

The Corporation of the Town of Moosonee

BY-LAW No. 20-11

Being a by-law to regulate the use of the Moosonee Public
Docks and Public Boat Launch Ramps and to
establish user fees.

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

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

AND WHEREAS the Town intends to control that interference with public privileges, pursuant to Section 128 of the Municipal Act, 2001;

AND WHEREAS pursuant to Sections 390 to 400 of the Municipal Act, 2001, the Town may pass by-laws providing for user fees for the use of Municipal property;

AND WHEREAS it is desirable to regulate the use of the Town of Moosonee's Public Docks and Boat Launch Ramp and establish user fees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF MOOSONEE ENACTS AS FOLLOWS:

Part 1

1. DEFINITIONS

In this By-law, the terms shall be defined as follows:

- a. 'Abandoned' means a boat which is parked in contravention of this by-law for a period in excess of 48 hours.
- b. '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.
- 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. 'Launching Ramp' means an area adjacent to or may be used in connection with a Town dock, which is not a structure, and/or which serves as an area to launch or recover boats from the water, and which is owned by, or leased to, the Town.
- e. '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 Town dock or a launching ramp by the general public.
- f. '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.
- g. 'Park' means securing a boat in any way to a Town 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 town.
- h. 'Town' means the Corporation of the Town of Moosonee 'Town Dock' means any structure affixed to 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.
- i. 'Wharf Manager' means an individual or a corporation appointed by resolution of the Council of the Town to operate and manage one or more Town docks on behalf of the municipality, and may be designated at the Town By-Law Enforcement Officer.

Part 2

2. GENERAL

- a. Unless otherwise specifically permitted in this by-law, a Town dock shall be used for loading and unloading of people and materials only and not for the long term parking of boats.
- b. No person shall park a boat at any Town dock except as permitted by this by-law.
- c. No person shall store materials on a Town dock except on a temporary basis just prior to loading or after unloading.
- d. No person shall store materials on a Town dock for a continuous period in excess of thirty (30) minutes.
- e. No person shall leave a vehicle/boat and/or store materials on a Town dock at any time in a location which would prevent the use/access of a dock by others.
- f. No person shall park a boat or vehicle, or leave materials on a launching ramp, a Town dock, or Town owned land adjacent to a Town dock so that it constitutes a nuisance.
- g. No person shall park on the designated Drop-Off/Pick-up Dock for a continuous period for a time period exceeding ten (10) minutes unless otherwise specified on Schedule A.
- h. Public Dock users agree to indemnify and save harmless the Town of Moosonee, its mortgagees, and their agents, servants, employees and others for whom Town of Moosonee is in law responsible, against any and all liabilities, claims, damages, interest, penalties, fines, monetary sanctions, losses, costs and expenses whatsoever arising in any manner whatsoever out of:
 - i. any noncompliance by the public dock user, with any Environmental Laws;
 - ii. any illness, injury or death of persons, or any loss or damage to property, on or about the Public Docks.

Part 3

3. PARKING BY PERMIT

- a. Town docks and specific parts of the Town Public Docks as listed on schedule 'A' are designated for parking by permit.
- b. No person shall park a boat in a designated area as described in Section 3.1 of this by-law unless a permit has been obtained from the Town Administration Office, and the permit is still valid.
- c. The fee for a boat parking permit shall be as listed on schedule 'B'.
- d. A permit is only valid for the year in which it was issued and expires December 31st of the calendar year of issue.
- e. A permit is only valid for the boat bearing the registration number on the permit or the boat as described on the permit. Permits are non-transferable and non-assignable. Actions of this nature may result in the permit being revoked.
- f. Possession of a valid permit entitles the holder to park 24 hours a day at the specific location indicated on the permit.
- g. A permit issued for parking at a specified dock is not valid to permit parking at any other dock.

Part 4

4. RAMPS

- a. No person shall park a boat or a vehicle, at any time in a location, which would impede or interfere with the use of a launching ramp.
- b. No person shall leave a boat or a vehicle, unattended in a location which would impede or interfere with the use of a launching ramp.
- c. The presence of a boat or a vehicle, on or adjacent to a launching ramp during launching or removal from the water does not contravene the above.

Part 5

5. FEES

- a. Where a fee is applicable, payment of that fee is a condition of permission to use the facility.
- b. Fees are payable to the Corporation of The Town of Moosonee at the set rates set out in Schedule 'B' attached to this by-law.
- c. No person shall have parking permit access of the Town Public Docks before paying the applicable fees.

- d. Any applicable fees shall be paid in cash or by debit card. Personal cheques will not be accepted.

Part 6

6. ENFORCEMENT

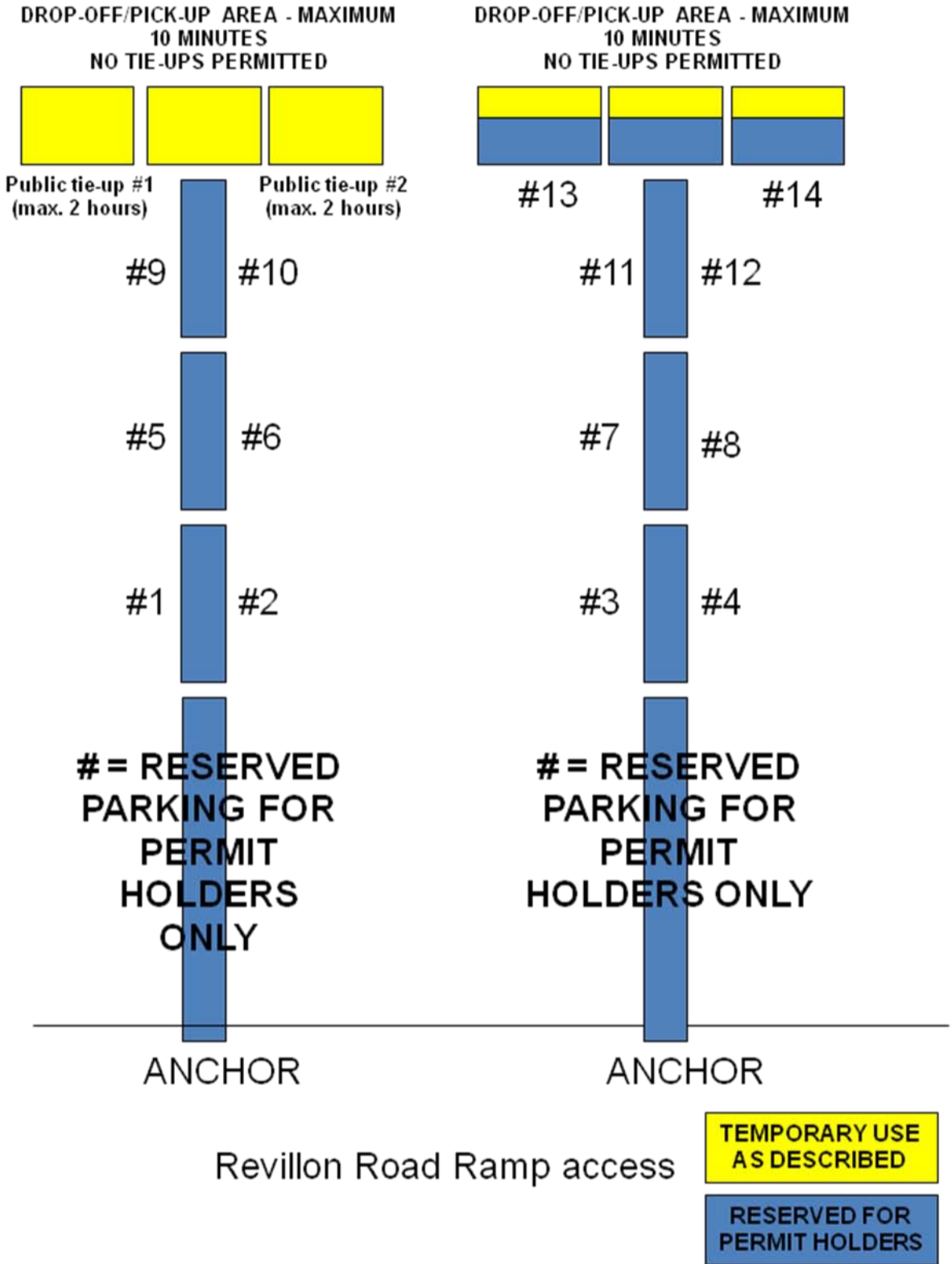
- a. The Municipal By-law Enforcement Officer (or his/her designate) of the Town and/or the appointed Wharf Manager are hereby authorized and empowered to enforce this by-law.
- b. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act.
- c. 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.
- d. When a boat or a vehicle is parked in contravention of a provision of this by-law, the By-Law Enforcement Officer (or his/her designate) or Wharf Manager may make reasonable efforts to determine whom the owner or operator of the boat/vehicle is. If it can be determined whom the owner or operator is, the By-Law Enforcement Officer (or his/her designate) or Wharf Manager may direct that person to move or remove the boat/vehicle. No person shall fail to comply with the directions given.
- e. The owner or operator of a boat/vehicle 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 this by-law.
- f. In addition to the provisions found in this By-Law, and when a boat or vehicle is found to be abandoned and whether the owner or operator can be identified or not, the By-Law Enforcement Officer (or his/her designate) or Wharf Manager may have the offending boat and/or vehicle removed from a Town dock or a launching ramp.
- g. In addition to the provisions found in this by-law, any contravention of Section 2 (a), (b), (c), (d), or (e), or Section 4 (a), or (b) shall be deemed to be a nuisance and materials and boats/vehicle may be relocated at the direction of the By-Law Enforcement Officer (or his/her designate) or Wharf Manager.
- h. The owner of a boat, vehicle and/or material which is relocated or removed in accordance with Section 6 (g) shall be charged a fee for the work done in accordance with Schedule 'B'.
- i. 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.
- j. 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.
- k. Sections 6. (b) and 6 (g) do not apply to a person operating or having the care of a boat or vehicle owned by the Town, or a boat or vehicle engaged in providing a police, fire, and ambulance or other emergency service.
- l. Every person who is guilty of an offence under this by-law may, if permitted under the Provincial Offences Act, pay a set fee as approved by the appropriate Justice of the Ontario Court of Justice, in accordance with Schedule 'C' of this By-Law.

Part 7

7. GENERAL

- a. 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.
- b. Schedules 'A', 'B', and 'C' are attached to and form part of this by-law.
- c. Any Town owned properties or docking facilities not listed, and any newly created Town dock or ramp facilities are nevertheless subject to this by-law.
- d. Parking by permit will commence from May 15th - October 15th of each year, weather permitting.

The Town of Moosonee – Public Docks
Accessed from Revillon Road



SCHEDULE ' B'

FEES

1) **DOCK FACILITIES-BERTHAGE FEES FOR RECREATIONAL AND COMMERCIAL APPLICATION**

The following fee shall be applicable during the summer season of each year. For the purposes of this section of this by-law, the 'summer season' shall commence on or about May 15th and end on or about October 15th of each year, weather permitting. (Dock installation and removal is weather permitting)

\$ 400.00 Per season (monthly rentals will not be accepted).

2) **REMOVAL OF NUISANCE BOATS OR MATERIALS**

The following fee shall be applicable throughout the year at any Town facility under the jurisdiction of this by-law.

The fee for relocation or removal of any boat, vehicle or material shall be the actual costs of labour or machinery used to accomplish the work, whether carried out by the Municipality or contracted out, up to a maximum of \$ 2,000.00. This amount shall be billed to the boat/vehicle owner.

The Town of Moosonee shall not be held responsible or liable for any damages caused with or associated with the relocation or removal of any boat, vehicle or material.

SCHEDULE 'C'

SET FINES

Item	Column 1 Short form wording	Column2 Offence creating Provision	Column 3 Set fine (including costs)
1.	Storing materials in excess of 1 Half hour	Part 2 Section 2.4	\$ 120.00
2.	Parking a boat, vehicle or material which causes a nuisance	Part 2 Section 2.6	\$ 120.00
3.	Parking a boat without a permit	Part 3 Section 3.2	\$ 120.00
4.	Parking a boat or vehicle impeding the use of a launching ramp	Part 4 Section 4.1	\$ 120.00
5.	Parking a boat exceeding ten 10 minutes	Part 2 Section 2.7	\$ 120.00