

THE CORPORATION OF THE CITY OF DRYDEN

BY-LAW NUMBER 2022-14

BEING A BY-LAW TO REGULATE THE USE OF MUNICIPAL PUBLIC DOCKS, LAUNCHES, AND ACCESSES IN THE CITY OF DRYDEN.

WHEREAS, the Municipal Act, S.O. 2001, c. 25, Section 8 (1) AND 11, as amended authorizes Municipalities to pass by-laws for the use of public lands owned and under control of the City of Dryden.

AND WHEREAS, pursuant to Section 63 (1) of the Municipal Act, S.O. 2001, c. 25, Section 129, as amended, and Section 170 (15) of the Highway Traffic Act, R.S.O. 1990, c. H.8, a Municipality may upon discovery of any vehicle parked or standing in contravention of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the Repair and Storage Liens Act R.S.O. 1990, c. R.25 as amended;

AND WHEREAS, access to the public docks owned by the City of Dryden is provided to the public at large and this access has the potential to be interfered with or impeded by persons launching, loading, and unloading at public docks in a manner which obstructs public use.

AND WHEREAS, the City of Dryden intends to control that interference with public privileges, pursuant to the Municipal Act, 2001, S.O. 2001, c. 25, Section 128, as amended.

AND WHEREAS, it is desirable to regulate the use of municipal docks, launches and accesses.

NOW THEREFORE, the Council of The Corporation of The City of Dryden enacts as follows:

1.0 DEFINITIONS

For the purpose of this by-law:

- a) “*Abandoned*” means a boat and/or vehicle which is parked in contravention of this By-law for a period in excess of forty-eight (48) hours without authorization from the Municipality.

- b) "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 Dock or Launch as defined by this By-law.
- c) "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 watercraft, canoes, row boats, pontoon boats, float planes, barges when on water or land and boats used in commercial operations.
- d) "*Council*" means the Municipal Council of The Corporation of The City of Dryden.
- e) "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.
- f) "Docking" or "Docked" or "mooring/parking" 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.
- g) "Interfere" means to get involved or involve oneself in an investigation or action of an MLEO or user without invitation or prevent a process or activity from continuing or being carried out properly.
- h) "Launch" means an area adjacent to or used in connection with a 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.
- i) "Municipal Law Enforcement Officer" (MLEO) means the Municipal By-law Officer(s) appointed by by-law by the Council of the City of Dryden.
- j) "Municipality" means the Corporation of the City of Dryden.
- k) "Nuisance" means but is not limited to the docking, mooring, placing, stopping, parking, or abandoning of boats, boat trailers, vehicles and/or materials in a location or manner, which impedes the use of a municipal dock, launch or access by the public. A nuisance is deemed to be a public nuisance within the meaning of Section 128 of the Municipal Act, S.O. 2001, c. 25, as amended.
- l) "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.

- m) "Storage" means leaving a boat wholly or partially out of the water at a municipal public dock, whether stored directly on land, on a rack, trailer or other storage apparatus and includes storage of materials.
- n) "Vehicle" means any bicycle, tractor, mobile home, motorcycle, machine, self-propelled implement, vessel, boat, trailer, including Ice Shacks and motor vehicles.

2.0 GENERAL

2.1 No person(s) shall park a boat or vehicle at any dock, launch and/or access except as permitted by this By-law.

2.2 Unless otherwise specifically permitted in this by-law, 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.

2.3 Unless otherwise specifically permitted in this by-law, no person(s) shall park, dock and/or store a boat in excess of 13 consecutive hours in any 24-hour period at any dock, launch and/or access owned or under control of the Municipality.

2.4 No person(s) shall park, dock and/or store a boat or leave materials on a dock, launch or access except immediately prior to or during the unloading or loading of passengers and/or materials.

2.5 No person(s) shall interfere with the lawful use of any dock, launch and/or access owned or under control of the Municipality or interfere with the use of neighbouring properties or lands so that it constitutes a nuisance as defined by this By-law.

