

**TOWN OF ALTONA
BY-LAW 1831/2025**

Being a by-law to regulate unnecessary and harmful noise.

WHEREAS Section 232 of The Municipal Act reads 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) subject to section 233, activities or things in or on private property;"*

AND WHEREAS Section 233 of The Municipal Act reads 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:

- (a) activities or things that in the opinion of the council are or could become a nuisance, which may include noise..."*

NOW THEREFORE the Council of the Town of Altona, in session duly assembled, enacts as follows:

PART I – INTERPRETATION

1. This Bylaw may be cited as the "Noise Control By-Law".
2. All terminology used in this by-law, not defined below, shall be in conformance with current publications of the Canadian Standards Association (CSA) and the American National Standards Institute (ANSI) or respective successor body.
3. The following definitions apply to this by-law:

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- a. "Town" means the Town of Altona;
- b. "commercial, industrial or residential district" means the various zoning districts as defined in the Town of Altona Zoning By-law and the Town of Altona Development Plan;
- c. "emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency;
- d. "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;
- e. "motor vehicle" means an automobile, truck, train and any other vehicle propelled or driven otherwise than by muscular power;
- f. "motorized recreational vehicles" means all recreational motorized vehicles whether or not duly licensed and registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, amphibious craft, outboard motors and motor boats;
- g. "noise nuisance" means any unreasonably loud or unusual sound or any sounds which are likely to annoy, injure or disturb the health, peace or safety of any person;
- h. "powered model vehicle" means any self-propelled airborne, waterborne or landborne airplane, vessel or vehicle, which is not designed to carry a person including, but not limited to, any model airplane, boat, car, drone or rocket;

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- i. "sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

PART II – PROHIBITION

4. Except to the extent permitted by this by-law, no person shall make, continue, or cause to be made or continue, any noise nuisance, and specifically the following acts, among others, and the causing thereof, are declared to be in violation of this by-law, namely:
 - a. No person owning or possessing or harbouring any animal shall allow it to create a noise nuisance.
 - b. Except to the extent, as may hereinafter be permitted by this by-law, no person shall operate or permit the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance.
 - c. No person shall:
 - i. Operate or permit the operation of a powered model vehicle so as to create a noise nuisance at a point of reception within a residential district except between the hours of 7:00 a.m. and 11:00 p.m.;
 - ii. Operate or permit the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, or similar device used outdoors, to create a noise nuisance at the point of reception within a residential

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district except between the hours of 7:00 a.m. and 11:00 p.m.

- d. No person shall operate, play or permit the operation or playing of any radio, television, stereo system, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a residential district which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception within a residential district any time, unless permission has been issued by the Town of Altona.
- e. No person shall by shouting, or otherwise, whether by amplified sound or other, cause a noise nuisance within a residential district.
- f. No person shall repair, rebuild, modify or test any motor vehicle or motorized recreational vehicle in such a manner as to create a noise nuisance at a point of reception within a residential district except between the hours of 7:00 a.m. and 11:00 p.m.

PART III – EXCEPTIONS

- 5. The provisions of this by-law shall not apply to:
 - a. The existence of an emergency or the emission of sound in the performance of emergency work unless such sound is clearly of a longer duration, or more disturbing than is reasonably necessary for the accomplishment of such emergency purpose;
 - b. Work performed in respect of the maintenance, construction or demolition of a public right-of-way or public space;

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- c. Any military or other bands or any parade, operating under written permission from the Town of Altona;
- d. Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while answering a call;
- e. The ringing of church or school bells;
- f. The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas carols;
- g. Concerts, circuses, fairs, parades or any like activity where permission has been given by the Town of Altona;
- h. Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Town of Altona;
- i. Aircraft;
- j. Sounding of the Town's Outdoor Warning Siren;
- k. Snow clearing.

PART IV - OFFENCES

- 6. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is liable to pay an administrative penalty pursuant to this Bylaw.
- 7. Wherever the provisions of any Town by-law or Town Development Plan impose overlapping or contradictory

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regulations over the control or prohibition of noise or contain any restrictions covering any of the same subject matter contained herein, the most restrictive standard shall apply.

PART V – ENFORCEMENT

8. This by-law shall be administered by the Town of Altona Chief of Police or a Peace Officer in and for the Province of Manitoba, or a designated officer of the Town of Altona.
9. Where an officer believes that a person has contravened any provision of this Bylaw, the officer may issue a Penalty Notice in accordance with the MBEA Enabling By-law 1765/2018.
10. 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.

PART VI – PENALTY

11. The administrative penalties (including discounted amounts) described in Schedule A for each contravention are hereby set.

PART VII – REPEAL

12. By-law Nos. 814/1974, 1357/1991 and 1708/2013 are hereby repealed and replaced.

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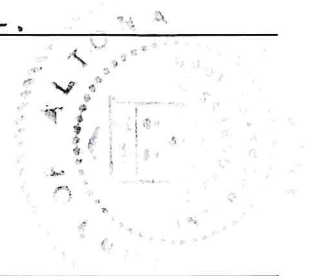
DONE AND PASSED by Council of the Town of Altona, in open meeting,
duly assembled, this 25th day of February, 2025.



Mayor



Chief Administrative Officer



Read a first time this 11th day of February, 2025
Read a second time this 25th day of February, 2025
Read a third time this 25th day of February, 2025

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SCHEDULE A – PENALTIES

Provision of By-Law No. 1831/2025	Contravention	Administrative Penalty (\$)	Discounted Amount (\$)
Allow or create a noise nuisance by:			
4.	an animal owned, in possession of, or harboured by a person	\$200	\$100
4. b.	the operation of any power or manual equipment, machinery device or motor vehicle	\$200	\$100
4. c. i.	the operation of a powered model vehicle when not permitted	\$200	\$100
4. c. ii.	the operation of any mechanical powered device used outdoors when not permitted	\$200	\$100
4. d.	the operation or playing of a device that produces, reproduces or amplifies sound in a residential district	\$200	\$100
4. e.	shouting or amplifying sound	\$200	\$100
4. f.	repairing, rebuilding or testing a motor vehicle or motorized recreational vehicle when not permitted	\$200	\$100