

THE CORPORATION OF THE TOWNSHIP OF CARLING
BY-LAW 2013-21

Being a By-law to Regulate Public Parks and Public
Water Access Facilities in the Township of Carling

WHEREAS the Municipal Act, 2001, S.O. 2001, Chapter 25 as amended provides that a single-tier municipality may pass by-laws respecting matters within the spheres of jurisdiction of highways, including parking and traffic on highways, transportation systems other than highways, culture, parks, recreation and heritage and parking, except on highways;

AND WHEREAS the Council of the Corporation of the Township of Carling deems it necessary and expedient to pass a by-law to regulate the use of Public Parks and Public Water Access Facilities;

NOW THEREFORE the Council of the Corporation of the Township of Carling enacts as a By-law of the Corporation as follows:

1) DEFINITIONS

- a) "Public Parks" for the purpose of this by-law includes all such facilities as arenas, ice rinks, land, buildings, beach and waterfront areas, docks, wharves, and equipment owned, leased or operated under the auspices of the Township of Carling;
- b) "Township" means the Corporation of the Township of Carling;
- c) "Resident" means any person who resides in or owns property in the Township;
- d) "Water Access Facility" means an area designated by Carling Township where access to a body of water is provided and maintained by the Township and at which a limited number of parking spaces are available on a first come first served basis;
- e) "Designated Areas" are those that are to be used for a given activity indicated by both permissive and restrictive signage;
- f) "Float Plane" means any aircraft equipped for take off and landing on water.
- g) "Guest" means a person who is temporarily residing at the dwelling of a resident of the Township.
- h) "Municipal Permit" means a card issued to a resident by the Township to authorize the use of Public Water Access Facilities.
- i) "Tenant" means a person to whom a landlord grants temporary and exclusive use of a dwelling in exchange for rent. For this purpose of this by-law "tenant" does not include a person who rents a dwelling for short period of time for vacation or similar purposes.
- j) "Trailer" means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn.

2) ALCOHOL

- a) No person shall consume or sell alcohol in a Public Park or Water Access Facility except under the authority of a Special Occasion Permit.

3) ANIMALS

- a) Any person within a Public Park or Water Access Facility who owns, harbours, possesses, or who has the care and control of an

animal, shall keep the said animal appropriately tethered and shall prevent the animal from defecating in a Public Park or Water Access Facility, or shall clean up such defecation.

4) FIRE

- a) No person shall light or maintain a fire in a Public Park or Water Access Facility without written permission from the Township.
- b) No person shall conduct a fireworks demonstration at a Public Park or Water Access Facility without obtaining prior written consent from the Township.

5) ICE RINKS

- a) No person shall place or throw upon any ice rink in a Public Park, any object which is likely to cause injury to a user thereof or damage to the ice rink or which could in any manner interfere with the use of said rink.

6) BOATS AND PERSONAL WATERCRAFT

- a) No person shall operate any boat or personal watercraft within 20 metres of a shoreline that abuts a swimming area in a Public Park or Water Access Facility except for temporarily pulling up on shore while using the facility.
- b) No person shall dock any boat at a Public Park or Water Access Facility except in accordance with the regulations set out in this By-law.
- c) No person shall use the Township docks at the Water Access Facilities for the stopping, standing or parking of float planes including the loading or unloading of cargo or persons.

7) GAMES

- a) No person within a Public Park or Water Access Facility shall engage in any game or activity that is dangerous, or is likely to cause injury or damage to persons or property, including but not limited to, activities where a hard object, such as a dart, stone, golf ball, puck, missile, or shot is projected through the air, save and except as permitted herein.

8) VEHICLES

- a) No person shall park any vehicle, trailer, boat, or otherwise, in any Public Park or Water Access Facility, except in accordance with this By-law.
- b) No person shall operate any motorized vehicle, whether licensed or unlicensed in a Public Park or Water Access Facility, save and except in designated areas.
- c) No person shall park a vehicle such that their vehicle reduces the flow of traffic to a width less than 20 feet.
- d) No person shall park any vehicle at a Public Park or Water Access Facility except in accordance with the regulations set out in this By-law.

9) CAMPING

- a) No person shall camp in any Public Park or Water Access Facility.

10) HOURS OF OPERATION

- a) Except as otherwise noted in any schedule to this By-law the hours of operation for Public Parks shall be 8:00 a.m. to 10:00 p.m.

