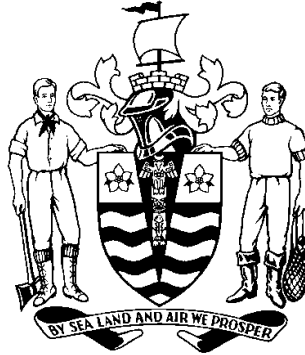


CITY OF VANCOUVER BRITISH COLUMBIA



CITY WHARF BY-LAW NO. 13323

**This By-law is printed under and
by authority of the Council of
the City of Vancouver**

**(Consolidated for convenience only
to April 26, 2022)**

BY-LAW NO. 13323

A By-law to regulate public use of City wharves

**[Consolidated for convenience only,
effective April 26, 2022]**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts the following:

**SECTION 1
INTERPRETATION**

Name of by-law

1.1 The name of this By-law, for citation, is the “City Wharf By-law”.

Definitions

1.2 In this By-law:

“authorized City vessel” means a vessel used by City employees or contractors to carry out City business;

“chattel” means any object or thing other than a vessel;

“City Engineer” means the individual appointed by Council as City Engineer for the City, and includes any officer, official, or employee acting on behalf of or in place of the City Engineer;

“emergency service vessel” means a police, fire, search and rescue, ambulance, or Canadian Coast Guard environmental enforcement vessel;

“ferry service company” means a company operating a ferry service that uses the City’s wharves under the terms of a licence agreement with the City;

“length” means the distance measured from the forward end of the foremost outside surface of the hull shell to the after end of the aftermost outside surface of the hull shell;

“moor” means to secure a vessel by means of lines or cables;

“owner” includes the person in control or master of a vessel;

“raft” means the mooring of one vessel alongside another;

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

“City wharf” means a fixed or floating platform designed for the mooring of vessels that is owned by the City and identified on the maps in Schedule A, and includes any ramps providing access to the wharf, but does not include any log or debris booms that may be located alongside or attached to the wharf.

Application

1.3 The provisions of this by-law do not apply to:

- (a) authorized City vessels;
- (b) emergency service vessels;
- (c) vessels moored at City marinas under the terms of a moorage agreement or other agreement;
- (d) vessels moored at a City wharf under the terms of an agreement with the City; or
- (e) a ferry service company.

Headings

1.4 The section headings in this by-law are for convenient reference only.

Schedules

1.5 Schedules to this by-law form part of the by-law.

Severability

1.6 A decision by a court that any part of this by-law is illegal, void, or unenforceable severs that part from this by-law, and is not to affect the balance of this by-law.

SECTION 2 AUTHORITY OF THE CITY ENGINEER

Authority of the City Engineer

2.1 The City Engineer is authorized to administer this by-law.

Authority of the City Engineer

2.2 The City Engineer is authorized to:

- (a) order a vessel to leave a City wharf or to move or alter its position at a City wharf;
- (b) order a person who contravenes the by-law to comply with the by-law within a specified time;

- (c) issue verbal orders or directions to a person acting in contravention of this by-law; and
- (d) issue such written notices and orders under this by-law as may be necessary to notify a person of a contravention of this by-law, in the manner set out in this by-law.

Service of orders

2.3 A written notice or order issued under this by-law is sufficiently served if:

- (a) the notice or order is delivered by hand, by ordinary prepaid mail or by registered mail, to the address of the owner; or
- (b) in the case of a corporation, the notice or order is delivered by hand, by ordinary prepaid mail, or by registered mail, to the registered and records office of the corporation; or
- (c) in any case, the notice or order is delivered by electronic mail to the electronic mail address of the person or corporation; or
- (d) the notice or order is posted on the affected vessel.

Deemed receipt of orders

2.4 Written notices and orders issued in accordance with this by-law are deemed to have been received:

- (a) four days after mailing, if sent by ordinary prepaid mail to the mailing address of the owner;
- (b) on the date of delivery as noted in the Canada Post tracking system, if sent by registered mail;
- (c) 24 hours after sending, if sent by electronic mail to the electronic mail address of the person or corporation to whom the order is directed; and
- (d) immediately upon receipt, if handed to the person to whom the order is directed or a representative of that person, hand delivered to the registered and records office of a corporation, or posted on the affected vessel.

SECTION 3 GENERAL REGULATIONS

Vessels moored to City wharf

3.1 An owner of a vessel must not cause, permit or allow that vessel to be moored to any City owned land or structure other than a City wharf.

Mooring locations at City wharves

3.2 An owner of a vessel must not cause, permit or allow that vessel to be moored at any location at a City wharf other than the locations identified on the maps in Schedule A.

Vessels left on City land

3.3 An owner of a vessel must not cause, permit or allow that vessel to be grounded, placed or left on any City owned land or structure.

Time limit

3.4 An owner of a vessel must not cause, permit or allow that vessel to remain moored at a City wharf for a period in excess of 3 hours.

Size limit

3.5 An owner of a vessel must not cause, permit or allow that vessel to be moored at a City wharf if it is greater than 4 metres in length.

Rafting

3.6 An owner of a vessel must not cause, permit or allow that vessel to be rafted to another vessel that is moored at a City wharf.

Orders

3.7 A person must not contravene an order of the City Engineer.

Public conduct

3.8 A person must not:

- (a) hinder, oppose, molest or obstruct the City Engineer in the discharge of the City Engineer's duties under this by-law;
- (b) obstruct or interfere with any person or vessel lawfully using a City wharf;
- (c) behave in a disorderly, dangerous or offensive manner on a City wharf;
- (d) bring a live animal onto a City wharf unless the animal is:
 - (i) on a leash, and
 - (ii) being conveyed to or from a vessel while under the control of the owner or user of the vessel;
- (e) engage in any fishing or crabbing at or from any City wharf; or
- (f) jump off of a City wharf.

Noise

3.9 A person must not make any amplified sound or operate any equipment which disturbs or tends to disturb the quiet, peace, enjoyment and comfort of other persons while on a City wharf or on a vessel moored at a City wharf.

Liquor

3.10 A person must not possess an open container of liquor on a City wharf.

Smoking

3.11 A person must not smoke while on a City wharf or on a vessel moored at a City wharf.

Posting signs

3.12 A person must not place, post or erect a sign on a City wharf, except the City Engineer.

Damage

3.13 A person must not:

- (a) remove, destroy or damage any City wharf, or structure or sign attached to a City wharf;
- (b) remove, destroy or damage any notices, rules or regulations posted on a City wharf by or under the authority of the City; or
- (c) deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a City wharf.

Storage

3.14 A person must not store or leave any property or material of any kind, including a vessel, on a City wharf.

Commercial services on a City wharf

3.15 A person must not sell, expose or display for sale any goods, including refreshments, or conduct any business on a City wharf, except that this subsection does not prohibit the use of a City wharf to transport goods to or from a vessel moored at a City wharf.

Vessel used for commercial services

3.16 An owner of a vessel must not cause, permit or allow that vessel to be moored at a City wharf if it is being used for business or commercial services.

Construction

3.17 A person must not build upon or place any structure on a City wharf except as authorized by the City Engineer.

Vessel carrying dangerous goods

3.18 An owner of a vessel must not cause, permit or allow that vessel to be moored at a City wharf if it is carrying dangerous goods or explosives.

Passenger loading

3.19 An owner of a seaplane, commercial vessel or charter boat must not cause, permit or allow the loading or unloading of passengers to or from that seaplane, commercial vessel or charter boat at a City wharf.

Loading without mooring

3.20 An owner of a vessel must not cause, permit or allow the loading or unloading of passengers or the transport of goods to or from that vessel at a City wharf unless the vessel is moored to the wharf.

Other restrictions on activities

3.21 A person must not:

- (a) do any repair or maintenance work for a vessel or for any other purpose on a City wharf;
- (b) use paints, solvents or other materials toxic to fish, marine life or humans on a City wharf; or
- (c) do any other thing in such a manner as to impede the use of a City wharf for moorage and access.

Other restrictions while moored

3.22 An owner of a vessel must not cause, permit or allow that vessel to be:

- (a) moored at a City wharf in such a manner as to unduly obstruct the movement of other vessels;
- (b) fastened to a City wharf by the use of lines or cables tied across the wharf; or
- (c) fastened to a City wharf by lines or cables tied to anything other than a cleat or bull rail provided for the purpose of mooring a vessel to the wharf.

Discharge of holding tanks

3.23 An owner of a vessel must not cause, permit or allow holding tanks or bilges to be discharged while moored at a City wharf.

Direction by City Engineer

3.24 A person must comply with a lawful order or direction of the City Engineer acting in the performance of the City Engineer's duties.

SECTION 4 IMPOUNDING OF VESSELS OR OTHER CHATTELS

Authority to impound

4.1 The City Engineer may impound or cause to be impounded any vessel or other chattel that is unlawfully moored, placed, left, or kept at or on a City wharf, or any vessel unlawfully moored, placed, left, or kept on any other City owned land or structure, and may enforce the provisions of this by-law with regard to the impounding of vessels and other chattels.

Storage facilities

4.2 The City Engineer may designate premises for the storage of impounded vessels or other chattels, including the designation of locations for the moorage of impounded vessels.

Authority to sell or dispose of impounded vessels or other chattels

4.3 The City Engineer is authorized to sell or otherwise dispose of impounded vessels or other chattels, in accordance with the provisions of this by-law.

Vessel or other chattel unlawfully moored or left at or on a City wharf

4.4 A vessel or other chattel unlawfully moored, placed, left, or kept at or on a City wharf, or a vessel unlawfully moored, placed, left, or kept on any other City owned land or structure, may be impounded.

Record of impoundment

4.5 Subject to section 4.7, the City Engineer must keep a record, or cause a record to be kept, of every vessel or other chattel impounded in accordance with this by-law, and the record must include the following information:

- (a) a description of the vessel or other chattel;
- (b) the time, date and place where the vessel or other chattel was impounded;
- (c) impounding fees calculated to the date that the vessel or other chattel is retrieved by the owner or sold or disposed of pursuant to this by-law; and
- (d) the date that the vessel or other chattel is retrieved, sold or otherwise disposed of.

Notice to owner

4.6 Subject to section 4.7, the City Engineer must make reasonable efforts to ascertain the identity of the owner of an impounded vessel or other chattel, and must give notice in writing to the

owner of the chattel if it is possible to do so, which notice must contain the following information:

- (a) a description of the vessel or other chattel;
- (b) the applicable impounding fees;
- (c) the address where the vessel or other chattel is held or contact information to obtain the address where the vessel or other chattel is held; and
- (d) the date after which the vessel or other chattel will be sold or otherwise disposed of, which date must be at least 30 days after the vessel or other chattel was impounded.

Immediate disposal of certain vessels or chattels

4.7 Despite the provisions of this section 4, the City Engineer is authorized to dispose of vessels or other chattels immediately and without complying with sections 4.5 or 4.6 if, in the opinion of the City Engineer, the vessel is derelict, the chattel consists of garbage, waste materials or perishable items, or the vessel or other chattel poses an environmental or health and safety risk.

Recovery by owner

4.8 Subject to the provisions of this by-law, the owner of an impounded vessel or other chattel, or a lawful claimant thereto, may recover the vessel or chattel if:

- (a) the owner provides proof of ownership, or the lawful claimant provides evidence of entitlement, to the satisfaction of the City Engineer; and
- (b) the owner or the lawful claimant pays all applicable impounding expenses set out in Schedule B of this by-law.

Waiver of fees

4.9 Despite the provisions of this by-law, the City Engineer may waive all or any part of the impounding fees for an impounded vessel or other chattel if, in the opinion of the City Engineer, payment of such fees would cause the owner or lawful claimant of the impounded vessel or chattel undue hardship and, in determining whether there is undue hardship, the City Engineer must consider the value of the vessel or chattel, the cost to the city of the impounding, the financial circumstances of the owner or lawful claimant, and all applicable Council policies and guidelines.

Sale or disposal of unclaimed vessels or other chattels

4.10 A vessel or other chattel that is unclaimed after the later of 30 days from the date of impoundment or the date stipulated in a notice of impoundment may be sold or otherwise disposed of by the City Engineer in the following manner:

- (a) by sale at public auction if, in the opinion of the City Engineer, the vessel or other chattel is saleable; or
- (b) by disposal as scrap or another method of disposal if, in the opinion of the City Engineer, the vessel or other chattel is not saleable.

Proceeds of sale or disposal

4.11 If a vessel or other chattel is sold at public auction or otherwise disposed of in a manner that generates any proceeds, the proceeds must be applied as follows:

- (a) if sold at public auction, all expenses associated with the conduct of the public auction must be deducted from the proceeds;
- (b) if otherwise disposed of, all expenses associated with the disposal must be deducted from the proceeds;
- (c) all outstanding impounding fees must be deducted from the proceeds; and
- (d) if a balance remains after the proceeds are applied to the expenses recoverable under this section, the City Engineer must:
 - (i) pay the balance of proceeds to the former owner of the vessel or other chattel or to any lawful claimant thereto if the former owner or a lawful claimant has been identified, or
 - (ii) if the former owner of the vessel or other chattel or a lawful claimant thereto has not been identified, hold the balance of proceeds in accordance with the *BC Unclaimed Property Act*, as may be amended or replaced from time to time.

SECTION 5 OFFENCES AND PENALTIES

Offences under by-law

5.1 A person who:

- (a) violates any provision of this by-law, or does any act or thing which violates any provision of this by-law, or permits, suffers or allows any other person to do any act or thing which violates any provision of this by-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this by-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this by-law, or permits, suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this by-law,

is guilty of an offence against this by-law, and liable to the penalties imposed under this section.

Fine for offence

5.2 Except as otherwise provided in this by-law, every person who commits an offence against this by-law is punishable on conviction by a fine of not less than \$250.00, and not more than \$10,000.00 for each offence.

Fine for continuing offence

5.3 Every person who commits an offence of a continuing nature against this by-law is punishable upon conviction by a fine of not less than \$250.00, and not more than \$10,000.00 for each day such offence continues.

SECTION 6 ENACTMENT

Force and effect

6. This by-law is to come into force and take effect on the date of its enactment.

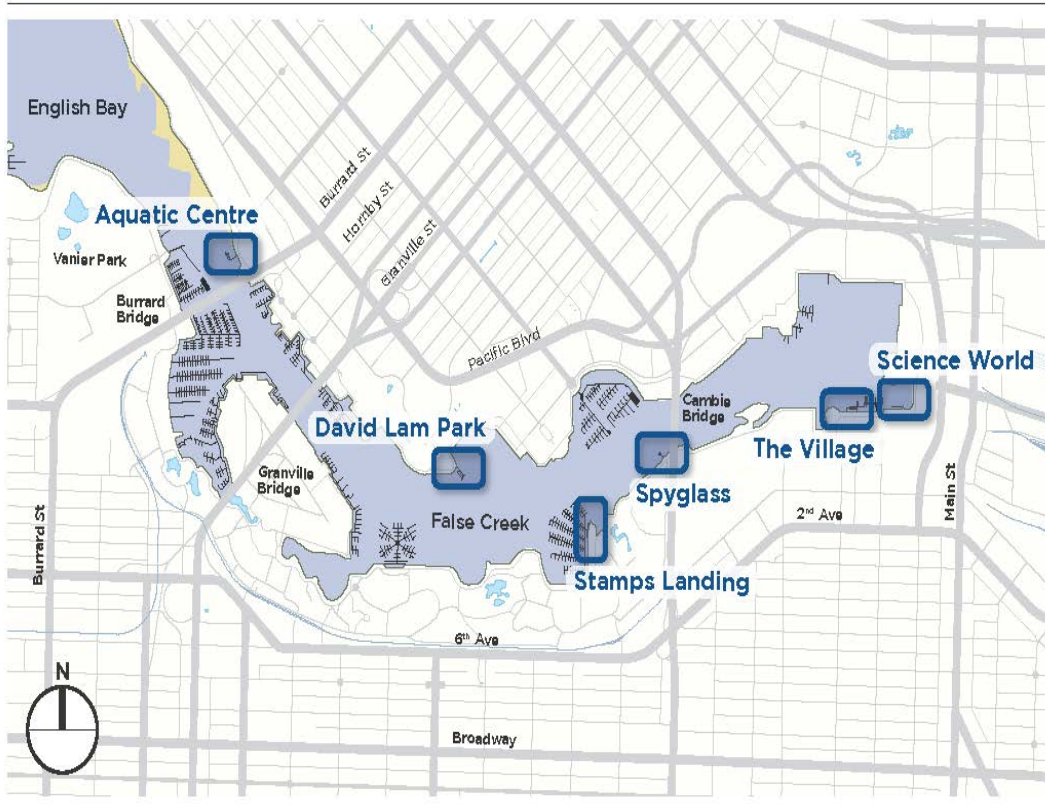
ENACTED by Council this 26th day of April, 2022

