

**BY-LAW NO. 2139-15
OF
THE CITY OF WINKLER**

providing for Public Safety, Health, Wellbeing
and Regulating of Noises.

WHEREAS Section 232(1) of The Municipal Act, L.M. 1996, c.58 - Chap. M225, provides by by-laws to provide for:

- a) the safety, health, protection and well being of people, and the safety and protection of property;
- c) subject to section 233, activities or things in or on private property;
- j) the sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms, and the use of bows and arrows and other devices;
- o) the enforcement of by-laws

AND WHEREAS Section 233 provides for the regulation, in part, of activities or things that in the opinion of the Council are or could become a nuisance, which may include noise, weeds, odors, unsightly property, fumes, and vibrations.

AND WHEREAS the Council of The City of Winkler deems it expedient and in the best interests of the municipality to provide for the safety, health, protection and well-being of people to regulate noises in the City of Winkler:

THEREFORE BE IT ENACTED AS FOLLOWS:

1. Definitions:

- a) "City" means City of Winkler;
- b) "Unattended pets" means pets that are left outside or allowed to roam free for extended periods of time with residents or property owners not in attendance;
- c) "Owner" means any person, partnership, or corporation that possesses legal registered title on property within the area legally defined as the City;

- d) "Tenant" means any person, family, families, or business interest occupying any property or business interest in the City on which they do not possess legal registered title, and on which they may or may not be paying any occupancy cost to the Owner.

2. Prohibited Noises

Without limiting the generality the noises hereinafter set forth and described, in the opinion of the Council, are unnecessary and no person shall make any of the said noises or cause or permit the same to be made, namely:

- a) The noise caused by the discharge of a gun or other firearm or the firing or setting off of any sort of explosive devise or the operation of any other sort of noise making devise, unless specially authorized by the Chief of Police;
- b) The noise caused by fireworks unless specially authorized by the Fire Chief;
- c) The sounding of any bell, horn, siren, or signal device including such devices on any vehicle of whatever kind, for an unreasonable period of time;
- d) Any sound or noise with such volume to enable it to be heard at a distance of 100 ft., including musical instruments, singing and/or speaking, and all electronic devices;
- e) The grating, grinding or rattling noise or sound caused by a condition of disrepair, modification or maladjustment of any motor, motor vehicles, or other vehicle whatsoever or part or accessory except when such vehicle is being driven or towed for the purpose of being repaired or adjusted.
- f) The use of engine retarders (jake brakes) within the boundaries of the City of Winkler.
- g) Any noise arising between the hour of 11:00 p.m. of any day and 6:00 a.m. of the next following day from any excavation or construction work whatsoever, including erecting, demolition, alteration or repair of any building, authorized by the City and intermittent explosions occurring in the course or in connection with any manufactured process, except in the case of urgent necessity and then under permit from the Chief of Police.

(The above (g) section does not apply to businesses located in a zone where manufacturing is permitted.)

- h) Excessive noises made by unattended pets

3. **Permitted Noises:**

None of the provisions of this by-law shall apply to:

- a) The use in a reasonable manner of any apparatus or mechanism for the amplification of the human voice or of music in a public park or other commodious space in connection with a public election meeting, public celebration, festival or other reasonable gatherings;
 - b) Any military or other band or any parade, operating under written permission first obtained from the Chief of Police;
 - c) Any vehicle of the police, fire or ambulance or any public service or emergency vehicle while in the course of their duties;
 - d) Any City emergency sirens used for public warning;
 - e) Any sound arising from the operation of any railway which operates under the Railway Act of Canada or from any plant or work in connection with any such railway;
 - f) Any case of public conveyance;
 - g) The ringing of church or school bells;
 - h) The rendering of Christmas Carols or musical chimes, anywhere in the City, during the month of December;
 - i) Any reasonable sounds or noises emanating from a manufacturing enterprise located in an appropriately zoned area of the City.
4. THAT no person shall use loud, blasphemous, abusive, obscene or insulting language, sing, shout in a boisterous manner or commit any public nuisance by collecting, loitering or standing as idlers on any street or in any public place within the City.
5. THAT any person, persons or corporation found violating any provisions of this By-law, shall be fined a sum of \$50.00 plus costs, or upon conviction before a Provincial Court Judge or Justice of the

Peace, be liable for a penalty of not less than \$50.00 nor more than \$1,000.00 plus costs. In default of payment thereof, that person may be imprisoned in the common goal for a period not exceeding 90 days, unless the said penalty is sooner paid.

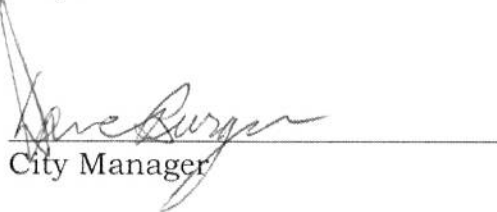
- 5. THIS by-law shall come into effect upon its passing.
- 6. THAT by-law 1684-00 is hereby repealed.

PASSED AND ENACTED by the Council of the City of Winkler, duly assembled at Winkler, in Manitoba, this 27 day of October, 2015 A.D.

Read a first time this 11 day of August, 2015.
Read a second time this 27 day of October, 2015.
Read a third time this 27 day of October, 2015.



Mayor



City Manager