

**BY-LAW N° 2015-06 REGARDING NUISANCES AND THE  
PREVENTION OF ZEBRA MUSSEL INFESTATION AND OTHER  
INVASIVE EXOTIC SPECIES**

**WHEREAS** the powers granted to municipalities through the *Municipal Powers Act* regarding environmental issues;

**WHEREAS** lakes and watercourses represent a collective wealth to be protected

**WHEREAS** the Council of the Municipality of Ayer's Cliff believes it is in the interest of the municipality and its taxpayers to take all possible steps to help preserve the water quality of our lakes and watercourses;

**WHEREAS** the Municipality of the Village of Ayer's Cliff adopted By-law n° 2008-01 regarding the protection of Lake Massawippi and the prevention of zebra mussel infestation;

**WHEREAS** it is necessary to replace the by-laws in order to include the term *invasive exotic species*, while specifying to users certain measures taken to protect Lake Massawippi

**WHEREAS** it is necessary to adopt common rules and documents by all the municipalities located on the shores of Lake Massawippi;

**WHEREAS** a notice of motion pertaining to this by-law was duly given in accordance with the *Municipal Code*;

**CONSEQUENTLY**  
**IT IS PROPOSED BY Councillor Robert Lacoste;**  
**SECONDED BY Councillor Patrick Proulx;**

**AND RESOLVED THAT** the present by-law be adopted and decrees the following :

**ARTICLE 1      Preamble**

The preamble of the present by-law is an integral part.

**ARTICLE 2      Definitions**

For the purpose of the present by-law, the following words and expressions signify :

- a) **Boat** : any water craft, with or without a motor, such as canoes, boats, row boats, jet skis, pedal boats, barges, pontoons, surfboards, sailboats, yachts, including the trailer used to transport these objects.
- b) **Wash certificate** : a wash certificate issued or renewed in accordance with this by-law or a regulation adopted by the Municipality of the Township of Hatley, Hatley sd Municipality of Hatley s.d., Municipality of the Village of North Hatley, the Municipality of Ste-Catherine-de-Hatley or the Municipality of the Village of Ayer's Cliff, if the rules stipulated in the regulations under which the wash certificate is issued are identical to those contained in this by-law.
- c) **User certificate** : a user certificate issued in accordance with this by-law or a regulation adopted by the Municipality of the Township of Hatley, Hatley sd Municipality of Hatley, Municipality of the Village of North Hatley, the Municipality of Ste-Catherine-de-Hatley or the Municipality of the Village of Ayer's Cliff, if the rules stipulated in the regulations under which the user certificate is issued are identical to those contained in this by-law.
- d) **Boat holder** : any person who has custody or control of a boat

- e) **Invasive exotic species** : vegetable, animal, insect or micro-organism introduced outside its natural range, and whose establishment or spread threatens the environment, the economy or society.
- f) **Lake Massawippi** : the expanse of water known as "*Lake Massawippi*", the portion of the river known as "*Massawippi River*" and the portion of the river known as "*Tomifobia River*".
- g) **Zebra mussel (*dreissena polymorpha* and *dreissena burgensis*)**: small freshwater bivalve mollusk.
- h) **Boat wash station** : installation built or developed for the purpose of washing boats before they are launched into Lake Massawippi and recognized as such by any municipality which has entrusted the Municipality with the task of operating such a facility.
- i) **Attendant responsible for the implementation of this by-law** : a person appointed to implement this by-law by the Municipality or any other municipality that has been entrusted with application of this By-law.
- j) **Attendant for issuance of user certificates** : a person appointed to issue user certificates provided for in this by-law by the Municipality or any other municipality that has been entrusted with issuing user certificates.
- k) **Wash attendant** : a person appointed by the operator of the boat wash station authorized to issue a wash certificate.
- l) **Attendant responsible for a public wharf** : a person appointed by the Municipality or any other municipality that has been entrusted to appoint such a person to monitor any pier or boat dock on Lake Massawippi.
- m) **Riparian owner**: the owner, tenant or occupant of a waterfront lot on Lake Massawippi, provided the land is part of the territory of the Municipality.
- n) **Resident** : any person domiciled in the territory of the municipality or is the owner of a residential or commercial building or occupant of a business establishment, as defined in the *Municipal Taxation Act* (RSQ, c. F 21) located on the territory of the Municipality.
- o) **User certificate holder** : the person for whom a user certificate was issued in accordance with the present by-law.

### **ARTICLE 3 Wash certificate - obligation**

Any boat holder, before the launching of a boat into Lake Massawippi, must have the boat washed **at a Lake Massawippi** wash station and be in possession of a valid wash certificate for this boat. If, in order to put the boat into the water, the holder must enter the trailer transporting the boat into the water, the trailer must be also be washed.

### **ARTICLE 4 Wash certificate – delay for launching**

Any boat holder must launch a boat into Lake Massawippi within a maximum delay of one (1) hour following the issuing of the wash certificate. After this period, the wash certificate is obsolete.

