# BY-LAW No. 2013-030

# OF THE

# CORPORATION OF THE TOWN OF COLLINGWOOD

Being a by-law to govern and regulate the operation and use of Collingwood harbour.

**WHEREAS** pursuant to sections 8, 9 and 11 of the Municipal Act, 2001, S.O. 2001, as amended, The Corporation of the Town of Collingwood (the "Town") may pass by-laws regulating the use by public lands and transportation systems owned or under the control of the Town, which includes harbours, ports and transportation terminals;

**AND WHEREAS** it is deemed expedient to govern and regulate the operation of municipally-owned and operated harbours in the Town;

**AND WHEREAS** the Town has the authority to establish a system to permit the use of municipally-owned and operated harbours, including the launching and mooring of vessels in such harbours, the issuance of permits and the payment of fees or charges related to such use;

**NOW THEREFORE COUNCIL OF THE CORPORATION OF THE TOWN OF COLLINGWOOD ENACTS AS FOLLOWS:**

## 1.Definitions

1.1. For the purpose of this By-law and any related policy or procedure the following terms shall have the following meanings:

**"abandoned"** means a vessel that is located or moored in contravention of this By-law for a period in excess of 72 hours;

**"berth"** means a location where a vessel may be moored;

**"blackwater"** means discarded fluid and waste containing fecal matter and/or urine;

**"By-law"** means the Collingwood Harbour By-law;

**"Collingwood Harbour"** means the Port of Collingwood Harbour and includes all the navigable waters, including any municipally owned foreshore, of

Nottawasaga Bay bounded by a line extending from the high-water mark on the shore due north astronomically to the point at lat. 44°32′ N and long. 80°15′ W; thence southeasterly to the high-water mark at the northern extremity of Sunset Point (44°30′33″ N, 80°12′30″ W);

**“commercial vessel”** means any ship, boat or watercraft which is used to generate revenue by charging a fee for the transportation of goods, the transportation of people, the sale of goods from the vessel, or any other service provided by the vessel;

**“Council”** means the Council of The Corporation of the Town of Collingwood;

**“dangerous goods”** means dangerous goods as defined in the Transportation of Dangerous Goods Act, R.S.C. 1985, c. T.19;

**“designated staff person”** means a person employed by the Town of Collingwood as a Director or Manager or acting as a Director or Manager of any Town Department, or their designates, as designated in writing by the Harbour Master;

**“emergency”** means a situation or an impending situation that could result in serious harm to persons or substantial damage to property and which may be caused by the forces of nature, an accident, an intentional act or otherwise;

**“emergency vessel”** means a police, fire, search and rescue, or ambulance vessel;

**“explosive”** has the same meaning as set out in the Explosives Act, R.S.C. 1985, c. E.17;

**“fee”** means a fee for the use of Collingwood Harbour or for any harbour services (e.g., launching, mooring, use) as set out in the Town’s Fees and Service Charges By-law;

**“goods”** means tangible personal property other than a vessel;

**“harbour”** means a port or haven to provide refuge, lodge, protection or shelter. May include a municipal dock, pier, ramp, wharf to secure moorings for vessels and commercial vessels and often offering supply, repair, and other facilities;

**“Harbour Master”** means the person designated by the Town as Director of Parks, Recreation and Culture and includes any person that he or she has

authorized in writing to act as a designated staff person;

**"harbour property"** means any real property or personal property at a harbour;

**"launch ramp"** means an area adjacent to or used in connection with a municipal dock, which is not a structure, and which serves as an area to launch or recover vessels from the water, and which is lands owned or under the control of the Town, and may be subject to fees as set out in the Town's Fees and Service Charges By-law;

**"licence"** means a licence of occupation issued by the Town pursuant to this By-law to an Owner that permits usage of a berth from April 15 to November 1;

**"liquor"** has the same meaning as set out in the Liquor Licence Act, R.S.O.1990, c. L.19;

**"moor"** means to secure a vessel by means of lines, cables, anchors or other similar means to a municipal dock;

**"mooring slip"** means a specific and numbered berth location as set out in a licence issued under this By-law to a person who moors a vessel in Collingwood Harbour for the season of operation to which the licence applies;

