



CITY OF RICHMOND

WHARVES REGULATION

BYLAW NO. 10182

DATE OF ADOPTION – July 24, 2023

WHARVES REGULATION

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TABLE OF CONTENTS

PART ONE: GENERAL	1
1.1 Application	1
PART TWO: PROHIBITED ACTIVITIES.....	1
2.1 General – Prohibitions.....	1
2.2 Fishing – Prohibitions	2
2.3 Wharf and Vessel Activities – Prohibitions.....	2
PART THREE: PROHIBITED ACTIVITIES – EXCEPT WITH WRITTEN AUTHORIZATION	4
3.1 Infrastructure and Surrounding Areas – Prohibited Activities Requiring Authorization.....	4
3.2 Commercial Activity – Prohibited Activities Requiring Authorization	4
3.3 Events – Prohibited Activities Requiring Authorization.....	5
3.4 Hours of Wharf Closures.....	6
3.5 Wharf and Vessel Activities – Prohibited Activities Requiring Authorization.....	6
PART FOUR: MOORAGE REGULATIONS.....	7
4.1 Moorage Fee.....	7
4.2 Moorage Regulations.....	8
4.3 Removal of a Vessel	9
4.4 Public Auction.....	10
PART FIVE: SPECIAL AUTHORITY	11
5.1 Special Authority to Close Wharf.....	11
PART SIX: WRITTEN AUTHORIZATIONS.....	11
6.1 Procedure for Written Authorization	11
PART SEVEN: VIOLATIONS AND PENALTIES	11
PART EIGHT: INTERPRETATION	12
PART NINE: SEVERABILITY AND CITATION.....	16
SCHEDULE A: LIST OF WHARVES AVAILABLE FOR PUBLIC MOORAGE.....	17
SCHEDULE B: WHARF PROCEDURES AND REGULATIONS	19

CITY OF RICHMOND

**WHARVES REGULATION
BYLAW NO. 10182**

The Council of the City of Richmond enacts as follows:

PART ONE: GENERAL

1.1 Application

1.1.1 The prohibitions in this bylaw do not apply to:

- (a) any **City** officer or employee in the performance of their lawful duties;
- (b) any **City** agent, contractor or volunteer, working under the supervision of a **City** officer or employee, in the performance of their lawful duties at the **City's** request;
- (c) a **police officer** in the performance of their lawful duties;
- (d) a **provincial officer** in the performance of their lawful duties; or
- (e) a **federal officer** in the performance of their lawful duties.

PART TWO: PROHIBITED ACTIVITIES

2.1 General – Prohibitions

2.1.1 A person or organization must not:

- (a) conduct themselves in a disorderly or offensive manner;
- (b) behave in a manner that endangers themselves;
- (c) harass, disturb, frighten, endanger or injure any other person;
- (d) interfere with or obstruct the lawful use and enjoyment of any **wharf** or **waterlot area** by any other person;
- (e) interfere with, obstruct, impede, hinder or prevent:
 - (i) any **City** officer or employee in the performance of their lawful duties;
 - (ii) any **City** agent, contractor or volunteer in the performance of their lawful duties at the **City's** request; or

- (f) violate any law, statute, bylaw, rule, regulation, notice or order of the **City**, the Province or the Federal government, including without limitation the BC Fire Code;

at any **wharf** or in any **waterlot area**.

2.2 Fishing – Prohibitions

2.2.1 A person or organization must not:

- (a) engage in any fishing, crabbing or catching of **marine life** at, on or off of a **wharf** for non-commercial purposes, unless:
 - (i) in an area specifically designated by signage that such activity is permitted; and
 - (ii) that person or organization holds a valid licence to engage in such activity; or
- (b) engage in commercial fishing, crabbing or catching of **marine life** at, on or off of a **wharf** even if the person or organization holds a commercial fishing, crabbing or other applicable licence.

2.3 Wharf and Vessel Activities – Prohibitions

2.3.1 A person or organization must not:

- (a) **abandon** a **vessel** at a **wharf** or in a **waterlot area**;
- (b) **abandon** or **moor** a **wreck** at a **wharf** or in a **waterlot area**;
- (c) anchor a **wreck** in a **waterlot area**;
- (d) permit a **vessel** to exist in a **dilapidated**, derelict, unseaworthy or unsafe condition while in a **waterlot area** or **moored** at a **wharf**;
- (e) **moor** a **vessel** at a **wharf** and secure it by the use of a lock or otherwise in a manner that prevents any **police officer**, the **Fire Chief**, a **fire rescue member**, a **bylaw enforcement officer**, a **wharf attendant**, the **General Manager, Community Services**, a **federal officer**, or a **moorage enforcement agent** from relocating the **vessel**;
- (f) **moor** a **vessel** at a **wharf** in such a manner as to unduly obstruct the movement of other **vessels**;
- (g) **moor** a **vessel** at a **wharf** with lines or cables across the **wharf**, or to anything other than the fastenings provided for the purpose of **moorage**, or in any way that poses a danger to other **vessels** or the public;
- (h) impede the passage or safe passage of a **vessel** in a **waterlot area**;

