

MUNICIPALITY OF CENTRAL MANITOULIN
CUSTODIAL SHORELINE ALLOWANCE CARE AND LAND USE BY-LAW
BY-LAW 2025-23
(Repeals By-law 2003-15, By-law 2010-18 and By-law 2015-10)

BEING A BY-LAW to adopt a custodial care, to prohibit any alterations of any kind on the Municipal marine allowance shoreline, land use, and a permit system to regulate lands in the Municipality of Central Manitoulin.

WHEREAS Section 10 (2) of the Municipal Act S.O. 2001, as amended, authorizes the Council of the Municipality of Central Manitoulin to pass by-laws that regulate activities on Municipal property.

THEREFORE, the Council of the Municipality of Central Manitoulin enacts as follows:

1. Definitions

“Altered” shall mean to interfere with the normal arrangement or functioning thereof. An interference, alteration or disruption.

“Camping” shall mean the act of staying and sleeping in an outside area for one or more days and nights, usually in a tent and may include a trailer, camper or other vehicle.

“CAO” shall mean the CAO of the Municipality of Central Manitoulin.

“Council” shall mean the Council of the Municipality of Central Manitoulin.

“Custodial Care” shall mean the use and care of an adjacent landowner of a Municipal Marine Allowance Property that includes cutting the grass and the placement of small removable leisure items such as but not limited to, chairs, small side tables etc. Campfires are not permitted as well as installed items such as fences, dining tents or any other items viewed by the Municipality to be installed or built.

“Disturbed” shall mean to interfere with the normal arrangement or functioning thereof. An interference, alteration or disruption.

“Littering” shall mean the action of physically throwing trash, wastepaper, or garbage of any kind.

“Marine Allowance” shall mean any shoreline allowance area in the Municipality of Central Manitoulin.

“MTO” shall mean the Ministry of Transportation of Ontario.

“Municipality” shall mean the Municipality of Central Manitoulin.

“Open Air Fire” shall mean a fire that is set for the purpose of disposing clean wood, wood by-products, brush or leaf products that is not greater than two metres in diameter and no more than two metres high. An Open-Air Fire does not include a campfire set for the purpose of cooking.

“Permit” shall mean an official document administered by the Municipality of Central Manitoulin giving someone authorization to do something.

“Permit Holder” shall mean the individual, business, or entity to whom an official document (permit) has been issued, granting them specific authorization or rights.

“Person” shall mean any human being, association, firm, partnership, incorporated company, corporation, agent or trustee, and the heirs, executors, or other legal representatives of a person to whom the context can apply, according to law.

“Property Land Use Permit” shall mean a legal authorization administered by the Municipality of Central Manitoulin to ensure specific activities or developments on property owned by the Municipality that must comply with local zoning, planning regulations, and building codes, covering everything from construction and renovations to changes in how a property is used (e.g.,

residential to commercial). These permits regulate what activities can take place and ensuring they don't negatively impact surrounding properties or public resources.

“Registered Owner” shall mean the person(s) whose name appears on the deed for the property.

“Shoreline Allowance” shall mean the line along which a large body of water meets the land on a lake or river in the Municipality of Central Manitoulin that measures 66 feet from the highwater mark.

“Site Plan” shall mean a detailed, scaled drawing (like a map) showing existing and proposed features on a piece of land, illustrating how a property will be developed or modified, including buildings, access, landscaping, utilities, property lines, and terrain.

“Traffic Control Plan” shall mean a detailed blueprint designed to manage the flow of vehicles, equipment, and pedestrians safely around or through a work zone. It is primarily required for work conducted within the public right-of-way (e.g., streets, highways), and it addresses hazards to both workers and the public.

“Works” shall mean any construction, alteration, addition, maintenance, or repair activities on a building or land on the Municipality of Central Manitoulin property.

2. Custodial Care

2.1 No person shall restrict the use of a marine allowance property under their care and control by a member of the public. However, it is encouraged that the use of provided lands for picnicking swimming, boat launching etc., shall limit but not eliminate the need to encroach on the lands that are being maintained by adjacent landowners with custodial care.

