



"IN CAMERA"

BUDGET AMENDMENT

DEPARTMENT: Community Services	PAGE 1 OF 3
DATE PREPARED: September 2, 2004	REPORT NO. CSD 04-38
COUNCIL MEETING DATE: September 7, 2004	
SUBJECT: BOATING RESTRICTIONS FOR PORT DOVER BEACH AREA	

INTRODUCTION/BACKGROUND:

In the interest of public safety, both for boaters and swimmers in 1989, the former City of Nanticoke took the necessary steps to establish boating restrictions approximately 150 feet from the shoreline of the public beach area in Port Dover

The purpose of this report is to seek Council approval to re-establish an expanded area due to the increased and inherent safety problem of boaters and bathers sharing a confined area.

DISCUSSION/ANALYSIS

Each year, at the beginning and end of the traditional boating/swimming season, the Community Services Department engages a marine operator to place and remove three large buoys within the designated non-boating areas as authorized by the Federal Government, under the Canada Shipping Act, Boating Restrictions Regulations

Even though this summer was one of the coolest and wettest summers that has been experienced in many years, a record number of enquiries and complaints were received from visitors and adjacent home/cottage owners about the number of boats entering the swimming area and the potential for accidents

Respectfully submitted by:  Kevin Lichach, Acting General Manager Community Services	Prepared by:  For more information call. 426-5999, Ext 225
COUNCIL-IN-COMMITTEE. <u>Sept 7/04</u>	COUNCIL. <u>Sept 14/04</u>
RES NO <u>15</u>	RES. NO <u>21</u>
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Amendments <input type="checkbox"/> Other	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with Amendments <input type="checkbox"/> Other

*Public Meeting\*  
Council: Aug 30/05  
Res. 4 Approved.*

### DISCUSSION/ANALYSIS (Continued)

Enforcement within the restricted boating area is the responsibility of the Royal Canadian Mounted Police and the Norfolk County OPP marine unit. The OPP have advised that the existing location and limited number of buoys makes it extremely difficult to patrol/enforce/lay charges.

The OPP support an enhanced area with additional buoys so that the restricted area is easily defined and identified by the boaters, bathers and enforcement agencies. The Port Dover Board of Trade and several area residents who make regular use of the swim area have also requested that the restricted area/buoys/signage be improved for safety purposes and improved enforcement purposes.

The Canada Coast Guard stationed in Port Dover also supports expansion and improved markings (signage, buoys) of the restricted boating zone. While the Coast Guard may be able to assist in the placement/removal/maintenance of the markers (fee for service through public tender process) the Coast Guard is not responsible for enforcement within the restricted zone.

### Application for Boating Restrictions Regulations

The Canadian Coast Guard administers the Boating Restriction Regulations in co-operation with Provincial Governments. Boating restrictions cannot be used to regulate swimmers, as they are not navigable vessels. Boating restrictions can be imposed where boaters pose a credible danger to themselves, other boaters or other users of the water such as swimmers. It is not necessary to wait for an accident to occur.

Staff have consulted with Canadian Coast Guard staff stationed in Port Dover and the Norfolk County OPP.

Since discussion began in August, staff have been advised that the process to establish a Boating Restriction takes at least six months and often longer. The Boating Restriction requires acceptance by the Province and eventually by the Federal Cabinet Committee.

In order to proceed with an application, a public consultation process is required to allow opponents and supporters of the proposed restriction. Further, a resolution of the municipal Council is required to support the application.

A lengthy process is needed to secure the proper agreements and approvals by the Federal and Provincial agencies that have jurisdiction in this area of the Lake (see attachment "D" "Steps to Follow")

### Costs

Current costs to install, remove the existing buoys is approximately \$1,400 per year and is financed from the Port Dover and area Parks operating budget. The existing steel buoys and anchors (chain and concrete bases) are in poor condition and in need of replacement before next year's boating season begins.

