



**THE CORPORATION OF THE TOWN OF GODERICH  
BY-LAW NO. 59 OF 2013**

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**BEING A BY-LAW TO REGULATE THE GODERICH HARBOUR AND TO REPEAL  
BY-LAW 46 OF 2000 AND AMENDING BY-LAW 46 OF 2001**

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**WHEREAS** the Town of Goderich has previously acquired title to the lands and improvements which constitute the Goderich Harbour;

**AND WHEREAS** Town Council wishes to maintain and ensure proper regulation of activities within the Goderich Harbour;

**AND WHEREAS** the Goderich Port Management Corporation has reviewed By-Law 46 of 2000 and has requested updates of the By-Law which regulates the Goderich Harbour;

**AND WHEREAS** By-Law 46 of 2001 incorporated amendments into By-Law 46 of 2000;

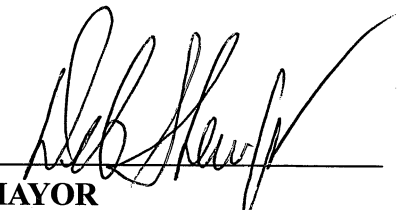
**AND WHEREAS** additional changes are required concerning By-Law 46 of 2000;

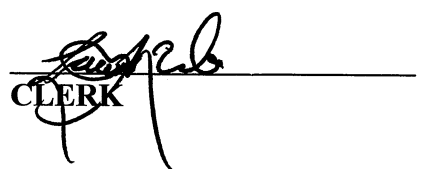
**AND WHEREAS** it is desirable to consolidate all the changes into a new updated By-Law;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH ENACTS AS FOLLOWS:**

1. That the Mayor and Clerk be authorized to sign By-Law No. 59 of 2013 to regulate the Goderich Harbour.
2. That By-Laws 46 of 2000 and 46 of 2001 be hereby repealed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 6th DAY OF MAY, 2013.**

  
MAYOR

  
CLERK

# GODERICH HARBOUR REGULATIONS

## Interpretation

1. In this By-law, the following terms shall have the following meaning:

“adult person” means any individual person who is 18 years of age or older;

“berth” means a location in the commercial harbour where a vessel may be moored;

“berthage charge” means a charge levied on a commercial ship for the period that vessel is

- (a) moored at a berth, or
- (b) secured in any manner to a vessel moored at a berth;

“commercial harbour” is the area described by metes and bounds in Schedule 1 annexed hereto and as depicted on the Map of Port Lands in Schedule 2 annexed hereto (Snug Harbour is not included in the commercial harbour);

“commercial ship” means any vessel which carries cargo or provides a service for a fee and includes tug/barge operations;

“cruise vessel” means a vessel carrying passengers for a fare where the vessel is engaged in a voyage during which the passengers are on board the vessel for at least one overnight period;

“dangerous goods” means dangerous goods as defined in section 2 of the *Transportation of Dangerous Goods Act*, S.C. 1992, c.34, as amended;

“day” means a period of twenty-four consecutive hours;

“explosive” has the same meaning as in the *Explosives Act*, R.S.C. 1985, c. E-17, as amended;

“fishing vessel” means any vessel used for commercial fishing activities;

“GPMC” means the Goderich Port Management Corporation;

“inner harbour” means the area in the commercial harbour that is east of the east end of the north pier;

“length” means

- (a) in respect of a registered commercial ship, the length overall, and
- (b) in respect of any other vessel, the overall length as determined by the port master;

“north pier” means the pier immediately north of the main channel in the commercial harbour;

“personal watercraft” means a jet ski or similar motorized water craft;

“pleasure craft” means a ship however propelled that is used exclusively for pleasure;

“port master” means a person or company hired by GPMC to manage the day-to-day activities in the harbour;

“Sifto berth” means the berth immediately south of the north pier;

“south pier” means the pier immediately south of the main channel in the commercial harbour;

“user” means any person shipping or receiving commercial cargo in the harbour;

“vessel” means any type of watercraft, including commercial ship, cruise vessel, fishing vessel, pleasure craft, personal watercraft or tug and barge;

“wharf” means any structure within the commercial harbour used for docking vessels.

### **Responsibility**

2. The owner or person in charge of any type of vessel operating in the commercial harbour shall ensure that, within the limits of the commercial harbour, the vessel does not contravene any provision of this By-law.

