

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2020 – 63

Being a By-law to Regulate the Use of Municipal Public Docks, Municipal Launches and Municipal Public Accesses

WHEREAS Sections 8 and 11 of the *Municipal Act, S.O. 2001, Chapter M.25*, as amended, a By-law may be passed by Council for regulating the use of public lands owned and under control of the Municipality of Magnetawan;

AND WHEREAS use of public docks, launches and accesses owned by the Municipality is provided to the public at large, and that this use has been interfered with by persons leaving boats and materials at Municipal Public Docks, Municipal Launches and Municipal Public Accesses in a manner which obstructs public use;

AND WHEREAS the Municipality intends to control that interference with public privileges, pursuant to Section 128 of the *Municipal Act, S.O. 2001, Chapter M. 25*;

AND WHEREAS it is desirable to regulate the use of the Municipal Public Docks, Municipal Launches and Municipal Public Accesses;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Municipality of Magnetawan enacts as follows:

1. This By-law may be cited as the “Magnetawan Dock By-law”
2. This By-law unless otherwise stated in specific sections hereof shall apply to the whole geographic area of the Municipality of Magnetawan.
3. **DEFINITIONS**
 - a. **“ABANDONED”** means a boat which is parked in contravention of this By-law for a period in excess of forty-eight (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, barges when on water or land, and boats used in commercial operations.
 - c. **“DOCKING”** means securing a boat in any way to a Municipal Public Dock whether it is attended by any person(s) or not and shall include removing a boat wholly or partially from the water and placing it on land owned by the “Municipality”.
 - d. **“NUISANCE”** means but is not limited to the docking, placing, stopping, or abandoning of boats, boat trailers, vehicles and/or materials in a location or manner, which impedes or interferes with the use of a Municipal Public dock, Municipal Launch and/or Municipal Public Access by the public.
 - e. **“OWNER”** means an individual(s) or corporation who owns a boat or the person(s) operating or having care and control of a boat at any time.
 - f. **“STORAGE”** means leaving a boat wholly or partially out of the water at a Municipal Public Dock, whether stored directly on land, or on a rack, trailer, or other storage apparatus, and includes storage of materials.
 - g. **“MUNICIPAL LAUNCH”** referred to hereafter as “LAUNCH” means an area adjacent to or used in connection with a Municipal 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 Municipality.
 - h. **“MUNICIPALITY”** means The Corporation of the Municipality of Magnetawan.
 - i. **“MUNICIPAL PUBLIC DOCK”** referred to hereafter as “DOCK” means any structure located on land owned or under control of the Municipality and used as a dock, wharf, pier, or boat launching or recovery area together with all adjacent and underlying lands related thereto listed in this By-law.
 - j. **“MUNICIPAL PUBLIC ACCESSES”** referred to hereafter as “ACCESSES” means an area to launch or recover boats from water which is located on land(s) which are owned or under the control of the Municipality which is not a Municipal Public Dock or Municipal Launching Ramp as defined by this By-law.

4. DOCKS, LAUNCHES AND ACCESSES

- a. Docks, Launches and/or Accesses shall be used for loading and unloading of people and materials only and not for the long-term parking of boats.
- b. No person(s) shall park a boat at any Dock, Launch and/or Access except as permitted by this By-law.
- c. No person(s) shall park a boat at any Dock, Launch and/or access between the hours of 11:00 p.m. and 7:00 a.m.
- d. No person(s) shall store materials on a Dock, Launch or Access except on a temporary basis just prior to loading and after unloading.
- e. No person(s) shall park, dock and/or store a boat or leave materials on a Dock, Launch, Access or lands owned or under control of the Municipality adjacent to a Dock, Launch or Access so that it constitutes a nuisance as defined by this By-law.

5. EXEMPTIONS

- a. Employees or agents of ambulance, emergency management services, fire department and police services acting in the scope of their duties to provide emergency services or enforcement activities.
- b. The Municipality of Magnetawan, its vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Corporation.
- c. Local Construction Barges, Provincial or Federal Barges and/or Public Utilities Barges are exempt for forty-eight (48) hours. After a period of forty-eight (48) hours written authorization from the Clerk must be obtained.

6. ENFORCEMENT

- a. The Municipal By-law Enforcement Officer or their designate is hereby authorized and empowered to enforce this By-law.
- b. Any person(s) 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.
- c. When a boat is docked in contravention of a provision of this By-law, the Municipal By-law Enforcement Officer or their designate may make reasonable efforts to determine who the owner(s) or operator(s) of the boat is. If it can be determined who the owner(s) or operator(s) of the boat is, the Municipal By-law Enforcement Officer or their designate, may direct that person(s) to move, remove, immobilize and/or disable the boat. No person(s) shall fail to comply with the directions given.
- d. No person(s) shall hinder, obstruct or interfere with the Municipal By-law Enforcement Officer or their designate conducting an investigation or provide the officer or their designate with information, on matters relevant to the investigation that the person(s) knows to be false or misleading.
- e. The owner(s) of a boat or the person(s) operating or having care and control of a boat is liable for compliance with the provisions of this By-law.
- f. When a boat is found to be abandoned and whether the owner or operator can be identified or not, a By-law Enforcement Officer or their designate may have the offending boat removed from a Dock, Launch and/or Access.
- g. If a By-law Enforcement Officer or their designate deem material(s) and/or boat(s) to be a nuisance, material(s) and/or boat(s) shall be relocated or removed at the direction of a Municipal By-law Enforcement Officer or their designate.

7. PENALTY


- a. Any boat, as defined by this By-law, docked at a Dock, Launch and/or Access in contravention of this By-law may result, in a verbal warning and/or affixation of a first warning sticker at the sole discretion of the Municipal By-law Enforcement Officer or their designate. The Municipality is not liable for any damages and the costs of removal of the sticker are the responsibility of the boat owner(s).
- b. Any boat docked at a Dock, Launch or Access in contravention of this By-law may be immobilized at the discretion of the Municipal By-law Enforcement Officer or their designate until such time as the owner(s) or operator(s) of the boat identifies themselves with Photo Identification and Boat Ownership. Any costs and/or expenses for immobilizing associated with enforcement are the responsibility of the boat owner(s).
- c. Every person(s) who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine, to a maximum of \$5,000 (five thousand dollars) for each offence exclusive of the costs, as prescribed by the *Provincial Offences Act, R.S.O. 1190, c.P.33*, as amended.
- d. Every person(s) who contravenes any provisions of this By-law is guilty of a separate offence each day that they are in contravention.
- e. 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.
- f. In accordance with section 441.1 of the *Municipal Act, 2001* any part of a fine owing pursuant to this By-law or a related provincial offence may be added to the tax roll for any property in the Municipality for which all of the owners are responsible for paying the fine, and collect such fine in the same manner as municipal taxes.

8. EFFECTIVE DATE


This By-law shall come into force and take effect January 1, 2021

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 16th day of December 2020.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



CAO/Clerk

