

**VILLAGE OF PORT ALICE  
BYLAW NO. 640**

**A BYLAW TO AMEND VILLAGE OF PORT ALICE  
MARINA BYLAW No. 601, 2013**

**WHEREAS** under Marina Bylaw No. 601, 2013, the Village of Port Alice enacted a bylaw to regulate the operation of the Marina facility owned and operated by the Village of Port Alice.

**AND WHEREAS** the Council for the Village of Port Alice wishes to amend Marina Bylaw No. 601, 2013

**AND FURTHER** the Council for the Village of Port Alice wishes to repeal Marina Amendment Bylaw No. 635, 2016.

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

1. That Marina Amendment Bylaw No. 635, 2016, is hereby repealed in its entirety.
2. TITLE
  - a) That this Bylaw may be cited for all purposes as “Marina Amendment Bylaw No. 640”.
3. Marina Bylaw No. 601, 2013 is hereby amended by the following:
  - a) Section 2 is amended as follows:
    - i. Adding the definition of “CAO”, means the Chief Administrative Officer duly appointed by Council.
    - ii. Adding the definition of “Council”, means the elected body of the Village of Port Alice.
    - iii. Adding the definition of “Tourist”, means a person who does not own a residence, rent a residence, or commonly reside within the Village of Port Alice and surrounding area.
    - iv. The definition of “Live-aboard” is hereby deleted.
  - b) Adding Section 4.17, The dumping of sewage or grey water within the marina area is prohibited.
  - c) Adding Section 4.32, 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.
  - d) Section 4.18, “Live aboard vessels are not allowed at the Marina” is deleted and replaced with:
    - 4.18 (1) Except as may be permitted under s. 4.18(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.
  - e) Section 4.26 is deleted and replaced with:

The leaving of vehicles in loading zones, other than in accordance with posted signage, is prohibited.

f) Section 6.2 is hereby deleted and replaced with:

- 6.2 If the CAO determines, based on the CAO's direct observations or reports that the CAO considers to be credible, that a person has repeatedly breached this Bylaw or has caused a nuisance at the Marina, the CAO may issue a notice of prohibition with respect to that person.
- 6.3 A notice of prohibition issued under s. 6.2 of this Bylaw shall include reasons for the issuance of the notice of prohibition and a full excerpt of sections 6.4 and 6.5 of this Bylaw.
- 6.4 After 3 days of receipt of a notice of prohibition issued under s. 6.2 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.
- 6.5 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. 6.4 of this Bylaw are applicable until the notice of prohibition is cancelled by council.

#### 4. Severability

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 deemed valid.

READ A FIRST TIME THIS 24<sup>th</sup> DAY OF AUGUST, 2017

READ A SECOND TIME THIS 24<sup>th</sup> DAY OF AUGUST, 2017

READ A THIRD TIME THIS 24<sup>th</sup> DAY OF AUGUST, 2017

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017

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Mayor

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Chief Administrative Officer