



**PROVINCE DE QUÉBEC  
MRC DES LAURENTIDES  
VILLE DE BARKMERE**

**Bylaw 250 on the Protection of Watercourses against non-indigenous species and  
invasive exotic species**

**CONSIDERING THAT** lakes and watercourses are complex and fragile ecosystems for which it is important to ensure their protection and ecological integrity;

**CONSIDERING THAT** the Municipal Council is concerned about the protection of the shorelines of Bark Lake and the protection of the water quality and the aquatic environment of the Lake, and wishes to ensure the maintenance of the quality of waters located on its territory;

**CONSIDERING THAT** some scientific studies have demonstrated that non-indigenous species and invasive exotic species may cause considerable damages to the flora, the fauna, the water quality, the public health, docks, dams, vessels and navigation;

**CONSIDERING THAT** the Zebra Mussel and the Eurasian Milfoil are invasive exotic species and that they constitute a nuisance, in the sense that they constitute a direct threat to the maintenance of water quality;

**CONSIDERING THAT** Eurasian Milfoil and other invasive exotic species may propagate from one lake to another and from one section to another of the same watercourse, notably via hulls and motors of boats, trailers, ballasts, tanks, bilge water evacuation systems, or live bait used in sport fishing and that preventives actions must be implemented in order to counter the propagation and the infiltration of these species in the Lake;

**CONSIDERING THAT** Eurasian Milfoil is present in some sections of Bark Lake and that important sums of money are invested against its propagation from one section of the Lake to another;

**CONSIDERING THAT** heightened boat use increases the risk of contamination of the Lake by non-indigenous species and invasive exotic species;

**CONSIDERING THAT** intensive water use has a negative impact on water quality, the shoreline and that the Town wishes to put in place some means of protection;

**CONSIDERING THAT** the intensive use of Bark Lake is susceptible to harm the peacefulness, the good order and well-being of the population of the Town territory;

**CONSIDERING THAT**, under the provisions of the *Act respecting Municipal Powers*, the Council may, with a bylaw, define what constitutes a nuisance, to suppress it and prescribe fines to that effect;

**CONSIDERING THAT** any local municipality may adopt bylaws on the environment and that it must assume the role of environmental trustee;



**CONSIDERING THAT** the Council wishes to establish a bylaw in respect of the management of its municipal landing zones;

**CONSIDERING THAT** the costs related to the construction, maintenance and monitoring of the hull washing installations and the boat launching ramps are at the charge of the Town of Barkmere taxpayers;

**CONSIDERING THAT** the Town may regulate the access to the Lake over its territory;

**CONSIDERING THAT** by virtue of the powers granted by the *Act respecting Municipal Taxation*, the Town may consider that all or some of its possessions, services and activities be financed by fees;

**CONSIDERING THAT** the bylaw was presented and a notice of motion was given during the regular meeting of July 14<sup>th</sup>, 2018;

**THEREFORE**, it is ordered and decreed by this resolution the establishment of a new bylaw bearing number 250 on the Protection of Watercourses against non-indigenous species and invasive exotic species.

The Municipal Council of the Town of Barkmere decrees the following:

1. Preamble

The preamble is an integral part of this bylaw.

2. Abrogation of bylaws 99, 162, 169, 182 and 209

This bylaw abrogates and legally replaces for all purposes bylaws 99, 162, 169, 182 and 209 previously adopted by the Town of Barkmere;

3. Appendices

All appendices joined to this bylaw are an integral part of it and all norms, obligations or indications set forth in the appendices are an integral part of this bylaw as if they had been enacted therein.

4. Objectives

This bylaw aims to regulate the access to Bark Lake of the various vessels conforming to this bylaw in order to prevent the invasion of its watercourse by non-indigenous species and invasive exotic species, and that, in order to ensure public security, the environment is protected and water quality is maintained in a sustainable way.

5. Application and subjected persons

This bylaw applies to all physical persons and private and public legal persons who desire to access Bark Lake via land located on the territory of the Town of Barkmere.



