



OAKVILLE

CONSOLIDATED VERSION to August 25, 2021– AMENDED BY BY-LAWS: 2017-050

**THE CORPORATION OF THE TOWN OF
OAKVILLE BY-LAW NUMBER 2012-007**

A by-law to establish rules and regulations for
Town of Oakville harbours.

WHEREAS the Town of Oakville harbours are defining geographical features of the Town;

WHEREAS the Town promotes safe public use and enjoyment of the harbours;

WHEREAS the Town recognizes the vital importance of maintaining a clean, natural environment in the harbours;

COUNCIL ENACTS AS FOLLOWS:

1.0 DEFINITIONS

- 1.1 For the purposes of this By-law and any related policy or procedure, the following terms shall mean:
- (a) **ABANDON:** a vessel moored or stored in the harbour or yard without payment of the applicable fees for a period of 6 months or more;
 - (b) **BOATERS:** individuals who own, operate or ride upon a vessel;
 - (c) **BOAT JACKS:** holding devices used for the purpose of storing a vessel on land;
 - (d) **CLEAN MARINE:** a partnership formed with the Ontario Marine Operator's Association to ensure that marinas are following environmentally sound practices and protecting waterways for all to enjoy;
 - (e) **COURTESY DOCK:** a dock used for loading and unloading a vessel and also for the purpose of tying a vessel on a temporary (limited time) basis;
 - (f) **COUNCIL:** the Council of the Corporation of the Town of Oakville;
 - (g) **CRADLE:** a holding device used for the purpose of storing a vessel on land;

- (h) **DEPARTMENT:** the Parks and Open Space Department of the Town of Oakville, including the Harbour Office;
- (i) **DOCK:** any courtesy, finger, Mediterranean or seawall dock;
- (j) **FEE:** the fees for harbour services and supplies as determined annually by the Department and approved by Council;
- (k) **FINGER DOCK:** a designated wooden floating dock that is used for loading and unloading a vessel and is also used for the purpose of tying a vessel;
- (l) **FULL SERVICE:** a finger dock with both water and hydro accessible for boater use whereas “non-service” is a finger dock where the permit does not include hydro;
- (m) **GOOD REPAIR:** at the discretion of the Department, includes among other things, ensuring that a vessel can safely perform its intended function, is in a structurally sound condition so as to prevent damage or deterioration, adequately maintained to present a neat appearance, and otherwise free from conditions that may cause or contribute to unsightly appearance;
- (n) **HARBOUR:** each harbour operated by the Town of Oakville including: Bronte Inner Harbour, located just off breakwaters: Lat. 43°23.55 min. North, Long. 79°42.32 min. West and Oakville Harbour, located just off breakwaters: Lat. 43°26.31 min. North, Long. 79°39.92 min. West;
- (o) **HAUL:** the act of removing a vessel from the water;
- (p) **LAUNCH:** the act of placing a vessel into the water;
- (q) **LAUNCH RAMP:** a designated ramp, operated by the Town of Oakville that is used for the purpose of hauling or launching a vessel;
- (r) **MASTER PLAN:** the applicable plan of the harbour showing the division of the harbour into docks and describing the restrictions on use, if any, which relate to the docks;
- (s) **MEDITERRANEAN OR WET DOCK:** a designated area for the purpose of tying a vessel perpendicular to a dock or shoreline;
- (t) **MOORING SLIP:** a specific and numbered finger, Mediterranean or seawall dock as issued by permit by the Department to a person and/or company who moors a vessel in the harbour;
- (u) **NAVIGABLE WATER:** the waterway used by boaters for manoeuvring a vessel within the harbour;

- (v) **POLICY OR PROCEDURE:** any policy or procedure regarding the harbours that may be adopted and amended by Council from time to time;
- (w) **STORAGE:** either winter storage or summer storage where a vessel is stored on land in a yard operated by the Town of Oakville;
- (x) **TOWN:** the Corporation of the Town of Oakville;
- (y) **TRAILER:** a device used for carrying and/or holding a vessel out of the water that may be used to transport and/or store a vessel;
- (z) **VESSEL:** a sail, power boat or any other motorized or non-motorized watercraft;
- (aa) **WAKE:** the disturbance of water left behind a moving vessel; and
- (bb) **YARD:** yards operated by the Town of Oakville including: Bronte Beach Park, located at 71 West River Street; Oakville Harbours Marina Yard, located at 2508 Lakeshore Road West; Busby Park, located on Water Street between the Lakeshore Road and Rebecca Street bridges; Shipyard Park, located at 97 Forsythe Street; Tannery Park, located at 5 Walker Street; and, Central Operations Depot located at 1140 South Service Road West.

