



By-Law No. 2

WINDSOR PORT AUTHORITY

a By-Law fixing the fees to be paid in respect of Wharfage

May 1, 2019

Canada 

WINDSOR PORT AUTHORITY

a By-Law fixing the fees to be paid in respect of Wharfage, Berthage and Storage of Goods within the Port of Windsor

Short Title

1. This By-Law may be cited as the Wharf 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;

“**Berthage Fees**” shall have the meaning ascribed to that term in paragraph 7 of this By-Law;

“**Berthed**” means a Ship that lies (a) at a Wharf, or (b) at a berth, or (c) that is moored in the Harbour and includes a Ship that is secured in any manner to a Ship described in (a), (b), or (c);

“**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 Wharfage Fees, Berthage Fees, Storage Fees and any other fees payable hereunder;

“**Goods**” includes all personal property including animals and vehicles but does not include 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;

“**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, the agent, charterer by demise or master of the Ship or the person in charge of the Ship; and (b) in the case of Goods, agent, sender, consignee, 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;

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

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

“**Wharf**” means a structure situated on Federal Real Property such as a wharf, pier or dock where ships may lie over, upon or alongside and receive and discharge Goods and passengers;

“**Wharfage Fees**” means the fees to be paid in respect of Goods loaded from a Wharf

or from Federal Real Property onto a Ship, unloaded from a Ship onto a Wharf or onto Federal Real Property or transhipped by water within the limits of the Harbour or moved across the Harbour.

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

Wharfage Fees

4. The Wharfage Fees set out in Schedule A shall be paid by the Owner of the Ship and the Owner of the Goods.

5. The amount of Wharfage Fees payable in respect of Goods pursuant to paragraph 4 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 A; by (b) the unit rates applicable thereto determined by reference to Column 3 of Schedule A.

6. Despite paragraph 4, Wharfage Fees

are not payable in respect of a Ship:

(a) 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

(b) 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.

Berthage Fees

7. The following fees (“Berthage Fees”) shall be paid by the Owner or other person in charge of a Ship, each day that the Ship is Berthed at a Wharf or at Federal Real Property in the Harbour:

(a) subject to the provisions of subparagraphs (b) and (c) of this paragraph 7, the Fees determined in accordance with Schedule B;

(b) for a continuous period of thirty (30) days or more during the period beginning on 14 December in any year and ending 31 March in the following year, the Fees determined in accordance with Schedule C, instead of the Fees payable under subparagraph 7(a) in respect of that 30 day period; and

(c) for a continuous period of thirty (30) days or more during the period beginning on 1 April in any year and ending 13 December in the same year, the Fees determined in accordance with Schedule D, instead of the Fees payable under subparagraph 7(a) in respect of that thirty (30) day period.

8. Despite paragraph 7, Berthage Fees are not payable in respect of a Ship:

(a) for a day or part of a day in respect of which Wharfage Fees are payable by it; or

(b) a Ship described in subparagraphs (a) or (b) of paragraph 6 hereof

Storage Fees

9. The fees ("Storage Fees") determined in accordance with Schedule E shall be paid by the Owner on all Goods that are stored on a Wharf.

Other Fees

10. The Fees charged for water, electricity, garbage disposal, sewage disposal, snow removal, cleaning the Wharf, security services and other utilities and services supplied in respect of a Ship shall be the actual cost thereof plus ten (10%) per cent and such Fees shall be paid by the Owner or the person in charge of a Ship and/or by the Owner of the Goods being loaded on a Ship, or unloaded from a Ship, within the limits of the Harbour.

Terms of Payment

11. The Fees provided for hereunder shall be due to the Port Authority immediately when they are incurred. 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 therefor until paid.

12. The Fees provided for hereunder shall be payable to the Port Authority within 60 days after the due date thereof and any

General Matters

13. 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. prescribed by any other By-Law of the Port Authority unless otherwise expressly provided herein.