**"municipal dock"** means any structure located on land owned or under control of the Town and used as a dock, wharf, pier or vessel launching or recovery area together with all adjacent and underlying lands related thereto;

**"Municipal Law Enforcement Officer"** means the person appointed by the Council for the purposes of enforcing the Town by-laws, including this By-law;

**"navigable water"** means the waterway used by boaters for manoeuvring a vessel within the harbour;

**"Officer"** means a Municipal Law Enforcement Officer or a member of the Ontario Provincial Police;

**"Owner"** means an individual, corporation or other legal entity who owns a vessel or the person operating or having care and control of a vessel at any particular time;

**"person"** means an individual or corporation or other legal entity;

**"pier"** means a raised walkway over water, supported by widely spread piles and can range in size to accommodate different sizes of vessels;

**“port facility”** means a wharf, pier, breakwater, terminal, warehouse or other building or work located in, on or adjacent to navigable waters used in connection with navigation or shipping and includes all land incidental to their use;

**“promenade dock”** means the area located at the northern end of Hurontario Street adjacent to the Shipyards Promenade walkway and is designated for day docking only and may be subject to fees as set out in the Town’s Fees and Service Charges By-law;

**“season of operation”** means the season of activity for exercising prime operations which is April 15 to November 1 of any calendar year for Collingwood Harbour and as may be amended from time to time;

**“seasonal permit”** means a permit issued for a specified period of time to use a launch ramp and/or moor a vessel to a berth at Collingwood Harbour;

**“store”** means to take in or hold supplies, goods, or articles, as for future use;

**“Town”** means The Corporation of the Town of Collingwood or the Harbour Master as the context may apply in this By-law;

**“transient”** means a vessel which enters the Collingwood Harbour from the launch ramp or from the navigational channel and is subject to the terms of this By-law;

**“vessel”** means any ship, boat or watercraft 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, personal water craft, pontoon boats, dinghy’s, sea doos and jet skis when on water or land, and vessels used in commercial operations, and includes associated or ancillary components such as vessel trailers and cradles;

**“wait list”** means the list of persons maintained by the Harbour Master who are awaiting the availability of a mooring slip in Collingwood Harbour;

**“wake”** means the disturbance of water left behind a moving vessel; and

**“wharf”** means a landing place or pier where vessels may tie up and load or unload.

**2.Licenses, Agreements, & Permissions**

2.1. No person shall occupy or make use of a municipal dock at Collingwood Harbour or any part thereof unless such person has obtained a licence from the Town or has paid the required fee.

2.2. No licence, agreement, contract or permission shall be given for any term exceeding the season of operation, except with the approval of the Harbour Master.

2.3. The Town or the Harbour Master shall have the right to revoke any licence, agreement, contract or permission issued or entered pursuant to this By-law if a person is in contravention of any provision of this By-law or has breached of any term or contravention of such licence, agreement, contract or permission as determined by the Town or the Harbour Master in their sole and absolute discretion.

2.4. No licence, agreement, contract or permission can be transferred by the Owner to another Owner, without written approval from the Town.

**3.General Regulations**

3.1. No person shall obstruct or interfere with any Owner or vessel lawfully using Collingwood Harbour.

3.2. No person shall operate a vessel or permit a vessel to travel in excess of 13 kilometres per hour (7 knots) or create a wake within Collingwood Harbour.

3.3. All vessels operated by an Owner in Collingwood Harbour shall be insured with marine coverage including hull coverage, indemnity and liability coverage for any damage caused to the vessel and/or environment, and proof of insurance shall be provided to the Harbour Master, any designated staff person or any Officer upon request.

3.4. All vessels operated by an Owner in the Collingwood Harbour shall be moored at the Owner’s risk and the Town shall not be responsible under any circumstances for any loss or damage caused or sustained by any vessel.

3.5. No person shall moor a vessel or leave materials in Collingwood Harbour so that it constitutes a nuisance or hazard or blocks access to any municipal dock area or launch ramp in the opinion of the Harbour Master or any designated staff person.

3.6. No person shall behave in a disorderly, dangerous or offensive manner, cause or permit riotous or indecent conduct, use of abusive or profane language, or otherwise interfere with the peaceful enjoyment of others in the Collingwood Harbour or on any harbour property.

