



MISSISSAUGA

THE CORPORATION OF THE CITY OF MISSISSAUGA

Marina By-law 0187-2005

WHEREAS sections 9 to 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (“*Municipal Act*”) confer the power to a municipality to pass by-laws regulating and prohibiting with respect to culture, parks, recreation and heritage;

AND WHEREAS sections 9 to 11 of the *Municipal Act* confer the power to a municipality to pass by-laws regulating and prohibiting with respect to parking on municipal parking lots and structures;

AND WHEREAS section 9(3)(b) of the *Municipal Act* confer the power to a municipality, in exercising its powers to regulate and prohibit respecting a matter, to provide for a system of licenses, permits, approvals or registrations respecting the matter, and to impose conditions as a requirement of obtaining, continuing to hold or renew a license, permit, approval or registration;

AND WHEREAS section 128(4) of the *Highway Traffic Act*, R.S.O. 1990, c. H-8, as amended, confers the power upon a municipality to pass by-laws prescribing the rate of speed for motor vehicles driven in a public park or exhibition ground;

NOW THEREFORE the Council of the Corporation of the City of Mississauga ENACTS as follows:

PART I: DEFINITIONS

1. In this By-law:

“authorized sign” means any sign, notice, or other device placed or erected in or upon a marina by the Corporation;

“City” means the land located within the territorial boundaries of the City of Mississauga;

“Commissioner” means the Commissioner of Community Services or his designate;

“Corporation” means The Corporation of the City of Mississauga;

“designated area” means an area of marina designated by the Commissioner for a specific purpose or use;

“docking season” means the timeframe as determined by the Commissioner each year to permit the docking of watercraft at the Lakefront Promenade Park Public Marina;

“docking space permit” means a permit to dock a watercraft at a marina;

“enforcement officer” means a police officer or an employee of the Corporation who has been designated as a municipal law enforcement officer by by-law;

“life-saving equipment” means any equipment placed in the marina by the Corporation for the purpose of providing emergency life-saving support to persons in the marina;

“Manager” means the Manager, Marina Operations, or his designate;

“marina” means the Lakefront Promenade Park Public Marina as provided in Schedule A and the Credit Village Marina as provided in Schedule B;

“Marina Staff” means a permanent full-time employee in the Recreation and Parks Division of the Corporation;

“permit” means a written authorization issued by the Commissioner under this By-law;

“person” means an individual, partnership, association, firm or corporation, and in the case of a minor, the person having custody of the minor;

“roadway” means a road that has been improved and designed for vehicular traffic use;

“watercraft” means any device for conveyance in or on water, including but is not limited to boats, row boats, sailboards, canoes, kayaks, and dinghies.

PART II: ADMINISTRATION

2. 1) The Commissioner shall be responsible for the administration and enforcement of this By-law.
- 2) As part of his responsibility to administer this By-law, the Commissioner may:
 - a) designate designated areas within a marina;

- b) designate areas within a marina to be excluded from the public;
- c) make regulations and impose conditions upon which a designated area shall be used;
- d) make regulations and impose conditions for the orderly use of the marina and any marina facilities;
- e) determine the exact timeframe for the summer and winter docking seasons;
- f) issue permits for specific uses of a marina or marina facilities;
- g) impose conditions as a requirement of obtaining, continuing to hold or renewing a permit, in addition to the requirements under this By-law, and such conditions may vary depending on the type of permit;
- h) levy late payment charges on the basis of the rate as set in the applicable City of Mississauga Fees and Charges By-law against the applicant for a permit for payments made after the due date as set by the Commissioner; and
- i) revoke a permit as a result of a breach of a condition of the permit or a provision of this By-law.

PART III: EXEMPTIONS

- 3. This By-law shall not apply to:
 - 1) employees or agents of ambulance and police services acting in the scope of their duties to provide emergency services or enforcement activities within a marina;
 - 2) the vehicles and other properties of ambulance and police services used for the purpose of providing emergency services or engaging in enforcement activities within a marina;
 - 3) the Corporation, its vehicles, and its employees or agents acting within the scope of their duties as employees or agents of the Corporation.
- 4. The Commissioner may exempt persons from all or part of the requirements and prohibitions of this By-law from time to time if such exemption is required for the beneficial administration of a marina.

PART IV: PERMITS

Application

5. An applicant for a permit under this By-law shall:
 - 1) complete an application for the permit on the forms as provided by the Commissioner;
 - 2) submit a completed application together with the fee as set out in the applicable City of Mississauga Fees and Charges By-law; and
 - 3) provide any documentation and insurance certificates as required by the Commissioner as prerequisites and requirements for the issuance of the permit, including proof of compliance with federal requirements for operating commercial watercrafts in the marina.
6. The registered owner of a watercraft may submit an application for a docking space permit to dock his watercraft at a marina.

