

By-Law No. 1
WINDSOR PORT AUTHORITY
A By-Law fixing the fees to be paid to enter or use the Port of Windsor

Short Title

1. This By-Law may be cited as the Harbour Fees and Cargo Rates By-Law.

Interpretation

2. In this By-Law and in the Schedules hereto the following words and terms shall have the following meanings:

“**Act**” means the Canada Marine Act, S.C. 1998, c.10;

“**Cargo Rates**” means the fees in respect of Goods loaded on Ships, or unloaded from Ships coming into or using the Harbour or on Goods transshipped by water, within the limits of the Harbour or moved across the Harbour;

“**Container**” means an article of transport equipment designed to facilitate the transportation of Goods by one or more means of transport such as Ship, rail and/or highway carrier without intermediate unloading and reloading and is of permanent construction capable of repeated use but such term does not include vehicles or packaging;

“**Federal Real Property**” means any real property in the Harbour belonging to Her Majesty in right of Canada that is managed by, and the real property other than federal real property that is held or occupied by, the Port Authority and which are set out in Schedules B and C, respectively, in its Letters Patent from time to time;

“**Fees**” includes Harbour Fees, Cargo Rates and any other fees payable hereunder.

“**Gaming Ship**” means a Ship on which games of chance, gambling or lotteries are played or conducted therein or thereon whether such Ship is temporarily or permanently moored or anchored;

“**Goods**” includes all personal property including animals and vehicles but excluding Ships;

“**Harbour**” or “**Port of Windsor**” means the navigable waters under the jurisdiction of, the federal real property that is managed by, and the real property other than federal real property that is held or occupied by, the Port Authority and which are set out or described in Schedules A, B and C, respectively, to its Letters Patent;

“**Harbour Fees**” means the fees in respect of Ships coming into or using the Harbour;

“**Length**” in the case of a Ship that is registered means the length overall of the Ship as it appears in Lloyd’s Register of Shipping or in the Ship’s certificate of registration, and in the case of any other Ship means the distance between the fore part of the head of the stem to the after part of the stern post.

“**Owner**” includes (a) in the case of a Ship, agent, charterer by demise or master of the Ship or Person in charge of the Ship; (b) in the case of Goods, agent, sender, consignee or bailee of the Goods, the stevedore who loads or unloads the Goods, the person who stores the Goods and the carrier of the Goods to, on, over or from the Harbour; and (c) in the case of a Vehicle, operator, person in possession, lessee or licensee of the vehicle;

“**Passenger Ship**” includes a Ship that carries passengers for hire or for a fare but excluding Gaming Ships;

“**Port Authority**” means the Windsor Port Authority continued by Letters Patent effective 1 July, 1999, issued by the Minister of Transport pursuant to Subsection 8. (2) Of the Act;

“**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, and includes a barge, a sea-plane and a raft or boom of logs or lumber;

“**Tonne**” means one thousand (1,000) kilograms;

3. Schedules A and B annexed hereto, are incorporated in this By-Law by reference and are deemed to be a part hereof.

Harbour Fees

4. The Harbour Fees determined in accordance with Schedule A shall be paid by the Owner of a Ship coming into or using the Harbour.

5. Despite paragraph 4, Harbour Fees are not payable in respect of a Ship:

(A) that is in transit and passes through the Harbour without stopping;

(b) That only anchors in the Harbour provided no games of chance, gambling or lotteries are played or conducted therein or thereon;

(c) that is described in Item 3 of Schedule A, for each day or part thereof during which Goods are being loaded on the Ship, unloaded from the Ship or transshipped by water from or to the Ship and Cargo Rates are payable in respect of such Goods;

(D) that is a barge moored in the Harbour provided Goods are not stored therein or thereon;

(E) that is a pleasure craft and does not make commercial use of, or provide services at, the Harbour;

(f) that is a Canadian warship, naval auxiliary Ship or other Ship under the command of the Canadian Forces, a Ship of a visiting force within the meaning of the Visiting Forces Act or

any other Ship while it is under command of the Royal Canadian Mounted Police provided that such Ship is exempt from the payment of fees under Subsection 49(5) of the Act; or

(g) that is owned by Her Majesty in right of Canada, a Province of Canada or a country other than Canada provided that such Ship does not make commercial use of, or provide services at, the Harbour.

Cargo Rates

6. The Cargo Rates set out in Schedule B shall be paid by the Owner of the Ship and the Owner of the Goods.

7. The amount of Cargo Rates payable pursuant to paragraph 6 shall be an amount in Canadian Dollars equal to the total of the results obtained by multiplying: (a) the number of units of Goods of each classification determined in accordance with Columns 1 and 2 of Schedule B; by (b) the unit rates applicable thereto determined by reference to Column 3 of Schedule B.

