

THE CORPORATION OF THE TOWNSHIP OF NORTH FRONTENAC

BY-LAW #36-17

BEING A BY-LAW TO REPEAL BY-LAW 73-15 AND TO ESTABLISH A POLICY FOR THE CONSTRUCTION AND MAINTENANCE OF DOCKS ON TOWNSHIP OF NORTH FRONTENAC PROPERTY INCLUDING LOT/CONCESSION/RESERVE/ FORCED ROAD ALLOWANCES AND TOWNSHIP OWNED SHORE ROAD ALLOWANCES

WHEREAS Associations and Residents have requested Council grant permission for them to use Township property to access the water and construct a dock;

AND WHEREAS Council deems it expedient to pass a By-law to set a standard policy to manage these requests;

NOW THEREFORE the Council of the Corporation of the Township of North Frontenac enacts as follows:

THAT Schedule 'A' being the Policy for the Construction and Maintenance of Docks on Township Property including Lot/Concession/Reserve/Forced Road Allowances and the new Schedule 'B' being the Policy for the Construction and Maintenance of Docks on Township Owned Shore Road Allowances attached hereto shall read with and form part of the By-law;

AND THAT By-law #73-15 is hereby repealed;

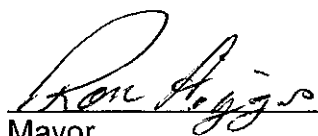
AND THAT should any sections of this By-law, including any section or part of any Schedules attached hereto be declared by a court of competent jurisdiction to be ultra vires, the remaining Sections shall nevertheless remain valid and binding;

AND THAT all Resolution, By-laws or parts of By-laws, which are contrary to or inconsistent with this By-law are hereby repealed.

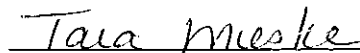
AND THAT this By-Law shall come into force and take effect on the date of its passing.

Read a first and second time this 28th day of April, 2017

Read a third time and finally passed this 28th day of April, 2017



Mayor



Clerk

SCHEDULE 'A' TO
BY-LAW #36-17

**POLICY FOR THE CONSTRUCTION AND MAINTENANCE OF DOCKS ON
TOWNSHIP PROPERTY INCLUDING LOT/CONCESSION/RESERVE/FORCED
ROAD ALLOWANCES**

1. Definitions

In this Policy:

- a) "Association" means a not-for-profit group or organization (i.e. Cottage/Lake Association).
- b) "Clerk" means the person appointed as the Clerk of The Corporation of the Township of North Frontenac.
- c) "Council" means the Council of The Corporation of the Township of North Frontenac.
- d) "Dock" means a structure extending out from the shore into the lake to which a boat may be moored.
- e) "Manager of Community Development" means the person appointed as the Manager of Community Development for The Corporation of the Township of North Frontenac.
- f) "Resident" means a person who is listed on the Property Assessment Roll of the Township.
- g) "Road Allowance" means a Lot/Concession/Reserve/Forced Road Allowance owned by the Township and does not include a Shore Road Allowance lying between a resident's property and the high water mark of the lake or river.
- h) "Township" means The Corporation of the Township of North Frontenac.
- i) "Treasurer" Means the person appointed as the Treasurer of The Corporation of the Township of North Frontenac.

2. Purpose

The "Policy for the Construction and Maintenance of Docks on Township Owned Road Allowances" shall apply to all Residents and Associations requesting to use a road allowance for the purpose of constructing and/or maintaining a dock on a Road Allowance.

Council will consider each request for the construction of a dock at an existing Public Boat Launch or on a Road Allowance leading to water based on the merits of the proposal and the condition and size of the Township property the requested dock is being built on.

3. Standards for the Construction of a Dock

- a) The following standards must be adhered to or as specified in the Township's Zoning By-law at the time of the proposal when proposing to construct a Dock on at an existing Public Township Boat Launch or on a Road Allowance leading to water:

- i) A fifteen (15) metre (49.2 feet) vegetative buffer must be maintained along the waterfront of the road allowance except for a foot path to access the dock.
- ii) The dock shall not exceed 2.4 metres (7.84 feet) in width or 10 metres (32.8 feet) in length. The Applicant shall apply for the applicable Conservation Authority, Ministry of Natural Resources, and Department of Fisheries and Oceans approval permits, if required, to be signed by the Manager of Community Development upon approval. The Applicant is responsible for the fees associated with these permits.
- iii) The dock must be a floating dock with posts/legs to attach the dock to the shoreline. Cantilever and/or crib docks are not permitted.
- iv) Only one (1) dock is permitted per existing Public Township Boat Launch or per 20 metre (66 feet) road allowance.

