

VILLAGE OF GOLD RIVER

Bylaw No. 642, 2004

A bylaw to regulate the municipal
harbour and port facility.

WHEREAS the Village of Gold River has acquired the improvements located at District Lot 652, Nootka District and operates the Gold River Municipal Harbour and Port Facility as a service; and

The Council wishes to establish regulations for the operation and set fees and charges for the use of the Gold River Municipal Harbour and Port Facility;

NOW THEREFORE the Village Council in open meeting assembled, enacts as follows:

Definitions in this Bylaw

1. In this Bylaw, unless the context otherwise requires:

"abandon"	means in relation to a vessel or watercraft, leaving the vessel or watercraft at the facility without payment of moorage for a period in excess of 30 days;
"authorized personnel"	includes the port manager, wharfinger, the Chief Administrative Officer of the Village and any person assigned responsibility for bylaw enforcement within the Village of Gold River;
"berth"	means a location at the facility where a vessel or watercraft may be moored;
"business"	means a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit;
"Council"	means the Council of the Village;
"dangerous goods"	means dangerous goods as defined in section 1 of the <i>Transportation of Dangerous Goods Act</i> (Canada);
"dock"	means a landing pier or float for vessels and watercraft;

"emergency personnel"	includes any person, group or organization authorized or required by local government bylaw or provincial or federal statute to respond to emergency situations;
"emergency vehicle"	means police vehicle, ambulance or fire department vehicle;
"explosive"	has the same meaning as in the <i>Explosives Act</i> (Canada);
"facility"	means the port lands and wharf, gangway, floats, warehouse and all other improvements located on District Lot 652, Nootka District;
"household or commercial refuse"	means garbage that is not ancillary to the reasonable use of a vessel or watercraft or of the facility;
"liquor"	has the same meaning as in the <i>Liquor Control and Licensing Act</i> of British Columbia;
"loading zone"	means that area of a dock used solely for loading and unloading passengers, supplies or freight and identified by a yellow painted tie-rail;
"moor"	means to secure a vessel or watercraft by means of lines, cables or anchors;
"port lands"	means District Lot 652, Nootka District;
"port manager"	means the person contracted or employed by the Village to manage the operation of the facility;
"raft"	means the mooring of one vessel or watercraft along side another;
"Village"	means the Village of Gold River;
"vessel"	means any ship or boat or any other water borne craft which is or is ordinarily capable of being propelled by machinery, and used or designed to be used in navigation;
"watercraft"	means any ship or boat or any other water borne craft that is not propelled by or ordinarily capable of being propelled by machinery and is used or designed to be used in navigation;
"wharfinger"	means a person contracted or employed by the Village to

collect moorage and to conduct day to day operation of the facility.

Enforcement Powers

2. All authorized personnel may enforce this bylaw in the course of their duties.
3. It is a condition of use of the facility that a person comply with the provisions of this bylaw.
4. Any authorized personnel may require a person who does not comply with this bylaw to leave or remove their property from the facility immediately, or within a period of time specified by the authorized personnel.
5. Every person required to leave the facility or remove property from the facility under section 4 must do so as directed.
6. No person shall hinder, oppose, molest or obstruct authorized personnel in the discharge of their duties.
7. This bylaw does not apply to:
 - (a) authorized personnel and emergency personnel, while acting in the course of their duties; or
 - (b) emergency vehicles.

Offence

8. A person who contravenes this bylaw commits an offence and is liable on conviction to a fine of not less than \$100.00 and not more than \$10,000.00.

Public Conduct

9. No person shall obstruct or interfere with any person, vessel or watercraft lawfully using the facility.
10. No person shall behave in a disorderly, dangerous or offensive manner at the facility.
11. No person shall dispose of garbage at the facility except into containers provided at the facility for that purpose.
12. No person shall dispose of household or commercial refuse at the facility.

Noisy Activities

13. No person at the facility shall make or cause noises or sounds including the playing of musical instruments, radios, tape players, compact disc players or similar devices or operate any equipment, vehicles, vessels, watercraft or machinery at the facility which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

Liquor

14. No person shall possess an open container of liquor at the facility.

Signs

15. No person shall place, post or erect a sign at the facility except with permission of the Council or the port manager.

Damage

16. No person shall remove, destroy or damage any dock or structure or sign attached to the facility.
17. No person shall remove, destroy or damage any notices, rules or regulation posted at the facility by or under the authority of the Council.
18. No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on the facility or in the water surrounding the facility.