3.7. No person shall advertise or solicit, or conduct activity or business of any nature that is connected with boats or boating or both, including a boat brokerage business and any activities associated with such business, intended to be carried on in, on, or from of Collingwood Harbour unless authorized in writing by the Town or the Harbour Master. No person shall use the business address of Collingwood Harbour for business purposes unless authorized, in writing, by the Town or the Harbour Master.

3.8. No person shall engage in commercial photography, filming or videotaping in Collingwood Harbour without approval issued by the Town.

3.9. An Owner shall ensure that all persons operating a vessel have obtained a Pleasure Craft Operator Card and have the required safety equipment on the vessel at all times.

3.10. No person shall hinder or obstruct, or attempt to hinder or obstruct, the Harbour Master, designated staff person, Officer or any other authorized employee or agent of the Town in the exercise of a power or the performance of a duty under this By-law.

**4.Care of the Harbour**

4.1. No person, including an Owner, shall install electric power lines, water supply lines or drainage pipes on harbour property.

4.2. No person shall bring dangerous, explosive or combustible goods in Collingwood Harbour or on any harbour property unless such goods are required for the ordinary purposes of a vessel in a harbour and prior notice has been given to the Harbour Master or designated staff person of the proposed location of such goods and of the manner in which they will be handled and dealt with.

4.3. In the event that a vessel sinks in Collingwood Harbour, the Owner shall remove such vessel immediately. If the Owner fails to do so, the Harbour Master or designated staff person may remove the vessel at the Owner’s expense, and the

cost thereof shall be a debt due from the Owner to the Town. The Town and the Harbour Master shall not be liable to the Owner for any damages to its vessel or contents. The Owner is solely responsible for any environmental remediation and/or fines arising from such an event.

4.4. No person shall possess an open container of liquor on a municipal dock, or on public lands in Collingwood Harbour.

4.5. No person shall position, erect or construct any device used for food preparation on a municipal dock. Rail mount marine barbeques shall only be permitted if positioned on a vessel in such a manner as not to impede or interfere in any way with any other vessels. No person shall have an open fire on a vessel while in Collingwood Harbour.

4.6. Where harbour property is damaged in any manner by a vessel or vehicle, or by the use of machinery or equipment, the damage shall be reported forthwith to a designated staff person by the Owner, or the person who was in charge of the machinery or equipment at the time the damage occurred and an appropriate investigation shall be conducted.

4.7. No person shall store a vessel, vessel trailer or cradle in Collingwood Harbour unless approved by the Harbour Master or designated staff person.

4.8. No person shall store supplies, accessories, debris or other materials on any municipal dock or construct any lockers, chests, extensions on any mooring slip or dock, or any other structure without prior approval from the Harbour Master or designated staff person.

4.9. No person shall, in Collingwood Harbour or on any harbour property, do any of the following without the approval of the Harbour Master or designated staff person:

a. engage in equipment or machinery tests that are likely to endanger harbour property or vessels or persons in Collingwood Harbour;

b. engage in repairs to the hull, machinery, tackle or gear of a vessel beyond normal routine maintenance; or

c. use the surface of a municipal dock for any maintenance or repair work.

4.10. No person shall drain, discharge or deposit in Collingwood Harbour any blackwater or substance that might damage vessels, property or the environment.

4.11. No person shall dispose of garbage, sewage or wastes in Collingwood Harbour except in a place especially provided therefore or as directed by the designated staff person. Blackwater shall only be disposed of at a sanitary pumping station.

4.12. Litter, refuse or garbage shall be collected immediately and properly disposed of.

4.13. No person, except the Town and its employees, contractors and agents, shall place, post or erect a sign in Collingwood Harbour or on harbour property without a permit.

4.14. No person shall remove, damage or destroy any notices, rules or regulations posted on harbour property by or under the authority of the Town.

**5.Closure of the Harbour**

5.1. The Harbour Master or designated staff person may close all or a portion of Collingwood Harbour for any public event that is approved by Council.

5.2. The Harbour Master or designated staff person, may temporarily suspend any regulations or requirements in this By-law for the purposes of a special event in Collingwood Harbour.

