APPENDIX B – DRAFT BY-LAW

THE CITY OF WINNIPEG

BY-LAW NO. /2026

A By-law of THE CITY OF WINNIPEG to prohibit nuisance demonstrations and intimidation of persons at or in respect of vulnerable social infrastructure.

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

Short title

1 This By-law may be cited as the "Safe Access to Vulnerable Infrastructure By-law".

Definitions

2(1) In this By-law

"cemetery" means the land and building or group of buildings used for the internment of human or animal remains, including any columbarium, mausoleum and mortuary, and includes any associated maintenance facilities operated in conjunction with and on the same lot;

"Charter" means The City of Winnipeg Charter;

"Chief Administrative Officer" means the City's Chief Administrative Officer and his or her delegate or designate;

"City" means The City of Winnipeg, a municipal corporation in the province of Manitoba continued under section 8 of the Charter;

"community centre" means a building or group of buildings used for recreational, social or multi-purpose activities by membership or members of the public, whether publicly or privately funded, including leisure centres, skating rinks, curling clubs, swimming pools and community halls;

"commercial school" means a building or group of buildings used for training or instruction in a trade, art or occupation, including any cosmetology school, dance school or vocational school, but not including any post-secondary institution, independent school or public school;

"cultural centre" means a building or group of buildings dedicated to the celebration or promotion of a cultural group and that offers services, including restaurants, retail sales, personal services, theatres and banquet halls;

"Council" means the municipal council of the City;

"designated employee" means the Director of the City's Community Services Department;

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"designated facility" means any

(a) cemetery, where the City is the registered owner;

(b) community centre;

(c) commercial school;

(d) cultural centre;

(e) healthcare facility;

(f) hospital;

(g) independent school;

(h) library;

(i) neighbourhood rehabilitation home;

(j) place of worship;

(k) post-secondary institution; or

(l) public school;

"enforcement officer" means

(a) an employee of the City to whom the designated employee has delegated authority to enforce or administer all or part of this By-law;

(b) any special constable appointed to enforce or administer all or part of this By-law; and

(c) a member of the Winnipeg Police Service;

"healthcare facility" means a building or group of buildings used to provide health services, and includes any medical, dental, optical or counselling clinic or laboratory;

"health services" includes

(a) diagnostic imaging services;

(b) emergency medical response services;

(c) medical laboratory services;

(d) medical services;

(e) mental health services;

(f) nursing services;

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(g) provision or administration of drugs, medical supplies and surgical supplies;

(h) other services respecting the care, treatment or transportation of sick, infirm or injured individuals;

"hospital" has the same meaning as in the Hospitals Designation Regulation, M.R. 47/93;

"independent school" has the same meaning as in *The Education Administration Act*, CCSM c. E10;

"intimidation" means conduct that is intended or could reasonably be expected to

(a) incite hatred, violence, intolerance or discrimination;

(b) cause a person to fear for their mental or physical safety; or

(c) deter any person from accessing a designated facility or from exercising a right;

"neighbourhood rehabilitation home" means a building or group of buildings used for the boarding or other residential accommodation, plus mandatory supervision or treatment, of persons who are discharged from any penal institution or who are receiving supervision or treatment for substance use;

"nuisance demonstration" means any in-person protest or demonstration occurring in view of the public or in a location ordinarily used or frequented by members of the public that involves

(a) the expression by any means, including graphic, written or oral, of objection or disapproval towards an idea, action, person or group based on or related to any specified characteristics;

(b) obstructing the passage of pedestrians or motor vehicles without an applicable permit issued by the City; or

the use of amplifiers or microphones without an applicable permit issued by the City;**"place of worship"** means a building or group of buildings used to provide assembly and meeting areas for religious activities, including any church, temple, synagogue, mosque, chapel and meeting house, and any associated maintenance or administrative facilities;

"post-secondary institution" means a building or group of buildings used for the purpose of undergraduate or graduate studies, whether privately or publicly funded, and includes any college or university;

"public school" has the same meaning as in *The Education Administration Act*, CCSM c. E10;

