

BY-LAW #123/2017

OF THE

RURAL MUNICIPALITY OF PINEY

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PINEY TO
AMEND BY-LAW NO. 79/2012.**

WHEREAS the Council of the Rural Municipality of Piney wishes to amend By-Law No. 79/2012.

NOW THEREFORE the Council of the Rural Municipality of Piney in meeting duly assembled enacts the following:

THAT By-Law No. 79/2012 be amended by adding and revising the following definitions, regulations, costs, and the attached Schedule A as follows:

WHEREAS subsection 232 (1) of The Municipal Act, R.S.M. 1996, c.M225, provides that:

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;
- (j) the sale and use of firecrackers and other fireworks, the use of rifles, guns, and other firearms, and the use of bows and arrow and other devices;

AND WHEREAS section 232(2) of The Municipal Act, R.S.M. 1996, c.M225, provides that:

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

- (d) establish fees or other charges for services, activities or things provided or done by the municipality or for the use of property under the ownership, direction, management or control of the municipality;

AND WHEREAS it is deemed advisable for the safety of the public to limit and control the number of individuals using and accessing municipally owned land during a regular hunting seasons;

AND WHEREAS it is deemed advisable to provide for a licensing fee for use of municipally owned land within the Rural Municipality of Piney;

NOW THEREFORE the Council of the Rural Municipality of Piney enacts as follows:

1. Definitions:

- a. Spring Season: a period beginning the first (1st) of April and ending on the twenty first (21st) of June of the current year;
- b. Fall Season: a period beginning the first (1st) of September and ending on the thirtieth (30th) of November of the current year;
- c. Firearm: any device, including a barreled weapon, for which any shot, bullet, pellet, paintball, BB or any other missile or projectile can be fired or discharged and that is capable of causing serious bodily injury or death to a person and includes, without limitation, a rifle, gun revolver, pistol, pellet gun, BB gun, paintball gun, bow and arrow and any frame or receiver of such device which can be adapted for use as a Firearm;
- d. Vehicle: is any mechanical device propelled or driven by any means other than human power and includes cars, trucks, power boats, aircraft and off-road vehicles (ORV's).

2. Regulations:

- a. All municipal land is deemed private property;
- b. All open fires are prohibited on municipal land within the RM of Piney;
- c. Unless otherwise provided for by permit (Schedule "A"), no person shall fire, possess, discharge or use any Firearm on municipal land owned by the Rural Municipality of Piney;
- d. There shall be a maximum of one (1) permit granting a maximum of five (5) individuals permission to access one parcel municipal land during one regular season. All individuals who will be accessing this parcel of land must supply their name, contact information including mailing address and phone number on the applicable permit;
- e. Land Access Permits shall not conflict or be issued on municipal land with an active Forage Lease Permits in place;
- f. Permits may only be issued on 160 or 80 acre parcels of land. Individuals accessing sites smaller than 80 acres are prohibited from firing, possessing, discharging or using any Firearm;
- g. Land Access Permits are for hunting purposes only. Recreational use of land will not be permitted;
- h. Individuals purchasing permits must view the property prior to lease. No swapping or exchanging of parcels will be allowed;
- i. Separate permit applications will be used for each season. The application for spring season is known as Rural Municipality of Piney Land Access Permit Spring Season (see attached Schedule A). The application for fall season is known as Rural Municipality of Piney Land Access Permit Fall Season (see attached Schedule B);
- j. Permits will be issued on a first come, first serve basis.
- k. A valid permit must be in possession at all times while in possession of a firearm and accessing Rural Municipality of Piney lands;
- l. No permanent structure may be erected on municipal land. Only temporary structure such as campers, tree stands, tents, are allowed and must be removed before the end date of the lease;
- m. No trees, shrubs, or any other plants are to be removed or tampered with on any RM of Piney land that is leased;
- n. No trails are to be made on leased RM of Piney land;
- o. No vehicles may be used on municipal lands, except for the retrieval of harvested game. Vehicle access is limited to established trails and roads;
- p. No person shall leave any baiting station for longer than the regular season. All rubbish and bait associated with the baiting station must be cleaned up prior to the expiry of the regular season;
- q. The RM of Piney is not responsible or liable for any lost or stolen goods removed from the property during the time of the lease;
- r. Every person who possess, fires, discharges or uses any Firearm contrary to the provision of this By-Law is guilty of an offense under this By-Law;
- s. The provisions of this By-Law relating to Firearms do not apply to authorized personnel in the performance of their duties;
- t. The provisions of this By-Law do not limit an individual's responsibility to acquire the appropriate permits and licenses from other levels of government.

3. Penalty:

- a. Any Peace Officer may seize any Firearm that he or she, on reasonable grounds believes has been used in the commission of an offence under this By-Law;
- b. Every person who contravenes, or refuses, omits or fails to obey or observe, any provision of this By-Law is guilty of an offence and is liable, on summary conviction to a fine not exceeding Five Hundred (\$500.00) Dollars or to imprisonment for a term not exceeding Thirty (30) days or both a fine and imprisonment;
- c. Anyone convicted of an offence pursuant to the provisions of this By-Law with respect to Firearms shall, in addition to a fine and/or imprisonment as set out above, be liable to have the Firearm involve in the offense confiscated and disposed of by authorized personnel.

