

# **3. Operations**

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## 4.1 Harbour Facility Management

This section describes typical activities for managing a fishing harbour facility. Management areas include:

- daily supervision,
- garbage disposal,
- waste oil disposal,
- utilities (electricity and water),
- parking and vehicle traffic,
- rules of conduct, and
- vessel records.

### 4.1.1 Daily supervision

Daily supervision of the harbour facility is performed by members of the Harbour Authority's Board of Directors or a person hired to carry out this duty. Harbour supervision responsibilities, as specified in the terms and conditions of the harbour facility lease, include:

- explaining policies, regulations, and rate structures to harbour facility users;
- controlling parking areas;
- ensuring trash and used oil are disposed of in appropriate containers;
- ensuring the facilities are clear of personal property and spare gear;
- ensuring that users of harbour equipment comply with operating instructions and restrictions; and
- reporting, in writing, the details of all incidents (e.g., fires, damage to property, etc.).

#### Daily log or notebook

Harbour supervisors are encouraged to keep a daily log or carry a notebook in which to record observations (including the date and time) of incidents that take place at the harbour. The log or notebook is a useful reference for completing reports and, if necessary, testifying in court.

#### Hours of operations

Harbour hours of operation and a 24-hour emergency telephone number should be posted in a location that is visible to harbour users, such as the door of the Harbour Authority office.

### Other

Supervisors should not take responsibility for the property of a harbour user in the user's absence.

A supervisor who uses a personal vehicle to carry out harbour duties should ensure that his or her vehicle insurance covers such usage.

## 4.1.2 Garbage disposal

### Collection

No garbage, waste, or other debris may be discharged or disposed of in the harbour water. The Harbour Authority is responsible for providing properly identified garbage containers at the harbour and placing them in areas that are accessible to users.

The Harbour Authority may consider recycling such items as cardboard, plastic, and compost. Harbour users could be required to flatten cardboard boxes to conserve space and reduce costs. Recycling may save money or create revenue for the Harbour Authority.

### Hazardous material

Harbour users are responsible for placing hazardous material, such as flammable liquids (and their containers), batteries, refrigerants and corrosive material, fish nets, engine blocks, and hatch covers in the harbour garbage containers, or disposing of them in accordance with provincial or municipal laws.

### Misuse

On occasion, non-harbour users dispose of household or other off-site waste in harbour garbage containers. This may create a problem in municipalities that levy a per unit fee for the collection of garbage. Also, as this activity may be considered theft of services, a person may be held criminally liable.

The Harbour Authority may choose to limit the amount of garbage transient boaters dispose of at the harbour by providing specially identified receptacles for this purpose or by limiting the number of bags of garbage per vessel per day. A fee may be charged for each additional bag.

## 4.1.3 Waste oil disposal

Boating and fishing activities generate used oil, flammable liquids, and oily bilge water. The Harbour Authority is responsible for ensuring that such waste is disposed of in an environmentally appropriate manner.

### Used oil recycling containers

Harbour users are responsible for placing used oil into used oil recycling containers. Used oil recycling containers should be located in a safe area away from traffic or other potential sources of danger, and regularly emptied by a licensed contractor. The Harbour Authority should monitor the work of the contractor to ensure that containers are maintained in good order according to the terms of the contract.

A notice should be posted near used oil recycling containers requesting that any signs of leakage be immediately reported to the Harbour Authority.

## 4.1.4 Utilities

The Harbour Authority should ensure that electrical and water systems are well-maintained and properly used by harbour users.

The Harbour Authority should be aware of potential abuse of the system, when electrical and water services are provided as part of the berthage fee.

### Electrical power

The Harbour Authority should ensure that a qualified electrician regularly inspects the electrical system and conducts seasonal start-up and shut-down procedures.

### Inspection of electrical systems

A standard inspection checklist for electrical systems includes the following areas of inspection:

- Meter bases, exposed wiring, light fixtures, and other components are in good condition.
- Fixtures and outlets are in good condition (not broken, worn, or deteriorated).
- The gauge and insulation value of the extension cables or cords are suitable for use in a marine environment.
- Shore power cords are secured so they do not hang into the water or create a hazard for pedestrian traffic on floats.
- There is no evidence of fraying on electrical cords.
- Metallic cable and conduit systems are properly grounded.
- All fuses and circuit breakers are the correct type and size for the load.
- All fuses are free of “jumping” with pennies or metal strips.

### Water services

The Harbour Authority should regularly inspect water lines, faucets, and valves for malfunctions such as leaks, frozen sections, and changes in pressure. Seasonal start-up and shut-down procedures should also be conducted.

## 4.1.5 Parking and vehicle traffic

The Harbour Authority is responsible for controlling vehicle access to, and parking on, harbour property. Speed limits and parking regulations may be posted within the harbour.

### Parking permits

The Harbour Authority may choose to issue harbour users with parking permits in order to restrict access to parking lots by visitors, especially in smaller lots. Issuing permits may be a potential source of revenue for the Harbour Authority.

### Parking restrictions

The Harbour Authority may choose to impose the following parking restrictions:

- parking is limited to a maximum of 24 hours or three days;
- “no camping” or “no overnight sleeping” is permitted (overnight parking represents a security risk in most harbours);
- access to the wharf by vehicle is restricted to owners/operators of vessels; and
- other restrictions regarding vehicle size and weight.

Parking on the wharf is not recommended as it may restrict access to the wharf by emergency vehicles. However, parking may be permitted for a limited period of time for activities such as loading and unloading.

## 4.1.6 Rules of conduct

The Harbour Authority should clearly communicate rules of conduct to harbour users. Some common rules are:

1. Consumption of alcoholic beverages is only permitted on private vessels.
2. Use of illegal substances is prohibited.
3. Disruptive behaviour, such as fighting, is not to be tolerated.
4. Children under 10 years of age must be accompanied by an adult on piers, floats, and storage and repair areas.
5. Pets must be kept on a leash or be under the direct control of their owner at all times.
6. Pet owners are responsible for cleaning up after their pets.



7. Swimming, water-skiing, scuba diving, and fishing are not permitted in the harbour.
8. People may not live aboard their vessel in the harbour (live-aboard tenants).
9. Bicycling, skateboarding, and rollerblading is not permitted on floats and piers.
10. Harbour users must comply with municipal noise regulations.

### Safety

For safety reasons, the Harbour Authority should ensure that all main floats and walkways are clear at all times of supply material, accessories, debris, and fishing gear. The Harbour Authority should also ensure that no mooring lines, cables, water hoses, and vessel structures obstruct walkways.

The Harbour Authority may request that vessel owners/operators have no open fires or wood burning stoves aboard vessels or on docks within the harbour, and that charcoal burners, barbecues, and grills be used only in designated areas of the harbour.

All potential hazard areas should be barricaded and identified.

## 4.1.7 Vessel records

Vessel records contain information about the boats using the harbour facilities.

### Description

Depending on the needs of a Harbour Authority, vessel records can provide some of the following information:

- the name of the vessel;
- the vessel number;
- the type of vessel (e.g., commercial fishing, commercial, pleasure, government);
- the length of the vessel in metres;
- the ministry of Transport registration number;
- the hull and gear type;
- the number of the reserved slip (a berthage area set aside for the exclusive use of a particular boat for a specific period of time) and anniversary date (the renewal and payment due date), if applicable; and
- the name, address, and telephone number of the owner, or the operator, or both.

### Reminder

As with other records, vessel records should be kept in a safe place, protected from fire and other potential sources of damage. Keeping a duplicate copy of important documents and records in a separate location is a good precaution against fire or other disaster.

## Reference Material

*Marina & Boating Industry Loss Control Guidelines* prepared for the Michigan Boating Industries Association and for Universal Insurance's Services Inc., 1992.

These guidelines provide a comprehensive checklist to help employees of the Harbour Authority and the public identify hazards at a harbour. Relevant topics include slip and trip prevention; lifting and handling material such as drums and barrels; the safe use of hand tools, and power lifting equipment such as lift trucks and mobile hoists.

## 4.2 Maintenance and Repair

This section describes the procedures involved in maintaining and repairing harbour structures and utilities, and the safety measures that should be taken.

### 4.2.1 Structures

The following maintenance and repair activities for harbour structures ensure that:

- **access** to the channel and moorage basin is clear for vessel passage;
- **breakwaters** are free of logs and debris;
- **wharf and float** maintenance includes refastening, repairing, or replacing missing, rotting or otherwise damaged planking and hand railing, and wheel guards/curbs and pile rub boards; rubber tires are to be maintained in pile wells where excessive pile wear occurs;
- **water supply lines** should be bled during freezing conditions;
- **launching facilities** are in good working condition and are free of debris;
- **anchor**: chain wear, movement, and the corrosion protection of the anchor is checked periodically;
- **zinc corrosion protectors** are inspected and replaced as needed;
- **gangway** maintenance includes the inspection and lubrication of pins, and ensures that pins remain seated in sleeves;
- **deck** maintenance includes refastening, repair or replacement of any damaged or missing deck material and gangway tracks (in case of problems such as rotting or wearing of the structural components, Small Craft Harbours (SCH) should be notified);
- **gangway wheel guide** maintenance includes removing dust or any other impediments from the track, and lubricating the wheels;
- **skidway/slipway and boat grid** maintenance includes removal of debris as required;
- **facility approach** maintenance includes refastening, repairing, and replacing missing, rotting, or otherwise damaged planking and hand railing;
- **other**: fenders, mooring devices, ladders, the travel lift, and the haulout engine should also be maintained.

