



**DISTRICT OF PORT HARDY
BYLAW 10-2011**

**A BYLAW TO ESTABLISH THE ADMINISTRATION OF
THE DISTRICT OF PORT HARDY HARBOURS**

GIVEN THAT the District of Port Hardy wishes to establish regulations for administration of the District's harbours;

BE IT RESOLVED that the Council of the District of Port Hardy, in open meeting assembled, ENACTS as follows:

1. TITLE

1.1 This bylaw may be cited as the "District of Port Hardy Harbour Regulations Bylaw 10-2011".

2. DEFINITIONS

Abandoned means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of forty-five (45) days.

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

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

Derelict means run-down or abandoned, especially by the owner or occupant.

District means the District of Port Hardy.

Harbour Authority means the Harbour Authority of the District of Port Hardy, being the Mayor and Council of the District.

Harbour Facilities means the areas occupied by the Small Craft Harbour Wharves, Seagate Wharf, Boat Ramp, parking lots and related facilities as shown in Schedule "A" to this Bylaw.

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

Length means the horizontal distance measured between perpendiculars erected at the extreme ends of the vessel.

Liveaboard vessel means a powered or sail vessel primarily used for navigation and only incidentally used for living accommodation and where the principal address is the District of Port Hardy Harbour Facility.

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

Municipal Council means the Council of the District of Port Hardy.

Non-Commercial Vessel means a vessel used primarily for pleasure, recreational, transportation and shipping purposes and includes tugboats and all government vessels.

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 Harbour Authority and reserved for parking of motor vehicles and boat trailers.

Person means an individual, but may be construed as meaning the plural.

3. EMPOWERMENT

- 3.1 The District of Port Hardy is hereby empowered to lease the facilities located at the Small Boat Harbour from Fisheries & Oceans Canada.
- 3.2 The Municipal Council may, by resolution, and are hereby empowered to:
 - a) enter into a contract with an individual or individuals or company for the management of the harbour facilities;
 - b) fix, by written agreement, charges made for extra services;
 - c) make any other regulations necessary for the safe and efficient operation of the harbour facilities.
- 3.3 The Municipal Council may pay out such monies as may be requisite for any expenses involved in the operation of the harbour facilities.
- 3.4 The Municipal Council or its representatives may allot berths to vessels at the harbour facilities in such order of precedence as it deems fit.
- 3.5 The Municipal Council or its representatives are hereby empowered to move, or direct to be moved, any boat or boats from one location of the harbour facilities to another location at the facilities whenever it is deemed necessary.
- 3.6 The Municipal Council or its representatives may at any time require a non-commercial vessel to leave its position at the seine floats in order to accommodate a licensed commercial fishing vessel.
- 3.7 The Municipal Council or its representatives shall determine the length of the vessel and, if the vessel is registered, the length shall be the registered length, and such determination shall be conclusive.
- 3.8 The Municipal Council or its representatives are hereby empowered to order the removal of any boat moored directly or indirectly to the floats which in their opinion is in danger of sinking or is a hazard to water borne traffic. If in the opinion of the Municipal Council or its representatives the foregoing conditions exist and the owner or person responsible for the boat cannot be found, they may:

- a) beach the boat on the beach contained within the Boat Harbour; or
 - b) have the boat removed to a storage facility, with all costs for removal and storage to be borne by the owner.
- 3.9 The District of Port Hardy, the Harbour Authority or their representatives shall not be responsible for any damage to a boat arising from removal under the authority of section 3.8.
- 3.10 If, in the opinion of the Municipal Council or its representatives, any boats, gear, or material beached on the beach or abandoned on or berthed at the floats or wharfhead, are considered to be abandoned or derelict, the Municipal Council or its representatives may order the owners to remove such boats, gear or materials, and if, after advertising by two Notices in the local newspaper and posting a copy of such Notice at the Boat Harbour, such boats, gear or materials have not been removed by the owner or owners, thereof within thirty (30) days of the date of the last such Notice, then such boats, gear and/or materials may be disposed of by the Municipal Council or its representatives as they see fit.
- 3.11 The Municipal Council or its representatives are hereby empowered to order the removal of any boat moored directly or indirectly to the floats if the owner of the vessel is 90 days or more in arrears in moorage payments. All costs for removal and storage are to be borne by the owner.

4. TERMS

- 4.1 The rates as outlined in the current District of Port Hardy Rates Bylaw shall apply to all boats using the wharf and floats.
- 4.2 The charges for those persons requesting Hydro services shall be the rates as outlined in the District of Port Hardy Rates Bylaw.
- 4.3 The rates as outlined in the current District of Port Hardy Rates Bylaw shall apply to all vehicles using the parking facilities.
- 4.4 Any charge levied against any boat under this Bylaw shall be recoverable by action taken against the owner through a collection agent or in any competent Court having jurisdiction

5. MOORAGE

- 5.1 It shall be unlawful for the owner of any boat to moor the same at any float unless the boat has conspicuously displayed upon it a name or registration numbers or both.
- 5.2 Every vessel while occupying a berth or while fast to or tied up alongside any other vessel occupying a berth at the Harbour Facilities, and all goods handled, brought to or placed in or on the facilities shall be entirely at the owner's risk.
- 5.3 It shall be unlawful for any person or persons to berth a derelict hull, piledriver, scow, log float, log or logs, houseboat or boathouse at the Harbour Facilities.
- 5.4 It shall be unlawful for any person or persons to connect to any outlet an extension cord of less than #12 wire - 3 grounded cord.

- 5.5 It shall be unlawful for any person or persons to attach lines to lamp standards or to any fire line outlet.
- 5.6 It shall be unlawful for any person or persons to leave gear, small boats or other material on the floats, thereby interfering with the floats as a thoroughfare for other users or interfering with public safety.
- 5.7 The regulations as provided and set out in the Government Property Traffic Act, and any amendments thereto shall apply to all vessels using said wharf, floats and other services.

6. BOAT LAUNCHING

- 6.1 It shall be unlawful for any person or persons to park or leave standing any vehicle in the launch, except for the purpose of launching a boat. Any vehicle parked in violation of this bylaw shall be removed without notice and all cost for removal and storage will be borne by the owner.
- 6.2 It shall be unlawful for any person or persons to leave gear, small boats or other material on the boat launch float, thereby interfering with the floats as a thoroughfare for other users or interfering with public safety.

7. LOADING AND UNLOADING FACILITIES

- 7.1 It shall be unlawful for any person or persons to berth any boat in front of that section of the floats or wharfhead marked "Loading Zone" except for the purpose of loading and unloading, and such boats shall not be left unattended in the "Loading Zone".
- 7.2 Posted weight limits for wharfs and winches must be obeyed at all times.
- 7.3 All waste and refuse remaining after use of any Harbour Facility must be disposed of properly and promptly.
- 7.4 No tote boxes or other equipment from loading or unloading operations may be left on the wharf after loading or unloading has been completed.
- 7.5 Any items left behind after the vessel or vehicle has departed will be considered abandoned and will be disposed of at the owner's expense.

8. WELDING

- 8.1 All welding must be done at the Seine Floats and is expressly forbidden at all other Harbour Facilities.
- 8.2 All welding is done at the user's own risk.
- 8.3 No flammable or combustible material may be stored on the float or aboard the associated vessel while welding is being done.
- 8.4 Although the Seine Float is open to all vessels for welding purposes, active licensed commercial fishing vessels will have priority over all other vessels for use of the float.
- 8.5 All welders must abide by Environment Canada's "Best Management Practices for Boat Building and Repair".

9. PARKING

- 9.1 Only vehicles with valid Harbour Authority parking pass will be permitted to park within the Harbour Facilities.
- 9.2 It shall be unlawful for any person or persons to park or leave standing any vehicle, except for the purpose of loading or unloading, on the approach to or on the wharfhead. Any vehicle parked in violation of this bylaw shall be removed without notice and all costs for removal and storage shall be borne by the owner.
- 9.3 All vehicles shall be parked in the appropriate zone of short term parking, long term parking or vehicle and trailer parking. Vehicles parked in violation of the set zones shall be removed, without notice, and all costs for removal and storage shall be borne by the owner.

10. GENERAL

- 10.1 Liveaboard vessels are not permitted except by contract to the District of Port Hardy for security purposes.
- 10.2 It shall be unlawful for any person or persons to pump engine room bilge in the waters of the Harbour Facilities.
- 10.3 All vessels must have a sewage holding tank and must use the harbour pumpout station for sewage discharge on a weekly basis when the vessel is occupied by the owner.
- 10.4 As an exception to section 10.3, vessel owners may show proof of an on-board sewage treatment system, minimum grade A or MSD (Marine Sanitation device).
- 10.5 It shall be unlawful for any person or persons to dispose of garbage at the Harbour Facilities except into the containers provided for that purpose.
- 10.6 It shall be unlawful to discharge sewage, engine room bilge, garbage or other contaminants into the Harbour Facilities
- 10.7 Contamination of the Harbour Facilities shall be good and sufficient cause to evict the vessel, without notice, from all Harbour Facilities.
- 10.8 All marine businesses conducting business within the Harbour Facilities must provide proof of liability insurance of a minimum amount of \$2,000,000 naming the District of Port Hardy as an "additional insured".
- 10.9 Commercial fishing vessels are exempted from section 10.8 provided they do not sell any product within the Harbour Facilities.
- 10.10 Harbour Facility users must comply with all environmental legislation pertaining to their respective business operations.
- 10.11 Harbour Facility users must return all waste oil to any oil vendor, designated collection site or service station displaying the recycling symbol.
- 10.12 It is forbidden to release waste oil or other pollutants within the Harbour Facility.

- 10.13 No fueling is permitted via fuel trucks within the Harbour Facilities.
- 10.14 Repairing and painting vessels in the water is prohibited.
- 10.15 The District may refuse moorage to any vessels that damage District owned or operated facilities.

11. CONTRAVENTION AND PENALTIES

- 11.1 Every person who violates any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention of this bylaw or who neglects or refrains from doing anything required to be done by any of the provisions of this bylaw shall be deemed to be guilty of an infraction hereof and shall be liable to the penalties imposed. Every continuing infraction shall be deemed to be a new and separate offence for each day during which the same shall continue.
- 11.2 Any person found guilty of an infraction of any of the provisions of this bylaw shall, upon summary conviction, be liable to a minimum fine of One Hundred Dollars (\$100), which shall be recoverable and enforceable upon summary conviction in the manner provided by the Offence Act.
- 11.3 The Harbour Manager shall be empowered by the Municipality to issue summons to individuals or companies found in violation of this Bylaw.

12. SEVERABILITY

- 12.1 If a court of competent jurisdiction declares any portion of this bylaw invalid, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

13. INCLUSIVITY

- 13.1 In this bylaw, unless the context otherwise requires, the singular includes the plural and the masculine includes the feminine gender and a corporation.

14. REPEAL

- 14.1 District of Port Hardy Bylaw No. 06-2000 is hereby repealed.

Read a first time on the 25th day of October, 2011.

Read a second time on the 25th day of October, 2011.

Read a third time on the 25th day of October, 2011.

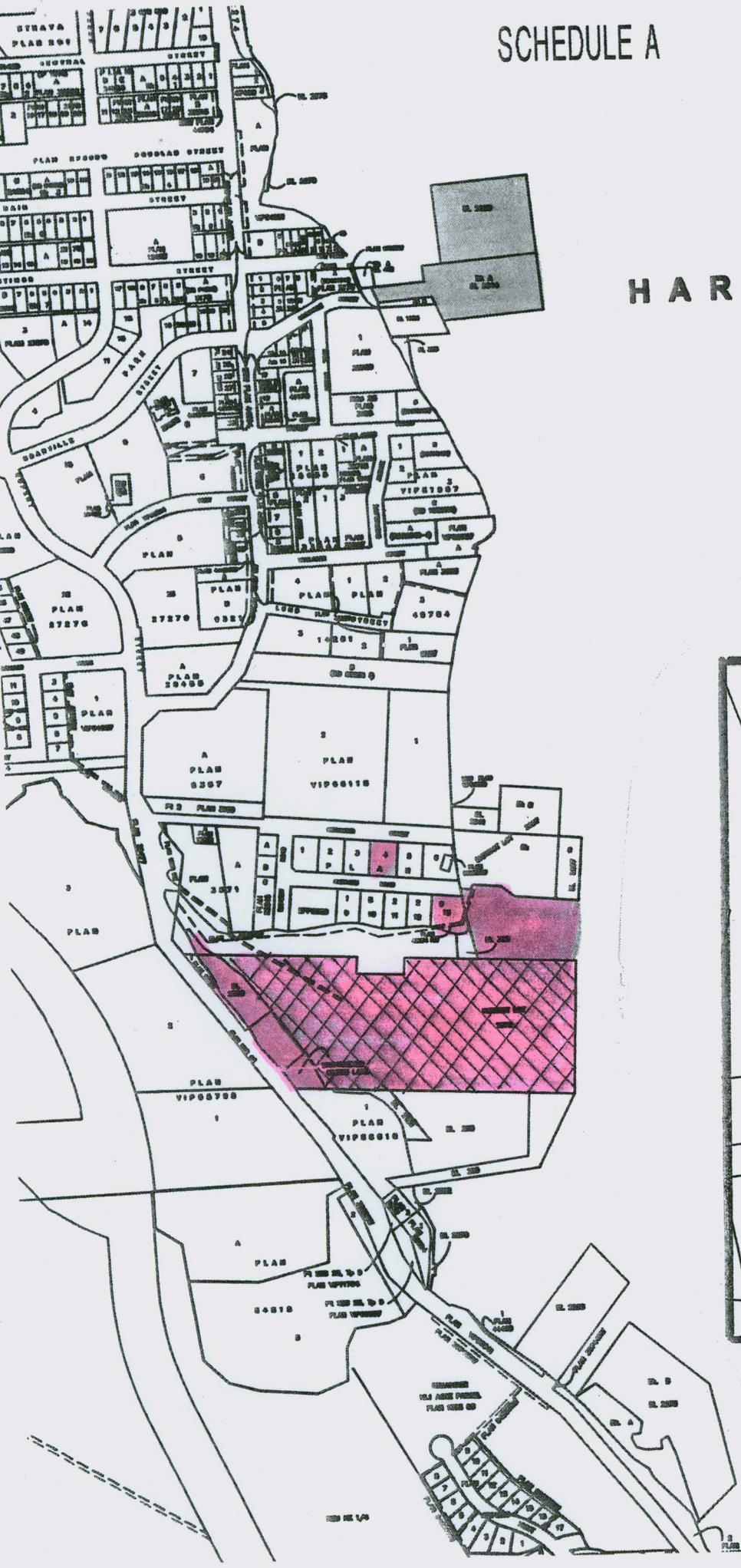
Adopted on the 8th day of November, 2011

Original signed by:

DIRECTOR OF
CORPORATE SERVICES

MAYOR

SCHEDULE A



HARDY BAY

