

TOWN OF SELKIRK

BY-LAW NO. 4683

BEING A BY-LAW OF THE TOWN OF SELKIRK TO PROVIDE FOR REGULATION AND PREVENTION OF NOISE.

WHEREAS Section 370 of the Municipal Act, revised Statutes of Manitoba 1988, c.M225 provides:

- “The Council of any Municipality may pass By-Laws
- (a) for regulating or prohibiting the ringing of bells, except church and school bells, blowing of horns, beating of drums, and other noises liable to disturb or annoy residents of the municipality; and
 - (b) for regulating, controlling, or prohibiting the use, on the highways or in any public place, in the municipality, of loud-speakers or other devices for the amplification of sound.”

NOW THEREFORE be it enacted as a By-Law for the Town of Selkirk as follows:

SECTION 1 – Short Title

1. This By-Law may be referred to as “the Town of Selkirk Noise Control By-Law.”

SECTION 2 – Definitions

2. (a) Commercial, Industrial or Residential District
means the various zoning districts as defined in the By-Laws relating to zoning and the planning schemes of the Town of Selkirk.
- (b) Construction
means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private right-of-way surfaces, or similar property.
- (c) Demolition
means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.
- (d) Emergency
means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.
- (e) 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.
- (f) Motor Vehicle
means an automobile, motorcycle, truck and any other vehicle propelled or driven otherwise than by muscular power.
- (g) Motorized Recreational Vehicle
means all recreational motorized vehicles whether or not licensed or registered, including, but not limited to, commercial or non-commercial racing vehicles, motorcycles, go-carts, snowmobiles, trail bikes, amphibious craft and motor boats.
- (h) Noise Nuisance
means any loud, unnecessary or unusual sound or any sound whatsoever which either annoys, disturbs, injures, endangers or distracts from the comfort, repose, health, peace or safety of any person.

- (i) Person
means any individual, firm, partnership, association, corporation, company or organization of any kind.
- (j) Point of Perception
means any point on any lands or premises where sound, originating from other lands or premises, is received.
- (k) 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 or rocket.
- (l) Sound
means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarification of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.
- (m) Town
means the Town of Selkirk.

SECTION 3 – Prohibited Acts

- 3.1 Except to the extent permitted by this By-Law no person shall make, continue, or cause, or allow to be made or continued any noise nuisance.
- 3.2 The following Acts, among others, and the causing thereof, are declared to be violations of this By-Law. The said enumeration shall not be deemed to be exclusive, namely:
 - (a) Owning, possessing or harboring any animal or bird which creates a noise nuisance;
 - (b) The sounding of any bell, horn, siren, or other signal device on any motor vehicle, motorcycle, bicycle, or other vehicle of whatsoever kind, except when required by law;
 - (c) Operating or permitting the operation of any mechanical powered saw, drill, sander, grinder, lawn or garden tool, snowblower, or similar device used outdoors which creates a noise nuisance on weekdays between the hours of 10:00 o'clock PM and 7:00 AM the following day or on Saturdays and Sundays and statutory holidays before 9:00 o'clock AM and after 10:00 o'clock PM;
 - (d) Operating or permitting the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance;
 - (e) Operating or permitting the operation of a powered model vehicle so as to create a noise nuisance at point of reception between the hours of 10:00 PM and 7:00 AM of the following day;
 - (f) Operating or permitting the operation of any engine or motor in or on any motor vehicle or attached auxiliary equipment for a continuous period exceeding 10 minutes while such vehicle is stationary in a residential district or in any other location within 150 meters of a residential district between the hours of 10:00 PM and 7:00 AM of the following day;
 - (g) Beating of Drums;
 - (h) Yelling, shouting, screaming, whistling, or singing to the extent that a noise nuisance is created;
 - (i) Firing of firearms, the firing or setting off of fireballs, squibs, firecrackers or fireworks;
 - (j) The operation of anything with the intent to cause unnecessary or unreasonable noise;

(k) The operation of anything that causes noise because of bad maintenance, bad repair, or improper operation (as for instance spinning motor vehicle wheels to make tires squeal on the pavement);

(l) Operating, playing or permitting the operating or playing of any radio, televisions, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or other 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 at any time, including the operation of any radio or sound amplification system of any kind in any motor;

(m) Repairing, rebuilding, modifying or testing of any motor vehicle, motorcycle, motorboat, outboard motor or recreational vehicle in such a manner as to create a noise nuisance at a point in reception between the hours of 10:00 o'clock PM and 7:00 o'clock AM.

