
A bylaw to Regulate Municipal Docks

WHEREAS the Village of Harrison Hot Springs has deemed it advisable to establish a bylaw to regulate municipal docks;

NOW THEREFORE the Council of the Village of Harrison Hot Springs of Harrison Hot Springs, in an open meeting assembled enacts as follows:

1. CITATION

This Bylaw may be cited for all purposes as the "Village of Harrison Hot Springs of Harrison Hot Springs Municipal Docks Bylaw No. 991, 2011".

2. INTERPRETATION

In this bylaw:

"abandoned" means leaving a vessel or watercraft at a dock for a period in excess of 7 days;

"authorized personnel" includes a Peace Officer, Bylaw Enforcement Officer or employee of the Village of Harrison Hot Springs or designate;

"berth" means a location at a dock where a vessel or watercraft may be moored;

"dangerous goods" means dangerous goods as defined in the *Transport of Dangerous Goods Act*;

"dock" means a landing pier for vessels and watercraft;

"emergency personnel" include any person, group or organization required by provincial or federal statute to respond to emergency situations;

"emergency vehicle" means a police vehicle, ambulance or fire department vehicle;

"liquor" has the same meaning as in the *Liquor Control and Licensing Act* of British Columbia;

"loading zone" means that area of a dock used solely for loading and unloading passengers, supplies or freight and identified by a yellow painted tie rail and/or signage;

"moor" means to secure a vessel, watercraft or seaplane by means of lines, cables or anchors;

"raft" means the mooring of one vessel or watercraft along side another;

"seaplane" means an aircraft on floats whether operated privately or commercially;

“vessel” means any ship or boat or any other description of vessel which is or can be propelled by machinery, except a seaplane, and used or designed to be used in navigation;

“Village” means the municipality of the Village of Harrison Hot Springs;

“watercraft” means any ship or boat or any other description of vessel that is not propelled by machinery and is used or designed to be used in navigation;

ENFORCEMENT POWERS

3. All authorized personnel may enforce this bylaw in the course of their duties.
4. Any authorized personnel may order a person who does anything contrary to this bylaw to leave a dock immediately, or within a period of time specified by the authorized personnel, and every person so ordered shall comply with the order and leave the dock immediately or within the specified time period.
5. No person shall hinder, oppose, molest or obstruct authorized personnel in the discharge of their duties.
6. Authorized personnel and emergency personnel, while acting in the course of their duties, as well as emergency vehicles, are exempt from the provisions of this bylaw.

FINES

7. A person who contravenes this bylaw commits an offence and is subject to a fine under the Bylaw Notice Enforcement Bylaw.

PUBLIC CONDUCT

8. No person shall obstruct or interfere with any person, vessel, watercraft or seaplane lawfully using a dock.
9. No person shall behave in a disorderly, dangerous or offensive manner on a dock.

NOISY ACTIVITIES

10. No person shall while on or moored at a dock, make or cause noises or sounds including the playing of musical instruments, radios, tape players, compact disc players or similar devices or operate any equipment, vehicles, vessel, watercraft, seaplane or machinery which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons. The above does not prohibit music integral to a camp or community celebration provided the music occurs between the hours of 8:00 a.m. and 10:00 p.m.

LIQUOR

11. No person shall possess an open container of liquor on a dock.

SIGNS

12. No person shall place, post or erect a sign on a dock unless with permission of the Village.

DAMAGE

13. No person shall remove, destroy or damage any dock or structure or sign attached to a dock.
14. No person shall remove, destroy or damage any sign, notice, rule or regulation posted on a dock by or under the authority of the Village.
15. No person shall deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a dock or in the water surrounding a dock.

STORAGE

16. No person shall store any material of any kind, including a watercraft, on the surface of a dock unless in an area posted as a storage area.

LOADING ZONE

17. No person shall cause a vessel, watercraft, seaplane or vehicle to be left unattended at a posted loading zone.
18. No person shall cause a vessel, watercraft or seaplane to remain moored in a posted loading zone for a period in excess of 60 minutes unless otherwise authorized by the Village.

VEHICLES

19. (1) No person shall drive a vehicle on a dock except for the express purpose of loading or unloading or parking in a designated zone or the vehicle is being used for the purpose of repairing or maintaining the dock.

