



THE RURAL MUNICIPALITY OF LAC DU BONNET

POLICY & PROCEDURES MANUAL

<i>Reference</i> Administration	<i>Classification</i> Policy
<i>Subject</i> Hydro Shore Lands Public Reserve Permit Policy (Amended)	<i>Pages</i> 5
<i>Authority</i> Council Rural Municipality of Lac du Bonnet	<i>Effective Date</i> June 14, 2022
<i>Approved</i> Resolution 2022 0324	<i>Index</i>

1. BACKGROUND

Manitoba Hydro Shore Lands development has restrictions for safety and maintenance. Use of the shorelands must not contribute to erosion, riverbank failure, settling, gullyng or interfere with the riverbank protection (rip-rap) program.

Cottage Associations, comprised of backlot owners, make applications to Manitoba Hydro shorelands to develop structures fronting RM Public Reserve areas to better access water. Manitoba Hydro only approves shoreland development in these areas by a recognized Cottage Owners Association.

As the shoreland development fronts RM public land, the shoreland permits should be assigned to the RM of Lac du Bonnet for the Cottage Associations. As the Permit Holder, the RM is able to control access to the waters through the public reserve, allowing cottage associations to use the Water Shore Land and members of the public.

2. PURPOSE

The purpose of this Policy is for the RM of Lac du Bonnet to be the Manitoba Hydro Shore Lands Permit Holder for all Cottage Associations Permit Applications.

3. POLICY STATEMENT

The Policy provides direction on applying and managing the Manitoba Hydro Shore Lands permits and provides guidelines for Cottage Associations.

4. APPLICATION

This policy will apply to all Cottage Associations that make application for the construction of a structure on Manitoba Hydro Shorelands that front RM of Lac du Bonnet Public Reserves.

5. ENACTMENT

5.1 Upon approval by council resolution of this Policy, the RM will assume responsibility for all **new** Shore Lands permits applications fronting RM public reserves.

5.2 The RM will assume existing Manitoba Hydro Shoreland permits as they renew.

5.3 Manitoba Hydro Shorelands permits will be issued to the RM of Lac du Bonnet permitting the Cottage Associations to develop in the permit area.

6. GENERAL PROVISIONS

6.1 The RM of Lac du Bonnet shall be named the permit holder for all Cottage Association applications to Manitoba Hydro Shorelands.

- a) As the name holder on the permit, the Municipality will assume all rights and responsibilities of any other permit holder except for:
 - i) The building permit application and all costs including labour, materials, and any fees associated with the construction of any structures related to any of the permits.
 - ii) The maintenance and safety standards and compliance are mandated by Manitoba Hydro through the Manitoba Shorelands permit approval.

6.2 Manitoba Hydro will review all permit applications for compliance with Shorelands Use Guidelines and Federal, Provincial and Municipal regulations.

6.3 Manitoba Hydro will continue to track all the permits that are approved.

- a) Manitoba Hydro may provide a list of approved permits to the RM, if requested.

6.4 Permits are valid for five years and will be renewed by Manitoba Hydro pending the following inspections:

- a) The RM and Manitoba Hydro will inspect the entire area for compliance which includes inspections of the permitted structures, the public reserve and Manitoba Hydro Shorelands.

7. COTTAGE ASSOCIATION PROVISIONS

7.1 Approved structures, as specified on the permits, are privately owned by the Cottage Associations, and hold exclusive rights to the use of any structures; except

- a) In the case of an emergency, the use of the structure would be allowed in any emergency.

7.2 Cottage Associations must provide the municipality with a Certificate of Insurance listing the RM of Lac du Bonnet as an additional insured with a minimum \$2,000,000 per occurrence.

- 7.3 Cottage Associations must erect a “Use at Your Own Risk” sign at the approved structure. Cottage Associations may also erect a “Private” sign on or close to the approved structure only.
- 7.4 Cottage Associations do not have control or authority over public access to the waterfront and RM public reserves.
- 7.5 Cottage Association cannot attempt to deny public access to the waterfront and RM public reserves.
- 7.6 **Further to Sections 7.4 and 7.5, Cottage Association shall NOT install a gate or signage prohibiting access to the Public Reserve or waterfront area.**
- 7.7 The Municipality or Manitoba Hydro have the authority to revoke any Hydro Shore Lands permits and may enforce the Cottage Association to remove any structures associated with the permit for any violations of this Policy.
- 7.8 Cottage Associations must comply with the following:
- a) Upon approval from the RM, a trail may be cut through RM public reserve to access the waterfront. Trails must be maintained by the Cottage Association.
 - b) No area along the waterfront or on RM public reserve will be cleared or used to park vehicles.
 - c) Grass cutting and any aesthetic maintenance along the waterfront is NOT the RM’s responsibility.
 - d) No gates or signs shall be installed prohibiting the use or entry of the public to the waterfront area or public reserve.
 - e) No play structures shall be installed on RM public reserve or hydro shorelands, with the exception of Section 10.2.
- 7.9 Cottage Associations must follow the Shore Lands Development Application process in Section 8 of this Policy.

8. SHORE LANDS DEVELOPMENT APPLICATION PROCESS

- 8.1 The Cottage Association must visit the Manitoba Hydro website to ensure the proposed project is compliant with the Shore Lands Use Guidelines. (www.hydro.mb.ca/shorelands). The website has detailed information about the type of structures and landscaping permitted.
- 8.2 No Individual application will be considered. A Cottage Association can be formed through the Manitoba Association of Cottage Owners (MACO). Cottage Association information on the application process can be found online at www.macomn.com.
- 8.3 Once the Cottage Association has ensured its project is compliant, the Cottage Association will provide the RM with a detailed package outlining the proposed project.
- 8.4 Council will review the proposed project and determine approval by council resolution.

