

THE CORPORATION OF THE TOWNSHIP OF TAY

BY-LAW NO. 2018-34

Being a By-law to regulate the use of public docks and ramps within the Township of Tay

WHEREAS pursuant to Sections 8 and 1 of the Municipal Act, 2001, the Township of Tay may pass by-laws regulating the use by the public of lands of which the Township is the owner;

AND WHEREAS access to public docks owned by the Township is provided to the public at large, and this access has been interfered with by persons launching loading and unloading barges at public docks in a manner which obstructs public use;

AND WHEREAS the launching of barges and commercial boat at public dock has created extensive damages to the launching ramps;

AND WHEREAS the Township 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 Township Docks and Ramps;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF TAY ENACTS AS FOLLOWS:

Part 1 - Definitions

- 1.1 "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 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.
- 1.2 "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.
- 1.3 "Barge" means any vessel, usually flat-bottomed and with or without its own power used for transporting freight.
- 1.4 "Launching Ramp" means an area adjacent to or used in connection with a Township 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 Township.
- 1.5 "Nuisance" means the parking, placing, storing, or abandoning of boats or materials 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.
- 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 "Park" means securing a boat in any way to a Township dock whether it is attended by persons or not and shall include removing a boat from the water and placing it on land owned by the Township.
- 1.8 "Township" means the Corporation of the Township of Tay.
- 1.9 "Public Dock" means any structure located on land owned by the Township and used as a dock, wharf, pier or boat launching or recovery area together with all adjacent and underlying lands related thereto.

Part 2 – General

- 2.1 Unless otherwise specifically permitted in this by-law, a Township dock shall be used for loading and unloading of people and materials only and not for the long term parking of boats.
- 2.2 No person shall park a boat at any Township dock except as permitted by this by-law.
- 2.3 No person shall park a boat at any Township dock between the hours of 11:00 p.m. of one day to 7:00 a.m. the following day unless specifically permitted by this by-law.
- 2.4 No person shall park a boat at any Township dock for a continuous period in excess of 3 hours.
- 2.5 No person shall store materials on a Township dock except on a temporary basis just prior to loading or after unloading.
- 2.6 No person shall store materials on a Township dock for a continuous period in excess of 1 hour.
- 2.7 No person shall store materials on a Township dock at any time in a location which would prevent the use of a dock by others.
- 2.8 No person shall park or store a boat on Township owned lands adjacent to a Township dock except in an area designated for that use.
- 2.9 No person shall park a boat or leave materials on a launching ramp, a Township dock, or Township-owned land adjacent to a Township dock so that it constitutes a nuisance.
- 2.10 No person shall launch/park a Barge or Commercial Boat at any Public Dock unless prior permission has been received from the Director of Public Works for the use of municipal or emergency purposes.
- 2.11 No person shall park a boat at any time in a location, which would impede or interfere with the use of a launching ramp.
- 2.12 No person shall leave a boat unattended in a location which would impede or interfere with the use of a launching ramp.
- 2.13 The presence of a boat on or adjacent to a launching ramp during launching or removal from the water does not contravene Sections 2.11 and 2.12.

Part 3 - Enforcement

- 3.1 The Municipal By-law Enforcement Officers of the Township are hereby authorized and empowered to enforce this by-law.
- 3.2 Any 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.
- 3.3 The owner of a boat or the person operating or having care and control of a boat is liable for compliance with the provisions of this by-law.
- 3.4 When a boat is parked in contravention of a provision of this by-law, the By-law Officer may make reasonable efforts to determine whom the owner or operator of the boat is. If it can be determined whom the owner or operator is, the By-law Officer may direct that person to move or remove the boat. No person shall fail to comply with the directions given.
- 3.5 The owner or operator of a boat which is parked in contravention of this by-law is subject to prosecution under the provisions of the Provincial Offences Act even though the boat may have been moved as directed in Section 3.4 of this by-law.
- 3.6 In addition to the provisions found in Sections 3.2, 3.4 and 3.5, when a boat is found to be abandoned and whether the owner or operator can be identified or not, a By-law Enforcement Officer may have the offending boat removed from a Township dock or a launching ramp.
- 3.7 In addition to the provisions found in Section 3.2, any contravention of any section within Part 2 of this by-law shall be deemed to be a nuisance and materials and boats may be relocated or removed at the discretion of a By-law Enforcement Officer.
- 3.8 The owner of a boat or material which is relocated or removed in accordance with Section 3.7 shall be charged a fee for the work done in accordance with the Township of Tay User Fees and Services By-law.
- 3.9 Any unpaid fees arising from this by-law may be added to the tax roll and collected in the same manner as municipal taxes as prescribed in Section 398 of the Municipal Act, 2001.
- 3.10 A nuisance as defined by this by-law is deemed to be a public nuisance within the meaning of Section 128 of the Municipal Act, 2001.
- 3.11 Sections 3.2 and 3.7 do not apply to a person operating or having the care of a boat owned or engaged in works on behalf of the Township, or a boat engaged in providing a police, fire, ambulance or other emergency service.
- 3.12 Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fine as approved by the appropriate Justice of the Ontario Court of Justice.
- 3.13 All sections of this by-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the validity of the remaining sections.

3.14 Schedules "A" is attached to and forms part of this by-law.

**BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 25TH DAY OF APRIL, 2018.**

THE CORPORATION OF THE TOWNSHIP OF TAY

MAYOR, Scott Warnock

CLERK, Alison Gray

SCHEDULE 'A' TO BY-LAW 2018-34

PART 1 Provincial Offences Act - Set Fine Schedule

THE CORPORATION OF THE TOWNSHIP OF TAY

By-law No. 2018-34, Public Docks and Ramp Usage

Item	Column 1 Short Word Form Wording	Column 2 Provision Creating or Defining Offence	Column 3 Set Fine
1	Park boat at a Township dock between 11:00pm and 7:00am	2.3	\$150.00
2	Park boat at Township dock in excess of 3 hours	2.4	\$150.00
3	Store materials on Township dock in excess of 1 hour	2.6	\$150.00
4	Store materials on Township dock preventing use of dock for others	2.7	\$150.00
5	Park boat on land not designated	2.8	\$150.00
6	Park boat/ Leave materials on launching ramp/Township dock causing a nuisance	2.9	\$150.00
7	Launch/Park barge/commercial boat at public dock	2.10	\$400.00
8	Park boat so as to impede/interfere with launching ramp	2.11	\$150.00
9	Leave boat unattended so as to impede/interfere with launching ramp	2.12	\$150.00

Note: The penalty provision(s) for the offences indicated above is Section 3 of By-Law #2018-34. A certified Copy of which has been filed.

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4	Store materials on Township dock preventing use of dock for others	2.7	
5	Park boat on land not designated	2.8	
6	Park boat/ Leave materials on launching ramp/Township dock causing a nuisance	2.9	
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