Signed _____ "Kennedy Stewart"
Mayor

Signed _____ "Katrina Leckovic"
City Clerk

**Schedule A
City Owned Wharves**

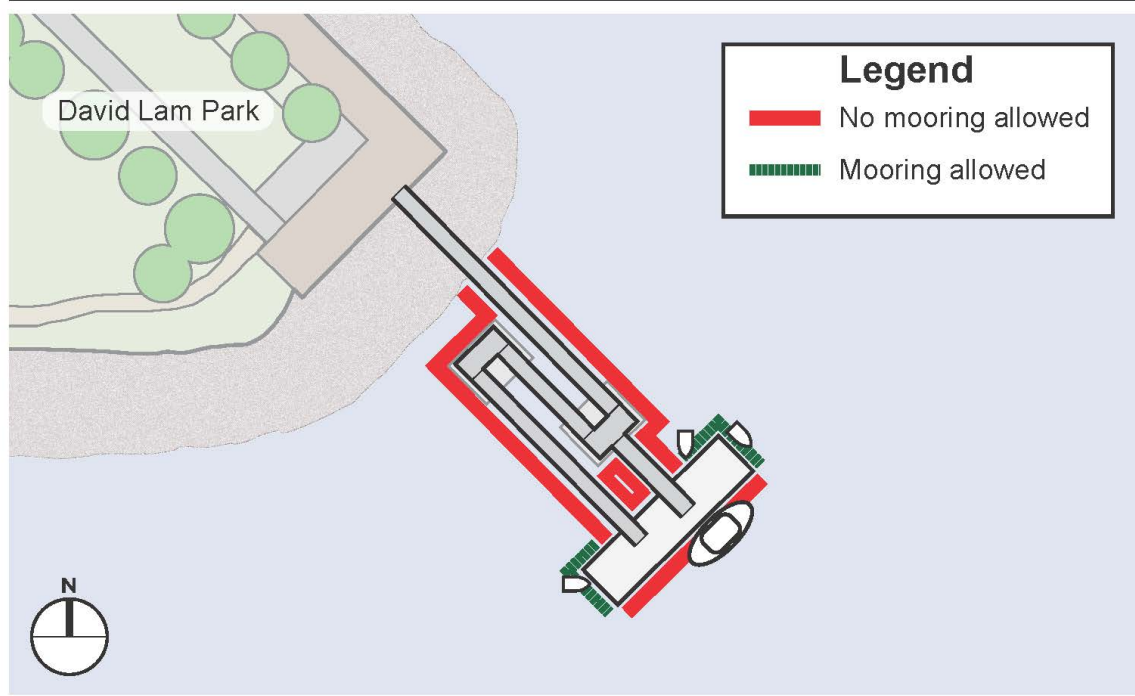
Location Plan



Schedule A - City Owned Wharves

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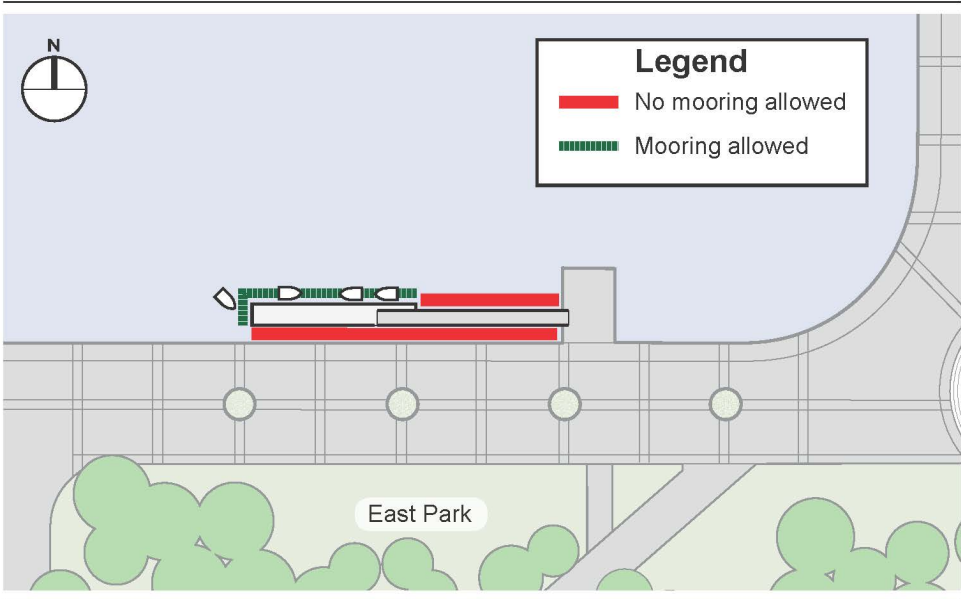
David Lam Park (Beach Crescent)



