

TOWN OF MINNEDOSA

COTTAGE AREA SEASONAL USE REGULATIONS BY-LAW NO. 2608

BEING A BY-LAW OF THE TOWN OF MINNEDOSA TO PROVIDE RULES AND REGULATIONS FOR THE COTTAGE AREA PURSUANT TO *THE MUNICIPAL ACT C.C.S.M. c. M225*.

WHEREAS the Town is the owner of land legally described as DESC-4729 and DESC-4909 in the Town of Minnedosa which is designated as a seasonal cottage area ("Cottage Area") with one hundred and thirty four lots ("Cottage Lots");

AND WHEREAS additional Cottage Lots may be created by the Town;

AND WHEREAS the Town has entered into long term leases with Lessees of the Cottage Lots;

AND WHEREAS the Town is empowered pursuant to Section 232(1) of *The Municipal Act C.C.S.M. c. M225* to pass by-laws for municipal purposes, including:

- (a) The safety, health, protection and well-being of people 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 store, mall, and private clubs and facilities that are exempt from municipal taxation;*
- (c) Subject to Section 233, activities or things in or on private property.*

AND WHEREAS Section 232(2) of *The Municipal Act, C.C.S.M c. M225* provides that Council for the Town may pass a by-law to:

- (a) Regulate or prohibit;*

AND WHEREAS Section 233 states that the content of a by-law under clause 232(1)(c) (activities or things in or on private property), may contain provisions only in respect of:

- (a) the requirement that land and improvements be kept and maintained in a safe and clean condition;*
- (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;*
- (c) the removal of top soil; and*
- (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.*

AND WHEREAS the Town deems it necessary to make provisions for the Cottage Lots regarding public utility usage, parking of recreational vehicles, short term rental, business activities, and seasonal services.

NOW THEREFORE the Town, duly assembled, enacts as follows:

PART 1: TITLE

- 1.1 This By-law shall be referred to as “Cottage Area Seasonal Use Regulations”

PART 2: APPLICATION AND PURPOSE

- 2.1 This By-law applies to all Cottage Lots, Lessees and Occupiers within the Cottage Area.
- 2.2 This By-Law provides for the rules, regulations and requirements for the Cottage Lots within the Cottage Area.

PART 3: DEFINITIONS

- 3.1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in this By-law have the same meaning as the same words and expressions in *The Municipal Act*, *The Planning Act*, or as defined within other By-laws for the Town of Minnedosa.
- 3.2 In this By-Law the following terms have the following definitions:
 - 3.2.1 “**Building**” means and includes a structure used or occupied or intended for supporting or sheltering or any use for occupancy.
 - 3.2.2 “**Designated Officer**” means a building inspector or by-law enforcement officer, or any other official appointed by Council, from time to time, to enforce this By-Law.
 - 3.2.3 “**Lessee**” means any person in actual or constructive possession of the Cottage Lot under the lease or other right to occupy;
 - 3.2.4 “**Occupier(s)**” in the case of any property means any person in actual or constructive possession of the Cottage Lot includes a lessee, licensee, invitee, permittee, homesteader, squatter and includes a party claiming through or under such person or other right to occupy.
 - 3.2.5 “**Seasonal**” means for a term of a year. Friday before the Victoria Day Long Weekend to the Monday following Labour Day.
 - 3.2.6 “**Short-Term Rentals**” means a building or structure or any part thereof that operates or offers a place of temporary residence, lodging or occupancy by way of concession, permit, lease, licence, rental agreement or similar commercial arrangement for any period less than thirty (30) consecutive calendar days, throughout all or any part of a calendar year. Short-term rental uses shall not mean or include a motel, hotel, bed and breakfast establishment, tourist cabin or cottage, hospital, commercial resort unit, village commercial resort unit or similar commercial or institutional use
 - 3.2.7 “**Holding Tank**” means a large container used to store water for domestic use.

