



BYLAW NO 205

NAVIGATION AND SAFETY

BYLAWS - 2002



NELSON CITY COUNCIL NAVIGATION AND SAFETY BYLAWS

Draft

Pursuant to section 684B of the Local Government Act 1974, the Nelson City Council, makes the following bylaws.

2 April 2002

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1 Preliminary Provisions

1.1 Title and commencement

- (1) These bylaws are the Nelson City Council Navigation and Safety Bylaws 2002.
- (2) These bylaws come into force on 23 September 2002.

1.2 Areas within which these Bylaws apply

These bylaws apply to the waters within the Region as depicted on the map 1.4.

1.3 Definition of terms

In these bylaws, unless the context otherwise requires:

Access lane	Means an area defined by words and maps in Schedule 1 of these bylaws. That permits a vessel to exceed the 5 knot speed limit within 200 metres of the shoreline.
Act	means the Local Government Act 1974:
Aircraft	has the same meaning as in the Civil Aviation Act 1990: [<i>“aircraft” means any machine that can derive support in the atmosphere from the reaction of the air otherwise than from the reactions of the air against the surface of the earth</i>]
Anchorage	in relation to vessels, means a place (enclosed or otherwise) normally used for the anchoring of small vessels to the bed of the waters, whether the place is reserved for such purposes by the Council or not:
Anchoring	means the securing of a vessel to the bed of the waterway by means of an anchor, cable or other device, that is normally removed with the vessel when it leaves the site or anchorage:
Beacon	means a light or mark set up in a prominent position as a navigation mark or a warning to vessels:
Buoy	means an anchored float serving as a navigation or locational mark, or to indicate reefs, other hazards or a mooring:
Class 3.1 oil products	means oil having a flashpoint below -18 degrees C; and includes motor spirit, aviation spirit, benzine, benzol, methylated spirits, and low-flash distillate:
Class 3.2 oil products	means oil having a flashpoint below 23 degrees C; and includes kerosene and burning oil, and also such alcohols and crude oils as have such a flashpoint:

Class 3.3 oil products	means oil having a flashpoint from 23 degrees Centigrade up to and including 61 degrees Centigrade:
Commercial vessel	has the same meaning as commercial ship in the Maritime Transport Act 1994: [<i>commercial ship – means a ship that is not-</i> <i>a) a pleasure craft,</i> <i>b) solely powered manually, or</i> <i>c) solely powered by sail]</i>
Council	means the Nelson City Council as constituted under the Act:
Crew	means the persons employed or engaged in any capacity on board a vessel, but does not include the master, a pilot, or a person temporarily employed on the vessel while in port:
Director of Maritime Safety	means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:
Enforcement officer	means a person appointed as an enforcement officer under Clause 5.1 of these bylaws:
Explosive substance	has the same meaning as in the Hazardous Substances (Classification) Regulations 2001
Flag A	means the Divers Flag of the International Code of Signals, a burgee (swallow-tailed) flag coloured in white and blue, with white to the mast, or a rigid equivalent:
Flag B	means flag B of the International Code of Signals, a burgee (swallow-tailed) flag coloured in red, or a rigid equivalent:
Foreshore	has the same meaning as in the Resource Management Act 1991: [<i>“Foreshore” means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.</i>]
Harbour	means Nelson Harbour as defined in an Order-in-Council published in “The New Zealand Gazette” dated the sixth day of December, 1934, at page 4128:
Harbourmaster	is the person(s) appointed by the Nelson City Council as Harbourmaster to exercise authority under clause 5.1 of these Bylaws and all relevant associated legislation; and includes any deputy of a Harbourmaster:
Length	in relation to a vessel, means overall length:
Maritime Rules	means rules made under the Maritime Transport Act, 1994:
Master	means any person having command or charge of a vessel, but does not include a pilot who is piloting the vessel:
Mean high water spring	means the average of each pair of successive high waters during that period of about 24 hours in each semi-lunation (approximately 14 days), when the range of tides is greatest:
Mooring	a) means any weight or article placed in or on the foreshore or the bed of a waterway for the purpose of securing a vessel, raft, aircraft, or floating structure; and b) includes any wire, rope, buoy, or other device attached or connected to the weight; c) but does not include an anchor that is normally removed with the vessel, raft, aircraft, or floating structure when it leaves the anchorage:

Mooring area	means any area from time to time designated by the Council as a mooring management area under the Resource Management Act 1991, where vessel moorings may be placed; but does not include an anchorage:
Navigable waters	means any waters whether coastal or inland which are able to be navigated:
Navigate	means the act or process of managing or directing the course of a vessel on, through, over, or under the water:
Oil	means petroleum in any form including crude oil, fuel oil, sludge, oil refuse; and includes spirit produced from oil and oil mixed with water and refined products (within the meaning of section 222 of the Maritime Transport Act 1994):
Owner	includes, – (a) in relation to a vessel, the agent of the owner and also a charterer; and (b) in relation to any dock, wharf, quay, or slipway, includes a lessee of the dock, wharf, quay, or slipway:
Personal flotation device	Means any serviceable buoyancy aid that is designed to be worn on the body and that is certified by a recognised authority as meeting: (a) a standard NZ 5823:2001 applicable to the buoyancy aid; or (b) a national or international standard that the Director is satisfied substantially complies with a standard in NZ standard 5823:2001 applicable to the buoyancy aid:
Personal water craft	has the same meaning as in section 684 B(g)(iii) of the Act [<i>personal water craft</i>] means a power driven ship that : a) has a fully enclosed hull; and b) does not take on water if capsized; and c) is designed to be operated by a person standing, sitting astride, or kneeling on it, but not seated within it.]
Person in charge of a vessel	means the master:
Pilot	has the same meaning as in the Maritime Transport Act 1994: [<i>pilot</i>] in relation to any ship, means any person not being the master or a member of crew of the ship who has the conduct of the ship.]
Pleasure craft	has the same meaning as in the Maritime Transport Act 1994: [<i>pleasure craft</i>] means a ship that is used exclusively for the owner's pleasure or is the owners residence, and is not offered or used for hire or reward, but does not include:- a) a ship that is provided for transport or sport or recreation by or on behalf of any institution, hotel, motel, place of entertainment, or other establishment or business; b) a ship that is used on any voyage for pleasure if it is normally used or intended to be normally used as a fishing ship or the carriage of passengers or cargo for hire or reward; c) a ship that is operated or provided by any club, incorporated society, trust, or business.
Powered vessel	means any vessel that is propelled or driven otherwise than solely by oars, paddles, or the wind:

