

**City of Brockville**

**Ontario, Canada**



**A By-law of the  
Corporation of the City of Brockville  
to Establish and Regulate Certain Parks/Islands and  
Wharves in the Municipality of the City of Brockville  
and the Township of Elizabethtown-Kitley**

**By-law No. 040-2004  
Consolidated Copy**

**Enacted by Council April 27, 2004**

**Amendments To Parks, Islands and Wharf By-law Number 040-2004**

<b>By-law Number</b>	<b>Description of By-law</b>
071-2013	No parking in parks
052-2010	No feeding birds in any park or dock located adjacent to the St. Lawrence River

**THE CORPORATION OF THE CITY OF BROCKVILLE**

**By-law Number 040-2004 (as amended)  
Consolidated Copy**

*By-law to Establish and Regulate Certain Parks/Islands  
and Wharves in the Municipality of the City of Brockville and the Township of  
Elizabethtown-Kitley (as amended by By-law 071-2013 and 052-2010)*

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WHEREAS the Council of the Corporation of the City of Brockville has entered into a lease agreement with the Federal Ministry of Fisheries and Oceans pursuant to the Fishing and Recreational Harbours Act for the Administration of the Brockville Harbour; and

WHEREAS the Council of the Corporation of the City of Brockville has deemed it expedient to regulate and control the use of the docks and wharves in the municipality in view of the said lease; and

WHEREAS the City of Brockville owns certain islands located in the St. Lawrence River; and,

WHEREAS the Council of the Corporation of the City of Brockville has deemed it expedient to regulate the parks, islands and wharves owned by the Corporation located within the City of Brockville, the Township of Elizabethtown-Kitley and the St. Lawrence River; and

WHEREAS the Council of the Corporation of the City of Brockville has the authority to pass by-laws to govern their affairs including the regulating of matters related to culture, parks, recreation and heritage pursuant to the Municipal Act, 2001 C. 25;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF BROCKVILLE ENACTS AS FOLLOWS:

**1. DEFINITIONS**

In this by-law:

“Campsite” means an area designated by the Officer for the pleasure and safe well-being of the Lessee.

“City” means the City of Brockville;

“Dock” means any landing pier or wharf, all portions thereof owned or made available by lease, agreement or otherwise, to the City, that is or hereafter may be established or made available for use;

“Fee” shall mean the fee to be charged for docking/camping/mooring privileges as approved by the Council of the Corporation of the City of Brockville as from time to time may be levied by resolution.

“Harbour” means:

Brockville Municipal Harbour, including, but not limited to Blockhouse Island, the Federal Wharf, Tunnel Bay and the waters along the City’s waterfront between North Augusta Road and Thomas Street, extending out to the U.S./Canada border; and

any harbour, wharf, pier, dock, breakwater slipway, marina or part thereof together with machinery, works, land and structures attached thereto, leased or owned by the Corporation of the City of Brockville; and

any other facility, installation, works or part thereof located on or adjacent to water leased or owned by the Corporation of the City of Brockville;

“Inner Harbour” refers to the area known locally as Tunnel Bay;

“Officer” means the Supervisor of Parks/Facilities or his representative, including an Officer of the Brockville Police Service;

“Owner” means the master, operator or person in charge of any vessel;

“Park” means any parcel or tract of land, island, land covered by water, including the water areas and shoreline of such property, and all portions thereof owned or made available by lease, agreement or otherwise, to the City, that is, or hereafter may be established, dedicated, set apart, or made available for use as public open space, including any buildings, structures, facilities, erections and improvements located in or on such land, save and except where such land is governed by other by-laws of the City.

“Person” includes a person, firm or corporation;

“Vessel” means and includes every description of ship, boat, craft, floating home or other structure used or capable of being used solely or partly for aquatic navigation without regard to the method of propulsion.

## 2. INTERPRETATION

- 2.1 All parks shall be open to the public, free of charge, subject to the provisions contained herein respecting fees and permits.
- 2.2 The City may designate certain parks for camping purposes and payment of fees shall be as per the rates as approved by Council. The fees for camping shall permit the erection of a tent, or tents, in such locations specified by the Officer. Camping permits may be issued on a daily, weekly, or seasonal basis. Mooring privileges are on a first come, first serve basis, however can be leased with a campsite under a separate fee schedule.
- 2.3 Overnight mooring at docks shall be issued on a "first come, first serve basis". A person will be considered to be overnight mooring if they are docked at a park between 8:00 p.m. and 10:00 a.m.

## 3. REGULATIONS

- 3.1 No person shall moor or permit to be moored any vessel at any park except at places designated for such purpose.
- 3.2 No person shall moor or permit to be moored any vessel to any dock owned or controlled by the Corporation of the City of Brockville or under the jurisdiction of the Corporation of the City of Brockville without first obtaining permission from the Officer and paying all applicable fees.
- 3.3 Notwithstanding Section 3.2 above, vessels engaged in transporting passengers on pleasure trips only for commercial profit may, with the consent of the Officer, moor at a designated berth in which case a permit is required.
- 3.4 Commercial dive operators shall not pick up and drop off unless at designated areas at St. Lawrence Park unless exemptions are given by the City of Brockville on a per use basis.
- 3.5 Vessels shall not be moored to the dock adjacent to St. Lawrence Park beach without exception.
- 3.6 No person, shall remove, damage or destroy any notice posted at the parks.
- 3.7 Every person, firm or corporation shall comply with any notice posted at the parks by the Officer.
- 3.8 No person shall dispose of garbage, sewage or wastes in the harbour.
- 3.9 No person shall fish within the inner harbour without the express written permission of the Officer.

- 3.10 No person shall operate a vessel in the harbour at a rate of speed exceeding 10 kilometers per hour (6 mph);
- 3.11 Every person shall remove their vessels from the parks and/or harbour by the 31<sup>st</sup> day of October, annually.
- 3.12 No person shall create any undue noise at City parks between the hours of 11:00 p.m. and 7:00 a.m.
- 3.13 Portable generators are prohibited at City parks, except with the express written permission of the Officer.
- 3.14 No person shall light any fire at any park unless it is properly contained to a size normally required for cooking or personal enjoyment. This fire privilege is at all times at the discretion of the Officer to determine if safe conditions prevail.
- 3.15 No person shall deposit any garbage, refuse or other debris at any park or in the waters adjacent thereto and all such material shall be placed in designated containers or prepared as may be specified by the Officer for collection.
- 3.16 No person shall cut or maliciously injure, hurt, deface or destroy any tree, shrub or bush or any facility, dock or building owned or erected by the City of Brockville.
- 3.17 No vehicle or conveyance shall be operated in St. Lawrence Park at a speed greater than ten (10) kilometers per hour (6 mph).
- 3.18 No person shall erect or place any tent, trailer or camping equipment in any park in the City of Brockville without a permit.
- 3.19 No person shall sell or offer for sale any food, refreshment or other goods or services in any park except as specifically authorized by the Council of the Corporation of the City of Brockville.
- 3.20 Upon the expiration of a camping permit, all material and equipment owned or used by the permit holder shall be removed from the park. Extensions of camping permits may be permitted by the Officer upon payment of the proper fees and provided that space is available.
- 3.21 No permanent structure of any type whatsoever may be erected in the parks in the St. Lawrence River owned by the Corporation of the City of Brockville without written permission from the City of Brockville and obtaining a proper building permit from the Chief Building Official of the Corporation of the City of Brockville.

- 3.22 No person shall park any vehicle in any park, except places designated for such purpose or unless specifically approved by the City of Brockville for a special event. (amended by By-law 071-2013).

#### 4. OFFENCES

- 4.1 No person, firm or corporation shall:
- i. fail to comply with any reasonable requirement or direction of the Officer;
  - ii. knowingly make a false or misleading statement, either verbally or in writing, to the Officer;
  - iii. otherwise obstruct or hinder the Officer in the performance of his duties or functions.
- 4.2 Any person who contravenes any provision of this by-law is guilty of an offence.

