

Municipal Role in Managing Docks in Alberta

Managing recreational docks in front of municipal waterfront lands

Municipal role in managing mooring

This Fact Sheet is intended to assist municipalities in understanding their role in the mooring regulatory process as a land owner and local government with planning abilities.

Owners of Municipal Waterfront Properties

Municipalities are often owners of waterfront parcels. Municipal waterfront properties are primarily Environmental Reserves but may also be municipal reserves, park, public utility lots, or even other titled lots, as well as surveyed road allowances (developed or undeveloped). The one common feature of the parcels is that they all share a boundary (legal bank) with waterbodies such as lakes or rivers.

Municipalities as waterfront owners are also riparian parcel owners, which grant them the right of unhindered access to and from water across their entire frontage. This right cannot be infringed, even by the Crown as owner of the bed and shore, unless the waterfront owner (i.e., the municipality) consents to it.

Where the Municipality is the waterfront owner, they have the same rights as any waterfront parcel owner and under the Disturbance Standard may place one dock in front of each waterfront parcel. In the case where docks are outside the requirements of the Disturbance Standard, municipalities still need to make application to place a dock. Municipal docks are typically for community purposes. When this option is not exercised, the bed and shore fronting the municipal waterfront parcel is available for other mooring opportunities provided the municipality consents to the use.

Municipal consent process for others to place a dock in front of municipal waterfront properties

When users submit an application under the *Public Lands Act* to install a mooring structure in bed and shore adjacent to a municipal waterfront parcel, a written consent from the waterfront landowner (municipality) will be required to be included in the application to the department. This consent is a formal written acknowledgement to an applicant that the municipality, as the waterfront landowner, has no concerns with the application to the provincial regulator to allow the

bed of the water body to be occupied. The consent itself is not a municipal authorization to place a dock and occupy public land, but it informs the department that the municipality has no concerns with the use of their waterfront property for the mooring being applied for. Municipal consent does not mean that the department will automatically approve the application.

Municipal consents will not be required by the department for dock users in situations when a semi-waterfront holder places a dock in a waterbody in accordance with the mooring Disturbance Standard. However, it is up to the municipality to determine if municipal consent will be required for all semi-waterfront holders or just the ones that require application to the department. Prior to issuing a consent, a municipality may wish to consider the following:

- Will the municipality need the mooring area for their own community use such as for a shared dock or boat launch?
- Is a semi-waterfront property owner already using the mooring area in front of the municipal waterfront?
- Is there at least 6 metres available to separate one person's set of mooring structures from another's?
- Has the municipality already provided consent for someone else to place a dock at the same location?
- If a consent is issued, how long is the consent for?
- Is the consent for dock use aligned with land use zoning, bylaws, or an existing mooring plan for the subdivision?
- Does the municipality want to encourage/enable access to and development of the environmental or municipal reserve land (both unauthorized and authorized) that may occur with the approval of the mooring activity i.e., creation of access trails (both foot and vehicle), mooring structure storage, sitting areas and fire pits, etc.?
- Is there an intent to have environmental or municipal reserve land be maintained in a natural state, etc.
- Would consent for those living outside of the community to place docks lead to parking issues within the community?
- Will the municipality wish to require all docks to have identification tags?
- Does the municipality want to take a proactive approach to dock management through the development of a mooring plan for the bed and shore area fronting municipal lands?

[Disturbance standard for temporary seasonal docks and other mooring structures for personal recreational purposes - Open Government \(alberta.ca\)](#)

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Sample Municipal Consent

<Municipality>

In response to a Request for Consent to place a dock in front of the municipal Environmental Reserve* made by <Applicant Name> being the registered owner(s) of:

PLAN: ##### BLOCK:# LOT:##
Meridian #, Range ##, Township ###, Section ##, Quadrant

Adjacent to:

<Municipal Name>
Environmental Reserve <or Road> *
PLAN: ##### Block:# LOT:##ER
Meridian #, Range ##, Township ###, Section ##, Quadrant

And more specifically, in front of semi-waterfront lot:

PLAN: ##### BLOCK:# LOT:##
Meridian #, Range ##, Township ###, Section ##, Quadrant

For the purpose of "Bed and Shore - Seasonal Mooring Structure", the <Municipal Name> does hereby provide consent for <Applicant Name> or representatives, to make application to <department name> for approval to place a mooring structure in the water adjacent to the municipal land* in the location stated above and as provided in the attached sketch. This waterfront landowner consent does not exempt you from requiring Provincial authorization which must be sought through the department responsible for issuing these authorizations under the *Public Lands Act*. If for any reason, the authorization from the department is invalid, or in expiry, this consent would also be null and void.
This consent is valid until <date>.

Authorizing Municipal Position and Signature

<Date>

* Waterfront parcel may have various designations (road, promenade, park, municipal reserve, Environmental Reserve, reserve, etc.).

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