



Port & Harbor Advisory Commission

Work Session Packet

February 2nd, 2023

Harbor Enterprise Fund Self Sufficiency Proposal

Issue

Whittier Harbor's current funding mechanisms are sufficient to fund the operation of the harbor. They are not sufficient to fund operation AND major repair/replacement.

Over the years, harbor revenues that could have gone to repair the harbor were used to fund administration or other projects.

For example:

The land where the Inn at Whittier and other businesses now sit AND the area where the cruise ship terminal sits used to be boat storage and provided revenue to the harbor.

When the State of Alaska turned the harbor over to the City of Whittier, the State gave the City \$2.559+- million to the city to provide for needed repairs. I believe \$800,000 was spent on harbor expansion and the rest used for other purposes.

For years, the harbor land lease revenue was allocated to the general fund. It is once again allocated to the harbor enterprise fund.

Since 2017, the amount of money allocated to pay administrative salaries has grown by more than \$100,000, more than 200%. Ever wonder why harbor salary and wages are up 50% in four years?

Five years ago, the harbor was netting about \$300,000 annually. Not so today.

Proposal Summary

If all steps of this proposal are implemented, over time the harbor enterprise fund should be able fund the Phase 3 harbor rebuild and provide long term financial self-sufficiency.

The plan starts by instituting temporary fees to boaters. In five years, it increases the water PTBT tax in a tiered system and reinstates the ground PTBT tax. It changes methods and puts limits on how the city receives funds from the harbor enterprise fund. It puts limits on harbor staff salary and wages and defines what is included in the harbor enterprise.

The plan is phased in over time so the City will not have less funding than they do now and provides big and small businesses five years notice to the changes in taxes (except charter boats in the harbor who will have to pay the temporary facility charge).

7 Steps

- Implement a temporary 10% facility charge on most harbor expenses
- New bond debt for Harbor Phase 3 to be paid by CPV funds
- Beginning 2028, modify/update the current PTBT tax
- PTBT tax for vessels is allocated to the harbor
- Eliminate percentages of administration salaries paid from harbor salary and wage in exchange for a higher/fixed interdepartmental support
- Create a policy to contain contract and or salary options for future harbor staff
- Define what is included in the harbor enterprise

Step 1

- Implement a temporary 10% facility charge on most, if not all, harbor services

This revenue would be used to pay the current bond debt (approximately \$160,000 annually) that is currently being paid with CPV funds.

Goes into effect 2024 provided Phase 3 construction is underway or soon to be underway.

Sunsets when PTBT tax revenue is allocated to the harbor

Should provide about \$120,000 additional revenue.

Additional revenue needed to cover the \$160K would come from harbor net revenues OR if harbor net revenues are insufficient from the harbor MRRF fund. The MRRF fund is currently about \$1.5 million – some will likely be used for Phase 3 construction.

In the past, harbor rates increased approximately 50% in three years, while actual revenue increased approximately 18%. A temporary dedicated increase is likely to have less of a negative effect on harbor use.

Step 2

- New bond debt for Harbor Phase 3 to be paid by CPV funds

CPV funds are specifically allowed for harbor repair/construction.

Step 3

- Modify water PTBT tax and reinstate modified ground transportation tax

Goes into effect in 2028, giving big and small businesses time to adjust to the new rates.

Continues under the current dollar per passenger system but adds incremental increases for higher rates.

System is designed to reflect up to 3% and a limit per transaction of approximately \$150 which coincides with the sales tax limit of \$250 per transaction.

Although this will increase some charter operator PTBT taxes more than 200%, the bulk of PTBT tax is from the larger day trip glacier tour boats who have lower rates so the actual revenue increase is estimated to be about 15% or \$60,000.

It is difficult to determine how much revenue ground transportation PTBT tax would generate. Will Alaska Railroad passengers be taxed? Will Huna Totems predictions be accurate? Extremely conservative numbers suggest ground PTBT tax revenue will exceed \$500,000.

Existing PTBT tax is collected when a company provides transportation into and or out of city limits. For example, if a charter boat carried passengers to Valdez and dropped them off, they would pay \$3 per passenger. If a charter boat carried passengers to Valdez and brought them back to Whittier, they would pay \$3 per passenger twice. This proposal doesn't change the code on how the tax is collected, it changes the amount paid by businesses based on the cost per passenger.

Proposed Scale	Incoming	Outgoing	In and Out
Up to \$250	\$3	\$3	\$6
\$250.01-\$350	\$4	\$4	\$8
\$350.01-\$450	\$5	\$5	\$10
\$450.01-\$550	\$6	\$6	\$12
\$550.01-\$650	\$7	\$7	\$14
\$650.01-\$750	\$8	\$8	\$16
\$750.01-\$850	\$9	\$9	\$18
\$850.01-\$950	\$10	\$10	\$20
\$950.01-\$1050	\$11	\$11	\$22
\$1050.01 or more	\$12	\$12	\$24

Step 4

- PTBT tax for vessels allocated to the harbor in 2028
- Temporary facilities charge suspended

The main purpose of this allocation is to provide additional revenue to the harbor enterprise MRRF fund for major repair and replacement, not just to fund harbor operations.

A limit on how much of this revenue can be used for operational expenses should be established by ordinance or resolution.

Allocation of PTBT tax to harbor could be a maximum of \$450,000 (plus CPI adjustments).

Allocation of PTBT tax to general fund would be a minimum of \$450,000 so the City is not receiving less. Average before COVID was about \$400,000.

Step 5

- Eliminate the practice of using harbor wages and salaries to pay portions of administrative salaries
- Increase interdepartmental support from 14% of previous three years harbor enterprise Revenue for Services (Total Charges for Services budget line)

Currently, administration is taking approximately \$150,000 from harbor salary and wages, up from \$48,000 in 2017. This practice is open ended, is not transparent, and should be eliminated by ordinance.

This would go into effect in 2024 when lease revenues from the new cruise ship dock come online to prevent a negative cash flow to the city's general fund.

This would result in interdepartmental support increasing from approximately \$145,000 to approximately \$200,000 - more than the total taken in 2017 for interdepartmental support and administration salaries combined.

Council might want to consider this for all enterprise funds.

Step 6

- Limit administration's ability to hire harbor staff at any salaried rate or contract rate

Salaried employees: May receive up to five steps from base starting salary for experience.

Contract employees: May receive the equivalent of five steps above base salary, plus up to 75% of the savings incurred by not being in the PERS system and or receiving medical insurance benefits.

Allow contract employee to receive step increases at the same rate of salaried employees.

Council might want to consider this for all employees.

Step 7

- Define what is included in the harbor enterprise based on historic practice

Council has agreed multiple times the Head of the Bay is separate from the existing harbor. Existing boaters should not have to fund other projects.

Historic use and operation of the harbor would include:

Existing harbor

City dock

Launch ramp

Smitty's Cove launch ramp

Ocean dock

Parking lot

Loading dock and gangway outside of harbor in front of the Inn at Whittier

CHAPTER 12.02 PORT AUTHORITY

~~(DELETED LANGUAGE IS STRIKEN THROUGH)~~ **ADDED LANGUAGE IS UNDERLINED AND BOLDED**

ARTICLE I. GENERAL PROVISIONS

12.02.010 Applicability of provisions.

Port of Whittier or port means navigable continuous waterways and the adjacent shoreline and facilities thereto under the ownership or control of the City of Whittier located within the corporate limits of the municipality, including, but not limited to, the ocean dock, the city cargo dock, portions of the small boat harbor and any other similar facilities, exclusive of those areas which are within the exclusive jurisdiction of either the state or the United States.

(Ord. No. 37, 1986)

12.02.020 Purpose of provisions.

- A. The purpose of this chapter is to protect and preserve the lives, health, safety and well-being of the people who have property in, or use or work upon boats using the Port of Whittier, or who make sales or deliveries of merchandise to vessels therein, or who use these facilities in the course of visits for commercial purposes; to protect the property of such owners by regulating the port and its facilities free of nuisance, fire, and health hazards; to make reasonable charges for the use of certain facilities to enable the city, insofar as possible, to pay the cost of maintenance, operation, and supervision of the city's port facilities from the revenue derived therefrom; to further all the provisions of this chapter as being liberally construed for the accomplishment of these purposes.
- B. It is the intent of this chapter to encourage the use of facilities of the Port of Whittier by cargo vessels, passenger-carrying vessels, commercial fishermen, government vessels, and the general boating public. It is further the intent of this chapter to prevent and discourage the use of the facilities for vessels which have or may become a charge or nuisance to the city.
- C. The further intent of this chapter is to integrate management and use of those facilities of Whittier for recreation, commercial, transportation and fishing industry uses.

(Ord. No. 37, 1986)

12.02.030 Definitions.

As used in this chapter:

Dockage means a charge made for vessels at wharves or moored on city property.

Person means an individual, firm, association, organization, partnership, business trust, corporation or company.

Port director means the director of the port or his designee.

Tariff charges means the charges included in the current port terminal tariff as filed with the Federal Maritime Commission. "Terminal charges" includes only charges for facilities, goods, or services provided by the city.

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Vessel means ships or crafts of all types including, but not limited to, motor ships, steam ships, canal boats, tugs, barges, sailing vessels, motor boats, and every structure adapted to be navigated from place to place for the transportation of property and persons by any means.

