

**THE RURAL MUNICIPALITY OF SPRINGFIELD**

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**Being a By-Law of the Rural Municipality of Springfield to control noise nuisances.**

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WHEREAS subsection 232(1)(a) and subsection 232(1)(c) of The Municipal Act being SM 1996.c58 – Cap M225 provides that a Council may pass by-laws for municipal purposes respecting the safety, health, protection and well being of people, the safety and protection of property, and activities or things on private property that in the opinion of the Council are or could become a nuisance including noise, weeds, odours, unsightly property, fumes and vibrations;

AND WHEREAS it is considered desirable to prohibit all loud, unnecessary or unusual noises or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace or welfare of inhabitants of the Rural Municipality of Springfield;

NOW THEREFORE the Council of the Rural Municipality of Springfield, in open session assembled, enacts as a by-law as follows:

1. TITLE

- 1.1 This By-Law may be referred to as the “Springfield Noise Control By-Law”;

2. DEFINITIONS

2.1 In this By-Law the following definitions apply:

- “Council” means the Council of the Rural Municipality of Springfield;
- “Enforcement Officer” means any police officer, peace officer or constable;
- “Emergency” means any occurrence or set of circumstances involving actual or imminent trauma or property damage necessitating immediate action;
- “Municipality” means the Rural Municipality of Springfield;
- “Noise Nuisance” means any loud, unnecessary or unusual noise which annoys, disturbs, injures, endangers or detracts from the comfort, health, repose, peace or welfare of any person;
- “Owner” means the person or persons or the corporation shown as the registered owner on the latest revised assessment rolls of the Municipality;
- “Occupant” means and includes an owner, lessee, tenant, sub-tenant, under-tenant and respective assigns, heirs and legal representative, and includes any person, business or corporation exercising physical control or possession of real property or premises with or without the consent of the owner;
- “Recreational Vehicle” means any motorized recreational vehicle, whether licensed and registered or not, including, but not necessarily restricted to, racing cars, motorcycles, go-carts, all terrain vehicles, off road vehicles, snowmobiles, trail bikes, amphibious craft, jet skis and motor boats.
- “Vehicle” means an automobile, motorcycle, truck, bus and any other vehicle propelled or driven by means other than by muscular power, solar power, or wind.

### 3. REGULATIONS

3.1 No person shall make, cause, permit, or allow to continue, any loud, unnecessary or unusual noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or welfare of others in, on, or about, any lands, buildings, structures, premises, vehicles or recreational vehicles owned or occupied by that person including, but not necessarily restricted to loud, unnecessary or unusual noises caused by:

- (a) the sounding of any horn, siren or similar signaling device except as a danger warning;
- (b) the operation of any drum, musical instrument, radio, CD player, audio cassette player, video cassette recorder, phonograph, loudspeaker, amplifier, public address system, television or other machine or device for producing or reproducing sound;
- (c) yelling, shouting, hooting, whistling or singing;
- (d) the discharge of exhaust from any stationery internal combustion engine, recreational vehicle or motor vehicle except through a muffler or other sound suppressing device;
- (e) the use of any vehicle, recreational vehicle, machinery or equipment loaded or operated in such a manner as to create a grating, grinding, or rattling noise or sound;
- (f) the operation of any noise creating blower or power fan or any internal combustion engine unless such noise is muffled or deadened by a similar device;
- (g) the use of engine retarder brake systems except in an emergency.

### 4. EXEMPTIONS

4.1 Nothing in this By-Law shall be interpreted as prohibiting the following:

- (a) the ringing of church bells;
- (b) the sounding of sirens or other warning devices by any public service or emergency service vehicle traveling to or attending to an emergency;
- (c) any sound arising from the operation of a railway operating under The Railway Act of Canada or from any plant or work in connection with the operation of a railway;
- (d) any military or other band or any parade operating with the permission of the Council;
- (e) any lawful public celebration or other gathering;
- (f) any concert, circus, fair or other event for which a permit has been obtained from the Council;
- (g) the performance of any public work but excluding the operation of pile drivers, pneumatic hammers, derricks, and similar equipment and machinery except between the hours of 8:00 a.m. and 10:00 p.m. daily;
- (h) the use and operation of any apparatus or mechanism for the amplification of music or sound in a reasonable manner.

5. PENALTIES

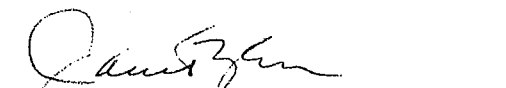
- 5.1 Any person, corporation or business that contravenes, refuses, neglects, omits or fails to obey or observe any provisions of this By-Law is guilty of an offence and is liable on summary conviction to a fine of no less than \$50.00, nor more than \$1,000.00, or to imprisonment for a period not exceeding 30 days, or to both such fine and imprisonment, for each offence;
- 5.2 Where a contravention of this By-Law continues for more than one day, the person responsible is guilty of a separate offence for each day that it continues;
- 5.3 In any proceeding under this By-Law, any and all persons found in or upon or about any premises where a violation of this By-Law has taken place at the time of the committing of any offence, shall be presumed to be in possession of those lands and premises with the knowledge and consent of the owner or occupant, unless the contrary is proven by the owner or occupant so charged.

6. SEVERABILITY

- 6.1 In the event any provision of this By-Law is held to be invalid by a Court of competent jurisdiction, the remaining provisions of the By-Law shall not be invalidated.

DONE AND PASSED in open Council assembled in Council Chambers, in Oakbank, Manitoba this 2<sup>nd</sup> day of March A.D. 2004.

  
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John D. Molland  
Reeve

  
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Janet Nysten  
Secretary-Treasurer

READ a first time this 3<sup>rd</sup> day of February A.D. 2004.  
READ a second time this 3<sup>rd</sup> day of February A.D. 2004.  
READ a third time this 2<sup>nd</sup> day of March A.D. 2004.