

THE MUNICIPALITY OF THE DISTRICT OF CHESTER
POLICY IN RESPECT OF
WHARVES, SLIPWAYS & BERTHAGE
POLICY P-13

1. **GENERAL**

The following shall be the policy of The Municipality of the District of Chester with respect to vessels wishing to berth at any Municipal wharf or raft, and vessels, vehicles and trailers being left, either attended or unattended, at any Municipal wharf, slipway, boat launch, and beach or waterfront property owned or administered by the Municipality.

This policy is made subject to the provisions of section 8 of the Public Property By-Law #134 of the Municipality.

This policy shall apply to all Municipal wharves and rafts, slipways, boat launches, beaches and other waterfront property owned or administered by the Municipality, except where altered by signage on site or by the issue of a temporary permit or exemption.

2. **BERTHING AT WHARVES & RAFTS**

The following shall be the policy of The Municipality of the District of Chester with respect to vessels wishing to berth at any wharf or raft owned or administered by the Municipality.

(a) Front of Wharves & Rafts

All craft are permitted to tie up to the front of any Municipal wharf or to any Municipal raft, free of charge, to facilitate loading, unloading, refuelling or any other such activity, for a period of time not exceeding two (2) hours. Once this two (2) hour period has elapsed the vessel is not permitted to return to the front of the wharf within a period of one (1) hour.

(b) Side of Wharves

All recreational craft, commercial vessels and fishing boats may tie up to the side of any Municipal wharf for a period of time not exceeding twenty four (24) hours free of charge, so long as they do not obstruct access to facilities such as pump out stations or slipways.

Once the initial twenty four (24) hour period has elapsed the vessel is not permitted to return to the wharf within a period of twenty four (24) hours.

(c) Tenders & Dinghies

Notwithstanding the provisions of paragraphs 2(a) and 2(b) above, **tenders and dinghies** shall be permitted to remain at a wharf or raft so long as;

- (i) they are left at an area that is provided by signage for the mooring of tenders and dinghies; and
- (ii) they are moored or tied in a manner that does not obstruct access to the wharf or raft, or any other facilities provided at that wharf or raft; and

(iii) they do not present a hazard to other wharf users or the general public.

Tenders and dinghies shall not be left upon or on top of any wharf or raft or any structure or platform that forms part of any wharf or raft.

For the purposes of this policy, a **tender or dinghy** shall mean a secondary vessel, small boat, rowboat or similar vessel that is used to provide transport from the wharf or raft to another vessel that is moored in the bay or harbour served by the wharf or raft.

(d) Government, Military, Police, Fire and Rescue Vessels

Notwithstanding the provisions of paragraphs 2(a) and 2(b) above, **any vessels owned or maintained by the Military, police service, fire service, rescue service, or any similar organisation, or any domestic or foreign Government** may tie up to any wharf or raft for an unlimited period of time, free of charge and subject to a permit being issued by the Municipality, and so long as the vessel does not obstruct access to facilities such as pump out stations or slipways.

(e) Emergencies

Any vessel needing to exceed the limits outlined in sections 2(a) and 2(b) above may do so only in such circumstances as the vessel is subject to an emergency situation, such as engine failure, hull breach, failure of steering gear or any other such damage or equipment failure that makes the safe operation of the vessel impossible, and provided the vessel owner promptly informs the Municipality of the nature of the emergency situation, potential duration of the stay and what arrangements have been made to have the vessel removed.

(f) Berthing Permitted by Signage

Notwithstanding the provisions of paragraphs 2(a) and 2(b) above, the Municipality may, by signage posted upon the site, permit such berthing at a Municipal wharf or raft as directed in the signage.

The By-Law Enforcement Officer may, with the approval of the Municipal Council or a Committee of the Municipal Council, place signage and/or markings upon Municipal wharves and rafts that inform users of the restrictions upon Berthage at that particular site.

(g) Permits for Extended Stays

Notwithstanding the provisions of paragraphs 2(a) and 2(b) above, the Municipality may, at its discretion, issue permits or exemptions to allow a certain number of vessels to tie up to the side of a Municipal wharf for a specified period of time. The actual number of permits and the wharves for which they will be issued will be determined by the Municipality from time to time and are shown in **Schedule "A"**.

Owners of **commercial vessels and fishing boats, vessels owned or maintained by the Military, police service, fire service, rescue service, or any similar organisation, or any domestic or foreign Government** who wish to make use of a Municipal wharf for an extended period of time must first apply to the Municipality for a permit using an application form similar to that shown in **Schedule "A"**.

