



Rural Municipality of De Salaberry

Noise By-Law No. 2373-18

BEING a Bylaw of the Rural Municipality of De Salaberry providing for Public Safety, Health, Wellbeing and Regulating of Noises;

WHEREAS Section 232 and 233 of *The Municipal Act* provides in part 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;
- (d)
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- (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)
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- (o) the enforcement of by-laws

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

- (a)
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- (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.

NOW THEREFORE the Rural Municipality of De Salaberry, in Council duly assembled, enacts as follows:

1. TITLE

This Bylaw shall be referred to as the Noise Bylaw.

2. DEFINITIONS

In this By-law:

- (a) "CAO" means the Chief Administrative Officer of the RM or designate.



- (b) "Emergency" means any occurrence or set of circumstances including actual or imminent physical trauma or property damage which demands immediate action.
- (c) "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.
- (d) "Noise" means any loud or harsh sound.
- (e) "Nuisance Noise" means any loud, unnecessary or unusual sound or any sound whatsoever which annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace and/or safety of any reasonable person as determined by an Officer.
- (f) "Officer" means any Member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable, designated officer or other person appointed by the RM of De Salaberry for preservation and maintenance of the public peace.
- (g) "Person" means any individual and includes firm, partnership, association, corporation, company or group of persons.
- (h) "Premises" means a building or buildings including the associated land.
- (i) "Residential Area" means any area where a person or persons maintain a residence, and without limiting the generality of the foregoing, shall include all areas zoned as Urban Residential, Parkland Residential, and Hamlet Residential pursuant to the RM of De Salaberry Zoning By-law and all other areas where residences are maintained.
- (j) "RM" means the Rural Municipality of De Salaberry.
- (k) "Urban Area" means the boundaries of the Local Urban District of St Malo, and the Hamlet of Otterburne.

3. PROHIBITED NOISES

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 within an urban area or the firing or setting off of any sort of fire-cracker, grenade, firework or the operation of any other sort of noise making device, unless specially authorized, by resolution.



- (b) The sounding of any bell, horn, siren, or signal device including such devices on any vehicle of whatever kind, for any unreasonable period of time.
- (c) The sounding or noise from or created by any radio, phonograph, tape recorder, ghetto-blaster, or any musical instrument of any kind when such radio or instrument is played or operated in such a manner or with such volume to enable it to be heard at a distance of 100 feet.
- (d) The sound emanating from an improperly operated or maintained vehicle, including the squealing of tires, the operation of a vehicle with an improperly maintained or otherwise deficient exhaust system and those noises which emanate from a vehicle by reason of its state of disrepair.
- (e) Any noise arising between the hour of 11:00 PM of any day and 7:00 AM of the next following day from any excavation or construction work whatsoever, including the erecting, demolition, alteration or repair of any building, authorized by the RM, except in the case of urgent necessity and then under permit from the RM. (This section does not apply to businesses located in a zone where manufacturing is permitted.)
- (f) Any noise arising from the use and/or operation of any power tool, motorized lawn mower, chain saw, leaf blower, motorized garden tiller, weed/grass trimmer, motorized toy or similar device used outdoors in any urban area between 10:00 PM of any day and 7:00 AM of the next following day.
- (g) The use of engine retarders (jake brakes) within the boundaries of the urban areas of the RM.
- (h) Excessive noises made by pets.
- (i) Any loud, blasphemous, abusive, obscene or insulting language or singing or shouting or speaking in a boisterous manner.

4. PERMITTED NOISES:

None of the provisions of this by-law shall apply to:

- (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 other commodious space in connection with a public election meeting, public celebration, festival or other reasonable gatherings.
- (b) Any military or other band or any parade, operating under written permission first obtained from the RM.



- (c) Any vehicle of the police, fire or 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 conveyance.
- (f) The ringing of church or school bells.
- (g) The rendering of Christmas Carols or musical chimes, anywhere in the RM, during the month of December.
- (h) Any reasonable sounds or noises emanating from a manufacturing enterprise located in an appropriately zoned area of the RM.
- (i) Snow clearing, road maintenance and road construction vehicles and equipment operated by the RM or the Province of Manitoba or their agents and/or contractors.
- (j) Concerts, circuses, fairs, parades, special private parties, festivals, tractor pull or any like activity where a Special Events Permit has been issued by the RM under the Special Events Policy.
- (k) The operation of farm equipment involved in activities necessary to the operation of an agriculture enterprise.
- (l) Aircrafts.
- (m) Residents who have an approved Noise Permit issued by the Municipality following these guidelines:
 - i. The resident must apply to the Municipality with an application (sample attached as Schedule A) and fee as per the Schedule of Fees Bylaw, 30 days prior to the event.
 - ii. Once an application and fees have been received, notice will be circulated to neighbours within 100 metres.
 - iii. The permit will be issued by administration; however if concerns are submitted in writing, the application and concerns will be reviewed by Council who will determine by resolution if a permit is to be issued or withheld.



5. CONTRAVENTIONS AND FINES

- (a) As per *The Municipal Act* Section 249(1) Any person, persons or corporation found violating any provisions of this By-law, shall be fined a sum of \$500.00. In default of payment thereof, that person may be imprisoned for a period not exceeding three months, or both, unless the said penalty is sooner paid.
- (b) A fine levied and costs charged under this Bylaw may be collected in any manner in which a tax may be collected or enforced under *The Municipal Act*.
- (c) This bylaw shall be administered by the Royal Canadian Mounted Police or a Designated Officer appointed by the RM of De Salaberry.

6. EXCEPTIONS AND EFFECT

- (a) That any exceptions must be approved in writing by the RM to this Bylaw.
- (b) This Bylaw shall come into effect upon its passing.

7. SEVERABILITY

If any provision of this Bylaw is held to be invalid by any Court of competent jurisdiction, the remaining provisions of this Bylaw shall not be invalidated.

8. REPEAL

By-law No. 2207-04 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of De Salaberry duly assembled in Manitoba this 9th day of October, A.D. 2018.

“Original Signed by Marc Marion”
Marc Marion
Reeve

“Original Signed by Kristine Shields”
Kristine Shields, CMMA
Chief Administrative Officer

Read a first time this 25th day of September, 2018.

Read a second time this 9th day of October, 2018, as amended.

Read a third time this 9th day of October, 2018



SCHEDULE "A"



De Salaberry

Noise Permit Application By-Law No. 2373-18

Applicant Information:

(First Name) (Last Name)

(Mailing Address)

(City) (Province) (Postal Code)

(Daytime Phone No.) (Evening Phone No.)

(Email Address)

Event Information:

(Type of Event)

(Location - Civic Address or Legal Description)

(Date) (Time)

\$50.00 plus costs non-refundable fee Receipt No. _____

Applicant Signature:

Roll #
