

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF HULL

MUNICIPALITY OF CHELSEA

COLLINES-DE-L'OUTAOUAIS RCM

**DRAFT BY-LAW NUMBER 1161-20**

**BY-LAW RESPECTING DOCKS AND CONDITIONS  
OF OCCUPANCY OF MUNICIPAL LAND BORDERING  
THE GATINEAU RIVER**

**WHEREAS** the Municipality of Chelsea recognizes the importance of the sustainability of municipal lots bordering the Gatineau River;

**WHEREAS** the Municipality of Chelsea is aware of the importance of protecting the environment, the Gatineau River and its banks;

**WHEREAS** the Municipality of Chelsea recognizes the importance of protecting the privacy and tranquility of properties near the docks;

**WHEREAS** the Municipality of Chelsea wishes to ensure dock permits and permissions for occupancy are issued fairly and to provide a framework for the process;

**WHEREAS** the Municipality of Chelsea wishes to establish conditions for docks located on municipal land and for the occupancy of municipal land;

**WHEREAS** certain rules and conditions must be established to regularize existing docks and govern new applications;

**WHEREAS** a notice of motion of this by-law was duly given on August 4, 2020, and the draft was presented and submitted;

**WHEREAS** this by-law in no way exempts anyone from the provisions of other by-laws in effect;

**WHEREAS** this by-law applies to municipal land along the Gatineau River under the jurisdiction of the Municipality of Chelsea and to the community trail;

**CONSEQUENTLY**, the Council orders and decrees the following:

**SECTION 1 – INTRODUCTORY PROVISIONS**

**1.1 INTERPRETATION**

In this by-law, the following words have the following meanings:

- “Anyone”: Any legal entity or physical person;
- “Applicant”: The occupant of a property who submits an application under this by-law;
- “Authorization”: Permission issued under this by-law in the form of a dock permit or a permission for occupancy;
- “Council”: The Municipal Council;

- “Director”:  
The Director General and Secretary-Treasurer of the Municipality or any person designated by them to replace or assist them (civil servant, municipal officer, etc.);
- “Dock”:  
A permanent or temporary structure that extends into the water perpendicularly to the shoreline so as to permit swimming or the docking of watercraft and is used for loading and unloading purposes;
- “Lease”:  
A lease agreement by which the Municipality allows a tenant to enjoy a property for a specific period of time in return for a fee;
- “Municipal land”:  
All properties owned by the Municipality along the Gatineau River, whether or not these properties are submerged, as well as the community trail;
- “Occupant”:  
Any person who has legal possession of a property in their capacity as owner or as a person authorized by the owner;
- “Permission for occupancy”:  
A contract between the Municipality and the occupant authorizing the occupant to occupy municipal land, either conditionally or unconditionally.

## **1.2 SCOPE AND AUTHORITY**

1.2.1 This by-law applies to all of the Municipality’s properties bordering the Gatineau River, regardless of their method of acquisition, location or condition, and to all citizens of the Municipality of Chelsea and dock permit applicants whose docks are located or planned to be located, in whole or in part, on municipal land bordering the Gatineau River or community trail.

1.2.2 The Director has the authority to administer and enforce this by-law, including to:

- a) Issue a notice to anyone to request that they cease a violation of this by-law;
- b) Issue a statement of offence to anyone who appears to be in violation of this by-law;
- c) Recommend that the Municipal Council use the courts of competent jurisdiction to enforce compliance with this by-law;
- d) Have access, upon presentation of an official identification card issued by the Municipality, to any property at any reasonable time to inspect any landscaping, construction work, maintenance or any activity carried out in order to:
  - i) Ensure that the requirements of this by-law are met;
  - ii) Check the premises as part of reviewing an application for authorization;
  - iii) Collect any evidence and take photographs;
- e) Require any measure or document considered appropriate, necessary and acceptable to ensure compliance with the provisions of this by-law;
- f) Determine the deadline for completing the work necessary to remedy a violation of this by-law;

Require appropriate immediate measures to eliminate or limit any hazard where the use, the condition or level of maintenance of

structures, or any other activity on municipal land presents a risk of serious and imminent danger.

1.2.3 This by-law is adopted in compliance with the various municipal by-laws and provincial legislation relating to the protection of riparian zones and the Quebec *Construction Code* in force.

