

**VILLAGE OF PORT CLEMENTS**

**BYLAW NO 318, 2001**

A bylaw to regulate the use and operation of the Port Clements Wharf and Port Clements Harbour

**WHEREAS** section 518.1 of the *Local Government Act* RSBC 1996 Chapter 323 empowers the local government to regulate a service.

**AND WHEREAS** the Village of Port Clements has by bylaw established a service to operate, maintain, and administer the Port Clements Wharf and the Port Clements Harbour.

**AND WHEREAS** the Council of the Village of Port Clements deems it desirable to establish regulations in relation to the operation of the Port Clements Wharf and the Port Clements Harbour.

**NOW THEREFORE** the Council of the Village of Port Clements in open meeting assembled enacts the following:

**TITLE**

1. This bylaw may be cited for all purposes as the "Port Clements Harbour Regulation Bylaw No. 318, 2001".

**REPEAL**

2. "Village of Port Clements Government Wharf Regulation Bylaw No. 36 and all amendments thereto are hereby repealed.

**INTERPRETATION**

3. In this bylaw, unless the context otherwise requires;
  - a. the words "the Village" shall mean the Village of Port Clements;
  - b. the words "the Council" shall mean the Council of the Village of Port Clements;
  - c. the words "the Port Clements Wharf" shall mean the former Government Wharf, so called, and facilities;
  - d. the words "the Harbour" shall mean the wharf and the surrounding water lease.

**REGULATIONS**

4. The following regulations apply to the facility:
  - a. No person or persons shall moor any boat without proper authorization of the Council or its representatives and completion of a berthage agreement.
  - b. It shall be unlawful for any person or persons to berth any boat in front of that section of the floats or wharfthead marked "loading zone" except for the purpose of loading and unloading, and such boats shall not be left unattended in the said "loading zone".
  - c. The Council or its representatives are hereby empowered to move or to direct to be moved any boat or boats from one location at the facility to another location at the said facility whenever it is deemed necessary.
  - d. It shall be unlawful for any person or persons to leave gear, small boats or other material on the floats or wharf, without the consent of the Council or its representatives.
  - e. It shall be unlawful for the owner of any boat to moor the same at any float or the wharf unless said boat has conspicuously displayed upon it a name or registration numbers or both.
  - f. The Council or its representatives may allot berths to vessels at the wharf or floats in such order of precedence as it deems fit.
  - g. The Council or its representatives shall determine the length of the vessel including affixed appendages and if the vessel is registered, the length shall be the registered length, and such determinations shall be conclusive.
  - h. The Council or its representatives are hereby empowered to order the removal on any boat moored directly or indirectly to the floats or wharf which

- in their opinion is in danger of sinking or is a hazard to water borne traffic. If in the opinion of the Council or its representatives the foregoing condition exists and the owner or persons responsible for the boat cannot be reasonably found, they may beach the boat on a beach within the facility.
1. If in the opinion of the Council or its representatives, any boats, gear, or material beached on the beach or abandoned on or berthed at the floats or wharf are considered to be abandoned or derelict, the Council or its representatives may order the owner(s) to remove such boats, gear or materials, and if, after advertising by Notice in the local paper and posting a copy of such Notice at the facility, such boats, gear or materials have not been removed by the owner or owners thereof within thirty (30) days of the date of such Notice, then such boats, gear and or materials may be disposed of by the Council or its representatives as they see fit.

5. Every Vessel while occupying a berth or while fast to or tied along side any other vessel occupying a berth at the facility, and all goods handled, brought to or placed in or on the facility shall be entirely at the owner's risk,
6. It shall be unlawful for any person or persons to berth a derelict hull, scow, log float, log or logs, or houseboat or boat house at the facility.
7. It shall be unlawful for any person or persons to connect to any outlet for heating purposes with an extension cord other than that constructed from a single length not exceeding 125 feet, of not less than # 12 wire - 3 grounded cord.
8. It shall be unlawful for any person or persons to attach lines to lamp standards or to any fire line outlet.
9. It shall be unlawful for any persons to pump engine room bilge into the waters of the facility.
10. It shall be unlawful for any persons to dispose of garbage at the facility except into the containers provided for that purpose.
11. It shall be unlawful for any person or persons to park or leave standing any vehicles, except for the purpose of loading and unloading, on the approach to the wharfhead or on the wharfhead.
12. If in the opinion of the Council or its representatives personnel a vessel requires pumping out, a pump may be placed on any vessel located at the facility without fear of liability or reproach.
13. A person who violates this bylaw commits an offence, and is punishable on conviction in accordance with the *Offence Act* and is subject to a fine of not less than \$100.00 and not more than the maximum prescribed in the *Offence Act*.
14. The Council shall be empowered to issue summons to individuals and companies found in violation of this bylaw.


**READ A FIRST TIME THIS 26th day of NOVEMBER, 2001**

**READ A SECOND TIME THIS 26th day of NOVEMBER, 2001**

**READ A THIRD TIME THIS 26th day of NOVEMBER, 2001.**

**ADOPTED THIS 3rd day of December, 2001**

  
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Jgan Ann Allen, Mayor

  
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John E. Nielsen, Chief Administrator

Certified to be a true and correct copy  
of "Port Clements Harbour Regulations Bylaw NO. 318"