### 4.2.2 Utilities

Harbour utilities such as electrical systems, lighting equipment, and water systems must be maintained and repaired. **Electrical system** maintenance includes the repair and replacement of damaged receptacles; **lighting equipment** maintenance includes the supply, installation, and repair of bulbs, ballasts, and glass shields; and **water system** maintenance includes minor repairs to faucets and water lines, and winter preparation required to keep the lines from freezing.

The steps involved in carrying out maintenance and repair work include:

- identifying maintenance and repair requirements;
- determining the scope and priority of each project;
- obtaining necessary technical assistance from the Department of Fisheries and Oceans (DFO);
- estimating the cost and duration of each project;
- obtaining necessary approvals from DFO and any other applicable organizations; and
- arranging project financing and proceeding with the work as funds become available.

The Harbour Authority should respect construction standards set by DFO for the maintenance and repair of their facilities. DFO provides technical assistance at the request of the Harbour Authority.

### 4.2.3 Safety measures

Once a malfunction or damage to the harbour facilities has been identified, the Harbour Authority is responsible for ensuring that the problem does not endanger harbour users. In the event of a malfunction or damage, the following safety measures should be taken:

- post a warning sign;
- secure the hazardous area with a barricade or another means;
- record in writing the situation and the corrective action taken; and
- if applicable, immediately advise DFO and provide a written report.

## Reference Material

*A Guide to Maintenance and Operations of Small Craft Harbors* prepared by Peratrovich, Nottingham & Drage, Inc. (Alaska, USA), 1985.

This is an instructive guide that provides a systematic approach to monitoring and evaluating the condition of the harbour facilities (e.g., identifying, recording, and communicating harbour maintenance and operations problems and needs). The *Guide* focusses on these critical elements referred to as “chronic high maintenance items”.

## 4.3 Fueling

This section describes the three most common methods of supplying fuel at a harbour:

- fixed fuel delivery systems (aboveground and underground),
- fuel delivery trucks, and
- portable fuel tanks.

Fueling at harbours is a source of concern owing to the risk of soil and water contamination, and the potential for causing a fire or explosion.

Appendix 4-A at the end of this section is a sample fuel handling instruction sheet. The sheet may be posted at fueling stations or distributed to users to encourage safe fueling practices. In addition, Small Craft Harbours (SCH) has created construction and operational guidelines for fuel and waste oil systems that should be followed by the Harbour Authority.

### 4.3.1 Fixed fuel delivery systems

Fixed fuel delivery systems are permanent fueling facilities located at harbours for the purpose of storing and dispensing fuel.

#### Licences

The Harbour Authority should issue an operating licence for aboveground or underground permanent fueling facilities. The licence agreement should contain the following conditions:

- compliance with all applicable environmental and fire safety regulations;
- compliance with applicable Underwriters' Laboratories of Canada (ULC) and Canadian Standards Association (CSA) standards, and other standards of construction;
- fueling facilities must be located in a safe area with adequate protection from vehicles;
- fueling facilities must be equipped with a ULC-approved fire extinguisher;
- the type of maintenance to be conducted on storage tanks and dispensing equipment, and a maintenance schedule; and
- confirmation of adequate liability insurance coverage.

Should a fueling facility be incorrectly installed or operated, the Harbour Authority should request that the situation be corrected and suspend the licence if the request is not met. The fueling system should be inspected annually against federal standards; all discrepancies should be rectified.

### Operating procedures

The Harbour Authority should be aware of potential unsafe use of fueling facilities by harbour users. Common, unsafe use consists of leaving a fill hose full of fuel and the nozzle unlocked. Although the hose may be off and the valve locked, several gallons of fuel may be left in the hose. A person could drain the fuel through the unlocked nozzle. Exposed fuel creates a potential fire hazard. Nozzles should be locked if hoses are left unattended.

Motor vehicle engines should also be turned off while refueling.

### Clean up of minor spills

Clean up of minor spills is the responsibility of the fuel system user; however, the Harbour Authority may find it necessary to keep a full set of booms and oil absorbent material at the fueling facility to allow for a rapid intervention that will minimize the adverse impact on the environment. The Harbour Authority may subsequently charge the cost of cleaning up the spill to the offender.

## 4.3.2 Fuel delivery trucks

Fuel delivery trucks dispense fuel products directly into vessels within the harbour.

### Licences

The Harbour Authority should not allow fuel delivery trucks to enter harbour facilities without prior written authorization. These trucks should be required to obtain a licence from the Harbour Authority to dispense fuel in the harbour.

Similar to licence stipulations for fixed fuel delivery systems, a fuel delivery truck licence should include the following conditions:

- compliance with all applicable environmental and fire-safety regulations and SCH procedures;
- confirmation of adequate liability insurance coverage;
- confirmation that the operator of the fuel truck is properly trained to handle fuel spillage and other emergencies; and
- availability of a dry chemical fire extinguisher at all times which should be located beside the truck during all fuel dispensing.

Should the operator of a fuel truck act in an unsafe manner, the Harbour Authority should request that the operator act appropriately and suspend the operator's licence if the request is not met.

### 4.3.3 Portable fuel tanks

At harbours where fuel delivery systems are unavailable on site, harbour users must use portable fuel tanks or barrels to deliver fuel to their vessels. The Harbour Authority should closely monitor and control this method of fuel transfer as it poses greater risks than using a fixed fuel delivery system or fuel delivery trucks.

#### Licences

The Harbour Authority may impose restrictions on the handling of fuel containers, such as:

- all oil or gasoline containers must be ULC-approved and may not be placed in the harbour without proper authorization;
- oil and gasoline containers must not be left unattended at any time;
- a dry chemical extinguisher must be readily available when handling oil or gasoline containers;
- the transfer of gasoline and oil into a vessel is restricted to a specific area of the harbour; and
- fuel handling practices must comply with applicable provincial regulations.

#### Unattended oil and gasoline containers

Full or empty gasoline drums left unattended in the harbour pose hazards. Although storing such containers is the responsibility of the owner, the Harbour Authority may remove and properly store the containers until the owners are located. Near-empty drums and drums filled with gasoline vapour are highly explosive and should be handled with great care.

### Reference Material

*Operational and Construction Guidelines for Fuel Delivery and Waste Oil Systems* prepared by Small Craft Harbours, Maritimes Region, February 1996.

This document helps minimize any negative impacts on the environment owing to the storage or dispensing of fuel products during the daily operations of fishing vessels. Fuel delivery and used oil storage system requirements are the focus of the document.

*Oil Transfer procedures: Tank Truck-to-Vessel* prepared by a group with representatives in British Columbia and Alberta from government and industry, 6th draft, April 1996.

This document is aimed at fuel delivery truck drivers and describes the responsibilities of the Harbour Authority.

*Notes:*



## Appendix 4-A — Sample Instructions for Handling Fuel

### Before fueling:

1. Stop all engines and auxiliaries.
2. Shut off all electricity, open flames, and heat sources.
3. Check the bilge water for fuel vapours.
4. Extinguish all smoking material.
5. Close access fittings and openings that could allow fuel vapours to enter the boat's enclosed spaces.
6. Evacuate all personnel from the boat except the person handling the fuel line.

### During fueling:

1. Maintain nozzle contact with fill pipe.
2. Attend to fuel filling nozzle at all times.
3. Wipe up spills immediately.
4. Avoid overspills.

### After fueling and before starting engine:

1. Inspect the bilge water for leakage or fuel odours.
2. Ventilate until odours have completely dissipated.

*Notes:*

## 4.4 Berthage Services

This section describes the following aspects of berthage services:

- allocation of space,
- berthage restrictions,
- berthage agreements, and
- hazardous situations.

### 4.4.1 Allocation of space

The Harbour Authority is responsible for assigning berthing spaces to all vessels entering the harbour.

#### Policy

The Harbour Authority should maintain a policy that allots berthage spaces in an impartial manner. The process of allotting berthage space should be fair and flexible, and be perceived as such.

Such a policy may alleviate potential issues and:

- designate area for certain boat sizes or category of boats,
- assign berthage priority, and
- allow berthage alongside other boats.

#### Fire safety

The way in which berthage spaces are allocated should ensure that fire lines are clear at all times.

### 4.4.2 Berthage restrictions

The Harbour Authority may choose to impose berthage restrictions to ensure the safe and efficient operation of harbour facilities.

The Harbour Authority can inform harbour users of existing berthage restrictions by posting them, or communicating them verbally or through written material.

