

## RURAL MUNICIPALITY OF ST. ANDREWS

### BY-LAW NO. 4409

**BEING** a By-Law of the Rural Municipality of St. Andrews (the “Municipality”) to regulate and prohibit nuisance noise and repeal By-law No’s 3567 and 3626.

**WHEREAS** Section 232 and 233 of *The Municipal Act*, S.M. 1996, Cap M225 of the Province of Manitoba (the “Act”) 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;*
- (j) the sale and use of firecrackers and other fireworks, the use of rifles, guns and other firearms, and the use of bows and arrows and other devices;*
- (k) wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight;*
- (n) businesses, business activities and persons engaged in business;*
- (o) the enforcement of by-laws*

232(2) *Without limiting the generality of subsection (1), a council may in a by-law passed under this Division*

- (a) Regulate or prohibit*

233 *A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of:*

- (d) activities or things that in the opinion of council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations.*

**AND WHEREAS** the Council of the Municipality deems it prudent and in the public interest for the regulation and prohibiting of nuisance noise within the municipality.

**NOW THEREFORE BE IT ENACTED** as a by-law of the Rural Municipality of St. Andrews as follows:

1.00 TITLE:

1.01 That this By-law be referred to as “THE NOISE CONTROL BY-LAW”.

2.00 DEFINITIONS:

- 2.01 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in *The Municipal Act*:
- 2.02 "Construction" includes erection, assembly, alteration, repair, dismantling and demolition or similar action of structures and/or site and includes structural maintenance, hammering, land clearing, moving of earth, rock or felled trees, rock breaking, grading, excavating, the laying of pipe or conduit whether above or below ground level, working with concrete, alteration or installation of any equipment, the structural installation of construction components or materials in any form whatsoever, the placing or removing of any construction related materials and includes any work in connection therewith.
- 2.03 "Emergency" means a present or imminent situation or condition that requires prompt action to prevent or limit
- (a) the loss of life, or
  - (b) harm or damage to the safety, health or welfare of people, or
  - (c) damage to property or the environment.
- 2.04 "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.
- 2.05 "Motor Vehicle" means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.
- 2.06 "Motorized Recreational Vehicle" means all recreational motorized vehicles whether or not licensed or registered, including, but not limited to commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, all-terrain vehicles, amphibious craft and motorboats.
- 2.07 “Noise” means any loud or harsh sound.
- 2.08 "Nuisance Noise" 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 reasonable person as determined by an Officer.
- 2.09 “Officer” means any member of the Royal Canadian Mounted Police Force and any other police officer, police constable, By-Law Enforcement Officer,

designated officer or other person appointed and employed by the Municipality for the preservation and maintenance of the public peace.

- 2.10 "Person" means any individual, firm, partnership, association, corporation, company, organization, or group of persons of any kind.
- 2.11 "Point of Reception" means any point on any lands or premises where sound, originating from other land or premises, is received;
- 2.12 "Powered Model Vehicle" means any self-propelled airborne, waterborne, or land borne airplane, vessel or vehicle which is not designated to carry a person, including, but not limited to any model airplane, drone, boat, car, or rocket;
- 2.13 "Residential Area" means any area where a Person maintain a residence, and without limiting the generality of the foregoing, shall include all areas zoned as Residential pursuant to the St. Andrews Zoning By-Law No. 4066 and all other areas where residences are maintained.
- 2.14 "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristics of such sound, including duration, intensity and frequency.
- 2.15 "Municipality" means the Rural Municipality of St. Andrews.

### 3.00 PROHIBITED ACTS:

- 3.01 THAT except to the extent permitted by this by-law, no Person shall make, continue, cause or allow to be made or continued any nuisance noise.
- 3.02 THAT without restricting the generality of Section 3.01 hereof, the following shall be deemed likely to be Nuisance Noise:
- (a) Owning, possessing or harbouring any animal or bird in a residential zone which creates a Nuisance Noise.
- (b) The Sound emanating from Construction work of any nature between the hours of 11:00 p.m. of any day and 7:00 a.m. on the next following weekday or 9:00 a.m. on Saturdays, Sundays and statutory holidays, except where such work is necessary in an Emergency.
- (c) Operating or permitting the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snow blower or similar equipment used outdoors in any Residential Area which creates a Nuisance Noise between the hours of 11:00 p.m. and 7:00 a.m. on the following weekday or 9:00 a.m. on Saturdays, Sundays and statutory holidays.