**SECTION 2 – TYPICAL CASES WHERE A PERMISSION FOR OCCUPANCY AND A DOCK PERMIT MAY BE GRANTED**

2.1 This section sets out the scenarios in which it is possible to obtain a permission for occupancy and a dock permit for the installation or regularization of a private dock along the Gatineau River. Scenarios are classified as typical cases 1, 2, 3A or 3B, and 4.

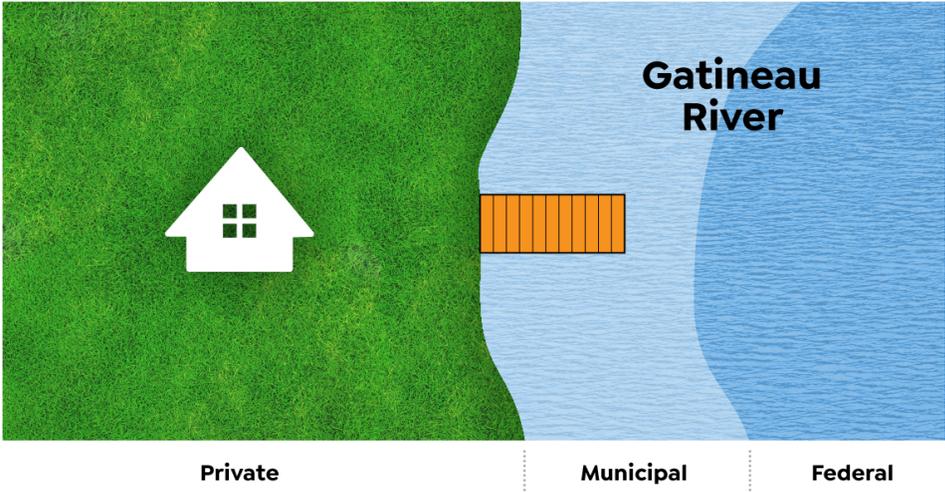
2.2 Owners of existing and proposed docks located on municipal land must abide by the rules for the use of municipal property and the conditions set out in Appendix A attached hereto.

2.3 Exempted from this by-law is any dock along the Gatineau River that complies with the by-law, is intended for public use and is accessible to the entire local population, with the approval of the Municipality of Chelsea.



**2.4 TYPICAL CASE 1 – PRIVATE LOT CONTIGUOUS TO THE GATINEAU RIVER ONLY**

2.4.1 Owners of private property contiguous to the Gatineau River may build a dock or regularize an existing one.

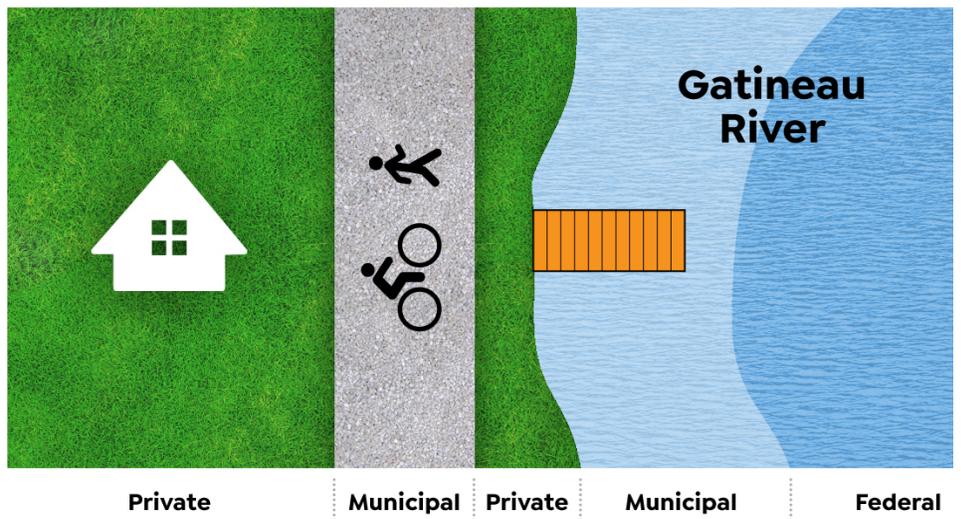


2.4.2 The owner must simply submit an application for a dock permit in due form to the Municipality or, if applicable, provide documents demonstrating that it should be grandfathered.

2.4.3 Municipal officers will verify whether the existing or proposed dock complies with applicable by-laws or is grandfathered and will grant a dock permit.