11) PROTECTION OF PROPERTY

No person within a Public Park or Water Access Facility shall:

- a) climb, break, injure, deface, or remove any structure, equipment, tree, plant, or building. Climbing is permissible only on equipment designated and constructed for that purpose;

- b) disturb, molest, attempt to kill, or kill any bird or animal, or remove or injure any bird's nest or eggs;
 - c) enter any place where a sign prohibiting admittance or trespassing is displayed;
 - d) indulge in any riotous, boisterous, threatening or indecent conduct, or any abusive, threatening or profane language;
 - e) create a nuisance by loitering, spying, accosting, frightening, annoying, or in any way interfering with any other person;
 - f) drop or leave at any place in any Public Park, any refuse, paper, bottles, cans, or rubbish of any nature or kind, except in receptacles provided for that purpose;
 - g) throw into the water within or abutting a Public Park, any foreign object that is likely to injure any person or pollute the water.
- 12) OTHER
- a) Council may from time to time enact such site specific regulations as may be required and said regulations shall be attached as a Schedule to this By-law.
 - b) Nothing in this By-law shall be interpreted so as to prevent any person from docking a boat in the event of an emergency.
- 13) SITE SPECIFIC REGULATIONS
- a) Council hereby adopts regulations for the use of Public Parks and Water Access Facilities and ancillary facilities attached hereto as:
 - i) Schedule 1 Dillon Dock;
 - ii) Schedule 2 Snug Harbour;
 - iii) Schedule 3 Fitzgerald Bay;
 - iv) Schedule 4 Pengally Bay;
 - v) Schedule 5 Blind Bay ;
 - vi) Schedule 6 Sawdust Bay;
 - vii) Schedule 7 Shebeshekong Lake Beach.
- 14) USE RESTRICTION
- a) Restrictions to use of a Public Park or Water Access Facility may be created through specific site regulation.
 - b) Where the use of a Water Access Facility is restricted, users of the Facility must display a valid Permit on the sun visor, or rear-view mirror of their vehicle in such a way that the Permit is clearly visible.
 - c) The policy for issuance of Permits shall be as set out in Schedule "B" to this By-law.
- 15) PENALTY
- a) Every person who contravenes any of the provisions of this By-law is guilty of an offence, and on conviction, is liable to a fine not exceeding the maximum provided under the Provincial Offences Act, exclusive of costs, and every such fine shall be recoverable under the Provincial Offences Act.
 - b) Contravention of this By-law may result in removal of the vehicle, boat or float plane to a safe location by persons designated by the Municipality. The costs of removal are the responsibility of the vehicle or boat owner.
 - c) In addition to the foregoing penalties, any boat or personal watercraft docked or parked at a Water Access Facility in contravention of this By-law may be restrained and immobilized by an employee or agent of the Township until such time as the owner or operator of the boat, personal watercraft or float plane identifies himself/herself to the employee or agent of the Township..
 - d) Any costs and expenses for services provided by or on behalf of the Municipality, or for which the Municipality is liable in endeavoring to remove a vehicle or boat to a safe location or in restraining or immobilizing a vehicle, boat or float plane, caused by or resulting from a person contravening or failing to comply with

any provision of this By-law shall be a service charge pursuant to Section 390(1) of the Municipal Act and shall constitute a debt of such person to the municipality. Service charges pursuant to this By-law shall be as set out in Schedule "A" to this By-law.

- e) Any service charge imposed pursuant to this By-law shall be payable within fifteen (15) days after the Municipality has delivered or sent by prepaid registered post an invoice to the person responsible, and interest shall accrue and be added to the amount at the rate established in Schedule "A" to this By-law, commencing on the 16th day following the delivery or sending of the invoice.

16) BY-LAWS REPEALED

- a) By-law 2013-03 as amended being a By-law to Regulate Public Parks and Public Water Access Facilities in the Township of Carling is hereby repealed.

READ and FINALLY PASSED IN OPEN COUNCIL this 10th day of June, 2013.

