this By-law through an offence.

Prohibited Noises:

5. Without limiting the generality, the noises hereinafter set forth and described, in the opinion of the Council, are unnecessary and no person shall make any of the said noises or cause or permit the same to be made, namely:
 - (a) The noise caused by the discharge of a gun or other firearm or the firing or setting off of any sort of fire-cracker, grenade, or the operation of any other sort of noise making device, unless specifically authorized by the Council or Administration;
 - (b) The noise caused by fireworks unless specially authorized by the fire chief;
 - (c) Any sound or noise with such volume to enable it to be heard that creates an unreasonable nuisance.
 - (d) Any noise arising between the hour of 11:00 PM of any day and 6:00 AM of the next following day from any excavation or construction work whatsoever, including the erecting, demolition, alteration or repair of any building, not authorized by the Council or Administration and intermittent explosions occurring in the course or in connection with any manufacturing process, except in the case of urgent necessity and then under permit from the Council/Administration. (The above (d) section does not apply to businesses located in a zone where manufacturing/industrial or commercial business or agricultural activities are permitted.)
 - (e) The use of engine retarders (jake brakes) within 2 km's of the boundaries of the L.U.D. of Plum Coulee in a northerly, easterly, southerly and western direction.
 - (f) The use of engine retarders (jake brakes) within 2 km's of the boundaries of the L.U.D. of Rosenfeld. in a northerly, easterly, southerly and western direction.
 - (g) The use of engine retarders (jake brakes) from the intersection of PTH 30 and Road 5N to the boundary of Altona in a northerly direction.
 - (h) From the intersection of PTH 30 and Road 10N to the boundary of Altona in a southerly direction.
6. A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1,000.00. Any costs associated with or resulting from enforcing this By-law are in addition to any such fine, and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under the Municipal Act.

Penalties

7. Any person guilty of a breach of this By-law shall pay the administrative penalty outlined in Schedule "A" of the Municipal By-law Enforcement By-law No. 2020-06 or request a review by a screening officer in accordance with Part II of said By-Law.
- 7.2 That the amount of the administrative penalties set out in Schedule "A" to the Municipal By-law Enforcement By-law No. 2020-10 may be amended from time to time.
8. **THIS** by-law shall come into effect upon its passing.
9. **THAT** the Municipality of Rhineland By-law 2019-18 is hereby repealed.

DONE AND PASSED, in the Municipality of Rhineland, Manitoba this _____ day of September, 2020.

Reeve

Chief Administrative Officer

READ A FIRST TIME this 9th day of September, 2020 A.D.

READ A SECOND TIME this 23rd day of September, 2020 A.D.

READ A THIRD TIME this 23rd day of September, 2020 A.D.