(2) Despite section 19(1), the Village may cause to be posted a sign prohibiting a person from driving a vehicle on a dock for any purpose.

CONSTRUCTION

20. No person shall build or place any structure on a dock unless authorized by the Village and local land use regulations.

TIME LIMIT

21. (1) No vessel, watercraft or seaplane shall moor at a dock for a period in excess of 12 hours unless otherwise authorized by the Village, but will not be moored overnight.
- (2) Vessels, watercraft or seaplanes may remain moored longer than 12 hours or overnight, when in the opinion of Council, longer moorage is required in recognition of a community event.

DANGEROUS GOODS

22. No vessel, watercraft or seaplane carrying dangerous goods or explosives shall moor at a dock for longer than is necessary to effect immediate loading or unloading.
23. No vessel, watercraft or seaplane carrying dangerous goods or explosives moored at a dock shall be left unattended.

RESPONSIBILITY

24. For the purpose of these regulations, the person having charge of a vessel, watercraft or seaplane is deemed to be responsible for the vessel, watercraft or seaplane and the action of its crew.

RESERVED BERTH

25. At the discretion of the Council, a section of dock may be reserved for the exclusive use of a vessel, watercraft or seaplane on condition that the person in control of the vessel, watercraft or seaplane obtain a permit from the Village.

DOCK MANAGEMENT

26. In order to facilitate the proper management, control and use of a dock, Village staff may order a vessel, watercraft or seaplane to move or alter its position.
27. When required by limited mooring space any person in charge of a vessel or watercraft may raft the vessel or watercraft provided that no more than two vessels or watercrafts are rafted or such lower or higher number of vessels or watercrafts as specified by the Village and sign posted.

ABANDONMENT

28. No person shall abandon a vessel, watercraft or seaplane at a dock.
29. Where the Village staff believes a vessel, watercraft or seaplane has been abandoned at a dock, or in violation of section 21(1), and they have made reasonable but fruitless efforts to obtain the name and address of or to contact the owner or person last in charge of the vessel, watercraft or seaplane, the staff must make a report to the Village with recommendations for the removal of the abandoned vessel, watercraft or seaplane.

OBSTRUCTION

30. The Village staff may direct the position, time, place and manner in which a vessel, watercraft or seaplane may be moored, loaded or unloaded at a dock.
31. Except as permitted by the Village staff, no person shall moor a vessel, watercraft or seaplane at a dock in such a manner as to unduly obstruct the movement of other vessels or watercraft.
32. Except as permitted by the Village staff, the lines fastening a vessel, watercraft or seaplane to a dock shall not cross the dock or be attached to anything other than the fastenings provided for the purpose.
33. Except as permitted by the Village staff, no person shall:
 - (1) use the surface of a dock for any major maintenance or repair work; or
 - (2) do any other thing in such a manner as to impede the use of the dock by others.

GENERAL MANAGEMENT

- 34 (1) The Chief Administrative Officer is responsible for the operation, administration and management of the docks and may post signs and give such orders either orally or in writing, in respect of the operation of the dock, as are authorized by these regulations.
 - (2) No person shall contravene
 - (a) an order of the Chief Administrative Officer given under subsection (1); or
 - (b) the directions or instructions on any sign posted under subsection (1).
 - (3) Where a vessel, watercraft, seaplane or goods are not removed from a dock immediately after the removal thereof is ordered by the Chief Administrative Officer, the Chief Administrative Officer may have the vessel, watercraft, seaplane or goods removed from the dock at the owner's expense.

PERMITS

35. Notwithstanding sections 21 and 25, only those persons in charge of a vessel, watercraft or seaplane whose purpose is to support and/or enhance tourism or a community wide event that benefits the public will be authorized to obtain such permit.

SEVERANCE

36. If a section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid, by the decision of any Court, such decision shall not affect the validity of the remaining portions of this Bylaw.

READINGS AND ADOPTION

37. READ A FIRST TIME THIS 23rd DAY OF SEPTEMBER, 2011
READ A SECOND TIME THIS 23rd DAY OF SEPTEMBER, 2011
AMENDED AND READ A THIRD TIME THIS 23rd DAY OF SEPTEMBER, 2011
ADOPTED THIS 11th DAY OF OCTOBER, 2011



Mayor



Corporate Officer