

**TOWN OF PORT MCNEILL
BYLAW NO. 570, 2004**

A bylaw to regulate the administration of the facilities at the Municipal Harbour and the Ministry of Fisheries and Oceans Small Craft Harbour in Port McNeill.

WHEREAS the Community Charter authorizes the Council of the Town of Port McNeill may, by bylaw, regulate, prohibit and impose requirements;

NOW THEREFORE the Council of the Town of Port McNeill, in open meeting assembled, enacts as follows that:

1. DEFINITIONS

a. Municipal Dock

A facility owned and operated by the Town of Port McNeill where vessels may be moored and are charged the pleasure craft rates. Pleasure craft, crew boats and charter vessels use this facility.

b. Federal Dock (also known as Commercial Dock)

A facility owned by the Department of Fisheries and Oceans Small Craft Harbours and operated by the Town of Port McNeill where vessels may be moored and are charged the pleasure craft rates, commercial rates or commercial fishing vessel rates. Pleasure craft, commercial craft and commercial fishing vessels use this facility.

c. Charter Boat

Means any vessel or watercraft used primarily to transport passengers who have paid a fee for tourism services including, but not limited to, fishing, whale watching, grizzly watching, sightseeing or diving.

d. Crew Boat

Means any vessel used specifically to transport employees to and from the work site.

e. Pleasure Craft (also known as Recreational Vessel)

Means any vessel or watercraft used for recreation and not for a commercial purpose.

f. Commercial Craft

Means a vessel used primarily for a commercial or industrial undertaking of any kind or nature.

g. Commercial Fishing Vessel (CFV)

Means a vessel with a current Canadian Commercial Fishing License or permit, the primary use being commercial fishing or harvesting living resources of the sea.

h. Harbour Manager

A person or company employed or contracted by the Town of Port McNeill to operate the Municipal and Commercial dock facilities on behalf of the Town.

i. Town

Means The Corporation of the Town of Port McNeill.

j. Length

Means the horizontal distance measured between perpendiculars erected at the extreme ends of the vessel.

k. Water Taxi

Means a vessel primarily used to transport passengers to and from a specific location.

2. The Town of Port McNeill is hereby empowered to construct and acquire docks, wharves and slips for the operation of a Municipal Marina.
3. The Town of Port McNeill is hereby empowered to lease from Fisheries and Oceans Canada the facilities located in the Small Craft Harbour under a Harbour Authority Agreement signed by the Mayor and Municipal Clerk.
4. The Town of Port McNeill is hereby empowered to establish rates and regulations for the operation of the Small Craft Harbour, Municipal Marina, parking lots and boat launch ramp, hereinafter referred to as "*the facilities*".
5. Parking lots owned and operated by the Town are described as follows and regulations for use of parking facilities are set out in Schedule B attached hereto and forming part of this bylaw:
 - a. Compound A - lot adjacent to the Harbour Manager's office
 - b. Compound B - lot adjacent to the Municipal Marina
 - c. Compound C - lots 11 and 12, Plan 16354 across the road from the boat launch ramp
 - d. Compound D - Remainder of Parcel A, Plan 23094, fenced compound at Broughton Boulevard/Shelley Crescent
6. Rates applicable to use of the facilities are set out in Schedule F, Town of Port McNeill Fee Setting Bylaw No. 538, 2003 and any amendments thereto.
7. Regulations applicable to use of the facilities are set out in Schedules A and B attached to and forming part of this bylaw.

8. The Town of Port McNeill may pay out such monies as may be requisite for any expenses involved in the operation of the aforesaid facilities.
9. The Town of Port McNeill shall by resolution and are hereby empowered to:
 - a. Employ such person or persons as may be necessary for the supervision and operation of the facilities and to fix the rate of remuneration therefore.
 - b. Make any other regulations necessary for the safe and efficient operation of the said facilities.
10. The Town of Port McNeill deems it expedient to set forth the following regulations:
 - a. It shall be unlawful for any person or persons to berth any boat in front of that section of the floats or wharf head marked "loading zone" except for the purpose of loading and unloading, and such boats shall not be left unattended in the said "loading zone".
 - b. The Town of Port McNeill or its representatives are hereby empowered to move or direct to be moved any boat or boats from one location at the wharf or floats whenever it is deemed necessary.
 - c. It shall be unlawful for any person or persons to leave gear, small boats or other material on the floats. This is to prevent interference with the floats as a thoroughfare to other users in the interest of public safety.
 - d. It shall be unlawful for the owner of any boat to moor the same at any float unless the said boat has conspicuously displayed upon it a name or registration number or both.
 - e. The Town of Port McNeill or its representatives may allot berths to vessels at the wharf and floats in such order of precedence as they deem fit.
 - f. The Town of Port McNeill or its representative is hereby empowered to order the removal of any boat moored directly or indirectly to the floats which in their opinion is in danger of sinking or is a hazard to water borne traffic or a hazard to the floating structures to which a vessel is moored. If in the opinion of the Town of Port McNeill or its representatives, the foregoing conditions exist and the owner or person responsible for the boat cannot be found, they may beach the boat on the beach contained within the Boat Harbour.
 - g. If, in the opinion of the Town of Port McNeill or its representatives, any boats, gear, or material beached on the beach or abandoned on or berthed at the floats or wharf head, are considered to be abandoned or derelict, the Town of Port McNeill or its representatives may order the owners to remove such boats, gear or materials, and if, after advertising by a Notice at the Municipal Marina, such boats, gear or materials have not been removed by the owner or owners thereof within thirty (30) days of the date of such notice, then such boats, gear and/or material shall be disposed of by the Town of Port McNeill or its representatives as they see fit.

