

BY-LAW NO. 15-32

BEING A BY-LAW TO REPEAL AND REPLACE BY-LAW 15-26 BEING A BY-LAW TO REGULATE THE USE OF PUBLIC DOCKS AND LAUNCHING RAMPS

WHEREAS pursuant to Section 8 and 11 of the Municipal Act, 2001, the Corporation of the Township of the North Shore may pass by-laws regulating the use by the public of lands owned or under the control of the Township;

AND WHEREAS access to public docks owned by the Town is provided to the public at large, and this access has been interfered with by persons leaving boats and materials at public docks in a manner which obstructs public use;

AND WHEREAS the docking of barges at Public Docks has created extensive damages to the docks.

AND WHEREAS it is desirable to regulate the use of Township owned Public Docks and Launching Ramps and Township owned lands adjacent to a Public Dock or a Township owned park.

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the Township of the North Shore enacts as follows:

1.0 DEFINITIONS

In this by-law,

- 1.1 "Barge" means any vessel, usually flat-bottomed and with or without its own power used for transporting freight.
- 1.2 "Boat" means any vessel which floats on the surface of the water and is capable of carrying people or material whether motorized or not and included but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats, float planes when on water or land, and boats used in commercial operations.
- 1.3 "Commercial Boat" means any vessel which is used to generate revenue by charging a fee for the transportation of goods, the transportation of people, the sale of goods from the boat or any other service provided by the boat.
- 1.4 "Docking" means securing a boat in any way to a public dock whether it is attended by any persons or not and shall include removing a boat wholly or partially from the water and placing it on land owned by the Township.
- 1.5 "Launching Ramp" means an area adjacent to or used in connection with a Public Dock, which is not a structure, and which serves as an area to launch or recover boats from the water, and which is owned by the Township.
- 1.6 "Nuisance" means the docking, placing, stopping, or abandoning of boats for materials in contravention of this by-law in a location or manner, which impedes or interferes with the use of a Public Dock or a launching ramp by the general public.
- 1.7 "Owner" means an individual or corporation who owns a boat/barge or the person operating or having care and control of a boat at any particular time.

- 1.8 "Storage" means leaving a boat/barge wholly or partially out of the water at a Public Dock, whether stored directly on land, or on a rack, trailer or other storage apparatus, and also includes storage of materials.
- 1.9 "Township" means the Corporation of the Township of the North Shore.
- 1.10 "Public Dock" means any structure located on land owned by the Township and used as a dock or boat launching or recovery area together with all adjacent and underlying lands.
- 1.11 "Vessel" means any type of watercraft described as a boat/barge as outlined in sections 1.2 & 1.3.
- 1.12 "Shoreline" means municipally owned lands adjacent to a municipal docking facility.
- 1.13 "Land Vehicle" means any motorized vehicle, including trucks, cars, ATVs and motorcycles.
- 1.14 "Trailers" means a device to haul vessels, boats, barges etc.
- 1.15 "Designated Parking" means areas provided by the municipality to park land vehicles and trailers.
- 1.16 "Signage" means any municipally posted signs.

2.0 DOCKS

- 2.1 Unless otherwise specifically permitted in the by-law, a Public Dock shall be used for loading and unloading of people and materials only and not for the long term docking of boats/barges.
- 2.2 No person shall dock a boat at any Public Dock.
- 2.3 No person shall dock a boat at any Public Dock unless specifically seeking safety during stormy weather or specifically allowed to do so after receiving permission from the Township.
- 2.4 No person shall store materials on a Public Dock except on a temporary basis just prior to loading or after unloading a boat.
- 2.5 No person shall dock or store a boat, barge, vessel, land vehicle or trailer on Township owned lands adjacent to a Public Dock or a Township owned park or beach.
- 2.6 No person shall dock a boat, barge or leave materials on a launching ramp, a Public Dock or Township owned land adjacent to a Public Dock so that it constitutes a nuisance.

3.0 LAUNCHING RAMPS

- 3.1 No person shall dock a boat/barge at any time in a location, which would impede or interfere with the use of a launching ramp except during the period of actively launching or removing a boat/barge.
- 3.2 No person shall launch a boat in other than designated areas.

4.0 COMMERCIAL BOATS

- 4.1 A commercial boat engaged in the loading and unloading of passengers is prohibited from docking at a Public Dock except to load and unload passengers.

5.0 BARGE

- 5.1 No person shall dock a barge at any Public Dock.
- 5.2 No person shall dock or store a barge on Township owned lands or shoreline adjacent to a Public Dock or a Township owned park.
- 5.3 No person shall dock a barge or leave materials on a launching ramp, a Public Dock or Township owned land/shoreline adjacent to a Public Dock so that it constitutes a nuisance.

6.0 PARKING

- 6.1 No person shall park any land vehicle or trailer in non-designated areas.

7.0 MUNICIPAL SIGNS

- 7.1 No person shall deface, remove or destroy any municipally posted signage.

8.0 ENFORCEMENT

- 8.1 The Municipal By-Law Enforcement Officer is hereby authorized and empowered to enforce this by-law.
- 8.2 When a vessel is docked in contravention of a provision of this by-law, the Municipal By-Law Enforcement Officer may make reasonable efforts to determine who the owner or operator of the vessel is. If it can be determined who the owner or operator of the vessel is, the Municipal By-Law Enforcement Officer may direct that person to move or remove the vessel. No person shall fail to comply with the directions given.
- 8.3 In the absence of the By-Law Enforcement Officer, the Ontario Provincial Police will act as the Enforcement Officer.

9.0 OBSTRUCTION

- 9.1 No person shall hinder, obstruct or interfere with a Municipal Law Enforcement Officer conducting an investigation or provide the officer with information, on matters relevant to the investigation that the person knows to be false or misleading.
- 9.2 In the absence of the By-Law Enforcement Officer, the Ontario Provincial Police will act as the Enforcement Officer.

10.0 OFFENCES

- 10.1 The owner of a vessel, or the person operating or having care and control of a vessel, is liable for compliance within the provisions of this by-law.
- 10.2 The owner or operator of a boat which is docked in contravention of this by-law is guilty of an offence under the provisions of the Provincial Offences Act even though the boat may have been moved as directed.
- 10.3 Every person who contravenes any provision of this by-law is guilty of an offence.

11.0 PENALTY

- 11.1 Every person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, c.P.33.

- 11.2 Contravention of this by-law may result in the removal of the vehicle or trailer or vessel/boat/barge to a safe location at the direction of the Municipal By-Law Enforcement Officer. The costs of removal are the responsibility of the vehicle or boat/barge owner.
- 11.3 In addition to the foregoing penalties, any boat docked at a Public Dock in contravention of this by-law may be restrained and immobilized at the direction of the Municipal By-Law Enforcement Officer until such time as the owner or operator of the boat identifies himself/herself with photo identification and a Boat Operator's License. Any costs and expensed for restraining and immobilizing are the responsibility of the boat owner.
- 11.4 Set Fines are outlined in the attached "Appendix A" and "Appendix B".

12.0 SEVERABILITY

- 12.1 If any section or sections of this by-law or parts thereof are found in any court of law to be illegal or beyond the power of Council to enact, such section or sections or parts thereof shall be deemed to be severable and at other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

Read a first second and third time, enacted and passed this 21st day of September 2015.

Randi Condie, Mayor

Brenda Green, Clerk/Treasurer