

**RURAL MUNICIPALITY OF GIMLI**

**BY-LAW NO. 18-0004**

Being a By-Law of the Rural Municipality of Gimli for the regulation and prohibition of the parking of mobile houses and camping within the borders of the Rural Municipality of Gimli.

1. **WHEREAS** Section 232 (1) of *The Municipal Act*, S.M. 1996, c. 58 (the "Act") provides as follows:

"A council may pass by-laws for municipal purposes respecting the following matters...

(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;

...

(c) subject to section 233, activities or things in or on private property;

...

(o) the enforcement of by-laws."

2. **AND WHEREAS** Section 232 (2) of the Municipal Act provides as follows:

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

(a) regulate or prohibit;"

3. **AND WHEREAS** Section 233 of the Municipal Act provides as follows:

"A by-law under clause 232(1)(c) (activities or things in or on private property) may contain provisions only in respect of...

(b) the parking and storing of vehicles, including the number and type of vehicles that may be kept or stored and the manner of parking and storing;

...

(d) activities or things that in the opinion of the council are or could become a nuisance, which may include noise, weeds, odours, unsightly property, fumes and vibrations."

4. **AND WHEREAS** Section 236(1) of the Municipal Act provides as follows:

"Without limiting the generality of clause 232(1)(o) (enforcement of bylaws), 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 contravention 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 sub clause (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 sub clause (iv),
  - (vi) imposing a sentence of imprisonment for not more than six months for the commission of offences or nonpayment of fines.”

5. **AND WHEREAS** the Council of the Rural Municipality of Gimli now deems it expedient and in the interest of the Community to regulate and prohibit the parking of mobile houses in the municipality in places other than a trailer park or campsite in a seasonal campground;

6. **AND WHEREAS** the Council of the Rural Municipality of Gimli now deems it expedient and in the interest of the Community to regulate and prohibit the camping of persons in the municipality in places other than a trailer park or campsite in a seasonal campground;

**THEREFORE** the Council of the Municipality of Gimli assembled enacts as follows:

1. For the purposes of this By-Law the following definitions shall apply:

- (a) **“MOBILE HOUSE”** means a vehicle that (I) is so constructed as to be capable of being attached to and drawn on a highway by a motor vehicle or which can be propelled by a motor vehicle engine installed therein or thereon; and (II) is intended to be used by persons for living, sleeping, eating, or business purposes, and shall include vehicles commonly known as campers and camper trailers. A mobile house does not cease to be such because it is at any time removed from its wheels and other running gear, or has been jacked up and placed on temporary supports, or has been both so removed and so jacked up and placed, or has been affixed to realty.



- (b) **“CAMP”** or **“CAMPING”** shall mean the act of using or occupying land for the purpose of locating, erecting or using a Mobile house or Trailer, or a Tent, shed, or other similar structure for the provision of sleeping accommodation and includes sleeping overnight or any portion thereof in the open air.
- (c) **“DWELLING”** means a building or portion thereof designed for residential occupancy.
- (d) **“DWELLING UNIT”** means one or more rooms in a building designed for one or more persons as a single housekeeping unit with cooking, eating, living, sleeping and sanitary facilities.
- (e) **“PUBLIC RESERVE”** means, any land which vests in a municipality and which is dedicated to the public, including parks, shore lands designated in a or a plan of subdivision or development plan by-law as land to be dedicated upon subdivision , as a Crown reserve or a public reserve lands.
- (f) **“ROAD ALLOWANCE”** means an allowance for a road laid out by a professional land surveyor, including a road allowance shown on an original township survey and a road allowance included on a plan of subdivision;
- (g) **“TRAILER PARK”** or **“SEASONAL CAMPGROUND”** means any property in the Rural Municipality of Gimli zoned as ‘Recreation Resort General’ and pays trailer license fees to the Rural Municipality of Gimli.

## 2. OFFENCES

- 2.1 No person shall park a mobile house for any reason whatsoever on or in any beach, public park, public reserve, parking lot or road allowance within the borders of the Rural Municipality of Gimli.
- 2.2 No person shall camp for any reason whatsoever on or in any beach, public park, public reserve, road allowance within the borders of the Rural Municipality of Gimli.
- 2.3 No person shall park a mobile house for any reason whatsoever on or in any privately owned property other than properties designated as a trailer park or seasonal campground within the borders of the Rural Municipality of Gimli unless there is a dwelling unit present on the property.
- 2.4 No person shall camp for any reason whatsoever on or in any privately owned property other than properties designated as a trailer park or seasonal campground within the borders of the Rural Municipality of Gimli unless there is a dwelling unit present on the property.
- 2.5 Exception to clause 2.3 and 2.4 may be granted from time to time with written request to be approved by Council.



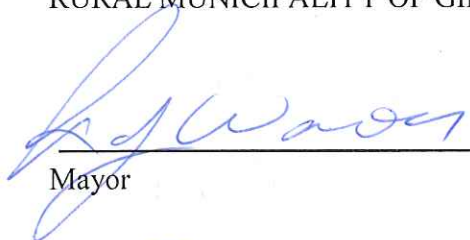
## PENALTIES

Any person who contravenes any provision of this By-Law shall be issued a Notice of Breach of this By-Law, is guilty of an offence and is liable:

- (a) to a fine of \$50.00, plus all applicable costs of administration, for the first offence;
- (b) to a fine of \$100.00, plus all applicable costs of administration, for the second offence and for each subsequent offence within twelve (12) months of the first offence. Mobile house may be towed and impounded at Council's discretion.
- (c) Any amount that may be owing as a result of the Municipality undertaking the steps necessary for compliance including towing and impoundment, shall be an amount owing by the owner or occupier to the Rural Municipality of Gimli and may be collected in any manner in which a property tax may be collected or enforced under *The Municipal Act*.
- (d) Any mobile house that is impounded for over a 12-month period while owned by the same owner, may be sold, or disposed of in a manner determined by the Council of the RM of Gimli in order to collect payment of fines in the event they cannot be transferred over to a tax roll.

**DONE AND PASSED** in Council duly assembled on this 27 day of JUNE, 2018.

RURAL MUNICIPALITY OF GIMLI

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a first time, this 23 day of May, 2018.

Read a second time, this 13 day of JUNE, 2018.

Read a third time, this 27 day of JUNE, 2018.

