

VILLAGE OF PORT ALICE

BYLAW NO. 643

MARINA BYLAW

WHEREAS it is desirable to regulate and manage municipal marina facilities within the Village of Port Alice.

NOW THEREFORE the Council of the Village of Port Alice enacts as follows:

Repeal

1.1 That *Marina Bylaw No. 601, 2013*, and *Marina Amendment Bylaw No. 640, 2017*, are hereby repealed in their entirety.

Citation

2.1 This Bylaw may be cited as *Marina Bylaw No. 643, 2017*.

Interpretation

3.1 In this Bylaw:

“Abandoned” means a vessel or watercraft left at a dock without payment of Moorage for a period in excess of 10 days.

“Port Alice Municipal Marina” or *“Marina”* means the Marina facility located on Marine Drive within District Lot 304 Rupert Land District.

“Berth” means a location along a float within the Marina where a Vessel or watercraft may be moored.

“Business License” means a valid Business License issued by the Village.

“CAO” means the Chief Administrative Officer duly appointed by Council.

“Commercial” means any vessel that qualifies under Section 6.15 of this bylaw.

“Council” means the elected body of the Village of Port Alice.

“Derelict” means any Vessel that is moored directly or indirectly to the floats, or is anchored or tied up within the foreshore lease assigned to the Village for the purposes of a public Marina, and is, in the opinion of the Marina Manager or the Village, in danger of sinking or is otherwise deemed to be a hazard to water borne traffic or to the Marina infrastructure.

“Fees and Charges Bylaw” means the Village of Port Alice Fees and Charges Bylaw.

“Marina Manager” means the person duly appointed by the Village to supervise the management of the Marina, and includes any employee of the Village who is appointed to enforce the regulations of this Bylaw.

“Length” means the horizontal distance between the extreme ends of the Vessel.

“Moorage” means a charge for the occupation by a Vessel of Berth or other space at the Marina.

“Moorage Contract” means an agreement between the Village and the Owner or Owners of a Commercial vessel who intends to Berth at the Marina.

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“*Non-Commercial Vessel*” means a Vessel used primarily for pleasure, recreational, and transportation purposes.

“*Owner*” means,

- a) in the case of a vessel, the registered Owner, master, operator, or person in charge of the Vessel; and
- b) in the case of goods, the agent, consignor, consignee or carrier of the goods.

“*Parking Facilities*” means the areas operated by the Village and designated by the Village for parking motor vehicles and boat trailers.

“*Tourist*” means a person who does not own a residence, rent a residence, or commonly reside within the Village and surrounding area.

“*Village*” means the Corporation of the Village of Port Alice;

- 3.2 Unless otherwise provided in this Bylaw, words and phrases used herein have the same meanings as in the *Local Government Act*, *Community Charter*, or *Land Title Act*, as context and circumstances may require. A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia unless otherwise indicated, and a reference to any statute, regulation, Bylaw or other enactment refers to that enactment as it may be amended or replaced from time to time. In the event of a conflict between this Bylaw and a Provincial enactment, the stricter law prevails. Headings in this Bylaw are for convenience only and must not be construed as defining or limiting its scope or intent.
- 3.3 If a court of competent jurisdiction declares any portion of this Bylaw invalid, then the invalid portion must be severed and the remainder of the Bylaw continues to remain valid.

Empowerment

- 4.1 The Village may maintain a provincial foreshore lease for the purpose of operating the Marina.
- 4.2 The Village may pay out such monies as may be required for any expenses involved in the operation of the Marina.
- 4.3 The Village may enter into a contract with any agency or individual for the purposes of managing the day to day operations of the Marina.
- 4.4 The fees for moorage and other services at the Marina are those amounts established in the current Fees and Charges Bylaw.

