

VILLAGE OF PORT CLEMENTS

BY-LAW NO. 44

A By-law to establish the Administration  
of the Wharf and Floats in the Port Clements  
Boat Harbour.

WHEREAS, the Council of the Village of Port Clements is empowered under Section 518 (1), (2), and (3) of the "Municipal Act" to construct or acquire, by purchase, lease, of otherwise, wharves, docks, warehouses, and slips, and may regulate the use of same or any part thereof and provide for the use thereof upon such terms and conditions as may be prescribed.

NOW THEREFORE, the Council of the Village of Port Clements in open meeting assembled enacts as follows:

1. That the Council of the Village of Port Clements be and is hereby empowered to lease from the Ministry of Environment the Port Clements Fishermen's Wharf as provided in the lease agreement attached to and forming part of this by-law, as Schedule "A" thereof.
2. That the said lease shall be signed on behalf of the Village of Port Clements by the Mayor and Municipal Clerk and the Corporate Seal affixed thereto.
3. The Municipal Council is hereby empowered to establish the following rates and regulations for the operation of the wharf and floats in the said Port Clements Boat Harbour.
4. That the rates and regulations as provided and set out in the "Government Harbours and Piers Act" January 23, 1964, under Order in Council P.C. 1964-104, as amended, and any amendments thereto, shall apply to all vessels using the said wharf and floats.
5. A copy of the said rates is hereby attached and marked "Schedule B".
6. Any person or persons mooring vessels at the Port Clements Fishermen's Wharf are required to sign a mooring contract, a copy of which is attached as "Schedule C".
7. The Municipal Council may pay out such monies as may be requisite for any expenses involved in the operation of the aforesaid wharf and floats.
8. The Municipal Council may by resolution and is hereby empowered to:
  - (a) Employ such person or persons as may be necessary for the supervision of the said wharf and floats, and to fix the rate of remuneration such person or persons shall receive.
  - (b) Make any other regulations necessary for the safe and efficient operation of the said wharf and floats.
9. The Village Council deems it expedient to set forth the following regulations:
  - (a) It shall be unlawful for any person or persons to berth any vessel in front of that section of the floats or wharfhead marked "Loading Zone" except for the purpose of loading and unloading, and such vessel shall not be left unattended in the said "Loading Zone".

- (b) The Municipal Council or its representatives are hereby empowered to move or direct to be moved any vessel or vessels from one location at the wharf or floats to another location at the said wharf or floats whenever it is deemed necessary.
  - (c) It shall be unlawful for any person or persons to leave any gear, small boats or other material on the floats; so as to constitute interference with the floats as a thoroughfare to other users in the interest of public safety.
  - (d) It shall be unlawful for the owner of any vessels to moor the same at any float unless the said vessel has conspicuously displayed upon it a name, registration number or license number as required by the regulations of the Ministry of Transport.
  - (e) The Municipal Council or its representatives may allot berths to vessels at the wharf and floats in order of first come first served in accordance with subsection (f).
  - (f) The Municipal Council or its representatives may at any time require a non-commercial vessel to leave its position at the floats in order to accommodate a licensed and operating commercial fishing vessel.
  - (g) The Municipal Council or its representatives shall determine the length of the vessel and if the vessel is registered the length shall be the registered length, and such determination shall be conclusive.
  - (h) If, in the opinion of the Municipal Council or its representatives any vessels, gear, or material beached on the beach or abandoned on or berthed at the floats or wharfhead, are considered to be abandoned or derelict, the Municipal Council or its representatives may order the owners to remove such vessels, gear or materials, and if, after advertising by a Notice in a local newspaper and posting a copy of such Notice at the Boat Harbour, such vessels, gear or materials have not been removed by the owner or owners thereof within thirty (30) days of the date of such notice, then such vessels, gear and or materials may be disposed of by the Municipal Council or its representatives as they see fit.
  - (j) No child under twelve years shall be allowed on the Port Clements wharfs or floats unless accompanied by a adult or wearing an approved life preserver.
10. Every vessel while occupying a berth or while fast to or tied up along side any other vessel occupying a berth at the Port Clements Boat Harbour, all goods handled, brought to or placed in or on the Boat Harbour, shall be entirely at the owner's risk.
11. It shall be unlawful for any person or persons to berth a derelict hull, piledriver, scow, log float, log or logs, barge, aircraft, houseboat or boathouse at the Port Clements Fishermen's Wharf.
12. It shall be unlawful for any person or persons to connect to any outlet, an extension cord of less than #14 wire-3 wire grounded cord.
13. It shall be unlawful for any person or persons to attach lines to lamp standards or to any fire line outlet.

14. It shall be unlawful for any person or persons to pump engine room bilge into the waters of the Port Clements Boat Harbour.

15. It shall be unlawful for any person or persons to dispose of garbage at the Port Clements Fishermen's Wharf except in containers provided.

16. It shall be unlawful for any person or persons to park or leave standing any vehicle, except for the purpose of loading or unloading, on the approach to or on the wharf-head.

17. Any charge levied against any vessel under this By-law of the Village of Port Clements shall be recoverable by action taken against the owner in any competent Court having jurisdiction.

18. Every person who violates any of the provisions of this By-law, or who suffers or permits any act or thing to be done in contravention or in violation of any of the provisions of this By-law, or who neglects to do, or refrains from doing anything required to be done by any of the provisions of this By-law, shall be liable on summary conviction, to a fine not exceeding Five Hundred (\$500.00) Dollars in addition to cost and in default of payment to imprisonment for not more than thirty (30) days.

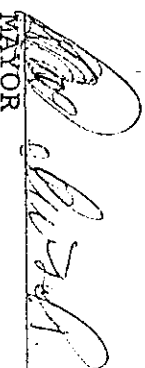
20. This by-law may be cited as "Village of Port Clements Boat Harbour Regulations By-law No.44,1977".

READ A FIRST TIME THIS 21st day of March, 1977.

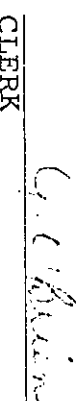
READ A SECOND TIME THIS 21st day of March, 1977.

READ A THIRD TIME THIS 25th day of April, 1977.

RECONSIDERED AND ADOPTED THIS 29thday of September 1977.

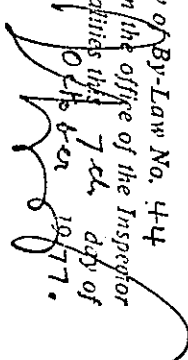
  
MAYOR

I hereby certify the foregoing to be a true and correct copy of "Village of Port Clements Boat Harbour Regulations By-law No. 44, 1977" as adopted on the 29th day of September, 1977.

  
CLERK

CLERK

*A true copy of By-Law No. 44  
registered in the office of the Inspector  
of Municipalities this 7th day of  
October 1977.*

  
Deputy Inspector of Municipalities