

**RESORT VILLAGE OF TOBIN LAKE
BYLAW NO 03/2016**

**A BYLAW TO ESTABLISH FEES AND REGULATE THE USAGE OF THE BOAT
LAUNCH FACILITIES AND PARKING LOT**

WHEREAS pursuant to the provisions of *The Municipalities 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 Resort Village of Tobin Lake deems it advisable and necessary to make provisions for Boat/Personalized Watercraft launching at the Tobin 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NOW THEREFORE, pursuant to the authority conferred upon it by *The Municipalities Act*, as amended, or as repealed and replaced from time to time, the Council of the Resort Village of Tobin Lake enacts as follows:

1. TITLE

This bylaw may be cited as the “Boat Launch Bylaw”.

2. INTERPRETATION

In this Bylaw:

- a) “Act” means *The Municipalities Act*, as amended, or any Act as may be passed in its stead from time to time;
- b) “Boat” shall mean a small open water vehicle propelled by engine greater than ten (10) horsepower for use in inland waters;
- c) “Boat Launch” means the access maintained by the Village used for loading and unloading boats and other motorized watercraft on and off Tobin Lake;
- d) “Bylaw Enforcement Officer” means a person appointed by Council pursuant to Section 373 of *The Municipalities Act*;
- e) “Council” means the Council of the Resort Village of Tobin Lake;
- f) “Designated Parking Space” means a parking space designated under this bylaw for the exclusive use of a vehicle displaying a pass in accordance with the requirements of this bylaw;
- g) “Facility” means buildings or improvements owned or operated by The Resort Village of Tobin Lake, including but not limited to: the boat launch, boat dock, fileting structure, public washrooms and any and all municipal property under the control and regulation of the Village intended for public use;

- h) "Facility Pass" shall be the Pass provided by the Resort Village of Tobin Lake to Village residents and guests authorizing use of facilities;
- i) "Municipal Parking Area" means any property owned or under the care and control of the Municipality and designated as a parking area and includes the Resort Village of Tobin Lake Launch Parking Lot.
- j) "Nuisance" means the parking, placing, storing, or abandoning of boats, vehicles or materials in contravention of this bylaw in a location or manner which interferes with the use of the Village dock or launching ramp by the general public.
- k) "Owner" means an individual or corporation who owns a boat or vehicle or the person operating or having care and control of a boat or vehicle at any particular time.
- l) "Person" means an individual, club, corporation or business;
- m) "Pass" means a Facility Pass;
- n) "Public" means persons not necessarily having any membership in any club or residency within the Village;
- o) "Trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport watercraft, property, or persons.
- p) "Vehicle" includes a motor vehicle, trailer, ATV, golf cart, motorbike, and any vehicle drawn, propelled or driven by any kind of power, including muscular power.
- q) "Village" shall mean the Resort Village of Tobin Lake, a municipal corporation, in the Province of Saskatchewan and where the context so requires, means the area contained within the corporate boundaries of the said Village.

3. PARKING AREA REGULATIONS

- (1) All persons must comply with the signage posted and park in the appropriate designated areas for their vehicle size and purpose.
- (2) Vehicles shall be parked in accordance with the signs set out in an angular fashion; no parallel parking permitted.
- (3) Overnight parking of any kind is not permitted at the Boat Launch or any municipal parking area.
- (4) Overnight mooring to any Village docks is not permitted at the Boat Launch area.

4. BOAT LAUNCH AND FACILITY PASS

- (1) A Facility Pass must be placed on the rear-view mirror of a parked motor vehicle in a conspicuous place and in a manner that the expiry date is clearly visible through the windshield.

- (2) A Day Pass allows the owner to launch and retrieve a boat from the boat launch ramp and to park one towing vehicle and one boat trailer only in the boat launch parking area for the same day (provided parking space is available), and is valid only for the date purchased.
- (3) A Week Pass allows the owner to launch and retrieve a boat from the boat launch ramp and to park one towing vehicle and one boat trailer only in the boat launch parking area for the same day (provided parking space is available), and is valid for one (1) full calendar week from the date purchased.
- (4) A Season Pass allows the owner to launch and retrieve one boat from the boat launch ramp and to park one towing vehicle and one boat trailer only for the same day (provided parking space is available), valid from May 15 to October 15 of that same year.
- (5) Passes are non-transferrable and non-refundable.
- (6) No Pass shall be valid until payment of the Pass fee.
- (7) A Person who has purchased a Pass may not assign or transfer all or any portion of its rights or responsibilities set forward in the terms and conditions of a Pass.
- (8) If the Village is of the opinion that the terms of this Bylaw or the terms and conditions of any Pass have been or are about to be breached by the Person purchasing the Pass, may immediately revoke the Pass by causing written notice or revocation to be served in person.
- (9) Council may, by resolution, suspend, terminate or revoke any pass for any reason it deems appropriate in its sole discretion without the giving of reasons thereof.

4. FEES

- (1) All fees for the use of the Boat Launch, Facilities and parking areas are pursuant to Schedule "A" attached hereto and forming part of this bylaw.

5. OFFENCES

- (1) No person shall enter into the launch area without payment of fees, or without having a Pass clearly visible through the windshield.
- (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) No person shall park a vehicle or trailer in any fashion other than those indicated through signage in the boat launch area.
- (4) Any Bylaw Enforcement Officer or member of the RCMP is authorized to remove or cause to be removed any vehicle and/or boat trailer parked in contravention of Subsections (2) and (3).
- (5) Any vehicle or trailer removed pursuant to Subsection (4) may be removed to an impound lot where it will remain impounded until claimed by the owner.
- (6) Impound, towing and any other fees associated with the enforcement of this Bylaw shall be the responsibility of the person who caused them to be incurred.
- (7) No person shall engage in any activity that may be deemed to be abuse of Village staff or its representatives.

6. PENALTIES

- (1) A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than \$50.00 as prescribed in Schedule 'A' hereto attached. Fines not prescribed in Schedule 'A' shall be referred to the General Penalty Bylaw of the Resort Village of Tobin Lake.
- (2) Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.

7. SCHEDULES

Council authorizes that Schedule "A" may be omitted and established by resolution where the schedule can more conveniently be contained in a resolution.

8. COMING INTO FORCE

This Bylaw shall come into force upon third and final reading or passing thereof. Bylaw No. 02/2015 is hereby repealed.

Mayor

Administrator

Read a third time and adopted
this _____ day of March, 2016

BYLAW NO 03/2016
Schedule "A"

Day Pass Fee	\$15.00
Week Pass Fee	\$45.00
Season Pass Fee	\$60.00
Resident Pass	Omitted Entirely
Fine for Parking without Visible Pass	\$50
Fine for Improper Parking in Boat Launch Area	\$300 with subject to towing

A commission in the amount of \$2.00 per facility pass sales shall be paid to those commercial businesses authorized by the Resort Village of Tobin Lake to sell Facility Passes, in an attempt to recoup transaction costs incurred by the business owners as a result of selling the Facility Pass.