Wharf means every pier, bulkhead, quay, dock, landing, float, grid iron, and other structure to which vessels make fast or upon which persons or cargo are discharged from a vessel or from which persons or cargo are loaded upon a vessel.

Wharfage means the charge made against any cargo and commodities passing over city premises.

Wharfage demurrage means the charge made against cargo and commodities left on city premises beyond the time specified.

(Ord. No. 37, 1986)

ARTICLE II. ADMINISTRATION

12.02.040 Reserved.

Editor's note(s)—Former section 12.02.040, port and harbor commission, previously codified herein and containing portions of Ord. No. 37, was repealed in its entirety by Ord. No. 310-94. See chapter 2.54 for port and harbor commission provisions.

12.02.050 Port director—Duties generally.

- A. A port director and required assistants will be appointed to supervise and manage the port facilities. Such persons shall be appointed in the same manner as other city employees.
- B. The port director shall:
 1. Be the chief administrator of the port and harbors under the supervision of the city manager;
 2. Perform the duties imposed by state or federal law upon harbormasters, port directors, and administrative directors of harbors and ports;
 3. Regulate the use of municipal wharves and harbors, including the allocation of mooring space and its use;
 4. Remove or cause to remove to a place of safety, a motor vehicle trailer found parked within the port:
 - a. In violation of this chapter, or
 - b. In such a manner as to create a significant danger to the safety of persons or property;
 5. Take corrective action if a vessel or person fails to comply with the provisions of this chapter, an order of the port director, or a rule or regulation promulgated pursuant to this chapter by rendering such performance himself;
 6. Supervise harbormasters and harbor management including regulations promulgated under this title.

(Ord. No. 37, 1986)

12.02.060 Port director—Delegation of authority.

Whenever a power is granted to or a duty is imposed upon the port director, that power may be exercised or the duty may be performed by any duly authorized representative, or such other person as the port director may designate for the enforcement of these regulations.

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(Ord. No. 37, 1986)

12.02.070 Port director—Enforcement authority.

The port director shall enforce the provisions of this chapter, and shall enlist the aid of any duly authorized police officer of the city, to make arrests for violation of the provisions of this chapter or other sections of this Code.

(Ord. No. 37, 1986)

12.02.080 Port director—Refusal to comply.

No person shall intentionally fail or refuse to comply with the lawful order of the port director in any manner pertaining to the regulations of this chapter.

(Ord. No. 37, 1986)

ARTICLE III. VESSEL OPERATION

12.02.090 Mooring at wharf.

No person may make fast a rope or mooring to any structure other than a mooring bit or bollard provided for that purpose. Every vessel at a municipal wharf or facility shall be made fast with head and stern lines in a manner approved by the port director. Every vessel lying at a wharf or wharf facilities shall comply with all directions of the port director with respect to its rigging.

(Ord. No. 37, 1986)

12.02.100 Pushing against wharf.

A person in control of the vessel may not maneuver the vessel by using the wharf to break up, wrap around, or turn around, nor may the vessel be maneuvered in a manner which involves swinging with the stem of the vessel against the wharf. The master, agent or owner of a vessel who refuses or neglects to obey this section will be required to pay all damages caused to the wharf.

(Ord. No. 37, 1986)

12.02.110 Interfering with mooring or passing.

The person in charge of a vessel which is in position to prevent or interfere with mooring or passage of another vessel shall when directed by the port director change the position of the vessel to such place as may be indicated by the port director. If the person in charge of the vessel does not comply with the directions of the port director, the port director is authorized to move the vessel. Expense incurred under this action will be assessed pursuant to section 12.02.390.

(Ord. No. 37, 1986)

12.02.120 Projecting or adjacent vessels.

A vessel whose stem or bow extends beyond the edge of a municipal wharf or facility, and a vessel laying alongside another vessel which is berthed at such a wharf or facility, shall be responsible for damage to itself or to another vessel.

(Ord. No. 37, 1986)

12.02.130 Berth assignments.

Vessels at a municipal wharf or facility will be governed by instructions from the port director. **Preferential Moorage** assignments on a continuing basis may be authorized by the port director and will be for a specific period. The assignment of berth privileges includes only the right of the person or firm making the application therefor to dock vessels owned or operated by such person or firm at such berths, subject to the provision that when the berth is unoccupied the port director may dock other vessels at it. Such assignments do not include either dockage, wharfage or wharf demurrage.

(Ord. No. 37, 1986)

12.02.140 Privileges revocable for noncompliance.

Use of municipal wharves will be governed by instructions from the port director. Assignment and wharf privileges or assignment of space on other city property is not transferable. Forfeiture of the assignment privileges is the penalty for violation of this section.

(Ord. No. 37, 1986)

12.02.150 Departures.

- A. Vessels must move at their own expense when ordered to do so by the port director for reasons relating to safety of persons or property, efficient use of port or nonpayment of tariff or other charges. If the person in control of the vessel does not comply with the port director's orders, the port director may take control of the vessel. The port director may then remove the vessel from the wharf or take whatever action is necessary to alleviate the situation which forms the basis of the order. Expenses incurred under this section will be charged pursuant to section 12.02.390.
- B. Upon the order of the port director, a vessel shall immediately vacate its berth so that a preferred vessel may berth there. Failure of a vessel to comply with such an order shall be a violation of this section and will subject the vessel to liability for all damages sustained by the preferred vessel.

(Ord. No. 37, 1986)

12.02.160 Obstructing navigation.

- A. No vessel may remain in a position which interferes with the mooring or passage of another vessel or creates a danger to persons, vessels or property after the port director has ordered it to move.
- B. No person may obstruct a municipal slip, passageway, or wharf so as to interfere with the mooring, passage or activity of the vessel. The port director may remove any such obstruction if the owner thereof fails to do so within 12 hours after its discovery by the port director.

(DELETED LANGUAGE IS STRIKEN THROUGH) **ADDED LANGUAGE IS UNDERLINED AND BOLDED**

- C. No structure, material or substance that can sink in the water or obstruct navigation may be deposited in the bay or on the shore of the bay unless written permission is first obtained from the port director or from other authority.
- D. When ballast, stone, scrap, dirt, rubbish or other loose material or matter that can sink in water is being unloaded from or loaded onto a vessel, a canvas chute or similar contrivance shall be used to prevent spills into the bay.
- E. The owner of a vessel which sinks, is grounded or delayed so as to interfere with navigation, obstruct a port, or endangers persons or property shall post warnings on the vessel that can be seen during the day and night, and remove the vessel as soon as possible. However, if the owner is not capable of such immediate removal, the port director is authorized to take possession of the vessel or structure and remove it. No one shall interfere with or prevent such removal by the port director. Expenses incurred in enforcement of this section will be assessed pursuant to this chapter.

(Ord. No. 37, 1986)

12.02.170 Obstructing facilities.

A ramp, walkway, wharf, or a slip in front of these places or municipal street or roadway may not be obstructed by merchandise, vehicles, materials or structures. If such obstruction occurs and is not removed within 12 hours, the merchandise, vehicle, material or structure shall be removed by the port director. Forfeiture of the assignment privileges is the further penalty for violation of this section. Expenses incurred under this section will be charged pursuant to this chapter.

(Ord. No. 37, 1986)

12.02.180 Dangerous vessels.

Every vessel that enters or is within the port in such a condition which renders it dangerous to persons or property shall become immediately subject to the orders and directions of the port director. No person will fail or refuse to comply with the orders or directions in regard to the disposition of such vessel. If the person in control of the vessel does not comply with the port director's orders or directions, the port director is authorized to take control of the vessel and take whatever action is necessary to eliminate or alleviate the danger. Any expenses incurred in the enforcement of this section will be assessed pursuant to section 12.02.390.

(Ord. No. 37, 1986)

12.02.190 Lost, abandoned or stolen vessels or property.

The port director may assume custody of apparently lost, abandoned or stolen vessels or property found within the port. Notification will be sent to the owner as determined from the registration number of the vessel, or from any ownership identification on the structure which can be easily read and understood. If the owner does not claim the vessel or property and pay the expenses incurred by the city within 60 days after identification, the property will be disposed of pursuant to sections 12.04.200 and 12.04.210. If the vessel or property is timely claimed by the owner, the port may require reimbursement for the costs incurred prior to releasing the property or vessel.

(Ord. No. 37, 1986)

12.02.200 Manifest.

A person in control of the vessel will be responsible for furnishing the port director or harbormaster with a complete copy of the manifest showing all cargo loaded or discharged at a municipal wharf or facility. An inbound

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(REPUBLICATION)

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manifest will be furnished prior to or concurrent with the vessel's arrival, and an outbound manifest will be furnished prior to or concurrent with the vessel's departure.

(Ord. No. 37, 1986)

12.02.210 Right to board for inspection.

The port director is authorized to enter upon and inspect the vessel to ascertain the kind, quality and quantity of merchandise or cargo which the vessel carries and to ascertain the condition of the vessel and its crew. No person will injure or molest the port director or refuse to allow the port director to enter upon a vessel for purposes specified in this section.