Proper speed	means speed through the water:
Public notice	means a notice published in a newspaper circulating generally in the Nelson City Council Region adjacent to the waters to which the subject matter of the notice relates:
Region	means the territorial area of the Nelson City district
Reserved area	means those areas defined by words or maps in these bylaws as areas reserved for any specific activity or purpose:
Reward	means the payment to or for the benefit of the owner or master of a vessel, of a contribution towards the expenses of a voyage by or on behalf of any person; but does not include payment of any contributions by part owners of the vessel or by persons engaged as bona fide crew members:
River mouth (Maitai)	means the line in the Maitai River as defined by the “River Agreement for definition of river mouth and landward boundary of the Coastal Marine Area” between the Minister of Conservation and the Nelson City Council, 1996:
Safe boating advisor	Means a person appointed as a safe boating advisor under clause 5.1 of these bylaws:
Seaplane	means a flying boat or any other aircraft designed to manoeuvre on the water. Under these bylaws is deemed to be a vessel when operating on the water:
Seaworthy	means being in a fit condition or readiness to safely undertake a sea voyage:
Ship	has the same meaning as in the Maritime Transport Act 1994: <i>[“ship” means every description of boat or craft used in navigation, whether or not it has any means of propulsion, and includes:</i> <ul style="list-style-type: none"> <i>a) a barge, lighter, or other like vessel</i> <i>b) a hovercraft or other thing deriving full or partial support in the atmosphere for the reaction or air against the surface of the water which it generates</i> <i>c) a submarine or other submersible</i>
Shore	when referring to distance from shore, means distance from the waters edge:
Structure	(a) means any building, equipment, device, or other facility made by people and which is fixed to land; and (b) includes slipways, jetties, pile moorings, swing moorings, rafts, wharves, marine farms, and other objects whether or not these are above or below the waterline; but (c) does not include navigation buoys:
Sunrise	the time of sunrise as stated in the New Zealand Nautical Almanac, NZ 204:
Sunset	the time of sunset as stated in the New Zealand Nautical Almanac, NZ 204:
Tanker	means any ship which: <ul style="list-style-type: none"> (a) is specially constructed, or has a compartment or compartments specially constructed, for the carriage in bulk of oil products of any class; and (b) either: <ul style="list-style-type: none"> (i) has on board or is about to take on board a cargo the

- whole or any part of which consists of Class 3.1, 3.2 or 3.3 oil products in bulk; or
- (ii) has discharged any cargo consisting of any such oil products in bulk, but the holds, tanks, and compartment of which have not been rendered or certified gas-free

and includes any tanker designed for carriage of bulk liquid harmful substances:

Territorial authority district

has the same meaning as in section 2 of the Act

Vessel

has the same meaning as ship in the Maritime Transport Act 1994

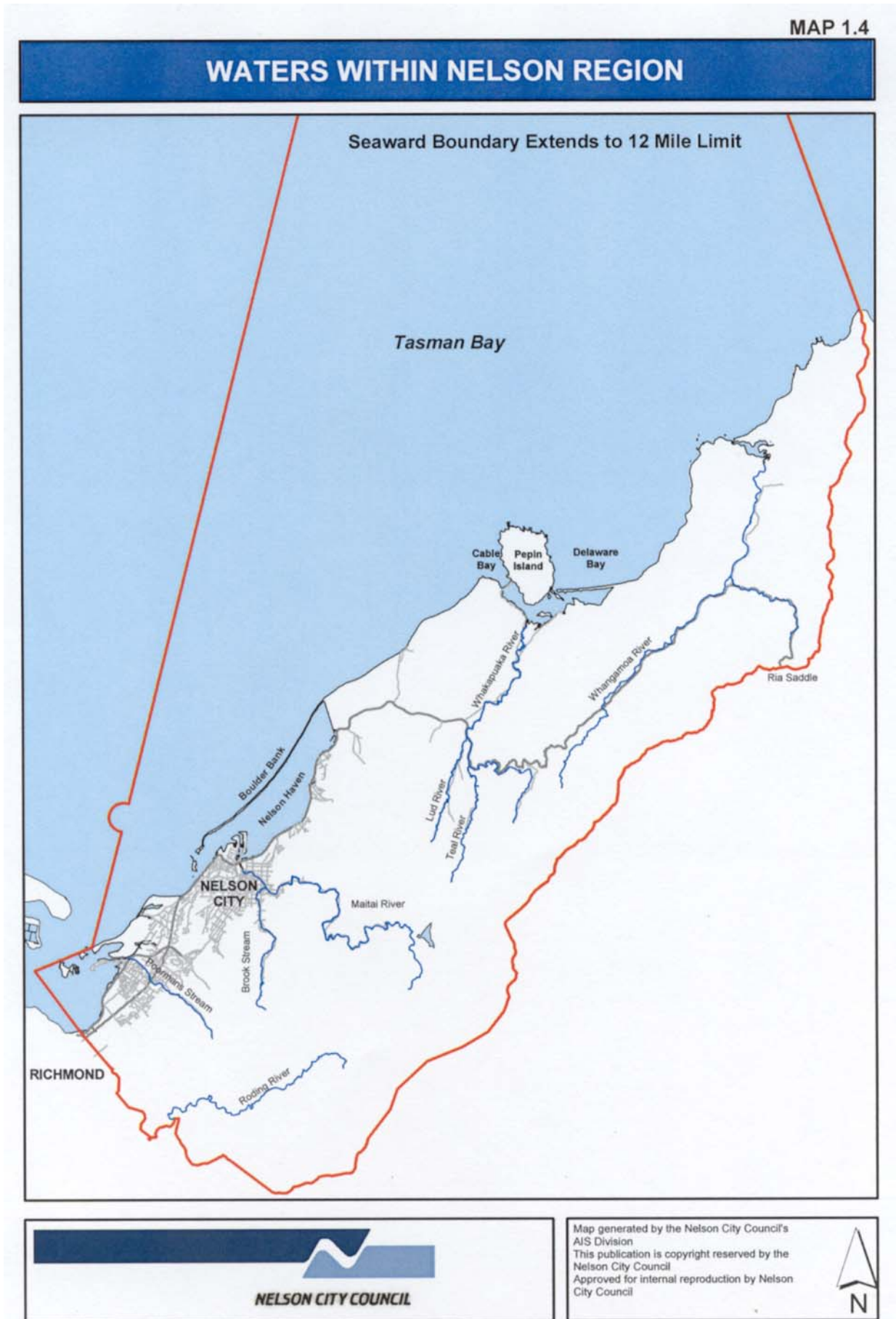
“Ship” means every description of boat or craft used in navigation, whether or not it has any means of propulsion; and includes—

