

THE CORPORATION OF THE MUNICIPALITY OF TEMAGAMI

BY-LAW NO. 20-1517

Being a By-law for Regulating the Use of Municipal Owned Docks

WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the “Municipal Act, 2001”) provides that a municipality may pass by-laws within the following spheres of jurisdiction: Highways, including parking and traffic on highways at section 11(1) 1; Culture, parks, recreation and heritage at section 11(1) 5 and Structures, including fences and signs at section 11(1) 7;

AND WHEREAS section 8 of the Municipal Act, 2001 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Municipal Act;

AND WHEREAS section 9(1) of the Municipal Act, 2001 provides that sections 8 and 11 shall be interpreted broadly so as to confer broad authority on municipalities to (a) enable them to govern their affairs as they consider appropriate, and (b) enhance their ability to respond to municipal issues;

AND WHEREAS section 391(c) of the Municipal Act, 2001 provides that a municipality may pass by-laws imposing fees or charges on any class of persons for the use of its property including property under its control;

AND WHEREAS section 427(1) of the Municipal Act, 2001 provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law or otherwise but has failed to do;

AND WHEREAS section 427(3) of the Municipal Act, 2001 provides that the costs incurred by a municipality in doing a thing or matter under section 427(1) may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes;

AND WHEREAS the Corporation deems it desirable to, from time to time, set rates for the use of municipal docks located on Lake Temagami directly behind the Municipal Office.

NOW THEREFORE the Council of the Corporation of the Municipality of Temagami enacts as follows:

1. That users of the Municipal Docking Slips pay the appropriate fees in accordance with the “User Fee By-law 20-1512, as amended, Schedule “F”.

2. That the attached Mooring/License Agreement, shown as Schedule “A” attached hereto and forming part of this By-law, be completed prior to the rental of a docking space.
3. That should a boat be found at a municipal docking slip without paying the proper rate as specified in the User Fee By-law 20-1512, as amended, Schedule “F, and/or without filling in the proper documentation as attached as Schedule “A” to this By-law, the municipality is hereby authorized to have it removed at the owner’s risk and cost.
4. That should a boat be found at the Day Use Only area overnight, the municipality is hereby authorized to have it removed at the owner’s risk and cost.
5. The charge for having a boat moored at a municipal docking slip without authorization is \$250.00.
6. All expenses incurred by the Municipality in connection with the enforcement of this by-law shall be paid prior to the release of the boat from municipal control and in the event of failure to pay the entire amount due and at the discretion of the Municipality, the outstanding balance of the invoice may thereafter be added to the tax roll as of the year in which the expenses occurred.
7. The Municipality may also recover all expenses owing under this by-law by a court action as a debt due to the Municipality.
8. That By-law No. 05-610, as amended, is hereby repealed and replaced by By-law 20-151.

READ a first and second time this 16th day of July, 2020.

READ a third time and finally passed this 16th day of July, 2020

MAYOR

CLERK