

THE CORPORATION OF THE TOWNSHIP OF RAMARA

BY-LAW NUMBER 2019.86

BEING A BYLAW TO PROHIBIT AND REGULATE WATERWAYS  
AND THE MOORING OF BOATS OR THE USE OF MECHANICAL  
EQUIPMENT TO PREVENT FREEZING IN CANALS OR WATERWAYS  
UNDER THE CONTROL AND MANAGEMENT OF THE LAGOON  
CITY PARKS AND WATERWAYS COMMISSION IN THE PROHIBITED  
MONTHS

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 within 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 the authority to prohibit the mooring of boats, leaving of any boat, vessel, watercraft, floating boat lift or floating object or structure or use of mechanical equipment to prevent the freezing in the canals or waterways in the prohibited months;

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, floating boat lift or floating object or structure .
- c. **"prohibited months"** shall mean from the first day to the last day of November, December, January, February and March of any given year.
- d. **"Waterways "** includes a canal, body of water, slip, lagoon.

## PART II - APPLICATION OF THE BYLAW

- 2. This By-law applies to all waterways over and upon lands owned by the Corporation of the Township of Ramara and under the management and control of the Commission.

## PART III – REGULATIONS

- 3. No person shall moor, or permit the mooring of, any boat, vessel, watercraft, floating object or, floating boat lift or floating object or structure in or upon a waterway during the prohibited months in any year except as expressly permitted in writing by the Commission.
- 4. No person shall use or permit the use of any equipment or apparatus (mechanical or otherwise to prevent or inhibit the freezing of water in a waterway.
- 5. No person shall erect or construct any building or structure in or upon a waterway, including the erection or construction of a building or structure upon a boat, vessel, watercraft, floating object or other floating structure.
- 6. Upon receiving a written application, the Commission may authorize mooring during the prohibited period upon the terms and conditions that the Commission deems appropriate, in its sole discretion.

## PART IV- ENFORCEMENT AND PENALTIES

- 7. The Municipality, at the request of the Commission, may order the person who has violated Section 3, 4, 5, or the terms of any written authorization issued pursuant to Section 6, or the person who is determined to be the owner of the boat, vessel, floating object, floating boat lift or structure (Section 3) or the

equipment or any apparatus (Section 4) to remove such boat, vessel, floating object, floating boat lift, or structure, equipment or apparatus from the waterway.

8. Every person who fails to comply with an order provided pursuant to Section 7 or any of the provisions of this By-law is guilty of an offence.
9. 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.
10. 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.

11. If a person who is provided with an order issued under Section 8 herein is in default of the requirements set out herein, the Municipality may undertake such remedial measures as outlined in the order and all costs of such remedial measures shall be paid for at the expense of the person or persons named in such order.

## PART V – SEVERABILITY

12. 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 VI – SHORT TITLE

13. This By-law may be referred to as the “Prohibited Months” By-law.


PART VII – REPEAL

14. By-laws 2001.94 and 2007.95 are hereby repealed.

PART VIII – EFFECTIVE DATE


15. This By-law comes into force on the day its passed.

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



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BASIL CLARKE, MAYOR



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JENNIFER CONNOR, CLERK

