

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BY-LAW NUMBER 2019.85

BEING A BYLAW TO PROHIBIT AND REGULATE SHOREWALLS AND THE
OVERNIGHT MOORING OF BOATS UNDER THE CONTROL AND
MANAGEMENT OF THE LAGOON CITY PARKS AND WATERWAYS
COMMISSION

WHEREAS the Municipal Act, 2001, Section 11 and 463, provides authority to pass bylaws with respect to regulating the use of municipal canals and transportation systems other than highways;

AND WHEREAS the provisions of the Township of Mara Act, 1986, permits the delegation of such authority of the Lagoon City Parks and Waterways Commission with respect to the regulation and maintenance of canals and waterways with in the development known as Lagoon City.

AND WHEREAS the enforcement measures outlined herein are authorized under Part XIV of the Municipal Act, 2001;

AND WHEREAS this By-law is intended to establish authority to prohibit the overnight mooring of boats, boat, vessel or watercraft on shorewalls controlled by Lagoon City Parks and Waterways Commission.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF RAMARA HEREBY ENACTS AS FOLLOWS:

PART I – DEFINITIONS

1. For the purpose of this By-law:
 - a. "**Commission**" means the Lagoon City Parks and Waterways Commission.
 - b. "**moor, moored, mooring**" includes the positioning, placement and/or organization of any boat, vessel, watercraft.
 - c. "**night**" shall mean the period of time beginning at sunset and ending at sunrise.

- d. **"shorewall"** means a building improvement on a lot or block on a registered plan of subdivision or registered reference plan abutting a waterway and constructed to replace the natural shore at the rear or side of the lot or block.
- e. **"waterway"** includes a canal, body of water, slip or lagoon under the management and control of the Commission.

PART II - APPLICATION OF THE BYLAW

- 2. This By-law applies to all shorewalls over and upon lands owned by the Corporation of the Township of Ramara and under the management and control of the Commission and would include the following areas:
 - a. Block H, Plan M-111 North Beach (Paradise Blvd.),
 - b. Block A, Plan M-111 South Beach,
 - c. Block A, Plan M-25 Beaver Trail Work Site.

PART III – REGULATIONS

- 3. No person shall moor, or permit the mooring of, any boat, vessel, watercraft, or upon a shorewall during the night except as expressly permitted in writing provided by the Commission.
- 4. Upon receiving a written application, the Commission may authorize mooring during the night upon the terms and conditions that the Commission in its sole discretion deems appropriate and in accordance with the terms set out herein.

PART IV- ENFORCEMENT AND PENALTIES

- 5. The Municipality, at the request of the Commission, may order the person who has violated Section 3, 4, or the terms of any written authorization issued pursuant to Section 4, or the person who is determined to be the owner of the boat, vessel, watercraft, to remove such boat, vessel, watercraft from the shorewall and waterway.
- 6. Every person who fails to comply with an Order provided pursuant to Section 6 of or any of the provisions of this By-law is guilty of an offence.
- 7. Every person who is convicted of an offence is liable to a fine in the amount of \$1,000.00, exclusive of costs, or otherwise as provided for in the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

8. When a person has been convicted of an offence under this By-law,
- a. the Superior Court of Justice, or
 - b. any Court of competent jurisdiction thereafter,

may, in addition to any penalty imposed on the person convicted, issue an order prohibiting the continuation or repetition of the offence or the doing of any act or thing by the person convicted directed toward the continuation or repetition of the offence.

9. If a person who is provided with an order issued under Section 6 herein is in default of the requirements set out herein, the Municipality may further undertake such remedial measures as outlined in the order and all costs and fees of such remedial measures shall be paid for at the expense of the person or persons named in such order.

PART VI – SEVERABILITY

10. If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid the remainder of this By-law shall continue to be valid and remain in force.

PART VII – SHORT TITLE

11. This By-law may be referred to as the “Overnight Mooring” By-law.


PART VIII – EFFECTIVE DATE

12. This By-law comes into force on the day it is passed.

BY-LAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED
THIS 25TH DAY OF NOVEMBER, 2019.



BASIL CLARKE, MAYOR



JENNIFER CONNOR, CLERK