

The Corporation of the City of Owen Sound

By-law No. 2025-047

A By-law to licence, regulate, and govern special camping areas during annual fall fishing derbies

WHEREAS subsection 5(3) of the *Municipal Act, 2001* S.O. 2001, c. 25 (the “Municipal Act”) provides that a municipal power shall be exercised by by-law; and

AND WHEREAS subsection 11(2) of the Municipal Act provides that a municipality may pass by-laws respecting the health, safety and well-being of persons and respecting the economic, social and environmental well-being of the municipality; and

WHEREAS subsection 11(3) of the Municipal Act provides that a municipality may pass by-laws respecting culture, parks, recreation and heritage; and

WHEREAS section 126 of the Municipal Act provides that a municipality may regulate cultural, recreational and educational events and prohibit such activities unless a permit is obtained from the municipality for those activities and may impose conditions for obtaining, continuing to hold and renewing the permit, including requiring the submission of plans; and

WHEREAS subsection 128(1) of the Municipal Act provides that a municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances; and

WHEREAS sections 390 to 400 of the Municipal Act authorize a municipality to pass by-laws imposing fees or charges for services or activities provided or done by it or on behalf of it; and

WHEREAS section 436 of the Municipal Act authorizes a municipality to pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not there is compliance with a by-law, a direction or order, or a condition of a licence; and

WHEREAS section 429 of the Municipal Act provides that a municipality may establish a system of fines for offences under a by-law of the municipality passed under the Municipal Act; and

WHEREAS section 444 of the Municipal Act provides that the municipality may make an order requiring the person who contravened the by-law or caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and any person who contravenes such an order is guilty of an offence; and

WHEREAS on April 28, 2025, City Council passed Resolution No. R-250428-011 directing staff to bring forward the subject by-law for approval, in consideration

of staff report CR-25-036 presented to the Community Services Committee on April 16, 2025;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

Part I. Short Title, Purpose and Scope

Short Title

- 1. The by-law may be referred to as the “Derby Camping By-law” and when so referenced includes all future amendments, unless otherwise specified.

Purpose

- 2. This by-law has been enacted to do the following during annual fall fishing derbies:
 - a. regulate the use of public land and private land to balance the benefits of derby camping with the needs of the neighbourhoods where derby camping areas exist;
 - b. create conditions for the safe use of public space;
 - c. minimize public nuisance and the associated enforcement and repair costs;
 - d. reduce conflicts among and between user groups, such as among campers or between campers and day-users;
 - e. ensure that people camping in derby camping areas are aware of their responsibility to comply with applicable municipal by-laws and other laws and regulations;
 - f. support annual fall fishing derbies by allowing camping in special locations; and
 - g. permit the operation of derby camping areas on certain private property.

Scope

- 3. This by-law applies to all derby camping areas in the City as depicted in the master Schedule ‘A’, attached to and forming part of this by-law, which is subdivided into detail maps as follows:
 - a. A – Master Derby Camping Area Map
 - b. A1 – East Harbour Wall Detail Map
 - c. A2 – West Harbour Wall Detail Map
 - d. A3 – West Side Boat Launch Detail Map
 - e. A4 – Georgian Shores Marina Detail Map.

Part II. Interpretation

Headings

- 4. The division of this by-law into parts and the insertion of headings are for convenient reference only and do not affect the interpretation of the by-law.

Gender and Number

5. In this by-law, unless the contrary intention is indicated, words used in the singular include the plural and words imparting a gender include all genders, where applicable.