SECTION 4 – Exemptions

- 4.1 The provisions of this By-Law shall not apply to:
- 4.2 The existence of any emergency or the emission of such sound in the performance of emergency work unless such sound is clearly of a longer duration, or nature more disturbing, than is reasonably necessary for the accomplishment of such emergency purpose.
- 4.3 Work performed in respect of the maintenance, construction or demolition of a public right-of-way or public space.
- 4.4 Any military or other bands or any parade, operating under written permit from the Council of the Town of Selkirk and the approval of the Chief of Police.
- 4.5 Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle.
- 4.6 The ringing of church or school bells.
- 4.7 The using or operating of sound producing devices during the month of December in any year for the rendering of Christmas carols.
- 4.8 Concerts, circuses, fair, parades, or any like activity where a permit has been issued by the Council of the Town of Selkirk with the approval of the Chief of Police.
- 4.9 Any activity, work or undertaking which would otherwise be prohibited by this By-Law where a permit has been issued by the Council of the Town of Selkirk and the approval of the Chief of Police.

SECTION 5 – Penalty

- 5.1 Any person violating any of the provisions of this By-Law shall upon conviction before the appropriate authority be liable to a penalty not exceeding \$1,000.00 in addition to costs or in the case of non-payment of fine and costs inflicted for imprisonment for a period not exceeding thirty (30) days.
- 5.2 Wherever the provisions of any By-Law or Town planning scheme of the Town or any By-Law or Town planning scheme administered by the Town impose, overlapping or contradictory regulations of 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.

SECTION 6 – By-Laws Repealed

6. Town of Selkirk By-Laws numbered 4456, 4245, 3815 and 4568 are hereby repealed.

SECTION 7 – Severability

7. If any provisions 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.

DONE AND PASSED by the Council of the Town of Selkirk in open session at the Civic Offices, in Selkirk, Manitoba, assembled this 24th day of June, 1991.

Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

Secretary-Treasurer

TOWN OF SELKIRK

BY-LAW NO. 4705

**BEING A BY-LAW TO AMEND BY-LAW NO. 4683 WHICH PROVIDES FOR
REGULATION AND PREVENTION;**

WHEREAS said By-Law No. 4683 allows for exemptions under Section 4;

WHEREAS Council is desirous of amending Section 4 to make provision
for snow clearing equipment;

NOW THEREFORE Council of the Town of Selkirk, duly assembled,
enacts as follows:

Section 4 - Exemptions

4.1 The provisions of this By-Law shall not apply to

ADD: 4.10

“The clearing of snow on private parking lots, Monday to Saturday
inclusive between the hours of 6:00 a.m. to 12 midnight.”

DONE AND PASSED by Council of the Town of Selkirk in open session, duly
assembled at Selkirk, in the Province of Manitoba, this 13th day of January, 1992.

Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

Secretary-Treasurer

TOWN OF SELKIRK

BY-LAW NO. 4721

**BEING A BY-LAW TO AMEND BY-LAW NO. 4683 WHICH PROVIDES FOR
REGULATION AND PREVENTION OF NOISE**

WHEREAS By-Law No. 4683 of the Town of Selkirk allows for certain exemptions to the restrictions set out in By-Law 4683;

AND WHEREAS Council of the Town of Selkirk is desirous of amending the said By-Law to allow Council to impose conditions on exempt activities in circumstances to be determined by Council;

NOW THEREFORE Council of the Town of Selkirk duly assembled enacts as follows:

1. By-Law No. 4683 of the Town of Selkirk be and is hereby amended as follows:

1) Section 4.8 of the said By-Law No. 4683 is hereby deleted and replaced by the following:

“Any concert, circus, fair, parade, or other community event as Council in its discretion may determine, where a permit for such event has been issued by Council of the Town of Selkirk, any such exemption being subject to any restrictions imposed by Council in such permit.”

DONE AND PASSED by the Council of the Town of Selkirk in open session duly assembled at the Town of Selkirk, in the Province of Manitoba, this 22 day of June, 1992.

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Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

Secretary-Treasurer

**TOWN OF SELKIRK
BY-LAW NO. 4859**

**BEING A BY-LAW OF THE TOWN OF SELKIRK TO AMEND BY-LAW 4683
WHICH PROVIDES FOR REGULATION AND PREVENTION OF NOISE**

WHEREAS By-Law No. 4683, Section 4, allows for certain exemptions to the restrictions;

AND WHEREAS Council of the Town of Selkirk is desirous of amending the said By-Law to make provisions for Fire Works displays on two occasions during a calendar year;

NOW THEREFORE the Council of the City of Selkirk, duly assembled, enacts as follows:

1) That:
Section 4 – Exemptions – of the said By-Law 4683 is hereby amended by adding the following:

4.11 The lighting of Fire Works as a public display in a controlled location for the community at large on both July 1st and May long weekend.

DONE AND PASSED by the Council of the Town of Selkirk, in open session, duly assembled at Selkirk, in the Province of Manitoba, on this 8th day of July A.D., 1996.

Original signed by RS Oliver

Mayor

Original signed by Gloria J. Vinie

Secretary-Treasurer

READ A FIRST TIME this 24th day of June, A.D., 1996.

READ A SECOND TIME this 8th day of July, A.D., 1996.

READ A THIRD TIME this 8th day of July, A.D., 1996.