



## THE RURAL MUNICIPALITY OF MACDONALD

### BY-LAW NO. 3/23

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to regulate and prohibit nuisance noises in the Municipality.

WHEREAS Sections 232 and 233 of *The Municipal Act* provides in parts 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;
- (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

- (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.

AND WHEREAS excessive sound is a serious hazard to public health and welfare, safety and quality of life;

AND WHEREAS people have the right to and should be ensured an environment free from excessive noise;

AND WHEREAS technology now exists by which excessive noise may be substantially abated;

NOW THEREFORE, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts as follows:

#### 1. Title

This By-Law may be referred to as "The Rural Municipality of Macdonald Noise By-Law".

#### 2. Definitions

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*.

Wherever the singular or masculine are used throughout this By-Law, the same shall be construed as meaning the plural or feminine or neutral, where the context so requires.

- (a) “Drone” means a motorized model or unmanned craft generally remotely or computer controlled.
- (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) “General Development Zone” means the general development zones as defined in the Municipality’s Zoning By-Law.
- (e) “Nuisance Noise” means an unreasonably loud or excessive sound, a sound which unreasonably disturbs, injures or endangers the comfort, health, peace or safety of an individual; or a sound which is so harsh, prolonged, unnatural or unusual in time and place so as to cause an unreasonable discomfort to an individual.
- (f) “Officer” means any member of the Royal Canadian Mounted Police Force and any other police officer, police constable, constable, by-law enforcement officer, or other official appointed by Council, from time to time, to enforce this by-law, or, in the absence of such an appointment, the Chief Administrative Officer of the Municipality.
- (g) “Occupier” means an occupier as defined in *The Municipal Assessment Act*.
- (h) “Owner” means the person who is an owner of a freehold estate in the property, a person identified on the certificate of title as the owner or a person shown as the registered owner according to the Municipality’s assessment roll.
- (i) “Premises” means land and buildings located on the land.
- (j) Residential Zone” means the residential zones as defined in the Municipality’s Zoning By-Law.

### **3. Prohibition**

No person may make, continue to cause, or allow to be made or continued, by whatever means, any Nuisance Noise.

### **4. Prohibited Activities**

No person may do, cause to be carried out or allow the following activities:

- (a) Any loud, blasphemous, abusive, obscene or insulting language or singing or shouting or speaking in a boisterous manner.
- (b) use a musical instrument or loudspeaker, that can be heard from a distance of thirty (30) metres or more.
- (c) use a motorized toy, Drone, recreational vehicle or vehicle.

(d) use engine retarder brakes (“Jake Brakes”) within the following limits of the Municipality and shown on Schedule “A” to this By-Law:

- (i) All that portion of P.T.H. No. 3 in the vicinity of Oak Bluff lying south westerly of the intersection of P.T.H. No. 3 and P.T.H. No. 2 a distance of 500 metres.
- (ii) All that portion of P.T.H. No. 2 in the vicinity of Oak Bluff beginning at the point commencing approximately 1,290 metres west from the intersection of P.T.H. No. 2 and P.T.H. No. 3;
- (iii) All that portion of P.T.H. No. 100 in the vicinity of Oak Bluff beginning at the point 850 metres northwesterly of the point where the centre line of P.T.H. No. 3 crosses the highway
- (iv) All that portion of P.T.H. No. 100 in the vicinity of Oak Bluff beginning at the at the point 1,650 metres southeasterly of the point where the centre line of P.T.H. No. 3 crosses the highway.
- (v) All that portion of P.T.H. No. 3 in the vicinity of Oak Bluff lying south westerly of the intersection of P.T.H. No. 100 and P.T.H. No. 3.
- (vi) All that portion of P.T.H. No. 2 in the vicinity of Oak Bluff lying east of the intersection of P.T.H. No. 2 and P.T.H. No. 3 to P.T.H. No. 100.
- (vii) All that portion of P.T.H. No. 2 in the vicinity of Starbuck commencing 700 metres SW of the intersection of P.R. No. 332 & P.T.H. No. 2 to 300 metres East of the intersection of P.R. No. 332 and P.T.H. No. 2; and
- (viii) All that portion of P.R. No. 332 lying south of the intersection of P.R. No. 332 & P.T.H. No. 2 a distance of 700 metres;
- (ix) All that portion of P.R. No. 332 lying north of the intersection of P.R. No. 332 & P.T.H. No. 2 a distance of 900 metres.

