

## Rural Municipality of St. Laurent

### By-Law No. 3 /2021

<b>Amendment Resolution #</b>	<b>Date Carried</b>	<b>By-law #</b>
# 219/2022	June 15, 2022	9/2022
# 83/2023	March 15, 2023	2/2023

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ST. LAURENT TO REGULATE ITS PUBLIC PARKS AND BEACHES.

#### Part 1: Authority

WHEREAS subsection 232(1) of *The Municipal Act*, S.M. 1996, c.58 (*the Act*) in relevant part states: "A

council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centres, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation...
- (o) the enforcement of by-laws."

AND WHEREAS subsection 236(1) of *the Act* in relevant part states:

"Without limiting the generality of clause 232(1) (o) ... a by-law passed under that clause may include provisions

- (a) providing for procedures, including inspections, for determining whether by-laws are being complied with; and
- (b) remedying contraventions of by-laws, including
  - (i) creating offences
  - (ii) subject to the regulations, providing for fines and penalties, including the imposition of a penalty for an offence that is in addition to a fine or imprisonment, so long as the penalty relates to a fee, rate, toll, charge or cost that is associated with the conduct that gives rise to the offence, or related to enforcing the by-law
  - (iii) providing that an amount owing under subclause (ii) may be collected in any manner in which a tax may be collected or enforced under this Act
  - (iv) seizing, removing, impounding, confiscating and selling or otherwise disposing of plants, animals, vehicles, or other things related to a contravention

- (v) charging and collecting costs incurred in respect of acting under subclause (iv)..."

AND WHEREAS subsection 242(1) of *the Act* provides:

"If a designated officer finds that a person is contravening a by-law or this or any other Act that the municipality is authorized to enforce, the designated officer may by written order require the person responsible for the contravention to remedy it if, in the opinion of the officer, the circumstances so require."

AND FURTHER WHEREAS subsection 242(2) of *the Act* provides:

"The order may

- (a) direct a person to stop doing something, or to change the way in which the person is doing it;
- (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or by-law, including the removal or demolition of a structure that has been erected or placed in contravention of a by-law and, if necessary, to prevent a reoccurrence of the contravention;
- (c) state a time within which the person must comply with the directions; and
- (d) state that if the person does not comply with the directions within a specified time, the municipality will take the action or measure at the expense of the person."

AND WHEREAS section 1 of *The Municipal By-law Enforcement Act* C.C.S.M. c.M245 provides:

"The purpose of this Act is to give municipalities the ability to process and resolve parking violations and other contraventions of their by-laws using an administrative penalty scheme that does not involve court proceedings"

AND WHEREAS it is deemed desirable to regulate and/or prohibit certain activities and things in public parks and beaches owned by the R.M. of St. Laurent.

NOW THEREFORE be it and it is hereby enacted as a By-law of the R.M. of St. Laurent as follows:

*Part 2: Name, purpose, definitions and interpretation*

1. Name

This By-law may be referred to as the "Parks and Beaches By-law".

2. Purpose

To regulate the use of public parks for public enjoyment and to ensure the safety, health, protection and well-being of people, and the safety and protection of both private and public property.

3. Definitions

In this By-law, unless the context otherwise requires,

"Emergency vehicles" means

- (a) a vehicle used by a police force,
- (b) a vehicle used by a fire department,
- (c) a vehicle used by an ambulance service,
- (d) an authorized emergency vehicle,
- (e) a vehicle used to respond to emergencies and operated under the authority of a government emergency organization,
- (f) a vehicle used by the municipal bylaw enforcement officers,
- (g) a vehicle used for the purpose of maintaining a public utility and designated as an emergency vehicle by a traffic authority, or
- (h) a vehicle not ordinarily used for emergency purposes that is operated by a volunteer, part-time or on-call fire-fighter or emergency medical responder for the purpose of responding to a fire, medical or other emergency; (« véhicule d'urgence »)

"Officer" means a designated officer, a peace officer, a conservation officer or an environment officer.

"Public Park or Public Beach" means any park or beach that is regulated under Schedule A of this by-law.