Schedule A - City Owned Wharves

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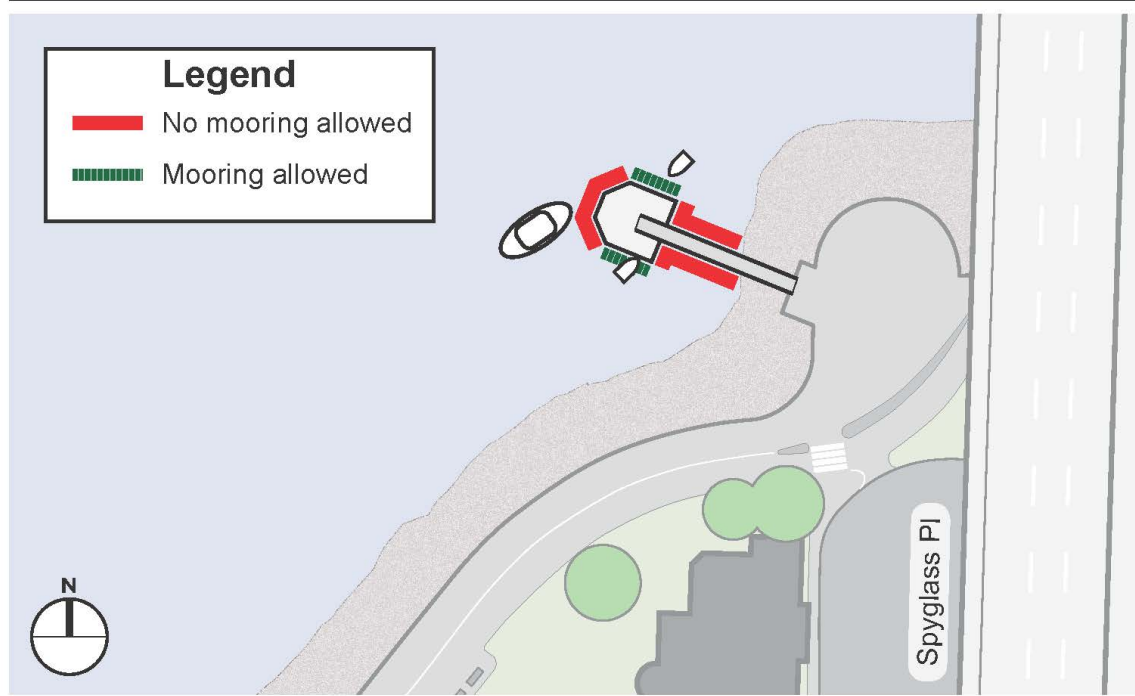
Science World