14. The Fees prescribed by this By-Law are in addition to the fees and/or charges

15. The Fees payable pursuant to this By-Law shall come into force and take effect on May 1, 2019.

Schedule A
WHARFAGE FEES – (Paragraph 4)

| Item | Column 1 – Classification of Goods | Column 2 Unit | Column 3 Unit Rate (in CAN\$) |
|------|--|-------------------|-------------------------------------|
| 1. | Automobiles, tractors, buses and recreational vehicles | each | \$2.2388 |
| 2. | Cement in bulk | tonne | 0.3771 |
| 3. | Coal and coke | tonne | 0.2592 |
| 4. | Fertilizer in bulk | tonne | 0.3771 |
| 5. | Grain and grain products in bulk | tonne | 0.3299 |
| 6. | Lumber and lumber products except plywood | tonne | 0.3535 |
| 7. | Paper and paper products, including pulp, newsprint and kraft | tonne | 0.7423 |
| 8. | Petroleum products - crude or refined, in bulk | | |
| | (a) gasoline products; | tonne (Note 1) | 0.8955 |
| | (b) fuel oil; | tonne (Note 1) | 0.5302 |
| | (c) liquid asphalt; | tonne (Note 1) | 0.4713 |
| | (d) other petroleum products. | tonne (Note 1) | 0.5538 |
| 9. | Plywood | tonne | 0.7423 |
| 10. | Salt in bulk | tonne | 0.3771 |
| 11. | Sand | tonne | 0.2592 |
| 12. | Scrap metal | tonne | 0.8248 |
| 13. | Steel | tonne | 0.7423 |
| 14. | Stone - crushed and gravel | tonne | 0.2592 |
| 15. | Vegetable oils | tonne | 0.7777 |
| 16. | Alcoholic beverages including wine, liquor, beer and spirits | tonne | 4.9254 |
| 17. | Trucks, vans, tankers and other commercial vehicles - exclusive of contents | each | 2.2388 |
| 18. | Contents of vehicles set out in Item 17 | tonne | 0.5892 |
| 19. | Containers carried on barges — exclusive of contents — that are | | |
| | (a) 6.1m (20 ft.) or less in length | each | 2.3566 |
| | (b) more than 6.1m (20 ft.) in length | each | 4.7133 |
| 20. | Contents of containers set out in Item 19 | tonne | 0.5892 |
| 21. | Containers carried on vessels other than barges - exclusive of contents — that are | | |
| | (a) 6.1m (20 ft.) or less in length | each | 4.7133 |
| | (b) more than 6.1m (20 ft.) in length | each | 9.4266 |
| 22. | Contents of containers set out in Item 21 | tonne | 0.5892 |
| 23. | Railway cars carried on barges | each | 2.3566 |
| 24. | Dry bulk commodities not otherwise specified in this Schedule | tonne | 0.3771 |
| 25. | Liquid products in bulk not otherwise specified in this Schedule | tonne | 0.7777 |
| 26. | Goods not otherwise specified in this Schedule | | |
| | (a) that are exported from or imported into Canada | tonne | 1.0487 |
| | (b) that originate in and are destined for points within Canada | tonne | 0.8366 |

Schedule A
WHARFAGE FEES – (Paragraph 4)

Note 1. For purposes of this Schedule A and the calculation of Wharfage Fees, 1,353 litres of gasoline is deemed to be the equivalent of one (1) tonne of gasoline.

Note 2. For purposes of this Schedule A and the calculation of Wharfage Fees, 1,127 litres of fuel oil and 1,177 of all other petroleum products is deemed to be the equivalent of one (1) tonne of fuel oil and other petroleum products, respectively.

Schedule B
BERTHAGE FEES (Subparagraph 7(a))

| Item | Column 1 | Column 2 |
|------|----------------------------|--|
| 1. | Length of Ship (in metres) | For each 24 hour period or part thereof, the amount of \$0.6009 per metre of Length. |

Schedule C
BERTHAGE FEES – WINTER -(Subparagraph 7(b))

| Item | Column 1 | Column 2 |
|------|----------------------------|--|
| 1. | Length of Ship (in metres) | For each 24 hour period or part thereof, the amount of \$0.1532 per metre of Length. |

Schedule D
BERTHAGE FEES – SUMMER - (Subparagraph 7(c))

| Item | Column 1 | Column 2 |
|------|-----------------------------|---|
| 1. | Length of Ship (in metres): | For each 24 hour period or part thereof, the amount of \$0.3771 per metre of Length |

Schedule E
STORAGE FEES (Paragraph 9)

| Item | Column 1 | Column 2 |
|------|--|--|
| 1. | For each square metre of space occupied by Goods stored on a Wharf. | For each 24 hour period or part thereof, the amount of \$0.0943. |
| 2. | For each square metre of space occupied by Goods stored on a Wharf's approaches. | For each 24 hour period or part thereof, the amount of \$0.0353. |