

CITY OF MORDEN
By-law No: 12 - 2017

BEING a By-law of the City of Morden to regulate overnight use of designated municipal parks within the City of Morden.

WHEREAS Subsection 232(1) of *The Municipal Act*, C.C.S.M., c. M225 provides in part as follows:

232(1) 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;

AND WHEREAS it is deemed advisable to exercise the powers set out in the said Sections of The Municipal Act in order to provide for the abatement of nuisances, including property, activities, or things that adversely affect:

1. The safety, health or welfare of people in the neighbourhood,
2. People's use and enjoyment of their property, or
3. The amenity of a neighbourhood.

NOW THEREFORE be it resolved as a By-law of the City of Morden and it is hereby enacted as follows:

1. **THAT** this By-law be referred to as the "City of Morden Park Use By-law";
2. **THAT** except to the extent permitted by this or any other City of Morden By-law, no person shall be permitted to:
 - (a) Congregate in municipal parks between the hours of 11:00pm and 6:00am.
 - (b) Utilize municipal parks for overnight camping and/or sleeping therein of tents, trailers, motor homes, or any other self contained sleeping accommodation.

3. **THAT** exceptions to the provisions of this By-law shall apply to the following:
- (a) Persons who are continuously travelling through the municipal parks on foot.
 - (b) Persons who are continuously travelling through the municipal parks on other forms of non-motorized modes of transportation.
 - (c) Persons who are continuously travelling through the municipal parks on forms of motorized modes of transportation as required by persons who are mobility challenged.
 - (d) Any vehicle of the police or fire department or any ambulance or any public service or emergency vehicle while responding to a call.
 - (e) Any activity, work or undertaking which would otherwise be prohibited by this By-law where a permit has been issued by the City of Morden.
 - (f) Colert Beach and Lake Minnewasta Campground.
4. **THAT** this By-law shall be administered by the Morden Police Service or a By-law Enforcement Officer appointed by the City of Morden.
5. **THAT** every person or corporation in breach of any provision of this By-law, unless a penalty or fine is specifically provided in Schedule A as provided for by the Enforcement By-Law, or on summary conviction, to a fine not exceeding one thousand (\$1,000.00) Dollars, and or imprisonment of 12 months in addition to costs.
6. **THAT** Wherever the provisions of any By-law, Zoning By-law and amendments thereto or impose overlapping or contradictory regulations over the control or prohibition of noise, or contain any restrictions covering any of the same subject matter contained herein, the most restrictive standard shall apply.
7. **THAT** Severability if any provision of this By-law is held to be invalid by any Court of competent jurisdiction, the remaining provisions of the By-law shall not be invalidated.
8. **THAT** this By-law shall come into force upon the passing thereof and repeal By-law 8-2007.

DONE AND PASSED by the Council of the City of Morden, assembled at the Council Chambers of the City of Morden, in the Province of Manitoba this 26th day of June, A.D. 2017.

CITY OF MORDEN

Ken Wiebe

Mayor

John Scarce

City Manager

Read a first time this	29th	day of	May	A.D. 2017
Read a second time this	26th	day of	June	A.D. 2017
Read a third time this	26th	day of	June	A.D. 2017

City of Morden
Schedule A to By-law 12-2017

Fines applicable as first, second and subsequent offence to clauses:

2 (a) Congregate in a park between 11pm and 6am	\$150	\$300	\$450
2 (b) Overnight camping	\$150	\$300	\$450