References to Applicable Law

6. All references to applicable law are ambulatory and apply as amended, extended or re-enacted from time to time.

Severability

7. In the event any provisions of this by-law are deemed invalid or void, in whole or in part, by any court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

Definitions

8. For the purposes of this by-law:
 - “black water” means domestic wastewater generated from streams with fecal contamination;
 - “camp” means to establish temporary living quarters with a camping vehicle and, where the camping vehicle is not self-propelled, may include the parking of an associated passenger vehicle;
 - “camping vehicle” means a vehicle with a valid licence plate that is designed for camping and that includes holding tanks for grey water and black water, a toilet and cooking facilities, such as a camper trailer, camper van or motor home, and, for greater clarity, does not include tents or other structures of any kind;
 - “City property” means all land and appurtenances thereto under the management of The Corporation of the City of Owen Sound;
 - “cooking device” means a natural gas or propane device intended for food preparation;
 - “derby” means the annual fishing derby known as the Salmon Spectacular or the annual fishing derby known as the Sound Charity Shootout;
 - “derby camping area” means an area depicted on Schedule ‘A’, attached to and forming part of this by-law, where camping is allowed during the derby;
 - “grey water” means domestic wastewater generated from streams without fecal contamination;
 - “Licence Manager” means the Director of Community Services for the City and includes their designate;
 - “licence period” means the period beginning thirty-six (36) hours in advance of the start of the derby and continuing until twenty-four (24) hours after the end of the derby;
 - “officer” means any person authorized by the City to enforce by-laws and includes a Municipal Law Enforcement Officer appointed to enforce the by-laws of the City or a police officer while in the course of his or her duties;
 - “owner” means a person (or persons) on title as the owner(s) of a building or parcel of land identified on the parcel register from the Land Registry Office or a person (or persons) on title as the owner(s) of a vehicle as registered with the Ministry of Transportation, as the context requires;

"operator's licence" means a licence provided by the City to an owner of private land or a lessee of City land, that is allowed to manage a derby camping area in accordance with this by-law;

"person" includes an individual, a corporation, a partnership, and an association, and their heirs, executors, assignees and administrators;

"Provincial Offences Act" means the *Provincial Offences Act*, R.S.O. 1990, c. P.33;

"passenger vehicle" means a vehicle with a valid licence plate that is designed primarily to carry passengers, such as a car, truck or van;

"Repair and Storage Liens Act" means the *Repair and Storage Liens Act*, R.S.O. 1990, c. R.25;

"residential zones" means R1-, R2-, R3-, R4- and R5- zones as defined in the City's Zoning By-law;

"vehicle" means a camping vehicle or a passenger vehicle or both;

"vehicle licence" means a licence provided by the City to camp in a derby camping area during the licence period, in accordance with this by-law

"watercourse" means a natural or artificial channel through which water flows and includes but is not limited to a stream, river or bay.

Part III. Administration

Delegation

9. The administration of this by-law is assigned to the Licence Manager who will generally perform the administrative functions conferred upon them by this by-law, and without limitation may:
 - a. delegate any responsibilities, to an employee of the City, conferred to the Licence Manager under this by-law;
 - b. receive and process all applications for vehicle licences and operators' licences under this by-law;
 - c. issue vehicle licences and operators' licences in accordance with the provisions of this by-law;
 - d. impose terms and conditions on vehicle licences and operators' licences at the time of issuance or any other time during the licence period, in accordance with this by-law and as necessary to give effect to this by-law; and
 - e. refuse to issue a licence in accordance with this by-law.

Part IV. Derby Camping Areas

Map

10. Derby camping areas are established according to the master Schedule 'A', attached to and forming part of this by-law, which is subdivided into detail maps as follows:
 - a. A – Master Derby Camping Area Map
 - b. A1 – East Harbour Wall Detail Map
 - c. A2 – West Harbour Wall Detail Map
 - d. A3 – West Side Boat Launch Detail Map

- e. A4 – Georgian Shores Marina Detail Map

No exclusive use

11. Vehicle licences and operators' licences issued pursuant to this by-law do not grant exclusive use of any space within a derby camping area to any person.
12. Vehicle licences and operators' licences issued pursuant to this by-law do not grant exclusive use of any space along the adjacent harbour wall or shoreline to any person.

