

THE CORPORATION OF THE VILLAGE OF SLOCAN

BYLAW NO. 627

A Bylaw to regulate, prohibit and impose requirements in relation to a public wharf

WHEREAS the Village of Slocan has entered into a Licence of Occupation with the Province of British Columbia, covering District Lots 16146 and 1750, Kootenay District; together with those parts of District Lot 272, K.D. Plan NEP20184 and Plan 7422; together with unsurveyed Crown foreshore, being part of the bed of Slocan Lake, with the Kootenay District (the "Lands");

AND WHEREAS the Village of Slocan built and maintains a public wharf on the Lands;

AND WHEREAS the Council for the Village of Slocan wishes to regulate, prohibit and impose requirements in relation to the use of that the wharf;

NOW THEREFORE the Council of the Village of Slocan, in open meeting assembled, ENACTS AS FOLLOWS:

1. Definitions

In this Bylaw,

"Loading Zone" means that area of the wharf designated solely for loading and unloading of vessels and passengers.

"Moor" means to secure a vessel by means of lines, cables, anchors or other similar means;

"Vessel" means any boat or watercraft whether or not propelled by motor, and includes vessels whether in good working condition or not.

"Wharf" means the public wharf, ramp and break water owned and operated by the Village.

2. Damage

No person shall remove, destroy or damage the wharf or structure attached to the wharf.

3. Storage

No person shall store any material of any kind, including a vessel, on the surface of a the wharf.

4. Loading Zone

No person shall use the loading zone for any purpose other than the loading and unloading of vessels and other items associated with vessel use. No person shall remain in the loading zone or permit a vehicle to remain in the loading zone after it has finished loading or unloading. The loading zone at the approach of the wharf is restricted for loading and unloading goods only. Once the vehicle is unloaded it must be moved to the designated parking lot.

Moorage Restrictions

- (a) No person shall moor, or permit to be moored any vessel at or adjacent to the wharf overnight.
- (b) No person shall secure, or permit to be secured any vessel to the wharf any vessel by use of a lock or otherwise in a manner that prevents a Village employee or Village contractor from relocating the vessel.
- (c) No person shall moor, or permit to be moored, a vessel at the wharf in such a manner as to unduly obstruct the movement of other vessels.

5. Exemptions

This Bylaw does not apply to emergency response vessels and equipment proceeding upon or engaged in an emergency, or by employees or contractors of the Village engaged in maintenance activities.

6. Removal and Impoundment

- (a) Where a vessel, chattel or object is occupying the wharf, or causing damage to the wharf, or is moored at or adjacent to the wharf, or to some other area of the wharf, contrary to this Bylaw, a Village employee or Village contractor is authorized to:
 - (i) relocate the vessel, chattel or object; or
 - (ii) remove and impound the vessel, chattel or object.
- (b) Any vessel, chattel or object removed and impounded under section 7 may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs and expenses incurred by the Village in removing and impounding the vessel, chattel or object and restoring the wharf to its former condition plus a fee of \$100.00, plus \$25.00 per day for storage in the case of vessels, chattels or objects stored on Village property. In the case of work performed by the Village's employees or using Village equipment, the owner shall pay the Village's current charge-out rate for such work.
- (c) After the expiration of 90 days from the date the vessel, chattel or object is removed and impounded under section 7, if the owner of the vessel, chattel or object removed and impounded has not claimed the vessel, chattel or object and paid the costs, expenses and fees levied in accordance with this Bylaw, or if the owner cannot be identified after reasonable efforts, the Village may sell the vessel, chattel or object at a public auction or initiate a court action to recover its costs, expenses and fees.
- (d) If the vessel, chattel or object removed and impounded under section 7 is not purchased at a public auction, the Village employee or Village contractor may dispose or cause to be disposed of the vessel, chattel or object to the Village dump or any other place approved by the of Village of Slocan and the expenses incurred in the removal and disposal, less the proceeds (if any) of disposal, shall be recoverable as a debt due to the Village from the owner of the vessel, chattel or object.

7. Offences and Penalties

Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

8. Enactment

- (a) If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.
- (b) This Bylaw shall come into full force and effect on the final adoption thereof.

9. Citation

This Bylaw may be cited for all purposes as the "Village of Slocan Wharf Regulation Bylaw No. 627, 2013."

READ A FIRST TIME the 8th day of July, 2013

READ A SECOND TIME AS AMENDED the 8th day of July, 2013.

READ A THIRD TIME the 8th day of July, 2013.

FINALLY PASSED AND ADOPTED the 12th day of August, 2013

Certified a true and correct copy of the "Village of Slocan Wharf Regulation Bylaw No. 627, 2013"

Chief Administrative Officer



Mayor



Chief Administrative Office