

**SUMMER VILLAGE OF JARVIS BAY
DOCK AND MOORING BYLAW
BY-LAW #197-23**

BEING A BYLAW OF THE SUMMER VILLAGE OF JARVIS BAY,
IN THE PROVINCE OF ALBERTA, TO ESTABLISH APPROVAL
REQUIREMENTS FOR SEASONAL DOCKS AND MOORING
STRUCTURES FROM THE SUMMER VILLAGE OF JARVIS BAY.

WHEREAS:

1. The occupation of public land (including the beds and shores of a waterbody) for more than 14 days, requires authorization from the Province of Alberta by virtue of the *Public Lands Act*.
2. The Disturbance Standard for Temporary Seasonal Docks and other Mooring Structures for Personal Recreation Purposes approved in 2021 grants general permissions to waterfront and semi-waterfront landowners which are subject in part to (1) those landowners obtaining all federal, provincial, municipal, and other permits and approvals, as applicable, with respect to the permitted activity, and that (2) the permitted activity complies with municipal bylaws and local government zoning restrictions.
3. The *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 provides that a Council has jurisdiction to pass bylaws for municipal purposes respecting the people, activities, and things in, on or near a public place or place that is open to the public.
4. The Council of the Summer Village of Jarvis Bay wishes to provide the opportunity for its residents to have access to the lake in the form of a dock, ensure appropriate separation exists between docks, protect environmentally sensitive areas, and enable administration to provide approvals required under the disturbance standard.

NOW THEREFORE, under the authority of the Municipal Government Act, the Council of the Summer Village of Jarvis Bay, in the Province of Alberta, enacts as follows:

1. **TITLE**

- 1.1 This By-Law may be known as “***The Dock & Mooring By-Law.***”

2. **INTERPRETATION AND APPLICATION**

- 2.1 In the By-Law unless the context otherwise requires:

- a) “***Administrator***” means the Administrator for the Summer Village of Jarvis Bay and whatever subsequent title may be conferred on that officer by Council or Statute.
- b) “***Communal Dock***” means a shared dock with more than one boat hoist located off of municipally owned property (and potentially sharing a property line with private property).

- c) **“Dock”** means any temporary and seasonal structure over or in the lake and includes any walkway, terminal platform, and associated boat lifts.
- d) **“Dock Captain”** means a resident who is the point of contact for the dock and is responsible for obtaining written consent for that dock and ensuring it complies with this policy.
- e) **“Resident”** means a registered landowner in Jarvis Bay whose name is on title, or their immediate family.

3. WATERFRONT PROPERTY OWNERS

(Properties which DO NOT have a Municipal Reserve separating the property from the lake)

Waterfront property owners do NOT require Municipal approval for a provincial permit application.

- 3.1 Waterfront property owners who self-assess that they comply with the new standard do NOT need to apply for a provincial permit.
- 3.2 Waterfront property owners who do NOT comply with the new standard but have had a dock and/or mooring structures in the water prior to April 16, 2021, may apply for a “grandfathered” 5-year permit to allow time to be able to adapt and conform with the new standard.

4. SEMI-WATERFRONT PROPERTY OWNERS

(Properties which have a Municipal Reserve separating the property from the lake).

- 4.1 Semi-Waterfront property owners may require Municipal approval for a permit application.
- 4.2 Semi-Waterfront property owners who do not comply with the new standard but have had a dock and/or mooring structures in the water prior to April 16, 2021, may apply for a “grandfathered” 5-year permit to allow time to adapt and conform with the new standard. They will require written Municipal approval, which will automatically be granted, provided a written explanation on how the applicant intends to achieve compliance is included.

5. MUNICIPAL RESERVES AND ROAD ALLOWANCES

- 5.1 A provincial permit will be required accompanied by written Municipal approval for the permit application. Only one dock may be installed on permitted municipal reserves and road allowances.
- 5.2 Municipal approval will only be given to docks operated by self-administered shared groups under a written sharing agreement. The Municipality will not administer groups.
- 5.3 Annual applications must be made to administration for each communal dock using the form provided in “Schedule A”. This application will include names and contact information for any communal dock member. There must be a Dock Captain for each communal dock and the list of participants in each dock must be kept updated and provided to administration annually by May 1, prior to boating season. The Dock Captain must be willing to have

their information provided to residents wishing to be on a communal dock, and for potential enforcement purposes.

- 5.4 Participants in shared dock groups must be property owners or residents of the Summer Village of Jarvis Bay. No dock or space on a dock can be rented out or used by anyone other than the resident who is on the list provided by the Dock Captain.
- 5.5 In case of a change of ownership or communal dock member, the Dock Captain must notify administration.
- 5.6 All docks and mooring structures must comply with the new Disturbance Standard for Temporary Seasonal Docks & Mooring Structures. Docks, with or without mooring structures, that do not comply with the new standard, but have operated in the same location prior to April 16, 2021, may apply for a “grandfathered” 5-year provincial permit - to allow time to be able to adapt and conform with the new provincial standard. “Grandfathered” 5-year permit applications will require written Municipal approval.
 - 5.6 The dock and associated mooring structures cannot exceed 50% of the lot width.
 - 5.7 The dock must be at least three meters away from the theoretical property lines unless the dock is shared with the adjacent property owner.
 - 5.8 Docks may not have any fixed or covered structures including, but not limited to, gazebos, storage sheds, shelters or other similar structures. Fuel cannot be stored on the dock.
 - 5.9 All docks, boat lifts, and anchors are to be removed before the end of open water season and cannot be stored on municipally owned property.
 - 5.10 The Summer Village of Jarvis Bay retains the right to revoke permission for a communal dock due to a breach of this policy.

