



## **WESTLAND DISTRICT COUNCIL** **JACKSON BAY WHARF BYLAW**

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A Bylaw to control the use of the wharf, to protect it from damage and to recover the cost of providing a service to shipping.

In pursuance of the powers vested in it by the Local Government Act 1974 and all other enabling powers the Westland District Council hereby makes this Bylaw.

### **Analysis**

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## 1.0 Short Title

1.1 This Bylaw may be cited as the Jackson Bay Wharf Bylaw.

## 2.0 Commencement

2.1 This Bylaw shall come into force 14 days after its adoption.

## 3.0 Interpretation

3.1 In this Bylaw, unless the context otherwise requires:

“**Council**” means the Westland District Council and includes any person, authorised by the Council, to act on its behalf;

“**Master**” in relation to any vessel includes any person in charge of that vessel;

“**Owner**” in relation to a vessel, includes an agent and also includes a charterer.

“**Vehicle**” and “**Heavy motor vehicle**” have the same meanings as they respectively have in Section 2 (1) of the Land Transport Act 1998;

“**Vessel**” means every description of ship, boat or craft used in navigation whether or not it has any means or propulsion and regardless of that means; and includes a barge;

“**Wharf**” means the structure owned by the Council and operated by it for local shipping at Jackson Bay at latitude 43° 58' 31" and longitude 168° 36' 50"

“**Registered length**” or “**length**” in relation to any vessel means the length of that vessel measured from the foreside of the head of the stem to the afterside of the head of the stern post, or to the foreside of the head of the rudder stock if no stern post is provided;

## 4.0 Fees and Charges

4.1 The Council may from time to time by resolution fix fees and charges payable for all or any of following purposes:

(a) To provide funds for the maintenance and renewal of the wharf and any associated works, and facilities and providing any associated services.

(b) To defray the cost and expenses incurred by the Council in administering, policing and protecting the wharf and any associated works, facilities and services.

- 4.2 Any such fees and charges may be calculated according to the amount or nature of freight loaded or discharged at the wharf or of the vessel's tonnage, length or character or a combination of these factors.
- 4.3 The master of any vessel that berths at the wharf shall be liable for any berthage fees or charges fixed under this Bylaw. In the case of non-payment of the berthage fee the owner of the vessel shall be liable for such fees.
- 4.4 The fees and charges payable under this Bylaw shall be payable to the Westland District Council at Hokitika within 28 days of the fee or charge being incurred and shall be accompanied by a statutory declaration made in a form prescribed by Council.
- 4.5 Any fees or charges that are unpaid after 28 days shall incur an additional penalty for late payment. The penalty shall be 5 percent of the fee or charge outstanding at the close of each period of 28 days from the date of it being incurred.

## **5.0 Use of Wharf**

- 5.1 The master of every vessel that uses the wharf shall ensure that the vessel remains alongside the wharf only for the time necessary to load or discharge goods, or to take on fuel, fresh water or stores or to undertake emergency repairs
- 5.2 Notwithstanding sub clause (1) of this Bylaw the Council may at any time instruct the master of any vessel to remove the vessel from the wharf.
- 5.3 The master of any vessel arriving at the wharf shall use sufficient fenders and mooring ropes to protect the wharf from damage.
- 5.4 Every person who wilfully or negligently destroys or damages the wharf shall be liable for the amount of that destruction or damage or any loss or expenses caused to or incurred by the Council in any Court of competent jurisdiction.

## **6.0 Traffic On Wharf**

- 6.1 The Council in the interest of the safety of users of the wharf and to protect the wharf from damage may from time to time by resolution:
  - restrict the maximum speed of any vehicle using the wharf
  - limit the number of vehicles which may use the wharf at any one time,
  - restrict the use of heavy vehicles,
  - prohibit the parking, stopping or standing of vehicles on the wharf except for the purpose of loading supplies on to ships berthed at the wharf or to pick-up produce discharged from such ships.

6.2 Any such restrictions, limitations or prohibitions shall be displayed by notices or signs erected at the landward side of the wharf.

## **7.0 Miscellaneous**

7.1 No person shall place or store property or deposit rubbish on the wharf except in a receptacle or receptacles provided for that purpose

7.2 The Council may erect such notice boards and signs as it deems necessary on the wharf.

7.3 All lawful instructions, restrictions or prohibitions contained on a notice board or signs erected under this Bylaw shall be complied with at all times.

7.4 No person shall without the consent of Council place any placard or notice upon the wharf.

7.5 No person shall interfere with, damage or deface any noticeboard erected by the Council.

## **8.0 Offences**

8.1 Every person committing an offence against this Bylaw who without reasonable excuse:

(a) Fails, refuses or neglects to comply in all respects with any lawful instructions or demands made pursuant to this Bylaw by the Council or any person acting under its authority.

(b) Fails to pay any fees, charges or penalties payable pursuant to this Bylaw by the date they become payable.

(c) Makes a false declaration under clause 4.4 of this Bylaw.

(d) Wilfully or negligently destroys, damages or otherwise interferes with the wharf or any part thereof or anything forming part of or connected with the wharf.

(e) Fails to comply with or does any act in contravention of any condition, duty or obligation imposed by this Bylaw.

(f) Fails to comply with or does any act in contravention of any prohibition, restriction or limitation laid down or imposed by this Bylaw.

(g) Molests or makes use of threatening language to any officer or person exercising any power or duty under this Bylaw and acting under the authority of the Council.

**9.0 Penalties**

9.1 Every person who commits an offence against this Bylaw shall be liable to a fine not exceeding \$500.

The foregoing Bylaw was duly made by the Westland District Council by a resolution passed at a meeting of the Council held on 15<sup>th</sup> March, 2001 and (meantime having been publicly notified) confirmed as a special order at a subsequent meeting of the Council held on 19<sup>th</sup> April, 2001.

The Common Seal )  
of the Westland District Council )  
was affixed in )  
the presence of: )

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**General Manager**

**This Bylaw was reviewed pursuant to Section 158 of the Local Government Act 2002 and was confirmed on 19 June 2008.**