The CORPORATION OF THE TOWNSHIP OF CARLING

Gord Harrison, Mayor

Stephen P. Kaegi, CAO/Clerk

SCHEDULE "A" – By-law 2013-21
Regulates Public Parks and Water Access Facilities

1. Service Charge

Pursuant to Section 15(d) of this By-law, Service Charges shall be as follows:

\$150.00 for each person attending to remove a vehicle or boat to a safe location or in restraining or immobilizing a vehicle or boat, for the first hour or part thereof;

\$75.00 for each person attending to remove a vehicle or boat to a safe location or in restraining or immobilizing a vehicle or boat, for every additional half hour or part thereof;

2. Rate of Interest

Pursuant to Section 16(e) of this By-law, the rate of 1.25% per month shall be used to calculate interest on unpaid service charges.

SCHEDULE "B" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
ISSUANCE OF PERMIT POLICY

The policy for distribution of Permits for water access facilities will be as follows:

1. Number of Permits to be issued
 - d) Municipal Permits will be issued to residents of water access properties as follows:
 - Two Permits per dwelling unit.
 - One Permit per dwelling unit for use of a Guest.
 - No Permit will be issued for sleeping cabins.
 - d) Municipal Permits will be issued to residents of road access or land locked properties as follows:
 - Two Permit per dwelling unit.
 - One Permit will be issued for use of a Guest.
 - No Permit will be issued for sleeping cabins.
 - c) Municipal Permits will be issued to all vacant lots as follows:
 - Three Permits per vacant lot
 - d) Temporary Contractor Municipal Permits may be issued to contractors performing work on water only access properties.
One permit per contractor per water only access property
 - d) Temporary Municipal Permits may be issued to residents of water only access properties and are restricted to the designated area at the lot on the west side Remy Bay Rd., North of Snug Harbour Rd. and south of West Wind Trail as follows
2. Time and Date Validation
 - a) Municipal Permits will be numbered, will be valid for a period of one year from the date of issue, and will be stamped with an expiry date.
3. Voiding of Permits
 - a) Where a Municipal Permit is voided, a record of the number of the voided pass will be forwarded to the By-law Enforcement Department.
 - b) Municipal Permits will be voided in the following circumstances:
 - 1) when a Permit is lost or forgotten;
 - 2) When the ownership of a property changes;
 - 3) When the Township is notified that a tenant no longer occupies a dwelling.
4. Person to Whom the Permit is Issued
 - a) Municipal Permits will be issued to:
 - A resident of the Township,
 - A tenant of a dwelling, where the tenant provides confirmation from the owner of the dwelling that the person is a tenant of the property. It is the responsibility of the landlord to notify the Township when the tenant no longer occupies the dwelling.

- b) Temporary Contractor Municipal Permit will be issued to:
- A resident of Water Access Only properties, to be used by their contractor for use at the Public Water Access Facility. The special permit will be valid from 7:00 AM until 9:00 PM. Monday to Friday. The permit will not be valid outside of these times or on weekends or holidays.
- c) Temporary Municipal Permits will be issued to:
- A Carling Township resident of water only access property.
 - A tenant of a dwelling, where the tenant provides confirmation from the owner of the dwelling that the person is a tenant

SCHEDULE "1" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
REGULATIONS
DILLON DOCK WATER ACCESS FACILITY

1. DOCKING

- 1) No docking is permitted except:
 - a. For a maximum one half hour tie-up period in the designated area.
 - i. The designated area is the west portion of the east dock *and the first sixteen feet of the east portion of the west dock.*
 - b. Between the hours of 7:00 a.m. and 10:00 p.m. in the designated area.
 - i. The designated area is the west side of the west dock and the east of the east dock.

2. PARKING

- 1) No parking is permitted except in designated areas.

The designated areas are

 - a. perpendicular to the roadway on the west side starting opposite Parker Lane and ending at the entrance way to 259 Dillon Road, being Part of Lot 40, Concession 6, Parcel 23219 s/s, Plan 42R-8445 Part 12; and
 - b. between the Dillon Cove Marina boat sheds and the water on the east side of the roadway toward the dock.
- 2) The use of parking areas is restricted to residents of Carling Township with a permit.
- 3) Parking of detached trailers in the designated area is prohibited.

SCHEDULE "2" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
REGULATIONS
SNUG HARBOUR WATER ACCESS FACILITY

DOCKING

- 1) No docking is permitted except:
 - a. between the hours of 7:00 a.m. and 10:00 p.m. in the designated areas.

