

THE CORPORATION OF THE TOWN OF DEEP RIVER

By-law Number 34-2016

A BY-LAW TO REPEAL BY-LAW 32-2015 BEING A BY-LAW TO AUTHORIZE A STATEMENT OF POLICY WITH RESPECT TO MARINA OPERATIONS

Recitals

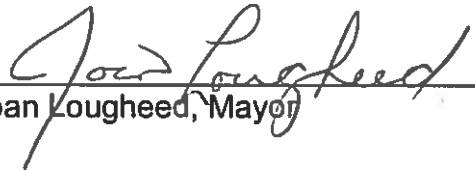
1. The Town of Deep River Council adopted By-law 32-2015 on the 17th day of June 2015 being a By-law to authorize a statement of policy with respect to marina operations.
2. Council considers it advisable to repeal By-law 32-2015, all amendments and all predecessor by-laws authorizing a statement of policy with respect to marina operations in favour of approving an Operating Policy without the necessity to adopt said operating policy in the form of a By-law.

Accordingly, the Council of The Corporation of the Town of Deep River hereby enacts this By-law 34-2016.

NOW THEREFORE BE IT RESOLVED THAT By-law 34-2015, its amendments and all predecessor by-laws authorizing a statement of policy with respect to marina operations are hereby repealed.

This By-law shall come into force and effect on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 22nd day of June, 2016.


Joan Lougheed, Mayor


Richard McGee, Clerk

Policies and Procedures			
Department	Town of Deep River	Issued	March 9, 2016
		Effective:	March 30, 2016
Department	Recreation		
Subject:	Marina Policy - Marina Rules, Regulations and Procedures	Page:	
Approved by:	Municipal Council	Revised:	

Purpose

POLICY STATEMENT:

The Deep River Marina is operated by the Town of Deep River according to the terms of a lease of the property from the Government of Canada made under the *Fishing and Recreational Harbours Act*. The Town operates the marina with the intent that it will be safe for people, secure for boats, environmentally friendly, publically accessible, and financially self-supporting through user fees for seasonal rental of slips, launching fees, sale of marine fuel and supplies, and miscellaneous services to boaters. The continued presence of an active, viable Marina on the downtown waterfront is an important component of the Town's planning and development strategy.

Implementation & Accountability

For the purposes of this policy, the Town Superintendent includes the Town Superintendent of the Town of Deep River, a person named by Council instead of the Town Superintendent, or a person delegated by the Town Superintendent for these purposes. The Town Superintendent is responsible for implementation of this policy, and is empowered to enforce the *Fishing and Recreational Harbours Act* and Regulations within the marina, and to exercise the authority of the harbour manager, including the right to give direction to persons using the marina, as set out in the Act and Regulations, and the right to make reasonable rules and regulations for the safety of persons and the protection of the facility and the environment.

SLIP RENTALS

- 2.1 Slips are assigned on a first-come, first-served basis, with an established waiting list.
- 2.2 Slip assignments are not transferable, and are assigned to the owner, not to the boat.

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Procedure

The Corporation of the Town of Deep River

Statement of Policy #RO1-01

Title: Marina Operations

- 2.3 The Town Superintendent may execute slip rental agreements on behalf of the Town.
- 2.4 All rental activities pertaining to the Marina will follow the Marina Rules and Regulations (Schedule A)
- 2.5 Visitor's slips are assigned on a first come, first served basis if not reserved.
 - 2.5.1 Boat operators wishing to utilize a visitor's slip after 6:00 pm and prior to 8:00 am over the maximum of 3 hours shall be charged for a full overnight rental.
 - 2.5.2 Boat operators wishing to rent a visitors slip for 3 hours or less will be assigned a designated slip and charged the appropriate fees established by Council.
 - 2.5.3 No overnight renter may rent more than 7 consecutive nights without a separation of 7 consecutive days of vacating the harbour.

Schedule 'A' to By-Law No. XX-XX

Marina Rules & Regulations

Vessel Requirements

1.	The information provided to the Town of Deep River must be true and accurate. Length and width measurements must be indicated on the Application Form (length to include bowsprit, swim grid or other attachments such as motors, etc.), together with information on any special design or width which would affect the type of berthage space assigned.
2.	All boats assigned berthage in the Marina shall not exceed the length or width of the allotted berthage space. Allotted berthage space means, with respect to length: the length of the finger plus 10 feet on Slip (P) and the length of finger (NL) (SL) (NR) (SR) (ER) plus six (6) feet. With respect to width: half the distance between fingers less one foot unless approval has been given through management. Attachments to the boat may not extend onto the walkway in such a manner as to interfere with foot traffic.

