

**TOWN OF PORT MCNEILL
HARBOUR MANAGEMENT BYLAW NO. 683, 2018**

A bylaw to regulate the administration of the Harbour facilities.

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

DEFINITIONS

For this bylaw, the following words shall mean:

Abandoned

Means leaving a *vessel* at a dock without payment of moorage for a period in excess of ninety (90) days.

Berth

Means a location along a float within the *facilities* where a *vessel* may be moored.

Commercial Fishing Vessel - CFV

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

Commercial Vessel

Means a *vessel* with a valid commercial license.

Derelict

Means A vessel that is left, stored, or abandoned and appears to the Harbour Authority to be disused or neglected by reason of it's age, appearance, or mechanical condition (seaworthiness).

Federal Dock

Means the facility owned by the Department of Fisheries and Oceans Small Craft Harbours and operated by the *Harbour Authority*.

Facilities

Includes the areas laid out on the map in Schedule A which include The *Federal Dock* (the Small Craft Harbour), *Municipal Harbour*, Concrete Drive-On Float, Ministry of Transportation (MOT) Dock and shed, parking lots, municipal launch ramp and the shower building.

Fees

Means the fees as set out in Schedule B, attached to and forming part of the bylaw.

Harbour

Means *Municipal Harbour* and *Federal Dock* properties as set out in the attached map in Schedule A.

Harbour Authority

Means the *Town*, under a *Harbour Authority Agreement* for overall management of the *Federal Dock* and all other areas as defined in the *Harbour Authority Agreement*.

Harbour Authority Agreement

Means the most recent agreement between the *Town* and The Department of Fisheries and Oceans Canada for the overall management of the *Federal Dock* and other areas defined within this agreement.

Harbour Manager

Means a person or company employed or contracted by the *Harbour Authority* to operate the *Municipal Harbour* and *Federal Dock* facilities and his designate.

Live Aboard

Means a person whose lives on a *vessel* at the *facilities*.

Moorage

Means a charge for the occupation of space by a *vessel* at the *facilities*.

Municipal Harbour

Means a facility owned and operated by the *Town*.

Pleasure Boat

Means a *vessel* used for pleasure, personal, family, and or recreational activities.

Reserved

Means a single *berth* assigned by the *Harbour Manager* to a user for their exclusive use as defined in the *fees* and regulations of this bylaw.

Resident

Means a person who is:

- a) a resident as defined under the Elections Act; or
- b) a sole shareholder or senior shareholder of corporations that own real property within the municipal boundaries.

Senior

Means a person who is 65 years or older as of January 1st in the current calendar year.

Tender

Means a smaller *vessel* towed or carried by a larger *vessel* that aids in the operation of the larger *vessel*.

Town

Means the Corporation of the Town of Port McNeill.

Vessel

Includes a craft designed for water transportation, such as - a boat, watercraft, sailboat, yacht, *pleasure boat*, catamaran, *commercial fishing vessel* and *commercial vessel*.

1) EMPOWERMENT

1.1 The *Harbour Authority* may:

- a) establish rates, as set out in the *Fees*, for the use of the *Facilities*.
- b) create regulations, policies, and procedures for the safe operation of the *facilities*.
- c) construct and acquire docks, wharves, and slips for the operation of a *Municipal Harbour*.
- d) move or direct to be moved any *vessel* or *vessels* from one location at a wharf or floats in the *facilities* whenever necessary.
- e) order the removal of any *vessel* moored directly or indirectly to the floats which in the *Harbour Authority* or *Harbour Manager's* 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.
- f) may beach the *vessel* on the beach contained within the *facilities*, if in the opinion of the *Town* or the *Harbour Manager*, the conditions in section 1.1(e) exist and the owner or person responsible for the *vessel* cannot be found ; and employ a person or persons as may be necessary for the supervision and operation of the *facilities* and fix the rate of remuneration therefore.

1.2 The *Town* may pay out such monies for any expenses involved in the operation of the *facilities*.

1.3 A person shall comply with the provisions of schedules C and D attached to and forming part of this bylaw.

1.4 The *Harbour Manager*:

- a) may allot *berths* to *vessels* at the wharf and floats in such order of precedence as the *Harbour Manager* deems fit; and
- b) shall determine the length of a vessel and charge moorage rates as set out in the Schedule B based on that determined length measured from bow to stern, adding all appendages such as swim boards, outboard motors and bow sprits.

1.5 The *Town* or *Harbour Manager* may issue printed notices regarding particular regulations for the benefit of *vessel* owners and operators at the *facilities*.

2) PARKING

2.1 A person may park at any of the parking lots owned and operated by the *Town* as described as follows:

- a) Compound A - lot adjacent to the *Federal Dock*,
- b) Compound B - lot adjacent to the *Municipal Harbour*,

- 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 and Shelley Crescent.

2.2 A person must pay the charges for parking that are listed in Schedule B.

3) LIABILITY

3.1 If the *Harbour Manager* is in the opinion that a *vessel* located at the *facilities* is in danger of sinking, the *Harbour Manager* may place equipment on the *vessel* or take other measures to save the *vessel*.

3.2 If Harbour Manager acts pursuant to section 3.1, a person must pay the charges listed in Schedule B.

3.3 If the Harbour Authority is of the opinion that *a vessels*, gear, or material left on the beach or deserted on or berthed at the floats or wharf head to be *abandoned* or *derelict*, the *Harbour Authority* may order the owners to remove such *vessels*, gear or materials.

3.4 If:

- a) the conditions of section 3.3 occurs;
- b) Harbour Authority has placed a notice on said vessel, gear, or materials or given notice to the registered owner; and
- c) the owner has not removed the *vessels*, gear or materials within thirty (30) days of the date contained in the notice.

the *Harbour Authority* may dispose of the *vessels*, gear or material as they see fit.

3.5 The *Harbour Authority* shall not be liable for any damage to a *vessel* arising from removal under the authority of sections 3.1, 3.3 or 3.4.

4) LEGAL

4.1 The *Town* may recover any charge levied against any *vessel* under this bylaw by action taken against the owner in any court of competent jurisdiction.

4.2 This bylaw may be cited as the Town of Port McNeill Harbour Management Bylaw No. 683, 2018

4.3 Bylaw No. 570, 2004 and its amendments shall be repealed.

Read a first time the 26 day of March, 2018.

Read a second time the 26 day of March, 2018.

Read a third time the 26 day of March, 2018.

Adopted on the 03 day of April, 2018.



Mayor



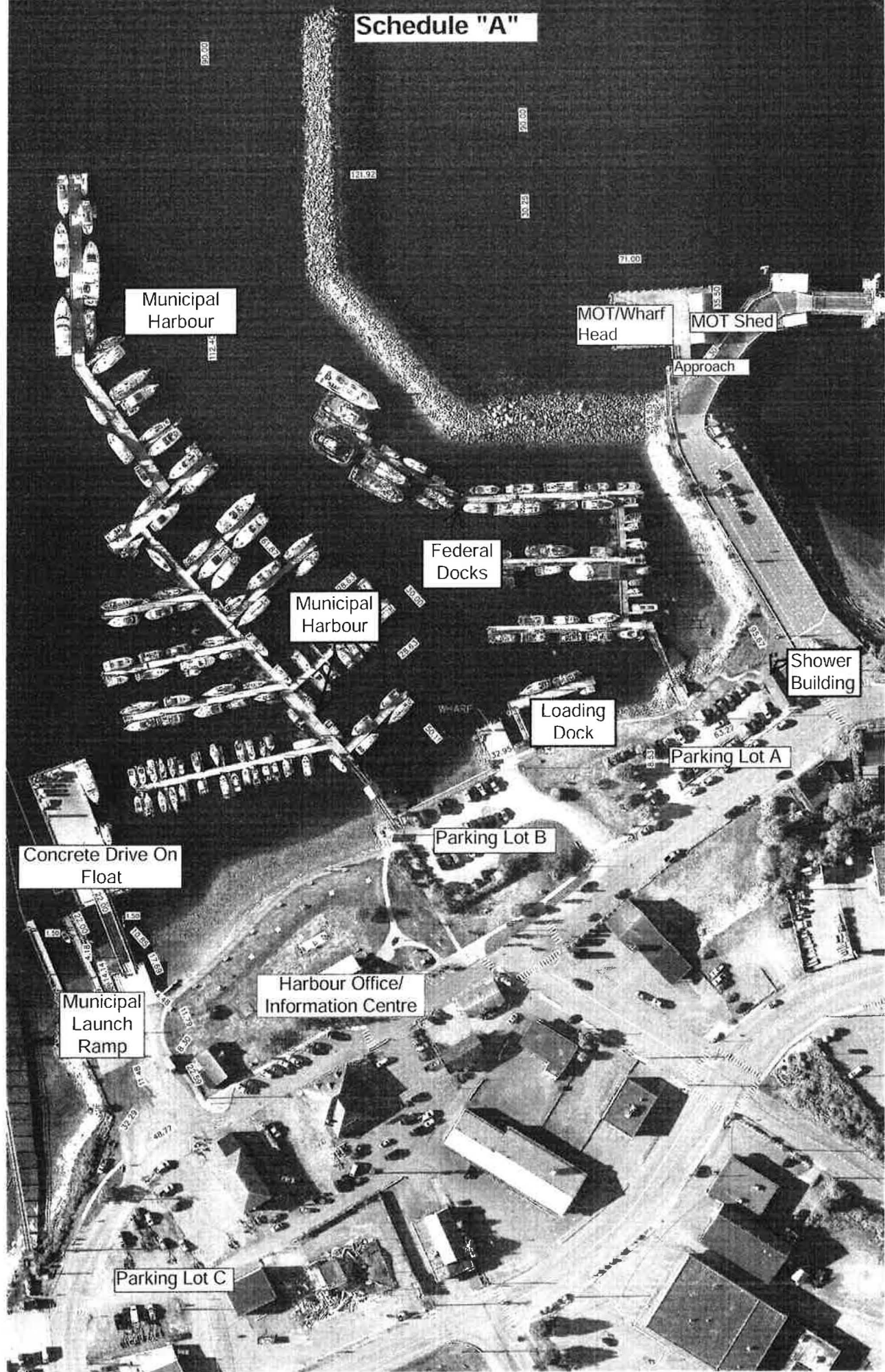
Corporate Officer

Certified to be a true copy,



Corporate Officer

Schedule "A"



Schedule “B”

HARBOUR RATES

1.0 RATE RULES:

- 1.1 All rates are subject to GST unless otherwise noted.
- 1.2 A person must pay the rate set out below in advance.
- 1.3 All services shall be consecutive unless otherwise noted.
- 1.4 A person shall pay Municipal Harbour rates for all *vessels* moored at the *Municipal Harbour*, even if the person has already paid the Federal rates as set out in the *fees*.

2.0 MUNICIPAL HARBOUR

2.1 No charge for tenders if within the footprint of the main vessel.

2.2 Daily Rates – Summer: May 01 – Sept. 30

Day (overnight, more than 5 hours)	\$ 1.00 per foot
Day (more than 2 hours)	\$ 0.55 per foot

2.3 Daily Rates – Winter: October 01 – April 30

Day (overnight)	\$ 0.50 per foot
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2.4 Monthly Rates – Summer:

Transient	\$20.00 per foot
Port McNeill <i>Resident</i>	\$10.00 per foot

2.5 Monthly Rates – Winter:

Transient	\$10.00 per foot
Port McNeill <i>Resident</i>	\$ 5.00 per foot

2.6 Annual Rate (April – March):

- a) Includes parking pass;
- b) Is subject to the following conditions:
 - i. The rate shall be non-transferable;
 - ii. The rate shall only be available if a person pays in advance;
 - iii. The rate shall not be pro-rated;
 - iv. A person shall not be entitled to receive a refund for monthly or daily charges assessed prior to the person making a late annual payment; and
 - v. A person apply for the rate is a full-time *resident*

- c) 20% *senior* discount for *resident* with advanced payment and proof of age for annual moorage only.

<i>Reserved Resident</i>	\$45.00 per foot
<i>Non-reserved Resident</i>	\$40.00 per foot
<i>Reserved or non-reserved non-resident</i>	\$65.00 per foot

3.0 FEDERAL/SMALL CRAFT HARBOUR RATES:

3.1 The following rates shall apply to the *Federal Dock* only:

3.2 No new annual *Pleasure Boats* permitted.

3.3 Monthly or daily charges non-reversible for late annual payment.

3.4 Daily Rates:

Commercial Fishing Vessels (CFV)	\$ 0.20 per foot
Non-CFV (commercial)	\$ 0.30 per foot
<i>Pleasure boats</i>	\$ 0.75 per foot

3.5 Monthly Rates:

CFV (non-consecutive)	\$ 3.00 per foot
Non-CFV (consecutive) (commercial)	\$ 4.50 per foot

3.6 Annual Rates:

- a) Includes Parking Pass (non-transferable).
- b) Only available if paid in advance, no pro-rating.

CFV	\$12.60 per foot
Non-CFV (commercial)	\$20.00 per foot
<i>Pleasure boats</i>	\$32.00 per foot

3.7 *Live Aboard* Service Charge:

- a) moorage not included,
- b) regular rates apply
- c) includes 30amp power

Utilities with <i>Live Aboard</i> contract	\$800.00 annually
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4.0 COMMERCIAL USE

4.1 MOT Dock (Wharfhead):

Daily moorage	\$ 0.30 per foot
Storage lockers (annual rates January 1 – December 31)	\$300.00
Load/offload	\$ 55.00 per use
Load/offload (annual rates January 1 – December 31)	\$250.00

4.2 Concrete dock (drive on):

- a) *Pleasure Boat* users with annual reserved moorage exempt if under 2 hours.
- b) *Vessels* exceeding posted time limit or overnight mooring on loading dock(s) are subject to a \$100.00 charge unless pre-arranged with *Harbour Manager*.

Daily moorage (pre-arranged only)	\$ 1.10 per foot
Load/offload (commercial/resort/water taxis/crew boats*)	\$10.00 per use
Annual load/offload pass (commercial/resort/ water taxis/ crew boats*)	\$300.00
Load/offload - shipping/dock use (fish/supplies/mechanical)	\$10.00 per use
Annual load/offload – shipping/doc (fish/supplies/mechanical)	\$300.00
Pre-arranged storage	\$35.00 per day
Pre-arranged storage	\$300.00 per month

4.3 General Use:

- a) Advanced payment of this fee per single vehicle includes:
 - i. commercial boat launch pass,
 - ii. parking,
 - iii. concrete dock use

Servicing	\$500.00
Per additional vehicle	\$ 25.00

5.0 PARKING/BOAT LAUNCH

- a) All fees:
 - i. are payable in advance;
 - ii. are non-refundable;
 - iii. shall not be pro-rated.

5.1 Parking: Single vehicle

Hour	\$ 1.00
Day	\$ 5.00
Month	\$ 75.00
Annual parking (Apr. 1 – Mar. 31)	\$225.00

5.2 Boat Launch: Vehicle and trailer

Launch/park (per day)	\$ 10.00
Launch/park (per week)	\$ 35.00
Season launch pass – Port McNeill <i>Resident</i> Only (includes one day of parking each day of launch)	\$ 100.00
Annual Commercial/Non-Resident (Apr. 1 – Mar. 31)	\$ 160.00

6.0 POWER

- a) Rates in this section will change annually as per Bylaw No. 678, 2017
Harbour Annual Electrical Fees.

6.1 Daily rates:

20 amp	\$ 5.20
30 amp	\$ 7.30
50 amp	\$ 12.50
100 amp	\$ 20.80

6.2 Monthly rates:

20 amp	\$ 46.80
30 amp	\$ 78.00
50 amp	\$124.80
100 amp	\$208.00

7.0 ADDITIONAL CHARGES

- a) Wastewater pump out free for users with annual *reserved* moorage.

Foreshore JIB Crane	\$ 10.00 per use
Foreshore JIB Crane annual	\$300.00
Wastewater Pump Out	\$ 10.00 per use
Wastewater Pump Out annual	\$300.00
Showers	\$ 5.00 per day
Showers	\$ 20.00 key deposit
NSF Cheques	\$ 25.00 per cheque
Emergency Pump Out	\$150.00 per hour

Schedule "C"

MOORING RULES AND REGULATIONS

A person must comply with the following regulations when that person moors a *vessel* at the *facilities*.

1. Harbour Regulations

1.1 The regulations set out in the Minister of Justice's Fishing and Recreational Harbours Act, as amended, and Municipal Bylaws, as amended and amendments apply to all *vessels* using wharves, floats, and other services in the Municipal Harbour and Small Craft Harbour in Port McNeill.

1.2 A person shall not:

- a. moor any *vessel* without proper authorization of:
 - i. the *Harbour Manager* or authorized personnel as appointed by the *Harbour Authority*;
 - ii. Completion of a *moorage* agreement, in the form prescribed by the *Harbour Authority*, the terms and conditions of which are to be considered regulations for the purpose of this bylaw.
- b. berth any *vessel* in front of that section of the floats or wharf head marked "loading zone" except for the purpose of loading and unloading, and such *vessels* shall not be left unattended in the "loading zone".
- c. berth a derelict hull, barge, pile driver, scow, log float, log or logs, aircraft or houseboat or boat house at the *facilities*.
- d. leave gear, small boats or other material on the floats.
- e. attach chattels to or alter the *facilities*.
- f. leave a *tender* in any area that will interfere with the regular operation of the harbour.
- g. connect to any outlet an extension cord of less than #12 wire-3 wire grounded cord.
- h. attach lines to lamp standards, electrical pedestals or any fire line outlet.
- i. use a wood burning stove or permit any other open fire on board a *vessel* while moored at the *facilities*.
- j. pump engine room bilge or empty holding tanks or dump any harmful substances into the waters at the *facilities*.
- k. dispose of garbage at the facilities except into the containers provided at the *facilities* for that purpose.
- l. park or leave standing any vehicle, except for the purpose of loading or unloading, on the approach to or on the wharf head or concrete drive-on float.
- m. scrape, sand or paint vessels in the water at the facilities.
- n. do repairs on a *vessel* in the water that can cause the introduction of any harmful substance to the water.

- o. repair or service vessels or vehicles on the boat launch, docks or any parking area; or
 - p. Sublet or allow another *vessel* to use a *reserved berth* unless authorized by the *Harbour Manager* or the *vessel* is registered to the assignee.
- 1.3 The Harbour Authority shall not pro-rate any refunds on pre-paid moorage
- 1.4 Annual *reserved berths* shall:
- a. Only be made available on docks A, B, C, D, E, N and O on the *Municipal Docks* and;
 - b. Be only up to 65% on docks A and N.
- 1.5 A person shall assume the risk for a *vessel* while *moored* at the *facilities* or while fast to or tied up alongside any other *vessel moored* at the *facilities*, and any goods handled, brought to or placed in or on the *facilities*.
- 1.6 A person shall:
- a. be responsible for the safe mooring of their vessel;
 - b. furnish and maintain their own safe line and chaffing gear; and
 - c. not foul any *berth* or interfere access with mooring lines.
- 1.7 A *Vessel* owner who has a *reserved berth* shall:
- a. Give the *Harbour Manager* notice if the *berth* is going to be vacant for more than a 24-hour period; and
 - b. Give the *Harbour Manager* notice of expected return.
- 1.8 If a person fails to comply with section 1.7(a) or (b) the *Harbour Manager* may have the *vessel* moored in an alternate *berth* until the *reserved berth* is made vacant.
- 1.9 A person shall not moor the *vessel* at any float unless the person displays the name or the registration number of the *vessel* in a conspicuous place on the *vessel*.
- 1.10 A person must be produce a current licence for a *Commercial Fishing Vessel* or a *Commercial Vessel* to be eligible for fees listed in this schedule.
- 1.11 A person shall not have to pay a fee for a dinghy or a *tender* that are rafted alongside or in the footprint of the *vessel* provided that the dinghy or the *tender* does not impede navigation in fairways or block other *vessels* at the *Municipal Dock* only.
- 1.12 A *Live Aboard* shall not be permitted at the *facilities* for more than 30 days in a 90-day period, except for those already grandfathered in.
- 1.13 All tour boat operators, charter boat operators, crew boat operators, and water taxi operators shall hold harmless and indemnify the *Town* from all liability for 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* as a named insured on a minimum \$2,000,000.00 comprehensive general liability insurance policy.
- 1.14 The Harbour Authority may evict without notice a person or a *vessel* from the *facilities* for contamination of the *facilities*.

Schedule “D”
PARKING AND LAUNCHING REGULATIONS

The following regulations shall apply.

1. Parking Regulations:

- 1.1 Daytime parking only from June 1 - Sept 30. Overnight or long-term parking in overflow only.
- 1.2 Single Vehicles - Harbour user and visitor parking is restricted to designated parking lots at compounds A, B and D.
- 1.3 Vehicles and Boat Trailers - (together) - Vehicles with boat trailers attached are restricted for parking purposes to the designated lot at compound C, D or overflow parking at the Port McNeill Community Hall.
- 1.4 A person with a vehicle or a vehicle with a boat trailer 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 automated pay stations provided on Beach Drive.
- 1.5 A person shall display the ticket or pass visibly for inspection by the agent for the *Town*.
- 1.6 A vehicle parked in violation of the conditions listed in this bylaw or in violation of posted signs may be towed away and impounded at the owner's expense.
- 1.7 A vehicle and trailer must have current, valid insurance clearly displayed.

2. Launching Regulations

- 2.1 Prior to using the launch ramp at the municipal launch area, a person must obtain a daily parking and launching ticket or annual pass from the agent for the *Town* or from the automated pay stations provided on Beach Drive.
- 2.2 The Harbour Authority may tow away or impound a vessel, vehicle or trailer parked without valid permit or parking ticket in contravention of section 2.1 above, at the owner's expense.
- 2.3 A person shall not use the municipal launch ramp under the following conditions:
 - a) The vehicle and vessel has a combined weight of 7,000 kg or more; and
 - b) the tide is less than 3.04 meters.
- 2.4 Vessels exceeding the 30-minute loading limit in any area of the municipal launch docks may be subject to fines per 24-hour period or portion thereof as per the *fees*.