2.2 No person shall set a fire of any kind on the Municipality of Central Manitoulin marine allowance;

2.3 No person shall litter on the Municipality of Central Manitoulin marine allowance;

2.4 No person shall camp on the Municipality of Central Manitoulin marine allowance;

2.5 No person shall conduct themselves in a manner that would interfere with the peaceful enjoyment of adjacent landowners;

2.6 No person shall remove trees or any vegetation dead or alive from the Municipal marine allowance property without first obtaining written permission from the Municipality.

3. Prohibit Alterations On Municipal Marine Allowances.

3.1 No person shall cause or allow to cause alterations of any kind to the Municipal Marine Allowance without written consent from the Municipality of Central Manitoulin;

3.2 No person shall commence works on the Municipal marine allowance prior to the written approval by the Municipality of Central Manitoulin;

3.3 Section 446 of the Municipal Act as amended authorizes a municipality to enforce compliance of this by law requiring work to be done to repair the damage and restore the land to its original condition within 30 days, to the satisfaction of the Municipality. Failure to comply may result in the Municipality performing the necessary work and adding the cost of the work to the offender's tax roll, collecting these costs in the same manner as property taxes.

4. Work On Municipal Property and Land Use

- 4.1 No person shall commence works on Municipal property prior to the approval of a completed Municipal Property Land Use Permit Policy, Affidavit and Application completed and signed in it's entirety by the Registered Owner;
- 4.2 No person shall occupy or perform work on Municipality of Central Manitoulin land prior to obtaining a permit to do so;
- 4.3 All persons intending to occupy or perform work on the Municipality of Central Manitoulin land must first apply to the CAO for a Land Use Permit. The Permit must be obtained prior to the commencement of work;
- 4.4 The Permit is subject to all By-laws, Standards, Acts or Regulations. If during the life of the Permit any By-laws, Standards, Acts or Regulations are adopted that affect the rights and privileges herein granted, the said By- laws, Standards, Acts or Regulations shall be applicable to the Permit from the date on which they came into force;
- 4.5 All persons shall have the permit available at all times when work is in progress and shall ensure that the Contractor has the same;
- 4.6 The Permit may not be assigned or transferred from one Person to another;
- 4.7 The Property owner shall be responsible for performance of the works and restoration in accordance with the Ontario Provincial Standards and Specifications, and to the satisfaction of the Municipality;
- 4.8 All Works authorized by the Permit shall be carried out in accordance with the permit application as may be revised, approved plans, specifications and any relevant agreement(s) and subject to the approval of the Council for the Municipality of Central Manitoulin;
- 4.9 No person shall disturb any area, land, tree (dead or alive) or structure in the Municipality of Central Manitoulin. Any disturbed areas on the Municipality of Central Manitoulin property must be restored to the original condition or better. Failure to do so will result in fines and the area restored at the expense of the Property owner in accordance with section 446 of the Municipal Act, 2001, S.O. 2001 C. 25 as amended;
- 4.10 A Site Plan drawing is required when applying to occupy or perform work on the Municipality of Central Manitoulin land with sufficient detail to show property location and where proposed work will be located;
- 4.11 Access shall be maintained to all public and private properties for the duration of the work;
- 4.11 If the Permit Holder fails to meet the requirements of the Permit, the Permit will become null and void. The Municipality of Central Manitoulin may take actions, at the Property Owner's expense, deemed necessary to reinstate the site for public safety. In all cases, the decision of Council is final;
- 4.11 The Permit may be cancelled at any time for breach of the conditions of the Permit for such other reasons as the Municipality of Central Manitoulin in its sole discretion deems proper;
- 4.12 A Traffic Control Plan shall be provided in accordance with the current MTO Ontario Traffic Manual, Book 7, to the satisfaction of the Municipality of Central Manitoulin including all barricades, signage, flag persons, detour signs, etc. In addition, a Traffic Control Plan must be submitted as part of the application. During the Works, the Permit Holder shall ensure that the operation of the Municipality of Central Manitoulin road is not interfered with and that the right-of-way remains free of debris, earth or other material;
- 4.13 The Permit Holder shall take out and keep in full force and effect so long as the Permit remains in full force and effect, at its sole cost and expense, General Liability Insurance with

limits of not less than five million dollars (\$5,000,000) on a per occurrence basis, including property damage or loss;

