

**REPEALED BY THE NEIGHBOURHOOD LIVEABILITY BY-LAW NO. 1/2008
JANUARY 23, 2008
(effective November 1, 2008)**

CONSOLIDATION UPDATE: JUNE 20, 2007

THE CITY OF WINNIPEG

**NOISE CONTROL BY-LAW
NO. 2480/79**

**A By-law of THE CITY OF WINNIPEG regulating
unnecessary and harmful noises.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:
amended 8162/2002

SECTION I

SHORT TITLE

This By-law may be referred to as "**The City of Winnipeg Noise Control By-law**".

SECTION II

DEFINITIONS

TERMINOLOGY

2.1 All terminology used in this By-law, not defined below, shall be in conformance with current publications of the Canadian Standards Association (CSA) and the American National Standards Institute (ANSI) or respective successor body.

In this By-law
added 6595/95

'A' weighted sound level" means the sound pressure level in decibels as measured on a precision sound level meter using the "A" weighting network and "slow" meter response. The level so read is designated dBA.
amended 6595/95

"Chief of Police" means the Chief of Police of The City of Winnipeg or such person or persons as may be authorized by the said Chief of Police to exercise some or all of the powers vested in him by this By-law.

amended 6595/95

"City" means The City of Winnipeg

amended 6595/95

"Commercial Industrial or Residential District" means the various districts as defined in the City By-laws relating to zoning.

amended 6595/95; 8162/2002

"Construction" means 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.

amended 6595/95

"Decibel (dB)" means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of pressure of the sound measured to the reference pressure, which is 20 micropascals.

amended 6595/95

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

amended 6595/95

"Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

amended 6595/95

"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.

amended 6595/95

"Motor Vehicle" means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.

amended 6595/95

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

amended 6595/95

"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.

amended 6595/95

"Person" means an individual, firm, partnership, association or other body, whether incorporated or unincorporated.

amended 6595/95; 8162/2002

"Point of Reception" means any point on any lands or premises where sound, originating from other lands or premises, is received.

amended 6595/95

"Powered Model Vehicle" means any self-propelled airborne, waterborne or landborne airplane, vessel or vehicle, which is not designed to carry a person including, but not limited to, any model airplane, boat, car or rocket.

amended 6595/95

"Precision Sound Level Meter" means an instrument used to measure sound levels and specified as Type I or Type II Precision Sound Level Meter in CSA specification, Z107, 1-1973, or the American National Standards Institute specification, ANSI SI.4-1971 (R1976), as amended from time to time.

amended 6595/95; 8162/2002

"Public Right-of-Way" means any street, avenue, lane, highway, boulevard, sidewalk, park, square, subway, bridge, wharf, thoroughfare or way or similar place, which is owned or controlled by a governmental entity.

amended 6595/95

"Space" means any real property or structures thereon which are owned or controlled by a governmental entity.

amended 6595/95

"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 any characteristic of such sound, including duration, intensity and frequency.

amended 6595/95

"Sound Level" means the "A" weighted sound level as measured and obtained by the use of a Precision Sound Level Meter as specified in the Canadian Standards Association (CSA) specification for sound level meters, Z107, 1-1973, or the American National Standards Institute (ANSI) specification for sound level meter, ANSI SI.4-1971, (R1976), as amended from time to time.

amended 6595/95

"Weekday" means any day Monday through Friday, which is not a statutory holiday.

amended 6595/95

SECTION III

PROHIBITED ACTS

NOISE NUISANCE PROHIBITED

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

SPECIFIC PROHIBITIONS

3.2 The following acts, among other, and the causing thereof, are declared to be in violation of this By-law, but said enumeration shall not be deemed to be exclusive, namely:

AIR CONDITIONERS, AIR MOVING DEVICES, PUMPS, FANS

3.2.1 No person shall operate or permit the operation of air conditioning equipment, air moving devices, pumps or fans which exceed a sound level of 55 dBA as measured at a point of reception between the hours of 7:00 o'clock a.m. and 9:00 o'clock p.m. and 50 dBA as measured at a point of reception between the hours of 9:00 o'clock p.m. and 7:00 o'clock a.m. of the next following day.

ANIMALS AND BIRDS

3.2.2 No person shall own or possess or harbor any animal or bird which creates a noise nuisance at a point of reception.

CONSTRUCTION ACTIVITIES

3.2.3 No person shall operate or permit the operation of any tools or equipment used in construction, drilling, or demolition work on Sundays at any time or on weekdays between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. the following day or on Saturdays and statutory holidays before 9:00 o'clock a.m. and after 9:00 o'clock p.m.

