

THE FAR NORTH DISTRICT COUNCIL

MARITIME FACILITIES BYLAW 2002

Issued: 02 August 2002

To come into force as from: 10 August 2002

Amended May 2013 Resolution of Council 23 May 2013 and
publically notified 9th July 2013

For the purpose of: regulating the use of wharves and other landing places, grids, pontoons, and trailer-boat launching ramps, either owned by The Far North District Council, or controlled by The Far North District Council under a management agreement with the person or persons owning or leasing such land or facilities

1. INTRODUCTION

- 1.1 This bylaw is made by The Far North District Council in accordance with the provisions of the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992, section 16 of the Local Government Amendment Act (No 2) 1999, and every other enabling power and authority. **Statutory authority for Bylaw.**
- 1.2 The short title of this bylaw is “The Far North District Council Maritime Facilities Bylaw 2002”. **Short Title.**
- 1.3 The purpose of this bylaw is to enable the regulation of the use of wharves and other landing places, grids, pontoons, and trailer-boat launching ramps, either owned by The Far North District Council, or controlled by The Far North District Council under a management agreement with the person or persons owning or leasing such land or facilities. **Purpose of Bylaw.**
- 1.4 This bylaw comes into force on the 10th day of August 2002. **Effective date.**
- 1.5 This bylaw applies to those facilities and places described in the First Schedule hereto. **Scope of Bylaw.**

2. INTERPRETATION

- 2.1 “Agent” means any person or company appointed by the Far North District Council to collect charges on behalf of the Far North District Council. **Interpretation**
- “Authorised person” means any person authorised in writing by The Far North District Council or by the Council’s Chief Executive Officer, to carry out and enforce the obligations and requirements of this Bylaw.
- “Commercial wharf” means any commercial wharf listed in the First Schedule hereto.
- “Commercial operator” means a person who operates a vessel for hire or reward of any kind whatsoever.
- “Commercial vessel” means any vessel used to produce income.
- “Council” means The Far North District Council.
- “East Coast wharf” means any wharf other than a wharf located within the Hokianga Harbour.
- “Fees” includes any due, fee, or charge payable or leviable under this Bylaw.
- “Goods” includes wares and merchandise of every description and all chattels, livestock, and other articles.
- “Grid” means any grid listed in the First Schedule hereto.

“Master” means the person, not being a pilot, having command or charge of any ship.

“Non-commercial vessel” means any vessel other than a commercial vessel.

“Non-commercial wharf” means any non-commercial wharf listed in the First Schedule hereto.

“Pilot” means any person not belonging to a ship who has the conduct thereof.

“Publicly notified” means notified or published in some newspaper circulating at or near the wharf or place in relation to which that expression is used.

“Ship” includes every description of vessel.

“Trailer-boat launching ramp” means any trailer-boat launching ramp listed in the First Schedule hereto.

“Vessel” means a ship, boat, hovercraft, or any other description of vessel used or designed to be used in navigation.

“Wharf” means all wharves listed in the First Schedule hereto.

3. 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. 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 the Council may recover that cost from the master or owner by action in the appropriate court. ***Master/owner responsible for damage.***

4. DIRECTIONS AS TO BERTHING

- 4.1 The master of any vessel requiring to berth at any wharf shall obey the instructions of the Council or any authorised person, as to where that vessel is to be berthed. ***Council instructions to be obeyed.***
- 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 unless the prior permission of the Council or any authorised person has been obtained and the prescribed fee has been paid. ***Berth time limited to 30 minutes.***
- 4.3 Any master required by the Council or any authorised person to move any vessel from any wharf must do so immediately. ***Vessel to be moved immediately.***