### **ARTICLE 5 Wash certificate - conditions**

To obtain a wash certificate, a boat holder must :

- a) submit a request to this effect to a wash attendant at **a Lake Massawippi** wash station, describing the boat type, brand, color, size and, where applicable, the boat and engine serial numbers, and the registration certificate number or license number issued in accordance with the Act and current regulations;
- b) have the boat washed at this station by an authorized attendant and if in order to put the boat into the water, the holder must enter the trailer transporting the boat into the water, the trailer must be also be washed.

- c) Pay the cost applicable for the service for which the certificate entitles to, namely :

#### **WASH CERTIFICATE – WASH STATION**

Type of fare	User certificate holder	Boat with trailer without user certificate	Boat without trailer & without user certificate
Wash	\$ 0	\$ 20	\$ 5

#### **ARTICLE 6 Wash certificate - contents**

The wash certificate attests the following:

- a) the first and last name of the holder;
- b) identification of the boat according to the information provided for the certificate request;
- c) the date and time of certificate issuance;
- d) the date and time of the certificate's expiration;
- e) identification and signature of the wash attendant who issued the certificate;
- f) the location of the wash station and the number assigned to the certificate.

#### **ARTICLE 7 Wash certificate - renewal**

Before its' expiration, a wash certificate can be renewed by an attendant responsible for the implementation of this by-law, an attendant responsible for a public wharf or a wash station attendant, and this, without having to wash the boat again, as long as the boat holder conforms to Article 8.

#### **ARTICLE 8 Wash certificate – conditions for renewal**

To obtain a wash certificate renewal, a boat holder must :

- a) submit the request for renewal to the authorized attendant by remitting the wash certificate for which renewal is desired;
- b) at the time of the request, still have the boat for which renewal is being requested on Lake Massawippi;
- c) certify to the attendant that the boat was not taken out of Lake Massawippi since it was washed in accordance to the wash certificate for which renewal is being requested;
- d) pay the amount of \$ 5.00.

#### **ARTICLE 9 Wash certificate – validity of the renewal**

A wash certificate is renewed by the identification and signature of the attendant to whom the request was submitted, on the same certificate. The renewal date and time are indicated on the certificate.

#### **ARTICLE 10 Wash certificate – duration of the renewal**

The renewal is valid for a period equal to that for which the wash certificate was issued.

#### **ARTICLE 11 Wash certificate – number of renewals**

A wash certificate can be renewed as many times as necessary and, each time, the renewal period is for a period equal to that for which the certificate was issued.

#### **ARTICLE 12 Wash certificate - expiration**

A wash certificate becomes invalid in either of the following cases;

- a) it has been more than forty-eight (48) hours since its issuance, without it being renewed in accordance with Articles 7 to 11, or pursuant to a by-law adopted by the Municipality of Hatley s.d., the Municipality of the Township of Hatley, the Municipality of the Village of North Hatley or the Municipality of Ste-Catherine-de-Hatley, insofar

as the renewal rules in their regulations are identical to those set out in sections 7 to 11 of this By-law;

- b) if the boat for which it was issued left Lake Massawippi.

**ARTICLE 13 Wash certificate - exception**

Article 3 does not apply to a boat owner who has custody of a boat for which a user certificate was issued and on which the sticker given when the user certificate was issued was affixed in plain view, has in his possession the user certificate for the boat and attests that the boat did not transit to another body of water since its last wash was carried out for access to Lake Massawippi.

**ARTICLE 14 User certificate - conditions**

To obtain a user certificate :

- a) a person must make the request on the prescribed form to the person authorized to issue such a certificate ;
- b) be a resident or an owner, a tenant or occupant of a location allowing mooring of a boat in the section of Lake Massawippi located on the Municipality's territory ;
- c) provide an attestation of property ;
- d) pay the applicable fees for the right to this service according to the status of the boat's owner

Type of user	Resident with a <u>motorized</u> boat	Resident with a <u>non-motorized</u> boat	Non-Resident with a <u>motorized</u> boat	Non-Resident with a <u>non-motorized</u> boat
1 <sup>st</sup> boat	\$ 25	\$ 5	\$ 180	\$ 5
Each additional boat	\$ 15	\$ 5	\$ 180	\$ 5

**ARTICLE 15 User certificate - application**

The user certificate application must indicate :

- a) the first and last name, address of the boat owner, and if appropriate, the person presenting the certificate application;
- b) the information necessary to describe the boat for which a certificate is issued, such as the type, the brand, the length, the serial number as well as the motor's serial number, the registration certificate or permit number issued in accordance with the Law, by-laws and their amendments presently in force;
- c) the place where the boat will be kept while it is not in use and the title under which the applicant is allowed to keep the boat;
- d) the expiry date of the certificate, which shall not exceed the earliest of either the expiration date of the title through which the applicant may place the boat in the indicated location or December 31 of the year in which the application is submitted.

