

qathet REGIONAL DISTRICT

BYLAW NO. 560, 2021

SAVARY ISLAND MARINE  
SERVICE REGULATION

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**qathet Regional District**

**BYLAW NO. 560**

\*\*\*\*\*  
A bylaw to regulate the management and use of Savary Island Marine Service  
infrastructure owned and operated by the qathet Regional District.  
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**WHEREAS** the qathet Regional District has established the local service to acquire and operate small craft harbour facilities;

**AND WHEREAS** pursuant to section 335(2) of the *Local Government Act*, R.S.B.C. 2015, c. 1, the qathet Regional District may regulate services by bylaw;

**NOW THEREFORE**, the qathet Regional District Board in open meeting assembled, enacts as follows:

**PART 1 – INTRODUCTION**

**Title**

1.1 This Bylaw may be cited as “Savary Island Marine Service Regulation Bylaw No.560, 2021.”

**Definitions**

1.2 In this Bylaw:

- **“Abandoned”** means leaving a Vessel or Watercraft at a Dock for more than two (2) hours unattended more than once within a period of two (2) consecutive days;
- **“Authorized Personnel”** includes the Wharfinger, qathet Regional District (“qRD”) staff and contractors, RCMP and/or Coast Guard;
- **“Barge Ramp”** means a coastal shore-side location where vehicles and supplies can be landed by Watercraft licensed to do so;
- **“Berth”** means a location at a Dock or Float where a Vessel or Watercraft may be Moored;
- **“Board”** means the Board of Directors of the qRD;
- **“Business”** means a commercial or industrial undertaking of any kind or nature or the providing of professional, personal or other services for the purpose of gain or profit;

- **“Dangerous Goods”** means dangerous goods as defined in Section 1 of the *Transport of Dangerous Goods Act*, S.C. 1992, c. 34;
- **“Dock”** means a landing pier for Vessels and Watercraft;
- **“Conservation Officer”** has the same meaning as in the *Environmental Management Act*, S.B.C. 2003, c. 53;
- **“Emergency Personnel”** includes any person, group or organization required by provincial or federal statute to respond to emergency situations;
- **“Emergency Vehicle”** means a police vehicle, ambulance, first responder or a fire department vehicle;
- **“Explosive”** means explosive, as defined in section 1 of the *Explosives Act*, R.S.C. 1985, c. E-17;
- **“Float”** means a Floating structure attached to a Dock by a ramp that is used as temporary Moorage by Watercraft for loading and unloading passengers and supplies;
- **“Liquor”** has the same meaning as in the *Liquor Control and Licensing Act*, S.B.C. 2015, c. 19;
- **“Loading Zone”** means that area of a Float or Dock used solely for loading and unloading passengers, supplies or freight and identified by signage and a painted tie-rail or other identifying marking;
- **“Moor”** means to secure a Vessel or Watercraft by means of lines, cables or anchors;
- **“Parking Lot”** means an area owned and managed by the qRD in which vehicles can be left for up to 60 days;
- **“Peace Officer”** has the same meaning as in the *Criminal Code*, R.S.C. 1985, c. C-46;
- **“Posted Notice”** means a written notice or sign which has been posted or affixed by the qRD in a Savary Island Marine Service location or which has been set out in a brochure or map relating to the infrastructure;

- **“Proof of Residency”** means:
  - (a) a British Columbia driver’s license containing an address in the qRD,
  - (b) a real property tax notice issued under the *Local Government Act* or the *Taxation (Rural Area) Act* to an address in the qRD, or
  - (c) a utility bill issued for the supply of electricity, natural gas/propane, water, telephone services or co-axle cable services to an address in the qRD;
- **“qRD”** means the qathet Regional District;
- **“qRD Bylaw Enforcement Officer”** means an officer authorized by the qRD to enforce its bylaws;
- **“Raft”** means the Mooring of one Vessel or Watercraft along side another;
- **“Refuse”** means all refuse, garbage, contaminate or other waste of any kind;
- **“Resident”** means a person who satisfies the conditions of residency, as established in section 52 of the *Local Government Act*, within the qRD;
- **“Savary Island Marine Service Parking Lot”** means the Parking Lot surrounding the East Fire Hall (Rogers Hall);
- **“Special Event”** means any publicly advertised event, open to the general public and conducted within or on the Savary Island Marine land, tenure, or infrastructure which attracts or is intended to attract participants or spectators;
- **“Special Event Permit”** means a permit to serve alcohol issued by the BC Liquor Distribution Branch;
- **“Special Use”** means on-going recreational or commercial activities, authorized by the qRD under an agreement, open to the general public, and conducted within or on Savary Island Marine Service Infrastructure, subject to the Regional Parks Regulation Bylaw No. 325, 1999;
- **“Special Use Agreement”** means an agreement between the Regional Board and another party regarding the use and management of all or part of a Savary Island Marine Service infrastructure, subject to the Regional Parks Regulation Bylaw No. 325, 1999;
- **“Vessel”** means any ship or boat or any other description of a vessel which is or can be propelled by machinery, except a seaplane, and used or designed to be used in navigation;

- **“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; and,
- **“Wharfinger”** means a person contracted by the qRD to conduct day to day operation of a Dock and/or Float, Barge Ramp, Boat ramp and vehicle Parking Lot owned by the qRD Savary Island Marine Service.

