

By-law No. 20-03
A BY-LAW OF THE TOWN OF SAINT ANDREWS RESPECTING
MARKET WHARF USER RATES

Pursuant to the authority of the Local Governance Act of New Brunswick, BE IT ENACTED BY the Council of the Town of Saint Andrews as follows:

1. TITLE

This By-law may be cited as the Market Wharf By-law.

2. DEFINITIONS

In this By-law, and in the Schedules hereto, the following words and terms shall have the following meaning:

- (a) "Aquaculture" means the cultivation of aquatic organisms (such as fish or shellfish) especially for food.
- (b) "Berthage" means reserved space alongside the Wharf used to secure vessels at the discretion of the Wharfinger.
- (c) "Commercial Fishery" means catching fish and other seafood for commercial profit, mostly from wild fisheries.
- (d) "Cruise Ship" means large passenger vessel used for pleasure cruises usually passengers on extended voyages to different places of interest.
- (e) "Mooring" means fixed or secured object to which something (such as a vessel) can be tied.
- (f) "Owner" means the owner, operator or person in control of a vessel.
- (g) "Pleasure Boats" means boats used for personal, family, and recreation.
- (h) "Tender" means boats under 14ft in length.
- (i) "Tour Boats" means boats to carry paid passengers on day or short excursions.
- (j) "Town" means the municipality of Saint Andrews.

- (k) "Vessel" means and includes all types of boats or ships or other vehicles, whether self-propelled or otherwise, designed to be driven or operated on or over the water.
- (l) "Wharf" means the Town of Saint Andrews Market Wharf, situated at the end of King Street, Saint Andrews, having PIDs #15100662 and #01331669 and all lands and water lots contiguous thereto, owned or managed by the Town of Saint Andrews, where vessels may lie over, upon or alongside and receive and discharge goods and passengers.

3. FEES

- (a) The fees (plus HST) set out in Schedule "A" to this By-law shall be paid by the owner of a vessel which uses the Wharf's mooring or berthage facilities.
- (b) The Owner or Operator of a vessel who intends to use the Wharf's mooring or berthage facilities shall immediately upon arrival, report to the Wharfinger.
- (c) The Owner or Operator of a vessel who uses the Wharf's mooring or berthage facilities shall while using such facilities, display a wharf access tag.
- (d) The fees provided for above shall be due to the Town immediately when they are incurred.
- (e) Fees which are not paid shall bear interest at the rate of 1^{1/2} per cent, per month, compounded monthly, (the equivalent of 19.56% per annum) computed from the due date therefor until paid.
- (f) The fees payable pursuant to this by-law shall come into force and take effect upon enactment of this By-law.
- (g) Schedule "A" may be amended from time to time by Resolution of the Council of the Town of Saint Andrews.

4. PROHIBITIONS AND REQUIREMENTS

- (a) All persons using the Wharf shall comply with the policies, rules, requirements and procedures set out in Schedule "C" to this By-law. Schedule "C" may be amended from time to time by resolution of Council of the Town of Saint Andrews.

- (b) A vessel shall not be left at or on the Wharf or Wharf mooring while in contravention of the provisions in paragraph 3 of this By-law.
- (c) No person shall smoke on the Wharf as defined in the *Smoke Free Places Act* which act will take precedence in the event of a conflict with this provision.
- (d) No person shall fail to comply with a wharf staff member's instructions.
- (e) No person shall improperly fuel a vessel at the Wharf.
- (g) No person shall park a vehicle in a Wharf fire lane or reserved parking space.
- (h) No person shall park a vehicle on the Wharf without the Wharfinger's permission.
- (i) No person shall leave items on the Wharf overnight without the Wharfinger's permission.
- (j) No person shall park a fuel truck on the Wharf unless it is directly engaged in fueling a vessel.
- (k) No person shall improperly dispose of garbage or waste on the Wharf or in the water around the Wharf.
- (l) No person shall attach or affix any item to the Wharf without the permission of the Wharfinger.
- (m) No person shall swim or dive for recreation in the Wharf's water lot without the Wharfinger's permission
- (n) No person shall swim or dive for commercial purposes in the Wharf's water lot without the Wharfinger's permission.
- (o) No person shall have an unauthorized heavy goods vehicle or bus on the Wharf without the Wharfinger's permission.

5. OFFENCES

- (a) Any person who violates or breaches any provision of this By-law, is guilty of an offence.

