

**RURAL MUNICIPALITY OF LAC PELLETIER NO. 107**

**BYLAW NO. 2023-17**

**A BYLAW FOR THE CONTROL, REGULATION AND USE OF MARINAS, DOCKS, BOAT LIFTS AND VESSELS**

The Council of the Rural Municipality of Lac Pelletier No. 107 in the Province of Saskatchewan enacts as follows:

SHORT TITLE

This Bylaw shall be known as the “*Dock, Boat Lift and Vessel Bylaw*”.

1. DEFINITIONS

- a. Administrator – means the person appointed as the Administrator for the Municipality pursuant to *The Municipalities Act*;
- b. Applicant – means a person or persons applying for a dock/boat lift under this Bylaw and must be a ratepayer or lessee within the Municipality;
- c. Beach Area – means an area designated as a beach in this Bylaw;
- d. Boat – means a vessel other than a Personal Watercraft;
- e. Boat Lift – means a structure that may be attached or adjacent to a dock, which facilitates the removal of a vessel from the water, and which can allow the vessel to be stored above the natural level of the water;
- f. Council – means the Council of the Rural Municipality of Lac Pelletier No. 107;
- g. Designated Officer – means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator and a Peace Officer;
- h. Dock – means a structure used for the purpose of mooring vessel(s) and for providing pedestrian access to and from moored vessel(s) and can consist of a single dock, wharf or pier, including walkway and access ramp;
- i. Lessee – means a person or persons whom have right to land or improvements as an occupant, tenant or mortgagee or a property parcel, through agreement with a property owner and;
  - a. are responsible for tax or taxes of the Municipality; or
  - b. are a lessee of a property that is subject to a lease fee of the Municipality.
- j. Local Authority – means the Rural Municipality of Lac Pelletier No. 107;
- k. Marina – means a building, structure or place, containing docking facilities that are located on a waterway, where vessels and vessel accessories are stored;
- l. Moor – means to make fast a vessel by attaching it by cable or rope to the shore, to an anchor or to a dock or other object;
- m. Municipality – means the Rural Municipality of Lac Pelletier No. 107;
- n. Owner – means a person or persons who owns property or have the right to land improvements through agreement with the property owner;
- o. Peace Officer – means a peace officer as defined in *The Summary Offence Procedures Act*;

- p. Personal Watercraft – means a jet-propelled vessel typically ridden in a similar style as a motorcycle and commonly referred to as a *Jet Ski, Sea Doo or Wave Runner*;
  - q. Season – means the time period from May 1<sup>st</sup> to October 31<sup>st</sup> inclusive;
  - r. Shared Dock – a single or multi-person dock in front of a lakefront property or on a public/municipal reserve;
  - s. Vessel – means every type of boat, ship or craft designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion.
2. Every dock or boat lift installed within the Municipality shall have a license issued by the local authority.
    - 2.1 Notwithstanding Section 2, this Bylaw shall not apply to any and all lands located along the shore of Lac Pelletier Regional Park Authority.
  3. A person must apply in writing to the Municipality for a license prior to installing any dock or boat lift.
  4. The application shall be in a form as approved by the Municipality.
  5. No person shall install or permit to be installed any dock or boatlift within the Municipality without a valid license issued by the local authority.
  6. No person shall rent, lease, or lend out any dock or boat lift without prior written permission of the Municipality.
  7. An application must include:
    - a. Date which the application form has been completed.
    - b. Name of the applicant.
    - c. Municipal address and contact telephone number(s) of the property owned or leased by the applicant.
    - d. Permanent address and contact telephone number(s) of the applicant.
    - e. Number of docks and/or lifts applied for.
    - f. The requested location of the dock and/or boat lifts, including a detailed site plan sketch where the dock and/or boat lift are to be placed.
    - g. All prescribed application and license fees.
    - h. Any other reasonable information requested by a designated officer.
  8. A person will be required to pay the fee if the application is not filled out appropriately.
  9. The Administration fee is non-refundable.
  10. No license shall be issued until the fees identified in Section 8 have been paid.
  11. A designated officer may cancel any fee for any dock or any boat lift at their discretion.
  12. An applicant cannot be part of a shared dock while maintaining a dock application on their own.
  13. A designated officer may cancel any fee for any dock or any boat lift when the application is made on behalf of any agency, agent department or Ministry of any Municipal, Provincial or Federal government.
  14. A license shall be valid for the season it was issued, unless stated.
- License to be Displayed**
15. The Municipality shall issue to the applicant, a permanent identification marker associated with an approved license.

16. The applicant shall cause the identification marker to be firmly affixed to the dock or boat lift to which the license has been granted.
17. The identification marker shall be affixed to the dock or boat lift so that the identification marker is:
  - a. not less than 30 centimeters from the high-water line;
  - b. is clearly visible from the lake side.
18. The designated officer is to prescribe a certain posting of the plate to ensure better visibility.
19. The applicant is responsible for attaching their supplied identification marker.
20. Any applicant that is no longer in possession of their identification marker must notify the Municipality in writing, within 72 hours, of becoming aware that they are no longer in possession of their identification marker.
21. The applicant is responsible for the cost to replace their identification marker.

### **Renewal**

22. The Municipality shall cause the renewal of a license January 1 of each year.
23. A renewal license shall not be valid unless the renewal license has been submitted and approved by the Municipality.

### **Discontinuance or Change**

24. A person to whom a license is issued must notify the Municipality if the property referred to in the license application is sold, repossessed, or seized.
25. A person who ceases to be an owner or lessee of a property to which they have applied for and been granted a license must notify the Municipality.
26. Notification referred to in section 24 and 25 shall be done in writing within 30 days of the action referred to in section 24 or 25 as the case may be.
27. A license becomes invalid immediately once the conditions in section 24 or 25 are met.
28. A license is not transferable.
29. An application must be submitted to the local authority for any amendments to the original application.

### **Zoning and Development Standards**

30. No person shall install or operate any marina without approval from the local authority.
31. Application for the installation or operations of a marina shall be done in a form as approved by the local authority.
32. The local authority may authorize the installation or operation of a marina subject to the approval of Council.
33. The authorization for the installation and operation of a marina shall be done in writing and subject to any further conditions as described by the designated officer issuing the written approval for the installation and operation of the marina.
34. A license will not be issued under this Bylaw for any application that does not conform to any zoning, development, building requirements or any other Bylaw of the Municipality.
35. The issuing of a license to a person does not relieve that person of the responsibility of conforming to any Municipal, Provincial or Federal law and/or regulations.

### **Granting of Licenses**

36. The granting of a license is hereby authorized provided the conditions of this Bylaw are met, and the designated officer is satisfied that the type and quality of any docking or lift is appropriate and does not violate any law, municipal policy or requirement.
37. The designated officer may require the applicant to abide by conditions as a result of the granting of a license. Such conditions shall be issued to applicant in writing.
38. A license application that has been denied by a designated officer shall be done in writing.

#### **Revoking or Suspending of License**

39. If an applicant violates or fails to comply with the terms of the license, or contravenes any term or condition of this Bylaw, or any other Bylaw of the Municipality, a designated officer may suspend or cancel the license.
40. The installation of any dock or lift cannot adversely affect/damage/alter the foreshore, shoreland and the lake bed.
41. Any license that was found to be issued in error may be cancelled immediately by a designated officer.
42. A designated officer may reinstate a suspended license if it is satisfied that the licensee is complying with this Bylaw or Bylaws of the Municipality.
43. Any applicant whose application was revoked or suspended may appeal the decision in writing to the Administrator within 30 days of the date of the notice.

#### **Distress**

44. The Municipality may recover any license fee by distress in accordance with *The Municipalities Act*.

#### **Inspections**

45. The inspection of property by a designated officer or a person who is assisting a designated officer is to determine if this Bylaw is being complied with is hereby authorized.
46. No person shall obstruct a designated officer or a person who is assisting a designated officer.
47. Any person stopped, detained or otherwise, pursuant to this Bylaw shall be required to give his or her name, date of birth, address and any other reasonable information on request of the designated officer requesting the information so long as that person is readily identifiable as a designated officer and in the lawful execution of his or her duties and responsibilities.

