



POLICY NUMBER: 16-8700-3

REFERENCE:

Ucluelet Harbour Public Fish Sales

ADOPTED BY:

Council
July 14, 2015

AMENDED DATE:

N/A

SUPERSEDES:

#003/95

DEPARTMENT:

Finance

EFFECTIVE DATE:

July 14, 2015

Policy Statement:

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The District of Ucluelet will provide a safe and efficient facility to permit licensed commercial fishing vessels with current species / gear type / area tabs to sell their own catch, harvested on that vessel, directly to the public.

Application:

This policy shall apply to all users of the Ucluelet Harbour Authority (UHA) fish sales docks (see Appendix A for locations). All vessel owners and persons using said facility for whatever purpose do so at their own risk and are subject to all charges and orders set out by the Fishing and Recreational Harbours Act and Regulations and the Ucluelet Harbour Authority.

Regulating Authorities:

A. PRIMARY REGULATING AUTHORITIES

- Department of Fisheries and Oceans (Fishing and Recreational Harbours Act and Regulations).
- Fisheries Act.
- Ucluelet Harbour Authority.

B. OTHER REGULATING AUTHORITIES

- Federal
 - Department of Fisheries and Oceans
 - Health and Welfare Canada.
 - Industry Canada.
 - Royal Canadian Mounted Police.
- Provincial
 - Ministry of Agriculture and Fisheries.
 - Ministry of Health.



- Municipal
 - District of Ucluelet.

Qualifications for Use of Facility:

1. All vessels selling product must have current DFO licenses valid for all species being sold. The license tabs must be clearly displayed on the exterior of the vessel.
2. All vessels selling product must display a valid Provincial Vending License so it can be easily seen by the public and UHA staff.
3. Vending License Application Forms (Appendix C) can be obtained from the UHA main office.
4. All sales dock users must fill out and sign an Acknowledgement and Consent Form for the Public Fish Sales docks (Appendix B).
5. All Vessels must have a valid District of Ucluelet Business License.
6. All users must comply with the Department of Fisheries and Oceans Fish Inspection Regulations.
7. All products being sold must be freshly caught, commercially frozen or flash frozen at sea aboard a vessel with flash freezing equipment that meets the requirements set forth in the Department of Fisheries and Oceans Fish Inspection Regulations.

Conditions Governing Fish Sales:

1. Fish being offered for sale shall comply with all conditions set out by the Federal Food and Drugs Act.
2. Gutting, cutting, or processing product in any way is prohibited within the harbour. Any dressing of product must be carried out prior to arrival in the harbour. Processed seafood (i.e. smoked, dried, canned, steaked, etc.) must not be offered for sale.
3. Vessel owners must ensure that product offered for sale is not tainted, decomposed or unwholesome. Although the Ucluelet Harbour Authority is not a health authority, UHA reserves the right to remove a vendor and vessel should it deem the vendor's product to be substandard or in violation of this directive.
4. Product offal of any kind must be removed from the harbour by the owner and not disposed of in the harbour's waste facilities. All violators may be subject to cleanup charges in accordance with current UHA rates.
5. Only clean, new, non-toxic, food grade packaging material shall be used for wrapping product. (i.e. garbage bags are not permitted).
6. Only clean, potable water shall be used for washing down product being offered for sale (i.e. not sea water).



7. No person shall sell or offer for sale flash frozen fish that has been thawed unless the products are clearly marked as being “previously frozen.”
8. Containers, signs or any other auxiliary equipment must be kept on board vessels and not on the dock, pilings or any other harbour property.
9. All fresh product must be protected from contamination and maintained at a temperature less than 4 degrees Celsius (39 degrees Fahrenheit).
10. Display areas for fish sales must be protected from the elements (e.g. with a tarp). Containers and auxiliary equipment must be maintained in a clean and sanitary condition.
11. Selling of bivalve shellfish (oysters, clams, mussels and other bivalve molluscs) is not permitted.
12. All vendors selling products by weight must have a scale approved by Industry Canada for use in trade.
13. All crabs offered for sale must be alive and held in clean salt water.
14. All products offered for sale must be sold off of the same vessel that harvested them. Ucluelet Harbour Authority reserves the right to inspect catch slips to prove this, but accepts no responsibility for failing to do so.
15. All users must comply with the requirements of all regulating authorities as outlined in Section III above.
16. The Fish Seller shall hold the Ucluelet Harbour Authority harmless from any damage, expense or liability to, in respect of any person, arising out of the Fish Seller's occupancy of the space or anything or matter connected with such occupancy or the activities of the fish Seller, his servants, agents of employees, in conjunction therewith, whether or not such activities shall occur in the space, the structure or elsewhere.