2.0 GENERAL INFORMATION

- 2.1 The Harbour Office, located at 2508 Lakeshore Road West, is open during business hours, usually 8:00 a.m. and 4:00 p.m. on Monday through Friday excluding statutory holidays and other days that the Town's Offices are not open for business.
- 2.2 Vessel lifts at Bronte Harbour will be carried out between the hours of 8:00 a.m. and 3:00 p.m. on Monday through Friday, by appointment. Appointments and cancellations must be made in advance with the Harbour Office and may be subject to additional service fees dependent upon the service provided.
- 2.3 Launch ramps are usually open May to October; however, this is dependent upon weather conditions and water level.
- 2.4 A permit is required prior to any mooring slip allocation, launch, haul or storage provided by the Town, which may be obtained from the Department upon application and payment of the applicable fee. A permit shall only be issued when all indebtedness to the Town by the applicant has been paid.

- 2.5 Failure to abide by this By-law and/or the applicable regulations as set out in a permit issued by the Department may result in a permit being revoked.
- 2.6 All applications for harbour services must be received in the Harbour Office by the date specified by the Department. All necessary permits, registrations and insurance certificates shall be deposited with the applicable application.
- 2.7 Payments for harbour products and services shall be made at the Harbour Office in accordance with the Harbour Operations Payment Procedure.

3.0 REGULATIONS

- 3.1 All visitors enjoy the use of the Town's harbours and yards solely at their own risk and shall comply with all applicable Town by-laws as well as any federal or provincial legislation. The Town is not responsible for the loss of or damage to any vessel or items stored on vessels within the harbours.
- 3.2 Without limiting section 3.1, no person shall, in any harbour or yard:
 - (a) moor a vessel other than in accordance with this By-law and/or the terms and regulations as set out in a mooring permit;
 - (b) transfer or assign a mooring slip, unless authorized to do so by the Department;
 - (c) occupy a mooring slip prior to or following the dates specified on the permit, unless authorized to do so by the Department;
 - (d) moor a vessel in a courtesy dock for longer than the permitted time;
 - (e) launch, haul or store a vessel without a permit;
 - (f) abandon a vessel;
 - (g) fail to maintain a vessel in a state of good repair;
 - (h) drive any vehicle except upon the roadways provided;
 - (i) drive a vehicle in excess of 16 km per hour (10 miles per hour), unless otherwise posted;
 - (j) park or stand any motor vehicle upon a roadway where prohibited by signs erected or posted by the Town;

- (k) permit any dog or cat to be in any harbour or yard unless led on a leash or chain of a length not exceeding two metres (6 feet 6 inches);
- (l) permit any dog or cat to deposit any excrement in a harbour or yard unless such excrement is immediately removed and disposed of;
- (m) permit or direct any person to remove, injure, or damage in any way any tree, shrub or plant,
- (n) cause or permit excessive noise;
- (o) fail to exercise reasonable discretion in the operation of generators, engines, radios, etc. so as not to cause a nuisance to others;
- (p) cause or permit riotous or indecent conduct, use abusive or profane language, or otherwise interfere with the peaceable enjoyment of the harbours by others;
- (q) cause or permit to be discharged any trash, litter, sewage, oily bilge water, fuel or other form of pollutant;
- (r) cause or permit a carpet, line, restrainer, fixture, additional cleats, securing objects, or other equipment to be affixed to a dock, other than normal mooring lines;
- (s) ~~use a barbeque on a vessel while in any harbour or yard;~~ **(deleted by By-law 2017-050)**
- (t) connect to electrical service for any other purpose than to provide power to a vessel;
- (u) cause or permit a vessel to be connected to the electrical service, on a full-time basis, where full power has not been paid for;
- (v) swim, bathe, wash or fish except in or from those areas so designated for such purpose and during such seasons as may be designated by the Department and otherwise permitted by law;
- (w) fish, step or unstep a mast of a sailboat from any public road allowance that may pass through, above, or be adjacent to a harbour or yard;
- (x) fail to display a ticket or season pass prior to using the launch ramp; or
- (y) engage in commercial photographing, filming or video-taping without a permit issued by the Department.