Under normal circumstances, owners of **recreational craft** may not apply for a permit for an extended stay. However, a permit may be issued to a **recreational craft** if it falls within the criteria laid out in paragraph 2(e).

Owners of all **commercial vessels** who wish to berth at a Municipal Wharf for an extended period of time will pay an administration fee to the Municipality each time they apply for a permit. A table of applicable administration fees is provided in **Schedule "A"**.

The Municipal Council may, at its discretion, issue a permit for an extended stay at a Municipal Wharf to the owner of a **commercial vessel** who can demonstrate a historical use of that wharf. The Municipal Council may waive the administration fee in such cases. A list of persons to which such a permit has been issued is provided in **Schedule "C"**.

In cases where multiple permit applications are received, or the number of permit applications exceeds the number of available permits, a random draw will be held to determine the successful applicants.

The Municipality may, at its discretion, issue permits in addition to the numbers shown in **Schedule "A"** to **vessels owned or maintained by the Military, police service, fire service, rescue service, or any similar organisation, or any domestic or foreign Government**.

Any permit or exemption so issued shall be clearly displayed upon the vessel to which it was issued.

Permits or exemptions shall not be transferrable.

Any attempt to copy, alter, deface or otherwise interfere with a permit or exemption shall render it invalid.

(h) Overstaying and Obstruction

Any vessel that, without good cause, remains at any Municipal wharf or raft for a period greater than that described in paragraphs 2(a) and 2(b) above, or any vessel that remains at any Municipal wharf twenty four (24) hours after the expiry of any permit or exemption issued by the Municipality will be deemed to be illegally parked subject to Section 9 of the Public Property By-Law #134 and may be removed at the discretion of the Municipality to another location at the cost of the vessel owner.

Any vessel that, without good cause, is tied to a public wharf or raft in a manner that prevents unhindered access to any Municipal facility, or in a manner that prevents other vessels from safely tying up to or leaving the wharf will be deemed to be illegally parked subject to Section 9 of the Public Property By-Law #134 and may be removed at the discretion of the Municipality to another location at the cost of the vessel owner.

(i) Penalty

In such cases as indicated in paragraph 2(h) above, the Municipality may, at its discretion, follow the procedure outlined in **Schedule "D"** of this policy and issue the owner of the vessel with a warning notice, a Municipal Parking Infraction Ticket or a Summary Offence Ticket as provided for in Section 14 of the Public Property By-Law # 134.

(j) Removal and Impound

In such cases as indicated in paragraph 2(h) above, and where a vessel remains at the Municipal Wharf or raft after all such reasonable attempts to have it removed by the owner have failed, the vessel shall be liable to be removed from the wharf or raft and stored in an impound facility, subject to Section 9 of the Public Property By-Law #134 and the cost of removal, transportation and impounding shall be borne by the owner of said vessel.

Where a vessel presents a danger or hazard to the public, is causing or may cause damage to public property, or is obstructing access to public facilities, private property or other vessels, or the particular circumstances warrant such action, the Municipality may, at its discretion, relocate, remove or impound said vessel without first attempting to contact the vessel's owner.

Details of options for impounding vessels are provided in **Schedule "B"**.

3. SLIPWAYS, LAUNCH AREAS & BEACHES

The following shall be the policy of The Municipality of the District of Chester with respect to the use of Municipal Slip-ways, launch areas, beaches and other water front property owned or administered by the Municipality.

This policy shall apply to all Municipal slipways, launch areas beaches and water front properties owned or administered by the Municipality except where altered by signage on site or where a temporary permit or exemption has been issued by the Municipality.

(a) Parking & Storage

No vessel, vehicle, trailer or combination thereof shall be parked, stored or otherwise left attended or unattended upon any Municipal slipway, launch area, beach or other waterfront property owned or administered by the Municipality. Any vessel, vehicle, trailer or combination thereof parked, stored or left attended or unattended in such a manner

shall be deemed to be illegally parked subject to Section 9 of the Public Property By-Law #134 and may be removed at the discretion of the Municipality to another location at the cost of the owner.

No item shall be stored, left attended or unattended upon any Municipal slipway, launch area, beach or other waterfront property owned or administered by the Municipality. Any item stored or left attended or unattended in such a manner may be removed at the discretion of the Municipality to another location at the cost of the owner.

(b) Obstruction

Any vessel, vehicle, trailer, or combination thereof that blocks, or causes to be blocked or otherwise prevents access to any Municipal Slip-way, launch area, beach or other waterfront property shall be deemed to be illegally parked subject to Section 9 of the Public Property By-Law #134 and may be removed at the discretion of the Municipality to another location at the cost of the owner.

Any item that blocks, or causes to be blocked or otherwise prevents access to any Municipal Slip-way, launch area, beach or other waterfront property may be removed at the discretion of the Municipality to another location at the cost of the owner.

(c) Emergencies

Notwithstanding the provisions of paragraphs 3(a) and 3(b) above, a vessel may be permitted to remain at a Municipal slipway, launch area, beach or other water front property in such circumstances as the vessel is subject to an emergency situation as described in paragraph 2(e) previously, and so long as the owner promptly informs the Municipality of the nature of the emergency situation, potential duration of the stay and what arrangements have been made to have the vessel removed.

(d) Launch & Recovery

Notwithstanding the provisions of paragraphs 3(a) and 3(b) above, a vessel, vehicle, trailer or any combination thereof is permitted to remain at a Municipal slipway, launch area, beach or other water front property for a reasonable period of time so as to accomplish the launch or recovery of said vessel, and on the understanding that it is removed as soon as practicable after this task is accomplished.

Any vessel that is left attended or unattended at a Municipal slipway, launch area, beach or other water front property for a period exceeding 6 hours shall be subject to the conditions outlined in paragraphs 3(a) and 3(b) above.

(e) Parking or Storage Permitted by Signage

Notwithstanding the provisions of paragraphs 3(a) and 3(b) above, the Municipality may, by signage posted upon the site, permit such parking or storage upon a Municipal slipway, launch area, beach or other waterfront property as directed in the signage.

The By-Law Enforcement Officer may, with the approval of the Municipal Council, or a Committee of the Municipal Council, post signage and/or place markings at a slipway, launch area or beach that advertise the restrictions upon parking, storage, launch and recovery at that particular site.

(f) Parking or Storage Permitted by Permit

Notwithstanding the provisions of paragraphs 3(a) and 3(b) above, the Municipality may, at its discretion, issue a permit or exemption allowing parking or storage of items, vessels, vehicles or trailers upon a Municipal slipway, launch area, beach or other waterfront property under such circumstances as the Municipality deems appropriate.

A person wishing to store any item, vessel, vehicle or trailer must first contact the Municipality to apply for a permit or exemption. The By-Law Enforcement Officer or Municipal Clerk will assess each application upon its own merits and may, at their discretion, issue said person with a permit or exemption.

Any permit or exemption so issued shall be clearly displayed upon the vessel, vehicle or trailer to which it applies.

Any permit or exemption so issued shall not be transferrable.

Any attempt to copy, alter, deface or otherwise interfere with a permit or exemption shall render it invalid.

(g) Penalty

In such cases as indicated in paragraphs 3(a) and 3(b) above, the Municipality may, at its discretion, follow the procedure outlined in **Schedule "D"** of this policy and issue the owner of the vessel, vehicle, trailer or combination thereof with a warning notice, a Municipal Parking Infraction Ticket, or a Summary Offence Ticket as provided for in Section 14 of the Public Property By-Law # 134.

(h) Removal and Impound

In such cases as indicated in paragraphs 3(a) and 3(b) above, and after all reasonable attempts to have it removed by the owner have failed, the vessel, vehicle, trailer or combination thereof may be removed from the slipway, launch area, beach or other waterfront property and stored in an impound facility, subject to Section 9 of the Public Property By-Law #134. The cost of removal and impound will be borne by the owner of said vessel, vehicle, trailer or combination thereof.

In such cases as indicated in paragraphs 3(a) and 3(b) above, and after all reasonable attempts to have them removed by their owner have failed, any items may be removed from the slipway, launch area, beach or other waterfront property and stored in an impound

facility. The cost of removal and impound will be borne by the owner or person responsible for the items.

Where an item, vessel, vehicle, trailer or any combination thereof presents a danger or hazard to the public, is causing or may cause damage to public property, or is obstructing access to public facilities, private property or other vessels, or the particular circumstances warrant such action, the Municipality may, at its discretion, relocate, remove or impound said item, vessel, vehicle, trailer or combination thereof without first attempting to contact the owner.

Details of options for impounding items, vessels, vehicles and trailers are provided in **Schedule "B"**.

4. PARKING AND STORAGE ON WHARVES

The following shall be the policy of The Municipality of the District of Chester with respect to the parking of vehicles and trailers and the storage of any item upon Municipal wharves.