**2.5 TYPICAL CASE 2 – PRIVATE LOT CONTIGUOUS TO THE GATINEAU RIVER AND THE MUNICIPAL TRAIL**

2.5.1 Some private properties consist of two lots: one contiguous to the Gatineau River and a second on the other side of the community trail.



2.5.2 This scenario is similar to the previous Typical Case 1. The owner must simply apply for a dock permit with the Municipality.

2.5.3 Municipal officers will verify whether the existing or proposed dock complies with applicable regulations and will issue a dock permit.

2.5.4 However, the owner may have to cross the community trail to access their private property on the shoreline. The Municipality will not require a right-of-way to allow the owner to cross the community trail on foot, unless a private structure providing access to the private property on the shoreline encroaches on the municipal land (e.g., a staircase, ramp or handrail).

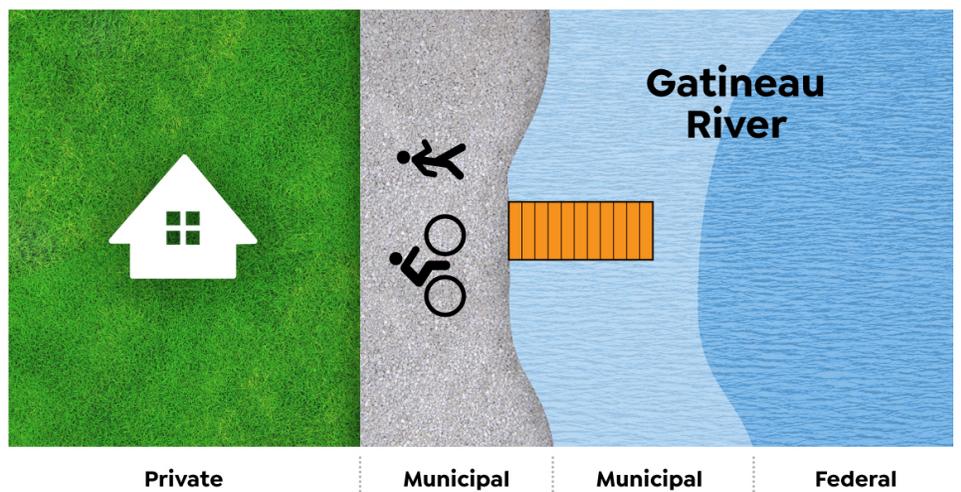
2.5.5 If such a structure encroaches on the community trail, new permissions for occupancy will now be granted to properties contiguous to the community trail which, excluding the presence of the community trail, would be directly contiguous to the Gatineau River.

2.5.6 A permission for occupancy will be required and must be approved by the Municipality, but no lease for occupancy will be required.

**2.6 TYPICAL CASES 3A AND 3B – PRIVATE LOT CONTIGUOUS TO THE MUNICIPAL TRAIL OR CHEMIN DE LA RIVIÈRE (RIVER ROAD)**

**2.6.1 TYPICAL CASE 3A**

2.6.1.1 Some private properties are not contiguous to the Gatineau River, but are contiguous to the community trail.



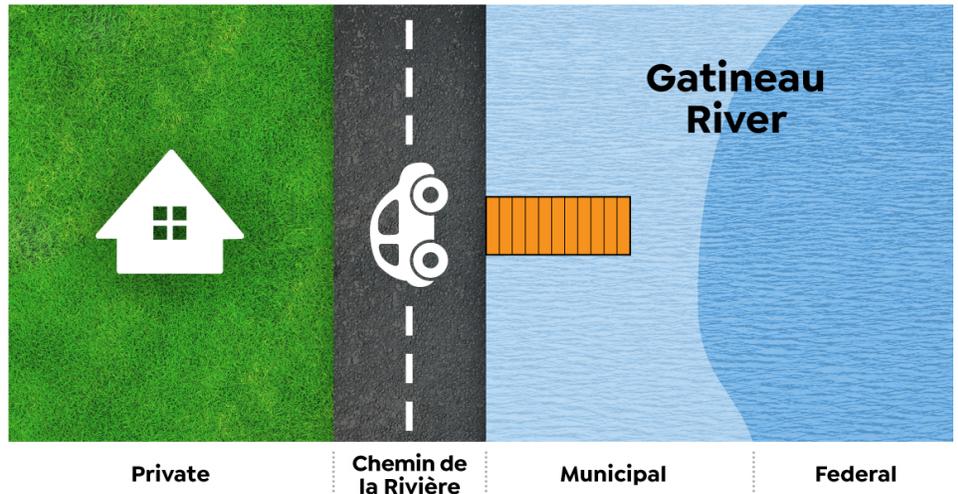
2.6.1.2 If there is an existing dock or a possibility of building a compliant dock connected to the community trail, new permissions for occupancy will now be granted to properties contiguous to the community trail which, excluding the presence of the community trail,

would be directly contiguous to the Gatineau River.

