

# The Corporation of the Town of Parry Sound

## By-law 2021 – 7126

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### **A by-law to regulate the use of Public Docks and Launching Ramps in the Town of Parry Sound.**

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**Whereas** pursuant to Sections 8 and 10 of the Municipal Act 2001, the Town of Parry sound may pass by-laws regulating the use of public lands owned or under the control of the Town; and

**Whereas** access to public docks owned by the Town of Parry sound 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 Town of Parry Sound intends to control that interference with public privileges pursuant to Section 128 of the Municipal Act 2001; and

**Whereas**, it is desirable to regulate the use of Town owned Public Docks, Launching Ramps and the Town owned lands adjacent to a Public Dock or a Town owned park.

**Now therefore the Council of the Corporation of the Town of Parry Sound enacts as follows:**

#### **1. DEFINITIONS**

- a) “Barge” means any vessel, usually flat-bottomed and with or without its own power used for transporting freight.
- b) “Boat” means any vessel with 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 crafts, scows, personal watercraft, canoes, row boats, pontoon boats, float planes when on water or land, and boats used in commercial operations.
- c) “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.
- d) “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 Town.
- e) “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, or leased to, the Town of Parry Sound.
- f) “Nuisance” means the docking, placing, storing or abandoning of boats or materials in contravention of this by-law in a location or manner, which

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impedes or interferes with the use of a public dock or a launching ramp by the general public.

- g) “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.
  - h) “Public Dock” means any structure located on land owned by the Town and used as a dock, wharf, pier or boat launching or recovery area together with all adjacent and underlying lands related thereto other than those properties managed by a private operator on behalf of the Town.
  - i) “Permit” means a permit for docking or storage of a boat at the public dock and or Town property issued under this by-law and granted by the Director of Public Works or his designate.
  - j) “Storage” means leaving a boat 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.
  - k) “Town” means the Corporation of the Town of Parry Sound.
2. No person shall dock a boat at any Public Dock except as permitted by this By-law.
  3. A Public Dock shall only be used for the loading and unloading of people and materials and not for the long-term docking of boats.
  4. No person shall dock or store a boat at any Public Dock or on Town owned lands adjacent to a Public Dock between the hours of 11:00 pm and 7:00 am unless specifically seeking safety during stormy weather or specifically allowed to do so by way of a permit issued by the Town.
  5. No person shall dock a boat at any Public Dock for a continuous period in excess of 1 hour except at the dock known as the “Shoppers Dock” located at 20 Mclsaac Way in the Town of Parry Sound (legal description of which is Plan 154 Lots 6 to 21).
  6. No person shall dock a boat at the “Shoppers Dock” located at 20 Mclsaac Way in the Town of Parry Sound (legal description of which is Plan 154 Lots 6 to 21) for a continuous period in excess of 4 hours.
  7. A permit may be issued to dock a boat at any Public Dock in excess of the time limits but only under extraordinary circumstances.
  8. No person shall store materials on a Public Dock except on a temporary basis just prior to loading or after unloading a boat.
  9. No person shall dock a boat or leave materials on a Public Dock, launching ramp or Town owned land adjacent to a Public Dock so that it constitutes a nuisance.

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10. No person shall dock a boat 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.
11. No person shall use a Public Dock, a launching ramp or Town owned land adjacent to a Public Dock in any manner that constitutes a nuisance or interferes with normal use of the Public Dock and launching ramp by boats.
12. No person shall use a Public Dock or launching ramp when closed, for the winter season or due to maintenance, for any purpose.

### **COMMERCIAL BOATS**

13. No person operating a commercial boat or barge shall use a Public Dock without a permit.
14. A commercial boat or barge may only use a Public Dock in accordance with the terms and conditions as set out in the permit.

### **PERMITS**

15. The Director of Public Works or their designate may issue permits and may negotiate conditions or terms as deemed appropriate and in accordance with the fees set out in Schedule “A”. If said conditions or terms are not adhered to the permit may be revoked.
16. Any boat, commercial boat or barge docked or stored in accordance with the terms and conditions of its permit shall display that permit in a visible location.

### **ENFORCEMENT**

17. The Municipal By-law Enforcement Officers are hereby authorized and empowered to enforce this by-law.
18. When a boat is docked in contravention of a provision of this by-law, the Municipal Law Enforcement Officer may make reasonable efforts to determine the owner or operator. If it can be determined who the owner or operator of the boat is, the Municipal Law Enforcement Officer shall direct that person to move or remove the boat. No person shall fail to comply with the directions given.
19. No person shall hinder, obstruct or interfere with a Municipal Law Enforcement Officer conducting an investigation and or provide the officer with information, on matters relevant to the investigation that the person knows to be false or misleading.

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#### **OFFENCES**

20. The owner of a boat, or the person operating or having care and control of a boat, is liable for compliance within the provisions of this by-law.
21. Every person who contravenes any provision of this by-law is guilty of an offence, even though the boat may have been moved as directed.

#### **PENALTY**

22. 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, Chapter p.33, as amended.
23. Contravention of this by-law may result in the removal of the boat, or vehicle or trailer to a safe location at the direction of the Municipal Law Enforcement Officer or their designate. The costs of removal are the responsibility of the boat or vehicle owner and are set out in Schedule "A".
24. 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 a Municipal Law Enforcement Officer or their designate until such time as the owner or operator of the boat identifies himself/herself with photo identification and a Boat Operator's Licence. Any costs and expenses for restraining and immobilizing are the responsibility of the boat owner and are subject to such fees as set out in Schedule "A".

#### **SEVERABILITY**

25. 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 of this By-law shall be deemed to be separate and independent there from and to be enacted as such.
26. Upon the passing of this By-law, By-law 2010-5470 and 2010-5483 are herewith rescinded.

**Read a First time this 4<sup>th</sup> day of May 2021.**

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**SCHEDULE “A”  
By-law 2021-**

**FEES**

Daily fee for a restrained boat	\$75.00
Permit for Commercial, Barge or Non Commercial use of Public Docks	
• Annual Permit	\$500.00
• Project Permit	\$75.00 (one time use)

The fee for the relocation or removal of any boat or material shall be at the actual costs of labour or machinery used to accomplish the work as well as ongoing fees for storage, whether carried out by the municipality or contracted out, plus an administration fee equal to 25% of total cost.