"Recreation" means all kinds and types of recreation on the beaches and in the parks owned by the R.M. of St. Laurent, such as but not limited to, swimming, games, tanning, walking, jogging, running and leisure.

#### 4. Interpretation

In all parts of this By-law, any word using the male gender shall include the female gender and non-binary gender, and vice versa, and any wording using the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

#### 5. Park use, permitted and not permitted

A person

- a) may enter in a park or at a beach and enjoy, bathe or swim in Lake Manitoba only if that person is not contravening laws concerning public nudity and indecent exposure, may undress or dress in a park only in places specially provided for that purpose;
- b) may play a game in a park or on a beach only if that does not interfere with or become a nuisance or a hazard to others, or trespasses on adjoining private property;

- c) must not interfere with or obstruct the carrying out of the duties of a person authorized by the R.M. of St. Laurent who is supervising or instructing swimming or aquatic games at a beach in a park;
- d) must not litter, or leave anything in a park or on any beach or in the adjacent water; including cigarette butts;
- e) must not do anything that does, or tends to, endanger, annoy, or disturb the public in or around a beach or park;
- f) may enter with non-motorized floatation craft such as, but not limited to, canoe, kayak, tire tube, dingy, floatation boards;
- g) may not cook a meal on a camping burner or propane barbecue on the beach or at a park;
- h) may not use glassware on a beach or in a park.

#### 6. Commercial sales in park only by permit

A person may conduct business, sell things, and solicit items in a park or at a beach, but only if that person first obtains the express written permission of a duly authorized official of the R.M. of St. Laurent.

#### 7. Traffic and Parking

A person may not

- a) park any vehicle in or along any road within the R.M. of St. Laurent that is clearly marked with no parking signs, to enter a public park or a beach;
- b) park in a parking space on a parking lot that is marked as reserved for some other person or purpose;
- c) leave a vehicle parked at a park or at a beach with no intention of using the park or the beach;
- d) park a vehicle at a park or at a beach for the purpose of sleeping overnight in the vehicle;
- e) sleep overnight in a vehicle in a park or a beach;
- f) clean or do maintenance to a vehicle in a park or a beach;
- g) operate a motorized vehicle within the boundaries of a park or a beach except for the designated parking area;
- h) launch a motorized watercraft in a public park or public beach owned by the RM.

Emergency vehicles are exempt from section 7. of this bylaw.

#### 8. Damage to environment, structures

A person must not do any of the following activities in a park or at a beach:

- a) cut, break, injure, remove, climb, or in any way destroy or damage (i) a tree, shrub, plant, turf, flower, or seed, or (ii) a building or structure, including a fence, sign, seat, bench, or ornament of any kind;
- b) foul or pollute a fountain or natural body of water;

- c) paint, smear, or otherwise deface or mutilate any public property or organic matter, damage, deface or destroy a notice, or a sign that is lawfully posted, damage, deface, destroy, vandalize any property within the boundaries of a park or a beach;
- d) transport household, yard, or commercial waste into a park or a beach for the purpose of disposal;
- e) dispose of household, yard, or commercial waste in a park or a beach. A person may deposit waste, debris, offensive matter, or other substances, excluding household, yard, and commercial waste, in a park or at a beach only if deposited into receptacles provided by the RM of St. Laurent for that purpose.
- f) Discard cigarette butts on the beach, in or under the sand, or anywhere at, in or near a park

#### 9. Nuisances, obstructions

A person must not do any of the following activities in a park or on a beach:

- a) behave in a disorderly or offensive manner, including playing music which disturbs others;
- b) obstruct the free use and enjoyment of the park or the beach by another person;
- c) take up a temporary abode overnight;
- d) paint or post advertisements without permission from the R.M. of St. Laurent;
- e) distribute handbills for commercial purposes without permission from the R.M. of St. Laurent;
- f) place posters without permission from the R.M. of St. Laurent;
- g) disturb, injure, or catch a bird or animal;
- h) consume liquor;
- i) smoke/consume recreational cannabis;
- j) urinate or defecate except in a designated washroom;
- k) ride or exercise a horse, on a beach or in a park;
- l) permit a dog or other animal to run loose in a park or on a beach;
- m) excavate, dig a cave, or in any other way cut open the natural terrain, in a park or at a beach including but not limited to digging and leaving holes on the beach with the exception of "beach play" and making sand castles;
- n) leave or create an unnecessary obstruction or thing;
- o) bury, scatter, or otherwise dispose of any cremated remains in a park or at a beach;
- p) operate, drive or propel a vehicle for the specific purpose of displaying or broadcasting advertisements;
- q) operate any motorized vehicle, such as ATVs, or any other motorized machine including a drone or remote-controlled plane, in a park or on a beach;
- r) do any activities contrary to signs posted in a park by the R.M. of St. Laurent;
- s) place, secure, erect, use, or maintain in place, in a park, a structure, improvement or overhead shelter, including but not limited to a tent, lean-to, or other form of overhead shelter constructed from a tarpaulin, plastic, cardboard or other rigid or non-rigid material: camp, erect or place a tent for shelter or temporary abode of any kind;
- t) stray from a park or a beach and trespass on private property;
- u) loiter, lounge or linger in front of any private residence or public walkway.

## 10. Park clean-up and removal of debris

No person shall, in a park:

- a) leave or deposit any waste, except in a receptacle provided for that purpose;
- b) deposit or leave any paint, grease, oil, offal or any dangerous matter that has an odour or appearance found to be offensive by users of the park;
- c) scatter any paper, cardboard, or any other material.

## 11. Exemptions

This By-law shall not apply to:

- a) employees or agents of ambulance and police services acting in the scope of their duties to provide emergency services or enforcement activities at a park; the vehicles and other properties of ambulance and police services used for the purpose of providing emergency services or engaging in enforcement activities at a park;
- b) the R.M., its vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the R.M. of St. Laurent.

## 12. Penalties

- a) A person commits an offence and is subject to the penalties imposed by this By-law if that person
  - i. contravenes a provision of this By-law;
  - ii. consents to, allows, or permits an act or thing to be done contrary to this By-law, or
  - iii. neglects or refrains from doing anything required by a provision of this By-law;
- b) Each day that a contravention of a provision of this By-law occurs or continues shall constitute a separate offence;
- c) A person who contravenes a provision of this By-law shall be issued a Notice of Breach of this By-law, is guilty of an offence, and is liable to a fine of no more than One Thousand Dollars (\$1000.00), per offence, as indicated in the Fees, Fines and Charges by-law plus any other costs incurred by the RM to remedy the contravention.
- d) A person who has been served with a Notice of Breach of this By-law may dispose of the matter by submitting to the Office within thirty (30) days of the date of the Notice, the fine set out in the Notice, along with all other related charges that accrued as a result of the enforcement of this By-law. In the event that the person served with the Notice of Breach of this By-law fails to pay the fine as set out in the Notice and applicable costs within the said thirty (30) days, the person shall be subject to further penalties and interest and further fees and costs associated with the collection of such costs.
- e) in addition to the foregoing, any vehicle which is parked or operated in contravention of this by-law, may be towed at the owner's or operator's expense.

- f) Notwithstanding the aforementioned enforcement remedies, the officer may enforce the by-law in the manners prescribed in the General Enforcement By-law 4/2022.

13. Severability

If any provisions of this by-law are held to be invalid by any Court of competent jurisdiction, the remaining provisions of the by-law shall not be invalidated.

14. Miscellaneous

THAT the Rural Municipality of St. Laurent Parks and Beaches By-law 3/2021, as a whole be updated as necessary to reflect the amendments described above including, but not limited to the numbering of definitions, uses, references, pages.

DONE AND PASSED by the Council of The Rural Municipality of St. Laurent, in the Province of Manitoba,  
This day of,        2021.

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Reeve

\_\_\_\_\_  
CAO

Read a first time this    day of, 2021

Read a second time this    day of 2022

Read a third time this    day of, 2022

# **SCHEDULE A**

The following parks and beaches are enforced under the Parks and Beaches by-law  
3/2021:

- Big Tree Park/Parc gros arbre
  
- Meindl Park/Parc Meindl