

# **THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI**

**BY-LAW NO. 04-578**

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**Being a bylaw to execute an Aids To Navigation Transfer Agreement between Fisheries and Oceans Canada, Canadian Coast Guard and The Corporation of the Municipality of Temagami respecting the transfer of certain marine aids to navigation facilities and equipment.**

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WHEREAS under Section 8 of the Municipal Act, 2001, S.O., 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other act;

AND WHEREAS under section 9. (1) (a) and (b) of the Municipal Act, 2001, S.O., 2001, c.25, as amended, Section 8 shall be interpreted broadly so as to confer broad authority on municipalities to enable them to govern their affairs as they consider appropriate and to enhance their ability to respond to municipal issues;

**NOW THEREFORE the Council of the Corporation of the Municipality of Temagami hereby enacts as follows:**

1. That the Mayor and the Chief Administrative Officer are hereby authorized and directed to execute the agreement attached hereto as Schedule "A" to this bylaw.
2. This bylaw shall come into force and take effect on the 9<sup>th</sup> day of July, 2004.

BE TAKEN AS READ A FIRST time on this 8<sup>th</sup> day of July, 2004.

READ A SECOND AND THIRD time and finally passed this 8<sup>th</sup> day of July, 2004.

  
MAYOR

  
CAO

*AIDS TO NAVIGATION TRANSFER AGREEMENT*

**BETWEEN**

*FISHERIES AND OCEANS CANADA, Canadian Coast Guard*

*Hereinafter "the Coast Guard"*

*AND*

*Municipality of Temagami*

*Hereinafter "the Transferee "*

**RESPECTING** the transfer to the Transferee  
of certain marine aids to navigation facilities and equipment

see attached list

*WHEREAS it has been determined that the Canadian Coast Guard will no longer install short-range aids to navigation where such aids would be of benefit only to a single user or limited group of users or in uncharted waters or waters whose depth is insufficiently reliable and accurate;*

*WHEREAS local interests have expressed interest in continuing the operation of certain aids to navigation to be discontinued by the Coast Guard, for a limited time, on a seasonal or on some other basis;*

*WHEREAS approval has been given to the Canadian Coast Guard to dispose of such aids to navigation to local interests;*

**NOW THEREFORE** the Department of Fisheries and Oceans, represented by Randy Childerhose, Canadian Coast Guard, authorizes the transfer to the Transferee of the facilities and equipment set out in the **attached list** and agrees to provide, at an agreed date, appropriate training to its representatives on the operation and maintenance of the transferred aids to navigation. This transfer is made in consideration of the nominal sum of one dollar (\$1.00).

FURTHER, the parties agree as follows;

1. This transfer shall take effect on July 1, 2004 . After that date, the Coast Guard will no longer operate the said aids to navigation and will no longer assume any responsibility for any of the transferred facilities and equipment.
2. The Transferee shall advise the Coast Guard of the dates and period of operation of the transferred aids to navigation as soon as they are determined as well as of any change to the said aids so that the Coast Guard may duly inform mariners. The Transferee agrees that the aids to navigation will not be relocated without prior approval by Coast Guard
3. The Transferee agrees as part of this transfer to comply with all standards and directives applicable to the maintenance of private aids to navigation.

**NOTE: Where future transfer to other operators may be possible, the following statement should be included**

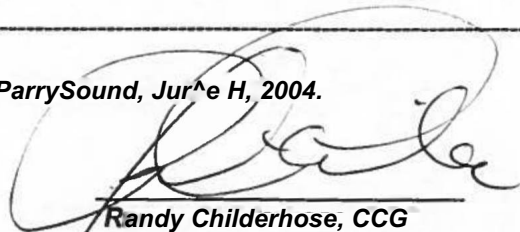
4. The Transferee agrees to return to Coast Guard all transferred facilities and equipment upon discontinuance of operation.

IN WITNESS WHEREOF, the parties have signed and ratified this Agreement in duplicate on the dates and at the places shown.

**CANADIAN COAST GUARD:**

28 Waubeek Street  
Parry Sound, Ontario  
P2A 1B9

ParrySound, June H, 2004.