6. TOWNSHIP ROAD #391, ACCESS BETWEEN #210 AND #214 JARVIS BAY DRIVE, ACCESS BETWEEN #144 AND #148 JARVIS BAY DRIVE, ACCESS BETWEEN #122 AND #126 JARVIS BAY DRIVE:

- 6.1 A communal dock not combined with an adjacent landowner can have up to a maximum of 5 boats. When combined with an adjacent landowner, a maximum of 7 boats can be accommodated.

7. TWIN ROSE COURT

- 7.1 A communal dock agreement has been signed with a maximum of 7 boats, the owners of which must be landowners within Twin Rose Court. Dock Captain and annual application and approval is still required.

8. PETRO BEACH

- 8.1 No docks will be allowed at Petro Beach.
- 8.2 A mooring field in a specified area to the southeast of the park area will allow for up to 7 boat lifts. Boat lifts in this area require

approval from the Summer Village and must be marked at all times with an approval sticker or tag provided by the municipality. As there is no communal dock, a Dock Captain is not necessary, but each individual boat lift will require an application and approval and must be a resident of Jarvis Bay.

9. PERMIT APPLICATION

- 9.1 Links to information and the application process for the *Alberta Disturbance Standard for temporary Seasonal Docks and other Mooring Structures for Personal Recreational Purposes* are posted on the Summer Village of Jarvis Bay website. The Municipality can not provide advice or direction on how to interpret the regulations or how to apply.
- 9.2 Where required, written Municipal approval to accompany a provincial application, can be requested in writing from the Summer Village Administration office. The applicant must indicate if the application is for a fully compliant dock and/or mooring structure or for a “grandfathered” 5-year non-compliant permit. For “grandfathered” 5-year non-compliant applications, the request for Municipal approval must include a written explanation on how the applicant plans to become compliant.
- 9.3 The Summer Village of Jarvis Bay must be indemnified from any and all claims, losses, damages, or liabilities.
- 9.4 The application for Municipal approval is contained in “Schedule A”.

READ a first time, this 7th day of March 2023.

READ a second time, this 7th day of March 2023.

READ a third and final time, this 7th day of March 2023.

Julie Maplethorpe, Mayor

Tanner Evans, Administrator

SCHEDULE "A"

Jarvis Bay Dock and Mooring Application Package

Steps to Submitting a Shared Dock or Mooring Application:

- Assign a Dock Captain
- Create a shared dock agreement and waitlist procedure
- Gather needed information
- Submit application and accompanying information

Responsibilities of Dock Captain:

- Review the Dock and Mooring Bylaw and ensure compliance
- Fill out the dock application form and apply each year prior to May 1st
- Be the sole point of contact with administration on behalf of the dock owners
- Represent other dock owners
- Administer shared dock agreement and waitlist
- Supply contact information to administration that may be shared to other residents who may want to join the waitlist
- Identify in writing to administration any change in names or contact details

To be submitted for this application:

A) Dock Captain Contact Details

- Name
- Email
- Phone number
- Jarvis Bay Civic Address

B) Dock Participant Information

- The number of residents agreeing to share the dock
- A spreadsheet that lists the civic addresses of those agreeing to share the dock. The address should correspond to property title or tax notice. For example:

No.	Civic Address	Resident First Name	Resident Last Name
1	123 Jarvis Bay Dr.	John	Doe
2	456 Jarvis Bay Dr.	Mary	Smith

C) Shared Dock Agreement

This agreement should specify that participants:

- Own property in the Summer Village of Jarvis Bay
- Have equal access to the entire dock and the right to invite friends or immediate family members on the dock, but such

rights do not extend to short-term renters or permit a boat or watercraft to be docked that does not belong to a participant of this agreement

- Hold the other owners not liable for any injury, loss, or damage incurred by themselves, family or guests utilizing the dock
- Contribute in a meaningful way to the physical efforts required to move the dock into and out of the water each year
- Not make changes or modifications to any portion of the dock without prior agreement by all participants
- Keep the dock and boat hoists in a safe condition and ensure that they do not present a safety risk. Participants will be responsible for the maintenance, repair, or replacement of the portion of the dock that they own
- Only transfer a portion of their dock ownership and/or participation in the dock to an individual who signs the agreement. Such a transfer needs to be agreed to by all other existing participants
- Can be removed from the dock if they do not follow the agreement on multiple documented occasions
- Create a waitlist system to be administered by the Dock Captain
- Create a system to handle grievances or complaints

D) Dock Layout Information

- GPS coordinates indicating approximately where the walkway will leave the Municipal Property
- A picture or PDF of a schematic of your proposed dock layout that shows the relative location of each boat lift, decking between and alongside the lifts, the width and length of the mooring area, and other relevant details. Boat length information required where it affects the mooring area width and required setbacks.
- The number of boat lifts
- The number of boat lifts included for possible future participants
- The mooring area width (ft)
- The left and right setbacks to theoretical property lines (ft)

E) Liability

- All applicants of a dock or a boat lift in a mooring field must write and sign a statement that accepts any or all responsibility for damages or liability. This statement should read:

INDEMNIFIER(S) accepts any and all responsibility and indemnifies the Summer Village of Jarvis Bay from any and all liability, claims, losses, or damages caused by the use of a dock or mooring field that is accessed by municipal property.