

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

BY-LAW #2003-29

(As amended by By-laws 2004-65, 2006-103, 2008-21, 2011-146, 2013-111 and 2014-94)

Being a By-law to Regulate the Use of Public Docks and Ramps and Establish User Fees

CONSOLIDATED

**Amended by
By-law 2004-65**

WHEREAS pursuant to Sections 8 and 11 of the Municipal Act, 2001, the Township of Muskoka Lakes may pass by-laws regulating the use by the public of lands owned or under the control of the Township;

AND WHEREAS access to public docks owned by the Township is provided to the public at large, and this access has been interfered with by persons leaving boats and materials at public docks in a manner which obstructs public use;

AND WHEREAS the Township intends to control that interference with public privileges, pursuant to Section 128 of the Municipal Act, 2001;

**Amended by
By-law 2004-65**

AND WHEREAS pursuant to Sections 390 to 400 of the Municipal Act, 2001, the Township of Muskoka Lakes may pass by-laws providing for user fees for the use of lands owned or under the control of the Township;

AND WHEREAS it is desirable to regulate the use of Township Docks and Ramps and establish user fees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES ENACTS AS FOLLOWS:

Part 1

DEFINITIONS

1. In this By-law,
 - 1.1 “Boat” means any vessel 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, scows, personal water craft, canoes, row boats, pontoon boats, float planes when on water or land, and boats used in commercial operations.
 - 1.2 “Township Dock” means any structure located on lands owned or under the control of the Township and used as a dock, wharf, pier or boat launching or recovery area together with all adjacent and underlying lands related thereto.
 - 1.3 “Park” means securing a boat in any way to a Township dock whether it is attended by persons or not and shall include removing a boat from the water and placing it on lands owned or under the control of the Township.
 - 1.4 “Wharf Manager” means an individual or a corporation appointed by resolution of the Council of the Township to operate and manage one or more Township docks on behalf of the municipality or a Township By-law Officer.
 - 1.5 “Owner” means an individual or corporation who owns a boat or the person operating or having care and control of a boat at any particular time.
 - 1.6 “Abandoned” means a boat which is parked in contravention of this by-law for a period in excess of 48 hours.

**Amended by
By-law 2004-65**

**Amended by
By-law 2004-65**

- 1.7 "Township" means the Corporation of the Township of Muskoka Lakes.
- Amended by
By-law 2008-21**
- 1.8 "Commercial Use" means the use of any vessel regardless of size, type, or means of propulsion, which is used to generate revenue by charging a fee for the transportation of material, the transportation of people, the sale of goods from the boat, or any other service provided by the boat.
- 1.9 "Nuisance" means the parking, placing, storing, or abandoning of boats or materials in contravention of this by-law in a location or manner which interferes with the use of a Township dock or a launching ramp by the general public.
- Amended by
By-law 2004-65**
- 1.10 "Launching Ramp" means an area adjacent to or used in connection with a Township dock, which is not a structure, and which serves as an area to launch or recover boats from the water, and which is lands owned or under the control of the Township.
- Amended by
By-law 2004-65**
- 1.11 "Under the control of the Township" means that as the land under the water, in most cases, is not owned by the Township, the Township does have a land use permit from the Ministry of Natural Resources for lands under and around Township docks.
- Amended by
By-law 2013-111**
- 1.12 "Limited Commercial Use" means the use of a Township dock, launching ramp or public access by any individual commercial boat which is not more than 25 feet in length, is not more than 12 feet in width and cannot be joined or connected to another boat to create a larger on water vessel.

PART 2

GENERAL

- 2.1 Unless otherwise specifically permitted in this by-law, a Township dock shall be used for loading and unloading of people and materials only and not for the long term parking of boats.
- 2.2 No person shall park a boat at any Township dock except as permitted by this by-law.
- 2.3 No person shall park a boat at any Township dock between the hours of 11:00 p.m. and 7:00 a.m. unless specifically permitted by this by-law.
- 2.4 No person shall park a boat at any Township dock for a continuous period in excess of 4 hours unless a permit authorizing the parking of a boat for a longer period of time has been obtained from the Township or the Wharf Manager or unless specifically permitted elsewhere in this by-law.
- 2.5 Sections 2.3 and 2.4 do not apply to facilities listed in Schedule "B" of this by-law. This section does not apply to commercial boats
- 2.6 No person shall store materials on a Township dock except on a temporary basis just prior to loading or after unloading.
- 2.7 No person shall store materials on a Township dock for a continuous period in excess of 8 hours.
- Amended by
By-law 2004-65**
- 2.8 No person shall store materials on a Township dock or on lands owned or under the control of the Township at any time in a location which would prevent the use of a dock by others.