Randy Childerhose, CCG

**TRANSFEE:**

Lakeshore Drive  
P.O. Box 220  
Temagami, Ontario  
POH 2H0

Municipality of Temagami, June 21, 2004.



Duly Authorized Representative

Fisheries and Oceans Canadian Coast Guard		<b>PRIVATE AIDS TO NAVIGATION Registration Form</b>				For CCG use		File No:			
						Date:		Technician:			
1. Action required for aids to navigation: A. <input type="checkbox"/> Establish B. <input type="checkbox"/> Discontinue C. <input type="checkbox"/> Alter D. <input checked="" type="checkbox"/> Transfer ownership						Date of establishment: July 1 <sup>st</sup> , 2004					
4. Reason for establishment ( <i>Continue in box</i> )			General Location		6. NWPA authority ( <i>File No and date</i> )						
For CCG use only		7. Complete the appropriate boxes									
LL No	Name of aid	Aid No (7a)	Lantern Peri (7b) Fl (7c) Col (7d)			Position (7e)	Depth of water (7f)	Cd power (7g)	Height HHWLT (7h)	Structure Type colour & height (7i)	Remarks ( <i>See instructions</i> ) (7j)
						See attached list					
8. Additional Comments:											
9a Name and Address of Aid Owner: Municipality of Temagami P.O. Box 220 Temagami, Ontario POH 2H0			10a Name and Address of Person Responsible for Aid Maintenance				10b The owner agrees not to hold the Canadian Coast Guard liable for complaints or proceedings arising from improper maintenance or any fault in the operation of the approved aid or aids.				
9b Telephone No: 705-569-3421							10c Date June 21, 2004		10d Signature		
For CCG use only											
Serial No:		User Category:		Chart No:		Date:		Approved by:			

**REGISTRATION FORM**  
**PRIVATE AIDS TO NAVIGATION**

**INSTRUCTIONS**

The rules and procedures governing private aids to navigation are found in the *Private Buoy Regulations (CSA 5)* and *The Canadian Aids to Navigation System*, copies of which are attached.

Three copies of the registration form must be sent to the Superintendent Aids to Navigation, Canadian Coast Guard, 30 days prior to the placement of private aids to navigation. A chart extract or sketch showing the location of the aids must accompany each registration form.

When private aids are placed in navigable waters, approval must be obtained under section 5 of the *Navigable Waters Protection Act* where the Act applies.

Boxes 1, 2, 3, 4, 5, 9 and 10 must be completed for new requests. When a private aid is discontinued, Box 3 must not be completed. The columns of Box 7 must be completed as follows:

- (a) Unlighted buoys - 7a, 7e, 7f and 7j
- (b) Lighted buoys - 7a, 7b, 7c, 7d, 7e, 7f, 7g, 7h and 7j
- (c) Daybeacons - 7a, 7e, 7f (if applicable), 7h, 7i and 7j
- (d) Fixed lights - 7a, 7b, 7c, 7d, 7e, 7f (if applicable), 7g, 7h, 7i and 7j

When the characteristics of a private aid to navigation are altered, Box 8 must be completed.

The information required in each column is as follows: (7a) The number and/or letter that will be assigned to the aid. (7b) The periodicity of the navigation light (time in seconds for one complete cycle). (7c) Length of flash in seconds. Multiple or complex flashes must be explained in (7j).

(7d) Colour of lantern. (7e) The bearing in angles and/or distances of the position of the aid relative to two or more charted distinctive landmarks. If no distinctive landmark is available, provide the latitude and longitude as accurately as allowed by the chart. (7f) The depth in metres of the buoy or the fixed aid (if it is in the water). All measurements are expressed relative to lower low water (chart datum). (7g) Power in candelas if known. If not, the following information must be included in column (7j): the size of the lantern, the voltage and amperage of the bulb, if electric, or any other pertinent information. (7h) The height of the light or the unlighted structure must be measured relative to higher high water (HHWLT). The height of the light of a buoy is measured from the waterline. (7i) Include the details of the structure (shape, colour, etc). (7j) This column is used to provide specific information and any other pertinent details: a. Buoy - size, shape, colour and retroreflective material used; b. Fixed aid - shape and colour of daymark; c. Fog signal on buoy or fixed aid - type and model, audible range and characteristic (length of sound and silence in seconds).

The form may be used for more than one aid in the same area. Attach a separate sheet if more space is required.

Attach a chart extract showing the proposed location of the aid or aids to navigation.

- a. After receiving approval from the Superintendent Aids to Navigation, the owner of the private aid or aids to navigation will have to advise him in writing as soon as possible that the aids have been placed.
- b. Any aid or aids to navigation that have not been installed within one year following the date of approval are automatically canceled.
- c. Any fault relating to the operation of the aid or aids shall be report to **1-800-363-4735** so that a Notice to Shipping may be issued. Failure of an aid to navigation to exhibit its advertised characteristics constitutes a fault, eg, absence of signal, characteristic, light colour, shape or incorrect position of structure or buoy. Correction of the fault must also be reported in the same way.

All categories of private aids to navigation must be kept in good condition. Private aids to navigation are subject to inspection at any time by the Canadian Coast Guard without notice.

Floating Aids :								Fixed Aids		Lantern				
LL No.	Aid Id	Latitude		Longitude				LL No.	Name	Ec	Fl	Colour	Cd	Structure and Location
1332	T14	47	2	15	79	52	5	1330	Belle Island	3.5	0.5	Wh	79	Pipe Mast, Daymark on NW side of Island SW of Temagami
9445	A1	46	57	53	80	1	11	1331	O'Connor Narrows	3.5	0.5	Wh	79	Pipe Mast, Daymark on N side of narrows SW of Temagami
9446	A2	46	57	52	80	1	14	1333	Caldwell Island	3.5	0.5	Wh	79	Pipe Mast, Daymark on N side of Island SW of Temagami
9447	A3	46	47	19	80	1	40	1334	Gull Rock	3.5	0.5	Wh	79	Pipe Mast, Daymark on N side of Island 61, Northeast Arm
9448	A4	46	57	15	80	1	43	1335	Ship Island	3.5	0.5	Wh	79	Pipe Mast, Daymark on S side of Island 175, Northeast Arm
9449	A6	46	56	54	80	1	48	1336	Friday Rock	3.5	0.5	Wh	79	Pipe Mast, Daymark on the N side of Temagami Island
9450	A8	46	56	36	80	1	58	1337	Rock Shoal NE	3.5	0.5	Wh	79	Pipe Mast, Daymark on shoal between Islands 205 and 213
9451	A9	46	55	28	80	1	18	1338	Temagami Island	3.5	0.5	Wh	79	Pipe Mast, Daymark on island SE of Temagami Island
9452	A10	46	55	25	80	1	24	1339	Cochrane Narrows	3.5	0.5	Wh	79	Pipe Mast, Daymark on Island 767 in the South Arm
9453	C	47	9	18	80	9	25	1340	Turners Rock	3.5	0.5	Wh	79	Pipe Mast, Daymark on Island 343 SW of Bear Island
9454	C1	46	58	47	80	1	44	1341	Smith Island Rock	3.5	0.5	Wh	79	Pipe Mast, Daymark on Island 1084 N of Garden Island
9455	C2	46	58	57	80	1	53	1342	Squirrel Point	3.5	0.5	Wh	79	Pipe Mast, Daymark on Seal Mark Point North Arm
9456	C3	46	58	57	80	2	0	1343	Narrows Island	3.5	0.5	Wh	79	Pipe Mast, Daymark on Mainland at entrance to Southwest Arm
9457	C5	46	59	14	80	2	31	1344	White Bear Narrows	3.5	0.5	Wh	79	Pipe Mast, Daymark on NW side of Island 566 Southwest Arm
9458	C6	46	59	35	80	3	7	1345	Horseshoe Island	3.5	0.5	Wh	79	Pipe Mast, Daymark on Horseshoe Island in the North Arm
9459	C7	47	0	10	80	4	19	1346	Sharp Rock Inlet	3.5	0.5	Wh	79	Pipe Mast, Daymark N of Deer Island in the North Arm
9460	C8	47	0	34	80	4	37							
9461	C10	47	1	18	80	5	13							
9462	C12	47	1	41	80	5	10							
9463	C14	47	4	31	80	5	40							
9464	C15	47	4	38	80	5	47							
9465	C16	47	4	50	80	5	50							
9466	C17	47	7	19	80	7	10							
9467	C18	47	8	12	80	7	19							
9468	C20	47	9	50	80	7	59							
9469	C21	47	9	49	80	8	1							
9470	C22	47	9	59	80	8	34							
9471	C23	47	9	51	80	8	36							
9472	C24	47	9	45	80	8	38							
9473	CA1	47	6	14	80	1	18							
9474	CC2	47	10	6	80	7	31							
9475	CD	46	58	46	80	2	39							
9476	CD1	46	58	39	80	2	41							
9477	CD2	46	58	29	80	3	3							
9478	CD3	46	58	9	80	3	12							