The proposed Boat Restrictions area will require approximately eight new light-weight buoys with appropriate signage and a string of small buoys/floats to properly identify the enhanced swim areas.

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Actual costs for the new buoys is estimated at \$5,000 - \$6,000 and will be identified in the Community Services Department, Parks & Facilities Division 2005 Minor Capital Budget.

**INTERDEPARTMENTAL IMPLICATIONS:**

Community Services will require assistance from the Clerk/Corporate Services Department to ensure the legislative requirements for the various government agencies are satisfied as well as the public consultation process

**TREASURY / FINANCIAL COMMENTS:**

Costs for the future purchase and maintenance of the buoys shall be subject to Council approval in the 2005 Community Services Department Budget

**STAFFING / LEGAL IMPLICATIONS:**

Enhancement of the existing Boat Restrictions is required in order to improve safety within the Port Dover Beach shoreline. Responsibility for swimmer safety within the shoreline area rests with the municipality.

**CORPORATE PLAN LINKAGE:**

The recommendations contained within this report are congruent with corporate plan initiatives.

**CONCLUSION:**

Improved enforcement and safety within the Boating Restricted area can only be accomplished with the introduction of improved boundaries and buoy markers, and is supported by the agencies that have ultimate authority for enforcement and patrol.

**RECOMMENDATIONS:**

THAT Report CSD No 04-38, entitled "*Boating Restrictions for Port Dover Beach Area*" be received; and,

THAT staff be authorized immediately to take the necessary steps to make a formal application for enhanced Boating Restriction Regulations off the shoreline of the Port Dover public beach area; and,

THAT the actual location, placement of the buoys to mark the restricted area be finalized in consultation with the public, Norfolk County OPP, Port Dover Board of Trade and the Canadian Coast Guard

