

VILLAGE OF WINNIPEGOSIS

BY-LAW # 3/2003

BEING A BY-LAW OF THE VILLAGE OF WINNIPEGOSIS RELATING TO NOISE AND PUBLIC ORDER WITHIN THE VILLAGE OF WINNIPEGOSIS.

THE MUNICIPAL COUNCIL OF THE VILLAGE OF WINNIPEGOSIS, IN MANITOBA, IN SESSION ASSEMBLED, ENACTS AS FOLLOWS:

- 1) **NO PERSON SHALL, AT ANY TIME, YELL; SHOUT; SING; RING BELLS; BLOW HORNS; OWN OR KEEP ANIMALS; OPERATE MECHANICAL DEVICES, MACHINERY, EQUIPMENT, TOOLS, POWER TOOLS OR MOTORS; OPERATE ANY VEHICLE, MOTORIZED EQUIPMENT, MOTORCYCLE, SNOWMOBILE, TRUCK, AUTOMOBILE, OR RECREATIONAL VEHICLE; OPERATE, PLAY OR PERMIT THE OPERATION OR PLAYING OF ANY RADIO, TELEVISION, PHONOGRAPH, DRUM, MUSICAL INSTRUMENT, LOUDSPEAKER, PUBLIC ADDRESS SYSTEM, SOUND AMPLIFIER, OR SIMILAR DEVICE WHICH PRODUCES OR REPRODUCES AMPLIFIED SOUND; HOLD, PERMIT OR ALLOW PARTIES OR GATHERINGS IN OR ON LANDS OR PREMISES OWNED, RENTED, LEASED, OCCUPIED, RESIDED IN OR CONTROLLED BY THAT PERSON; OR MAKE, CONTINUE OR CAUSE OR ALLOW TO BE MADE, CONTINUED OR CAUSED ANY NOISE FROM ANY OTHER SOURCE; IN SUCH A MANNER AS TO CREATE A NOISE LIABLE TO DISTURB OR ANNOY RESIDENTS OF THE VILLAGE OF WINNIPEGOSIS.**
- 2) **THE PROPERTY OWNER, LESSEE, OCCUPIER OR PERSON IN CONTROL OF A PREMISES IS RESPONSIBLE FOR NOISE LIABLE TO DISTURB OR ANNOY RESIDENTS OF THE VILLAGE OF WINNIPEGOSIS CREATED BY INVITEES, GUESTS, OR OTHER PERSONS ON THE PREMISES IN THE SAME MANNER AS THE PERSON ACTUALLY CREATING THE NOISE UNLESS THE PROPERTY OWNER, LESSEE, OCCUPIER, OR PERSON IN CONTROL OF THE PREMISES ESTABLISHES THAT HE OR SHE EXERCISED DUE DILIGENCE IN A BONA FIDE EFFORT TO CONTROL AND ABATE SUCH NOISE.**
- 3) **THE PROVISIONS OF THIS BY-LAW AS THEY RELATE TO NOISES LIABLE TO DISTURB OR ANNOY THE RESIDENTS OF THE VILLAGE OF WINNIPEGOSIS SHALL NOT APPLY TO:**
 - (a) **THE EMISSION OF SOUND IN THE PERFORMANCE OF EMERGENCY WORK BY ANY DEPARTMENT OR AGENCY OF THE FEDERAL, PROVINCIAL OR VILLAGE GOVERNMENT UNLESS SUCH SOUND CLEARLY OF A LONGER DURATION, OR NATURE 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.**
 - (c) **ANY MILITARY OR OTHER BANDS OR ANY PARADE, OPERATING UNDER WRITTEN PERMIT FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE VILLAGE.**
 - (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) CONCERTS, CIRCUSES, FAIRS, PARADES, OR ANY LIKE ACTIVITY WHERE A PERMIT HAS BEEN ISSUED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE VILLAGE OF WINNIPEGOSIS.
 - (g) AIRCRAFT AND RAILWAY ROLLING STOCK.
 - (h) ANY ACTIVITY, WORK OR UNDERTAKING WHICH SHOULD OTHERWISE BE PROHIBITED BY THIS BY-LAW WHERE A PERMIT HAS BEEN ISSUED BY THE CHIEF ADMINISTRATIVE OFFICER OF THE VILLAGE OF WINNIPEGOSIS.
- 4) NO PERSON SHALL HOLD OR PARTICIPATE IN OR OTHERWISE TAKE PART IN ANY SPARRING EXHIBITION, BOXING OR WRESTLING MATCH WITHIN THE VILLAGE OF WINNIPEGOSIS, TO WHICH EXHIBITION, BOXING OR WRESTLING MATCH AN ADMISSION FEE IS CHARGED, UNLESS AND UNTIL A PERMIT OF THE HOLDING OF SAID SPARRING EXHIBITION, BOXING OR WRESTLING MATCH HAS BEEN OBTAINED FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE VILLAGE OF WINNIPEGOSIS FOR THE TIME BEING OF THE VILLAGE OF WINNIPEGOSIS. THE SAID CHIEF ADMINISTRATIVE OFFICER OF THE VILLAGE OF WINNIPEGOSIS SHALL HAVE POWER FROM TIME TO TIME TO ISSUE A PERMIT TO ANY ORGANIZATION FALLING WITHIN ANY OF THE CLASSES HEREINBELOW NAMED, BUT SHALL NOT HAVE POWER TO ISSUE A PERMIT TO ANY OTHER ORGANIZATION, PRIVATE INDIVIDUAL OR INDIVIDUALS.

