

**846REPORT TO SOUTHERN GULF ISLANDS HARBOURS COMMISSION
MEETING OF THURSDAY, NOVEMBER 18, 2021**

SUBJECT Amendments to Bylaw 2844, Southern Gulf Islands Small Craft Harbours Regulation Bylaw

ISSUE SUMMARY

To advance Bylaw No. 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021”, to revise certain portions and fees included in Bylaw No. 2844, “Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000”.

BACKGROUND

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”.

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. The service is administered by the Southern Gulf Islands Harbours Commission, established under Bylaw No. 2844, “Capital Regional District Southern Gulf Islands Harbours Commission Regulation Bylaw No. 1, 2000”.

At the September 24, 2021 meeting of the Southern Gulf Islands Harbours Commission the existing bylaw was reviewed and recommendations were made to progress with amending the bylaw and return for approval of the changes.

Bylaw No. 2844 has not been updated since 2012. Suggested changes, both from the Commission and CRD staff, include:

- Replacement of the role of the “Ports Manager” with CRD generally;
- Revision of fees, charges, and license language, including increases to insurance requirements;
- Updating of certain provisions of the bylaw, such as calculation of the length of vessels, emergency use of facilities, and the ability to dispose of the vessels and obstructions by means other than public auction.

ALTERNATIVES

Alternative 1:

The Southern Gulf Islands Harbours Commission recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021” be introduced and read a first, second, and a third time.
2. That Bylaw No. 4469 be adopted.

Alternative 2:

That the report be referred back to staff for additional information.

IMPLICATIONS

Governance Implications

The current bylaw has not been updated since 2012 and was in need of some revisions. The new bylaw will ease the administration of the facilities, modernize the language, and provide new insurance amounts and fee schedule. The insurance rates and fee schedule have not been changed since 2012 and are revised to be more consistent with industry standards and to account for inflation and cost escalations associated with operating the service. Updated fees will continue to be collected from the users of the facilities. Combined, these changes will further improve the ability to manage the service and increase the financial resources available.

Fee Modifications

In general, fees have been increased by 30% (inclusive of applicable taxes), rounding-up. Fees have not been adjusted for 10 years. Coupon books and monthly commuter passes, which were difficult to administer and not regularly used, have been eliminated. Fees for emergency vessel use, when acting in an emergency, are no longer payable. Licenses are still required. Fees for removal and impoundment of obstructions and abandoned boats have been increased, and may substitute the actual cost plus 10% for administration where necessary.

Legal Implications

Additional powers relating to sale of vessels, chattels, or obstructions have been inserted, permitting the CRD to sell or dispose of the vessel by methods other than public auction. Such disposal methods may be preferred if CRD undertakes enforcement on its own or if working with BC Bailiffs. Minor modifications have been made to make clear the bylaw applies to all leased, licensed, or operated facilities of the Service.

CONCLUSION

Bylaw No. 4469 amends “Capital Regional District Southern Gulf Islands Small Craft Harbours Regulation Bylaw No. 1, 2000” to update language and fees that have not been updated in nearly 10 years. Updating the bylaw will ease the administration, modernize the language and ensure industry appropriate levels of insurance coverage by licensed users and enable additional funds to be available to maintain, repair and operate the docks.

RECOMMENDATIONS

The Southern Gulf Islands Harbours Commission recommends the Electoral Areas Committee recommend to the Capital Regional District Board:

1. That Bylaw No. 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021” be introduced and read a first, second, and a third time.
2. That Bylaw No. 4469 be adopted.

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ATTACHMENTS

- Appendix A: Bylaw 4469, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000, Amendment Bylaw No. 8, 2021”
- Appendix B: Bylaw 2844, “Capital Regional District Southern Gulf Islands Harbours Regulation Bylaw No. 1, 2000”, unofficial redline showing changes.