(Ord. No. 37, 1986)

12.02.220 Tariffs—Payment.

- A. No person in control of a vessel shall cause or attempt to cause that vessel to leave the port prior to tariff charges incurred by the vessel being paid unless directed or allowed in writing to do so by the port director.
- B. An owner, shipper, consignee or agent who is responsible for cargo which is discharged from or loaded upon a vessel shall pay the tariff charges incurred with respect to that cargo. Such payment should be made prior to the time when cargo leaves the port.
- C. Allowed credit by the port director or his staff or timely payment by another person will satisfy the payment requirements of this section.

(Ord. No. 37, 1986)

12.02.230 Tariffs—Collection authority.

No person may collect tariff charges unless authorized by the city.

(Ord. No. 37, 1986)

12.02.240 Sales or solicitations.

No person may sell or solicit for the sale of goods or services without a written permit which has been authorized and issued by the port director after concurrence of the planning and zoning commission and the city, and obtaining a business license. The permit may contain conditions and limitations in order to ensure that the selling or solicitation will not interfere with the safe and efficient operation of the facilities located at the port.

(Ord. No. 37, 1986)

ARTICLE IV. USE OF PORT FACILITIES

12.02.250 Rates and classifications.

- A. Rates, charges and classifications to be charged shall be established for the use of facilities, goods or services provided at the port. Such rates, charges and classifications shall be just and reasonable, shall be published in such a manner as to make them generally available to the public and shall be final unless changed by the city council within 20 days after publication.

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(REPLICATION)

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- B. No person or entity may, for commercial purposes, tie up to, place property or equipment upon or otherwise use property or facilities within and under the jurisdiction of the port, unless otherwise authorized by the port director.

All uses, whether for commercial or public use, shall conform to and be consistent with the city's zoning ordinances.

(Ord. No. 37, 1986)

12.02.260 Fires or welding operations.

No bonfire or open fire shall be allowed in any municipal wharf. No welding or welding equipment is permitted on a wharf without permission of the port director.

(Ord. No. 37, 1986)

12.02.270 Petroleum product storage.

No person may possess or keep acids, coal oil, gasoline, distillate or other liquid products of petroleum or empty drums which previously contained such products on a wharf, except by special permit issued by the port director.

(Ord. No. 37, 1986)

12.02.280 Low-flashpoint oil.

No vessel loaded with oil which will flash below 110 degrees Fahrenheit will be permitted to haul alongside a vessel, wharf or structure, unless special permission has been granted by the port director.

(Ord. No. 37, 1986)

12.02.290 Fuel oil delivery vessels.

No tanker engaged in the business of supplying fuel oil will be allowed, when empty, to haul or lie alongside a vessel, wharf or structure, unless special permission has been granted by the port director.

(Ord. No. 37, 1986)

12.02.300 Absorption of waste oil.

A user of the wharf will keep available an absorbent material approved by the port director, and will use such material for absorbing waste oil that may fall upon the floor of the wharf.

(Ord. No. 37, 1986)

12.02.310 Fueling of motor vehicles.

- A. No motor vehicle which is dripping gasoline or other petroleum product will be allowed to cross or enter upon a wharf.
- B. No gasoline or petroleum product will be put into or taken out of a vehicle which is on a wharf. If the gasoline in a vehicle becomes exhausted while the vehicle is on one of those areas, it must be hauled off the area.

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(REPLICATION)

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- C. A motor vehicle operated by gasoline or any product of petroleum shall be allowed to stand on a wharf only for a reasonable length of time, and then only when actually engaged in loading or unloading freight or passengers. A vehicle left standing on such an area without the constant attendance of its operator, or longer than is reasonable for loading or unloading purposes, may be impounded by the port director.

(Ord. No. 37, 1986)

12.02.320 Explosives and toxic or otherwise hazardous material.

No explosive, toxic or hazardous material shall be discharged on or loaded from any wharf, pier, bulkhead, or vessel except by permission from the port director, in which case the material must be immediately removed unless a special permit is obtained from the port director.

(Ord. No. 37, 1986)

12.02.330 Insurance requirement.

All owners shall provide the city proof of liability, marine pollution, and salvage/recovery insurance covering the vessel and owner's employees, invitees, guests, or passengers. The amount of liability insurance required shall be specified on the moorage agreement covering that vessel. If the vessel carries passengers for hire, owner(s) shall have the city named as an additional insured with waiver of subrogation on any policy of liability insurance. Failure to provide proof of insurance will result in forfeiture of assigned stall and/or use of harbor facilities.

~~12.02.330~~, 12.02.340 Reserved.

12.02.350 Merchandise liability.

The city is not liable for damage to or loss of merchandise while it is on a municipal wharf or in a municipal storage area.

(Ord. No. 37, 1986)

12.02.360 Depositing waste.

It is unlawful for any person to place or deposit any rubbish, refuse or articles of an offensive character likely to create a nuisance upon any wharf or wharf road or street leading to a wharf, or in the waters of the small boat harbor. Waste may be deposited in the appropriate receptacles provided for by the harbor or otherwise removed from the city. Bilges, holding tanks or other tanks containing waste, including, but not limited to, gurry or petroleum products, shall not be pumped or drained into the waters of the small boat harbor. This is not intended to prohibit pumping off brine tanks, provided gurry, etc., is screened out. Offloading of petroleum products shall be into suitable containers as permitted by the port director, and subject to applicable state and federal regulations. Any person, firm or corporation who violates this section shall be punished in accordance with this Code in addition to any other municipal, state or federal regulation penalties as may be prescribed.

(Ord. No. 37, 1986; Ord. No. 76-88, § 1, 1987)

12.02.370 Deposit of property.

No person will deposit cargo, merchandise, equipment, tools or other property upon any area of the port without permission of the port director. If it is necessary for the port director to remove property deposited in violation of this section, disposition will be as prescribed in sections 12.04.200 and 12.04.210.

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(Ord. No. 37, 1986)

12.02.380 Injury or damage reports.

A person who is involved in an accident which results in the injury or death of a person, or any property damage, shall immediately notify the port director. If the office of the port director is closed, notification shall be given to the department of public safety. The notification shall include the name and address of the person, the type and extent of the injury or damage, the location where the injury or damage occurred and the date and time when the injury or damage occurred.

(Ord. No. 37, 1986)

12.02.390 Expenses of corrective action.

- A. If a person or vessel fails to comply with the requirements specified by this chapter and this failure requires the port director to take necessary corrective action as directed by these regulations, the person and the vessel which employs that person will be responsible for the expenses incurred by the port director in the enforcement of these regulations.
- B. If the port director has to assume possession or control of the vessel or other property in order to take corrective action, then such possession or control may be maintained until the expenses are paid.
- C. Nonpayment of expenses is grounds for denying the use of facilities at the port. Furthermore, sections 12.02.410 and 12.04.180 will be applicable.

(Ord. No. 37, 1986)

12.02.400 Nonliability of city.

- A. The city, its officials and agents, including the port director and harbor master, shall not be responsible for any damage to any boat or person using the port facilities, and nothing contained in these regulations shall be construed or interpreted to constitute authority for the establishment of a bailment relationship between the city and any individual for the care, custody, management and control of the boat or any other personal property.
- B. Any person who causes to be damaged any float, grid, dock, launching ramp, approach, piling, dolphin, a navigation aid, buoy, breakwater, building, or related appurtenances within the port shall be responsible for the costs of repair or replacement thereof.

(Ord. No. 37, 1986)

12.02.410 Violation—Penalty.

- A. A person who violates the provisions of these regulations is subject to a civil penalty of \$150.00 for each violation.
- B. Notwithstanding the availability of any other remedy, the city or any aggrieved person may bring a civil action to enjoin any violation of these regulations, or to recover money due and owing or to obtain damages for any injury the plaintiff suffered as a result of the violation.
- C. Each act or condition violating these regulations, and each day during which the act or condition exists, continues or is repeated, shall be a separate and distinct violation.

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- D. The penalties and remedies provided for violation of this chapter are in addition to and not in lieu of any other penalty provided for in state or federal law or municipal ordinance or any civil remedy available to the city.

(Ord. No. 37, 1986)

CHAPTER 12.04 SMALL BOAT HARBOR

12.04.010 Applicability.

The regulations contained in this chapter may be known and cited as the small boat harbor regulations. These regulations apply to any public facility operated by the city within the confines of the small boat harbor.

(Ord. No. 34, 1986)

12.04.020 Purpose of provisions.

- A. The purpose of this chapter is to protect and preserve the lives, health, safety and well-being of the people who have property in, or use or work upon, boats using the city's boat harbor facilities, or who make sales or deliveries of merchandise to boats therein, or who use these facilities in the course of visits for commercial or pleasure purposes; to protect the property of such boat owners by regulating the harbor and its facilities free of nuisance, fire, and health hazards; to make reasonable charges for the use of certain facilities to enable the city, insofar as possible, to pay the cost of maintenance, operation, and supervision of the city's boat harbor facilities from the revenue derived therefrom; to further all the provisions of this chapter as being liberally construed for the accomplishment of the purpose of protecting the general welfare and to operate the boat harbor on a nonprofit basis.
- B. It is the intent of this chapter to encourage the use of facilities of the small boat harbor by pleasure boats, commercial fishermen, government vessels, and the general boating public. It is further the intent of this chapter to prevent and discourage the use of the facilities for commercial enterprise or by boats which have or may become a charge or nuisance to the city.