2.9 No person shall park or store a boat on Township owned lands adjacent to a Township dock except in an area designated for that use at one of the locations listed on Schedule "A" and provided that the boat does not exceed 16 feet in length.

2.10 A boat may be parked in the designated areas as described in Section 2.9, 24 hours a day during the period of April 1st to November 30th of each year. No person shall park a boat in a designated area from December 1st of one year to March 31st of the following year.

**Amended by
By-law 2004-65**

2.11 No person shall park a boat or leave materials on a launching ramp, a Township dock, or lands owned or under the control of the Township adjacent to a Township dock so that it constitutes a nuisance.

**Amended by
By-law 2013-111**

2.12 "Public Access" for the purposes of this by-law means an area to launch or recover boats from water which is located on lands which are owned or under the control of the Township which is not a Township dock or launching ramp as defined in this by-law.

PART 3

PARKING BY PERMIT

3.1 Township docks and specific parts of Township docks as listed on Schedule "C" are designated for parking by permit.

3.2 No person shall park a boat in a designated area as described in Section 3.1 of this By-law unless a permit has been obtained from the Township or the Wharf Manager, and the permit is still valid.

3.3 The fee for a boat parking permit shall be as listed on Schedule "D".

3.4 A permit is only valid for the year in which it is issued and expires December 31st of the calendar year of issue.

3.5 A permit is only valid for the boat bearing the registration number on the permit or the boat as described on the permit.

3.6 Possession of a valid permit entitles the holder to park 24 hours a day at the specific location indicated on the permit.

PART 4

RAMPS

4.1 No person shall park a boat at any time in a location, which would impede or interfere with the use of a launching ramp.

4.2 No person shall leave a boat unattended in a location which would impede or interfere with the use of a launching ramp.

4.3 The presence of a boat on or adjacent to a launching ramp during launching or removal from the water does not contravene Sections 4.1 and 4.2.

PART 4.1

PUBLIC ACCESSES

- Amended by
By-law 2013-111
- 4.4 A public access shall be deemed to be a Township dock or launching ramp for the purposes of Parts 2, 3, 4, 5, 6, 7, 8 and 9 of this by-law, *mutatis mutandis*.

PART 5

WHARF MANAGER

Amended by
By-law 2008-21

- 5.1 The Township may appoint by resolution Wharf Managers for the purpose of managing the facilities listed on Schedule "C" attached to this By-law. Such resolution shall set out the terms and conditions of payment for the service provided.
- 5.2 A Wharf Manager shall be supervised by and report to the Manager of Parks, Recreation and Facilities.
- 5.3 No person shall park a boat or use a Township dock listed on Schedule "C" except at the direction of the Wharf Manager of that dock.
- 5.4 The Wharf Manager is authorized to collect fees as set out in Schedule "D" to this by-law.

PART 6

FEES

- 6.1 Where a fee is applicable, payment of that fee is a condition of permission to use the facility.
- 6.2 Fees are payable to the Wharf Manager or the Township at the rates set out in Schedule "D" attached to this by-law.
- 6.3 No person shall use a Township dock before paying any applicable fees.
- 6.4 Any applicable fees shall be paid in cash. No charge account or personal cheque arrangements will be permitted.

PART 7

COMMERCIAL BOATS

Amended by
By-law 2008-21

- 7.1 The exemption provided in Section 2.5 does not apply to commercial boats.
- 7.2 No person operating a commercial boat shall park or carry out loading or unloading at a Township dock or ramp unless the dock or facility has been designated for commercial use or limited commercial use on Schedule "E" attached to this by-law.

Amended by
By-law 2008-21

- 7.3 Except as permitted in Section 7.6, and except as further restricted in Sec 7.8, no person operating a commercial boat shall park a boat or commence loading or unloading at a Township dock before 8:00 a.m. or continue after 6:00 p.m. on each day from Monday to Friday and the vessel must be attended at all times while at the Township dock.

Amended by
By-law 2008-21

- 7.4 Except as permitted in Section 7.6, no person operating a commercial boat shall park a boat or carry out loading or unloading at a Township dock at any time on a Saturday, Sunday or statutory holiday.