Schedule A - City Owned Wharves

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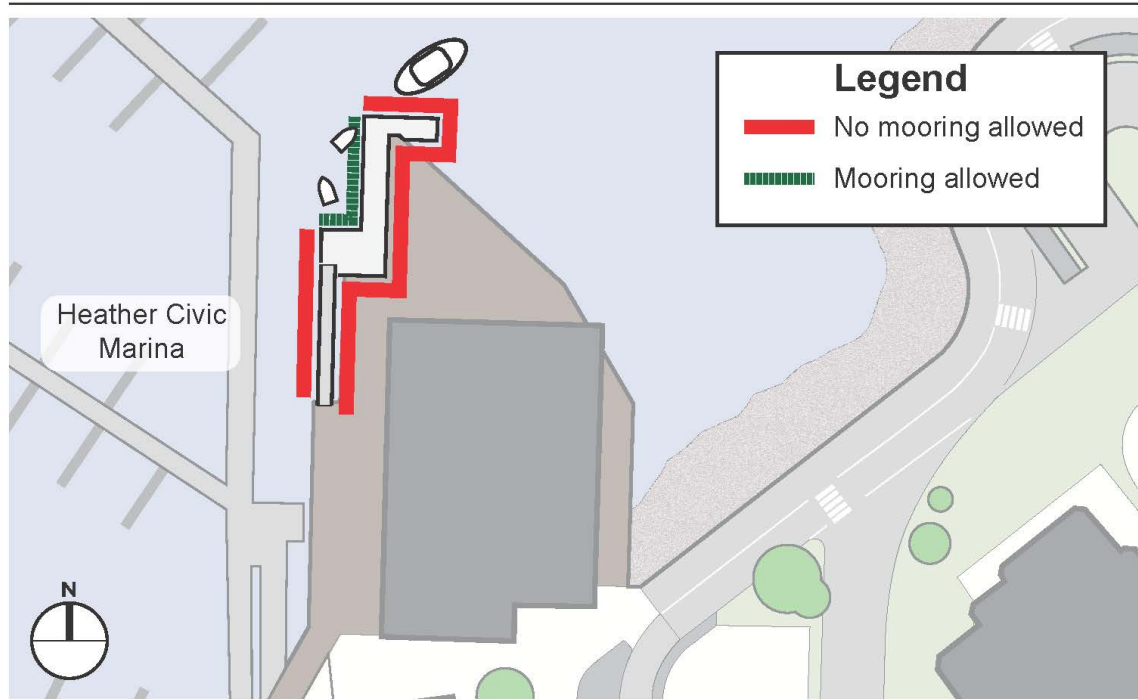
Spyglass



Schedule A - City Owned Wharves

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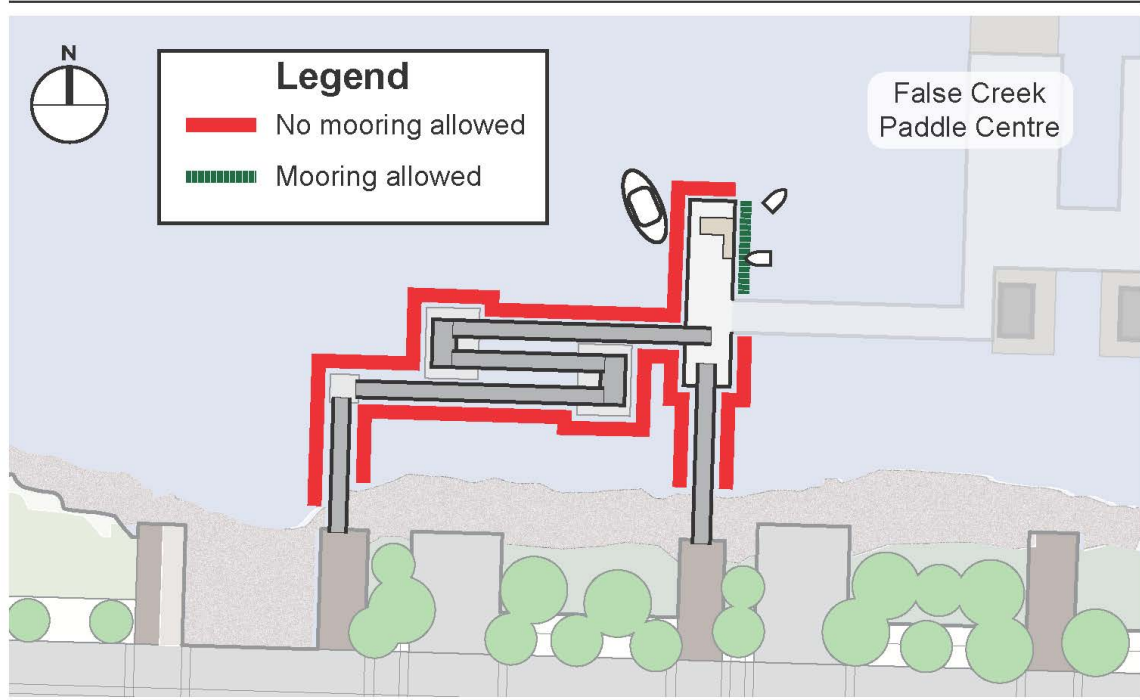
Stamps Landing



