

BY-LAW NO. 18-12

- of -

THE RURAL MUNICIPALITY OF SPRINGFIELD

Being a By-Law of the Rural Municipality of Springfield to regulate and prohibit unnecessary and harmful noise within the RM of Springfield.

WHEREAS Section 232(1) of The Municipal Act provides in part 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 Section 233 of The Municipal Act provides in part 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.

AND WHEREAS it is deemed advisable to exercise the powers set out in The Municipal Act as excessive sound is a serious hazard to the public health and welfare, safety and quality of life;

AND WHEREAS the public has a right to and should be ensured an environment free from excessive sound that may be prejudicial to their health or welfare or safety or diminish the quality of life;

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

1. THAT this By-law be referred to as the Rural Municipality of Springfield Noise Control Bylaw.

2. DEFINITIONS:

- “Ambient Sound Level” means the Sound Level measured at a Point of Reception which excludes the noise generated by an activity with respect to which a complaint about noise has been made;
- “Commercial Truck” means, any truck not a public service vehicle, except as defined within “The Highway Traffic Act”;
- “Continuous sound” means any Sound Level that occurs:
 - for a continuous duration of more than 3 minutes; or
 - sporadically for a total of more than 3 minutes, in any continuous 15 minute time period;
- “Council” means the Council of the RM of Springfield;
- “Daytime” means the period:
 - beginning at 7:00 A.M. and ending at 10:00 P.M. of the same day on Weekdays; or
 - beginning at 9:00 A.M. and ending at 10:00 P.M. of the same day on a Weekend;
- “Emergency” means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency;
- “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;
- “Emergency Vehicle” means a vehicle used by a police force, a vehicle used by a fire department, a vehicle used by an ambulance service; an authorized emergency vehicle, a vehicle used for to respond to emergencies and operated under the authority of a government emergency organization, a vehicle used for the purpose of maintaining a public utility and designated as an emergency vehicle by a traffic authority; or a vehicle not ordinarily used for emergency purposes that is operated by a volunteer, part time or on-call fire-fighter or emergency medical responder for the purpose of responding to a fire, medical or other emergency;
- “Enforcement Officer” means
 - A. An employee of the RM of Springfield to whom the designated employee has the authority to enforce, implement or administer all or part of this By-law; and
 - B. A member of the Royal Canadian Mounted Police or any Police officer.
- “Farm Equipment” means equipment designed and used primarily as a farm implement;

- “Motorcycle” means a vehicle that has a steering handlebar completely constrained from rotating in relation to the axle of one wheel in contact with the ground; is designed to travel on not more than three wheels in contact with the ground; and has a maximum speed capability of more than 50 km/h;
- “Night-time” means the period beginning at 10:00 P.M. and ending the following day at:
 - 7:00 A.M. if the following day is a Weekday; or
 - 9:00 A.M. if the following day is a Weekend;
- “Noise” means any unreasonably loud or unusual sounds which are likely to, or annoy, injure or disturb the health, peace, or safety of any person;
- “Non-Continuous Sound” means any Sound Level that is not a Continuous Sound measured with a Sound Level Meter;
- “Off-road vehicle” means an off road vehicle as defined in “The Off-Road Vehicles Act”;
- “Outdoor Speaker System” means any sound amplification device that converts electrical impulses into sound, whether the device is independent or incorporated into a radio, stereo, television, public address or other system, which is used for general listening purposes and positioned:
 - (i) outside of a building;
 - (ii) inside a building and within 2 metres of any opening in the building including a window or doorway, where it is directed outside of the building; or
 - (iii) in a tent;
- “Owner” means owner as defined in “The Drivers and Vehicles Act”;
- “Passenger Vehicle” means a motor vehicle classified by a manufacturer as a passenger car or which is designed, constructed or adapted for the principle purpose of transporting passengers and includes a delivery car but does not include a motor cycle, moped or motor vehicle which is designed, constructed or adapted for the purpose of carrying goods or commodities.
- “Public Service Vehicle” means a motor vehicle or trailer operated by or on behalf of any person for gain or compensation of persons or property upon the highway, and includes a semi-trailer truck; but does not include the passenger carrying motor vehicles, school buses, ambulances or hearses or motor vehicles operated for gain or compensation the “The Taxicab Act” or a municipal by-law in cities, towns, and villages;
- “Semi-Trailer Truck” means a truck tractor and a semi-trailer combined;
- “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 characteristics of such sound, including duration, intensity and frequency;

