

CORPORATION OF THE TOWN OF GANANOQUE

BYLAW NO. 2013-021

BEING A BY-LAW TO ESTABLISH A
COMMERCIAL BOATS AT THE TOWN'S MARINA POLICY.

WHEREAS by Section 5 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

AND WHEREAS Subsection 2 of Section 11 of the Municipal Act, 2001, S.O. 2001, c. 25, the powers of every Council are to be exercised by Bylaw; and

AND WHEREAS the Municipal Act, S.O. 2011, c. 25, section 8 (1) provides in part that the powers of a municipality under the Municipal Act shall be interpreted to enable the municipality to govern its affairs as it considers appropriate.

NOW THEREFORE the Council of the Corporation of the Town of Gananoque hereby enact as follows;

1. That the Commercial Boat Policy attached hereto as Schedule 'A' and forming part of this by-law is hereby adopted.
2. That this by-law come into force and effect on the date of passing.

READ THREE TIMES AND FINALLY PASSED this 02nd day of April, 2013.



Mayor, Erika Demchuk



Clerk, Bonnie Dingwall

COMMERCIAL BOAT POLICY

- 1.0 Commercial vessels shall be defined as vessels that are actively used for chartered fishing, scuba diving business, sailing schools or sightseeing trip services in exchange for any consideration, including money, goods or services. The vessels must be registered, identified, marked, equipped, and operated and maintained as required by law and standard practice and subject to periodic inspection by the Marina Manager to determine the maintenance of proper safety conditions.
- 2.0 Commercial vessels are required to have \$2 million in liability insurance and a certificate of insurance from the insuring agent must be submitted to the Marina upon acceptance of the application.
- 3.0 Commercial vessels shall comply with the Canadian Small Vessel Regulations (SOR/2010-91).
- 4.0 Commercial boats shall be permitted along the PUC Dock. Upon acceptance of the Commercial Boat Application, an area of the PUC Dock will be designated for a period of one season. The commercial boats will be required to reapply each year.
- 5.0 Commercial vessels must apply for a commercial slip no later than the designated timeline provided on the application. The application must include the business name, contact information, description of business, length of vessel, draft and other details as per the application.
 - 5.1 Applicant shall have no outstanding debts owed to the Town or outstanding excise taxes owed on the vessel.
 - 5.2 Priority will be given to local businesses.
- 6.0 Each business will be permitted to have a portable sign – “A” Frames/Sandwich Board as per the Sign and Merchandise Display By-Law in the designated location as approved by the Town. The business shall submit an application for sign permit.
- 7.0 Hours of operation shall be limited to the hours between 6:00 am and 10:00 pm
- 8.0 Dockage rates shall be based upon the seasonal, serviced rates plus an additional \$100 and subject to all other fees such as parking and pump out services. Additional fees for waste removal will apply.
- 9.0 The tenant agrees to pay in advance the full amount of the slip.
- 10.0 If the tenant fails to take possession of the designated dock space to open for business on or before the first day of May, the Town shall, in addition to any other remedies, have the right to terminate the agreement upon 24 hours written notice to the commercial vessel.

- 11.0 The tenant shall not assign or sublet the designated dock space for any other business or vessel without the consent of the Marina Manager. Any consent granted shall be conditional upon the assignee or sub agreement executing a written agreement directly with the Town.
- 12.0 The designated dock space shall not be used for any purpose other than the approved business services as per the application. The designated dock space shall be actively used for the approved business services as per the application.
- 13.0 The tenant will be subject to all other Rules and Regulations with the exception of 5.0.
- 14.0 The Marina will not act as a contact number for the businesses.

GANAOQUE MUNICIPAL MARINA

RULES & REGULATIONS

TOWN: Means and includes The Corporation of the Town of Gananoque plus any officer, employee, servant or agent of the Town, Person or Company engaged by the Town.

MARINA: Means and includes the area encompassed by the outer limits of the Federal Harbour, the high water line along the shore and any water line together with all buildings, structures, grounds, appurtenances, parking areas, equipment and vehicles of the Town and under the Town's jurisdiction located therein or within such limits.

TENANT: Means and includes the owner of a vessel or PWC within the Marina or any person who is otherwise using the Marina.

It is understood and agreed that:

1. The seasonal Tenant will notify the Marina front desk staff when he/she is leaving his/her boat slip for an extended period of time in excess of twenty four (24) continuous hours. The Town reserves the right to rent the boat slip, provided under this agreement, when vacant. Should a seasonal Tenant return to his/ her slip prior to the time specified to staff, alternate dockage will be provided. For every three nights of usage, the Tenant will receive a free pump out for his/ her vessel.
2. Tenants must maintain their own vessel insurance while the vessel is in the Marina. A copy of your insurance policy must be with your signed contract.
3. Within the confines of the Marina, boats must be operated at a NO WAKE speed. This rule will be strictly monitored and enforced.
4. Island residents who are seasonal will not leave garbage from their island property at the Marina. Slip renters, who continually violate this policy, may lose their docking privileges.
5. No advertising or soliciting of any nature and no business activity connected with boats and /or boating including the boat brokerage business and activities associated with such business, will be conducted within the Marina unless otherwise authorized in writing by the Town.
6. Vessel repair and maintenance may be performed only in accordance with the policy of the Town. Copies of this policy are available at the Marina Office.
7. Tenants will notify the Town in writing if there is a change in the size of the vessel described in this agreement. The Town is under no obligation to provide dockage should a change in vessel size occur.
8. Tenants will notify the Town in writing if there is a change in the status of the boat ownership described in this agreement. The Town is under no obligation to provide dockage should a change in boat ownership status occur.
9. Persons mooring their vessel in serviced slips are required to pay the serviced slip

dockage rates.

