



FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Brent Kittmer, CAO/Clerk
Date of Meeting:	12 June 2018
Subject:	CAO 22-2018 Prohibit and Regulate Activities at St. Marys Quarries By-law

PURPOSE

To provide the information needed for Council to pass a by-law which can be enforced under the *Provincial Offences Act*.

RECOMMENDATION

THAT CAO 22-2018 Prohibit and Regulate Activities at St. Marys Quarries By-law be received; and
THAT Council approve By-Law 57-2018, being a by-law to prohibit and regulate activities at the St. Marys Quarries.

BACKGROUND

The Town of St. Marys passed By-Law 53-66 in 1966 for the purpose of prohibiting and regulating bathing, swimming and washing of the person, at the area known as the St. Marys Quarry. The By-law has been attached for your reference. Staff have received a number of citizen complaints over the years regarding the act of trespassing in the west quarry, and acting in a manner contrary to the by-law. Staff has asked the Town's police services provider to monitor the area and enforce the by-law, only to learn that the by-law was not enforceable as Short Form Wording has never been submitted to the Attorney General for approval.

REPORT

The Town of St. Marys passed By-Law 53-66 in 1966 for the purpose of prohibiting and regulating bathing, swimming and washing of the person, at the area known as the St. Marys Quarry. The By-law solely addressed activities in the east quarry, also known as the swimming quarry.

The east quarry is a Town asset which is currently open to the public during a specific period of time for the purpose of recreation activities such as swimming lessons, general swimming, and occasionally for the purpose of other water related recreation activities. All of these activities are observed by St. Marys Lifeguards. These current activities similarly match the activities that were permitted in 1966.

The activities of the west quarry have never been regulated or prohibited by by-law. Around 2004 – 2005 upon the recommendation by the Town's insurer, fencing was installed around the west quarry for the purpose of providing safety to the quarry users. Over time staff have installed regulatory signs on the fencing.

In the summer of 2016, staff met with the Town's insurer to discuss the liability associated with the west quarry. At that time, the insurer suggested better signage indicating the permitted uses (larger, simpler wording placed at the entrance); making the entrance more noticeable (trim tree branches, lay gravel

to depict a trail); and to determine who would enforce a by-law. During this time, staff also learned that the by-law did not provide any form of enforcement measures.

Staff have redrafted the by-law to include permitted activities of the West and East Quarry, as well as including provisions within the by-law that can be enforced by the Town's active police services agency. The by-law, as drafted, limits the permissible uses of the west quarry to the historic use of fishing only. If Council wishes to change the permitted uses of either quarry, it is staff's recommendation that Council give direction to staff on the other permissible activities that Council would allow and staff will report back to Council prior to the passing of this By-law.

However, if Council is agreeable with the proposed by-law, the steps following the passing of the by-law include seeking the Attorney General and Senior Regional Justice's approval for the proposed infractions. Upon the approval of both parties, the by-law can be enforcement and any persons partaking in activities contrary to the by-law can be issued an infraction notice.

SUMMARY

It is staff's recommendation that Council pass a new by-law that lists the activities it wishes to prohibit and regulate at the St. Marys Quarries. Once passed, staff will seek the Attorney General and Senior Regional Justice's approval.

FINANCIAL IMPLICATIONS

None.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

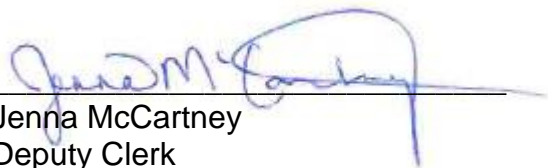
Grant Brouwer, Director of Building and Development
Stephanie Ische, Director of Community Services
Ray Cousineau, Facilities Supervisor
Jo-Anne Lounds, Corporate Risk Management & Procurement Specialist
Frank Cowan Insurance

ATTACHMENTS

By-law 53-66


REVIEWED BY

Recommended by the Department



Jenna McCartney
Deputy Clerk

Recommended by the CAO



Brent Kittmer
CAO / Clerk