## Examples of berthage restrictions

Typical berthage restrictions state that:

- the vessel must be completely seaworthy;
- the name, registration number, and commercial fishing number of the vessel (if applicable) must be clearly displayed;
- the vessel owner/operator must report to the Harbour Authority office upon the vessel's arrival and departure;
- while in the harbour, the vessel must conform to all harbour rules, regulations, and directives; and
- the vessel berths in the harbour at its own risk.

### 4.4.3 Berthage agreements

A berthage agreement confirms, in writing, the services to be provided by the harbour facility, the terms of payment, and the responsibilities of the vessel owner/operator.

Appendix 4-B at the end of this section is a sample licence agreement containing standard clauses. Individual Harbour Authorities should prepare their own agreement form and have it reviewed by a Harbour Authority lawyer.

#### Content

A berthage agreement may state the following terms and conditions:

- the terms of payment and services provided by the Harbour Authority;
- a request for compliance with the rules of the Harbour Authority;
- a list of potential causes for termination of the agreement;
- an indemnification clause that states the Harbour Authority will not be held liable for any damages caused to the vessel or its equipment, or for any damages caused by the boat to the harbour facility or other vessels; and
- the insurance requirements (amount of coverage and type), and a request for proof of insurance coverage.

#### 4.4.4 Hazardous situations

The Harbour Authority may have to deal with hazardous or potentially hazardous situations.

##### Examples of hazardous situations

Hazardous situations include:

- mooring lines that cross floats, piers, or walkways;
- shore power cords and extension cords that are in poor condition or poorly secured, hang in the water, or obstruct the walkway; and
- listing or sinking vessels, and vessels that represent a navigational hazard.

Should a vessel present a danger, it is inadvisable to board or beach the vessel without first requesting permission from the owner/operator. In cases where the owner/operator is unavailable and the situation requires immediate action, the Harbour Authority should use discretion and act in a manner appropriate to the circumstances.

*Notes:*

## Appendix 4-B — Sample Licence Agreement

### Disclaimer

The following licence is a sample licence agreement only. The adequacy and legal requirements of this licence have not been verified for your province or territory. We strongly suggest that before using or issuing this licence, you obtain the legal opinion of a lawyer who is licensed to practise law in the province or territory in which the licence will be used. Should you fail to obtain independent legal advice in respect of this sample licence, the Department of Fisheries and Oceans assumes no responsibility for any costs, expenses, actions, suits, or claims against the Harbour Authority that arise as a result of, or are associated with the use of, this sample licence.

### Sample Licence Agreement

The Licensors, as described herein, grants a Licence to the Licensee, as described herein, upon the following terms and conditions:

#### 1.0 Definitions

1.1 For the purpose of this Licence:

“**Common Areas**” means: those areas under the administration and control of the Licensors which are not the subject of a lease or licence and, where applicable, includes water lots;

“**Harbour**” means: the \_\_\_\_\_ Harbour in which the Licensors has a leasehold interest;

“**Licence**” means: this Licence agreement, as amended, modified or renewed from time to time;

“**Licence Area**” means: *[insert moorage area, slip number or alternative description of area to which the Licence applies]*;

“**Licensee**” means: the registered owner of the Vessel;

“**Licensors**” means: the *[insert name of]* Harbour Authority;

“**Owner**” means: the registered owner of the Vessel;

“**Vessel**” means: the vessel *[\_\_\_\_\_insert name of vessel]* which vessel is registered as *[\_\_\_\_\_insert registration number, if applicable]*.

#### 2.0 Grant of Licence

2.1 The Licensors hereby grants a licence to the Licensee to *[berth, moor, or for some other described purpose]* the Vessel in the Licence Area (and the Licensee accepts such licence).

### 3.0 Term

- 3.1 This Licence is valid from\_\_\_\_\_to\_\_\_\_\_.
- 3.2 Upon the expiry or revocation of this Licence, and provided it has not been renewed pursuant to Article 4.0 hereof, the Licensee shall immediately pay any and all outstanding fees and charges owing to the Licensor and the Licensee shall then remove the Vessel from the Licensed Area.

### 4.0 Renewal

- 4.1 Subject to any applicable term or condition contained herein and provided the Licence has not expired nor been revoked, the Licensee shall have a right to renew this Licence.
- 4.2 Where the Licensee exercises option to renew this Licence, shall provide the Licensor with one month's prior written notice of its intent.
- 4.3 Where the Licensee exercises an option to renew this Licence pursuant to this Article, the Licensee agrees:
- (i) subject to Article 5 hereof, to pay, during the renewal period, the **[berthage/moorage]** rates established by the Harbour Authority and existing in effect at the time of renewal; and
  - (ii) to accept any modification to this Licence as may be required by the Licensor.

### 5.0 Berthage/Moorage Fees

- 5.1 The Licensee agrees to pay berthage/moorage fees in the amount of **[insert particulars: i.e., x\$ per meter, per day/month/year]** for the term of this Licence.
- 5.2 The Licensor reserves the right to amend, alter or revise the berthage/moorage charges at any time and at its sole discretion, provided, however, that where the Licensee has paid all or a portion of the berthage/moorage fees in advance, the Licensor shall not be liable for additional berthage/moorage fees for the period paid in advance.

### 6.0 Revocation or Cancellation of Licence

- 6.1 The Licensor reserves the right to revoke this Licence in writing and without prior notice where the Licensee, the Licensee's agents, employees, or invitees:
- (i) are in violation of any applicable federal or provincial legislation and regulations;
  - (ii) are in violation of any applicable Municipal by-law;
  - (iii) are in violation of the Harbour Authority's rules and regulations;



(iv) are in violation of any of the terms and conditions of this Licence.

6.2 The Licensor may cancel this Licence on thirty (30) days' written notice.

6.3 The Licensee may cancel this Licence, in writing, at any time.

6.4 In the event the Licensor revokes this Licence, or where the Licensee cancels the Licence, the Licensor shall pay to the Licensee the unused portion of any licence fees paid in advance.

## 7.0 Access

7.1 During the Licensor's regular hours of operation, as established from time to time, and subject to Article 8, the Licensor grants a right of ingress and egress over the Common Areas to the Licensee, its employees, servants, agents and invitees.

## 8.0 Emergency

8.1 In the event of a real or apprehended emergency, the determination of which is at the sole discretion of the Licensor, the Licensor, its employees, servants or agents may:

- (i) limit the Licensee, its employees, servants, agents and invitees rights of ingress and egress for such a period and in such a manner as the Licensor, in its sole discretion, may direct;
- (ii) take charge of and remove the Vessel from the Licensed Area or the Harbour; and
- (iii) do any other thing that, in the sole discretion of the Licensor, is required to protect the Licensor's property or the property of another during the emergency.

8.2 Where the Licensor's facilities are damaged or destroyed by collision, tempest, fire, other peril or Act of God, whether or not the Licence Areas are affected, the Licensor may terminate this Licence.

## 9.0 Assignment

9.1 The Licensee shall not assign this Licence, nor grant a sub-licence, nor may it assign any right or privilege granted under or pursuant to this Licence without obtaining the prior written consent of the Licensor.

## 10.0 “Covenants of Licensee”

- 10.1 The Licensee shall maintain, moor and operate the Vessel in a seamanlike manner and shall not do, or allow to be done anything that, in the sole opinion of the Licensor, is or may become a nuisance, disturbance or hazard.
- 10.2 The Licensee shall ensure that all hazardous materials aboard the Vessel, including, but not necessarily limited to, those that are flammable or toxic or materials which are, or may be considered to be, pollutants, are stored in a safe and secure fashion aboard the Vessel and under no circumstances, shall the Owner allow such materials to be discharged into, on, under or near the Harbour, the Common Areas, the Licence Area, or in, under or onto any area for which the Licensor is or may be responsible for in law.
- 10.3 The Licensee shall not alter the Licensed or Common Areas, nor live on board the Vessel without the prior written consent of the Licensor.
- 10.4 The Licensee is responsible for ensuring that the Licensee’s employees, agents, servants and invitees abide by all the terms and conditions of this Licence.
- 10.5 The Licensee, its employees, servants, agents and invitees shall not carry on any commercial enterprise without the prior written consent of the Licensor.
- 10.6 In the event the actions of the Licensee, its agents, servants, employees or invitees, results in damage or loss to the Licensor, whether directly or indirectly, including, but not necessarily limited to, damage to the Licensor’s physical assets, to the Harbour, including any environmental contamination, destruction, impairment or similar damage, the Licensee agrees to compensate the Licensor for all costs associated with its remediation and repair immediately upon the receipt of a written invoice.

### **Exception**

- 10.7 Article 10.5 does not apply to a commercial fishing vessel which is loading, or unloading or where the Licensee is conducting minor repairs to the Vessel, or where the Licensee is conducting some activity which is directly related to its commercial fishing enterprise.

## 11.0 Utilities and Other Services

- 11.1 The Licensee acknowledges that the Licensor is under no obligation to provide utilities or other services to, or in support of the Vessel.
- 11.2 In the event the Licensor provides utilities or other services to the Licensee, the Licensee agrees to pay for such utilities or other services at the rate and in the manner established and prescribed by the Licensor from time to time.
- 11.3 Should the Licensee’s use of this permit result in extraordinary maintenance or repair costs to the Licensor’s property or facilities, for any reason whatsoever, the Licensee agrees to reimburse the Licensor forthwith upon receipt of a written invoice.