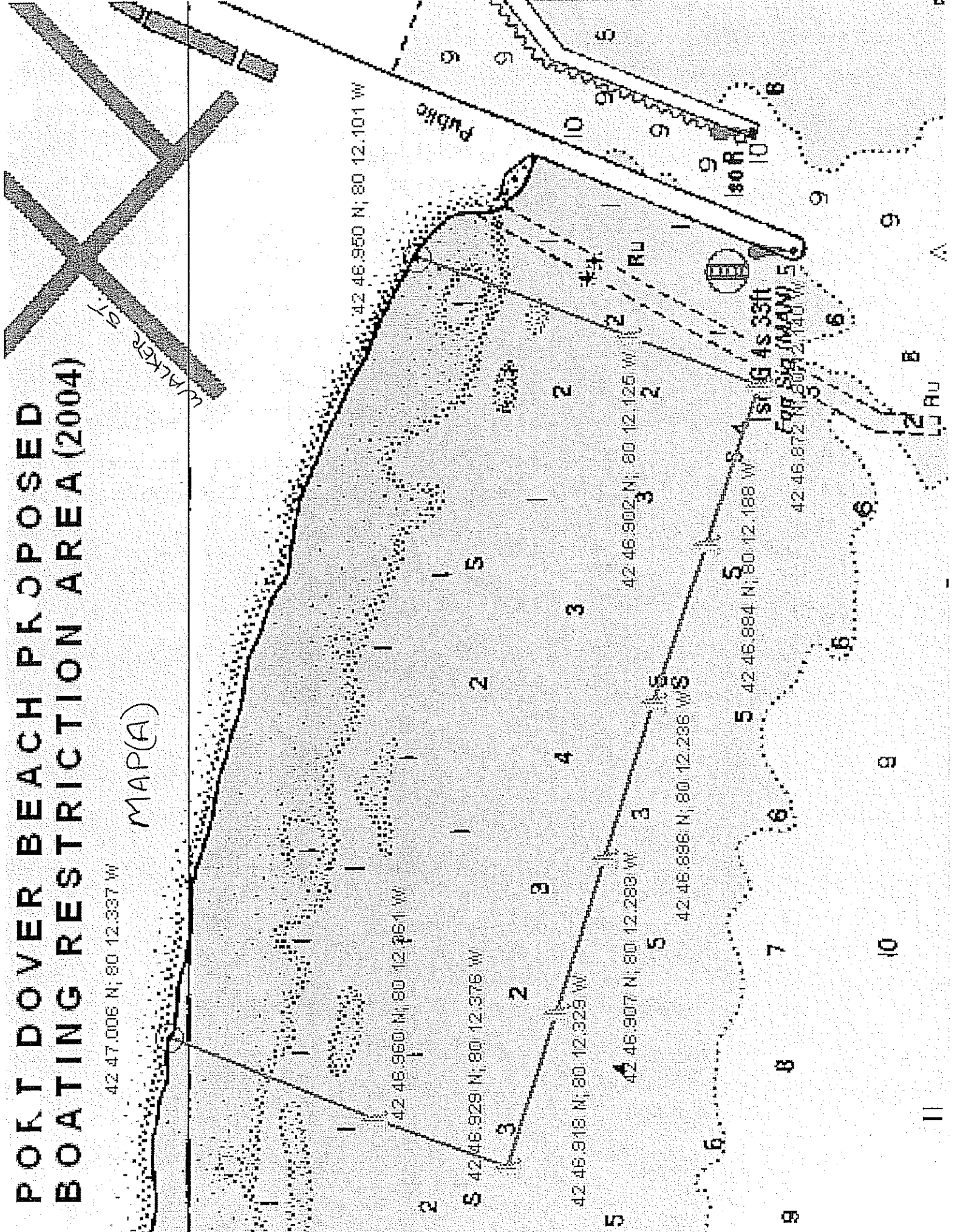
**ATTACHMENTS:**

- Map "A" – Proposed Boating Restriction Area
- Map "B" – Existing Boating Restriction Area
