



TOWN OF SAINT ANDREWS

BY-LAW NO. 20 - 03 A BY-LAW TO ESTABLISH THE TOWN OF SAINT ANDREWS MARKET WHARF USER RATES

Pursuant to the *Local Government Act, Chapter 2017, c. 18* the Council of Saint Andrews has the rights under:

1. *Section 2, Subsection 10(1)* subject to this Act, without limiting the generality of section 6, a local government may make by-laws for municipal purposes respecting (h) businesses, business activities and persons engaged in business.
2. *Section 2, Subsection 10(6)* without limiting generality of *Subsections (1) to (4)*, a by-law may be made under those subsections respecting a matter (d) establish fees or require deposits for (i) programs or services provided by or on behalf of the local government and (ii) the use of property of the local government, including property under its control.

Definitions

“Aquaculture”	The cultivation of aquatic organisms (such as fish or shellfish) especially for food.
“Berthage”	Accommodation for mooring or anchoring specifically space (as at a wharf) reserved to take care of a ship.
“Commercial Fishery”	Catching fish and other seafood for commercial profit, mostly from wild fisheries.
“Mooring”	A place where or an object to which something (such as a craft) can be moored.
“Pleasure Boats”	Boats used for personal, family, and recreation.

It be enacted by the Council of the Town of Saint Andrews as follows:

1. The fees, rates, and charges contained in the attached Schedule “A” and “B” are hereby established and are subject to the applicable taxes where appropriate;
2. This by-law establishes a fee that also exists in another by-law or policy that predates the effective date of this by-law, the fee in this by-law shall be the applicable fee and the other by-law or policy is hereby effectively amended;

3. Schedule "C" The Town of Saint Andrews Wharf Policy represents the standard procedures and policies governing the Wharf and providing the Wharfinger with structure for implementation and permitting;
4. The Town of Saint Andrews will review Schedule "A", "B" and "C" annually before the passing of the General Operating Budget to make any amendments as necessary; and
5. If any clause in this by-law, including any part of any Schedule, is found to be invalid, it shall be severed from the remainder of the by-law and shall not invalidate the whole by-law.

READ A FIRST TIME THIS DAY OF ,2020

READ A SECOND TIME THIS DAY OF ,2020

READ A THIRD TIME THIS DAY OF ,2020

SIGNED AND PASSED THIS DAY OF ,2020

Mayor Doug Naish

Chris Spear - Acting Clerk

SCHEDULE "A"
Wharf Fees Schedule

It was moved by _____, seconded by _____ and carried that Council for the Town of Saint Andrews approve the 2020 wharf fee schedule, as incorporated in the 2020 General Operating Budget, amended to hold the per passenger tour boat rate at the 2019 rate of \$0.75.

TOUR BOATS

FEES

BERTHAGE

30' AND UNDER	\$725/vessel
31' TO 60'	\$1,310/vessel
60' AND OVER	\$1,745/vessel

Designated prime berthage within the Town of Saint Andrews Harbour from May – September at the discretion of the Wharfinger.

PER PASSENGER	\$1.50 BASED ON FULL CAPACITY "X" NUMBER OF TRIPS
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COMMERCIAL FISHERY

(WHARF ACCESS FEE) \$770/vessel per year
May – September on Company moorings. For maintenance or emergency purposes, vessels may dock at the Wharf.

AQUACULTURE VESSELS

(WHARF ACCESS FEE) \$1,210/vessel per year

PLEASURE BOATS

(WHARF ACCESS FEE) \$330/vessel
\$50 NON-RESIDENT FEE
May – September for vessels bringing their own mooring.

TOWN MOORING RENTAL IN HARBOUR

\$40 (DAY 1), \$20 (DAY 2), \$10/DAY THEREAFTER
\$100 WEEK
\$350 MONTH
\$900 MAY – SEPTEMBER

Identified by the Blue Mooring Balls in the Harbour.

ALONGSIDE BERTHAGE FEE

\$2/FOOT PER NIGHT

Vessel that is tied directly to the Wharf docks

DAILY TENDER FEE

\$10

****ALL ABOVE RATES ARE SUBJECT TO HARMONIZED SALES TAX****

AMENDED THIS

DAY OF

,2020

Mayor Doug Naish

Chris Spear - Acting Clerk

DRAFT

SCHEDULE "B"
WHARF TICKETING AND FINES

It was moved by _____, seconded by _____ and carried that Council for the Town of Saint Andrews approve the 2020 wharf ticketing and point schedule, as incorporated in the 2020 General Operating Budget.

