

Municipal Reserve Lands

What is the Issue?

Summer Village councillors are often asked questions about the kinds of activities and uses that are permitted on municipal reserve lands within the village. They may receive complaints from some residents that landowners who live next to reserve lands are intentionally or unintentionally using or developing these areas. It is important that councillors become familiar with the purpose of these lands and the laws regulating them so that they can properly manage them for the benefit of the entire Summer Village and with good lake stewardship in mind.

Background

The Creation of Reserve Land

A Summer Village may, at the time land is proposed for subdivision, require an applicant to provide up to ten percent of the developable area to the municipality for park, recreation, or school authority purposes, or to separate lands that are used for different purposes. These lands are designated MR (municipal reserve), MSR (municipal and school reserve), or SR (school reserve). The municipality owns municipal reserve land. Land is rarely taken for school purposes in Summer Villages.

Prior to 1978, lands dedicated for park purposes were designated with a "P" or "R" on the title, and generally are to be treated as if they were acquired under the current reserve provisions of the *Municipal Government Act (MGA)*. Municipal reserves are intended for active or passive park and recreation areas for the use of the general public. These reserves may have been taken with the specific intent of providing public access to the lake or public recreation areas adjacent to the lake.

Summer Villages often have municipal reserves that are immediately adjacent to the lake. Municipal reserves can support environmental stewardship efforts by allowing existing natural stands of vegetation (or portions thereof) to remain in place or by incorporating trees and shrubs into the reserve when natural vegetation has been removed. This vegetation may also help anchor the bank, preventing erosion. Vegetation in the municipal reserve will act as a filter, drawing up nutrients that might otherwise enter the lake. Municipal reserves can be used to provide "buffer zones" separating areas of land that are used for different purposes.

Selling Reserve Lands

Municipal reserve lands may not be sold, leased, or otherwise disposed of without removing the MR designation. Municipalities may remove the designation only after giving notice, holding a hearing, and considering the views of those affected. The land may then be sold or used for any purpose. Proceeds from the disposal of municipal reserves may be used for park or recreation purposes only.

Some municipalities have issued temporary "Licenses of Occupation," for specified purposes such as grazing vacant municipal reserve lands.

Note:

Municipalities should be mindful of the purposes for which reserve lands were dedicated when deciding to remove a reserve designation and dispose of property. Once sold, they are lost to the municipality.

What Does the Law Say?

The municipality owns the reserve lands within its jurisdiction. Under the guidelines of the Municipal Government Act it administers these lands. The MGA empowers municipalities to use bylaws to regulate activities on these lands and establish fines or penalties for violation.

How Are the “Rules” Enforced?

Bylaws are enforced by local bylaw enforcement officers, local police, or, where none, the RCMP.

What Should I Do?

Summer Village councillors should understand the importance of municipal reserve lands, how municipal reserve lands can assist in protecting the lake, and the roles and responsibilities a councillor or administrator has in protecting and managing these lands.

Information and Education

Provide information to Summer Village residents about the categories of reserve lands, why they are important, and how they may be used. If using a newsletter or fact sheet for this information, include a map of the reserve lands. Council could ensure that these areas are properly signed.

Residents should be aware that they have a responsibility to inform Council about questionable activities on reserve lands.

The Use of Bylaws

Consider developing and updating a bylaw to clearly identify reserve lands and outline how they are managed. Consider environmental concerns when determining what activities will be allowed on municipal reserve lands, especially where these are located near the lake.

Taking Action

Be prepared to take action when your Summer Village Council is made aware of reserve lands being used without permission or for activities that have not been approved. Council or administration should take steps to stop unauthorized activity and enforce any bylaw provisions, or take legal action if required. Failure to take action may expose the Summer Village to risks and liability arising from the non-legitimate use by the public of these lands.

Who Can I Contact?

For information about reserve lands within a municipality contact,
Alberta Municipal Affairs-Local Government Services Division at:

Phone: 427-2225

Dial: 310-0000 first, for a toll-free connection.

Fax: 420-1016

E-mail: lgsmail@gov.ab.ca

web-site at: http://www.municipalaffairs.gov.ab.ca/ms_index.htm

Are There Any Resources Available?

- Alberta Municipal Affairs at:
<http://www.municipalaffairs.gov.ab.ca>
- **Municipal Government Act** (including Sections 664, 671, 676 and 677) at:
<http://www.gov.ab.ca/qp>
- **The Legislative Framework for Municipal Planning, Subdivision and Development Control** at:
<http://www.municipalaffairs.gov.ab.ca/ms/pdf/legframework.pdf>
- Environmental Law Centre at:
<http://www.elc.ab.ca/home/index.cfm>
- For information on Municipalities and the Environment access the Environmental Law Centre Publications page at:
<http://www.elc.ab.ca/publications/detailspage2.cfm?id=891>
- **Municipal Powers, Land Use Planning, and the Environment: Understanding the Public's Role**, James S. Mallet, Environmental Law Centre, Edmonton, 2005:
<http://www.elc.ab.ca/ims/client/upload/Municipal%20law%20project%20Final%20Print%20Draft.pdf>
- For information on protecting the shoreline go to the Vincent Lake Working Model web-site at:
<http://www.healthyshorelines.com/index.asp>
- For an example of an Environmental Reserve bylaw go to the Vincent Lake Working Model web-site at:
<http://healthyshorelines.com/pdf/Building%20an%20Environmental%20Reserve%20By-Law%20Fact%20Sheet,%20%2021-Mar-2001.pdf>