

THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

BY-LAW #34-2023

Being a By-law to regulate the use of bubblers, aerators, and/or de-icers in association with in-water or on-water structures and buildings.

WHEREAS section 123 of the *Municipal Act, 2001*, provides municipalities with the authority to pass by-laws concerning dangerous places;

AND WHEREAS section 128 of the *Municipal Act, 2001*, provides municipalities with the authority to pass by-laws concerning public nuisances;

AND WHEREAS Council has determined that the uncontrolled use of bubblers, aerators and/or and de-icers in association with in water or on water structures and buildings may create a significant public nuisance and create dangerous places;

NOW THEREFORE, the Council of The Municipal Corporation of the Township of Armour enacts as follows:

Application

1. This by-law applies to all lands, and expressly includes those covered by water, within the Township of Armour.

Definitions

2. The following are defined terms:
 - a) “de-icer” shall mean any device, mechanical or otherwise, the use of which is intended to inhibit or prevent the natural freezing of water, or the formation of ice around, upon, or within an in-water or on-water structure or building. Without limiting the generality of the foregoing, a de-icer includes an aerator, agitator, bubbler, or heating device.
 - b) “in-water or on-water structure or building” means any structure or building that is affixed to and/or supported by the lake bed and/or floating upon the water and includes without limitation a dock, boat port or boat house.
 - c) “open water” means water with no layer of ice or a layer of ice that is less than 10 cm in thickness.

General Prohibition

3. No person shall place or operate, or cause to be placed, or operated a de-icer that creates open water greater than a distance of 3.0 metres from:
 - a. any edge of a floating dock or boat port; or
 - b. any edge of a crib supporting a dock, boat port or boat house; or
 - c. any edge of a piling supporting a dock, boat port or boat house.
4. Notwithstanding subsection 3, no person shall place or operate, or cause to be placed, or operated a de-icer that creates open water in front of land owned by any person other than the owner of the de-icer. For the purposes of this section, “in front of land” shall be determined using an extension of the side lot line (as defined in the Township of Armour’s then applicable Comprehensive Zoning By-law) over and upon the abutting waterbody.
5. No person shall operate or cause to be operated, a de-icer prior to December 21st of a calendar year.

6. No person shall operate or cause to be operated, a de-icer unless warning signs, meeting the requirements of section 6, are posted to warn of its location and operation.
7. A sign required under section 6 shall read include the wording “DANGER, OPEN WATER/THIN ICE” and shall be:
 - a. of sufficient size to be readable at a distance of not less than 45 metres,
 - b. shall be visible from all directions upon the waterbody, and
 - c. shall be equipped with a pulsating amber light.
8. Any Person who contravenes any provision(s) of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
9. Each day that a contravention of this By-law continues may constitute a separate offence.
10. The Clerk of the Township of Armour is hereby authorized to make any minor modifications or corrections of an administrative, numeric, grammatic, semantic or descriptive nature or kind to the by-law and schedule(s) as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.
11. That this by-law shall come into force and effect on the date of passing.

Read in its entirety, approved, signed and the seal of the Corporation affixed thereto and finally passed in open Council this 12th day of September, 2023.

Original signed by Rod Ward
Rod Ward, Mayor

Original signed by John Theriault
John Theriault, Clerk