#### 5. FINES

- 5.1 Any owner, person, firm or corporation who contravenes any of the provisions of this by-law is liable to a fine as provided for under the Provincial Offences Act.

#### 6. ENFORCEMENT

- 6.1 THAT this by-law shall be enforced by the Officer
- 6.2 The owner of a vessel shall produce a valid permit when requested to do so by the Officer.
- 6.3 The Officer is empowered to cause a vessel to be removed at the expense of the owner if the owner does not or refuses to obtain a permit.
- 6.4 Where, in the opinion of the Officer, any person having obtained a camping permit who contravenes any provision of this By-Law, the Officer may cancel such permit and the permit holder shall forthwith remove his effects from the park. A rebate may be calculated and returned to the Lessee once all financial assessments have been determined by the Officer.

#### 7. VALIDITY

- 7.1 If there is a conflict between a section, clause or provision of any Act, regulation or by-law and a section, clause or provision of this by-law, the section, clause or provision that is the most restrictive prevails.

7.2 If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or part thereof, other than the section, clause or provision declared to be invalid. It is hereby declared that all the remaining sections, clauses or provisions of this By-law shall remain in full force and effect until repealed or amended, notwithstanding that one or more provisions shall have been declared to be invalid.

8. REPEAL

8.1 By-law 87-82 is hereby repealed.

9. EFFECTIVE DATE

9.1 This by-law shall come into force on the day of passing.

10. SHORT TITLE

10.1 This by-law may be referred to as the Parks, Islands and Wharves By-law

Given under the Seal of the  
Corporation of the City of Brockville  
and passed this 27<sup>th</sup> Day of April, 2004

[signed] B.W. TeKamp  
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Mayor

[signed] B. C. Switzer  
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City Clerk



**THE CORPORATION OF THE CITY OF BROCKVILLE**  
**Part I Provincial Offences Act**  
**By-law Number 040-2004 (as amended)**

By-law to Establish and Regulate Certain Parks/Islands and Wharves in the Municipality of the City of Brockville  
and the Township of Elizabethtown-Kitley (as amended by By-law 071-2013)

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 SET FINE
1	Moored a vessel - unauthorized location	<b>3.1</b>	\$75.00
2	Moored a vessel no permission	<b>3.2</b>	\$75.00
3	Moored a vessel adjacent to St. Lawrence Park beach	<b>3.5</b>	\$100.00
4	Removed/damages/destroyed a notice posted at the parks	<b>3.6</b>	\$50.00
5	Failed to comply with a notice posted at the park	<b>3.7</b>	\$50.00
6	Disposed garbage/sewage/waste in the harbour.	<b>3.8</b>	\$50.00
7	Fishing within the inner harbour	<b>3.9</b>	\$50.00
9	Failed to remove a vessel from the parks and/or harbour by October 31st	<b>3.11</b>	\$50.00
10	No parking in parks	<b>3.22</b>	\$50.00
11	Failed to produce a valid permit	<b>6.2</b>	\$50.00
12	Failed to comply with a request of the officer	<b>4.1(i)</b>	\$50.00
13	Made a false/misleading statement to the officer	<b>4.1(ii)</b>	\$50.00
14	Obstructed/hindered the officer	<b>4.1(iii)</b>	\$50.00

NOTE: The general penalty provision for the offences listed above is section 5.1 of By-law No. 040-2004, a certified copy of which has been filed.

**THE CORPORATION OF THE CITY OF BROCKVILLE**  
**Part II Provincial Offences Act**  
**By-law Number 040-2004 Parks, Islands and Wharfs (as amended)**

ITEM	COLUMN 1 Short form wording	COLUMN 2 Provision creating or defining offence	COLUMN 3 Voluntary payment payable within 7 days	COLUMN 4 Set Fine
1	Park vehicle – unauthorized location	<b>3.22</b>	\$50.00	\$60.00

NOTE: The general penalty provision for the offences listed above is section 5.1 of By-law No. 040-2004, as amended, a certified copy of which has been filed.