Compliance

7.
 - 1) A permit holder shall comply or ensure the compliance of all the provisions and conditions of the permit and this By-law.
 - 2) Failure to comply with any provision or condition of a permit or this By-law may result in the revocation of the permit by the Commissioner, in addition to any other enforcement proceedings against the permit holder as permitted by law.
 - 3) Failure to comply with any federal or provincial regulations with respect to the use and/or operation of a watercraft in the marina may result in the revocation of a permit by the Commissioner, in addition to any other enforcement proceedings against the permit holder as permitted by law.
 - 4) The permit holder of a revoked permit shall immediately cease or ensure the immediate cessation of all the activities for which a permit has been issued upon revocation of the permit under subsection (2).
8. The issuance of a permit under this By-law does not relieve any person from the necessity of acquiring any other license or permit required for carrying on an activity in a marina under any other applicable laws, by-laws, regulations, and requirements of other governmental authority.

Property of the Corporation

9. A permit is the property of the Corporation and is not transferable unless otherwise authorized by the Commissioner.

Refunds

10.
 - 1) Refunds for a docking space permit are not granted for docking space rental at the Credit Village Marina, unless the Commissioner deems it appropriate under the following circumstances:
 - a) permit holder cannot use the docking space due to acts of nature or any other personal emergencies beyond the holder's control; or
 - b) the watercraft must be removed for repair.
 - 2) Refunds for a docking space permit at the Lakefront Promenade Park Public Marina will only be granted subject to the conditions stated in this By-law.
11.
 - 1) Refunds for a docking space permit at the Lakefront Promenade Park Public Marina for the summer docking season will only be granted in the following circumstances:
 - a) the ownership of the watercraft is transferred and the new owner does not wish to continue the use of the rented docking space; or
 - b) the request for the refund is made prior to the 1st day of the summer docking season; or
 - c) the request for the refund is made during the course of the summer docking season and a permit for the docking space in question is issued to another person.
 - 2) For refunds made under subsection (1)(a), the refund shall be calculated for the period of time between the last day of the month of cancellation to the end of the season.
 - 3) For refunds made under subsection (1)(b), the refund shall be made for the full summer docking season subject to a \$100.00 administration fee.
 - 4) For refunds made under subsection (1)(c), the refund shall be calculated for the period of time between the last day of the month of cancellation to the last day of the season, except no refunds shall be granted after August 1st of each year.
12.
 - 1) Refunds for a docking space permit at the Lakefront Promenade Park Public Marina for the winter docking season will only be granted subject to the following conditions:
 - a) If the request for the refund is made prior to November 1st of each year, full refund will be granted subject to a \$100.00 administration fee.
 - b) If the request for the refund is made between November 1st and

14th of each year, refunds will be granted subject to one month rental fee for the docking space.

- c) No refunds will be granted for requests made starting November 15th of each year.

PART V: DOCKING

13. Except as provided in section 14:
- 1) No person may dock, anchor, or moor a watercraft at a marina without a permit.
 - 2) No person may dock, anchor, or moor a watercraft at a marina in any area except in the designated area as provided in the permit.
 - 3) No person may dock, anchor, or moor a watercraft at a marina except within the timeframe as provided in a permit.
 - 4) The operator of a watercraft shall enter and depart the dock using engine power.
14. 1) No person may dock, anchor, or moor a watercraft at a launch ramp for more than 30 minutes.
- 2) No person may launch a watercraft at marina other than at a designated area.
- 3) No person may launch a watercraft at a launch ramp unless the person has paid the launch fee as provided in the applicable City of Mississauga Fees and Charges By-law.
15. The permit holder for docking shall remove his watercraft from the dock by the last day of the permitted timeframe as provided on his permit. Failure to do so may result in:
- 1) the removal of the watercraft by the Corporation at the permit holder's expense; and/or
 - 2) the permit holder incurring additional storage fees for each day of use of the dock; and/or
 - 3) enforcement proceedings against the permit holder for committing an offence under this By-law.
16. 1) Any damages to the dock and any other marina facilities caused by the owner of the watercraft, his agent, his guests or visitors, or any person

under his custody, may result in the revocation of the permit to use the dock.

