

**DISTRICT OF SICAMOUS**  
**BYLAW NO. 935**

A bylaw to regulate, prohibit and impose requirements in relation to a public wharf

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**WHEREAS** Section 8 of the *Community Charter* states a Council may, by bylaw, regulate, prohibit and impose requirements in relation to public places;

**AND WHEREAS** the District of Sicamous has entered into License of Occupation with the Province of British Columbia, covering all that foreshore or land covered by water being part of the bed of Sicamous Narrows situated in the vicinity of District lots 6309, Kamloops Division of Yale District, all that unsurveyed crown foreshore being part of the bed of Sicamous Narrows and fronting on highway right of way Plan H664, Kamloops division Yale District and all that unsurveyed Crown foreshore being part of the bed of Mara Lake and fronting on Lot 1 Plan KAP76647 and Lot 1 Plan 13830 both of District Lot 496, Kamloops Division Yale District;

**AND WHEREAS** the Council for the District of Sicamous wishes to regulate and provide for the public use of the wharves on prescribed terms and conditions;

**NOW THEREFORE** the Council of the District of Sicamous, in open meeting assembled, **ENACTS AS FOLLOWS:**

**1. Definitions**

In this bylaw,

“**Bylaw Enforcement Officer**” means the municipal official duly appointed by the Council from time to time to enforce the bylaws of the District;

“**Council**” means the Council of the District of Sicamous;

“**District**” means the District of Sicamous;

“**District Contractor**” means any person or organization, entered into an agreement with the District, to provide towing and impound services;

“**Moor**” means to secure a vessel by means of lines, cables, anchors or other similar means;

“**Vessel**” means any boat or watercraft whether or not propelled by a motor, whether in good working condition or not;

“**Wharf**” means a public wharf owned and operated by the District of Sicamous and shown on Schedule “A”, attached to and forming part of this Bylaw.

**2. Moorage Regulations**

No person shall:

- a) carry on any commercial enterprise at or on the wharf or use the wharf for any commercial purpose whatsoever, without prior written approval of the District;

- b) dive or jump from the wharf or swim within 50 meters of the wharf;
- c) stand or loiter on the wharf in such a manner as to obstruct, impede or interfere with the use of the wharf by the general public;
- d) make or cause to be made any loud or objectionable noise on or at the wharf in such a manner as to disturb the quiet, peace, rest and enjoyment of the general public;
- e) remove, destroy or damage any wharf or structure or sign attached to a wharf;
- f) deposit or leave any garbage, refuse, empty or broken bottles, cans, paper, animal excrement or other waste material on a wharf or in a water lot area;
- g) moor or permit to be moored any vessel at or adjacent to a District wharf between the hours of 10:00 pm and 7:00 am;
- h) secure or permit to be secured any vessel to a District wharf by use of a lock or otherwise in a manner that prevents a Bylaw Enforcement Officer or District Contractor from relocating the vessel;
- i) refuel or maintain motorized equipment or use paints, solvents or other materials toxic to fish or humans on a wharf.

### **3. Exemptions**

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

### **4. Removal and Impoundment**

- a) Where a vessel, chattel or object is occupying a wharf contrary to this Bylaw, the Bylaw Enforcement Officer or District Contractor may remove and impound or cause to be removed and impounded the vessel, chattel or object.
- b) Any vessel, chattel or object removed and impounded under section 5 of this Bylaw may be recovered by the owner upon
  - i. presentation of proof of ownership; and
  - ii. payment in full of all costs and expenses incurred by the District in removing and impounding the vessel chattel or object and restoring the wharf back to its former condition; and
  - iii. payment of a fee of \$100, plus \$180 per day (24 hour period) for storage.
- c) After the expiration of 30 days from the date the vessel, chattel or object is removed and impounded under section 5 of this Bylaw, if the owner has not claimed the vessel, chattel or object and paid the costs, expenses and fees levied in accordance with this Bylaw, the District may
  - i. sell the vessel, chattel or object at public auction; or
  - ii. initiate a court action to recover its costs, expenses and fees.
- d) If the vessel, chattel or object removed and impounded under section 5 of this Bylaw is not purchased at a public auction, the District Contractor may dispose or cause to be disposed of the vessel, chattel or object to the Columbia Shuswap Regional District Landfill or any other place approved by the District and the expenses incurred in the removal and disposal,

less the proceeds of disposal, shall be recoverable as a debt due to the District from the owner of the vessel, chattel or object.

**5. Penalties / Enforcement**

- a) Council may, from time to time, appoint one or more Bylaw Enforcement Officers, who shall enforce the provisions of this Bylaw.
- b) No person shall obstruct, or otherwise interfere with the Bylaw Enforcement Officer in the lawful exercise of his duties under this Bylaw.
- c) Any person who contravenes, suffers or permits anything to be done in contravention of any of the provisions of this Bylaw commits an offence punishable on summary conviction and shall be liable to a fine not exceeding \$1,000.
- d) Each day that a violation of the provisions of this Bylaw is caused or continues constitutes a separate offence.

