

**CAPITAL REGIONAL DISTRICT
BYLAW NO. 4469**

**A BYLAW TO AMEND THE REGULATIONS OF THE SOUTHERN GULF ISLANDS SMALL CRAFT
HARBOURS SERVICE (BYLAW NO. 2844)**

WHEREAS:

- A. Under Order-in-Council 100/97, dated January 24, 1997, and within the *Capital Regional District Regulation*, the Capital Regional District was granted the additional power to establish, acquire, and operate a service of small craft harbour facilities, and established the service under Bylaw No. 2614, "Small Craft Harbour Facilities Local Service Establishment Bylaw No. 1, 1998";
- B. Under Bylaw No. 2844, "Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000", the Regional Board established a system of regulations and operations of the function of Small Craft Harbours in the Southern Gulf Islands;
- C. The Board wishes to amend Bylaw No. 2844 to update fees and charges; modernize language; and make certain other changes to the operation and regulation of the service;

NOW THEREFORE, the Capital Regional District Board in open meeting assembled hereby enacts as follows:

- 1. Bylaw No. 2844, "Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000" is hereby amended as follows, with the effective date of January 1, 2022:
 - (a) By re-numbering section 1, Definitions In This Bylaw, to section 1.1, and making the following replacements and insertions in alphabetical list order:
 - i. Replacing the definition of "abandoned" with:

"abandoned" means leaving a vessel or watercraft at a dock without payment of moorage for a period in excess of 45 days or within a 30 day notice period failure to remove the vessel under its own power for a period of at least 1 hour in the presence of the wharfinger or CRD;
 - ii. Replacing the definition of "airport" with:

"airport" means a dock or portion of a dock designated for use by seaplanes and identified by a red triangle on the dock surface, or yellow painted tie rail or other identifying marking;
 - iii. Replacing the definition of "authorized personnel" with:

"authorized personnel" includes the wharfingers, Royal Canadian Mounted Police and Capital Regional District bylaw enforcement officers;
 - iv. Replacing the definition of "dock" with:

"dock" means a landing pier for vessels and watercraft, including a wharf, floating or fixed structures, and includes those facilities listed in Schedule "B";
 - v. Replacing the definition of "explosive" with:

“explosive” has the same meaning as in the *Explosives Act*, RSC 1985, c E-17;

- vi. Inserting as “overall length of vessel”:

“overall length of vessel” means the overall measurement of the vessel’s length, including bowsprit and engine, and includes any other extensions or attachments of the vessel from the bow or stern, including pod engines, tenders, or attachments.

- vii. Replacing the definition of “liquor” with:

“liquor” has the same meaning as in the *Liquor Control and Licensing Act*, SBC 2015 c 19 of British Columbia;

- viii. Replacing the definition of “loading zone” with:

“loading zone” means that area of a dock used solely for loading and unloading, emergency use, passengers, supplies or freight and identified by a yellow painted tie-rail or other identifying marking;

- ix. Inserting the definition of “Service”:

“Service” means the CRD service established under Bylaw No. 2614, “Small Craft Harbour Facilities Local Service Establishment Bylaw No. 1, 1998”;

- x. Removing the definition of “Ports Manager”;

- xi. Replacing the section reference in the definition of “resident” from 52 of the *Local Government Act* to section 67 of the *Local Government Act*;

- xii. By inserting the definition of “transient moorage”:

“transient moorage” means that area of a dock used solely for short-term moorage of not greater than 3 consecutive days, or 7 days in a month, and identified by a blue painted tie-rail or other identifying markings;

- xiii. By inserting into the definition of “wharfinger” after “a person contracted”, the words “or appointed”;

- (b) By inserting as section 1.2, Application, the following:

1.2. This bylaw applies to all docks, waterlots and other facilities or lands owned, operated, leased, or licenced by CRD for the purposes of the Service.

- (c) By amending section 9, Noisy Activities, after the words “at a dock”, the following words “or while in the waterlot around a dock,”;

- (d) By amending section 11, Signs, to remove the words “or the Ports Manager”;

- (e) By replacing section 28, Responsibility, with the following:

For the purpose of these regulations, the person having charge of a vessel or watercraft is deemed to be responsible for the vessel or watercraft and the action of its crew or passengers, as directed by signage at the facility.