"site" means the parcel or parcels of land on which a designated facility is located; and

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"social disadvantage" means diminished social standing or social regard due to:

(a) homelessness or inadequate housing;

(b) low levels of education;

(c) chronic low income; or

(d) chronic unemployment or underemployment;

"specified characteristics" means a person's or group's

(a) ancestry, including skin colour and perceived race;

(b) ethnic background or origin;

(c) gender, gender identity or gender expression;

(d) marital or family status;

(e) nationality or national origin;

(f) physical or mental disability, or related characteristics or circumstances;

(g) religion or creed, religious belief, religious association or religious activity;

(h) sex or sex-determined characteristics or circumstances, including pregnancy, the possibility of pregnancy or circumstances related to pregnancy;

(i) sexual orientation;

(j) social disadvantage; or

(k) source of income.

Nuisance demonstrations prohibited

3 No person shall engage in any nuisance demonstration within 100 metres of the site of a designated facility at any time.

Intimidation prohibited

4 No person shall engage in the intimidation of any person accessing or attempting to access a designated facility or the site of a designated facility.

Exemption

5 This By-law does not apply in respect of lawful activities related to or pursuant to a labour dispute or collective bargaining.

Enforcement authority

6 The designated employee and enforcement officers are authorized to administer and enforce this By-law and to remedy a contravention of this By-law, and for these purposes have the powers of a "designated employee" under the Charter.

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Penalties

7(1) A person who contravenes a provision of this By-law commits an offence and is subject to the following minimum and maximum fines under *The Provincial Offences Act,* CCSM c. P160:

(a) for a first offence, a fine of $500;

(b) for a second offence, a fine of $1,000; and

(c) for a third and subsequent offence, a fine of $5,000.

7(2) The escalating fines set out under subsection (1) are applicable to the person who committed the offence and it is irrelevant if a second, third or subsequent offence is committed in respect of a different designated facility than the designated facility in respect of which the first offence was committed.

Address for service

8(1) Any notice or other document required to be given or sent to a person pursuant to this By-law may be sent by registered mail to an address determined in accordance with the following:

(a) where the person is the owner of real property, the address maintained by the tax collector for the purpose of issuing the tax notice for that property;

(b) where the person is the occupant of property, the street address for that property;

(c) in all other situations, the last known address for the person.

8(2) Despite subsection (1), where the City has record of an email address for the person, any notice or other document required to be sent pursuant to this By-law may be sent to that email address.

8(3) Where a notice or other document has been sent by way of email under subsection (2), the designated employee must request and retain a copy of a delivery receipt, and where a delivery receipt is not obtained, the order, decision or other document must be sent in accordance with subsection (1).

8(4) Where a notice or other document has been sent to a person by way of email, the person is deemed to have received the notice or other document on the date of the delivery receipt.

Appeals

9(1) Upon payment of the applicable fee, any appeal under this By-law authorized by the Charter may be made in accordance with the Charter to an appeal hearing body consisting of the following individuals or their delegates:

(a) the City’s Chief Administrative Officer, who shall serve as Chair;

(b) the designated employee, who shall serve as Vice-Chair; and

(c) one enforcement officer appointed by the Chair.

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9(2) Subsections 51(10), 51(11) and 51(11.1) of Procedure By-law No. 50/2007 apply in respect of hearings conducted under this section and the appeal hearing body may adopt other rules of practice and procedure.

Administration fee for appeals

10(1) Subject to subsection (2) and (3), an administrative fee of $500.00 is hereby imposed for an appeal made under section 9.

10(2) An appeal may not be accepted by the City Clerk until the fee imposed under subsection (1) has been paid to the City Clerk.

10(3) The appeal body hearing the appeal may order that the administrative fee imposed under subsection (1) be refunded to the appellant if the appeal has been made in good faith and has some merit.

DONE AND PASSED this day of , 2026.

Mayor

City Clerk

Approved as to content:

Chief Administrative Officer

Legally reviewed and certified as to form:

for Director of Legal Services
and City Solicitor

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