

THOMSON LAKE REGIONAL PARK

Bylaw No.: **19-2019**

Bylaw Title: **PRIVATE SEASONAL DOCK, BOAT LIFT, AND VESSEL BYLAW**

PART 1: INTRODUCTION

Authority: Pursuant to Section 13 of The Regional Parks Act, 2013, the Thomson Lake Regional Park Authority has the general power to pass any Bylaw that it considers expedient in relation to the protection and safety of property within the Thomson Lake Regional Park.

Title: This Bylaw shall be known as the “Private Seasonal Dock, Boat Lift, and Vessel Bylaw” of the Thomson Lake Regional Park.

Scope: This Private Seasonal Dock, Boat Lift, and Vessel Bylaw shall apply to the whole of the Thomson Lake Regional Park.

Purpose: A Bylaw for the control, regulation, and use of private seasonal docks, boat lifts, and vessels within the Thomson Lake Regional Park; and to provide for the health, protection, safety, and general welfare of persons within Thomson Lake Regional Park.

Part 2: DEFINITIONS

- a. Park Administrator – means the person appointed as the Park Administrator for the Thomson Lake Regional Park.
- b. Park Operations Manager – means the person appointed as the Park Operations Manager for the Thomson Lake Regional Park.
- 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. Board – means the Board of the Thomson Lake Regional Park.
- f. Designated Officer – means a person appointed by the Board to enforce this Bylaw and shall include the Park Administrator, the Park Operations Manager and a Peace Officer.

- 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, and (a) are responsible for lot levies of Thomson Lake Regional Park; or (b) are a lessee of a property that is subject to a seasonal camping fee of Thomson Lake Regional Park.
- i. Marina – means a building, structure or place, containing docking facilities that are located on a waterway, where boats and boat accessories are stored.
- j. 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.
- k. Owner – shall mean the assessed owner of a property for the purpose of lot levies whom their name or names are on title or record with the Thomson Lake Regional Park.
- l. Park Authority – Shall mean Thomson Lake Regional Park.
- m. 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.
- n. 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*.
- o. Season – shall mean the time period from May 1 to October 31, inclusive.
- p. 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 3: BYLAWS

1. Every dock or boat lift installed within Thomson Lake Regional Park shall have a license issued by the Park Authority.
2. Only lessees are eligible and must apply in writing to the Park Authority for a license prior to installing any dock or boat lift. Lessees are restricted to one private dock license.
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 Thomson Lake Regional Park without a valid license 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 lessee.
 - c. Address and contact telephone number(s) of the property owned or leased by the lessee.
 - d. Permanent address and contact telephone number(s) of the lessee.
 - 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.
6. A lessee must pay the application and license fee provided for on the application form when applying for any license.
7. The application fee is non-refundable.
8. No license shall be issued until the fees identified in Section 6 have been paid.
9. A license does not allow the lessee to moor a vessel by cable or rope to the shore. Mooring is only permitted by dock or lift.
10. A license shall be valid for the season it was issued.

License to be Displayed

11. The Park Authority shall issue to the lessee, a permanent identification marker associated with an approved license.
12. The lessee shall cause the identification marker to be firmly affixed to the dock or boat lift to which the license has been granted.
13. The identification marker shall be affixed to the dock or boat lift so that the identification marker is clearly visible from the shore side.
14. The lessee is responsible for their identification marker.

15. 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.

16. The lessee is responsible for the cost to replace their identification marker.

Renewal

17. The Park Authority shall cause the renewal of a license May 1 of each year.

18. A renewed license shall not be valid unless the renewal license fee is paid.

Discontinuance or Change

19. A person to whom a license is issued must notify the Park Authority if the property referred to in the license application is sold, repossessed, seized.

20. A person who ceases to be a lessee of a property to which they have applied for and been granted a license must notify the Park Authority.

21. 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.

22. A license becomes invalid immediately once the conditions in Section 19 or 20 are met.

23. A license is not transferable except for lessees of water front property. The list of eligible water front lessees is available from the Park Administrator.

24. An application must be submitted to the Park Authority for any amendments to the original application including having a license transferred as per Section 23.

