

RODNEY DISTRICT COUNCIL

RODNEY DISTRICT COUNCIL GENERAL BYLAW: 1998

CHAPTER 12

USE OF PUBLIC WHARVES AND BOAT RAMPS

EXPLANATION

The Council owns and maintains a number of wharves and boat ramps within the District. These are generally available for public use and the Council has created this chapter of the Bylaw to ensure that it has proper control over the use of these places.

1.0 SCOPE

- 1.1 This chapter of the Bylaw relates to the regulation of activities on all wharves and boat ramps in the Rodney District, which are owned and operated by the Council.
- 1.2 This bylaw augments the powers conferred by the Auckland Regional Council through its Transfers of Power to the Council under the Resource Management act 1991, Section 33, and the ARC Navigation Safety Bylaws 2001.

2.0 INTERPRETATION

BERTHING	Means each individual use of a wharf not exceeding 30 minutes duration.
MASTER	In relation to any vessel (whether a fishing vessel or not) means any person for the time being having command or charge of the vessel.
PROCESSOR	Means any person who takes delivery of any fish for the purpose of processing, packing or selling.

3.0 VESSELS COMING ALONGSIDE WHARVES

- 3.1 The master of any vessel coming alongside any wharf shall be responsible for the proper and safe berthing of that vessel, and the master and owner of the vessel shall be responsible for any damage done to any wharf in connection with that vessel.
- 3.2 The Council may repair any such damage and charge the cost of doing so against the master or owner of the vessel doing the damage, and that cost may be recovered by the Council from the master or owner by action in the appropriate court.

4.0 DIRECTIONS AS TO BERTHING VESSELS

- 4.1 The master of any vessel requiring to berth at any wharf shall obey the instructions of the Harbourmaster or any Authorised Officer, as to where that vessel is to be berthed.
- 4.2 No vessel shall remain berthed at any wharf longer than is necessary to load or discharge passengers or goods, provided that no vessel shall remain berthed at any wharf for more than 30 minutes without the prior permission of the Harbourmaster or any Authorised Officer
- 4.3 No vessel shall remain berthed at any wharf without a master permitted to move the vessel being in attendance at all times.
- 4.4 Any master required by the Harbourmaster or any Authorised Officer, on presentation of a warrant of appointment by that officer, to move the vessel from any public wharf, must do so immediately.

5.0 USE OF WHARVES AND BOAT RAMPS

- 5.1 No person shall make any vessel fast to any wharf or boat ramp provided for the use of commercial vessels or rental vessels or allow any vessel to be so near thereto as to obstruct the approach of other vessels.
- 5.2 No person shall allow any vessel to lie alongside any wharf required for landing or embarking passengers except as otherwise provided in this chapter of this Bylaw.
- 5.3 No person shall operate water skis from, or in the vicinity of any wharf or boat ramp.
- 5.4 No person shall fish from any wharf or boat ramp, so as to obstruct reasonable use of such wharf or boat ramp.
- 5.5 No person shall commit a nuisance on, under or about any wharf or boat ramp.
- 5.6 No person shall swim or engage in any underwater swimming or underwater activity from or near any wharf or boat ramp without permission from the Harbourmaster or any Authorised Officer.
- 5.7 No person shall leave on or near any wharf or boat ramp any vessel, trailer or motor vehicle so as to obstruct the reasonable use of such wharf or boat ramp.
- 5.8 No person shall in any way obstruct or impede traffic on any wharf.

6.0 CLEANING WHARVES AND BOAT RAMPS

- 6.1 Before any vessel is removed from any wharf or boat ramp, the master shall ensure that all dirt and rubbish is cleared from that part of the wharf or boat ramp occupied by the vessel and disposed of properly.

7.0 ANIMALS ON WHARVES AND BOAT RAMPS

- 7,1 No person shall permit any animal to remain on any wharf or boat ramp for any time longer than is necessary for loading or unloading that animal.

8.0 DANGEROUS GOODS ON WHARVES AND BOAT RAMPS

- 8.1 Any person landing or causing to be landed from any vessel on to any wharf or boat ramp, any explosives, kerosene, motor spirits, fuel oil, or goods of a dangerous or flammable character shall cause the same to be removed from the wharf or boat ramp immediately on being landed.
- 8.2 No person shall load any explosives, kerosene, motor spirits, fuel oil or goods of a dangerous or flammable character on to any vessel from any wharf or boat ramp other than in sealed containers.
- 8.3 No person, without prior permission from the Harbourmaster or Authorised Officer, shall refuel any craft from any wharf or boat ramp from an external supply other than an official bowser.