### **Interpretation**

- 1.3 Any word or phrase used in this Bylaw and not defined in this Bylaw has the meaning as defined in the *Community Charter*, S.B.C. 2003, c. 26 or the *Local Government Act*. If any word or phrase which is used in this Bylaw is not defined in this Bylaw or in the *Community Charter* or *Local Government Act*, the ordinary use of the word applies.
- 1.4 The *Interpretation Act*, R.S.B.C. 1996, c. 238 applies to this Bylaw, and the singular includes the plural and vice-versa, unless the context otherwise requires.
- 1.5 The headings used in this Bylaw are for convenience of reference only. They do not form part of this Bylaw and are not to be used in the interpretation of this Bylaw.

### **Responsibility and Authority**

- 1.6 The management, maintenance, operation, and use of Savary Island Marine lands, tenure and infrastructure shall be the responsibility of the qRD.
- 1.7 The qRD has the authority to restrict, limit and or close access to any or all Savary Island Marine Service land, tenure, and infrastructure.
- 1.8 The Manager of Operational Services or his or her designate shall have the authority to enforce this Bylaw.
- 1.9 The Manager of Operational Services, their designate, and the Wharfinger may order any person, who behaves in contravention of this Bylaw, to remove themselves and their Vessel or Watercraft from Savary Island Marine land, tenure or infrastructure, immediately or within a period specified by the Manager of Operational Services, their designate, or the Wharfinger. Every person ordered to leave under this section shall comply with the order.
- 1.10 All Authorized Personnel may enforce this Bylaw in the course of their duties. Peace Officers, Conservation Officers, and qRD Bylaw Enforcement Officers also have authority to enforce this Bylaw in the course of their duties.

- 1.11 The Manager of Operational Services and designate has the authority to prepare and issue any permit, licence, endorsement and enter into a Special Use Agreement in relation to this Bylaw.
- 1.12 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.
- 1.13 Every person who contravenes a provision of this Bylaw shall be liable, upon summary conviction, to a fine not exceeding \$5,000 and the costs of prosecution plus the costs of repairing any damages caused by his or her contravention. Each day that a violation of this Bylaw continues constitutes a separate offence. A list of ticketable offences is attached as Schedule "C".
- 1.14 A person shall not hinder, oppose, molest or obstruct Authorized Personnel, Peace Officers, Conservation Officers, or qRD Bylaw Enforcement Officers in the discharge of their duties under this Bylaw.

## **PART 2 – PUBLIC CONDUCT**

- 2.1 A person shall not obstruct or interfere with any person, Vessel or Watercraft lawfully using a Dock, Berth, Barge Ramp or Float.
- 2.2 A person shall not behave in a disorderly, dangerous or offensive manner including, but not limited to, diving or jumping from a Dock, Float, Wharf, Wharf Structure, or swimming within the Water Tenure Lots as identified in Schedule "B" or within ten (10) metres of the Dock.

### **Noisy Activities**

- 2.3 A person shall not, while on or Moored at a Dock, make or cause noises or sounds including, but not limited to, the playing of musical instruments, radios, tape players, compact disc players or similar devices or operate any Equipment, Vehicles, Vessels, Watercraft or Machinery which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons.

### **Liquor**

- 2.4 A person shall not possess an open container of Liquor on a Parking Lot, Dock, Barge Ramp, Boat Ramp or Float without a Special Event Permit in place.

### **Care of Animals**

- 2.5 Except as otherwise provided in this Bylaw, every person owning or having the care, custody or control of any animal in or on qRD Savary Island Marine Service Infrastructure shall:
  - a) ensure the animal is securely held on a leash of no more than three (3)

- metres in length and under that person's direct and continuous charge and control;
- b) ensure the animal does not cause any damage to property or annoyance or disturbance or injury to any person or other animal; and
  - c) immediately remove all feces deposited by that animal.

### **Signs**

- 2.6 A person shall not place, post or erect a sign on a Dock, Barge Ramp or Float unless with permission of the qRD or Wharfinger.

### **Damage**

- 2.7 A person shall not remove, destroy or damage any structure or sign attached to a Dock or Float or Barge Ramp.
- 2.8 A person shall not remove, destroy or damage any notices, rules or regulation posted on a Dock, Float or Barge Ramp by or under the authority of the qRD.
- 2.9 A person shall not deposit or leave any garbage, Refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a Parking Lot, Dock, Barge Ramp or Boat Ramp or Float or in the water surrounding a Dock or Float.

