

VILLAGE OF KASLO

BYLAW NO.1175, 2015

A BYLAW TO REGULATE, PROHIBIT AND IMPOSE REQUIREMENTS IN RELATION TO THE VILLAGE OF KASLO PUBLIC DOCK AND BOAT LAUNCH

WHEREAS the Village of Kaslo built and operates a public dock and boat launch;

WHEREAS the Council for the Village of Kaslo wishes to regulate, prohibit and impose requirements, and establish fees in relation to the use of that public dock and boat launch;

NOW THEREFORE the Council for the Village of Kaslo, in open meeting assembled, ENACTS AS FOLLOWS:

Citation

1. This Bylaw may be cited for all purposes as the "Village of Kaslo Public Dock Regulation and Fee Bylaw No. 1175, 2015".

Application

2. This Bylaw applies to the Public Dock and Boat Launch as defined in this Bylaw.

Interpretation

3. In this Bylaw:

"Boat Launch" means the public boat launch situated within the land legally described as Lot A, District Lot 208, Kootenay District, Plan 18699, having a municipal address of 242 Kaslo Bay Road, shown hatched on the sketch attached to this Bylaw as Schedule "B", together with all fixtures and improvements appurtenant thereto.

"Bylaw" means this Bylaw including all schedules hereto.

"Council" means Council of the Village of Kaslo.

"High Season" means the dates of April 1st through October 31st, inclusive.

"Impoundment Fee" means the fee established in section 8 of this Bylaw.

"Low Season" means the dates of November 1st through March 31st, inclusive.

"Moor" means to stop, park or stand a vessel, whether or not such vessel is occupied.

"Moorage Fee" means the fee referred to in section 14 of this Bylaw.

"Public Dock" means the public dock situated within the land legally described as Lot 5096, Kootenay District, and shown in heavy black outline on the sketch attached to this Bylaw as Schedule "A", together with all fixtures and improvements appurtenant thereto.

"Vessel" means a boat, vessel, float aeroplane, ship, craft or any other device designed to float on or remain in water.

"Village" means the Village of Kaslo.

Restrictions

4. No person shall:

- (a) moor a vessel at the Public Dock for a period greater than 48 hours, whether consecutively or cumulatively within any seven (7) day period, during the High Season;
- (b) remove, destroy or damage the Public Dock or any part of it;
- (c) store any material of any kind, including a vessel, on the surface of the Public Dock or Boat Launch;
- (d) obstruct, remove, destroy or damage the Boat Launch or any part of it;
- (e) take longer than a period of 45 minutes to launch or load a vessel via the Boat Launch;
- (f) secure, or permit to be secured, any vessel to the Public Dock or Boat Launch by use of a lock or otherwise in a manner that prevents a Village employee or Village contractor from relocating the vessel;
- (g) moor, or permit to be moored, a vessel at the Public Dock in such a manner as to unduly obstruct the movement of other vessels;
- (h) moor a vessel at the Public Dock during the Low Season for a period greater than 48 hours, whether consecutively or cumulatively within any seven (7) day period, without payment of a Moorage Fee to the Village; or
- (i) moor a vessel at the Public Dock during the Low Season for use as a dwelling, temporary or otherwise, by the owner or other persons.

Exemptions

5. This Bylaw does not apply to emergency response vessels and equipment proceeding upon or engaged in an emergency, or by employees or contractors of the Village engaged in maintenance activities.

Removal and Impoundment

6. Where a vessel, chattel or object is occupying the Public Dock or Boat Launch contrary to this Bylaw, the Village by its employees, agents or contractors, may remove and impound or cause to be removed and impounded the vessel, chattel or object.
7. Any vessel, chattel or object removed and impounded under section 6 may be recovered by the owner upon presenting proof of ownership and upon payment in full of all costs and expenses incurred by the Village in removing and impounding the vessel, chattel or object, including the applicable Impoundment Fee, and restoring the Public Dock or Boat Launch to its former condition.
8. The Village will charge an initial impoundment fee of **FIVE HUNDRED DOLLARS (\$500.00)** on the first day of impoundment, and **FORTY DOLLARS (\$40.00)** per subsequent day for storage in the case of vessels, chattels or objects stored on Village property or the property of a Village contractor.
9. In the case of work performed by the Village's own employees and equipment, the owner shall pay the Village's current charge-out rate for such work.
10. After the expiration of 90 days from the date the vessel, chattel or object is removed and impounded under section 6, if the owner of the vessel, chattel or object removed and impounded has not claimed the vessel, chattel or object and paid the costs, expenses and fees levied in accordance with this Bylaw or if the owner cannot be identified after reasonable efforts, the Village may, without limiting any other right or remedy it may have, sell the vessel, chattel or object at a public auction or initiate a court action to recover its costs, expenses and fees, or both.
11. If the vessel, chattel or object removed and impounded under section 6 is not purchased at a public auction, the Village employee or Village Contractor may dispose or cause to be disposed of the vessel, chattel or object to the nearest solid waste transfer station or any other place approved by the Village and the expenses incurred in the removal and disposal, less the proceeds (if any) of disposal, shall be recoverable as a debt due to the Village from the owner of the vessel, chattel or object.

Offences and Penalties

12. (a) Any person who contravenes this Bylaw is liable upon summary conviction to a fine not exceeding \$10,000 and the cost of prosecution. Every day during which there is an infraction of this Bylaw shall constitute a separate offence.

Notice Generally

13. The Village shall cause to be displayed not less than two (2) signs in conspicuous locations at or near the Public Dock, summarizing the regulations contained in this Bylaw.

Seasonal Moorage

- 14. Persons who wish to moor a vessel at the Public Dock during the Low Season for a period greater than 48 hours, whether consecutively or cumulatively within any seven (7) day period, must register with the Village Office and pay the Village a Moorage Fee and Damage Deposit, as set out in Schedule "C" to this Bylaw.
- 15. Seasonal mooring will be granted on a first-come, first-served basis, at the discretion of the Village, subject to the vessel owner providing satisfactory ownership information, contact details and all of the required payments.
- 16. The Village reserves the right to refuse any and all requests for seasonal mooring during the Low Season.

Severability

- 16. If any section or lesser portion of this Bylaw is held to be invalid by a Court, such invalidity shall not affect the remaining portions of the Bylaw.

Repeal and Commencement

- 17. This Bylaw shall come into force and take effect upon the date of its adoption.
- 18. The Village of Kaslo Public Dock Regulation Bylaw No. 1076, 2008 and any amendments thereto are hereby repealed.

READ A FIRST TIME the 26th day of May, 2015.

READ A SECOND TIME the 26th day of May, 2015.

READ A THIRD TIME the 26th day of May, 2015.

ADOPTED ON THE 9th day of June, 2015.



Chief Administrative Officer



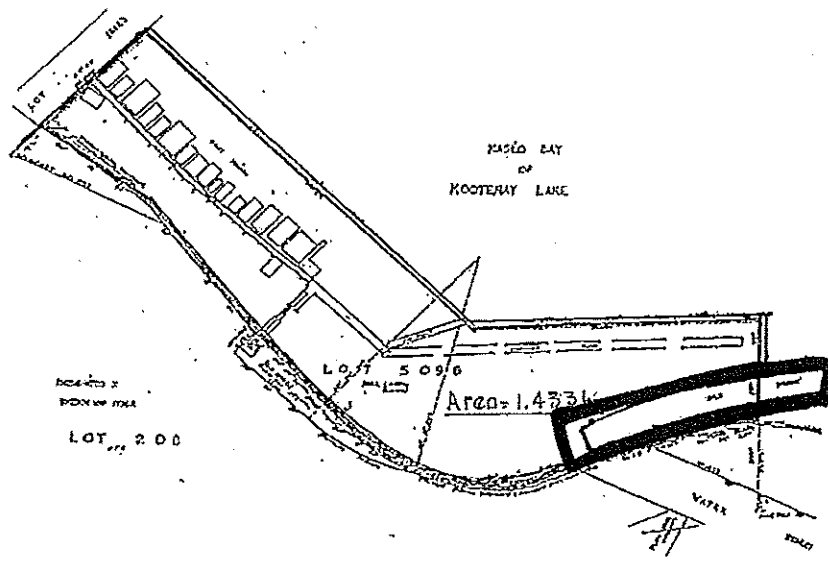
Mayor

Certified Correct:

Chief Administrative Officer

Schedule "A"
Location of Public Dock

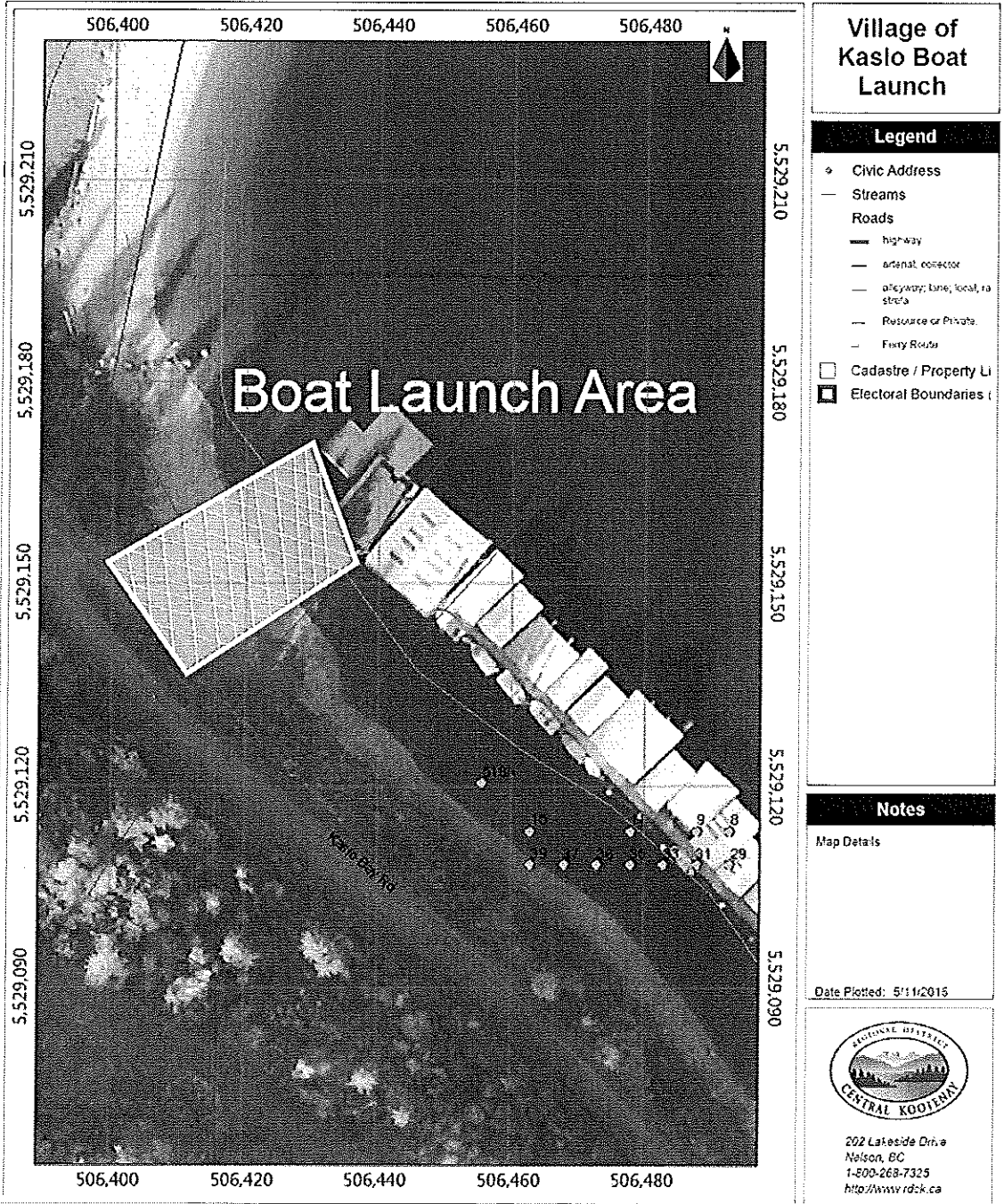
Lot. 5096, Kootenay District.



SCALE 1:2000

Schedule "B"

Location of Boat Launch



Village of Kaslo Boat Launch

Legend

- ◆ Civic Address
- Streams
- Roads**
 - highway
 - arterial collector
 - alleyway, lane, local, rd
 - Resource or Private
 - Feisty Route
- Cadastre / Property Li
- Electoral Boundaries

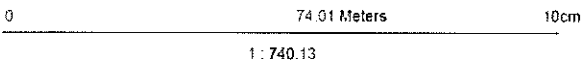
Notes

Map Details

Date Plotted: 5/11/2015



202 Lakeside Drive
Nelson, BC
1-800-268-7325
<http://www.rdcck.ca>



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Schedule "C"

Seasonal Mooring Fees

Mooring Fees:

Seasonal monthly mooring fees \$150

November 1st - March 31st, first month
paid in advance.

Seasonal mooring damage deposit \$500

Payment must be rendered on November
1st or at time of registration with Village office.

No weekly rates, discounts or reductions are available.

Late Fees

Vessels that do not keep up with moorage fee payments will have removal and impoundment procedures instituted pursuant to this bylaw thirty (30) days after the due date for payment has passed.

Removal

Seasonal vessels must be removed from the dock no later than March 31st each year or be considered in violation of this bylaw.