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3.	Tenants desiring a larger or smaller berthage space are required to inform the Recreation Program Coordinator on or before April 1st. If reallocation is not possible your name will be added to the top of the waiting list.
4.	Berthage is rented for personal use only. If the Owner sells or otherwise transfers ownership of the vessel identified in this contract the new Owner will not be assigned the right to the berthage.
5.	Slips that are to be vacant for part or all of a season can be subletted through the Town. Slip holders are not permitted to sublet their slip privately. 50% of the sublet fee will be refunded to the slip holder. Slips that are subletted or left vacant for two consecutive seasons will be revoked.
6.	Tenants who sell their boat must advise Town Hall in writing of the date of sale and may retain their vacant berth for the remainder of the season. Failure to register a new boat the following season will result in the loss of the berthage space.
7.	Tenants must inform the Marina Operator of a 24 hour plus absence from Marina. Slips are rented and are not the boaters' exclusive property. The marina reserves the right to sublet seasonal boat slips to transients when not in use
8.	Only boats assigned to the berthage space are permitted to be moored therein, unless prior approval has been given by the Recreation Program Coordinator.
9.	Rafting of boats is NOT permitted within the Marina.

Mooring

1.	Each tenant is responsible for the safe mooring of their boat and shall furnish and maintain their own lines and chaffing gear. Chaffing gear shall be attached to the boat or tied to the floats; no other type of fastening is permitted. Care should be taken not to foul any other berth or access with mooring lines.
2.	If a vessel is moored illegally, the Marina Operator is authorized to padlock the offending vessel.
3.	Fueling of boats while moored in Marina is prohibited
4.	Following notification to the owner, the Town of Deep River reserves the right to relocate the berthage position of any vessel.

Water Traffic

1.	Operators of sailing vessels shall not maneuver under sail within the Marina, excepting sailing dinghies not equipped with motors.
2.	Within the Marina Basin boats must be operated at no more than the maximum speed of 5 knots for safe operation.
3.	The rules of the Road and Navigation Laws of Canada apply to all vessels in or approaching the harbour.

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Cancellation and End of Season

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| 1. | Tenants wishing to cancel their moorage during the Marina season must provide, in writing, thirty (30) days of notice. (If 30 days of notice is not provided, the tenant will be charged for the full season.) If moorage is cancelled by the tenant with 30 days of written notice, fees may be refunded (prorated for the balance of the unused time remaining) net of a \$50.00 administration fee |
| 2. | All boats must be removed from the Marina on or before October 31st. The Operator has the right to remove any boat at the Owner's risk and expense after this date. |

Tenant Responsibilities

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| 1. | The vessel must be adequately insured while the vessel is in the Marina; to protect it completely against loss to it, its equipment and contents, caused by storm, fire, theft, vandalism or any other cause whatsoever. By the Friday of the May long weekend, of each year, proof of adequate vessel insurance coverage (a copy of the insurance policy detail page clearly indicating the requirement for liability insurance) must be provided to Town Hall and maintained throughout the moorage year. Tenants who do not provide this document by the specified day, will be required to remove their boat from the Marina until they can do so. The marina reserves the right to refuse any boat that is not properly insured. |
| 2. | The tenant will be solely responsible for themselves and their guests in the Marina and will use it at their sole risk. The tenant will obey and cause their guests to obey all rules and regulations regarding the Marina and its use established by lawful authority. |
| 3. | Any abuse of alcohol, fighting, offensive language, use of illegal drugs or acts of rude conduct toward any other boater, guest or marina staff will not be tolerated. Tenants acknowledge that, with this rental agreement, such behavior is grounds for the Town of Deep River, at their sole discretion, to cancel docking privileges without any refund. |
| 4. | The tenant is solely responsible for any loss or damage to the vessel, its equipment and contents; and for any loss or damage caused by it, themselves, or their guests to person or property while in the Marina. The tenant will indemnify the Town of Deep River and save it harmless from such losses or damages whatsoever. The tenant will make no claim and take no action against the Town of Deep River and will have no enforceable claim against it for loss or damage to person or property arising in the Marina for any causes whatsoever; unless such loss or damage was directly caused by a deliberate wrongful act by the Town of Deep River. |
| 5. | In the event that the boat sinks at the docks or elsewhere in the Deep River Municipal Marina area, then the Owner agrees to remove such boat within 24 (twenty four) hours. If the Owner fails to do so, then the Deep River Municipal Marina may remove the boat at the Owner's expense and risk and the cost thereof shall be a debt due from the Owner to the Deep River Municipal Marina under this agreement. |