## 12. Liability in the Event of Loss

- 12.1 The Licensor shall not be liable for any loss to the Owner, the Owner's employees, agents, servants, invitees or to the Vessel, its cargo or equipment, howsoever caused, either directly or indirectly, arising out of the use of the Harbour, the Common Areas, the Licence Areas or arising from the use of any of the Licensor's facilities, including, but not necessarily limited to losses caused by the following:
- (i) the failure, for any reason whatsoever, of the Licensor to provide utilities or any other service;
  - (ii) the interruption of any service provided by the Licensor for any reason whatsoever;
  - (iii) the negligence of the Licensor, its servants, agents, contractors or employees;
  - (iv) the cancellation or revocation of this Licence pursuant to Article 6;  
or
  - (v) as a result of an Act of God.
- 12.2 The Licensor is not responsible for lost or stolen articles.
- 12.3 The Licensor is not responsible for the provision of security for, or protection of the Licensor, its employees, servants, agents or invitees, for their property, or for the Vessel, its cargo or equipment.

## 13. Insurance

- 13.1 The Licensee acknowledges that the Licensor does not carry insurance of any kind, for any reason, for the benefit of:
- (i) the Owner or the Owner's property;
  - (ii) the Owner's employees, servants, agents or invitees, nor their property; or
  - (iii) the Vessel, its cargo or equipment.

## 14. Indemnity

- 14.1 The Licensee agrees to indemnify and hold harmless, the Licensor from any and all claims arising out of the use of this Licence by the Licensee, its employees, servants, agents or invitees.

## 15. Amendment

- 15.1 No waiver, alteration or amendment to this Licence shall be binding unless it is in writing and signed by both the Licensor and the Licensee.

The Licensee has inspected the Harbour, the Common Areas, the Licence Area and the Harbour's facilities and finds them suitable for its purposes. The Licensee agrees that it has read, understands and agrees to abide with all terms and conditions of this Licence.

\_\_\_\_\_  
Signature of the Licensor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of the Licensee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness (optional)

## 4.5 Construction Projects

This section describes how to plan and manage major repair and construction projects at a harbour. The approach described here does not apply to work done to buildings and facilities owned by the Harbour Authority.

This section also describes situations in which the Harbour Authority hires an independent contractor to perform work (on its behalf) on Harbour Authority property, as well as situations in which harbour users hire independent contractors to perform work (on their behalf) on Harbour Authority property, such as repairing vessels, or fixing or maintaining equipment.

### 4.5.1 Planning major repair and construction work

Each year, the Harbour Authority must inspect its facilities, and identify and plan major repair and construction work. Planning such work involves:

- Identifying all major repair and maintenance requirements at the harbour.
- Compiling and reviewing a list of construction projects that includes a complete description of each project, its estimated cost, and priority among other projects. This task is performed by the Harbour Authority Board of Directors and a designated representative from Small Craft Harbours (SCH).
- Submitting the list to SCH for approval and funding.

### 4.5.2 Managing and funding a project

There are no fixed rules governing the management or funding of a construction project; each project is judged on its own merit. Construction projects may be completed under the direction of SCH or the Harbour Authority, and funded in part or in full by the Department of Fisheries and Oceans (DFO) or the Harbour Authority.

#### Engineering standards

Before building or repairing any major structures on DFO property, the Harbour Authority should first consult with DFO to determine whether the work is subject to DFO engineering standards and requirements.

The Harbour Authority may wish to seek technical assistance from DFO to save time and money.

### Environmental concerns

The lease, signed by the Harbour Authority, clearly states that approval from DFO should be obtained before beginning maintenance or repair work on DFO-owned facilities so that projects may be screened pursuant to the *Canadian Environmental Assessment Act* (CEAA) and the *Navigable Waters Protection Act and Regulations* (NWPA).

### Unforeseen major repair and construction work

In case of sudden repair and construction requirements resulting from a storm, an accident, sudden deterioration, or other unforeseen events, the Harbour Authority should first ensure the security of harbour users, barricade the affected facilities (if necessary), then contact DFO.

In the case of an unplanned construction project, the Harbour Authority should contact DFO to evaluate the project against previously identified priorities.

Appendix 4-C at the end of this section shows a flow chart that outlines the decisions activities involved in completing an important construction project.

## 4.5.3 Hiring independent contractors through the Harbour Authority

When dealing with independent contractors, the Harbour Authority should ensure that it receives good value for its money, that the work is conducted in a safe and efficient manner, and its employees and assets are well-protected.

The following steps describe how to obtain quality work and services at a competitive price:

### Step 1: Clearly define the work required and obtain an estimate of the cost of completing the work.

At the start of a project, write a clear and detailed description of the work required. The description will be useful for gathering estimates and information on the cost and feasibility of completing the project, and facilitating the exchange of ideas. It will also present the possibility of finding less expensive or simpler ways of achieving the same result.

### Step 2: Obtain approval and funding for the project.

Once the project has been described and cost estimates obtained, the project can be presented to the Board of Directors for approval. Depending on the necessity of the project and the funding required, the project may be either approved, delayed, or abandoned. The Harbour Authority may need to involve DFO in the decision process. At this stage, it is important to confirm funding sources before proceeding with the project.

### Step 3: Obtain bids, if required, and select a contractor to do the work.

Once the project and funding is approved, contractors may be invited to bid on the work. If the work is of a specialized nature, it may be wise to investigate and obtain references for potential candidates before formally inviting them to bid.

The initial written description of the work will help communicate the job requirements to potential contractors. For small purchases or a small amount of work, obtaining verbal quotes is all that may be required.

Once all bids are received, they should be carefully reviewed. Common problem areas found in bid documentation include:

- some of the required work has been left out of the bid;
- some material differs from the specifications;
- the delivery schedule seems unrealistic;
- the costs are not in line with your calculations;
- the proposed method of undertaking the work is not appropriate in a harbour environment.

Once satisfied that a particular contractor will complete the project as requested and at a reasonable cost, approval for the contract from the Board of Directors or DFO may be obtained.

### Step 4: Confirm, in writing, the terms and conditions of the work to be performed.

Once the contractor has been selected, a contract or other form of written document should be prepared to confirm both the work to be done and the manner in which it will be performed. The objective of the contract is to clarify expectations and ensure a safe environment for the people using the harbour facilities throughout the completion of the project.

The contract should confirm that the contractor possesses the necessary permits to conduct the work; for example, an electrician or a diver should have appropriate training and accreditation.

The Harbour Authority should confirm that the contractor and his or her employees are covered under the Workers' Compensation Board (WCB) and obtain a WCB

compliance certificate. The compliance certificate ensures that the Harbour Authority will not be held liable for injuries that may occur to the contractor or his or her employees, or for the payment of overdue assessments related to the contract.

The Harbour Authority should verify that the contractor carries appropriate liability insurance and that the contract states that the Harbour Authority will not be held liable for any incident or accident that occurs during the course of completing the contract.

For work that involves welding, the Harbour Authority should state in the agreement, welding restrictions set by the Harbour Authority, such as restricting welding to concrete surfaces (welding should not take place on wooden floats, piers, and docks).

### Caution

Should there be a need to modify the original contract, the cost of making changes or additions should be recorded in writing to avoid future arguments. The Harbour Authority should verify that all the work has been completed according to the terms of the contract before paying the contractor.

## 4.5.4 Hiring an independent contractor through a third party

Occasionally, a third party or harbour user hires an independent contractor to conduct maintenance or repair work on a vessel, unload fish, tow a vessel, or perform other work on their behalf on property managed by the Harbour Authority.

Although the Harbour Authority is not party to the contract, it should exercise control over such activities to protect its assets and harbour users. A harbour is a very sensitive environment; the Harbour Authority is responsible for safeguarding its people and assets.

### Licence agreement

The Harbour Authority may exercise control over the contracting activities of harbour users by requesting that any person or company performing work or conducting business on Harbour Authority property obtain a licence or formal authorization from the Harbour Authority. Written agreements demonstrate the exercise of due diligence by the Harbour Authority.

The licence specifies, in writing, the terms and conditions under which work can be conducted on Harbour Authority property. A licence may:

- state the need for respecting all applicable safety standards, procedures, and regulations;
- require provision of a clearance certificate from the Workers' Compensation Board;
- require proof of adequate liability insurance coverage for that type of business;
- indemnify the Harbour Authority regarding the safety of the contractor's tools and equipment; and



- remind the contractor not to dump any waste and residue in the water.

### High-risk activities and potential liabilities

The provision of a welding permit may be critical in the case of welding, cutting, or burning, and heating by acetylene or propane torch. Such activities are considered high-risk in a harbour environment.

The Harbour Authority should ensure harbour users are aware of potential liabilities they may face if the activities of their contractors or service suppliers cause damage to other vessels or to Harbour Authority property. Vessel owners should carry adequate insurance and ensure that their contractors do as well.