- 2) In addition to subsection (1), the owner of the watercraft of which a permit is granted is nevertheless responsible for all damages that may be caused to the dock and/or other marina facilities by reason of operating or docking of the watercraft and/or the use of the marina facilities.
17. 1) The owner of a watercraft shall inform Marina Staff of any departure of his watercraft from the marina for over 24 hours. The said owner shall inform the Marina Staff of the number of days that his watercraft is going to be out of the marina.
 - 2) The Commissioner may issue a permit for the use of any vacant dock space as a result of departures as provided in subsection (1). The permit may be issued for a maximum of the period of time that the watercraft is out of the marina as advised by the owner in subsection (1).
18. 1) In the event that a watercraft sinks at the marina, the owner of the watercraft shall remove the watercraft forthwith.
 - 2) Failure to remove a watercraft as provided in subsection (1) may result in:
 - i) the removal of the watercraft by the Corporation at the owner's expense; and/or
 - ii) enforcement proceedings initiated against the owner of the watercraft for committing an offence under this By-law.
19. 1) In the event that the permit for use of docking facilities is revoked, the owner of the watercraft shall remove his watercraft forthwith, and in any event, not later than three days after service of the notice of revocation of the permit.
 - 2) A notice of revocation may be served by:
 - a) delivering it personally to the owner of the watercraft; or
 - b) securely posted on the watercraft; or
 - c) sending it by registered mail to the last known address of the owner of the watercraft.
 - 3) Service of a notice of revocation served by registered mail is deemed to be made on the fifth day after the day of mailing.
 - 4) Should the owner fail to remove the watercraft as required under subsection (1), the Corporation may:

- a) remove the watercraft at the expense of the owner; and/or
- b) charge a per diem rental rate for the use of the dock facilities by the owner without a permit; and/or
- c) initiate any enforcement proceedings against the owner for committing an offence under this By-law.

PART VI: GENERAL PROHIBITION

General Conduct

20. While in a marina, no person shall:
- 1) engage in riotous, boisterous, violent, threatening, or illegal activity; or
 - 2) cause any damage to the docks or any other marina facilities; or
 - 3) cause any alterations to be made to the docks or quay; or
 - 4) erect, place, or cause the erection or placing of a satellite on the docks; or
 - 5) erect, place, or cause the erection or placing of a locker or dock box on the docks; or
 - 6) allow any part of the bow or stern of his watercraft to overhang the dock or obstruct the dock in any other way; or
 - 7) engage in any activity that creates a nuisance or that interferes with the use and enjoyment of the marina by other persons; or
 - 8) engage in any activity that may cause injury or damage to any person or property; or
 - 9) disobey an authorized sign; or
 - 10) operate any powered models of aircraft, watercraft or vehicles; or
 - 11) swim; or
 - 12) engage in fishing other than in a designated area and during designated times; or
 - 13) engage in wind-surfing; or
 - 14) use a skateboard or roller-blades other than in a designated area; or

- 15) ride a bicycle other than in a designated area; or
- 16) damage any plant, shrub, tree, flower, or any other form of vegetation; or
- 17) erect, place, install, or cause the erection, placing or installation of any permanent or temporary structure, including a tent or booth, without a permit; or
- 18) camp or erect or place a tent or temporary abode of any kind on the lands; or
- 19) climb, remove, damage, or deface any fence, bench, seat, table, monument, sign, building, structure or equipment; or
- 20) hang out or display laundry on a watercraft when docked at the marina, on the docks or piers, or on any other marina facilities or lands.

Repair of Watercrafts

21. No owner of a watercraft may effect any repair, or cause or direct the repair of his watercraft at the marina without a permit.

Fuelling of Watercrafts

22. No person shall fuel a watercraft:
 - 1) from any vehicle or other equipment on land, including the piers or docks, except from a designated area and using the equipment as provided by the Corporation; or
 - 2) from another watercraft; or
 - 3) without a fuel attendant of the Corporation on duty and supervising the fuelling.

Parking of Watercrafts

23. Unless otherwise authorized by permit, no person may park:
 - 1) a watercraft and/or a boat trailer in a marina parking lot;
 - 2) a boat trailer with a watercraft on it in a marina parking lot, unless the boat trailer is parked together with the vehicle in a designated area for not more than four (4) hours.

Life-Saving Equipment

24. No person shall:

- 1) remove any life-saving equipment from its storage place other than in the case of emergencies; or
- 2) damage any life-saving equipment.

Waste

25. No person shall dump, deposit, drain, discharge, or otherwise dispose of any waste, oil, inflammable liquids, oily bilges, or any other material and toxic liquids:
- 1) into Lake Ontario or any watercourse or body of water; or
 - 2) anywhere in the marina, except for waste generated from the use of the marina and wholly into the appropriate waste or recycling receptacles provided in the marina for such purposes.

Noise

26. In addition to section 20(7), no person shall:
- 1) create any loud noise that, in the opinion of the Marina Staff or an enforcement officer, disturbs or interferes with the use and enjoyment of the marina by other persons between the hours of 11:00pm to 6:00am daily.
 - 2) use any outdoor speaker or any other sound amplifying equipment between 11:00pm to 6:00am daily.

Washrooms and Change-rooms

27. 1) No person shall enter into any washroom, bathhouse, or change-room set apart for the opposite sex, unless the person is six (6) years old or under and is accompanied by an adult.
- 2) No person shall use or operate or turn on any photographic devices, including cellular phones with video or photographic functions, video equipment, or camera in a washroom, bathhouse, or change-room in the marina.

Animals

28. In the marina, no person shall:
- 1) allow his animal to be at large and not on a leash; or

- 2) bring or allow his animal into the public washroom or change-room, except for a service animal that is used by the person.

Campfire and Barbeque

29. While in a marina, no person shall:
 - 1) light, build or stoke a fire without a permit; or
 - 2) light, build or stoke a fire on the marina fuel dock and/or 7.62 metres (25 feet) of the fuel dispenser; or
 - 3) engage in a barbecue in an area other than a designated area; or
 - 4) use fuel other than charcoal or briquettes in a barbecue provided by the municipality, unless authorized by permit; or
 - 5) violate any provisions of the Open Air Burning By-law 49-03, as amended.
30. In the case of any conflict between this By-law and the Open Air Burning By-law 49-03, as amended, the Open Air Burning By-law shall take precedence.

Commercial Activities

31. 1) Unless authorized by permit, no person shall, while in a marina, sell, offer to sell, or display for sale:
 - a) any flowers, food, including fruits and vegetables, drinks, or refreshment;
 - b) any goods, wares, merchandise, or articles, including promotional material, souvenirs and novelties;
 - c) any art, skill, service, or work.
- 2) Unless authorized by permit, no person shall, while in a marina, practice, carry on, conduct, or solicit for any trade, occupation, business, profession, or charity.
32. 1) No person shall film or make television broadcast while in a marina without a permit, except if the filming/broadcast is conducted by the news media.
- 2) No person shall photograph or videotape for commercial use in a marina without a permit.

33. No person shall:
- 1) distribute or display any handbill, notice, or any other type of circulars, bills, advertisements, or any form of promotional item or samples in a marina without a permit; or
 - 2) erect, display, alter or allow the erection, display, or alteration of any sign in a marina unless in compliance with the City of Mississauga Sign By-law 54-02, as amended.

PART VII: VEHICLES

General Prohibitions

34. 1) Unless otherwise permitted, no person shall drive, operate, pull, or ride any vehicle in a marina except on a roadway or parking area.
- 2) In addition to subsection (1), no person shall drive, operate, or park:
- a) any heavy machinery or equipment of whatever mode of power;
 - b) any truck except for the purpose of making a delivery to a point within the limits of the marina;
 - c) any recreational vehicles commonly known as “RV”s which may provide living accommodations for persons.
35. No person shall use a roadway or parking area in a marina for:
- 1) washing, cleaning, servicing, maintaining or the repair of a vehicle or watercraft; or
 - 2) instructing, teaching, or coaching any person in the driving or operation of vehicle; or
 - 3) games or sport activities.
36. 1) No person shall park any vehicle in a parking space except while using the marina.
- 2) Notwithstanding subsection (1), no trailers may be parked in a parking space in a marina without a permit.
- 3) No person shall park a school bus in a marina except for the purpose of pick-up and drop-off, and in any event, no person shall park a school bus for that purpose for more than 30 minutes.

Speed

37. No person shall operate a motor vehicle on a roadway in excess of the posted speed limit.
38. All roadways in a marina shall have a maximum speed limit of 25 kilometres per hour for all vehicles.

PART VIII: ENFORCEMENT

39. 1) An enforcement officer or Marina Staff may order any person believed to be contravening or have contravened any provision of this By-law:
- a) to immediately desist from the activity constituting or contributing to such contravention;
 - b) to immediately remove from the marina any animal or thing owned by or in the control of such person which is involved in such contravention; or
 - c) to leave the marina immediately.
- 2) An enforcement officer or Marina Staff may order any person engaging in an activity that requires a permit under this by-law to provide the original copy of the permit for inspection.
- 3) No person shall fail to comply with the order given by an enforcement officer or Marina Staff in subsections (1) or (2).
40. Every person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine and any other penalties imposed pursuant to the *Provincial Offences Act*, R.S.O. 1990, c. P-33, as amended.

PART IX: VALIDITY

41. If a court of competent jurisdiction declares any section or part of a section of the By-law invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force.

PART X: INTERPRETATION

42. 1) Words importing the singular number or the masculine gender only include more persons, parties or things of the same kind than one, and females as well as males and the converse.
- 2) A word interpreted in the singular number has a corresponding meaning when used in the plural.

PART XI: SHORT TITLE

43. This By-law may be referred to as the “Marina By-law”.

ENACTED and PASSED this 25th day of June, 2005.

Signed by Hazel McCallion, Mayor and Crystal Greer, City Clerk

SCHEDULE A

Lakefront Promenade Marina



SCHEDULE B

Credit Village Marina