Part V. Vehicles**Use**

13. No person may camp on any portion of a derby camping area at any time other than during the licence period.
14. During the licence period, no person may occupy any portion of a derby camping area without a camping vehicle.

Licence required - vehicles

15. During the licence period, no person may camp on any portion of a derby camping area without a vehicle licence issued pursuant to this by-law.
16. A person with a vehicle licence may camp in a derby camping area for the duration of the licence period.

Application – vehicle licence

17. The Licence Manager may issue an applicant a maximum of two (2) vehicle licences. The first licence must be for a camping vehicle. If the camping vehicle is not self-propelled, the same applicant may submit a second application for an associated passenger vehicle.
18. Every application for a vehicle licence must be made to the Licence Manager on the forms provided by the Licence Manager. Without limitation, every application for a vehicle licence must include the following information:
 - a. the name, telephone number, and email address of the applicant and owner of the vehicle(s) being licensed, if not the same person;
 - b. the licence plate number of the vehicle(s) subject of the application;
 - c. the Derby entry number for the applicant; and
 - d. payment of the applicable licensing fees as identified in the City's Fees and Charges By-law.

Removal of vehicles - unlicensed

19. An officer may remove and impound any vehicle or object left in a derby camping area without a vehicle licence or left at any time other than during the licence period.
20. All costs and charges for the removal, care and storage of a vehicle that is removed and impounded under section 19 of this by-law must be paid by the owner of the vehicle and shall be a lien against the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*.

Removal of vehicles – emergency

21. Vehicles must be moved out of the derby camping area no later than three (3) hours after notice by the City to do so. For the purposes of the section, notice may include email or telephone communication, including a voicemail message, to the telephone number or email address listed on the licence application form.
22. After the expiration of the notice period provided in section 21 of this by-law, an officer may remove and impound any vehicle or object left in the derby camping area.
23. All costs and charges for the removal, care and storage of a vehicle that is removed and impounded under section 21 of this by-law must be paid by the owner of the vehicle and shall be a lien against the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*.

Part VI. Operators**Operator's licence required**

24. No person may operate a derby camping area on leased City property or on private property without an operator's licence issued pursuant to this by-law.
25. A lessee of City property or an owner of private property that is permitted to have a derby camping area pursuant to Schedule 'A', attached to and forming part of this by-law, may apply for a licence to operate a derby camping area.

Application - operator's licence

26. The Licence Manager will receive, process, and review all applications to operate a derby camping area under this by-law.
27. Every application to operate a derby camping area must be submitted to the City for approval at least sixty (60) days prior to the beginning of the licence period.
28. Every application to operate a derby camping area must be made to the Licence Manager on the forms provided by the Licence Manager. Without limitation, every application to operate a derby camping area must include the following:
 - a. a completed application that includes the name, telephone number, and email address of the applicant;
 - b. payment of the applicable operator's licensing fee as identified in the City's Fees and Charges By-law;
 - c. a site plan indicating:
 - i. the location and dimensions of the proposed derby camping area;
 - ii. the intended means of access to and through the derby camping area;
 - iii. the location and number of washrooms, garbage receptacles and other facilities that the operator will provide to support the derby camping area; and
 - iv. any other information or documents required by the Licence Manager.

29. Every site plan must conform to the following site plan requirements:
 - a. a twenty-five camping vehicle maximum;
 - b. a minimum setback from residential zones of one hundred metres (100.00 m); and
 - c. a minimum setback from the shoreline of twenty metres (20.0 m).
30. The Licence Manager may request comments from other departments or agencies in respect of the application.
31. The Licence Manager may require an inspection of the proposed derby camping area prior to making a determination on the application.
32. The submission of an application for an operator's licence, including the related fee(s), does not entitle an applicant to operate a derby camping area. The applicant is only entitled to operate the derby camping area once the licence has been issued in accordance with the provisions of this by-law.
33. A licence to operate a derby camping area is valid for the licence period in the year in which it is issued.