4. Costs:
- a. Both seasons, spring and fall, will be a separate cost;
 - b. Spring season for the current year will be a total cost of two hundred and fifty dollars (\$250.00); Fall season for the current year will be a total cost of five hundred dollars (\$500.00);
 - c. If land is leased for spring season, the same parcel of land cannot be pre-paid for the fall season at that time;
 - d. Spring season permits can be pre-purchased as of the fifteenth (15th) of March of the current year. Fall season permits can be pre-purchased as of the fifteenth (15th) of August of the current year; access to the land will only be permitted on the date listed on your Access Permit;
 - e. All fees and permits are none refundable.
5. This by-law shall come into full force and effect on the day following its final passage.

DONE AND PASSED in Council assembled in the Council Chambers of the Rural Municipality of Piney, at Vassar, in the Province of Manitoba, this 25th day of October A.D., 2017.

THE RURAL MUNICIPALITY OF PINEY

Originally Signed

WAYNE ANDERSON
REEVE

Originally Signed

MARTIN VAN OSCH
CHIEF ADMINISTRATIVE OFFICER

GIVEN First Reading this 12th day of September, A.D., 2017.

GIVEN Second Reading this 10th day of October, A.D., 2017.

GIVEN Third Reading this 24th day of October, A.D., 2017.

Schedule "A"

Rural Municipality of Piney Land Access Permit
SPRING SEASON

VALID FROM APRIL 1ST TO JUNE 21ST OF THE CURRENT YEAR;

Date Issued: _____ Permit # _____ / _____

To Whom It May Concern, permission to access the land designated below which is under Rural Municipality of Piney ownership is hereby given to:

BEARER(S) OF THIS PERMIT:
(Up to five (5) individuals on Land Access Permit)

1. Name: _____
Address: _____ Phone Number: _____
2. Name: _____
Address: _____ Phone Number: _____
3. Name: _____
Address: _____ Phone Number: _____
4. Name: _____
Address: _____ Phone Number: _____
5. Name: _____
Address: _____ Phone Number: _____

ACCESS TO FOLLOWING RM OF PINEY PARCEL OF LAND:
Located at: _____ ¼ Section: _____ TWP. _____ RGE. _____

The bearer of this permit agrees to obey the current provincial and federal regulations and to repair or pay for any property damages which he or she may cause.

The permittee assumes all risk of loss or injury and will indemnify and save harmless the Rural Municipality of Piney of and from all activities carried out in connection with this Permit.

The bearer of this permit has been shown the property boundaries and agrees not to access adjacent properties without written permission.

RM of Piney Signature: _____ Date: _____

(Print Name)

Permit Holder 1 Signature: _____

Permit Holder 2 Signature: _____

Permit Holder 3 Signature: _____

Permit Holder 4 Signature: _____

Permit Holder 5 Signature: _____

SPRING SEASON LAND ACCESS PERMIT = \$250.00 Paid/Unpaid Receipt No. _____

All Permit Holders must carry the permit at all times while accessing the land described above and must produce upon the request of a RCMP Officer, Forestry Officer, Conservation Officer, Municipal Representative or Peace Officer, failure could result in loss of privileges, loss of access, loss of fees paid and fines.

Schedule "B"

Rural Municipality of Piney Land Access Permit
FALL SEASON

VALID FROM SEPTEMBER 1ST TO NOVEMBER 30TH OF THE CURRENT YEAR;

Date Issued: _____ Permit # _____ / _____

To Whom It May Concern, permission to access the land designated below which is under Rural Municipality of Piney ownership is hereby given to:

BEARER(S) OF THIS PERMIT:
(Up to five (5) individuals on Land Access Permit)

1. Name: _____
Address: _____
Phone Number: _____
2. Name: _____
Address: _____
Phone Number: _____
3. Name: _____
Address: _____
Phone Number: _____
4. Name: _____
Address: _____
Phone Number: _____
5. Name: _____
Address: _____
Phone Number: _____

ACCESS TO FOLLOWING RM OF PINEY PARCEL OF LAND:
Located at: _____ ¼ Section: _____ TWP. _____ RGE. _____

The bearer of this permit agrees to obey the current provincial and federal regulations and to repair or pay for any property damages which he or she may cause.

The permittee assumes all risk of loss or injury and will indemnify and save harmless the Rural Municipality of Piney of and from all activities carried out in connection with this Permit.

The bearer of this permit has been shown the property boundaries and agrees not to access adjacent properties without written permission.

RM of Piney Signature: _____ Date: _____

(Print Name)

- Permit Holder 1 Signature: _____
Permit Holder 2 Signature: _____
Permit Holder 3 Signature: _____
Permit Holder 4 Signature: _____
Permit Holder 5 Signature: _____

FALL SEASON LAND ACCESS PERMIT = \$500.00 Paid/Unpaid Receipt No. _____

All Permit Holders must carry the permit at all times while accessing the land described above and must produce upon the request of a RCMP Officer, Forestry Officer, Conservation Officer, Municipal Representative or Peace Officer, failure could result in loss of privileges, loss of access, loss of fees paid and fines.