TICKETS AND FINES	FEES
No Smoking on Wharf	\$75.00
Failure to Report to the Wharfinger	\$100.00
ADDITIONAL SCHEDULES OF TICKETS AND FINES FOR THE TOWN OF SAINT ANDREWS	
By-Law No. Noise	
By-Law No. Fire	
By-Law No. Motor Vehicle	
By-Law No. Parking	

Wharfinger Process for Ticketing and Fining:

If any user of the St. Andrews Market Wharf is in violation of one of the following Tickets and Fines identified in Schedule "B" the Wharfinger, at their discretion, has the authority to issue the following:

1. Provide education to users through verbal discussions or warnings.
2. Provide a written warning to the user.
3. Issue a written tickets or fines that match or meet with Schedule "B" of the St. Andrews Market Wharf By-Law 20 -

****ALL ABOVE RATES ARE SUBJECT TO HARMONIZED SALES TAX****

AMENDED THIS

DAY OF

,2020

Mayor Doug Naish

Chris Spear - Acting Clerk

SCHEDULE "C"
ST. ANDREWS MARKET WHARF POLICY & PROCEDURE

DRAFT



Town of Saint Andrews

**St. Andrews Market Wharf
POLICY & PROCEDURES**

Town of Saint Andrews

212 Water Street,
Saint Andrews, N.B. Canada E5B 1B4
506-529-5120

POLICY NAME	St. Andrews Market Wharf Policy & Procedures	POLICY Number:	WF – 19.02
ADMINISTRATOR RESPONSIBLE	Thomas Clark	CONTACT INFORMATION	Tel: 506 529 5170 Email: Wharf@townofstandrews.ca

SCOPE

This policy applies to any and all users of the Town owned and operated marine facility known as St. Andrews Market Wharf.

POLICY STATEMENT

The Wharf is a Town asset which will be managed to enhance the economic and social well-being of the Town, its tax payers, and visitors.

The intent of this policy is to provide equal and equitable access to the marine facility for all users by implementing operational practices designed to ensure the personal safety of all visitors, users, and town employees.

It is the duty of the Wharfinger and his/her staff to administer this policy.

TERMS AND DEFINITIONS

TERM	DEFINITION
CAO	Chief Administrative Officer of the Town of Saint Andrews, N.B.
tag	Wharf Permit Tag as provided annually to permit holders.
commercial boat	A vessel used for business purposes
pleasure boat	A vessel used for recreation purposes.
summer season	20 th May to 30 th September
tender	Small boat or dinghy, length = 14ft. or under recreational / 18ft. or under commercial.
Town	The Town of Saint Andrews, N.B.
wharf	Market Wharf, including approach trestle, main wharf head and associated floating docks/pontoons.
Wharfinger	Person employed by the Town to manage the marine facility and all associated traffic.
winter season	15 th October to 30 th April

POLICY SECTIONS

1. Amenities Provided

1. **Garbage** Removal: garbage must be properly bagged and bundled and put in designated area. Garbage collection for businesses holding a Wharf Access Permit is limited to refuse unloaded directly from vessels only.
2. **Fresh Water:** Wharf has an outside water spouts. The user is responsible for their own connection to the spout. Users must avoid the wasteful use of fresh water.
3. **Pump Out:** The wharf has a waste water pump out facility for vessels. Interested parties shall contact the Wharfinger to arrange for service. Applicable fees for service may be applied to vessels not holding a seasonal permit.
4. **Power:** the wharf's power outlets are for the occasional use of permit holders and rental guests only. Power is available during *summer season*. During the *winter season* arrangements need to be made through the town office for supply of electricity.
5. The Town of Saint Andrews takes no responsibility for the provision of these amenities, and at the discretion of the CAO or Wharfinger, may discontinue this service in general, or to a particular member, if mis-use is considered to have occurred.

2. Fees

1. Fees/Rates are set/approved by Council annually. All fees subject to HST.
2. Payment is due immediately on commencement of wharf use.
3. Visitors will pay rates as per the fee structure.
4. Non-payment may result in seizure of dinghies/tenders or their removal from the facility at owner's risk and expense.