- “Sound Level” means the sound pressure measured in decibels using the “A” weighted network of a Sound Level Meter with fast response;
- “Sound Level Meter” means any Type 2 or better integrating instrument (as established by the standards of the American National Standards Institute “A.N.S.I.”) that measures Sound Levels;
- “Truck” means a motor vehicle or semi-trailer truck, that is not a delivery car and that is constructed or adapted to carry goods, wares and merchandise, freight or commodities, but not passengers or luggage;
- “Use classes” are used to define the range of uses which are permitted or conditional within the various Zoning Districts of the Zoning By-law;
- “Vehicle” means a device, in, upon, or by which a person or thing is or may be transported or drawn upon a highway but does not include a device to be moved solely by human muscular power or used exclusively upon stationary rails or tracks; or a motorized mobility aid;
- “Weekday” means Monday through Saturday, inclusive unless it falls on a holiday, as defined in the Interpretation Act, C.C.S.M. c. 180, as amended or replaced from time to time;
- “Weekend” means Sunday and any other holiday, as defined in the Interpretation Act, C.C.S.M. c. 180, as amended or replaced from time to time.
- “Zoning District” means a Section contained in Part II of the Springfield Zoning By-law which regulates the Use and Development of land as depicted on the Zoning District Map comprising Part IV of the Springfield Zoning By-law.
- “24 Hour Period” means from 00.01hrs to 23.59hrs of the same day.

3. OPERATIVES:

1. No person shall make or continue or cause or permit to make any noise or sound which:
 - is such that it does, or is likely to annoy, inconvenience or disturb persons;
 - cause the loss of enjoyment of the normal use of one’s property;
 - Interfere with the normal conduct of business.
2. In determining whether any person is in violation of section 3, the following factors shall be taken into account:
 - (a) the time of day and day of the week on which the noise or sound was made;
 - (b) the nature and use of the area from which the noise or sound emanates and the nature and use of the area at which it is received;
 - (c) the nature of the event or activity producing the noise or sound;
 - (d) the volume, duration and nature of the sound, including whether it is recurrent, intermittent or constant;

3. Noise and Sound from any source is prohibited if it does not conform with the following:
 - Use Classes within any Residential Zoning Districts. No person shall operate or permit the operation of any mechanical powered tool, similar device, item of machinery or equipment that is powered by an electric motor or an internal combustion engine between 10:00 p.m. and 7:00 a.m. Monday to Saturday or between 10:00 p.m. on Saturdays to 9:00 a.m. on Sundays and statutory holidays.
4. No person shall shout, yell, sing or indulge in any other noise-producing activity whether by amplified sound or outdoor speaker system or other, or permit the operation or playing of any radio, television, stereo, drum, musical instrument, loudspeaker or similar device in a residential district, which produces sound in such a manner as to create a noise nuisance, between 10:00 p.m. and 7:00 a.m. Monday to Saturday or between 10:00 p.m. on Saturdays to 9:00 a.m. on Sundays and statutory holidays; so as to annoy or disturb the quiet, or comfort of any person.
5. No person shall repair, rebuild, modify, or test any motor vehicle, farm equipment, motorcycle, off-road vehicle, passenger vehicle, public service vehicle, semi-trailer truck, truck or vehicle in such a manner as to create a noise or sound nuisance between the hours of 10:00 p.m. and 7:00 a.m. of the following day on weekdays and Saturdays and at no time on Sundays.
6. No person shall drive, turn or stop any motor vehicle, farm tractor, motorcycle, off-road vehicle, passenger vehicle, public service vehicle, semi-trailer truck, truck or vehicle in such a manner, which causes any unnecessary noise or sound from the engine, exhaust system or the braking or from the contact of the tires with the roadway.
7. No person shall idle any engine or motor of any semi-trailer truck or truck for a continuous period exceeding five (5) minutes while stationary in any Residential Zoning Districts unless:
 - operation of such engine or motor is essential to a basic function of the equipment;
 - operation of such engine or motor is essential to a basic function of the equipment including but not limited to ready-mix concrete trucks, lift platforms and refuse compactors;
 - prevailing low temperatures make idling periods necessary, immediately after starting the motor or engine;
 - the vehicle is a bus operated for the transportation of passengers in an approved stopping area.
8. No person shall operate an auditory warning device of any kind on a motor vehicle, motorcycle, off-road vehicle, passenger vehicle, public service vehicle, semi-trailer truck, truck or vehicle except to avoid an accident or with the exception to construction vehicles and equipment, unless required specifically by law.