- h. Live Aboard Policy – No more than 5% of the total linear foot dock space within the Port McNeill Harbour shall be occupied by live aboard vessels. New live aboard vessels shall go through a six month probationary period.
11. Every vessel while occupying a berth or while fast to or tied up alongside any other vessel occupying a berth at the Port McNeill Municipal Marina or Small Craft Harbour, and all goods handled, brought to or placed in or on the facilities, shall be entirely at the owner's risk.
12. It shall be unlawful for any person or persons to berth a derelict hull, barge or self-propelled barge, piled river, scow, log float, log or logs, aircraft or houseboat or boat house in the Municipal Marina or Small Craft Harbour.
13. It shall be unlawful for any person or persons to connect to any outlet an extension cord of less than #12 wire-3 wire grounded cord.
14. It shall be unlawful for any person or persons to attach lines to lamp standards or to any fire line outlet.
15. It shall be unlawful for any person or persons to pump engine room bilge or empty holding tanks into the waters of the Municipal Marina or Small Craft Harbour.
16. It shall be unlawful for any person or persons to dispose of garbage at the Municipal Marina or Small Craft Harbour except into the containers provided at the Marina or Harbour for that purpose.
17. It shall be unlawful for any person or persons to park or leave standing any vehicle, except for the purpose of loading or unloading, on the approach to or on the wharf head.
18. It shall be unlawful for any person to repair or service boats or vehicles at the boat launch, dock or any parking area.
19. If in the opinion of the Harbour Manager or other duly authorized personnel a vessel requires pumping out, a pump may be placed on any vessel located at the Municipal Marina or Small Craft harbour without fear of liability or reproach. The fee for this service is listed in Schedule "F", Town of Port McNeill Fee Setting Bylaw No. 558.1, 2004 and any amendments thereto.
20. The regulations set out in the Fishing and Recreational Harbours Act and any amendments thereto and Municipal Bylaws apply to all vessels using wharves, floats and other services in the Municipal Marina and Small Craft Harbour in Port McNeill.
21. The Harbour Manager may issue, from time to time, printed notices regarding particular regulations for the benefit of boat owners and operators at the Port McNeill Harbour.
22. Any charge levied against any boat under this bylaw shall be recoverable by action taken against the owner in any court of competent jurisdiction.

23. All tour boat operators, charter boat operators, crew boat operators, and water taxi operators shall hold harmless and indemnify the Town of Port McNeill from any and all liability for any damage to property of, or personal injury or death to, any third party, resulting from the use of the facilities. The tour operators, charter operators, crew boat operators and water taxi operators shall include The Town of Port McNeill as a named insured on a minimum \$2,000,000.00 comprehensive general liability insurance policy.
24. Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this bylaw, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this bylaw, is guilty of an offence and is liable on summary conviction to a fine of up to ten thousand dollars (\$10,000.00). This bylaw may also be enforced by a Municipal Ticketing Information system.
25. This bylaw shall become effective upon adoption by the Town of Port McNeill.
26. This bylaw may be cited as the Town of Port McNeill Harbour Administration Bylaw No. 570, 2004
27. Bylaw No. 506, 1998 is hereby rescinded.

Read a first time the 15th day of November, 2004.

Read a second time as amended the 06th day of December, 2004.

Read a third time as amended the 13th day of December, 2004.

Reconsidered, finally passed and adopted on the 16th day of December, 2004.

Mayor

Corporate Administrator

Certified to be a true and correct copy of Bylaw No. 570, 2004 as adopted.

Corporate Administrator

SCHEDULE "A" MOORING RULES AND REGULATIONS

INTERPRETATION:

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

Facilities mean the Municipal Marina and/or the Small Craft Harbour;

Town refers to the Town of Port and/or the Town of Port McNeill Harbour Authority.

