

**CANADA
PROVINCE OF QUEBEC
MEMPHREMAGOG RCM
MUNICIPALITY OF STANSTEAD TOWNSHIP**

**By-law Number 298-2007 regarding use
of the Georgeville wharf**

Whereas the Municipality owns, in Georgeville, on the side of Lake Memphremagog, a wharf commonly called the « Georgeville wharf »;

Whereas it is necessary to ensure that people having access to the Geogeville wharf use the wharf in an orderly manner ;

Whereas it is necessary to ensure that those having access to the Georgeville wharf be able to use the wharf for its intended use, notably for embarking and disembarking from boats sailing on Lake Memphremagog ;

Whereas it is necessary to limit abusive use of the limited space at the Georgeville wharf ;

Whereas a notice of motion for this by-law was duly given at the regular meeting on February 7, 2007 ;

Upon motion from Councillor Eric Evans,
Seconded by Councillor Mary Partington

It is resolved that the present by-law is adopted and decrees the following :

Article 1 Title

The present by-law bears Number 298-2007 and the title *By-law regarding use of the Georgeville Wharf.*

Article 2 Definitions

In the present by-law, the following words signify :

- a) Mooring: the act of maintaining a water craft attached to the wharf for the purpose of allowing users to secure their water craft ;
- b) Animal: domestic animal, including a tamed wild animal ;
- c) Alcoholic beverages: an alcoholic beverage in the sense of the *Act respecting offences relating to alcoholic beverages* L.R.Q. c.-1-8.1;
- d) Landing: place set up exclusively for loading and unloading at the wharf, for the sole purpose of allowing users to embark on and disembark from their water craft and is identified as such on Annex A ;
- e) Public disturbance: act by which a person prevents another person, in any manner whatsoever, to enjoy the wharf or to use it peacefully and quietly, including fighting, shouting, screaming, use of offensive or injurious words, drunkenness, to bother or brutalize other people or the act of running or letting someone else run a mechanical, electrical or electronic unit which produces sound in an unreasonable manner ;
- f) Water craft: any boat with or without a motor, canoes, row boats, motor-marines, paddle boats, barges, pontoons, windsurf boards, sailboats, yachts ;

- g) Misdeed: act through which a person destroys or damages the wharf or goods on the wharf, renders them dangerous, useless or inefficient or prevents others, in any manner whatsoever, to enjoy legitimate use of the wharf ;
- h) Public garbage bin: a container placed on the wharf by the Municipality intended for garbage ;
- i) Wharf: property commonly called the « Georgeville wharf » situated on the shore and deep water lot, partly located on the bed of Lake Memphremagog and partly on two parts of lots, namely subdivision THREE of original lot SEVENTY (70-3) and partly on public road, Copp's Square, including the rental area of the State's hydrous domaine ;
- j) Vehicle: automobile or off-road vehicle in the sense of the *Highway Safety Code* L.R.Q. c.-C-24.2, with the exception of vehicles used for maintenance or repairs to the wharf, supplies for special events authorized by Council, police vehicles, ambulances and fire protection vehicles ;

Article 3 Application

The present by-law applies to all the property described as being the wharf in the sense of the present by-law.

Article 4 Respect of orders and indications

A person entering the wharf must respect :

- a) all legitimate orders and indications given by an agent in charge of implementing the present by-law ;
- b) the indications, prohibitions and orders indicated on signs and notices legally installed.

Article 5 Obligation in the case of a public disturbance

If someone causes or induces a public disturbance on the wharf or damages goods, the person responsible for implementing the present by-law may order that person to immediately leave the premises or may demand that this person identify himself with their name, address and date of birth.

Article 6 Breakage

No one may deteriorate, damage, destroy or remove an object located on the wharf, nor deteriorate, damage, or destroy the wharf itself, nor cause a misdeed in any way whatsoever.

Article 7 Public disturbance

No matter where a person is, no one may cause nor induce a public disturbance through speech or an act, nor prevent another person, in anyway whatsoever, from quietly and peacefully enjoying the wharf.

Article 8 Possession and consumption of alcoholic beverages

It is forbidden to possess or consume alcoholic beverages on the wharf.

Article 9 Pollution

No one may deposit or leave garbage elsewhere than in the public garbage bins, nor urinate or defecate on the wharf or in Lake Memphremagog.

Article 10 Cleaning of objects

No one may wash or clean clothes, fish, utensils, kitchen utensils, vehicles or any other navigational pleasure or leisure item on the wharf.

Article 11 Restriction regarding fires

No one may light or maintain a fire on the wharf, no matter whether it is a confined fire or not.

Article 12 Fireworks

No one may use the wharf to light or shoot fireworks or firecrackers except for special events authorized by Council.

Article 13 Restriction relative to animals

It is forbidden to bring an animal on the wharf or to let it enter the wharf or stay there.

Article 14 Vehicle

It is forbidden to drive a vehicle on the wharf.

Article 15 Bicycles and skate boards

It is forbidden to ride a bicycle or a skate board on the wharf.

Article 16 Activities on the wharf

- a) It is forbidden to practice any commercial activity on the wharf.
- b) It is forbidden to use the wharf for any other purpose other than walking, fishing, embarking on and disembarking from a boat, observing nature, reading, picnicking and swimming.
- c) It is forbidden to give diving, boating, sailing or fishing lessons on the wharf.

Article 17 Use of the wharf

It is forbidden to deposit, spread, leave or put goods or objects of any nature on the wharf when they embark on a water craft or their transportation from a water craft to place outside of the wharf or on any other occasion, to deposit, spread, or leave any goods or objects of any nature on the wharf.

Article 18 Sign or announcement

No one may install, post or distribute, on the wharf or nearby, a sign, a poster or an announcement, of any nature whatsoever, to announce an activity on the wharf.

Article 19 Abandonment of items

No one may deposit, leave or abandon items or material of any nature whatsoever on the wharf after having left the premises.

Article 20 Power of an agent

If a vehicle, material, apparatus, article or object deposited, left or abandoned on the wharf, remains there after it is not authorized to be there or is placed in a forbidden zone, the agent responsible for implementing the present by-law may :

- a) demand that the owner, driver or person responsible for the object left by this person, move the object and put it in a place designated by the agent within the delay fixed by the agent ;
- b) move or store the object or have it moved and stored.

Article 21 Cost of removal

It the agent responsible for implementing the present by-law moves or stores an object or has it moved or stored according to the present by-law, the cost for moving and storage :

- a) is the object owners responsibility ;
- b) may be collected from the owner through legal action ;
- c) must be paid before remittal of the object to its owner, driver or the person responsible for it.

Article 22 Mooring permit

Each person must obtain, for each water craft they wish to moor at the wharf, a mooring permit authorizing them to do so from an attendant designated by the Municipality for implementation of the present by-law.

It is forbidden to moor a water craft at the wharf without having first obtained the permit provided for in the first paragraph.

Article 23 Conditions for issuance of a mooring permit

To obtain a mooring permit, a person must :

- a) Present a request to the attendant designated by the Municipality for implementation of the present by-law :
 - i) by giving their surname, first name and address ;
 - ii) by describing the water craft by its type, brand, size, small building number if necessary, serial number if necessary and its registration number if necessary.
- b) Pay the cost applicable for the permit, as stipulated in Annex A.

Article 24 Rate setting

The rate setting for the permit stipulated in Article 22 is provided for in Annex A of the present by-law.

Article 25 Placement of permit

As soon as the person has obtained a permit for mooring a water craft at the wharf, this person must place the permit on the water craft in a visible area.

It is prohibited to moor or maintain a water craft moored at the wharf without having placed the issued mooring permit in plain view on this water craft.

Article 26 Opening hours

The mooring hours at the wharf are from 6 a.m. to 9 p.m.

It is prohibited to moor a water craft at the wharf for any purpose whatsoever outside of the hours stipulated in the first paragraph.

Article 27 Mooring duration

The maximum duration during which a water craft may be moored at the wharf is two (2) hours.

In the zone identified in Annex A as the landing, mooring is limited to 15 minutes.

It is prohibited to moor a water craft at the wharf for any reason whatsoever for a duration longer than that stipulated in the present by-law.

Article 28 Mooring permit

The mooring permit stipulated in Article 22 allows mooring at the wharf of a water craft for which a mooring permit was issued, only during the opening hours stipulated in Article 26 for the duration stipulated in Article 27.

In any case, no matter the duration of the mooring, use of a space to hold a water craft to the wharf, embarking or disembarking from a water craft is subject to the rate setting stipulated in Article 24.

Article 29 Restriction related to mooring

It is prohibited to moor a water craft outside the zones set up for this purpose by the Municipality and defined on Annex A of the present by-law and only for the purposes mentioned in this annex.

Article 30 Prohibited mooring

Mooring is prohibited at any places other than those identified on Annex A as mooring or landing areas.

Article 31 Use of water craft

A water craft which is moored, anchored or secured to the wharf may not be used for meetings, reunions, discussions or other leisure or restaurant activities, nor to live or sleep in.

Article 32 Implementation

The Council designates, through resolution, the civil servants or employees responsible for implementing the present by-law.

Article 33 Contravention

The civil servants or employees responsible for implementing the present by-law are authorized to issue a contravention for an offence to the present by-law, for and in the name of the Municipality.

Article 34 Offence

Any person who contravenes the present by-law commits an offence.

If the offender is a physical person, he is liable for a first offence, for a minimum fine of \$ 200 and a maximum fine of \$ 1 000 and the fees for each offence.

If the offender is a moral person, he is liable for a first offence, for a minimum fine of \$ 400 and a maximum fine of \$ 2 000 and the fees for each offence.

In the case of a repeat offence, if the offender is a physical person, the minimum fine is \$ 500 and the maximum fine is \$ 2 000 and the fees for each offence.

In the case of a repeat offence, if the offender is a moral person, the minimum fine is \$ 800 and the maximum fine is \$ 4 000 and the fees for each offence.

If the offence is continuous, this continuity constitutes a distinct offence for each day .

Notwithstanding the preceding paragraphs, the Municipality may exercise all necessary recourses for the purpose of having the stipulations of the present by-law respected.

Article 35

The present by-law replaces By-law 233-2003.

Article 36 Coming into force

The present by-law comes into force according to the Law.

Lionel Larochelle, Mayor

Suzanne Ménard, Secretary-treasurer

NOTICE OF MOTION : February 7, 2007
ADOPTION : April 4, 2007
COMING INTO FORCE : April 5, 2007

Municipality of Stanstead Township

**BY-LAW NUMBER 298-2007 REGARDING USE OF
THE GEORGEVILLE WHARF**

Annex A

Rates

Mooring permit in zones B & D	5 \$ for 1 hour or less
Mooring permit in zone C	free

Description of the zones

- Zone A Located South of the wharf. This zone is reserved for swimming.
- Zone B Located West of the wharf. This zone is reserved for mooring of water craft.
- Zone C Located North-East of the wharf. This zone is reserved as the landing.
- Zone D Located North of the wharf. This zone is reserved for mooring of water craft.

Plan showing the Georgeville wharf