- Amended by
By-law 2008-21** 7.5 No person shall deliver or remove or cause the delivery or removal of commercially related materials or equipment outside the hours of operation found in Sections 7.3 and 7.4.
- Amended by
By-law 2008-21** 7.6 A commercial use which is limited to the loading, unloading and transportation of passengers only is permitted to park at a township dock between 7:00 am and 12:00 midnight on any day.
- Amended by
By-law 2008-21** 7.7 Except for commercial boats engaged in the transport of passengers only, no person operating a commercial vessel shall use a Township dock or ramp unless such vessel is clearly marked with the owners name and telephone number.
- Amended by
By-law 2011-146** 7.8 Commercial Activity which is beyond the scope of "Limited Commercial Use" as defined in this by-law is further restricted at Birch Avenue (Adams Bay Road) dock during the period running each year from the last Friday of June through to the end of Labour Day weekend inclusive by limiting such use to 8:00 a.m. to 6:00 p.m. from Tuesday to Thursday and prohibiting any such use entirely on Mondays and Fridays.

PART 8

ENFORCEMENT

- 8.1 The Municipal By-law Enforcement Officers of the Township of Muskoka Lakes and the appointed Wharf Managers are hereby authorized and empowered to enforce this by-law.
- 8.2 Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter p. 33, as amended.
- 8.3 The owner of a boat or the person operating or having care and control of a boat is liable for compliance with the provisions of this by-law.
- 8.4 When a boat is parked in contravention of a provision of this by-law, the By-law Officer or Wharf Manager may make reasonable efforts to determine whom the owner or operator of the boat is. If it can be determined whom the owner or operator is, the By-law Officer or Wharf Manager may direct that person to move or remove the boat. No person shall fail to comply with the directions given.
- 8.5 The owner or operator of a boat which is parked in contravention of this by-law is subject to prosecution under the provisions of the Provincial Offences Act even though the boat may have been moved as directed in Section 8.4 of this by-law.
- 8.6 In addition to the provisions found in Sections 8.2, 8.4 and 8.5, when a boat is found to be abandoned and whether the owner or operator can be identified or not, a By-law Enforcement Officer or Wharf Manager may have the offending boat removed from a Township dock or a launching ramp.
- 8.7 In addition to the provisions found in Section 8.2, any contravention of Section 2.1, 2.6, 2.7, 2.8, 2.9, 2.11, 4.1 or 4.2 shall be deemed to be a nuisance and materials and boats may be relocated or removed at the direction of a By-law Enforcement Officer or Wharf Manager.
- 8.8 The owner of a boat or material which is relocated or removed in accordance with Section 8.7 shall be charged a fee for the work done in accordance with Schedule "D".

- 8.9 Any unpaid fees arising from this by-law may be added to the tax roll and collected in the same manner as municipal taxes as prescribed in Section 398 of the Municipal Act, 2001.
- 8.10 A nuisance as defined by this by-law is deemed to be a public nuisance within the meaning of Section 128 of the Municipal Act, 2001.

PART 9

GENERAL

- 9.1 All sections of this by-law shall be deemed to be separate and independent and the invalidity of any section or provision thereof shall not affect the validity of the remaining sections.
- 9.2 Schedules "A", "B", "C", "D", "E" and "F" are attached to and form part of this by-law.
- 9.3 Schedule "E" of this bylaw is not a complete list of township facilities, however any township dock not listed and any newly created dock facilities shall be subject to the requirements of this bylaw.
- 9.4 By-law 2002-99 of the Corporation of the Township of Muskoka Lakes is hereby repealed.

**Amended by
By-law 2013-111**

**Amended by
By-law 2008-21**

PART 10

EXEMPTIONS

- 10.1 Persons, groups, or agents, of special events may make written request of the Council of the Corporation of the Township of Muskoka Lakes to receive relief of fees or time restrictions as necessary within the By-Law and that the Council of the Corporation of the Township of Muskoka Lakes, under its authority, may grant such relief as it deems expedient.

**Amended by
By-law 2014-94**

Read a first and second time, this 3rd day of March, 2003.

Read a third time and finally passed, this 3rd day of March, 2003.

Mayor Susan Pryke
Mayor

J.W. McDivitt
Clerk Administrator

SCHEDULE "A"

ATTACHED TO AND FORMING PART OF BY-LAW 2003-29

PARKING ON LAND IN DESIGNATED AREAS

1. Leonard Lake – Muskoka Road #118
2. Nine Mile Lake Road
3. Whittings Beach
4. Weismiller Street, Bala
5. Acton Island
6. Birch Avenue
7. Tom Wroe Road
8. Skeleton Lake Road #3

SCHEDULE "B"

ATTACHED TO AND FORMING PART OF BY-LAW 2003-29

(as amended by By-law 2006-103)

1. Wilson's Lodge
2. Moon River, Portage Street
3. Church Point, Milford Bay
4. Acton Island
5. Gull Rock
6. Whittings Beach
7. Tom Wroe Road

SCHEDULE "C"

ATTACHED TO AND FORMING PART OF BY-LAW 2003-29

PARKING BY PERMIT

1. Tondern Island, Beaumaris
2. Maple Leaf Bay Road, Windermere
3. Windermere Dock, Muskoka Road #4
4. Foot's Bay, McDonald Road

SCHEDULE "D"

ATTACHED TO AND FORMING PART OF BY-LAW 2003-29

FEES

1. **DOCK FACILITIES – BERTHAGE FEES FOR PLEASURE CRAFT – NOT FOR COMMERCIAL APPLICATION**

The following fees shall be applicable during the summer season of each year. For the purposes of this section of the by-law, the "summer season" shall commence on April 1st and end on September 30th of each year.