5. USE OF WHARVES AND LANDING PLACES

- 5.1 No person shall make fast any vessel to any wharf or part of any wharf set aside for the use of commercial vessels or rental vessels or allow any vessel to be so near to any wharf as to obstruct the approach of other vessels, or allow any vessel to lie alongside any wharf or any part of any wharf required for landing or embarking passengers except as otherwise provided in this Bylaw. ***No obstruction permitted.***
- 5.2 No person shall fish from any part of any wharf while that part is in use for the purpose of embarking or landing passengers or while any vessel is approaching or departing from such part of any wharf. ***No fishing permitted while wharf is in use.***
- 5.3 No person shall commit a nuisance on, under or about any wharf; or engage in any activity or unsafe practice on, under or about any wharf, that is likely to cause injury to any person or damage to any property. ***No nuisance.***
- 5.4 No person shall swim or engage in any underwater swimming or underwater activity from or near any wharf without permission from the Council or any authorised person. ***No swimming without permission.***
- 5.5 No person shall leave on or near any wharf or ramp any vessel trailer or motor vehicle so as to obstruct the reasonable use of such wharf or ramp by any other person. ***No obstruction by vessel, trailer, or motor vehicle.***
- 5.6 The master or owner of every commercial fishing vessel wishing to load or unload fish shall only use a commercial facility owned or leased by Far North Holdings Ltd or Paua (Te Pua) and Opononi wharves for that purpose and then only upon payment of the prescribed fee as set out in the Second Schedule. ***Loading and unloading of fish***
- 5.7 In relation to any vessel the master or owner thereof shall seal all waste water discharge seacocks with the exception of bilge, refrigeration and engine cooling system discharge points and shall permit officers of the Northland Regional Council, Far North District Council or their agents to board vessels at any time to inspect the vessel and/or to check any discharges. ***Masters/owners to comply with Marine Pollution Regulations***

6. CLEANING WHARVES

- 6.1 Before any vessel is removed from any wharf the master shall ensure that all dirt and rubbish is cleared from that part of the wharf occupied by the vessel and deposited as directed by the Council or any authorised person. ***Wharf to be cleaned.***

7. ANIMALS ON WHARVES

- 7.1 No person shall permit any animal to remain on any wharf for any time longer than is necessary for loading or unloading that animal. ***Animals not permitted other than for loading.***

8. DANGEROUS GOODS ON WHARVES

- 8.1 Any person landing or causing to be landed from any vessel on to any wharf 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 immediately on being landed, and any omission to do so constitutes an offence. ***Dangerous goods to be removed promptly.***
- 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 other than in sealed containers unless prior approval has been obtained from the Council or any authorised person. ***Sealed containers required.***

9. GOODS LANDED ON WHARVES

- 9.1 All goods landed or loaded at any wharf 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. ***Goods landed at owners risk.***
- 9.2 Any goods placed on any wharf 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. ***Goods placed for shipment at consignors risk.***
- 9.3 Goods shall not be left unattended on any wharf.

10. VEHICLES ON WHARVES

- 10.1 No person shall move any vehicle on any wharf at a speed exceeding 5km per hour. ***Vehicles to proceed at walking pace.***

11. OBSTRUCTION ON WHARVES

- 11.1 No person shall in any way obstruct or impede traffic on any wharf. ***No obstruction of traffic.***
- 11.2 No person shall park a vehicle on any wharf other than in accordance with instructions of the Council or any authorised person. ***Parking vehicles***

12. POWERS OF COUNCIL OR ANY AUTHORISED PERSON

12.1 The Council or any authorised person shall have power to close all or part of any wharf whenever it is considered advisable to do so, and no person shall enter upon any wharf so closed without the consent of the Council or authorised person. ***Authorised person may close wharves.***

12.2 Any authorised person 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, an authorised person may authorise the removal of the vessel to another place of reasonable safety provided that neither the Council nor the authorised person 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 or master in the appropriate court. ***Authorised person may require compliance.***

13. CLAIMS AGAINST 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 in any wharf shed, but nothing in this clause shall relieve the Council from liability for negligence on the part of any servant of the Council acting within the scope and in the course of his or her employment. ***No entitlement to claim against Council.***

14. REMOVAL OF GOODS

14.1 Where any goods remain on any wharf for more than 4 hours, or where any such goods hinder the loading or unloading of any vessel, or are an impediment to the approaches of any wharf, the Council or any authorised person 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. ***Goods may be removed.***

15. POWER TO SELL GOODS

15.1 In default of payment of any fees or payment due in respect of any goods under clause 14, the Council or any authorised person may sell the goods. ***Council may sell goods.***

16. USE OF GRIDS AND TRAILER-BOAT LAUNCHING RAMPS

16.1 No person shall use any grid or trailer-boat launching ramp otherwise than in accordance with the requirements of this Bylaw. ***Use of grids and trailer-boat launching ramps***