Issuing licences

34. When an application for a new operator's license is made in accordance with this by-law and the applicant meets all the requirements of this by-law, the Licence Manager will issue an operator's license along with the maximum number of vehicle licences allowed for the derby camping area.
35. The operator of a derby camping area may distribute vehicle licences in the manner they see fit and in exchange for a fee or otherwise.

Part VII. Licence Replacement and Licence Fees

Duplicate licence

36. Where a vehicle licence or operator's licence issued in accordance with this by-law is lost or destroyed and the licensee makes a request and pays the fee as set out in the City's Fees and Charges By-law, the Licence Manager will issue a replacement of the original licence, marked "duplicate".

Non-refundable administration fee

37. Application fees for both vehicle licences and operator's licences include a non-refundable administration fee, regardless of whether or not the City approves a licence and regardless of whether or not the City imposes any conditions on the licence.

Part VIII. Refusal to issue

Grounds

38. A Licence Manager may refuse to issue a vehicle licence where:
 - a. the licence application is incomplete;
 - b. the licence application contains false information;
 - c. the vehicle does not meet the requirements of this by-law; or
 - d. the maximum number of vehicle licences has been issued.
39. A Licence Manager may refuse to issue an operator's licence where:
 - a. the licence application is incomplete;

- b. the licence application contains false information;
 - c. the site plan does not meet the site plan requirements;
 - d. the applicant is indebted to the City in respect of fines, penalties, judgements, outstanding property taxes, or any other amounts owing; or
 - e. the applicant is subject to an order, or orders made pursuant to applicable law including but not limited to a City by-law.
40. The Licence Manager's decision to refuse to issue a licence is final. Where an application is incomplete or disqualified, the Licence Manager may provide notice of the default and accept a revised application at their discretion.
41. The refusal of a licence application does not preclude an applicant from re-applying in subsequent years.

Part IX. Requirements, Responsibilities and Prohibitions

Responsibilities

42. Every person with a valid vehicle licence must comply with all applicable laws, including but not limited to:
- a. the Criminal Code of Canada;
 - b. the Fire Protection and Prevention Act;
 - c. the City's:
 - i. Fireworks By-law;
 - ii. Noise By-law;
 - iii. Nuisance By-law; and
 - iv. Open Air Burning By-law
43. Every person with a valid vehicle licence must display the licence such that it is clearly visible from the exterior of the vehicle for which it has been issued.
44. Every person with a valid vehicle licence must move their vehicle(s) no later than 3 hours after notice by the City to do so.

Prohibitions

45. During the licence period, within a derby camping area, no person may camp or permit camping:
- a. other than in the manner, location and direction dictated by the City at the time the licence is issued;
 - b. in a camping vehicle that is greater than thirty-two (32) feet in length;
 - c. within any portion of an identified emergency access (fire) route; or
 - d. within three (3) metres of the harbour wall.
46. During the licence period, within a derby camping area, no person may cause or permit:
- a. open campfires for cooking, warming or other purposes;
 - b. fish to be cleaned at a location other than an official municipal or derby fish-cleaning station;

- c. grey water or black water to be discharged into a storm sewer, watercourse or onto the ground;
- d. a cooking device to be used in a manner contrary to the manufacturer's specifications;
- e. a tent, including a dining tent, or other structure to be raised, used or occupied;
- f. the awning of a vehicle to be extended into the emergency access (fire) route or within 3 m of the harbour wall;
- g. the sale of goods, foods or services from vehicles without the express written consent of the City;
- h. fluids to be discharged from vehicles that may contaminate the ground; or
- i. the use of a licence contrary to any limitation applied to the licence by the Licence Manager;

Part X. Inspections, Orders and Notice

Inspections

- 47. The Licence Manager or an officer may at any reasonable time, enter upon and inspect the land of any person to ensure that the provisions of this by-law are complied with, which may include a vehicle if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused, or through the execution of a search warrant.
- 48. For the purposes of conducting an inspection pursuant to this by-law, an officer may:
 - a. require the production for inspection of documents or things relevant to the inspection;
 - b. inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c. require information from any person concerning a matter related to the inspection; and
 - d. alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 49. The Licence Manager or an officer will provide a receipt for any document or thing removed under subsection 48.b. and the document or thing will be promptly returned after the copies or extracts are made.