- Map "C" – Boating Restriction Areas/Adjacent Streets

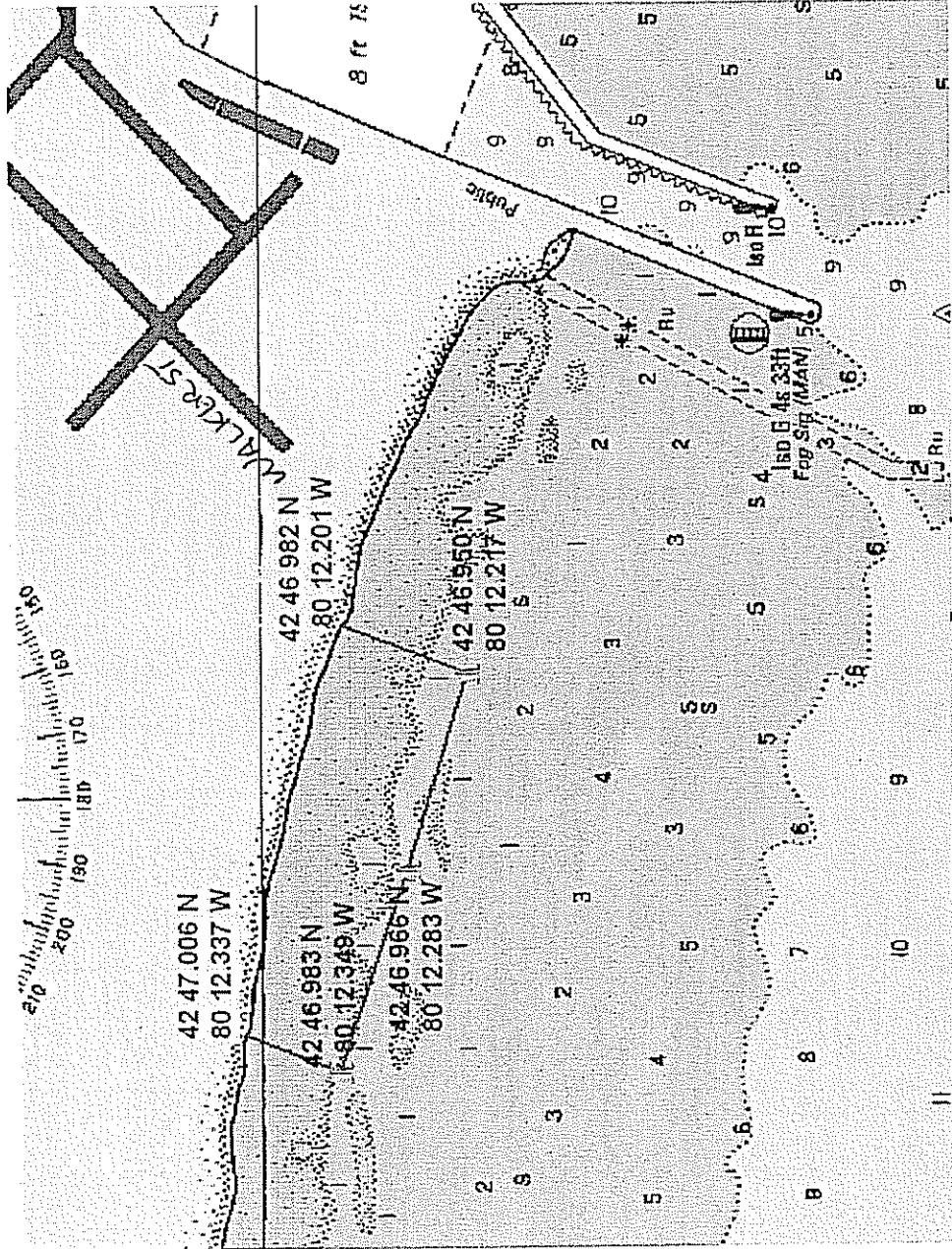
# PORT DOVER BEACH PROPOSED BOATING RESTRICTION AREA (2004)

