

CITY OF KELOWNA

BYLAW NO. 12308

Amendment No. 5 to Parks and Public Spaces Bylaw No. 10680

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts that the City of Kelowna Parks and Public Spaces Bylaw No.10680 be amended as follows:

1. THAT **Part 2 – DEFINITIONS**, be amended by adding the following in their appropriate location:
Dryland Boat Rental or Boat Club Company means a company that offers boat rental or a boat club service but does not have on water moorage;
Dryland Personal Watercraft Rental means a company that offers personal watercraft rental but does not have on water moorage;
Watercraft Valet Company means a company that offers services to launch and retrieve a **watercraft** owned by a third party;

- 2. THAT **PART 3 – PROHIBITIONS**, be amended by adding “or **Public Space**” wherever the definition **Park** appears alone without “or **Public Space**”;
- 3. AND THAT **PART 4 – USES**, 4.7 be deleted in its entirety as follows:

“No **Person** shall moor or dock a **Passenger Ship** within a **Park** or public space, or on or to a **City** of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick up and drop-off of passengers unless the **Person** holds a License to Use permit from the **City** of Kelowna, as attached to and forming part of this bylaw as Schedule C, and:

- (a) Holds a valid **City** of Kelowna Business Licence for operation of Passenger Ship;
- (b) Holds insurance coverage for comprehensive liability for bodily injury and property damage, marina operators liability, marina protection and indemnity, owned and non-owned automobile liability and environmental impairment liability in forms and to limits of insurance coverage acceptable to the **City** of Kelowna Risk manager or designate, and naming the **City** of Kelowna as a named insured;
- (c) is properly certified by Transport Canada to operate a Passenger Ship; and
- (d) operates the **Passenger Ship** under the command of a certified master, as defined by the Canada Shipping Act, R.S.C., c. S-9, as amended from time to time.”

and replace it with the following:

“No **Person** shall

- (a) moor or dock a **Passenger Ship** within a **Park** or **Public Space**, or on or to a **City** of Kelowna boat launch, dock or moorage facility, or use any of these as a designated location for pick-up and drop-off of passengers unless the **Person** has a permit or license from the **City** of Kelowna;
- (b) enter onto a **Park** or **Public Space** to offer **Watercraft** rentals, offer **Boat Club Company**

services or offer **Watercraft Valet Company** services unless the **Person** has a license or permit from the **City** of Kelowna."

4. AND THAT **PART 4 USES**, 4.10 be added as follows and the section renumbered accordingly:

"Provided that all necessary prerequisites of the Community Charter the Local Government Act, other applicable federal and provincial enactments, City bylaws, and City policies have been met, the Manager, Property Management is delegated the authority to issue permits or licences to use designated moorage space for a **Passenger Ship** and the authority to issue permits or licences for **Watercraft** rentals, **Boat Club Companies** or **Watercraft Valet Companies** to operate in a **Park** or **Public Space**, with the following requirements:

- (a) operators are required to pay the **City** a fee for the permit or licence in accordance with Schedule C of this Bylaw;
- (b) the maximum term of a licence to use or operate shall be (1) year; and
- (c) the Manager, Property Management shall provide a report to Council to be received for information regarding any licences issued pursuant to this Bylaw on an annual basis."

5. AND FURTHER THAT **Schedule "C" - Licence to Use (For Commercial Passenger Vessels)** be deleted in its entirety and replaced with the following:

Schedule C – Boating Facility Commercial Licence Fee per Watercraft	
Dryland Personal Watercraft Rental	\$ 1,000.00
Dryland Boat Rental	\$ 2,000.00
Boat Club Company	\$ 2,000.00
Watercraft Valet Company	\$ 200.00
Watercraft Tour Operators	\$ 2,000.00

6. This bylaw may be cited for all purposes as "Bylaw No. 12308, being Amendment No. 5 to Parks and Public Spaces Bylaw No.10680."
7. This bylaw shall come into full force and effect and is binding on all persons upon the date of adoption.

Read a first, second and third time by the Municipal Council this 28th day of February, 2022.

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk