

**THE CORPORATION OF THE
MUNICIPALITY OF WAWA**

BY-LAW NO. 3223-19

BEING A BY-LAW to adopt Municipality of Wawa Policy No. PE-012:
Docking, Mooring, Launching and Boating on Wawa Lake Beachfront
Properties.

WHEREAS Section 8 of the Municipal Act, S. O. 2001, Chapter 25, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS Section 9 of the Municipal Act, S. O. 2001, Chapter 25, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

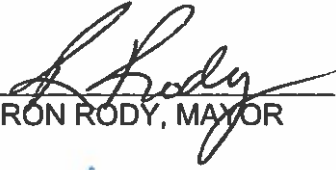
AND WHEREAS Section 10 (1) of the Municipal Act, S. O. 2001, Chapter 25, provides that a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS the Council of the Municipality of Wawa recognizes the need for the development of a policy for docking, mooring, launching and boating on Wawa Lake;

NOWHEREFORE the Council of the Corporation of the Municipality of Wawa enacts as follows:

1. **THAT** Policy No. PE-012: Docking, Mooring, Launching and Boating on Wawa Lake Beachfront Properties, herein attached as Schedule "A" to this By-Law and forming an integral part of this By-Law, be adopted.
2. **THAT** the Mayor and Clerk be and they are hereby authorized to sign this By-Law and to affix the corporate seal thereto.
3. **THAT** this By-Law is enacted upon the third and final reading hereof.

READ a first and second time this 17th day of September, 2019.

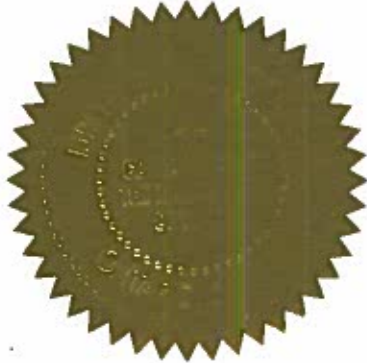


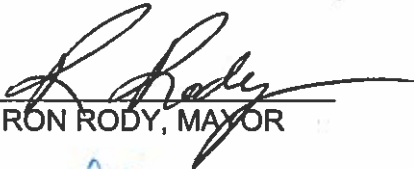
RON RODY, MAYOR



CATHY CYR, CLERK

READ a third time and be finally passed this 5th day of November, 2019.





RON RODY, MAYOR



CATHY CYR, CLERK



The Corporation of the Municipality of Wawa
Policy Manual

POLICY TITLE:	Docking, Mooring, Launching and Boating on Wawa Lake Beachfront properties
SUBJECT:	Regulate docks, buoys, launching and boating on Wawa Lake Beachfront Properties
POLICY NO.	PE-012
EFFECTIVE DATE:	November 5, 2019
ENACTED BY:	By-Law No. 3223-19

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1. Background

The Municipality of Wawa owns or otherwise controls the Wawa Lake waterfront beachfront, shoreline road allowance and numerous waterlots that are used for mooring, launching and other boating purposes.

The Municipality deems it necessary to regulate the use of the municipally owned waterfront properties by boaters and other watercraft users, including the use of buoys, boat launches and beaches.

2. Definitions

2.1 In this Policy:

- a. **"abandoning"** means the mooring, parking, leaving, placing or storing of a boat or watercraft on Municipal Property for more than 24 hours without authorization from the Municipality;
- b. **"authorized sign"** means any sign, notice, or other device placed or erected by the Municipality on or about Municipal Property;
- c. **"beach"** means the shore of a body of water that is often, but is not always, pebbly or sandy, and which is owned by, leased to, or otherwise under the control of the Municipality;
- d. **"beaching"** means the running or hauling of a boat onto a beach;
- e. **"boat"** means any vessel which floats on water;
- f. **"Chief Administrative Officer"** means the Chief Administrative Officer of the Municipality or his or her designate;
- g. **"Chief Building Official"** means the Chief Building Official of the Municipality or his or her designate;
- h. **"Municipality"** means The Corporation of the Municipality of Wawa or, where referring to geographic area, the Municipality of Wawa;
- j. **"Municipal dock"** means a dock, wharf, pier or similar structure which is owned by, leased to, or otherwise under the control of the Municipality;
- k. **"Municipal Property"** means any property owned by, leased to, or otherwise under the control of the Municipality adjoining water or comprising a water lot, and includes all ramps, docks, buoys, structures and equipment on such property;