42 47.006 N; 80 12.337 W

MAP(A)

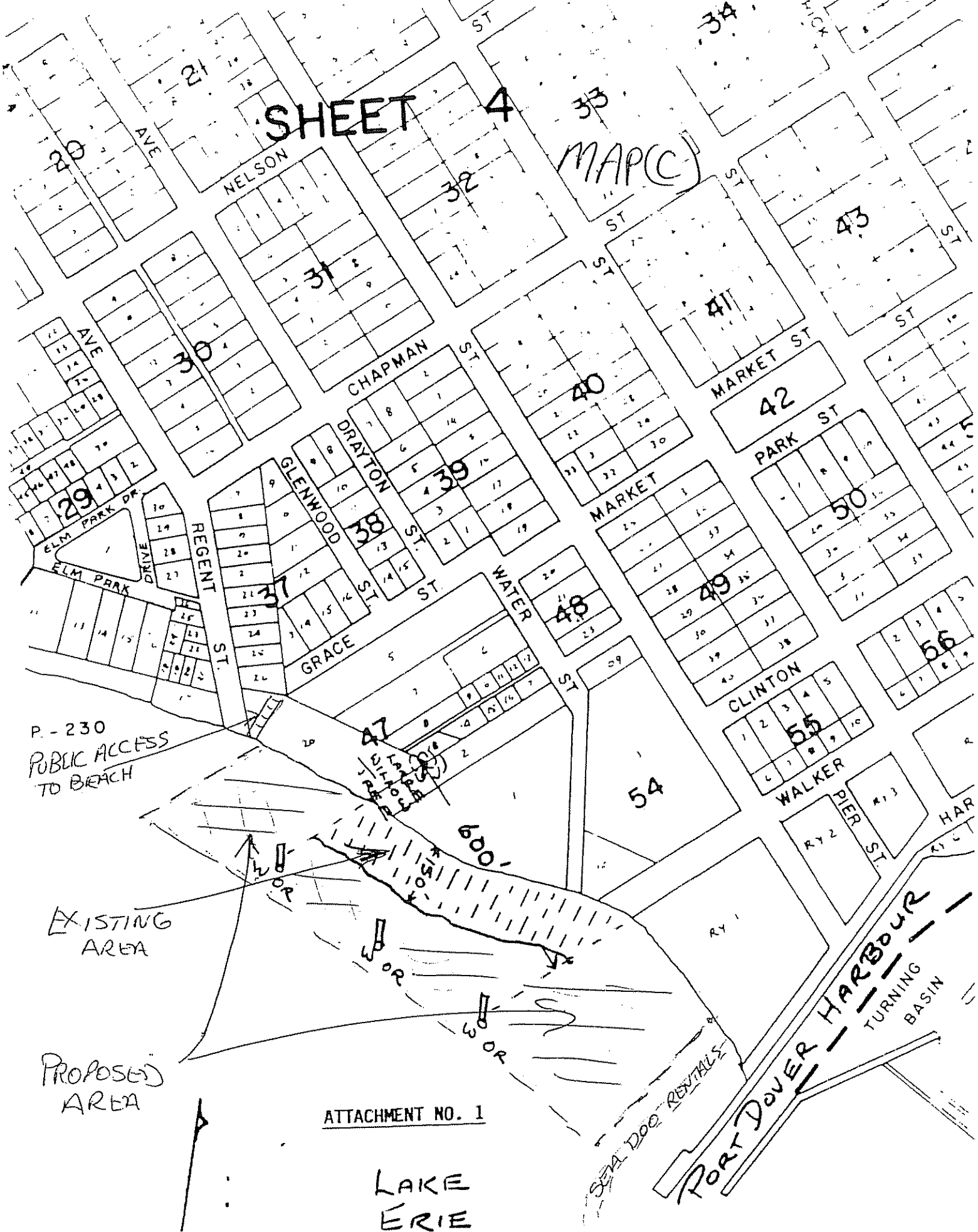


PORT DOVER  
 RESTRICTED BEACH AREA 1990 MAP(B)



# SHEET 4

MAP(C)



