

BYLAW NO. 2023-01

Private Seasonal Dock, Boat Lift and Vessel Bylaw

LAC PELLETIER REGIONAL PARK

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PART I: INTRODUCTION

1. Authority

- (a) The Park Authority has the right, pursuant to *The Regional Parks Act, S.S. 2013, c.R-9 11 (the "RPA")* section 12 (f), *provide for the administration, operation, control and use of the regional park* and enact bylaws as per section 13 *Subject to the Regulations, a regional park authority may make bylaws (b) providing for the protection and safety of property within the regional park.*

Title

This Bylaw shall be known as the "PRIVATE SEASONAL DOCK, BOAT LIFT AND VESSEL BYLAW" of the Lac Pelletier Regional Park.

2. Scope

- (a) This Private Seasonal Dock, Boat Lift and Vessel Bylaw shall apply to the whole of the Lac Pelletier Regional Park except for waterfront residential leased lots in Lakeside, Heritage and North End Sub-divisions.

3. Purpose

- (a) The purpose of the Private Seasonal Dock, Boat Lift and Vessel Bylaw shall be:
- (i) To regulate and control use of environmentally sensitive foreshore in Lac Pelletier Regional Park;
 - (ii) To control and regulate the installation of private seasonal docks, boat lifts and vessels within Lac Pelletier Regional Park; and
 - (iii) To provide for the health, protection, safety and general welfare of persons within Lac Pelletier Regional Park.

PART II: DEFINITIONS

In this Bylaw, the following words and terms shall have the indicated meaning, unless otherwise indicated elsewhere in the Bylaw:

AUTHORITY shall mean Lac Pelletier Regional Park Authority

BOARD means the members of the Regional Park Authority Executive.

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.

BYLAW means the Lac Pelletier Regional Park Bylaws.

DOCK means a structure used for the purpose of mooring motorboat(s), watercraft(s) and vessel(s) and for providing pedestrian access to and from moored motorboat(s), watercraft(s) and vessel(s) and can consist of a single dock, wharf or pier, including walkway and access ramp.

LEASED LOT means a lot within the Park Authority leased or rented to a person(s) pursuant to the terms of their lease or rental agreement and the Bylaws of the Park Authority and shall include but limited to seasonal camp lots and residential lots and does not include daily campsites.

LESSEE means person(s) to whom the Park Authority grants the lease or rent of a leased lot

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.

MOTORBOAT means a water vessel that is propelled or drawn by a motor.

OCCUPY means to reside in, to hold or dwell in, or on, or to use an area for any period.

OWNER means the assessed owner of a property for the purpose of lot levies whom their name or names are on title or record with Lac Pelletier Regional Park.

PARK means the area that is designated as Lac Pelletier Regional Park.

PARK AUTHORITY means Lac Pelletier Regional Park Authority.

PARK OFFICER means any member of the Park Authority, as well as any person employed by the Park Authority for the Administration and Management of the Park, and the enforcement of this bylaw within that area.

PARK OPERATIONS MANAGER: means the person appointed as the Park Operations Manager for Lac Pelletier Regional Park

PEACE OFFICER means a member of the Royal Canadian Mounted Police, a Special Constable or Bylaw Enforcement Officer of the Park Authority and any person designated by the Board to enforce this Bylaw.

PERSON OR PERSONS means any individual, business, partnership, firm, corporation, or occupant of a residence.

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.

SEASON means the time period from May long weekend to September 30, inclusive.

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

PART III: BYLAWS

A. GENERAL

1. Every dock or boat lift installed within Lac Pelletier Regional Park as defined by this bylaw shall have a permit issued by the Park Authority.
2. Only lessees of leased lots, seasonal campsites or residential lots are eligible and must apply in writing to the Park Authority for a permit prior to installing any dock or boat lift. Lessees are restricted to one private dock permit.
3. The application shall be in a form as approved by the Park Authority. No lessee shall install or permit to be installed any dock or boat lift within Lac Pelletier Regional Park without a valid permit issued by the Park Authority.
4. No person shall rent, lease, or lend out any dock or boat lift.
5. An application must include:
 - a. Date which the application form has been completed.
 - b. Name of the applicant.
 - c. Address and contact telephone number(s) of the leased property or the seasonal campsite.
 - d. Mailing address and contact telephone number(s) of the applicant.
 - e. The requested location of the dock and/or boat lift(s), including a detailed site plan sketch where the dock and/or boat lift are to be placed.
 - f. The prescribed permit fee.
 - g. Any other reasonable information requested by a Park officer.
6. An applicant must pay the permit fee provided for on the application form when applying for any permit.
7. The permit fee is non-refundable once the permit is approved.
8. No permit shall be issued until the fee identified in Section 6 has been paid.
9. No permit shall be issued until all current year fees for the lessee's leased lot(s) have been paid.
10. A permit does not allow the lessee to moor a vessel by cable or rope to the shore. Mooring is only permitted by dock or lift.
11. A permit shall be valid for the season it was issued.

