

THE RURAL MUNICIPALITY OF EAST ST. PAUL

By-Law No. 86 – 42

A By-Law of the Rural Municipality of East St. Paul to regulate unnecessary and harmful noise.

WHEREAS The Municipal Act, S.M. 1970, C100-Cap. M225, Section 362, provides as follows:

“The Council of any Municipality may pass By-laws:

- (a) For regulating or prohibiting of bells, except church and school bells, blowing of horns, beating of drums, and other noises liable to disturb or annoy residents of the Municipality: and
- (b) For regulating, controlling or prohibiting the use, on the highways or in any public place in the Municipality, of loud speakers or other devices for the amplification of sound.”

AND WHEREAS Section 97 of the said Act, provides inter alia that Council may:

- (a) “Make such other regulations for the health, safety, morality and welfare of the inhabitants and for the peace, order and good government of the Municipality as Council deems to be necessary or advisable.”

AND WHEREAS it is deemed advisable to exercise the powers set out in the said Sections of the Municipal Act, as excessive sound disrupts peace, threatens 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 diminishes the quality of life.

NOW THEREFORE, The Council of the Rural Municipality of East St. Paul in Council assembled, enacts as a By-Law as follows:

1. THAT this By-law may be referred to as “The Rural Municipality of East St. Paul Noise Control By-Law”.
2. Definitions:
 - (a) Municipality means the Rural Municipality of East St. Paul.
 - (b) Commercial, Industrial or Residential District means the various zoning districts as defined in the By-laws relating to Zoning and the Planning Scheme of the Rural Municipality of East St. Paul.
 - (c) Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage.
 - (d) Emergency Work means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by emergency.
 - (e) Motor Vehicle means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.
 - (f) Motorized Recreational Vehicles means all recreational motorized vehicles whether or not duly licensed or registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, trimotos, quadmos, amphibious craft and motor boats.

- (g) Noise Nuisance means any unreasonably loud or unusual sound or any sounds which are likely to, or annoy, injure, or disturb the health, peace or safety of any person.
 - (h) Power 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.
 - (i) Sound means that which is capable of being heard resulting from the stimulation of hum on auditory nerves by vibrations carried in the air.
3. 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, without limiting the generality of the foregoing, and the causing thereof, are declared to be violation of this By-law, namely:
- (a) No person owing or possessing or harbouring any animal or bird shall allow it to create a noise nuisance.
 - (b) Except to the extent, an may hereinafter be permitted by this By-law, no person shall operate or permit the operation of any power of manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance.
 - (c) (i) 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 10:00 p.m. and 7 a.m. of the following day.
(ii) No person shall operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar device used outdoors, to create a noise nuisance at the point of reception at any time between the hours of 11:00 P.M. and 7:00 A.M. of the following day.
 - (d) 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 which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception at any time in a residential district.
 - (e) No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loud speaker, public address system, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception, in a commercial district unless a permit has been issued by the Rural Municipality of East St. Paul.
 - (f) No person shall by shouting, or otherwise, whether by amplified sound or other, cause a noise nuisance within the Municipality.
 - (g) No person shall repair, rebuild, modify or test any motor vehicle, motorcycle, motor boat, outboard motor or motorized recreational vehicle in such a manner 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 on weekdays and Saturdays and Sundays.
4. Exceptions:
- The provisions of this By-law shall not apply to:
- (a) 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 permit from the Rural Municipality of East St. Paul.
 - (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) The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas Carols.
 - (g) Concerts, Circuses, Fairs, Parades, or any like activity where a permit has been issued by The Rural Municipality of East St. Paul.
 - (h) Any activity, work or undertaking which would otherwise be prohibited by this By-Law where a permit has been issued by The Rural Municipality of East St. Paul.
 - (i) Aircraft.
5. This By-Law shall be administered by a Peace Officer in and for the Province of Manitoba, or a By-Law Enforcement Officer appointed by The Rural Municipality of East St. Paul.
6. Penalty – shall be in accordance with Section 740 of the Municipal Act with a minimum fine of \$100.00. The convicting judge or magistrate shall impose punishment by imprisonment not exceeding thirty days in case of non-payment of fine and costs inflicted for any breach of this By-Law.
7. Wherever the provisions of any By-Law or Municipal Planning Scheme of the Municipality, or any By-Law or Municipal Planning Scheme administered by the Municipality 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.
8. Severability – if any provision of the By-law is held to be invalid by any Court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.

DATED at Bird's Hill, Manitoba, the 8th day of July, A.D. 1986.

THE RURAL MUNICIPALITY OF EAST ST. PAUL

Originally signed by Phil Rebeck – Reeve

Originally signed by Maynard Olson – Secretary-Treasurer