

shall be kept in proper working order by any person or persons operating or in charge of such motor boat, launch or other water craft at all times when such engine or engines are in operation except in a regatta, motorboat race or exhibition speed boat trial, a permit for which has been issued by the Commissioners under the provisions of this By-law. No such motor boat shall be operated on any of the waters of the Port and Harbour of Toronto in a reckless manner or at an excessive rate of speed so as to endanger the life or property of any person in or on said waters, having due regard to the presence of other boats, bathers or objects in or on such waters and of any other conditions then existing.

5. The provisions of this By-law shall not apply to any vessel or craft engaged in the Life Saving and Police Patrol Service in the Port and Harbour of Toronto or to any vessel or craft operated by or on behalf of The Toronto Harbour Commissioners or the Corporation of the City of Toronto when used for fire fighting purposes.

6. All persons infringing any of the above-mentioned provisions of this By-law shall be liable upon conviction to a penalty of not less than Ten Dollars (\$10) nor more than Fifty Dollars (\$50), or thirty (30) days' imprisonment, and in default of such pecuniary penalty and the costs of conviction to a period of imprisonment not exceeding sixty (60) days, but such imprisonment shall in no case continue after such payment is made.

BY-LAW NO. 7

Confirmed by Dominion Order-in-Council P.C. 3306, dated the 17th day of June, 1952; published in Part II, of THE CANADA GAZETTE, 9th, July, 1952. Amended by Order-in-Council P.C. 1980-946 dated April 10th, 1980. Published in THE CANADA GAZETTE, April 23rd, 1980.

By-law for the Licensing of Power Vessels and Sailing Vessels and for the Licensing of Operators of Power Vessels.

1. This By-law may be cited as the *Toronto Harbour Licensing By-Law*.

Interpretation

2. In this By-law.
- (a) "Commissioners" means the Toronto Harbour Commissioners;
 - (b) "Power vessel" means any vessel that uses machinery in whole or in part for its propulsion or is equipped with such machinery;
 - (c) "Sailing vessel" means any vessel which uses sails in whole or in part for its propulsion or is equipped with such sails, but does not include a power vessel;
 - (d) "Vessel" or "Craft" means any vessel or floating object, including but without limiting the generality of the foregoing, power vessels, sailing vessels, rowboats, canoes, skiffs, punts and rafts.

Administration

3. The Commissioners may from time to time appoint and authorize such of their officers or

such other persons as they deem necessary to administer and enforce the provisions of this By-law, and may revoke any such appointment or authority.

PART I

LICENSING POWER VESSELS AND SAILING VESSELS

4. No person shall operate any power vessel or sailing vessel within the Port and Harbour of Toronto until the owner thereof has licensed or registered such vessel with the Chief Officer of Customs at some port or place in Canada.

5. Identification marking, provided for under The Canada Shipping Act, shall be displayed and be plainly visible while a vessel is at rest or under way and upon and only upon the power vessel or sailing vessel in respect of which they were issued, in the form and manner prescribed under the Canada Shipping Act.

6.

(1) Upon any change of ownership of a vessel for which a license has been issued the license and identification markings, if any, shall be transferred with the vessel and written notice of such change of ownership shall within forty-eight hours be delivered to the Chief Officer of Customs by the person to whom such license was issued and by the transferee, together with the full name and address of the transferee.

(2) Notwithstanding a change of ownership and notwithstanding any liability of the transferee, the transferor shall be liable for the breach of this or any other By-law of the Commissioners committed in respect of such vessel until such notice or information mentioned in subsection (1) has actually been received by the Chief Officer of Customs.

PART II

LICENSING OF OPERATORS OF POWER VESSELS

7. No person shall operate a power vessel within the Port and Harbour of Toronto unless licensed to do so under the provisions of this Part.

8. No person shall operate any power vessel within the Port and Harbour of Toronto while his operator's license is suspended or after such license or permit has been revoked.

9.