Procedures Governing Berthage at Fish Sales Dock:

1. Vessel berthage charges shall be in accordance with this section, Ucluelet Harbour Authority Administrative Directive, as follows:
 - a. Berthage charges will be levied to all vessels when on the sales docks as determined by the Ucluelet Harbour Authority. There are no refunds in whole or in part in the event that the intended sales are not carried out. Power charges will be levied to all vessels plugged in to power on the sales dock.
2. Vessel berthage is on a first come, first serve basis. No reservations will be made for the sales docks.
3. Vessel owners having completed their sales must immediately remove their vessel from the sales docks if other vendors are waiting for a space. Wash down, etc. must be done elsewhere.
4. Vessels with flash frozen or commercially frozen product shall be permitted to sell their catch for an indefinite period. Vessels selling frozen product are also permitted to transfer



products from bona fide cold storage facilities and sell at a later time on their vessel, provided they can prove it is their catch and they have a commercial freezer on board their vessel to keep the product commercially frozen. Household freezers are not permitted on board vessels unless for convenience, only while the main body of product is kept in a commercial freezer.

5. All vessels are permitted to stay for a maximum of three consecutive days. Any extension beyond three days may or may not be granted at the discretion of the Ucluelet Harbour Authority.
6. Any complaints involving product quality may be forwarded to the appropriate regulating body listed in the “Regulating Authorities” section of this policy.

NOTE: The purchase of product from the sales dock is a private dealing between the buyer and the vendor.

7. All prices charged for product on the sales dock are at the sole discretion of the vendor.
8. A “Fish Selling Intentions List” will be maintained by the Harbour Manager to facilitate the public and other fishermen to know what fish are planning to be offered for sale. This list is voluntary and is not a reservation for any fish selling area. In fairness to all vessels, only two listings on the Intentions List will be accepted at a time.

This directive does not in any way supersede any Federal, Provincial, or Municipal legislation.

Attachments:

- Appendix A – Fish Sales Docks
- Appendix B – Acknowledgement and Consent Form for the Public Fish Sales Docks
- Appendix C – Vending Licence Application Forms

Mayor Dianne St. Jacques
District of Ucluelet



Appendix A: Fish Sales Docks

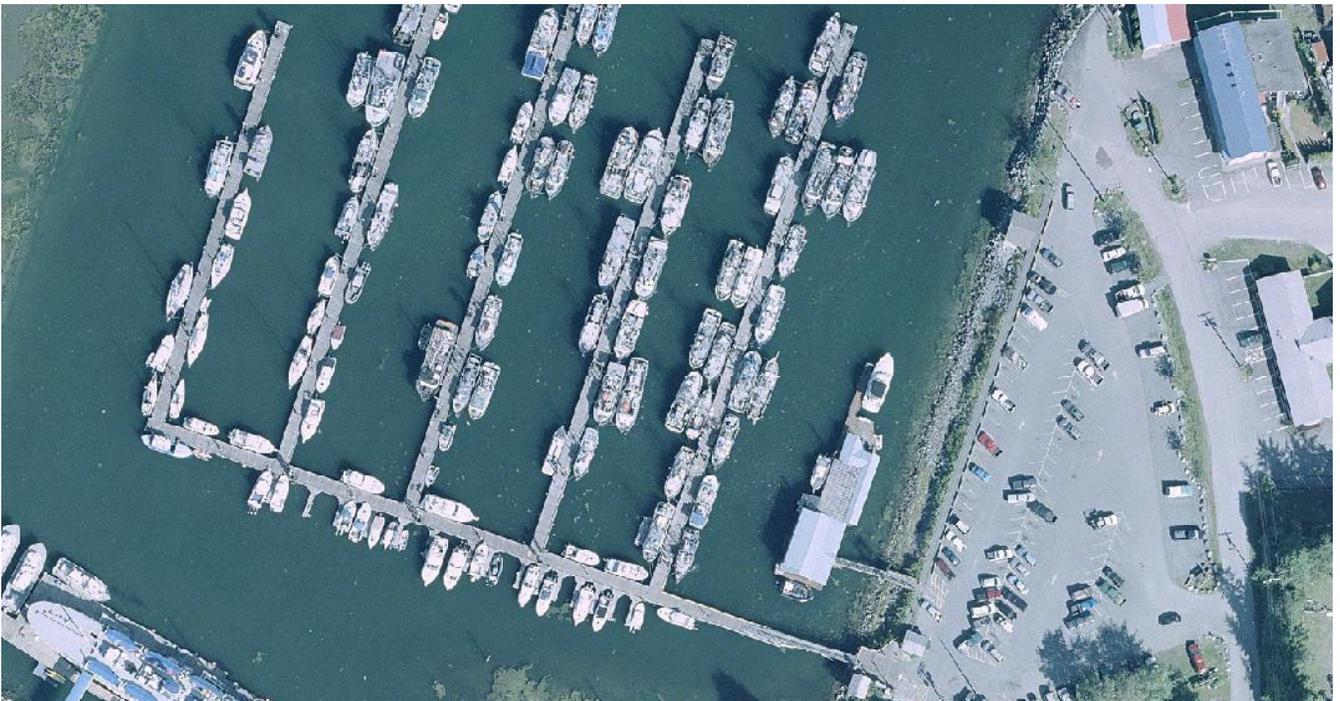
Fish Sales Dock A – Main Dock

Fish sales to be located on the south side of the lower dock finger only.



