
CITY OF KELOWNA

MEMORANDUM

Date: September 28, 2006
File No.: 0710-40

To: City Manager

From: Properties Manager

Subject: **Bylaw 9496 to amend the City of Kelowna Parks and Public Spaces Bylaw No. 6819-91**

RECOMMENDATION:

THAT City of Kelowna Parks and Public Spaces Bylaw No. 6819-91 be amended to allow passenger ship operators to use city parks and docks to load and unload paying customers;

AND THAT the required amending bylaw, No. 9496, be advanced for reading consideration by Council.

BACKGROUND:

At a regular Council meeting on September 19, 2005, City Council instructed the Director of Parks & Leisure Services to address the use of parks as a base of operation by commercial boating operators. At a regular Council meeting on June 7, 2006, City Council instructed Staff to bring forward the necessary amendments to deal with dock moorage.

Staff is proposing a by-law amendment which would authorize the Civic Properties Manager to issue a "Licence to Use" to passenger ship operators that meet the following qualifications:

- Valid City Business Licence;
- Insurance to City requirements with the City as a named insured;
- Department of Transport Canada certification as a "passenger ship" ;
- Obtain a "Licence to Use" from the Civic Properties Manager;
- Operate the passenger ship under the command of a Qualified Captain(s); and
- Pay a \$50.00 annual administration fee

The intent of the bylaw is to provide safe alternatives to people wishing to tour the lake leaving from a public space.

This would allow operators to use city parks and docks to load and unload paying customers.

The 2006 final budget approved the addition of serviced moorage spaces to the single space currently at the Sails (item 10-230-C5362). This helped address the growing demand for moorage from operators of "small commercial passenger vessels". The amendment provides authority for the Civic Properties Manager to rent or lease city-owned passenger ship moorage located at the Sails dock at the foot of Bernard Avenue. The base rent for the space will be published annually with the goal of recovering the cost of construction of the moorage by December 31, 2009.

Civic Properties will take reasonable measures to inform all commercial passenger vessel owners of this bylaw amendment.

Ron Forbes
Properties Manager

cc.: David Graham, Director of Recreation, Parks and Cultural Services
Randy Cleveland, Civic Properties Manager
Joe Creron, Parks Manager
Stephen Fleming, Council Services Supervisor
Keith Grayston, Financial Planning Manager

Passenger Ship Moorage Rental Rates – 2006/07

Base Rate

Moorage Space	Annual Rent
Sails Dock	
1 (serviced berth)	Berth x Length x \$7.63 + 5%
2 (serviced berth)	Berth x Length x \$7.63
3 (serviced berth)	Berth x Length x \$7.63 + 5%
4 (serviced berth)	Berth x Length x \$7.63 + 5%
5 (un-serviced berth)	Berth x Length x \$5.00

Notes:

- refer to attached sketch AK-102 for berth numbering
- rental agreements would be conditional upon a \$5,000 damage deposit
- maintenance is included in the base rate
- all spaces would be charged a 5% lease administration fee
- all spaces would be charged for utilities as an additional charge:
 - un-metered utilities (e.g. water and garbage) would be apportioned equally among occupied spaces
 - metered utilities (e.g. electricity)
- the rate structure has a multiplier that recognizes the value of proximity to the dock access ramp(s) (Berth 3) and the visual exposure to the shoreline promenade (Berth 1 and 4)
- spaces allocations would be offered to qualified operators according to the following sequence:
 1. Consensus of all parties, including due consideration for safety as it relates to technical specifications of qualified passenger ships, AND FAILING THIS;
 2. The determination of the Civic Properties Manager in collaboration with Transport Canada in consideration of the stated priorities of qualified operators; OR
 3. Where all things are equal, a random draw.
- where the number of qualified passenger ships exceeds the available spaces, the opportunity to rent a space would be based on a request for proposal and awarded to the highest bidders, referring to the Base Rate Chart above as the “reserve bid”.