### **Entry into the Harbour**

3. (a) Except in the case of an emergency, a commercial ship or cruise vessel shall not enter the commercial harbour without notifying the port master at least 1.5 hours in advance of its arrival.
  - (b) Fishing vessels and pleasure craft, with the exception of personal watercraft, may use the commercial harbour at any time.
  - (c) Personal watercraft may only be used in the inner harbour within 5 meters of the east end of the north pier and may only be used in the channel between the north and south piers for passage to and from Snug Harbour.
  - (d) No personal flotation devices, such as air mattresses or inner tubes, may be used in the commercial harbour.
  - (e) A commercial ship shall not enter the harbour to berth for the winter unless a Winter Berthage Agreement for this ship has been signed with GPMC (unless otherwise exempt). While in the harbour, the vessel must comply with Winter Berthage Requirements issued by GPMC.
4. Subject to Sections 7 and 8, no commercial ship, cruise vessel or fishing vessel shall take any position in the commercial harbour unless it is assigned to that position by the port master.
5. (1) The port master may direct a commercial ship, cruise vessel or fishing vessel to move after it has taken its initial position in the commercial harbour.
  - (2) Unless the port master otherwise directs, immediately after he assigns a position to a vessel, the vessel shall proceed or shall be taken to that position.

6. Fishing vessels, cruise vessels, pleasure craft and personal watercraft shall yield the right-of-way to commercial ships in the commercial harbour.
7. Unless permission is otherwise given by the port master, a commercial ship that is hauling or towing another vessel in the commercial harbour shall, until the vessel is firmly secured at a berth,
  - (a) leave the vessel in tow attached to its stern by the tow line; and
  - (b) ensure that the two vessels are within 6 metres of each other.
8. The port master shall not assign a berth at a private wharf except with the permission of, or at the request of, the owner of the wharf.
9. No person shall swim in the commercial harbour.

#### **Removal**

10. (1) In order to facilitate the management, control and use of the commercial harbour, the port master may order that a vessel be removed or its position altered within a time fixed by him.
- (2) Where an order referred to in subsection (1) is not complied with, the port master may cause the vessel to be removed at the owner's expense.
- (3) Where the port master is not able to find the owner or person having charge and control of a vessel which must be removed or its position altered, and the port master determines it necessary in the interest of management of navigation in the commercial harbour, the port master may move the vessel to an alternate position in the commercial harbour at the owner's expense.

#### **Vessel Left or Abandoned**

11. (1) No vessel of any type shall be left or abandoned in the commercial harbour without the permission of the port master.
- (2) Where the port master suspects that a vessel has been left or abandoned in the commercial harbour, he shall within 10 days or so suspecting obtain the name and address of the owner or the person who was last in charge of the vessel, enter that information in a register and make a report on the matter to GPMC.

## Obstruction and Navigation

12. No person or vessel shall, in the commercial harbour
- (a) subject to the provisions of Sections 13 and 24, encumber the water or shore;
  - (b) impede the navigation or safe docking or undocking of another vessel; or
  - (c) drain, discharge or deposit in the water or on the shore anything that might damage vessels or property, cause a nuisance or endanger persons, property or the environment.
13. (1) When a commercial ship is moored at the Sifto berth, other commercial ships entering or leaving the commercial harbour shall navigate adjacent to the south wall and allow the ship at the Sifto berth to stay in place, whenever feasible.
- (2) When it is not possible for a commercial ship to enter along the south wall due to weather conditions, draft restrictions or design of the ship, if the ship entering or leaving the port will be delayed by more than two hours, the ship at the Sifto berth will be notified by the port master to move to another area of the commercial harbour. Ships may be moved to any wharf in the commercial harbour, including Goderich Elevators property.
- (3) Whenever practical, a commercial ship at the Sifto berth shall keep its boom in position (or alter its boom position) to allow pleasure craft to enter or leave the commercial harbour.
14. No vessel in the commercial harbour shall navigate at a speed exceeding seven knots, except in an emergency, or navigate in a manner that is dangerous to persons or property.
15. (1) Except as provided in subsection (2), a commercial ship lying at a wharf in the commercial harbour shall, from sunset to sunrise, exhibit a white light at each end of the vessel at a height not exceeding 1.8m above the deck.
16. No pleasure craft shall moor overnight anywhere in the commercial harbour.
17. No person in the commercial harbour shall sound a whistle, horn or any other device except:
- (a) for the purpose of warning another vessel of its presence;
  - (b) for communicating between a vessel and a tug;

- (c) for the purpose of a vessel communicating with its crew; or
  - (d) in the case of an emergency
  - (e) for the purpose of testing.
18. No vessel in the commercial harbour shall have a tow line, hawser or any other cable attached to a wharf or shore in a manner that obstructs navigation.
  19. Except as permitted by the port master, no vessel shall be left unattended anywhere in the commercial harbour.
  20. No motor boat shall navigate in the commercial harbour unless the sound from its motor is muffled by an effective muffler.
  21. Except as permitted by the Director of Operations for the Town of Goderich, in writing, no person shall remove stone, sand or gravel or any other material from the bed or foreshore of the commercial harbour.
  22. No vessel shall enter the commercial harbour containing hazardous goods or explosives without first contacting GPMC for the rules regarding handling these substances and, if permitted entry, shall fully observe all such rules while in the harbour.

#### **Access to Wharfs**

23. Except as provided in Section 24, and except the wharf at the main Goderich Elevators plant in the south east corner of the commercial harbour all wharves are open to the public.
24. While a commercial ship is docked at a wharf, no person who is not a member of the ship's crew, engaged with the loading, unloading or servicing of the vessel or on other official business, shall be allowed on the wharf unless authorized by the port master. Guests of the ship will be allowed on the dock when approved by the ship's master but only for the purpose of going directly to or from the ship's ladder.
25. Except as permitted by the port master, no person shall place any goods on a wharf for more than 4 hours.
26. Each person in charge of assembling goods at a wharf for shipment on a commercial ship shall give to the port master a statement listing the goods.
27. No person shall place any goods
  - (a) on or near the bollards on a wharf; or

- (b) in such a manner upon a wharf as to obstruct access to, or thoroughfare, on the wharf.
- 28. No person shall bring a live animal onto a wharf unless the animal
  - (a) is on a leash; and
  - (b) is being conveyed to or from a vessel while under the control of the master of the vessel or a representative of the master.
- 29. Except as permitted by the GPMC, no person shall
  - (a) perform any maintenance or repair work on a wharf; or
  - (b) do any other thing in such a manner as to impede the use of the wharf.
- 30. No person shall attach any fish net or any other thing not connected with the business of a wharf to a wharf. Anything attached to the wharf must not impede the proper use of the wharf.
- 31. No person shall:
  - (a) place on a wharf any dirt, oil, liquid (other than clean water), sweeping or rubbish; or
  - (b) dump any such thing in the water from a wharf or from a vessel moored at a wharf.
- 32. No person shall interfere with fire-fighting equipment on a wharf or use such equipment for any purpose other than fighting fires.
- 33. No person shall, except as permitted by the port master, place an oil or gasoline container upon a wharf.
  - (2) No person shall leave an oil or gasoline container upon a wharf except under the continuous charge of an adult person.
  - (3) No person shall have gasoline or diesel fuel oil taken onto a vessel by means of a hand pump from a container on the wharf.
  - (4) A person conducting any transfer of gasoline, oil or any other hydrocarbon to or from a commercial ship or fishing vessel shall comply with applicable laws and shall have a valid Site Access Agreement in place with GPMC.

- (5) Foreign flag commercial ships shall not be allowed to offload garbage in the port.

### **Vehicles**

34. No person shall drive any vehicle on a wharf, except
- (a) for the purpose of repair or maintenance of the wharf
  - (b) while employed in loading or unloading a vessel
  - (c) when carting goods in connection with a vessel
  - (d) when required for the maintenance or servicing of a vessel: or
  - (e) when otherwise approved by the portmaster.”

### **Vessels**

35. Except as permitted by the port master, the lines fastening a vessel to a wharf shall only be attached to bollards or other fastenings provided for that purpose.
36. A commercial ship loading from, or unloading onto, a wharf or another vessel at the wharf shall conduct such activity in a safe and careful manner so as to avoid any spillage of goods, materials or fluids.
37. No person shall obstruct or impede any person embarking on or landing a vessel at a wharf.

### **Structures**

38. (1) Except as permitted by the Director of Operations for the Town of Goderich, no person shall erect upon or attach to a wharf any structure.
- (2) The owner of a structure upon or attached to a wharf shall pay ground rent as determined by the Council of the Town of Goderich.

### **Gangways and Dock Lights**

39. The master of every commercial ship (except a fishing vessel or tug, not involved in a tug/barge operation), or cruise vessel carrying passengers or crew shall, on stopping at the wharf, dock or landing place for the purpose of putting passengers or crew ashore or taking them on board, provide a suitable gangway or ladder, properly secured to the ship or dock, for the safe and convenient transit of passengers, and shall ensure adequate lighting is available.



### **Removal of Certain Vessels in Distress**

40. Where GPMC has reasonable cause to believe the cargo or fuel of a vessel that is in distress, stranded, wrecked, sunk or abandoned in the commercial harbour

- (a) is polluting or is likely to pollute the water,
- (b) constitutes or is likely to constitute a danger to waterfowl or marine life;  
or
- (c) is damaging or is likely to damage coastal property or is interfering or is likely to interfere with the enjoyment thereof,

GPMC may cause the vessel, its cargo or fuel to be destroyed or removed to such place, and sold in such manner, as GPMC may direct.

### **Lighthouses, Buoys and Beacons**

41. All navigation aids in the commercial harbour are owned and operated by the Government of Canada. No person shall interfere with, or tamper with, any navigation aid in the commercial harbour.

### **Duties of Port Master**

42. It is the responsibility of the port master to oversee activities in the commercial harbour, advise persons using the commercial harbour of the provisions of this by-law and to encourage compliance with the provisions of this by-law. The port master shall report the particulars of any contravention to GPMC.

### **Pilots**

43. All ships operating in the commercial harbour that are not Canadian or U.S. flag shall have a pilot on board at all times that ship is being moved.

### **Communications Equipment**

44. All commercial ships operating in the harbour shall have operating VHF radio equipment on board.

### **Accident Reporting**

45. Any accident within the commercial harbour involving damage to a vessel, damage to a wharf or other structure, serious injury or death must be reported to the port master immediately.

### **GPMC**

46. (1) The GPMC is authorized to govern the operation, administration and management of the commercial ships in the commercial harbour and may post signs and through the port master, may give such orders, either orally or in writing, in respect of the business of the wharf as it deems necessary or expedient.
- (2) No person shall contravene
- (a) an order of the port master given under subsection (1); or
  - (b) the directions or instructions on any sign posted under subsection (1).
- (3) Where a commercial vessel or goods are not removed from a wharf immediately after the removal thereof is ordered by the port master, the port master may have the vessel or goods removed from the wharf at the owner's expense.
47. No person shall hinder, oppose, molest or obstruct the port master or any of his assistants in the discharge of their duties.
48. (1) The name and address of the managing owner of every commercial ship entering the commercial harbour shall be registered with GPMC.
- (2) Where there is not a managing owner there shall be so registered the name of the ship's master or other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person whose name is so registered is under the same obligations, and subject to the same liabilities, as if he were the managing owner.

### **Harbour Fees**

49. All users must sign an agreement with GPMC binding them to pay reasonable harbour fees as prescribed from time to time by Town Council and all such fees shall be paid as they fall due.

### Fees for Commercial Ships and Fishing Vessels

50. All commercial ships and fishing vessels must pay reasonable harbour fees as prescribed from time to time by agreement between GPMC and Town Council. All fees shall be paid as they fall due.
51. 1) All Ships (except fishing vessels) entering the Port shall provide satisfactory proof of the following insurance:
- Membership in a Protection & Indemnity (P&I) Club including coverages for fixed and floating objects, running down, removal of wreck and pollution (sub-limited at no less than \$7 million ); or
  - If the Ship is not a member of a P&I Club, P&I insurance with minimum limits for \$7 million (or equivalent) covering fixed and floating objects, running down, removal of wreck and pollution. Any combination of primary and excess layers of limits will be acceptable. Pollution may be provided by Water Quality Insurance Syndicate for U.S. flags or equivalent.
- 2) All commercial fishing vessels and tugs entering the Port shall provide satisfactory proof of the following insurance:
- Comprehensive public liability insurance protecting against claims for personal injury, death and/or property damage in an “occurrence” form with limits of liability of not less than \$2 Million.
  - Marine liability insurance covering the maintenance, use and operation of marine vessels, including but not limited to Protection & Indemnity with limits of not less than \$2 Million: and
  - Additional insurance as may be required if deemed necessary by GPMC based on the size of the tug and its operating parameters.”

### Offences

52. Every person who contravenes any provision of this By-law is guilty of an offence and is liable, upon conviction under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, to a fine of not more than \$10,000.00, exclusive of costs.

**Conflict**

53. In the event that the provisions of this by-law conflict with any law or regulation of Canada or the Province of Ontario with respect to navigation or shipping as it may relate to the commercial harbour, such law or regulation shall prevail but only to the extent of its conflict with the provisions of this by-law.

**Short Title**

54. This by-law may be known as the Goderich Harbour Rules By-law.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED**

**THIS 6<sup>th</sup> DAY OF May, 2013**

MAYOR



CLERK

