

RURAL MUNICIPALITY OF LEASK NO. 464

BYLAW NO. 16/2014

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

The Council of the Rural Municipality of Leask No. 464 in the Province of Saskatchewan in open meeting hereby enacts as follows:

SHORT TITLE

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

1. DEFINITION

- a. Administrator – means the person appointed as the Administrator for the Municipality pursuant to *The Municipalities Act*.
- b. Beach Area – means an area designated as a Beach by this bylaw
- c. Boat – means a vessel other than a Personal Watercraft
- d. Boat Lift – means a structure that may be attached or unattached 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.
- e. Council - means the Council of the Rural Municipality of Leask No. 464;
- f. Designated Officer - means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator and a Bylaw Enforcement Officers;
- g. Dock – 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
- h. Lessee – means a person or persons whom have right to land or improvements as an occupant, tenant or mortgagee of a property parcel, through agreement with a property owner and are responsible for tax or taxes of the municipality
- i. Local Authority –shall mean the Rural Municipality of Leask No. 464
- j. Marina – means a building, structure or place, containing docking facilities that are located on a waterway, where boats and boat accessories are stored, serviced, repaired or kept for sale and where facilities for the sale of marine fuels and lubricants may be provided.
- k. 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.
- l. Municipality - means the Rural Municipality of Leask No. 464.
- m. Owner – shall mean the assessed owner of a property for the purpose of taxation whom their name or names are on title or record with the municipality on the Tax Roll.
- n. Bylaw Enforcement Officers - means a Bylaw Enforcement Officers as defined in *The Municipalities Act*.
- o. Personal Watercraft – is 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*.

- p. Season - shall mean the time period from May 1st to October 31st inclusive.
 - q. 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. This Bylaw shall apply to Martin's Lake, Emerald Lake, Lac La Peche, D'Amour Lake, Iroquois Lake (Public Access Lakes Only)
 3. Every dock or boat lift installed within the municipality shall have a license issued by the local authority.
 4. A person must apply in writing to the municipality for a license prior to installing any dock or boat lift.
 5. The application shall be in a form as approved by the Municipality.
 6. No person shall install or permit to be installed any dock or boat lift within the municipality without a valid license issued by the local authority.
 7. No person shall rent, lease, or lend out any dock or boat lift without the prior written permission of the Municipality.
 8. 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. Docks and/or boatlift 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.
 9. A person must pay the application and license fee provided for on the application form when applying for any license.
 10. The application fee is non-refundable.
 11. No license shall be issued until the fees identified in section 8 have been paid.
 12. The 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.
 13. A license shall be valid for a term of three seasons, beginning in the one it is issued unless otherwise stated.

License to be displayed

14. The Municipality shall issue to the applicant, a permanent identification marker associated with an approved license.
15. The applicant shall cause the identification marker to be firmly affixed to the dock or boat lift to which the license has been granted.
16. 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.

17. The applicant is responsible for their identification marker.
18. 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.
19. The applicant is responsible for the cost to replace their identification marker.

Renewal

20. The Municipality shall cause the renewal of a license January 1 following the season it expires.
21. A renewed license shall not be valid unless the renewal license fee is paid.

Discontinuance or Change

22. A person to whom a license is issued must notify the Municipality if the property referred to in the license application is sold, repossessed, seized.
23. 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.
24. Notification referred to in section 21 and 22 shall be done in writing within 30 days of the action referred to in section 21 or 22 as the case may be.
25. A license becomes invalid immediately once the conditions in section 21 or 22 are met.
26. A license is not transferable.
27. An application must be submitted to the local authority for any amendments to the original application.

