

RURAL MUNICIPALITY OF ROSSER

By-law No. 6/22

Being a By-Law of the Rural Municipality of Rosser to regulate the operation and use of parks.

WHEREAS Section 231 of the *Municipal Act*, CCSM c M225 (the “*Municipal Act*”) gives broad authority to the council of a municipality with respect to its right to govern the municipality in whatever way the council considers appropriate, within the jurisdiction given to it under this and other Acts; and to enhance the ability of the Council to respond to present and future issues in the municipality;

AND WHEREAS Section 232(1) of the *Municipal Act*, provides that a municipality may pass by-laws respecting the safety, health, protection and well-being of people, and the safety and protection of property;

AND WHEREAS Section 232(1)(b) of the *Municipal Act*, provides that the municipality may pass by-laws respecting people, activities and things in, on or near a public place or a place to be open to the public, including parks;

AND WHEREAS Council of the Rural Municipality of Rosser (the “Municipality”) supports providing public spaces and parks for the enjoyment of residents and guests;

AND WHEREAS it is deemed advisable and in the best interest of the Municipality to establish a by-law to maximize recreational and leisure activities in the Municipality;

NOW THEREFORE the Council of the Rural Municipality of Rosser hereby enacts as follows:

SHORT TITLE

1.01 This By-law may be cited as the Parks By-Law.

DEFINITIONS

2.01 In this By-Law

- (a) **“Chief Administrative Officer”** means the Chief Administrative Officer of the Rural Municipality of Rosser and any employee of the Rural Municipality of Rosser to whom he or she has delegated a power or responsibility;
- (b) **“Council”** means the duly elected council of the Rural Municipality of Rosser;

- (c) **“Designated Officer”** means persons appointed by Council, by Resolution, as Designated Officers pursuant to Section 130 of the *Municipal Act*.

PURPOSE OF BY-LAW

- 3.01 The purpose of this By-Law is to:
- (a) Maximize the opportunity of members of the public to enjoy a wide range of recreational and leisure activities within the Municipality’s park(s) safely, comfortably and conveniently;
 - (b) Minimize the risks of any activity in a park, including;
 - (i) Risks to public health, safety and security;
 - (ii) Risks of damage or harm to parks, including animals, animal habitat and flora within parks; and
 - (iii) Risks of harm to the environment generally; and
 - (iv) Ensure to the greatest extent possible that any damage or harm to parks is remedied and appropriate compensation is provided to the Municipality.

APPLICATION OF THIS BY-LAW

- 4.01 This By-law applies to all parks within the Rural Municipality of Rosser.

GENERAL POWERS OF ADMINISTRATION AND ENFORCEMENT

5.01 The Chief Administrative Officer, his or her delegates, and any Designated Officer may conduct inspections and take steps to administer and enforce this By-law or remedy a contravention of this By-law in accordance with *The Municipal Act*, *The Planning Act*, and any municipal by-law.

5.02 The Chief Administrative Officer may appoint Designated Officers of the Municipality to administer or enforce this by-law.

POWER TO DESIGNATE AREAS

6.01 In order to achieve the purposes of this By-law, the Chief Administrative Officer is authorized to designate parks or areas of parks:

- (a) To be exclusively reserved for specific uses or activities at all times or at specified times or days;
- (b) In which specific uses or activities are prohibited;
- (c) In which certain animals or categories of animals are permitted or prohibited.

AUTHORIZATIONS

7.01 Where this or another By-law provides that an activity in a park is permitted only if authorized by the Chief Administrative Officer, the Chief administrative Officer may authorize the activity if

- (a) The activity does not violate this or another By-law or statute; and
- (b) The activity supports the purposes of this By-law.

7.02 The Chief Administrative Officer is authorized to establish the form and required information in an application for an authorization under subsection (1) as well as appropriate deadlines for submitting applications.

7.03 In authorizing activities under subsection (1), the Chief Administrative Officer may impose conditions on authorization that are designated to ensure that the purposes of this By-law are met.

7.04 A violation of a condition imposed under subsection (3) constitutes an offence under this By-law.

AUTHORITY TO CLOSE OR RESTRICT ACCESS

8.01 The Chief Administrative Officer is authorized to prohibit or restrict access to a park or an area of a park for any period of time, whether on an occasional or regularly scheduled basis, consistent with the purposes of this By-law.

8.02 A person must not enter or be in a park or an area of a park in violation of a closure or restriction imposed under subsection (1).

AUTHORITY TO MAKES RULES

9.01 The Chief Administrative Officer may make rules that are not inconsistent with this By-law in order to further the purposes of this By-law and to ensure the proper administration of parks.

9.02 The authority to make rules referred to in subsection (1) includes the authority to prohibit particular activities in a park or all parks.

AUTHORITY TO POST SIGNS

10.01 The Chief Administrative Officer may post signs or notices within parks bearing the seal or logo of the Municipality.

10.02 A person must observe and comply with the prohibitions, restrictions or rules set out on a sign or notice posted in a park that bears the seal or logo of the Municipality unless it can be shown that the sign or notice was not posted under the authority granted in subsection (1).

RULES NOT APPLICABLE TO DESIGNATED OFFICERS

11.01 Sections 12 through 27 do not apply to:

- (a) Designated Officers;
- (b) employees of the Municipality while carrying out their duties; or
- (c) individuals or employees of businesses authorized by the Municipality to carry out work in a park, to the extent that contraventions of this By-law are necessary in order to carry out the work.

POSSESSION AND USE OF WEAPONS PROHIBITED

12.01 A person must not have a firearm in his or her possession within a park other than in an area and at a time designated by the Chief Administrative Officer for this purpose.