## Reference Material

*Marina Development Guidelines* jointly prepared by DFO and the Ministry of the Environment for British Columbia, March 1994.

This document focusses on the development of new marinas and their impact on fish habitat. It may be useful to Harbour Authorities involved in upland development, the provision of new services, such as a launching ramp, or the initiation of dredging or new breakwater projects.

*Notes:*

## Appendix 4-C — Major Repair or Construction Projects

### Project definition:

The Harbour Authority (HA):

- determines project scope and urgency;
- obtains necessary technical assistance from DFO;
- estimates cost and duration of project;
- obtains necessary approvals (DFO and other applicable organizations); and
- arranges project financing.

### Project funding and completion options:

#### DFO-funded

Contracted to HA

Harbour Authority:

- buys material
- does the work
- bills DFO **or**
- obtains bids
- subcontracts work
- inspects work
- pays subcontractor
- bills DFO

Contracted to others

PWGSC or other: HA:

- obtains bids
- selects contractor
- does the work
- inspects work
- pays contractor
- bills DFO

#### Jointly funded (Harbour Authority and DFO)

Contracted to HA

PWGSC or other: HA:

- buys material
- does the work
- DFO and HA inspect
- bills DFO portion **or**
- subcontracts work
- DFO and HA inspect
- pays subcontractor
- bills DFO portion

Contracted to others

- obtains bids
- selects contractor
- inspects work
- pays contractor
- bills DFO and HA



### Harbour Authority-funded

Supervised by HA

Supervised by others

PWGSC or other:

- |                           |                      |
|---------------------------|----------------------|
| • buys material           | • obtains bid        |
| • does the work <b>or</b> | • selects contractor |
| • obtains bids            | • inspects work      |
| • subcontracts work       | • pays contractor    |
| • inspects work           | • bills HA           |
| • pays subcontractor      |                      |

## 4.6 Facilities Inspection

The Harbour Authority is responsible for ensuring that harbour facilities are safe and operational at all times. Regular visual inspections will help identify unsafe conditions and potential problems. This section defines a visual inspection, describes when and how to conduct such an inspection, and provides examples of visual inspections.

### 4.6.1 What is a visual inspection?

A visual inspection is a careful examination of all aspects of harbour operations and facilities that are accessible without the aid of a boat or other equipment. It provides basic information that helps harbour staff identify trouble spots and structural damages, decide how to handle a problem, or request a technical evaluation (in cases where more structural information is required). A technical or specialized inspection is more in-depth and is conducted only after a visual inspection identifies the need to conduct one.

The three main categories of visual inspections include:

- **a structural inspection:** examines the state of the buildings, wharves, breakwaters, and other facilities that make up the harbour.
- **an administrative inspection:** examines the paperwork associated with harbour operations, such as filing, bookkeeping and accounting systems, follow-up procedures on subleases and licences, collection of fees, and payment of bills.
- **an operational inspection:** examines the resources and activities that ensure the proper functioning of the harbour.

### 4.6.2 When to conduct a visual inspection

Visual inspections are conducted as part of a routine program of daily, weekly, and yearly inspections. Such inspections should also be conducted after major incidents, such as a structural failure, a severe storm, or the collision of a vessel with the harbour structure.

### 4.6.3 How to conduct a visual inspection

Recording observations, in writing, while completing an inspection is important. Observations identify chronic problems in the harbour and will, over time, provide an indication of the deteriorating condition of the structure. Recording observations may also provide a written record of repeat offenders.

When damage or deterioration is identified, the Harbour Authority must mitigate the danger to the public and harbour users by posting signs or erecting barricades. A *Damage to or Loss of Property Report* must be completed (see Appendix 4-D at the end of this section for a sample report).

#### 4.6.4 Examples of visual inspections

The Harbour Authority should conduct daily, weekly, and annual inspections of its operations and facilities.

##### Daily visual inspection with checklist

The individual responsible for the day-to-day operations of the harbour may conduct a quick visual inspection of the facilities while conducting the daily boat count or walking around the harbour. The focus of the daily inspection is operational; its purpose is to spot problem areas.

To complete this task, the Harbour Authority may use a simple checklist that would indicate proof of diligence should an accident occur later on. The daily checklist should be kept on record as evidence in case of a lawsuit.

Appendix 4-E at the end of this section is a sample daily safety checklist.

##### Weekly inspection with checklist

The Harbour Authority should also conduct weekly inspections of items such as firefighting equipment, lifesavers or lifesaving equipment, first-aid supplies, loading and unloading equipment, water and electrical systems, used oil storage facilities, and storage areas. The weekly inspection focusses mainly on the operational elements of the harbour. An inspection form should be generated and kept on file for future reference.

Appendix 4-F at the end of this section is a sample weekly safety checklist.

##### Regular annual inspections (at least once a year)

**Administrative inspections:** The Harbour Authority should examine its administrative system on a regular basis to ensure the safety of its financial records, as well as identify potential harmful practices. The inspection should focus on filing, bookkeeping and accounting systems, as well as billing and invoicing practices.

**Structural inspections:** The Harbour Authority should conduct an in-depth structural inspection of harbour facilities at least annually and immediately following a storm or accident to determine the integrity and stability of the harbour structures. Conducting such inspections helps harbour staff anticipate and sometimes reduce repair or maintenance requirements.

Appendix 4-G at the end of this section provides examples of what to look for when yearly inspecting the structural components of a harbour.

## Appendix 4-D — Damage to or Loss of Property Report

TO:

DATE AND TIME OF INCIDENT:

DESCRIPTION OF DAMAGED HARBOUR AND PERSONAL PROPERTY:

NAME OF VESSEL:

CONTACT:

OWNER OF VESSEL:

VEHICLE:

CONTACT:

OWNER OF VEHICLE:

EXTENT OF DAMAGE:

NAME AND ADDRESS OF WITNESSES:

(report attached)

FIREFIGHTING EFFORTS:

POTENTIAL CLAIM:

RECOMMENDATIONS:

(measures to be taken: close the harbour, restrict access, etc.)

**\*\*\*Please ensure police are notified for incidents involving damage to or loss of property.\*\*\***



***Notes:***

## Appendix 4-E — Harbour Daily Safety Checklist

Location and inspection date: \_\_\_\_\_

<b>On-site Inspection Checklist Property and Facilities</b>	<b>Action Taken or Reported to Harbour Authority</b>
Garbage area	
Washrooms and showers	
Grease, oil, or other residue left on deck	
Improper storage of nets, gear rope, wire, or other materials	
Unattended unlocked storage area	
Frayed wires (electrical and other types)	
Mismatched cords and plugs, and inappropriate gauge	
Damaged, leaking, or loose fuel lines/systems	
Frayed cable on hoist to haulout engine(s)	
Missing or damaged deck planks, wheel guards, loose deck	
Missing or damaged ladders, rungs, or fenders	
Improper storage of combustible materials (gasoline, etc.)	
Parking or speeding infraction	
Debris in water preventing safe operation of vessels/equipment	
Listing or sinking vessels, and vessels obstructing passage or fire lines	
Used oil storage area is free of leaks and spills	
Fueling facilities are in good order	
Other	

Signature: \_\_\_\_\_

***Notes:***

## Appendix 4-F — Harbour Weekly Safety Checklist

Location and inspection date: \_\_\_\_\_

<b>On-site Inspection Checklist Property and Facilities</b>	<b>Action Taken or Reported to Harbour Authority</b>
Are the signs in good order?	
Is the lifting/loading equipment functioning properly?	
Is the equipment being maintained properly?	
Are the fire extinguishers and first-aid kits in good working order?	
Are the lifesaving rings where they should be?	
Does the alarm system work?	
Is all fire protection equipment in good order?	
Are the water lines in good order (no leaks, frozen sections)?	
Are the electrical systems in good order (light fixtures, meter bases, receptacles and others as required)?	
Is the storage area in good order (no fire hazards, obstructed passages)?	
Other	

