

The Corporation of the Township of Huron-
Kinloss



BY-LAW

2021-37

Being a By-Law to Regulate Beach Management

within the Township of Huron-Kinloss

WHEREAS the Township of Huron-Kinloss (the "Township") wishes to prohibit and control certain uses on the Crown-owned beaches of Lake Huron in order to ensure the protection of the ecological integrity of the beaches and sand dunes while providing public recreational day use of the beaches;

AND WHEREAS section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "*Municipal Act*") provides that powers of a municipality under the Act or any other act shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate, and to enhance their ability to respond to municipal issues;

AND WHEREAS section 10 of the *Municipal Act* provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality;

NOW THEREFORE the Council of The Corporation of the Township of Huron-Kinloss enacts as follows:

1. DEFINITIONS

"Crown-Owned Beaches" means all beaches owned by the Provincial Crown that are within the Township's geographic limits;

"By-Law Enforcement Officer" means a person designated by the Township and appointed by the Ministry to enforce the provisions of this By-law; and

"Person" means an individual, corporation, partnership, association or organization.

2. PROHIBITIONS

2.1 No person shall conduct any of the following activities on any Crown-Owned Beaches at any time:

- a) operate any motorized vehicle;
- b) deposit or place or allow to be deposited or placed any litter, debris or other material;
- c) alter or destroy sand dunes;

- d) burn any substance without a permit;
- e) place or ignite any fireworks;
- f) construct or place any building or structure;
- g) construct a trail, water crossing or road;
- h) dredge or fill shore lands;
- i) harm or remove invasive vegetation or native vegetation by mechanical means or by hand;

2.2 The prohibitions set out in this section shall not prevent a person from acting under the authority of and in accordance with the terms and conditions of an instrument that is granted under the *Public Lands Act* and authorizes an activity that would otherwise be prohibited, except if carried out under the authority of and in accordance with the terms and conditions of a work permit.

2.3 Notwithstanding the provisions of section 2.1 (b) of this By-law, persons may permit the temporary depositing of dog excrement on the Crown-Owned Beach provided that they forthwith pick up and remove said excrement from the Crown-Owned Beach.

3. ORDER TO DISCONTINUE ACTIVITY

3.1 Upon the order of the By-Law Enforcement Officer or his or her designate, all persons conducting any of the activities set out in section 2 above shall immediately cease such conduct and shall restore the Crown-Owned Beach to a state that is equal to or better than that which existed prior to the conduct.

4. SIGNAGE

4.1 The Township shall install and maintain signs on the Crown-Owned Beaches to indicate the prohibited activities as set out in this By-law. Such signs shall be approved by the Ministry before being erected.

5. ENFORCEMENT, INSPECTION AND MAINTENANCE

5.1 The provisions of this By-law may be enforced by the Township's By-Law Enforcement Officer.

5.2 The Township shall be responsible for the control of invasive species, which will include phragmites, hogweed and wild parsnip.

6. OFFENCE AND PENALTY

6.1 Every person who contravenes any provisions of this By-law is guilty of an offence, and subject to prosecution under and the penalties as prescribed in the *Municipal Act* and the *Provincial Offences Act*, R.S.O 1990, c. P.33, as amended.

6.2 Upon registering a conviction of any provision of this By-Law, the Ontario Court, Provincial Division, may in addition to any penalty imposed by this By-Law make an order prohibiting the continuation or repetition of the offence by the person convicted.

6.3 Penalties and Set Fines for the violation of the By-Law are set out in Schedule 'A' to this By-Law.

7. SEVERABILITY

7.1 If any provision or part of this By-law is declared by any court or tribunal of competent jurisdiction to be unlawful or inoperative in whole or in part, the balance of the By-law, or its application in other circumstances, shall not be affected and shall continue to be in full force and effect.

8. MISCELLANEOUS

8.1 This by-law shall come into full force and effect upon its final passage.

8.2 This by-law may be cited as the "Beach Management By-Law".

READ a FIRST and SECOND TIME this 19th day of April, 2021.

READ a THIRD TIME and FINALLY PASSED this 19th day of April, 2021.



~~Mitch Twolan, Mayor~~

Don Murray, Deputy Mayor



Emily Dance, Clerk