

Cawaja Propertyowners Association
Beach Use Regulations
As amended July 30, 2005

Preamble:

The Beach Use Regulations shall foster and enhance the recreational use of the lands of the Cawaja Propertyowners Association .

Sec. 1-1 Beach - Definition:

The term “Beach” when used in these Regulations , shall mean those certain parcels of land and premises situate, lying and being in the Township of Tiny, in the County of Simcoe and the Province of Ontario and being more particularly described as follows;

- (1) The following lands as shown on Registered Plan 699, namely Blocks A, B, C, and E together with any interest the Grantors may have in the sand beach lying between Block B and adjacent to the waters of Georgian Bay, including any and all, lands, walkways, and rights of way;
- (2) The following lands as shown on Registered Plan 849, namely, Blocks A,B,C,D and E together with any interest the Grantors may have in the said beach lying between the lands on the said plan and the waters of Georgian Bay;
- (3) The following lands as shown on Registered Plan 915 namely, Card Avenue, Walker Road, High Street and Jamieson Drive, including the one foot reserve at the most northerly end thereof.

The term “beach” when used in these Regulations shall mean that part of the land described above adjacent to the water and shall include the right of ways leading to the beach from any roads.

Sec. 1-2 Non- Waiver:

Beach Use Regulations shall not constitute a waiver or restriction of any rights that may be related to the use and ownership of lands described above and shall not constitute any form or manner of any agreement to any and all rights dealing with the title or ownership of any lands owned by the CPOA as Tenants in Common with the Township of Tiny. Further, the Beach Use Regulations herein shall not expressly mean or provide any direction for stewardship or beach management scheme or policy; or any acquiescence to any property right; or right of title; or quality of title; or assignment, appointment, lease, conveyance, surrender, easement, right of way belonging or appertaining to the land, settlement and other assurance, including any demise of the lands.

Sec. 1-3 Cawaja Propertyowners Association Defined: “CPOA”:

CPOA means the Cawaja Propertyowners Association, incorporated under the laws of the Province of Ontario being Corporation Number 144486, incorporated on September 7th 1965.

Sec. 1-4 Township of Tiny Defined:

Township of Tiny means The Corporation of the Township of Tiny, County of Simcoe, in the Province of Ontario as defined in the Municipal Act (Ontario).

Sec. 1-5 Ownership and Interest Defined:

The CPOA holds title to the lands and any interest as described in Sec 1-1, herein.

Sec. 1-6 Appointment of Authorized Agents:

The CPOA or the Board of Directors may appoint authorized agents or such other persons as may be required for the purposes of the Beach Use Regulations.

Sec 1-6A Remedies

The CPOA, acting reasonably, may exercise any and all rights, including any statutory or regulatory right or law as provided by such laws in Canada and the Province of Ontario to enforce compliance by all persons with these Beach Use Regulations.

Sec 1-6B Exercise of Authority

The CPOA or the board of directors may establish committees, including procedural rules, written forms, or other reasonable measures to exercise the authority of the CPOA under the Beach Use Regulations. The CPOA may exercise any legal remedy including the right to litigation against persons in contravention of the Beach Regulations.

Sec. 1-7 Application of Beach Use Regulations

Every person entering onto or upon the Beach is subject to the Beach Use Regulations herein.

Sec. 1-8 Risk and Liability:

Every authorized and unauthorized person entering onto or upon the Beach for any purpose whatsoever shall enter at the person's own risk. The CPOA shall not assume liability, risk or peril however caused.

Sec. 1-9 Duty of Persons

Parents or the person who is responsible for the care of children shall be responsible for such children while the children are on the Beach.

Sec. 1-10 Authority of the CPOA:

The Beach Use Regulations contained herein shall not diminish the authority of the CPOA. Time, date, period, elapsed time or any extended period of exercise of authority, without limitation, of the Beach Use Regulations, shall not be deemed as a limitation period to make these regulations contained herein, null and void or otherwise unenforceable hereunder. The authority to exercise the regulations herein, shall not be deemed to be acquiesced in any form or manner if that authority is not exercised with respect to a time, date or period of elapsed time. The authority shall be continued.

Sec. 1-11 Advising the Membership:

When the Board of Directors appoints authorized agents or other such persons under Section 1-6, or when the Board of Directors makes exceptions as allowed hereunder, the Board shall advise the membership as to the details.

Sec. 2-1 Vehicles Prohibited:

Motorized vehicles, and any other motorized machinery, unless authorized, shall be prohibited within the beach or other pedestrian area so located within the beach area including the right of ways leading to the beach.

Sec. 2-1A Exceptions Authorized:

Section 2-1 does not apply to authorized Township of Tiny vehicles; police, and emergency vehicles; authorized vehicles under authority of the CPOA; service and construction machinery as permitted by the CPOA; and motorized vehicles for the loading and launching of recreational boats, providing that access and operation shall be temporary and for the limited purpose of launching, transporting, or loading of boats as permitted by the CPOA.

Sec. 3-1 Riding Or Driving Horses on the Beach:

Horses or horse drawn carriages shall not be permitted on beach or pedestrian walkways.

Sec. 4-1 Recreational Sports Equipment:

In the event that complaints have been lodged with the Board of Directors or when any of the following may become objectionable, the Board of Directors may require that no one operate, store, leave unattended, secured or not under reasonable control any recreational equipment on or about the Beach including, but not limited to, boats, kayaks, surfer boards, wakeboards, floating devices, inflatable devices or apparatus, fishing equipment, ropes, anchors, chains, concrete pads, buoys unless specifically permitted by COPA.

Sec. 4-2 Placing Obstructions on the Beach:

No person shall be permitted to put, place or set any equipment, such as dugouts, chairs, umbrellas, windbreakers, surfboards air floats, life rafts or similar paraphernalia not actually occupied or engaged, or build or erect any fence or other obstruction on the beach, so as to obstruct or impede, the free and unconstrained use and occupancy of the beach.

Sec 4-2A Altering the Landscape or Lands of the Association

Every person who alters, makes a physical change to the beach by way of building, constructing, digging or removing any of the beach, or builds sandcastles, sand sculptures and sand art forms or structures, arranges stones, driftwood or other materials, natural or otherwise; or otherwise creates a obstruction or hazard, whether or not engaged in a sponsored or approved event, shall ensure that the area is supervised at all times to prevent injury to any person and further, shall, supervise, until such time, that the area is restored to its original, natural and safe state. It is expressly understood by every person, subject to the provisions of this Sec 4-2 A that

under no circumstance or event shall a hazard, or unsafe condition be left on the beach by any person at any time.

Sec 4-2B Time is of the Essence

Every person that is subject to the provisions of Sec 4-2A shall, in the event that a request is communicated by persons under the authority of CPOA take every measure to comply with the request. It is expressly understood, by every person subject to the provisions herein, that time is of the essence. Additionally, persons under the authority of CPOA may take or seek all reasonable remedies to ensure compliance with the Beach Use Regulations herein.

Sec. 4-3 Sports and Athletic Activity:

The playing of any sport or any rough or dangerous act or activity that might be injurious to others shall be prohibited on the Beach.

Sec. 4-5 Activities Prohibited:

The CPOA has the unfettered right to prohibit any act or activity that it may deem to be unlawful, injurious or potentially injurious to any person on the Beach.

Sec. 5-1 Depositing Refuse, Etc., on the Beach or in the Water:

No person shall throw or deposit, or cause or permit to be thrown or deposited, any glass, bottle, glassware, can or pieces thereof or any garbage, waste or refuse of any kind on the Beach.

Sec. 6-1 Obscene Language:

No person shall scream, shout, sing, obscene language on the Beach.

Sec. 6-2 Causing a Disturbance:

No person shall cause a disturbance, or fight on the Beach.

Sec. 6-3 Drunkenness:

The use of alcohol or illicit drugs is prohibited on the beach.

Sec. 6-4 Solicitations:

No person, organization, society, association, business, corporation or any agent, member or representative thereof, directly or indirectly, shall solicit property, business or financial assistance of any kind, distribute free product samples, admission passes, or entry tickets, conduct any sales or rental business, sell or offer to sell any article, good, publication, subscription or other thing of value on the beach

Sec. 6-5 Fireworks:

No person shall set off fireworks at night, except on Canada Day and Victoria Day until 11:00 p.m.

Sec. 6-6 Feeding the Birds:

No person shall feed the birds on the beach, nor leave any food uncovered where the birds may eat it.

Sec. 6-7 Radios and Music Machines:

No person shall play a radio, music player, or other electronic equipment that will disturb another person beyond a radius of 3 meters.

Sec. 7-1 Fires Prohibited:

No person shall build any fire on the Beach.

Sec. 7-1A Exceptions Authorized:

Section 7-1 shall not apply if the CPOA grants an exception subject to and with a Fire Permit issued by the Township of Tiny.

Sec. 8-1 Protection of the Environment:

No person shall carry out or permit any act that will destroy the natural environment of the Beach.

Sec. 8-2 Human Waste:

No person shall defecate or urinate or otherwise leave human waste on the Beach.

Sec. 8-3 Absolute Condition:

Every person that enters upon the Beach shall comply with these Beach Use Regulations on the Beach and while in the adjacent waters of Georgian Bay, abutting the Beach. It is clearly understood and agreed to by all persons, as an absolute condition and covenant or warranty of entry on or upon the Beach that the Beach Use Regulations shall apply without limitation to the waters of Georgian Bay abutting the Beach.

Sec. 9-1 Animals:

- (a) Animals shall be leashed and under the control of the owner or a designated person acting in the capacity of the owner at all times.
- (b) Animals shall be free of any infestation whatsoever.
- (c) The owner or person in control of an animal shall take every and all necessary measures to prevent the animal from defecating or urinating on the Beach or; if necessary measures have failed then the owner shall immediately remove the animal fecal matter by placing the matter in a closed or sealed container and thereafter disposing of it by depositing the matter in a trash receptacle, sanitary disposal unit or other closed or sealed container without delay.

Sec. 9-3 Nuisance Animal:

The owner or person in control of the animal whose conduct disturbs the rights of, threatens the rights of, threatens the safety of or damages a person on the beach, or

threatens the ordinary use and enjoyment of the beach or the behaviour of the animal is so intense or of duration so as to constitute a continuing injury, annoyance, inconvenience or discomfort to the public health, safety and welfare of persons on the beach shall forthwith remove the animal from the beach.

Sec. 9-4 Nuisance Frequency of Animal:

Frequency of conduct may be a factor in determining nuisance; however one incident may be sufficient to declare and animal to be a nuisance.

Sec. 9-5 Animals Declared A Nuisance:

Any animal declared to be a nuisance by CPOA shall be prohibited from the beach.

Sec. 9-6 Animals Run at Large:

No animal shall be permitted by the owner or person in control of the animal to run at large on the Beach.

Sec. 9-7 Times and Period Prohibited:

No animal shall be permitted on the Beach from 10 a.m. to 6 p.m. during the period from June 15 through September 15 of each year except for assistance animals and law enforcement animals.

Sec. 10-1 Cooking Appliances:

No person is permitted to operate a barbeque , hibachi, coal fired, charcoal, propane, alcohol, benzene, methane, gasoline, wood or other fuel appliance, stove or enclosure for the purposes of food preparation on the Beach.

Sec. 10-1A Exceptions Authorized:

Section 10-1 shall not apply to persons granted written permission by the CPOA.

Sec 11-1 Camping or Sleeping:

No person shall erect camping, lodging or shelters for the purpose of sleeping, camping, picnicking or any other purpose of lodging or tenancy on the Beach.

The Beach Use Regulations come into force on the date approved by the CPOA.

**Duly Executed, this 7th day of June, 2005,
at the City of Toronto, in the County of York.**

(City, Town, Township etc.)

signed

Richard Hinton

(Printed name of President)

signed

Andrew Chomentowski

(Printed Name of Secretary)

Confirmed by the Membership of the CPOA at its Annual General Meeting held July 30, 2005.