

The Corporation of the Township of Douro-Dummer

By-law Number 2020-37

A By-law for the Prohibition of Fishing on Public Wharves within the Jurisdiction of the Township of Douro-Dummer

Whereas Section 10 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

Whereas Section 11(3) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, that the council of a local municipality may pass by-laws respecting matters within the sphere of jurisdiction of culture, parks, recreation and heritage;

Whereas all public properties are for the use, benefit and pleasure of the Public and it is necessary to prevent any person from improperly interfering with such use, benefit and pleasure;

Whereas it has been determined that fishing at certain public wharves within the municipality is a health hazard and public nuisance for many of the inhabitants of and visitors to the Township of Douro-Dummer;

Whereas Section 425(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to pass by-laws providing that any person who contravenes any by-law of the municipality passed under said Act is guilty of an offence; and

Whereas Section 429 of the Municipal Act, 2001, S.O. 2001, c. 25,, as amended authorizes a municipality to establish a system of fines for offences under a by-law of the municipality;

Now Therefore the Council of the Corporation of the Township of Douro-Dummer in Session duly assembled enacts as follows:

Definitions

1. For the purpose of this by-law:

"corporation" means the Corporation of the Township of Douro-Dummer;

"council" means the Council of the Corporation of the Township of Douro-Dummer;

"fish" includes all gill-bearing aquatic animals;

"fishing" means the activity of catching fish, either for food or as a sport by means of hand gather, spearing, netting, angling and trapping.

"sign" means a sign approved by the Corporation of the Township of Douro-Dummer;

"person" includes any person, firm, partnership, association, corporation, company or organization of any kind;

"officer" means a member of the Ontario Provincial Police Force or a Municipal Law Enforcement Officer authorized to enforce the provisions of this By-Law, and designated

as a Provincial Offences Officer and includes all other persons appointed as Provincial Offences Officers;

"public wharf" means any of the locations named and described in Schedule "A" attached to and forming part of this By-Law;

"time" where an expression of time occurs or where any house or other period of time is stated, the time referred to shall be Eastern Standard Time, except in periods when Daylight Saving Time is in effect. When Daylight Saving Time is in effect, such time shall be Eastern Daylight Saving Time;

"township" means the Township of Douro-Dummer;

Interpretation

1. A reference to any statute, regulation or by-law refers to that enactment as it may be amended or replaced from time to time.
2. Unless otherwise stated, a reference to a section, paragraph, clause or schedule is a reference to this By-law's section, paragraph, clause or schedule.
3. The headings in this By-law are for convenience only and do not form part of this By-law.
4. If any part of this By-law is determined to be invalid by a court of competent jurisdiction, the invalid part is severed and the remainder continues to be valid.

Fishing Prohibition

5. No person shall, subject to section 6, be permitted to engage in any act of fishing on a public wharf within the Township.
6. Special fishing events may take place at a public wharf provided that it is approved in advance by a resolution of council.

Signage

7. The township shall be entitled to post "No Fishing" signs in a conspicuous location at all public wharves.
8. No person shall remove, cover up or alter any sign which has been posted pursuant to Section 7.
9. A "No Fishing" sign shall prohibit all fishing as defined under this By-Law.

Enforcement

10. The township, including the Ontario Provincial Police are responsible for the administration and enforcement of this By-Law.
11. An officer may, at any time, enter any public wharf to determine whether this By-Law is being complied with and, for this purpose, may make such examinations, investigations, and inquiries as are necessary.
12. No person shall obstruct or hinder or attempt to obstruct or hinder an officer in the exercise of a power or the performance of a duty under this By-Law.
13. Where an officer has reasonable grounds to believe that an offence under this By-Law has been committed by a person, the officer may require the name, address and proof of identity of that person.

14. Failure to provide proof of identification satisfactory to an officer when requested to do so pursuant to Section 13 shall constitute obstruction of a police officer or officer under Section 12 of this By-Law.

Offence and Penalty Provisions

15. Every person who contravenes any provision of this By-Law is guilty of an offence and is liable upon conviction to a fine of not more than \$5,000.00, exclusive of costs, pursuant to the provisions of the Provincial Offences Act, R.S.O. 1990, Chap. P.33, as amended.
16. If this By-Law is contravened and a conviction entered, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may, in addition to any other remedy any to any penalty that is imposed, make an order prohibiting the continuation or repetition of the offence by the person convicted.

Executive Acts Authorized

17. The Mayor, Clerk and the Administration are hereby authorized to do all things and the Mayor and Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give effect to this by-law.

Short Form Name

18. The short form name of this by-law shall be "Prohibition of Fishing at Public Wharves By-Law".

General

19. No proceeding for damages or otherwise may be commenced against the township, a member of Council or an officer, employee or agent of the township or a person acting under the instructions of the officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

Effective Date

20. This By-Law shall come into force and effect on the date it is enacted by Council and will expire on March 1, 2021.

Passed in open council this 30th day of June, 2020

Mayor, J. Murray Jones

Clerk, Crystal McMillan