(Ord. No. 34, 1986)

12.04.030 Jurisdiction.

The small boat harbor facilities are under the ownership of the City of Whittier, who shall have the authority to classify areas of the harbor, set fees for the use of facilities, make rules and regulations for the governance of the harbor, and appoint a harbormaster to implement this chapter.

(Ord. No. 34, 1986; Ord. No. 01-2021, § 2, 2021)

12.04.040 Definitions.

In this chapter, unless the context otherwise requires:

Beam means the greatest overall width of the vessel.

Boat means all vessels, ships, boats, skiffs, and watercraft of every kind and description.

Boat owner means the actual or registered owner, master, agent or the person in navigational control, or person responsible for the operation of the boat.

~~(DELETED LANGUAGE IS STRIKEN THROUGH)~~ **ADDED LANGUAGE IS UNDERLINED AND BOLDED**

Derelict means any boat moored or otherwise located within the boundaries of the small boat harbor which has been or gives the appearance of being forsaken, abandoned, deserted or cast away, or which by any substantial evidence of neglect may be considered abandoned.

Facilities means all waters, improvements, and appurtenances of the small boat harbor and the waters of Passage Canal within 200 feet of the harbor.

Harbor means the Whittier Small Boat Harbor.

Harbormaster is the official hired by the city, or a person designated by him, to manage and enforce the provisions of this chapter.

Houseboat means a dwelling unit built upon a barge, log raft or similar floating structure, constructed for habitation, and for which no other reasonable use appears or can be demonstrated.

Mooring means securing or otherwise attaching a boat to any harbor facility.

Nuisance means when considering vessels in the harbor, including its dry storage areas, any vessels which may become a menace to the safety or welfare of other boats or their occupants, as further described in section 12.04.070.

Regulations means the small boat harbor regulations.

Transient vessel means any vessel that is not registered by a **preferential** berthing agreement in the small boat harbor.

Whittier small boat harbor means all tide and submerged lands, uplands, improvements and appurtenances thereto leased from the state and which are located in Passage Canal at the City of Whittier, Alaska.

(Ord. No. 34, 1986; Ord. No. 330-96 § 2, 1996)

12.04.050 Funds.

The city council of the city shall establish and maintain a separate fund entitled, "Whittier Small Boat Harbor Fund." All mooring and storage rentals, fees, fines and other revenue arising out of the use, management or operation of the harbor shall be deposited to this fund to be expended exclusively for the operation, maintenance, supervision and improvement of the small boat harbor.

(Ord. No. 34, 1986; Ord. No. 145-89, § 2, 1989)

12.04.060 Implied agreement.

The moorage, use, or presence of any boat within the small boat harbor shall constitute an agreement by the owner, operator, master, or managing agent to conform to state and federal laws, and the provisions of these regulations and/or any rule, code, or order made pursuant thereto.

(Ord. No. 34, 1986; Ord. No. 01-2021, § 2, 2021)

12.04.070 Harbormaster.

- A. A harbormaster and required assistants will be appointed to supervise and manage the boat harbor facilities. Such persons shall be appointed in the same manner as other city employees.
- B. The harbormaster is charged with the duty of enforcing all the provisions of this chapter and any rules and codes adopted under this chapter.
- C. Assignment of moorage stalls shall be by the harbormaster on a first-come, first-served basis, from a list maintained by the harbormaster. This list shall be subdivided into five categories:

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1. Up to 28 feet by ten feet;
2. Twenty-eight feet to 34 feet;
3. Thirty-four feet to 37 feet;
4. Thirty-seven feet to 45 feet; and
5. Forty-five feet to 54 feet.

The harbormaster shall supervise and manage the assignment of dry land storage and the use of the boat lift, launching ramp, gridiron, parking lots, and all other facilities. He may, in the interest of safety and order, require the owner of a boat to change from one moorage space to another and may, in the absence of the boat owner, move the boat himself without any liability to the city.

- D. The harbormaster may, at his discretion, refuse moorage or storage to any boat which may become a menace to the safety or welfare of other boats or their occupants. He may refuse the use of any of the harbor facilities to boats that may cause damage to the facilities. He may, at his discretion, refuse moorage to boathouses, floats, scows, log rafts, barges, and other cumbersome floating structures. Use of the harbor facilities by floating boat shelters, floating storage buildings or boathouses is prohibited.
- E. The harbormaster may refuse moorage or use of any harbor facility to any boat or boat owner violating any provision of these regulations.
- F. The harbormaster shall have the duty and the exclusive power to post signs and to thereby designate the limit of harbor speeds, classification and use of harbor moorage and storage areas, and such other signs and notices necessary to inform the public of authorized or prohibited uses of harbor facilities. The harbormaster is authorized to direct all waterborne and vehicular traffic within the limits of the harbor boundaries, including designated parking and storage areas.
- G. The harbormaster is authorized to designate areas where persons may store vehicles, trailers, and other marine-related items on a long-term basis. Designation of such areas must not interfere with the normal day-to-day operations of a boat harbor or port facility. Persons using such areas shall pay storage fees. Vehicles that are parked long term are required to be current with registration/insurance, in running condition, and provide a key to the harbor office. The harbormaster shall publish written procedures for administering the long-term storage areas.**
- ~~G.H.~~ No full-time city employee shall perform labor on or receive money or gifts from boat owners, their agents or assigns during hours of employment with the city. No full-time employee of the city shall act as agent or representative for any boat owner, U.S. Marshal or other party in control of said property while the boat or related property is located within the harbor or harbor storage area.
- ~~H.I.~~ The harbormaster shall have the authority to issue harbor ordinance violation tickets known in short form as "harbor tickets" which shall be similar in form and procedure (but applicable to boats) as to traffic tickets issued under title 10 of this Code. Tickets for improper moorage may be served by attachment to the vessel.

(Ord. No. 34, 1986)

12.04.080 Classification of harbor areas.

- A. Numbered stalls shall be set apart and designated for exclusive mooring of privately owned boats on a yearly basis upon the boat owner having first made arrangements with the harbormaster and having paid the rent as provided in this chapter. Each stall shall be numbered in such a manner that its location can be readily determined.
- B. Float areas not otherwise posted for restricted use or exclusive mooring shall be designated for transient moorage, and other such temporary uses as the harbormaster may order. No boat or boat owner shall have any

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exclusive right to transient mooring, or to return to the same space if, upon return, it is occupied by another boat. The harbormaster may, at his discretion, deny to any boat the use of open mooring.

- C. Designated float areas may be used for loading and unloading equipment and passengers from boats using the harbor facilities. No boat shall be moored in such areas for any period of time longer than is necessary for such loading or unloading.
- D. All designated loading zones on the dock and floats are to be used only for the purpose of loading and unloading supplies, equipment and stores. No boat shall be moored in such designated areas for any period of time longer than is required for such loading and unloading.
- E. Wharfage charges for revenue cargo moving across the dock shall be paid as provided in this chapter. "Revenue cargo" means and includes any and all vehicles, goods, materials and commodities transported for hire or use or resale in connection with a commercial enterprise. A bill of lading, cargo manifest, or commercial fish ticket must be provided to the harbormaster for determination of payment.
- F. No vessel owner or operator shall occupy gridiron space without first making reservations with the harbormaster and paying the required rent. Use shall be limited to reasonable times required to accomplish bottom painting, repairs and other customary gridiron uses. The harbormaster may make uniform rules determining the time allowed and what types of vessels may use the gridiron as well as the allowable weight of any such vessels. Rents for the gridiron use shall be paid as provided in this chapter.
- G. The boatlift shall be designated for the exclusive purpose of launching or retrieving boats from the waters of the harbor. The lift will be operated exclusively by the harbormaster or his designated assistants. The lift shall operate only in the immediate vicinity of the dock and dry storage area and it shall be the duty and responsibility of the boat owner to transport the boat to and from the lift areas. Rents for the use of the boat lift shall be paid as provided in this chapter.
- H. The launching ramp may be used by the general public for launching or retrieving boats on wheeled trailers. Use of the ramp for any purpose shall be permitted only under the supervision of the harbormaster. The use of skids is prohibited and the harbormaster may refuse the use of the ramp to those vehicles which, in his opinion, might overstress or otherwise damage the facility.
- I. The launching ramp is intended only for loading and unloading vessels. No person operating or in charge of a vessel may leave the vessel unattended at the small boat launch ramp. A person or persons attending a vessel must monitor and be able to maneuver the vessel as necessary for safe and efficient use of launches. For the purposes of this section, a vessel includes a boat, kayak, float plane, seine skiff or other similar watercraft. This prohibition does not apply to temporary durations when the operator or person in charge of the vessel leaves the boat launch to dispatch a vehicle and trailer necessary in the launching or recovery of the vessel. Violations are subject to a civil fine.**
- ~~I.~~**J.** Numbered or otherwise marked dry land storage areas shall be set apart and designated for the exclusive use of privately owned boats upon the owners thereof having first made arrangements with the harbormaster. Storage may be used by the general public for a fee; however, the providing of trailers, skids, blocks, cradles, dollies or other storage devices shall be the responsibility of the owners. The harbormaster may refuse the use of any device that is or may create a hazard to the safety or welfare of other boats, their owners or occupants.
- ~~J.~~**K.** Numbered or otherwise marked areas shall be set aside for the exclusive use of automobiles or boat-trailer parking by the general public at a fee. No automobile or boat-trailer owner shall have the exclusive right to any parking space or area nor shall he have the right to return to the same space or area if upon return it is found to be occupied by another automobile or boat trailer in areas designated for short-term parking or loading zones. No owner or operator of any automobile or boat trailer shall occupy parking space except for such reasonable times as are necessary while engaged in customary activities related to the small boat harbor.
- ~~K.~~**L.** Accepting moorage confers upon the user the requirement to keep finger floats free from debris, property storage, snow or any item or material which may restrict safe and open foot passage.