Zoning and Development Standards

25. The issuing of a license 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 Licenses

26. A license shall be issued when the conditions of this Bylaw are met to the satisfaction of the designated officer.

27. A license application that has been denied by a designated officer shall be done in writing.

Revoking or Suspending of a License

28. If a lessee 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 Thomson Lake Regional Park, a designated officer may suspend or cancel the license.
29. Any license that was found to be issued in error may be canceled immediately by a designated officer.
30. A designated officer may reinstate a suspended license if it is satisfied that the licensee is complying with this Bylaw or Bylaws of the Thomson Lake Regional Park.

Distress

31. The Park Authority may recover any license fee by distress in accordance with *The Saskatchewan Regional Parks Act, 2013*.

Inspections

32. The inspection of property by a designated officer to determine if this Bylaw is being complied with is hereby authorized.
33. No person shall obstruct a designated officer or a person who is assisting a designated officer.
34. 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 and Types of Docks, Boat Lifts or Vessels

35. Not more than one dock, two boat lifts, two vessels, and two personal watercraft lifts will be permitted per dock license with the exception of community docks, which is a group of eligible lessees who share a dock. A community dock shall require Park approval.

36. To help protect aquatic habitat in Thomson 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

Construction of Docks and Boat Lifts

37. Only 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. 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 and other materials that may leach chemicals into the water body must not be used.
38. All docks must be oriented at right angles (i.e. 90 degrees) to the general trend of the shoreline.
39. 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.
40. 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.
41. The project must not involve in-water excavation or dredging, and should avoid covering aquatic vegetation.
42. All in-water work must be performed by hand.
43. 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.
44. Operate machinery only on land and in a manner that minimizes disturbance to the banks of the watercourse.

45. 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.
46. Boat docks or boat lifts shall be removed prior to freeze-up each year.
47. Any disturbance of the shoreline or lake bottom that occurs during dock placement, installation or removal will be minimal.
48. 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.
49. A dock must not enclose or isolate any part of a water body or watercourse.

Placement of Docks, Boat Lifts or Vessels

50. Docks shall be at least three (3) meters from adjacent property lines.
51. Docks shall be six (6) meters away from any other dock.
52. A dock shall not be more than 1.2 meters wide.
53. A designated officer may reduce the distance between docks provided that there are geographical limitations present that preclude the six (6) meter separation.
54. The storage of docks and boat lifts must be placed or stored on the lessee's own property.
55. Notwithstanding Section 54, the storage of docks may be on private property, other than the lessee's property, subject to the permission of that property owner.
56. Upon written request of a lessee, 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.
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 designated 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 private 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.

Enforcement of Bylaw

64. The administration and enforcement of this Bylaw is hereby delegated to a designated officer for Thomson Lake 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:
 - a. civil action in a court of competent jurisdiction; or
 - b. adding the amount owing to the levies of the property leased or occupied by the person.
68. 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

69. Every person who contravenes any provision of this Bylaw is guilty of an offense and liable on summary conviction:
 - a. in a case of a first offense, to a fine not less than \$150.00;
 - b. in a case of a second or any subsequent offense, to a fine not less than \$225.00 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 offense continues.

Notice of Violation

70. Notwithstanding Section 69, a designated officer may issue a notice of violation to any person committing a first or second offense under this Bylaw.
71. The notice of violation shall require the person to pay to the Park Authority as specified in Section 69.
72. The amount specified in the notice of violation as per Section 71 may be paid:
 - a. in person, during regular office hours, at the Thomson Lake Regional Park Office, Lafleche, Saskatchewan.
 - b. by mail addressed to Thomson Lake Regional Park, Box 520, Lafleche, Saskatchewan, S0H 2K0.
73. 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.
74. For the purposes of Sections 69 and 71, 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.
75. The imposition of any penalty for violation of this Bylaw shall not relieve the person from complying with this Bylaw.
76. No prosecution for a contravention of this Bylaw may be commenced more than two years after the date of the alleged offense.

Severability

77. 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.

PART 4: REPEAL AND EFFECTIVE DATE OF BYLAW

Repeal

Bylaw 01-2016 is hereby repealed.

Park Authority Readings and Adoption

Introduced and read for a first time this 25th day of February, 2019.

Read for a second time this 25th day of February, 2019.

Read for a third time this 25th day of February, 2019.

Read for a fourth time and Passed by Resolution of the Park Authority on the 25th day of February, 2019.

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Chairperson

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Park Administrator