DOMESTIC POWER TOOLS

3.2.4 No person shall operate or permit 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 9:00 o'clock p.m. and 7:00 o'clock a.m. the following day or on Saturdays and Sundays and statutory holidays before 9:00 o'clock a.m. and after 9:00 o'clock p.m.

EQUIPMENT NOISE (INCLUDING MOTOR VEHICLES)

3.2.5 No person shall operate or permit the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance.

ENGINE RETARDER BRAKES

3.2.5.1 No person shall engage, operate, apply or otherwise use an engine retarder brake on any vehicle driven within The City of Winnipeg, except in an emergency where it is necessary in the circumstances to do so.

added 7174/98

LOADING AND UNLOADING

3.2.6 No person shall load, unload, deliver, pack or unpack, or otherwise handle any containers, products, materials or refuse in such a manner as to create a noise nuisance.

PEOPLE NOISE

3.2.7 No person shall yell, shout, whistle or sing to the extent that a noise nuisance is created.

POWERED MODEL VEHICLES

3.2.8 No person shall operate or permit the operation of a powered model vehicle so as to create a noise nuisance at a point of reception between the hours of 9:00 o'clock p.m. and 9:00 o'clock a.m. of the following day.

RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS AND SOUND PRODUCING DEVICES IN RESIDENTIAL DISTRICT

3.2.9 No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or 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.

RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS AND SOUND PRODUCING DEVICES IN COMMERCIAL DISTRICT

3.2.10 No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a commercial district which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception, unless used for the purpose of advertising some patriotic or other public object and unless a permit has been issued by the Chief of Police.

STANDING VEHICLES

3.2.11 No person shall operate or permit the operation of any 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 150 meters of a residential district between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. of the following day.

STREET SALES

3.2.12 No person shall offer for sale or sell anything by shouting, outcry or amplified sound within any residential or commercial district in the City.

VEHICLE OR MOTOR BOAT REPAIRS AND TESTING

3.2.13 No person shall repair, rebuild, modify or test any motor vehicle, motorcycle motor boat, outboard motor or recreational vehicle in such a manner as to create a noise nuisance at a point of reception between the hours of 10:00 o'clock p.m. and 7:00 o'clock a.m. of the following day on weekdays and Saturdays and at no time on Sundays.

SECTION IV

EXEMPTIONS

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

4.1.1 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.

4.1.2 Work performed in respect of the maintenance, construction or demolition of a public right-of-way or public space.

4.1.3 Any military or other bands or any parade, operating under written permit from the Chief of Police.

4.1.4 Any vehicle of the police or fire department of any ambulance or any public service or emergency vehicle while answering a call.

4.1.5 The activities normally associated with

- (a) places of religious worship, religious retreat and religious instruction that qualify for a partial exemption from real property taxation under clause 22(1)(i) of *The Municipal Assessment Act*; and

- (b) public schools, as that term is used in *The Public Schools Act*, and private schools, as that term is used in *The Education Administration Act*,

including worship services, children's play and school-sponsored activities on school yards, and the ringing of church or school bells.

amended 134/2007

4.1.6 The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas Carols.

4.1.7 Concerts, Circuses, Fair, Parades, or any like activity where a permit has been issued by the Chief of Police.

4.1.8 Any activity, work or undertaking which would otherwise be prohibited by this By-law where a permit has been issued by the Chief of Police.

4.1.9 Aircraft and railway rolling stock.

4.1.10 Any activity, work or undertaking performed by or through the City in respect of public services, facilities or installations.

added 7639/2000

SECTION V

ADMINISTRATION AND ENFORCEMENT

5.1 The Chief of Police and his delegates shall administer and may take steps to enforce this By-law in accordance with *The City of Winnipeg Charter*, and for those purposes, have the power of a designated employee under *The City of Winnipeg Charter*.¹

amended 8162/2002

5.2 The Chief of Police may issue a permit to exempt the holder from the provisions of this By-law. The permit may contain conditions which must be maintained in order for the permit to remain valid. Conditions include, but are not limited to:

- (a) time limitations; unless authorized by the Chief of Police, a noise permit will be valid only between the hours of 9:00 a.m. and 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to 12:00 midnight, Friday and Saturday;
- (b) permit holder to remain on site at all times;

- (c) permit holder to abstain from the consumption of intoxicants;
- (d) notification requirements.

