

## **CITY OF MORDEN**

### **By-law No. 16-2017**

**BEING** a by-law of the City of Morden providing for the control and removal of certain obstructions, and the repair and replacement on municipal roads, parks and reserves.

**WHEREAS** the City of Morden wishes to prevent the unwanted placement of snow, ice, trees, shrubs, weeds, grass, leaves, refuse and other obstructing materials on municipal roads, parks and reserves within the City, in order to ensure safe passage thereon;

**AND WHEREAS** the City of Morden wishes to prevent the causing of damage or removal of items on municipal roads, parks, and reserves within the City;

**AND WHEREAS** the City of Morden considers it desirous and expedient to enforce the compliance with the provisions of this by-law;

**AND WHEREAS** section 232(1)(b), and (f) and 234(b) of The Municipal Act, C.C.S.M., c. M225 being chapter 58 of the 1996 Statutes of Manitoba provides:

#### **“Spheres of jurisdiction**

**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;
- (f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned;
- (o) the enforcement of by-laws.

#### **Exercising by-law-making powers**

**232(2)** Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit;

#### **Content of by-laws under clause 232(1)(f)**

**234** Without limiting the generality of clause 232(1)(f) (property adjacent to highways or municipal roads), a by-law passed under that clause may include provisions respecting signs, survey monuments, landscaping and setbacks, including:

- (b) the control and removal of trees, shrubs, weeds, grass, snow, ice and obstructions.”

**AND WHEREAS** section 236(1) thereof further provides:

**“Content of by-laws under clause 232(1)(o)**

**236(1)** Without limiting the generality of clause 232(1)(o) (enforcement of by-laws), a by-law passed under that clause may include provisions;

- (a) 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),
  - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.”

**NOW THEREFORE** the City of Morden in open Council duly assembled enacts:

1. **THAT** no one shall place, plant, grow, deposit, or move onto any municipal road, park or reserve, within the City of Morden any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, or damage any municipal road, park, or reserve, or damage or remove anything from any municipal road, park, or reserve, unless the City of Morden by resolution from time to time, designates otherwise.
2. **THAT** anyone who places, plants, grows, deposits, or moves onto any municipal road, park or reserve any snow, ice, trees, shrubs, weeds, grass, or leaves refuse, garbage, or any other obstructions of any kind or nature, or who damages any municipal road, park, or reserve, or damages or removes anything from any municipal road, park, or reserve, shall commit an offence and be levied a penalty as per Schedule A.
3. **THAT** the City of Morden, in addition to or instead of the penalties outlined in Clause 2. above, may remove or cause to be removed and clean up any of the materials or obstructions

described above, may repair any damages to the municipal road, park, or reserve, may repair any damages or replace anything on the municipal road, park, or reserve, and charge the costs incurred therein directly to the person who has committed the offence.

**4. THAT** any fine levied or costs incurred may be paid directly to the City of Morden by the person who has committed the offence, or collected in the manner by which a tax may be collected or enforced under The Municipal Act of Manitoba.

**5. THAT** By-law No. 9-2010 and all other By-laws or portions thereof of the City of Morden inconsistent with this By-law are hereby repealed.

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

**CITY OF MORDEN**

**Ken Wiebe**

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**Mayor**

**John Scarce**

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**City Manager**

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|-------------------------|------------------|--------|------|------------|
| Read a first time this  | 29 <sup>th</sup> | day of | May  | A.D. 2017. |
| Read a second time this | 26 <sup>th</sup> | day of | June | A.D. 2017. |
| Read a third time this  | 26 <sup>th</sup> | day of | June | A.D. 2017. |

City of Morden  
Schedule A to By-law 16-2017

Fines for offences to clause:

1. No one shall place, plant, grow, deposit, or move onto any municipal road, park or reserve, within the City of Morden any snow, ice, trees, shrubs, weeds, grass, leaves, garbage, or obstructions of any kind or nature, or damage any municipal road, park, or reserve, or damage or remove anything from any municipal road, park, or reserve, unless the City of Morden by resolution from time to time, designates otherwise.

|                               |        |
|-------------------------------|--------|
| First offence                 | \$150  |
| Second offence                | \$300  |
| Third offence                 | \$450  |
| Fourth and subsequent offence | \$1000 |