(a) A barge, lighter, or other like vessel:

(b) A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates:

(c) A submarine or other submersible:

1.4 Waters within Nelson region



2 General Matters

2.1 Personal flotation devices

1. No person in charge of a pleasure craft may use it or allow it to be used unless it carries at the time of use, and in a readily accessible location, sufficient personal flotation devices of an appropriate size for each person on board.
2. In respect of any sporting event, training activity, or other organised recreational activity, subclause (1) shall not apply if a support vessel remains in the immediate vicinity of the pleasure craft and the support vessel carries personal flotation devices of an appropriate size for each person on board the support vessel and the pleasure craft.
3. In respect of any sporting event, training activity, or any other organised recreational activity, the Harbourmaster may exempt persons from sub-clause (2), provided that the Harbourmaster is satisfied that adequate safety precautions are made for rescuing from the water any persons participating in the event or activity.
4. No person in charge of a pleasure craft may use that craft, or allow it to be used, in circumstances where tides, river flows, visibility, rough seas, adverse weather, emergencies or other situations may result in a danger to the safety of persons on board, unless every person on board is wearing a personal flotation device of an appropriate size for that person.
5. Subclauses (1) and (2) shall not apply to any surfboard, sailboard, or windsurfer.

2.2 Persons to avoid swimming or diving around wharves

1. No person may dive or swim within 50 metres of:
 - (a) any structure in the port operational area as defined in the Nelson Resource Management Plan for the Nelson City Council Region, or
 - (b) any designated anchorage or mooring area or
 - (c) any other such areas as the Harbourmaster may from time to time determine,unless the person does so in accordance with the prior written consent of the Harbourmaster

2.3 Use of vessel engine around wharves, ramps

1. No person may operate the propulsion system of a vessel while it is lying at any wharf, or while it is loading or unloading at any ramp, in such a way that it may

damage any property, scour the bed of the waterway, or injure any person. However, this bylaw does not preclude the use of the propulsion system for the safe berthing or unberthing of any vessel at a wharf.

2. The Master of any commercial vessel must:
 - (a) ensure that crew members are stationed both forward and aft on any vessel while that vessel is lying at any wharf and about to test or is testing a propulsion system; and
 - (b) warn all persons or vessels in the immediate vicinity of that vessel that the engines are being tested; and
 - (c) notify the Harbourmaster before testing a propulsion system while that vessel is lying at any wharf.

2.4 Vessels to be seaworthy or removed

1. The master and owner of any vessel anchored or moored in any waters must keep the vessel in a seaworthy condition at all times, unless the Harbourmaster has given prior written approval for it to be anchored or moored in an unseaworthy state.
2. If any vessel is a hazard to navigation by reason of it being unseaworthy:
 - (a) the Council may give a written direction to the owner and/or master of the vessel to move it to an alternative location, or to remove it from the waters within a reasonable time specified in the direction; and
 - (b) the owner and master are jointly and severally responsible for ensuring the direction is complied with.
3. If the owner or master of the vessel fails to move the vessel in accordance with a direction given under subclause 2, the Council may move that vessel to a position where it is no longer a hazard, or remove it from the water. The costs incurred may be recovered from the owner, master, or agent of the vessel in any court of competent jurisdiction as a debt due to the Council.
4. No person may operate any unseaworthy vessel except to comply with the directions, under these bylaws, of the Harbourmaster or enforcement officer to move the vessel to an alternative location.

2.5 Seaplanes

1. No person navigating a vessel may impede a seaplane in the process of landing or taking off.
2. No person may take-off, land or attempt to take-off or land any seaplane without the permission of the Harbourmaster.

2.6 Vessels to be adequately moored or secured

1. Except in an emergency involving danger to life or property, no person may cut, break, or destroy or unlawfully detach;

- (a) the mooring of any vessel; or
 - (b) the fastening securing any vessel lying in, at or near a wharf, dock or landing place.
2. When a vessel is moored in, at or alongside a wharf, dock or other landing place, the owner or master must ensure that adequate and safe means of access to the vessel is provided, properly installed, secured, and adjusted to suit all tidal conditions.

2.7 Prohibited anchorages

1. No person may except in an emergency, anchor any vessel in any navigational channel, so as to obstruct the passage of other vessels or obstruct the approach to any wharf, pier or jetty.
2. No person may except in any emergency anchor or moor any vessel within any prohibited anchorage as follows:
- (a) within the immediate vicinity of any dredged channels
 - (b) within or between the old and new marina areas
 - (c) within 100 metres of any underwater power or telephone cable.

2.8 Obstructions

1. No person may except in an emergency, obstruct the navigation of any waterway or the access to any wharf, landing place, boat ramp, slipway, or mooring.
2. No person may place any obstruction, including any fishing apparatus, in any waterway, that is liable to:
- (a) restrict navigation; or
 - (b) cause loss of life or injury to any person; or
 - (c) cause damage to any vessel or any property.

2.9 Notification of collisions or accidents

1. The master of any vessel that:
- (a) has been involved in a collision with any vessel or property, or has been sunk or grounded or become stranded in any waterway; or
 - (b) by reason of accident, fire, defect or otherwise is in such a condition as to affect its safe navigation or to give rise to danger to any person, other vessels or property; or
 - (c) in any manner gives rise to an obstruction; or
 - (d) causes any damage to any navigation aid or structure or to anything on the structure;

must, as well as complying with any accident reporting requirements of the Maritime Transport Act 1994, as soon as practicable report the occurrence to the

Harbourmaster and within 24 hours, provide the Harbourmaster with full written details of the occurrence.

