



Legacy Bylaw Provisions on Wharves

Confirmed 29 October 2015

Contents

Bylaw	Clauses confirmed on 29 October 2015	Page
Auckland City Council Bylaws: Bylaw No.8 - Wharves 2008	Full bylaw	1
Rodney District Council General Bylaw 1998: Chapter 12 Use of Public Wharves and Boat Ramps	Full bylaw	8

Auckland City Council Bylaws: Bylaw No.8 - Wharves 2008, the full bylaw

Explanatory note

This bylaw is to facilitate the safe, efficient and orderly control of wharves owned, operated or managed by council, so that facilities are available for the safe passage of the travelling public and the transport of goods on and off vessels, that the wharves are accessible to the public, recreational and commercial vessel owners subject to appropriate conditions.

Notes in italics within the bylaw, are not part of the bylaw, but are intended to explain the contents of the bylaw or give further information on matters within the bylaw.

Reprinted with amendments

As at 09 October 2009 the Auckland City Council Wharves Bylaw 2008 has been amended by the following amendments:

Wharves Bylaw Amendment No 1 of 2009

Amendments as a result of the introduction of the Auckland City Council Bylaw Administration Bylaw 2009, which came into force 09 October 2009.

8.0 Definitions

In this bylaw unless the context otherwise requires:

Authorised officer means any person authorised to carry out any of the duties provided for in this bylaw.

Structure means any building, pile, pipe, cable, drain, harbour work or any other permanent structure of any kind.

Wharf and wharves includes any wharf, quay, pier, jetty, reclamation, landing facility, landing ramp, Pontoon, or other landing place, building, land, access way, wharf building, wharf land, or premises, plant or access way, wharf plant and wharf machinery which is owned or operated by or managed by the council which is used for, or in connection with:

- a. The berthing, loading or unloading of vessels, or
- b. The marshalling of cargo, people or vehicles related to the sea transport of passengers or freight, or
- c. The recreational activities of the public.

Commercial vessel means any vessel whose principal function is to move passengers and/or goods for hire or reward, or any commercial fishing vessel. A vessel with a current Maritime Safety Authority certificate is deemed to be commercial vessel.

8.1 Damage to Wharves

8.1.1 No person shall:

- a. Damage, or interfere with any wharf, or any structure, sign or lifesaving apparatus attached thereto or used in connection therewith;
- b. Remove from, erect on, or affix to any wharf, any sign or structure without written permission from an authorised officer, provided that this sub-clause shall not apply to any actions taken by or on behalf of the council for the purposes of this bylaw, or in its capacity as owner, operator or manager of any wharf.

Note: The erection of signs in maritime areas is covered by Clause 27.7 of Auckland City's Signs Bylaw 2007.

Liability for damage

8.1.2 Every person using a wharf shall be liable for any damage to that wharf by that person or any agent or employee of that person, including damages from the use of any vessel or motor vehicle.

Council may repair and recover cost

8.1.3 The council may repair any damage to a wharf and charge and recover the cost of such repairs from any person liable for that damage.

8.2 Berthing requirements

Directions

- 8.2.1 Every person using a wharf shall comply with all lawful directions given by an authorised officer, including directions given in the event of any conflict concerning the use of all or part of any wharf.

Time limits on usage

- 8.2.2 Unless for saving life or property, or as otherwise expressly permitted by an authorised officer, the person in charge of a vessel shall not allow that vessel to remain at a wharf for any period in excess of the time needed to land or load goods, or to land or embark passengers or vehicles, or as indicated in any notice displayed at the wharf, or as provided in that operator's licence or other permission granted by the council.

Person in charge

- 8.2.3 No person shall (unless prior permission has been obtained from an authorised officer) cause any vessel or vehicle to remain at any wharf without a person in charge of the vessel or vehicle who can safely move it if requested by an authorised officer.

- 8.2.4 No person shall obstruct or prevent any vessel from using any part of a wharf at the times or in a manner specified in any notice displayed at the wharf or as required by an authorised officer pursuant to clause 8.2.1.