9479	CE2	46	58	49	80	2	59								
9480	CE4	46	58	34	80	3	23								
9481	D2	46	57	57	80	5	24								
9482	D3	46	56	5	80	6	42								
9483	D5	46	54	46	80	7	47								
9484	D6	46	53	32	80	8	41								
9485	D7	46	53	20	80	8	47								
9486	D9	46	52	40	80	8	44								
9487	D11	46	52	25	80	8	42								
9488	D12	46	51	57	80	8	31								
9489	D14	46	51	42	80	9	0								
9490	D15	46	51	32	80	8	36								
9491	D17	46	51	25	80	8	24								
9492	D19	46	51	11	80	8	14								
9493	D20	46	50	53	80	7	48								
9494	D22	46	50	26	80	7	47								
9495	D23	46	49	41	80	7	24								
9496	D25	46	49	16	80	7	15								
9497	DA2	46	57	57	80	4	52								
9498	DC1	46	50	5	80	7	18								
9499	E2	46	56	57	80	1	59								
9500	E4	46	56	57	80	2	7								
9501	E5	46	56	22	80	2	20								
9502	E6	46	56	7	80	3	14								
9503	E8	46	53	41	80	3	55								
9504	E9	46	53	3	80	3	2								
9505	E10	46	52	18	80	2	21								
9506	E11	46	51	37	80	1	51								
9507	E12	46	51	37	80	1	52								
9508	E14	46	51	33	80	1	47								
9509	E15	46	51	29	80	1	50								
9510	E17	46	51	20	80	1	50								
9511	E19	46	50	51	80	0	38								
9512	EA1	46	53	59	80	4	22								
9513	EA2	46	53	57	80	4	20								
9514	EA3	46	53	43	80	4	14								
9515	EA4	46	53	43	80	4	12								



9516	H1	46	56	38	80	3	23								
9517	H2	46	57	4	80	3	25								
9518	H3	46	57	23	80	4	1								
9519	H4	46	57	29	80	4	0								
9520	H6	46	57	45	80	4	16								
9521	H8	46	58	18	80	4	35								
9522	H10	46	58	38	80	4	44								
9523	H11	46	59	18	80	5	25								
9524	H12	46	59	55	80	5	7								
9525	H13	47	0	11	80	5	13								
9526	H15	47	0	28	80	5	34								
9527	H17	47	0	38	80	6	12								
9528	HA2	47	0	19	80	6	51								
9529	T1	46	58	2	80	1	17								
9530	T2	46	58	28	80	0	29								
9531	T3	46	58	35	79	59	54								
9532	T4	46	58	42	79	59	50								
9533	T6	46	59	17	79	58	21								
9534	T8	47	1	18	79	54	14								
9535	T9	47	1	15	79	54	10								
9536	T10	47	1	35	79	53	43								
9537	T12	47	1	46	79	53	22								
9538	T13	47	1	44	79	53	18								
9539	T15	47	2	28	79	51	4								
9540	T16	47	3	0	79	50	19								
9541	T17	47	2	57	79	50	19								
9542	T18	47	3	6	79	50	1								
9543	T19	47	3	22	79	49	13								
9544	TA1	47	3	11	79	48	47								
9545	TA2	47	3	15	79	48	47								
9546	TA3	47	3	14	79	48	46								
9547	TA4	47	3	13	79	48	47								