

# CORPORATION OF THE TOWNSHIP OF SOUTH ALGONQUIN

## BY-LAW NO: 2016-511

### **A By-Law for the Corporation of the Township of South Algonquin being a By-Law to regulate the Use of Public Docks and Launching Ramps in the Municipality.**

WHEREAS the Township of South Algonquin may pass By-Laws regulating the use of public lands and property, pursuant to Section 8 and 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (“Municipal Act”); and

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

WHEREAS the Township intends to control interference with public privileges, pursuant to Section 128 (2) of the *Municipal Act*; and

WHEREAS it is desirable to regulate the use of the Township Docks and Launching Ramps to ensure safe usage;

NOW THEREFORE the Council for the Corporation of the Township of South Algonquin enacts the following:

#### **DEFINITIONS**

1. In this By-Law, the following definitions apply:
  - 1.1 “**Abandoned Boats**” means a boat which is parked in contravention of this By-Law for a period in excess of 48 hours.
  - 1.2 “**Boat**” means any vessel which floats on the surface of the water and is capable of carrying people or goods whether motorized or not and includes 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 “**Launching Ramp**” means an area, which may be adjacent to or used in connection with a Township dock, that is not a structure, serves as an area to launch or recover boats from the water, and is owned by, or leased to, the Township of South Algonquin.
  - 1.4 “**Goods**” means tangible or movable personal property or items or trade.
  - 1.5 “**Nuisance**” the parking, placing, storing, or abandoning of boats or goods in contravention of this By-Law in a location or manner which interferes with the use of a Township Dock or a Launching Ramp by the general public or Township Staff.
  - 1.6 “**Owner**” means an individual or corporation who owns a boat or the person operating or having care and control of a boat at any particular time.
  - 1.7 “**Docking or Mooring**” means to secure, fasten, affix, tie, or anchor a boat ( as per definition of boat), to a structure or to municipal land.
  - 1.8 “**Township**” means the Corporation of the Township of South Algonquin.

## **GENERAL**

2. Unless otherwise specified in this By-Law, a Township Dock shall be used for loading and unloading people and materials only and not for long term or overnight docking or mooring.
3. Boats cannot be docked or moored at any Township Dock except as permitted by this By-Law.
4. Boats shall not be docked at any Township dock overnight.
5. Goods are not permitted to be placed or stored on a Township Dock or in the ramp launching area except on a temporary basis just prior to loading or unloading.
6. Goods are not permitted on a Township Dock at any time in a location which would prevent the use of the dock or the launching ramp by others.
7. Goods shall not be placed on Township owned land adjacent to the Township Docks so that it constitutes a Nuisance.
8. Boats shall not be parked in the Launching Ramp, Township Dock, or Township owned land adjacent to Township Dock so that it constitutes a nuisance.
9. No person shall park or leave a Boat unattended at any time in a location that would impede or interfere with the use of a Launching Ramp.

## **ENFORCEMENT**

10. The Municipal By-Law Enforcement Officer of the Township is hereby authorized and empowered to enforce this By-Law.
11. Any person who contravenes any of the provisions of this By-Law may be charged with an offence and upon conviction shall be liable to a fine as provided for in the *Provincial Offences Act*, R.S.O, 1990, c. P.33, as amended ("*Provincial Offences Act*").
12. Not limiting the generality of the foregoing, an Owner is liable for compliance with the provisions of this By-Law.
13. Any boat docked, moored or left unattended, contrary to this By-Law, may be removed by the township or a township designated person and shall be subject to lien provisions, storage and disposal requirements set out in the repair and Storage Liens Act.
14. Any unpaid fines arising from this By-Law may be added to the tax roll and collected in the same manner as municipal taxes prescribed for in Section 398 of the *Municipal Act*.
15. A nuisance as defined by this By-Law is deemed to be a Public Nuisance within the meaning of Section 128 (2) of the *Municipal Act*.
16. This By-Law does not apply to a Boat owned by the Township or a Boat engaged in providing police, fire, ambulance or other emergency services.

**READ A FIRST AND SECOND TIME THIS 21<sup>st</sup> DAY OF JULY, 2016.**

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**Jane A.E. Dumas, Mayor**

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**Suzanne Klatt, CAO/Clerk-Treasurer**

**READ A THIRD TIME AND FINALLY PASSED THIS 21<sup>st</sup>, DAY OF JULY, 2016.**

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**Jane A. E. Dumas, Mayor**

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**Suzanne Klatt, CAO/Clerk-Treasurer**