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| 6. | A tenant shall be liable for any loss, damage, or destruction caused to Municipal property either by their vessel or their own action, and all costs shall be payable to the Town of Deep River within thirty (30) days. |
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General

1.	All persons using the Marina facilities do so at their own risk.
2.	The Town of Deep River shall not be responsible for any damage or injury sustained to any boat or person.
3.	Parking for tenants is provided in the upper parking lots. Overnight parking of vehicles or trailers is prohibited.
4.	No swimming, diving, water skiing or fishing will be permitted within the Marina basin.
5.	Tenants wishing to take dogs to and from their boat may do so provided that the dog is on a leash.
6.	Storage of flammable liquids, oily rags, etc., on floats or Municipal property is prohibited, and any costs associated with the cleanup will be charged to the boat owner responsible. Owners shall not store supplies, materials, accessories, articles or debris upon Marina property and shall not construct there on any lockers, chests, cabinets or modify docks in any way.
7.	No litter shall be thrown overboard. For the convenience of boaters, garbage containers are located next to the Marina building and the docking entry. No refuse shall be thrown overboard. Garbage shall be deposited in receptacles supplied for this purpose and other debris shall be placed where specified. Note: engine oil and filters to be disposed of at the fuel dispensing station.
8.	On site repairs shall be conducted only after notifying the Marina Operator and obtaining a prior consent, which consent may be withheld at the discretion of the Deep River Municipal Marina or its manager for the proper conduct of such maintenance or repair work including the proper location at which such work may be carried out.
9.	Walkways and fingers must be kept free of tenders, dinghies, materials, debris, and equipment at all times.
10.	All sailboat halyards are to be tied down.
11.	Boats shall be secured to the assigned berths or moorings with fully adequate lines as appropriate. When required, the Operator may ask Owners to renew chafed, frayed or damaged lines. Owner shall immediately remove or replace any mooring lines considered by the Operator to be inadequate or unsafe.
12.	Boats are required to enter and leave the service areas, berths; mooring under engine power or paddle. Arrival and departure under sail within the Marina as designated is prohibited. Boats with motors must be under control while maneuvering in the basin.
13.	Owners are strongly urged to make the wearing of life jackets or personal flotation devices mandatory for small children and non-swimmers in and around boats, berths and moorings
14.	Small children must be under the supervision of an adult or competent youth at all times.

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15.	All vessels should be clearly marked with name and/or license number.
16.	All boat owners are required to comply with the provisions of the current Fire Regulations and the Boating Safety Guide published by the Ministry of Transport.
17.	Vessels entering the Marina during an emergency shall report immediately to operator.

Enforcement

1.	The Town of Deep River reserves the right to cancel the assigned moorage of any tenant who is in violation of the current rules and regulations.
2.	Upon ten (10) days written notice, the tenant will be required to immediately remove their vessel from the Deep River Municipal Marina premises. Failure to do so will result in removal by the Municipality at the expense of the owner.

Schedule 'B' to By-Law No. XX-XX

Marina Fees and Charges

Item	Fee (Includes HST)
Annual Slip Rental Fee -24' dock	\$827.20 Additional \$34.45 per foot over 24' for overhang
Annual Slip Rental Fee 14' dock	\$482.50 Additional \$34.45 per foot over 16' for overhang
Annual Capital Contribution	\$40.00
Waiting List Fee (applied to slip rental) Non refundable	\$50.00
Holding Tank Pump-outs	\$25.50
Launching Fee "Daily"	\$9.60
Launching Fee "Seasonal"	\$95.60
Casual Slip Rental or Overnight Docking	\$31.85
Short Term Hourly Slip Rental	30 minutes or less \$6.35 1 hour - \$12.75 Each hour (after 1 st hour) \$15.30/per hour from 8:00 am to 6:00 pm Each hour (after 1 st hour) \$15.30/per hour from 6:00 pm to 8:00 am to a maximum of \$31.85
Program Rates and Facility Fees increase on April 1st of each year in accordance with the Consumer Pricing Index (CPI) annually or as directed by Council	

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