2.6.1.3 A permission for occupancy will be required and must be approved by the Municipality, and a lease for occupancy will be required. The annual lease amount is set at \$200.00 per property.

**2.6.2 TYPICAL CASE 3B**

2.6.2.1 Properties contiguous to Chemin de la Rivière are also deemed to be contiguous if, excluding the presence of the road, they would be directly contiguous to the Gatineau River.



2.6.2.2 Any application of this type will be considered by the Municipality on a case-by-case basis if it complies with the conditions set out in Appendix A herein and any applicable provincial and municipal regulations.

2.6.2.3 A permission for occupancy will be required and must be approved by the Municipality, and a lease for occupancy will be required. The annual lease amount is set at \$200.00 per property.

**2.7 TYPICAL CASE 4 – OTHER**

2.7.1 For all other cases that do not correspond to typical cases 1, 2, 3A or 3B, a permit may be granted for a dock located on municipal land following analysis by the Municipality, e.g., for groups or associations, among others.

2.7.2 Any application will be considered by the Municipality on a case-by-case basis if it complies with the conditions set out in Appendix A herein and any applicable provincial and municipal regulations.

2.7.3 A permission for occupancy will be required and must be approved by the Municipality, and a lease for occupancy will be required. The annual lease amount per property will be determined at a later date.

**SECTION 3 – CONDITIONS FOR GRANTING A DOCK PERMIT**

**3.1 OBLIGATIONS**

3.1.1 No one may build a permanent or temporary dock, modify, repair, renovate or change a dock or part of a dock, install a prefabricated dock, or undertake work for the installation of a dock without having obtained a permit to this effect from the Municipality in accordance with the provisions of the By-law Respecting Permits and Certificates in effect.

3.1.2 The granting of a dock permit is conditional on compliance with the provisions set out in the By-law Respecting Permits and Certificates and the Zoning By-law in effect, as well as with the provisions hereof.

3.1.3 However, a permit for minor repairs necessary for the normal maintenance of a compliant dock is not required when such work does

not involve any modifications to the existing structure. Normal maintenance is defined as maintenance work with a value of less than \$5,000.00.

3.1.4 A dock permit is issued by the Director or their representative.

**3.2 TRANSFERABILITY**

3.2.1 A dock permit may not be transferred to third parties before or during dock construction without the authorization of the Municipality.

3.2.2 However, if the construction of the dock is completed, the dock has been deemed compliant by a municipal officer following a final inspection, and the said property is for sale, the seller must transfer the dock permit to the purchaser for safekeeping, as proof of the dock's compliance. In such case, it is not necessary to notify the Municipality.

**3.3 DEADLINE**

3.3.1 The holder of a dock permit must complete construction of the dock within a period of twelve (12) months, otherwise the permit becomes null and void. It also becomes null and void if the work has not begun within six (6) months from the date said permit is issued, if the permit is transferred to another person without the written consent of the Municipality or if the holder does not comply with the permit granted.

3.3.2 When construction of the dock is completed and has been deemed compliant by a municipal officer in a final inspection, the permit is closed and archived in the municipal archives in perpetuity. It does not need to be renewed.

**SECTION 4 – CONDITIONS FOR GRANTING A PERMISSION FOR OCCUPANCY**

**4.1 OCCUPANCY PRINCIPLE**

4.1.1 Any occupancy of municipal land on the community trail or the Chemin de la Rivière is prohibited unless permission is granted under this by-law.

4.1.2 An individual may be granted an unconditional or conditional authorization, as the case may be, for the occupancy of municipal land in accordance with the terms and conditions set out herein.

**4.2 PERMISSION FOR OCCUPANCY**

**4.2.1 SPECIFIC RESTRICTIONS**

**4.2.1.1** No one may erect a permanent or temporary dock on municipal land or in part on municipal land without being granted a permission for occupancy from the Municipality in accordance with the provisions hereof, subject to sections 4.2.5.1 to 4.2.5.4 hereof.

