

BYLAW 13 of 2015

OF THE RESORT VILLAGE OF CANDLE LAKE IN THE PROVINCE OF SASKATCHEWAN

To be known as

“Dock, Boat Lift and Vessel Bylaw”

A Bylaw of the Resort Village of Candle Lake FOR THE CONTROL, REGULATION AND USE OF MARINAS, DOCKS, BOAT LIFTS AND VESSELS

Whereas the Resort village of Candle Lake has limited beach area, and

Whereas the Resort Village of Candle Lake Council recognizes that there is a need for the mooring and storage of boats, and

Whereas the Resort Village of Candle Lake Council is of the opinion that marinas are healthier for the lake than docks or other mooring mechanisms,

The Council of the Resort Village of Candle Lake in the Province of Saskatchewan hereby enacts as follows:

1) Interpretation -In this bylaw, the expression:

- a) **Abandoned Dock:** A dock that exceeds the maximum distance from shore requirement set forth in his bylaw or is adrift.
- b) **Administrator** – means the person appointed as the Administrator for the Municipality pursuant to *The Municipalities Act*.
- c) **Beach Area** – means an area designated as a beach by this bylaw.
- d) **Boat** – means a vessel other than a Personal Watercraft

- e) **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.
- f) **Bylaw Officer** - means a person appointed by Council to enforce the bylaws of the Resort Village of Candle Lake
- g) **Council** - means the Council of the Resort Village of Candle Lake;
- h) **Designated Officer** - means a person appointed by the Municipality to enforce this Bylaw and shall include the Administrator and a Peace Officer or Bylaw Officer;
- i) **Dilapidated Dock:** A dock that
 - (i) has any structural members, roofing, decking, flotation or walkways that are not securely attached and could pose an immediate safety or navigation hazard,
 - (ii) is submerged,
 - (iii) is not floating upright,
 - (iv) has decks or floors below the waterline,
- j) is in a state of disrepair, or is otherwise not in compliance with this Bylaw. **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 **and cannot occupy more than 1500 square feet of water space** excluding the square footage occupied by the **Gangway** .
- k) **Encased Flotation** - Expanded polystyrene fully enclosed by one of these materials:
 - i) Treated dimensional wood, 1.5 inches thick (actual) or more
 - (i) Nontreated dimensional wood 4 inches thick or more
 - (ii) Treated plywood 0.5 inch thick or more
 - (iii) Nontreated marine grade plywood 0.5 inch thick or more
 - ii) Concrete 1 inch thick or more
 - (i) Galvanized steel 0.065 inch or 16 gauge thick or more
 - (ii) Liquid coatings, 30 mils thick or more, chemically or securely bonded
 - (iii) Rigid (hard) plastics, 50 mils thick or more
 - iii) Fiberglass and plastic resins 30 mils thick or more, chemically or securely bonded. Or these materials which may or may not enclose expanded polystyrene:
 - (i) Devices using air chambers as flotation designed specifically for marine use
 - iv) Plastic barrels which contain no hazardous materials or residue
 - v) (Other materials approved as safe for marine environment

- l) **Existing Residential Dock:** A Residential Dock that, on or before the Effective Date of this bylaw, is constructed and located on or over the water surface of Candle Lake and has a current permit affixed to it.
- m) **Fixed Dock:** A rigid structure or portion of a rigid structure supported by pilings, retaining wall or other materials and associated with a permanent foundation that is either resting or embedded in the lake bottom and is designed to make relocation impracticable.
- n) **Floating Dock:** A structure or portion of a structure supported by flotation or otherwise designed to make relocation possible.
- o) **Flotation:** Material such as polystyrene, wood or other material used to support floating Structures on the water surface.
- p) **Gangway:** A walkway or structure extending from the dock to the shore that, because of its short length, does not require supports by floats or outriggers and which occupies no more than 80 square feet of water surface area.
- q) **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;
 - i) are responsible for tax or taxes of the municipality; or
 - ii) are a lessee of a property that is subject to a trailer licence fee of the municipality.
- r) **Local Authority** – shall mean the Resort Village of Candle Lake
- s) **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.
- t) **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.
- u) **Municipality** - means the Resort Village of Candle Lake.
- v) **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.
- w) **Navigable Passage:** A dedicated space to allow the passage of Watercraft. It is defined as at least 75 feet wide with a minimum depth of eight feet.

