

PRIVATE MOORING BUOYS – REGULATION OPTIONS

January 2024

	OPTION 1 Prohibit Private Mooring Buoys through Zoning, Land Use and Structure Bylaws	OPTION 2 Regulate Private Mooring Buoys through Zoning, Land Use and Structure Bylaws	OPTION 3 Enter into a Licence of Occupation with the Province to Regulate Private Mooring Buoys and Recover Fees
Summary Description	<ul style="list-style-type: none"> Through zoning and land use bylaws, local government prohibits the placement of Private Mooring Buoys (PMBs) within their metes and bounds. 	<ul style="list-style-type: none"> Regulate the number of and/or location of PMBs through land use and structure bylaws. Regulate allowable structures on the PMBs through Land Use and Structures bylaw. No moorage fees are recovered by local government. 	<ul style="list-style-type: none"> Local government enters into crown land tenure through a Licence of Occupation, with an approved management plan, that defines the maximum number of moorages within the tenure area and terms of use for the moorages. To charge mooring fees and recover costs, a local government would need to enter into a Licence of Occupation with the Province.
Local Government Role	<ul style="list-style-type: none"> Develop or amend land use and structure bylaws to prohibit the placement of PMBs. Enforcement of bylaws (this could include the removal/relocation of buoys). 	<ul style="list-style-type: none"> Determine appropriate number and locations for PMBs and long-term storage of boats. Develop or amend land use and structure bylaws to regulate the placement and number of PMBs. Provision of shore services and amenities (i.e., location for row boats/garbage/sewage discharge). Enforcement of bylaws. 	<ul style="list-style-type: none"> Develop a management plan for each harbour area. Negotiate Licence of Occupation with the Province. Develop or amend land use and structure bylaws to regulate the placement and number of PMBs. Set up a registration and payment system. Provision of shore services and amenities (i.e., location for row boats/garbage/sewage discharge). Enforcement of bylaws.

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Financial Implications	<ul style="list-style-type: none"> • Enforcement of bylaws. 	<ul style="list-style-type: none"> • Provision of shoreline amenities (garbage, access for small boat tie up area, sewage pump out facility). • Enforcement of bylaws. 	<ul style="list-style-type: none"> • Signage at wharf/access point. • Provision of shoreline amenities (garbage, access and small boat tie-up area, sewage pump out facility). • Moorage buoy placement and maintenance. • Administration of moorage fees. • Enforcement of bylaws.
Environmental Implications	<ul style="list-style-type: none"> • Reduce or eliminate issues with derelict, abandoned and wrecked boats. • Eliminate depending on senior levels of government to better regulate PMBs and problem boats. 	<ul style="list-style-type: none"> • Due to the ability to regulate structures, local government would be able to set conditions on the types of structures attached to PMBs, which could significantly alleviate issues with derelict, abandoned and wrecked boats. • Through land use bylaws, local government could determine where they would accommodate PMBs and they could also determine if/where liveaboards would be accommodated. • Local government could implement a permit requirement to easily control placement of PMBs and regulate appropriate uses. Permit conditions could include meeting new federal boat registration and licencing requirements, set time limits on boat moorage, among many other things, and could be revoked if not adhered to. 	<ul style="list-style-type: none"> • Due to the ability to regulate structures, local government would be able to set conditions on the types of structures attached to PMBs, which could significantly alleviate issues with derelict, abandoned and wrecked boats. • Through land use bylaws, local government could determine where they would accommodate PMBs and they could also determine if/where liveaboards would be accommodated. • Local government could implement a permit requirement to easily control placement of PMBs and regulate appropriate uses. Permit conditions could include meeting new federal boat registration and licencing requirements, set time limits on boat moorage, among many other things and could be revoked if not adhered to.

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Intergovernmental Implications	<ul style="list-style-type: none"> • Likely that a number of boats will try to move into other harbours and bays, which could exacerbate/create boat issues for other local governments. • Need for regional discussions to address the need for long-term boat mooring (storage) with appropriate shore facilities. 	<ul style="list-style-type: none"> • Less impact on other local governments and other harbours and bays. 	<ul style="list-style-type: none"> • Less impact on other local governments and other harbours and bays.
Legal Implications	<ul style="list-style-type: none"> • Legal review to determine implications if a bylaw is put into place after PMBs have been in place for some time. 	<ul style="list-style-type: none"> • Legal review to determine implications if a bylaw is put into place after PMBs have been in place for some time. 	<ul style="list-style-type: none"> • Legal review to determine potential environmental liability to Local Government from Province, as a result of clauses in the Licence of Occupation template.
Enforcement Implications	<ul style="list-style-type: none"> • Initial enforcement requirements may be high in areas where current bylaws prohibit PMBs but that have not been enforced. • Similarly, enforcement could be high. • Once this is complete, long-term and ongoing enforcement would be minimal. 	<ul style="list-style-type: none"> • Ongoing enforcement of zoning, land use and structure bylaws. 	<ul style="list-style-type: none"> • Ongoing enforcement of zoning, land use and structure bylaws.