

BY-LAW NO. 2386
MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER

**A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER TO ESTABLISH
A BYLAW TO REGULATE AND CHARGE FEES FOR THE USE OF PORRITT LANDING**

BEING A BYLAW of the Municipal Corporation of the Town of Hay River in the Northwest Territories to provide for the establishment, levy and collection of fees and charges for services provided by the municipal corporation.

PURSUANT to the Cities, Towns and Villages Act, S.N.W.T., 2003, c 22, in force April 1, 2004, Section 72.

WHEREAS the Municipal Corporation of the Town of Hay River wishes to establish regulations and charge fees for the use of Porritt Landing.

NOW, THEREFORE, THE MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER, in regular session duly assembled, enacts as follows:

1. That the fees and charges established to recover reasonable costs for the use of the municipal corporation recreational facility know as Porritt Landing are attached as Schedule "A".
2. That the fees and charges set out shall be in force upon third and final reading of the bylaw.
3. The council of the Town of Hay River hereby gives the SAO authority to approve additions or changes to Bylaw 2386 when warranted by new circumstances or needs. Any changes approved by the SAO are to be reviewed and approved by council at further updates of the Porritt Landing Bylaw.

CITATION

1. This Bylaw may be cited for all purposes as the Town of Hay River Porritt Landing Bylaw No. 2386.

DEFINITIONS

In this Bylaw:

"Bylaw Enforcement Officer" means a person authorized to provide bylaw enforcement services for the Town;

"Day Use" means mooring of a Watercraft at a designated day use dock or marina area for a period not exceeding One Day;

"Day Use Area" means an area designated for Day Use;

"One Day" means a period commencing after 4:00 a.m. on one day and terminating

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not later than 2:00am of the following day;

“Owner” means any of:

- a) the registered owner of a motor vehicle, as determined by the Department of Motor Vehicles,
 - b) a Trailer Owner; or
 - a a Watercraft Owner
- as defined by this bylaw;

“Porritt Landing” means the land within the Municipal boundary of the Town of Hay River described as Lot 2133 Plan 4460, and Lot 651 Group 814 Plan 710 and the water adjoining that land;

“Season” shall be June 1st to September 25th inclusive each year, regardless of whether the water is free of ice for Watercraft use;

“Season Pass” means a pass which entitles the holder to moor one identified Watercraft for a Season in an assigned Watercraft Slip;

“Short Term Docking Pass” means a pass which entitles the holder to moor one identified watercraft for no more than 7 days in an assigned Short-Term Docking Slip;

“Town” means the Town of Hay River;

“Trailer” means a trailer intended for the transport of a Watercraft;

“Trailer Owner” means either of a person in care and control of a Trailer while it is located at Porritt Landing or the person who is the registered owner of the Trailer as determined by the Department of Motor Vehicles;

“Watercraft” means any watercraft (including personal watercraft) designed to float, plane, work or travel on water;

“Watercraft Owner” includes of the legal owner of a Watercraft and any person who is in care and control of a Watercraft;

“Watercraft Slip” means a designated area for Seasonal mooring of Watercrafts

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WATERCRAFT SLIP SEASON PASSES

2. A Season Pass entitles the holder to moor one identified Watercraft in an assigned Watercraft Slip.
3. Initial Watercraft Slip Season Passes will be issued through a lottery system. Watercraft Slips will be assigned based on order of draw selection. Requests for Watercraft Slip registrations and entry into the lottery will be made public seven working days in advance of the lottery draw date.
4. Season Pass payment must be received within five business days of the draw.
5. A waiting list for Watercraft Slip Season Passes will be maintained by Town Administration. The initial waiting list will be populated in accordance and in order of draws through the lottery system and thereafter on a first come first served basis.
6. Watercraft Slip Season Pass holders will be eligible to renew their passes. Renewals will be accepted, and payment must be received yearly by the 2nd Monday of May each year by 3:00pm local time. Failure to meet registration deadline will result in offering of the Watercraft Slip to the next person on the waiting list. A person offered a Watercraft Slip through the waiting list will have five working days to respond to the request and make full payment.
7. Season Pass Watercraft registration decals are not transferable to another person.
8. Short Term Docking fees and charges are identified in Schedule "A" of this document. Fees and charges can be amended or replaced when warranted by new circumstances or needs. Any changes approved by the SAO are to be reviewed and approved by council at further updates of the Porritt Landing Bylaw.
9. A Season Pass may not be transferred to another Watercraft without the consent of the Town.
10. Only one identified Watercraft is to be moored in the identified slip at any given time. Season Pass owners can purchase up to 2 additional Season Pass decals as per the Town of Hay River's Omnibus Rates Bylaw. Appropriate proof of ownership is required for the purchase of additional Season Pass decals.
11. If the holder of a Seasons Pass sells or otherwise transfers ownership of the Watercraft, the Season Pass shall not be transferred to the new owner of the Watercraft.
12. Season Pass holders who sell their Watercraft must advise the Town in writing of