- 3.3 Without limiting section 3.1, harbours and yards operating under the terms of a licencing or other agreement with the Town, shall be required to comply with the following sections of this By-law: 3.1; 3.2(h) to 3.2(q); 3.2(v); 3.2(w); 4.11; 4.12; 4.14 (as it relates to navigable water); 5.7; 6.1; 7.1 and 7.12.

4.0 MOORINGS

- 4.1 Mooring slip permits issued by the Town shall be at the sole discretion of the Department to ensure vessels are placed in the most suitable space available, according to size, shape, type of vessel and dockage layout. The master plan shall be used to verify locations and types of docks and their sizes.
- 4.2 Mooring slip applications must contain accurate vessel dimensions, including all protrusions such as bow and stern pulpits, outboard motors, swim platforms, and/or control tabs. Applicants who understate the vessel dimensions will be subject to additional fees and the vessel may be relocated or the mooring permit revoked.
- 4.3 Mooring slip applications must be submitted together with a copy of the current vessel insurance and registration. Failure to provide requested documentation will result in the mooring permit being revoked.
- 4.4 If a vessel is owned jointly, all required documentation, including but not limited to, insurance and vessel registration, must show proof of joint ownership.
- 4.5 Boaters wishing to relinquish their mooring slip shall make an application to the Harbour Office. Fees may be refunded in accordance with the Harbour Operations Payment Procedure.
- 4.6 The master plan shall determine whether a finger dock is full service or non-service, depending upon its location within the Harbour.
- 4.7 The term of a mooring slip is specified on the permit.
- 4.8 Where a vessel is moored in contravention of this By-law, or otherwise interferes with the reasonable use and enjoyment of the harbours, Department staff may direct the owner to remove and/or relocate the vessel. If the vessel owner cannot be contacted, the Department may cause the vessel to be removed and/or relocated at the owner's expense. The Town of

Oakville is not responsible for any damages incurred as a result of actions taken to remove and store the vessel.

- 4.9 Where a vessel is removed and stored by the Department, notice shall be delivered in person to the owner or sent by registered mail advising the owner of the removal and storage, the amount payable to release the vessel and the date for sale by public auction or disposition if unclaimed. Where the vessel owner cannot be determined, the Department shall post notice at the Harbour Office advising of the removal and storage, the amount payable to release the vessel and the date for sale by public auction or disposition if unclaimed.
- 4.10 Pursuant to section 23.2 of the *Municipal Act, 2001*, Council hereby delegates to the Director of the Parks and Open Space Department (or such other successor position as Council may designate), or his/her designate, the power to sell or otherwise dispose of any abandoned vessel and/or trailer in the harbour or yard in accordance with the provisions of the *Repair and Storages Lien Act*, as may be amended or replaced.
- 4.11 All recreational vessels moored in the harbour must carry public liability and property damage insurance of at least the amount of two million dollars (\$2,000,000.00). The insurance must be in force for the full length of the mooring slip and/or storage period.
- 4.12 All commercial vessels, including but not limited to charters, guides and tours that are moored in the harbour must carry public liability and property damage insurance of at least the amount of five million dollars (\$5,000,000.00). The insurance must be in force for the full length of the mooring slip and/or storage period.
- 4.13 Mooring decals, as issued by the Department, must be displayed to ensure that they are clearly visible from shore. All registered vessels must display the up-to-date Federal license number or registered name.
- 4.14 Small inflatable vessels and/or other such auxiliary watercraft, including but not limited to canoes, jet skis and kayaks, must be tied up in a way that does not hinder the travel of other vessels and must not protrude into any navigable water, nor be tied up in such a way that causes the boater's vessel to protrude into any navigable water. Auxiliary vessels will be subject to additional fees.
- 4.15 Fenders should be hung and in a physical state so as not to cause any damage to neighbouring vessels.