#### **5. Prohibited Activities between the Hours of 11:00 p.m. to 7:00 a.m.**

No person may do, cause to be carried out or allow the following activities before 7:00 a.m. and after 11:00 p.m.

- (a) lighting and/or setting off of any explosive noise making device, including a firecracker or other fireworks.
- (b) excavation or construction work of any nature.
- (c) use and/or operation of any power tool, motorized lawn mower, snow clearing device, chainsaw, leaf blower, motorized garden tiller, weed/grass trimmer or similar device used outdoors in any Residential and General Development Zones.
- (d) use or operation of any drum, horn, bell, radio or mechanical loud-speaker, or other instrument or device or sound producing, sound re-producing, or sound transmitting instrument or apparatus for the purposes of advertising or for attracting attention to any performance, show or sale or display of goods, wares or merchandise which projects noise or sound into any street or other public place.

## 6. Permitted Noises

This By-Law does not apply to sound resulting from:

- (a) an activity which is being carried on and is not in breach of any applicable land use provisions, and it is shown, to the satisfaction of the Officer, that:
  - (i) the sound intensity level is not unreasonable, taking into consideration the type of activity allowed by the applicable land use provisions, and
  - (ii) all reasonable steps have been taken by the owner, lessee, occupier or person in control of the property from which the sound is emanating in order to reduce the intensity.
- (b) a concert, circus, fair, parade, street festival, block party or similar activity authorized by a resolution of Council.
- (c) normal farming practices or operation of agricultural machinery/equipment being used for agricultural purposes.
- (d) snow clearing, road maintenance and road construction vehicles and equipment operated by the Municipality and/or the Province of Manitoba or their agents and/or contractors.
- (e) grass and field of play maintenance vehicles and equipment operated by the Municipality and/or Province of Manitoba or their agents and/or contractors.
- (f) clearing of snow from private parking lots and driveways.
- (g) the Fire Hall alarm, or the sirens of any emergency vehicle while engaged in providing an emergency response or during testing of an emergency warning siren.
- (h) the sound system of sports complex, arena, curling rink and community centres.
- (i) a bell, chime or similar sound for the purpose of calling persons to church and/or similar school services.
- (j) the lighting and/or setting off of fireworks by a person holding a Fireworks Operator Certificate issued under the National Fireworks Certification Program (Canada).

## 7. Owner responsibility

The obligation for compliance under this By-law includes the Owner of the Premises upon which there is a contravention of this By-law.

## 8. Contravention and Fines

A person who contravenes this By-law is guilty of an offence and is liable on summary conviction to a fine of not more than \$1000.00. Any costs associated with or resulting from enforcing this By-Law are in addition to any such fine and are an amount owing to the Municipality and may be collected in any manner in which a tax may be collected or enforced under The Municipal Act.

By-Law No. 3/23 – Schedule “A” Starbuck

**9. Severability**

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.

**10. Transitional**

By-Law No. 17/20 be and is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this 28<sup>th</sup> day of February A.D., 2023.

**THE RURAL MUNICIPALITY OF MACDONALD**



Brad Erb  
Reeve



Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

*Read a First time this 14<sup>th</sup> day of February A.D., 2023*  
*Read a Second time this 28<sup>th</sup> day of February A.D., 2023*  
*Read a Third time this 28<sup>th</sup> day of February A.D., 2023*