This policy shall also apply to those areas of land to which the Municipal wharf is attached, or provide access to the Municipal wharf, and that are owned or administered by the Municipality, but do not necessarily form part of that wharf.

(a) Parking

No vehicle, trailer or combination thereof shall park upon any Municipal wharf. Any vehicle, trailer or combination thereof parked in such a manner shall be deemed to be illegally parked subject to Section 9 of the Public Property By-Law #134 and may be removed at the discretion of the Municipality to another location at the cost of the owner.

(b) Obstruction

No vehicle, trailer or combination thereof shall park upon any Municipal wharf in such a manner that prevents or obstructs the legitimate use of that wharf and its facilities by others. Any vehicle, trailer or combination thereof parked in such a manner shall be deemed to be illegally parked subject to Section 9 of the Public Property By-Law #134 and may be removed at the discretion of the Municipality to another location at the cost of the owner.

(c) Storage of Items

No person shall place, cause to be placed or leave any item upon a Municipal wharf. Any item left in such a manner may be removed at the discretion of the Municipality to another location at the cost of the owner.

(d) Parking & Storage Permitted by Signage

Notwithstanding the provisions of paragraphs 4(a), 4(b) and 4(c) above, the Municipality may, by signage posted upon the site, permit such storage or parking upon a Municipal wharf as directed in the signage.

The By-Law Enforcement Officer may, with the approval of the Municipal Council, or a Committee of the Municipal Council, post signage and/or place markings upon any Municipal wharf that advertise the restrictions upon storage and parking at that particular site.

(e) Parking & Storage Permitted by Permit

Notwithstanding the provisions of paragraphs 4(a), 4(b) and 4(c) above, the Municipality may, at its discretion, issue a temporary permit or exemption allowing the storage of items or the parking of a vehicle, trailer or combination thereof upon a Municipal wharf under such circumstances as the Municipality deems appropriate.

Any person wishing to store an item or park a vessel, vehicle, trailer or any combination thereof upon a Municipal wharf must first contact the Municipality to apply for a permit or exemption. The By-Law Enforcement Officer or Municipal Clerk will assess each application upon its own merits and may, at their discretion, issue said person with a permit or exemption.

Any permit or exemption so issued shall be clearly displayed upon the vehicle, trailer or combination thereof to which it applies.

Any permit or exemption so issued shall not be transferrable.

Any attempt to copy, alter, deface or otherwise interfere with a permit or exemption shall render it invalid.

(f) Penalty

In such cases as indicated in paragraphs 4(a) and 4(b) above, the Municipality may, at its discretion, follow the procedure outlined in **Schedule "D"** of this policy and issue the owner of the vessel, vehicle, trailer or combination thereof with a warning notice, Municipal Parking Infraction Ticket, or a Summary Offence Ticket as provided for in Section 14 of the Public Property By-Law # 134.

(g) Removal and Impound

In such cases as indicated in paragraphs 4(a) and 4(b) above, and after all reasonable attempts to have it removed by the owner have failed, the vehicle, trailer or combination thereof may be removed from the wharf and stored in an impound facility, subject to Section 9 of the Public Property By-Law #134. The cost of removal and impound will be borne by the owner of said vehicle, trailer or combination thereof.

In such cases as indicated in paragraphs 4(c) above, and after all reasonable attempts to have it removed by the owner have failed, the items may be removed from the wharf and stored in an impound facility. The cost of removal and impound will be borne by the owner of, or person responsible for the items.

Where an item, vessel, vehicle, trailer or any combination thereof presents a danger or hazard to the public, is causing or may cause damage to public property, or is obstructing access to public facilities, private property or other vessels, or the particular circumstances warrant such action, the Municipality may, at its discretion, relocate, remove or impound said item, vessel, vehicle, trailer or combination thereof without first attempting to contact the owner.

Details of options for impounding items, vessels, vehicles and trailers are provided in **Schedule "B"**.

5. Enforcement Procedure

When dealing with any item, vessel, vehicle, trailer or combination thereof that is in breach of the regulations outlined in this policy or those contained in the Public Properties By-Law #134, the By-Law Enforcement Officer shall follow the enforcement procedure outlined in **Schedule 'D'** of this Policy Document.

Schedule "A" – Application for Extended Stay Permit

Please complete the following information in order to apply for a permit to berth at a Municipal wharf.
Refer to the notes provided overleaf for assistance when completing this form.