Signature: \_\_\_\_\_

*Notes:*

## Appendix 4-G — Yearly Inspection of Structural Components: Reminders

<b>Anchor piles:</b>	Anchor piles should be checked for wear and decay (wood rot, marine borers, or corrosion). Steel anchor piles should be checked during the extreme lowest tides to determine the extent of wear and metal loss. Timber piles, damaged due to marine borers, must be inspected under water.
<b>Bathymetry:</b>	Refers to the depth or profile of the bottom surface of the harbour. It is important that harbour bathymetry be known so that boat skippers know exactly where they may safely take their vessel in the harbour and under what tidal conditions.
<b>Boat ramps:</b>	Common problems include spalling of surface concrete, and subsequent exposure of reinforcing steel and shear failure of planks. Boat ramps should be inspected for rot and other sources of weakening in the structure such as displacement of riprap.
<b>Concrete floats:</b>	Wales constitute the major structural element of a concrete float system. Damaged wales must be repaired as soon as possible to prevent further serious damage. Metal float-to-float and float-to-pile connections should be thoroughly inspected for wear, corrosion, cracks in welds, or cracks in the protective coating which may indicate high-stress deformation. Damaged or spalled concrete deck surfaces should be repaired to prevent the reinforcing steel within the concrete from being exposed.
<b>Docks and vessel haulouts:</b>	Timber decks should be examined for rot or signs of distress. Docks with steel framing members should be checked for corrosion. Timber framing members should be examined for rot, mechanical damage, and severe or unusual checking or splitting. Steel piles should be examined for mechanical damage and corrosion. Timber piles should be examined for mechanical damage, rot, or marine borer attack.
<b>Floating breakwaters:</b>	Particular attention should be paid to float-to-float connections and to float-to-anchor line connections. Any evidence of anchor shifting or moving should also be noted.
<b>Gangways:</b>	All members of a metal gangway should be carefully examined for mechanical damage or corrosion. Members of a timber gangway should be inspected for rot. Bolts and other connectors should be examined for corrosion, and connections for hole elongation or rot in the vicinity of bolt holes. The angle ironwheel guide should also be inspected to ensure the gangway continues to operate smoothly.
<b>Rubble-mound breakwaters:</b>	Thorough examination of the riprap protection for excessive gaps, movement, or sloughing is required once or twice yearly, or after extreme events such as a major storm.
<b>Steel floats:</b>	Steel floats require the same type of care as concrete floats. The thickness of the metal should be measured to monitor metal corrosion.

<b>Timber floats:</b>	Portions of timber floats are subject to wood rot where timber is untreated, drilled after treatment, or damaged. Cracked or damaged timber should be noted and replacement recommended. Connections between floats and float-to-anchor piles are high-stress areas and should be inspected thoroughly for wear, rust, cracks in welds, corrosion, or cracked coating which may indicate structural damage.
<b>Vessel grids:</b>	Members and connections should be examined for corrosion, rot, or distress. Pile caps should be examined for crushing.
<b>Wharves:</b>	Examine piles, stringers, caps, or bracing.
<b>Wheel guards or curbs:</b>	Regular inspection is required to ensure that they continue to carry out their intended safety function.

## 4.7 Fire Prevention

The Harbour Authority is responsible for ensuring the safety of its employees, harbour users using their facilities, and the government assets located on its premises. This section examines the following topics:

- potential fire hazards,
- fire prevention measures,
- fire safety plan and fire orders, and
- reporting requirements.

### 4.7.1 Potential fire hazards

Fire is a great threat to a harbour since it easily spreads to wooden structures and boats gathered in close proximity.

#### Potential sources of fire

The greatest potential sources of fire within a harbour are:

- **unsafe fueling operations:** the accumulation of fuel vapours near open flames or heat sources, as well as the presence of almost-empty fuel drums represent serious fire hazards.
- **faulty electrical systems:** frayed electrical cords and worn wiring are the main cause of electrical fires.

#### Welding and paint burning

Another high-risk activity at a harbour is welding or paint burning. The Harbour Authority may choose to restrict these activities to licensed operators, limit the activity to a specific area of the harbour, and impose the following conditions:

- the owner/operator of a vessel must obtain permission or a permit from the Harbour Authority to conduct such work on the boat;
- a fire extinguisher must be on board the vessel when conducting welding or paint burning work;
- all work should be conducted in a safe and skillful manner, applying safety procedures, rules, and regulations;
- independent contractors should be covered by Workers' Compensation and the appropriate liability insurance.



## 4.7.2 Fire prevention measures

### Rules and procedures

The Harbour Authority may consider establishing rules and procedures to minimize the risk of fire. For example, a Harbour Authority may:

- require that each vessel have a properly maintained fire extinguisher,
- encourage people to keep their work area clean and free of rubbish,
- restrict smoking at the harbour,
- conduct regular inspections of the fire hose and firefighting equipment, and
- instruct harbour users to replace all worn or frayed electrical cords and extension cords, and to keep rags in closed metal containers.

### Support

The local fire department may provide information and advice to help the harbour supervisor identify potential hazards, develop prevention measures, and train harbour users.

Harbour users should be aware that any abuse, tampering with, or theft of firefighting equipment is considered a criminal act.

## 4.7.3 Fire safety plan and fire orders

A fire safety plan should be in place in case of a fire. The Harbour Authority may wish to seek the support of the local fire department in developing this plan.

### Content of a fire safety plan

The fire safety plan should address the following details:

- firefighting equipment requirements,
- fire protection requirements for the facilities,
- maintenance of firefighting equipment,
- assignment of responsibilities to staff and harbour users regarding prevention and firefighting,
- scheduling of regular inspections,
- formal arrangements with the local fire department,
- staff training requirements,
- reporting requirements, and
- distribution of the plan to staff and others.

## Making the plan work

Some questions to consider when developing a fire safety plan include:

- Who will respond in case of fire and how far away are they?
- Are the fire stations staffed or do they depend on volunteers?
- Is the fire truck equipped with a reservoir (this may be crucial in winter)?
- Is there an alarm in place? Is it necessary?
- Who is in charge in case of an emergency?
- Have the procedures been rehearsed and how familiar are the procedures to harbour staff and users?
- Is there adequate signage to indicate fire orders and exits?
- Is the firefighting equipment readily available and in good working order?
- Are the emergency phone lines monitored 24 hours a day?
- Are the fire lanes properly identified?

## Fire orders

Fire orders comprise one element of a fire safety plan and describe the actions to be taken by staff or harbour users in the event of a fire. Fire orders are usually posted in conspicuous places on site.

Appendixes 4-H and 4-I at the end of this section are samples of fire orders.

### 4.7.4 Reporting requirements

Fires should be reported to the Regional Office of Small Craft Harbours (SCH) followed by a written *Damage to or Loss of Property Report*.

Appendix 4-D at the end of Section 4.6, *Facilities Inspection*, is a sample *Damage to or Loss of Property Report*.

## Reference Material

*Small Craft Harbours Fire Safety Program* prepared by PWGSC for SCH-Pacific Region, November 1992.

This document is easy to use and addresses the need for fire safety plan development in small craft harbours and offers a comprehensive guide to develop a fire safety plan. An inspection schedule for equipment and fire hazards is included.

*Notes:*

## Appendix 4-H — Sample Response Scenario in Case of Fire

**A person who discovers a fire should take charge until someone responsible for the Harbour Authority is located and arrives on site.**

1. Sound the alarm (if there is one), or dial 911 or the appropriate number in your area, and slowly and carefully report the following information:
  - a brief description of what is happening,
  - the exact location and address of where the fire is taking place, and
  - your name.
2. Attempt to extinguish the fire with the nearest extinguisher if the fire is small and not beyond the capacity of the fire extinguisher.
3. Do not place yourself at risk; however, do not allow the fire to come between you and the exit. If the fire is on a vessel attempt to isolate the vessel by moving other vessels; do not move vessels without the aid of another person.
4. Ensure the fire lanes are clear at the site of the fire.
5. Contact the representative of the Harbour Authority (use the 24-hour emergency phone number).
6. Once the person responsible is on site, he or she will delegate duties to others.
7. Responsibility for control of the fire rests with the fire department upon their arrival.
8. The fire is considered over when the firefighters leave the site and declare that all is secure and that the affected structure appears stable or will not impact on the operations of the harbour.
9. Record all information about the fire (times and location) in a notebook or tape recorder. If using a tape recorder, ensure that the recorded information is transferred to a daily log of activities or to a notebook.
10. Complete an incident report including statements from witnesses and others.
11. Notify your regional SCH office.

*Notes:*

## Appendix 4-I — Sample Fire Orders: Instructions to All Harbour Users

### On discovering a fire:

1. Sound the alarm (\*\*indicate the location of the alarm here\*\*).
2. Dial (\*\*indicate number here\*\*) and notify the fire department at (\*\*indicate location of fire department here\*\*).
3. Notify the Harbour Authority representative (\*\*go to the office; if after hours call: indicate after-hours number here\*\*).
4. Warn nearby persons to evacuate immediately.
5. If you are qualified, use the fire extinguisher to fight the fire, otherwise leave the harbour; do not go back for any reason.
6. Obey the Harbour Authority representative's instructions.

### If you hear an alarm:

1. Leave the harbour; do not go back for any reason.

**BY ORDER:** \_\_\_\_\_

*Notes:*

## 4.8 Health and Safety

The Harbour Authority is responsible for providing their staff with a safe and healthy workplace. This section addresses how to prevent injury.

### 4.8.1 Prevention of injury

#### Elements of prevention

The main elements of prevention for health and safety in the workplace include:

- identifying workplace hazards,
- training new employees on job procedures and hazards,
- ensuring that protective equipment is available and kept in good order,
- posting electrical safety procedures,
- training employees on material handling practices and procedures,
- training employees on rescue and emergency procedures, and
- providing fire prevention and fire intervention training.

#### Areas of concern for the Harbour Authority

The Harbour Authority should ensure that:

- machinery and equipment are safe to use;
- workers operate in compliance with established safe work practices and procedures; and
- workers are adequately trained in their specific work tasks to protect their health and safety.