## 6. Definitions

Unless otherwise expressly indicated or resulting of the context of a provision, the expressions, terms and words following have, in this bylaw, the meaning and application that are given to them by this article.

LAKE: Bark Lake;

LANDING ATTENDANT: a person designated to monitor the municipal landing and provide the service of vessel decontamination.

LONG-TERM LEASE: a lease for 12 or more consecutive months;

MAIN WHARF: one of the municipal wharves reserved for general use and identified as such;

MUNICIPAL INSPECTOR: designates the person appointed by the Council to fulfill this function;

MUNICIPAL LANDING: The lands and installations of wharves, ramps, gangways, gates, property of the municipality or rented by same, giving access to Bark Lake;

MUNICIPALITY: the Town of Barkmere;

OWNER: a person who owns a lot, built or not and located within the territory of the municipality;

RENTAL WHARF: one of the municipal wharves reserved for seasonal rental of mooring stations;

RENTER: a person occupying a house or a lodging, within the territory of the municipality by virtue of a long-term lease;

RESIDENT: a person occupying a house or a lodging within the territory of the municipality, either as an owner or renter;

SHORT-TERM LEASE: a lease or other form of rental for less than 12 months;

SUPPLIER: a person that supplies goods or services to a property owner of a resident and who, to that end, must transport over the Lake goods, materials, machinery parts or equipment;

VESSEL: Any floating craft, works or construction with or without a motor and intended for moving over water;

VISITOR: a person who is not a resident or a supplier;

WASHING STATION: the land and the installations of the municipality used for the washing and decontamination of vessels.



#### 7. Administration of the bylaw

The municipal inspector is responsible for the application of this bylaw and, to this end, he may issue notices of offences.

#### 8. Rates for decontamination and parking

Decontamination for Town residents is free.

The rates for decontamination of vessels and vehicle parking for visitors and short term renter are established by resolution of the Municipal Council of the Town of Barkmere.

#### 9. Access to Bark Lake

The access to the Lake for any vessel, for its launching as well as its removal, must compulsorily be done at the municipal landing.

A vessel which has already been in the Lake waters but which has been since moved outside of the Town limits cannot be launched again on the Lake other than at the municipal landing.

#### 10. Unauthorized landing

On any land that is not property of the municipality, any use of the grounds for the purposes of servicing and/or providing access for motorized vessels, whether for launching or removal, is prohibited. Also prohibited are the installation, construction or configuration of launch ramps.

This provision does not apply in the case of a lakefront resident who uses his lakefront property for his own vessel, if he is in compliance with the provisions of this bylaw, including the washing of vessels.

#### 11. Private landing

Any private landing must be permanently equipped with a chain or a locked gate or another form of permanent obstacle, in order to prevent access to the water for a vessel on a trailer or any other vehicle.

#### 12. Prohibited usage

No one may use or allow the use of a lot in order for a person, other than the lakefront resident, to gain access to the Lake with a vessel. For the owners of a right-of-way or a notarized access, the same provisions apply unless the right-of-way clearly includes the right to launch a vessel and if the provisions of this bylaw, including the washing of vessels, are respected.

#### 13. Decontamination and vehicle parking

Prior to its launching, any vessel, motorized or not, must have been subjected to the washing of its hull and trailer (if applicable) at the washing station of the municipality by a landing attendant in order to remove any organic material. It may not contain residual



waters within its hull or any other compartment, including its ballasts or the foot of the motor. In which case, a complete drying and decontamination is required.

A vessel decontaminated by the municipality and moved afterwards outside of the territory of the municipality, cannot circulate on Bark Lake unless it has been decontaminated again by the municipality.

14. Live bait

It is strictly prohibited to transport live bait for fishing in a container filled with water from another body of water. The municipal inspector or the landing attendant may verify the containers and prohibit their use.

15. Draining

It is strictly prohibited to drain the waters of an engine cooling systems into the Lake.

