

Report to Council

Report Title:	Marl Lake Boat Restriction Information Report		
Prepared By:	Dieter Wetz, Building and Planning Manager		
Department:	Building and Planning		
Date:	March 9, 2021		
Report Number:	BLDG2021-06	File Number:	C11BU
Attachments:	Transport Canada Local Authorities Guide Vessel Operation Restriction Regulations 2018 Transport Canada Local Authorities Guide Vessel Operation Restriction Regulations 2010		

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number BLDG2021-06 – Marl Lake Boat Restriction Information Report, prepared by Dieter Wetz, Building and Planning Manager and in doing so recommends Option 1 based on the new information provided related to restricting vessels on Marl Lakes.

Report:

Background:

To update and provide information to Council in response to report BLDG2021-02 pertaining to implementation of a Bylaw to restrict Wake Enhancing Boats and Hydro Flight Devices on Marl Lake.

Analysis:

Two similar documents have been obtained and reviewed that are attached to this report titled, “local_authorities__guide__english__accessible_pdf_2018” and “VORR-Local-Authorities-Guide-TC_2010” from Transport Canada on Vessel Operation Restriction Regulations. As the guides detail and outline the Vessel Operation Restriction Regulations for governing vessels on waterways we have not obtained a further legal opinion at this time. I have made note in the guide titled “VORR-Local-Authorities-Guide-TC_2010” of the “Linden Lake Scenario” (page 15) which in general context appears similar to the delegation and request that Council has received.

As Transport Canada is a Federal Agency that has jurisdiction under the Canada Shipping Act, 2001 (CSA 2001) for regulating Vessel Operation Restriction Regulations and based on the information contained in the attached guides, I am of the opinion that the Municipality has no jurisdiction for enacting a Municipal By-law to regulate or restrict Wake Enhancing Boats and Hydro Flight Devices. The attached guides provide and outline the municipal process that needs to be followed in order to apply for and obtain a Vessel Operation Restriction Regulation from Transport Canada.

You will see the process outlined is lengthy and will require significant staff time to administer as a proactive measure for Marl Lakes. With the formal requirements outlined in the attached guides and the necessary time it would take to conduct the required public consultation process, in addition to the commitment for staff time to conduct and oversee the formal application process it is necessary for Council to consider whether they still wish to allocate this amount of staff time to this process at this time. As a result, I offer two options for consideration:

Option 1:

As a first step it is my recommendation to Council at this time that the Marl Lake Property Owner’s Association consider implementation of a Voluntary Code of Conduct that applies to the Marl Lake property owners. I am of the opinion that a voluntary code of conduct has the potential to provide a more immediate resolution to address the concerns that have been brought to Council’s attention on Wake Enhancing Devices and Hydro Flight Devices on Marl Lake. A significant factor in my recommendation and for considering the potential success of a voluntary code of conduct is that to the best of my knowledge there is no boat launch or public access on Marl Lake which limits and restricts public access. A letter would be sent to this effect.

Option 2:

Staff bring back a detailed report and timeline on the costs and staff time associated with following the Transport Canada guidelines on Vessel Operation Restriction Regulations.

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:

- | | |
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| • Do the recommendations represent a sound financial investment from a sustainability perspective? | N/A |
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Providing Council supports Option 1 from staff, no legal opinion has been obtained for the previously estimated amount between \$1,500.00 to \$2,500.00. If Council wishes to further investigate the Vessel Operation Restriction Regulation process and the cost associated with an application to Transport Canada, further review by staff would be required on the estimated cost that would be association with the application and conducting the necessary consultation. No funds have been allocated in the Municipal Budget for this process.

Reviewed By:



Trish Serratore, Chief Financial Officer

Respectfully Submitted by:



Dieter Wetz, Building and Planning Manager

Reviewed By:



Sonya Watson, Chief Administrative Officer