



THE CORPORATION OF THE VILLAGE OF ALERT BAY

"HOME OF THE
KILLER WHALE"

BYLAW NO. 730

A BYLAW TO MANAGE HARBOUR FACILITIES IN ALERT BAY

WHEREAS it is deemed desirable to acquire, hold, use, manage and improve the Alert Bay Boat Harbour, a Department of Fisheries and Oceans Small Craft Harbour facility;

AND WHEREAS the Village owns and operates the Alert Bay Municipal Wharf facility;

AND WHEREAS it is deemed advisable to establish and regulate moorage rates and regulations for the operation of all harbour facilities owned or operated by the Village of Alert Bay;

NOW THEREFORE, the Corporation of the Village of Alert Bay, in an open meeting assembled, enacts as follows:

1. Citation

This bylaw may be cited as "Harbour Bylaw No. 730, 2009".

2. Definitions

In this bylaw, the following definitions will apply:

"Abandoned" means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of 45 days.

"Alert Bay Boat Harbour" means the Small Craft Harbour facilitated operated by the Harbour Authority and located at 24 Fir Street;

"Berth" means a location at a dock where a vessel or watercraft may be moored.

"Business License" means a valid Business License issued by either the Village or by the 'Namgis First Nation;

"Commercial" means any vessel that qualifies under Section 4.22 of this bylaw, including those vessels with current Commercial Fishing Vessel registration displayed;

"Committee" means the Boat Harbour Committee as may be appointed by the Harbour Authority;

"Harbour Authority" means the Harbour Authority of the Corporation of the Village of Alert Bay, being the Mayor and Council of the Village;

"Harbour Facilities" include any marine facilities owned or operated by the Harbour Authority or the Corporation of the Village of Alert Bay;

"Harbour Manager" means the person duly employed or contracted by the Harbour Authority to supervise the management of the harbour;

"Live-aboard" means any vessel that is used as a principal residence; the live aboard designation shall be at the discretion of the Harbour Authority;

"Moorage" means a charge for the occupation by a vessel of berth or other space at a harbour.

"Municipal Wharf" means the former 'Government Dock' located at 170 Fir Street;

"Non-Transient Vessel" means any vessel for which moorage is paid in monthly or greater increments;

"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.

"Person" means an individual, but will be construed as meaning the plural;

"Senior Citizen" means a resident of Cormorant Island who is 65 years of age or older;

"Transient Vessel" means any vessel staying for a short term or indeterminate period of time and for which moorage is paid on a daily rate;

"Village" means the Corporation of the Village of Alert Bay;

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

3. Empowerment

- 3.1 The Harbour Authority is empowered to lease the Alert Bay Small Craft Harbour from Fisheries and Oceans Canada.
- 3.2 All provisions of this bylaw apply to all Harbour Facilities owned or operated by the Village.
- 3.3 The Harbour Authority may employ a Harbour Manager, or person or persons as may be necessary, for the management of Harbour Facilities, and may fix the rate of remuneration such person(s) will receive.
- 3.4 The Harbour Authority will set the rates for moorage and other services at Harbour Facilities, which are described in **Schedule "B"** of this bylaw.

4. Regulations

- 4.1 A Moorage Agreement, as described in **Schedule "A"** of this bylaw must be signed for all non-transient vessels using harbour facilities.
- 4.2 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 4 hours will be charged according to **Schedule "B"** of this bylaw after the 'free' 4 hour period. The 4 hour maximum may be waived at the discretion of the Harbour Manager under extenuating circumstances (e.g. unloading food fish during food fishing season).
- 4.3 The Harbour Authority 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 harbour efficiency reasons. If the owner or agent is not available the Harbour Manager may move, or have moved, any vessel in the case of emergency situations.

- 4.4 No gear, refuse, 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.
- 4.5 All vessels must be clearly marked with the name, registration number or Canadian Fishing Vessel (CFV) number (with current CFV tabs as applicable).
- 4.6 The Harbour Authority may assign berths to vessels at the harbour as appropriate.
- 4.7 The Harbour Authority 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.
- 4.8 The Harbour Authority 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 boat harbour at the owner's expense.
- 4.9 The Harbour Authority 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 Harbour Authority 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.
- 4.10 Occupying a berth or being tied up alongside any other vessel occupying a berth in the Alert Bay Boat Harbour, 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.
- 4.11 No person shall permit the lines of a vessel that is berthed or moored at a harbour 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.
- 4.12 Where two or more vessels are moored alongside one another at the same wharf, one vessel outside the other, and the vessel on the outside does not have a gangway extending to the wharf, 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.
- 4.13 Where a vessel is made fast to or secured alongside another vessel, one vessel outside the other:
 - 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.
- 4.14 Derelict hulls, log floats, or logs may not be tied up in the Alert Bay Boat Harbour.
- 4.15 No scow, houseboat or boathouse may be berthed at the Alert Bay Boat Harbour without written permission of the Harbour Authority.
- 4.16 Connections to any power outlet must use a cord gauge of #10 AWG or larger.