16. Mooring at the main municipal wharf

No vessel may be moored at one of the main municipal wharves for more than 6 hours, during a given day, from June 15th to September 15th inclusively, without prior written authorization from the municipal inspector. This duration is limited to 15 minutes for the main municipal wharf(ves) identified for the loading of people or merchandise.

It is prohibited to moor to a main municipal wharf a vessel whose length exceeds 5.95 metres (19 feet 6 inches).

It is prohibited, at all times, to moor a barge or a supplier vessel to one of the main municipal wharves.

Notwithstanding the above, it is permitted to dock the vessel of a supplier at one of the main municipal wharves but only for the duration of an operation of loading or offloading of materials and provided that the vessel operator remains on site during the whole duration of the loading or offloading operation.

17. Mooring at the municipal rental wharves

No vessel may be moored between May 15th and October 15th at a municipal rental wharf if its owner or user does not possess a valid rental contract with the Town, for the space used.

It is prohibited to moor at a municipal rental wharf a vessel whose length exceeds 5.95 metres (19 feet 6 inches).

Rental rates are established by resolution of the Municipal Council.

Depending of the availability of empty spaces for rental, the municipal inspector may grant a special permit to a supplier to dock his vessel, for a pre-determined period, at the rental rate in effect.



18. Towing of vessels moored at municipal wharves

In the case of a breach of one or more provisions of this bylaw, the municipal inspector may, in addition to the fines provided in this bylaw, tow or have towed the vessel moored at one of the municipal wharves. The vessel is towed to a storage area configured or designated to this end by the Town.

The towing may not be done if there is no sign, posted in a visible area close to the main wharves and rental wharves, indicating:

- a. that in case of a breach of this bylaw, the vessel will be towed and stored in a place designated for this end by the Town;
- b. that the owner or renter of the vessel will only be able to repossess it if the towing and storage fees provided in this bylaw are paid; and
- c. how the owner or renter of the vessel may repossess it.

The owner or renter of a vessel thus towed and stored will only be able to repossess it by paying the following fees:

- Towing fees: \$80.00; and
- Storage fees: \$20.00 per day.

The owner or renter of the vessel will only be able to repossess it during the normal business hours of the storage location and as long as he can present proof that he is the owner of the vessel or that he has a rental contract for the vessel.

19. Disposal of the asset

The Town may exercise its right to dispose of a vessel left in storage and not claimed after more than sixty (60) days.

20. Offences

Anyone who contravenes a provision of this bylaw, or tolerates or allows for such contravention, commits an offence and is liable to the following fine:

- a. For a first offence: a minimum of two hundred dollars (\$200.00) and a maximum of four hundred dollars (\$400.00) if the offender is a physical person, or a minimum of four hundred dollars (\$400.00) and a maximum of eight hundred dollars (\$800.00) if the offender is a legal person; and
- b. For a repeat offence: a minimum of four hundred dollars (\$400.00) and a maximum of eight hundred dollars (\$800.00) if the offender is a physical person, or a minimum of eight hundred dollars (\$800.00) and a maximum of sixteen hundred dollars (\$1,600.00) if the offender is a legal person.

In all cases, legal costs are also applicable.



The delays for the payment of fines and fees imposed by virtue of this article and the consequences of defaulting in the payment of said fines and fees within the prescribed periods, are established in accordance with the *Code of Penal Procedure of Quebec*.

If an offence lasts for more than one day, the offence committed on each day constitutes a separate offence and the penalties enacted for each of the offences committed may be imposed for each day during which the offence lasts, in accordance with this article.

21. Interpretation and precedence

The provisions of this bylaw have precedence on any other regulatory provisions of other Town bylaws.

22. Coming into force

This bylaw will come into force in accordance with the law.

(Original signed)  
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 Luc Trépanier, Maire

(Original signed)  
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 Martin Paul Gélinas,  
 secrétaire-trésorier

<b>Procédure d'entrée en vigueur</b>	
Notice of motion	July 14 <sup>th</sup> 2018
Adoption of Bylaw	August 11 <sup>th</sup> 2018
Notice of adoption	