- a. Per day or part thereof after four (4) hours - \$1.00 per foot of boat length;
- b. Per month - \$15.00 per foot of boat length;
- c. Per season - \$40.00 per foot of boat length or \$800.00, whichever sum is greater.

2. **REMOVAL OF NUISANCE BOATS OR MATERIALS**

The following fee shall be applicable throughout the year at any Township facility under the jurisdiction of this by-law.

- a. The fee for the relocation or removal of any boat or material shall be the actual costs of labour or machinery used to accomplish the work, whether carried out by the municipality or contracted out, up to a maximum of \$2000.00.

ATTACHED TO AND FORMING PART OF BY-LAW 2003-29
(as amended by By-law 2008-21)

USES PERMITTED AT SPECIFIC FACILITIES

X INDICATES USE IS PERMITTED

LAKE	LOCATION	PARKING OVER 4 HOURS BY PERMIT AT DOCK	PARKING ON LAND	COMMERCIAL USE	LIMITED COMMERCIAL USE
Brandy Lake	Muskoka Road #25 Dock & Ramp				X
High Lake	Fish Hatchery Road Dock & Ramp				X
Indian River	Bailey Street, Port Carling Docks & Ramp			X	X
	Hanna Park, Port Carling Dock				
	West Street, Port Carling Dock & Ramp				X
	Wallis Mews Dock				
Lake Joseph	Carlingford Dock				X
	Foots Bay Dock & Ramp	X		X	X
	Appian Way Dock & Ramp			X	X
Leonard Lake	Muskoka Road #118 Dock & Ramp		X		X
Long Lake	Muskoka Rd. #169 Dock & Ramp				X
Mirror Lake	Joseph Street, Port Carling, Dock				
	Mirror Lake Park, Dock				
Moon River	Portage Street, Bala				X
	River Street, Bala Dock & Ramp				X
Lake Muskoka	Acton Island Dock		X		X
	Windsor Park, Bala, Dock				
	Acton Island (East) Dock				X
	Whitings Beach Dock & Ramp		X		X
	Whiteside Dock				X

Page 2 - Schedule "E" to By-law 2003-29 as amended by By-law 2008-21

LAKE	LOCATION	PARKING OVER 4 HOURS BY PERMIT AT DOCK	PARKING ON LAND	COMMERCIAL USE	LIMITED COMMERCIAL USE
Lake Muskoka	Church Point, Milford Bay Dock & Ramp			X	X
	Baycliffe, Milford Bay Dock & Ramp			X	X
	Tondern Island, Beaumaris Dock	X		X	X
	Weismiller St, Bala Dock & Ramp		X		X
	Bala Bay, Dock				X
	Wharf Road, Torrance Dock & Ramp				X
	Tom Wroe Road, Dock		X		X
Nine Mile Lake	Nine Mile Lake Road Dock & Ramp		X	X	X
Lake Rosseau	Skeleton Bay Dock & Ramp			X	X
	Gull Rock Dock & Ramp				X
	Maple Leaf Bay Road, Windermere Dock	X			
	Muskoka Road, #4, Windermere Dock	X		X	X
	Muskoka Road #25, Brackenrig Dock			X	X
	Gregory Road Dock & Shelter				X
	Birch Avenue (Adams Bay Road) Port Carling - Dock		X	X	X
	Whittemores Dock				
Skeleton Lake	Wilson's Lodge Skeleton Lake Road #2, Dock				X
	Simms Road Dock				X
	Highway #141/Skeleton Lake Road #3 Dock & Ramp		X	X	X
Three Mile Lake	Shea Road Dock & Ramp				X

SCHEDULE "F"

ATTACHED TO AND FORMING PART OF BY-LAW 2003-29

(AS AMENDED BY BY-LAW 2013-111)

USES PERMITTED AT PUBLIC ACCESSES

X INDICATES USE IS PERMITTED

Lake	Location	Parking over 4 hours by permit at dock	Parking on land	Commercial use	Limited Commercial Use	Hours of Operation
Clear Lake	Unopened road allowance between Lots 20 and 21 in the former Township of Medora					9 a.m. to 1 p.m.