

RURAL MUNICIPALITY OF ST. ANDREWS

BY-LAW NO. 36269

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. ANDREWS
TO AMEND BY-LAW NO. 3567.

WHEREAS the Rural Municipality of St. Andrews had on the 12th of July, 1983, passed By-law No. 3567.

AND WHEREAS the said By-law prohibited loud and unnecessary noises within the Municipality and set maximum penalties for persons in breach of the said By-law;

AND WHEREAS the Municipality wishes to provide for minimum penalties for the persons in breach of the said By-law, which provision will simplify the collection of fines from and the assessment of costs against those persons in breach of the said By-law;

AND WHEREAS it is deemed desirable, expedient and in the best interest of the Municipality to amend By-law No. 3567;

NOW THEREFORE be it enacted as a by-law of the Rural Municipality of St. Andrews:

1. That By-law No. 3567 be amended as follows:

i) By deleting paragraph 4 of the said By-law and replacing it with the following paragraph:

"4. Any person guilty of a breach of the provisions of this By-law shall, upon summary conviction, be liable for a fine of not less than \$50.00 and costs and not more than \$500.00 plus costs, or in default of payment of any fine and costs levied to imprisonment for a period not exceeding three months and the provisions of "The Summary Convictions Act," Cap.S230 CCSM or any successive legislation thereto shall apply to any prosecution hereunder."

ii) That in all other respects the said By-law be confirmed.

2. That the proper officers of the Rural Municipality of St. Andrews are hereby authorized and directed to do all acts and things necessary for the proper implementation of the provisions of the within By-law.

DONE AND PASSED in open Council this 16th day of JULY A.D.
1985.



Reeve



Secretary-Treasurer

RURAL MUNICIPALITY OF ST. ANDREWS

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. ANDREWS TO CONTROL NOISE NUISANCES IN THE SAID MUNICIPALITY.

WHEREAS, it is considered desirable to prohibit all loud noise, unnecessary, or unusual noises, or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or welfare of the inhabitants of the Municipality of St. Andrews.

INTERPRETATION: In This By-Law:

- (a) "Owner" means the person or persons shown as the registered owner on the last revised assessment roll for the Municipality of St. Andrews and includes the lessor, the person giving or permitting the occupancy of the premises in question and his or their heirs, assigns, and legal representative and also includes any person entitled to the possession of the premises;
- (b) "Occupant" means and includes owner, lessee, tenant, sub-tenant, under-tenant and his or their assigns, heirs and legal representative, and shall include any person exercising physical control or possession of the lands and premises in question, where such control or possession is with or without the consent of the owner.

NOW THEREFORE the Council of the Rural Municipality of St. Andrews in open session enacts as follows:

- 1. (1) No person shall make, continue, cause to be made or cause to be continued any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or welfare of others resulting as a consequence of any of the acts set forth below, and;
- 1. (2) No person shall permit or allow to be made, or to continue, or to be caused to be made or to be caused to be continued any loud noises resulting as a consequence of any of the following acts, in, on, or about any lands, buildings structures, vehicles or premises of which he is the owner or occupant as defined in this By-law:

- (a) The sounding of any horn or other signalling device on any vehicle on any street or public place within the municipality, except as a danger warning; the creation

by means of a horn or other signalling device or any unreasonable or harsh sound; and the sounding of a horn or other signalling device for an unnecessary or unreasonable period of time, the use of any horn, whistle or other device operated by engine exhaust;

(b) The using, operating or permitting to be played, used or operated of any radio receiving set, television, musical instrument, phonograph, loudspeaker, or other machine or device for the production or reproduction or amplification of sound in such manner as to annoy or disturb the peace, quiet, comfort or repose of the neighbouring inhabitants;

(c) The using, operating or permitting to be played, used or operated of any radio receiving set, television, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building, structure or vehicle;

(d) By yelling, shouting, hooting, whistling or singing on any street or public place in the area so as to annoy or disturb the peace, quiet, comfort, or repose of any persons in any office, school, hotel, house, or other type of residence, or any person in the vicinity;

(e) The blowing of any steam or air whistle attached to or used, in connection with any stationary boiler or other machine or mechanism or any siren however operated except as a warning of fire or other danger;

(f) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle, except through a muffler or other device which effectively prevents loud or explosive noises therefrom or any noise which may annoy, disturb, injure or endanger the comfort, repose, health, peace or welfare of others;

