

Public Docking Policy



Section	Date	By-Law Number	Page	Of
Operations & Infrastructure	January 18, 2010	9-2010	1	5
Subsection	Repeals By-Law Number	Policy Number		
Facilities	57-2009	OI-6-1		

Purpose

To provide a policy for the offering of public boat docking within the municipality at a variety of locations on a seasonal basis for a fee as well as for free daily docking, and for the monitoring and enforcement of such docking.

Policy

It is the objective of the municipality to provide the following:

- a) Municipally-wide public boat docking, without being in competition with local business providing the same service;
- b) To ensure a fair process in offering public boat docking on a first-come, first-served seasonal basis, yet having regard to past and long-term users;
- c) To provide public boat docking and in some cases, with vehicular parking in certain areas for public convenience.
- d) To provide free daily public boat docking at certain locations as a courtesy to residents and visitors to our area.

1. Definitions

Abandoned – means a boat which is parked in contravention of this policy for a period in excess of 48 hours.

Boat – means any vessel which floats on the surface of the water and is capable of carrying people or material whether motorized or not and includes but is not limited to pleasure craft, scows, personal water craft, canoes, row boats, pontoon boats, float planes when on water or land and boats used in commercial operations.

Public Docking Policy

Policy Number	Page	Of
OI-6-1	2	5

By-law Enforcement Officer means a person(s) employed by the City of Kenora for the purpose of enforcing Municipal By-Laws.

Coordinator means the City of Kenora Facilities Coordinator.

Municipal Dock means any structure located on lands owned or under the control of the municipality and used as a dock, wharf, pier together with all adjacent and underlying lands related thereto.

Municipality means the Corporation of the City of Kenora.

Nuisance means the parking, placing, storing, or abandoning of boats or materials in contravention of this by-law in a location or manner which interferes with the use of a municipal dock by the general public.

Owner means an individual or corporation who owns a boat or the person operating or having care and control of a boat at any particular time.

Overnight means being docked in a docking slip between the hours of 2:00 a.m. and 6:00 a.m.

Park means securing a boat in any way to a municipal dock whether it is attended by persons or not and shall include removing a boat from the water and placing it on lands owned or under the control of the municipality.

Seasonal Docking means the period from May 1 to October 31 in each calendar year.

2. Docking – General

A. Returning patrons from the previous year(s) who have rented a seasonal dock space will be given first right of refusal by the municipality for the next docking season if the patrons confirm their request and pay the municipality for the seasonal space on or before April 15 in each calendar year (or the next business day should April 15 fall on a weekend or Statutory Holiday). Failure to do so by April 15, the municipality reserves the right to offer the spaces and any other available spaces to the general public by way of advertising. Such spaces will be made available on a first come, first served basis.

Public Docking Policy

Policy Number	Page	Of
OI-6-1	3	5

B. No person shall park a boat at any municipal dock except as permitted by this policy.

No person shall store materials on a municipal dock except on a temporary basis prior to loading/unloading a boat provided it is not continuous, not longer than one (1) hour.

3. Fees

Fees for all docking under the control of the municipality for purposes of this policy are established under the municipality's Tariff of Fees & Charges By-law, and payment of such fee is a condition of permission to use the docking space.

4. Docking - Facilities

The following seasonal docking facilities are available for rent by the municipality:

- Harbourfront Dock "C"
- Water Street Wharf
- Coney Island North
- Keewatin Arena

The following facilities are available for free daily docking by the municipality:

- Harbourfront Docks "A" and "B"
- Main Street Wharf (excluding Pier Head)
- Matheson Street -
- Norman Pumphouse Dock
- Seventh Street Docks (pick up/drop off only)
- Coney Island (west side at beach)
- Anicinabe Park (no parking between 11 p.m. and 6 a.m.)

Where free daily docking is made available, there shall be no overnight parking at any of these locations.

5. Docking - Permits

The municipality shall provide a docking permit, and if and where required, a vehicular parking permit, upon payment of a seasonal docking space.

No person shall park a boat in a seasonally designated area unless they have paid for and obtained a permit for such purpose at such location.

A permit is only valid for the boat bearing the registration number on the permit or for the boat described on the permit.

Public Docking Policy

Policy Number	Page	Of
OI-6-1	4	5

Possession of a valid permit entitles the holder to park for twenty-four (24) hours per day at the specific location indicated on the permit.

6. Restrictions

Houseboats, commercial vessels and recreational boats exceeding twenty-four (24) feet are prohibited from utilizing the municipality's docking facilities identified in this policy.

For docking spaces on the north side of Coney Island, only those owners of interior properties are eligible to rent at Coney Island, and only one (1) docking space per 'occupied' interior lot will be permitted.

After April 15 in a calendar year for those docks not rented, they shall be made publicly available for rent. See Section 3 of this policy regarding this regulation.

Municipal docks located on the west side of Coney Island (at the beach) are to remain open as public daily docking at no charge and are not to be monopolized by Coney Island property owners.

No person shall park a boat at any time in a location which would impede or interfere with the use of a launching ramp.

A boat shall only park at a seasonal designated docking space for the period May 1 to October 31 in a calendar year.

7. Vehicular Parking – Designated Areas

The Lakeview Drive Parking lot is the designated vehicular parking area that accompanies the rental of a seasonal docking space at Dock "C" on the Harbourfront. Should parking at this location be unavailable to patrons, arrangements will be made by the municipality for a parking space at the McClellan Avenue Parking lot adjacent to City Hall, or any other parking area approved by the municipality for this purpose.

8. Enforcement

The Coordinator, as well as the Municipal By-law Enforcement Officers are hereby authorized and empowered to enforce this policy on behalf of the municipality, and if and where required, the Kenora OPP.

Public Docking Policy

Policy Number	Page	Of
OI-6-1	5	5

The owner of a boat or the person operating or having care and control of a boat is liable for compliance with the provisions of this policy.

When a boat is parked in contravention of a provision of this policy, the municipality shall make reasonable efforts to determine the owner or operator of the boat and if it can be determined, may direct that person to move or remove the boat. No person shall fail to comply with the directions given.

The municipality reserves the right to tow any boat, at the owner's expense, that is not authorized to be docked in a certain docking space.

A nuisance as defined by this policy is deemed to be a public nuisance within the meaning of Section 128 of the Municipal Act, 2001, as amended.

9. Policy Review

This policy shall be reviewed as required by the Operations/Facilities Department, but in any case, no later than five years following the date of adoption.

10. Effective Date

This policy shall take effect and come into force upon third and final reading of the applicable by-law.