

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

BY-LAW NUMBER 2020-17

Being a by-Law to regulate the use of public docks within the Township of Nipissing

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

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

AND WHEREAS it is desirable to regulate the use of Township docks;

NOW THEREFORE the Council of The Corporation of the Township of Nipissing enacts as follows:

Part 1 – Definitions

- 1.1 **Abandoned** – means a boat or any materials left on a Township Dock or property owned by the Township, which is parked or left in contravention of this By-law for a period in excess of 24 hours.
- 1.2 **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.
- 1.3 **Commercial Boat and/or Commercial Use** – means the use of any vessel regardless of size, type, or means of propulsion, 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.
- 1.4 **Docking** – means securing a boat in a way to a public dock whether it is attended by persons or not, and shall include removing a boat wholly or partially from the water and placing it on the land owned by 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.
- 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 **Public Dock and/or Township Dock** – means any structure located on land owned by the Township and used as a dock, boat launch or recovery area together with all adjacent and underlying lands related thereto. Locally known as Wades Landing; Chapman's Landing; and McQuaby Lake Launch.

- 1.9 **Storage** – means leaving a boat wholly or partially out of the water at a Public dock, whether stored directly on land, on a rack, trailer or other storage apparatus and also includes storage of materials.
- 1.10 **Township** – means the Corporation of the Township of Nipissing.

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 4 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.
- 2.9 No person shall park a boat or leave materials on 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 Township Office for the use of municipal or emergency purposes.
- 2.11 No person shall park a boat or leave a boat unattended at any time in a location which would impede or interfere with the use of neighbouring properties.

Part 3 – Enforcement

- 3.1 The Municipal By-Law Enforcement Officer of the Township is 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 take 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.
- 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 the By-law Enforcement Officer.
- 3.8 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*.
- 3.9 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, ambulance or other emergency service.
- 3.10 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.
- 3.11 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.
- 3.12 Schedule "A" is attached to and forms part of this by-law.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND PASSED THIS 24TH DAY OF MARCH, 2020.

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

Mayor Tom Piper

CAO-Clerk Charles Barton

SCHEDULE "A" TO BY-LAW 2020-17

Part 1 Provincial Offences Act – Set Fine Schedule

THE CORPORATION OF THE TOWNSHIP OF NIPISSING

By-Law No. 2020-17, Public Docks 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 11:00 p.m. and 7:00 a.m.	2.3	\$150.00
2	Park boat at township dock in excess of 4 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 Township dock causing nuisance	2.9	\$150.00
7	Park barge/commercial boat at public dock	2.10	\$400.00

Note: The penalty provision(s) for the offences indicated above is Section 3 of By-Law #2020-17. A certified Copy of which has been filed.