THE FOLLOWING ARE THE CLASSES OF ORGANIZATIONS TO WHICH PERMITS MAY BE ISSUED AS AFORESAID:

- (a) ANY RECOGNIZED LOCAL ORGANIZATION FORMED FOR CHARITABLE OR BENEVOLENT PURPOSES;
- (b) ANY RECOGNIZED LOCAL ATHLETIC ORGANIZATION;
- (c) ANY MILITARY UNIT OF HER MAJESTY'S REGULARS OR MILITIA, INCLUDING ANY ORGANIZATION FORMED WHOLLY OF ACTIVE MEMBERS THEREOF AND IN EVERY CASE HAVING ITS HEADQUARTERS IN THE VILLAGE OF WINNIPEGOSIS.

ANY OTHER ORGANIZATION MAY APPLY TO THE MAYOR AND COUNCIL OF THE VILLAGE OF WINNIPEGOSIS FOR SUCH A PERMIT AND THE MAYOR AND COUNCIL OF THE VILLAGE OF WINNIPEGOSIS MAY, BY RESOLUTION, APPROVE SUCH A PERMIT, IF THE MAYOR AND COUNCIL SEE FIT TO DO SO.

- 4) (a) NO PERSON SHALL DISCHARGE OR FIRE OFF ANY GUN, FIREARM, CATAPULT, SLING, BOW AND ARROW, OR OTHER WEAPON WITHIN THE VILLAGE OF WINNIPEGOSIS, EXCEPT UPON THE PREMISES REFERRED TO IN ANY EXISTING PERMIT ISSUED PURSUANT TO SUBSECTION (b) OF THIS SECTION.

- (b) PROVIDED THAT THE COUNCIL OF THE VILLAGE OF WINNIPEGOSIS, UPON APPLICATION OF ANY PERSON OR GROUP OF PERSONS OR CORPORATION AND UPON IT BEING SATISFIED THAT ALL REASONABLE SAFETY PRECAUTIONS HAVE BEEN TAKEN, MAY, BY RESOLUTION, AUTHORIZE THE ISSUE OF A PERMIT FOR THE OPERATION OF A SMALL BORE RIFLE RANGE OR SMALL ARMS RANGE OR ARCHERY RANGE UPON THE PREMISES REFERRED TO IN THE RESOLUTION DURING THE THE PLEASURE OF THE COUNCIL WHICH MAY AT ANY TIME REVOKE SUCH PERMIT.
- 5) THE WORD "PERSON" WHEREVER USED IN THIS BY-LAW SHALL BE CONSTRUED TO MEAN ONE OR MORE PERSON OR PERSONS WHERE THE CONTEXT REQUIRES. WHEREVER THE SINGULAR IS USED IN THIS BY-LAW IT SHALL BE CONSTRUED TO MEAN THE PLURAL WHERE THE CONTEXT REQUIRES.
- 6) ANY PERSON WHO CONTRAVENES ANY PROVISION OF THIS BY-LAW SHALL BE GUILTY OF AN OFFENCE AND LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING ONE THOUSAND (\$1000.00) DOLLARS AND COSTS, AND, IN DEFAULT OF PAYMENT OF SAID FINE AND COSTS WITHIN SUCH TIME AS IS ALLOWED BY A MAGISTRATE, JUSTICE OF THE PEACE OR JUDGE, TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS OR TO IMPRISONMENT FOR A TERM NOT EXCEEDING SIX (6) MONTHS, OR BOTH SUCH FINE, COSTS AND IMPRISONMENT.
- 7) THAT BY-LAW NO. 1028 AND ANY AMENDMENTS THERETO BE AND IS HEREBY REPEALED.

DONE AND PASSED THIS 17th DAY OF April, 2003.

M. Kestelnyk
MAYOR

J. Johnson
ADMINISTRATOR

READ A FIRST TIME THIS 3rd DAY OF April, 2003.
READ A SECOND TIME THIS 17th DAY OF April, 2003.
READ A THIRD TIME THIS 17th DAY OF April, 2003.