

**THE MUNICIPALITY OF CENTRAL MANITOULIN**  
**BY-LAW 2021-07**  
**(A BY-LAW TO REPLACE BY-LAW NUMBER 2002-16)**

**BEING A BY-LAW TO PROHIBIT AND REGULATE BEACHES AND BOAT LAUNCHES**  
**WITHIN THE MUNICIPALITY OF CENTRAL MANITOULIN.**

**WHEREAS** Sections 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly to enhance the municipality's ability to respond to municipal issues;

**AND WHEREAS** Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**AND WHEREAS** Section 11 (2) and (3) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides that a lower-tier municipality may pass By-laws, within the spheres of jurisdiction;

**AND WHEREAS** Council for the Municipality of Central Manitoulin deems it desirable to enact a By-law to prohibit and regulate activities at beaches and boat launches;

**NOW THEREFORE** the Council of the Municipality of Central Manitoulin hereby enacts as follows:

**1.0 DEFINITIONS**

**"Animal"** shall mean any member of the animal kingdom, other than a human.

**"Authorized sign"** shall mean any sign, notice, or other device placed or erected in or upon Municipal property, erected by the Municipality.

**"Beach"** for the purpose of this By-law, shall mean those lands as described in Schedule "A" attached hereto and which forms part of this By-law.

**"Boat Launch"** for the purpose of this By-law, shall mean those lands as described in Schedule "B" attached hereto and which forms part of this By-law.

**"Camp or Camping"** shall mean a temporary shelter such as a tent, hut or other temporary dwellings.

**"Clerk"** means the Clerk of the Municipality.

**"Council"** means the Council of the Municipality.

**"Deposit"** shall mean to throw, leave or place.

**"Highway"** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle designed and intended for, or used by, the general public for the passage of vehicles.

**"Litter"** shall be used interchangeably with the words rubbish, trash and garbage.

**"Motor Vehicle"** includes an automobile, motorcycle, motor assisted bicycle, and any other vehicle propelled or driven otherwise than by muscular power, but does not include any device used to assist disabled persons.

**"Municipality"** shall mean the Municipality of Central Manitoulin.

**"Officer"** shall mean a Municipal Law Enforcement Officer, a Police Officer, a Provincial Offences Officer or any other officer deemed by Council to administer this By-law.

**"Parking Lot"** shall mean any parking lot located on Municipal property.

**“Person”** shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply, according to law.

**“Public Nuisance”** shall mean an activity or physical condition that is indecent or offensive to the senses, or interferes with another person’s reasonable use and enjoyment of life or property.

**“Service Animal”** as defined in the Accessibility for Ontarians With Disabilities Act, 2005 as may be amended from time to time, a service animal is an animal for a person with a disability if it is readily apparent that the animal is used by the person for reasons relating to his or her disability or if the person provides a letter from a physician or nurse confirming that the persons requires the animal for reasons relating to the disability.

**“Swim Area”** shall mean an area designated or marked as a swim area.

**“Tent”** shall mean any portable temporary shelter or dwelling that is designed using canvas, plastic, nylon or the like, supported by one or more poles of a frame and often secured in or to the ground.

**“Vessel/Boat”** shall mean any craft or ship which is propelled on the water by any mechanical or manual means.

## **2.0 PROHIBITIONS**

- 2.1** No person shall deposit any litter on the beach or boat launch or parking lot adjacent to the beach or boat launch, except in garbage barrels provided for such litter.
- 2.2** No person shall use, possess, throw, or deposit glass containers or bottles on the beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.3** No person shall swim in a boat launch area. Swimming is only permitted in a designated swim area.
- 2.4** No person shall conduct washing of any kind including animals, personal and vehicles on the beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.5** No person shall camp or park overnight on the beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.6** No person shall set up or use any tent, shelter, canopy, gazebo, screen house, windbreakers, tarpaulin or temporary structure that occupies or covers an area greater than 30sq.ft. on the beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.7** No person shall permit or cause an animal of which he or she is the owner or has custody of, to be led, ridden or be at large on Providence Bay Beach area, except for a service animal. Leashed dogs are permitted on the Providence Bay Beach Boardwalk.
- 2.8** No person shall create or cause a public nuisance on the beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.9** No person shall conduct any activity which interferes with the public enjoyment or use of a beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.10** No person shall create or cause a public safety issue by fire, water, or any means whatsoever on a beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.11** No person shall disobey an authorized sign.
- 2.12** No person shall make or kindle any fire for any purpose on the beach, boat launch or parking lot adjacent to the beach or boat launch.
- 2.13** No person shall use any type of barbeque or any other device for the purpose of cooking on the beach, boat launch, or parking lot adjacent to the beach or boat launch.
- 2.14** No person shall use a generator or other such devices that are powered by gas, diesel, propane or any other fuel on the beach or boat launch or parking lot adjacent to the beach or boat launch.
- 2.15** No person shall operate a motor vehicle on the beach.
- 2.16** No person shall cut, damage, or remove dune grass or plants or trees from the beach.

