

THE CORPORATION OF THE DISTRICT OF CENTRAL SAANICH

BYLAW NO. 1484

A Bylaw to Regulate Wharf Services within the District Of Central Saanich

CONSOLIDATED FOR CONVENIENCE

(Amended by Bylaw No. 1709, 2010)

WHEREAS the District of Central Saanich operates public wharf facilities and wishes to regulate the use of those facilities;

NOW THEREFORE the Council for the District of Central Saanich enacts the following:

1. Title

This Bylaw may be cited as “*Central Saanich Wharf Regulation Bylaw No. 1484, 2004*”.

2. Definitions

In this Bylaw,

business means a commercial or industrial undertaking of any kind, including providing of professional, personal or other services for the purpose of gain or profit;

bylaw enforcement officer means any person appointed as such by the District and members of the District police;

dangerous goods means dangerous goods as defined in the *Transport of Dangerous Goods Act*;

emergency personnel includes any person, group or organization authorized by municipal Bylaws or provincial or federal statute to respond to emergency situations;

emergency service vessel means a police, fire, search and rescue, ambulance or other vessel used by emergency personnel in the course of their duties;

emergency vehicle means police vehicle, ambulance, fire, search and rescue or other vehicle used by emergency personnel in the course of their duties;

explosive has the same meaning as in the *Explosives Act* (Canada);

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;

liquor has the same meaning as in the *Liquor Control and Licencing Act*;

live aboard means a vessel with living accommodation;

loading zone means that area of a wharf designated solely for loading and unloading passengers, supplies or freight and identified by a yellow painted tie-rail or yellow painted lines;

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

raft means the mooring of one vessel along side another;

vessel means any ship, boat or watercraft whether or not propelled by machinery;

waterlot area means an area leased or licensed to the District in which is located a wharf as described and shown on Schedule B; and

wharf means any landing pier, ramp, float, dock and other facilities comprised in public facilities listed in Schedule A.

3. Public Conduct

- (a) No person shall obstruct or interfere with any person or vessel lawfully using a wharf.
- (b) No person shall behave in a disorderly, dangerous or offensive manner on a wharf.
- (c) No person shall bring a live animal onto a wharf unless the animal is on a leash.

4. Noisy Activities

No person shall, while on a wharf or on a vessel moored at a wharf, make any amplified sound or operate any equipment, which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

5. Liquor

No person shall possess an open container of liquor at a wharf.

6. Signs

No person except the District and its employees, contractors and agents shall place, post or erect a sign on a wharf.

7. Damage

- (a) No person shall remove, destroy or damage any wharf or structure or sign attached to a wharf.
- (b) No person shall remove, destroy or damage any notices, rules or regulation posted on a wharf by or under the authority of the District.
- (c) No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a wharf or in a waterlot area.

8. Storage

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

9. Loading Zone

- (a) No person shall cause a vessel to be left unattended at or adjacent to a loading zone.
- (b) Every person using a loading zone shall immediately vacate the loading zone for an emergency vessel operating in the case of an emergency.
- (c) No person shall cause a vessel to remain moored in a loading zone for a period in excess of 15 minutes, except for emergency vessels in the course of training exercises or emergency situations.

10. Commercial Use

No person shall conduct any business on a wharf or within a waterlot area, including by selling or displaying for sale any goods or services, including food and refreshments.

11. Moorage Restrictions

- (a) Notwithstanding anything to the contrary in this Bylaw, but subject to section 11(c), no person shall moor a vessel within a waterlot area other than to a float shown on Schedule D, except for emergency service vessels in the course of emergency situations.
- (b) No person shall moor a vessel to a float by use of a lock or otherwise in a manner that prevents a bylaw enforcement officer from relocating the vessel.
- (c) When required by limited mooring space, a person in charge of a vessel may raft the vessel provided that no more than two vessels are rafted and that such rafting does not impede the movement of other marine traffic.
- (d) No person shall moor a vessel, or permit a vessel to remain moored, to a float between the hours of 9:00 p.m. and 7:00 a.m., except for emergency service vessels in the course of emergency situations.

12. Dangerous Goods

- (a) No person shall moor a vessel carrying dangerous goods or explosives at a wharf.
- (b) No person shall store, treat, generate, transport, process, handle, produce or dispose of any dangerous goods, explosives or hazardous or contaminated materials or substances at a wharf or within a waterlot area.

13. Maximum Vessel Length

No person shall moor a vessel in excess of 10 metres (32.8 feet) in length at a wharf.

14. Prohibited Vessels

The loading and unloading of passengers onto wharves from seaplanes or charter boats is not permitted at a wharf.

15. Prohibited Uses and Obstructions

No person shall:

- (a) do any maintenance or repair work on a wharf;
- (b) refuel at a wharf;
- (c) do any other thing in such a manner as to impede public access to a wharf;
- (d) use any vessel moored at a wharf for live-aboard activity;
- (e) flush vessel heads at a wharf or within a waterlot area;
- (f) ground a vessel on the foreshore of a waterlot area or create any other disturbance of the foreshore or seabed within a waterlot area;
- (g) moor a vessel at a wharf in such a manner as to unduly obstruct the movement of other vessels;
- (h) tie lines fastening a vessel to a wharf, across a wharf or to anything other than the fastenings provided for the purpose of moorage;
- (i) operate a barbeque, camp stove or similar device or start or cause any open flame at a wharf; or
- (j) keep the motor of a vessel running at a wharf, except when arriving at or leaving a wharf.

16. Enforcement powers

- (a) All bylaw enforcement officers may enforce this Bylaw in the course of their duties.
- (b) A bylaw enforcement officer may order a person who does anything contrary to this Bylaw to leave, and to remove any vessel over which they exercise control from, a wharf immediately, or within a period of time specified by the bylaw enforcement officer, and every person so ordered shall comply with the order.
- (c) No person shall hinder, oppose, molest or obstruct a bylaw enforcement officer in the discharge of their duties.

17. Offence

A person who breaches any part of this Bylaw commits an offence and is punishable on summary conviction, by fine of up to \$10,000 or imprisonment, or both.

18. Removal and Impoundment of Vessels, Watercraft, Chattels and Obstructions

- (a) A bylaw enforcement officer may remove and impound, or cause to be removed and impounded, any vessel, chattel or obstruction that occupies a wharf or waterlot in contravention of this Bylaw.
- (b) Any vessel, chattel or obstruction removed and impounded under this section may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs incurred by the District in removing and impounding (including storing) and any fines owing by the owner under this Bylaw.
- (c) If a vessel, chattel or obstruction is removed and impounded, a bylaw enforcement officer shall make reasonable efforts to obtain the name and address of the owner of the vessel, chattel or obstruction and:
 - (i) if the name and address of the owner is determined, the bylaw enforcement officer shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the sum payable to release the vessel, chattel or obstruction and the date for sale by public auction or disposition under section 18(d), as applicable, if unclaimed; or
 - (ii) if the identity of the owner is not determined, the bylaw enforcement officer shall cause a notice to be posted at the relevant wharf advising of the removal and impoundment, the sum payable to release the vessel and the planned date for sale by public auction or disposition under section 18(d), as applicable, if unclaimed.
- (d) The fees, costs and expenses payable by the owner of a vessel, chattel or obstruction removed and impounded under this section are set out in Schedule “C” to this Bylaw.
- (e) A sign at each wharf shall notify the public that vessels, chattels and obstructions occupying the wharf and surrounding waterlot in contravention of this Bylaw, may be removed and impounded by or on behalf of the District at the cost of the owner and may be sold at public auction or otherwise disposed of if unclaimed.
- (f) The District may engage the services of a bailiff to remove, impound and auction vessels, chattels and other obstructions under this section and section 19.

19. Public Auction

- (a) Any vessel, chattel or obstruction not claimed by its owner, including where the bylaw enforcement officer has been unable to determine the owner’s identity, within 30 days of notice under section 18(c) may be sold at a public auction and such auction shall be advertised at least once in a newspaper distributed at least weekly in the District.
- (b) The proceeds of such auction sale shall be applied firstly to the cost of the sale, secondly to all unpaid fees, costs and expenses levied in accordance with this Bylaw.

- (c) If any vessel, chattel or obstruction is not offered for sale or purchased at public auction under this section, the expenses incurred in the removal, impoundment or disposal, are recoverable as a debt due to the District from the owner.
- (d) If the bylaw enforcement officer considers that a vessel, chattel or obstruction removed and impounded from a wharf is of insufficient value to warrant an auction, the bylaw enforcement officer may dispose of the vessel, chattel or obstruction if unclaimed after 2 months following notice under section 18(c) and any money obtained through such disposition shall be dealt with in accordance with section 18(b).

20. Severance

If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this Bylaw.

21. Schedules

Schedules "A" to "D" attached to this Bylaw form an integral part of this Bylaw.

READ A FIRST TIME this 2nd day of **February, 2004**

READ A SECOND TIME this 2nd day of **February, 2004**

READ A THIRD TIME this 2nd day of **February, 2004**

RECONSIDERED, FINALLY PASSED AND ADOPTED by the Municipal Council, signed by the Mayor and Municipal Clerk, and sealed with the Seal of the Corporation on this 16th day of **February, 2004**.

Allison Habkirk
Mayor

Trish Flanders
Municipal Clerk

SCHEDULE A

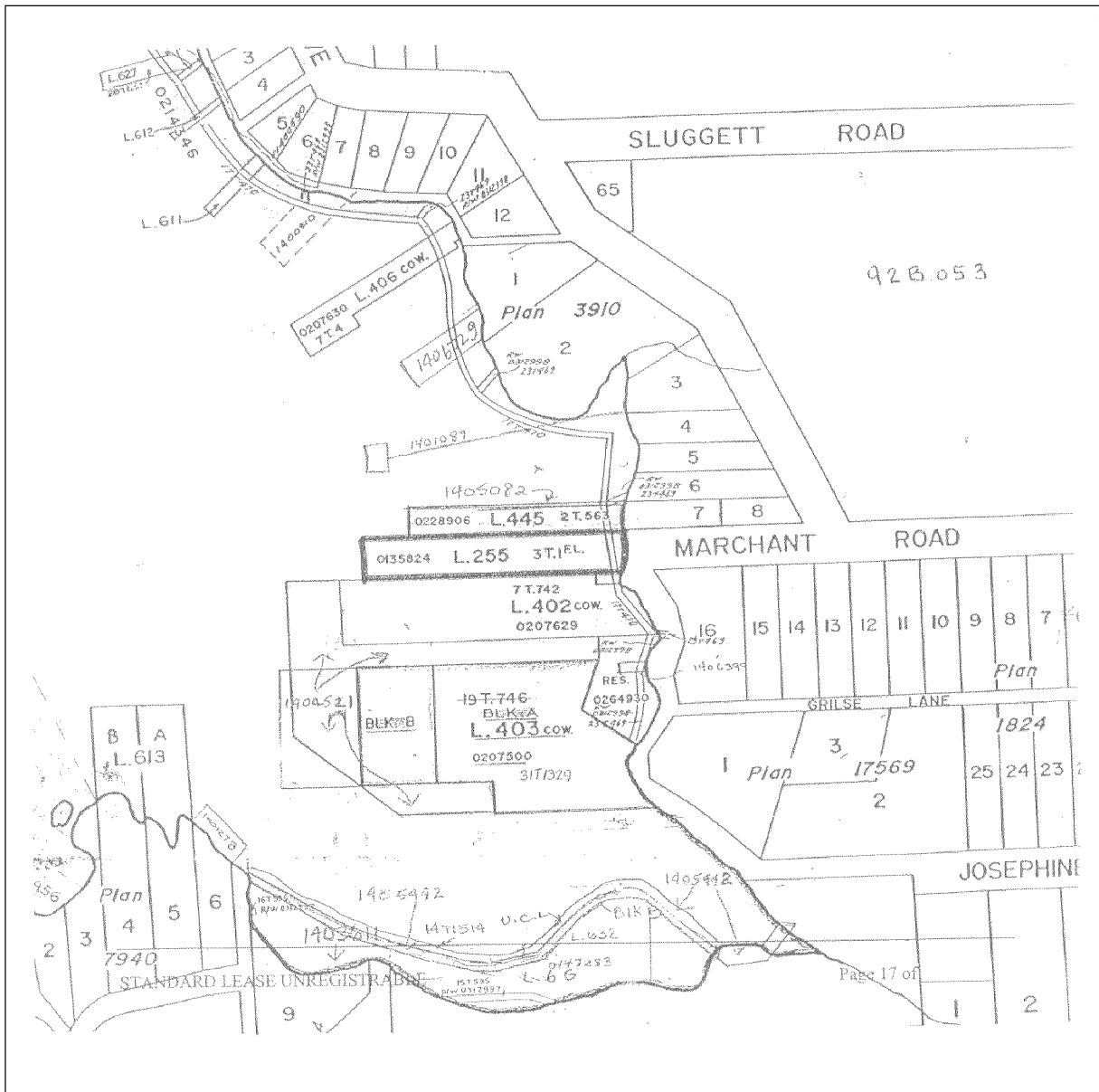
WHARVES ADMINISTERED BY THE DISTRICT

- Brentwood Bay Dock
- Saanichton Wharf

SCHEDULE B

Waterlot Areas

- District Lot 255, Cowichan District
Brentwood Bay Dock

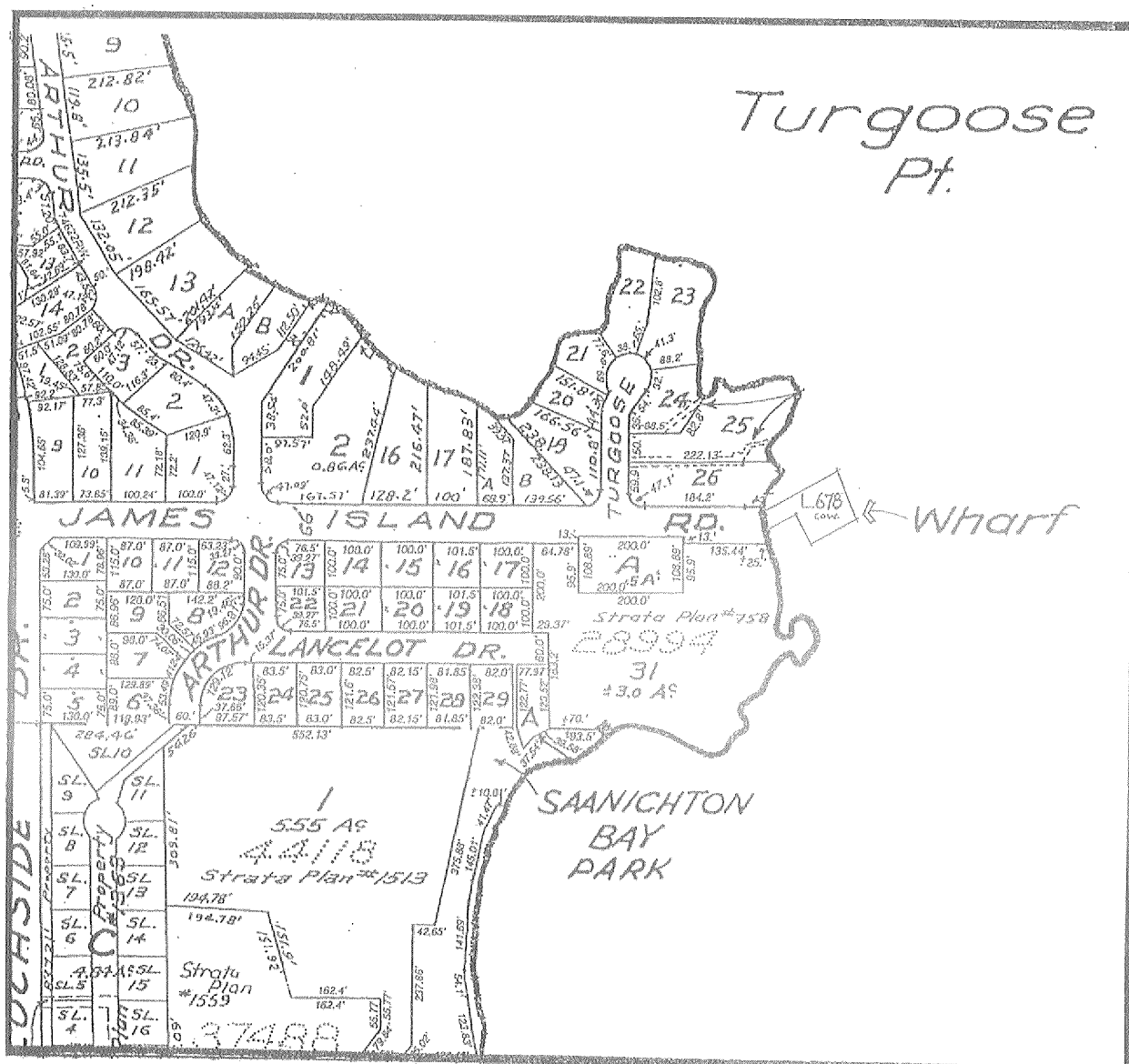


Schedule "B" – page 2

(Schedule "B" to Bylaw No. 1484 – page 2)

- District Lot 678, Cowichan District

Saanichton Wharf



SCHEDULE C

Fees, Costs and Expenses

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Section 18 of this Bylaw:

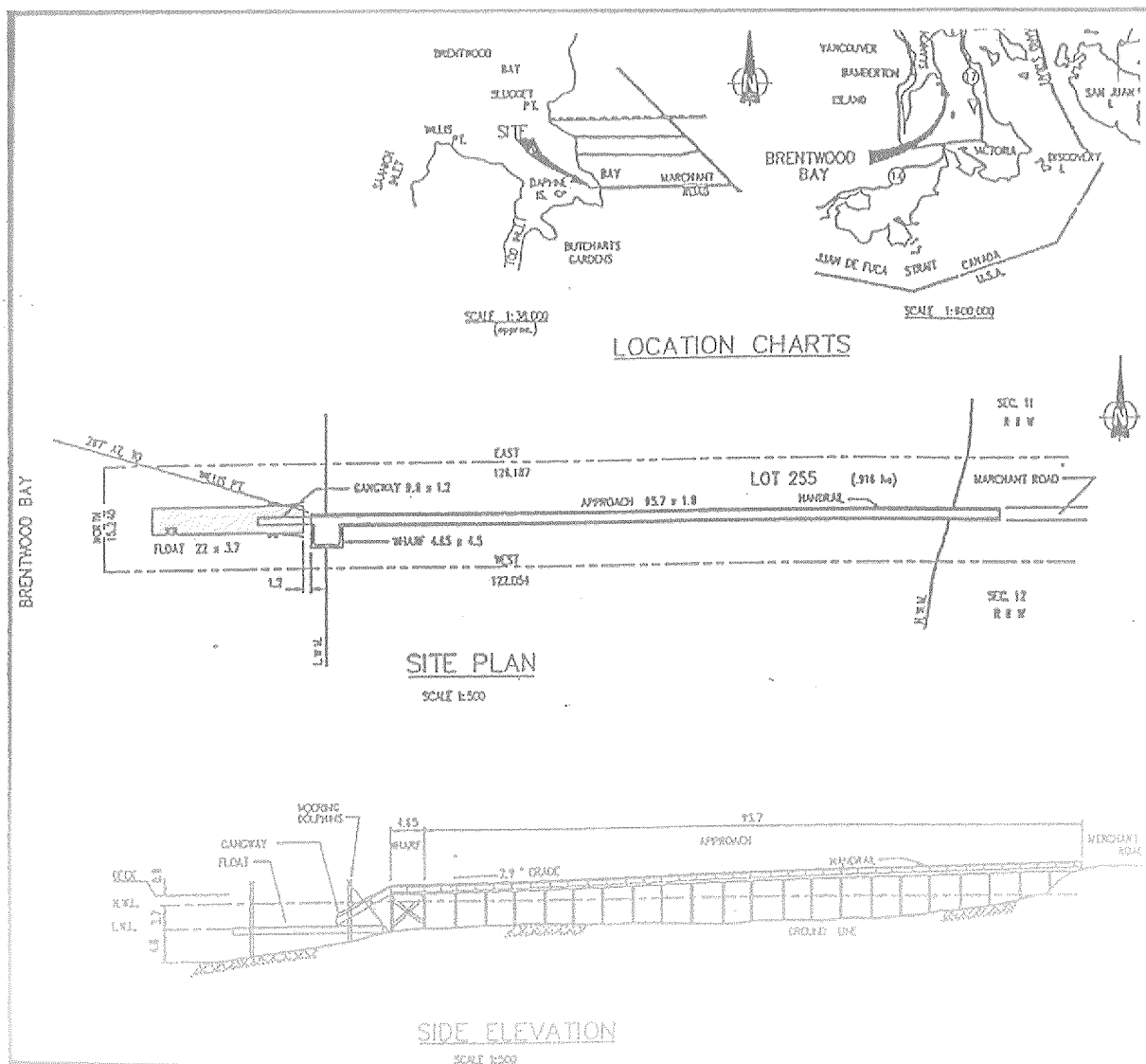
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|----|--|------------------------------------|
| 1. | Impoundment Fee | \$100.00 |
| 2. | Towing Fee
(for towing or removal to storage location) | \$150.00 per hour |
| 3. | Hauling Out Fee | \$150.00 per hour |
| 4. | Fee for Placing on Blocks/Removal from Trailer | \$150.00 per hour |
| 5. | Storage Costs for Vessel
(per day, based on length of vessel) | Daily Rate \$3.50 per day per foot |

Schedule “D” to Bylaw No. 1484

Floats

- District Lot 255, Cowichan District

Brentwood Bay Float



Schedule “D” – page 2

(Schedule “D” to Bylaw No. 1484)

- District Lot 678, Cowichan District
Saanichton Wharf Float