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. The owner agrees to abide by all applicable statutes, regulations, bylaws and rules, including the Fishing and Recreational Harbours Act, the Government Property Traffic Act and the Town of Port McNeill's Bylaws and directives.
3. Each vessel owner is responsible for the safe mooring of their vessel and shall furnish and maintain their own safe line and chaffing gear. Care should be taken not to foul any other berth or access with mooring lines.
4. All boats moored at the facilities shall be moored at the owner's risk and the Town 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 Town or its representatives.
5. The owner agrees to carry appropriate liability insurance including coverage for sudden and accidental pollution, for the type of vessel(s) or goods it is berthing or storing and for the activity that it is engaged in.
6. The owner shall berth and operate the vessel and 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 Town may be, or become, a nuisance or disturbance.
7. Vessels coming into the facilities in the harbour shall not tie to any berth without first obtaining permission from a duly authorized officer of the Town.
8. Visiting vessels must apply to the Harbour Office for a berth or storage area, which may be granted if space is available, subject to the payment of mooring and/or storage fees which are payable in advance.
9. Upon the cancellation of moorage and/or storage, the owner will remove the vessel and/or goods stored immediately and, if not removed, pay the Town of Port McNeill Harbour Authority, on demand, all expenses incurred by the Town of Port McNeill Harbour Authority in storing, moving or securing the vessel(s) or goods.
10. If berthage and/or storage remains unpaid for 90 days, the Town of Port McNeill Harbour Authority may have a lien against the vessel(s) and/or goods for berthage and/or storage expenses, notwithstanding that the vessel may no longer remain on the premises.
11. The Town 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.
12. The Town and the owner recognize that in the ordinary course of operations, pollutants, flammable and hazardous material may be aboard the vessel. The owner shall stow and look after all such material in a seamanlike manner, to the satisfaction of the Town and in accordance with the Town's directives. The storage of inflammable liquids, oily rags, etc.

is prohibited in all other areas of the facilities. Owners may do minor repairs but no litter shall be thrown overboard or left at the facilities. Garbage containers are located for the convenience of the users of the facilities only.

13. The owner shall pay the Town for all utilities and services which may be furnished to the vessel at the rates established from time to time. The Town will use best efforts to maintain utility services, but the Town neither guarantees the continuity of utility nor, with regard to electrical services, 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-compliance cords will be disconnected without notice.
14. Water may be provided free of charge provided it is not used wastefully. The Town reserves the right to charge, at their discretion, persons who abuse this privilege and any high volume water users. Owners shall abide by all Town of Port McNeill water use restrictions. The use of vacuum type siphons for pumping out boats is prohibited.
15. All vessels must be clearly marked with the name, registration number or CFV number and current CFV plate tabs as applicable and as required by law. Emergency contact number(s) should be posted in a visible location on the outside of the vessel.
16. The owner shall release, indemnify and hold harmless the Town of Port McNeill from and against all claims, demands and suits, present and future, for damage to the vessel(s) and/or stored goods caused by the Town, 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 Marina parking lots, wharf head and approaches are required to adhere to the time limits and load limits set for such parking. The Town shall not be liable for loss or damage to vehicles or boats left in the Town's facilities.
18. Dogs are required to be on a leash at all times while at the marina facilities and upon Town property. Owners of dogs are required to clean up any waste left by their dogs.
19. Boat owners are advised to check their boats regularly, especially after heavy wind or rains. The covering and pumping out of boats is the responsibility of the owner. A charge to the owner of the boat will be made should it become necessary for the Town or its representative to pump same.
20. Moorage space allocated to a boat owner shall not be sublet by the owner.
21. The owners shall not carry on any commercial enterprises, alter the premises or live aboard the vessel(s) without the Town's written permission.
22. Vessel owners who have reserved moorage and who intend to be absent from the harbour with their vessels for a period in excess of 24 hours are required to give the Harbour Manager advance notice of departure and time of intended return to the harbour. Vessel owners who fail to give adequate notice of their return to the marina 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 5 days without first notifying the Harbour Manager and remitting the applicable fees for storage and/or moorage of unattended vessels.

SCHEDULE "B"

PARKING AND LAUNCHING REGULATIONS

1. Parking Regulations:
 - 1.1 Single Vehicles - Marina user and visitor parking is restricted to designated parking lots at compounds A, B and D.
 - 1.2 Vehicles and Boat Trailers - (together or separate) - Vehicles with boat trailers attached are restricted for parking purposes to the designated lot at compound C.
 - 1.3 Owners of vehicles and vehicles with boat trailers must be in possession of a valid daily parking and launching ticket or an annual pass purchased from the agent for the Town or from the lock box provided at the boat launch. The ticket or pass must be visibly displayed for inspection by the agent for the town.
 - 1.4 Vehicles parked in violation of the conditions listed in this bylaw or in violation of posted signs may be towed away and impounded in a designated storage area at the owner's expense.
2. Launching Regulations:
 - 2.1 Prior to using the launch ramp at the boat launch area, owners must obtain a daily parking and launching ticket or annual pass from the agent for the Town.
 - 2.2 Boats, vehicles and trailers parked without valid permit or parking ticket in contravention of section 2.1 above, may be towed away and impounded in a designated storage area at the owner's expense.
 - 2.3 Vehicles and boats with a combined weight of 7,000 kg. and over are prohibited from using the municipal launch ramp when the tide is less than 3.04 meters.
 - 2.4 Boat launch areas adjacent to the ramp, including boat launch docks and compound "C" will not be used as a repair area for vessels.
 - 2.5 Vessels exceeding the 30-minute loading limit in any area of the boat launch docks may be subject to fines of \$100 per 24-hour period or portion thereof.