

TOWN OF CHESTERMERE

PROVINCE OF ALBERTA

BOAT LAUNCH BYLAW # 009-11

A Bylaw of the Town of Chestermere, in the Province of Alberta, to regulate parking and Boat/Personalized Watercraft/Non-Motorized Water Craft launching at the Chestermere Lake boat launching site and surrounding areas.

WHEREAS pursuant to the provisions of the Municipal Government Act, Council may pass bylaws for municipal purposes relating to the health and welfare of people and the protection of people and property; services provided by or on behalf of the Municipality; and public utilities, and

WHEREAS Council for the Town of Chestermere deems it advisable and necessary to make provisions for Boat / Personalized Watercraft / Non motorized watercraft launching at the Chestermere Lake boat launching facility and surrounding area.

AND WHEREAS it is deemed desirable and expedient to regulate the launching, and to levy fees for the use of this facility;

NOW THEREFORE, pursuant to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, Chapter.M-26, as amended, or as repealed and replaced from time to time, the Council of the Town of Chestermere duly assembled, enacts as follows

1. TITLE

- (1) This bylaw may be cited as the “Boat Launch Bylaw”.

2. INTERPRETATION

In this Bylaw:

- (a) “Boat” shall mean a small open water vehicle propelled by engine greater than ten (10) horsepower for use in inland waters;
- (b) “Boat Launch Fee” shall mean the amount to be paid to launch a Boat / Personalized Watercraft / Non motorized watercraft at the Chestermere Lake Boat Launch;

- (c) "Boat Launch Decal" shall be the decal provided by the Town to Chestermere residents who register their Boat / Personalized Watercraft / Non motorized watercraft with Town of Chestermere;
- (d) "CAO" shall mean the Chief Administrative Officer of the Town of Chestermere, or his designate;
- (e) "Non motorized watercraft" shall mean a watercraft that is usually propelled by a single or double-bladed paddle such as a canoe or kayak, or a watercraft propelled by an engine of less than ten (10) horsepower;
- (f) "Peace Officer" shall mean a member of a Police Service, or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, c. P-3.5 and the regulations thereof, as amended or replaced from time to time;
- (g) "Personalized Watercraft" shall mean a motorized recreational vehicle normally ridden by straddling a seat. They are often referred by names that include but are not limited to: Wave Runner, Jet Ski, or Sea Doo which are brand names owned by Yamaha, Kawasaki and Bombardier respectively;
- (h) "Provincial Offences Procedure Act (POPA)" means the Provincial Offences Procedure Act, R.S.A. 2000, Chapter P-34, and the regulations thereof, as amended or replaced from time to time;
- (i) "Tenant" shall mean someone who resides at an address in Chestermere on a full time basis, and is not the property owner;
- (j) "Town" means the Town of Chestermere, a municipal corporation, in the Province of Alberta and where the context so requires, means the area contained within the corporate boundaries of the said Town.

3. APPLICATION

- (1) Nothing in this Bylaw relieves a person from complying with any provision of any federal or provincial law or regulation, other bylaw or any requirement of any lawful permit, order or license.
- (2) Any heading, sub-headings, or tables of contents in this Bylaw are included for guidance purposes and convenience only, and shall not form part of this Bylaw.
- (3) Where this Bylaw refers to another Act, bylaw, regulation or agency, it includes reference to any Act, bylaw, regulation or agency that may be substituted therefore.
- (4) All the schedules attached to this Bylaw shall form a part of this Bylaw.

- (5) This bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.

4. REGISTRATION

- (1) Property Owners or Tenants of the Town of Chestermere who use the Boat Launch facility at John Peake Park, must register their Boat/ Personal Watercraft/Non motorized watercraft at the Town Office or the Boat Launch facility at which time they will receive a Boat Launch decal at no cost.

A utility bill, picture identification and Pleasure Craft License will be required for those residents that register at the Boat Launch facility.

Picture identification and a Pleasure Craft License will be required for those residents that register at Town Hall.

- (2) A property owner may provide the Town with a letter of authorization which will permit only a tenant to register his/ her Boat / Personalized Watercraft/Non motorized watercraft at the same address as the property owner.
- (3) There cannot be more than 2 Boats and 2 Personalized Watercraft registered at any one civic address.
- (4) When using the Boat Launch, property owners or tenants must stop and show the launch attendant their current boat launch decal. The decal, provided by the Town, is to be placed on the Starboard/Bow (right/front) of the Boat/Personalized Watercraft. The decal must be visible to the attendant in the Boat Launch Office.
- (5) Users of the boat launch shall produce identification upon request of Town staff for the purposes of ensuring a decal is not copied or fraudulent, and belongs to the proper owner.
- (6) A Boat Launch decal shall expire on December 31 of the year it was issued and must be renewed on an annual basis.
- (7) Non-residents are required to pay a boat launch fee and will be issued a receipt as proof of registration for the day.

5. FEES

- (1) Non-residents or anyone who does not have Boat Launch decal are required to pay the following fees to launch their Boat / Personalized Watercraft / Non Motorized Watercraft:

Boat greater than ten (10) horsepower: \$40.00/day/boat

Personal Watercraft: (i.e. Sea-Doo) \$30.00/day/watercraft

Non motorized watercraft (i.e. canoe/kayak) \$10.00/day/non motorized watercraft

- o Less than ten (10) horsepower

- (2) Non-residents may purchase a set of ten (10) individual Boat Launch Passes and receive a discount of 10%. Passes shall expire on December 31 of the year issued.

6. REFUNDS

- (1) Property Owners or Tenants that are charged a launch fee for not having a Boat Launch decal will not receive a refund.
- (2) Refunds will not be issued.

7. OFFENCES

- (1) No person shall enter into the launch area without payment of fees, or without having a boat launch decal affixed to their Boat / Personalized Watercraft / Non motorized watercraft.
- (2) No person shall stop a Motor vehicle and/or boat trailer on the launching ramp, except for the period of time necessary to either launch or retrieve a boat from the water.
- (3) Any Peace Officer is authorized to remove or cause to be removed any vehicle and/or boat trailer parked in contravention of Subsection (2).
- (4) Any vehicle or trailer removed pursuant to Subsection (3) may be removed to an impound lot where it will remain impounded until claimed by the owner.
- (5) No person shall engage in any activity that may be deemed to be abuse of Town staff.

- (6) No person shall utilize a boat launch decal on their Boat/Personalized Watercraft/Non motorized watercraft unless that decal has been assigned/registered to that Boat/Personalized Watercraft/Non motorized watercraft.
- (7) No person shall swim, play, or otherwise obstruct the boat launch area/ramp.
- (8) No person shall utilize a fraudulent or reproduced boat launch decal on their Boat/Personalized Watercraft/Non motorized watercraft.

8. PENALTIES

- (1) Every person who contravenes any of the provisions of this Bylaw by doing any act or thing which the person, or owner is prohibited from doing is guilty of an offence.
- (2) Any person who is convicted of an offence pursuant to this Bylaw is liable on summary conviction to a fine not exceeding \$10,000.00.
- (3) The specified penalty payable in respect of a contravention of a provision of this Bylaw is the amount shown in Schedule "A" of this Bylaw in respect of that provision.

9. VIOLATION TICKETS

- (1) Where a Peace Officer believes that a person has contravened any provision of this Bylaw, he may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c.P-34.
- (2) This Section shall not prevent any officer from issuing a violation ticket requiring the court appearance of the defendant, pursuant to the provisions of the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34, or from laying an information instead of issuing a violation ticket.

10. SEVERABILITY

- (1) If any Section or parts of this Bylaw are found in any court of law to be illegal or beyond the power of Council to enact, such Section or parts shall be deemed to be severable and all other Section or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

This Bylaw comes into force upon the date of the third and final reading.

Bylaw No. 005-09 is hereby repealed in its entirety.

Introduced and given first reading this 18th day of April, 2011.

Given second reading this 2nd day of May, 2011

Given third and final reading this 2nd day of May, 2011.

Mayor

Chief Administrative Officer

Res # _____

SCHEDULE "A"

Section	Offence	Specified Penalty
7(1)	Enter launch area without payment of fees/boat launch decal affixed.	\$250.00
7(2)	Fail to display decal to launch attendant	\$100.00
7(3)	Stop/park vehicle/boat trailer on launch ramp for period of time exceeding that required to launch/retrieve boat	\$100.00
7(5)	Abuse staff	\$500.00
7(6)	Use decal not assigned/registered to Boat / Personalized Watercraft / Non motorized watercraft	\$500.00
7(7)	Swim/obstruct/play in boat launch area.	\$100.00
7(8)	Use fraudulent/reproduced boat launch decal	\$2000.00