

How-to use guide

Initial notes:

- This how-to guide, and the associated by-law template, are meant to be a starting point for municipalities who wish to enact a by-law pertaining to the inspection of watercraft prior to the use of municipal infrastructure with the intent of increasing aquatic invasive species prevention efforts within the given municipality.
- The by-law template pertains to the use of municipal infrastructure and a measure to increase AIS prevention efforts. This by-law does not in any way prevent the use of a crown resource and can only be used as a permission measure on municipal infrastructure.
- Review all sections of the by-law template, including those which are highlighted in yellow as they are intended to be changed during the production of the by-law

WHEREAS Statements - Section

- The initial section which outlines a series of “**WHEREAS**” clauses/statements is meant to give context to the municipality and reader on what types of information can be outlined in an AIS related by-law if following the presented format.
- The intention of this section is to introduce the reason for the by-law and should be written in plain language, ensuring that it is consistent with other municipal by-laws passed by council.
- Review this section to determine what, if any, of the clauses/statements pertain to the proposed AIS prevention efforts within the municipality. It is recommended to review and subsequently remove or edit any of the existing clauses to fit the municipalities full intent of the by-law.
- As the authorities being exercised are covered under *The Municipal Act*, ensure that clauses are linked back to the act itself.

** Note that some of the existing clauses use definitions that align with *The Water Protection Act* and *Aquatic Invasive Species Regulation*.

Definitions – Section 2

- The intention of this section is to provide definitions for any specific titles or phrases within the by-law. If using terms already defined within existing provincial Acts or Regulations it is recommended to refer directly to those Acts or Regulations, in the event that any definitions within those regulatory items change.
- Enter any additional definitions used during the production of this by-law
- Enter the name(s) of any specific waterbodies mentioned in the by-law, making note of the specific geographic areas, as there are multiple lakes within Manitoba with similar, or the same name

Requirement for watercraft to gain access to municipal infrastructure – Section 3

- The intention of this section is to outline the specifics of how a watercraft owner would gain permission to use the municipal infrastructure/municipal boat launch in question
- The points included in the template cover a basic inspection (and decontamination) program which would either prohibit, or allow permission on, the use of a municipal boat launch
 - o Prohibition is based on information gathered, and a full inspection of the watercraft, resulting in a decision that the watercraft may pose a risk for the presence or introduction of aquatic invasive species
 - o Permission is granted on the basis that:
 - The watercraft does not pose a risk for the presence or introduction of aquatic invasive species; or,
 - The watercraft has undergone an acceptable treatment to ensure it is compliant with *The Water Protection Act Aquatic Invasive Species Regulation*.
- Include all requirements associated with the use of municipal infrastructure

Watercraft Decal usage – Section 4

- The intention of this section is to outline the specifics of a potential decal program, as seen in other municipalities.
- A decal program is not necessary for the functioning of a municipal inspection and decontamination program.
- This is an additive prevention step which can be used by boaters to signify their intent on using a watercraft solely within the outlined waterbody.
- Decal programs can also function in line with boat launch fees, or other administrative fees or requirements, helping streamline processes.
- Include the specifics of the municipalities proposed decal usage.

Watercraft Tag usage – Section 5

- The intention of this section is to outline the specifics of a tag program, as seen in other municipalities
- This is an additive prevention and assurance step which provides a clear indication to inspectors that an individual has recently launched through the municipal boat launch, and barring no tampering of the tag, has not since launched that watercraft in another waterbody.
- Tags should be installed in a fashion that indicates to an inspector if a boat has been launched. Installation is recommended between the trailer and an anchor point on the bow of the boat. That way, if the boat is launched, the tag will break.
- It should be noted that even if a boat returns to a municipal inspection station with a tag affixed to it, it should not negate the inspection requirement and does not under any circumstance disqualify the requirements outlined in *The Water Protection Act Aquatic Invasive Species Regulation*.
- Include the specifics of the municipality's proposed tag component.

Watercraft re-entry via municipal boat launch – Section 6

- The intention of this section is to outline the requirements for re-entry to a crown waterbody through a municipal boat launch
- Include the specifics of what a decal or tag program may have on re-entry requirements

Administration – Section 7

- For administrative purposes, municipalities should view the roles of municipal AIS inspectors and by-law enforcement officers as different.
- Municipal AIS Inspectors are appointed individuals who administer inspections, decontaminations, and permissions per the municipal by-law.
 - o This appointment does not give authority to administer and enforce fines outlined within the by-law, or any fines outlined within provincial legislation or regulations.
- By-law enforcement officers are persons appointed or designated under *The Municipal Act* to enforce the by-laws of a municipality.
 - o If fines associated with the improper use of municipal infrastructure are outlined within the by-law, thought must be given to how the municipality will enforce the by-law.
 - o Municipalities may enforce it in accordance with their by-law enforcement framework under either *The Municipal By-Law Enforcement Act*, or *The Provincial Offences Act*. Note that amendments to other enforcement by-laws may be necessary.
 - o It is likely that by-law enforcement officers would be the main, and without subsequent designation, only body able to implement these municipal fines.

Fines – Section 8

- The intention of this section is to outline the specifics of the by-law fines, and how they would be administered and enforced.
- Enforcement of the by-law regarding fines would likely be carried out by municipally appointed by-law enforcement officers
- Fines outlined in this section would pertain to people failing to comply with the requirements set out in the by-law as they pertain to the proper use of municipal infrastructure

** Note – The intention of this section is not related to fines and enforcement of *The Water Protection Act Aquatic Invasive Species Regulation*. Municipally appointed by-law enforcement officers could be designated as officers under *The Water Protection Act Aquatic Invasive Species Regulation* through an application with the minister in charge of the provincial Act.

Additional Sections

- The by-law template does not cover the topic of enforcement of existing Provincial Regulations. For enforcement of provincial regulations, a municipality would be required to apply to the Minister who oversees The Water Protection Act for proper designation of municipal by-law enforcement officers as provincial officers to enforce *The Water Protection Act Aquatic Invasive Species Regulation*.

MUNICIPALITY OF ENTER MUNICIPALITY HERE
BY-LAW NO. ###

**BEING A BY-LAW TO PROVIDE FOR WATERCRAFT INSPECTION BEFORE THE
USE OF MUNICIPAL INFRASTRUCTURE SURROUNDING WATERBODY NAME
HERE**

WHEREAS an Aquatic Invasive Species (AIS) is a species that: is not native to Manitoba; members of the species live in or near a water body; and the species has a negative effect on aquatic ecosystems in Manitoba, or is likely to have a negative effect in aquatic ecosystems in Manitoba;

AND WHEREAS the presence and spread of AIS may: adversely affect and impact the overall environmental health of waterbodies; contribute to increased infrastructure costs for ratepayers and the municipality; impact residential and municipal water supply; affect native fisheries; and, affect the overall social use of waterbodies within the ENTER
MUNICIPALITY HERE;

AND WHEREAS watercraft and water-related equipment moving between waterbodies has been identified as an anthropogenic contributor to the spread of AIS;

AND WHEREAS under *The Water Protection Act Aquatic Invasive Species Regulation*, measures have been established to prevent the spread of AIS between waterbodies;

AND WHEREAS the ENTER MUNICIPALITY HERE recognizes AIS as not only a local issue, but as a whole provincial issue that can have significant social, ecological and economic costs for all Manitobans;

AND WHEREAS the ENTER MUNICIPALITY HERE recognizes that the municipality and its residents benefit from access to Crown water bodies that fall within the municipal boundary;

AND WHEREAS the ENTER MUNICIPALITY HERE recognizes that watercraft inspections at locations where watercraft traffic can be intercepted is an important component in 1) increasing prevention efforts in local areas, 2) reducing the spread of AIS between waterbodies, 3) preventing the introduction of new AIS into aquatic ecosystems, and 4) providing decontamination services per legislative requirements (USED ONLY IF
DECONTAMINATION IS PROPOSED BY THE MUNICIPALITY);

AND WHEREAS there is a desire for ENTER MUNICIPALITY HERE to implement an inspection and decontaminate (IF USED) and permission program for the purpose of detecting aquatic invasive species as it pertains to the acceptable use of municipal infrastructure surrounding ENTER WATERBODY NAME HERE thereby reducing the risks and adverse effects associated with the presence and spread of aquatic invasive species;

AND WHEREAS the **ENTER MUNICIPALITY HERE** views AIS as a threat to the health of individuals and to the property within the municipality, and is introducing measures to protect property and infrastructure, and to maintain a safe and healthy aquatic environment within the municipality.

THEREFORE BE IT RESOLVED THAT the Council of **ENTER MUNICIPALITY HERE**, in open meeting assembled, enacts as follows:

1. **THAT** this by-law will be known as **ENTER BY-LAW NAME HERE**
2. **Definitions:**
 - a. “aquatic invasive species”, “waterbody”, “watercraft”, and “water-related equipment” have the same meaning as in the Water Protection Act (Manitoba).
 - b. “inspection” the process used to examine watercraft and/or water-related equipment for the purposes of observing *The Water Protection Act Aquatic Invasive Species Regulation*
 - c. “decontamination” is a treatment that can involve a series of procedures meant to kill AIS.
 - d. “control zone” means an area designated as an aquatic invasive species control zone under section 29.13 of *The Water Protection Act*.
 - e. “by-law enforcement officer” is a person appointed or designated under The Municipal Act to enforce the by-laws of a municipality.
 - f. “AIS inspector(s)” are person(s) appointed by the Municipality to conduct inspections **AND DECONTAMINATIONS** under this by-law.
 - g. “municipal inspection station” means a station located at the municipal boat launch within the boundaries of **ENTER MUNICIPALITY HERE**
 - h. “**specific waterbody name**” the waterbody, or waterbodies, located within **enter additional geographic information here**
 - i. **Add additional definitions here**
3. **Requirement for watercraft to gain access to municipal infrastructure surrounding **SPECIFIC WATERBODY(IES) NAME****
 - a. No person may use a municipal boat launch surrounding **SPECIFIC WATERBODY(IES) NAME** without having had an AIS inspector carry out an inspection of the watercraft, and the AIS inspector providing express permission to use the municipal boat launch.
 - b. A person must attend at the municipal inspection station for a watercraft inspection during its operating days and hours, present the watercraft for inspection, and provide the information requested by the AIS inspector.
 - c. If based on the information and inspection it appears to the AIS inspector that the watercraft does not pose a risk for the presence or introduction of aquatic invasive species, the AIS inspector may permit the usage of a municipal boat launch.