9. No person shall cause or permit the operation of any gasoline, diesel or other engine or motor, unless it is equipped with a device or devices in good working order and in constant operation to prevent unnecessary noise from the exhaust system of such an engine or motor.
10. No person shall operate or permit the operation of a powered model vehicle so as to create a noise between 10:00 p.m. and 7:00 a.m. Monday to Saturday, or from 10:00 p.m. on Saturday to 9:00 a.m. on Sundays and statutory holiday.
11. No person shall excavate or fill land, or construct, demolish or carry on construction of any type which involves hammering, sawing or the use of any machine, tools or equipment capable of creating sounds, which may be heard beyond the boundaries of the site on which the activity is being carried out between 10:00 p.m. and 7:00 a.m. Monday to Saturday, or from 10:00 p.m. on Saturday to 9:00 a.m. on Sundays and statutory holiday.
12. No person shall cause or permit the keeping of livestock or any other animals in semi-trucks, trailers or trucks, in any street, alley or public property, if the noise and sound is audible within any Residential Zoning Districts.
13. No person shall harbor any animal or bird in their charge to cause frequent or long-continued noise nuisance, which would disturb any person(s) in the vicinity.
14. No person shall discharge firecrackers or fireworks within the Rural Municipality of Springfield unless as per the Fire Prevention and Emergency Services By-law.
15. No person shall operate or permit the operation of any off-road vehicle in such a manner as to create a noise or sound nuisance at the point of reception for a continuous period exceeding 90 minutes, on one calendar day, while such off-road vehicle is being operated in a residential zoning district or in any other location within 500 meters of a residential dwelling unit.
16. No person shall operate or permit the operation of any off-road vehicle in such a manner as to create a noise or sound nuisance within a residential zoning district between 10:00 p.m. and 7:00 a.m. of the following day on weekdays and Saturdays and at no time on Sundays or Statutory Holidays.
17. Where any designated Enforcement Officer has reasonable grounds to believe that an offence has been committed by a person(s), the designated Enforcement Officer may require the name, address, and proof of identity of that person(s) and the person(s) shall supply the required information.
18. Outdoor Speaker Systems
 1. No Person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a residential dwelling unit between 10:00 p.m. and 7:00 a.m. Monday to Saturday, or from 10:00 p.m. on Saturday to 9:00 a.m. on Sundays and statutory holidays.
 - Notwithstanding subsection (1), an Outdoor Speaker System must comply with the Sound Levels established in this Bylaw.

2. Notwithstanding subsection (1), except for the duration of any authorized community events each year, no Person shall operate an Outdoor Speaker System on a parcel where a property line of the parcel is within 150 metres of a residential dwelling unit during the period beginning at 10:00 p.m. and 7:00 a.m. Monday to Saturday, or from 10:00 p.m. on Saturday to 9:00 a.m. on Sundays and statutory holidays.

19. CONTINUOUS SOUND IN ANY RESIDENTIAL ZONING DISTRICTS:

1. No person shall cause or permit to be caused a continuous sound that exceeds the following sound levels:
 - 65 decibels (dBA) Leq measured over a one (1) hour period during the Day-time; or
 - 50 decibels (dBA) Leq measured over a one (1) hour period during the night time:at any point of reception within any Residential Zoning Districts.
2. Notwithstanding subsection (1), where the Ambient Sound Level for an area is at or above the maximum allowable Day-time or Night-time Sound Levels referred to in subsection (1), measured over a one (1) hour period, a Sound Level must exceed 5 decibels (dBA) Leq over the Ambient Sound Level before it becomes an offence.

20. NON-CONTINUOUS SOUND IN ANY RESIDENTIAL ZONING DISTRICT:

1. No person shall cause or permit to be caused a non-continuous sound that exceeds the following sound levels:
 - 85 decibels (dBA) Leq measured over a period of 15 minutes during the Day-time; or
 - 75 decibels (dBA) Leq measured over a period of 15 minutes during the night time:at any point of reception within any Residential Zoning Districts.
2. No Person shall, in a Non-Residential Development, cause or permit to be caused a Non-Continuous Sound that exceeds 85 decibels (dBA) Leq measured over a period of one (1) hour during the Day-time or Night-time where the Point of Reception is within any zoning districts, excluding any residential zoning districts

21. SOUND WITHIN ZONING DISTRICTS EXCLUDING ANY RESIDENTIAL ZONING DISTRICTS :

1. No Person shall cause or permit to be caused a Continuous Sound that exceeds the greater of:
 - 85 decibels (dBA) Leq measured over a one (1) hour period during the Day-time or Night-time; or
 - 75 decibels (dBA) Leq over the Ambient Noise measured over a one (1) hour period during either the Day-time or Night-time;

at any Point of Reception within any zoning districts, excluding any residential zoning districts.

