

RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2025-12

BEING A BY-LAW of the Rural Municipality of East St. Paul
to regulate noise nuisances.

WHEREAS Sections 232 and 233 of *The Municipal Act* provide authority for council to pass by-laws respecting the safety, health, protection, and well-being of people and activities on private property that may constitute a nuisance, including noise;

AND WHEREAS excessive and unreasonable noise can be disruptive to the peace, health, and quality of life of residents;

NOW THEREFORE the Council of the Rural Municipality of East St. Paul, in regular session duly assembled, enacts as follows:

PART I — GENERAL

1. Definitions

In this By-law:

“A-weighted sound level” means the sound pressure level in decibels as measured using a precision sound level meter using the ‘A’ weighting network and “slow” meter response. The level so read is designated dBA.

“Ambient sound level” means the ‘A’ weighted sound level at a location where it is heard.

“Decibel (dB)” means a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micro pascals.

“Designated Officer” means a person appointed by the Municipality as a designated officer under *The Municipal Act* and includes Community Safety Officers.

“Holiday” has the same meaning as that term given in the Interpretation Act.

“Precision sound level meter” means an instrument used to measure sound levels that complies with ANSI or CSA standards.

“Qualified person” means an individual possessing technical training or experience in acoustics, sound measurement, or environmental noise assessment, and may include a professional engineer, technologist, or consultant engaged by the Municipality for the purpose of conducting sound level measurements.

“Sound level measurement” means the determination of sound pressure levels in decibels using a precision sound level meter, in accordance with recognized standards and calibration procedures.

2. Purpose

The purpose of this By-law is to regulate and prohibit unnecessary or unreasonable noise nuisances within the Municipality.

3. Schedules

Schedules attached to this By-law form part of the By-law and have the same force and effect as if contained herein.

PART II — NOISE REGULATIONS

4. General Prohibitions

No person shall make, cause, or permit:

- a. an unreasonably loud or excessive sound;
- b. a sound which disturbs, injures, or endangers the comfort, health, peace, or safety of any individual; or
- c. a sound that is harsh, prolonged, or unusual in time or place such that it causes undue discomfort to others.

5. Determining a Noise Nuisance

In determining whether a noise constitutes a nuisance under this By-law, consideration may be given to factors including but not limited to:

- a. time of day and day of the week;
- b. land use and zoning in the area where the sound originates and is received;
- c. the nature and duration of the sound, including whether it is intermittent, repetitive, or continuous;
- d. the proximity of the sound to residences or other sensitive uses.

6. Time-Based Activity Restrictions

No person shall carry out or permit the following restricted activities outdoors in a manner that creates a noise nuisance affecting a dwelling, except between:

- Monday to Friday: 7:00 a.m. to 10:00 p.m.
- Saturdays, Sundays, and Statutory Holidays: 9:00 a.m. to 11:00 p.m.

Restricted activities include, but are not limited to:

- a. Operation of mechanical tools or equipment used in construction, drilling, or demolition (e.g., power saws, drills, sanders, grinders);
- b. Operation of lawn or garden tools, snow blowers, or similar outdoor devices;
- c. Operation of powered models (e.g., remote-controlled cars, aircraft, boats);
- d. Repairing, rebuilding, modifying, or testing motor vehicles, motorcycles, outboard motors, recreational vehicles, or off-road vehicles;
- e. Operation of off-road or recreational motorized vehicles on private property (except within municipal right-of-way);
- f. Idling or operating any engine or auxiliary motor on a vehicle for more than 10 minutes;
- g. Offering goods or services for sale by means of shouting or amplified sound in areas zoned for residential or commercial use.
- h. Operation of construction trucks, trailers, or similar equipment for the purpose of hauling, tipping, or dumping fill, gravel, or other materials, where such operation causes loud impact or banging noises.

7. Air Conditioners, Pool Equipment, and Compressors

No person shall operate, or allow to be operated, air conditioners, pool filtration systems, air-moving devices, fans, or compressors where the sound level exceeds:

- a. 55 dBA between 7:00 a.m. and 10:00 p.m.
- b. 50 dBA between 10:00 p.m. and 7:00 a.m.

Measured at the nearest point on an adjacent property where the sound is audible.

