

VILLAGE OF PORT ALICE

BYLAW NO. 601

BEING A BYLAW TO REGULATE AND MANAGE MUNICIPAL MARINA FACILITIES WITHIN THE VILLAGE OF PORT ALICE

WHEREAS it is deemed desirable for the Village of Port Alice to own and manage the a public Municipal Marina;

AND WHEREAS the Village owns and operates the Port Alice Municipal Marina facility;

AND WHEREAS it is deemed advisable to establish and regulate the operation of the Marina facility owned and operated by the Village of Port Alice;

NOW THEREFORE, the Corporation of the Village of Port Alice, in open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited as “Marina Bylaw No. 601, 2013”.

2. Definitions

In this bylaw, the following definitions will apply:

“**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**” 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 of Port Alice;

“**Commercial**” means any vessel that qualifies under Section 4.17 of this bylaw;

“**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 of Port Alice for the purposes of a public marina, and is, in the opinion of the Marina Manager or the Village of Port Alice, in danger of sinking or is otherwise deemed to be a hazard to water borne traffic or to the Marina infrastructure;

“**Marina Manager**” means the person duly appointed by the Village of Port Alice to supervise the management of the Marina, and includes any employee of the Village who is enforcing the regulations of this Bylaw;

“**Length**” means the horizontal distance between the extreme ends of the vessel;

“**Live-aboard**” means any vessel that is occupied overnight at the Marina for more than two

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consecutive weeks or for fourteen consecutive or non-consecutive days within the period of one month;

“**Marina**” means the public Port Alice Municipal Marina;

“**Moorage**” means a charge for the occupation by a vessel of berth or other space at the Marina;

“**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;

“**Person**” means an individual, but will be construed as meaning the plural;

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

The words herein will be construed as meaning plural or singular, masculine or feminine, wherever the context so requires.

3. Empowerment

- 3.1 The Village of Port Alice is empowered to maintain a provincial foreshore lease for the purpose of operating the Marina.
- 3.2 The Village of Port Alice is empowered to pay out such monies as may be required for any expenses involved in the operation of the Marina.
- 3.3 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.
- 3.4 The Village will set the rates for moorage and other services at the Marina, which will be described in the current Village of Port Alice Fees and Charges Bylaw.

4. Regulations

- 4.1 No boat may be berthed in areas marked as “Loading Zone” except for the purpose of loading and unloading, and boats will not be left unattended in the “Loading Zone”; vessels moored in the loading zone area for more than one hour will be charged **at triple the non-commercial daily rate** according to Village of Port Alice Fees and Charges Bylaw.

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- 4.2 The Marina Manager is hereby empowered to direct the owner or authorised person to move any boat 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.
- 4.3 No gear, refuse, small boats or other materials may be left on the floats. This is to allow unrestricted access to the floats by other users and to ensure public safety.
- 4.4 The Marina Manager may assign berths to vessels at the Marina as appropriate.
- 4.5 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.
- 4.6 The Marina Manager is hereby empowered to order the removal of any boat 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 boat cannot be found, the boat may be moved from the Municipal Marina at the owner's expense.
- 4.7 The Marina Manager may order the removal of any boats, gear, or material beached or berthed at floats or at the wharf head if they are considered to be abandoned or derelict. The Village may order disposal or sale of such boats, gear and/or materials as it sees fit and removal costs will be assigned to the last registered owner.
- 4.8 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.
- 4.9 No person shall permit the lines of a vessel that is berthed or moored at a Marina to be made fast to anything other than the facilities provided for berthing or mooring 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.
- 4.10 Each owner is responsible for the safe mooring of their boat, and will furnish and maintain his own safe lines and chaffing gear. Care will be taken not to foul any other berth or access with mooring lines.
- 4.11 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.
- 4.12 Where a vessel is made fast to or secured alongside another vessel, one vessel outside the other:

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- 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 master or person in charge of that vessel; and
- the master or person in charge of the inside vessel, when ready to leave harbour, may move any outside vessel if the owner or persons in charge of any such vessel cannot be located, and shall re-secure said vessel to the float once the vessel has been moved.

- 4.13 Derelict hulls, log floats, or logs may not be tied up in the Marina.
- 4.14 No scow, houseboat or boathouse may be berthed at the Marina without written permission of the Village.
- 4.15 Engine room bilge is not to be pumped into the waters of the Marina. The use of siphon type fuel transfer pumps is prohibited.
- 4.16 Garbage (including recyclables) must be disposed of into the containers provided for that purpose; oily wastes are not to be deposited into garbage containers or left on the wharf head.
- 4.17 To qualify for the commercial rates a vessel must fall within the following criteria, and the owner(s) will be required to provide the following information:
- i) CFV:
 - Canadian Fishing Vessel with current tags; or
 - ii) Charter:
 - proof of valid public liability insurance coverage of \$1,000,000 or more
 - valid business license from the Village of Port Alice; or
 - iii) Log salvage:
 - proof of valid log salvage license,
 - proof of valid public liability insurance coverage (minimum \$1,000,000),
 - proof of valid business license; or
 - iv) Commercial Other (e.g. Tugboat or Research Vessel):
 - proof of valid public liability insurance coverage,
 - proof of valid business license;
- 4.18 Live-aboard vessels are not allowed at the Marina.
- 4.19 Skiffs that are associated with a parent vessel will be billed at applicable rates whether tied to the dock or alongside the parent vessel.
- 4.20 Neither the Village nor the Marina Manager have Care, Custody and Control of vessels moored in any Marina facility.

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- 4.21 Moorage of boats at Marina facilities is at the Owner's risk, and the Municipality will not be responsible under any circumstances for any loss or damage caused or sustained by such boats.
- 4.22 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.
- 4.23 All vessels approaching, using, or leaving the Harbour's floats or docking facilities shall do so in a cautious and seamanlike manner.
- 4.24 Water may be supplied free of charge provided it is not used wastefully. The Marina Authority reserves the right to charge any person or vessel for any reason.
- 4.25 All vessels must be marked, with the name or registration number, as required by law.
- 4.26 The leaving of vehicles in loading zones (other than in accordance with posted signage) is prohibited; vehicles in violation of posted parking restrictions may be towed away at the owner's expense.
- 4.27 The Village shall not be liable for loss of any articles left in vehicles or boats.
- 4.28 Boat owners are required to check their boats regularly, especially after heavy winds or rains. Maintenance of protective coverings and the pumping out of boats is the responsibility of the boat owner. A charge to the owner of any boat in danger of sinking will be made should it be necessary for the Village to pump it.
- 4.29 The mooring space leased by the owner, or any other space allocated to the owner in accordance with this contract, shall not be sub-let by the owner.
- 4.30 The use of wood burning stoves aboard a vessel is prohibited within Marina facilities.
- 4.31 Welding is prohibited within Marina facilities without the permission of the Village.

5. Charges

- 5.1 Moorage and fees for electrical service will be charged in accordance with current schedules as described in the current Village of Port Alice Fees and Charges Bylaw.
- 5.2 Daily Moorage fees will commence after four hours of continuous moorage at the Marina.

6. Penalty

- 6.1 Any unpaid amounts levied under this bylaw may be recovered by collection actions being taken against the vessel owner or owners.
- 6.2 The Village may prohibit the use of Marina facilities by any person, vessel or vehicle that is not in compliance with the terms and conditions of this Bylaw.

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7. Severability

- 7.1 If any provision of this Bylaw is determined by court of competent jurisdiction to be unlawful or unenforceable, that provision shall be severed from this Bylaw and shall not affect the validity of any remaining provision of this bylaw.

Read a FIRST time this 22nd day of May, 2013
Read a SECOND time this 12th day of June, 2013
Read a THIRD time this 12th day of June, 2013
FINALLY ADOPTED this 26th day of June, 2013



Mayor



Chief Administrative Officer

Certified a true copy of Marina Bylaw No. 601, 2013 adopted by Resolution # _____ on the _____ day of _____ 2013.

_____ Chief Administrative Officer