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~~L.M.~~ The harbormaster shall have the right to board and inspect any vessel and leased area within the harbor facility at any time for cause. This regulation should not be construed to mean that failure to perform such inspection is the responsibility of the harbormaster or the harbor facility. Failure of the vessel owner, operator or occupant of the vessel to allow the harbormaster to board his vessel shall be deemed a violation of these regulations.

~~M.N.~~ Any person present upon, within or using the harbor facility shall comply with all verbal or written communications of the harbormaster. These communications include administrative and operational policies and procedures as issued.

~~N.O.~~ The harbormaster shall enforce the provisions of these regulations and may enlist the aid of any duly authorized police officer of the city to make arrests for violations of these regulations. No person will intentionally fail or refuse to comply with the lawful orders of the harbor[master] in any manner pertaining to these regulations.

(Ord. No. 34, 1986)

12.04.090 Business office.

All registration of boats, payments of moorage and other charges, and other harbor facility business will be conducted at the harbor office.

(Ord. No. 34, 1986)

12.04.100 Rentals and fees.

- A. A schedule of mooring charges and fees shall be established by ordinance of the city council and be subject to review as occasion demands.
- B. Moorage and storage rentals and other fees for the use of facilities shall be paid in advance, unless special arrangements are made in writing with the harbormaster. Failure to register or pay such rentals or fees shall be presumed to be an abandonment.
- C. The rental of ~~preferential~~ moorage space shall be on a yearly basis, from January 1 through December 31. If the boat in question is removed from the harbor and a written agreement is made to cancel the rental agreement prior to March 1, a prorated refund shall be authorized.
- D. At his discretion, the harbormaster may charge a new renter on a pro rata basis from the date of entry into the harbor.
- E. For the purpose of determining any rental or fee, boat length shall be the overall length, including bowsprits, swim step or any other protrusions.
- F. Any accounts delinquent by 60 days constitutes justification for the harbormaster to refuse any services except emergency entrance into the harbor until such fees are paid.

(Ord. No. 34, 1986; Ord. No. 110-88, § 2, 1988; Ord. No. 146-89, § 2, 1989; Ord. No. 284-93, § 2, 1993; Ord. No. 468-03, § 2, 2003)

12.04.105 Recreational boat launch fees.

- A. **A boat trailer owner or vehicle owner (when launching vessels without a trailer) will obtain any and all necessary launch ramp permits for using the City of Whittier launch ramp facilities.**
- B. **Recreational launch ramp permit fees, including administrative fees, shall be established by ordinance of the city council and be subject to review as occasion demands.**

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- C. An owner may pay the annual or daily launch ramp permit fee at any time during the calendar year. The owner must pay the launch ramp fees in advance of use.
- D. An applicant can only purchase a launch ramp permit for trailer(s) or vehicle(s) the applicant owns. Each application for an annual launch ramp permit or supplemental launch ramp permit as provided in these regulations, must affirm the owner's home address by providing a valid driver's license and showing the address on the valid driver's license matches the address indicated on the trailer registration or vehicle registration. Trailers or vehicles with jointly registered owners require the same verification of driver's license address and vehicle or trailer registration address.
- E. Each trailer plate number or vehicle plate number shall be displayed with an indelible marker on the permit decal.
- F. Additional launch ramp permits for owners of multiple trailers.
1. An applicant for a single annual launch ramp permit may obtain up to two supplemental annual launch ramp permits. Administrative fees apply to any and all requested supplemental launch ramp permits.
 2. If an applicant seeks to register a fourth trailer, the applicant must purchase an annual launch ramp permit. In purchasing this fourth annual launch ramp permit, the applicant may obtain up to two supplemental annual launch ramp permits. Administrative fees apply to any and all of these requested supplemental launch ramp permits.
 3. If an applicant needs additional launch ramp permits beyond the number outlined in (F)(1) and (F)(2) of this section, the applicant must purchase an annual launch ramp permit(s) for each additional trailer.
 4. Trailers titled by a business, corporation, partnership, or other legally binding relationship are not entitled to multiple trailer permits under this section.
- G. Launch ramp permits for vehicular use of launch ramps by non-trailer vessels.
1. Vessels (including, but not limited to, kavaks, skiffs, canoes, rowboats, paddleboards, sailboats, inflatables and water toys) launched at facilities as outlined in section (A) of this regulation, to include the adjacent parking lots, are required to purchase a launch ramp permit.
 2. The launch ramp permit shall be conspicuously adhered to the vehicle in use at the facility.
 3. Individual vehicle owners will be provided the opportunity to obtain multiple additional launch ramp permits as provided in section (F) of this regulation. Administrative fees apply for all additional launch ramp permits.
 4. There are no additional fees for vehicles using the facilities noted in section (A) of this regulation which are not engaged in launching or recovering vessels.
- H. The fees assessed in this section will be equal to the previous year's fee and adjusted by the Consumer Price Index - Urban Alaska (CPI) as reported by the Alaska Department of Labor & Workforce Development for the calendar year preceding the start of the calendar year. The council may, by motion, take action to keep the fee the same as the previous year, or increase the fee in an amount less than the CPI adjustment.

12.04.110 Injury or damage reports.

Any person who is involved in an accident or incident which results in the injury or death of a person or any property damage shall immediately notify the harbormaster and file a written report. In the event that the harbor office is closed, notification shall be given to the police department. The notification shall include the name and

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address of the person, the type and extent of the injury or damage, the location where the accident or incident occurred, the date and time of the accident or incident, and names of witnesses.

(Ord. No. 34, 1986)

12.04.120 Harbor **privilege moorage** agreement.

A. **The owner of a vessel using the harbor is required to register with the harbormaster, by completing and providing all information requested on a registration form approved by the harbormaster, within four hours after the vessel first enters the harbor; provided, however, that vessels arriving after 5:00 p.m. shall have until 10:00 a.m. of the following day to register. The owner is responsible for informing the harbormaster of any changes in the registration information provided by the owner.** The harbor **privilege moorage** agreement shall be signed by the ~~waiting list~~ applicant who agrees to the terms and provisions thereof. ~~The following terms and provisions shall be made part of the harbor privilege agreement:~~

1. ~~The applicant agrees to abide by the rules and regulations and all amendments thereto relating to the small boat harbor as established by or pursuant to this chapter as now constituted or hereafter amended.~~
2. ~~The applicant agrees that any unpaid fees and charges shall become a lien against the vessel described in this agreement.~~
3. ~~Nothing in this chapter or in the ordinances and regulations of the city have been or shall be interpreted to impose upon the city any obligation or responsibility for the care and protection of any private property, including vessels, this agreement being limited to privileges of moorage space only. Applicant expressly consents and authorizes the city to move and/or dry-dock the vessel in the event that rents, fees or other charges are not paid, ordinances or regulations are violated, or in the event of necessity or emergency. He further agrees to hold the city harmless against the loss or damage to the vessel, including its equipment, nets, gear, tanks, lines or other personal property on, attached or related to said vessel, resulting from the use of the city facilities and any movement of the vessel.~~
4. ~~Applicant consents to a physical inspection of the vessel and its equipment by the harbormaster in the exercise of his duties as outlined in section 12.04.070, at any time while the vessel is within the boundaries of the small boat harbor pursuant to the grant of harbor privileges.~~
5. ~~Possession of a reservation for a specific mooring space does not apply or guarantee to the holder any right to exclusive use of any such spot for the duration of reservation agreement. Possession of a reservation is a guarantee that the reserved space shall be available for the use of the holder of the reservation during those periods when the subject boat is within the harbor facilities. The harbormaster may temporarily assign another boat to a reserved mooring space as he determines it expedient and only when the boat assigned to a reserved space is away from the harbor.~~
6. ~~In the event that the holder of a mooring space reservation returns to the boat harbor facility and finds his reserved space occupied, the holder shall contact the harbormaster. The harbormaster will cause the temporarily assigned boat to be moved to another location.~~
7. ~~The boat owner who possesses a reservation for a mooring space shall not sublease or in any other manner permit the use of such mooring space to another boat owner.~~
8. ~~No property rights are created by this section. The holders shall have only a license to use the space reserved to him as provided for in these regulations.~~

B. A waiting list will be maintained by the harbormaster of names of **qualified** persons requesting moorage space at times when no vacant space exists. ~~As space becomes available, it will be offered to the first name on the waiting list whose vessel's size fits the criteria for the mooring space available.~~ **The harbormaster may establish waiting lists according to slip or berth size and establish waitlist limits for length, beam, and draft as necessary. The harbormaster shall update waitlists as needed to maintain their accuracy.**

Commented [SAC1]: Covered by WMC 12.04.060

Commented [SAC2]: Covered by WMC 12.04.180

Commented [SAC3]: Covered by WMC 12.02.400 and 12.04.220

Commented [SAC4]: Covered by WMC 12.02.150(A) and 12.02.390(A) and (B)

Commented [SAC5]: Also covered by WMC 12.02.400

Commented [SAC6]: Covered by WMC 12.02.210 and WMC 12.04.080(M)

Commented [SAC7]: Now covered by WMC 12.04.140(E)

Commented [SAC8]: Covered by WMC 12.04.070(C) - but otherwise, this is more procedural than code

Commented [SAC9]: Covered by WMC 12.04.140(B) and (C)

Commented [SAC10]: Not sure about this one, but it feels less like code and more like agreement language?

