

BY-LAW 2023-52

BEING A BY-LAW TO REGULATE THE USE OF PUBLIC BEACHES WITHIN THE MUNICIPALITY OF WEST NIPISSING

1. DEFINITIONS

1.1 In this By-law:

- (a) **“Person”** shall mean any individual, association, firm, partnership or corporation.
- (b) **“Municipality”** means the Corporation of the Municipality of West Nipissing.
- (c) **“Fire”** means the combustion of substances with oxygen and air so as to give out bright light and heat, but does not include the use only of coals for the purpose of cooking food above such coals where the coals are enclosed by the non-combustible structure designed for such purpose.
- (d) **“Beach(es)”** means waterfront land including buildings, structures and facilities owned by the Municipality and set aside and hereby dedicated by Schedule "B" of this by-law for the purposes of a public Beach.
- (e) **“Motor Vehicle”** includes a Motor Vehicle as defined under the *Highway Traffic Act*, R.S.O. 1990, as may be amended from Time to Time, and any snowmobile, go-cart, bike, mini bike, all-terrain vehicle or similar vehicle propelled or driven by internal combustion, bicycle, carriage, wagon, sleigh or other vehicle or conveyance of every description, whatever the mode of power, but excludes wheelchair or similar device (powered or otherwise) used by an individual due to a disability, baby carriage, cart, child's wagon, child's stroller, child's sleigh or other conveyance of like nature;
- (f) **“Non-Motorized Vehicle/Muscular Powered Vehicle”** includes vehicles such as in-line skates, skateboards or other conveyance of like nature.
- (g) **“Municipal Law Enforcement Officer/By-law Officer”** shall mean any Person appointed by Council to enforce the by-laws of the Municipality.
- (h) **“Animals”** include dogs, cats and domesticated wildlife
- (i) **“Times”** means standard Time or daylight-saving Time, whichever shall be in official current use in the municipality.

2. GENERAL

2.1. No Person, while on any Beach, shall:

- (a) Act in any riotous, violent or threatening conduct or use profane or abusive language;
- (b) Cast, throw, or in any way propel any object in such a manner as may injure or cause injury or damage to any Person or property;
- (c) Create a nuisance by loitering, accosting, frightening, annoying or otherwise disturbing other Persons; or
- (d) Fail to abide by the posted authorized signs, rules and regulations of a municipal beach.

3. HOURS OF OPERATION

3.1. Closing hours

- (a) All Public Beaches shall be closed from 11:00 p.m. each day until 7:00 a.m. the following day.

3.2. Posted closing hours

- (a) The Municipality may post hours of closing of a Beach other than as set out in Subsection 3.1(a) and in any such instance, the posted hours shall prevail.

3.3. **Guidelines – temporary closing of a beach**

- (a) Despite Subsection 3.1 (a) the Municipality may temporarily close a Beach where:
- i. ground conditions exist which may be a hazard;
 - ii. the use of the Beach may result in damage to the grounds;
 - iii. the Municipality determines it is necessary for the health or welfare of the public; or
 - iv. to complete repairs or upgrades to said Park or Beach area.

4. **PARK USE**

4.1. **Campfires and barbecues**

- (a) No Person shall, while at the Beach:
- i. light, build or stoke an open fire or bonfire;
 - ii. use a barbecue (charcoal, propane solid-fueled portable barbecues).

4.2. **Noise**

- (a) No Person shall, while in any Beach, operate loudspeakers or amplifying equipment.
(b) No Person shall contravene the Municipality's *Noise Control Bylaw*.

4.3. **Fireworks**

- (a) No Person shall, while on any Beach, discharge Fireworks.

4.4. **Waste/pollution**

- (a) No Person shall, while on any Beach:
- i. litter, dump or dispose of tree trimmings, leaves, grass cuttings or any other garbage, except that which is generated through the normal use of the Beach and shall only deposit same in the receptacles provided for that purpose;
 - ii. dump or deposit snow, fill, soil, building or construction materials;
 - iii. dump or drain onto any soil or into the water of any pond, lake, stream, fountain, pool or watercourse of any kind, or any toxic or hazardous substance/material which may result in environmental harm;
 - iv. release balloons or paper lanterns

4.5. **Camping and Lodging**

- (a) No person shall, while on any Beach, dwell, camp or lodge. Camping at Municipal Beaches, including the parking area, is prohibited.