- (i) **moor** a **vessel** anywhere at a **wharf** in contravention of a sign indicating that **moorage** is prohibited or restricted;
 - (j) light or operate a generator, open flame or wood stove, camp stove or barbeque, or a natural gas or propane fuelled appliance on a **wharf**, or expose a **wharf** to such device or impact at any time;
 - (k) permit the escape of electrical currents from a **vessel**;
 - (l) dump or dispose of the following onto a **wharf** or in a **waterlot area**:
 - (i) waste, unless it is into an authorized receptacle;
 - (ii) fuel, or black or gray water; or
 - (iii) **Pollutants**;
 - (m) clean fish or dispose of fish parts or offal at, on or off of a **wharf** or **waterlot area**;
 - (n) use paints, solvents, chemical paint removers, spray paint, abrasive paint remover, hull cleaning products, pressure washers, or other materials toxic to **marine life, animals** or humans, or do any sanding, on a **wharf**, or onboard a **vessel** while alongside a **wharf** or in a **waterlot area**;
 - (o) **moor** a **vessel** carrying **dangerous goods** or **explosives** at a **wharf**;
 - (p) store, treat, generate, transport, process, handle, produce or dispose of any **dangerous goods, explosives, fireworks** or hazardous or contaminated materials or substances at or on a **wharf** or **waterlot area**;
 - (q) drive, operate, ride, **stop, park** or leave a **vehicle**, trailer, golf cart/buggy, moped, scooter, bicycle, skateboard, skates, rollerblades, ridden or herded **animal** or other mode of transportation, regardless of motive power, on a **wharf**; or
 - (r) **moor** a **vessel** at a **wharf**, or otherwise use a **wharf** or **waterlot area**, in contravention of any of the provisions of this bylaw.
- 2.3.2 The provisions of Section 2.3.1(q) do not apply to any single-person-use transport, such as a wheelchair or scooter, required by a person with a disability for mobility-assistance purposes.

PART THREE: PROHIBITED ACTIVITIES – EXCEPT WITH WRITTEN AUTHORIZATION

3.1 Infrastructure and Surrounding Areas – Prohibited Activities Requiring Authorization

3.1.1 A person or organization must not undertake any of the following activities at a **wharf** or in a **waterlot area** without first receiving written authorization under the provisions of Part Six:

- (a) cut, break, injure, damage, deface, destroy, remove, alter, misuse, abuse or interfere with any pavilion, building, structure, wall, fence, railing, sign, notice, seat, bench, equipment, landscaping, post, pole, memorial, sculpture, fire and life safety equipment, ornament or object of any kind;
- (b) install, erect, construct or build a tent, shelter, pavilion, building, structure, wall, fence, railing, sign, notice, seat, bench, post, pole, sculpture, ornament or object of any kind; or
- (c) deposit or remove topsoil, sand, wood, rock or other material.

3.1.2 In the event that an obstruction, article or object is placed at a **wharf** or in a **waterlot area** contrary to Section 3.1.1, the **General Manager, Community Services** is authorized:

- (a) to remove or cause to be removed any such obstruction, article or thing at the violator's expense; and
- (b) to do every lawful act required to have any such removal be completed in the shortest possible time.

3.2 Commercial Activity – Prohibited Activities Requiring Authorization

3.2.1 A person or organization must not undertake any of the following activities at any **wharf** or **waterlot area** unless that person or organization is in compliance with *Business Regulation Bylaw No. 7538*, as amended or replaced from time to time, and has received prior written authorization under the provisions of Part Six:

- (a) sell or expose for sale any refreshment, food (including **marine life**), good, article or thing;
- (b) offer any service or private instruction for a fee or other form of compensation;
- (c) solicit funds or any type of goods or services;
- (d) post, paint or affix any advertising or promotional material of a commercial nature, including but not limited to bills, flyers, posters, pictures, banners, flags, pamphlets, cards, signs, products or merchandise on a pavilion, building, structure, wall, fence, railing, sign, seat, bench, tree, shrub, landscaping, post, pole, sculpture, ornament or object of any kind;