17. FEES PAYABLE

17.1 The master or owner of every vessel using any wharf, landing place, pontoon, grid, or trailer-boat launching ramp, shall pay such fees as are listed in the Schedules to this Bylaw or are prescribed by the Council from time to time by resolution publicly notified. *Fees payable*

17.2 Upon payment of the prescribed fee the Council or Agent shall issue a maritime facilities licence to the master or the owner of the vessel. The licence shall be carried by the master or owner whenever the vessel uses any wharf, landing place, pontoon, grid, or trailer-boat launching ramp, and shall either be displayed in a visible position or shown to any Council agent or authorized person upon request. *Licence to be available upon request*

18. OFFENCES AND PENALTIES

18.1 Every person commits an offence against this Bylaw who: *Offences committed*

- (a) Refuses to carry out the lawful instructions of the Council or any authorised person; or
- (b) Permits the remains of fish offal or other offensive matter to be placed on or about any wharf; or
- (c) Without the consent of the Council or any authorised person, uses any wharf for a purpose other than embarking or disembarking passengers or loading or unloading goods; or
- (d) Does any act in contravention of or fails to comply with any provision of this Bylaw.

Any person who commits an offence against this Bylaw is liable to the penalty prescribed by the Local Government Act 1974, that is to say a fine not exceeding \$500 and where the offence is a continuing one, to a further fine not exceeding \$50 for every day or part of a day during which the offence continues.

19. CHANGES TO SCHEDULES

19.1 The Council may from time to time by resolution publicly notified make additions to, deletions from, or alterations to the various Schedules to this Bylaw. *Changes to Schedules*

20. REPEALED BYLAW

20.1 The Far North District Council Wharves Bylaw 1998 is hereby repealed. *Repealed bylaw*

FIRST SCHEDULE

GRIDS, TRAILER-BOAT LAUNCHING RAMPS, AND WHARVES (INCLUDING PONTOONS), TO WHICH THESE BYLAWS APPLY

Those grids situated at :

Mill Bay, Mangonui Harbour (adjacent to the trailer-boat ramp)
Rawene, Hokianga Harbour
Unahi Wharf grid, Rangaunu Harbour

Those trailer-boat launching ramps situated at:

Russell, Bay of Islands
Tapeka, Bay of Islands
Kaimarama Bay (Te Rawhiti), Bay of Islands
Opito Bay, Bay of Islands
Rangitane, Bay of Islands
Waipapa, Bay of Islands
Te Haumi, Bay of Islands
Ratcliffe Bay, Whangaroa Harbour
Totara North, Whangaroa Harbour
Mill Bay, Mangonui Harbour
Taipa, Taipa River
Hihi Beach, Doubtless Bay
Kohukohu, Hokianga Harbour
Horeke, Hokianga Harbour
Opononi, Hokianga Harbour
Rawene, Hokianga Harbour
Omapere, Hokianga Harbour
Waitapu, Hokianga Harbour
Houhora Heads, Houhora
Unahi ramp, Rangaunu Harbour

Those “commercial” wharves situated at:

Paua (Te Pua), Parengarenga Harbour
Opononi, Hokianga Harbour

FIRST SCHEDULE (continued)

Those “non-commercial” wharves situated at:

Kerikeri, Bay of Islands
Waipapa, Bay of Islands
Whangaroa (Clansman), Whangaroa Harbour
Whangaroa (Marlin), Whangaroa Harbour
Mill Bay, Mangonui Harbour
Mangonui Jetty, Mangonui Harbour
Te Hapua, Parengarenga Harbour
Tangaoko Landing, Parengarenga Harbour
Kohukohu, Hokianga Harbour
Horeke, Hokianga Harbour
The Narrows, Hokianga Harbour
Rawene, Hokianga Harbour
Rawene Pontoon, Hokianga Harbour
Te Karaka, Hokianga Harbour
Mangungu, Hokianga Harbour
Omapere, Hokianga Harbour
Motuti Walkway, Hokianga Harbour
Unahi wharf, Rangaunu Harbour

SECOND SCHEDULE

Fees payable for the period from 10 August 2002 to 30 June 2003 and for subsequent years (unless altered by Council resolution):

Fees - Commercial Vessels/ Commercial Operators

A. Commercial passenger vessels/operators (other than fishing vessels) - use of wharves (including pontoons) and trailer-boat launching ramps

