

**CORPORATION OF THE TOWN OF GANANOQUE
BY-LAW NO. 2010-50**

BEING A BY-LAW TO AMEND BYLAW 2010-08, A BYLAW TO PREVENT THE UNAUTHORIZED DOCKING OF BOATS, TO PROVIDE FOR SPECIFIC TIME LIMITS.

WHEREAS Bylaw 2010-08 was adopted by Council of the Corporation of the Town of Gananoque, on March 02, 2010.

AND 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;

AND WHEREAS Council of the Corporation of the Town of Gananoque deems it expedient to amend Bylaw 2010-08 to more clearly define specific boat docking times.

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

- 1) That Bylaw 2010-08, clause 5 be deleted and replaced with the following clause:

5. a) If a boat is left attached to docking or mooring at the Municipal Marina without the appropriate licence or permit, 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.

b) If a boat is docked, anchored, or moored at a municipally owned, leased, or maintained property, beyond the following time limits;

PUC (Visitor's) Dock – three (3) hours,

Contractors' Dock – 30 minutes,

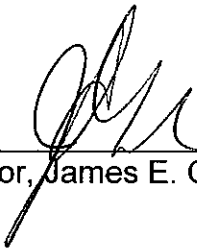
Customs Dock – 30 minutes,

All other owned, leased, maintained property – 30 minutes;

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 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.

2) That this bylaw shall come into force and effect on the date of passing.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed, and sealed with the corporate seal this 03rd day of August, 2010.



Mayor, James E. Garrah



Clerk, Bonnie Dingwall