- 8.5 For new applications, Council **may** include the following conditions by resolution but are not limited to only these conditions:
- a) The Cottage Association shall pay for all costs associated with the dock; the RM of Lac du Bonnet will assume no costs.
 - b) The Cottage Association shall be responsible for replacing the dock if deemed unsafe or unsightly.
 - c) The Cottage Association shall provide annual proof of insurance liability coverage to the RM listing the municipality as an additional Insured with a minimum \$2,000,000 per occurrence.
 - d) The Cottage Association shall indemnify the RM from any liability.
 - e) The Cottage Association agrees to remove the dock from the permitted area if the Municipality requests the dock be removed at any time in the future.
 - f) The Cottage Association shall provide the RM with an annual list of all Cottage Association members and the Cottage Association meeting minutes.
 - g) No boat slips and/or overnight mooring shall be permitted depending on the type of structure and location.
 - h) No development shall obstruct drainage on public reserves.
- 8.6 Upon receiving Council Resolution approval, the Cottage Association will complete the Manitoba Hydro Shore Lands Development application in the RM's name and submit it to the RM for signatures.
- a) Applicants can find the Shore Lands Development application on the www.hydro.mb.ca/shorelands website.
 - b) There are no costs for a Shore Lands Development Application; however this is subject to change if decided by the RM and Manitoba Hydro.
- 8.7 The RM will submit the Shore Lands Development Application to the Manitoba Hydro Shore Lands Office.
- 8.8 Upon Manitoba Hydro's approval of the application, the Manitoba Hydro Shore Lands Office will provide a Letter of Permission to the RM and the Building Inspector.
- 8.9 The RM will provide a copy of the Letter of Permission to the Cottage Association.
- 8.10 Once the Cottage Association receives the Shore Land Letter of Permission, they may proceed with applying for a building permit from the RM.
- 8.11 After the development is complete, Manitoba Hydro conducts another inspection to confirm if the structure matches the building permit. If compliant, the new development is added to the Shore Lands permit, and an updated permit is issued from Manitoba Hydro.
- 8.12 The Shorelands Use Permit is issued for five years and is not transferrable without the written consent of Manitoba Hydro.

9. TRANSITIONAL PROVISIONS

- 9.1 Permits already issued to Cottage Associations will remain in effect until expired.
- 9.2 Hydro Shore Land Permits approved before this Policy will have 2 weeks to comply with the new policy and must:
- a) Provide a Certificate of Insurance to the RM with RM of Lac du Bonnet listed as an Additional Insured with a minimum \$2,000,000 per occurrence.
 - b) Provide a list of Cottage Association members and meeting minutes.
 - c) Remove any gates and signs prohibiting public access to the RM public reserves and Manitoba Hydro Shore Lands, including play structures.

10. LAWFULLY CONFORMING PROVISION

- 10.1 Any Cottage Association that has a current Manitoba Hydro Shore Lands permit will continue to have exclusive use to the structures listed on the permit. These associations will be notified by a letter from the Municipality.
- 10.2 Any Cottage Association that installed a play structure on public reserve or hydro shorelands, prior to the adoption of this policy, may remain on the public reserve or shore lands if the following conditions are followed:
- a) The Cottage Association must not prohibit public use of the play structure, and;
 - b) The Cottage Association must provide evidence of liability insurance at a minimum \$2,000,000 per occurrence and list the RM of Lac du Bonnet as an additional insured, and;
 - c) The Cottage Association is responsible for maintenance and ensuring Risk Management Safety Procedures are followed and conducted on a regular basis, and;
 - d) The Cottage Association must not install any gates or signs on the play structure prohibiting public use.
 - e) The Cottage Association may erect a "Use at Your Own Risk" sign at no cost to the municipality.
 - f) Failure to comply with the above-mentioned conditions will be considered a violation of this policy and the play structure will be removed.

11. AMENDMENTS AND TERMINATION OF AGREEMENT

This Policy shall be amended as needed and can be withdrawn at any time upon a minimum of **30 days written notice** provided from Manitoba Hydro to the RM, or from the RM to Manitoba Hydro.



Signature
Reeve

Signature
Chief Administrative Officer

**R.M. of Lac du Bonnet
Resolution No. 2022 0324
14 June, 2022**

Moved By: Scott Jones

Seconded By: Darrell Scheirich

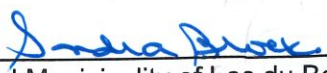
WHEREAS the Hydro Shore Lands Public Reserve Policy was adopted on May 10, 2022 Resolution Number 2022 0256;

AND WHEREAS the adopted Policy required amendments to improve and further clarify the Policy;

THEREFORE BE IT RESOLVED Council accepts and approves the Amended Hydro Shore Land Public Reserve Policy as presented to Council.

Carried Unanimously

I, Sandra Broek, Chief Administrative Officer of the Rural Municipality of Lac du Bonnet, hereby certify that under the Corporate Seal of the Rural Municipality of Lac du Bonnet, that the foregoing is a true and correct copy of the Rural Municipality of Lac du Bonnet.



Rural Municipality of Lac du Bonnet