(1) No person under the age of fourteen years shall be licensed to operate nor shall such person operate a power vessel within the Port and Harbour of Toronto.

(2) No person under the age of twenty-one years shall be licensed to operate nor shall such person operate a power vessel while it is being used as a passenger carrying vessel for hire.

10.

(1) No person shall be licensed to operate nor shall any person operate a power vessel until such person has passed a satisfactory examination by the Harbour Master or by some other person designated by the Commissioners as to his capability as an operator, which examination may include a test of the knowledge on the part of such person of the mechanism and operation of a power vessel and of the By-laws of the Commissioners and other marine regulations in force.

- (2) Upon the applicant passing such examination to the satisfaction of the Commissioners, the Commissioners may issue to such applicant an operator's license.
- (3) Each applicant for an operator's license or for a learner's permit shall pay to the Commissioners the prescribed fee and shall sign and deliver to the Commissioners an application form giving such information as the Commissioners may require.

11. All operator's licenses shall expire on the 31st day of December in each year unless sooner revoked or suspended, but upon payment of the prescribed fee, in the discretion of the Commissioners, may be renewed without further examination (unless the Commissioners deem a further examination desirable) upon production of the expired license.

12. No person shall operate a power vessel unless, when operating any such vessel, he has in his possession an operator's license for the then current calendar year issued to him under the provisions of this By-law and bearing his signature, and every operator shall, when requested so to do produce such license to any of the Harbour Police Officers or to any person appointed and authorized by the Commissioners to administer or enforce this By-law.

13. The Commissioners may upon payment of the prescribed fee issue to any person not precluded under the provisions of this By-law a learner's permit allowing that person for the purpose of qualifying as a power vessel operator, to operate a power vessel while accompanied by and under the immediate supervision of a licensed operator for a period of not more than thirty days from the date of such permit; the learner's

permit, when issued and signed by the person to whom it was issued, and in that person's possession shall be sufficient license for such person to operate a power vessel in the Port and Harbour of Toronto during the period specified in such permit, but only when accompanied by and under the immediate control of a licensed operator, and the permit shall be at all times in the possession of the person to whom it was issued while that person is operating a power vessel and shall upon request be produced to any Harbour Police Officer or to any person appointed and authorized by the Commissioners to administer or enforce this By-law; any such learner's permit may be renewed by the Commissioners for further periods of thirty days.

14. The following fees shall be paid to the Commissioners:

- | | |
|---|--------|
| (a) For an operator's license..... | \$4.00 |
| (b) For a learner's permit..... | \$4.00 |
| (c) For a renewal of an operator's
license | \$4.00 |
| (d) For a renewal of a learner's permit.... | \$4.00 |

PART III

GENERAL

15.

- (1) The operator's license or learner's permit of any person may be suspended by the Commissioners for any period of time the Commissioners think fit for any violation of any of the By-laws of the Commissioners or of the Canada Shipping Act or any other marine regulations, and the Commissioners may for like reason revoke such operator's license or learner's permit.

(2) Notice of a suspension or revocation of a license or learner's permit may be given by personal service or by registered letter addressed to the person at the address given on his license or permit as the case may be, or at such changed address as the Commissioners shall have written notice of, and such suspension or revocation shall be effective on the day such notice is delivered into the custody of the Post Office.

16. Any person whose operator's license or learner's permit has been suspended or revoked shall immediately return to the Commissioners such license or permit.

17. The licensed operator of any power vessel shall promptly notify the Commissioners in writing of any change of his address, and no person shall give any fictitious name or address or make any mis-statement of fact in any notice or application.

18. No person shall operate any vessel or craft in a negligent manner nor operate any vessel or craft that is not seaworthy or safe; negligent operation includes the operation of a vessel in such manner as to interfere unnecessarily or unreasonably with the free and proper use of the waters, beaches, docks or wharves by other craft or persons, or to endanger other craft or any person upon such other craft or in the water or upon the vessel itself.