10. Tenants will be assigned a specific boat slip. This slip is for the Tenants use only and may not be transferred by sub-lease, loan, and sale or otherwise.
11. Tenants have a maximum 24 hours from notification to remove his/her vessel if it sinks within the Marina. After the 24-hour period the Town will have authority to remove the sunken vessel and the Tenant will be responsible for all charges incurred.
12. Tenants will, in the event of an emergency, or when required by the Town, move his/her vessel immediately in accordance with the instructions of the Town. In the event that an emergency exists, in the opinion of the Town, the Town may move a Tenants vessel to an alternate mooring site at the Tenants risk.
13. When a vessel enters the Marina, it immediately comes under the jurisdiction of the Town and shall be manoeuvred, docked or anchored as directed by the Town.
14. Vessels are required to enter and leave the Marina service areas, berths and moorings under engine power or paddle. Arrivals and departures under sail alone within the Marina are prohibited.
15. Vessels utilizing the Marina must be registered and licensed and must be identified and equipped in accordance with the Canada Shipping Act, Small Vessel Regulations and the Department of the Environment Standards.
16. Vessels must be identified with name and/or registration numbers clearly visible.
17. Vessels must be secured in their berths with fully adequate lines and springs as appropriate. When required, the Town will ask the Tenants to renew chafed, frayed or damaged lines. In case of an emergency, the Town will replace the Tenants line at the Tenants expense. Every vessel should have a bow, a stern and spring lines.
18. Tenants with sailboats are required to tie back halyards and lines which may contact masts.
19. In the event that adequate dockage facilities become unavailable due to damage and/ or destruction beyond the control of the Town, the Tenants slip may be cancelled without prior notice.
20. Upon termination of the slip rental agreement under any clauses in this agreement a Tenant will have 24 hours in which to remove his/her vessel, failing which the Town will remove the vessel and the Tenant will be responsible for all costs incurred.
21. Swimming and fishing will not be permitted within the Marina.
22. Within the confines of the Marina pets shall be leashed in accordance with Town By-Laws.
23. No person (s) shall feed the birds within the Marina.
24. No person (s) shall cook on the Marina docks.

25. No refuse shall be thrown overboard. Refuse shall be deposited in the garbage receptacles at the Marina building.
26. Tenants make the wearing of life jackets or personal flotation devices mandatory for small children and non-swimmers while at the Marina.
27. Small children must be under the supervision of a responsible adult or competent youth at all times with at the Marina.
28. Tenants are responsible for the actions of their crews and guests. Tenants are required to exercise sound discretion in the operation of engines, generators, radios, etc and to respect the Marina "Quiet Hours" 22:00-06:00 hours.
29. Seasonal dockage will be allocated by the Marina Manager and/ or the Marina Coordinator. Priority will be given to residents of Gananoque and or persons who pay taxes to the Town of Gananoque.
30. Camping and particularly tent-pitching is not allowed on Marina property.
31. The handicap lift at the Marina is for sole use of Mr. Bob Hawkins. Any person (s) wishing to use the lift must discuss their needs with the Marina Manager and/ or Marina Coordinator.
32. Dinghy`s may be docked free of charge, at a rented slip provided they do not extend into the adjacent slip or interfere with boat traffic within the Marina. The Marina Manager and/ or the Marina Coordinator will make final decisions on dinghy dockage.
33. The transfer of fuel, within the Harbour, is forbidden.
34. Air conditioners on vessels must be turned off if the owner vacates his/ her vessel for 24 hours or longer. Failure to comply will result in the Town disconnecting power to that vessel.
34. Tenants with any type of alarm systems on their vessels must make arrangements to shut off these systems if they are activated during a Tenants absence from the Marina

COMMERCIAL BOAT APPLICATION

****Applicants must re-apply each year****

Contact Information:

Name(Last): _____ Name (First): _____

Phone (Primary): _____ Phone (Secondary): _____

Address: _____

Email: _____

Boat Information:

Boat Description: POWER SAIL OTHER _____

Name: _____ Reg. No. _____

Make: _____ Colour: _____ Year: _____

Length: _____ Draft: _____ Beam: _____

Business Information:

Business Name: _____

Business Number: _____ Years of Operation: _____

Website: _____

Business Description: _____

I understand and agree that the boat slip or PUC dock space for which I'm applying is for the sole and exclusive use of myself, owner of the above described vessel for the purposes of the business listed above.

Signature of Applicant: _____ Date: _____

Please return this application to: Sue Smith, Parks, Recreation and Marina Manager,
no later than _____, 20____ at 4:00pm, 30 King Street East, PO Box 100, Gananoque ON K7G 2T6
613-382-2248 ext 111 ssmith@gananoque.ca