**6.Launch Ramp / Dock**

6.1. No person shall use a launch ramp unless the required launch fee has been paid or the person has been issued a seasonal permit.

6.2. Unless otherwise specifically permitted in this By-law, a launch ramp or municipal dock shall be used solely for loading and unloading of people, vessels and materials and not for the long-term mooring of vessels.

6.3. No person shall store materials on a launch ramp area except on a temporary basis just immediately prior to loading or after unloading.

6.4. No person shall cause a vessel to be left unattended or adjacent to a launch ramp or to a municipal dock without written permission from the designated staff person.

6.5. Transient boaters or seasonal permit holders may park their vessel trailer and vehicle in the designated parking lot during their use of Collingwood Harbour provided the requisite fee is paid.

6.6. Every person using a launch ramp or a municipal dock shall immediately vacate for an emergency vessel or vehicle operating in the case of an emergency.

6.7. No person shall fail to display a launch ramp ticket or seasonal permit prior to using a launch ramp.

**7.Mooring Rules & Regulations**

7.1. Any vessels entering into Collingwood Harbour shall:

a. not moor to any dock without paying the requisite fee as set out in the Town's Fees and Service Charges By-law or obtaining a licence; and

b. be prepared to display a copy of the current vessel insurance and registration form if requested.

7.2. Owners are responsible for the safe mooring of their vessel and shall furnish and maintain their own mooring lines and chaffing gear and shall take care not to foul any other berth or access with mooring lines.

7.3. Owners agree to relocate or move any vessel in accordance with instructions provided by Harbour Master or designated staff person. When a vessel is unattended, the Town has the authority to relocate or move any vessel at the Owner's expense and risk.

7.4. Mooring decals must be displayed as per the small vessel regulations to ensure that they are clearly visible from the shore. All registered vessels must display a current and up-to-date federal licence or registered name.

7.5. All vessels shall be moored and operated and all berth areas shall be maintained in a seamanlike manner and nothing shall be done or permitted by any person, which in the opinion of the Harbour Master or designated staff person, may be or may become a nuisance or disturbance to others.

7.6. Owners who have a designed mooring slip and who intend to be absent from Collingwood Harbour with their vessels for a period in excess of 72 hours are required to provide the Harbour Master or designated staff person advance

notice of departure and intended return date. The Harbour Master and designated staff person are entitled to permit the use of vacant mooring slips.

7.7. All commercial vessels, including but not limited to, charters, guides and tours, that are moored in Collingwood Harbour must carry public liability and property damage insurance of at least five million dollars ($5,000,000). The insurance must be in force for the period of commercial operation.

**8.Vehicle & Trailer Parking Regulations**

8.1. No person shall park or leave a vehicle or trailer in a manner that blocks or impedes access to a launch ramp. Any vehicles or trailers so parked or left may be towed away at the Owner's expense and the Town shall not be liable for loss or damage to vehicles or trailers so removed.

8.2. No person shall leave an unattended trailer at any harbour property without permission from the Harbour Master or designated staff person or without having paid the requisite fee. Any trailer left unattended without permission or that has not had the requisite fee paid may be removed at the Owner's expense and the Town shall not be liable for any damage to the trailer.

8.3. No person shall camp between the hours of 11 p.m. and 6 a.m. the following day on any land in Collingwood Harbour.

**9.Fees**

9.1. Fees associated with the use of Collingwood Harbour are set out in the Town's Fees and Service Charges By-law and include seasonal permit, licence and other fees.

9.2. In addition to any fees, a person shall also pay the Town for all utilities and services which may be furnished to a vessel at the rates established in the Town's Fees and Service Charges By-law. The Owner acknowledges that while the Town will use its best efforts to maintain utility services, the Town is not liable for the quality, quantity or continuity of any utility service and its compatibility with a vessel.

**10.Removal & Impoundment of Vessels, Etc.**

10.1. The Harbour Master, designated staff person or Officer may remove and impound, or cause to be removed and impounded, any vehicle, vessel, trailer,

goods or obstruction that occupies Collingwood Harbour in contravention of this By-law. Where any vessel or any other property has been removed in accordance with this By-law, the vessel or other property or any part thereof may be stored or disposed as the Harbour Master, designated staff person or the Officer deem appropriate, in their sole and absolute discretion. The Town may enforce the associated care and storage costs by claiming a lien under the Repair and Storage Liens Act, R.S.O. 1990, c. R.25.