2. A report under subclause 1 must include:
 - (a) a full description of any injury to persons and their names and their addresses; and
 - (b) a full description of any damage to vessels or structures; and
 - (c) the names and addresses of persons in charge of the vessel; and
 - (d) the time and date of the occurrence; and
 - (e) an outline of events relating to the occurrence.
3. If an incident described in subclause 1 involves damage to a vessel that makes or is likely to make it unseaworthy the master may not move the vessel except:
 - (a) to prevent the vessel from creating a hazard to navigation; or
 - (b) in accordance with the directions of the Harbourmaster, or an enforcement officer.

2.10 Damage to buoys

1. No person may tie a vessel to any buoy, beacon, or other device or structure erected as a navigation aid or warning, without the prior permission of the Harbourmaster.
2. No person may damage, remove, deface or otherwise interfere with any buoy, beacon or other device or structure erected as a navigation aid or warning.
3. No person may erect, maintain or display any beacon, buoy or other device which may be used as or mistaken for a recognised navigation aid, without the written permission of the Council and the Maritime Safety Authority.

2.11 Vessels not to sound whistles

No person may blow or sound, or cause to be blown or sounded, the whistle, siren or horn of a vessel, within any Nelson harbour area, except as a navigation safety signal. However, nothing in these bylaws precludes the testing of such a whistle, siren or horn before the vessel leaves any wharf.

3 Operating Requirements

3.1 Minimum age for operating powered vessels

1. No person under the age of 15 years may propel or navigate a powered vessel that is capable of a proper speed exceeding 10 knots.
2. The owner of a powered vessel that is capable of a proper speed exceeding 10 knots must not allow any person who is under the age of 15 years to propel or navigate that vessel in contravention of subclause 1.
3. Subclause 1 does not apply to any person who has a written exemption from the Harbourmaster. Written exemptions may be given for training, competitions or other sporting events, and the Harbourmaster, when considering whether or not to grant such an exemption shall have regard to the competence of the person, the level of supervision, and the awareness of that person of other relevant navigation safety matters.

3.2 Speed of vessels

1. No person may propel or navigate a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots:
 - (a) within 50 metres of any other vessel, floating structure, or person in the water; or
 - (b) within either 200 metres of the shore or of any structure, or on the inshore side of any row of buoys demarcating that distance from the shore or structure; or
 - (c) within 200 metres of any vessel or floating structure that is flying Flag A; or
 - (d) within 200 metres of any area designated by the Harbourmaster.
2. Subject to subclause 1., every person who propels or navigates a recreational craft must do so at a speed that does not cause its wake to be a hazard to other vessels or persons.
3. No person may propel or navigate a powered vessel at a proper speed exceeding 5 knots while any person is sitting at or on the fore part or bow of that vessel with any portion of their body extending over the fore part, bow, or side of that vessel.
4. No person may cause or allow himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other towed object) at a proper speed exceeding 5 knots in any circumstances specified in any of paragraphs (a) to (d) of subclause 1.
5. No person in charge of a vessel may permit the vessel to continue onwards, after any person being towed by that vessel has dropped (whether accidentally or

otherwise) any water ski or similar object which may cause danger to any other person or vessel, without first taking action to recover it.

6. Subclauses 1 to 5 do not apply to:
 - (a) a commercial vessel over 500 gross tonnage, if the vessel cannot be safely navigated in compliance with this clause; or
 - (b) a vessel solely powered by sail participating in a yacht race or training or coaching administered by a club affiliated to Yachting New Zealand, with the exception of subclause 1 (c) which will continue to apply; or
 - (c) a tug, pilot boat, emergency service vessel, Harbourmaster vessel or police vessel when the vessel's duties cannot be performed in compliance with subclauses 1 to 5; or
 - (d) any reserved area, that is reserved for the purposes of allowing vessels, or vessels towing water skis, aquaplanes, or other similar objects, to travel at a proper speed exceeding 5 knots.
 - (e) any access lane unless any declaration or bylaw specifically requires compliance.

3.3 Lookouts on vessel used for water skiing and towing

1. No person in charge of a vessel may use it, or allow it to be used, to tow any person unless at least one additional person is on board to act as a "lookout" to be responsible for immediately notifying the person in charge of any mishap that occurs to the person who is being towed.
2. No person may cause or allow himself or herself to be towed by or from any vessel unless at least one additional person is on board to act as a "lookout" to be responsible for immediately notifying the person in charge of any mishap that occurs to the person who is being towed.
3. No person who is under the age of 10 years is permitted to act as lookout as required by subclauses 1 and 2.

3.4 Water skiing or towing between sunset and sunrise

1. No person may operate, between sunset and sunrise, a vessel that is towing any person, whether that person is on water skis, aquaplane, or any towed object.
2. No person may allow himself or herself to be towed by a vessel between sunset and sunrise.

3.5 Conduct in access lanes

1. No person may in any access lane, propel, navigate, or manoeuvre a vessel except by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right hand side of the vessel.

2. No person may:
 - (a) while being towed by a vessel in any access lane, cause himself or herself or any water ski, aquaplane or other object, on or by which he or she is being towed; or
 - (b) cause any object that is being towed by a vessel in any access lane; to travel other than by the most direct route through the access lane and on that side of the access lane that lies to the starboard or right hand side of the vessel.
3. No person within an access lane may proceed in a manner that is dangerous in relation to any vessel or other person in the access lane.
4. No person may obstruct any other person while that other person is using an access lane for the purpose for which it has been declared.
5. No person may use an access lane for any purpose other than the purpose for which it is declared.
6. The access lanes to which these bylaws apply are those prescribed in Schedule 1.

3.6 Marking of access lanes

1. Every access lane must be demarcated by orange posts with horizontal black bands.
2. An access lane may also be marked with orange buoys with vertical black stripes.