4.6. **Alcohol use**

- (a) No Person shall bring to, keep, consume, serve or sell any liquor at any Beach, unless such Person has received permission in writing from the Municipality and obtained a license from the Alcohol and Gaming Commission of Ontario, as required for such activity. Nothing in this section relieves any Person from the requirements to obtain a liquor license under the *Liquor License Act*.

5. **PARKING AND VEHICLES**

5.1. **General public parking**

- (a) No Person shall park or leave a vehicle at a Beach except in a designated area for parking.
(b) Overnight parking at Municipal beaches is prohibited.

5.2. **Motorized recreational vehicles**

- (a) No Person shall ride, drive, park or be in possession or control of a motorized recreational vehicle at a Beach except in a designated parking area.

6. **ANIMALS**

6.1. No Person as owner or Person having control of any dog, cat or domesticated wildlife shall:

- (a) allow it to run at large;
- (b) permit any dog, cat or domesticated wildlife to enter any swimming area, pond, garden, landscaped area or any other area posted to prohibit access, excluding guide dogs;
- (c) ensure that it is, at all times, on a leash or chain not exceeding 6 feet (1.8m) in length; pick up and remove any excrement left by the dog, cat or domesticated wildlife and dispose of it in a receptacle for litter or in some other suitable container.

7. WATERCRAFT/BOATING

7.1. Mooring

- (a) Unless authorized by law, no Person shall moor a watercraft to a structure such as a Floating swimming platform, at/near any Beach except if there is a designated area (fixed dock).

8. PENALTIES

- 8.1. Any Person who contravenes any provision of this by-law resulting from the operation of a Motor Vehicle is guilty of an offence and on conviction is liable to a fine in such amount provided for by the *Provincial Offences Act* or the *Highway Traffic Act*.
- 8.2. Any Person who contravenes any of the provisions of this by-law is subject to the *Trespass to Property Act*.
- 8.3. Any Person who contravenes any provision of this by-law is guilty of an offence and on conviction is liable to a fine or damages under the *Provincial Offences Act*.
- 8.4. Any vendor who has a record of violations within Municipal operated functions may be refused a permit for access to Beaches and other Municipal facilities.

9. ENFORCEMENT

- 9.1. This by-law shall be enforced by a Person appointed by the Council for the purpose of enforcing the bylaws of the Municipality.
- 9.2. Any police officer, provincial offences officer, Municipal by-law enforcement officer or employee of the municipality is encouraged to inform any Person of the provisions of this by-law and to request compliance.
- 9.3. Any police officer, provincial offences officer or employee of the Municipality whose duties include the enforcement of this by-law is authorized to request any Person believed by such officer or employee to be contravening or who has contravened any provision of this by-law:
 - (a) to desist from the activity constituting or contributing to such contravention;
 - (b) to remove from the Beach any Animal or thing owned by or in the control of such Person which the officer or employee believes is or was involved in such contravention; or
 - (c) to leave the Beach area.

ENACTED AND PASSED THIS 6 DAY OF JUNE 2023 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.



MAYOR



CLERK

Municipality of West Nipissing
REGULATE THE USE OF PUBLIC BEACHES BY-LAW 2023-52
SCHEDULE "A" TO BY-LAW

<u>Name of Beach</u>	<u>Location</u>	<u>Section</u>
Sturgeon Falls Beach	Main Street, North Sturgeon Falls, ON	Section 1.1 (d)
Lac Clair	1169 Lac Clair Road Field, ON	Section 1.1 (d)
St-Jean Beach	St-Jean Road Verner, ON	Section 1.1 (d)

Municipality of West Nipissing
REGULATE THE USE OF PUBLIC BEACHES BY-LAW 2023-52
SCHEDULE “B” TO BY-LAW