Storage

19. No person shall store any material or thing of any kind, including a vessel or watercraft, at the facility except in an area designated as storage area by a sign indicating the area is a storage area.

Loading Zone

20. No person shall leave or cause a vessel or watercraft to be left unattended at a loading zone.
21. No person shall cause a vessel or watercraft to remain moored at a loading zone for more than two (2) hours in any one day.

Vehicles

22. (1) No person shall drive a vehicle on a dock except:
- (a) for the express purpose of loading or unloading; or
 - (b) where the vehicle is being used for the purpose of repairing or maintaining the dock.
- (2) Despite Section 22 (1), the Council or port manager may cause to be posted a sign prohibiting a person from driving a vehicle on a dock for any purpose.
23. No person shall park a vehicle or leave a vehicle unattended on a dock except in designated parking area.
24. Council may designate parking areas at the facility and where parking areas are so designated a person parking in the designated area shall pay the fees prescribed in Schedule A.
25. No person shall park a vehicle in excess of the maximum permitted parking times.

Commercial Services

26. No person shall sell, expose or display for sale any goods or materials including refreshments, or conduct any business at the facility except where authorized by the Council and unless such person has entered into a use agreement with the Village.

Construction

27. No person shall build upon or place any structure on a dock except where authorized by the Council.

Rates and Fees

28. (1) Council hereby imposes the rates and fees for use of the facility set out in Schedule A to this bylaw.
- (2) A person in control of a vessel or watercraft, which is moored at the dock for less than two hours in any 24 hour period, shall not pay a moorage fee.
- (3) A person in control of a vessel or watercraft moored at the dock shall pay to the Village all applicable moorage fees as prescribed in Schedule A, within four hours of mooring the vessel or watercraft at the dock.

Dangerous Goods

29. No vessel or watercraft carrying dangerous goods or explosives shall moor at the facility for longer than is necessary to effect immediate loading or unloading.
30. No vessel or watercraft carrying dangerous goods or explosives moored at the facility shall be left unattended.

Responsibility

31. For the purpose of this bylaw, the person having charge of a vessel or watercraft is responsible for the vessel or watercraft and the action of its crew.
32. Every vessel or watercraft on or at the facility and all goods handled, brought to or placed in or on the facility shall be entirely at the risk of the owner or operator.
33. The scope of the service provided by the Village at the facility does not include assuming responsibility for vessels, watercraft or other property of facility users.

Facility Management

34.
 - (1) The port manager, wharfinger or their representatives may allot berths to vessels or watercraft at the facility in such order of precedence as they deem appropriate.
 - (2) No person or persons shall moor any vessel or watercraft at the facility without proper authorization of the port manager or wharfinger and completion of a non-assignable berthage/moorage agreement, attached hereto as Schedule B and forming part of this bylaw, the terms and conditions of which are to be considered regulations for the purpose of this bylaw.
35. In order to facilitate the proper management, control and use of the facility, a wharfinger or the port manager may require that a vessel or watercraft to move or alter its position.
36. The wharfinger or port manager, at their discretion, may prohibit the mooring of any vessel or watercraft at the facility where such prohibition is considered necessary because of one or more of the following:
 - (a) the facility is full;
 - (b) the facility is of an insufficient size to accommodate the vessel or watercraft;
 - (c) the owner or operator of the vessel or watercraft has failed to comply with the provisions of this bylaw and the wharfinger or port manager reasonably considers that such person is likely to fail to comply with this bylaw; or

(d) the vessel or watercraft would be a hazard to other vessels or watercraft or a hazard to the facility.

37. When required by limited mooring space any person in charge of a vessel or watercraft may raft the vessel or watercraft provided that no more than three vessels or watercrafts are rafted or such lower or higher number of vessels or watercrafts as specified by the Council and sign posted at the facility.
38. If in the opinion of any authorized personnel a vessel requires pumping out, the port manager or wharfinger may require that a pump be placed on any vessel located at the facility without fear of liability or reproach.
39. No person shall empty holding tanks into the waters of the facility.
40. No person shall berth a derelict hull, log float, log or logs, houseboat, float home or boat house at the facility.
41. The port manager or wharfinger may direct the position, time, place and manner in which a vessel or watercraft may be moored, loaded or unloaded at the facility.
42. It is a condition of use of the facility that the owner or operator of a vessel or watercraft comply with the rules set out in Schedule "B".

Abandonment

43. No person shall abandon a vessel or watercraft at the facility.
44. Where the port manager believes a vessel or watercraft has been abandoned at the facility, and has made reasonable efforts to obtain the name and address of the owner or person last in charge of the vessel or watercraft, the port manager shall make a report to the Council with recommendations for the removal of the abandoned vessel or watercraft in accordance with section 45.
45. If, in the opinion of the Village Council or the port manager, any vessel, watercraft, gear, or material abandoned on or berthed at the facility is considered to be abandoned or derelict, and after the matter has been reported to Council under section 44, the port manager may order the owners to remove such vessel, watercraft, gear, material, and if advertising by a Notice at the facility, such vessel, watercraft, gear or material have not been removed by the owner thereof within 45 days of the date of such notice, then such vessel, watercraft, gear or material may be disposed of by the Village at the expense of the owner of the vessel or watercraft.

Requirement for Removal

45. The port manager or wharfinger may require an owner or operator of a vessel or watercraft to remove a vessel or watercraft at the facility which in their opinion is in danger of sinking or is a hazard to water borne traffic or a hazard to the structures to which the vessel or watercraft is moored. If the owner or operator of the vessel or watercraft cannot be found the port manager or wharfinger may beach the boat, or take any other action considered necessary to correct or alleviate the matter at the expense of the owner or operator of the vessel or watercraft.

Obstruction

46. Except as permitted by the port manager or wharfinger, no person shall moor a vessel or watercraft at the facility in such a manner as to unduly obstruct the movement of other vessels or watercraft.
47. Except as permitted by the port manager or wharfinger, the lines fastening a vessel or watercraft to the facility shall not cross the dock or floats, or be attached to anything other than the fastenings provided for the purpose.
48. Except as permitted by the port manager or wharfinger, no person shall:
- (1) use the surface of a dock for any major maintenance or repair work; or
 - (2) do any other thing in such a manner as to impede the use of the dock.

Port Manager and Wharfinger

49. (1) The port manager, under the direction of the Council, is responsible for the operation, administration and management of the facility and may post signs and give such orders, either orally or in writing, in respect of the operation of the facility, as are authorized by this bylaw.
- (2) No person shall contravene:
- (a) an order of the port manager or wharfinger given under subsection (1); or
 - (b) the directions or instructions on any sign posted under subsection (1).
- (3) An order of the port manager under this bylaw prevails over an order of the wharfinger.

Severance

50. If a section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this bylaw.


Schedules

51. Schedules "A" and "B" inclusive of this bylaw are attached hereto and form part of this bylaw.

Citation

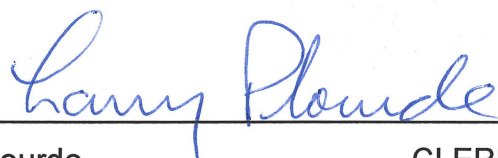
52. This bylaw may be cited as the "Village of Gold River Harbour and Port Facility Bylaw No. 642, 2004".

READ A FIRST AND SECOND TIME THIS	3 rd	DAY OF	AUGUST	2004.
READ A THIRD TIME THIS	3 rd	DAY OF	AUGUST	2004.
ADOPTED THIS	5 TH	DAY OF	AUGUST	2004.



C. Anderson

DEPUTY MAYOR



L. Plourde

CLERK

VILLAGE OF GOLD RIVER

Bylaw No. 642, 2004

SCHEDULE "A"

FEES AND LICENCES

1. DEFINITIONS

"charter boat"	means any vessel or watercraft used to transport passengers who have paid a fee for tourism services including, but not limited to, fishing, whale watching, sightseeing or diving;
"crew boat"	means any vessel or watercraft used to transport 3 or more passengers from the facility to a place of work;
"dinghy"	means an open boat with a maximum length of 15 feet, excluding outboard motor, having a beam of no more than 5 feet and a motor of not more than 9.9 horsepower;
"emergency service vessel"	means a police, fire, search and rescue, or ambulance vessel and any other vessel acting in the aforementioned capacities;
"length"	means the overall length of a vessel or watercraft as determined by the port manager or Wharfinger;
"month"	means a period commencing on a date in one month and terminating on the day immediately preceding the same date in the next month, or if there is no corresponding date in the next month, terminating on the last day of that month;
"moorage"	means a charge for mooring;
"water taxi"	means any vessel or watercraft used to transport passengers or material for a fee.