Schedule A - City Owned Wharves

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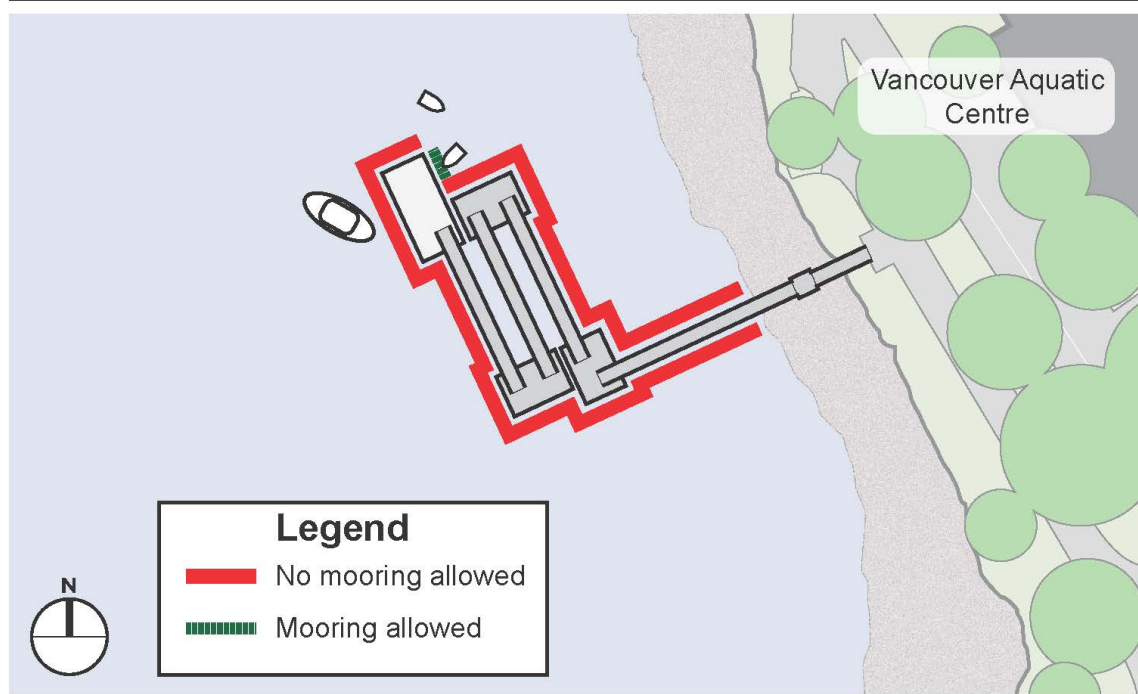
The Village on False Creek



Schedule A - City Owned Wharves

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Aquatic Centre



Schedule A - City Owned Wharves

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Schedule B Impounding Fees

The following fees must be paid by the owner of a vessel or other chattel impounded pursuant to section 4 of this by-law:

1. For vessels:
 - (a) On site impoundment fee: \$155.00 per day
 - (b) Towing fee for towing or removal to storage location:
\$250.00 per hour
\$125.00 per ½ hour
\$62.50 per ¼ hour
 - (c) Hauling out fee: \$250.00 per hour or portion
 - (d) Removal from trailer/placing on blocks and removal from blocks/placing on trailer: \$250.00 per hour
 - (e) Moorage rates for vessel storage: \$60.00 per day
 - (f) Storage costs for vessel: \$60.00 per day
 - (g) Salvage costs for vessel: \$350.00 per hour
 - (h) Dive service: \$250.00 per hour
2. For chattels:
 - (a) Removal fees:
 - (i) removal that requires one person and no special equipment \$100.00
 - (ii) removal that requires two people and no special equipment \$200.00
 - (iii) removal that requires more than two people, or special equipment, or both \$300.00
 - (b) Storage costs: \$ 8.00 per day