- (f) In sections 30 and 31, Dock Management, replacing the words “Ports Manager” when they appear with “CRD”;

- (g) In section 34, Abandonment, replacing the first occurrence of the words "Ports Manager" when they appear with "CRD or wharfinger" and the second appearance with "wharfinger".
- (h) In sections 35, 36, 37, and 38, Obstruction, replacing "Ports Manager" whenever it appears with "CRD";
- (i) In section 39, Removal and Impoundment of Vessels, Watercraft, Chattels and Obstructions, replacing "Ports Manager" with "CRD and wharfinger" and replacing "wharf" with "dock";
- (j) In section 41:
 - i. replacing "Ports Manager" whenever it appears with "CRD";
 - ii. inserting, after "public auction" whenever it appears ", other means preferred by CRD,";
 - iii. inserting into 41(2), after "if the identity of the owner is not determined" the words "or if delivery under 41(1) cannot be confirmed";
- (k) In section 43, inserting after the words "public auction" the words "or means preferred by CRD," and inserting as a new sentence at the end of the paragraph "The failure to post such a sign or ensure it remains posted shall not impair the CRD's ability to recover fees, costs, or expenses under this bylaw nor shall it impair the ability to remove, impound, sell, or otherwise dispose of vessels, chattels, and obstructions.
- (l) In section 44, inserting after the words "impound and auction" the words "or otherwise dispose of".
- (m) Replacing the heading of sections 45 to 48, Public Auction, with the heading "Public Auction and Sale";
- (n) In section 45 and 47, Public Auction and Sale, replacing the words "Ports Manager" with "CRD";
- (o) In section 47, inserting after the word "auction" the words "or that other means are preferred by CRD to dispose of the property, such as private sale or sale through a broker";
- (p) Replacing the heading of section 49, Ports Manager and Wharfinger, with the heading "CRD and Wharfinger";
- (q) Replacing section 49(1) with the following:

The wharfinger, under the direction of the CRD, is responsible for the operational oversight and administration of the docks and may post notices and give such orders, in respect of the operation of the dock, as are authorized by these regulations.
- (r) In section 49(2), (3), and (4), replacing the words "Ports Manager" with "CRD";
- (s) In section 49(5), replacing the words "Ports Manager" with "wharfinger";
- (t) By replacing all references to the following schedules, where they appear, with corrected references as follows:
 - i. Schedule A or "Schedule A" shall be replaced with "Schedule A";
 - ii. Schedule B or "Schedule B" shall be replaced with "Schedule B";
 - iii. Schedule C or "Schedule C" shall be replaced with "Schedule C";
 - iv. Schedule D or "Schedule D" shall be replaced with "Schedule D";
 - v. Schedule E or "Schedule E" shall be replaced with "Schedule E";

- (u) By replacing Schedules "A" and "B" with the Schedules "A" and "B" attached to this bylaw, as applicable.
- (v) Revising Schedule "C", Moorage License Agreement, as follows:
 - i. In 2(d), removing references to the "Ports Manager";
 - ii. In 2(k), replacing "one million dollars" with "two million dollars" for proof of comprehensive liability insurance;
 - iii. In 2(l), replacing "Ports Manager" with "CRD" and replacing "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - iv. In 2(q), inserting after "overboard" the words ", discharged,";
 - v. In 2(r), replacing "Ports Manager" with "Coast Guard and CRD";
 - vi. In 2(s), 2(w), and 2(x), replacing "Ports Manager" with CRD;
 - vii. In 2(x), replacing the words "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - viii. Inserting as 2(y) the sentence "Live-aboards are not permitted at the docks unless authorized in writing by the CRD."
 - ix. Replacing the reference to "Ports Manager" in the "Issued per CRD" signature block with "CRD";
- (w) Revising Schedule "D", Water Taxi, Charter Boat, Emergency Services Vessel or Business Moorage License Agreement, as follows:
 - i. In 2(d), removing references to the "Ports Manager";
 - ii. In 2(k), replacing "two million dollars" with "three million dollars" for proof of comprehensive liability insurance;
 - iii. In 2(l), replacing "Ports Manager" with "CRD" and replacing "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - iv. In 2(r), inserting after "overboard" the words ", discharged,";
 - v. In 2(s), replacing "Ports Manager" with "Coast Guard and CRD";
 - vi. In 2(t), 2(x), and 2(y), replacing "Ports Manager" with CRD;
 - vii. In 2(y), replacing the words "impound, store, or auction" with "impound, store, auction, sell by other means preferred by CRD, or dispose of";
 - viii. Replacing the reference to "Ports Manager" in the "Issued per CRD" signature block with "CRD";
- (x) Revising Schedule "E", Seaplane License Agreement, as follows:
 - i. In 2(c), removing references to "Ports Manager";
 - ii. In 2(e), removing references to "Ports Manager";
 - iii. In 2(n), inserting after "overboard" the words ", discharged,";
 - iv. In 2(o), replacing "Ports Manager" with "Coast Guard and CRD";
 - v. In 2(s), replacing "Ports Manager" with "CRD";
 - vi. Replacing the reference to "Ports Manager" in the "Issued per CRD" signature block with "CRD";

2. This bylaw may be cited for all purposes as "Capital Regional District Southern Gulf Islands Harbours Commission Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021".

READ A FIRST TIME THIS	th	day of	20__
READ A SECOND TIME THIS	th	day of	20__
READ A THIRD TIME THIS	th	day of	20__
ADOPTED THIS	th	day of	20__

CHAIR

CORPORATE OFFICER

SCHEDULE "A"
Bylaw No. 2844

Capital Regional District Southern Gulf Islands Harbours

FEES AND LICENSES

1. DEFINITIONS

"charter boat" means any vessel or watercraft used to transport passengers who have paid a fee for tourism services including, but not limited to, fishing, whale watching, sightseeing or diving;

"dinghy" means an open boat with a maximum length of 12 feet, excluding outboard motor, having a beam of no more than 6 feet and a motor of not more than 25 horsepower and the dry weight/hull weight is at, or under, 300 pounds;

"emergency service vessel" means a police, fire, search and rescue, or ambulance vessel and any other vessel acting in the aforementioned capacities;

"length" means the overall length of a vessel or watercraft as determined by the Ports Manager or wharfinger;

"month" means a period commencing on a date in one month and terminating on the day immediately preceding the same date in the next month or, if there is no corresponding date in the next month, terminating on the last day of that month;

"moorage" means a charge for mooring;

"quarter" means three months;

"reserved berth" means a section of a dock identified by a 'Reserved' sign on the tie-rail;

"resident" means person who satisfies the conditions of residency established in section 67 of the *Local Government Act* in respect of the Southern Gulf Islands Electoral Area;

"short-term zone" means a section of a dock identified by a "short-term zone" sign on the tie rail;

"springline" means a special moorage arrangement where the vessel is bow tied to the dock and stern tied to an approved, weighted pulley line.

"water taxi" means any vessel or watercraft used to transport passengers or material for a fee.

2. MOORAGE FEES (All moorage fees include applicable taxes)

- (a) (i) Moorage Fees from 2 to 12 hours, normally commencing and ending between **8:00 AM** and **8:00 PM** of the same day:

\$0.5 per lineal foot per day.

- (ii) Moorage Fees from 12+ to 24 hours or overnight:

\$1 per lineal foot.

(b) Prepaid Long-Term Moorage Fees

- (i) The prepaid monthly moorage fee is \$5.80 per lineal foot per month.
- (ii) The prepaid quarterly moorage fee is \$15.40 per lineal foot per quarter.
- (iii) The prepaid annual moorage fee is \$55.30 per lineal foot per year.
- (iv) Despite subsections (i), (ii) and (iii), no person in control of a vessel or watercraft shall moor at a Short-Term Zone or at the Swartz Bay dock for longer than 72 consecutive hours in a 30-day period.
- (v) Where a resident has obtained a monthly, quarterly or annual moorage license prescribed in Schedule "C", that resident may apply for a monthly, quarterly or annual moorage for the same vessel at a second dock for an additional payment of one half the moorage fee paid at the first dock.

(c) Long-term moorage fees for a dinghy bow-tied at a dock area posted with a sign saying "dinghies only" shall be as follows:

- (i) The prepaid monthly moorage fee is \$30.00.
- (ii) The prepaid quarterly moorage fee is \$80.00.
- (iii) The prepaid annual moorage fee is \$280.00.

(d) Springline Moorage Fees

Where a springline moorage system has been approved by the CRD the following rates will apply for boats up to 14 feet in length and 8 feet wide:

- (i) Monthly fee is \$75.00 per month.
- (ii) Quarterly fee is \$210 per quarter.

(e) Short-Term Zone Fees

Where a short-term zone exists on a dock, the daily rate will apply. No monthly, quarterly or annual rates are available for these zones.

3. WATER TAXI AND CHARTER BOATS MOORAGE FEES

- (a) A person in control of a water taxi or charter boat mooring or landing at a dock shall obtain from the CRD in the form prescribed in Schedule "D" a license at a cost of \$62.50 per annum in addition to the fees set out in section 3(b) and (c) below.

(b) (i) Loading and Unloading Water Taxis and Charter Boats:

Landings/month/dock	Monthly Fee	Annual Fee
0-2	No charge	N/A
3-15	\$27.00	\$260.00

16-30	\$45.00	\$440.00
31+	\$72.00	\$720.00

- (ii) The prepaid annual fee is based on estimated annual usage. Actual usage is subject to audit and the CRD or wharfinger may make an adjustment to the fee based on actual usage.
- (c) The moorage fees for water taxis or charter boats are the same as prescribed in Schedule "A" sections 2(a)(i) and (ii), 2(b), 2(c) and 2(d) except the monthly, quarterly and annual fees, moorage coupon books and commuter passes are available only to an operator of a water taxi or charter boat who is a resident of the Southern Gulf Islands Electoral Area.
- (d) Where a person has obtained a license to operate a water taxi or charter boat and pays monthly or annual landing fees and provides a regularly scheduled published service between two docks listed in Schedule "B" using the same vessel no landing fees are required on the second dock.

4. SEAPLANES

- (a) The loading and unloading fee for casual use by seaplanes is \$20.00 per landing in excess of 2 landings per airport per year.
- (b) A person in control of a seaplane shall obtain from the CRD a license prescribed in Schedule "E" for a fee of \$62.50 per annum and in addition, may pay to the CRD the following prepaid annual fee for recurring use:

Landings per year per Airport	Annual Fee per Airport
3 – 48	\$270
49 – 200	\$520
200+	\$720

- (c) The prepaid annual fee is based on estimated annual usage. Actual usage is subject to audit and the CRD or wharfinger may make an adjustment to the fee based on actual usage.
- (d) Seaplane Moorage Fees: Not Available

5. EMERGENCY VESSEL MOORAGE FEES

- (a) A person in control of an emergency services vessel shall apply for a license as prescribed in Schedule "D" each year.
- (b) Emergency Service Vessels, when not performing emergency services, shall be subject to the same moorage fees as prescribed in Schedule "A" sections 2(a)(i) and (ii), 2(b), 2(c) or 2(d).
- (c) Emergency Service Vessels, while actively performing emergency services, will not be subject to the fees prescribed in Schedule "A" sections 2(a)(i) and (ii), 2(b), 2(c) or 2(d).

6. RESERVED BERTHS

The moorage fee for reserved berths is 1.5 times the applicable (quarterly and annual) moorage fee as prescribed in Schedule "A".

7. REMOVAL AND IMPOUNDMENT

The following fees, costs and expenses shall be paid by the owner of a vessel, chattel or obstruction removed, detained or impounded pursuant to Sections 39 to 44 of this Bylaw:

(a)	Impoundment Fee	\$150 or actual cost
(b)	Towing Fee per hour (for towing or removal to storage location)	\$275 or actual cost
(c)	Hauling Out Fee per hour	\$275 or actual cost
(d)	Fee for Placing on Blocks/Removal from Trailer (fee per hour)	\$275 or actual cost
(e)	Storage Costs for Vessel (rate per day per foot)	\$5.25 or actual cost

At CRD's option, it can select the fee or the actual cost, whichever is greater. "Actual cost" is the actual cost if provided directly by CRD or by a third party contractor, calculated on a cost recovery basis, including any applicable fees, charges, or taxes. CRD may charge an additional 10% on top of fees or actual costs to cover administrative tasks and time spent.

SCHEDULE "B"
Bylaw No. 2844

Capital Regional District Southern Gulf Islands Harbours

DOCKS ADMINISTERED BY THE CRD IN THE SOUTHERN GULF ISLANDS

- GALIANO ISLAND: Sturdies Bay
 Montague Harbour
 Retreat Cove
 Spanish Hills
- MAYNE ISLAND: Miners Bay
 Horton Bay
 Anson Road
- NORTH PENDER ISLAND: Port Washington
 Browning Harbour
 Hope Bay
- PIERS ISLAND: Piers Island
- SATURNA ISLAND: Lyall Harbour
- VANCOUVER ISLAND: Swartz Bay