- l. **"commercial use"** means the use of any boat regardless of size, type, or means of propulsion 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 or from the boat;
 - m. **"designated spot"** means a specific area of Municipal Property designated by the Director of Community Services and Tourism for a specific purpose or use;
 - n. **"launching ramp"** means an area which is designed and used for the launching of boats into the water and the removal of boats from the water;
 - o. **"moor"** means to moor, dock, anchor, park, tie up, fasten or otherwise secure a boat to a dock or a buoy, and includes the anchoring of a boat on Municipal Property and the beaching of a boat on the shore of Municipal Property;
 - p. **"mooring buoy"** is a buoy on Municipal Property anchored by the Municipality offshore that serves as a point to moor a boat;
 - q. **"nuisance"** means the mooring, parking, placing, leaving, storing, or abandoning of a boat or materials in contravention of this by-law in a location or manner which interferes with the use of a municipal dock, mooring buoy or beach by the general public;
 - r. **"park"** means securing a boat in any way to a City dock or mooring buoy whether it is attended by persons or not and shall include beaching a boat or otherwise placing a boat on a beach;
 - s. **"Director of Community Services and Tourism"** means the Director of Community Services and Tourism of the Municipality or his or her designate;
- 2.2 Wherever this Policy refers to a person or thing with reference to gender or the gender neutral, the intention is to read the Policy with the gender applicable to the circumstances.
- 2.3 References to items in the plural include the singular, as applicable.
- 2.4 The various prohibitions of this Policy are cumulative and not mutually exclusive.
- 2.5 Where any expression of time occurs, or where any hour or other period of time is stated, the time referred to shall be either standard time or daylight savings time, whichever is in effect in the Municipality at the time the Policy is interpreted.

3. General Rules

- 3.1 The Director of Community Services and Tourism is authorized to erect or otherwise post and maintain, or cause to be erected, posted and maintained, such signs as are required to give effect to the provisions of this Policy and as is required to regulate, direct, warn or guide the mooring, launching or removal of boats for the safety and convenience of the public.
- 3.2 No person shall remove or deface any signs or notices erected on Municipal Property.
- 3.3 No person shall disobey an authorized sign regulating the use of any Municipal dock, buoy, beach, launching ramp or other municipal property.
- 3.4 No person shall cause a nuisance on any Municipal Property.
- 3.5 No person shall store cargo or other material on a boat launching ramp, beach or other municipal property in a way which impedes another person from reasonably using such boat launching ramp, beach or other Municipal Property.
- 3.6 No person shall park a boat or other personal watercraft including but not limited to a sailboat, jet ski, kayak, canoe, or any other item that may cause a public hazard overnight, or for more than eight (8) consecutive hours as set out attached Map and marked as Appendix "1", being the Wawa Lake Beachfront located between Dr. Rose's Beach and Lion's Beach.
- 3.7 No person shall launch a boat into the water, remove a boat from the water or otherwise use any Municipal Property from the northern portion of 258 Main Street through to Ontario Street (Appendix "1" for boating or boating related purposes (including trolling or idling of motorized boat or other motorized watercrafts) except in accordance with the provisions of this Policy. A person may use the boat launch located at the north end of Wawa Lake adjacent the Helen Mine Road or William Teddy Park boat launch or the southern portion of the beach front located on the east side of 258 Main Street and Wawa Creek Bridge (Appendix "1") for the purposes of launching a boat or other motorized watercraft into the water or removing a boat or watercraft from the water.
- 3.8 No person shall moor a boat to a Municipal dock on Wawa Lake unless such person is actually engaged in the loading or unloading of passengers or cargo or other materials.
- 3.9 No person shall service or wash a boat on municipally owned lands adjacent to the Wawa Lake.

- 3.10 Any boat docked, moored or left unattended or abandoned, contrary to this by-law, may be removed by the Municipality or a person contracted on its behalf for the purpose, and shall be subject to the lien provisions, storage and disposal requirements set out in the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25.
- a. Where a boat has been removed to a storage area, it may be released to the registered owner upon payment of all removal and storage costs and a municipal administration fee of \$250.00.
- 3.11 No motorized vehicles are permitted on Dr. Rose's or Lion's Beach area except for the Exceptions noted in item 5.

4. Temporary Docks and/or Mooring Buoy Permit

- 4.1 A registered owner of a boat may submit an application for a permit for temporary installation of a private dock or mooring buoy in the area located on Water Street between Gold Street and Ontario Street and identified in Appendix "1".
- 4.2 An applicant for permit for a temporary dock or mooring buoy under this by-law shall:
- a. Complete an application for the permit in the form provided by the Chief Building Official.
- b. Submit a completed application together with the fee as set out in the Municipality of Wawa's Schedule of Fees for issuance of a temporary dock or mooring buoy.
- c. Provide any other documents that the Chief Building Official may require in consideration of the application for a permit.
- d. Applications for permits will be considered on a case by case basis, including permit renewal applications.
- 4.3 Without limiting the generality of section 3.11, unless:
- a. an applicant is in default of the payment of fees that he or she was required to pay under this By-Law;
- b. an applicant has previously had his or her permit revoked by the Municipality; or

- c. there is reasonable concern that the permit will not be used for a proper or lawful purpose or that the terms and conditions of the permit will not be complied with;
- 4.4 With respect to the issuance of a temporary dock or mooring buoy permit, the applicant must be a registered owner of an interior property adjacent to the waterfront property as identified in Appendix "1".
- 4.5 Permits are seasonal with the season commencing on May 1st and ending on October 31st of a calendar year.
- 4.6 A permit is only valid for the year in which it is issued and expires on October 31st of the calendar year of issue.
- 4.7 A permit is only valid for the boat bearing the registration number on the permit for the boat described on the permit.
- 4.8 With a permit, the permit holder may moor his or her boat to the temporary dock or buoy as indicated on the permit twenty-four (24) hours per day between May 1st and October 31st of the calendar year.
- 4.9 Notwithstanding section 4.8 above, the Municipality may, at the discretion of the Chief Building Official, temporarily prevent a permit holder from using the temporary dock or mooring buoy assigned to him or her for any reason, including emergency, construction, maintenance or other reasons in the public interest.
- 4.10 A permit is not transferrable.
- 4.11 Refunds for issued permits shall not be granted for any reason.
- 4.12 A permit holder shall comply and shall ensure compliance with all others exercising privileges under the permit, with all of the terms and conditions of the permit, all applicable municipal policies and applicable federal, provincial and municipal laws, including this Policy.
- 4.13 Failure to comply with any term or condition of a permit, any applicable municipal policy or any federal, provincial or municipal law, including this Policy, which relates to the temporary docks or mooring buoy for which a permit is granted may result in the revocation of the permit by the Chief Building Official, in addition to any other enforcement proceedings against the permit holder as permitted by law.

- 4.14 A decision to revoke a permit may be served:
- a. personally on the person to whom it is directed; or
 - b. by registered or certified mail to the last known address of the person to whom it is directed, in which case it shall be deemed to have been given on the third day after it is mailed.
- 4.15 Where a permit has been revoked by the Chief Building Official, and the permit holder believes such revocation to be unjustified, he or she may appeal the revocation decision in writing to the Chief Administrative Officer within 10 days of the sending of the revocation decision by the Chief Building Official to the permit holder.
- 4.16 Upon receipt of a Notice of Appeal, the Chief Administrative Officer shall hear the appeal orally, or in writing as he or she deems appropriate, and the Chief Administrative Officer's decision shall be final.

5. Exemptions

- 5.1 This Policy shall not apply to:
- a. employees or agents of police, fire and ambulance services acting in the scope of their duties to provide emergency services or enforcement activities;
 - b. the Municipality and its employees or agents acting within the scope of their duties as employees or agents of the Municipality;
 - c. any person exempted, in writing, by the Chief Building Official of the provision of this Policy, in accordance with the terms and conditions of the exemption.

6. Penalty

Any person who contravenes any portion of this By-Law is guilty of an offence and upon conviction is liable to a fine as provided for under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended or any successor thereof.

7. Review

This policy shall be reviewed each term of Council or as required to legislative changes.

Policy Adoption and Review Guidelines

Date of Adoption by Council	By-Law No.	Date of Most Recent Review by Council	Changes Made Yes/No
November 5, 2019	3223-19		

References to Other Policies or By-laws

Policy Title	Policy Number	By-Law

Appendix "1" to Policy No. PE-012