- x) **New Residential Dock:** A Residential Dock constructed after the Effective Date of this Bylaw and replacing an existing dock that has a permit affixed to it. The permit shall be transferable to the new dock by the same owner.
- y) **Peace Officer** - means a peace officer as defined in *The Summary Offence Procedures Act*.
- z) **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*.
- aa) **Residential Dock:** A noncommercial dock associated with a single family residence for which no compensation is/will be received by the owner(s) of the dock for its use. This definition also includes swim platforms.
- bb) **Season** - shall mean the time period from May 1st to October 31st inclusive.
- cc) **Shoreline:** The line at which the water surface of Candle Lake Lake intersects the land at any given time. The Shoreline will move as the surface elevation of a lake changes.
- dd) **Structure:** Anything constructed or otherwise located on or over the water surface, extended over the water surface, or affixed to something covered by water or is located on land and is an essential part of the Residential Dock, such as an electrical system.
- ee) **Water Surface Area:** The area including, but not limited to, the width times the length of the Residential Dock's floating and fixed structures located on or over the water, its open and covered slips and the maximum area covered by Watercraft, including that portion of the Water Surface Area that is used by Watercraft as a courtesy dock and all end tie areas. Gangways are not included in the Water Surface Area measurements.
- ff) **Watercraft:** Any craft, vessel or boat used or capable of being used as means of transportation on or under the water, including vessels such as houseboats and other vessels not used primarily for transportation.
- gg) **Waterfront Property:** Property that adjoins the Shoreline,

2) Licensing

- a) Every dock or boat lift installed within the municipality shall have a licence issued by the local authority.
- b) Eligibility for a dock/lift/water vessel permit shall be limited to property owners or lessees of property within the Resort Village, and shall not be limited to owners of lake front property only.
- c) Any dock, lift or water vessel that was **registered** prior to the passing of this bylaw shall be deemed eligible for a license without displacement from its current location.

- d) Any dock, lift or water vessel that existed in a location prior to the passing of this bylaw and **was not registered** with the Resort Village and supplied with an identifying decal will not be eligible for a license
- e) No license will be issued for any more locations
- f) A person, with a registered dock, lift or mooring facility must apply in writing to the municipality for a licence prior to installing any dock or boat lift.
- g) The License fee shall be the one noted on the application which may change from time to time.
- h) The application shall be in a form as approved by the Municipality.
- i) An application must include:
 - i) Date which the application form has been completed.
 - ii) Name of the applicant.
 - iii) Registration number
 - iv) Municipal address and contact telephone number(s) of the property owned or leased by the applicant.
 - v) Permanent address and contact telephone number(s) of the applicant.
Number of docks and/or lifts applied for.
 - vi) 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.
 - vii) All prescribed application and licence fees.
 - viii) Any other reasonable information requested by a designated officer.
- j) No person shall install or permit to be installed any dock or boat lift within the municipality without a valid licence issued by the local authority.
- k) A person must pay the nonrefundable application and licence fee provided for on the application form when applying for any licence
- l) No licence shall be issued until the fees identified in the application have been paid.
- m) 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.
- n) A licence shall be valid for the season it was issued, unless otherwise stated
- o) A license that is not renewed by May 31 of each year will be considered as abandoned and no new license will be issued once a license is abandoned.

p) No license is transferable unless for property sales purposes, the property directly abuts the public reserve between the lake and the property and the license must relate to an area immediately in front of the property.

3) SAFETY STANDARDS

a) ABANDONED DOCKS AND DILAPIDATED DOCKS

No person shall own or control an Abandoned Dock or Dilapidated Dock.

b) A dock is dilapidated if it has loose structural members or if the decking, roofing, flotation or walkways are not securely attached. A dock that is submerged or partially submerged, not floating upright, has decks or floors below the waterline, is in a state of disrepair or is not otherwise in compliance with the standards is dilapidated.

c) ***There is no grace period for an abandoned dock.*** It must be moved immediately to a location within the maximum distance from shore.

4) FLOTATION

a) New Residential Docks using flotation must use Encased Flotation. If Flotation is being replaced in conjunction with the replacement of the Structures of the Residential Dock in its entirety, Encased Flotation must be used.

b) An Existing Residential Dock using Flotation on the Effective Date of this Bylaw may continue to use Flotation that is not Encased Flotation until May 01, 2017. At that time, all Flotation must be Encased Flotation.

c) Flotation must be kept free of vegetation.

d) Plastic barrels are allowed if barrels are properly cleaned and the contents were not toxic to the environment

e) Metal barrels or drums are prohibited for new or replacement flotation and must be replaced within three years of the Effective Date of this bylaw.