3. Application Process

1. On an annual basis, all vessel owners/operators must submit the prescribed application form and have it approved by the Town's CAO or Wharfinger in order to be eligible to use the facility.
2. The Wharfinger can approve all standing applications. New applications for Fishery, Tour, Aquaculture or other Commercial boats must be approved by the CAO.
3. All boats over 14 feet in length using the main wharf must carry liability insurance minimum coverage amount of \$1,000,000. Proof of insurance must be provided with the application.
4. All fees and/or outstanding bills owed to the Town must be paid in full prior to commencing wharf use.
5. Recreational & Tour Boat Operator Permit holders must agree to remove their tenders from the wharf before the end of the summer season unless arrangements are made in advance with the Wharfinger.
6. Use of the wharf is a privilege not a right. Vessels/tenders without current Permits and *tags* displayed will be removed at owners risk and expense.

4. Boat Traffic at Wharf

1. In all cases, the Wharfinger or his/her appointed designate, is in charge of all boat traffic at the wharf and has the authority to move, or have operator move their vessel to or from any space at the wharf.
2. The Wharfinger will work with the boat captains to allow for the most efficient use of the facility while taking into consideration the needs of the boat and crew/passengers.
3. All vessels operators are required to report to the Wharfinger or wharf staff in advance of docking at the wharf. Other than emergency situations, dock space is to be pre-booked with wharf staff prior to a vessel's arrival at the wharf.
4. Wharfinger must be notified in advance of all requests to carry out work at the wharf or boat crib. Regular maintenance conducted at the wharf must be scheduled with the Wharfinger.
5. Emergency repairs to take priority with the Wharfinger.
6. Access Fees associated with the wharf are for pick-up and drop-off of persons or materials, or for short term maintenance of the vessel. During the summer season boats are not to be tied to the wharf for extended periods.
7. Tenders are permitted to remain overnight on the designated tender jetty only. A dockside berth, if required must be pre-booked with wharf staff.
8. Under special (Canada Day fireworks for example), emergency or extra-ordinary conditions, the Town of Saint Andrews reserves the right to limit or restrict access to the wharf. However, all care will be taken to provide notice to the users if this occurs.
9. Boats are to be maintained in a state of good repair at all times. Derelict boats deemed to be a safety/navigational hazard will be removed at the risk and expense of the owner.

5. General – All wharf users

1. **Fendering:** All boats, other than tenders, must be properly outfitted with and deploy fenders when approaching/docking and remain in place while vessel is alongside the wharf.
2. **Liability:** Persons using the waters or wharf of the Town of Saint Andrews shall assume all risk of personal injury and damage or loss to their property. The Town of Saint Andrews or its designates assume no risk on account of fire, theft, vandalism or acts of God.
3. **Damage:** Any damages to the wharf will be charged to the responsible party. Repairs are to be carried out and/or paid for within 30 days of occurrence.
4. **Fuel Cans:** All fuel storage containers must be CSA/TC approved and, full or empty, handled or stored properly. Fuel containers are not permitted to be left unattended on the wharf at any time.
5. **Fuel Trucks:** Fuel trucks must be attended at all times. Fueling of vessels from a vehicle requires a minimum of two people while fueling. Unless actively engaged in the fueling of a vessel, fuel vehicles/trucks are not to be left idling or parked on the wharf. Commercial operators fueling at the wharf require proper spill equipment as per Transport Canada guidelines.

5. General – All wharf users *continued*

6. **Waste Oils and/or used hydraulic oils:** Must be disposed of by vessel operators and are not to be left on the wharf unattended.
7. **Unattended Items:** No equipment or other items are to be left unattended on the wharf. Items left unattended will be removed for disposal.
8. **Tenders/Dinghies:**
 - i. Current Wharf **Permit Tags must be visibly displayed on tenders.** Tenders not displaying current tag may be removed from wharf at owner's risk and expense.
 - ii. Tenders must be attended to on a regular basis and not neglected as to create a hazard to other boats.
 - iii. All tenders must be docked on the tender jetty when not in immediate use.
 - iv. Recreational tenders are not to exceed 14 feet in overall length. All recreational tenders must be removed from the wharf before end of the *summer season*.
 - v. Commercial tenders are not to exceed 18 feet in overall length. One tender only is permitted per company.

