

**CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW NO. 2010-08**

BEING A BY-LAW TO PREVENT THE UNAUTHORIZED DOCKING OF BOATS

WHEREAS by Section 9 to 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Section 9 to 11 of the Municipal Act, 2001, S.O. 2001, c. 25, confer the power to a municipality to pass by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by By-Law;

AND WHEREAS pursuant to Section 5(1)(b) of the *Trespass to Property Act, R.S.O. 1990, c. T.21*, as amended, allows a municipality as "occupier" to post signs, prohibiting activities within an area;

AND WHEREAS pursuant to Section 2 of the *Trespass to Property Act, R.S.O. 1990, c. T.21*, as amended, makes it an offence for every person who is not acting under right or authority conferred by law and who, without the express permission of the occupier, the proof of which rest on the defendant, enters on premises when entry is prohibited under the Act or engages in an activity on the premises when the activity is prohibited under the Act or does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier;

AND WHEREAS pursuant to Section 425 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, provides that any person who contravenes any by-law of a municipality passed under the authority of the Municipal Act is guilty of an offence;

NOW THEREFORE the Council of the Corporation of the Town of Gananoque enacts as follows:

DEFINITIONS

1. In this by-law:

"authorized sign" means any sign, notice, or other device placed or erected in, near or upon the marina or other municipally owned docks by the Corporation;

"boat" means a craft, whether powered or not powered, which is designed for carrying persons or chattels over water, and includes a ship under the jurisdiction of the Parliament of Canada pursuant to the Constitution Act, including personal watercraft.

"Corporation" means the Corporation of the Town of Gananoque;

"designated area" means an area of the marina designated by the Harbour Master for a

specific purpose or use;

"permit" means a written authorization issued by the Corporation;

DOCKING

2. Except as provided in Section 3:
 - a. No person may dock, anchor, or moor a watercraft at the marina or other municipally owned docks without a permit, or
 - b. No person may dock, anchor, or moor a watercraft at the marina or other municipally owned docks in any area except in the designated area as provided in the permit, or
 - c. No person may dock, anchor, or moor a watercraft at a marina or other municipally owned docks except within the timeframes as provided in the permit or posted on the authorized sign, or
 - d. No person may dock, anchor, or moor a watercraft at a marina or other municipally owned docks in prohibited areas.
3.
 - a. No person may dock, anchor, or moor a watercraft at a launch ramp for more than 15 minutes.
 - b. No person may launch a watercraft at the marina other than at a designated area.

ENFORCEMENT

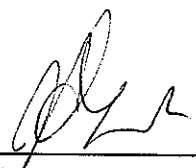
4. The Harbour Master or enforcement officer of Marina Staff may order any person believed to be contravening or have contravened any provision of this By-Law:
 - a. to immediately desist from the activity constituting or contributing to such contravention;
 - b. to leave the marina or municipally owned dock immediately.
5. If a boat is left attached to docking or mooring facilities for more than two (2) consecutive overnight periods, the Harbour Master or delegate may elect to consider the boat as abandoned, and may dispose of it in such a fashion as the Town may dispose by law of anything abandoned on the property of the Town, and shall be subject to the lien provisions, storage and disposal requirements set out in the *Repair and Storage Liens Act*.
6. Every person who contravenes any provision of this By-Law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P-33, as amended.

VALIDITY

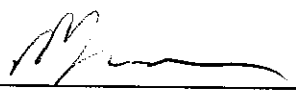
7. If a court of competent jurisdiction declares any section or part of a section of the By-Law invalid, it is the intention of Council that the remainder of the By-Law shall continue to be in force.

By-Law read a first and second time this 16th day of February, 2010.

By-Law read a third and final time this 2nd day of March, 2010.



Mayor



Clerk

The Corporation of the Town of Gananoque

Part I Provincial Offences Act

Schedule "A" To Bylaw 2010-08: Unauthorized Docking of Boats

Schedule of Set Fines

Item	Short Form Wording	Provision Creating Offence	Set Fine
1	Docking without a permit	2(a)	\$310.00
2	Docking in area not designated in the permit	2(b)	\$310.00
3	Leave boat attached to docking or mooring facilities for more than the time noted on the authorized sign	2(c)	\$310.00
4	Docking in prohibited areas	2(d)	\$310.00
5	Docking in designated launching area for more than 15 minutes	3(a)	\$310.00
6	Launch boat in other than designated area	3(b)	\$310.00

Note: the general penalty provision for the offences listed above is section 6 of bylaw 2010-08, a certified copy of which has been filed.