Layover Berthage Charges

- 8.2.5 Notwithstanding the provisions of clause 8.2.2, in the event that any vessel remains at a wharf in excess of the time limit specified in the notice displayed at the wharf area or as provided in that operator's licence or other permission, or as expressly permitted by an authorised officer, the operator of the vessel shall pay such additional fees as provided for in the licence or as prescribed by the council from time to time.

Vessel and Vehicle Removal

- 8.2.6 An authorised officer may remove, cause to be removed or direct the removal of any vessel or vehicle from any wharf where the authorised officer believes that the vessel or vehicle is at the wharf in contravention of the bylaw. The council and any authorised officer shall not be liable for any loss or damage sustained by any reason as a result of such removal of any vessel or vehicle.

8.3 Discharges and rubbish

Discharges from Vessels

- 8.3.1 No person shall discharge any litter, rubbish, sewage, contaminant or other refuse material from any vessel which is tied up at a wharf except in a manner approved by an authorised officer.

Washing or Cleaning

- 8.3.2 No person shall wash or clean by any means any vessel, vehicle, motor or any other mechanical equipment on or at a wharf in a manner that leads to the release of a contaminant onto the wharf or into the water near a wharf.

8.4 Animals

Animals under control

- 8.4.1 Subject to any other provisions of the bylaw no animal shall be allowed on to any wharf, unless that animal is under the full control of the person responsible for it. Dogs shall be kept on a lead whilst on a wharf.
- 8.4.2 No person shall permit any animal that is to be loaded on to, or unloaded from any vessel to remain on a wharf, for a period longer than is necessary for such loading or unloading.

Noxious Animals

- 8.4.3 No person shall unload from any vessel onto any wharf any mustelid (e.g. ferrets, weasels and stoats), rodent, hedgehog, deer, wallaby, opossum or other animal specified as a pest pursuant to the Biosecurity Act 1993.

8.5 Hazardous substances

- 8.5.1 The owner, consignor, consignee (or any agent or employee of the owner, consignor or consignee) of any hazardous substance within the meaning of the Hazardous Substances and New Organisms Act 1996 shall cause that hazardous substance to be removed from any wharf within one hour of it being placed there, except where the hazardous substance is stored in an area and manner approved by an authorised officer.
- 8.5.2 No person shall load any hazardous substance onto a vessel at a wharf or unload any hazardous substance from a vessel onto any wharf, unless the hazardous substance is within an appropriate and waterproof container.

8.6 Goods on wharves

- 8.6.1 No person shall place any property on or at a wharf in a dangerous manner, or in a manner that obstructs the use of the wharf or the passage of the travelling public.

Goods on Wharves

- 8.6.2 All property placed on or left at a wharf for loading, or landed or stored on or at the wharf, shall be at the risk of the owner, consignor or consignee of the property.
- 8.6.3 The council shall be under no responsibility to deliver or take care of any property placed on or left at a wharf.
- 8.6.4 No property placed for loading, or landed on or at any wharf, shall remain on or at the wharf for a period of more than one hour except with the permission of an authorised officer.
- 8.6.5 Where any property is left on or at a wharf for any period exceeding one hour (except in a storage area approved by an authorised officer), or for a period of time greater than that allowed by an authorised officer pursuant to clause 8.6.4, an authorised officer may remove and store the property at the risk and expense of the consignor, consignee or owner. The cost of such removal and storage shall be payable to the council by

the person claiming possession of such property before the property is released to that person and the council shall not be responsible for verifying that person's entitlement to possession of the property.

Unclaimed Goods

- 8.6.6 Any property placed on or left at a wharf that remains unclaimed for a period of 28 days may be sold or otherwise disposed of by the council. Where such property is sold the proceeds of the sale shall be applied first towards the costs referred to in clause 8.6.5 above. Any balance shall be paid to the owner, consignor or consignee.

