



Enabling Statute: [Department of Transport Act](#)  
**Historic Canals Regulations (SOR/93-220)**

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Regulation current to June 5th, 2007

Attention: See coming into force provision and notes, where applicable.

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## Historic Canals Regulations

SOR/93-220

Registration May 4, 1993

DEPARTMENT OF TRANSPORT ACT

### Historic Canals Regulations

P.C. 1993-891 May 4, 1993

His Excellency the Governor General in Council, on the recommendation of the Minister of the Environment, pursuant to sections 16 and 17 of the Department of Transport Act, is pleased hereby to revoke the Heritage Canals Regulations, made by Order in Council P.C. 1984-196 of January 19, 1984\*, and to make the annexed Regulations respecting the management, maintenance, proper use and protection of the historic canals administered by the Canadian Parks Service, in substitution therefor.

\* SOR/84-116, 1984 *Canada Gazette* Part II, p. 647

## REGULATIONS RESPECTING THE MANAGEMENT, MAINTENANCE, PROPER USE AND PROTECTION OF THE HISTORIC CANALS ADMINISTERED BY THE PARKS CANADA AGENCY

### SHORT TITLE

1. These Regulations may be cited as the *Historic Canals Regulations*.

### INTERPRETATION

2. In these Regulations,

"approach wharf" means that section of a wharf or tie-up wall in a historic canal designated by means of a sign or symbol as, or painted with a blue stripe indicating, a mooring space for vessels waiting to enter a lock;  
( *quai d'approche* )

"boater campground" means an area in a historic canal in which the boating public is permitted to camp;  
( *terrain de camping pour plaisanciers* )

"commercial craft" means a vessel that carries persons or goods for hire or reward or that is used to provide another service for hire or reward, and includes a vessel chartered or hired for the purpose of pleasure by or on behalf of the persons carried on the vessel; ( *embarcation commerciale* )

"cultural resource" means any work of nature or of human hand that is primarily of interest for its palaeontological, archeological, historic, cultural, scientific or aesthetic value, and includes, but is not limited to, a palaeontological, archeological, historic or natural site, structure or object or any remains, restoration or reconstruction thereof; ( *ressource culturelle* )

"dredge" means to remove, by digging, gathering, pulling out or otherwise removing, any material from a historic canal, particularly from water or wetlands, for the purpose of creating new channels or boat slips, making land, constructing or placing any in-water structures such as boat-houses, wharves or retaining walls, or maintaining previously dredged areas or openings to any upland mooring basins; ( *draguer* )

"employee" means a person appointed under the *Parks Canada Agency Act* to work at a historic canal; ( *employé* )

"fill" means to place any material in water or wetlands for the purpose of making land, constructing wharves, stabilizing the shoreline, revetting or constructing works, building beaches or constructing foundations for boat-houses or other structures; ( *remblayer* )

"historic canal" means a canal set out in column I of an item of Schedule I; ( *canal historique* )

"length" means

(a) in the case of a registered vessel, the length shown on the Certificate of Registry, and

(b) in the case of any other vessel, the length from the fore part of the head of the stem to the after part of the head of the stern post; ( *longueur* )

"lock" includes a liftlock and a marine railway; ( *écluse* )

"lying up" means the continuous occupation by a vessel during the navigation season of an area in a historic canal designated for that purpose; ( *séjour* )

"moor" means to secure a vessel to a wharf, buoy or canal wall, or to another vessel that is so secured, and includes to beach, store or anchor a vessel; ( *amarrer* )

"natural resource" means any soil, sand, gravel, rock, mineral, fossil or other natural material, and includes flora; ( *ressource naturelle* )

"navigation channel" means a navigable passage of water in a historic canal that is

(a) in the case of an artificial channel, delimited by the shoreline, or

(b) in any other case,

(i) delimited by aids to navigation, or

(ii) where not delimited by aids to navigation, 15 m in width along each side of a line that indicates a navigation channel on Canadian Hydrographic Service charts; ( *chenal de navigation* )

"non-profit charitable organization" means an organization that is operated for purposes other than profit, no part of the income of which is payable to or otherwise available for the personal benefit of any proprietor, member or shareholder of the organization; ( *organisme de bienfaisance sans but lucratif* )

"owner" , in respect of a vessel or vehicle, includes the authorized agent of the owner; ( *propriétaire* )

"peace officer" means a peace officer as defined in section 2 of the *Criminal Code*; ( *agent de la paix* )

"person in charge" , in respect of a vessel, means

(a) where the owner of the vessel is on board, the owner and the operator of the vessel, and

(b) where the owner of the vessel is not on board, the operator of the vessel; ( *responsable* )

"pleasure craft" means a vessel other than a commercial craft; ( *embarcation de plaisance* )

"possession" has the same meaning as that term is given in subsection 4(3) of the *Criminal Code*; ( *possession* )

"superintendent" means a person appointed under the *Parks Canada Agency Act* who holds the office of superintendent and who has the responsibility for a historic canal, and includes any other person appointed under that Act who is authorized by that person to act on their behalf; ( *directeur* )

"traffic control device" means a sign, signal, marker or other device that regulates, warns or guides vessels, vehicles or pedestrians; ( *dispositif de réglementation de la circulation* )

"vessel" means an amphibious craft, boat, canoe, air cushion vehicle, raft, ship, or other type of floating craft, and includes an aircraft while on the water, except when landing or taking off; ( *bâtiment* )

"waste" means an organic or inorganic waste material, but does not include

(a) liquid that is free of solids and is derived from water used on a pleasure craft for household purposes, or

(b) engine-cooling water and bilge water; ( *déchets* )

"wintering" means the continuous occupation by a vessel during the non-navigation season of an area in a historic canal designated for that purpose. ( *hivernage* ) SOR/2002-191, s. 2.

## PART I

### GENERAL

#### APPLICATION

3. Except as otherwise provided in Part V, these Regulations apply in respect of all historic canals and any person, goods, vehicle or vessel in the historic canals.

#### DUTIES OF THE SUPERINTENDENT

[SOR/2002-191, s. 5(E)]

4. (1) The superintendent shall, before issuing a permit under these Regulations authorizing the applicant to engage in an activity, and in order to determine the terms and conditions specified in a permit, take into account the effects of the activity on

(a) cultural resources, natural resources, structures, equipment and objects in the historic canal;

(b) the safe navigation of vessels and the safe operation of locks, dams and bridges in the historic canal;

(c) the safety of persons in the historic canal;

(d) wildlife and the eggs and habitat of wildlife in the historic canal; and

(e) the historic character of the historic canal.

(2) The superintendent may

(a) post, in a historic canal, signs that are necessary to

(i) protect cultural resources, natural resources, structures, equipment and objects,

- (ii) ensure the safe navigation of vessels and the safe operation of locks, dams and bridges,
  - (iii) ensure the safety of persons, and
  - (iv) protect wildlife or the eggs or habitat of wildlife;
- (b) close, restrict or open to public use any area in a historic canal as necessary for the purposes of
- (i) ensuring the safe navigation of vessels and the safe operation of locks, dams and bridges,
  - (ii) maintaining the historic canal,
  - (iii) holding events or activities referred to in subsection 16(1),
  - (iv) protecting cultural resources, natural resources, structures, equipment and objects,
  - (v) ensuring the safety of persons, and
  - (vi) protecting wildlife or the eggs or habitat of wildlife;
- (c) restrict or schedule any activity in a historic canal as necessary for the purposes of
- (i) ensuring the safe navigation of vessels and the safe operation of locks, dams and bridges,
  - (ii) protecting cultural resources, natural resources, structures, equipment and objects,
  - (iii) ensuring the safety of persons, and
  - (iv) protecting wildlife or the eggs or habitat of wildlife;
- (d) give notice of the closing, restricting, opening or scheduling referred to in paragraph (b) or (c) by
- (i) posting signs in the historic canal, or
  - (ii) using such other means as are likely to bring notice of the closing, restricting, opening or scheduling to the attention of persons affected by it; and
- (e) place, maintain, alter or remove traffic control devices in a historic canal. SOR/2002-191, s. 5(E).

## POWERS OF A PEACE OFFICER

**5.** A peace officer may arrest without warrant any person found committing an act in contravention of these Regulations.

## PERMITS

- 6.** (1) Every person to whom a permit is issued under these Regulations shall
- (a) where the permit is issued authorizing the person or a vessel in the charge of the person to engage in an activity, ensure that the permit is carried
- (i) on the person while the person is engaged in the activity, where the permit is issued under subsection 11(2), 14(2), 15(2), 16(2), 19(2), 22(2), 44(2) or 45(2), or
  - (ii) on board while the person or the vessel is engaged in the activity, where the permit is issued under subsection 13(2), 17(2), 39(2), 40(5), 42(2) or 43(2);
- (b) produce the permit at the request of the superintendent or an employee;
- (c) comply with the terms and conditions specified in the permit; and

(d) notify the superintendent of any corrections to information provided in an application to obtain the permit as soon as possible after learning of them.

(2) No permit is transferable to any other person or vessel.

(3) The superintendent may cancel a permit where

(a) the purpose for which the permit was issued no longer applies; or

(b) the person to whom the permit is issued

(i) contravenes or fails to comply with the terms and conditions of the permit or these Regulations, or

(ii) provides incorrect, false or misleading information to the superintendent in an application to obtain the permit.

(4) The superintendent may amend a permit at no cost to the applicant. SOR/2002-191, s. 5(E).

## PART II CONTROLLED ACTIVITIES AND AREAS

### PROHIBITED CONDUCT

**7.** No person shall

(a) do anything that unreasonably disturbs or interferes with any person's use or enjoyment of a historic canal;

(b) behave in a manner that endangers the safety of any person in a historic canal;

(c) cause excessive noise in a historic canal between 11:00 p.m. and 6:00 a.m.;

(d) operate a lock, lift or swing bridge, dam or wastew weir in a historic canal, or the gates or sluices of those structures, unless authorized to do so; or

(e) fish within 10 m of a lock or approach wharf or from a bridge over a navigation channel.

**8.** Every person shall comply with any sign posted or traffic control device placed in a historic canal pursuant to subsection 4(2).

### RESTRICTED ACTIVITIES AND AREAS

**9.** No person, other than a peace officer or an employee acting in the course of employment, shall, in a historic canal, engage in an activity that is restricted or enter into an area that is closed, where notice of the restriction or closure has been given in accordance with paragraph 4(2)(d).

**10.** Except at times and in areas designated by means of a sign or notice, no person shall

(a) in a navigation channel or within 100 m of a structure in a historic canal, water-ski, ride a tube or kneeboard, engage in any activity that involves being towed behind a vessel or operate a vessel towing a water-skier or person riding a tube or kneeboard;

(b) dive, jump, scuba-dive, swim or bathe in a navigation channel or within 40 m of a lock gate or a dam in a historic canal;

- (c) dive or jump from a bridge over a historic canal, or from the abutments of such a bridge; or
- (d) operate a vessel within 40 m of a dam in a historic canal, unless the vessel is in the navigation channel.

## RESOURCE PROTECTION

### 11. (1) No person shall

- (a) deposit in a historic canal, snow that has been collected during snow removal;
- (b) discard waste in a historic canal, except in a receptacle designated for that purpose; or
- (c) discharge the contents of a holding tank in a historic canal, except at a pumpout station designated for that purpose.

(2) No person shall, except in accordance with a permit issued under subsection (3), remove, alter or destroy any cultural resource, natural resource, structure, equipment or object in a historic canal.

(3) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to remove, alter or destroy a cultural resource, natural resource, structure, equipment or object, where the removal, alteration or destruction is necessary for

- (a) scientific purposes; or
- (b) the management of water levels or flows.

### (4) A permit issued under subsection (3) shall specify

- (a) the cultural resource, natural resource, structure, equipment or object, or the amount thereof, that may be removed, altered or destroyed and the location from which it may be removed or at which it may be altered or destroyed; and
- (b) the period for which the permit is valid. SOR/2002-191, s. 5(E).

12. Every person who uses or occupies a property or facility in a historic canal shall, on vacating the property or facility, leave it in a clean and orderly condition.

## TRANSPORTATION OF DANGEROUS GOODS

13. (1) No person in charge of a vessel shall allow the vessel to transport any dangerous goods as defined in section 2 of the *Transportation of Dangerous Goods Act, 1992* in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to transport dangerous goods in a historic canal.

### (3) A permit issued under subsection (2) shall specify

- (a) the type of dangerous goods to be transported;
- (b) the route along which and the times at which the goods may be transported; and
- (c) the period for which the permit is valid. SOR/94-580, s. 1; SOR/2002-191, s. 5(E).

## DREDGE AND FILL OPERATIONS

14. (1) No person shall dredge, fill or dredge and fill in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to dredge, fill or dredge and fill in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the location and times at which, and the extent to which, the dredging, filling or dredging and filling may be carried out; and

(b) the period for which the permit is valid.

(4) The superintendent may issue a stop work order, a restore order or both to a person who

(a) contravenes or fails to comply with the terms and conditions specified in a permit issued under subsection (2); or

(b) dredges, fills or dredges and fills in a historic canal without a permit.

(5) Where the superintendent issues a stop work order to a person, the person shall comply with the stop work order until such time as the superintendent issues a restore order.

(6) Where the superintendent issues a restore order to a person, the person shall

(a) in the case of a person to whom a permit was issued, restore at the person's risk and expense that part of the historic canal that was dredged, filled or dredged and filled, contrary to the terms and conditions of the permit, to the condition that it was in prior to the dredging, filling or dredging and filling or, where applicable, to the condition that was specified in the permit; and

(b) in the case of a person without a permit, restore at the person's risk and expense the historic canal to the condition that it was in prior to the dredging, filling or dredging and filling. SOR/94-580, s. 2; SOR/2002-191, s. 5(E).

## SIGNS AND STRUCTURES

15. (1) No person shall erect a sign, structure or object over or in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to erect a sign, structure or object over or in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the location at which the sign, structure or object may be erected; and

(b) the date before which the sign, structure or object must be removed.

(4) Every person who erects a sign, structure or object under this section shall

(a) erect it at the person's risk and expense; and

(b) remove it at the person's risk and expense before the date specified in the permit. SOR/2002-191, s. 5 (E).

## ORGANIZED EVENTS

**16.** (1) No person shall convene an organized race, competition, regatta, fair, exhibition, demonstration or any other such organized event or activity in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to convene an organized race, competition, regatta, fair, exhibition, demonstration or other such organized event or activity in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the type of race, competition, regatta, fair, exhibition, demonstration or other such organized event or activity that may be convened and the location at which it may be convened; and

(b) the period for which the permit is valid. SOR/94-580, s. 3; SOR/2002-191, s. 5(E).

### AIRCRAFT OPERATIONS

**17.** (1) Except in the case of an emergency, no person shall take off, land or moor an aircraft

(a) on the navigation channel of a historic canal;

(b) on historic canal waters within 100 m of a lock, bridge or dam; or

(c) except in accordance with a permit issued under subsection (2), on historic canal waters at a point where the waters are 150 m wide or less.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to take off, land or moor an aircraft on historic canal waters referred to in paragraph (1)(c).

(3) A permit issued under subsection (2) shall specify

(a) the location and times at which the applicant may take off, land or moor an aircraft; and

(b) the period for which the permit is valid. SOR/94-580, s. 4; SOR/2002-191, s. 5(E).

### CAMPING

**18.** No person shall camp on historic canal lands, except at a boater campground.

**19.** (1) Subject to section 21, no person shall camp at a boater campground unless the person

(a) holds a permit issued under subsection (2); or

(b) is a member of a group in respect of which a permit has been issued under subsection (2).

(2) Subject to section 20, the superintendent may, on receipt of an application, issue a permit authorizing the applicant to camp at a boater campground, if

(a) the applicant is boating on the historic canal;

(b) there is sufficient space available at the boater campground; and

(c) there are sufficient washroom facilities at the boater campground for the campers.

(3) A permit issued under subsection (2) shall specify the location of the boater campground and the period for

which the permit is valid. SOR/94-580, s. 5; SOR/2002-191, s. 5(E).

**20.** No person who holds a permit issued under subsection 19(2) is eligible to apply for or receive, for that person or on behalf of other persons, another permit to camp at a boater campground before the first permit expires.

**21.** Where a person holds a permit to moor overnight that is issued under subsection 40(5), the person may camp that night at a boater campground without holding a permit issued under subsection 19(2).

## FIREWORKS

**22.** (1) No person shall discharge fireworks in a historic canal, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to discharge fireworks in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the location at which the applicant may discharge fireworks; and

(b) the period for which the permit is valid. SOR/94-580, s. 6; SOR/2002-191, s. 5(E).

## FIRE

**23.** (1) No person shall light or maintain a fire on historic canal lands except

(a) in a stove, fireplace or other receptacle or place designated for that purpose; or

(b) in a portable stove or other similar device in a place designated, by means of a sign or notice, for that purpose.

(2) No person who lights or maintains a fire on historic canal lands shall leave the fire unattended.

(3) Every person who lights or maintains a fire on historic canal lands shall extinguish the fire when it is no longer required.

## DOMESTIC ANIMALS

**24.** (1) Every person who brings a pet onto historic canal lands shall ensure that the pet is

(a) restrained by a harness or a leash that is no longer than 3 m; or

(b) confined in a container or enclosure.

(2) Every person who is in charge of a pet on historic canal lands shall ensure that any excrement or other solid waste that originates from the pet is disposed of in a receptacle or removed from the historic canal lands.

**25.** (1) Subject to subsection (2) and section 47, no person shall bring livestock onto historic canal lands.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to bring a horse onto historic canal lands. SOR/2002-191, s. 5(E).

## RECOVERY OF COSTS FOR EXTRA SERVICES

**26.** Every person or organization that requests and receives a service in a historic canal that is beyond what is normally provided to all historic canal users shall bear the cost of the provision of that service.

## PART III NAVIGATION

### FITTING OF VESSELS

**27.** Every owner of a vessel that is in historic canal waters shall ensure that

(a) the vessel is fitted with good and sufficient mooring lines; and

(b) any fender attached to the vessel is securely fastened to the vessel and made of material that will float.

### CONDITION AND OPERATION OF VESSELS

**28.** No person in charge of a vessel shall operate the vessel in a historic canal where the dimensions, configuration, draught or condition of the vessel or the goods or equipment on the vessel may

(a) damage the historic canal;

(b) endanger the safety of persons using the historic canal; or

(c) delay or obstruct navigation.

**29.** Every person in charge of a vessel that is in a historic canal shall

(a) obey all traffic control devices; and

(b) comply with the instructions of employees and peace officers in respect of the safe and orderly use of locks and navigation channels.

**30.** Every person in charge of a vessel that is in a historic canal shall operate the vessel and control its wake in a manner that does not endanger the safety of persons or vessels or damage the shoreline or any structure, equipment, object or other vessel.

### MEETING AND OVERTAKING OF VESSELS

**31.** (1) Where two vessels are approaching a bridge in a historic canal from opposite directions and passage by the bridge can only be made by one vessel at a time, the person in charge of the upbound vessel shall hold back and give way to the downbound vessel and shall ensure that the vessels pass each other at least 100 m downstream of the bridge.

(2) Where two vessels are approaching a bend in a narrow navigation channel from opposite directions, the person in charge of the upbound vessel shall hold back and give way to the downbound vessel and shall ensure that the vessels pass each other downstream of the bend.

(3) No person in charge of a vessel in a historic canal shall attempt to overtake another vessel while within 300 m of a lock, guard gate or bridge, unless directed to do so by the superintendent or a peace officer.

(4) The person in charge of a vessel shall decrease the speed of the vessel to dead slow when the vessel is passing employees working on historic canal waters. SOR/2002-191, s. 5(E).

### PRECEDENCE AT SWING AND LIFT BRIDGES

**32.** (1) The superintendent shall give precedence to trains at a railway swing or lift bridge.

(2) The superintendent shall give precedence to vessels at a highway swing or lift bridge during the hours in which the bridge is scheduled to operate. SOR/2002-191, s. 5(E).

### VESSELS PASSING A SWING OR LIFT BRIDGE

**33.** (1) Subject to subsection (2) and section 34, no person in charge of a vessel in a historic canal shall attempt to pass the vessel through a swing or lift bridge until the bridge is fully open and

(a) no red light is shown by the traffic control device on the bridge; or

(b) the person in charge of the vessel is directed by an employee to proceed.

(2) Subsection (1) does not apply in respect of a vessel that can safely clear a swing or lift bridge that is fully closed.

**34.** (1) No person in charge of a vessel shall attempt to pass the vessel through the Brighton Road Swing Bridge, situated on Northumberland County Road Number 64 on the Murray Canal along the Trent-Severn Waterway, except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to pass the vessel through the Brighton Road Swing Bridge.

(3) The superintendent may issue a permit referred to in subsection (2) without payment of a fee in respect of any vessel that is operated by a federal, provincial or municipal agency or non-profit charitable organization and is used by the agency or non-profit charitable organization on its official business. SOR/94-580, s. 7; SOR/2002-191, s. 5(E).

### PASSING OF VESSELS THROUGH A LOCK

**35.** (1) No person in charge of a vessel shall allow the vessel to leave an approach wharf to enter a lock of a historic canal, or to leave a lock, until the lock gate or gates are fully open and

(a) no red light or flashing red light is shown by the traffic control device on the lock; or

(b) the person in charge of the vessel is directed by an employee to proceed.

(2) Every person in charge of a vessel waiting to enter a lock of a historic canal shall give way to vessels leaving the lock.

(3) No person in charge of a vessel shall allow the vessel to pass through a lock of a historic canal unless

(a) the vessel is equipped in accordance with section 27;

(b) the vessel and any goods or equipment on the vessel are in a condition that permits passage through the lock in a safe and controlled manner; and

(c) the vessel is of a dimension, configuration or draught that permits safe passage.

**36.** Every person in charge of a vessel that is passing through a lock of a historic canal shall ensure that

(a) the vessel is positioned and secured in the lock as directed by an employee;

(b) each mooring line of the vessel is attended by at least one member of the crew during the period that the vessel is passing through the lock; and

(c) the engine compartment blower or exhaust fan is operating.

**37.** During the period that any vessel is passing through a lock of a historic canal, no person shall smoke or have an open flame on the coping wall or lock gate.

**38.** No person shall, while on a vessel that is passing through a lock of a historic canal,

(a) smoke or have an open flame including a pilot light;

(b) turn on or off, or attempt to turn on or off, any appliance; or

(c) until directed to do so by an employee, operate or attempt to operate an engine.

**39.** (1) Subject to subsection (4), no person in charge of a vessel shall, except in accordance with a permit issued under subsection (2), allow the vessel to pass through a lock of the Saint-Ours, Chambly, Sainte-Anne-de-Bellevue, Carillon, Rideau or Lachine Canal or a lock of the Trent-Severn Waterway.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to pass the vessel through a lock of a historic canal referred to in subsection (1).

(3) The superintendent may issue a permit referred to in subsection (2) without payment of a fee in respect of any vessel that

(a) is operated by a federal, provincial or municipal agency or non-profit charitable organization and is used by the agency or non-profit charitable organization on its official business; or

(b) is no longer than 5.5 m and is in the charge of a person who was born on or before December 31, 1926.

(4) The person in charge of a vessel may pass through a lock of a historic canal named in subsection (1) for the purpose of obtaining a permit, if the person does not proceed further along the historic canal than to a lock station at which permits are issued. SOR/94-580, s. 8; SOR/2002-191, ss. 3, 5(E).

## MOORING OF VESSELS

**40.** (1) No person in charge of a vessel shall moor the vessel or allow it to be moored in a historic canal in a manner that obstructs navigation.

(2) No person in charge of a vessel shall moor the vessel or allow it to be moored along an approach wharf during the hours of operation of the lock, unless the vessel is waiting to enter the lock.

(3) No person shall affix a mooring line to a structure or object at a lock station, other than a structure or object designed for that purpose.

(4) No person shall, except in accordance with a permit issued under subsection (5), moor a vessel at a place designated by means of a sign or notice as requiring a mooring permit.

(5) The superintendent may, on receipt of an application, issue a mooring permit.

(6) Where a space at a wharf is designated by means of a sign or notice as being reserved for a certain period for a particular type or class of vessel, no person shall moor a vessel in the space during that period unless the vessel is of that type or class.

(7) No person shall moor a vessel at a wharf for a period that exceeds the period designated for that wharf.

(8) No person in charge of a vessel that has been moored at a lock station shall return to moor the vessel at the same lock station until a period of 24 hours has elapsed from the time of the vessel's departure from the lock station. SOR/94-580, s. 9; SOR/2002-191, s. 5(E).

**41.** No person in charge of a vessel shall allow the vessel to be moored in a navigation channel except in case of an emergency and only for such time as the emergency exists.

## WINTERING AND LYING UP OF VESSELS

**42.** (1) No person in charge of a vessel shall winter the vessel in a historic canal except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to winter a vessel in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the type and size of vessel that the applicant may winter;

(b) the location at which the applicant may winter the vessel; and

(c) the period for which the permit is valid. SOR/94-580, s. 10; SOR/2002-191, s. 5(E).

**43.** (1) No person in charge of a vessel shall allow the vessel to lie up in a historic canal except in accordance with a permit issued under subsection (2).

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to lie up a vessel in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the type and size of vessel that the applicant may lie up;

(b) the location at which the applicant may lie up the vessel; and

(c) the period for which the permit is valid. SOR/94-580, s. 11; SOR/2002-191, s. 5(E).

## AIDS TO NAVIGATION

**44.** (1) No person shall, in a historic canal,

(a) move, alter or destroy any aid to navigation;

(b) moor a vessel to any aid to navigation;

(c) set out navigation markers other than buoys; or

(d) except in accordance with a permit issued under subsection (2), set out a buoy.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to set out a buoy in a historic canal.

(3) A permit issued under subsection (2) shall specify

(a) the type, placement and characteristics of the buoy in accordance with the *Private Buoy Regulations*; and

(b) the period for which the permit is valid. SOR/2002-191, s. 5(E).

PART IV  
VEHICLES

CROSSING BRIDGES

**45.** (1) Except in accordance with a permit issued under subsection (2), no person shall operate, on a bridge over a historic canal, any vehicle that has

- (a) crawler tractor treads or other treads that may damage the bridge surface; or
- (b) a gross weight exceeding the posted load capacity of the bridge.

(2) The superintendent may, on receipt of an application, issue a permit authorizing the applicant to operate, on a bridge over a historic canal,

- (a) if the surface of the bridge is protected against damage, a vehicle that has crawler tractor treads or other treads; or
- (b) if the bridge is protected against structural damage, a vehicle that has a gross weight exceeding the posted load capacity of the bridge.

(3) A permit issued under subsection (2) shall specify the bridge on which the applicant may operate the vehicle and the times at which the applicant may operate the vehicle.

(4) No person shall proceed over a bridge that has a safety gate or other device used for closing the bridge, unless the gate or other device is fully open. SOR/2002-191, s. 5(E).

PART V  
PROVISIONS RESPECTING PARTICULAR HISTORIC CANALS

**46.** [Repealed, SOR/2002-191, s. 4]

CHAMBLY CANAL

**47.** A person may bring livestock onto historic canal lands in order to cross Chambly Canal Bridge Number 4 or Chambly Canal Bridge Number 5.

PART VI  
ENFORCEMENT

INSPECTION

**48.** (1) Subject to subsection (2), the superintendent may, at any reasonable time, stop and board a vessel that is in a historic canal to give notice under paragraph 4(2)(d) or to inspect for the purpose of

- (a) determining whether the vessel meets the requirements of these Regulations for operation in a historic canal;
- (b) determining whether there is a sufficient number of crew on the vessel to operate the vessel safely;
- (c) determining whether the vessel is equipped in accordance with the *Small Vessel Regulations*; or

(d) verifying whether a permit has been issued under these Regulations authorizing the vessel or the person in charge of the vessel to engage in an activity for which a permit is required.

(2) The superintendent may not enter that part of a vessel that is designed to be used, and is being used, as a private dwelling- place except with the consent of the person in charge of the vessel. SOR/2002-191, s. 5(E).

## SEIZURE AND DETENTION

**49.** (1) Where the superintendent has reasonable grounds to believe that damage has been caused to a historic canal by any vessel, vehicle, equipment or goods, or that any vessel in a historic canal is obstructing navigation, obstructing or preventing the use of historic canal facilities open to the public or impeding the safe and proper use or maintenance of a historic canal or its structures or equipment, the superintendent may seize and detain, at the risk and expense of the owner, the vessel, vehicle, equipment or goods.

(2) The superintendent shall, as soon as practicable after seizing any vessel, vehicle, equipment or goods under subsection (1), inform the person in whose possession they were at the time of seizure of

(a) the reason for the seizure; and

(b) where the vessel, vehicle, equipment or goods are not detained in the place where they are seized, of the location at which they are detained.

(3) The superintendent shall release any vessel, vehicle, equipment or goods seized and detained under subsection (1) as soon as practicable after the owner or person in charge of the vessel, vehicle, equipment or goods

(a) has paid or provided security for payment of the cost of repairing the damage referred to in subsection (1); and

(b) has paid the expenses incurred by the superintendent to effect the seizure and detention.

(4) The superintendent shall, at the request of the person from whom a vessel, vehicle, equipment or goods were seized and detained, allow that person or any person authorized by that person to examine, at any reasonable time, the vessel, vehicle, equipment or goods. SOR/94-580, s. 12; SOR/2002-191, s. 5(E).

**50.** The superintendent may seize and detain, at the risk and expense of the owner, any vessel, vehicle, equipment, goods, structure or other thing sunk, grounded or otherwise abandoned in historic canal waters or on historic canal lands that obstructs or hinders the management, maintenance, proper use or protection of the historic canal.

SOR/2002-191, s. 5(E).

## POWERS OF SALE

**51.** (1) Subject to subsection (2), the superintendent may sell any vessel, vehicle, equipment, goods, structure or thing seized and detained under subsection 49(1) or section 50 if, after 30 days from the date of the seizure, the owner or person in charge of the vessel, vehicle, equipment, goods, structure or thing has failed

(a) [Repealed, SOR/94-580, s. 13]

(b) to pay or provide security for payment of the cost of repairing the damage caused to the historic canal by that vessel, vehicle, equipment or goods; or

(c) to pay the expenses incurred by the superintendent to effect the seizure and detention.

(2) Where the owner of a vessel, vehicle, equipment, goods, structure or thing seized and detained under

subsection 49(1) or section 50 disputes that fees or expenses are payable under these Regulations in respect of the vessel, vehicle, equipment, goods, structure or thing, or that the vessel, vehicle, equipment or goods caused damage to a historic canal, the owner may apply to the director-general of the region of the Canadian Parks Service in which the seizure was effected for an order for the return of the vessel, vehicle, equipment, goods, structure or thing. SOR/94-580, s. 13; SOR/2002-191, s. 5(E).

## PART VII

### PENALTIES

**52.** Every person who contravenes any provision of these Regulations is guilty of an offence punishable on summary conviction and liable to a fine not exceeding \$400.

#### SCHEDULE I

*(Section 2)*

##### HISTORIC CANALS

Item	Column I Name of Historic Canal	Column II Province
1.	Rideau Canal including the Tay Canal	Ontario
2.	Trent-Severn Waterway including the Murray Canal	Ontario
3.	Sault Ste. Marie Canal	Ontario
4.	Saint-Ours Canal	Quebec
5.	Chambly Canal	Quebec
6.	Sainte-Anne-de-Bellevue Canal	Quebec
7.	Carillon Canal	Quebec
8.	Lachine Canal	Quebec
9.	St. Peters Canal	Nova Scotia

#### SCHEDULES II to V

[Repealed, SOR/94-580, s. 14]