- (d) Operating or permitting the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a Nuisance Noise;
- (e) Operating or permitting the operation of a Powered Model Vehicle so as to create a nuisance noise at a Point of Reception between the hours of 11:00 p.m. and 7:00 a.m. of the following weekday or 9:00 a.m. on Saturdays, Sundays and statutory holidays.
- (f) Operating or permitting the operation of any engine or Motor Vehicle or attached auxiliary equipment for a continuous period exceeding ten minutes, while such vehicle is stationary in a Residential Area between the hours of 11:00 p.m. and 7:00 a.m. of the following weekday or 9:00 a.m. on Saturdays, Sundays and statutory holidays.
- (g) Sound created by the use or operation of any drum, horn, bell, siren, radio or other mechanical loudspeaker, or other instrument or device for Sound producing, Sound re-producing, or Sound transmitting instrument or apparatus for the purpose of advertising or for attracting attention to any performance, sale or display for advertising purposes or commercial purposes that projects Noise or Sound into any street or other public place except where such Noise or Sound has been prior authorized by the Municipality.
- (h) Yelling, shouting, screaming, whistling, or singing to the extent that a nuisance noise is created.
- (i) Firing of firearms, the firing or setting of fireballs, squibs, firecrackers or fireworks.
- (j) The operation of anything with the intent to cause unnecessary or unreasonable noise.
- (k) The operation of anything that caused noise because of bad maintenance, bad repair or improper operation.
- (l) Operating, playing or permitting the operation or playing of any radio, television, stereo, drum, musical instrument, loudspeaker, public address system, sound amplifier or other similar device, in a Residential Area, which produces, reproduces or amplifies sound in such a manner as to create a nuisance noise at a point of reception at any time, including the operation of any radio or sound amplification system of any kind in any Motor Vehicle;
- (m) Repairing, rebuilding modifying or testing of any Motor Vehicle, motorcycle, motorboat, outboard motor or Motorized Recreational Vehicle in such a manner as to create a nuisance noise at a Point of Reception between the hours of 11:00 p.m. and 7:00 a.m. of the following weekday or 9:00 a.m. on Saturdays, Sundays and statutory holidays.

- 3.03 The property owner, lessee, occupier or Person in control of a premises is responsible for Nuisance Noise created by invitees, guests or other Person on the premises in the same manner as the Person actually creating the Nuisance Noise unless the property owner, lessee, occupier or Person in control of the premises establishes that they exercised due diligence in a bona fide effort to control and abate such Nuisance Noise.

#### 4.00 EXEMPTIONS:

- 4.01 THAT the provisions of this by-law shall not apply to:
- 4.02 The existence of any emergency or the emission of such sound in the performance of the emergency work unless such sound is clearly of a longer duration or nature more disturbing than is reasonably necessary for the accomplishment of the emergency purpose.
- 4.03 Any vehicle of the police, fire department or ambulance or any public service or emergency vehicle.
- 4.04 The use of any bell, chime or similar Sound for the purposes of calling persons to church and /or similar school service.
- 4.05 Work performed in respect to snow clearing, road maintenance, construction or demolition of a public right-of-way or public spaces, operated by the Municipality or their agents and/or contractors.
- 4.06 Work performed in respect to grass, field, recreation facilities and playground maintenance, operated by the Municipality or their agents and/or contractors.
- 4.07 The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas carols.
- 4.08 Concerts, military or other bands, circuses, fairs, parades, or any like activities, where authorized by the Municipality.
- 4.09 The lighting of fireworks, by certified personnel, as a public display for the benefit of the community at large, where authorized by the Municipality.
- 4.10 Consumer fireworks will be permitted providing the fireworks are held on privately owned land, the person is 18 years of age or older or under the direct supervision of and control of a person 18 years of age or over. No person shall discharge any consumer fireworks in such a manner as might create danger or constitute a nuisance to any person or property, or to do or cause or allow any unsafe act or omission at the time and place for the discharging of fireworks. No person shall discharge any consumer fireworks in or on or into any park, highway, street, lane or other public place, unless under authorization by the Municipality.
- 4.11 Sound emanating from the clearing of snow from private parking lots and driveways.

- 4.12 Aircraft and railway rolling stock.
- 4.13 The use, in a reasonable manner, of any apparatus, mechanism or device for the amplification of the human voice or of music on public property in connection with any duly approved public meeting, celebration or other public gathering.
- 4.14 Any activity, work or undertaking which would otherwise be prohibited by this bylaw, where authorized by the Municipality.

#### 5.00 PERMITS:

- 5.01 A person may apply to the Municipality for a permit authorizing an activity that would otherwise be prohibited under this By-law.
- 5.02 An application for a permit may be made by the owner or a person authorized in writing by the owner. The application must include:
  - (a) A completed and signed application form;
  - (b) Information as to the location and intended purpose of the use; and
  - (c) The fee called for in Schedule A.
- 5.03 The Chief Administrative Officer or designated officer may require the applicant to supply additional information in the support of the application.
- 5.04 If on the basis of the application and the information supplied, it appears to the Chief Administrative Officer or designated officer that the activity may be carried out subject to conditions designed to restrict or minimize the sound produced by or in the course of the activity or its affect on people, the Chief Administrative Officer or designated officer may issue a permit to the applicant
- 5.05 A permit is issued in the name of the owner, and where the applicant is not the owner, to the owner and the applicant jointly.
- 5.06 A permit may be issued subject to conditions designed to restrict or minimize the sound produced by or in course of the activity or its affect on people.
- 5.07 The Chief Administrative Officer, designated officer or by-law enforcement officer may revoke a permit for violation of the permit conditions or this by-law.

