

Report to Council

Report Title: Marl Lake Boat Restricting Bylaw

Prepared By: Dieter Weltz, Building and Planning Manager and Fiona Hamilton, Clerk

Department: Building

Date: January 26, 2021

Report Number: BLDG2021-02 **File Number:** C11BU

Attachments: N/A

Recommendation:

That the Council of the Municipality of Brockton hereby accepts Report Number BLDG2021-02 - Marl Lake Boat Restricting Bylaw, prepared by Dieter Weltz, Building and Planning Manager, and Fiona Hamilton, Clerk for information purposes and provides further direction to staff in relation to obtaining a legal opinion and consulting the community about the proposed restrictions.

Report:

Background:

Marl Lake is a privately owned in-land lake located in Brockton. Two representatives from the Marl Lake Property Owner's Association have come to present to Council their request for a by-law to be introduced prohibiting the use of Wake Enhancing Boats and Hydro flight Devices because of the potential environmental damage these types of boats can have on the shallow mud bottom of the lake. Many residents use Marl Lake as their drinking water source and they are concerned that the boats will stir up sediment that may impact their drinking water quality.

Analysis:

There are a number of factors that would need to be further considered in relation to a by-law of this kind. As a first step, staff would recommend undergoing community consultation to determine how best a by-law of this kind could be implemented. For fairness and consistency, Council may want to consider whether the proposed by-law should apply to all in-land lakes in Brockton, with specific schedules tailored to particular lakes, such that a larger and more comprehensive community consultation may be warranted.

In addition, a by-law of the kind proposed by the Marl Lake Property Owner's would also require an in-depth analysis of the enforceability of any such by-law, and a consideration of whether Brockton has authority and jurisdiction to introduce these types of prohibitions given that the lake bed is privately owned. Staff recommend obtaining a legal opinion from a solicitor on these issues prior to any by-law being introduced.

Sustainability Checklist:

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? N/A
- Do the recommendations contribute to achieving Cultural Vibrancy? N/A
- Do the recommendations contribute to achieving Economic Prosperity? N/A
- Do the recommendations contribute to Environmental Integrity? Yes
- Do the recommendations contribute to the Social Equity? Yes

Financial Impacts/Source of Funding:

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

It can be difficult to predict the cost of obtaining a legal opinion, but it is likely that a legal opinion could be obtained for between \$1,500.00 to \$2,500.00.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Fiona Hamilton, Clerk



Dieter Wetz, Building and Planning Manager

Reviewed By:



Sonya Watson, Chief Administrative Officer