5.3 Any person who deems himself aggrieved by the decision of the Chief of Police may, in accordance with *The City of Winnipeg Charter* file an appeal with the Office of the City Clerk, which appeal shall be heard by the Standing Policy Committee on Protection and Community Services and every decision of the Standing Policy Committee on Protection and Community Services shall be final and binding. ²

amended 8162/2002

5.4 Any permit issued by the Chief of Police may at any time thereafter be revoked by the Chief of Police or his designate, relying upon the evidence of a peace officer related to the conduct of a person or persons, whether ascertained or not, that a noise nuisance as described in this By-law was caused or occurred.

amended 7639/2000 (Sections 5.1 - 5.5 inclusive); 8162/2002

SECTION VI

PENALTY

6.1 A person who contravenes this By-law is guilty of an offence and is liable upon summary conviction to the following penalties:

- (a) if the person is an individual
 - (i) for a first offence, to a fine of not less than \$50.00;
 - (ii) for a second offence, to a fine of not less than \$100.00; and
 - (iii) for a third or subsequent offence, to a fine of not less than \$150.00; and
- (b) if the person is a corporation
 - (i) for a first offence, to a fine of not less than \$100.00;
 - (ii) for a second offence, to a fine of not less than \$200.00; and
 - (iii) for a third or subsequent offence, to a fine of not less than \$300.00.

amended 30/2006

6.2 Notwithstanding the penalties prescribed in Section 6.1, an individual may also be liable on summary conviction to imprisonment for a term not exceeding six (6) months or to both a fine as specified herein and imprisonment.

6.3 In the absence of other evidence or by way of corroboration of other evidence, a court may infer from the evidence of the peace officer relating to the conduct of a person or persons, whether ascertained or not, that a noise nuisance as described in this By-law was caused or occurred.

amended 7639/2000 (Sections 6.1 - 6.3 inclusive)

SECTION VII

CONFLICT WITH BY-LAWS AND TOWN PLANNING SCHEMES

7. Wherever the provisions of any by-law administered by the City impose overlapping or contradictory regulations over the control or prohibition of noise, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive standard shall apply.

amended 8162/2002

SECTION VIII

REPEALS

8.1 All by-laws and by-law amendments, passed prior hereto by The City of Winnipeg and any area municipality as defined in section 1 of *The City of Winnipeg Act*, and still in force, relating to the regulation of noise shall hereinafter cease to have effect.

amended 6595/95

8.2 Without limiting the generality of section 8.1 hereof, the following by-laws and amendments thereto made from time to time, are hereby repealed.

- (a) The City of Winnipeg By-law No. 15859
- (b) The City of Winnipeg By-law No. 16111
- (c) The City of Winnipeg By-law No. 16153
- (d) The City of Winnipeg By-law No. 16168
- (e) The City of Winnipeg By-law No. 16252
- (f) The City of Winnipeg By-law No. 17514
- (g) The City of Winnipeg By-law No. 17727
- (h) The City of Winnipeg By-law No. 18062
- (i) The City of Winnipeg By-law No. 18277
- (j) The City of Winnipeg By-law No. 19475
- (k) The City of Winnipeg By-law No. 19850
- (l) The City of Winnipeg By-law No. 246/72
- (m) The City of Winnipeg By-law No. 247/72
- (n) The City of Winnipeg By-law No. 248/72
- (o) The City of Winnipeg By-law No. 249/72

- (p) The City of Winnipeg By-law No. 250/72
- (q) The City of Winnipeg By-law No. 251/72
- (r) The City of Winnipeg By-law No. 252/72
- (s) The City of Winnipeg By-law No. 253/72
- (t) The City of Winnipeg By-law No. 254/72
- (u) The former Rural Municipality of Charleswood By-law No. 498
- (v) The former The City of East Kildonan By-law No. 4383
- (w) The former Rural Municipality of Fort Garry By-law No. 5159
- (x) The former The City of North Kildonan By-law No. 507
- (y) The former The City of North Kildonan By-law No. 802
- (z) The former The City of St. Boniface By-law No. 4132
- (aa) The former The City of St. Boniface By-law No. 4355
- (bb) The former The City of St. Boniface By-law No. 4447
- (cc) The former The City of St. James Assiniboia By-law No. 540/71
- (dd) The former The City of St. James Assiniboia By-law No. A3924/65
- (ee) The former The City of St. Vital By-law No. 7805
- (ff) The former The City of Transcona By-law No. 589
- (gg) The former The City of Transcona By-law No. 59/56
- (hh) The former The City of Transcona By-law No. 67/64
- (ii) The former Town of Tuxedo By-law No. 1061
- (jj) The former The City of West Kildonan By-law No. 30/66A
- (kk) The former The City of West Kildonan By-law No. 55/66A

SECTION IX

SEVERABILITY

9. 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 in Council assembled, this 6th day of December, 1979.

1 [See sections 180 to 188 and sections 116 and 117 of The City of Winnipeg Charter for information about some of the key powers given to designated employees, including issuance of compliance orders and how to serve orders, decisions and other documents.](#)

2 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)