

MUNICIPALITY OF THE DISTRICT OF LUNENBURG
A By-law Respecting
SAW PIT WHARF

First Reading: June 24, 2014
Second Reading: July 22, 2014

WHEREAS it is the intention of the Municipality of the District of Lunenburg, by this By-Law, to regulate and control the use of the Saw Pit Wharf, so called, located at, Garden Lots in the County of Lunenburg and the Province of Nova Scotia, and all lands owned or managed by the said Municipality of the District of Lunenburg contiguous thereto;

AND WHEREAS pursuant to an agreement between the Municipality of the District of Lunenburg and the Federal Department of Fisheries and Oceans the wharf will be made available as a fishing harbour to any commercial fisher wishing to use the wharf as his/her home port until December 17, 2006.

AND WHEREAS it is intended that the wharf will be used primarily, for "day use only" except for such portion of the wharf, if any, as may from time to time be designated by the Municipality of the District of Lunenburg, as being available for overnight or longer term use.

1.0 Short title

This By-law shall be known as a By-law Respecting Saw Pit Wharf and may be cited as "Saw Pit Wharf By-Law."

2.0 Definitions

In this By-Law unless the context otherwise indicate:

- 2.1 **"Agreement"** means the agreement dated July 10, 2001 between the Federal Department of Fisheries and Oceans and the Municipality of the District of Lunenburg respecting the operation and management of the Wharf by the Municipality of the District of Lunenburg.
- 2.2 **"C.A.O."** means Chief Administrative Officer of the Municipality of the District of Lunenburg.
- 2.3 **"Commercial Operator"** means a person(s) who operates a commercial endeavour with a permit issued under the Municipality's Vendor in Municipal Parks By-Law.
- 2.4 **"Municipality"** means the Municipality of the District of Lunenburg.
- 2.5 **"Municipal Staff"** means the C.A.O. of the Municipality or a person appointed in writing by the C.A.O. to act on the C.A.O.'s behalf for the purposes of this By-Law.

- 2.6 **“Owner”** means the owner of a vessel and includes any person or persons who has possession of, care of or control of the vessel or any part or parts thereof, and, if any such person is a minor, includes a person having custody of the minor.
- 2.7 **“Peace Officer”** means a police officer, police constable, or other person employed for the preservation and maintenance of the public peace.
- 2.8 **“Saw Pit Wharf”** includes:
- i. the wharf, land and water lot lease granted to the Municipality of the District of Lunenburg and more particularly described in a Lease recorded at the Bridgewater Registry of Deeds in Book 821, Pages 28 to 30;
 - ii. two lots of land conveyed from the Town of Lunenburg to the Municipality of the District of Lunenburg more particularly described in a deed recorded at the said Registry of Deeds in Book 773, at Page 62 to 69; and,
 - iii. any other lands subsequently purchased, leased or managed by the Municipality of the District of Lunenburg and contiguous with the property or lands set out in clause h(i), h(ii) or h(iii) above.
- 2.9 **“Vessel”** means any boat, ship, punt or tender or vessel of any kind and includes all equipment, tools and accessories used or normally used in conjunction therewith, whether or not such equipment tools or accessories are attached to a vessel or located on or in a vessel.
- 2.10 **“Punt or tender”** specifically means any vessel that is 12 feet or under in length.
- 2.11 **“Day Use”** means using the Saw Pit Wharf facility between the hours of 6 a.m. and 11 p.m. Vessels can be unaccompanied during day use hours.
- 2.12 **“Wharf Structure”** means the permanent wooden structure

3.0 Administration

The C.A.O and the Municipal Staff will be responsible for the enforcement of this By-Law.

4.0 Vessels at Wharf

- 4.1 A vessel can be left at the wharf structure itself for 24 hours as long as it is accompanied by the owner.
- 4.2 After 24 hours the vessel shall be “moved off” the wharf.
- 4.3 If a vessel requires being at the wharf structure itself for more than 24 hours the owner must receive a permit from the Municipality, the length of stay to be at the discretion of the Municipality.

5.0 Vessel Trailers

- 5.1 The owner of a vessel trailer must have the trailer attached to a vehicle if leaving overnight; and
- 5.2 must be parked in the upper parking lot; and
- 5.3 must receive a permit from the Municipality if kept overnight for more than seven days.

6.0 Parking Lot Use

- 6.1 The lower parking lot is for vehicles only. If vehicles stay beyond 72 hours, the owners must receive a permit from the Municipality. [amended July xx, 2014]
- 6.2 Trailers can only be parked in the lower parking lot for loading/unloading. [amended July xx, 2014]

7.0 Permits

- 7.1 Permits issued by the Municipality only allow for the use of such part or parts of the wharf as designated by the Municipality, in its sole discretion and posted to indicate such use; and
- 7.2 such use shall come on a first come first serve basis.

8.0 Floating Wharf Use

- 8.1 The Municipality does provide floating wharves for punts and tenders. Those designated for seasonal use are to be used by the seasonal permit holder, with the permit being issued by the Municipality.
- 8.2 The areas along the floating wharves designated for "public use" are to be used by the general public and for day use only.
- 8.3 Overnight stays require a permit from the Municipality.
- 8.4 Only one punt/tender is allowed per designated spot.
- 8.5 Punts and tenders are not permitted to be attached to the rock wall.

9.0 Commercial Operations

- 9.1 A commercial operator may apply for a permit to operate a commercial endeavour at the wharf facilities under the Municipality's vendor in municipal parks By-Law.

10.0 Permit Issuance

- 10.1 No permit will be issued for any vessel in the water, which is not considered by the Municipality in its sole discretion to be seaworthy.

11.0 Fees

- 11.1 The Municipality of the District of Lunenburg may from time to time establish and alter such reasonable fees as it may in its sole discretion decide upon for the issuance of permits pursuant to this paragraph.

11.2 Specified fees are defined by policy as outlined in Schedule A.

12.0 Penalties

12.1 The owner of a vessel left at or on the wharf in contravention of the provisions in paragraph 4, 5, 6, 7, 8, 9, 10 or 11 of this By-Law commits an offence and is liable on summary conviction to a fine of One Hundred Dollars (\$100.00) and in default of payment to imprisonment for a period not exceeding seven (7) days.



12.2 Every day that an offence pursuant to this paragraph continues shall be considered a new offence.

12.3 In addition to any penalties or charges, which may be imposed by this By-Law against an owner, the C.A.O. or the Municipality Staff may, without notice to or further complaint against the owner;

- i. impound any vessel left at or on the wharf in contravention of the provisions of paragraph 4, 5, 6, 7, 8, or 9 of this By-Law, and remove such vessel at its sole discretion and at the sole expense of the owner; and
- ii the Municipality of the District of Lunenburg may at its sole discretion sell all or a portion of the vessel to recover all costs incurred by it in impounding and or removing such vessel.

13.0 Repeal

13.1 Saw Pit Wharf By-law, as approved by Municipal Council on February 11, 2003, is hereby repealed and replaced with new By-law of May 17, 2013.

Annotation for Official By-law Book		Date of Adoption – May 17/13, Amended Jul. 30/14
Date of First Reading:		<u>June 24, 2014</u>
Date of advertisement of Notice of Intent to Consider:		<u>July 2, 2014</u>
Date of Second Reading:		<u>July 22, 2014</u>
*Date of advertisement of Passage of By-law		<u>July 30, 2014</u>
Date of mailing to Minister a Certified copy of By-law:		<u>July 30, 2014</u>
I certify that this "Saw Pit Wharf By-law" was adopted by Council and published as indicated above.		
 April Whynot-Lohnes, Municipal Clerk		 Date
*Effective Date of the By-law unless otherwise specified in the text of this By-law		