8. Sound Measurement

- a. For the purpose of determining compliance with this By-law, sound level measurements may be used to establish whether noise exceeds the limits prescribed in this By-law.
- b. Sound level measurements shall be conducted only by:
 - i. A Designated Officer or other municipal employee who has received appropriate training in the use of a precision sound level meter; or
 - ii. A qualified person or acoustic consultant retained by the Municipality.
- c. The results of any measurement conducted in accordance with this section may be used as evidence of a violation of this By-law, but the absence of such a measurement shall not preclude enforcement of this By-law based on other evidence of noise that is unreasonable or excessive, or that disturbs or is likely to disturb the peace, comfort, or convenience of any person within the Municipality.

9. Ambient Sound Consideration

Section 7 is not violated if the ambient sound level at the time of measurement exceeds the limits above, unless the measured equipment sound is 5 dBA or more above ambient.

PART III — EXEMPTIONS AND PERMITS

10. Exemptions

This By-law does not apply to:

- a. Emergency sirens and emergency vehicle signals;
- b. Municipal or utility work performed by or through the Municipality in respect of public services, facilities, or installations;
- c. Activities associated with permitted parades or events;
- d. School bells and activities, or bells associated with places of worship;
- e. Seasonal playing of Christmas music during December; and
- f. Aircraft, railway operations, and agricultural equipment used for agricultural uses.

11. Noise Exemption Permits

- a. A person may apply to the Municipality's Chief Administrative Officer or their designate for a Noise Exemption Permit using the form and paying the application fee set out in Schedule A. Application must include the petition set out in Schedule B.
- b. The Chief Administrative Officer or their designate may request additional information to support the application and may impose conditions intended to minimize the impact of the noise.
- c. A permit shall be issued in the name of the property owner, except where the owner provides written authorization for another individual to be named jointly.
- d. A permit may be revoked if the applicant violates any permit conditions or any provision of this By-law.

PART IV — ENFORCEMENT AND PENALTIES

12. Enforcement

- a. Designated Officers under *The Municipal Act* are authorized to enforce this By-law, including Community Safety Officers.
- b. A Designated Officer may inspect any property at reasonable times to assess compliance, determine necessary corrective action, and verify that remedial actions have been taken.
- c. If a contravention is found, the Designated Officer may issue a written order under section 242 of *The Municipal Act*, requiring the person to take specific action or actions within a specified timeframe.

13. General Provisions Related to Enforcement

- a. Nothing in this By-law shall limit the authority of a Designated Officer to determine whether noise constitutes a nuisance or is likely to disturb the peace,

comfort, or convenience of persons, regardless of whether a sound level measurement has been conducted.

- b. Where a sound level measurement is required or requested, the Municipality may retain a qualified person to conduct the measurement and provide a written report.

14. Review of Orders

- a. A person may request that Council review an order by submitting a written request to the Chief Administrative Officer (CAO) within 14 days of receiving the order.
- b. Upon receiving a request:
 - i. The CAO will schedule a review to be conducted before Council and notify the person of the date, time, and location.
 - ii. The person may attend the review and present evidence or other submissions.
 - iii. Council may confirm, vary, substitute, or cancel the order. The decision of Council is final.
- c. The time allowed to comply with the order shall be suspended from the date of receipt of the request to review until the date upon which Council renders its decision.
- d. If the person fails to comply and no review is requested, or Council upholds the order, the Municipality may carry out the necessary work to remedy the contravention at the person's expense.
- e. Any costs incurred by the Municipality to carry out enforcement become a debt owing to the Municipality, recoverable in the same manner as property taxes.

15. Offence and Penalty

- a. A person who contravenes any provision of this By-law is guilty of an offence.
- b. Each day that a contravention continues constitutes a separate offence.
- c. The fine for an offence under this By-law shall be the amount set out for the corresponding section in the Rural Municipality of East St. Paul Provincial Offences Act By-law, as established under *The Provincial Offences Act*.

16. Amendment of Schedules

Council may, by resolution, amend the Schedules attached to this By-law.

PART V — REPEAL AND COMING INTO FORCE

17. Repeal

By-law 2025-02 is hereby repealed, except to the extent necessary to enforce any violations or permit conditions existing prior to the enactment of this By-law.

DONE and PASSED as a by-law of The Rural Municipality of East St. Paul in the Province of Manitoba, this 28th date of October, 2025.



Carla Devlin
Mayor



Suzanne Ward
Chief Administrative Officer

Read a first time this	14th	day of	October, 2025
Read a second time this	28th	day of	October, 2025
Read a third time this	28th	day of	October, 2025