Annual facility fee for loading and unloading	Fee exclusive of GST
Fee based on the maximum surveyed passenger numbers as stated on the safe ship management certificate	
Fee per passenger	\$69.00

Casual facility fee for loading/unloading or maintenance	Fee exclusive of GST
Per loading/unloading	\$100.00

B. Commercial fishing vessels- use of wharves (including pontoons) and trailer-boat launching ramps

Annual facility fee for loading and unloading	Fee exclusive of GST
Fee based upon catch landed, collected by the Licensed Fish Receiver and forwarded to Far North Holdings Ltd	Wet fish 1.2 cents/kg \$12/tonne Crayfish 5.2 cents/kg \$52/tonne Scallops 4.0 cents/kg \$40/tonne Mussels 0.5 cents/kg \$5/tonne

Casual facility fee for loading/unloading and maintenance	Fee exclusive of GST
Per loading/unloading	\$100.00

C. Commercial Vessels/Operators Not Otherwise Described-Use of wharves (including pontoons) and trailer-boat launching ramps

Annual facility fee for loading and unloading and maintenance	Fee exclusive of GST
Fee based on size of vessel: less than 6 metres 6 metres and over	\$250.00 per annum \$250.00 plus \$50.00 per metre

D. Commercial Vessels-All Categories- Casual Berthage/Use of Facilities For Maintenance

Casual Use of facilities for Berthage and Maintenance	Fee exclusive of GST
By arrangement with the facilities manager, Far North Holdings Ltd	\$30.00 per 24 hours or part thereof

THIRD SCHEDULE

Fees payable for the period from 10 August 2002 to 30 June 2003 and for subsequent years (unless altered by Council resolution):

Fees- Non-Commercial Vessels

B Non-commercial vessels- use of wharves (including pontoons) and trailer-boat launching ramps

Annual facility fee	Fee inclusive of GST
Maritime facilities licence to be issued by the facilities manager, Far North Holdings Ltd upon payment of the annual fee	\$25.00 per annum

B Non-commercial vessels- use of wharves (including pontoons) and trailer-boat ramps

Casual facility fee-maintenance of vessels	Fee exclusive of GST
Use of facilities for vessel maintenance (by arrangement) with facilities manager Far North Holdings Ltd	\$30.00 per 24 hours or part thereof.

FOURTH SCHEDULE

Fees payable for the period from 10 August 2002 to 30 June 2003 and for subsequent years (unless altered by Council resolution):

Fees-All Vessels- Use Of Inter-Tidal Grids At Mill Bay and Rawene

Casual facility fee for use of grid	Fee exclusive of GST
Use of facility by arrangement with the facilities manager Far North Holdings Ltd	\$15.00 per day

FIFTH SCHEDULE

Fees payable for the period from 23 May 2013 and for subsequent years (unless altered by Council resolution):

Fees – Unahi Wharf, Ramp, Pile, Grid and Hardstand

A. Commercial fishing vessels- use of Unahi wharf (including pontoons) and trailer-boat launching ramps

Annual facility fee for loading and unloading	Fee exclusive of GST
Fee based upon catch landed, collected by the Licensed Fish Receiver and forwarded to Awanui Progressive & Ratepayers Association	Wet fish 1.2 cents/kg \$12/tonne Crayfish 5.2 cents/kg \$52/tonne Scallops 4.0 cents/kg \$40/tonne Mussels 0.5 cents/kg \$5/tonne

Casual facility fee for loading/unloading and maintenance	Fee exclusive of GST
Per loading/unloading	\$100.00

B Non-commercial vessels- use of wharves (including pontoon)

Casual facility fee-maintenance of vessels	Fee exclusive of GST
Use of facilities for vessel maintenance (by arrangement) with Awanui Progressive & Ratepayers Association	\$30.00 per 24 hours or part thereof.

C. All vessels- use of Unahi wharf maritime facilities (including piles, grid, hardstand and trailer-boat launching ramps)

Fees are to be collected by Awanui Progressive & Ratepayers Association as “agent” and “authorised person”.	Fee <u>inclusive</u> of GST
Pile Mooring	\$500/annum
Pile mooring [casual]	\$20/day
Ramp use [trailer boat]	\$2/day
Ramp use [trailer boat]	\$40/annum
Ramp use [large boat]	\$40/haul out & \$40/return
Hardstand parking of boats	\$20/day
Grid fee	\$50/24 hours