- (e) distribute or deliver any advertising or promotional material of a commercial nature, including but not limited to bills, flyers, posters, pictures, flags, pamphlets, cards, signs, products or merchandise;
- (f) install, erect, construct or build a display for advertising or promotional purposes;
- (g) **moor a vessel** that is being used for business or commercial services at a **wharf**; or
- (h) drive, operate, **stop, park, moor**, or leave a **vehicle, vessel**, golf cart/buggy, moped, scooter, bicycle, skateboard, skates, rollerblades, ridden or herded **animal** or other mode of transportation for the specific purpose of displaying or broadcasting advertisements or promotional messages of a commercial nature, by way of the **vehicle, vessel** or transportation mode's interior, exterior or equipment.

3.2.2 If a person or organization is authorized under Part Six to undertake any of the activities listed in Section 3.2.1, that person or organization shall be responsible for:

- (a) cleaning and removing any waste or debris resulting from such activity;
- (b) restoring the area or site to its former state;
- (c) arranging liability insurance coverage satisfactory to the **Risk Manager** which names the City as an additional insured, with no liability to the City for the premium or deductible; and
- (d) indemnifying the **City** with respect to any third party claims which may be advanced arising from such activity.

3.2.3 In the event that a person or organization posts, distributes, places or leaves any obstruction, article or thing at any **wharf** or **waterlot area** contrary to Sections 3.2.1 or 3.2.2, the **General Manager, Community Services** is authorized:

- (a) to clean, remove or cause to be cleaned or removed any such obstruction, article or thing at the violator's expense; and
- (b) to do every lawful act required to have any such removal or clean-up be completed in the shortest possible time.

3.3 Events – Prohibited Activities Requiring Authorization

3.3.1 A person or organization must not undertake any of the following activities at any **wharf** or **waterlot area** without first receiving written authorization under the provisions of Part Six:

- (a) fire or explode any combustible or other **explosive** material, including but not limited to **fireworks**;

- (b) **moor a vessel carrying fireworks;**
- (c) operate an amplifying system or loud speaker;
- (d) hold a tournament, series of games or competition; or
- (e) hold or participate in a procession, parade, march, drill, demonstration, rally, performance, play, ceremony, concert, meeting or other gathering, excluding family or social gatherings not exceeding 50 persons.

3.4 Hours of Wharf Closures

3.4.1 A person must not enter or remain at any **wharf** between the hours of 11:00 p.m. and 5:00 a.m., or as otherwise posted, except:

- (a) to access a **vessel** which is **moored** with permission under this Bylaw at such **wharf**; or
- (b) as specified in a written authorization under the provisions of Part Six.

3.5 Wharf and Vessel Activities – Prohibited Activities Requiring Authorization

3.5.1 A person or organization must not undertake any of the following activities without first receiving written authorization under the provisions of Part Six:

- (a) **moor a vessel** at any **wharf** other than those listed in Schedule A of this bylaw;
- (b) anchor a **vessel** in a **waterlot area** surrounding a **wharf**;
- (c) use any **vessel moored** at a **wharf** or in a **waterlot area** for **live-aboard** activity;
- (d) build upon or place any structure on a **wharf**, or alter any infrastructure at a **wharf** (including, without limitation, electrical boxes);
- (e) store any items on a **wharf**;
- (f) use the surface of a **wharf** for any maintenance or repair work; or
- (g) conduct any repair, maintenance or restoration work on a **vessel** while it is **moored** at a **wharf** or in a **waterlot area**.

PART FOUR: MOORAGE REGULATIONS

4.1 Moorage Fee

4.1.1 Subject to sections 4.1.5 and 4.2, a person or organization may only **moor** a **vessel** at a **wharf** listed in Schedule A if:

- (a) the required payment has been inserted and a **moorage receipt** obtained from a **vessel moorage meter**;
- (b) the **moorage receipt** has been:
 - (i) placed inside the window of the **vessel** which faces the **wharf**, such that the writing on the face of the **moorage receipt** is clearly visible from outside the **vessel** on the **wharf**-side showing the amount paid, time and date purchased and expiry time and date; or
 - (ii) secured to the **vessel** in such manner that it is protected from the elements and readily found and visible from outside the **vessel** on the **wharf**-side showing the amount paid, time and date purchased and expiry time and date, if the moorage receipt cannot be placed inside a window of the vessel in accordance with subsection (i) above;
- (c) the time period for which a fee has been paid, as indicated on the **moorage receipt** issued by the **vessel moorage meter** and displayed in accordance with subsection (b) above, has not expired; and
- (d) the **moored vessel**'s:
 - (i) name, registration, licence or hull serial number; and
 - (ii) an emergency contact name and telephone number

are clearly posted on the **vessel** in such a manner that they are protected from the elements and readily found and visible from outside the **vessel** on the **wharf**-side.