**ARTICLE 16 User certificate - duration**

A user certificate is issued in the name of the owner or tenant of the boat identified on the application form and for the period indicated on the application.

**ARTICLE 17 User certificate – contents**

A user certificate attests the following :

- a) the first and last name, and the address of the person for who it is issued;

- b) identification of the boat according to the information provided in the certificate application,
- c) the expiration date of the certificate;
- d) identification and signature of the attendant who issued the certificate;
- e) the name of the issuing municipality;
- f) the certificate number and the accompanying sticker.

**ARTICLE 18 User certificate - sticker**

The holder of a user certificate, before launching the boat, must affix the sticker given when the user certificate was issued, in plain sight on the boat.

**ARTICLE 19 User certificate – expiration**

A user certificate expires on the first of the following dates : either the date indicated on the certificate or December 31st of the current year when the certificate was issued.

**ARTICLE 20 User certificate – obligation of user certificate**

Article 13 does not apply to a boat for which a user certificate was issued if the boat transited in a lake other than Lake Massawippi.

**ARTICLE 21 User certificate – free boat wash**

The owner of a boat for which a user certificate was issued by the municipality may, at any time and as many times as necessary, have the boat washed at any boat washing station set up, where appropriate, by the Municipality; the owner of a boat for which a user certificate was issued by the Municipality of Hatley s.d., Municipality of Hatley Township, North Hatley or Sainte-Catherine-de-Hatley, may, at any time and as many times as necessary, receive a free boat wash if the issuing municipality provides such a service, a similar service is offered to the user certificate holder issued by this municipality as well as to the holder of a user certificate issued by the Municipality of Ayer's Cliff. In such cases, the boat wash attendant issues a wash certificate.

**ARTICLE 22 User certificate – exception for the wash**

From the moment a wash certificate is issued under Article 21, Article 13 becomes applicable to the boat for which a user certificate was issued and that, as long as the boat does not transit to a body of water other than Lake Massawippi.

**ARTICLE 23 User certificate – Wash certificate**

Articles 20 to 22 apply each time the boat for which a user certificate was issued transits to a body of water other than Lake Massawippi.

**ARTICLE 24 Application of the by-law**

The Municipality, to provide the services stipulated in this by-law, may undertake procedures via its own attendants or assign the responsibility to a company or to another municipality through an intermunicipal agreement, including the Regional County Municipality Memphremagog.

**ARTICLE 25 Failure to hold a wash certificate**

The fact for any boat holder other than the holder who can invoke Article 13, to launch a boat into Lake Massawippi is contrary to Article 3 and constitutes a nuisance and is prohibited.

**ARTICLE 26      Failure to hold a wash or user certificate**

The fact, for any boat owner whose boat is on Lake Massawippi, to be unable to produce a valid user certificate or a valid wash certificate to an attendant in charge of the application of this by-law, constitutes a nuisance and is prohibited.

**ARTICLE 27      Responsibility of the riparian owner**

The fact, for any riparian owner, to authorize the launching of a boat in Lake Massawippi knowing that the boat is not covered by a valid wash certificate or user certificate when the owner of the boat must have these, constitutes a nuisance and is prohibited.

**ARTICLE 28      Violation of the By-law**

Any violation of the present by-law constitutes a nuisance and is prohibited.

**ARTICLE 29      Violation report**

Any attendant responsible for the application of this by-law may remit a violation report indicating the nature of the violation to an offender at the scene of the offence in accordance with the Code of Penal Procedure (L.R.Q., c. C-25.1).

**ARTICLE 30      Penalties**

Whosoever contravenes any provision of this By-law commits an offence and is liable, for a first offence, to a fine of TWO HUNDRED DOLLARS (\$ 200) if the offender is a natural person, and FOUR HUNDRED DOLLARS (\$ 400) if the offender is a corporation, and for any subsequent conviction, to a fine of FOUR HUNDRED DOLLARS (\$ 400) if the offender is an individual, and a minimum fine of EIGHT HUNDRED DOLLARS (800 \$) if the offender is a corporation.

The maximum fine which can be imposed is ONE THOUSAND DOLLARS (\$ 1,000) for a first offence if the offender is a natural person, and TWO THOUSAND DOLLARS (\$ 2,000) for a first offence if the offender is a corporation and for a subsequent offence, the maximum fine of TWO THOUSAND DOLLARS (\$ 2,000) if the offender is a natural person, and FOUR THOUSAND DOLLARS (\$ 4,000) if the offender is a corporation,

In all cases, prosecution charges are extra.

**ARTICLE 31      Repeal**

The present by-law repeals By-laws n° 2008-01 and 2008-07.

**ARTICLE 32      Coming into force**

The present by-law comes into force in accordance with the Law.

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Alec van Zuiden  
Mayor

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Kimball Smith  
Director General

***Notice of motion : March 2, 2015***  
***Adoption : April 7, 2015***  
***Publication : April 9, 2015***  
***Coming into force : April 10, 2015***