#### 6.00 OFFENCES AND PENALTY:

- 6.01 Any person or persons who contravene or disobeys, or refuses or neglects to obey; any provision of the within By-Law, or any order made pursuant to the provisions of the within By-Law or any condition or restriction attached to a permit; for which no other penalty is herein provided, is guilty of an offence and liable, on summary conviction, as outlined in the Rural Municipality of St. Andrews General Enforcement By-Law or successor By-Law.

7.00 REPEAL:

7.01 That By-Law No's. 3567 and 3626 of The Rural Municipality of St. Andrews is hereby repealed.

8.00 ENACTMENT:

8.01 This by-law shall come into full force and take effect upon the passage thereof.

9.00 AMENDMENTS:

9.01 That Schedules 'A' and 'B' attached hereto and forming part of this By-Law No. 4409, may be amended from time to time by resolution of Council.

10.00 VALIDITY OF BY-LAW:

10.01 Should any provision of this by-law or the Code hereby adopted be declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of this by-law and the Code independent of the elimination of any such portion as may be declared invalid.

**DONE AND PASSED** by the Council of The Rural Municipality of St. Andrews, in Council duly assembled in Clandeboye, Manitoba this 28<sup>th</sup> day of January A.D., 2025.

THE RURAL MUNICIPALITY OF ST. ANDREWS

  
\_\_\_\_\_  
Mayor Joy Sul

  
\_\_\_\_\_  
Chief Administrative Officer

RECEIVED First Reading on this 14<sup>th</sup> day of January A.D., 2025

RECEIVED Second Reading on this 28<sup>th</sup> day of January A.D., 2025

RECEIVED Third Reading on this 28<sup>th</sup> day of January A.D., 2025

**SCHEDULE 'A'**



**RURAL MUNICIPALITY OF ST. ANDREWS**

Box 130, 500 Railway Avenue  
Clandeboye, MB R0C 0P0  
Ph. 204-738-2264 www.rmofstandrews.com

**APPLICATION FOR NOISE PERMIT VARIANCE**

**Application MUST made a minimum of 21 Days prior to event.**

**Fee Amount \$ \_\_\_\_\_ Paid Y \_\_\_ N \_\_\_**

**Type of Noise: (✓ all that apply)**

**Sponsored/Commercial Event \_\_\_\_\_ Family Event \_\_\_\_\_ Construction Site \_\_\_\_\_ Other \_\_\_\_\_**

**Loud Speakers \_\_\_\_\_ Group of People \_\_\_\_\_ Musical device/Instruments \_\_\_\_\_ Animals \_\_\_\_\_**

**Mech equipment \_\_\_\_\_ Construction equipment \_\_\_\_\_ Power Equipment \_\_\_\_\_ Vehicles \_\_\_\_\_**

**Applicant's Name: \_\_\_\_\_**

**Applicant's Address: \_\_\_\_\_**

**Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_**

**Name of Owner/ Organization: \_\_\_\_\_**

**Contact Person: \_\_\_\_\_**

**Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_**

**Description of Event: \_\_\_\_\_**

**Date(s) of Event/Noise: \_\_\_\_\_**

**Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_ # of People: \_\_\_\_\_**

**Is Event in a Municipal, Provincial or Federal Park? \_\_\_\_\_**

**Name of Park: \_\_\_\_\_**

**Location of Loudspeaker/Noise \_\_\_\_\_**

**PLEASE INCLUDE A DETAILED MAP WITH SITE LAYOUT AND AREA AFFECTED.**

**Applicant: \_\_\_\_\_ Date: \_\_\_\_\_**



**SCHEDULE ‘B’**



**RURAL MUNICIPALITY OF ST. ANDREWS**

Box 130, 500 Railway Avenue  
 Clandeboye, MB R0C 0P0  
 Ph. 204-738-2264 www.rmofstandrews.com

**NOISE CONTROL BY-LAW NO. 4409  
 VARIANCE PERMIT**

< **INSERT DATE OF EVENT** >

This permit is granted on the understanding that noise will be kept to a minimum and that the permit may be revoked at the discretion of the Chief Administrative Officer or designate, if a legitimate complaint is received. Complaints received regarding the above event may prohibit the permit holder from obtaining future noise permits or penalties as outlined in By-Law No. 4409.

Permit issued to:		
Address of Event:		
Time:	Start:	End:
# of People		
Description of Event		

Authority for this Noise Variance Permit is granted under the Rural Municipality of St. Andrews By-Law No. 4409, section 5.

Permit is to be displayed in a publicly visible location on the property.

\_\_\_\_\_  
 Chief Administrative Officer / Designated Officer