- 4.16 The Harbour Office must be notified if a mooring is going to be left open for a period of three (3) or more days. The Department has the right and may, on a temporary basis, assign a vacant mooring.
- 4.17 Boaters wishing to stay on board their vessel for three (3) nights, or longer, must notify the Harbour Office.
- 4.18 The Harbour Office must be notified if a permit holder changes or transfers vessels during the season, in accordance with the Harbour Operations Change or Transfer of Vessel Procedure.
- 4.19 Unless all owners of a vessel are Oakville residents, the out-of-town rate for moorings will apply.
- 4.20 Permit holders using shore power outlets must be familiar with C.S.A. Standard C-22, No. 1831-M19A2.AC, Electrical Installations on vessels, and in particular Section 4.6 (Shore Power Supply) and 5.3 (Shore Power Inlet Warning). The Department may disconnect any unauthorized electrical service connection.

5.0 LAUNCH, HAUL AND STORAGE

- 5.1 Use of the launch ramp is by pass only by purchasing a daily ticket, prior to use, from the on-site machine at a fee in accordance with the current fee schedule or, a season pass (from the Harbours Office) in such form as the Director may designate and shall pay such a fee as may be payable in accordance with the current fee schedule.
- 5.2 Boaters must use extreme care when backing their vehicle with trailer into the launch ramp so as not to endanger any person or cause any damage to the ramp or any other vehicle or equipment.
- 5.3 Failure to remove a vessel from either winter storage, or the yard, within one week of the launch date as set by the Department may result in the Town moving the vessel to a storage area for which the applicable storage fee will apply together with moving expenses and administration fees in accordance with the Harbours Operations Payment Procedure.
- 5.4 Owners (or authorized stand-ins) must be present during the launch of their vessel. The Harbours office must be contacted in the event that an owner is unable to attend. Any vessel remaining in the Oakville Harbour yard, due to

failure to attend the launch, will be transported to the Bronte Marina yard at the owner's expense.

- 5.5 Only persons authorized by the Department are permitted to be on board during the mast stepping and unstepping procedures and must adhere to any requested safety measures. All other persons must be outside the delineated work site.
- 5.6 Electrical power can only be used on vessels in storage while someone is present on the vessel. Power cords are not to be left connected overnight or when the vessel is unattended while in storage.
- 5.7 Only non-toxic antifreeze may be used for winter storage.
- 5.8 Propane and other fuel heaters are not permitted to be used on vessels in storage.
- 5.9 Cradles, boat jacks and trailers used for winter storage will be stored for the summer by the Department for the applicable storage fee, unless otherwise specified. Any boater who does not wish summer storage, must advise the Department prior to launching of the vessel and the cradle or trailer must be removed from the yard within two (2) days of the launch being completed. Failure to remove the cradle or trailer will result in applicable summer storage fees.
- 5.10 Masts may not be stored on deck, unless by authorization of the Department.

6.0 OPERATION OF VESSELS

- 6.1 Vessels shall not travel in excess of 9 kilometres per hour (5 knots) within the harbour and there shall be no wake.
- 6.2 Mooring lines must be of appropriate size, as specified by the Department, and be attached to the ring on the stern anchor tire by means of a shackle and thimble. Under no circumstances are stern lines to be attached to the shackle that fastens the anchor tire to the ring. No mooring lines may be strung across the finger docks.
- 6.3 Pump out services are offered in the Oakville Harbour only during designated time periods, as posted.



- 6.4 Boaters are permitted to use the courtesy docks in order to tie up their vessel for a limited time period as posted while parking their vehicle and returning to the launch ramp area. Any vessel that is tied at a courtesy dock for longer than the permitted time shall be removed, without notice, by the Department at the boater's expense.