4.1.2 The fees payable for **moorage** at a **wharf** listed in Schedule A are set out in the *Consolidated Fees Bylaw No. 8636*, as amended or replaced from time to time, and are based on the **length** of the **vessel** and the time period for **moorage**.

4.1.3 A person must not insert a slug or any object other than an accepted form of payment into any **vessel moorage meter**.

- 4.1.4 By **mooring** a **vessel** at a **wharf**, the **owner** of the **vessel** agrees that should the **vessel** leave the **wharf** or **waterlot area** without paying all fees (and fines), the **City** retains a lien against the **vessel** for all outstanding amounts.
- 4.1.5 Section 4.1.1 does not apply to the **moorage** of a kayak, canoe, non-motorized rowboat or stand up paddle board.

4.2 Moorage Regulations

- 4.2.1 Unless a person has received prior written authorization under the provisions of Part Six, a person or organization must not **moor** a **vessel** at a particular **wharf** listed in Schedule A for more than three (3) consecutive days within a fourteen (14) day period.
- 4.2.2 Any vessel moored at a **wharf** listed in Schedule A must carry at least \$2 million in marine liability insurance including coverage for **wreck** removal as well as remediation expenses resulting from any sudden and accidental pollution which may be arising out of any actual, alleged, potential or threatened spillage, release, escape, discharge, emission, seepage, leakage, migration, disposal or dumping, dispersal, or presence of **pollutants**.
- 4.2.3 An **owner** of a **vessel moored** at a **wharf** must provide proof of insurance for the **vessel**, and proof of ownership for the **vessel**, within two (2) days of request by the **City**.
- 4.2.4 The Wharf Procedures and Regulations, contained in Schedule B of this bylaw, apply to all **wharves**. It is an offence under this bylaw for any person using any of the **wharves** to fail to adhere to the Wharf Procedures and Regulations contained in Schedule B of this bylaw.
- 4.2.5 The **General Manager, Community Services** may restrict **moorage** at any **wharf** for special events or for pre-booked **moorage** approved by the **General Manager, Community Services**.
- 4.2.6 A **police officer, Fire Chief, fire rescue member, federal officer, bylaw enforcement officer, wharf attendant, the General Manager, Community Services, or moorage enforcement agent**, may:
- (a) prohibit a person from **mooring** a **vessel** at a **wharf** where there are unpaid fees or fines in respect of that **vessel** or in respect of a different **vessel** owned or operated by that person, until such time as all such unpaid fees and fines have been paid in full to the **City**;
 - (b) order a person or organization who does anything contrary to this bylaw to leave a **wharf** or **waterlot area** immediately, or within a period of time specified by a **police officer, Fire Chief, fire rescue member, federal officer, bylaw enforcement officer, wharf attendant, the General Manager, Community Services, or moorage enforcement agent**, and every person or organization so ordered shall comply with the order and leave the **wharf** or **waterlot area** immediately or within the period of time specified;

- (c) order a person or organization to remove a **vessel** from a **wharf** or **waterlot area** immediately, or within a period of time specified by a **police officer, Fire Chief, fire rescue member, federal officer, bylaw enforcement officer, wharf attendant, the General Manager, Community Services, or moorage enforcement agent**, and every person or organization so ordered shall comply with the order and remove their **vessel** immediately or within the period of time specified;
- (d) direct a person or organization on the position, time, place and manner in which a **vessel** may be **moored**, loaded, or unloaded at a **wharf**, and every person or organization so directed shall comply with such directions, without any liability to such **police officer, Fire Chief, fire rescue member, federal officer, bylaw enforcement officer, wharf attendant, the General Manager, Community Services, or moorage enforcement agent**, resulting from their direction, even if caused by their negligence; and
- (e) permit, regulate or prohibit access to power and water at any **wharf**.

4.2.7 While on a **wharf** or a **vessel moored** to a **wharf** or in a **waterlot area**, a person or organization shall, at the request of a **police officer, Fire Chief, fire rescue member, federal officer, bylaw enforcement officer, wharf attendant, the General Manager, Community Services, or moorage enforcement agent**, state correctly their name and the contact details for the **owner** of the **vessel** if that person is not also the **owner**.