**4.2.1.2** The granting of a permission for occupancy and its annual renewal is conditional on compliance with the following:

- A municipal permit has been granted for the dock in question, and the dock complies with the applicable regulations, in particular the provisions relating to the protection of lakeshores, riverbanks and littoral zones.
- The installation and use of the dock have no negative impact on the use or enjoyment of the community trail and related municipal facilities.
- An identification plaque provided by the Municipality is affixed to the private dock in a visible location to identify it as an authorized private dock.

Said plaque will be provided by the Municipality at the owner's expense.

- No additional structure, other than the dock and other structures allowed by the permission for occupancy, is installed on the municipal land (shed, permanent furniture, boat rack, electrical wires, etc.).
- A lease has been established with the Municipality and is paid annually, if applicable.
- The dock permit fee and plaque fee have been paid.

#### **4.2.2 LEASED AREA**

4.2.2.1 A permission for occupancy allocates, under a lease on municipal land, a strip of land the width of the portion of land contiguous to the community trail (or Chemin de la Rivière) which, excluding the presence of the latter, would be directly contiguous to the Gatineau River.

4.2.2.2 The surface area of the land subject to the permission may not be fully occupied or denaturalized. Only the portions expressly covered by the authorized dock or structures and allowing access to the dock may be landscaped according to the provisions of the Zoning By-law in effect; the remainder of the land must be preserved in its natural state, in compliance with municipal regulations. The objective is to preserve shoreline vegetation cover and prevent the creation of multiple erosion sites along the river shoreline.

#### **4.2.3 TRANSFERABILITY**

4.2.3.1 A permission for occupancy is not transferable. It therefore becomes null and void as soon as a new purchaser acquires the property in question, even if the term of the permission has not expired. The purchaser must apply to the Municipality of Chelsea for a new permission.

4.2.3.2 The new permission will not be unreasonably withheld provided that it complies with municipal regulations and the provisions hereof. The Municipality wishes to process applications quickly, according to the provisions of Section 6 hereof.

4.2.3.3 A property that has been granted a permission for occupancy cannot be sublet to a third party.

#### **4.2.4 DEADLINE**

4.2.4.1 A permission for occupancy is valid from its date of issue until December 31<sup>st</sup> of the same year. It will be renewed automatically for a period of twelve (12) months on January 1<sup>st</sup> of each year.

#### **4.2.5 RESERVATION**

4.2.5.1 When a permission expires, the Municipality reserves the right not to renew it, with justification.

4.2.5.2 The Municipality also reserves the right to withdraw, at any time, any permission for occupancy granted hereunder if the holder does not comply with the conditions set out or if the Municipality deems that the situation has become problematic.

4.2.5.3 In such a context, removal of a private dock on municipal land and any restoration required to ensure the renaturalization of the shoreline will be at the owner's expense.

4.2.5.4 The Municipality also reserves the right to reject an application or terminate any permission for occupancy granted hereunder in favour of a project in the public interest intended for the entire population of Chelsea.

**SECTION 5 – CONDITIONS FOR GRANTING A LEASE**

**5.1 SPECIFIC RESTRICTIONS**

- 5.1.1** In typical cases 3A, 3B and 4, no one may build a permanent or temporary dock on municipal land or in part on municipal land without having obtained a permission for occupancy from the Municipality in accordance with the provisions herein, subject to subsections 5.5.1 to 5.5.4 hereof.
  
- 5.1.2** The granting of a lease and its annual renewal is conditional on compliance with the following:
  - A municipal permit has been granted for the dock in question, and the dock complies with the applicable regulations, in particular the provisions relating to the protection of lakeshores, riverbanks and littoral zones.
  - The installation and use of the dock have no negative impact on the use or enjoyment of the community trail and related municipal facilities.
  - An identification plaque provided by the Municipality is affixed to the private dock in a visible location to identify it as an authorized private dock.
  - Said plaque will be provided by the Municipality at the owner's expense.
  - No additional structure, other than the dock and structures set out in the permission for occupancy, is installed on the municipal land (shed, permanent furniture, boat rack, electrical wires, etc.).
  - A permission for occupancy has been established with the Municipality.
  - The dock permit fee and plaque fee have been paid.