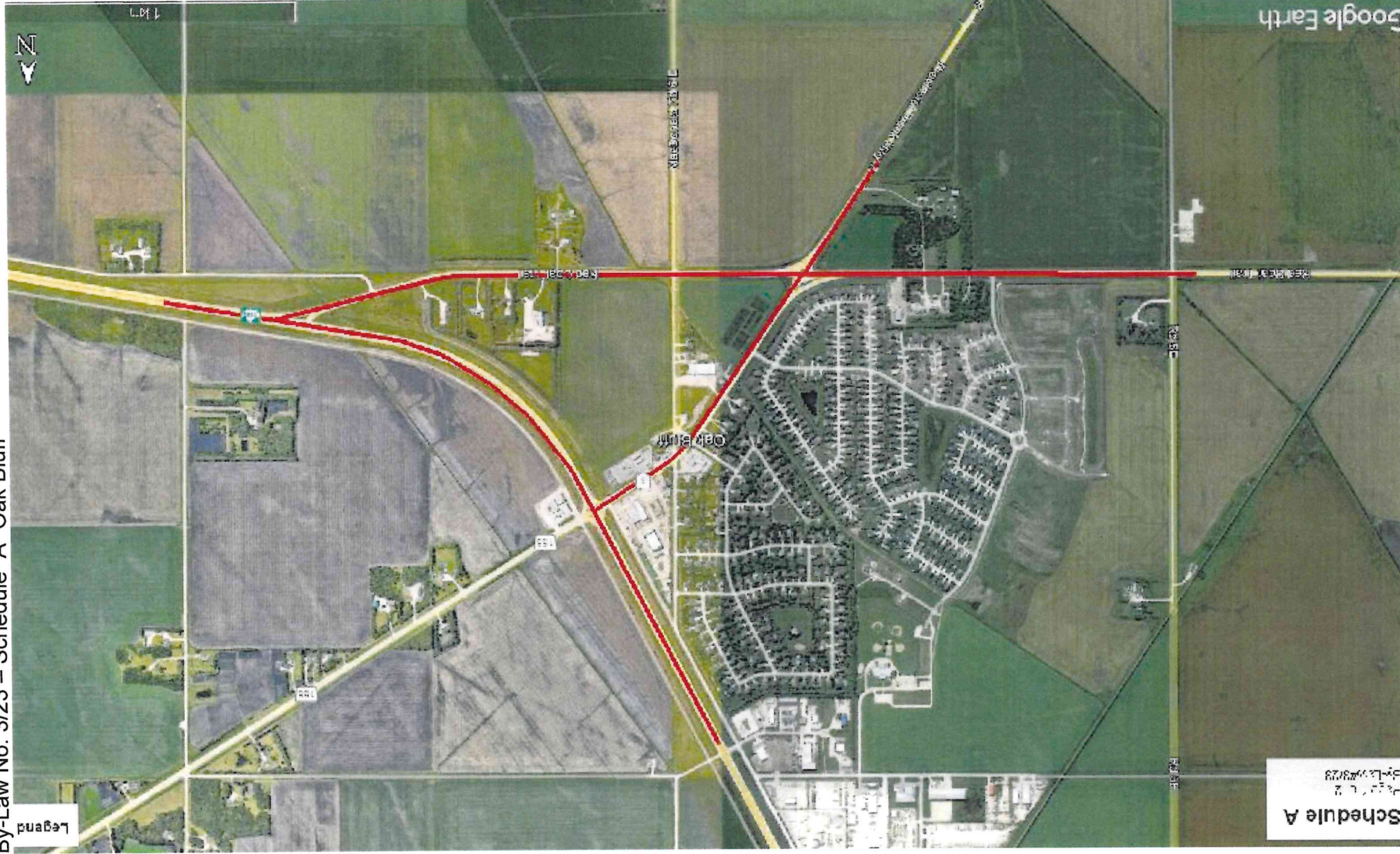
Approval by the Minister of Infrastructure or his/her delegate in terms of Sec. 90(3) of the Highway Traffic Act:



Approved:

G. A. Cuthbertson, P. Eng.  
Director, Traffic Engineering

By-Law No. 3/23 – Schedule “A” Oak Bluff

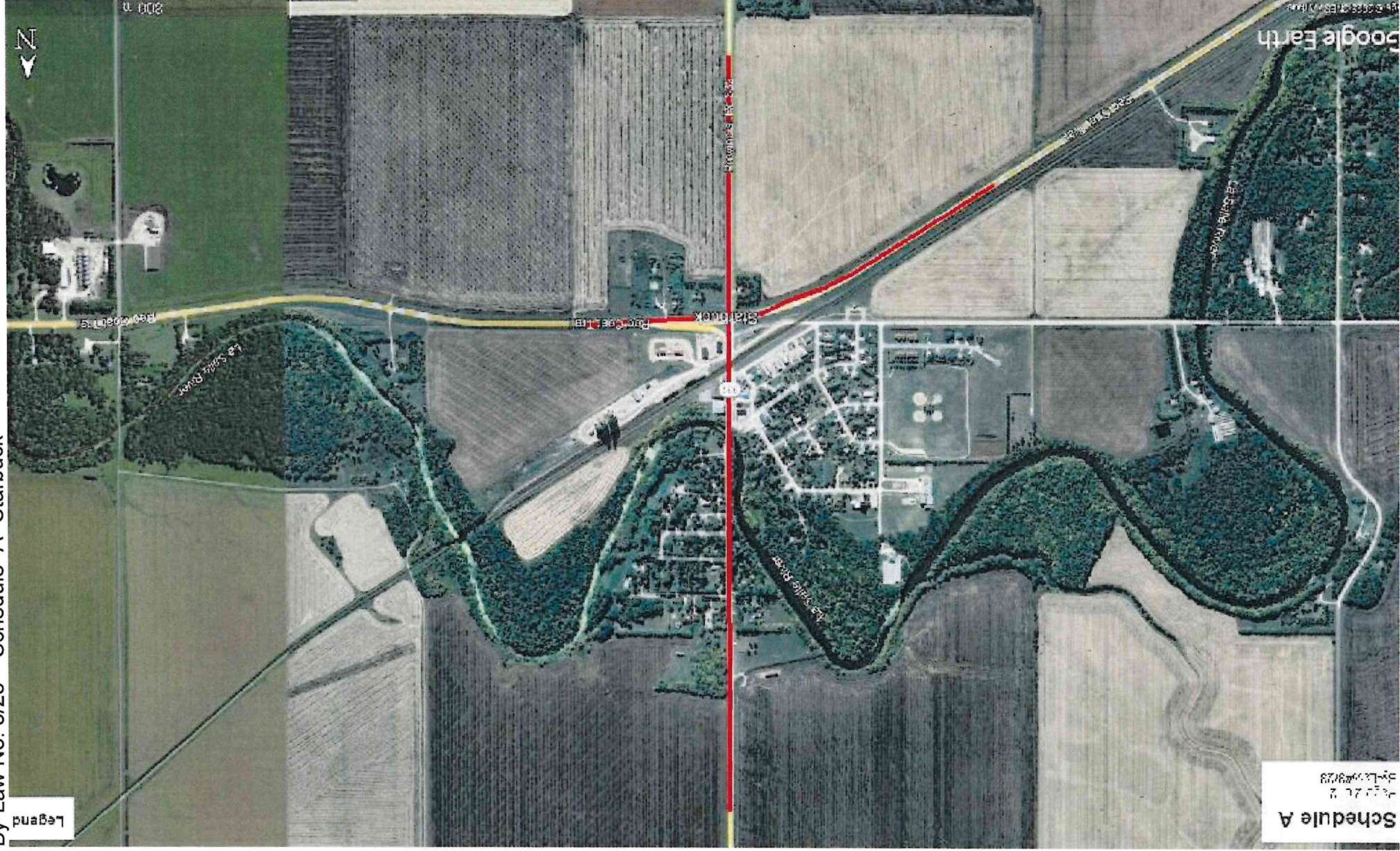


Google Earth

Schedule A  
By-Law No. 3/23

Legend

By-Law No. 3/23 – Schedule “A” Starbuck



Legend

Schedule A  
By-Law No. 3/23