**6. Severability**

If any portion of this Bylaw is for any reason held to be invalid, unlawful or unenforceable by the decision of any Court of competent jurisdiction, that portion shall be deemed to be severed from the Bylaw and its severance shall not affect the validity of the remaining portions of this Bylaw.

**7. Effective Date**

The District of Sicamous Wharf Regulation Bylaw comes into effect upon adoption.

**8. Title**

This bylaw may be cited for all purposes as the “**District of Sicamous Wharf Regulation Bylaw No. 935, 2017.**”

**READ** a first time this 10<sup>th</sup> day of May, 2017  
**READ** a second time this 10<sup>th</sup> day of May, 2017  
**READ** a third time this 10<sup>th</sup> day of May, 2017

**ADOPTED** this 24<sup>th</sup> day of May, 2017

‘Terry Rysz’  
Mayor

‘Evan D. Parliament’  
Corporate Officer

Certified a true and correct copy of the  
District of Sicamous Wharf Regulation Bylaw No. 935, 2017

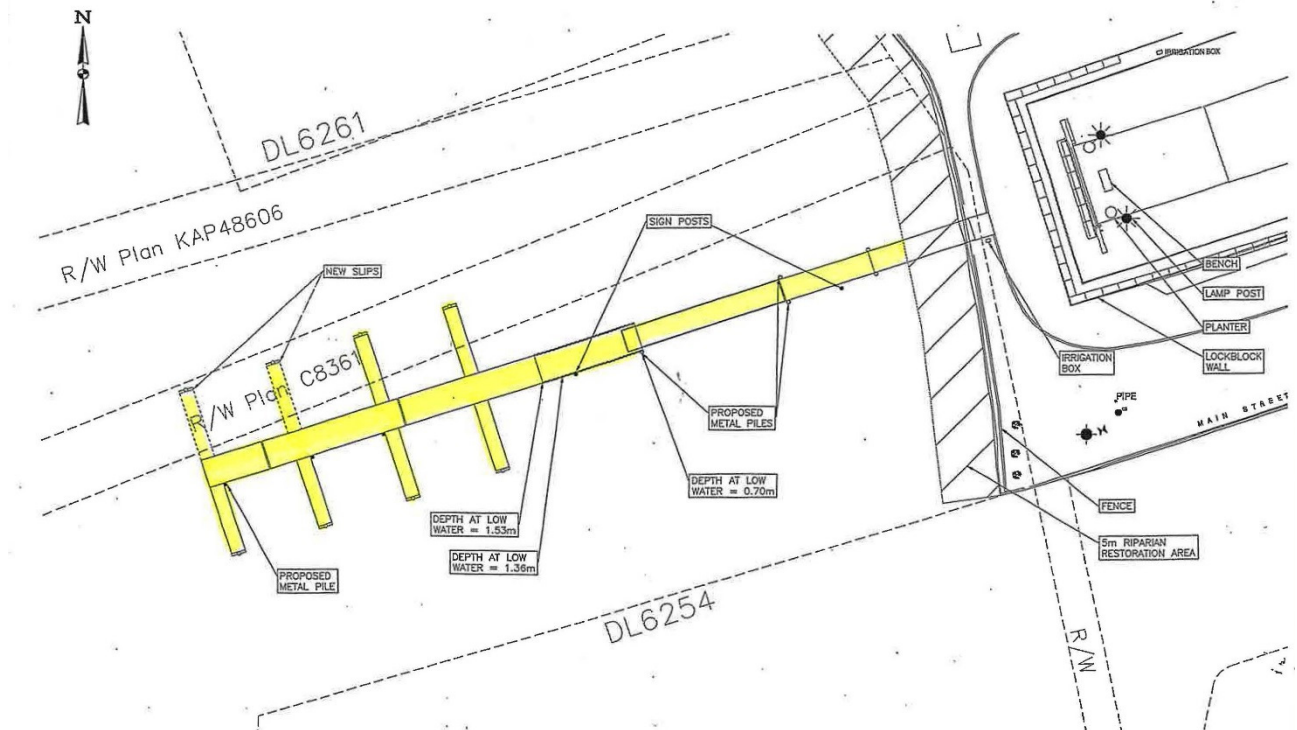
\_\_\_\_\_  
Corporate Officer

## Schedule "A"

### Wharfs

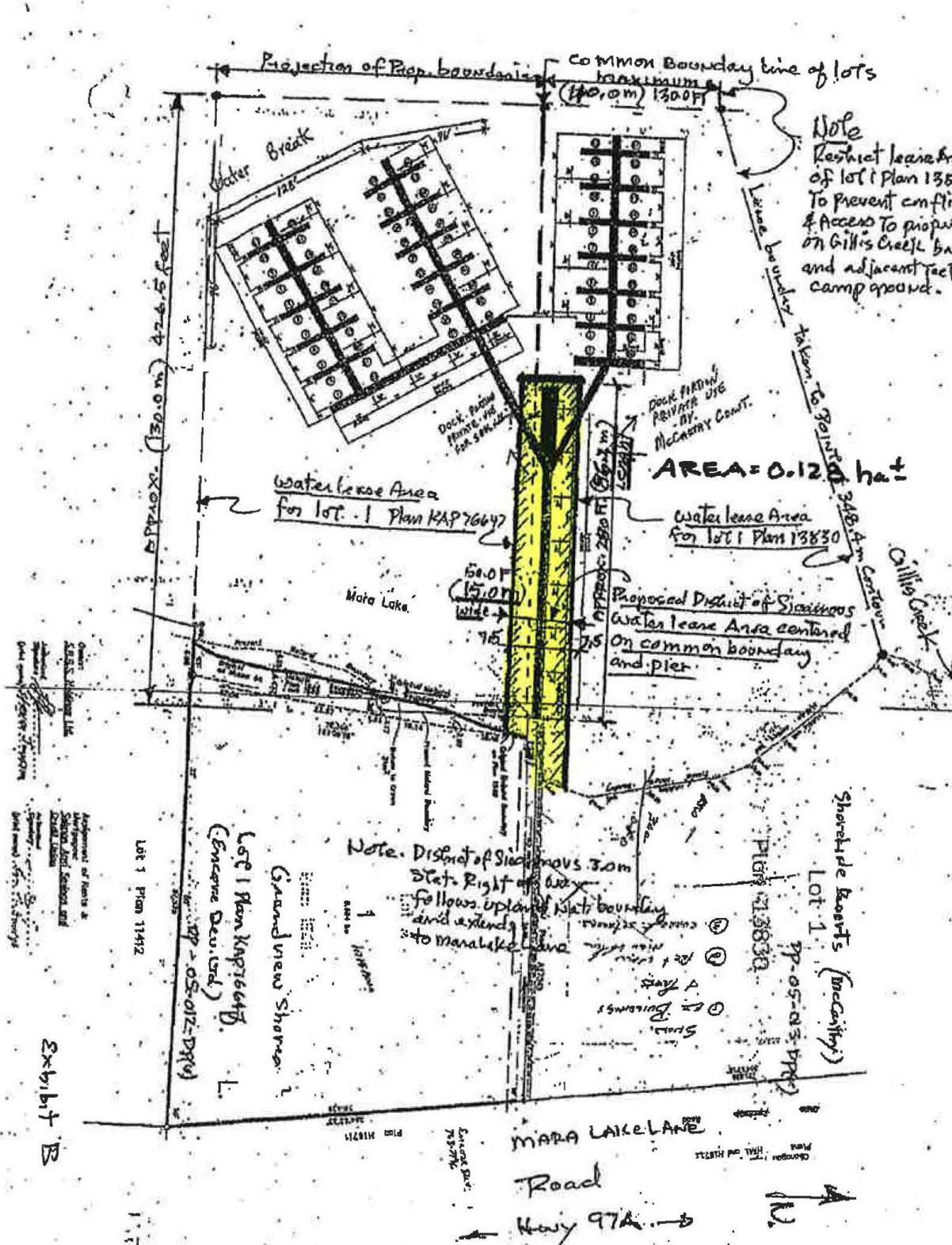
#### Main Street Wharf

Legal Description - all that foreshore or land covered by water being part of the bed of Sicamous Narrows situated in the vicinity of District lots 6309, Kamloops Division of Yale District.



Legacy Wharf

Legal Description - all that unsurveyed Crown foreshore being part of the bed of Mara Lake and fronting on Lot 1 Plan KAP76647 and Lot 1 Plan 13830 both of District Lot 496, Kamloops Division Yale District.

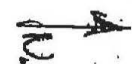


Note  
 Restrict lease area  
 of lot 1 Plan 13830  
 To prevent conflict  
 & Access to property  
 on Gillis Creek bar  
 and adjacent feet  
 camp ground.

AREA = 0.12 ha ±

Note. District of Six-month  
 Water Lease Area  
 follows upland lot boundary  
 and extends to mara lake line

Exhibit B



MARA LAKE LANE  
 Road  
 Hwy 97A

### Finlayson Street Boat Launch

Legal Description - all that unsurveyed Crown foreshore being part of the bed of Sicamous Narrows and fronting on highway right of way Plan H664, Kamloops division Yale District.