License to be Displayed

12. The Park Authority shall issue to the lessee, a permanent identification marker associated with an approved permit.
13. The lessee shall cause the identification marker to be firmly affixed to the dock or boat lift to which the permit has been granted.
14. The identification marker shall be affixed to the dock or boat lift so that the identification marker is clearly visible from the shore side.
15. The lessee is responsible for their identification marker.
16. Any lessee that is no longer in possession of their identification marker must notify the Park Authority in writing, within 72 hours, of becoming aware that they are no longer in possession of their identification marker.
17. The lessee is responsible for the cost to replace their identification marker.

Renewal

18. The Park Authority shall cause the renewal of a permit May 1 of each year.
19. A renewed permit shall not be valid unless the renewal permit fee is paid by June 1.

Discontinuance or Change

20. A person to whom a permit is issued must notify the Park Authority if the property referred to in the permit application is sold, repossessed, seized.
21. A person who ceases to be a lessee of a property to which they have applied for and been granted a permit must notify the Park Authority.
22. Notification referred to in Section 19 and 20 shall be done in writing within 30 days of the action referred to in Section 19 or 20 as the case may be.
23. A Permit becomes invalid immediately once the conditions in Section 19 or 20 are met.
24. A Permit is not transferable.
25. An application must be submitted to the Park Authority for any amendments to the original application.

Zoning, Development and Aquatic Habitat Protection Standards

26. The issuing of a Permit to a person does not relieve that person of the responsibility of conforming to any Park Bylaws, provincial or federal law and/or regulations.

Granting of Permit

27. A Permit shall be issued when the conditions of this Bylaw are met to the satisfaction of the Park Officer.
28. A permit application that has been denied by a Park Officer shall be done in writing.

Revoking or Suspending of a Permit

29. If a lessee violates or fails to comply with the terms of the permit, or contravenes any term or condition of this Bylaw, or any other Bylaw of the Lac Pelletier Regional Park, a Park Officer may suspend or cancel the permit.
30. Any permit that was found to be issued in error may be canceled immediately by a Park Officer.
31. A Park Officer may reinstate a suspended permit if it is satisfied that the licensee is complying with this Bylaw or Bylaws of the Lac Pelletier Regional Park.

Distress

32. The Park Authority may recover any permit fee by distress in accordance with The Saskatchewan Regional Parks Act, 2013.

Inspections

33. The inspection of property by a Park Officer to determine if this Bylaw is being complied with is hereby authorized.
34. No person shall obstruct a Park Officer or a person who is assisting a Park Officer.
35. 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 Park Officer requesting the information so long as that person identifies as a Park Officer and is in the lawful execution of his or her duties and responsibilities.

Number and Types of Docks, Boat Lifts or Vessels

36. There will be designated areas available for leased water access sites. The sites to be 6 meters wide and will be marked and numbered by the Authority. The lessee is allowed to put in a combination of dock and lifts to a maximum of 5 meters wide which is to be centered in the 6-meter space. This would keep a minimum of ½ meter from the edge of each for safety and water flow.
37. To help protect aquatic habitat in Lac Pelletier 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

Construction of Docks and Boat Lifts

38. Construction materials acceptable for docks and boat lifts shall be aluminum, untreated wood, or wood that has only been treated with compounds that are safe for use in water. Steel framed docks and boat lifts may still be used as long as steel is in good condition; aluminum is preferred material. Preservative materials no longer acceptable for use in water include creosote, pentachloro-phenol (PCP) and other organic wood preservatives banned in Canada. The use of old railroad ties, oil drums, steel barrels and other materials that may leach chemicals into the water body must not be used.
39. All docks must be oriented at right angles (i.e., 90 degrees) to the general trend of the shoreline.
40. 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 sediment.
41. The configuration of the bank or bed of the water body or watercourse shall not be altered; sand, gravel, rock or other material 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 watercourse. Any contravention shall result in immediate termination of dock permit.
42. The dock/lift installation must not involve in-water excavation or dredging, and should avoid covering aquatic vegetation.
43. All in-water work must be performed by hand.
44. In-water activities must not occur during local fish spawning periods since it could disturb spawning behavior, smother eggs with sediment and kill young fish.

45. Operate machinery only on land and in a manner that minimizes disturbance to the banks of the watercourse.
46. 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.
47. From the May long weekend to the end of September all dock/lifts and other materials must be either in the water or removed from park property. The site lessee can store the dock/lift on park property (directly in front of their site only) from the end of September to the May long weekend. No "on shore" decks or storage units are allowed. Docks and/or boat lifts shall be removed from the lake by September 30.
48. Any disturbance of the shoreline or lake bottom that occurs during dock placement, installation or removal will be minimal.
49. 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.
50. A dock must not enclose or isolate any part of a water body or watercourse.

