

Repealed
By-law No. 2480/79 was repealed by By-law No. 1/2008 on January 23, 2008.
Therefore, this amending by-law is also deemed to be repealed.

THE CITY OF WINNIPEG

BY-LAW NO. 7639/2000

**A By-law of THE CITY OF WINNIPEG to
amend By-law No. 2480/79, being the "Noise
Control By-law".**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. Section IV of By-law No. 2480/79 is hereby amended by adding thereto, immediately after sub-section 4.1.9 thereof, the following new sub-section:

"4.1.10 Any activity, work or undertaking performed by or through the City in respect of public services, facilities or installations."

2. By-law No. 2480/79 is hereby further amended by deleting Section V thereof and substituting therefor the following:

"SECTION V

ADMINISTRATION AND ENFORCEMENT

5.1 This By-law shall be administered by the Chief of Police.

5.2 The Chief of Police may issue a permit to exempt the holder from the provisions of this By-law. The permit may contain conditions which must be maintained in order for the permit to remain valid. Conditions include, but are not limited to:

- (a) time limitations; unless authorized by the Chief of Police, a noise permit will be valid only between the hours of 9:00 a.m. and 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to 12:00 midnight, Friday and Saturday;
- (b) permit holder to remain on site at all times;
- (c) permit holder to abstain from the consumption of intoxicants;

- (d) notification requirements.
- 5.3 Any person who deems himself aggrieved by a decision of the Chief of Police may, within fifteen (15) days from the date of the decision, file a notice of appeal to the Standing Policy Committee on Protection and Community Services.
- 5.4 Upon hearing the appeal, the Committee may:
 - (a) rescind, suspend or modify any decision given by the Chief of Police;
 - (b) make such other decision or order as in the circumstances of each case it deems just,and the decision or order of the Committee, upon being mailed to the appellant at the address shown on the notice of appeal, is final and binding and stands in place of the decision or order against which the appeal was made."
- 5.5 Any permit issued by the Chief of Police may at any time thereafter be revoked by the Chief of Police or his designate, relying upon the evidence of a peace officer related to the conduct of a person or persons, whether ascertained or not, that a noise nuisance as described in this By-law was caused or occurred.

3. By-law No. 2480/79 is hereby further amended by deleting Section VI thereof and substituting therefor the following:

"SECTION VI

PENALTY

- 6.1 A person who contravenes a provision of this By-law is guilty of an offence and is liable on summary conviction to the following penalties, which shall not exceed \$5,000.00:
 - (a) for the first offence, to a fine not less than \$50.00;
 - (b) for a second offence, to a fine of not less than \$100.00;
 - (c) for a third and subsequent offence, to a fine not less than \$150.00.
- 6.2 Notwithstanding the penalties prescribed in Section 6.1, an individual may also be liable on summary conviction to imprisonment for a term not exceeding six (6) months or to both a fine as specified herein and imprisonment.

- 6.3 In the absence of other evidence or by way of corroboration of other evidence, a court may infer from the evidence of the peace officer relating to the conduct of a person or persons, whether ascertained or not, that a noise nuisance as described in this By-law was caused or occurred."

DONE AND PASSED in Council assembled, this 24th day of May, 2000.