10.2. Any vehicle, vessel, trailer, goods or obstruction removed and impounded under this By-law may be recovered by the rightful owner upon presenting proof of ownership and upon payment in full of all costs incurred by the Town in removing and impounding (including storing) and any fines owing by any person under this By-law.

10.3. If any vehicle, vessel, trailer, goods or obstruction is removed and impounded, the Harbour Master, designated staff person or Officer shall make reasonable efforts to obtain the name and address of the owner of the vehicle, vessel, trailer, goods or obstruction, and:

a. if the name and address of the owner is determined, the Harbour Master, designated staff person or Municipal Law Enforcement Officer shall give written notice delivered in person to the owner or sent by registered mail to the Owner advising the owner of the removal and impoundment, the amount payable to release the vehicle, vessel, trailer, goods or obstruction and the date for sale by public auction or disposition under Section 10.5, as applicable, if unclaimed; or

b. if the identity of the owner is not determined, the Harbour Master, designated staff person or Municipal Law Enforcement Officer shall cause a notice to be posted in Collingwood Harbour advising of the removal and impoundment, the amount payable to release the vessel and the planned date for sale by public auction or disposition under Section 10.5, as applicable, if unclaimed.

10.4. The fees, costs and expenses payable by a person for the relocation or removal of any vehicle, vessel, trailer, goods or obstruction shall be the actual

costs of labour or machinery used to accomplish the work, whether carried out by the Town or as contracted out.

10.5. If any removed and impounded vehicle, vessel, trailer, goods or obstructions are not reclaimed by the rightful owner(s) within 30 days, any vehicle, vessel, trailer, goods or obstruction may be sold at public auction or otherwise disposed of if unclaimed.

10.6. The Town may engage the services of a bailiff to remove, impound and auction any vehicle, vessel, trailer, goods or other obstructions under Section 10.5.

**11.Enforcement & Inspection**

11.1. This By-law shall be administered by the Harbour Master and the provisions of this By-law shall be enforced by the Harbour Master, designated staff person or Officer as applicable.

11.2. The Harbour Master, designated staff person or Officer may enter upon any berth or municipal dock at any reasonable time to carry out an inspection of the premises for purposes of determining that the moored vessel complies with the provisions of this By-law or any licence, agreement, permit or permission granted thereunder and in doing so may require the production of and removal of documents relevant to the inspection, may require information from persons concerning the inspection and may test or examine or take such samples as may be necessary for the purposes of inspection.

11.3. The Harbour Master, designated staff person or Officer may be accompanied by a person under his or her direction.

**12.Offences & Penalties**

12.1. Every person who contravenes any provision of this By-law including an order or direction issued under this By-law is guilty of an offence and on conviction is liable to a fine of not less than $500 and not more than $100,000.

12.2. An offence under this By-law constitutes a continuing offence and for each day or part of a day that the offence continues, the minimum fine shall be $500 and the maximum fine shall be $10,000.

12.3. Upon a conviction being entered, the court in which the conviction was entered and any court of competent jurisdiction thereafter may, in addition to any other

remedy and to any penalty imposed in this By-law, make an order prohibiting the continuation or repetition of the offence by the person convicted and/or for the removal of any vessel from Collingwood Harbour.

**13.Validity, Severability & Interpretation**

13.1. Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under law.

13.2. Whenever any reference is made in this By-law to a statute or regulation of the Province of Ontario or of Canada, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

13.3. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.

**14.Short Name**

14.1. This By-law shall be referred to as the Collingwood Harbour By-law.

**15.Enactment**

15.1. This By-law shall come into full force and effect on the date of final passage hereof at which time all by-laws and/or resolutions that are inconsistent with the provisions of this By-law and the same are hereby repealed or rescinded insofar as it is necessary to give effect to the provisions of this By-law.

**ENACTED AND PASSED** this 15th day of April, 2013.

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Mayor's Signature

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Clerk's Signature