

CONSOLIDATION UPDATE: DECEMBER 11, 2002

THE CITY OF WINNIPEG

THE FROZEN WATERWAYS BY-LAW
NO. 6581/95

**A By-law of THE CITY OF WINNIPEG prohibiting
the use of vehicles on the frozen surface of any
waterway within the City.**

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:
amended 8162/2002

1. Definitions - Where used herein,
 - (a) "Chief of Police" means the Chief of Police for The City of Winnipeg or such person or persons as may be authorized by the said Chief of Police to exercise some or all of the powers vested in him by this By-law;
 - (b) "person" includes firm, partnership, association, corporation or company;
 - (c) "vehicle" includes any automobile, truck, trailer, motor bike, moped, snowmobile, snow vehicle, bicycle and any other conveyance drawn, propelled or driven by any kind of power including muscular power or wind;
 - (d) "waterway" means a river, stream, creek, canal, drainage ditch, water channel and other water course, whether natural, constructed or altered.
2. No person shall operate a vehicle upon any portion of the frozen surface of any waterway within the limits of the City of Winnipeg.
3. The Chief of Police and his delegates shall administer and may take steps to enforce this By-law in accordance with *The City of Winnipeg Charter* and for those purposes, have the powers of a designated employee under *The City of Winnipeg Charter*.¹
amended 8162 /2002
4. The provisions of this By-law shall not apply to:

- (i) vehicles of Police and Fire Departments of any city or municipality;
- (ii) ambulances;
- (iii) vehicles of any public utility or any city or municipality if such vehicles are actually engaged in work of necessity requiring them to use any portions of the frozen surface of any waterway;
- (iv) any activity, work or undertaking which would otherwise be prohibited by this By-law where a permit has been issued by the Chief of Police.

5. The Chief of Police may, from time to time, make rules and regulations, not inconsistent with this By-law, governing the operation of vehicles hereunder where use of vehicles is permitted.

6. A person applying to the Chief of Police for a permit hereunder shall submit with such application:

- (a) Evidence satisfactory to the Chief of Police that there is in force a liability insurance policy for a minimum of \$250,000.00 for the day or days on which the activity or event will be conducted;
- (b) Plans for the protection of spectators;
- (c) Specifications of the area to be used for the activity or event;
- (d) Such other information as may be required by the Chief of Police.

7. Any Peace Officer shall have power to summon and take before any competent Court within the City of Winnipeg, any person or persons who shall be found violating any of the provisions of this By-law or the rules and regulations made pursuant hereto.

8. **PENALTY**

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 \$50,000.00:

- (a) for the first offence, to a fine of not less than \$1,000.00;
- (b) for a second offence, to a fine not less than \$2,500.00;
- (c) for a third and subsequent offence, to a fine of not less than \$5,000.00.

8.1 Notwithstanding the penalties prescribed in Section 8, 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.

8.2 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 incurred.

amended 8162/2002 (entire section 8)

9. Any person who deems himself aggrieved by the decision of the Chief of Police may, in accordance with the City of Winnipeg Charter file an appeal with the Office of the City Clerk, which appeal shall be heard by the Standing Policy Committee on Protection and Community Services and every decision of the Standing Policy Committee on Protection and Community Services shall be final and binding.²

added 8162/2002

10. This by-law shall be known as "**The Frozen Waterways By-law**".

added 8162/2002

DONE AND PASSED in Council assembled, this 22nd day of March, 1995.

1 [See sections 180-181 and sections 183-188 of The City of Winnipeg Charter for information about some of the key powers given to designated employees.](#)

2 [See sections 189 and 121 of The City of Winnipeg Charter for information about appeals, including information about the time limit for appeals and how appeals are to be filed.](#)