### **Storage**

- 2.10 A person shall not store any chattel of any kind, including a Watercraft, on a Dock, Barge Ramp, Float or Wharf Shed unless it is designated as a storage area. Chattels left unattended on a Dock, Barge Ramp, Float or Wharf Shed in excess of two (2) hours will be considered to be stored.

### **Savary Island Dock and Barge Ramp Loading Zones**

- 2.11 A person shall not cause a Vessel or Watercraft to be left unattended at the designated Loading Zone or Barge Ramp, as identified in Schedule "A" of this Bylaw.
- 2.12 Designated Loading Zones, Floats, and Barge Ramps have signage showing moorage time limits. A person shall not cause a Vessel or Watercraft to remain Moored in any and all designated Loading Zones for a period in excess of the posted time limits.

### **Vehicles and Bicycles**

- 2.13 A person shall not drive or park a vehicle on a Dock except for the express purpose of loading or unloading or the vehicle is being used for the purpose of repairing or maintaining the Dock.



2.14 A person shall not park or leave a vehicle unattended on a Dock, Barge Ramp or Float.

2.15 A person shall not park a bicycle or scooter on the Dock.

### **Commercial Services**

2.16 A person or company shall not sell, expose or display for sale any goods or materials including refreshments, or conduct any Business on a Dock, Barge Ramp or Float except where authorized by the qRD.

2.17 A person or company shall not drive or park a Vehicle on the Dock, Float, or Barge Ramp with a gross vehicle weight exceeding 8,000kg (17,600 lb).

### **Construction**

2.18 A person shall not build upon or place any structure on a Dock, Barge Ramp or Float except where authorized by the qRD.

2.19 A person or company shall not place or store vehicles, construction supplies and or materials on qRD Savary Island Marine Service land, tenure, or infrastructure.

### **Dangerous Goods**

2.20 No Vessel or Watercraft carrying Dangerous Goods or Explosives shall land at a Dock, Barge Ramp or Float except for the immediate loading or unloading of the Dangerous Goods or Explosives.

2.21 No Vessel or Watercraft carrying Dangerous Goods or Explosives Moored at a Dock, Barge Ramp or Float shall be left unattended.

### **PART 3 – qRD PARKING LOT**

3.1 The Savary Island Marine Service Parking Lot is land administered within the Savary Island Marine Service and is part of the Savary Island Marine infrastructure.

3.2 A person or company shall not park an unlicensed or uninsured vehicle at the Savary Island Marine Service Parking Lot.

3.3 No person or company shall park a vehicle at the Savary Island Marine Service Parking Lot for a continuous period in excess of sixty (60) days.

3.4 Vehicles, Watercrafts, or Vessels that are parked at the Savary Island Marine Service Parking Lot and are uninsured, not displaying current insurance or left for a continuous period in excess of sixty (60) days will be considered Abandoned and will be towed/ barged to a secure lot on the mainland. It is the sole

responsibility of the Vehicle, Watercraft, or Vessel owner to pay all associated charges for towing, barging and storage in order to retrieve their vehicle. The qRD will not be held responsible for any damage to any Vehicles, Watercraft, or Vessel that are parked at the site or that have been removed from the site.

#### **PART 4 - DOCK AND VESSEL MANAGEMENT**

- 4.1 In order to facilitate the proper management, control and use of a Dock, the qRD may establish specific Mooring conditions to various sections of a Dock or Float.
- 4.2 Notwithstanding the powers set out in section 4.1, the Wharfinger may order a person in charge of a Vessel or Watercraft to move or alter the position of the Vessel or Watercraft.
- 4.3 The Wharfinger, at their discretion, may order that any Vessel or Watercraft is not allowed to Moor to the Dock.
- 4.4 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 (2) Vessels or Watercrafts are Rafted or such lower or higher number of Vessels or Watercrafts as specified by the qRD and by signs posted at the Dock.

#### **Responsibility**

- 4.5 For the purpose of these regulations, the person having charge of a Vessel or Watercraft is deemed to be responsible for a Vessel or Watercraft and the action of its crew.

#### **Reserved Berth**

- 4.6 At the discretion of the qRD, a section of Dock or Float may be reserved for the exclusive use of a Vessel or Watercraft used by the RCMP or Coast Guard.

#### **Abandonment**

- 4.7 A person shall not abandon a Vessel or Watercraft at a Dock. Where the Wharfinger believes a Vessel or Watercraft has been Abandoned at a Dock, and has made reasonable efforts to obtain the name and address of the owner or person last in charge of the Vessel or Watercraft, the Wharfinger shall make a report to the qRD Manager of Operational Services with recommendations for the removal of the Abandoned Vessel or Watercraft.