INABILITY TO MEASURE SOUND

2. Where the ability to measure sound during a complaint of noise is not possible and the duration is over 2 hours, it shall be deemed unreasonable and be in contravention of this By-law.

4. EXEMPTIONS:

1. The existence of an emergency or the emission of sound in the performance of emergency work such as a siren or klaxon or during testing of an Emergency warning siren.
2. Any passenger car, truck or other type of vehicle utilized by any emergency response service personnel or public service personnel while being operated either in route, or on site or responding to individual calls.
3. Snow removal operations being carried out during any 24-hour period by either municipal or private operators on private or public property.
4. Work performed to include but not limited to demolition of buildings during the term of an emergency.
5. Any bands or other noise/sound generating activities operating within an approved parade.
6. The ringing of school or church bells.
7. The operating of sound producing devices as approved during the Christmas Season and other festive occasions as approved by the Rural Municipality of Springfield.
8. Concerts, circuses, fairs or like activities approved by the Rural Municipality of Springfield.
9. Firecrackers and Fireworks when discharged by qualified personnel for approved displays or celebrations as approved by the Fire Chief "or designate".
10. Works being conducted by the Province of Manitoba, Manitoba Hydro, Public Works Utility Departments and or subcontractors hired by the Rural Municipality of Springfield.
11. Any sound arising from the operation of a railway under The Railway Act of Canada or from any plant or work in connection with the operation of a railway.
12. The restrictions do not apply to Use classes within the Agriculture and Industrial Zoning Districts unless the sound impinges upon Residential, Commercial,

Community Service, Mixed Use, Hamlet Zoning Districts and exceeds acceptable noise and sound levels for those zones.

13. Any farmer or agent or employee operating farm equipment during the normal course of farming operation.
14. Wherever the provisions of any By-law or Town Planning Scheme administered by the Rural Municipality of Springfield Planning District impose overlapping or contradictory regulations over the control or prohibition of noise, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive shall apply.

5. OFFENCES AND PENALTIES:

1. Each separate provision of this By-law shall be deemed independent of all other provisions herein.
2. If any provision of this By-law is declared to be invalid, all other provisions thereof shall remain valid.
3. Any contravention that arises within a 24-hour period, the person or place that contravenes this noise control By-law shall be required to cease and desist from any continued violation of the noise control By-law by order of any Enforcement Officer who attends such complaint.
4. Any person who fails to comply or contravenes any provision of this By-law (Noise Control) is guilty of an offence and is liable, upon summary conviction to the following penalties (Schedule A):
 - (a) for a first offence, to a fine of \$100.00;
 - (b) for a second offence, to a fine of \$200.00; and
 - (c) for a third offence, to a fine of \$400.00, and for each subsequent offence within twelve (12) months of the first offence, and in default of payment, to imprisonment for not more than thirty (30) days.
5. 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 charged.

6. SEVERABILITY:

1. In the event any provision of this bylaw is held to invalid by a court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.

7. LIABILITY:

1. Any action by the RM of Springfield to enforce any part of this By-law shall not result in any civic liability to the RM of Springfield, and the RM of Springfield

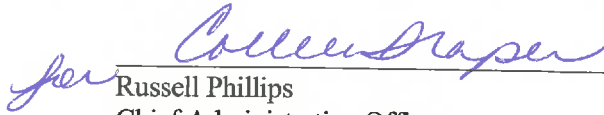
shall be entitled to a full indemnity for any liability it incurs as a result of any Person's failure to comply with the provisions of this By-law from such Person.

2. By-law No. 04-04 of the Rural Municipality of Springfield is hereby repealed and shall hereafter cease to have effect.

Done and passed as a By-Law of the Rural Municipality of Springfield at Oakbank in the Province of Manitoba this 18th day of September, A.D. 2018.



Bob Bodnaruk,
Reeve



Russell Phillips
Chief Administrative Officer

READ a first time this	7 th	day of August,	A.D. 2018
READ a second time this	18 th	day of September,	A.D. 2018
READ a third time this	18 th	day of September,	A.D. 2018

Schedule A to By-law No. 18-12 of the Rural Municipality of Springfield

Noise Bylaw 18-12	Preset Fine Amount
Noise Control First offence	\$100
Noise Control Second offence	\$200
Noise Control Third offence & and for each subsequent offence within twelve (12) months of the first offence	\$400