

OFFICE CONSOLIDATION

CITY OF CHESTERMERE

PROVINCE OF ALBERTA

BYLAW #009-11

(Amended by 007-15 & 018-15)

A Bylaw of the City of Chestermere, in the Province of Alberta, to regulate parking and boat/personalized watercraft/non-motorized water craft launching at the Chestermere Lake Boat Launch 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;

WHEREAS Council for the City of Chestermere deems it advisable and necessary to make provisions for boat/personalized watercraft/non-motorized craft launching at the Chestermere Lake Boat Launch and surrounding areas;

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

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to the authority conferred upon it by the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, or as repealed and replaced from time to time, the Council of the City of Chestermere duly assembled, enacts as follows:

1. Title

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

2. Definitions

In this Bylaw:

- (a) “*Boat*” means a small open water vehicle propelled by engine greater than ten (1) horsepower for use in inland waters;
- (b) “*Boat Launch Fee*” means the amount to be paid to launch a boat/personalized watercraft/non-motorized watercraft at the Chestermere Lake Boat Launch;
- (c) “*Boat Launch Decal*” means the decal provided by the City of Chestermere residents who register their boat/personalized watercraft-non-motorized

watercraft with the City of Chestermere;

- (d) “CAO” means the Chief Administrative Officer of the City of Chestermere, or their designate;
- (e) “City” means the City 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 said City;
- (f) “*Non-motorized Watercraft*” means 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;
- (g) “*Peace Officer*” means a member of a Police Service or a Peace Officer appointed pursuant to the Peace Officer Act, S.A. 2006, Chapter P-3.5 and the regulations thereof, as amended or replaced from time to time;
- (h) “*Personalized Watercraft*” means 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;
- (i) “*Provincial Offences Procedure Act*” 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;
- (j) “*Tenant*” means someone who resides at an address in Chestermere on a full time bases, and is not the property owner;
- (k) “” means the identifying documents that meet the identification requirements of City of Chestermere Bylaw #003-13;

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 City of Chestermere who use the Chestermere Lake Boat Launch at John Peake Park must register their Boat/Personalized Watercraft/Non-motorized Watercraft at the City Office or the Boat Launch facility at which time they will receive a Boat Launch Decal at no cost.

Picture identification that proves residency and proof of boat ownership shall be required for anyone who wishes to receive a Decal.

Proof of ownership may include one of the following:

- (a) Transport Canada Pleasure Craft License;
- (b) Trailer registration;
- (c) Bill of sale; or
- (d) Proof of Pleasure Craft Insurance.

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- (2) A property owner may provide the City with a letter of authorization which will permit only a Tenant to register their Boat/Personalized Watercraft/Non-motorized Watercraft at the same address as the property owner.
- (3) There may not be more than two (2) Boats and two (2) Personalized Watercrafts registered at any one (1) civic address.
- (4) When using the Boat Launch, property owners and Tenants must first show the Boat Launch Attendant their current Boat Launch Decal. The Decal, provided by the City, is to be placed on the Starboard/Bow (right/front) of the Boat/Personalized Watercraft. The Decal must be visible and approved by the Boat Launch Attendant.
- (5) Users of the Boat Launch shall produce identification upon request of Boat Launch 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 shall be issued a receipt as proof of registration for the day.

5. Fees

- (1) The fees to be charged by the City on all matters arising under this Bylaw are in accordance with those established in Policy 643 – Service Fee Schedule.

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6. Refunds

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

7. Offences

- (1) No person shall enter the Boat 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 or boat trailer on the launching ramp, except for the period of time necessary to either launch or retrieve a Boat/Personalized Watercraft/Non-motorized Watercraft from the water.
- (3) Any Peace Officer is authorized to remove or cause to be removed any vehicle or boat trailed 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 shall remain impounded until claimed by owner.
- (5) No person shall engage in any activity that may be deemed to be abuse of City staff.
- (6) No person shall utilize a Boat Launch Decal on their Boat/Personalized Watercraft/Non-motorized Watercraft unless that Decal has been 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) Any 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 offense.

- (2) Any person who is convicted of an offense 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, they may commence proceedings by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*.
- (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*, 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 sections 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.

READ A FIRST TIME this 18th day of April, 2011.

READ A SECOND TIME this 2nd day of May, 2011.

READ A THIRD TIME this 2nd day of May, 2011.

Resolution Numbers

193-11, 194-11



MAYOR



CAO

**Certified to be a true copy of Bylaw 009-11 adopted by the Council of the City of
Chestermere on the 2nd day of May 2011.**



Chief Administrative Officer