

**Department:****Parks and Recreation****Section:****MR - Municipal Reserves**

## MR-02 Lakeshore Environmental & Municipal Reserve Lands Policy

### Introduction

For the purposes of this policy, lakeshore municipal reserve lands include municipal reserves, environmental reserves and public roadway rights-of-ways as defined in the *Municipal Government Amendment Act (Alberta)*, that are located adjacent to lakes within the Leduc County.

Municipal Reserves located along lakeshores are found throughout many of the County's subdivisions surrounding recreational lakes. These reserves are owned and managed by the Leduc County and are often located along the lakeshore where they separate provincially owned lake bed and shore (Crown land) and privately owned cottage properties. The use and purpose of municipal reserve lands is often misunderstood by cottage owners and the general public.

Section 664(1) and 671(1) of the *Municipal Government Amendment Act (Alberta)* states that Reserves are established for the purposes of preventing pollution or providing public access to and beside the bed and shore. They are also used for the purposes of either public parks, public recreation areas or as buffers that separate areas of land that are used for different purposes. They are often used as a means of access to a lake and where designated, can be used as camping areas. Private development on municipal reserve lands is prohibited, as they are "public" land to ensure everyone has equal access to them for use and enjoyment. As environmental and municipal reserve lands are under the control of the Municipality, the Leduc County determines the end use for these lands and designates what reserve land can and cannot be used for.

Increasingly, unauthorized private development has been occurring within and on municipal reserve lands. This includes the removal of trees, shrubs and other vegetation, as well as the construction of various types of private structures on reserve lands. One of the primary concerns with these illegal structure includes the potential for further environmental degradation as a result of increased erosion and further loss of land, as well as encroachment on road right of ways. The County is also responsible for safety on its lands and may be held liable if injury were to occur as a result of unauthorized structures being left on municipal lands without the County taking any action to have them removed.

A clear policy is therefore required to address the management and use of Municipal Reserves within subdivisions surrounding recreational lakes in the Leduc County.

### Authority

- Municipal Government Act (Alberta)
- Land Use Bylaws (Leduc County)
- Parks Bylaw

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**Department:****Parks and Recreation****Section:****MR - Municipal Reserves**General Policy Goal

The intent of this policy is to maintain the environmental integrity and natural state of Environmental and Municipal Reserves, to keep them free of any encumbrances and unauthorized structures, and to ensure designated uses within them continue to remain safe for the enjoyment of the residents within the Leduc County and the Province of Alberta.

Policy Guidelines**1. Lakeshore Municipal Reserve Land Use**

- \* All County owned lakeshore municipal reserve lands are to be used by the public for designated purposes only

**2. Public Access**

- \* When necessary, the Leduc County will provide residents and the general public with designated public access areas to the water front through municipal reserve lands.

**3. Unauthorized Structures on Lakeshore Municipal Reserve Lands**

- \* The Leduc County will not permit unauthorized privately owned structures to be constructed within or placed on lakeshore municipal reserve lands.
- \* Unauthorized structures found on municipal reserve lands may be subject to a fine, penalty and removal.

\*If the builder of the unauthorized structure refuses to remove the development, the Leduc County may remove it, and the costs for doing so will be charged to the owner of the unauthorized structure and be collected as monies owed to the County.

- a) *Sheds:* Storage sheds of any kind will not be allowed to be constructed within or placed on municipal reserve lands. Existing sheds will be required to be removed.
- b) *Decks:* Private decks for individual cottage uses will not be allowed to be constructed within or placed on municipal reserve lands. Existing private decks authorized to remain in place (as outlined in the grandfather clause of the transitional provisions) will be considered to be public property and available for general public community use. Minor maintenance on existing decks (i.e. No structural modifications) is acceptable to maintain the safety of these structures. If any remaining structure falls into disrepair, the Leduc County will remove the structure and reclaim the area to a natural state.

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- c) *Boat Houses:* No private boat houses of any kind will be allowed to be constructed within or placed on municipal reserve lands. Existing boat houses will be required to be removed.

Where historical records or documents show that an existing boat house found on the municipal reserve lands was originally authorized by the County, that boat house will be recognized as valid and allowed to remain on site. However, when a change in property ownership occurs, the historical authorization expires and the new owner will not have the grandfathered right to retain the existing structure, and the County thereafter will have the right to remove that structure.

Furthermore, as a result of naturally occurring damage or deterioration by age, existing boat houses historically authorized will not be allowed to be upgraded (i.e. no structural changes or modifications) or replaced. Where the condition of the existing boat house becomes unsafe, the County will have the right to have the structure removed for safety purposes.

- d) *Stairs:* Unauthorized stairs will not be allowed to be constructed and placed on municipal reserve lands. Where there is a clearly defined need to have public access through the reserve lands, the Leduc County will provide and maintain stairs where required, to facilitate the safe access through the reserve and to the shore of the lake.

Existing private stairs authorized to remain in place (as outlined in the grandfather clause of the transitional provisions) will be considered to be public property and available for general public/community use. If the stairs fall into disrepair or become unnecessary, Leduc County may remove the structure and reclaim the area to a natural state.

- e) *Fire Pits:* Only municipally designated public fire pits will be allowed to remain or be constructed and used on lakeshore municipal reserve lands. Where there is a clearly defined need to have a public fire pit, the Leduc County will provide and maintain a public fire pit for general community use. The fire pit will not be allowed to be used to burn refuse or harmful substances.

Existing private fire pits authorized to remain in place (as outlined in the grandfather clause of the transitional provisions) will be considered to be public property and available for general public/community use. If the fire pits fall into disrepair or become unnecessary, Leduc County may remove the structure and reclaim the area to a natural state.