The designated area being all of the dock except the north side next to the shoreline and the west end of the main dock

- b. For a maximum one half hour tie-up in the designated area.

The designated area is all of the west end of the finger dock

PARKING

- 1) No parking is permitted except in designated areas.
 - a. The designated areas are two lots on the east side of Snug Harbour Road southeast of Remy's Bay Road.
 - b. The designated area is the lot on the west side Remy Bay Rd., north of Snug Harbour Rd. and south of West Wind Trail.
- 2) The use of westerly parking lot (closer to dock) is restricted to Carling Township residents with a permit.
- 3) Parking of detached trailers in the designated areas is prohibited.

SCHEDULE "3" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
REGULATIONS
FITZGERALD BAY BEACH

1) HOURS OF OPERATION

- a. 8:00 am to 10:00 pm

2) PARKING

- a. No parking except during hours of operation and in the designated area.

The designated area is east of the change-house/washroom facility.

- b. Use of the parking area is restricted to Carling Township residents with a permit.

3) USE RESTRICTIONS

- a. Use of the site is restricted to Carling Township residents.
- b. Launching of motorized or non-motorized vessels/boats is prohibited

SCHEDULE "4" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
REGULATIONS
PENGALLY BAY WATER ACCESS FACILITY

1. **DOCKING** No docking is permitted except:
 - a. for a maximum one half hour tie-up period in the designated area.
The designated area is the east side of the dock.
 - b. between the hours of 7:00 a.m. and 10:00 p.m. in the designated area.
The designated area is the west side of the dock.

2. **BOATS ON SHORELINE**

No tying up of boats on the adjacent shore is permitted.

3. **PARKING**

- 1) No parking is permitted except in designated areas.
The designated areas are:
 - a. the parking lot at the northeast corner of Conservation Drive and William Mackenzie Drive; and
 - b. along both sides of William Mackenzie Drive in an area starting near the west side of Conservation Dr. and ending at Partridge Bay Dr.
- 2)
 - a. parking of detached trailers in the designated area is prohibited
 - b. use of parking areas is restricted to Carling Township residents with a permit.

SCHEDULE "5" – By-law 2013-21
Regulates Public Parks and Water Access
REGULATIONS
BLIND BAY WATER ACCESS FACILITY

1. DOCKING

No docking is permitted except for a maximum one half hour tie-up period

2. BOATS ON SHORELINE

Tying up of Boats on Shoreline

- a. no tying up of boats on the adjacent shore is permitted except in designated areas.
- b. the designated areas are 100 feet of shoreline on either side of the dock/launch area.

3. PARKING

- 1) No parking is permitted except in designated areas.

The designated areas are:

- a. perpendicular to the roadway from Blind Bay Road toward the dock stopping at the telephone pole; and
 - b. in an upper parking area west of Blind Bay Road immediately past the road toward dock.
- 2) The use of parking areas is restricted to Carling Township residents with a permit.
 - 3) Parking of detached trailers in the designated area is prohibited.

SCHEDULE "6" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
REGULATIONS
SAWDUST BAY BOAT LAUNCH

1. PARKING

- a. Parking of vehicles and or attached trailers in designated areas only.
- b. parking of detached trailers is prohibited
- c. the use of parking areas is restricted to residents of Carling Township with a permit visibly displayed on the sun visor or rear view mirror.

2. DOCKING

No docking is permitted except:

- a) for a maximum one half hour tie-up period in the designated area.
 - i. The designated area is the east side of the dock.

- b) Between the hours of 7:00 a.m. and 10:00 p.m. in the designated area.
 - ii. The designated area is the west side of the dock

SCHEDULE "7" – By-law 2013-21
Regulates Public Parks and Water Access Facilities
REGULATIONS
SHEBESHEKONG LAKE BEACH

1. **PARKING**

No parking is permitted except in designated areas.

The designated areas are:

- a. perpendicular to the roadway on the southwest corner of Shebeshekong Est. Rd. South and Shebeshekong Est. Rd.
- b. commencing 10 feet from the west end of the washroom facility to within 20 feet from the shoreline of Shebeshekong Lake.
- c. the last parking space nearest to Lake Shebeshekong be designated as a handicap parking area.
- d. the use of the parking area under clause b) and c) is restricted to Carling Township residents with a permit.
- e. parking of detached trailers in the designated area is prohibited.