- 2.17 No person shall park, moor, anchor, leave or operate a vessel/boat in a designated swim area. Federal Small Craft Harbours regulations shall apply.
- 2.18 No person shall discharge any fireworks on the beach or boat launch or parking lot adjacent to the beach or boat launch, unless permission has been granted by the Municipality. Permission to discharge fireworks by the public or group may be subject to terms and conditions, including but not limited to, the provision of liability insurance naming the Municipality of Central Manitoulin as an additional insured.

### 3.0 ENFORCEMENT AND PENALTY

- 3.1 This By-law shall be enforced by the Municipal Law Enforcement Officer, Police Officer, Provincial Offences Officer or any other officer deemed by Council.
- 3.2 Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, chapter P.33 as amended. (See SCHEDULE "D")
- 3.3 No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under the By-law.
- 3.4 When a person has been convicted of an offence under this By-law:
1. The Ontario Court of Justice, or
  2. Any court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the person convicted, make an order prohibiting the continuation or repetition of the offence by the person convicted.

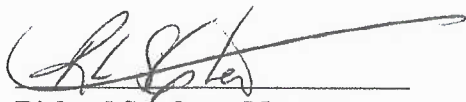
### 4.0 SEVERABILITY

- 4.1 If a court of competent jurisdiction should declare any section or part of any section of this By-law to be invalid, such sections or part of a sections shall not be construed as having persuaded or influenced council to pass the remainder of the By-law and it is hereby declared the remainder of the By-law shall remain valid and in force.

### 5.0 ADMINISTRATION

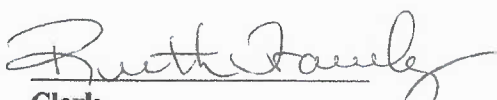
- 5.1 This By-law repeals Municipality of Central Manitoulin's By-laws 2002-16.
- 5.2 This By-law shall be referred to as the Beaches and Boat Launches By-law.
- 5.3 This By-law will come into effect the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED**  
**THIS 25 DAY OF March 2021.**

  
Richard Stephens, Mayor

  
Ruth Frawley, CAO/Clerk

I, Ruth Frawley, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-law 2021-07 passed by the Council of the Municipality of Central Manitoulin on the 25 day of March, 2021.

  
Clerk

#### **SCHEDULE 'A' TO BY-LAW 2021-07**

1. The lands commonly described as:

- 1.1. WINDFALL LAKE BOAT LAUNCH
- 1.2. SANDFIELD BOAT LAUNCH
- 1.3. BIG LAKE BOAT LAUNCH
- 1.4. LAKE MINDEMOYA GOVERNMENT BOAT LAUNCH
- 1.5. MONUMENT ROAD/LAKE MINDEMOYA MUNICIPAL BOAT LAUNCH
- 1.6. PERIVALE ROAD BOAT LAUNCH

and further described in SCHEDULE "C" outlined in RED, which is annexed hereto and forms part of this By-law, and have been designated as **BOAT LAUNCH** areas.

#### **SCHEDULE 'B' TO BY-LAW 2021-07**

1. The lands commonly described as:

- 1.1. SANDFIELD WHARF
- 1.2. YOUNG SUBDIVISION PARK
- 1.3. NORTH OF THE INTERSECTION OF OLD HIGHWAY 551 AND  
KETCHANKOOKEM TRAIL
- 1.4. MINDEMOYA GOVERNMENT DOCK
- 1.5. MONUMENT ROAD/LAKE MINDEMOYA BEACH AREA
- 1.6. PROVIDENCE BAY BEACH AREA
- 1.7. IDYLL GLEN BEACH AREA

and further described in SCHEDULE "C" outlined in BLUE, which is annexed hereto and forms part of this By-law, and have been designated as **SWIM** areas.

[illegible]

TOWNSHIP OF CENTRAL MANITOULIN  
CIVIC ADDRESSING

WATLINS SUPERMARKET LTD  
100-102, Market Street, Walsby, Lincs. LN11 8AB  
Tel: 01509 262222 Fax: 01509 262222



OFFICE OF THE REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE  
NORTHEAST REGION  
  
159 CEDAR STREET  
3<sup>rd</sup> FLOOR, SUITE 303  
SUDBURY, ONTARIO P3E 6A5



CABINET DU JUGE PRINCIPAL RÉGIONAL  
COUR DE JUSTICE DE L'ONTARIO  
RÉGION DU NORD-EST  
  
159, RUE CEDAR  
3<sup>e</sup> ÉTAGE, BUREAU 303  
SUDBURY (ONTARIO) P3E 6A5  
  
TELEPHONE/TÉLÉPHONE (705) 564-7624  
FAX/TÉLÉCOPIEUR (705) 564-7620

## PROVINCIAL OFFENCES ACT

### Part I

IT IS ORDERED pursuant to the provisions of the *Provincial Offences Act* and the rules for the Ontario Court of Justice, that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-Law No. 2021-07, of the Municipality of Central Manitoulin, Manitoulin District, attached hereto is the set fine for that offence. This Order is to take effect April 23<sup>rd</sup>, 2021.

Dated at the City of Greater Sudbury, this 9<sup>th</sup> day of April, 2021.

A handwritten signature in dark ink, appearing to read "ML", written over a horizontal line.

MARTIN LAMBERT  
A/REGIONAL SENIOR JUSTICE  
ONTARIO COURT OF JUSTICE

MUNICIPALITY OF CENTRAL MANITOULIN

PART 1

PROVINCIAL OFFENCES ACT

BY-LAW 2021-07

BEACHES AND BOAT LAUNCHES

SCHEDULE "D"

Item	Short Form Wording	Provision creating or defining offence	Set Fine
1	Deposit litter on the Beach/Boat Launch or Adjacent Parking Lots	2.1	\$300.00
2	Use/possess glass containers/bottles on the Beach/Boat Launch or Adjacent Parking Lots	2.2	\$300.00
3	Swim in Boat Launch area	2.3	\$100.00
4	Permit washing on the Beach/Boat Launch or Adjacent Parking Lots	2.4	\$200.00
5	Permit overnight camping/parking on the Beach/Boat Launch or Adjacent Parking Lots	2.5	\$300.00
6	Use temporary structure greater than 30 sq.ft.	2.6	\$200.00
7	Permit or cause an animal to be on the beach	2.7	\$200.00
8	Create or cause public nuisance	2.8	\$200.00
9	Interfere with public enjoyment	2.9	\$200.00
10	Create or cause public safety issue	2.10	\$300.00
11	Disobey an authorized sign	2.11	\$200.00
12	Set a fire on the Beach/Boat Launch or Adjacent Parking Lots	2.12	\$300.00
13	Use cooking device on the Beach/Boat Launch or Adjacent Parking Lots	2.13	\$200.00
14	Use generator or other such device on the Beach/Boat Launch or Adjacent Parking Lots	2.14	\$200.00
15	Operate motor vehicle on beach	2.15	\$300.00
16	Cut/damage/remove dune grass, plants or trees	2.16	\$300.00
17	Moor/operate vessel/boat in designated swim area	2.17	\$300.00
18	Discharge fireworks on the Beach/Boat Launch or Adjacent Parking Lots without permit	2.18	\$200.00
19	Hinder or Obstruct Officer	3.3	\$500.00

Note: The penalty provision for the offences indicated above is section 3.2 of this By-law 2021-07 of which a certified copy has been filed.