- f) *Vegetation:* The Leduc County will maintain a non-vegetation (tree/shrub) removal policy on all lakeshore municipal reserve lands. The removal of vegetation along the bank and shore of the lake can promote erosion and the loss of existing lands.

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Removal of trees, underbrush or any other vegetation for reasons of aesthetics, fire wood, parking, personal access to the lakeshore or otherwise, is prohibited unless specifically authorized to do so by the County.

Where the authorized replanting of vegetation is required on municipal reserve lands, whether to prevent further erosion or to replace lost vegetation, etc., the Leduc County, through a Tree Replacement Program, will provide the means to replace lost vegetation and to restore the municipal reserve to its former natural state.

Where vegetation is removed without authorization by a known proponent, the County will require that proponent to revegetate the area within one growing season. The costs for doing so will be borne by the proponent.

Large dead or mature dying trees will be removed by the County if the trees pose a safety threat by wind fall.

Manicured grass (lawn) areas within municipal reserve lands will only be maintained where there is a clearly defined need to have public grass-only areas. Where, through a planning process, the County defines grassed areas as appropriate, subdivision residents will be allowed to maintain manicured grass lawns within the municipal reserve.

Weed control is the responsibility of the County and is subject to inspection by a County Weed Inspector. Where authorized by the Leduc County, weed control on lakeshore municipal reserve lands shall only occur by non-chemical means (i.e.. no herbicide use) when the control area is within 30 meters (100 feet) of a water body, as defined under the regulations of the Alberta Environmental Protection and Enhancement Act (sec 11(1) Alta. Reg. 127/93). The use of herbicides in or near aquatic environments will require a special permit through Environmental Regulatory Services of Alberta Environmental Protection.

- g) *Retaining Walls and Other Erosion Protection Structures:* These structures require authorization from the Leduc County and/or the Provincial Government, depending where the structure is built. If the structure is built adjacent to the bank or on Crown owned bed and shore of the lake, authorization will be required from Public Lands and Water Resources. If the structure is entirely built on municipal property, a development permit will be required and may require a Provincial Water Resources Permit.

The Leduc County will require a minimum development standard to be maintained for all erosion protection structures.

- h) *Signs:* The Leduc County will place signs along municipal reserve lands to identify them as "Municipal Reserve", and to identify authorized and designated uses.

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- i) *Temporary Piers and Boat Lifts:* The Leduc County recommends the use of easily dismantled structures to ensure ease of removal at the end of the summer recreational season, and to facilitate easy storage on private property.
- j) *Winter Storage of Temporary Piers and Boat Lifts:* All temporary piers and boat lifts are to be removed from the lake at the end of the season and stored on the owners private property. Where authorized structures are left over winter on municipal reserve lands, the Leduc County will not ensure their safety and will retain their right to have them removed for safety purposes.

Where old and heavy boat lifts are (by design) not easily dismantled, storage on reserve lands may be temporarily authorized by the Leduc County, where it can be demonstrated by the owner of the boat lift, that it is a serious hardship on the owner to dismantle and remove the structure to a privately owned property.

Where boat lifts are authorized to be stored on municipal reserve lands, the structures will be required to be clearly marked for safety reasons and must not be placed where it will prevent access to or along the shore of the lake. The clearing of vegetation to make room for storing structures will not be permitted. The Leduc County will not ensure the security of such structures.

- k) *Summer Storage of Temporary Piers, Boat Lifts or other Structures:* Temporary piers, boat lifts or other structures left on municipal reserve lands for storage (non- use) purposes between July 3rd and August 31st, will be considered by the Leduc County as "abandoned", and all such structures will be disposed of by the County.
- l) *Annual Inspections:* The Leduc County will inspect municipal reserve lands for unauthorized structures. Unauthorized structures will be dealt with as outlined in the policy.
- m) *Enforcement:* There are two options for enforcement:  
*Option I* -Continue to use Leduc County Bylaw No. 17-02 (amended June 4, 2002); or  
*Option II* -Develop a new bylaw specific to municipal reserves.

**4. Future Development**

The Leduc County recognizes the need for residents to have the ability access the lakeshore and use municipal reserve lands for designed uses. A broader planning process will be initiated to address future development issues.

**5. Transitional Provisions for Policy Implementation**

The following transitional provisions for implementing the policy will allow implementation to occur over a reasonable time.

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- a) *Grandfathering Clause:* The Leduc County, with input from local community advisory group representatives, will allow certain structures to remain in place. A Public Land Use Management Plan for lakeshore reserves will be developed jointly the Leduc County and public representatives for County lakeshore subdivisions.
- i) Authorized decks, stairs, and fire pits will be allowed to remain in place. Minor maintenance (but no structural modifications) will be allowed. If they fall into disrepair the County will remove the structures and reclaim the area to a natural state; or if clearly a public structure is required, it will be replaced and built to a public standard.
- ii) Winter storage of boat lifts will be allowed on Municipal Reserves under the following conditions:
- no storage on Crown owned bed and shore,
  - no storage within 33 feet from the centre of the road (one half of the 66 foot road allowance),
  - no vegetation removal will be allowed to accommodate storage of boat lifts,
  - authorized structures are to be clearly flagged for safety reasons,
  - access by local residents and the general public (e.g. Fishermen, snowmobilers) to and along the shore is not to be obstructed.
- b) *Structures Remaining after October 31, 1995:* Any structure left on municipal reserve lands (those not covered by the transitional provisions) and become "public" property and the responsibility of the County. The County retains the right to remove and dispose of these structures

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