#### **Number/Type, Placement and Construction of Docks, Boat Lifts or Vessels**

48. Shared docks are to be placed in front of a lakefront property of one of the applicants of the shared dock or on public/municipal property as approved by the Municipality.
49. A dock is required for all mooring of watercraft, watercraft cannot moor directly to shore unless at a designated area. All boat lifts/personal watercraft lifts must be situated adjacent to said dock.
50. To help protect aquatic habitat in Lac Pelletier Lake and reduce potential impacts to shorelines, docks and boat lifts shall consist of one of the following:
  - a. Floating docks
  - b. Post-supported or wheeled docks
  - c. Cantilevered docks
  - d. Post or wheel supported boat lifts
51. Only construction material acceptable for docks and boat lifts such as aluminum, untreated wood, or wood that has only been treated with compounds that are safe for use in water. Preservative materials no longer acceptable for use in water include creosote, pentachlorophenol (PCP) and other organic wood preservatives banned in Canada. The use of old railroad ties, oil drums and other materials that may leach chemicals into the water body must not be used.

52. All docks must be oriented at right angles (i.e., 90 degrees) to the general trend of the shoreline.
53. A dock/boat lift must not block the free flow of water, or have any features such as steel sheeting, concrete or any other skirting that trap or accumulate aquatic plants or sediments.
54. The configuration of the bank or bed of the water body or watercourse shall not be altered; sand, gravel, rock or other materials from within the bank shall not be removed or added. To create a more stable footing for the dock or boat lift, a few rocks or woody debris may be moved (by hand) outside of the footprint of your dock or boat lift, but they must be relocated to a nearby area, at a similar depth from which they were originally taken. These materials must not be removed from the water body or water course. Any contraventions shall result in immediate termination of dock permit. *Work can be completed if the ratepayer/lessee has an approved Aquatic Habitat Protection Permit by the Water Security Agency.*
55. The project must not involve in-water excavation or dredging, and should avoid covering aquatic vegetation.
56. All IN WATER work must be performed by hand.
57. It is recommended that installation of docks/lifts should be avoided from April to May to protect fish, their eggs, and young.
58. Operating machinery only on land and in a manner that minimizes disturbance to the banks of the watercourse.
59. Temporary docks or boat lifts shall not have a solid bottom (e.g., metal or pre-cast concrete pad) to support the dock or boat lift.
60. Boat docks or boat lifts shall be removed prior to freeze-up each year.
61. Any disturbance of the shoreline or lake bottom that occurs during placement, installation or removal will be minimal.
62. All debris encountered during the dock or boat lift installation must be removed and disposed of appropriately so that they cannot re-enter any watercourse. This includes materials such as garbage, tires or other debris.
63. A dock must not enclose or isolate any part of a water body or watercourse.
64. Docks and shared docks shall be at least 5 meters from adjacent property lines unless permission is granted by the designated officer in accordance with Section 65.
65. A designated officer may reduce the distance between docks provided that there are geographical limitations present provided that:
  - a. The applicant requests an exemption of the requirement in section 64; and
  - b. The adjacent property owner for which the reduction is requested has been notified by the applicant and the Municipality; Or
  - c. Other geographical limitations are present.
66. The storage of docks and boatlifts must be placed or stored on the applicant's own property.
67. Notwithstanding section 66 the storage of docks may be on private property, other than the applicant's property, subject to the permission of that property owner.
68. Upon written request of an applicant, a designated officer may grant permission for the storage of docks or boat lifts on public property where geographic limitations may preclude the storage on private property.
69. Where permission under section 68 is given to an applicant and that applicant fails to store the dock or boat lift in the location permitted, a designated officer shall cause the stored items to be removed.