#### Sources of information

The reference material cited at the end of this section identifies areas of risk to employees and the public at a harbour.

The Workers' Compensation Board provides various posters that alert employees to unhealthy work habits and practices. In particular, employees should be aware of safety precautions when lifting or dragging heavy weights, when driving or walking around forklifts, or when using hoists and winches.



### 4.8.2 Personal injury report

Should an employee suffer physical harm on the job, the Harbour Authority should complete a personal injury or incident report as shown in Appendix 4-J at the end of this section.

### Reference Material

*Marina & Boating Industry Loss Control Guidelines* prepared for the Michigan Boating Industries Association and for Universal Insurance's Services Inc., 1992.

These guidelines provide a comprehensive checklist to help employees of the Harbour Authority and the public identify hazards at a harbour. Relevant topics include slip and trip prevention; lifting and handling material such as drums and barrels; the safe use of hand tools, and power lifting equipment such as lift trucks and mobile hoists.

## Appendix 4-J — Personal Injury Report

**TO:**

DATE AND TIME OF INCIDENT:

### **DESCRIPTION**

NAME AND ADDRESS OF PERSONS INVOLVED:

NATURE AND EXTENT OF INJURY:

DETAILS OF CIRCUMSTANCES:

(who, what, where, when, why, and how)

NAMES AND ADDRESSES OF WITNESSES:

(attach statements and reports)

DETAILS OF SURROUNDING CONDITIONS:

(weather, warning signs, lighting, etc.)

RECOMMENDATIONS:

(corrective action, work to be done)

**\*\*\*Police should be notified of incidents involving personal injury.\*\*\***

*Notes:*

## 4.9 Contingency Planning and Emergency Procedures

This section defines contingency planning and emergency procedures, and describes elements of a contingency plan and prerequisites for a successful plan.

### 4.9.1 Definitions

**Contingency plan:** A detailed set of actions taken to prepare for an emergency such as an accidental fuel or chemical spill, a fire, a major storm, or a serious accident. During an emergency, there is no time to plan a strategy, locate equipment, identify people to contact, or look for their phone numbers; such information must be readily available. Appendix 4-K at the end of this section is a sample contingency plan.

**Emergency procedures:** A series of steps for dealing with a situation that calls for immediate action, such as an oil spill or a fire. Emergency procedures comprise only one element of a contingency plan. Other components include a site location map, an inventory of available resources, and reporting requirements.

Emergency procedures should be posted in clear view and in close proximity of areas where an emergency might occur. Appendixes 4-H and 4-I at the end of Section 4.7, *Fire Prevention*, are examples of emergency procedures.

### 4.9.2 Elements of a contingency plan

A contingency plan consists of the following elements:

#### Emergency Procedures/Emergency Contacts

- What to do, and who to call and notify
- On-site contact/resources
- External contact/resources

Appendix 4-L at the end of this section is a sample listing of external contacts.

#### Reference Material

- Comprehensive and up-to-date map of the site
- List and location of firefighting equipment
- Location of water hydrants
- Other relevant information

## Disposal of Debris or Contaminated Soil/Water

### Reporting Requirements

Appendix 4-J at the end of Section 4.8, *Health and Safety* is a sample personal injury report.

### Other Activities

- Training
- Exercises and a testing schedule

Contingency plans are site-specific as each site presents different risks and has access to different resources. The Harbour Authority must identify its own risks and resources, and develop a strategy to deal with potential emergencies, whether they be chemical spills, fires, loading accidents, or earthquakes.

### 4.9.3 Prerequisites for success

For a contingency plan to be effective, the plan must be accurate, specific, well-maintained, tested, annually updated, and regularly rehearsed.

Harbour users must be notified of the existence of a contingency plan and be able to access it quickly in the event of an emergency.

## Appendix 4-K — Sample Contingency Plan for an Environmental Emergency

### Scenario

A fuel spill or discharge has accidentally occurred in the harbour. The Harbour Authority has a small office at the harbour. A harbour supervisor works on the premises between 07:00 hours and 15:00 hours during the fishing season.

### Emergency Procedures

1. Upon discovery of a fuel spill immediately inform:
  - the harbour supervisor at the Harbour Authority office, or
  - if after hours, the harbour supervisor at (\*\*include phone number here\*\*), or
  - the President of the Harbour Authority at (\*\*include phone number here\*\*), or
  - the Secretary of the Harbour Authority at (\*\*include phone number here\*\*).

**Note:** Provide more than one phone number in case the line is busy or unattended.

2. Take control until the harbour supervisor or person responsible for the harbour arrives. Stop the flow of fuel if possible, restrict access to the spill area, and ensure access routes are free of traffic.
3. Upon arrival, the harbour supervisor briefly determines the type and source of the spill, and immediately reports the spill to the appropriate agencies:
  - Small Craft Harbours (SCH)
  - Environment Canada
  - Canadian Coast Guard
  - Other (\*\*list them here\*\*)
1. The harbour supervisor takes a sample of the spill substance in a clean glass jar. The substance will be tested and serves as evidence should charges of negligence be laid against a person or a vessel.
2. The harbour supervisor takes appropriate measures to contain the spill until help reaches the harbour.
3. The harbour supervisor assists DFO, the Canadian Coast Guard, or other agencies in dealing with the spill.

The above-mentioned procedures must be operational year-round, 24 hours a day, and should be posted in the harbour in clear view.

## Sources of Information, Training, and Assistance

The Canadian Coast Guard office in your region.

The Small Craft Harbour office in your region.

## Emergency Contacts

List the phone numbers of all on-site and external contacts and resources in order of notification.

## Reference Material

Prepare a comprehensive and up-to-date map of the site to establish access routes, location of sensitive areas such as lobster cars, and identify storage of safety equipment, and provide other information.

## Disposal of Contaminated Soil/Water

Identify and list:

- the location of appropriate disposal sites,
- the method of transport,
- the means of storage prior to disposal, and
- the various approvals required.

## Reporting Requirements

The harbour supervisor must report the following information to government agencies:

- nature of the release,
- date and time of the release,
- weather conditions at the time of the release and during the response phase,
- cause of the release,
- products involved (fuel, oil, other pollutant),
- quantities involved,
- harbour and other areas affected by the release,
- people involved in the response or exposed to the products released,
- any health treatment or tests conducted on individuals,

- containment and method used,
- clean-up techniques employed,
- volume recovered,
- site remediation completed and planned,
- short- and long-term impacts of the release,
- a log of the actions taken and at what time, and
- measures to be implemented to prevent any reoccurrence.

## Other Activities

### Training:

The Canadian Coast Guard offers advice and training in handling oil spills and other emergency situations.

### Exercises and testing schedules:

Rehearsing the contingency plan identifies missing information and familiarizes all individuals involved with the plan's activities.



***Notes:***

## Appendix 4-L — Emergency Phone Numbers

### Environmental Emergencies

Oil, pesticides, chemical spills, fish kills, etc.

City or town name (\*\*Indicate 24-hour phone number here\*\*)

### Industrial Accidents

Occupational Health and Safety: (\*\*Indicate 24-hour phone number here\*\*)

### Marine and Air Distress

Rescue Co-ordination Centre: (\*\*Indicate 24-hour phone number here\*\*)

### Marine Rescue Centre

City or town name (\*\*Indicate 24-hour phone number here\*\*)

### Fire Department

(\*\*Indicate phone number here\*\*)

### RCMP or Local Police

(\*\*Indicate phone number here\*\*)

### Hospital

(\*\*Indicate phone number here\*\*)

### Ambulance

(\*\*Indicate phone number here\*\*)

### Fisheries and Oceans, Small Craft Harbours

Business manager: (\*\*Indicate phone number here\*\*)

Regional office: (\*\*Indicate phone number here\*\*)

***Notes:***

## 4.10 Risk Management

Risk management is an essential element of any enterprise. It involves assessing those operational areas of a Harbour Authority that carry the risk of liability or loss, and devising an effective, cost-efficient means of minimizing such risk. Two main areas of concern with regard to risk management include personal injury and property loss, and damage to the environment. This section focusses on risk management with regard to personal injury and property loss. For information on damage to the environment, see Section 5.6, *Best Management Practices* of the Environmental Management section of this Manual.

### 4.10.1 Minimizing personal injury and property loss

A Harbour Authority must maintain its facilities in a safe and secure manner. Should a harbour user, visitor, or trespasser be injured or their property damaged owing to the inaction or negligence of the Harbour Authority in repairing or maintaining its facilities, the Harbour Authority and its officers and directors may be held liable. To minimize this risk, a Harbour Authority should develop and implement a policy that includes the following terms:

- equipment inspections (ensures that all equipment is safe and in proper working condition, and that proper instructions or warnings are posted where necessary);
- inspections of leased area (including water lots, wharves, and all buildings) (see Section 4.6, *Facilities Inspection*);
- remedial action (repairing faulty or dilapidated equipment or facilities);
- preventive maintenance;
- an emergency action plan; and
- the training of personnel, as and when required.