5) ANCHORING

a) A Residential Dock must be securely attached to the shore, taking into consideration water depth, lake level fluctuation and exposure to wind, fast moving water and wave action.

b) Anchor cables for floating docks shall

i) not create a hazard to navigation or block ingress or egress for Watercraft,

ii) be maintained in good condition and have a minimum working load of 1,000 pounds, have thimbles or other chafing protection.

Exceptions noted here, a Residential Dock shall be located within the maximum distance from the Shoreline (measured perpendicular from the Shoreline).

6) Maximum distance from Shoreline : A structure

- a) **shall** not Extend further than 200 feet from the Shoreline
- b) Pose a hazard to navigation
- c) Extend further than the maximum distance from the Shoreline solely to avoid having to move floating docks to accommodate varying lake levels
- d) Extend further from the Shoreline than necessary to allow for boat access to docks in shallow water
- e) Violate any other provision related to lake access.
- f) **Exception** : An Existing Residential Dock so affixed to realty (Fixed Dock) as to make its relocation impractical may exceed the maximum distance from the Shoreline but may not be extended further.
- g) Residential Docks shall not be constructed, located, expanded or modified in any manner that would interfere with the ability of a Marina Facility to maintain the Navigable Passage where the Navigable Passage is located entirely over property owned, leased or otherwise controlled by the Marina Facility.
- h) RVCL staff shall have discretion to grant a variance to the provisions of this Bylaw where strict adherence to one or more of the provisions would, in the judgment of RVCL staff, result in a grave injustice or an unreasonable hardship to the owner of a Residential Dock.
- i) A request for variance should be made in writing prior to placement of any New Residential Dock or the Expansion, relocation or Modification of an Existing Residential Dock.
- j) A variance may be granted under these circumstances:
 - i) There is no reasonable alternative to the requested variance that will alleviate the injustice or hardship.
 - ii) The variance is no greater than the minimum required to alleviate the injustice or hardship.
 - iii) The variance does not create significant adverse impacts to other Waterfront Property owners within the immediate vicinity or compromise water quality or public safety.
 - iv) A decision by RVCL staff regarding a variance request shall be made within 15 working days of receipt and is final and unappealable.

7) Compliance

- a) The Municipality shall issue to the applicant, a permanent identification marker associated with an approved licence.

- b) The applicant shall cause the identification marker to be firmly affixed to the dock boat lift or water vessel to which the licence has been granted.
- c) The identification marker shall be affixed to the dock or boat lift so that the identification marker is;
 - i) Not less than 30 centimeters from the high water line.
 - ii) is clearly visible from the lake side.
 - iii) In the case of a water vessel, it must be displayed to be visible from shoreline
- d) The applicant is responsible for their identification marker.
- e) 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.
- f) A person who ceases to be an owner or lessee of a property to which they have applied for and been granted a licence must notify the Municipality.
- g) The applicant is responsible for the cost to replace their identification marker.
- h) The Municipality shall cause the renewal of a licence January 1 of each year.
- i) A renewed licence shall not be valid unless the renewal licence fee is paid.

8) Discontinuance

- a) A person to whom a licence is issued must notify the Municipality if the property referred to in the licence application is sold, repossessed, seized.
- b) A person who ceases to be an owner or lessee of a property to which they have applied for and been granted a licence must notify the Municipality.
- c) Notification referred to in section 8) a) shall be done in writing within 30 days
- d) A licence becomes invalid immediately upon issuance and once the conditions in this bylaw are met.
- e) A licence is not transferable.
- f) An application must be submitted to the local authority for any amendments to the original application.

9) Materials and Construction

- a) Decking must be constructed with Cedar, Aluminum or PVC
- b) Posts and anchor must be of a material that is certified as marine friendly

10) Marinas

- a) No person shall install or operate any marina without approval from the Local Authority.
- b) Application for the installation or operations of a marina shall be done in a form as approved by the Local Authority.
- c) The Local Authority may authorize the installation or operation of a marina subject to the approval of Council.
- d) 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.
- e) A licence 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.
- f) The issuing of a licence to a person does not relieve that person of the responsibility of conforming to any municipal, provincial or federal law and/or regulations.