70. No person shall moor any vessel on any private dock without the permission of the dock owner.
71. No person shall attach any vessel to any private or public land, property or object unless they are the property owner, or have permission from that property owner or the Municipality.
72. No person shall dock, moor or leave any vessel on or near any waterway unless that area has been designated by the local authority as an area to dock, moor or leave a vessel.
73. The Municipality may designate areas for the mooring, docking or placement of vessel.
74. If the Municipality designates areas for the mooring, docking or placing of vessel, the Municipality shall cause signs to be posted in those locations that the Municipality considers appropriate, identifying the area or areas where mooring, docking or placing vessels is appropriate.
75. No person shall launch any vessel into any waters unless that area is designated as an area for launching of a vessel.
76. No person shall operate, or allow to be operated, any vessel or personal watercraft within 25 meters of any beach area.
77. For the purpose of this Bylaw a beach area shall be those areas identified in Schedule "A", hereunto attached and forming part of this Bylaw.

### **Enforcement of Bylaw**

78. The Administration and Enforcement of the Bylaw is hereby delegated to a designated officer for the Municipality.
79. Failure to comply with this Bylaw shall result in, addition to any fine imposed, having the vessel, dock or boat lift being removed by the Municipality or an authorized representative of the Municipality, the cost of which shall be invoiced to the owner.
80. The owner, or person responsible, of any vessel, dock or boat lift shall be responsible for any costs associated with actions taken by the Municipality.
81. Notwithstanding any other clause, section or subsection of this Bylaw, if the operator or person in charge of a vessel cannot conveniently be found, located or identified, and if that vessel is involved in the commission of an offence pursuant to this Bylaw or any other law by the person in charge of the vessel, the owner of the vessel is liable for the offence.
82. The Municipality may recover costs associated with the actions taken in the enforcement of this Bylaw by:
  - a. civil action in a court of competent jurisdiction; or
  - b. adding the amounts owing to the taxes of the property owned or occupied by the person.
83. No person shall:
  - a. obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
  - b. fail to comply with any other provision of this Bylaw.

### **Penalty**

84. Every person who contravenes any provision of this Bylaw is guilty of an offence and liable on summary conviction:
  - a. in a case of a first offence, to a fine not less than \$250.00;
  - b. in a case of a second or any subsequent offence, to a fine not less than \$500.00 and not more than \$10,000.00;
  - c. and to a further fine of not less than \$100.00 and not exceeding \$10,000.00 for each day or portion of a day for which the offence continues.

**Notice of Violation**

- 85. Notwithstanding Section 84, a designated officer may issue a notice of violation to any person committing a first or second offence under this Bylaw.
- 86. The notice of violation shall require the person to pay to the Municipality a fine of \$150.00 for a first offence and \$225.00 for a second offence.
- 87. The amount specified in clause 86 may be paid:
  - a. In person, during regular office hours, at the Municipal Office, 102 Warwick Street, Neville SK.
  - b. By mail addressed to the R.M. of Lac Pelletier No. 107, Box 70 Neville, SK, S0N 1T0
  - c. ETRANSFER to rm107@sasktel.net
- 88. If payment of the fine identified on the notice of violation is paid within the prescribed time, it will be accepted as a guilty plea to the offence, and that person shall not be liable to prosecution for that offence.
- 89. For the purposes of section, 84 and 86, an offence shall be deemed to be a first offence if the offender has not been convicted of the same offence, or paid a fine under this Bylaw, within two years immediately preceding the commission of the alleged offence or violation.
- 90. The imposition of any penalty for violation of this Bylaw shall not relieve the person from Complying with this Bylaw.
- 91. No prosecution for a contravention of this Bylaw may be commenced more than two years after the date of the alleged offence.

**Severability**

- 92. If a Court of competent jurisdiction should declare any Section of this Bylaw to be invalid, such Section or part of a Section shall not be construed as having persuaded or influenced Council to pass the remainder of the Bylaw and it is hereby declared that the remainder of the Bylaw shall be valid and shall remain in force and effect.

**Coming into Force**

- 93. This Bylaw shall come into force and take effect on final passing thereof.

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Administrator

Read a third time and adopted this 19<sup>th</sup> day of March, 2024.

## SCHEDULE "A"

### Beach Area

#### **Lac Pelletier Beach Areas**

Alisbys Beach

Blankes Beach

Darlings Beach

Elim Beach

Pelletier Estates

Camp Elim

Camp Lemieux