7.0 CARE OF THE HARBOURS

- 7.1 Boaters must observe the Clean Marine Program initiatives, as may be revised from time to time.
- 7.2 No person other than Department staff shall perform any landscaping or maintenance work within the harbours and yards without the prior written authorization from the Department. Without limiting the generality of the foregoing, no person shall alter or make any walkway, cut any sod, change any dock, move or cause to move any sign, or change or tamper in any way with the landscaping or fixtures of the yard. Any such unauthorized work requiring restoration shall be at the expense of the person responsible.
- 7.3 Department staff may board a vessel in a mooring slip and may relocate it, without notice to a permit holder, where the delay necessary to give notice of the entry would result in an immediate danger to the health or safety of any person or property, or to maintain mooring devices to ensure the safe and efficient operation of the harbours. If applicable, vessel owners will be responsible for any charges, including staff, contractors, equipment and materials.
- 7.4 Water is available at specific mooring locations from approximately early May to late October. Water is for washing vessels, finger docks and should not be used for drinking.
- 7.5 Boaters must ensure all refuse is placed into proper waste and recycling receptacles. Waste oil collection and exhausted battery disposal facilities are available in Bronte Harbour and all items must be disposed in suitable containers and placed in the yard at the designated area during office hours. Boaters may also use the Halton Waste Management Site.
- 7.6 Boaters who shrink-wrap their vessel must notify the Harbour Office and pay the applicable fee for the removal and disposal of the material. Only contractors approved by the Department are permitted to install shrink-wrap materials. Shrink-wrap must be white in colour. Boaters who fail to clean and

remove contaminants to prepare shrink-wrap for disposal will be subject to applicable fees.

- 7.7 Boaters who wish to do extensive exterior maintenance on a vessel must inform the Harbour Office, prior to beginning the work. Vessels will be placed in an area designated for such work and owners will be subject to any applicable relocation fees. All work shall be in accordance with the Oakville Harbours environmental guidelines for hull/bottom cleaning, maintenance and repairs. Temporary vessel enclosures, other than winter covers, must be approved by the Department.
- 7.8 All extensive exterior scraping and sanding must be done while the vessel is on land, over a drop cloth and all collected dust must be disposed as hazardous waste.
- 7.9 All ladders and any other apparatus used to gain access to vessels while in storage are to be securely locked, in a down position, to the cradle/trailer. Any loose ladders and apparatus will be removed by the Department and discarded.
- 7.10 Steps placed to assist boarding must not obstruct passage along the dock and must be securely fastened to the deck and limited to a maximum width of 18".
- 7.11 Laundry is not to be hung out on piers, docks or other structures in the harbours.
- 7.12 Fish carcasses and scraps must not be thrown into the harbour. Boaters are responsible for recycling or disposing of any fishing related refuse at the Halton Waste Management Site.

8.0 REGULATIONS FOR CONTRACTORS

- 8.1 All contractors performing work on any vessel located in a harbour or yard operated by the Town are required to:
 - (a) produce evidence of public liability and property damage insurance in an amount not less than two million dollars (\$2,000,000.00);
 - (b) produce evidence of good standing with the Workplace Safety and Insurance Board;

- (c) comply with the requirements of the *Occupational Health and Safety Act*;
 - (d) prevent damage to vessels, yards, boardwalks, walkways, turf, shrubs, trees, flowerbeds, or any other article or feature in the harbour, and reimburse the Department for any damage;
 - (e) remove all implements, equipment and rubbish from the harbour or yard at the conclusion of the work or at the end of each work day, unless prior permission to leave materials and equipment has been obtained from the Department;
 - (f) secure the work site when left unattended;
 - (g) wear appropriate attire, including any protective equipment; and
 - (h) cease work if directed to do so by the Department.
- 8.2 All commercial vessel operators must register with the Harbour Office and obtain the requisite licences and permits for operation.

9.0 CONTRAVENTION OF BY-LAW

- 9.1 Every person who contravenes any of the provisions of this By-law is guilty of an offence and pursuant to section 429(2)(a) of the *Municipal Act, 2001*, S.O. 2001, c. 25, all contraventions of this by-law are designated as continuing offences.
- 9.2 Every person who is convicted of an offence is liable to a maximum fine of \$25,000 for a first offence and a maximum fine of \$50,000 for a subsequent offence.
- 9.3 In addition to the fine amounts set out in subsection 9.2, for each day or part of a day that an offence continues, the maximum fine shall be \$1,000.

10.0 MISCELLANEOUS

- 10.1 Department staff and all municipal law enforcement officers employed by the Town are empowered to ensure compliance with this by-law.
- 10.2 In the event that any provision or part of this By-Law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-Law

and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

10.3 This By-Law may be cited as the “Harbours By-law”.

PASSED this 5th day of March, 2012

Rob Burton

MAYOR

Cathie L. Best

CLERK