

## BY-LAW NO. 12062

### A By-law to amend Health By-law No. 9535 regarding marinas

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This by-law amends the indicated provisions of the Health By-law No. 9535.
2. Council strikes Sections 3.1 to 3.11, and replaces them as follows:

#### **"SECTION 3 MARINAS**

##### **Definitions**

##### 3.1 In this section:

"discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, throwing or dumping;

"Environmental Protection Officer" means a person employed by the City or appointed by the Council to enforce all or part of section 3 of this By-law;

"garbage" means solid waste that is not food waste or recyclable material;

"marina" means any installation operated under public or private ownership, which provides moorage space for vessels;

"marine toilet" means any toilet on or within a vessel;

"oil" means oil of any kind or in any form and, without limiting the generality of the foregoing, includes petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes;

"polluting substance" means any substance, whether liquid or solid, that is capable of damaging marine waters or the environment and includes but is not limited to oil, sewage and solid waste;

"potable water" means water which meets the Guidelines for Canadian Drinking Water Quality;

"pump-out facility" means a device or method designed for the removal of sewage from a holding tank connected to a marine toilet or from a self-contained marine toilet, and includes a portable pumping system;

"recyclable material" means solid waste that has been designated as recyclable by the City Engineer;

"vessel" means any boat, hull barge or houseboat which is afloat, whether self-

propelled or not, and includes pleasure, live-aboard and commercial craft; and

“visiting vessel” means a transient or guest vessel docked at a marina without a moorage agreement, and includes vessels operated by persons seeking day use, overnight use, or other marina services on a space-as-available basis.

### **Marina Supervision**

3.2 Every owner or operator of a marina shall supervise the operation of the marina and maintain the operation in conformance with this By-law.

### **Potable Water**

3.3 Potable water supplied to a vessel moored in a marina must be conveyed in such a manner as to maintain the quality and safety of the water.

### **No Vessel to Discharge Polluting Substance**

3.4 No person, including an owner of a vessel, shall cause, permit or allow the discharge of a polluting substance from a vessel into a watercourse or other body of water.

### **No Marina to Discharge Polluting Substance**

3.5 No owner or operator of a marina shall cause, permit or allow the discharge of a polluting substance from marina operations or from any vessel moored at the marina into a watercourse or other body of water.

### **Post Signs**

3.6 Every marina owner or operator shall post and maintain at least four (4) signs no larger than 0.2 meters squared in conspicuous locations prohibiting the discharge of sewage, oil and other polluting substances from a vessel.

### **Vessel Waste Management**

3.7 No person, including an owner of a vessel, shall cause, permit or allow the discharge or removal of garbage, food waste or recyclable material from any vessel other than into a garbage, food waste or recycling container.

### **Marina Waste Management**

3.8 No owner or operator of a marina shall cause, permit or allow the discharge or removal of garbage, food waste or recyclable material from marina operations or from any vessel moored at the marina other than into a garbage, food waste or recycling container.

### **Marina Maintenance**

3.9 Every marina owner or operator shall:

- (a) provide containers designed for the collection and disposal of waste oil and empty oil containers;
- (b) provide an adequate number of covered containers for the collection of garbage, food waste and recyclable material, and locate the containers conveniently where they can be readily seen and used;
- (c) make provisions for regular servicing and emptying of waste oil, garbage, food waste and recycling containers so as to prevent the overflowing of container contents, foul odors and generation of insects or other pests;
- (d) post and maintain signage in conspicuous locations within the marina identifying the location of waste oil, garbage, food waste, and recycling containers;
- (e) maintain the marina property and buildings free of pests and of conditions which attract, provide shelter for or promote the propagation of pests; and
- (f) ensure that all infrastructure, including buildings, docks, floats, gangways, piers and ramps, is kept in good repair.

#### **Sewage Pump-out Facilities**

3.10 Every marina owner or operator providing services to any vessel with a marine toilet shall provide an easily accessible and operational pump-out facility for visiting vessels and every other vessel moored at the marina."

- 3. Council inserts a new section 4 as follows:

#### **"SECTION 4 INSPECTIONS**

##### **4.1 Inspections**

- (1) Any employee of the City employed or appointed to enforce all or part of this By-law is authorized to inspect, at a reasonable time and in a reasonable manner, real property and personal property in the City in order to determine compliance with this By-law.
- (2) No person shall hinder or prevent any authorized person from entering and making reasonable inspection of any real or personal property whenever necessary to secure or determine compliance with or prevent a violation of any provision of this By-law.
- (3) Any person who interferes with or obstructs the entry into any premises or real property of any person authorized to enforce this By-law after that person has identified himself or herself, is guilty of an offence

under this By-law.”

4. Council renumbers the previous sections 4.1 to 4.5 as sections 5.1 to 5.5 respectively.
5. Council strikes the renumbered sections 5.1 and 5.2 and replaces them as follows:

**“SECTION 5  
OFFENCES AND PENALTIES AND ENFORCEMENT**

**Order to Comply**

5.1 Any person appointed or employed to enforce this By-law may issue an Order to Comply to any person considered to be violating this By-law, ordering or directing that person to:

- (a) discontinue or refrain from any action which contravenes this By-law, or
- (b) take any action necessary to comply with this By-law;

within such period of time as specified in the Order to Comply.

**Service of order**

5.2 An Order to Comply may be served:

- (a) by mailing it by registered post to the owner of the applicable site at the address shown on the real property tax assessment roll;
- (b) by mailing it by registered post to the person who is the addressee of the Order to Comply;
- (c) by handing it to the person who is the addressee of the Order to Comply; or
- (d) if the Order to Comply refers to property, by posting it on the property.”

6. Council strikes and replaces “this Section 3” at the end of section 5.3 with “this Section 5”.
7. Council strikes and replaces “or 4.3(c)” in section 5.4 with “or 5.3(c)”.
8. Council renumbers sections 5.1 and 5.2 as Section 6.1 and 6.2 respectively.

9. Council replaces the Table of Contents of the Health By-law with the Table of Contents attached as Schedule "A" to the By-law.

10. 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.

11. This By-law is to come into force and take effect upon enactment, except the new section 3.10 which forms part of section 2 of this By-law, which shall come into effect on January 1, 2019.

ENACTED by Council this 13<sup>th</sup> day of March, 2018

Signed \_\_\_\_\_ "Gregor Robertson"  
Mayor

Signed \_\_\_\_\_ "Janice MacKenzie"  
City Clerk

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