Obstruction

- 50. No person shall prevent, hinder, or obstruct, or attempt to prevent, hinder or obstruct anyone who is lawfully exercising a power or performing a duty under this by-law.
- 51. Any person who has been alleged to have contravened any of the provisions of this by-law must identify themselves to the Licensing Manager or officer upon request. Failure to do so will result in the person being deemed to have obstructed or hindered the License Manager or officer in the execution of their duties.

Orders

52. An officer may make an order requiring the person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.
53. An order made pursuant to section 52 must:
- a. include the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b. include the date by which there must be compliance with the order and/or the work to be done and the date by which the work must be done;
 - c. direct that if the thing or matter that is required to be done is not completed by the time set out in subsection 53.b., the matter or thing will be done by the City at the person's expense and the City may recover the costs of doing the matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.
54. Every person must comply with an order made pursuant to section 60.

Notice - orders

55. Any order issued pursuant to this by-law may be given in writing in any of the following ways and is effective:
- a. on the date on which a copy is delivered to the person to whom it is addressed;
 - b. on the fifth day after a copy is sent by mail to the person's last known address;
 - c. upon the sending of a copy by e-mail transmission to the person's last known email address; or
 - d. posting on the premises, on the date of posting.
56. For the purpose of section 55, a person's last known address and last known email address are deemed to include information on the last revised assessment roll and on an application submitted pursuant to this by-law.

Part XI. Offence and Penalty

57. Every person who contravenes any provision of this by-law, or fails to comply with an order issued pursuant to this by-law, is guilty of an offence and liable to a fine of:
- a. on a first offence, no more than \$50,000; and
 - b. on a second offence and each subsequent offence, not more than \$100,000,
- and such other penalties as provided for in the Provincial Offences Act and the Municipal Act.
58. Where a corporation contravenes any provision of this by-law or fails to comply with an order issued pursuant to this by-law, and every director or officer of a corporation who commits, concurs, assents to, or acquiesces to such contravention, is guilty of an offence and is liable to a fine of

- a. on a first offence, no more than \$50,000; and
 - b. on a second offence and each subsequent offence, not more than \$100,000,
- and such other penalties, as provided for in the Provincial Offences Act and the Municipal Act.
59. In addition to any penalty otherwise provided for in this by-law, every person convicted of an offence under this by-law is liable to a fine of not more than \$10,000 for each day during which the offence continues.
60. Upon conviction any penalty imposed under this by-law may be collected under the authority of the Provincial Offences Act.
61. If a person is convicted of an offence for contravening a provision of this by-law or an order made under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to correct the contravention in such manner and within such period as the court considers appropriate.