- d. If based on the information and inspection it appears to the AIS inspector that the watercraft may pose a risk for the presence or introduction of aquatic invasive species, the AIS inspector will inform the person that they must have the watercraft treated according *The Water Protection Act Aquatic Invasive Species Regulation* before permission can be given for the usage of a municipal boat launch.
- e. Acceptable treatment methods include:
 - i. Have the boat owner become compliant with clean, drain, and dry requirements if they are non-compliant and coming from a non-control zone waterbody;
 - ii. Decontamination carried out by a municipal AIS inspector in compliance with *The Water Protection Act Aquatic Invasive Species Regulation*; and,
 - iii. Decontaminations carried out at a Province of Manitoba Watercraft Inspection Station per the decontamination protocols outline in *The Water Protection Act Aquatic Invasive Species Regulation*.
 - iv. Self-decontamination carried out by the boater per the self-decontamination protocols outline in *The Water Protection Act Aquatic Invasive Species Regulation*, along with proof of self-decontamination.
- f. Upon treatment or presentation of proof of decontamination, and the AIS inspector being satisfied the watercraft does not pose a risk for the presence or introduction of aquatic invasive species, the AIS inspector may allow permission of usage of a municipal boat launch.
- g. For any watercraft, a person may request that the AIS inspector provide a sticker to be placed on the watercraft confirming the inspection and permission, such sticker denoting a commitment of the watercraft owner to only use the watercraft in **SPECIFIC WATERBODY NAME**. Upon removing a permitted trailered watercraft from **SPECIFIC WATERBODY NAME**, a person may request that the AIS inspector attach the watercraft to its trailer using a tag issued under this by-law. Notwithstanding (f) above, provincial obligation for entry and exit of any waterbody always applies, as outlined under *The Water Protection Act Aquatic Invasive Species Regulation*.

4. Watercraft Decal usage:

- a. Decals will identify the **ENTER MUNICIPALITY HERE**, decal number, year, and general contact number.
- b. Must be displayed clearly on the watercraft in an area that is above the water line at all times.
- c. Must be obtained from **ENTER SPECIFIC LOCATION HERE** upon application by qualified watercraft owners.
- d. Include additional specifics regarding decal usage

5. Watercraft Tag usage:

- a. Tags will be fastened to the boat and trailer, indicating that the watercraft remains a one-waterbody watercraft.

- b. Tags must be obtained at **ENTER SPECIFIC LOCATION HERE**
- c. Tags must be installed by an AIS inspector.
- d. If tags remain intact at the time of next inspection this will **enter specifics** regarding program, such as eliminating fees or other incentives
- e. Include additional specific regarding tag usage

6. Watercraft re-entry via municipal boat launch

- a. If a watercraft is removed from **SPECIFIC WATERBODY NAME** a new inspection and permission is required for the watercraft prior to re-entry, per the general requirements outlined under *The Water Protection Act Aquatic Invasive Species Regulation*.
- b. If a watercraft is removed from **SPECIFIC WATERBODY NAME** no new inspection and permission is required for the watercraft to use municipal boat launches, if:
 - i. the watercraft has a sticker attached to it issued under this by-law and has not been placed in another waterbody;
 - ii. the watercraft and its trailer are secured by a tag issued under this By-law and has not been placed in another waterbody; and,
 - iii. Notwithstanding (i) above, provincial obligation for entry and exit of any waterbody always applies, as outlined under *The Water Protection Act Aquatic Invasive Species Regulation*.

7. Administration

- a. The position of AIS inspector is established to administer inspections, decontaminations, and permissions per this by-law. Council may appoint one or more persons as an AIS inspector.
- b. An AIS inspector must:
 - i. Administer this by-law,
 - ii. keep records of inspections, decontaminations, and permissions connected with watercraft using municipal boat launches, and
 - iii. inspect watercraft and request information.
- c. An AIS inspector shall have:
 - i. the powers of inspection and decontamination, including data and information collection; and
 - ii. the power to order that a person may not use a municipal boat launch when not in compliance with the requirements set out in this by-law.
- d. By-law enforcement officers may be appointed as AIS inspectors to administer inspections, decontaminations, and permissions per this by-law, in addition to enforcing any requirements and associated fines outlined in this by-law

8. Fines

- a. Insert specifics on municipal fines, how they will be administered
- b. Make mention of by-law enforcement officers enforcing any fines associated with this by-law

PASSED AND ENACTED by Council of **ENTER MUNICIPALITY HERE**, duly assembled, this
ENTER DATE HERE.

ENTER MUNICIPALITY HERE

SIGNATURES