

SAINT JOHN PORT AUTHORITY

BY-LAW RESPECTING MAINTENANCE DREDGING SERVICES FEES

Short Title

1. This By-Law may be cited as the DREDGING SERVICES FEE BY-LAW.

Interpretation

2. In this By-Law the following definitions apply for the purpose of establishing and collecting fees to be paid for the provision of maintenance dredging services by the Saint John Port Authority for the benefit of ships using the Port.

- (a) “Authority” means the Saint John Port Authority;
- (b) “Authority property” means any wharf, pier, jetty, bulkhead or similar facility that is under the administration, management and control of the Authority at the Port and includes any such property under lease from the Authority;
- (c) “draught” of any ship for the purposes of this By-law shall mean the maximum summer draught amidships;
- (d) “dredging services fee” means a fee to be paid in respect of a ship which transits or uses the dredged areas of the Port for the purposes of gaining access to or leaving facilities located in Zone 1 or Zone 2 as shown on Schedule “B” annexed;
- (e) “gross tonnage” means the gross tonnage of a vessel calculated as follows:
 - (i) on a basis that corresponds with or is equivalent to the method of calculating the tonnage of a vessel set out in the Vessel Registration and Tonnage Regulations made pursuant 1 to the Canada Shipping Act, 2001 as amended; or
 - (ii) in accordance with the Regulations set out in Annex I to the International Convention on Tonnage Measurement of Ships, 1969;
- (f) “owner” with respect to any ship includes the agent, charterer by demise and master of such ship;

- (g) “Port” means the harbour of Saint John and the lands and navigable waters under the jurisdiction, administration, management and control of the of the Authority;
- (h) “ship” means every description of vessel, boat or craft designed, used or capable of being used solely or partly for marine navigation, whether self propelled or not and without regard to the method of propulsion;
- (i) “tonnage measurement certificate” means a certificate issued by a measurement authority recognized by the Authority that sets out the gross tonnage of a vessel.

Application

- 3. This By-Law applies to the lands and navigable waters under the jurisdiction, administration, management and control of the Authority and is binding on Her Majesty in Right of Canada and in Right of any Province.

Dredging Services Fee

- 4.
 - (1) Subject to Section 5, a dredging services fee is payable by each ship that transits any portion of Zone 1 or Zone 2.
 - (2) The dredging services fee shall be based on the gross tonnage of a ship and shall be calculated at the rates set out in Schedule “A” annexed.
 - (3) The dredging services fee is due from the owner as soon as it is incurred and shall be paid to the Authority at its offices.
 - (4) For the purposes of determining the time at which a dredging services fee is incurred, the following rules shall apply:
 - (a) a dredging services fee is incurred in respect of a ship bound for a berth in Zone 1 at the time the first line is made fast at the said berth;
 - (b) a dredging services fee is incurred in respect of a ship bound for a berth in Zone 2 at the time the first line is made fast at the said berth;

- (c) a vessel that, during a single call to the Port, berths in both Zone 1 and Zone 2 shall incur a dredging services fee only with respect to its berthing in Zone 1.
- (5) The fees referred to in this Section 4 are payable within 30 days from the due date and where the fees are not paid in that time, an additional charge of 1 1/2% of the fees payable shall be paid for each subsequent 30 day period or portion thereof that the fees remain unpaid.

Exemptions

5. Notwithstanding Section 4 hereof, no dredging services fees shall be payable in respect of

- (a) a vessel that is of a non-commercial type or design, and belongs to Her Majesty or a foreign government;
- (b) a vessel that is a pleasure craft not engaged in commerce;
- (c) a vessel having a draught of 5.0 meters or less.

Measurement of Vessels Tonnage

6. (1) Where two gross tonnages are recorded on a tonnage measurement certificate, the greater of those tonnages shall apply for the purposes of this By-Law.
- (2) Where the owner of a vessel is not able to produce a tonnage measurement certificate, the Authority may estimate the gross tonnage of that vessel and the gross tonnage so estimated shall be regarded as the gross tonnage for the purposes of this By-Law.

Other Charges

7. The dredging services fee is in addition to fees, harbour dues, charges, rates or tolls that are imposed by any other By-Law of the Authority or which have been fixed under Section 49(1) of Part I of the Canada Marine Act or that may be otherwise payable to the Authority.

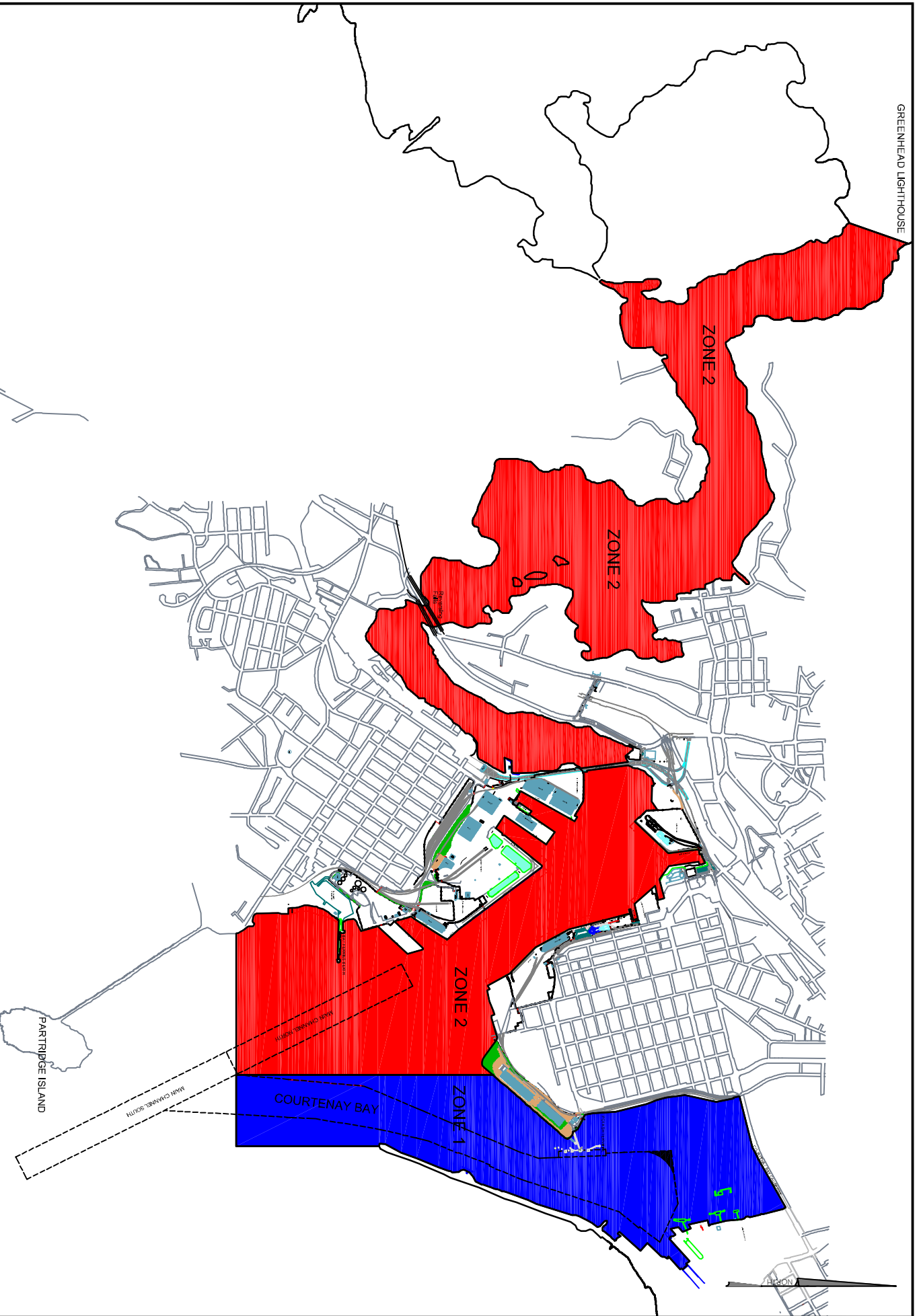
DREDGING SERVICES FEE BY-LAW

SCHEDULE "A"

Effective June 1, 2009

- 1. Vessels entering Zone 1 \$0.2085 per gross ton
- 2. Vessels entering Zone 2 \$0.0070 per gross ton
- 3. Vessels entering both Zones on one call..... \$0.2085 per gross ton

GREENHEAD LIGHT HOUSE



TITLE:

DREDGING SERVICES FEE
ZONES
SCHEDULE "B"

SCALE:

N.T.S.

DATE:

MARCH 2009

DRAWN BY:

MM

CHECKED BY:

REVISED:

DWG No.:

C-03-0752

NOTE:



SAINT JOHN PORT AUTHORITY
ADMINISTRATIVE PARTIALITY OF SERVICES