

The Municipality of Gordon/Barrie Island

BY-LAW NO. 2017-10

BEING A BY-LAW TO ADOPT A CUSTODIAL CARE SHORELINE POLICY AND REGULATE ACTIVITIES ON ALL LANDS RELEASED UNDER THE ONTARIO MANITOULIN LAND CLAIMS SETTLEMENT, DECEMBER 5, 1990.

WHEREAS Section 208(42) of the Municipal Act authorizes the Council of the Municipality of Gordon/Barrie Island to pass by-laws that regulate activities on Municipal property.

NOW THEREFORE the Council of the Municipality of Gordon/Barrie Island enacts as follows:

1. That we adopt the Custodial Care Shoreline Policy Statement, as per attached Schedule "A".
- 2.(a) That the following activities shall be prohibited on subject lands;
 - i. Open fires (without permit, see By-law 2009-16)
 - ii. Littering
 - iii. Camping
 - iv. Conduct that would degrade the quality and tranquility of the life of adjacent land owners, this being in the eyes of a reasonable person.

(b) Exceptions to this by-law shall be accordance with By-Law 2017-14, being a by-law to regulate beaches and boat launches within the Municipality of Gordon/Barrie Island.
3. Every person who contravenes any of the provisions of this by-law is guilty of an offence and on conviction is liable to a maximum fine of \$1000.00
- 4.(a) Anyone served in writing of a violation of the provisions of this by-law may voluntarily pay the set fine set out in the notice to the Municipality within fifteen days of service of this notice. In the event that the fine is not voluntarily paid, the fine, exclusive of costs, is recoverable under the Provincial Offenses Act.

(b) Notice of violation shall be in a standard form (attached as Schedule 'B') approved by Council and may be served personally or registered mail in which case service shall be deemed to be on the fourth day after mailing.
5. This by-law shall come into force and take effect on the date that it is finally read and passed by the Council of the Municipality of Gordon/Barrie Island.

READ A FIRST AND SECOND TIME this 2nd day of May, 2017.

READ A THIRD TIME AND FINALLY PASSED this 2nd day of May, 2017.

CAO-Clerk-Treasurer

Reeve

The Municipality of Gordon/Barrie Island

Schedule “A”

Custodial Care Shoreline Policy Statement

Whereas it is the decision of the Council of the Municipality of Gordon/Barrie Island that it shall retain ownership of all subject lands released under the Ontario Manitoulin Land Claims Settlement dated December 5, 1990; being the land within the boundaries of the unopened shoreline road allowances only, and whereas they recognize that the adjacent landowners to the said lands have had historical use of said lands; it is the intent of Council to establish a policy of Custodial Care.

It is Council’s intent to ensure the continued use by the adjacent landowners while retaining the Municipality’s right to designate or develop these lands. These landowners, who have in the past and who will continue to maintain such lands in a custodial manner, shall have certain control as to the use of such land.

The Council will support this policy by adopting a by-law that will address the use of these lands, but will in no way restrict the use of these lands for emergency boat landing or restrict access to the public. These lands are not for use of placement of habitable structures, or outhouses; and further no removal of vegetation that increases erosion; or any activity that may contribute to shoreline erosion shall be done.

Further it is the policy of the Council that public areas be provided for picnicing, swimming, boat launching, etc. in such a manner that the public at large does not feel the need to encroach on the lands that are being maintained by the adjacent landowners.