



CITY OF DAUPHIN

BY-LAW NUMBER 13/2003

BEING A BY-LAW OF THE CITY OF DAUPHIN RELATING TO NOISE AND PUBLIC ORDER

WHEREAS Section 232(1) of the Municipal Act, L.M. 1997, c.58- Chap. M225, provides 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 other devices;

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, odours, unsightly property, fumes and vibrations,

AND WHEREAS the Council of The City of Dauphin deems it expedient and in the best interests of the municipality to provide for the safety, health, protection and well-being of its residents and ensure an environment free from excessive sound that may be prejudicial to their life or welfare, or safety, or diminish the quality of life.

NOW THEREFORE, the Council of the City of Dauphin, duly 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 City of Dauphin.**

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 City of Dauphin 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 City of Dauphin **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 City government unless such sound is 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 City.

(d) Any vehicle of the police or fire department of 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 City of Dauphin.

(g) Aircraft and railway rolling stock.

(h) Any activity, work or undertaking which would otherwise be prohibited by this by-law where a permit has been issued by the Chief Administrative Officer of the City of Dauphin.

4. **No person shall** hold or participate in or otherwise take part in any sparring exhibition, boxing or wrestling match within the City of Dauphin, 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 City of Dauphin for the time being of the City of Dauphin. The said Chief Administrative Officer of the City of Dauphin shall have power from time to time to issue a permit to any organization falling within any of the classes herein below 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 City of Dauphin.

Any other organization may apply to the Mayor and Council of the City of Dauphin for such a permit and the Mayor and Council of the City of Dauphin may, **by resolution, approve such a permit**, if the Mayor and Council see fit to do so.

5 (a) **No person shall** discharge or fire off any gun, firearm, catapult, sling, bow and arrow, or other weapon within the City of Dauphin, 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 City of Dauphin, 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 or the discharge of a firearm for any other reason upon the premises referred to in the Resolution during the pleasure of the Council, which may at any time revoke such permit.

6. 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.

The word "permit" wherever used in this by-law shall be construed to mean **"Schedule A"** as attached.

7. 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 (\$1,000.00) 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.

8. That By-law No. 3983 and 08A/93 and any amendments thereto be and are hereby repealed.

DONE AND PASSED by Council of the City of Dauphin in Regular Session assembled, this 28th day of July, A.D., 2003.

Alex Paul, Mayor

Brad D. Collett, Chief Administrative Officer

READ A FIRST TIME this 23rd day of June A.D., 2003.

READ A SECOND TIME this 28th day of July A.D., 2003.

READ A THIRD TIME this 28th day of July A.D., 2003.

SCHEDULE "A"

"PARADE OR EVENT ON CITY PROPERTY AGREEMENT"

The Applicant requests permission from the City of Dauphin to hold an event in the City of Dauphin or to use City Property as described below: **(CHECK APPROPRIATE BOX)**

-
- Sparring Exhibition, Boxing or Wrestling Match (where an admission fee is charged)
 - Local Charitable Organization
 - Local Athletic Organization
 - 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 City of Dauphin
 - Band, Parade, Concert, Fair, Circus, Rodeo
 - Block Party
 - Use of City Property For _____
-

Name of Organization/Individual: _____

Name of Event: _____

Held On: _____ between the hours of _____

And the hours of _____.

The Applicant requests permission from the City of Dauphin to hold an event on City Property and consents to the following agreement:

Between: The City of Dauphin
 100 Main Street South
 Dauphin, Manitoba
 R7N 1K3

And _____ (Name Of Individual Or
 Organization)

_____(Address)

The Applicant requests the City of Dauphin to provide the following quantities of traffic control devices:

_____ ***“NO PARKING” Signs***

_____ ***Barricades***

The Applicant chooses Option _____ below and agrees to the requirements as listed.

OPTION “A”:

The Applicant Agrees to:

- *Pick up the Traffic Control Devices from the City Shop*
- *Place the Traffic Control Devices*
- *Maintain the Traffic Control Devices in position during the event*
- *Remove the Traffic Control Devices within 1 hour of the close of the event*
- *Return the Traffic Control Devices to the City Shop*

OPTION “B”:

The applicant agrees to:

- *Place the Traffic Control Devices*
- *Maintain the Traffic Control Devices in position during the event*
- *Pay the costs for the City of Dauphin to deliver and remove the Traffic Control Devices*

The Applicant agrees to the following conditions:

- ❖ **The Applicant agrees to hold the City of Dauphin harmless from any liability that may arise from the event.**
- ❖ **The Applicant shall attach a Certificate of Insurance showing a minimum of \$2,000,000 liability insurance with the City of Dauphin as an additional named insured for this event.**
- ❖ **The Applicant shall attach a drawing of proposed parade route or site plan of event.**
- ❖ **In the event of a street closure, the Applicant shall agree to contact all property owners affected by closure and shall have the property/business owners sign their name on a document expressing permission and agreement to the closure.**
- ❖ **The Applicant shall notify all Emergency Services (Fire Department, Ambulance, Police, etc.) of event so that they may arrangements for rerouting in case of an emergency.**

(Please ensure that the above attachments are included with this completed document and returned to City Hall).

Applicant on behalf of Organization:

Signature: _____

Name & Title of Person Signing: _____

Date: _____

Approved on behalf of the City of Dauphin:

Name: _____

Title: _____

Date: _____

Office Use Only:

Drawings Attached

Certificate of Insurance Attached

For Special Events Street Closures signed agreements by the property owners are attached

Date of Notice to Emergency Services _____