### **Obstruction**

- 4.8 The Wharfinger may direct the position, time, place and manner in which a Vessel or Watercraft may be Moored, loaded or unloaded at a Dock or Float.
- 4.9 Except as permitted by the Wharfinger, a person shall not Moor a Vessel or Watercraft at a Dock or Float in such a manner as to unduly obstruct the movement of other Vessels or Watercraft.
- 4.10 Except as permitted by the Wharfinger, the lines fastening a Vessel or Watercraft to a Dock or Float shall not cross the Dock or be attached to anything other than the fastenings provided for that purpose.
- 4.11 Except as permitted by the Wharfinger, a person shall not:
- a) use the surface of a Dock for any major maintenance or repair work;
  - b) do any other thing in such a manner as to impede the use of the Dock;
  - c) block access to a Dock and/or Float by a boat or by Mooring in the approach to the Dock; or
  - d) block or impede access to a Barge Ramp or Boat Ramp.

### **Removal and Impoundment of Vessels, Watercraft, Chattels, and Obstructions**

- 4.12 The Wharfinger is authorized to remove and impound, or cause to be removed and impounded, any Vessel, chattel or obstruction that occupies a wharf or water lot in contravention of this Bylaw.
- 4.13 Any Vessel, chattel or obstruction removed and impounded under this section may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs incurred by the qRD in removing and impounding (including storing) and any fines owing by the owner under this Bylaw.
- 4.14 If a Vessel, chattel or obstruction is removed and impounded, the Wharfinger shall make reasonable efforts to obtain the name and address of the owner of the Vessel, chattel or obstruction and:
- a) If the name and address of the owner is determined, the Wharfinger shall give written notice delivered in person to the owner or sent by registered mail to the owner advising the owner of the removal and impoundment, the sum payable to release the Vessel, chattel or obstruction and the date for sale by public auction or disposition, as applicable, if unclaimed; or
  - b) If the identity of the owner is not determined, the Wharfinger shall cause a notice to be posted at the relevant wharf advising of the removal and impoundment, the sum payable to release the Vessel and the planned date for sale by public auction or disposition, as applicable, if unclaimed.

- 4.15 The fees, costs and expenses payable by the owner of a Vessel, chattel or obstruction removed and impounded under this section are set out in Schedule "C" to this Bylaw.
- 4.16 The qRD may post a sign at each wharf or Float to notify the public that Vessels, chattels and obstructions occupying the wharf and surrounding water lot in contravention of this Bylaw, may be removed and impounded by or on behalf of the qRD at the cost of the owner and may be sold at public auction or otherwise disposed of if unclaimed.
- 4.17 The qRD may engage the services of a bailiff to remove, impound and auction Vessels, chattels and other obstructions under this section.

### **Public Auction**

- 4.18 Any Vessel, chattel or obstruction not claimed by its owner, including where the Wharfinger has been unable to determine the owner's identity, within thirty (30) days of notice may be sold at a public auction and such auction shall be advertised at least once in a newspaper distributed at least bi-monthly in the qRD Area.
- 4.19 The proceeds of an auction under subsection 4.18 shall be applied firstly to the cost of the auction and sale, and secondly to all unpaid fees, costs and expenses levied by the Savary Island Marine Service in accordance with this Bylaw in relation to the Vessel, chattel or obstruction which was sold at the auction. Any remaining proceeds of such auction shall be deposited to the Savary Island Marine Service
- 4.20 If any Vessel, chattel or obstruction is not offered for sale or purchased at public auction under this section, the expenses incurred in the removal, impoundment or disposal, are recoverable as a debt due to the qRD from the owner.
- 4.21 If the Wharfinger considers that a Vessel, chattel or obstruction removed and impounded from a wharf is of insufficient value to warrant an auction, subsequent to the Board's approval by resolution, the Wharfinger may arrange for the private sale or disposal of the Vessel, chattel or obstruction if unclaimed after two (2) months following the qRD providing notice under subsection 4.18 and any proceeds obtained through such disposition shall be deposited to the qRD Savary Island Marine Service.

**PART 5 SCHEDULES**

5.1.1 The following schedules are attached to and form part of this Bylaw:

- Schedule "A" Map of Savary Island Designated Loading Zones and Barge Area
- Schedule "B" Maps of qathet Regional District Water Tenure Lots on Savary Island
- Schedule "C" Schedule of Fees and Penalties

READ A FIRST TIME this 29<sup>th</sup> day of April, 2021.

READ A SECOND TIME this 29<sup>th</sup> day of April, 2021.

READ A THIRD TIME, AS AMENDED this 29<sup>th</sup> day of April, 202.

ADOPTED this 27<sup>th</sup> day of May, 2021.



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Chair



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Corporate Officer