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- the date of sale and may retain their Watercraft Slip for the remainder of the Season. Failure to register a new Watercraft before the renewal deadline for the following Season will result in a loss of the Watercraft Slip.
13. Season Pass holders wishing to surrender their Watercraft Slip during the Season shall notify the Town in writing of the effective date of the surrender. The Town shall provide a pro-rated refund based on the number of days left in the Season calculated from the later of the effective date specified in the notice of surrender or the date the notice is received by the Town.
 14. Season Passes shall be displayed on both the port (left) and starboard (right) forward half (bow) of the Watercraft.
 15. A Watercraft assigned a Season Pass shall not exceed the length or width identified in the Watercraft Slip permit.
 16. Attachments to a Watercraft shall not extend into the walkway when the Watercraft is moored in such a manner as to interfere with foot traffic.
 17. No person shall dock a Watercraft in a Watercraft Slip unless that person holds a Season Pass for that Watercraft Slip.
 18. All Watercraft must be removed from Porritt Landing on or before September 30th of each year.

WATERCRAFT SHORT TERM DOCKING PASSES

19. A Short-Term Docking Pass entitles the holder to moor one identified Watercraft in an assigned Watercraft Slip.
20. Short Term Docking fees and charges are identified in Schedule "A" of this document. Fees and charges can be amended or replaced when warranted by new circumstances or needs. Any changes approved by the SAO are to be reviewed and approved by council at further updates of the Porritt Landing Bylaw.
21. A Short-Term Docking Pass may not be transferred to another Watercraft without the consent of the Town.
22. If the holder of a Short-Term Docking Pass sells or otherwise transfers ownership of the Watercraft, the Season Pass shall not be transferred to the new owner of the Watercraft.
23. A Watercraft assigned a Short-Term Docking Pass shall not exceed the length or width identified in the Watercraft Slip permit.

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24. Attachments to a Watercraft shall not extend into the walkway when the Watercraft is moored in such a manner as to interfere with foot traffic.
25. No person shall dock a Watercraft in a Short-Term Docking Slip unless that person holds a Short-Term Docking Pass for that Watercraft Slip
26. All Watercraft must be removed from Porritt Landing on or before September 30th of each year.

DAY USE MOORING

27. No person shall permit a Watercraft to be moored at Porritt Landing for more than One Day within the Day Use Area.

PARKING

28. No person shall park a vehicle or a Trailer other than in a designated parking area.
29. No person shall park a vehicle or Trailer for more than One Day.

WAIVER OF LIABILITY

30. The Town shall not be liable for damage to vehicles, Trailers, Watercraft or people using Porritt Landing.

GENERAL

31. All persons using the Porritt Landing shall do so at their own risk.
32. The Town shall not be responsible for any damage or injury sustained to any Watercraft, vehicle or person in the area known as Porritt Landing.
33. All dogs shall be kept on a leash while at the Porritt Landing unless they are contained in a vehicle or Watercraft.
34. A person must comply with all applicable bylaws, Territorial and Federal statutes and regulations when using or occupying Porritt Landing;