Liability

- 5.1 Occupying a *Berth* or being tied up alongside any other *Vessel* occupying a *Berth* in the *Marina*, as well as the handling of all goods brought to or placed in or on the *Vessel*, is entirely at the *Owner*'s own risk.
- 5.2 Each *Owner* is responsible for the safe mooring of their *Vessel*, and must furnish and maintain his own safe lines and chaffing gear. A person must foul any other *Berth* or obstruct access with mooring lines.
- 5.3 Neither the *Village* nor the *Marina Manager* have care, custody and control of *Vessels* moored in any *Marina* facility.

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- 5.4 *Moorage of Vessels at Marina facilities is at the sole risk of the Owner, and the Village will not be responsible under any circumstances for any loss or damage caused or sustained by such Vessels.*
- 5.5 *The Village shall not be liable for loss of any articles left in vehicles or Vessels.*

Regulations

- 6.1 *A person must not Berth a Vessel in areas marked as “Loading Zone”, except for the purpose of loading and unloading, and must not leave a Vessel unattended in the “Loading Zone”. An Owner, master or person in charge of a Vessel moored in the loading zone area and left unattended for more than one hour must pay **triple the non-commercial daily rate** established in the *Fees and Charges Bylaw*.*
- 6.2 *The Marina Manager may direct the Owner or authorised person to move any boat or Vessel from one location to another in the harbour, whenever it is deemed necessary for safety or Marina efficiency reasons. If the Owner or agent is not available, the Marina Manager may move, or have moved, any vessel in the case of emergency situations.*
- 6.3 *A person must not leave gear, refuse, small Vessels or other items or material on the floats at any time. This is to allow unrestricted access to the floats by other users and to ensure public safety.*
- 6.4 *The Marina Manager may assign Berths to Vessels at the Marina as appropriate.*
- 6.5 *The Marina Manager will determine the Length of the Vessel. The Length for determination of Moorage rates will be the overall Length, regardless of its registered Length, and such determination will be conclusive.*
- 6.6 *The Marina Manager may order the removal of any Vessel that is in danger of sinking or is a hazard to water borne traffic, whether moored directly or indirectly to the floats. If the foregoing conditions exist and the Owner or person responsible for the Vessel cannot be found, the Vessel may be moved from the Municipal Marina at the Owner’s expense.*
- 6.7 *The Marina Manager may order the removal of any Vessel, gear, or material beached or Berthed at the floats or at the wharf head if the Marina Manager considers the Vessel, gear or material to be Abandoned or Derelict. The Village may order disposal or sale of such Vessels, gear and/or materials as it sees fit and removal costs will be assigned to the last registered Owner.*
- 6.8 *No person shall cause or permit the lines of a Vessel that is Berthed or moored at the Marina to be made fast to anything other than the facilities provided for berthing or mooring or cause or permit such lines to lie across any wharf or across any channel in such a manner as to obstruct or interfere with any other Vessel, vehicle, or person.*
- 6.9 *Where two or more Vessels are moored alongside one another at the same float, one Vessel outside the other, and the Vessel on the outside does not have a gangway extending to the float, the person in charge of the Vessel laying nearer to the wharf shall allow persons on the Vessel farther from the wharf free and unencumbered passage over its deck.*

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- 6.10 Where a *Vessel* is made fast to or secured alongside another *Vessel*, one *Vessel* outside the other:
- a) the lines of the *Vessel* that is so made fast or secured shall not, except in an emergency, be cut or cast off by any person unless that person gives notice of his intention to do so to the *Owner* of that *Vessel*; and
 - b) the *Owner* or person in charge of the inside *Vessel*, when ready to leave harbour, may move any outside *Vessel* if the *Owner* of the outside *Vessel* cannot be located, and shall re-secure said *Vessel* to the float once the *Vessel* has been moved.
- 6.11 A person must not tie up *Derelict* hulls, log floats, or logs in the *Marina*.
- 6.12 A person must not *Berth* any scow, houseboat or boathouse at the *Marina* without written permission of the *Marina Manager*.
- 6.13 A person must not pump engine room bilge into the waters of the *Marina*. The use of siphon type fuel transfer pumps is prohibited.
- 6.14 A person must not dispose of garbage (including recyclables) at the *Marina* except into the containers provided for that purpose. Oily wastes are not to be deposited into garbage containers or left on the wharf head.
- 6.15 To qualify for *Commercial* rates of *Moorage* at the *Marina*, prior to mooring a *Vessel* at the *Marina*, the *Owner* or *Owners* of a *Vessel* must enter into a *Moorage Contract* with the *Village*, substantially in the form set out in Schedule "A"; and the *Vessel* must comply with the following criteria:
- (a) CFV:
 - i. Canadian Fishing Vessel with current tags; or
 - (b) Charter:

An *Owner* or *Owners* of the vessel must,

 - i. provide proof of valid public liability insurance coverage of \$1,000,000 or more. The insurance policy must remain in effect for the term of the *Moorage Contract*. A copy of the policy will remain on file with the *Village*; and
 - ii. have a valid *Business License* from the *Village*. A *Business Licence* for the calendar year will not be issued unless accompanied by proof of public liability insurance referenced in s. 6.15 (b)(i) of this Bylaw; or
 - (c) Log salvage:

The *Owner* or *Owner(s)* of the *Vessel* must,

 - i. provide proof of valid log salvage license; and
 - ii. provide proof of valid public liability insurance coverage of \$1,000,000 or more. The insurance policy must remain in effect for the term of the *Moorage Contract*. A copy of the policy will remain on file with the *Village*; and
 - iii. have a valid *Business License* from the *Village*. A *Business Licence* for the calendar year will not be issued unless accompanied by proof of public liability insurance referenced in s. 6.15 (c)(i) of this Bylaw; or

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(d) *Commercial Other* (e.g. Tugboat or Research Vessel):

The *Owner* or *Owner(s)* of the *Vessel* must,

- i. provide proof of valid public liability insurance coverage of \$1,000,000 or more. The insurance policy must remain in effect for the term of the *Moorage Contract*. A copy of the policy will remain on file with the *Village*; and
 - ii. have a valid *Business License* from the *Village*. A *Business Licence* for the calendar year will not be issued unless accompanied by proof of public liability insurance referenced in s. 6.15 (d)(i) of this bylaw; or
- 6.16 (1) Except as may be permitted under s. 6.16(2) of this Bylaw, a person must not stay overnight on any *Vessel* or other watercraft moored at the *Marina*.
- (2) A *Tourist* may stay overnight on a *Vessel* or other watercraft moored at the *Marina* for a number of nights not to exceed seven nights in any calendar month.
- 6.17 Skiffs that are associated with a parent *Vessel* will be billed at applicable rates whether tied to the dock or alongside the parent *Vessel*.
- 6.18 No person shall supply to, receive into or discharge from a *Vessel* or vehicle, any fuel, except in such a location and manner as authorised by the *Marina Manager*.
- 6.19 Every person in charge of a *Vessel* approaching, using, or leaving the *Marina's* floats or docking facilities shall do so in a cautious and seamanlike manner.
- 6.20 A person must not use any water supplied by the *Marina* wastefully. The *Marina Manager* may refuse the supply of water to any person or *Vessel*.
- 6.21 Every *Owner* of a *Vessel* must ensure the *Vessel* is marked, with the name or registration number, as required by law.
- 6.22 A person must not leave a vehicle in any loading zones at the *Marina*, except in accordance with posted signage.
- 6.23 Every *Vessel Owner* must check their *Vessel* regularly, especially after heavy winds or rains, and must ensure proper maintenance of protective coverings and the pumping out of boats as necessary. Should it be necessary for the *Village* to pump a *Vessel* that is in danger of sinking, the *Owner* must pay for the actual cost incurred by the *Village*, in addition to applicable fees established in the *Fees and Charges Bylaw*.
- 6.24 The holder of mooring space leased from the *Village*, or any other space allocated pursuant to this the *Owner*, or any other space allocated pursuant to this Bylaw, must not assign or sub-let that space to another person.
- 6.25 A person must not use a wood burning stove aboard a *Vessel* within the *Marina*.
- 6.26 A person must not engage in welding within *Marina* facilities without the permission of the *Marina Manager*.
- 6.27 A person must not dump sewage or grey water within the *Marina* area.
- 6.28 Noise as a result of partying or loud music, the use of foul language, the use of alcohol and illegal drugs is prohibited within the *Marina*.

