

CITY OF THOMPSON
BY-LAW NUMBER 1650-99
[As amended by AM B/Ls 1753-2007 and 1792-2009]

A BY-LAW OF THE CITY OF THOMPSON TO REGULATE THE SALVAGE OF DEAD WOOD WITHIN THE CITY OF THOMPSON.

WHEREAS The Municipal Act of Manitoba, S.M. 1996, C.58, in Section 232(2), provides authority for municipalities to pass by-laws for the purpose of regulating activities in a public place and to establish fees for inspections, licenses, permits and approvals, and

WHEREAS the Council of The City of Thompson deems it necessary to establish regulations for the salvage of dead wood from public lands within The City of Thompson and to require the issuing of a permit allowing said salvage of wood

NOW THEREFORE The Council of The City of Thompson in regular session duly assembled enacts as follows:

1. In this by-law:
 - (a) "Permit" shall mean a permit issued by The City of Thompson for the salvage of dead wood as shown on Appendix "A" attached hereto and forming part of this by-law.
 - (b) "Permittee" shall mean the person whose name appears on the permit.
 - (c) "Wood" or "Dead Wood" shall mean any wood, whether standing or laying that bears no greenery of any sort and shows no characteristics of a living tree.
 - (d) "Designated Area" shall mean the area shown on a permit in which the cutting of wood is allowed by a permittee.
 - (e) "Person" shall mean any individual or group.
 - (f) "City" shall mean The City of Thompson.
 - (g) "Waiver of Liability" shall mean the document labelled Appendix "B" attached hereto and forming part of this by-law.

2. No person shall salvage wood within The City of Thompson unless first obtaining a permit from The City and providing The City with a waiver of liability.
3. No permittee shall salvage wood in any area other than the designated area shown on his permit.
4. Subject to 5 hereof no person shall cut, break, fell or damage in any manner, green or live trees in any designated area or upon any other land owned by or under the control of The City of Thompson.
5. Notwithstanding 4 hereof the cutting of green or live trees by any employee, agent or licensee of The City of Thompson while said employee, agent or licensee is acting under the direction of, or with the consent of The City, shall not constitute a violation of this by-law.
6. The permittee shall have his permit in his possession at all times while cutting and transporting wood.
7. No permittee shall salvage wood for the purpose of selling it.
8. No permittee shall salvage wood after the expiry of his permit.
9. Standing trees shall be cut in a manner so as to leave a flat-topped stump of not more than thirty (30) centimetres, (12 inches) in height.
10. Designated salvage areas must be maintained in an orderly condition. It shall be the responsibility of the permittee to remove and dispose of all debris from cutting operations to the satisfaction of The City.
11. No permittee shall operate a power saw or other powered equipment so as to create a noise nuisance at any time except between the hours of 7:00 A.M. and 10:00 P.M. on weekdays and Saturdays and between the hours of 1:30 P.M. and 10:00 P.M. on Sundays.
12. Any person who contravenes this by-law may, by written order of a designated officer of The City of Thompson, be required to remedy said contravention.
13. Penalties will be assessed in accordance with the terms and provisions of the City of Thompson Compliance By-law No. 1735-2007.
[AM B/L 1753-2007]
14. Any permit issued under the terms of this by-law may be revoked by The City at any time.

15. A fee as established in the City of Thompson Fee and Fine Schedule as it exists, or as it may be amended, shall be charged for each permit issued.
[AM B/L 1792-2009]
16. By-laws 996-80 and 1035-80 shall be hereby rescinded.
17. This by-law shall come into force on the day following the date of third reading being given to Council.
18. That the proper officers be and they are hereby authorized to execute and deliver, under the corporate seal of The City of Thompson, the above by-law.

**READ A FIRST TIME THIS 1st DAY OF MARCH, 1999 A.D.
READ A SECOND TIME THIS 15th DAY OF MARCH, 1999 A.D.
READ A THIRD TIME THIS 15th DAY OF MARCH, 1999 A.D.**

**DONE AND PASSED IN COUNCIL ASSEMBLED THIS 15th DAY OF
MARCH, 1999 A.D.**

THE CITY OF THOMPSON

PER: _____
Mayor

PER: _____
City Manager

REGULATIONS

1. No permittee shall salvage wood in any area other than the designated area shown on his permit.
2. No person shall cut, break, fell or damage in any manner, green or live trees in any designated area or upon any other land owned by or under the control of The City of Thompson.
3. The permittee shall have his permit in his possession at all times while cutting and transporting wood.
4. No permittee shall salvage wood for the purpose of selling it.
5. No permittee shall salvage wood after the expiry of his permit.
6. Standing trees shall be cut in a manner so as to leave a flat-topped stump of not more than thirty centimetres (12 inches) in height.
7. Designated salvage areas must be maintained in an orderly condition. It shall be the responsibility of the permittee to remove and dispose of all debris from cutting operations to the satisfaction of The City.
8. No permittee shall operate a power saw or other powered equipment so as to create a noise nuisance at any time except between the hours of 7:00 A.M. and 10:00 P.M. on weekdays and Saturdays and between the hours of 1:30 P.M. and 10:00 P.M. on Sundays.
9. Any permit issued under the terms of this by-law may be revoked by The City at any time.

I, the undersigned, do hereby acknowledge that I have read and understand the above terms of By-law No. 1650-99. I further agree to abide by these terms. I understand that violation of any of the said terms shall constitute a violation of By-law 1650-99, which shall render me liable to a fine of not more than \$500.00 or not more than thirty days in prison in default thereof or both.

(Permittee)

SCHEDULE "B"
TO BY-LAW NUMBER 1650-99

WAIVER OF LIABILITY

In consideration of the issuing of Permit No. _____ by the City of Thompson under the terms of By-law No. 1650-99 allowing the Permittee to salvage dead wood upon lands owned by or under the control of the City of Thompson, the Permittee will and does hereby indemnify and save harmless the City from and against all liabilities, damages, costs, claims, suits or actions as a result of injury or death or property damage occurring at any time to the Permittee or to any member of the Permittee's family or to any invitee, licensee, agent or employee of the Permittee while in or about the designated area.

I hereby acknowledge that I have read and I understand this waiver of liability. I further agree to its terms as stated above.

(Date)

(Permittee)