

# Township of Frontenac Islands

## By-Law No. 3-2004

### A By-Law to authorize charging fees for access to Crown Land.

WHEREAS the Ministry of Natural Resources has issued a Land Use Permit to the Corporation of the Township of Frontenac Islands in respect of certain Crown lands pursuant to the Public Lands Act, R.S.O. 1990, Chap. P. 43, for use as a municipally operated management area;

AND WHEREAS it is a term of the Land Use Permit that the Corporation of the Township of Frontenac Islands may charge a fee for access to the management area by members of the public;

AND WHEREAS Section 391 of the Municipal Act, 2001, S.O. 2001, Chap. 25, authorizes Council of the Corporation of the Township of Frontenac Islands to pass by-laws imposing fees and charges on any class of persons for the use of any property under its control.

NOW THEREFORE BE IT ENACTED as follows:

#### DEFINITIONS:

1. In this by-law,
  - (a) "Approved Fire" means a fire set and maintained within a portable stove, barbeque, or other container or appliance designed to house a fire solely for the purposes of cooking food or providing warmth.
  - (b) "Committee" means the Big Sandy Bay Management Area Stewardship Committee established hereunder;
  - (c) "Council" means the Council of the Township;
  - (d) "Daily Permit" means an issued Permit that is valid from the time of issue to the Posted Closing Time on the same date.
  - (e) "Enforcement Officer" means a person authorized to administer and enforce this by-law in accordance with subsection 10 of this by-law.
  - (f) "Land Use Permit" means a Land Use Permit issued by the Ministry of Natural Resources to the Township, a copy of which is attached as Schedule "B" to this by-law.
  - (g) "Management Area" means those lands more particularly described in the Land Use Permit and referred to as the "Big Sandy Bay Management Area".
  - (h) "Operating Season" means the period of time during a particular calendar year commencing on the second Friday in May and terminating on the Posted Closing Date.
  - (i) "Permit" means a permit issued by the Township for admission to the Management Area and includes either a Daily Permit or a Seasonal Permit.
  - (j) "Posted Closing Date" means the date posted within the Management Area that marks the end of an Operating Season.
  - (k) "Posted Closing Time" means the time the Management Area closes to the public on a particular date as posted within the Management Area.
  - (l) "Seasonal Permit" means an issued Permit that is valid from the time of issue to the Posted Closing Time on the Posted Closing Date of the same year.
  - (m) "Township" or "Municipality" refers to the Corporation of the Township of Frontenac Islands.
  - (n) "Vehicle" means a 'vehicle' as defined in the Highway Traffic Act, R.S.O. 1990, Chap. H.8, and shall include automobiles, trucks, mobile homes, motorcycles, bicycles and all terrain vehicles.

## **THE COMMITTEE**

2. Council shall establish a committee known as the “Big Sandy Bay Management Area Stewardship Committee”
3. Duties and responsibilities of the committee shall include but not be limited to:
  - a) Taking reasonable steps to protect and enhance the management area’s natural environment while providing recreational and outdoor education benefits to the community through self-sustaining revenues and community stewardship.
  - b) Managing the property, based on sound environmental management principles in consultation with Ministry of Natural Resources, Ducks Unlimited, Nature Conservancy of Canada, the Canadian Wildlife Service, interest groups and the local community.
  - c) Seeking to secure financial and in-kind resources to undertake the implementation of the Management Plan as it evolves.
  - d) Reviewing of all proposed public uses and related activities for the property.
  - e) Directing the maintenance of the property (including access trails) to ensure public safety in collaboration with partner landowners and local emergency service providers.
  - f) Directing seasonal personnel (dune steward, warden, etc.) This includes responsibility for the recruitment, hiring, training, scheduling, supervising, and dismissing of staff.
  - g) Communicating with all stakeholders as necessary.

## **MANAGEMENT AREA**

4. The Management Area shall be operated and maintained by the Township in accordance with the terms and conditions of the Land Use Permit.
5. The Big Sandy Bay Management Area Stewardship Committee may, in its sole discretion, order a closure of the Management Area at any time during the Operating Season due to high winds, or other hazardous weather or trail conditions.

## **ISSUANCE OF PERMITS**

6. A Permit shall be issued upon payment of the required fee, unless the person authorized to issue the Permit on behalf of the Township has reasonable and probable grounds to believe that the person requesting the Permit will behave in a manner contrary to any posted signs or other rules and regulations governing the use of the Management Area.
7. The fees payable for a Permit shall be as set out as in Schedule 'A' attached to this by-law as amended from time to time at the sole discretion of the Committee.
8. Notwithstanding the provisions of this By-law, a Permit shall not be required in order for the following classes of persons to access, enter and remain within the Management Area:
  - (a) employees, agents, contractors and representatives of the following agencies and organizations, in connection with their normal business activities:
    - (i) the Government of Canada;
    - (ii) the Government of Ontario;
    - (iii) the Township;
  - (iv) Ducks Unlimited Canada;
  - (v) Nature Conservancy of Canada;
  - (vi) the Canadian Wildlife Service; and
  - (b) employees, agents, contractors and authorized representatives of educational institutions and organizations who are carrying out research projects in the Management Area that have been approved by the Committee.

## PROHIBITIONS

9. No person shall:
- (a) enter the Management Area during the operating season without a valid Permit unless otherwise permitted under section 8 above;
  - (b) park a vehicle in the designated parking lot at the entrance to the Management Area during the operating season unless such person holds a valid Seasonal Permit or is the operator of a bicycle or a bus transporting Permit holders to and from the Management Area;
  - (d) bring a vehicle or horse into the Management Area except for maintenance and to respond to emergencies;
  - (e) while within the Management Area,
    - (i) start a fire or permit a fire to continue to burn that is not an Approved Fire;
    - (ii) fail to ensure that an Approved Fire started by such person or under such person's care and control, is kept under control at all times and that equipment or other resources capable of controlling and quickly extinguishing the fire is or are maintained at the fire site while the Approved Fire burns;
    - (iii) start an Approved Fire if a "Fire Hazard - No Burning" notice has been posted at the entrance to the Management Area;
    - (iv) remove, damage or deface any property of the Township;
    - (v) cut or remove any trees;
    - (vi) deposit litter or any other debris in any place other than a designated receptacle;
    - (vii) shout, play loud music or make other noises at levels that are disturbing, disruptive or annoying to other users of the Management Area or to nearby residents;
    - (viii) engage in horseplay or other rowdy or unruly behavior that is disturbing, disruptive or annoying to other users of the Management Area;
    - (ix) enter an area designated and posted as being environmentally sensitive; or
    - (x) behave in any manner or do any act or thing that is contrary to any posted signs or other rules and regulations governing use of the Management Area.

## ENFORCEMENT AND PENALTIES

10. This by-law shall be administered by Council acting through the Committee, and shall be enforced by such Enforcement Officers as have been appointed and authorized by Council to exercise the powers granted hereby.
11. Any person in breach of the provisions of this by-law is subject to either or both of the following actions at the discretion of an Enforcement Officer:
- (a) immediate removal from the Management Area; and
  - (b) immediate revocation of his or her Permit.
12. Persons to whom a valid Permit has been issued shall produce that permit for inspection on request by an Enforcement Officer, Dune Steward or Warden.
13. An Enforcement Officer may at any time inspect any fire, enclosed or otherwise, to ensure that the provisions of this by-law have been and are being complied with and the person who has the care and control of such fire shall provide the Enforcement Officer with free and unobstructed access to such fire.
14. Every person who contravenes or causes or permits the contravention of any provision of this by-law is guilty of an offence, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended (or successor legislation thereof) and, upon conviction, is liable to a minimum fine of \$250 for a first conviction, and a minimum fine of \$500 for any subsequent conviction.

15. This by-law shall be known as the Big Sandy Bay Management Area By-law.
16. This by-law shall come into force on the day it is passed.

READ a first and second time this 9<sup>th</sup> day of February, 2004

READ a third time and passed this 9<sup>th</sup> day of February, 2004

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Jim Vanden Hoek – Mayor

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Terry J. O'Shea – Clerk/CAO

**Schedule "A"**  
**By-Law No. 3-2004**

**Permit Fee Schedule**

**Note: Fees will be adjusted annually to cover operating expenses. The Management Area is expected to be operated on a "break even" basis.**

		<b>Frontenac Islands Township Taxpayers</b>	<b>Non F.I. Township Taxpayers</b>
<b>Daily Entrance Permit</b>			
	Adults	\$3	\$6
	Under 18	\$1	\$2
<b>Seasonal Entrance Permit</b>			
	Adults	\$15	\$30
	Under 18	\$5	\$10
<b>Seasonal Parking Permit</b>		\$10	N/A
<b>Group Rates (Advanced Notice Required)</b>			
	School Groups	Nil	\$2
	Other Youth Groups	Nil	\$2
	Organized Adult Groups/Clubs	Costs determined on an Individual basis	Costs determined on an Individual basis
<b>Boaters</b>			
	Who do not come ashore	Nil	Nil
	Who come ashore	As above	As above