4.14 The Permit Holder shall provide a Certificate of Insurance to the Municipality of Central Manitoulin. The Certificate of Insurance shall name the Municipality of Central Manitoulin as an additional insured and must be specific for the project and location. No work shall commence without providing the appropriate proof of coverage to the Municipality of Central Manitoulin in relation to the carrying out of the approved Works;

4.15 All work shall conform to the Occupational Health and Safety Act, R.S.O. 1990, c. O.1 as amended.

5.0 Enforcement And Penalty

5.1 The provisions of this By-Law shall be enforced by the By-Law Enforcement Officer or designate.

5.2 Any person who contravenes or fails to comply with any provision of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided by the Provincial Offences Act, R.S.O. 1990, chapter P.33 as amended. (See Schedule "A") and under the Administrative Monetary Penalty Act.

5.3 Each day that a contravention of this By-Law continues shall constitute a separate offence.

5.4 The cost of any action taken by the Municipality to ensure compliance with this or any other By-law shall be recoverable to the limits as provided by law.

5.5 Any person convicted of a breach of any of the provisions of this By-Law by a Provincial Court Judge or competent jurisdiction thereafter shall be issued an order prohibiting the continuation or repetition of the offence or the doing of any act by the person convicted directed towards the continuation or the repetition of the offence. Also, in addition to any other penalty, all recoverable costs shall also be imposed on the person convicted.

5.6 No person shall hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty under this By-Law.

6.0 Severability

6.1 Should any section, clause or provision of this By-Law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part thereof, other than the part so declared to be invalid.

7.0 Administration

7.1 This By-Law shall be referred to as the Custodial Care and Land Use By-law.

7.2 This By-Law repeals Municipality of Central Manitoulin's By-laws 2003-15, 2010-18 and 2015-10.

7.3 That this By-Law shall come into full force and effect after third and final reading thereof.

Read a first time this 28th day of May, 2026.

Read a second, third time and finally passed, signed, and sealed this 27th day of August, 2026.

Mayor – Richard Stephens

CAO/Clerk – Denise Deforge

I, _____, Clerk of the Municipality of Central Manitoulin, do hereby certify that that this is a true copy of By-law 2025-23 as passed in open Council on the day of _____, 2026.

Clerk

SCHEDULE “A”

**Municipality of Central Manitoulin
PART 1 Provincial Offences Act.**

By-Law 2025-23 Custodial Care and Land Use

Schedule “A” ITEM	COLUMN 1 Short Form Wording	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Set Fine
1.	Set a fire on the Municipality of Central Manitoulin marine allowance.	2.2	\$300.00
2 .	Litter on the Municipality of Central Manitoulin marine allowance.	2.3	\$300.00
3.	Camp on the marine allowance in the Municipality of Central Manitoulin.	2.4	\$300.00
4.	Interfere with the peaceful enjoyment of adjacent landowners.	2.5	\$300.00
5.	Remove trees or any vegetation dead or alive from the Municipal marine allowance without written permission.	2.6	\$1000.00
6.	Cause alterations of any kind to the Municipal marine allowance without written consent.	3.1	\$1000.00
7.	Commence work on the Municipal marine allowance without written consent.	3.2	\$1000.00
8.	Commence work on Municipal property without approved Land use Permit Policy Application and Affidavit.	4.1	\$1000.00
8.	Occupy or work on land in the Municipality of Central Manitoulin without a Permit.	4.2	\$1000.00
10.	Fail to provide permit when work is in progress.	4.5	\$100.00
11.	Disturb areas on the Municipality of Central Manitoulin property.	4.9	\$1000.00
12.	Hinder or obstruct or attempt to hinder or obstruct an officer who is exercising a power or performing a duty.	5.6	\$500.00

“Note: The penalty provision for the offences indicated above is section 5.2 of this By-Law No. 2025-23 of which a certified copy has been filed”.