

# VILLAGE OF PORT ALICE

## BYLAW NO. 529 2007

A Bylaw to regulate, prohibit and impose requirements in relation to a public wharf

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WHEREAS the Village of Port Alice built and operates a public wharf;

WHEREAS the Council for the Village of Port Alice wishes to regulate, prohibit and impose requirements in relation to the use of that wharf;

NOW THEREFORE the Council for the Village of Port Alice, in open meeting assembled, ENACTS AS FOLLOWS:

### **Title**

1. This Bylaw may be cited for all purposes as the “Village of Port Alice Wharf Regulation Bylaw No. 529, 2007.”

### **Definitions**

2. In this Bylaw,

“length” means:

- (a) in the case of a vessel registered under the *Canada Shipping Act*, the length as shown in the certificate of registry issued by Transport Canada;
- (b) in the case of a vessel licensed under the Small Vessel Regulations under the *Canada Shipping Act*, the length from the fore part of the head of the stem to the after part of the head of the stern post; and
- (c) in the case of a vessel that is not registered or licensed under (a) or (b), the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull;

“moor” means to secure a vessel by means of lines, cables, anchors or other similar means;

“prohibited zone” means that area of a wharf designated solely for loading and unloading of passengers from seaplanes and identified by Seaplane Dock Markers per Transport Canada’s regulations which is an equilateral triangle similar to that shown in schedule “B”.

“vessel” means any ship, boat or watercraft whether or not propelled by motor, and includes vessels whether in good working condition or not.

“wharf” means the public wharf owned and operated by the Village and shown on Schedule “A” attached to this Bylaw.

### **Damage**

3. No person shall remove, destroy or damage any wharf or structure attached to a wharf.

### **Storage**

4. No person shall store any material of any kind, including a vessel, on the surface of a wharf.

### **Prohibited Zone**

5. No person shall moor, or permit to be moored a vessel at or adjacent to a prohibited zone.

### **Loading Zone**

The loading zone at the approach of the dock is restricted for loading and unloading goods only. Once the vehicle is unloaded it **must** be moved to the designated parking lot.

### **Moorage Restrictions**

6. No person shall moor, or permit to be moored any vessel at or adjacent to a wharf between the hours of **9:00 p.m. and 7:00 a.m.**
7. No person shall secure, or permit to be secured any vessel to a wharf by use of a lock or otherwise in a manner that prevents a Village employee or Village Contractor from relocating the vessel.
8. No person shall moor, or permit to be moored, a vessel at a wharf in such a manner as to unduly obstruct the movement of other vessels.

### **Exemptions**

9. This Bylaw does not apply to emergency response vessels and equipment proceeding upon or engaged in an emergency, or by employees or contractors of the Village engaged in maintenance activities.

### **Removal and Impoundment**

10. Where a vessel, chattel or object is occupying a wharf contrary to this Bylaw, the Village employee or Village Contractor, instructed to do so, may remove and impound or cause to be removed and impounded the vessel, chattel or object.
11. Any vessel, chattel or object removed and impounded under section 11 may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs and expenses incurred by the Village in removing and impounding the vessel, chattel or object and restoring the wharf to its former condition plus a **fee of \$100.00, and \$25.00 per day** for storage in the case of vessels, chattels or objects stored on Village property. In the case of work performed by the Village's

employees and equipment, the owner shall pay the Village's current charge-out rate for such work.

- 12. After the expiration of 90 days from the date the vessel, chattel or object is removed and impounded under section 11, if the owner of the vessel, chattel or object removed and impounded has not claimed the vessel, chattel or object and paid the costs, expenses and fees levied in accordance with this Bylaw or if the owner cannot be identified after reasonable efforts, the Village may sell the vessel, chattel or object at a public auction or initiate a court action to recover its costs, expenses and fees.
- 13. If the vessel, chattel or object removed and impounded under section 11 is not purchased at a public auction, the Village employee or Village Contractor may dispose or cause to be disposed of the vessel, chattel or object to the Village dump or any other place approved by the Village of Port Alice and the expenses incurred in the removal and disposal, less the proceeds (if any) of disposal, shall be recoverable as a debt due to the Village from the owner of the vessel, chattel or object.

**Offences and Penalties**

- 14. Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

**Severability**

- 15. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

READ A FIRST TIME this 14<sup>th</sup> day of February, 2007.

READ A SECOND TIME AND AMENDED this 28<sup>th</sup> day of February, 2007.

READ A THIRD TIME AND AMENDED this 28<sup>th</sup> day of February, 2007.

ADOPTED this 14<sup>TH</sup> day of March, 2007.

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Mayor

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Clerk

**SCHEDULE "A"**

**PUBLIC WHARF OWNED AND OPERATED BY VILLAGE**

**Village of Port Alice Seaplane Dock, 1150 Marine Drive, Port Alice BC**