Zoning and Development Standards

28. No person shall install or operate any marina without approval from the Local Authority.
29. Application for the installation or operations of a marina shall be done in a form as approved by the Local Authority.
30. The Local Authority may authorize the installation or operation of a marina subject to the approval of council.
31. The authorization for the installation and operation of a marina shall be done in writing and subject to any further conditions as ascribed by the designated officer issuing the written approval for the installation and operation of the marina.
32. A license will not be issued under this Bylaw for any application that does not conform to any zoning, development, or building requirements of the Municipality.
33. The issuing of a license to a person does not relieve that person of the responsibility of conforming to any other municipal, provincial or federal law and/or regulations.

Granting of Licenses

34. The granting of a license is hereby authorized.
35. . A license shall be issued when the conditions of this bylaw are met to the satisfaction of the designated officer.
36. A license application that has been denied by a designated officer shall be done in writing.

Revoking or Suspending of a License

37. 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, the local authority may suspend or cancel the license.
38. Any license that was found to be issued in error may be cancelled immediately by a designated officer.
39. The designated officer may reinstate a suspended license if it is satisfied that the licensee is complying with this Bylaw or Bylaws of the Municipality.

Distress

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

Inspections

41. The inspection of property by a designated officer to determine if this Bylaw is being complied with is hereby authorized.
42. No person shall obstruct a designated officer or a person who is assisting a designated officer.
43. 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.

Placement of Docks or Lifts Lakefront Lots

44. Not more than one dock and two lifts (boat or personal watercraft) shall be permitted per lake front lot.
45. Docks shall be at least 5 meters from adjacent property lines.
46. A designated officer may reduce the distance docks are placed from property lines to 3 metres provide that:
 - a. The applicant requests an exemption of the requirement in Section 41; 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.
47. Docks shall be 10 meters away from any other dock.
48. A designated officer may reduce the distance between docks provided that there are geographical limitations that preclude the 10 meter separation.
49. The storage of docks and boat lifts must be placed or stored on the applicants own property.
50. Notwithstanding section 44 the storage of docks may be on private property, other than the applicant's property, subject to the permission of the property owner.
51. Upon written request of an applicant, the 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.

52. Where permission under section 50 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.
53. No person shall attach any vessel to any private land, property or object unless they are the property owner, or have permission from that property owner.
54. 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.
55. The Municipality may designate areas for the mooring, docking or placement of vessels.
56. If the Municipality designates areas for the mooring, docking or placing of vessels, 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 of vessels is appropriate.
57. No person shall launch any vessel into any waters unless that area is designated as an area for launching of a vessel.
58. No person shall operate, or allow to be operated, any boat or personal watercraft within 5 meters of any beach area.

Enforcement of Bylaw

59. The administration and enforcement of this Bylaw is hereby delegated to a designated officer for the Municipality.
60. Failure to comply with this bylaw shall result in the dock and/or boat lifts being removed by the Municipality or an authorized representative of the Municipality, the cost of which shall be invoiced to the owner.
61. 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.
62. 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.
63. 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

64. 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 and not exceeding \$10,000.00 for each day or portion of a day for which the offence continues.

Notice of Violation

- 65. Notwithstanding section 64, a designated officer may issue a notice of violation to any person committing a first or second offence under this bylaw
- 66. 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
- 67. The amount specified in clause 66 may be paid;
 - a. in person, during regular office hours, at the Municipal Office, 231 – First Avenue, Leask, Saskatchewan.
 - b. by mail addressed to the Rural Municipality of Leask No. 464, Box 190 Leask, Saskatchewan S0J 1M0
- 68. 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.
- 69. For the purposes of section, 64 and 66, 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.
- 70. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.
- 71. No prosecution for a contravention of this bylaw may be commenced more than two years after the date of the alleged offence.

Severability

- 72. 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

- 73. This bylaw shall come into force and take effect on final passing thereof.

“Jim Joanette”

Reeve

“Sheri McHanson Budd”

Administrator

[SEAL]

Read a third time and adopted
this ____ day of _____

Administrator

SCHEDULE "A"

(Section 58)

Beach Area

Iroquois Lake
Organized Hamlet of Pelican Cove

designated as Iroquois Lake Beach

DRAFT