- (b) Every day that an offence pursuant to Section 4(b) continues shall be considered a new offence.

6. PENALTY

- (a) All contraventions of this by-law are designated by-law contraventions that may be dealt with by a Notice of Penalty pursuant to the provisions of the *Local Governance Act*.
- (b) The Administrative Penalty for each applicable contravention of this by-law shall be as set out in Schedule "B" to this By-law. Schedule "B" may be amended from time to time by resolution of Council of the Town of Saint Andrews.
- (c) A person to whom a penalty notice is delivered may pay the Administrative Penalty on or before a charge pertaining to the offence has been laid in Provincial Court as follows:
 - (i) In person at the Town of Saint Andrews Office, 212 Water Street, Saint Andrews, New Brunswick by cash, money order or bank draft, payable to the Town of Saint Andrews; or
 - (ii) By mail to: Town of Saint Andrews, 212 Water Street, Saint Andrews, New Brunswick, E5B 1B4 by money order or bank draft, payable to the Town of Saint Andrews; or
 - (iii) Electronically by Credit Card on the Town of Saint Andrews website.
- (d) A person who pays the Administrative Penalty shall be deemed to have contravened the provision of the by-law in respect of which the payment was made and shall not be charged with an offence in respect of the same incident that gave rise to the Administrative Penalty.
- (e) If the Administrative Penalty is not paid in accordance with Section 6(c), the person charged with the offence is liable on summary conviction to a fine of not less than five hundred dollars (\$500.00).

7. ENFORCEMENT

This By-law may be enforced by the Town of Saint Andrews By-law Enforcement Officer, the Town of Saint Andrews Wharfinger or the Royal Canadian Mounted Police.

8. SEVERABILITY

If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this By-law.

Read First Time:

Read Second Time:

Read Third Time and Enacted:

Clerk

Mayor

SCHEDULE "A"
Wharf fees Schedule

TOUR BOATS

FEEES

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 FILL CAPACITY "X"
NUMBER OF TRIPS**

**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 with the permission of the Wharfinger.

**AQUACULTURE VESSELS
(WHARF ACCESS FEE)**

\$1,210.00/vessel per year

PLEASURE BOATS

(WHARF ACCESS FEE)

\$330.00/vessel

\$50.00 NON-RESIDENT FEE

May-September for vessels using their own private moorings.

**TOWN MOORING RENTAL
IN HARBOUR**

\$40.00 (DAY 1), \$20 (DAY 2), \$10/DAY
THEREAFTER

\$100.00 WEEK

\$350 MONTH

\$900 MAY-SEPTEMBER

Identified by the Wharfinger in the Harbour

**ALONGSIDE BERTHAGE
FEE**

\$2/FOOT BY LENGTH OF VESSEL

Vessel that is tied directly to the Wharf docks with permission from the Wharfinger.

DAILY TENDER FEE

\$10

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

DRAFT #3

SCHEDULE "B"
Schedule of Penalties

BY-LAW SECTION	OFFENCE	ADMINISTRATIVE PENALTY
4(c)	No Smoking on Wharf	\$75.00
3(b)	Failure to Report to the Wharfinger	\$100.00
4(d)	Failure to comply with Wharf Staff Member's instructions	\$100.00
4(e)	Improper Fueling of vessel	\$100.00
3(c)	Not displaying Wharf Access "TAG" on vessel	\$100.00
4(g)	Parking in Fire Lane	\$100.00
4(g)	Parking in Reserved Parking space	\$100.00
4(h)	Overnight parking on Wharf without Wharfinger's permission	\$100.00
4(i)	Leaving items "unattended" on the Wharf or floating docks	\$100.00
4(j)	Parking fuel truck on the Wharf other than when it is directly engaged in fueling a vessel	\$100.00
4(k)	Improper garbage or waste disposal	\$100.00
4(l)	Attaching or fixing any item to the Wharf without written permission of Wharfinger	\$100.00
4(m)	Swimming or recreational diving in the Wharf's water lot	\$100.00
4(n)	Commercial diving in the Wharf's water lot without Wharfinger's permission	\$100.00
4(o)	Unauthorized heavy goods vehicle or bus on Wharf	\$100.00
*	All other By-law contraventions	\$100.00

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



Town of Saint Andrews

Saint 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 must wear appropriate approved life jackets for all on board and 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 alongside.

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 and are limited to one vessel per family.
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