Placement of Docks Boat Lifts or Vessels

51. Docks shall be at least three (3) meters from adjacent property lines.
52. Docks shall be four (4) meters away from any other dock with a minimum 0.5 meter open setback on either side of boat lifts for safety reasons.
53. A dock shall not be more than 1.2 meters wide.
54. A dock length, including water vessel lifts may be applied for in 3 meter lengths to a maximum of 9 meters on shared applications.
55. A Park Officer, at their discretion may approve a request for alternate placement of dock(s) and/or boatlift(s) as long as the distance between adjacent docks and/or lifts are maintained and placement does not impede the safe use of the adjacent dock(s) and/or boat lift(s).
56. Upon written request of a lessee, a Park Officer may grant permission for the storage of docks or boat lifts on public property where geographic limitations may preclude the storage on leased property.
57. Where permission under Section 56 is given to a lessee and that lessee fails to store the dock or boat lift in the location permitted, a Park Officer shall cause the stored items to be removed.
58. No person shall moor any vessel or personal watercraft on any private dock without the permission of the dock owner.

59. No person shall attach any vessel to any leased land, property or object unless they are the property owner, or have permission from that property owner.
60. No person shall dock, moor or leave any vessel on or near any waterway unless that area has been designated by the Park Authority as an area to dock, moor or leave a vessel.
61. The Park Authority may designate areas for the mooring, docking or placement of vessels.
62. If the Park Authority designates areas for the mooring, docking or placing of vessels, the Park Authority shall cause signs to be posted in those locations that the Park Authority considers appropriate, identifying the area or areas where mooring, docking or placing of vessels is appropriate.
63. No person shall launch any vessel into any waters unless that area is designated as an area for launching of a vessel.
64. The administration and enforcement of this Bylaw is hereby delegated to Park Officers for Lac Pelletier Regional Park.
65. Failure to comply with this Bylaw shall result in, in addition to any fine imposed, having the vessel, dock or boat lift being removed by the Park Authority or an authorized representative of the Park Authority, the cost of which shall be invoiced to the owner.
66. The owner or person responsible of any vessel, dock or boat lift shall be responsible for any costs associated with actions taken by the Park Authority.
67. The Park Authority may recover costs associated with the actions taken in the enforcement of this Bylaw by civil action in a court of competent jurisdiction or adding the amount owing to the leased lot occupied by the lessee.
68. No Person Shall:
 - (a) obstruct or hinder any Park Officer or any other person acting under the authority of this Bylaw; or
 - (b) fail to comply with any other provision of this Bylaw.

Notice Of Violation

69. A Park Officer may issue a notice of violation to any person committing a first or second offense under this Bylaw.
70. The notice of violation shall require the person to pay to the Park Authority as specified in Section B Penalty Clauses.
71. The amount specified in the notice of violation as per the Penalty Clauses may be paid:
 - a. in person, during regular office hours, at the Lac Pelletier Regional Park Office, Lac Pelletier, Saskatchewan.

- b. by mail addressed to Lac Pelletier Regional Park, Box 12, Wymark, Saskatchewan, S0N 2Y0.
72. 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 offense, and that person shall not be liable to prosecution for that offense.
73. For the purposes of Section B Penalty Clause, an offense shall be deemed to be a first offense if the offender has not been convicted of the same offense, or paid a fine under this Bylaw, within two years immediately preceding the commission of the alleged offense or violation.
74. The imposition of any penalty for violation of this Bylaw shall not relieve the person from complying with this Bylaw.
75. No prosecution for a contravention of this Bylaw may be commenced more than two years after the date of the alleged offense.

Severability

76. 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 the Park Authority 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.
77. Unless otherwise stated, any Act and regulations referred to in this Bylaw shall include any amendments to the legislation and regulations and any legislation and regulations proclaimed successive to that specifically referred to here.

B. PENALTY CLAUSES

General Penalty Clause:

78. (a) Any person who contravenes any provision of these Bylaws is guilty of an offence punishable on summary conviction by a fine in an amount not exceeding:
- (i) \$2,000 (Two Thousand Dollars) in the case of an individual;
 - (ii) \$5,000 (Five Thousand Dollars) in the case of a public corporation;
- or, in default of payment by an individual, by imprisonment for a term of not more than 30 (thirty) days.

Voluntary Penalty Clause:

79. Any person who contravenes any of the provisions of the Bylaw, may be, at the discretion of the officer, subject to a voluntary penalty as listed:
- (a) Section 69 = \$100.00;

PART IV: EFFECTIVE DATE OF BYLAW

1. Park Authority Readings and Adoption

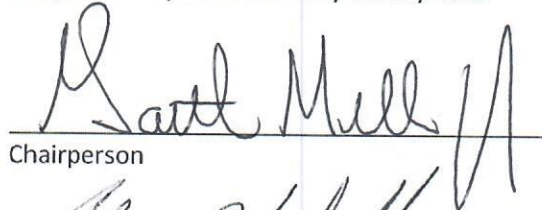
Introduction this 8th day of May, 2023

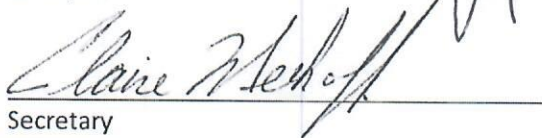
Read a first time this 8th day of May, 2023

Read a second time this 8th day of May, 2023

Read a third time this 8th day of May, 2023

Adoption of Bylaw this 8th day of May 2023


Chairperson


Secretary