

MUNICIPALITY OF MORDEN
POLICY & PROCEDURES MANUAL

<i>Section</i>	Community Services	<i>Classification</i>	Policy
<i>Subject</i>	Public Reserve	<i>Pages</i>	3
<i>Authority</i>	Council	<i>Effective Date</i>	January 26, 2010
<i>Approved (date and resolution number)</i>	January 25, 2010 Res. No. 8.2	<i>Index Number</i>	C/S-010

Purpose

This policy document is to establish criteria for use of public reserve lands within the Town of Morden.

Authority

The Planning Act outlines the uses for which public reserve land may be used in Section 138. As the Planning Act is Provincial Legislation, the Town of Morden is obligated to adhere to this legislation. As a result, the Town of Morden will only use and only allow use of public reserve land for:

- a) A public park;
- b) A public recreation area;
- c) A natural area;
- d) A planted buffer strip separating incompatible land uses; or
- e) Public Works.

Further, if land that is registered in the name of a municipality

- a) Is used as a public park or public recreation area; and
- b) Has not been designated as public reserve land as a result of a registered plan of subdivision;

it is deemed to be public reserve land according to the same section of the Planning Act.

Definitions

“By-law Officer” means the By-law Officer of the Town of Morden.

“Chief Administrative Officer” means the Chief Administrative Officer of the Town of Morden.

“Council” means the Council of the Town of Morden.

“Creek” means the Deadhorse Creek

“Public Reserve” means land designated as public reserve land as a result of a registered plan of subdivision, as well as land deemed to be public reserve land as outlined in the Planning Act.

“Town” means the Town of Morden.

Policy Statement

Public reserves are parcels of land owned by municipalities, in this case the Town. Public reserve lands and their applicable uses are outlined in the Planning Act.

Public reserve lands exist in numerous locations within the Town. They include public parks, natural areas, pathways, among others.

Through recent subdivisions land adjoining both sides of the Creek have been created as public reserve land. This public reserve land was created with the intentions of protecting the Creek, ensuring the Town has access to and responsibility for any rehabilitative or preventative work on the Creek in order to protect adjoining personal property. Without the public reserve land in place, any work required on the Creek would be at the full cost of the personal property owner. In order to protect this adjoining personal property and help ensure the Creek path remains within the public reserve land area, the lands located within the public reserve land that are also within 25 feet of the top of bank shall be left in a natural state. This natural state will help ensure significant root growth, thereby aiding in bank stability. Beyond this 25 foot area, all remaining public reserve land may be mowed by adjoining property owners subject to receiving written permission from the Town.

The use of all public reserve lands shall comply with the Planning Act. As a result, private use of public reserve land, including but not limited to the excavation, drilling, placement, installing or erecting of pits including fire pits, wells, foundation, pavement, material, vehicles, fence, or structure including sheds and play structures, or the installation of items such as underground irrigation systems, is not permitted.

Responsibility

Council shall from time to time review this policy to confirm it meets expectations.

The Chief Administrative Officer shall ensure this policy is followed.

Implementation Procedures

1. The By-law Officer shall monitor public reserve land and ensure it is not being used for private purposes.
2. Where at the time this policy is adopted any structures or other items are currently located on public reserve, the By-law Officer shall advise the owner of the structure or item of the requirement to have the structure or item removed by May 31, 2010.
3. Where at the time this policy is adopted private plantings such as hedge rows are currently located in public reserve lands, where in the opinion of the Chief Administrative Officer these plantings do not have a significant impact, the private plantings may remain for the balance of the life of the planting or until these plantings do create a significant impact, whichever occurs first.
4. Any adjoining private property owner who wishes to mow the public reserve land that would naturally appear to be an extension of private property, must contact the By-law Officer requesting permission to do so. The By-law Officer will review the request and, where applicable, provide permission in writing, outlining any specific requirements

necessary to ensure the intent of this policy will be met. As well, where the public reserve is along the Creek, the By-law Officer will ensure the applicant has access to information outlining the importance of maintaining a riparian area along the Creek.

5. Whenever a change of ownership occurs for land located next to public reserve land, in order to ensure the new owner(s) is/are knowledgeable regarding public reserve lands, an information package shall be delivered to the new owner(s) advising of the requirements related to public reserve land.