9.0 FISHING VESSELS

- 9.1 Every master of a fishing vessel using any wharf or boat ramp for the unloading of fish or any marine life including seaweed shall maintain a complete and correct record of the quantity of fish or marine life unloaded and the dates and times of unloading.

- 9.2 Every master of a fishing vessel shall on request by the Harbourmaster or authorised officer, produce for inspection any record required under Clause 9.1 above.
- 9.3 Every master and owner of a fishing vessel and every processor shall be liable to pay the fees prescribed by the Council by resolution, publicly notified, in relation to any fish or marine life including seaweed, unloaded from any fishing vessel at any wharf or boat ramp, provided that the fees shall be payable only once in respect of each occasion on which the fish or marine life are unloaded.
- 9.4 The master or owner of a fishing vessel shall pay all fees prescribed by the Council by resolution, publicly notified, upon request to the Council or any Authorised Officer and may pay such fees in advance. Any credit for fees paid in advance:
- (a) Shall be offset against any fees which may become payable in accordance with the schedule of fees.
 - (b) Shall not be liable to be refunded by the Council; and
 - (c) Shall be transferable.

10.0 GOODS LANDED ON WHARVES AND BOAT RAMPS

- 10.1 Without the consent of the Harbourmaster or other Authorised Officer, no person shall use any public wharf or boat ramp for the passage of any goods other than as defined in Chapter 1.
- 10.2 All goods landed at any wharf or boat ramp shall be at the risk of the person loading the goods or causing the goods to be landed, and the Council shall be under no responsibility to deliver the goods to the consignee.
- 10.3 Any goods placed on any public wharf or boat ramp for shipment shall be placed there at the consignor's own risk, and the consignor shall be responsible for the safety of the goods until accepted by the master, owner or agent of the vessel on which they are to be shipped.

11.0 VEHICLES ON WHARVES OR BOAT RAMPS

- 11.1 No person shall move any vehicle on any wharf or boat ramp at a speed exceeding 5 km per hour.

12.0 POWERS OF HARBOURMASTER OR ANY AUTHORISED OFFICER

- 12.1 The Harbourmaster or any Authorised Officer shall have power to close all or part of any wharf or boat ramp whenever it is considered advisable to do so, and no person shall enter upon any place so closed without the consent of the Harbourmaster or any Authorised Officer.
- 12.2 The Harbourmaster or any Authorised Officer may require the owner or master of any vessel to comply with this Bylaw.

If the owner or master of such vessel does not comply as required or cannot readily be located, the Harbourmaster or an Authorised Officer may authorise the removal of the vessel to another place of reasonable safety provided that neither the Council nor the Authorised Officer shall be responsible for any loss of or damage to such vessel or its equipment sustained for any reason during the course of or subsequent to its removal.

Any expense incurred by the Council during such removal may be recovered from the owner in the appropriate court.

13.0 CLAIMS AGAINST THE COUNCIL

13.1 No person shall be entitled to claim against the Council for the loss of any goods landed or placed on any wharf or boat ramp or any wharf shed.

14.0 REMOVAL OF GOODS

14.1 Where any goods remain on any wharf or boat ramp for more than 48 hours, or where any such goods hinder the loading or unloading of any vessel, or are an impediment to the approaches of any wharf or boat ramp, the Harbourmaster or any Authorised Officer may have the goods removed at the expense of the owner, and the cost of removal shall be payable by the owner before taking receipt of the goods.

15.0 POWER TO SELL GOODS

15.1 In default of payment of any fees or payment due in respect of any goods under Clause 14.1, the Council may sell the goods.

16.0 OFFENCES

16.1 Every person commits an offence against this chapter of this Bylaw who:

- (a) Refuses to carry out the lawful instructions of the Harbourmaster or any Authorised Officer; or
- (b) Permits the remains of fish offal or other offensive matter to be placed on remain on or about any wharf or boat ramp; or
- (c) Without the consent of the Harbourmaster or any Authorised Officer, uses any wharf or boat ramp in a manner which may obstruct the reasonable use of such wharf or boat ramp.
- (d) Does any act in contravention of, or fails to comply with any provision of this chapter of this Bylaw.

17.0 FEES AND RECORDS

17.1 The master or owner of every vessel [other than a fishing vessel as defined in Chapter 1], using any wharf, landing place, pontoon, grid, or trailer launching ramp, shall pay such fees as are listed in the Schedules to the Bylaw, and prescribed by the Council from time to time by resolution publicly notified.

17.2 The master or owner of every vessel to which Clause 17.1 applies shall maintain such records, or supply such information as required by the Council so as to allow the Council to levy and collect all dues listed in the Schedules described in Clause 17.1.