6. Tour Boats

Tour boat operators must:

1. Provide the wharfinger with a weekly schedule of departure and arrival times;
2. Update their schedules with Wharfinger as weather or other unforeseen events may necessitate change;
3. Arrive at their assigned dockage no earlier than 1 hour before departure and stay docked no more than one hour following return from each tour unless an extension is pre-arranged with the Wharfinger;
4. Depart the wharf no later than 1 hour after their first reported morning departure time unless pre-arranged with the Wharfinger;
5. Dock at location assigned by the Wharfinger. One berth only is to be used for all vessels of the same tour company.

7. Wharf Equipment

1. All Town-owned equipment, including but not limited to boats, motors, piers, wave breaks, computers and security equipment are the sole property of the Town of Saint Andrews and are for sole use by town employees only in the execution of their duties as related to their position with the town.
2. At no time shall Town-owned equipment be under the control of someone who is not a staff member of the Town of Saint Andrews.
3. Use of Tender by staff for regular duties and as may be required in an emergency.
4. All staff operating town vessels are required to have an operator's certificate as required by law.

8. Vehicle Traffic at Wharf

1. Bulk deliveries and pick-ups are by appointment only during *summer season*. Arrangements must be made with the Wharfinger.
2. Commercial users are designated one parking space per business in designated areas only.
3. Vehicle weight and size restrictions are at the discretion of town management or Town Council.
4. All vehicles in non-designated or No Parking areas are subject to being towed at the owner's expense.
5. Fuel and maintenance trucks are permitted to be in non-designated areas only with permission of the Wharfinger.
6. NO OVERNIGHT parking allowed on the wharf without written consent of the Wharfinger.
7. There is restricted access to vehicular and pedestrian traffic on the wharf from 10:00 PM -6:00 AM.
8. Speed limit on the wharf is maximum of 20 Kilometers at all times and all seasons.

9. Signage

1. No commercial signage or business advertising is permitted on the wharf or wharf structures.
2. Signs on boats must be permanently affixed with the exception of wharf management signage.

10. Swimming / Scuba Diving

1. Absolutely no swimming or recreational scuba diving is permitted in the wharf's water lot.
2. The Wharfinger is to be notified prior to any professional scuba diving at the facility.

11. Educational and Not-for-Profit Organizations

Schools, universities, educational, and not-for-profit organizations must submit, in writing, a project description for consideration by CAO and/or Wharfinger for approval before use of the marine facility may be granted.

12. Recreational Fishing from the Wharf

1. Fishing from the trestle and main pier head is NOT permitted.
2. Fishing from the floating wooden docks/pontoons **is permitted** but may be suspended by Wharfinger.
3. No lawn chairs or other camping equipment is to be deployed on the wharf or floating docks.
4. Waste from cleaning of fish must be bagged and placed in garbage.
5. People fishing from the wharf must remove lines and hooks from the water when a vessel is approaching and refrain from fishing until the vessel is securely tied up.

13. Commercial Fishing Operators

1. When the Town became owner of Market Wharf 3 Commercial fishing interests/families were “grandfathered” with assurances from Town Council that they would be permitted to use the wharf for as long as their families continued to fish commercially. These Commercial Fishing families are Tim Wilcox/Hatt, Greg Beckerton, Peter Holt. Providing they hold a current Wharf Access Permit, they are permitted to stay overnight at their designated berth during the *winter season*. These privileges are non-transferable outside of the immediate families.
2. During major storm events (Gale force winds or stronger) operators of all Commercial fishing vessels will stay onboard their vessels or move their vessel to a mooring or alternative location than the wharf.

14. Infraction or failure to comply with wharf policy and/or directions given by Wharfinger

1. First Infraction: Verbal warning issued by wharfinger or his/her staff.
2. Second Infraction: Will be in writing from the Wharfinger and subject to suspension of wharf privileges for a period of 2 - 5 days.
3. Third Infraction: Suspension of wharf privileges for a period time as determined by the CAO.

ROLES AND RESPONSIBILITIES

It is the responsibility of the Wharfinger and his/her staff to enforce wharf policies and procedures. It is the responsibility of all wharf users to comply with wharf policies and procedures.

CONTACT INFORMATION

Wharfinger,
212 Water Street, Saint Andrews, N.B.
Canada E5B 1B4

Telephone: 506 529 5170

Email: wharf@townofstandrews.ca