

RURAL MUNICIPALITY OF STANLEY
BY-LAW NO. 8-19

Being a By-law of the Rural Municipality of Stanley for the purpose of regulating activities or things which may or could become a nuisance.

WHEREAS Sub-section 232 of *The Municipal Act* (Manitoba) 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; ...

AND WHEREAS Sub-section 233 of *The Municipal Act* (Manitoba) provides, as follows:

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.

NOW THEREFORE it is passed and enacted, as a By-law of the Rural Municipality of Stanley, in council duly assembled, as follows:

1. In this By-law, a “Nuisance” is:

- a.** Any activity, noise, use of property, or other thing which, in the opinion of council, is of such nature and continues for such length of time so as to:
 - i.** annoy, injure, or endanger the comfort, health, repose, or safety of the public, including but not limited to creating unreasonably loud or unusual sounds;
 - ii.** in any way render the public insecure in life or in the use of property; or
 - iii.** unlawfully and substantially interfere with, obstruct, or tend to obstruct or render dangerous for passage any street, alley, highway, or public way.
- b.** Any activity, noise, use of property, or other thing which does not fall within sub-section (a), but is a nuisance as known under the common law or statutes of Manitoba.

2. No person shall:

- a.** own, possess, or harbour any animals or birds;
- b.** operate or permit the operation of any:
 - i.** motor vehicle;

- ii. recreational vehicle;
 - iii. power equipment and tools; or
 - iv. machinery;
 - v. guns or other shooting devices
- c. operate devices or allow for noise creation;
 - d. store or collect junk and/or rubbish;
 - e. maintain a compost pile;
 - f. burn waste materials, natural or otherwise; or
 - g. make, continue, or cause to be made or continued any activity, noise, use of property, or other thing

in such a manor so as to create a Nuisance.

3. The provisions of this By-law shall not apply to Nuisances resulting from:
 - a. the occurrence of an emergency;
 - b. work or maintenance performed by the Municipality or its contractors; or
 - c. activities, noises, or uses of property for which a permit has been issued.
4. This By-law may be administered by the Municipality, the Chief of Police, or the designated By-law Enforcement Officer.
5. Penalty shall be in accordance with Section 249(1) of *The Municipal Act* (Manitoba).
6. Wherever the provisions of any other by-law of the Municipality impose overlapping or contradictory regulations or standards, the most restrictive standard shall apply.
7. If any provision of this By-law is held to be invalid by any Court of competent jurisdiction, the remaining provisions shall not be invalidated.

PASSED AND ENACTED by the Rural Municipality of Stanley, in council duly assembled, this 22nd day of May, 2019.

RURAL MUNICIPALITY OF STANLEY

per: _____
Reeve

per: _____
Chief Administrative Officer

Read a first time this 9th day of May, 2019.
Read a second time this 22nd day of May, 2019.
Read a third time this 22nd day of May, 2019.