P-230  
PUBLIC ACCESS  
TO BEACH

EXISTING  
AREA

PROPOSED  
AREA



ATTACHMENT NO. 1

LAKE  
ERIE

SCALE 1" = 300



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- Search
- Environment
- Road
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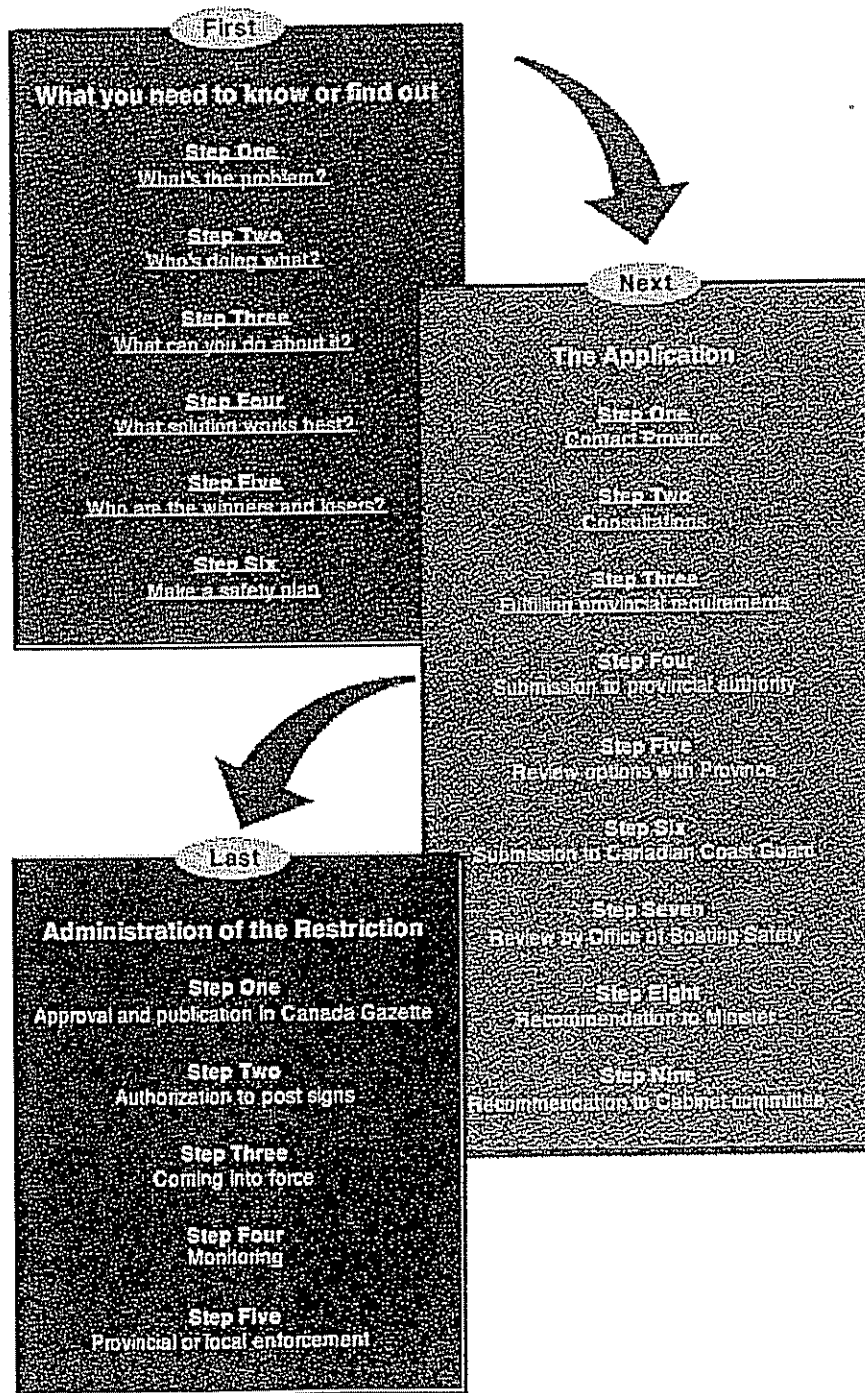
Transport Canada > Office of Boating Safety > OBS Publications > Boating Restriction Regulations



# Boating Restriction Regulations / STEPS TO FOLLOW

## Local Authorities' Guide to the Boating Restriction Regulations - Second Edition, 1998 Enhanced Web Version 1999

Transport Canada
Office of Boating Safety
• Office of Boating Safety
• The Safe Boating Guide
• Course Providers
• Regulations
• Publications





THE CORPORATION OF NORFOLK COUNTY

RESOLUTION # (4)

DATE August 30, 2005

COUNCIL MEETING

MOVED BY

*[Handwritten signature]*

SECONDED BY

*Dean Morrison*

THAT in order to improve enforcement and safety within the Port Dover Beach shoreline, the Council of Norfolk County request that the existing boat restrictions for the Port Dover Beach area be expanded to include.

That part of Lake Erie in front of Port Dover in Norfolk County, enclosed by the following positions:

At a beginning point of onshore at approximately 42° 46' 95.0" North, 80° 12' 10.1" West. TO 42° 46' 87.2" North, 80° 12' 14.0" West. TO 42° 46' 90.4" North, 80° 12' 39.1" West. TO another point on shore at approximately 42° 47' 00.6" North, 80° 12' 33.7" West; and,

THAT the results of the public consultation process, along with letters of support and opposition to the proposed restriction be forwarded to the Minister of Transport Canada, Office of Boating Safety, for consideration and approval for the 2006 boating season.

*[Handwritten signature]*  
Carried: