

MUNICIPALITY OF OTTER LAKE
MRC PONTIAC

CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF OTTER LAKE

BY-LAW NO 02-09-2020 ON THE MANDATORY WASHING OF WATERCRAFT AND ACCESS TO WATER BODIES OF THE MUNICIPALITY OF OTTER LAKE

CONSIDERING the importance of preserving the quality of the aquatic environment and shoreline integrity;

CONSIDERING that the Municipality of Otter Lake wishes to put in place measures to effectively control the possible introduction of invasive alien species into bodies of water and their contamination, what is likely to have major impacts on tourism and the land value of waterfront properties of affected water bodies;

CONSIDERING that one of the sources of contamination by invasive alien species is related to the movement of boats from one water body to another;

CONSIDERING that one of the effective ways to counter the spread of invasive alien species is the hot and pressurized cleaning of boats moving from one water body to another;

CONSIDERING the cost of setting up the boat wash service and the maintenance of goods intended for that service;

WHEREAS the tariff for obtaining a wash certificate must be adopted by regulation and not by resolution;

CONSIDERING that a notice of motion to this By-law was given at the regular sitting of Otter Lake City Council on August 4, 2020;

ACCORDINGLY it is proposed by Carlen Lafleur and resolved that the following regulation be adopted.

ARTICLE 1

The preamble shall form an integral part of this Regulation.

ARTICLE 2 – DEFINITIONS

2.1 For the purposes of these Regulations, the following words and expressions mean:

«**Municipality**»: The Municipality of Otter Lake

«**Water Body**»: Any navigable lake or waterway within the territory of the Municipality.

«**Boat**»: Any appliance, structure and buoyant construction, whether motorized or not, intended for movement on water.

"**Motorized Craft**" means any equipment, structure and buoyant construction intended for movement on water, other than an aircraft, that has an engine.

«**Non-motorized boat**»: Any boat that does not have an engine (such as canoe, kayak, paddle boat and windsurfing).

«**Trailer**»: Any equipment used to transport a boat.

«**Magnetic card**»: A card issued by the Municipal office to activate the boat wash station.

«**Wash certificate**»: A wash certificate issued or renewed in accordance with these Regulations.

«**Washing**»: The act of cleaning a boat, engine, trailer, tank and its accessories, if necessary, at a washing station before they are put into the water. The washing is carried out by means of a pressure sprayer, in hot water, without detergent or acid, in order to dislodge from the boat and its accessories of any organic material, aquatic plant, algae, molluscs or other pests that may be present and that may be a contaminant in bodies of water. The vessel must not retain any residual water in its hull or any other compartment, including ballast tanks.

"**Wash Station**" means a physical facility designed to wash boats before they are launched and the location of which is designated by the municipal council.

"**Transaction Receipt**" means a payment receipt issued or renewed in accordance with these Regulations.

"**Designated Officer in Charge**" means the person appointed by resolution of the City Council for the purposes of the by-laws.

«**Controller**»: In addition to a peace officer, any person authorized by the Municipality of Otter Lake to apply this By-law.

«**Waterfront Owner**» means any natural or legal person who owns and/or resides on a property adjacent to the lakes. Also included are the owners of an easement of passage notarized to the lakes situated within the territory of the municipality.

"**Non-Tax payer**" means any user of a boat that does not meet the definition of "Taxpayer"

“Tax payer” means a person who pays “Property Tax” to the Municipality of Otter Lake (as defined in the *Quebec Municipal Taxation Act, c. F-2.1*) or who is domiciled for at least 6 months in the municipality.

«User»: Any person who has the custody and control of a boat.

«Vignette»: Square or strip of self-adhesive paper, issued by the municipality and certifying the residence status of the owner of the boat.

ARTICLE 3 - APPLICATION

This By-law applies to all bodies of water within the Municipality of Otter Lake.

ARTICLE 4 - OBLIGATION TO WASH

4.1 Every user shall, before launching a boat into a body of water from any place within the territory of the municipality, wash that boat, the engine, the trailer, the holding tank, hold and any compartment that may contain or accumulate water, if applicable, in a hot water wash station recognized by the municipality and obtain a valid wash certificate.

4.2 The requirement to wash a boat applies both to motorized and non-motorized boats.

ARTICLE 5 - STICKER AND MAGNETIC CARD

5.1 A Tax payer who owns a boat must obtain a magnetic card from the municipality (municipal office) in order to be exempt from paying a cost to obtain a wash certificate.

5.2 Shoreline Tax payers who leave their boat permanently on the water they are facing will need to obtain a sticker to affix it to the front (bow) area outside the boat. The obligation to wash the vessel remains if the vessel changes water bodies.

ARTICLE 6 - WASH CERTIFICATE

6.1 To obtain a wash certificate, all users must:

6.1.1 Access the boat wash station located at the 15 Palmer Street Municipal garage and wash your boat according to posted instructions. Once the boat has been washed in accordance with the requirements, the user will be required to obtain a wash certificate and a transaction receipt from the payment kiosk, as follows, depending on the applicable category:

1) Motorized boat:

a. Press the “motorized boat” button:

i. Tax payer: proceed with the payment with the magnetic card connected to the file to the municipality;

ii. Non-Tax payer: proceed with payment with one of the payment options offered,

b. The wash certificate and payment receipt will be automatically issued.

2) Non-motorized boat:

- a. Press the "non-motorized" button and the wash certificate and transaction receipt will be automatically issued.

6.1.2 Review, attest to and undertake to comply with these Regulations;

6.1.3 Pay the costs (see Article 10.1 of these Rules and follow the procedure set out in the first subparagraphs, paragraphs a and b of Article 6.1.1);

6.1.4 Obtain the appropriate boat category wash certificate, depending on the type of boat being carried and launched.

SECTION 7 - POSSESSION OF WASH CERTIFICATE

7.1 Any user whose boat is on a body of water of the municipality must have in his possession his certificate of washing, of the correct date and category of boat, depending on the type of boat it carries and launches.

7.2 Refusal to identify oneself constitutes an infringement of this Regulation.

ARTICLE 8 - OBLIGATION TO DISPLAY THE TRANSACTION RECEIPT

8.1 The operator of a boat which is on a body of water situated in the territory of the Municipality of Otter Lake shall, at the request of the controller, show him his payment receipt.

8.2 Refusal to identify oneself constitutes an infringement of this Regulation.

8.3 A user who transports a boat with a road vehicle to a body of water of the municipality and who allows his road vehicle to be parked at the edge of that body of water or at a place arranged for this purpose by the municipality must place the transaction receipt, the correct class of boat that it is carrying and putting into the water, on the instrument panel of that vehicle so that it is visible from the outside.

8.4 Failure to display the transaction receipt on the dashboard of the vehicle or to make it visible to the Controller is a breach of these Regulations. Thus, when ownership of the trailer or vehicle to which a trailer is attached to is confirmed, the owner of the said trailer or vehicle is presumed to have committed the infringement of this Regulation.

ARTICLE 9 - VALIDITY OF WASH CERTIFICATE AND PAYMENT RECEIPT

9.1 The wash certificate and transaction receipt ceases to be valid when the boat, which had been cleared to move, leaves the water bodies. Users wishing to have access to the same or another body of water within the territory of the Municipality of Otter Lake shall report back to the wash station, wash the vessel and obtain a new wash certificate and transaction receipt in accordance with section 6 of these Regulations.

ARTICLE 10 - APPLICABLE FEES

10.1 The applicable fee for obtaining the wash certificate is as follows:

Description of the boat	Tariff
Motorized boat	10 \$/boat
Non-motorized boat	Free

Notwithstanding the above, obtaining a wash certificate is free for all Tax payers. In the event that the Tax payer has not obtained his magnetic card from the municipal office, he will have to pay the fee to obtain the wash certificate, he can go to the municipal office, at its convenience and during opening hours, in order to obtain the said magnetic card.

ARTICLE 14 - EXEMPTION

14.1 Motorized or non-motorized boats, stored on waterfront land at a body of water that did not circulate on another body of water in the same year, are exempt from mandatory washing. A sticker from the municipality is mandatory.

ARTICLE 15 - PROHIBITION

15.1 Any person who deposits or permits the deposit of so-called invasive species such as zebra mussels, eurasian milfoil, or any other harmful substance or species in a water body of the municipality is strictly prohibited.

15.2 The use of a wash certificate and the posting of a transaction receipt that is not in the correct category is prohibited and is a violation of these Regulations. For example, it is prohibited to use a transaction receipt for a non-motorized boat when launching a motorized boat.

ARTICLE 16 - PENALTY

16.1 Every person who contravenes or does not comply with any provision of these Regulations is guilty of an offence and is liable in addition to the costs for each offence, to a fixed fine of \$300 if the offender is an individual, or a fixed fine of \$600 if the offender is a corporation.

16.2 In the case of a repeat offence, within two years of the conviction for the same offence, the offender shall be liable, in addition, for each offence, to a fixed fine of \$600 if the offender is an individual, or a fixed fine of \$1,200 if the offender is a corporation.

ARTICLE 17 - CRIMINAL PROCEEDINGS

17.1 The application of this By-law shall be entrusted to the Municipal Inspector or any other responsible officer designated for that purpose by resolution of the City Council.

The designated Responsible Officer may prepare and sign the offence files to be forwarded to the Municipal Court, for and on behalf of the Municipality.

ARTICLE 18:

These Regulations shall enter into force in accordance with the law

MUNICIPALITY OF OTTER LAKE

Notice of Motion and Draft of settlement:	August 4 th , 2020
Adoption of the Regulation Resolution:	September 1 st , 2020
Publication and entry into force:	September 8 th , 2020

Kim Cartier-Villeneuve
Mayor

Andrea Lafleur
Director General