Commented [SAC11]: How do we communicate to ATMA users the need to get on the waitlist if/when ATMA is terminated?

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1. **The waitlist will include sign-up date, the name, address, contact number of the qualifying applicant, and, if the applicant has a vessel, the silhouette length and beam of the vessel and the documented vessel name or U.S. Coast Guard registration number of the vessel. All applicants, except government agencies, shall designate a single individual whose name shall appear on the list and who will be responsible for payment of all fees.**
2. **The Harbormaster shall place applicants on the waiting list on a first come, first-serve basis only upon receipt of all requested information, a signed harbor moorage agreement, proof of insurance for the vessel, and payment of the annual waiting list fee. There is a fee of \$50.00 per year per listing upon the waiting list(s) for a permanent reserved stall assignment. Nonpayment of the waitlist renewal fee by the December 31 due date means automatic cancellation from the waiting list. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list. The fee is neither refundable nor creditable to stall applicant. Wait list priority may not be transferred except, upon applicant's death, to a family member.**
3. **A waitlisted applicant shall immediately notify the harbormaster of any change of address or telephone number in writing. Failure to do so may result in the applicant not being notified if reserved moorage becomes available.**
4. **When a moorage assignment becomes available, the harbormaster will notify highest-ranked applicant on the applicable waitlist and provide the applicant 30 days after mailing of the notice to respond. If the applicant declines or does not respond within 30 days after service of the notice, the stall will be offered to next highest-ranked applicant. The harbormaster will continue notifying applicants in this manner until an applicant accepts the assignment or all applicants decline. An applicant that declines an assignment or does not respond will be removed from the applicable waitlist.**
5. **If the reserved moorage slip or space assignee does not place the assigned vessel in the slip or space within 365 days of assignment, the assignee shall forfeit the assignment and be removed from the waitlist. The Harbormaster may, for good cause shown, grant an extension of 90 days.**
6. **Any assignment decision may be appealed to the Port and Harbor Commission.**

Commented [SAC12]: Every other Alaskan harbor I looked at allows transfer of priority if the applicant dies... consider including?

(Ord. No. 34, 1986; Ord. No. 01-2021, § 2, 2021)

12.04.130 Revocation of privileges.

In the event of the default in the performance of any obligation or failure to comply with any ordinance or regulation relating to the small boat harbor, harbor privileges may be revoked by the harbormaster following notice to the permittee by certified mail, and noncompliance for a period of 30 days from the date said letter is postmarked.

(Ord. No. 34, 1986)

12.04.140 Moorage space application and use requirements.

- A. Every owner, master, operator or managing agent desiring to moor at a stall or store his boat in a designated storage area shall apply to the harbormaster. No stall or space shall be used until assigned and ~~the rental~~ **prescribed fees are** paid, **including personal property taxes.**
- B. The right to the use of a moorage space may not be transferred, assigned or sublet. Assignment of a moorage space by the harbormaster conveys the right to moor or store only the boat owned or otherwise managed by the applicant.

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- C. No moorage space shall be sublet or rented to any person for the purpose of conducting any commercial business enterprise, except that charter vessels may pick up and discharge passengers at any space rented to such vessel.
- D. To qualify or remain qualified for a moorage space a boat must be seaworthy and must have sufficient motive power to permit the boat to be maneuvered and controlled safely both in and out of the harbor. **Every vessel must clear the Harbor under the vessel's installed power plant, not auxiliary power, operated from the vessel's designed helm station and utilizing the vessel's power, steering, and controls as originally designed on at least three occasions each year during Harbor Office hours. Sailboats without main propulsion by design may navigate from their stall using auxiliary power. Two such occasions must be not less than three months nor more than six months apart. Failure to comply with this subsection shall raise a presumption that the vessel is a nuisance and result in forfeiture of the assigned stall and nullify their harbor moorage agreement. Transient fees will be applied.**
- E. Possession of a reservation for a specific mooring space does not apply or guarantee to the holder any right to exclusive use of any such spot for the duration of reservation agreement. Possession of a reservation is a guarantee that the reserved space shall be available for the use of the holder of the reservation during those periods when the subject vessel is within the harbor facilities. The harbormaster may temporarily assign another vessel to a reserved mooring space as he determines it expedient and only when the vessel assigned to a reserved space is away from the harbor.**

(Ord. No. 34, 1986)

12.04.150 Duties of boat owners and users.

- A. Every owner, operator or managing agent of any boat using the harbor facilities shall take reasonable precautions to see that the boat in charge is kept clean, well-secured, free from fire hazards of all types, sufficiently pumped-out to maintain the boat afloat and to otherwise attend to the requirements of the boat to avoid damage to other boats or to the harbor.
- B. The harbormaster is granted the power and authority, from time to time but without obligation or liability to do so, to replace defective mooring lines, pump out boats which are in danger of sinking, or move any boat which may be creating a hazard to other boats or the harbor facilities. The boat owner is required to pay for these services.
- C. No person shall bring into, moor or berth within the harbor any vessel of any kind whatsoever which is unseaworthy, or is in such a badly deteriorated condition that it is liable to sink or damage boat harbor facilities or other vessels, or which may become a menace to navigation, except in extreme emergency; in which case the owner shall be liable for any damage caused by such vessel. In the event a vessel or other craft is wrecked or sunk within the harbor, it shall be the owner's responsibility to mark its location and provide for the raising and disposition of such vessel or craft and assume all liabilities for damage to city property and other vessels in the harbor.
- D. No person shall permit any boat or vessel to be and remain swamped or wrecked. Any boat or vessel found in such condition may be impounded or released to the owner or his agent only upon payment of all costs and charges incurred for damages, storage or handling of said vessel or boat.
- E. Any person having knowledge of a petroleum spill within the boat harbor shall immediately report such spill to the harbormaster, or if the harbor office is closed, to the department of public safety.
- F. No aircraft or floatplane shall land or take off from within the confines of the boat harbor or the entrance thereto. Any aircraft within these confines shall not be operated in excess of three miles per hour, or at such speed as to leave a wake or wave action that can endanger, damage or cause undue distress to any boat, person or harbor property. Aircraft entering the harbor shall register with the harbormaster to be assigned an area where the plane can be moored, and pay the mooring charge.

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- G. Vehicles and boat trailers must be removed from boat launching areas after the boat has been launched, and parked only in areas designated and posted by the harbormaster as parking areas. Vehicles and boat trailers parked in other than parking areas during the absence of the owner or operator shall be removed and impounded.
- H. Launching or hauling out of boats on skids is prohibited. Boat trailers or other wheeled conveyances must be used. Boats shall be launched at designated launching areas only.
- I. Due to the limited space, beach storage of supplies, merchandise or other property of boat owners shall be limited to areas designated by the harbormaster.

(Ord. No. 34, 1986)

12.04.160 Prohibited acts and penalties.

It is unlawful for any person using the boat harbor facilities to:

- A. Operate or to be in the actual control of any boat when under the influence of intoxicating liquor, illicit narcotics, or other dangerous drugs. A person who violates this provision is subject to a civil penalty of \$500.00.
- B. Operate or cause to be operated any boat within the boat harbor facilities that exceeds the posted speed limit or causes a wake or wave action which will damage or endanger, or be likely to endanger, any other boats or any boat harbor facilities, including, but not limited to, floats, finger floats, other boats or occupants thereof. A person who violates this provision is subject to a civil penalty of \$200.00.
- C. Operate or cause any boat to be operated recklessly or otherwise engage in a course of conduct within the boat harbor facility that is dangerous or a nuisance to persons or property. A person who violates this provision is subject to a civil penalty of \$500.00.
- D. Throw or otherwise cause to be deposited any gasoline, oil, sewage, trash, garbage, or debris of any type into the waters or into the entrance to the boat harbor facilities, nor upon the grounds thereof. A person who violates this provision is subject to a civil penalty of \$500.00.
- E. Create or maintain any nuisance within the boat harbor facilities or to become a nuisance thereon. A person who violates this provision is subject to a civil penalty of \$500.00.
- F. Allow dogs or any animals to run at large on any the boat harbor facilities. Dogs must be on a leash and accompanied by the owner who will be responsible for cleaning any offal left by the animal. A person who violates this provision is subject to a civil penalty of \$100.00.
- G. Allow children under the age of 12 years within the float or beach areas of the harbor facilities unless they are accompanied by the parent or other responsible adult.
- H. Erect, place, post or maintain any advertising matter, other than legal notices, upon any part of the boat harbor facilities without the approval thereof first being obtained from the harbormaster. All unauthorized advertising and signs shall be removed by the harbormaster.
- I. Disregard, deface, remove, tamper with or damage any sign or notice posted by the harbormaster relating to the use of harbor facilities. A person who violates this provision is subject to a civil penalty of \$250.00.
- J. Fail to register with the harbormaster any vessel prior to occupying any of the boat harbor facilities within four hours during normal harbor business hours, **provided, however, that vessels arriving after 5:00 p.m. shall have until 10:00 a.m. of the following day to register.** The registration period shall not exceed 24 hours. A person who violates this provision is subject to a civil penalty of \$100.00.
- K. Pump bilge containing petroleum products or chemicals or brine tank into boat harbor waters. A person who violates this provision is subject to a civil penalty of \$500.00.