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35. A Watercraft Owner shall ensure the safe mooring of their Watercraft.
36. A Watercraft Owner shall furnish and maintain their own lines and chaffing gear. Chaffing gear shall be attached to the Watercraft or tied to the floats; no other type of fastening is permitted.
37. No person shall moor a Watercraft other than in an area identified for mooring.
38. No person shall moor a Watercraft in a manner that interferes unreasonably with the mooring or access of another Watercraft
39. No person shall fuel a Watercraft while it is moored.
40. No person shall place or store flammable liquids, oily rags, or other debris, on floats or municipal property, and any costs associated with the cleanup will be charged to the Watercraft owner responsible.
41. No person shall store supplies, materials, accessories, articles, or debris anywhere on Porritt Landing other than a refuse container.
42. No person shall construct any lockers, chests, cabinets or other structures, or otherwise modify docks in any way.
43. No person shall conduct on-site repairs or maintenance of a Watercraft without the prior written consent of the Senior Administrative Officer.
44. Walkways and fingers must be kept free of tenders, dinghies, materials, debris, carpeting and equipment at all times.
45. Children under the age of 12 must be under the supervision of a person 12 years or age or older at all times.
46. No person shall dispose of fish or fish parts in any waste container other than one identified for that purpose.

ENFORCEMENT

47. Any Bylaw Enforcement Officer may enforce this bylaw in the course of their duties.
48. Any Bylaw Enforcement Officer may order a person who does anything contrary to this bylaw to leave the Porritt Landing area immediately, or within a period of time specified by the Bylaw Enforcement Officer, and every person so ordered shall comply with the order and leave the Porritt Landing area immediately or within the specified time period;

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49. Tickets issued for parking offences shall be issued to the motor vehicle's owner, unless otherwise indicated in this by-law.
50. No person shall hinder, oppose, molest or obstruct a Bylaw Enforcement Officer in the discharge of their duties;
51. Any Bylaw Enforcement Officer, Peace Officer or emergency personnel, while acting in the course of their duties, are exempt from the provisions of this bylaw.
52. The Town may remove any vehicles, Watercraft Trailers or Watercraft that are parked or moored in violation of this bylaw at the Owner's expense and risk and the cost thereof shall be a debt due from the Owner to the Town.

PENALTIES

53. A person who violates this bylaw is subject to a fine of \$250 unless an alternate amount is identified in Schedule "A".
54. The Town reserves the right to cancel the Season Pass of any Season Pass holder who is in violation of this bylaw.

REPEAL

55. That Bylaw No. 2386/GEN/18 is hereby amended.

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READINGS AND ADOPTION

READ a first time this 2nd day of June, 2020.



A / Mayor

READ a second time this 2nd day of June 2020



A / Mayor

READ a third and final time this 9th day of June 2020.



Mayor

CERTIFIED that this bylaw has been made in accordance with the requirements of the Cities, Towns and Villages Act, S.N.W.T., 2003, c.22, in force April 1, 2004 and the bylaws of the Municipal Corporation of the Town of Hay River this 9th day of June, 2020.



Acting Senior Administrative Officer

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SCHEDULE "A"
Schedule of Fees and Charges

<u>OFFENSE</u>	<u>FINE</u>
Season Pass (annual fee for one Watercraft)	\$470
Season Pass (3-year renewal for one Watercraft)	\$1410
Additional Season Pass decals (max 2 additional passes)	\$50/boat/yr
Short Term Docking Pass	\$30/day
Parking a Watercraft without an appropriate pass	\$300
Parking a vehicle or Watercraft Trailer in a no parking area	\$ 300
Parking a vehicle or Watercraft Trailer in excess of the One Day time limit	\$300
Mooring a Watercraft in excess of the One Day time limit in the Day Use Area	\$ 300
Failure to properly display registration decals	\$ 100
Failure to remove moored Watercraft by September 30 th	\$ 300
Fueling a Watercraft while moored	\$300
Failure to keep a dog on a leash	\$75

All fines paid and received at the Town of Hay River (Town Hall) before the court date indicated on the ticket, shall be reduced by fifty (50%) percent off the total fine amount indicated on the ticket. This shall only apply for offences indicated in this bylaw.