**5.2 LEASED AREA**

- 5.2.1** A lease allocates, as a lease on municipal land, a strip of land the width of the portion of land contiguous to the community trail (or Chemin de la Rivière) which, excluding the presence of the latter, would be directly contiguous to the Gatineau River.
  
- 5.2.2** The surface area of the land subject to the lease may not be fully occupied or denaturalized. Only the portions expressly covered by the authorized dock and structures and space allowing access to the dock may be developed according to the provisions of the zoning by-law in effect; the remainder must be preserved in its natural state, in compliance with municipal regulations.

The objective is to preserve shoreline vegetation cover and prevent the creation of multiple erosion sites on the river shoreline.

**5.3 TRANSFERABILITY**

- 5.3.1** A lease is not transferable. It therefore becomes null and void as soon as a new purchaser acquires the property in question, even if the term of the lease has not expired.  
  
The purchaser must apply to the Municipality of Chelsea for a new lease.
  
- 5.3.2** The new lease will not be unreasonably withheld provided that it complies with municipal regulations and the provisions hereof. The Municipality wishes to process applications quickly, according to the provisions of Section 6 hereof.
  
- 5.3.3** Leased property cannot be subleased to a third party.

**5.4 DEADLINE**

5.4.1 A lease is valid from its date of issue until December 31<sup>st</sup> of the same year. It will be renewed automatically for a period of twelve (12) months on January 1<sup>st</sup> of each year.

**5.5 RESERVATION**

5.5.1 When the lease expires, the Municipality reserves the right not to renew it, with justification.

5.5.2 The Municipality also reserves the right to withdraw, at any time, any lease granted hereunder if the holder does not comply with the conditions set out or if the Municipality deems that the situation has become problematic.

5.5.3 In such a context, removal of a private dock on municipal land and any restoration required to ensure the renaturalization of the shoreline will be at the owner's expense.

5.5.4 The Municipality reserves the right to reject an application or terminate any lease granted hereunder in favour of a project in the public interest intended for the entire population of Chelsea.

**SECTION 6 – PROCESSING APPLICATIONS FOR DOCK PERMITS, PERMISSIONS FOR OCCUPANCY AND LEASES**

6.1 The owner of an existing or proposed dock submits to the Planning Department an application for occupancy of municipal land and an application for a dock permit, if applicable, by completing the form provided on the Municipality's website at [www.chelsea.ca](http://www.chelsea.ca) under "Permits and certificates" and by providing all required documents (written request, site plan and construction plan) as well as payment of the permit and plaque fees, if applicable.

6.2 Within thirty (30) days of receiving the application, the Planning Department analyzes and ensures its compliance with the municipal regulations, this by-law and the state of the natural environment of the portion to be leased on the riverbank.

6.3 The Planning and Sustainable Development Department completes the analysis of the dock permit application and issues the dock permit and plaque to the applicant.

6.4 When the work is completed, the applicant contacts the Planning and Sustainable Development Department to conduct the final inspection. If construction complies with the issued permit and the conditions of the permission for occupancy, the application is closed and archived.

**SECTION 7 – TIME GRANTED TO REGULARIZE DOCKS WITHOUT A PERMIT**

7.1 The Municipality of Chelsea will grant permissions for occupancy in accordance with the provisions hereof and will grant non-compliant occupants a period of thirty (30) days to initiate the abovementioned procedure to regularize their occupancy.

7.2 At the end of such period, owners of docks and structures who have not taken action are subject to the penalties set out in the By-law Respecting Permits and Certificates and risk having their docks and structures removed from the shore and demolished.

**SECTION 8 – MUNICIPAL INTERVENTION**

8.1 Employees of the Municipality and individuals mandated by the Municipality may access municipal land at any time to carry out surveys, inspections or work required for a municipal purpose or for the purposes of a public utility company.

**SECTION 9 – FINAL PROVISIONS**

**9.1 DEFAULT**

- 9.1.1 An applicant is considered to be in default under the terms of this by-law if they fail or neglect to fulfill any conditions of the permits, occupancy permissions or leases issued.
- 9.1.2 The Municipality reserves the right not to renew a permission for occupancy, with justification.
- 9.1.3 The Municipality reserves the right to withdraw, at any time, any permits and permission for occupancy granted hereunder if the holder does not comply with the conditions set out or if the Municipality deems that the situation has become problematic.
- 9.1.4 In such a context, removal of a private dock or structure on municipal land and any restoration required to ensure the renaturalization of the shoreline will be at the owner’s expense.
- 9.1.5 The Municipality also reserves the right to reject an application or terminate any permission for occupancy granted hereunder in favour of a project in the public interest intended for the entire population of Chelsea.

**SECTION 10 – CIVIL AND CRIMINAL PENALTIES**

- 10.1 The Municipality may revoke a permit or permission for occupancy of municipal land if it was issued in error.
- 10.2 An individual commits an offence in violation of the provisions of this by-law if they:
  - a) use municipal land illegally;
  - b) authorize illegal use of municipal land;
  - c) perform or have performed unauthorized or non-compliant work on municipal land;
  - d) perform or have performed any work not in accordance with the permission for occupancy of municipal land;
  - e) knowingly provide false information on an application for a permission for occupancy of municipal land;
  - f) interfere or attempt to interfere with a person responsible for enforcing this by-law in the performance of their duties;
  - g) fail to comply with a notice issued to them by a person responsible for enforcing this by-law.
- 10.3 Anyone who contravenes this by-law commits an offence and is liable for the costs of each offence and a set fine of \$1,000 if the offender is a physical person or a set fine of \$2,000 if the offender is a legal entity.

In the event of a repeat offence within two years of conviction for the same offence, the offender is liable for the costs of each offence and a set fine of \$2,000 if the offender is a physical person or a fine of \$4,000 if the offender is a legal entity.

Where an offence lasts more than one day, the offence committed on each day or part of a day constitutes a separate offence, and such offences may be described in a single charge.

- 10.4 The Municipality may exercise any necessary recourse in the civil courts to ensure compliance with the provisions of this by-law when the Council

deems it appropriate, regardless of the fact that statements of offence of a penal nature may also have been issued or that a revocation may have been made.

**SECTION 11 – MISCELLANEOUS**

- 11.1 A permission for occupancy, lease or permit granted under this by-law does not exempt its holder from complying with other municipal by-laws.
- 11.2 This by-law does not affect any proceedings instituted under the authority of other municipal by-laws.
- 11.3 Any amendment hereto must be made by regulation.
- 11.4 Anyone who occupies municipal land is responsible for their occupancy of the site and everything arising therefrom. The Municipality is released from any responsibility in this regard.

**SECTION 12 – ENTRY INTO FORCE**

This by-law will come into force once the formalities required by law have been completed.

**GIVEN IN CHELSEA, QUEBEC, on the        day of the month of        ,  
2020.**

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John-David McFaul, Attorney  
Director General and  
Secretary-Treasurer