4.2.8 Any person using a **wharf** or **waterlot area** does so at their own risk and is solely responsible for any losses, injuries, claims or actions which may result to them, their passengers, their property or the **vessel**.

4.3 Removal of a Vessel

4.3.1 Where a **vessel**, chattel or obstruction is left **moored** to a **wharf**, anchored in a **waterlot area**, or otherwise obstructs a **wharf** or **waterlot area**, in violation of the provisions of Part Two, Part Three, Part Four, or Part Five, or is left at a **wharf** or in a **waterlot area** in a position that could cause or causes it to interfere with emergency **vessels**, a City **vessel** or a **vessel** hired by the City to be used in connection with maintenance or repairs, a **police officer, Fire Chief, fire rescue member, federal officer, wharf attendant, bylaw enforcement officer, the General Manager, Community Services, or moorage enforcement agent**, may:

- (a) move or cause the **vessel**, chattel or obstruction to be moved, or require the **owner**, operator or person in charge of the **vessel** to move it to a position determined by such **police officer, Fire Chief, fire rescue member, federal officer, bylaw enforcement officer, wharf attendant, the General Manager, Community Services, or moorage enforcement agent**; or
- (b) take the **vessel**, chattel or obstruction into their custody, and cause it to be taken to be stored.

- 4.3.2 All costs and charges for the removal, care or storage of a **vessel**, chattel or obstruction under this section must be paid by the **owner** of such **vessel**, chattel or obstruction and are a lien on such **vessel**, chattel or obstruction even if title to the **vessel** changes.
- 4.3.3 Any **vessel**, chattel or obstruction removed and impounded under this section may be recovered by the **owner** upon presenting proof of entitlement to possession of the **vessel**, chattel or obstruction, satisfactory to the **City**, and upon payment in full of all fees, costs, fines and expenses levied under this bylaw to the **City**.

4.4 Public Auction

- 4.4.1 In the event that a **vessel**, chattel or obstruction is not claimed by its **owner** in accordance with section 4.3.3 within 90 days of the date of removal of the **vessel**, chattel or obstruction from a **wharf** or a **waterlot area**, the **City** or its agents may sell such **vessel**, chattel or obstruction by public auction without further notice to the **owner**.
- 4.4.2 The proceeds of the sale of a **vessel**, chattel or obstruction by public auction under section 4.4.1 shall be applied firstly against any expense for such sale and all charges for which the **owner** is liable under this bylaw and, if applicable, the *Public Parks and School Grounds Regulation Bylaw No. 8771*, as amended or replaced from time to time, and the balance of the proceeds, if any, shall be paid, without interest, to the **owner** upon application of the **owner** to the **City Clerk**. A non-refundable administrative fee of \$1,000 will be charged by the **City** and paid from the proceeds of sale of the **vessel**, chattel or obstruction for each year that the **City** retains the proceeds of sale commencing six (6) months after the sale.
- 4.4.3 If the proceeds of sale of a **vessel**, chattel or obstruction by public auction are insufficient to cover the expenses for sale and all charges for which the **owner** is liable under this bylaw and, if applicable, the *Public Parks and School Grounds Regulation Bylaw No. 8771*, as amended or replaced from time to time, the remaining expenses incurred in the removal or disposal are recoverable as a debt due to the **City** from the **owner** of such **vessel**, chattel or obstruction.
- 4.4.4 Should any **vessel**, chattel or obstruction not be purchased at public auction under section 4.4.1, then it may be disposed of in the **City** dump, or such other place determined by the **City**, and the expenses incurred in the removal or disposal, less the proceeds (if any) of disposal, are recoverable as a debt due to the **City** from the **owner** of such **vessel**, chattel or obstruction.
- 4.4.5 Where any **vessel**, chattel or obstruction has an apparent market value of less than \$250.00, as determined by the **General Manager, Community Services**, and is not claimed by its **owner** within 90 days of the date of removal of such **vessel**, chattel or obstruction from a **wharf** or a **waterlot area**, it may be removed and disposed of by the **City** without notice to the **owner** and the full costs of removal and disposal shall be charged to the **owner** and shall be a debt due and owing to the **City**.

PART FIVE: SPECIAL AUTHORITY

5.1 Special Authority to Close Wharf

- 5.1.1 Notwithstanding the provisions of Part Three and Part Four, the **General Manager, Community Services** may close any **wharf** or **waterlot area**, or part thereof if, in their opinion, the circumstances warrant such closure, including but not limited to fire hazard, prevention or assisting the prevention of a breach of the peace or threat thereto, violation of the criminal law or protection of members of the public from injury or damage.

PART SIX: WRITTEN AUTHORIZATIONS

6.1 Procedure for Written Authorization

- 6.1.1. Notwithstanding the provisions of Part Three and Part Four, a prohibited activity may be carried on within a **wharf** or **waterlot area** if a person or applicant organization first receives written authorization for such activity from the **General Manager, Community Services**, and complies with all conditions of such authorization and all applicable requirements under other municipal, regional, provincial, and federal laws, bylaws, legislation, regulations and policies.
- 6.1.2 A written authorization given in accordance with section 6.1.1 may contain restrictions as to the times and specific places where such activities may be carried on, together with any other restrictions considered appropriate.

PART SEVEN: VIOLATIONS AND PENALTIES

- 7.1 The **owner** of a **vessel**, and the **vessel** itself, in rem, are liable for any violation of the regulations in this bylaw, notwithstanding that, at the time of the violation, the **vessel** is unattended or in the possession of another person.
- 7.2 A violation of any of the provisions identified in this bylaw shall:
- (a) result in liability for penalties and late payment amounts established in Schedule A of the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122*, as amended or replaced from time to time;
 - (b) be subject to the procedures, restrictions, limits, obligations and rights established in the *Notice of Bylaw Violation Dispute Adjudication Bylaw No. 8122* in accordance with the *Local Government Bylaw Notice Enforcement Act*, SBC 2003, c. 60, as they may be amended or replaced from time to time; and
 - (c) be subject to such fines as may be prescribed in the *Municipal Ticket Information Authorization Bylaw No. 7321*.
- 7.3 Any person or organization who:
- (a) violates or contravenes any provision of this bylaw, or who causes or allows any provision of this bylaw to be violated or contravened;

- (b) fails to comply with any of the provisions of this bylaw;
- (c) neglects or refrains from doing anything required under the provisions of this bylaw; or
- (d) makes any false or misleading statement to a **police officer, Fire Chief, federal officer, bylaw enforcement officer, General Manager, Community Services**, or their designates respecting compliance with this bylaw;

commits an offence and upon conviction shall be liable to a fine of not more than Fifty Thousand Dollars (\$50,000), in addition to the costs of the prosecution, and where the offence is a continuing one, each day that the offence is continued shall constitute a separate offence. The **vessel** shall also be liable, in rem, for the fine.

- 7.4 No person other than the **owner** or operator of a **vessel** is permitted to remove any notice placed on or affixed to such **vessel** by a **bylaw enforcement officer, General Manager, Community Services, a wharf attendant, or a moorage enforcement agent** who is enforcing or administering this bylaw.
- 7.5 Once any notice has been placed on, or affixed to, a **vessel** by a **bylaw enforcement officer, the General Manager, Community Services, a wharf attendant, or a moorage enforcement agent**, it is unlawful for any person to alter such notice in any manner that it may be used or acted upon by any person as if the alteration was genuine.

PART EIGHT: INTERPRETATION

- 8.1 In this bylaw, the following words have the following meaning:

ABANDON/ABANDONED	means leaving a vessel at a wharf or in a waterlot area without providing appropriate payment of moorage fees for a period in excess of three (3) days.
ANIMAL	means a bird, mammal, amphibian or reptile.
BYLAW ENFORCEMENT OFFICER	means an employee of the City , appointed to the job position or title of bylaw enforcement officer.
CITY	means the City of Richmond.
CITY CLERK	means the municipal official of the City assigned responsibility for corporate administration under section 198 of the <i>Local Government Act</i> , RSBC 2015, Ch. 1, as amended or replaced from time to time, and includes a person designated as an alternate.
COUNCIL	means the Council of the City .
DANGEROUS GOODS	means a product, substance or organism that falls within any of the classes designated as such in the <i>Transport of Dangerous Goods Act</i> (Canada), as

amended or replaced from time to time, but shall not include a quantity of such products, substance or organism that if accidentally spilled, is insufficient to cause danger to lives or the environment.

DILAPIDATED

has the meaning given for “dilapidated vessel” in the *Wrecked, Abandoned or Hazardous Vessels Act (Canada)*, as amended or replaced from time to time.

EXPLOSIVE

has the meaning given in the *Explosives Act (Canada)*, as amended or replaced from time to time, but excludes **fireworks**.

FEDERAL OFFICER

means an employee or member of the Canadian Coast Guard or Transport Canada.

FIRE CHIEF

means the Director of Fire and Rescue Services for the **City**, acting as head of Richmond Fire-Rescue, and includes a person designated to act in the place of the Director.

FIRE RESCUE MEMBER

means a person employed by the **City** and holding a position within Richmond Fire-Rescue as an officer or firefighter.

FIREWORKS

means any article containing a combustible or explosive composition or any substance or combination of substances prepared for, capable of, or discharged for the purposes of producing a pyrotechnical display which may or may not be preceded by, accompanied with, or followed by an explosion, or an explosion without any pyrotechnical display, and includes, without limitation, barrages, batteries, bottle rockets, cannon crackers, fireballs, firecrackers, mines, pinwheels, roman candles, skyrockets, squibs, torpedoes, and other items of a similar nature, that are intended for use in pyrotechnical displays or as explosives or that are labelled, advertised, offered, portrayed, presented or otherwise identified for any such purpose.

**GENERAL MANAGER,
COMMUNITY SERVICES**

means the person appointed by **Council** to the position of General Manager, Community Services, and includes a person designated as an alternate.

LENGTH

means:

- (a) in the case of a **vessel** registered under the *Canadian Shipping Act, 2001*, SC 2001, c. 26, as amended or replaced from time to time, the length as shown in the "Certificate of Registry" issued by Transport Canada, unless it can be shown that the vessel's length has been increased in which case the increased length as determined by City

in accordance with the *Vessel Registration and Tonnage Regulations* of the *Canada Shipping Act, 2001*, as amended or replaced from time to time;

- (b) in the case of a **vessel** licensed under the *Small Vessel Regulation* of the *Canada Shipping Act, 2001*, as amended or replaced from time to time, the length from the fore part of the head of the stem to the after part of the head of the stern post; and
- (c) in the case of a **vessel** that is not registered or licensed under *Canada Shipping Act, 2001* or the *Small Vessel Regulation*, as they may be amended or replaced from time to time, the horizontal distance measured between perpendiculars erected at the extreme ends of the outside of the hull.

LIVE-ABOARD

means over-night living accommodation.

MARINE LIFE

means fish, shellfish, molluscs, crustaceans and marine algae.

MOOR/MOORED/MOORING/MOORAGE

means to secure a **vessel** by means of lines or cables.

MOORAGE ENFORCEMENT AGENT

means a person employed to enforce **moorage** regulations by a contractor with whom the **City** has contracted to provide **moorage** enforcement services.

MOORAGE RECEIPT

means a paper receipt issued by a **vessel moorage meter** showing the date and time of purchase, the fee paid and the date and time when the purchased period expires.

OWNER

as applied to a **vessel**, chattel or obstruction means:

- (a) the person who holds the legal title to the **vessel**, chattel or obstruction;
- (b) a person who is a lessee or mortgagor, and is entitled to be, and is, in possession of a **vessel**, chattel or obstruction;
- (c) a person that is the registered **owner** of a **vessel**; or
- (d) the master or authorized representative of the **vessel** and any person that is or appears to be

in command, control or charge of the **vessel** or that has management of the **vessel**.

PARK/PARKED/PARKING

in relation to a **vehicle**, has the meaning given to those terms in the *Public Parks and School Grounds Regulation Bylaw No. 8771*, as amended or replaced from time to time.

POLICE OFFICER

means:

- (a) a member of the Royal Canadian Mounted Police;
- (b) any person defined as a peace officer by the *Criminal Code*, RSC 1985, c. C-46, as amended or replaced from time to time; or
- (c) any person defined as a public officer by the *Criminal Code*, RSC 1985, c. C-46, as amended or replaced from time to time.

POLLUTANTS

means any solid, liquid, gaseous, thermal or electromagnetic irritant, or contaminant, either naturally occurring or otherwise, and including but not limited to smoke, odour, vapour, soot, fumes, acids, alkalis, chemicals, sewage, micro-organisms, airborne or waterborne particles, waste (including materials to be recycled, reconditioned or reclaimed), paints, solvents, chemical paint removers, urea formaldehyde, electromagnetic currents, fuel, black or gray water, and other toxic or hazardous materials to **marine life, animals** and humans.

PROVINCIAL OFFICER

means an employee or member of the Ministry of Forests, Lands and Natural Resource Operations.

RISK MANAGER

means the Risk Manager for the **City** or a person employed by the **City** designated as their alternate.

STOP/STOPPED/STOPPING

in relation to a **vehicle**, has the meaning given to those terms in the *Public Parks and School Grounds Regulation Bylaw No. 8771*, as amended or replaced from time to time.