(g) The use of any vehicle whatsoever so out of repair, so loaded or in such manner as to create a grating, grinding, or rattling noise or sound, except when such vehicle is being driven or towed for the purpose of being repaired or adjusted;

(h) The carrying on between the hours of 11:00 o'clock p.m. on one day and 7:00 o'clock a.m. on the next following day of any excavation or construction work whatsoever including the erection, demolition, alteration or repair of any building, authorized by the Municipality and intermittent explosions occurring in the course of, or in connection with, any manufacturing process, except where such work is necessary to protect or prevent injury or danger to persons or property;

(i) The operation of or allowing the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or other similar commercial or domestic power tool or device between the hours of 11:00 o'clock p.m. of one day and 7:00 o'clock a.m. on the next day following, except where such work is necessary to protect or prevent injury or danger to persons or property;

(j) The creation of any excessive noise on any street which noise may annoy, disturb, injure or endanger the comfort, repose, health, peace or welfare of others;

(k) The transportation of rails, pillars, columns of iron, sand, gravel, dirt, rubble and like material, steel or like material over and along streets and other public places within the area upon carts, drays, cars, trucks, trailers or in any other manner so loaded as to cause loud noises or so as to disturb the peace and quiet of such streets or other public places;

(l) The operation of any noise-creating blower or power fan or any other internal combustion engine, the operation of which causes noise due to the explosion of

operating gases or fluids unless the noise from such blower or fan is muffled and such engine is equipped with a device sufficient to deaden such noise;

(m) The operation between the hours of 11:00 o'clock p.m. of one day and 7:00 o'clock a.m. on the next following day of any pile driver, steam shovel, pneumatic or gasoline operated hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noises;

1. (3) Doing of any of the aforesaid acts between the hours of 11:00 o'clock p.m. of one day and 7:00 o'clock a.m. on the next following day shall be prima facie evidence that the noise did annoy or disturb another person.

2. Nothing contained in this By-law shall be interpreted as prohibiting any of the following:

(a) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or any other commodious space in connection with any public election meeting, public celebration or other reasonable gathering or, during the month of December in any year, for the rendering of Christmas carols or musical chimes anywhere in the area;

(b) Military or other band or any other parade, operating under written permission first obtained from the Council of the Municipality;

(c) Any vehicle of the police, fire department or any ambulance or any public service or emergency vehicle while answering a call;

(d) Any sound arising from the operation of any railway which operates under The Railway Act of Canada or from any plant or work in connection with any such railway;

(e) Any case of public convenience or necessity;

(f) The ringing of church or school bells;

(g) The operations of religious body as heretofore carried on.

3. All references to time shall be deemed to be a reference to Daylight Saving Time when such is in current use in the Municipality and at all other times to Central Standard Time.

4. Any person guilty of a breach of any of the provisions of this By-law shall, upon summary conviction, be liable to a fine not exceeding \$100.00 and the costs of prosecution or in default of payment to imprisonment for a period not exceeding three months and the provisions of The Manitoba Summary Convictions Act shall apply to any prosecution hereunder.

5. Where the contravention, refusal, neglect, omission or failure including failure to comply with an order or direction given under this By-law continues for more than one day, the person is guilty of a separate offence for each day that the contravention continues.

6. That the owner or occupant of lands and premises situate within the Rural Municipality of St. Andrews shall incur any penalty provided for any violation of this By-law committed on or about, or arising from the use of any lands and premises of which he is the owner or occupant, as defined in this By-law, whether or not such owner or occupant is physically present at the time the violation is committed, unless the said owner or occupant can prove that the lands and premises were at the time of the violation occupied or used by person or persons other than the owner or occupant without the knowledge or consent of the said owner or occupant.

7. In any proceeding under this By-law, any and all persons found in or about any premises where a violation

of this By-law has taken place at the time of the committing of an offence under this By-law, shall be presumed to be in possession of these lands and premises with the knowledge and consent of the owner or occupant, unless the contrary can be proved by the owner or occupant charged with the offence under this By-law.

8. If any portion of this By-law is held to be invalid by any court of competent jurisdiction, the remaining provisions of this By-law shall not be invalidated. This By-law is intended to have force and effect only within the sphere of its legitimate operation pursuant to municipal legislation of the Province of Manitoba.

DONE AND PASSED in open Council this 12th day of
JULY, A.D. 1983.


Reeve


Secretary-Treasurer

I, R. Leslie Price do hereby certify this to be a true and exact copy of by-law No. 3567 of the Rural Municipality of St. Andrews.