- 4.17 Charges for electrical services will be applied at the scheduled daily or monthly rates for each plug connected to the Boat Harbour power service regardless of hydro consumption.
- 4.18 Tie-up lines will not be attached to lamp standards or any fire line outlet.
- 4.19 Engine room bilge is not to be pumped into the waters of the Alert Bay Boat Harbour. The use of siphon type fuel transfer pumps is prohibited.
- 4.20 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.
- 4.21 Vehicle parking on the wharf head is restricted to 4 hours for the purpose of loading or unloading; overnight or long-term parking is not permitted.
- 4.22 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 Alert Bay or 'Namgis First Nation; 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; or
 - v) Other:
 - proof of involvement in a commercial venture, documented in writing to the satisfaction of the Harbour Authority, including all requirements in ii) above.
- 4.23 Live-aboard vessels are not allowed unless the following criteria are met:
- 4.23.1 An application for a Moorage Agreement has been completed and approved by the Harbour Authority, and approval shall be entirely at the Harbour Authority's discretion;
 - 4.23.2 Proof of liability insurance as per Schedule "A" of this bylaw has been provided;
 - 4.23.3 Live-aboard vessels will be charged the Recreational rate unless they meet the Commercial vessel criteria set out in Section 4.22;
 - 4.23.4 The vessel must be able to move under its own power;
 - 4.23.5 When pump out facilities are available, vessels must have holding tanks;
 - 4.23.6 No equipment or other belongings are to be attached to or left on the docks.
- 4.24 A reduced senior's rate, available to residents of Cormorant Island, and which applies to Recreational Rates only, will be in effect until December 31st, 2011 on the following according to the following terms:
- Fifty per-cent of the regular Recreational Rate to December 31st, 2009;
 - Seventy-five per-cent of the regular Recreational Rate from January 1, 2010 to December 31st, 2010;
 - The reduced Senior's Rate will be discontinued effective January 1st, 2011.

- 4.25 Skiffs that are associated with a parent vessel will be billed at applicable rates whether tied to the dock or alongside the parent vessel.
- 4.26 When a pump-out station becomes available all vessels will be required to empty holding tanks into that facility (as needed) and will pay the applicable charges. Sewage shall not be discharged into the harbour.
- 4.27 All materials stored at either the Municipal Wharf or at the Alert Bay Boat Harbour must be placed on palettes to protect the wooden wharf underneath; materials may only be stored with the permission of the Harbour Authority.
- 4.28 All users of the Harbour Facilities will be charged in accordance with the schedules described in **Schedule "B"** of this bylaw.
- 4.29 Criminal activity is prohibited at Harbour Facilities.

5. Charges

- 5.1 Moorage and fees for electrical service will be charged in accordance with current schedules as described in **Schedule "B"** of this bylaw.

6. Penalty

- 6.1 Any unpaid amounts levied under this bylaw may be recoverable by collection actions being taken against the vessel owner or owners. Any commercial accounts overdue after 160 days will automatically revert to Recreational Rates, and may be sent to a collection agency and/or be subject to liens being placed against the vessel.
- 6.2 The Harbour Authority may prohibit the use of harbour facilities by any person, vessel or vehicle that is not in compliance with the terms and conditions of this bylaw.

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.

8. Repeal

- 8.1 Boat Harbour Bylaw#659, 2004 is hereby repealed.

Read a FIRST time this 12th day of November, 2009
 Read a SECOND time this 12th day of November 2009
 Read a THIRD time this 27th day of November, 2009
 FINALLY ADOPTED this 9th day of December, 2009



 Mayor



 Chief Administrative Officer

Certified a true copy of Harbour Bylaw No. 730, adopted by Resolution # _____ on the _____ day of _____ 2009.

_____ Chief Administrative Officer



THE CORPORATION OF THE VILLAGE OF ALERT BAY

"HOME OF THE
KILLER WHALE"

Bylaw No. 730 Schedule "A" MOORAGE AGREEMENT

I _____, the undersigned, request moorage for the vessel described as follows:

Vessel name: _____ Length: ____ Beam: ____ License/Registration No: _____

Owned by: _____ Authorised Agent: _____

Owner Contact Information:

Address: _____ Email address: _____

Residence Phone: _____ Office Phone: _____ Cell phone: _____

Authorised Agent Contact Information:

Address: _____ Email address: _____

Residence Phone: _____ Office Phone: _____ Cell phone: _____

HARBOUR RULES AND REGULATIONS

1. 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.
2. The Harbour Authority may remove any vessel moored directly or indirectly to the floats which may be in danger of sinking or is a hazard. If the owner or person responsible for the vessel cannot be found, the Harbour Authority may take any action considered necessary to alleviate the matter; the cost of such actions shall be at the owner's expense.
3. The Harbour Authority does not have Care, Custody and Control of vessels moored in any harbour facility.
4. Each owner is responsible for the moorage fees as set out by the Harbour Authority, which are subject to change without notice. Owners or operators of a vessel with outstanding accounts may be refused moorage at harbour facilities until payment has been received.
5. Prepaid moorage at the Recreational Rate is used up on a daily rate regardless of whether the vessel is at a harbour facility, with the exception of moorage paid under the Summer Special Rate.
6. Moorage of boats at harbour 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.
7. 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 Harbour Authority.
8. No person shall dispose of garbage, sewage or wastes at the harbour except in the place specifically provided for that purpose or as directed by the Harbour Authority.

9. All vessels approaching, mooring, or leaving the Harbour's floats or mooring facilities shall do so in a cautious and seamanlike manner.
10. The Harbour Authority may direct the owner or authorised agent of any boat or boats to move vessels from one location in the harbour to another whenever necessary.
11. The storage of inflammable liquids, oily rags, etc. is prohibited within harbour facilities. The use of vacuum type siphons for transferring fuel is prohibited.
12. No litter shall be thrown overboard or left on the docks. Garbage containers located on the wharf-head are for the convenience of the users of the harbour facilities.
13. Owners requiring power must have the permission of the Harbour Authority. User fees will apply. Only assigned power outlets are to be used. Cord gauge will be #10 AWG or larger.
14. Water may be supplied free of charge provided it is not used wastefully. The Harbour Authority reserves the right to charge any person who abuses this privilege.
15. All vessels must be marked, with the name or registration number, as required by law.
16. The leaving of vehicles at the wharf approaches; or 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.
17. The Harbour Authority shall not be liable for loss of any articles left in vehicles or boats.
18. Dogs must be on a leash when not secured on a vessel. Owners must clean up after their pets. Dogs at large are subject to impoundment and fines and become the property of the Village after three days impoundment.
19. 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 Harbour Authority to pump it.
20. 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.
21. For vessels that are live-aboard, proof of at least \$1,000,000 general liability insurance shall be provided to the Harbour Authority before a moorage agreement will be considered.
22. The use of wood burning stoves aboard a vessel is prohibited within Harbour Facilities.
23. Welding is prohibited within harbour facilities without the permission of the Harbour Authority.
24. The Harbour Authority 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 Harbour Authority 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.

By signing this agreement, boat owners or their authorised agents agree to abide by the Harbour Rules and Regulations as described above:

Owner or Authorised Agent

Alert Bay Harbour Authority or Authorised Agent

Signature : _____

Signature : _____

Date : _____

Date : _____



THE CORPORATION OF THE VILLAGE OF ALERT BAY

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Bylaw No. 730 Schedule "B" HARBOUR RATES

1. MOORAGE RATES

A. COMMERCIAL VESSEL MOORAGE PER FOOT

DAILY MOORAGE PER FT	MONTHLY MOORAGE PER FT PER MONTH	QUARTERLY MOORAGE PER FOOT PER MONTH EACH MONTH	YEARLY MOORAGE PER FT PER MONTH EACH MONTH
\$.20	\$1.70	\$1.50	\$1.40

B. RECREATIONAL VESSEL MOORAGE PER FOOT

DAILY MOORAGE PER FT	MONTHLY MOORAGE PER FT PER MONTH	QUARTERLY MOORAGE PER FOOT PER MONTH EACH MONTH	YEARLY MOORAGE PER FT PER MONTH EACH MONTH
\$.65	\$3.75	\$3.45	\$3.40

C. INSIDE PASSAGE VESSEL MOORAGE RATES ARE 50% OF RECREATIONAL RATES

D. SUMMER SPECIAL RATE FOR TRANSIENT VESSELS: 14 DAYS NON-CONCURRENT

MOORAGE PER FOOT	\$3.75
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2. POWER RATES

A. POWER RATE 20 AMP

DAILY 20 AMP	MONTHLY 20 AMP
\$5.00/DAY	\$30.00/MONTH

B. POWER RATE 30 AMP

DAILY 30 AMP	MONTHLY 30 AMP
\$7.00/DAY	\$50.00/MONTH

C. POWER RATE LOW USER - AT THE DISCRETION OF THE HARBOUR AUTHORITY

20 AMP ONLY	\$10.00/MONTH
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3. SERVICE CHARGES

Any service undertaken to resolve a vessel related emergency or nuisance at a Harbour Facility shall be charged to the owner of the vessel at actual costs plus \$150 and shall not be less than \$150.

4. PORT SECURITY FEES

A minimum charge of \$500.00 per landing will be charged to all vessels requiring port security services.

5. STORAGE FEES Materials stored in the Municipal Wharf Net Shed, or in other areas, as designated by the Harbour Authority from time to time, shall be charged at \$.21 per square meter per day.