Name:	
Address:	
Telephone Number(s):	e:Mail Address:
Vessel Name:	Hull / Registration Number:
Vessel description (Include Make, Style, Color, Size, Tonnage):	
Where do you wish to berth?	Dates: FROM: _____. TO: _____.
Please provide details why you wish to berth at this wharf: (Note: permits will only be issued for legitimate commercial uses or to vessels that are subject to an emergency situation. Copies of commercial licenses should be attached.)	
Signature:	Date:

For office use only

Approved:	YES	NO	Permit Number:
Valid From:			Valid To:
Notes:			
Signature:			Date:

When Completing This Form

Please provide all the requested information and give as much detail as possible. Incomplete or missing information can delay the issue of a permit or render your application invalid.

You should provide as much information as possible when describing your vessel. You should provide the vessels name, hull number or registration number as well as the vessels make, model, color, overall length and tonnage. This information will be verified prior to any permit being issued. If possible, attach a copy of your vessels registration certificate to the application.

Provide details of where you wish to berth your vessel and the dates you wish to berth.

Provide as much information as possible as to why you wish to berth your vessel at this wharf for the period of time indicated. If you have a commercial license, a copy of this should be attached to the application. **A permit will only be issued to a recreational vessel if it is subject to an emergency situation.**

Note

The number of available permits, the wharves for which they will be issued and the administration fee are listed below.

In cases where multiple permit applications are received for the same spot, or the number of applications exceed the number of available permits, a random draw will be held to determine the successful applicants.

Permits and exemptions are only valid for the vessel for which they have been issued and are not transferrable.

Any attempt to copy, alter, deface or otherwise interfere with a permit or exemption shall render it invalid.

The Municipality of the District of Chester reserves the right to refuse the issue of a permit and to revoke a permit should the application be found to be false or contain misleading information.

Wharf	# of Permits	Administration Fee #
Aspotogan	0	
Chester Front Harbour Raft	0	
Chester Back Harbour	1 *	
Chester Basin **	3	\$40
Western Shore	5	\$40

- * This permit is reserved for the Chester Fire Dept. Boat.
- ** Permit only available between November 1st of the one year and May 31st of the following year.
- # Administration fees will be waived for Government, military, police, fire service and rescue vessels.

IMPORTANT

The Municipality of the District of Chester will not be held liable for any damage sustained to any vessel left at any Municipal Wharf, or for any loss incurred by the owner of such vessel as a result of it being left at a Municipal wharf. Vessels are left at Municipal Wharfs entirely at the owner's risk. By signing the permit application you are indicating that you agree to be bound by these conditions.

Schedule “B” – Impound Options for Vehicles, Vessels & Trailers

The following options may be used when a vessel, vehicle, trailer or any combination thereof is to be impounded.

- The Municipality of the District of Chester may store items and vessels at any location of facility it deems appropriate, so long as the size of the item or vessel is such that it may be safely transported to and stored at the facility without undue risk to the item or vessel and persons transporting or handling it, and so long as ample storage space is available at the facility.
- In such cases that the size or location of the vessel is such that it cannot be safely handled by Municipal staff, the Municipality may contract a local Marina, Boat Yard and/or Transport Company to undertake the removal, transportation and storage the vessel. In such instances the Municipality will endeavour to engage the services of the most appropriate and cost effective service provider.
- The Municipality of the District of Chester may store vessels on trailers at any location or facility it deems appropriate so long as the size of the vessel and trailer combination is such that it may be safely transported to and stored at the facility without undue risk to the vessel or trailer and persons transporting or handling it, and so long as ample storage space is available at the facility
- In such cases that the size or location of the vessel and trailer combination is such that it cannot be safely handled by Municipal staff, and in cases where vehicles are to be impounded, the Municipality may contract the services of a local Marina, Boat Yard or Transport Company to remove, transport and store the vessel, trailer or vehicle.

Schedule “C” – List of free Berthing Permit’s

The following persons & vessels have been issued with a free permit to berth at a Municipal Wharf.

Permit #	Name	Vessel Details	Wharf	Dates
B0001	Vincent Green	Judith Lynn Hull # 394120 Orange / White 30ft Cape Islander	Western Shore	Year Round

Schedule "D" – Enforcement Procedure

This flow chart is to be used to guide enforcement action under the following circumstances:

- Boats overstaying at wharf or raft.
- Items, vehicles or trailers obstructing a slipway, wharf or raft.
- Vehicles parked in restricted areas on wharf, or obstructing wharf, or items stored upon a wharf.