PART 4: STANDARDS

PUBLIC UTILITY

- 4.1 All Cottage Lots must, where applicable, connect to the Town's water utility within sixty (60) days following occupation of their Building, or at the discretion of the Designated Officer. The Lessee of the Cottage Lot shall be responsible for all construction and installation costs for the water utility.
- 4.2 One private water supply (such as holding tank) is permitted on each Cottage Lot.
- 4.3 No Lessee shall permit the use of Town potable water from their Cottage Lot to fill any private water holding tank.
- 4.4 Lessees are not permitted to use the Town's water utility services on the Cottage Lot to: water lawns, water down the roads as a means for dust control or any abusive use of the utility, at the discretion of the Designated Officer.
- 4.5 Seasonal water will be available for consumption no earlier than the Friday of the Victoria Day Holiday in May of each year.
- 4.6 In the event of a Boil Water Advisory being issued at the end of the season; water may not be available as stated in point 4.5.
- 4.7 The water utility will be turned off for the season the Monday following Labour Day in September of each year or at the discretion of the Town.
- 4.8 Wells are not permitted on any Cottage Lot.

PARKING

- 4.9 Parking along the side of any road within the Cottage Area is permitted as marked on Appendix A.
- 4.10 The following roadways shall be one-way directional traffic: Carnation Lane, Daffodil Lane and Peony Lane and parking shall be on the west side of the roadway excluding Peony Lane which will have parking on the East side of the road as detailed in Appendix A.

ROADS

- 4.10 The Town shall provide road maintenance to all roads within the Cottage Area from April 15th to September 30th of each year. Road maintenance and snow clearing will not be provided October 1st to April 15th.
- 4.11 The Town may provide dust control for the roads within the Cottage Area between April 15th and September 30th of each year.

BURNING/FIRES

- 4.12 Open fires in the Cottage Area are strictly prohibited.

- 4.13 Fires in a contained approved fire appliance and in compliance with By-law No. 2514 Open Air Fires are permitted in the Cottage Area
- 4.14 No liquid or solid chemical fuels, combustible fluids or chemical oils shall be permitted within the Cottage Area, except for a reasonable quantity of fuel required for use of barbeques and small yard maintenance tools.

SHORT TERM RENTALS

- 4.15 Short-Term Rentals are not permitted within the Cottage Area or within or on any Cottage Lot.

TREES

- 4.16 The Lessee shall maintain all trees on the Cottage Lot. Trees shall only be removed due to infection, illness or disease and shall be at the expense of the Lessee.

GENERAL RULES

- 4.17 Lessees are responsible for maintaining their Cottage Lot, including all Buildings, in a good state of repair, maintenance and clear of clutter and debris.
- 4.18 The Lessee shall obtain all necessary approvals, permits, licenses and consents from each and every Approving Authority having jurisdiction in regard to the development of their Cottage Lot.
- 4.19 The Lessee shall comply with all current zoning and building by-laws, statutes, building codes, regulations, and agreements governing zoning and building in the Town.
- 4.20 The Lessee and all Occupiers (including guests) of the Cottage Lot or within the Cottage Area must respect and adhere to all municipal by-laws, as amended from time to time.

PART 5: LEASE AGREEMENT TERMS AND GUIDELINES

- 5.1 Council shall set the Annual Lease Fee by resolution pursuant to the Cottage Area Lease, as amended from time to time.

PART 6 : ENFORCEMENT

- 6.1 The enforcement of the By-Law shall be in accordance with the Town's General Enforcement By-Law No. 2593, as amended from time to time.

PART 7: VALIDITY OF THE BY-LAW

- 7.1 If any provision of this By-law is declared to be invalid by a court of competent jurisdiction, it is the intent of Council that it would have passed all other provisions of this By-law independent of the elimination of any such portion as declared invalid.

PART 8: COMING INTO FORCE

8.1 This By-law comes into force on the day of passage.

DONE AND PASSED as a By-law of the Town of Minnedosa by the Council, assembled in the Council Chambers this 22nd day of October, 2024.

Mayor

Chief Administrative Officer

Read a first time this 13th day of August, 2024 A.D.

Read a second time this 13th day of August, 2024 A.D.

Read a third time this 22nd day of October, 2024 A.D.