Upon learning of any deficiency in its operations or property, the Harbour Authority is advised to take adequate and appropriate steps to minimize the risk to personnel, users, and visitors.

#### Training of personnel

Harbour personnel may require specialized training to minimize risks to other staff and harbour users. For example, the use and storage of some fuels, solvents, and chemicals are heavily regulated. The Harbour Authority should determine whether it uses and stores any agent that is considered toxic, flammable, or harmful to the environment, and whether its personnel require any specialized training to handle such agents.

*Notes:*

## 4.11 Special Events

The Harbour Authority may be asked to lend the use of its sites for community events. This section discusses the following topics regarding special events at a harbour:

- issuance of a licence,
- modifications to harbour facilities, and
- insurance coverage.

### 4.11.1 Issuance of a licence

To ensure that special events are conducted in a satisfactory manner, the Harbour Authority may choose to issue a licence to individuals, groups, companies, or organizations who wish to hold an event at the harbour. The licence agreement states the terms and conditions of the arrangement.

Before authorizing organizers to hold a special event at the harbour, the Harbour Authority may request that organizers provide a complete description of the activities that will take place in order to identify potential implications of holding the event. The description should include information about:

- the specific area of the harbour involved,
- the space required,
- the number of people attending,
- the duration of the event,
- the sale or provision of food and beverages,
- the presence or absence of local police or other enforcement agencies, and
- the anticipated impact on the operations of the harbour.

### 4.11.2 Modifications to harbour facilities

In cases where additions or improvements to the harbour facilities take place for a special event, construction projects should be authorized by the Department of Fisheries and Oceans (DFO) and supervised by the Harbour Authority.

### 4.11.3 Insurance coverage

Before granting a licence to event organizers, the Harbour Authority should ensure that the organizers have obtained adequate comprehensive general liability insurance. The insurance policy should name the Harbour Authority as an additional insured party.

The Harbour Authority should confirm with its insurance company whether, under its policy, it is feasible to hold a particular event, particularly if a liquor permit and the consumption of alcohol are involved.

For events held by the Harbour Authority, the Harbour Authority must obtain the necessary municipal permits and adequate insurance coverage.

## 4.12 Enforcing Harbour Authority Regulations

This section describes two elements of enforcing Harbour Authority Regulations: seeking compliance and legal recourse.

### 4.12.1 Seeking compliance

The first step in seeking compliance is clearly communicating the rules and procedures of the harbour to all harbour users, and explaining why they exist. The most effective means of communicating at a harbour are:

- posting signs in visible locations,
- giving verbal reminders, and
- setting good examples.

When confronted with delinquent accounts or recurring inappropriate behaviour, the Harbour Authority may wish to try various resolution approaches before considering legal recourse. The following approaches will provide further records of events that will lend support to potential legal proceedings:

- meet with the other party in person to hear his or her version of the events;
- distribute written warnings by hand or by mail;
- seek the support of the Board of Directors or the membership in finding workable solutions or arrangements (this initiative will be recorded in their meeting minutes).

### 4.12.2 Legal recourse

Legal recourse is both expensive and laborious and may not result in a quick and tidy solution. In some cases, however, legal recourse cannot be avoided.

The Harbour Authority should meet with its lawyer to discuss its general credit policy and method of debt collection. The Harbour Authority should decide whether to retain the lawyer to act on all its debt collections and negotiate a volume discount, or handle Small Claims Court matters itself. Typically, debts owed to the Harbour Authority are most easily and inexpensively collected through the Small Claims Court system. However, prior to proceeding on its own behalf, the Harbour Authority should verify the procedural and substantive rules governing Small Claims Court actions in its jurisdiction. For example, in Québec the maximum value of a Small Claims Court action is \$3,000, while an equivalent Court in Ontario will hear claims with a value of up to \$6,000. In addition, the filing of claims and other procedural matters may vary from province to province and these requirements should be verified in advance to increase the Harbour Authority's chances of collecting on the debt.

Should the Harbour Authority choose to handle a Small Claims Court action itself, a person should be designated to handle the matter. The designated person should visit the local Small Claims Court office to learn the substantive legal requirements and procedures involved.



*Notes:*

## 4.13 Signs

Signs effectively communicate the rules and procedures of the Harbour Authority. This section discusses the purposes of signs and provides examples of signs.

### 4.13.1 Purpose of signs

The Harbour Authority may use signs for safety and operational issues such as:

- warning and advising users of potential dangers and hazards;
- clearly communicating which activities are restricted, such as swimming and diving;
- safeguarding assets; for example, informing users of load limits;
- instructing people about what to do in case of an accident or emergency; and
- communicating the Harbour Authority rules and regulations.

### 4.13.2 Examples of signs

The following standard information and warnings may be conveyed to harbour users through signs:

- berthage fees, other fees, and payment terms,
- loading zone area,
- garbage disposal instructions,
- dumping of any waste in the water is prohibited,
- fueling instructions,
- restrictions and instructions on the use of power,
- instructions on the disposal of used oil,
- restrictions on the storage and use of petroleum products,
- parking instructions and restrictions,
- the names and phone numbers of people to contact in case of an emergency (fire, spill, accident, etc.),
- restrictions on certain activities such as swimming, diving, fishing, smoking, and others.

The Harbour Authority should ensure that signs are in accordance with municipal signage by-laws.

The Harbour Authority may choose to restrict the types, sizes, and overall condition and appearance of signs posted at a harbour to advertise services to fishermen and tourists such as the sale of boats, charter or boat rental, community events, and others.

*Notes:*

## 4.14 Other Harbour Services

The Harbour Authority may, for an additional fee or as part of the berthage fee, provide various services to harbour users. This section describes the provision of the following services:

- loading and unloading facilities,
- storage and stockpiling facilities, and
- launching pads, bilge pumps, battery chargers, and other services and equipment.

### 4.14.1 Loading and unloading facilities

Harbour users require loading and unloading facilities such as hoists or winches to remove fish from, and put baits, traps, and other goods and equipment into, their boats. Fish buyers may also require these facilities to load their containers and trucks.

#### Issuance of a licence

The Harbour Authority may choose to issue a licence or sign an agreement with individuals or companies who wish to load and unload fish or other goods on harbour property.

The licence or agreement confirms, in writing, the terms and conditions of the arrangement. Some standard conditions that the Harbour Authority may choose to include in the agreement are:

- payment for the service as agreed;
- compliance with all applicable laws and regulations;
- limitation of such activities to the areas assigned for that purpose and no vessels berthing in that area for any other purpose;
- compliance with the weight limits posted for winches, hoists, and wharf head;
- usage of the area for limited periods of time only (e.g., no more than 24 hours at a time);
- safe usage of lifting equipment;
- keeping the area clean of debris and garbage, and disposing of all waste and refuse;
- not leaving behind tote boxes or other equipment;
- having third-party comprehensive liability insurance coverage; and
- releasing the Harbour Authority from all claims of loss, damage, and expenses.

### Safety

The Harbour Authorities should ensure its equipment is kept in good order and that harbour users know how to safely operate the equipment in order to limit the risk of personal injury and damage to property.

Quick access to a first-aid kit should be provided in the case of an accident. An emergency assistance number should be posted in that area.

The Harbour Authority should be aware of the need for regular inspection and maintenance of its lifting equipment. A maintenance form should be set up and kept on file for weekly inspection of gears, oil changes, and for regular testing of the wire rope and general mechanism of the equipment.

## 4.14.2 Storage and stockpiling facilities

The Harbour Authority may be held liable for damage to goods stored on its premises. Laws regarding liability vary from province to province; the Harbour Authority should obtain legal advice on ways to limit its liabilities when providing storage services.

As a rule, the Harbour Authority should ensure the premises are kept in good order and that no gross negligence is committed.

### Storage agreement

A storage arrangement should be confirmed in writing in order to state the responsibilities of the occupant. The agreement may contain some the following terms and conditions:

- payment arrangements;
- indemnification of the Harbour Authority in case of loss or damage to stored goods;
- the type of goods that may be stored (e.g., no hazardous materials);
- confirmation of insurance coverage for the full value of the gear and equipment in storage;
- requirement that the space be kept clean and orderly, and that hallways and doorways be kept free of obstructions;
- no duplication of keys allowed; and
- provision to the Harbour Authority of the right to access the premises at any time.

### Safety

The Harbour Authority may use the support of local fire departments to identify hazards and conduct regular inspections of its storage facilities.

### 4.14.3 Launching pads, bilge pumps, battery chargers, and other services and equipment

The Harbour Authority should develop specific usage instructions for the use of launching pads, slips, and tidal grids to limit environmental liabilities.

#### Safety

Launching pads, slips, and tidal grids should be located in a safe area, away from heavy traffic. Users should be notified that they are using these facilities at their own risk.

When providing access to the use of forklift trucks, bilge pumps, tugboats, battery chargers, or other types of equipment, a Harbour Authority should ensure the operator of the machinery is able to use the equipment properly and safely. A list of safety procedures may be provided to the user. A release and indemnity form should be used in all cases.

*Notes:*