2. WHARF MOORAGE – COMMERCIAL/PLEASURE

<u>Boat Size – Length</u>	<u>Daily</u>	<u>Monthly</u>	<u>Yearly</u>
less than 25'	\$10	\$125	\$1,200
25' – 36'	\$15	\$150	\$1,500
36' – 50'	\$20	\$175	\$1,800
over 50'	\$25	\$200	\$2,100

3. **DOCK FEES**

<u>Type of Use</u>	<u>Fee</u>
Docking fee (1 hour or less tie-up)	\$10.00
Daytime Tie Up (docking fee included)	\$25.00 (8 hours maximum)
Overnight Moorage (docking fee included)	\$35.00/night \$150.00/week \$500.00/month
Emergency Service Vessels	When not performing emergency services, fees shall be subject to the same moorage fees as prescribed in Schedule A. While actively performing emergency services, shall not be subject to the fees prescribed in Schedule A.

4. **MISCELLANEOUS FEES AND CHARGES**

Advertising sign	\$5.00/sq ft. annually
Freight/Fish Off Load	\$50.00/hr \$300.00/day \$10.00/tote
Use of Hand Crane	\$20.00/hr
Use of Electric Crane with Operator	\$75.00/hr
Vessel Pump Out	\$50.00/minimum
Charter Boat/Water Taxi Licence	\$50.00/year
Crew Boat Licence	\$50.00/year
Sea Plane Landing	\$20.00/landing
Dinghy	\$5.00/day - \$25.00/month (when moored in dinghies only area).
NSF Cheque Charges	\$25.00 for each dishonored cheque
Late Payment Service Charge	2% per month on all unpaid accounts after 30 days

5. **PARKING FEES**

Parking fee	\$50.00 per month
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VILLAGE OF GOLD RIVER

Bylaw No. 642, 2004

SCHEDULE "B"

BERTHAGE/STORAGE AGREEMENT

Permission is hereby given by the Village of Gold River to berth and/or store equipment and gear at the Gold River Port Facility.

Vessel Name: _____
Length: _____
CFV# /Registration #: _____
Gear/Equipment Type: _____ Sq. Ft. _____
Owner: _____
Billing Address: _____

Phone #: _____

Commencing: _____ and during the pleasure of the Village of Gold River;

Upon the following terms and conditions which the owner/user hereby accepts and agrees to perform and abide; including those at Appendix "A" to this agreement of berthage.

Terms and Conditions

Property Description: Gold River Port Facility, Municipal Wharf and Floats
Purpose: Berthage and onboard repairs of the above mentioned vessel, and any other vessel as agreed by the Village and/or storage of gear and equipment under the ownership or care of the above mentioned owner.
Term/Method of Payment: For permission hereby granted, the owner/user shall pay a monthly/annual fee being rent of \$_____ including GST, payable in advance.

I have read and understood the attached Conditions of Use.

Owner/Operator
(for and on behalf of Owner and Vessel)

Date

Village of Gold River

Date

VILLAGE OF GOLD RIVER

Bylaw No. 642, 2004

APPENDIX "A"

MOORAGE AND STORAGE CONDITIONS OF USE

INTERPRETATION:

In these Rules:

Facility means the Municipal Wharf and Dock/Port Facility;

Municipality means the Corporation of the Village of Gold River;

Owner means the person or persons, or company, who own or are in control of a vessel; and

Vessel includes watercraft.

