

CITY OF NANAIMO

BYLAW NO. 7110

A BYLAW TO REGULATE THE USE OF THE BRECHIN BOAT RAMP FACILITIES WITHIN
THE CITY OF NANAIMO

WHEREAS Council may provide, by bylaw, public boat launch facilities that may include wharves, docks, ramps, structures, facilities and slips for public use and may regulate and prescribe terms and conditions for that use;

THEREFORE BE IT RESOLVED that the City of Nanaimo in open meeting assembled, ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited for all purposes as “BRECHIN BOAT RAMP FACILITIES REGULATION BYLAW 2010 NO. 7110”.

2. Definitions

Peace Officer means a bylaw enforcement officer or person appointed from time to time by resolution of the City of Nanaimo or an RCMP officer.

City means the City of Nanaimo

Commercial Craft means

- (1) a herring skiff, crab skiff or craft for transporting clams and oysters
- (2) a craft that requires the use of the facility for the purpose of transporting goods, constructions materials or machinery to and from the inner or outer islands

Commercial Use means the use of a commercial craft for commercial purposes such as, but not limited to, the transporting of goods, materials, chattels or wares of any kind

Pleasure Craft means a craft intended for personal use and not commercial or industrial purposes

Director for the purposes of this Bylaw means the Director of Parks, Recreation and Culture or designate.

Fish	means: (1) parts of fish (2) shellfish, crustaceans, marine animals and any part of shellfish, crustaceans or marine animals, and (3) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals
Inner Islands	means Newcastle Island, Protection Island, Jesse Island
Brechin Boat Ramp Facilities or Facility	means the docks and the boat ramp facilities as outlined in Schedule "B"
Outer Islands	means Gabriola Island and beyond
Vehicle	means a device in, on or by which a person or thing is, or may be transported or drawn on a highway, except a device designed to be moved by human power or used exclusively on stationary rails or tracks

3. Facilities

Brechin Boat Ramp facilities are hereby established in the City of Nanaimo as specified in "Schedule B" attached to and forming part of this Bylaw.

4. Permits

- (1) At the discretion of the Director or his designate, a commercial permit may be issued for a commercial use such as, but not limited to:
 - (a) transporting goods, construction materials or machinery by commercial craft to or from the inner and/or outer islands
- (2) No commercial permit shall be required for:
 - (a) the loading or unloading of crabs, clams, oysters or herring to or from a commercial craft during the months of January, February, March, April, September, October, November and December
- (3) Commercial permits shall be issued in the form prescribed by the Director
- (4) Commercial permit fees are prescribed in "Schedule C" of this Bylaw.

5. Exclusive Use

The Director may, upon written application, grant exclusive use of a portion of the Brechin Boat Ramp Facilities to an individual or group of pleasure craft or commercial craft users for a specified period of time.

6. General Regulations

No person shall use the Brechin Boat Ramp Facilities:

- (1) to launch a pleasure craft exceeding 4336 kgs
- (2) for any commercial or industrial use without a permit unless permitted in this bylaw
- (3) to launch or moor a seaplane
- (4) to do repairs or maintenance to vehicles, trailers, pleasure or commercial craft
- (5) to clean fish, other than at the designated fish cleaning facility
- (6) for a period in excess of 15 minutes
- (7) to launch a commercial craft from any ramp except the south ramp located at the Brechin Boat Launch and providing that:
 - (a) all commercial craft have a maximum length of 9.75 metres (32 ft)
 - (b) any flat bottom barges or government registered ferries do not exceed 13.72 metres (45 ft) or 90.72 tons metric (100 tons short)

7. Unlawful Use or Occupation

- (1) Where any chattel, obstruction, vehicle, trailer or craft is unlawfully occupying any portion of the Brechin Boat Ramp Facilities, a peace officer may:
 - (a) move, remove and store the chattel, obstruction vehicle, trailer or craft
- (2) Where any chattel, obstruction, vehicle, trailer or craft is moved or removed:
 - (a) all costs for so doing shall be the responsibility of the owner
 - (b) all costs shall be the actual costs incurred
- (3) Where any chattel, obstruction, vehicle, trailer or craft is stored:
 - (a) the chattel, obstruction, vehicle, trailer or craft will be stored for 30 days
 - (b) all costs for the storage will be the responsibility of the owner
 - (c) all costs for the storage shall be the actual costs incurred if stored in a private storage yard or \$10.00 per day if stored at a City facility
 - (d) the chattel, obstruction, vehicle, trailer or craft may be recovered by the owner, upon proof of ownership and payment, in full, is received for all costs incurred
 - (e) and not claimed and recovered after 30 days, the chattel, obstruction, vehicle, trailer or craft may be disposed of in a manner approved by the Director.

8. Penalty

A person who contravenes, violates or fails to comply with any provision of this bylaw, or who suffers or permits any act or thing to be done in contravention or violation of this bylaw, or who fails to do anything required by this bylaw, commits an offence and shall be liable, upon conviction, to a fine of not more than \$10,000.00 and not less than the fines prescribed in Schedule "A" or this bylaw, the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter (British Columbia)* of the *Offence Act (British Columbia)*, as amended from time to time. Each day that an offence against this bylaw continues or exists shall be deemed to be a separate and distinct offence.

9. Schedules

Council authorizes that Schedules "A", "B" and "C" may be omitted and established by resolution where the schedule can more conveniently be contained in a resolution.

10. Severability

If any section or provision of the bylaw is held to be invalid by a court of competent jurisdiction, the invalid portion shall be severed and the validity of the remainder of the bylaw shall not be affected.

11. Repeal

"PUBLIC BOAT LAUNCH REGULATION BYLAW 1986 NO. 2988" and amendments thereto are hereby repealed.

PASSED FIRST READING 2010-AUG-09
PASSED SECOND READING 2010-AUG-09
PASSED THIRD READING 2010-AUG-09
ADOPTED 2010-SEP-13

J. R. RUTTAN
MAYOR

J. E. HARRISON
MANAGER
LEGISLATIVE SERVICES

SCHEDULE "A"

Fine Schedule

Offence	Section	Minimum Fine
Launch personal craft exceeding weight	6(1)	150.00
Commercial or industrial use without permit	6(2)	250.00
Launch or moor seaplane	6(3)	250.00
Unlawful repairs or maintenance	6(4)	150.00
Unlawful cleaning of fish	6(5)	150.00
Use in excess of 15 minutes	6(6)	150.00
Launch commercial craft from unlawful ramp	6(7)	150.00
Unlawful craft length	6(7)(a)	150.00
Unlawful barge or ferry	6(7)(b)	250.00

SCHEDULE "B"

PUBLIC BOAT LAUNCH FACILITIES
BRECHIN BOAT RAMP

The following is a designated public boat launch facility known as the "Brechin Boat Ramp" pursuant to Section 3 of this bylaw.

Block L, District Lot 227, Nanaimo District, and;
Block M of District Lots 227 and 2092, Nanaimo District, Plan EPC579

SCHEDULE "C"

Commercial Permit Fees

One Day Fee	24.00
Annual Fee	1000.00