Minute No. 47
Report – Standing Policy Committee on Protection, Community Services and Parks – November 6, 2017

Item No. 2 Neighbourhood Liveability By-law No. 1/2008 – Outdoor Patio Music

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks Committee and adopted the following:

1. That the Winnipeg Public Service be directed to review and report back within 120 days on the following

    A. Amendments to Part 5 of the Neighbourhood Liveability By-law No. 1/2008, to include specific restrictions for outdoor patio music emanating from outdoor patios at restaurants, drinking establishments, micro-brewery, distillery or winery, or any commercial enterprises, between the hours of 11:00 p.m. and 8:00 a.m.

    B. Measures to enforce compliance and ensure that establishments follow the regulation with minimal impact on surrounding neighbourhoods.

    C. Consultation with the Liquor and Gaming Authority of Manitoba.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendation of the Standing Policy Committee on Protection, Community Services and Parks Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 8, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 7, 2017, the Standing Policy Committee on Protection, Community Services and Parks concurred in the Council Motion dated October 25, 2017, with the following amendment:

- Recommendation 1 delete “noise” and replace with “outdoor patio music”,

and submitted the matter to the Executive Policy Committee and Council.

Further, on November 7, 2017, the Standing Policy Committee on Protection, Community Services and Parks received submissions in support of the matter from the following:

- Ron Asmundson submitted a communication dated November 2, 2017
- Pauline Braun submitted a communication dated November 2, 2017
- Laurie Nealin submitted a communication dated November 3, 2017
- Stephen Skrypnyk submitted a communication dated October 27, 2017
- John Giavedoni submitted a communication dated November 3, 2017
- Deborah Zanke submitted a communication dated November 4, 2017
- John Kearsey submitted a communication dated November 6, 2017
- Gaile Whelan Enns submitted a communication dated November 5, 2017

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DECISION MAKING HISTORY (continued):

COUNCIL DECISION:

On October 25, 2017, Council ruled automatic referral of the following motion to the Standing Policy Committee on Protection, Community Services and Parks:

Moved by Councillor Pagtakhan,
Seconded by Councillor Gerbasi,

WHEREAS excessive noise emanating from outdoor patios at drinking establishments after 11:00 p.m. have a detrimental effect on the liveability of surrounding residential neighbourhoods;

AND WHEREAS the liquor service licenses provided by the Liquor and Gaming Authority of Manitoba does not govern or control excessive noise emanating from outdoor patios at drinking establishments;

AND WHEREAS commercial establishments, as well as all other residential dwellings must follow the restrictions imposed in Part 5 of the Neighbourhood Liveability By-law No. 1/2008;

AND WHEREAS after regular hours, it falls to the Winnipeg Police Service to enforce these restrictions;

THEREFORE BE IT RESOLVED that the Standing Policy Committee on Protection, Community Services and Parks direct the Winnipeg Public Service to review and report back within 120 days on the following:

1. Amendments to Part 5 of the Neighbourhood Liveability By-law No. 1/2008, to include specific restrictions for noise emanating from outdoor patios at restaurants, drinking establishments, micro-brewery, distillery or winery, or any commercial enterprises, between the hours of 11:00 p.m. and 8:00 a.m.
2. Measures to enforce compliance and ensure that establishments follow the regulation with minimal impact on surrounding neighbourhoods.
3. Consultation with the Liquor and Gaming Authority of Manitoba