1. All moorage fees are payable in advance and are non-refundable unless warranted, which will be at the discretion of the Harbour Manager.
2. It is a condition of this permit that the owner or operator must abide by all applicable statutes, regulations, bylaws and rules, including the Fishing and Recreational Harbours Act and the Village of Gold River's Bylaws and directives.
3. Before the expiry of this agreement the owner or operator may tender monthly/annual berthage/storage fees and the acceptance of such fees shall renew berthage/storage in accordance with terms in effect.
4. Each vessel or watercraft owner or operator is responsible for the safe mooring of his vessel and shall furnish and maintain his own safe line and chaffing gear. An owner or operator of a vessel must not foul any other berth or access with mooring lines.
5. All vessels moored at the facilities shall be moored at the owner's risk and the Municipality shall not be responsible under any circumstances for any loss or damage caused or sustained by such vessel, whether the same be caused by the negligence of the Municipality or its representatives.
6. The owner or operator agrees to carry for the term of this agreement appropriate liability insurance including coverage for sudden and accidental pollution, for the type of vessel(s)/goods it is berthing/storing and for the activity that it is engaged in.
7. The owner or operator agrees to berth and operate the vessel and to maintain the vessel and berth area in a seamanlike manner and not do or permit anything to be done by the crew, which in the opinion of the Municipality may be, or become a nuisance or disturbance.
8. Vessels coming into the facilities in the harbour shall not tie to any berth without first obtaining permission from a duly authorized office of the Municipality.
9. Visiting vessels must apply to the Village Office for a berth or storage area, which may be granted if space is available, subject to the payment of mooring/storage fees which are payable in advance.

10. When this agreement expires or is terminated, the owner or operator agrees to remove the vessel/goods stored immediately and, if not removed, to pay the Municipality, on demand, all expenses incurred by the Municipality in storing, moving or securing the vessel/goods.
11. If berthage or storage remains unpaid for 90 days, or if there is any breach or non-performance of any of the terms herein by the owner or operator, this agreement may be terminated by the Municipality. The Municipality shall have a lien against the vessel/goods for berthage or storage and expenses, notwithstanding that the vessel or watercraft may no longer remain on the premises.
12. The Municipality reserves the right at any time to re-arrange the position of any vessel moored at the facilities without previous notice to the owner of such vessel.
13. The Municipality and the owner or operator recognize that in the ordinary course of operations pollutants, flammable and hazardous material may be aboard the vessel. The owner or operator shall stow and look after all such material in a seamanlike manner, to the satisfaction of the Municipality and in accordance with the Municipality's directives. The storage of inflammable liquids, oily rags, etc. is prohibited in all other areas on the facilities. Owners or operators may do minor repairs but no litter shall be thrown overboard or left at the facility. Garbage containers are located for the convenience of the users of the facility only.
14. The owner or operator shall pay the Municipality for all utilities and services which may be furnished to the vessel at the rates established from time to time. The Municipality will use best efforts to maintain utility services, but the Municipality neither guarantees the continuity of utility, nor with regard to electrical service, the characteristics of such service and its compatibility with the vessel. It is not permitted to plug a 20 amp. cord into a 30 amp. socket or vice versa, which will result in damage to the receptacle and/or the vessel. All cords shall be minimum A.W.G. wire size #12. Vessels with non-compliant cords will be disconnected without notice.
15. All vessels must be clearly marked with the name, registration number of CFV number and current CFV plate tabs as applicable and as required by law. Emergency contact number(s) shall be posted in a visible location on the outside of the vessel.
16. The owner/user agrees to release, indemnify and hold harmless the Municipality, from and against all claims, demands and suits, present and future, for damage to the vessel(s) and/or stored goods caused by the Municipality, in an emergency.
17. The leaving of vehicles at the wharf approaches, driveways, or loading zones is prohibited and vehicles may be towed away at the owner's expense. Operators of vehicles parked in parking lots, wharf head and approaches are required to adhere to the time limits and load limits set for such parking. The Municipality shall not be liable for loss or damage to vehicles or boats left in the Municipal facilities.
18. Dogs are required to be on a leash at all times while at the wharf facilities and upon Municipal property. Owners of dogs are required to clean up any waste left by these animals.
19. Boat owners are advised to check their vessels regularly, especially after heavy wind or rains. The covering and pumping out of vessels is the responsibility of the owner or operator. A charge to the owner or operator of the vessel will be made should it become necessary for the Municipality or its representative to pump same.
20. Moorage space allocated to a vessel or operator shall not be sublet by the owner/operator.
21. The owner or operator agrees to neither carry on any commercial enterprise nor alter the premises, nor live aboard the vessel without the written permission of the Municipality.
22. Vessel owners or operators who have reserved moorage and who intend to be absent from the facility with their vessels, for a period in excess of 72 hours are required to give the Municipality advance notice of

departure and time of intended return to the facility. Vessel owners who fail to give adequate notice of their return to the facility with their vessels may be required to berth elsewhere until their space is vacated.

23. No vessel shall be left unattended for any period over 7 days without first notifying the Municipality and remitting the applicable fees for storage/moorage of unattended vessels.