2.6 No person(s) shall take more than 15 minutes to launch a boat or remove a boat from a launching ramp.

2.7 No person(s) shall park a boat and/or vehicle on City owned lands adjacent to a dock, launch or access except in an area designated for that use.

2.8 All person(s) must adhere to all municipal signage posted within a municipal dock, launch and/or access area.

3.0 EXEMPTIONS

3.1 Employees or agents of ambulance, emergency management services, fire departments and police services acting in the scope of their duties to provide emergency services, training, or enforcement activities.

3.2 The City of Dryden, its vehicles and its employees or agents acting within the scope of their duties as employees or agents of the Corporation.

4.0 ENFORCEMENT

4.1 The MLEO or their designate is hereby authorized and empowered to enforce this By-law.

4.2 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.

4.3 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, c. P. 33, as amended.

4.4 When a boat and/or vehicle is docked or parked in contravention of a provision of this By-law, the MLEO 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 and/or vehicle is, the MLEO or their designate, may give direction to cause the boat and/or vehicle to be moved. No person(s) shall fail to comply with the directions given.

4.5 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, R.S.O. 1990, c. P. 33, as amended, even though the boat may have been moved as directed in Sub-section 4.4 of this By-law.

4.6 In addition to the provisions found in Sub-sections 4.3, 4.4 and 4.5, when a boat and/or vehicle is found to be abandoned and whether the owner or operator can be identified or not, a MLEO may arrange for the removal and/or disposal of the offending boat and/or vehicle from a dock, launch, access, or adjacent lands owned or controlled by the Municipality.

4.7 No person(s) shall impede, obstruct, or interfere with the MLEO or their designate in lawful execution of their duties 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.

4.8 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 all other sections or parts shall be deemed to be separate and independent there from and to be enacted as such.

5.0 PENALTY

5.1 The docking of any boat, as defined by this By-law, at a municipal dock, launch and/or access in contravention of this By-law may result in a verbal warning and/or affixation of a warning notice at the sole discretion of the MLEO or their designate.

5.2 Every person(s) who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for under the Provincial Offences Act, R.S.O. 1990 c. P. 33, as amended or any successor thereof, and as set out in Schedule "A" attached to a forming part of this By-law.

5.3 Every person(s) who contravenes any provisions of this By-law is guilty of a separate offence each day that they are in contravention.

5.4 In accordance with the Municipal Act, S.O. 2001, c. 25, Section 441.1, as amended, 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 the owners are responsible for paying the fine and collect such fine in the same manner as municipal taxes.

6.0 That, Chapter 257, Waterfront, of the City of Dryden Municipal Code and By-law 2615-98 are hereby rescinded.

7.0 That this by-law shall come into force and take effect on the final passage hereof.

ENACTED AND PASSED THIS 28th DAY OF MARCH 2022 as witnessed by the Corporate Seal of The Corporation of The City of Dryden and the hands of its proper Officers duly authorized in that behalf.

THE CORPORATION OF THE CITY OF DRYDEN

MAYOR

CITY CLERK

READ A FIRST AND SECOND TIME THIS 28th DAY OF MARCH 2022.

READ A THIRD TIME AND PASSED AS READ THIS 28th DAY OF MARCH 2022.

Schedule "A" to By-law 2022-14

Corporation of the City of Dryden
Part 1 Provincial Offences Act – Set Fine Schedule

Item	Column 1 SHORT FORM WORDING	Column 2 PROVISIONS CREATING OR DEFINING OFFENCE	Column 3 SET FINE
1	Mooring or parking a boat at dock, launch and/or access overnight.	2.3	\$150.00
2	Interfere with the Lawful Use of a dock, launch and/or access.	2.5	\$150.00
3	Park boat and/or vehicle on land not designated.	2.7	\$150.00
4	Providing False or Misleading Information	4.7	\$150.00

Note: The penalty provision(s) for the offences indicated above is Section 2.0 and 4.0 of By-law 2022-14, a certified copy of which has been filed.