Part XII. Effective Date

62. This by-law comes into force and effect on the date of passing.

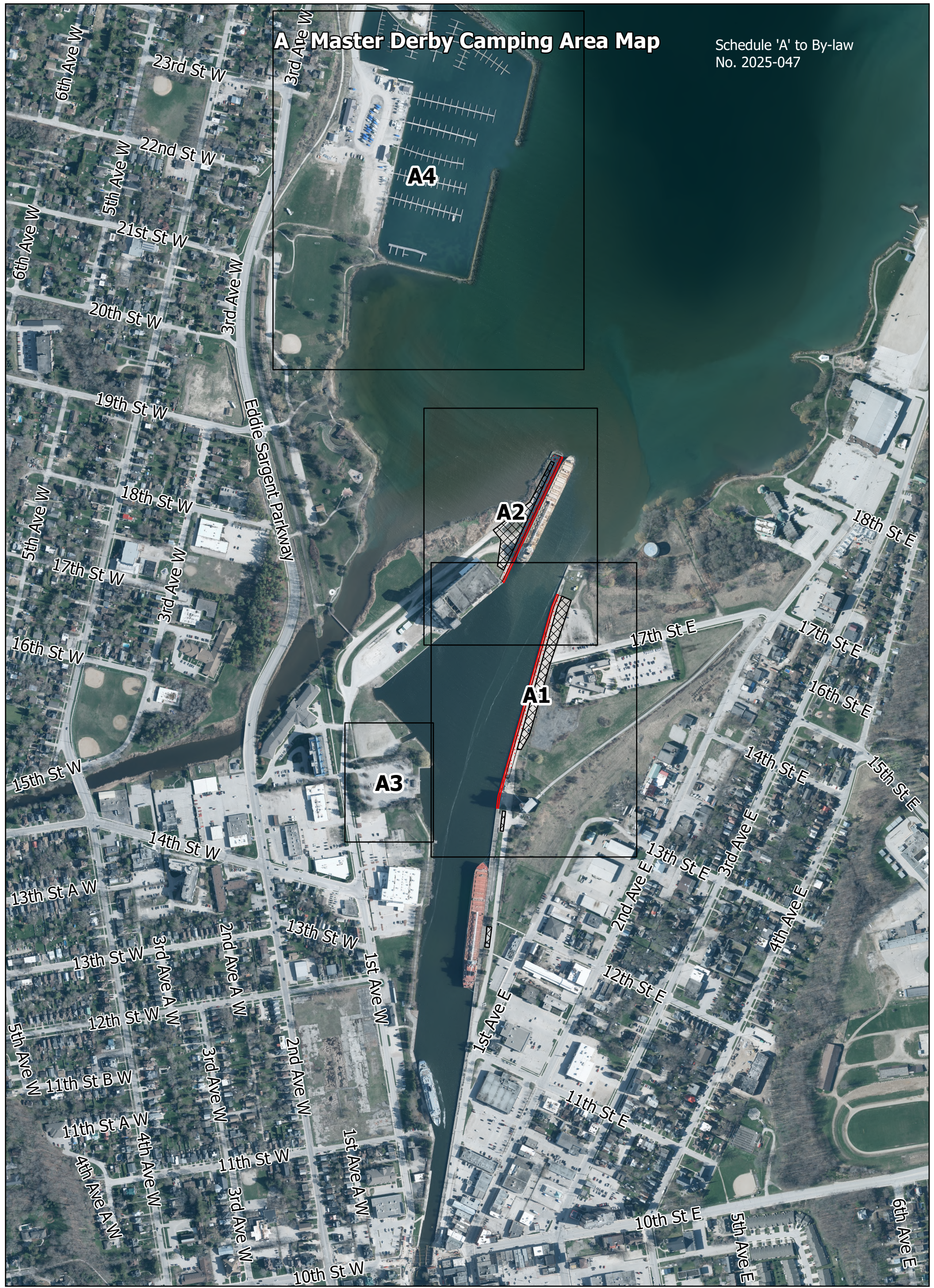
FINALLY PASSED AND ENACTED this 12th day of May 2025.

Signature on file
Deputy Mayor Scott Greig

Signature on file
Briana M. Bloomfield, City Clerk

A Master Derby Camping Area Map

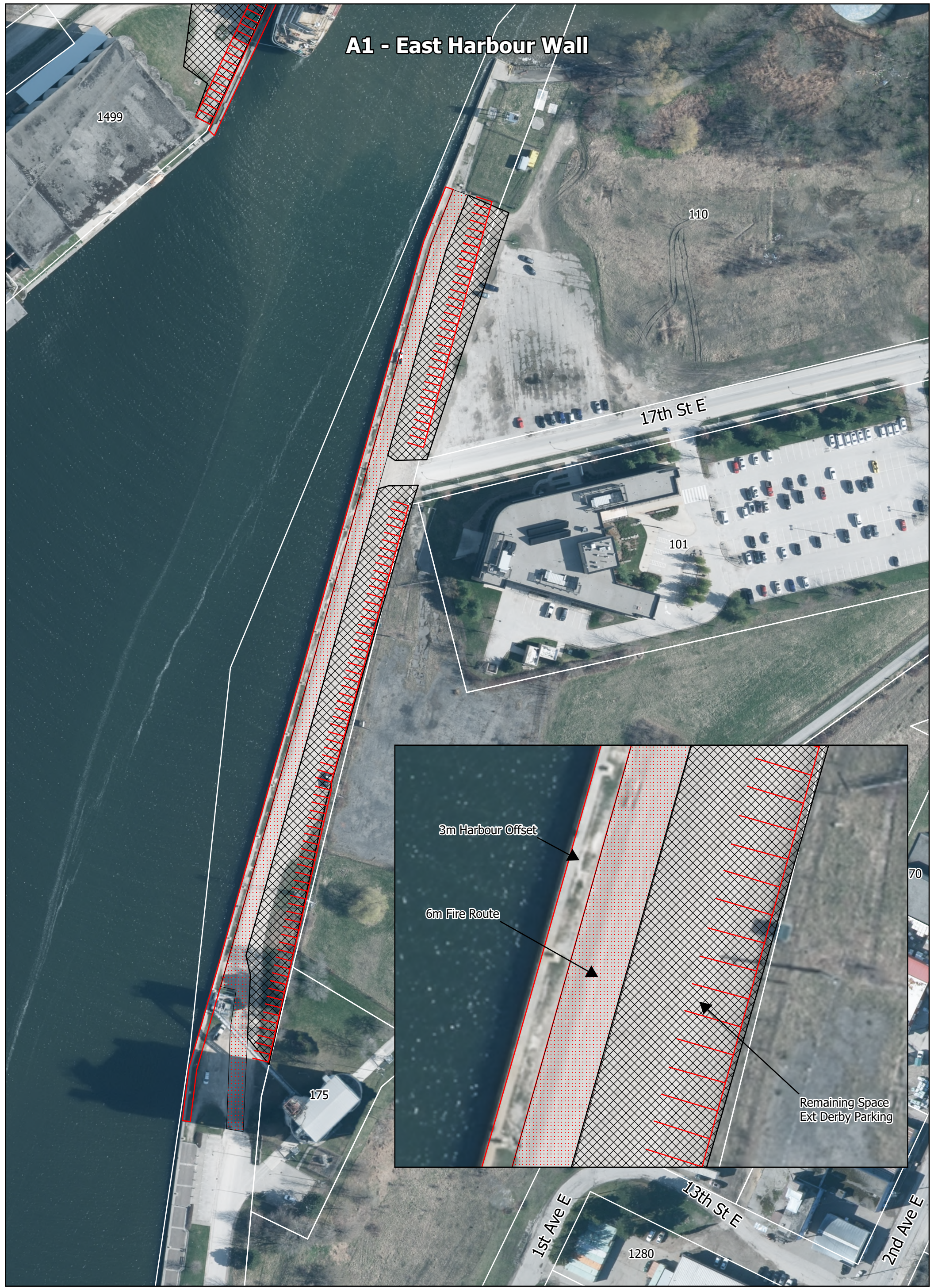
Schedule 'A' to By-law
No. 2025-047



0 0.15 0.3 0.6 Kilometers



A1 - East Harbour Wall



Harbour Lands

- 3m Wall Setback
- 6m Fire Route
- Permitted Area of Derby Camping

0 0.03 0.07 0.13 Kilometers



A2 - West Harbour Wall



Harbour Lands

- 3m Wall Setback
- 6m Fire Route
- Permitted Area of Derby Camping



A3 - West Side Boat Launch

1st Ave W

1451

1st Ave W

1415



A4 - Georgian Shores Marina