VEHICLE

has the meaning set out in the *Motor Vehicle Act*, RSBC 1996, c. 318, as amended or replaced from time to time, and includes motor vehicle and motorcycle, as defined in the *Motor Vehicle Act*.

VESSEL

means any boat, ship, or craft of any kind designed, used or capable of being used solely or partly for navigation in, on, through or immediately above water, without regard to method or lack of propulsion or to

whether it is under construction or being repurposed or dismantled. It also includes a floating object that is designated to be a vessel in a regulation to the *Wrecked, Abandoned or Hazardous Vessels Act*, SC 2019, c. 1, as amended or replaced from time to time.

VESSEL MOORAGE METER

means an automatic, electronic or mechanical device installed to regulate and control the **moorage** of **vessels** at a **wharf** by accepting payment and issuing a **moorage receipt**.

WATERLOT AREA

means:

- (a) any area owned, leased or licensed to the **City** in which is located a **wharf**; and
- (b) any other area of land covered by water (which may be either contiguous or attached to dry land) which is normally covered with water at high tide, that is either owned, leased or licensed by the **City**.

WHARF/WHARVES

means a wharf, landing pier, ramp, dock, floating dock, or other floating structure that is owned or maintained by the **City** and includes, without limitation, those listed in Schedule A of this bylaw.

WHARF ATTENDANT

means a person designated by the **City** to manage the operation of a **Wharf**.

WRECK

has the meaning set out in the *Wrecked, Abandoned or Hazardous Vessels Act*, as amended or replaced from time to time.

PART NINE: SEVERABILITY AND CITATION

- 9.1 The provisions of this bylaw are severable, and if, for any reason, any part, section, subsection, clause, or sub-clause, or other words in this bylaw are for any reason, found to be invalid or unenforceable by the decision of a Court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this bylaw.

9.2 This bylaw is cited as “**Wharves Regulation Bylaw No. 10182**”.

FIRST READING

SECOND READING

THIRD READING

ADOPTED

CITY OF RICHMOND
APPROVED for content by originating dept.
APPROVED for legality by Solicitor

MAYOR

CORPORATE OFFICER

SCHEDULE A to BYLAW NO. 10182

LIST OF WHARVES AVAILABLE FOR PUBLIC MOORAGE

1. Imperial Landing



SCHEDULE B to BYLAW NO. 10182 WHARF PROCEDURES AND REGULATIONS

1. Each **owner** or operator is responsible for the safe **mooring** of their **vessel**. **Owners** and operators shall furnish and maintain their own safe line and chaffing gear. Chaffing gear shall be attached to the **vessel** only and not to the **wharf**.
2. Security is the responsibility of the **vessel owner** or operator.
3. **Owners** and operators are responsible for periodically checking their **vessels**, lines and fenders to ensure they are secure.
4. Gate codes, keys, fobs and other means of access to a **wharf** are to be used by approved **owner** and crew only, and cannot be shared or loaned. Gates cannot be propped open or left in a way that might provide unsupervised access to the **wharf**. Access to a **wharf** may be restricted from time to time and special conditions may be put in place for anyone visiting a **wharf**. Any special conditions will be communicated to **owners**, operators and crew of **vessels** in advance and must be followed.
5. No direct subletting of **moorage** space at the **wharves** is permitted.
6. The City reserves the right to determine the **moorage** location of a **vessel** at a particular **wharf**.
7. **Vessel owners**, operators, crew or visitors are not permitted to board, move or alter any **vessel** at the **wharf** other than their own.
8. Dogs are prohibited on the **wharf** unless on a leash under the control of the owner.
9. All **vessels moored** at a **wharf** must be equipped with a functioning engine and/or be able to be relocated along the **wharf** when requested by the **City**.
10. The **City** reserves the right to change **moorage** locations or temporarily relocate **vessels moored** at a **wharf**. Any movement or relocation requests will be communicated to **vessel owners** and crew in advance with reasonable notice.
11. Sanitary services are not available to **vessels** at a **wharf**. All **vessels moored** at a **wharf** must be equipped with holding tanks.
12. All waste products and other contaminants must be contained onboard a **vessel moored** at the **wharf** for later disposal at an appropriate waste disposal facility.
13. The City assumes no liability for damages incurred to **vessels moored** at a **wharf** or to property lost or damaged while a **vessel** is **moored** at a **wharf**.
14. **Vessels** may not be officially, or unofficially, posted for sale at a **wharf**.
15. **Vessel owners**, operators, crew and guests at a **wharf** must conduct themselves in a manner conducive to the safety of the harbour and the quiet enjoyment of others.