Fish Sales Dock B – Overflow Dock

Fish sales vendors are encouraged to use the first 100 ft. of the south side dock at Small Craft Harbour.



FISH SALES DOCK ACKNOWLEDGEMENT AND CONSENT FORM

I, _____ owner/operator of the fishing vessel

_____ CFV # _____

have read the UCLUELET HARBOUR PUBLIC FISH SALES DIRECTIVE and agree to abide by the contents therein. I understand that moorage and fish sales are subject to compliance with this agreement.

Signature

Date

Address

City

Province

Postal Code

Home Telephone

Vending License Number

Boat Phone

Ucluelet Harbour Authority Representative

Signature

Date

Appendix C: Vending Licence Application Forms

GENERAL TERMS OF A FISH VENDING LICENCE

FISHERIES ACT (R.S.B.C.)

Section 13

Licence required

- 13 (1) A person must not process fish or aquatic plants, or operate a plant in British Columbia or its coastal waters, unless the person holds a licence issued for that purpose under this Part and has paid the fee prescribed by the Lieutenant Governor in Council.
- (2) A person must not operate a fish buying station unless the person holds a licence issued for that purpose under this Part and has paid the fee prescribed by the Lieutenant Governor in Council.
- (3) Subsection (2) does not apply to
- (a) a person holding a licence under subsection (1) who purchases fish or aquatic plants only from a fisher at a duly licensed plant, or
 - (b) a person buying aquatic plants or fish, other than shellfish as defined in the regulations, direct from a fisher for that person's personal use.
- (4) A fisher must not sell or offer to sell fish under subsection (3) (b) unless he or she has a fisher's vending licence issued under this Part and has paid the fee prescribed by the Lieutenant Governor in Council.
- (6) A fisher licensed under subsection (4) must not sell or offer to sell fish except in accordance with the regulations.
- (7) A fisher must not sell or offer to sell shellfish except in accordance with the regulations.
- (8) Despite subsections (1) to (4), a person who holds a licence under the Fish Inspection Act is not required, in respect of the activities authorized by that licence, to hold a licence under this Part.

Section 20

Records kept by licensees

- 20 (1) A person holding a licence under this Part must keep a record of transactions with fish suppliers of the fish to be processed or held by the licensee.
- (4) A fisher who hold a fisher's vending licence must keep and submit a record of operations for which he or she is licensed on a form and at a time prescribed by regulations.
- (5) A fisher who is required to keep a record under subsection (4) must produce the record at any time on demand by an inspector of fisheries or a conservation officer.



Fisheries Act Regulations

Part 6

Reporting Requirements

- 19 (1) A fisherman who holds a fisherman's vending licence under section 13 of the Act must provide to the Department of Fisheries and Oceans (Canada), 555 West Hastings Street, Vancouver, B.C., V6B 5G3 on a weekly basis a record, prepared at the time of removal of fish from the fisherman's boat, of all fish removed since the previous report under this section, and must retain a copy for the fisherman's own records.
- (2) The record must contain at least the following information:
- (a) purchaser or offloader's name, address and telephone number;
 - (b) fisherman's name and address;
 - (c) date of purchase or offloading;
 - (d) name and CFV number of catching vessel used;
 - (e) description of gear used to harvest the fish and days spent fishing in each area;
 - (f) area or areas of catch and days spent fishing in each area;
 - (g) the individual species of each fish sold or offloaded;
 - (h) the description of the product or landed form of each species sold or offloaded;
 - (i) the number of fish (pieces) of each species sold or offloaded;
 - (j) the weight of each species sold or offloaded;
 - (k) the price paid for each species sold;
 - (l) the total value of each species sold or offloaded.

Holders of Fish Vending Licences should also be familiar with, and must abide by, the applicable sections of the Fish Inspection Regulations (R.S.B.C.).

Copies of Acts and Regulations may be obtained through Crown Publications, 521 Fort Street, Victoria, B.C. V8W 1E7 (250) 386-4636, or by contacting the

Ministry of Agriculture, Food and Fisheries in Courtenay (250) 897-7542.

Note: Applicants for a vendor's licence should contact the local health authority to determine requirements for vehicle and home sales.

Definition:

- **“fisher”** or **“fisherman”** means a person licensed under the Fisheries Act (Canada) for commercial fishing