12.02 A person must not have a slingshot, bow or similar weapon in his or her possession within a park.

12.03 A person must not throw a stone, fire a firearm or use any other weapon within a park other than in an area and at a time designated by the Chief Administrative Officer for this purpose.

FIRES REGULATED

13.01 Unless authorized by the Chief Administrative Officer, a person must not, within a park:

- (a) light a fire except in a container provided for this purpose;
- (b) throw or place a lighted match, cigarette, cigar or any other burning substance on the ground or on the floor of any structure without ensuring that it is immediately extinguished.

LITTERING PROHIBITED

14.01 A person must not throw, discard, drip, deposit or leave litter or garbage in a park except in a container provided or an area designated for that purpose.

DUMPING PROHIBITED

15.01 Unless authorized by the Chief Administrative Officer, a person must not leave or deposit grass clippings, tree branches, garden or yard waste, soil, concrete, building materials, snow or any other similar substance within a park.

DAMAGE TO PARK

16.01 Unless authorized by the Chief Administrative Officer, a person must not

- (a) disturb, remove or damage a tree, branch, flower, plant or other vegetation in a park;
- (b) disturb, remove or damage soil in a park, including embedding stakes in soil or turf;
- (c) release or deposit any substance or thing into, or otherwise pollute or foul a lake, stream, pool, pond, well, spring or other body of water within a park; or
- (d) cause harm or damage to any building or structure in a park.

ANIMALS IN PARKS

17.01 A person may bring a cat or dog or horse into a park except in a designated area in which that animal is prohibited.

17.02 All animals must remain in the care and control of the owner at all times. This includes the use of a leash for dogs and cats.

17.03 Owners must clean up all manure and or animal droppings immediately from all public areas.

17.04 A person must not bring an animal other than a dog or cat or horse into a park except in a designated area in which that animal is permitted or with the authorization of the Chief Administrative Officer.

CAMPING

18.01 Unless authorized by the Chief Administrative Officer, a person must not set up a tent or a recreational vehicle in a park and a person must not sleep overnight in a park.

NOISE RESTRICTED

19.01 In addition to by-laws restricting or controlling noise, a person in a park must not between the hours of 11:00 p.m. and 7:00 a.m. make, cause or permit to be made a noise which disturbs a reasonable individual of ordinary sensitivity occupying a property adjacent to or near the park.

19.02 Subsection (1) does not apply to noise created as a result of activities that have been authorized by the Chief Administrative Officer.

POSTING SIGNS

20.01 Unless authorized by the Chief Administrative Officer, a person must not post a sign or notice in a park.

20.02 Unless the Chief Administrative Officer has specifically authorized a sign to be posted for a longer period of time, a sign posted in a park must be removed within 24 hours by the person who posted it.

SPEED LIMIT

21.01 A person must not operate a motorized vehicle at a speed exceeding 30 kilometres per hour in the park.

OFF-ROAD USE OF MOTOR VEHICLES

22.01 Unless specifically authorized by the Chief Administrative Officer to do so, a person must not operate a motor vehicle in a park except on a roadway or in an area designated for this purpose.

NON-MOTORIZED VEHICLES OR EQUIPMENT

23.01 A person may operate or use non-motorized vehicles or equipment, including a bicycle, roller-blades or a skateboard, in a park unless use of the vehicle or equipment in a park or area of a park has been prohibited by the Chief Administrative Officer.

MULTI-USE PATHS

24.01 A person must not travel on a multi-use path in a park in or on a motorized vehicle except in or on a motorized mobility aid, as that term is defined in *The Highway Traffic Act*.

BUSINESS ACTIVITIES

25.01 Unless authorized by the Chief Administrative Officer to do so, a person must not

- (a) use a park as a place of business; or
- (b) carry on any commercial activities in a park;

PUBLIC MEETINGS

26.01 A person must not hold or take part in a public meeting within a park unless written authorization for the public meeting or parade has been granted by the Chief Administrative Officer.

RECREATION IN DESIGNATED AREAS

27.01 A person must not engage in any activities that violate a designation imposed by the Chief Administrative Officer or that interfere or could interfere with activities permitted in a designated area.

PENALTIES

28.01 Subject to the Municipality's General Enforcement By-Law, as amended from time to time, a person who contravenes a provision of this By-law is guilty of an offence and must pay the penalty for that contravention.

REMOVAL FROM PARK

29.01 A person who

- (a) violates a provision of this By-law; or
- (b) disturbs or threatens to disturb the enjoyment of a park by other users of the park;
- (c) is not authorized to be in the park and is trespassing.

In addition to initiating a prosecution for a violation of this By-law, a Designated Officer is authorized to order such a person, verbally or in writing, to leave the park immediately.

29.02 A person who has been ordered to leave the park under subsection (1) but refuses to comply with the order is guilty of an offence.

29.03 A Designated Officer is hereby authorized to act under *The Petty Trespasses Act* to apprehend without a warrant a person who has been ordered to leave the park under subsection (1) but has failed to comply with the order. After apprehending such a person, an enforcement officer must take the person to the nearest justice as soon as reasonably practicable to be dealt with according to law.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077 E PR 221, Rosser in the Province of Manitoba this _____ day of _____, 2022 A.D..

Reeve
Frances Smees

Chief Administrative Officer
Larry Wandowich

Read a first time this 12th day of July, A.D. 2022.

Read a second time this _____ day of _____, A.D. 2022.

Read a third time this _____ day of _____, A.D. 2022.