3.7 Reserved areas

1. The Council may, from time to time, by publicly notified resolution, set aside a reserved area for any special purpose which it considers should be provided for.
2. No person may obstruct any other person while that other person is using a reserved area for the purpose for which it has been reserved.
3. If one or more persons are using a reserved area for the purpose for which it is reserved, no person may enter, remain in or use the area for any other purpose.

3.8 Special Events

1. Any person intending to conduct a race, speed trial, competition or other organised water activity in any area to which these Bylaws apply, may apply to the Harbourmaster to:
 - (a) temporarily suspend the application of clauses 3.2 and of these Bylaws in that area during the conduct of the race, speed trial, competition or other organised activity; and
 - (b) temporarily reserve the area for the purpose of that activity.
2. Where the Harbourmaster is satisfied, on considering an application under these Bylaws, that the application may be granted without endangering the public, he or

she may grant the application accordingly, for a period not exceeding 10 days, and subject to such conditions (if any) as he or she may specify.

3. Every grant of an application under these Bylaws, shall, subject to subclause 4 (below), have effect according to its tenor.
4. No grant of an application under these Bylaws shall have effect unless, not less than 7 days or more than 14 days before the commencement of the activity, a public notice is given specifying the period of the activity and details of the suspension or reserved area.
5. The Harbourmaster may recover from the applicant all actual and reasonable costs incurred for the publication of a public notice under subclause 4 (above).

3.9 Moorings

1. No person may place a mooring in any waters covered by this bylaw, whether in a mooring area or not, unless the prior approval of the Harbourmaster has been obtained.
2. The Harbourmaster may remove or authorise the removal of any unauthorised mooring and all costs of so doing are a debt by the owner of such vessel to the Council.
3. No person may anchor any vessel so as to obstruct the use of any licensed mooring, unless they are holders of a current licence to use that mooring.
4. The Harbourmaster may, subject to the conditions specified in subclause 6 (below), grant a mooring licence to which subclause 1 (above) applies.
5. Every mooring licence issued by the Harbourmaster shall apply only to the vessels and owner(s) named in the licence.
6. The conditions of any mooring licence issued by the Harbourmaster may include, but are not limited to:
 - (a) the precise location of the mooring;
 - (b) the size and type of any vessel which may be attached to the mooring;
 - (c) the design and specifications of the mooring;
 - (d) a requirement for maintenance and inspections of the mooring;
 - (e) the type of buoy or float with which the owner of a mooring must mark the location of the mooring when it is not being used by a vessel; and
 - (f) a requirement that the owner of the mooring shall be liable in any event for the position; insufficiency or insecurity of any licensed mooring
 - (g) the removal of the mooring.
7. No owner of a licenced mooring may leave a mooring vacant or unattended for a period in excess of six months without the written permission of the Harbourmaster.
8. Where the owner of a mooring has left it vacant or unattended for a period in excess of six months without the written permission of the Harbourmaster, the

Harbourmaster may cancel the licence and direct that the mooring be removed at the owner's expense.

9. No owner of a licenced mooring may, except with the written permission of the Harbourmaster:
- (a) part with possession of the mooring;
 - (b) assign the mooring to any other person(s);
 - (c) suffer any such other person(s) to have the use of the mooring; or
 - (d) use the mooring for a vessel other than the vessel named in the licence

4 Tankers, Hazardous Cargoes, Hazardous Works and Dangerous Materials

4.1 Explosives anchorage

The master of a ship having on board or intending to load explosives in quantities greater than 27 kg must ensure that:

- (a) the ship remains within the explosives anchorage outside the harbour entrance to be specified on each occasion by the Harbourmaster; and
- (b) no person loads or unloads explosives outside the explosives anchorage, unless otherwise permitted by the Harbourmaster.

4.2 Vessels carrying explosives

1. The master of any vessel having on board or intending to load explosives must hoist on the ship flag B by day and a red light by night.
2. The master of any vessel, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel that is carrying or loading explosives, except:
 - (a) with the permission of the Harbourmaster; or
 - (b) for the purpose of loading or unloading that other vessel; or
 - (c) for the purpose of rendering assistance to that other vessel in an emergency.
3. The master of any vessel carrying explosives, or the pilot, must not allow that vessel to approach within 200 metres of any other vessel, except:
 - (a) with the permission of the Harbourmaster; or
 - (b) for the purpose of loading or unloading that other vessel; or
 - (c) for the purpose of rendering assistance to that other vessel in an emergency.
4. Nothing in this clause applies to any vessel which:
 - (a) is carrying not more than 27 kilograms of explosives; or
 - (b) is carrying no explosives other than explosives of the first division of the sixth (ammunition) class or the second division or the third division of the seventh (firework) class, as defined by the Explosives Authorisation Amendment October, 2001.

4.3 Signals to be displayed by oil tankers

On or immediately before the arrival in port of any tanker and for so long as the tanker remains in port, the master must display by day Flag B and by night a red light at the masthead or where it can best be seen from all directions.

4.4 Duties of master while tanker is in port

1. While in port, the master of an oil tanker must operate in accordance with the current edition of the International Safety Guide For Oil Tankers and Terminals (ISGOTT).
2. The master must:
 - (a) berth or moor the tanker only at the Main Wharf or McGlashen Quay South or as otherwise authorised by the Harbourmaster; and
 - (b) keep the tanks containing Class 3.1 or 3.2 oil cargo securely closed, except when opened for loading or discharging; and
 - (c) unless exempted by the Harbourmaster, ensure that, sufficient motive power is available at all times to enable the vessel to be moved from the berth in case of fire or other emergency.

4.5 Oil tankers not to lie close to other vessels

The master of a tanker must ensure that, except for the purpose of transshipment, the tanker does not lie within 30 metres of another vessel unless the permission of the Harbourmaster has first been obtained.

4.6 Hot work operations

1. Within the Nelson port or commercial areas, the master of every vessel on board which, or on the hull of which, it is proposed to carry out welding or flame-cutting operations in or from any position, whether on board the ship or not, must obtain from the Harbourmaster a Hot Work Permit in accordance with requirements set out in Schedule 2 of these bylaws not less than 2 hours before commencing the work.
2. The master of the vessel must ensure that, before any welding operations are commenced, precautions are taken for the detection, prevention, and extinguishing of fire on board the vessel or elsewhere during the welding operations, and that the requirements of the Hot Work Permit are met. Provision must be made for the continuance of the precautions until the operations are completed.
3. The Harbourmaster may grant an exemption from compliance with those provisions to the master or owner of a vessel lying at any ship-repairing establishment.
4. No work shall commence until such time as the Harbourmaster is satisfied that the requirements of a Hot Work Permit have been met in full.

4.7 Person on board to ensure vessel berthed safely

The owner or master of a vessel berthed at any wharf must ensure that it is securely fastened at all times and, if required by the Harbourmaster, maintain a person on board to keep watch.

5. Administrative Matters

5.1 Appointment of Harbourmaster, Enforcement Officers and Safe Boating Advisors

1. The Council may, by resolution, appoint a Harbourmaster for the purpose of enforcing the provisions of these Bylaws.
2. The Council may, by resolution, appoint an Enforcement Officer for the purpose of enforcing the provisions of these Bylaws.
3. The Council may, by resolution, appoint a Safe Boating Advisor for the purpose of these Bylaws.
4. A Harbourmaster, Enforcement Officer, and Safe Boating Advisor may require the master of any vessel, or any other person who is found committing an offence against the Bylaws, to supply their name and address.

5.2 Application to master/owner

1. Where any clause in these Bylaws imposes an obligation or duty on the master of any vessel, that obligation or duty must, in the case of a vessel that has no master, be performed or carried out by the owner.
2. Where any clause of these Bylaws imposes an obligation or duty on both the master and the owner of a vessel, then, if that clause is not complied with, the master and the owner are deemed severally to have committed an offence against these Bylaws. If any such clause is complied with by either the master or the owner then, for the purposes of these Bylaws, compliance by one is deemed to be compliance by the other.

5.3 Vessels to be licensed

1. No person shall operate a vessel that is not subject to Maritime Rules in respect of commercial shipping for hire or reward unless it is licensed by the Council.
2. No person shall operate a vessel granted a commercial licence while that licence is temporarily suspended by the Council.
3. The Council may issue a licence in respect of subclause 1 if, in the opinion of the Harbourmaster, the operation is safe and the vessel is fit for its intended purpose.
4. The Council may issue a licence in respect of subclause 2 if, in the opinion of the Harbourmaster, the operation will not diminish the level of safety for other activities in the vicinity, or cause congestion or jostling for position or other unsafe practices, at points of embarkation/ disembarkation or at any place en route.
5. Every licence issued by the Council under these Bylaws shall apply only to that vessel and operator(s) named in the licence.

6. Every licence issued by the Council must be available for inspection at any time by the Harbourmaster, or Enforcement Officers or Safe Boating Advisor, or any prospective client of the operation.
7. A licence may be cancelled if its terms and conditions are breached. There will be no refund of fees if a licence is cancelled.
8. The terms and conditions of any commercial vessel licence issued by the Council may include, but are not limited to:
 - a) defining points of embarkation/ disembarkation
 - b) defining the area or route of operations
 - c) limiting the number of passengers or quantity of freight
 - d) limitations in respect of weather or operating hours
 - e) requirements for rescue craft
 - f) requirements for safety equipment
 - g) the level of instruction to be given to persons hiring a vessel
 - h) the qualifications required by the person in charge of the vessel.

5.4 Fees and Charges

The Council may, from time to time, by resolution publicly notified, prescribe the fees or charges payable in respect of any licence issued, service provided, or administrative actions undertaken pursuant to any provisions of these bylaws.

6. Pilotage and Pilots

6.1 Compulsory Pilotage

1. Pilotage is compulsory within the limits of the Nelson pilotage district for all vessels of more than 100 gross registered tonnage.
2. In the Nelson pilotage district, the Master of any such vessel shall, unless he holds a pilotage exemption certificate suitable for that ship, employ a pilot appointed or licensed in respect of the Harbour.

6.2 Method of Pilotage

The Harbourmaster shall decide in any case whether the compulsory pilotage shall necessitate the pilot being on board the vessel, or whether the pilot shall lead the vessel in or out of the port from another vessel or from shore.

6.3 Pilotage Fee

1. The Master or owner of any vessel requiring pilotage shall be liable to pay the Council or its authorised agent any relevant fee.
2. All outward pilotage fees shall be paid by the Master or owner of the vessel either before or at the time of making the application for pilotage.

6.4 Use of Pilotage Exemption Certificates

1. Where the Master of a ship holds a pilotage exemption certificate in respect of the Harbour, the following provisions shall apply:
 - (a) Direct communication between the Master and the Nelson Harbour Radio shall be established at least 15 minutes before the Master enters or leaves the Harbour.
 - (a) The Master shall obtain the advice of Nelson Harbour Radio on relevant conditions and matters such as scheduled shipping movements.
2. Notwithstanding the possession of a pilotage exemption certificate, the Master of any ship shall not attempt to enter or leave the harbour until the information specified in Bylaw 7.5.1(b) of these Bylaws has been obtained, and Nelson Harbour Radio has indicated that the vessel may proceed into or out of the Harbour.
3. No pilotage exemption certificate shall be granted in respect of any ship designed for the bulk carriage of oil, gas, or chemicals whether laden or not, (*or any tug or barge system*)

4. No pilotage exemption certificate shall be granted in respect of any ship whose registered length is in excess of 145 metres.
5. No pilotage exemption certificate shall be granted in respect of any ship in excess of 6,500 tonnes Gross Register.

6.5 Pilotage Exemption Certificates

1. A person who holds a certificate of competency as a Master or skipper (being a certificate of competency granted under the Maritime Transport Act 1994 or preceding legislation) may apply in writing to the Council to be examined on his/her competence to pilot ships in respect of which a pilotage exemption certificate may be used.
2. Before being examined for a pilotage exemption certificate, the applicant shall:
 - (a) Demonstrate to the satisfaction of the Harbourmaster that within the period of six months immediately preceding the date of examination that he/she has:
 - (i) Completed pilotage as Master or first mate under the supervision of a pilot on board; or
 - (ii) Completed pilotage as first mate under the supervision of a Master holding a pilotage exemption certificate on at least 10 voyages inwards and 10 voyages outwards at the Harbour;
 - (b) Produce a certificate, dated within 90 days of the application, certifying that he/she has successfully completed an eyesight test as specified by the Maritime Rules; and
 - (b) Pay to the Council the examination fee set pursuant to section 5.4 of this bylaw.

6.6 Pilotage Exemption Board

1. The applicant shall be examined by the Harbourmaster or Deputy Harbourmaster.
2. The applicant shall be examined by the Harbourmaster or Deputy Harbourmaster on his/her knowledge of the matters specified in Regulations 59(2) of the General Harbour (Nautical and Miscellaneous) Regulations 1968 or any subsequent legislation.
3. The Harbourmaster or Deputy Harbourmaster shall notify the applicant and the Council in writing of the result of the examination.
4. If the Harbourmaster finds the applicant competent to hold a pilotage exemption certificate, the Council shall issue a pilotage exemption certificate to the applicant.

6.7 Validity of Pilotage Exemption Certificates

1. Every pilotage exemption certificate shall cease to be valid if the holder has not:
 - (a) On at least 3 voyages inwards and 3 voyages outwards at the Harbour within the previous 12 months, exercised his/her authority to pilot a ship pursuant to the certificate; and
 - (a) Produced evidence of his/her health and eyesight to the satisfaction of the Harbourmaster within the previous 24 months.

- (b) Paid the annual pilotage exemption certificate fee.
- 2. Where any certificate has ceased to be valid by virtue only of subclause (1)(b) of this Bylaw, that certificate shall become valid on the production of satisfactory evidence to the Harbourmaster of the holder's health and eyesight.
- 3. Where any certificate is ceased to be valid by virtue only of subclause (1)(c) of this Bylaw, that evidence shall become valid on the production of satisfactory evidence to the Harbourmaster confirming payment of the required exemption certificate fee to the Council or its authorised agents.

6.8 Revoking Pilotage Exemption Certificates

The harbourmaster may at any time revoke any pilotage exemption certificate issued under Bylaw 6.4 of these Bylaws.

6.9 Re-examination for Pilotage Exemption Certificate

Where a pilotage exemption certificate has ceased to be valid pursuant to Bylaw 6.7.1, or has been revoked pursuant to Bylaw 6.8 of these bylaws:

- (a) The person whose pilotage exemption certificate has become invalid or has been revoked may apply in writing to the Council to undertake a re-examination for pilotage exemption certificate pursuant to Bylaw 6.5.1 of these Bylaws; and
- (b) The content of the re-examination for the pilotage exemption certificate shall be determined by the Harbourmaster or his/her Deputy(s) constituted under Bylaw 6.6.1 of these Bylaws, but the scope of the re-examination shall not exceed that specified under Bylaw 6.6.2.

6.10 Pilot's Licence to be carried

Every pilot shall carry his/her licence or evidence of his/her appointment, and shall produce it on demand to the Master of any vessel.

6.11 Expenses of Pilot Detained on Board

If a pilot is detained on board a vessel, whether by stress of weather, quarantine, or otherwise, there shall be payable (in addition to the pilotage fee in section 6.3) by the Master or the owner to the Council or authorised agent a charge for every day during which the pilot is absent from his/her station; and, if the pilot has been carried to another place, the Master and the owner of the vessel shall be liable to pay to the Council or authorised agent reasonable travelling expenses incurred in returning him/her to his/her station.

6.12 Complaints against Pilots

Any complaint against a pilot by the Master of any vessel shall be made in writing to the Harbourmaster.

6.13 Accidents occurring to Vessel in charge of Pilot

Any accident occurring to a vessel that is in the charge of a pilot shall be reported immediately in writing to the Harbourmaster by the pilot.

7. Promulgation

7.1 Repeal

On the coming into effect of these bylaws the “Nelson Harbour Board Bylaws 1985” were repealed.

7.2 Certification

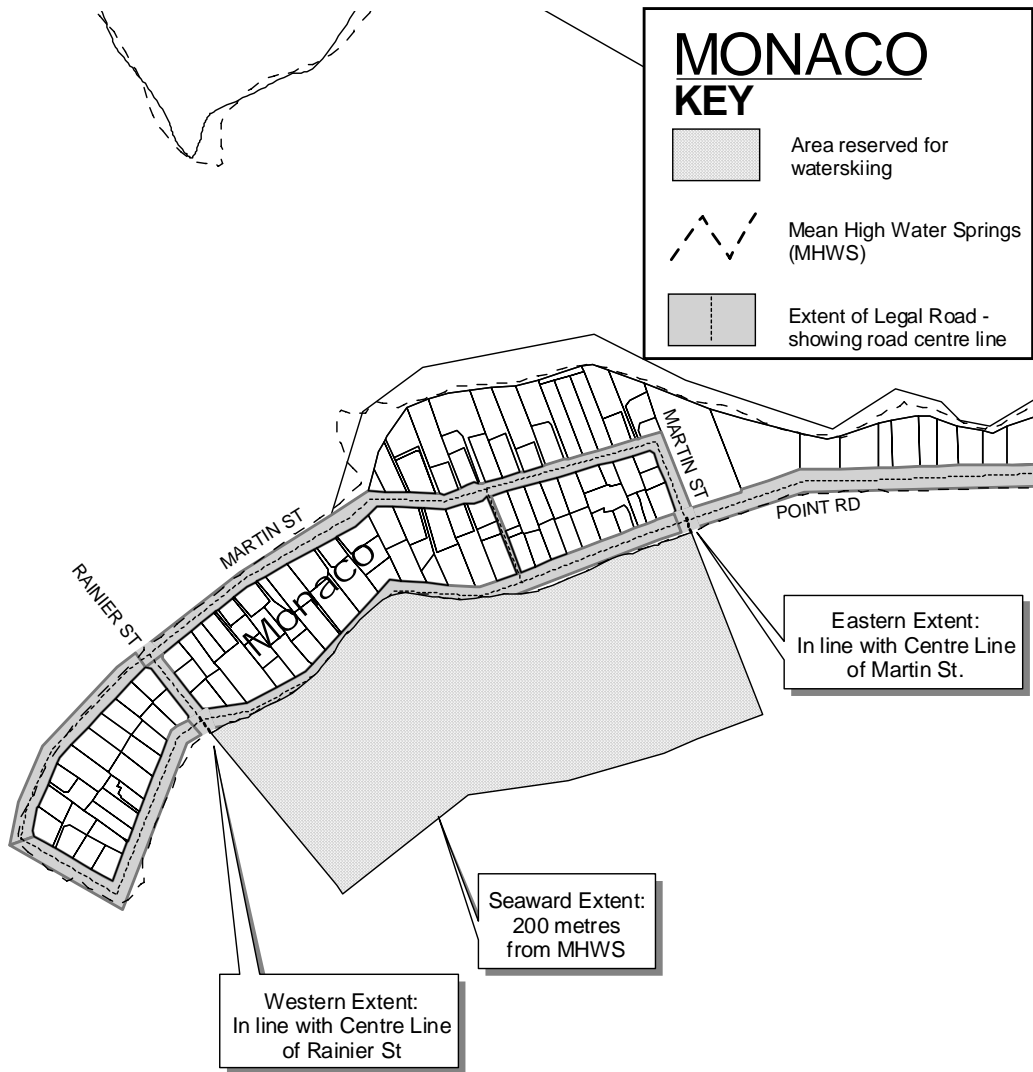
The foregoing bylaws were duly made by the Nelson City Council pursuant to a Special Order passed at the Ordinary meeting of the Council held on the 1st day of August 2002 and confirmed at the Ordinary Meeting of the Council held on the 12th day of September 2002.

The COMMON SEAL of the
NELSON CITY COUNCIL
Was hereto affixed in
the presence of:

Mayor

Chief Executive



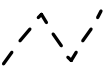
Schedule 1 Regional Access Lanes and Reserved Areas

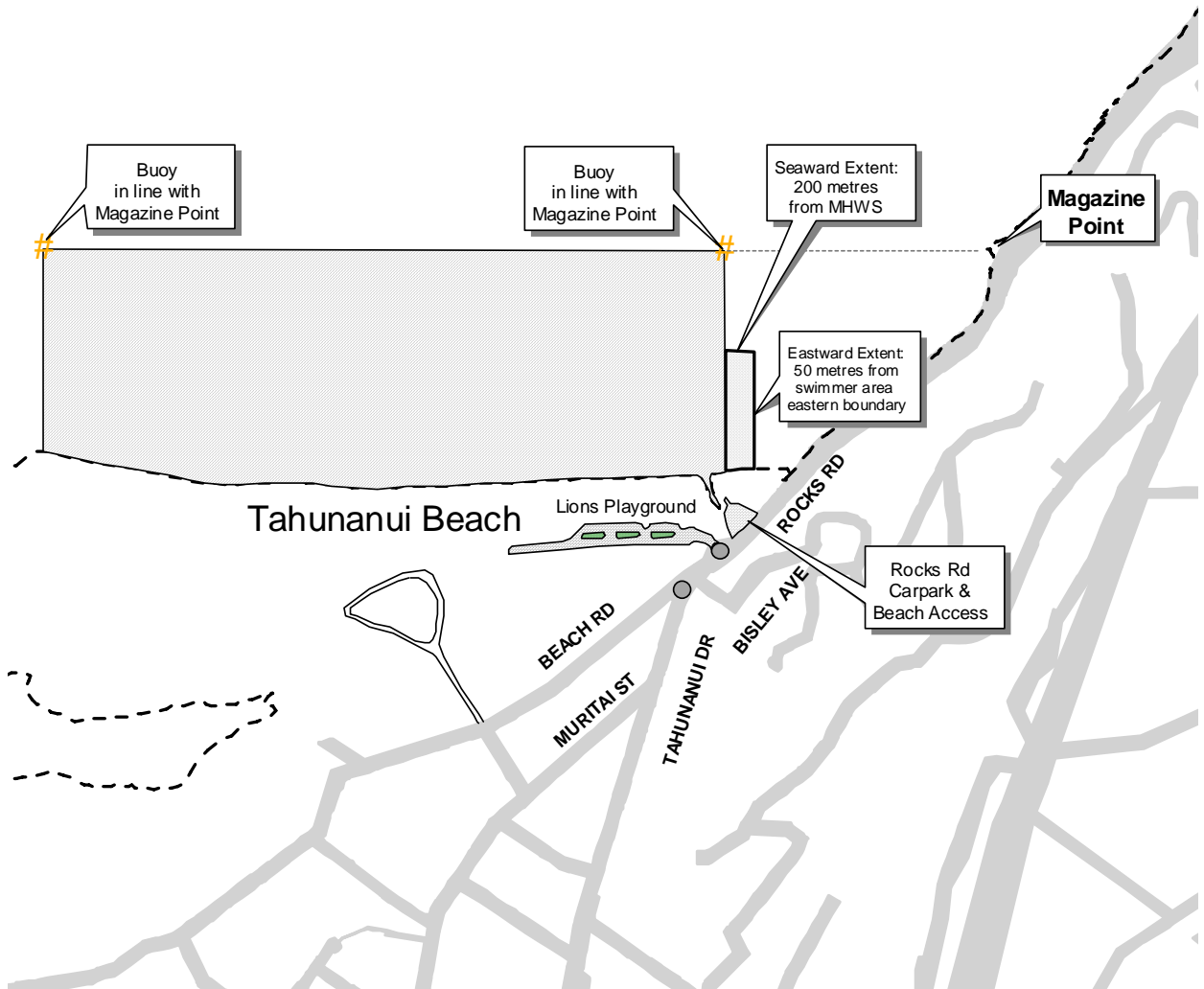


<p>Schedule 1 Regional Access Lanes and Reserved Areas</p> <hr style="border-top: 1px dashed black;"/> <p>Nelson City Council Navigation and Safety Bylaw 2002</p>	
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TAHUNANUI

KEY

-  Access lane for non-motorised small craft. eg. windsurfers & kayaks
-  Area reserved for swimmers only
-  Mean High Water Springs (MHWS)



Schedule 1
Regional Access Lanes and Reserved Areas

Nelson City Council
Navigation and Safety Bylaw 2002