19. The Commissioners may at any time but shall not be required to inspect any vessel, and the issuing of an operator's license or learner's permit shall not make the Commissioners responsible in any way for the capability or lack of capability of the person to whom such license or permit was issued to operate a power vessel.

20. The owner of any vessel or craft shall be liable to the penalties for any violation of this By-law or any other By-law of the Commissioners for the time being in force with respect to navigation unless at the time of such violation the vessel or craft was in the possession of some person other than the holder of the owner's license for that vessel without the consent of the holder, and the burden of proving that there was no such consent shall be on the holder of the owner's license, the liability of such penalties shall also extend and apply to any co-owner, captain, operator, lessee or any other person ostensibly in command or in charge of any vessel or craft.

21. No person shall use or operate any vessel or craft within the waters of the Port and Harbour of Toronto during any period that the owner's license for such vessel or craft has been suspended by the Chief Officer of Customs or the use or operation of such vessel or craft has been suspended by the Commissioners in the interests of public safety or all proper regulation and control of navigation, including the seaworthiness or safety of any vessel or craft or for any other reason in the Commissioners' discretion; notice of such suspension by the Commissioners may be given by personal service or by registered letter addressed to such person at his latest known address and the suspension shall be effective on the day the notice is delivered into the custody of the Post Office.

22. No person shall operate or be ostensibly in charge of a vessel whether it is in motion or not within the Port and Harbour of Toronto while intoxicated or under the influence of any narcotic: any person who, while intoxicated or under the influence of any nar-

cotic, occupies the seat ordinarily occupied by a person operating a vessel shall be deemed to be ostensibly in charge of the vessel unless that person establishes that he did not board the vessel for the purpose of setting it in motion.

23. Any person violating any of the provisions of this By-law shall be liable on summary conviction to a penalty of not less than ten dollars nor more than fifty dollars or thirty days' imprisonment and, in default of payment of such pecuniary penalty and the costs of conviction, to a period of imprisonment not exceeding sixty days, but such imprisonment shall in no case continue after such payment is made.

BY-LAW NO. 8

To Regulate the Operating or Navigating of Any Vessel Within the Limits of the Harbour.

(Confirmed by Dominion Order-in-Council P.C. 5581, dated 16th August, 1945).

(Published in Canada Gazette 8th September, 1945).

RESOLVED: That existing By-law No. 8 to regulate the operating or navigating of any vessel within the limits of the Harbour be repealed.

RESOLVED: That the following be enacted as By-Law No. 8.

Be it enacted by the Toronto Harbour Commissioners that:

1. Every person in charge of a rowboat, canoe, or hand propelled craft of any kind on the waters of Toronto Harbour between sunset and sunrise shall have ready at hand, in such craft, a lantern

or other source showing a white light, which shall be readily available for use to prevent a collision and for other navigation purposes and shall be used therefore by such person.

2. Sailing vessels underway shall carry the lights as prescribed in Rule 42 (b), Rules of the Road for the Great Lakes, etc., with the exception of the white lights referred to in the first and second paragraphs, which they shall never carry.

3. Sailing dinghys and other vessels using sail as means of locomotion shall carry sufficient life preservers or belts to sustain afloat all persons on board and so placed as to be readily accessible at all times.

4. Sailing dinghys may use, instead of lights prescribed in Rule 42 (b), Rules of the Road for the Great Lakes, a combined lantern showing green and red lights from right ahead to two points abaft beam on their respective sides, but this provision shall not apply to vessels carrying headsails. Sailing dinghys shall in no event use the white light referred to in Rule 42, subsections A and B.

5. That every motor boat and other vessels propelled by machinery in whole or in part, other than steam, shall carry, ready for immediate use, the means of promptly extinguishing burning gasoline.

6. No Master or Pilot of any vessel shall authorize or permit to be carried, any light electric or otherwise not required by these rules, on the outside structure of the cabin or hull of the vessel, which will in any way interfere with distinguishing the signal lights.