4. Associations Requesting to Construct a Dock at Existing Public Township Boat Launches to be Used by the Public

- a) The Association shall prepare a Proposal to Council including the following:
 - i) The name of the Association;
 - ii) The name of the Township Boat Launch;
 - iii) A sketch showing existing features and buildings; location of proposed dock; size of the proposed dock; foot paths; parking area and property lines;
 - iv) Type of material that will be used to construct the proposed dock;
 - v) Who will pay for the materials for the proposed dock;
 - vi) A list of Volunteers involved in the construction of the proposed dock;
 - vii) Proposed signage.
- b) Upon Council's approval the Association shall:
 - i) Construct the Dock in accordance with the proposal, including any amendments Council may request in consultation with the Manager of Community Development.
 - ii) Provide the names and emergency contact information of all Community Volunteers working on this project to the Treasurer, prior to any work commencing, to be added to the Township's Volunteer Insurance Policy.
- c) Upon Completion of the Installation of the Dock:
 - i) The dock shall become an asset of the Township of North Frontenac and will be added to the Township's Asset Management Plan Tangible Capital Asset Replacement Schedule for future replacement.
 - ii) The costs for dock maintenance and repairs will be contracted out and the monies will come from the Applicable Ward Special Parks Reserve Fund.
 - iii) The dock will be insured by the Township through the Liability Policy and if it is valued at more than \$5,000 the Treasurer will have it added to the Township's Insurance Property Schedules.

5. Residents Requesting to Construct a Dock on a Municipal Road Allowance Leading to Water

- a) All costs associated with the construction and maintenance of the proposal are the responsibility of the Resident.
- b) The Resident shall prepare a Proposal to Council including the following:
 - i) The name of the Resident(s) and description of his/her property;
 - ii) A description of the Municipal Road Allowance requesting to be used;
 - iii) A sketch showing existing features and buildings; location of proposed dock; size of the proposed dock; foot paths, parking area and property lines;
 - iv) Type of material that will be used to construct the proposed dock.
- c) Prior to Council's consideration of the proposal, the Municipal Road Inspector shall perform an inspection and provide a report to Council on the condition of the road allowance and/or shoreline, including his/her recommendations on the proposal.
- d) If Council approves the proposal the Resident is required to:
 - i) Enter into a License Agreement with the Township.
 - ii) Pay a \$50.00 fee upon entering into the Agreement and \$50.00 prior to March 31st each year thereafter.
 - iii) Obtain a comprehensive policy of public liability and property damage insurance, that provides insurance coverage in respect of any one occurrence to the limit of at least two million dollars (\$2,000,000.00) or higher if Council so desires, exclusive of interest and costs, against loss or damage resulting from bodily injury to, or death of one or more persons and loss of or damage to property, and that names the Municipality as an additional insured.

Note: The Licensee is required to pay the annual fee and submit a copy of the Insurance Policy annually while the Licence Agreement is in effect. Failure to provide the fee and/or proof of insurance will automatically result in termination of the Agreement and the dock shall be removed, in accordance with the Resident's Licence Agreement.

SCHEDULE 'B' TO
BY-LAW #36-17

**POLICY FOR THE CONSTRUCTION AND MAINTENANCE OF DOCKS ON
TOWNSHIP OWNED SHORE ROAD ALLOWANCES**

1. Definitions

In this Policy:

- a) "Dock" means an accessory used for the mooring of marine vessels which is designed to float freely on the surface of the water body and which may be secured to the shoreline.
- b) "Property Owner" means the person(s) who is listed on the Property Assessment Roll of the Township of the property directly adjacent to the Shore Road Allowance.
- c) "Shore Road Allowance" means a Shore Road Allowance owned by the Township lying between a resident's property and the high water mark of the water body.
- d) "Township" means the Corporation of The Township of North Frontenac.

2. Purpose

The "Policy for the Construction and Maintenance of Docks on Township Owned Shore Road Allowances" shall apply to all Adjacent Property Owners using the Shore Road Allowance adjacent to their property for the purpose of constructing and/or maintaining a dock.

3. Standards for the Construction of a Dock

The following standards must be adhered to when constructing a dock on a Township Owned Shore Road Allowance:

- a) The dock shall comply with the requirements of the Township's Zoning By-law including setback, size restrictions, etc.
- b) The Property Owner is required to contact the Conservation Authority, Ministry of Natural Resources, and/or Department of Fisheries and Oceans and obtain the required permits. The Applicant is responsible for the fees associated with these permits.
- c) The dock must be a floating dock with posts/legs to attach the dock to the shoreline. Cantilever and/or crib docks are not permitted.
- d) Only one (1) dock is permitted per property.

4. Additional Provisions

The Property Owner waives, releases and discharges the Township of North Frontenac of and from all claims, actions, causes of actions and damages for death, personal injury or damage to property arising out of the use of the Shore Road Allowance.