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Charges

- 7.1 Daily *Moorage* fees, as established in the *Fees and Charges Bylaw*, will apply after four hours of continuous *Moorage* at the *Marina*.
- 7.2 The *Owner* of a *Vessel* must pay all applicable fees and charges under this Bylaw. Fees and charges that are owed to the *Village* are debt due to the *Village* that may be collected from the *Owner*.

Notice of Prohibition

- 8.1 If the *CAO* determines, based on the *CAO's* direct observations or reports that the *CAO* considers to be credible, that a person has breached this Bylaw or has caused a nuisance at the *Marina*, the *CAO* may issue a notice of prohibition with respect to that person, which shall include reasons.
- 8.2 A notice of prohibition issued under s. 8.1 of this Bylaw shall include reasons for the issuance of the notice of prohibition and a full excerpt of s. 8.3 and 8.4 of this Bylaw.
- 8.3 After 3 days of receipt of a notice of prohibition issued under s. 8.1 of this Bylaw, the person named in the notice of prohibition must not:
- (a) moor any vessel or other watercraft to the *Marina*;
 - (b) store, place or keep any property at the *Marina*, including any *Vessel* or other watercraft;
 - (c) park any motor vehicle at the *Marina*; or
 - (d) attend in person at the *Marina* for a period of 6 months, except with the written permission of the *CAO* for the purpose of removing the person's property from the *Marina*.
- 8.4 A person subject to a notice of prohibition may appeal to *Council* of the *Village* for a cancellation of the notice of prohibition, but the requirements under s. 8.3 of this Bylaw are applicable until the notice of prohibition is cancelled by *Council*.

Offence and Penalty

- 9.1 Every person who:
- (a) contravenes, violates or fails to comply with any provision of this Bylaw;
 - (b) suffers or allows any act or thing to be done in contravention of this Bylaw; or
 - (c) fails or neglects to do anything required to be done under this Bylaw,
- or of any permit or order issued under this Bylaw, commits an offence and upon conviction, shall be liable to paying a fine of up to Ten Thousand Dollars (\$10,000) and the costs of prosecution, and to pay any further amounts and comply with any directions that may be ordered by the court. Where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence.
- 9.2 A fine or penalty imposed for conviction of an offence is separate from and additional to any fees or charges, or costs incurred by the *Village*, that are payable under other provisions of this Bylaw.

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Schedule

9.1 Schedule "A" is attached to and forms part of this Bylaw.

READ A FIRST TIME THIS 8th day of November, 2017

READ A SECOND TIME THIS 8th day of November, 2017

READ A THIRD TIME THIS 8th day of November, 2017

FINALLY ADOPTED THIS 22nd day November, 2017



Mayor



Chief Administrative Officer

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APPENDIX "A"

**Rumble Beach Marina
Commercial Moorage Contract**



Date: _____ Moorage Period: _____

Contract Duration: _____ to _____

Vessel Information (Please print)

Name of Vessel: _____

Registration No: (K#) _____ Length: _____

CFV: _____ Confirmed valid CFV: (staff initial) _____

Insurance Provider: _____

Certificate of Insurance provided: YES NO Date: _____

Current Port Alice Business License provided: YES NO Account Number: _____

Owner/Representative Information (Must be completed)

Owner: _____ Phone: _____

Owner's Vehicle License Plate Number: _____

Billing Address

Street: _____

City: _____ Prov: _____ Postal Code: _____

Email: _____

I, the undersigned, hereby acknowledge that I have requested use of the Marina and agree to pay all associated charges. I have read, understood and do hereby agree to the terms and conditions cited in Marina Bylaw No. 643, 2017.

Owner Signature: _____ Date: _____

Marina Manager or Village Staff: _____ Date: _____