PART I – PROVINCIAL OFFENCES ACT

ITEM	<u>COLUMN 1</u> SHORT FORM WORDING	<u>COLUMN 2</u> PROVISION CREATING OR DEFINING OFFENCE	<u>COLUMN 3</u> SET FINE
	<u>GENERAL</u>		
1	Act in any riotous, violent or threatening conduct or use profane or abusive language	Section 2.1(a)	\$100.00
2	Cast, throw or propel any object in such manner as may injure or cause injury, damage to any person or property (Set Fine may differ as per circumstances)	Section 2.1(b)	\$100.00
3	Create a nuisance by loitering, accosting, frightening, annoying or otherwise disturbing other Persons	Section 2.1(c)	\$100.00
4	Fail to abide by the posted authorized signs, rules and regulations of Municipal Beach.	Section 2.1(d)	\$100.00
	<u>HOURS OF OPERATION</u>		
5	Fail to abide the hours of operation of all areas indicated in section 1.1 (d)	Section 3.2	\$100.00
6	Fail to abide rules and regulations when all areas indicated in section 1.1 (d) are temporarily closed.	Section 3.3	\$100.00
	<u>PARK USE</u>		
7	Light, build or stoke an open fire or bonfire	Section 4.1(a)(i)	\$100.00
8	Use a Barbecue: charcoal, propane-solid-fueled portable barbecues	Section 4.1(a)(ii)	\$100.00
9	Operate loudspeakers or amplifying equipment	Section 4.2(a)	\$100.00
10	Yell, hoot, whistle, shout or sing	Section 4.2(b)	\$100.00
11	Discharge Fireworks on a Beach	Section 4.3(a)	\$200.00
12	Litter, dump or dispose of tree trimmings, leaves, grass cuttings or any other garbage	Section 4.4(a)(i)	\$100.00
13	Dump or deposit snow, fill, soil, building or construction materials	Section 4.4(a)(ii)	\$100.00
14	Dump or drain onto any soil or into the water of any pond, lake, stream, fountain, pool or watercourse	Section 4.4(a)(iii)	\$100.00
15	Dump or drain any toxic or hazardous substance/material in which results in environmental harm	Section 4.4(a)(iii)	\$100.00
16	Release balloons or paper lanterns	Section 4.4(a)(iv)	\$100.00
17	Camping or lodging at any Municipal Beaches including the parking area	Section 4.5(a)	\$100.00
18	Bring to, keep, consume, serve or sell any liquor at any Beach without the municipality’s permission in writing	Section 4.6(a)	\$100.00
	<u>VEHICLES</u>		
19	Leave vehicle at a Beach	Section 5.1(a)	\$100.00
20	Ride, drive, possess, control motorized recreational vehicle at a Beach	Section 5.2(a)	\$100.00
	<u>ANIMALS</u>		
21	Allow Animal to run at large	Section 6.1(a)	\$100.00
22	Permit any dog, cat or domesticated wildlife to enter any swimming area, pond, garden, landscaped area, excluding guide dogs.	Section 6.1(b)	\$100.00
23	Fail to keep animal on a leash or chain not exceeding 6 feet (1.8m) in length	Section 6.1(c)	\$100.00
24	Fail to pick up and remove any excrement left by dog, cat or domesticated wildlife and dispose in a receptacle for litter or in suitable container.	Section 6.1(c)	\$100.00

Municipality of West Nipissing
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SCHEDULE “B” TO BY-LAW

PART I – PROVINCIAL OFFENCES ACT

ITEM	<u>COLUMN 1</u> SHORT FORM WORDING	<u>COLUMN 2</u> PROVISION CREATING OR DEFINING OFFENCE	<u>COLUMN 3</u> SET FINE
	<u>WATERCRAFT/BOATING</u>		
25	Moor a watercraft to a structure such as a Floating swimming platform, at/near any Beach unless authorized by law or in a designated area	Section 7.1(a)	\$100.00

NOTE: The general penalty provisions for the offences listed above is Section 8.3 of bylaw 2023/52, a certified copy of which has been filed

Municipality of West Nipissing
REGULATE THE USE OF PUBLIC BEACHES BY-LAW 2023-52
SCHEDULE “B” TO BY-LAW

PART II – PROVINCIAL OFFENCES ACT

ITEM	COLUMN 1 SHORT FORM WORDING	COLUMN 2 PROVISION CREATING OR DEFINING OFFENCE	COLUMN 3 SET FINE
	<u>PARKING AND VEHICLES</u>		
1	Park Vehicle at a Beach, except in a designated parking area	Section 5.1(a)	\$100.00
2	Park overnight at a Municipal Beach	Section 5.1(b)	\$100.00
3	Park motorized recreational vehicle at a Beach, except in a designated parking area	Section 5.2(a)	\$100.00

NOTE: The general penalty provisions for the offences listed above is Section 8.1 of bylaw 2023/52, a certified copy of which has been filed