8. Despite paragraph 6, Cargo Rates are not payable in respect of Goods:

(a) On a Ship other than a barge if the amount payable is less than \$25.00;

(b) On a barge if the amount payable is less than \$1.00; or

(c) On a Ship described in subparagraphs (a), (f) or (g) of paragraph 5.

Terms of Payment

9. The Fees provided for hereunder shall be due to the Port Authority immediately that they are incurred.

10. The Fees provided for hereunder shall be payable to the Port Authority within 60 days after the due date thereof and any unpaid balance thereof at the end of such 60 day period shall bear interest at the rate of 1 1/2 per cent per month, compounded monthly, (the equivalent of 19.56% per annum) computed from the due date therefore until paid.

General Matters

11. This By-Law and the Fees payable hereunder shall be binding upon Her Majesty in right of Canada and upon Her Majesty in right of each Province of Canada.

12. The Fees prescribed by this By-Law are in addition to the fees and/or charges prescribed by any other By-Law of the Port Authority unless otherwise expressly provided herein.

13. The Fees payable pursuant to this By-Law shall come into force and take effect on July 1, 2007.

EXHIBIT 1
Schedule A
(Paragraph 4)
HARBOUR FEES

Item	Column 1 Description of Ship	Column 2 Amount
1.	Passenger Ships under 30 m (98.43 ft.) in Length and Gaming Ships	(a) \$0.275 for each person, other than members of its crew and employees performing services therein or thereon, who boards the Passenger Ship each day of the year it is operating and is boarding or carrying passengers; and (b) \$56.10 per week or part thereof during the part of the year it does not operate and board or carry passengers due to winter weather conditions.
2.	Passenger Ships 30 m (98.43 ft) or more in Length.	\$173.80 for each entry into the Harbour.
3.	All other Ships except Passenger Ships, Gaming Ships and those excluded under Paragraph 5	\$69.30 for each week, or part thereof that the Ship is in the Harbour beginning with the day of entry into the Harbour.

EXHIBIT 1
Schedule B
(Paragraph 6)
CARGO RATES

Item	Column 1 – Classification of Goods	Column 2 Unit	Column 3 Unit Rate (in CAN\$)
1.	Automobiles, tractors, buses and recreational vehicles	each	\$0.418
2.	Cement in bulk	tonne	0.088
3.	Coal and coke	tonne	0.088
4.	Fertilizer in bulk	tonne	0.088
5.	Grain and grain products in bulk	tonne	0.044
6.	Lumber and lumber products except plywood	tonne	0.176
7.	Paper and paper products, including pulp, newsprint and kraft	tonne	0.176

8.	Petroleum products - crude or refined, in bulk	tonne (Note 1)	0.176
9.	Plywood	tonne	0.176
10.	Salt in bulk	tonne	0.033
11.	Sand	tonne	0.055
12.	Scrap metal	tonne	0.088
13.	Steel	tonne	0.110
14.	Stone - crushed and gravel	tonne	0.055
15.	Vegetable oils	tonne	0.176
16.	Alcoholic beverages including wine, liquor, beer and spirits	tonne	0.176
17.	Trucks, vans, tankers and other commercial vehicles - exclusive of contents	each	0.418
18.	Contents of vehicles set out in Item 17	tonne	0.044
19.	Containers carried on barges — exclusive of contents — that are (a) 6.1m (20 ft.) or less in length (b) more than 6.1m (20 ft.) in length	each each	0.484 0.968
20.	Contents of containers set out in Item 19	tonne	0.044
21.	Containers carried on vessels other than barges - exclusive of contents — that are (a) 6.1m (20 ft.) or less in length (b) more than 6.1m (20 ft.) in length	each each	1.738 3.476
22.	Contents of containers set out in Item 21	tonne	0.099
23.	Railway cars carried on barges	each	0.209
24.	Dry bulk commodities not otherwise specified in this Schedule	tonne	0.088
25.	Liquid products in bulk not otherwise specified in this Schedule	tonne	0.176
26.	Goods not otherwise specified in this Schedule (a) that are exported from or imported into Canada (b) that originate in and are destined for points within Canada	tonne tonne	0.209 0.176

Note 1. For purposes of this Schedule B and the calculation of Cargo Rates, 1,353 litres of gasoline, 1,127 litres of fuel oil, 1,000 litres of liquid asphalt and 1,177 litres of all other petroleum products are deemed to be the equivalent of one Tonne of each of such products, respectively.