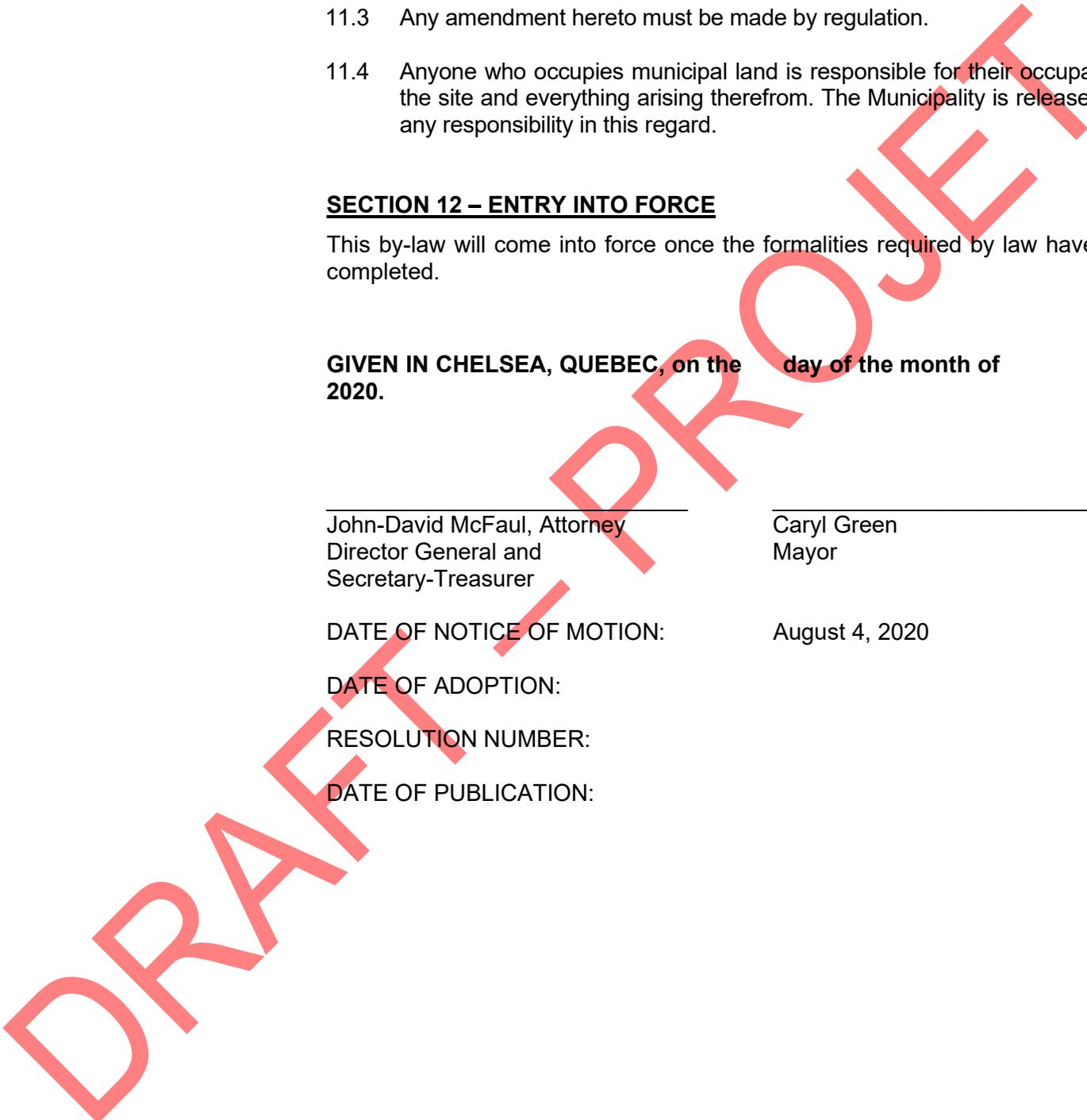
\_\_\_\_\_  
Caryl Green  
Mayor

DATE OF NOTICE OF MOTION:                      August 4, 2020

DATE OF ADOPTION:

RESOLUTION NUMBER:

DATE OF PUBLICATION:



APPENDIX A

Conditions and Rules for the Use of Municipal Land

- 1) All applicable municipal regulations, this by-law, provincial legislation relating to the protection of riparian zones and the Quebec *Construction Code* in force must be followed at all times.
- 2) Public peace, order and cleanliness must be preserved and maintained on all municipal property with regards to both noise and refuse.
- 3) The use of alcohol or other substances such as drugs, and the possession of weapons are strictly prohibited on municipal land, as stipulated in By-law 19-RM-04.
- 4) Lighting or keeping a fire lit on municipal land and using any pyrotechnic device are prohibited, as stipulated in By-law 19-RM-04, unless a permit or authorization to this effect has been obtained.
- 5) The application form for a permit or a permission for occupancy must be completed with the following:
  - Identification of the applicant (address, numbers, etc.)
  - Identification of the property involved
  - Plans of the proposed dock or structure
  - Estimate work start and end date
  - Occupancy start date
  - Description of the space occupied
- 6) All documents necessary to consider the application must be submitted at the time of application.
- 7) Anyone who has received authorization to install a dock or a permission for occupancy must comply with the conditions of issuance established at the time of application.
- 8) No other structure or building may be installed or stored on the municipal land (shed, permanent furniture, boat rack, electrical wires, etc.).
- 9) A dock permit cannot be transferred to a third party without the authorization of the Municipality.
- 10) Under no circumstances may the installation and use of a dock have any negative impact on the use or enjoyment of the community trail and related municipal facilities.
- 11) The identification plaque provided by the Municipality must be affixed to the private dock in a visible location to identify it as an authorized private dock.
- 12) The lease for occupancy of municipal land must be renewed annually, and the fees must be paid. The applicant is responsible for taking the proper steps in this regard.
- 13) Anyone occupying municipal land is responsible for their occupancy of the site and everything arising therefrom and must sign a declaration to this effect, releasing the Municipality from any liability in this regard.
- 14) The Municipality or its representative will have access to municipal land at all times.