8.7 Closure of wharves

- 8.7.1 An authorised officer may without prior notice close part or all of a wharf at any time.
- 8.7.2 No person shall enter any portion of a closed wharf, without the consent of an authorised officer.

8.8 Barriers

Barriers may be erected

- 8.8.1 An authorised officer and any person acting at the direction of an authorised officer may erect and operate control barriers on or at any part of any wharf, or access to a wharf, for the purposes of maintaining public health and safety, traffic control, or the separation of embarking and disembarking passengers.
- 8.8.2 No person shall, except with the consent of an authorised officer, cross a barrier erected pursuant to clause 8.8.1 above.
- 8.8.3 No person, except an authorised officer, or a person acting under the direction of an authorised officer, shall erect a barrier on a wharf, operate a barrier or lock any gate or barrier on a wharf.

8.9 Vehicles on wharves

Obstructing Wharves

- 8.9.1 In addition to any other requirement under the bylaw, no person shall leave a vehicle on, at or near any wharf so as to obstruct the use of the wharf or the passage of the travelling public.
- 8.9.2 A person bringing a vehicle onto a wharf shall ensure that it is driven or handled with due care for the safety of all persons using the wharf.
- 8.9.3 No person shall bring onto a wharf any vehicle that exceeds the stated weight limit for that wharf as specified on the notice displayed at the wharf.

Vehicles may be towed

- 8.9.4 Any vehicle parked or left on a wharf in a manner which contravenes the bylaw may be towed away at the direction of an authorised officer and stored at the expense of the owner of the vehicle. The vehicle shall be returned to the owner on payment of any expenses incurred for towing and storage.

Time limits to load/unload

- 8.9.5 Unless otherwise permitted by an authorised officer or as indicated in any notice displayed at the wharf, the person in charge of a vehicle shall not allow that vehicle to remain at a wharf for any period in excess of the time required to load or unload wharf goods or collect or discharge passengers or as indicated in any notice displayed at the wharf, or as provided in that operator's licence or other permission granted by the council.

8.10 Licensing of wharf users and fees

General

- 8.10.1 No person in charge of a vessel shall berth that vessel at or otherwise use a wharf except with the permission of the Council (by way of licence or otherwise) and in accordance with the terms of that permission.

Licence for commercial use of wharves

- 8.10.2 Prior to the use of any wharf by a commercial vessel, the owner or operator of the vessel shall obtain a licence from the council authorising the use of that wharf by that vessel.
- 8.10.3 A permission or licence granted or issued by the council pursuant to clause 8.10.1 or clause 8.10.2 may be subject to such application fees, wharf user fees, and collection of fees as prescribed by the council, unless otherwise agreed with the licensee.

Public Liability Insurance

- 8.10.4 The council may require the owner or operator of any commercial vessel using any wharf, to have in place current public liability insurance to the council's satisfaction. The council may prohibit any vessel not complying with such requirement from using any wharf.

8.11 Trading on wharves

Street Trading

- 8.11.1 No person shall trade in any goods or services on any wharf without a street trading licence issued by the council pursuant to the Public Places bylaw 2008.

8.12 Behaviour

Fishing

- 8.12.1 No person shall fish from any part of a wharf while a vessel is approaching or departing from that part of the wharf or is tied up at that part of the wharf; or in contravention of any signs erected at or on a wharf.

Swimming/diving

- 8.12.2 No person shall swim or dive from a wharf while a vessel is approaching or departing from that wharf or is tied up at that wharf; or in contravention of any signs erected at or on a wharf; or otherwise at a time or in a manner which is unsafe to that person or any other person.

Creating a nuisance

- 8.12.3 No person shall create a nuisance or behave in an offensive manner on, at, or under a wharf, or on a vessel berthed at any wharf.

Obstruction

- 8.12.4 No person shall obstruct or impede any traffic on any wharf.

Rodney District Council General Bylaw 1998: Chapter 12 Use of Public Wharves and Boat Ramps, full bylaw

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.