11. Granting and Revocation/suspension of licences

- a) The granting of a licence is hereby authorized.
- b) A licence shall be issued when the conditions of this bylaw are met to the satisfaction of the designated officer.
 - i) A licence application that has been denied by a designated officer shall be done in writing.
 - ii) If an applicant violates or fails to comply with the terms of the licence, or contravenes any term or condition of this Bylaw, or any other Bylaw of the Municipality, a designated officer may suspend or cancel the licence.
 - iii) Any licence that was found to be issued in error may be cancelled immediately by a designated officer.
 - iv) A designated officer may reinstate a suspended licence if it is satisfied that the licensee is complying with this Bylaw or Bylaws of the Municipality
 - v) The Municipality may recover any licence fee by distress in accordance with *The Municipalities Act*.

12 Inspections

- a) The inspection of property by a designated officer to determine if this Bylaw is being complied with is hereby authorized.

b) No person shall obstruct a designated officer or a person who is assisting a designated officer.

c) 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.

12 Placement of Docks, Boat Lifts or Vessels

a) Not more than one dock, two boat lifts and two personal watercraft lifts will be permitted per lakefront lot.

b) Docks shall be at least 5 meters from adjacent property lines.

c) A designated officer may reduce the distance docks are placed from the property lines to 3 meters provided that;

- i) The applicant requests an exemption of the requirement and
- ii) The adjacent property owner for which the reduction is requested has been notified by the applicant and the Municipality; Or
- iii) Other geographical limitations are present.

d) Docks shall be 10 meters away from any other dock.

e) A designated officer may reduce the distance between docks provided that there are geographical limitations present that preclude the 10 meter separation.

f) The storage of docks and boat lifts must be placed or stored on the applicants own property.

g) Notwithstanding section vi) the storage of docks may be on private property, other than the applicant's property, subject to the permission of that property owner.

h) No person shall moor any vessel on any private dock without the permission of the dock owner.

i) 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.

j) 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.

- k) The Municipality may designate areas for the mooring, docking or placement of vessels.
- l) 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.
- m) No person shall launch any vessel into any waters unless that area is designated as an area for launching of a vessel.
- n) No person shall operate, or allow to be operated, any boat or personal watercraft within 50 meters of any beach area We may not be able to enforce this as it would be a SERM issue
- o) For the purpose of this bylaw, any beach area that has docks, lifts or watercraft that have been registered with the Village prior to this bylaw will be grandfathered. Upon the removal of a dock, boatlift or water vessel, no licence will be issued unless it is in compliance with this bylaw.**
- p) 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.

12 Enforcement of Bylaw

- a. The administration and enforcement of this Bylaw is hereby delegated to a designated officer for the Municipality.
- b. 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 Municipality or an authorized representative of the Municipality, the cost of which shall be invoiced to the owner.
- c. 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.
- d. The Municipality may recover costs associated with the actions taken in the enforcement of this bylaw by;
 - i. civil action in a court of competent jurisdiction; or
 - ii. adding the amounts owing to the taxes of the property owned or occupied by the person.
 - iii. No person shall:

1. obstruct or hinder any designated officer or any other person acting under the authority of this Bylaw; or
2. fail to comply with any other provision of this Bylaw.

13 Penalty

- a. Every person who contravenes any provision of this bylaw is guilty of an offence and liable on summary conviction:
- b. in a case of a first offence, to a fine not less than \$250.00;
- c. 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;
- d. 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.

14 Notice of Violation

- a. Notwithstanding section 13, a designated officer may issue a notice of violation to any person committing a first or second offence under this bylaw.
- b. 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.
- c. The amount specified in clause K) ii may be paid;
 - i. in person, during regular office hours, at the Municipal Office, Site 20, Highway 265, **Candle Lake, Saskatchewan.**
 - ii. by mail addressed to the Resort Village of Candle Lake, Box 114, Candle Lake SK. S0J 3E0
 - iii. 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.
 - iv. For the purposes of sections j and k, 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.
 - v. The imposition of any penalty for violation of this bylaw shall not relieve the person from complying with this bylaw.
 - vi. No prosecution for a contravention of this bylaw may be commenced more than two years after the date of the alleged offence.

15 Severability

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

Bylaw 3-2012 is hereby repealed.

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

Introduced and read a first time this 11th day of March, 2016.

Read a second time this day of , 2015.

Read a third time and passed this day of , 2015.

(SEAL)

Mayor

Administrator

SCHEDULE "A"

Beach Area

Mosher Park being property, Surface Parcel

Waskateena Park

Minowukaw

Island View

Any area with beach sand used by the public and is all or part of a public reserve