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(REPUBLICATION)

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- L. Deposit, place or leave any cargo, merchandise, supplies, articles or things upon any float, ramp, decline, walk or other public place within the facility excepting at such places as may be designated as loading areas by the harbor. A person who violates this provision is subject to a civil penalty of \$50.00.
- M. Dump any offal or refuse, including, but not limited to, waste materials from canneries, fish processors and other land-based or water-based facilities, within the harbor or in such close proximity as to cause overflow or drift of such material into the harbor facilities or the entrance thereto. A person who violates this provision is subject to a civil penalty of \$500.00.
- N. Store any explosives, gasoline or any other flammable substance in drums, cans, or any other type of containers within the boundaries of the boat harbor facilities. A person who violates this provision is subject to a civil penalty of \$500.00.
- O. Set any net or fish-taking device within the harbor facility unless it is attended at all times and shall not interfere with the movement of vessels within the harbor. A person who violates this provision is subject to a civil penalty of \$250.00.
- P. Swim, water-ski, or use any unorthodox type of boat, raft, or other device within the harbor. A person who violates this provision is subject to a civil penalty of \$250.00.
- Q. Loiter around the premises of the harbor facility without lawful reason or justification.
- R. Refuse to comply with any lawful order of the harbormaster. A person who violates this provision is subject to a civil penalty of \$500.00.
- S. Failure to provide designated agent to provide boat care if owner cannot respond to an emergency call within one hour of notification. A person who violates this provision is subject to a civil penalty of \$250.00.
- T. In mooring any boat or vessel within the port facilities, the master of the boat or vessel or any person having charge thereof, to leave or permit any fire aboard the vessel or leave unattended fire which creates an unjustifiable risk of harm to person or to property. Heating devices for long-term use such as furnaces, thermostatic controlled heaters, and heat lamps are excluded from this prohibition. Cooking stoves used also as heating units are classified as an unjustifiable risk. An unjustifiable risk is a risk of such nature and degree that a failure to avoid it constitutes a deviation from the standard of care that a reasonable person would observe in the situation. A person who violates this provision is subject to a civil penalty of \$500.00.

(Ord. No. 34, 1986; Ord. No. 137-88, § 2, 1988; Ord. No. 01-2021 § 2, 2021)

12.04.170 Acts prohibited without harbormaster approval.

The following acts are prohibited without the prior approval of the harbormaster:

- A. Using a vessel as a residence. Persons requesting mooring space for a vessel used as a residence must first comply with such separate regulations and conditions as are set forth and deemed appropriate by the harbormaster.
- B. Major maintenance and repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel in the harbor area must have prior approval of the harbormaster. An approved fire extinguisher shall be required when welding or burning.
- C. Tapping, connecting, disconnecting or interfering with or tampering with electrical outlets or devices installed within the harbor facility shall not be allowed.
- D. Building any type of float, shed, floating boat shelter or structure within the harbor facility.
- E. Moving or altering any wharf, float, gangplank, ramp or other facility.

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(REPUBLICATION)

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- F. Posting of signs for the sale of items or the charter or rental of vessels.
- G. Conduct any commercial business within the boat harbor facilities without proper license.
- H. Transporting any item for sale, trade or other form of commerce across any harbor facility without permission of the harbor master and paying in advance the wharfage rates as established by the city council.
- I. Repealed by Ord. No. 01-2021.

(Ord. No. 34, 1986; Ord. No. 01-2021, § 2, 2021)

12.04.180 Lien for unpaid rentals, fees or services.

The city shall have a lien for any unpaid rentals, fees or services. Should any such rentals or fees be unpaid for a period of 60 consecutive days after due, any boat upon which such rental or fee has accrued shall be impounded and disposed of in the manner provided for in section 12.04.210.

(Ord. No. 34, 1986)

12.04.190 Removal of derelict boats.

- A. Boats within the harbor which are abandoned or are derelicts, that is, maintained in such a manner as to make them liable to sinking, or maintained in such a manner as to constitute a fire hazard to other boats or to otherwise damage the harbor facilities or constitute a clear threat to harbor facilities are declared abandoned and are subject to removal from the harbor facility without liability for any damage done to said vessel by virtue of its removal. Boats removed under the provisions of this section shall be disposed of in the manner provided for in section 12.04.210.
- B. Sunken boats, boats listing or otherwise indicating the process of sinking, are deemed derelicts and declared abandoned and are subject to removal from the harbor facility without liability for any damage done by virtue of the vessel's removal. Sunken vessels which are brought to the surface require certain technical operations to bring them to the surface for removal from the harbor. Municipal employees and special contract employees are to receive and are permitted due remuneration for such technical services. The amount and timing of any such remuneration is to be approved by the harbor master and the city manager jointly.

(Ord. No. 34, 1986)

12.04.200 Removal of abandoned property.

Any nets, gear, tanks, lines or other personal property which is deposited, stored or otherwise placed on any of the harbor facilities for a period of over 48 hours is declared to be abandoned and a public nuisance and may be impounded, removed, sold or otherwise disposed of in the manner provided for in sections 3.32.270 through 3.32.300.

(Ord. No. 34, 1986; Ord. No. 330-96, § 3, 1996)

12.04.210 Disposition of impounded boats and property.

- A. Vessels may be impounded if:
 - 1. The vessel is within the harbor, including its dry storage areas, and is a derelict or a nuisance as defined in this title;
 - 2. The fees for the vessel are 60 days delinquent;

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3. The vessel is located in the harbor, including its dry storage areas, and is in violation of this title, or a state or federal law; or
4. The owner, operator, master, or managing agent is not aboard the vessel and the vessel is not properly identified by a name and/or number.

B. Notice to owner.

1. Contents. Prior to impounding any vessel, the harbormaster shall prepare a written notice of intent to impound the vessel. This notice shall contain:
 - a. The name and/or official number or state registration number of the vessel;
 - b. The name and address, if known, of the owner, operator, master or managing agent, and the location of the vessel;
 - c. The basis or reason for impoundment; and
 - d. The reserved moorage space, if any, which will be forfeited if the vessel is impounded.
2. Distribution. The notice of intent to impound shall be at least ten days before impoundment. The notice shall be:
 - a. Mailed by certified mail, return receipt requested, to the last known owner, master or managing agent of the vessel at his or her last known address; and
 - b. Posted on the vessel, in the harbormaster's office, and in the United States Post Office in Whittier.

C. Hearing.

1. Demand for Hearing. The owner, master, or managing agent or any other person in lawful possession of a vessel proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is cause to impound the vessel. Any such person desiring a hearing shall file a written demand with the city clerk within ten business days after the mailing and posting of the notice of intent to impound.
2. Hearing Procedure. The hearing shall be conducted within 72 hours of receipt of a written demand therefor from the person seeking the hearing unless such person waives the right to a speedy hearing. Saturdays, Sundays and city holidays are to be excluded from the calculation of the 72-hour period. The hearing officer shall be designated by the city manager and shall be someone other than the harbormaster. The sole issue before the hearing officer shall be whether there is cause to impound the vessel in question. "Cause to impound" shall mean such a state of facts as would lead a reasonable person exercising ordinary prudence to believe there are grounds for impounding the vessel.

The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that he or she has the right to possession of the vessel. The harbormaster shall have the burden of establishing that there is cause to impound the vessel. Failure of the owner, operator, master or managing agent to request or attend a scheduled impoundment hearing shall be deemed a waiver of the right to such a hearing and consent to the impoundment action.

- D. Decision. At the conclusion of the hearing, the hearing officer shall prepare a written decision. The hearing officer shall only determine that as to the vessel in question, either that there is cause to impound the vessel or that there is no such cause. A copy of the decision shall be provided to the person demanding the hearing, and the owner of the vessel, if the owner is not the person requesting the hearing. The hearing officer's decision shall in no way affect any criminal proceeding in connection with the impoundment in question, and any criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer is final.
- E. Impoundment. In the event the hearing officer determines there is cause to impound the vessel, the harbormaster may proceed immediately with the impoundment of the vessel. The harbormaster may impound the vessel by immobilizing it, removing it or having it removed from the water and placing it in public or

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commercial storage, with all expenses of haul out and storage and an impound fee to be borne by the owner of such vessel. At any time prior to the sale of the vessel, the owner, operator, master or managing agent, or person in lawful possession of the vessel may redeem the vessel by a cash payment of all fees against the vessel, including interest and costs.

F. Notice of Sale.

1. Contents. Prior to the sale of any impounded vessel, the harbormaster shall prepare a written notice of sale of the vessel. The notice shall contain:
 - a. The name and/or official number or state registration number of the vessel;
 - b. The date, time and place of the sale; and
 - c. The fees, interest, and costs which are due against the vessel and terms of sale, provided by sections 3.32.250 through 3.32.300, which shall govern the sale.
2. Distribution. The notice of sale shall be at least 30 days before the sale, and shall be:
 - a. Mailed by certified mail, return receipt requested, to the last known owner, master or managing agent of the vessel at his or her last known address;
 - b. Posted on the vessel, in the harbormaster's office, and in the United States Post Office in Whittier; and
 - c. Published in a newspaper of general circulation in Anchorage at least once.

G. Sale.

1. Bids. The minimum acceptable bid shall be a sum equal to the fees against the vessel, including interest and costs to be paid in cash at the time of sale or within 24 hours thereafter. The proceeds of such sale shall be first applied to the cost of sale, then to interest, then to fees accrued and the balance, if any, shall be held in trust by the city for the owner of the vessel to claim. If such balance is not claimed within two years, the balance shall be forfeited to the city. Upon sale being made, the city shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer.
2. No Bids. If at the public sale there are no acceptable bids for the vessel, the city may destroy, sell at a private sale, or otherwise dispose of the vessel. Such disposition shall be without liability to the owner, master or managing agent, person in possession of the vessel, or lien holder of the vessel.
3. Terms of Sale. The terms and method of sale shall be governed by the procedures outlined in sections 3.32.250 through 3.32.300.

(Ord. No. 330-96, § 4, 1996; Ord. No. 01-2021, § 2, 2021)

12.04.220 Liabilities for damages.

- A. The city, its officials and agents, including the harbormaster, shall not be responsible for any damage to any boat or person using the harbor facilities, and nothing contained in this chapter shall be construed or interpreted to constitute authority for the establishment of a bailment relationship between the city and any individual for the care, custody, management and control of the boat or any other personal property.
- B. Any person who causes to be damaged any float, grid, dock, launching ramp, approach, piling, dolphin, a navigation aid, buoy, breakwater, building or related appurtenances within the harbor shall be responsible for the costs of repair or replacement thereof.

(Ord. No. 34, 1986)

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12.04.225 Citation form.

There is established a citation form for the use of the harbormaster or designee in notifying the master of any boat or vessel or any person having charge thereof of violation of chapters 12.02 and 12.04 of this Code which may be amended from time to time as approved by the city manager and harbormaster, and shall provide for right to citation of boats and/or persons in violation of any provision of these chapters or in the interest of mitigating risk to persons or property within the harbor area.

(Ord. No. 138-88, 1988)

12.04.230 Violation—Penalty.

- A. Repealed by Ord. No. 01-2021.
- B. Notwithstanding the availability of any other remedy, the city or any aggrieved person may bring a civil action to enjoin any violation of this chapter, or to recover money due and owing or to obtain damages for any injury the plaintiff suffered as a result of the violation.
- C. Each act or condition violating this chapter, and each day during which the act or condition exists, continues, or is repeated, shall be a separate and distinct violation.
- D. The penalties and remedies provided for violation of this chapter are in addition to and not in lieu of any other penalty provided for in state or federal law, or municipal ordinance, or any civil remedy available to the city.

(Ord. No. 34, 1986; Ord. No. 138-88, § 2, 1988; Ord. No. 01-2021, § 2, 2021)

CHAPTER 12.12 PUBLIC CAMPGROUNDS

12.12.010 Definitions.

For the purposes of this chapter the following words and phrases are defined as follows:

Authorized officer means the city manager or the city manager's designee.

Camping or to camp or any word or phrase corollary thereto means:

- (1) To remain overnight in any place other than within a permanent building affixed to the ground and designed for human habitation;
- (2) To park any recreational vehicle designed for human habitation irrespective of the length of time of such parking;
- (3) To kindle, light, burn or maintain any campfire, bonfire, cooking fire or any other fire, flame or blaze whatever and including any fire or flame produced by any self-contained gasoline, liquid or aeriform gas or other chemical-fuel stove or other flame-producing appliance of any kind whatever and whether situated within or without any motor vehicle or vehicular trailer of any description.

Camping unit means a recreational vehicle as defined in this section, motorized vehicle, or tent.

Day, unless otherwise particularly qualified, means any 24-hour period commencing at the hour of 4:00 p.m. on any calendar day.

Month, unless otherwise particularly qualified, means any 31-day period commencing at the hour of 4:00 p.m. on any calendar day.

Recreational vehicle means a vehicular-type unit primarily designed as a temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: Travel trailer, camper, camping trailer, fifth-wheeler, truck camper, and motor home.

Season, unless otherwise particularly qualified, means the camping season for any calendar year.

User means any and all persons, irrespective of age, camping within and upon any public campground.

Week, unless otherwise particularly qualified, means any 168-hour period commencing at the hour of 4:00 p.m. on any calendar day.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.020 Camping prohibited except in public campgrounds.

No person shall camp upon any land within the city except upon those lands designated as public campgrounds under the provisions of this chapter.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.030 Designation of public campgrounds.

The city council by its resolution may designate the location and limits of public campgrounds within and upon any lands owned, operated or maintained by the city and which campgrounds shall thereafter be open to public camping. The said council by its resolution may further designate which of said campgrounds shall be for the free use of the general public and which of such campgrounds shall be subject to a charge for camping thereon.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.040 Rules and regulation—Compliance.

The city council by its resolution may establish rules and regulations for the administration of all lands so designated by it as public campgrounds. All persons using or occupying such public campgrounds shall fully comply with all such rules and regulations so established. All such rules and regulations shall be administered by the city manager or the city manager's designee.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.050 Campsites—Regulations.

- A. Each public campground designated under the provisions of this chapter shall be divided into individual campsites, each consisting of not less than 700 square feet in area and of such particular shape and location as shall be determined by this chapter.
- B. Each such individual campsite shall not be occupied by more than 15 persons.
- C. Unless specified otherwise in this Code regarding campsites at particular campgrounds, each individual campsite shall not be occupied by more than two motor vehicles and one recreational vehicle of any description.
- D. A group campsite shall be designated as such by the city and shall consist of an area capable of handling up to 15 vehicles and 150 people.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

(DELETED LANGUAGE IS STRIKEN THROUGH) **ADDED LANGUAGE IS UNDERLINED AND BOLDED**

12.12.060 Posting.

The city, by appropriate signs posted upon the ground, shall clearly mark all those areas designated as public campgrounds under the provisions of this chapter.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.070 Camping charges.

In any public campground designated by the city council as a camping area for the use of which a charge shall be paid by the user thereof for the use of each individual or group campsite therein in the amount and in the manner as follows:

- A. Fees for the use of campsites will be established by resolution;
- B. City campgrounds are designated as self-registration fee areas. Campers shall register and pay the established fees at the designated fee station before occupying a campsite. A valid camping permit must be visibly displayed and attached to all camping units or recreational vehicles at all times;
- C. The use of any campsite may be extended by any user thereof from day to day or week to week or month to month or seasonal upon payment of charges in advance for such extended period and which such advance payment shall be made prior to the hour of 12:00 noon on the calendar day on which the use of such campsite by such user would otherwise expire;
- D. No refund of any advance payment shall be made for any reason;
- E. Repealed by Ord. No. 03-2016;
- F. The tenancy of any user of any public campground for which a charge is made under the provisions of this section shall terminate at the hour of 4:00 p.m. on the last calendar day of the tenancy for which the charge has been paid unless such tenancy has been extended under the provisions of subsection (C) of this section;
- G. Upon the termination of such tenancy, the user shall forthwith quit and surrender possession of the campsite previously occupied by him, and shall immediately remove therefrom all garbage, litter, refuse, rubbish, and personal property owned by him or in his possession.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.075 Recreational vehicles.

No recreational vehicles used for sleeping or living purposes shall be parked for any period of time exceeding 24 hours except in a posted camp area and no cooking shall be done in any recreational vehicle outside of a posted camp site.

(Ord. No. 03-2016 § 2, 2016)

12.12.076 Recreational vehicle waste disposal.

It shall be unlawful for any person occupying or using any recreational vehicle as a place of human habitation to drain or permit to be drained onto the ground any waste, sewage or other liquids or to deposit upon the ground any garbage, trash, drainage, or filth from the recreational vehicle.

(Ord. No. 03-2016, § 2, 2016)

Commented [SAC13]: Same as 12.12.092?

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12.12.080 Boat trailers.

No vehicular trailer designed or used for the transportation of any boat shall be parked in any public campground except when in the possession of a person camping therein.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.090 Abandoned property.

Any personal property left unattended for more than 48 hours by the owner or person entitled to the possession thereof upon any lands owned, operated or maintained by the city as a public park or recreation area, and whether within or without an area designated as a public campground, shall thereafter be impounded by the authorized officer and such property shall be considered abandoned and shall be disposed of by the authorized officer in the manner provided by chapter 8.16 of this Code.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.092 Waste disposal.

It shall be unlawful for any person occupying or using any recreational vehicle to drain therefrom or permit to be drained therefrom onto the ground any waste, sewage, or other liquids or to deposit upon or in the ground any garbage, trash, drainage, or filth therefrom.

(Ord. No. 03-2016, § 2, 2016)

Commented [SAC14]: Same as 12.12.076?

12.12.100 Violation—Penalty.

- A. Any person violating any provision of this chapter or who, after reasonable notice of any rule or regulation adopted for the administration of any public campground, refuses or fails to comply with any such rule or regulation, is subject to a civil penalty not to exceed \$500.00, plus costs and actual attorney fees incurred by the city in the collection of the civil penalty assessed.
- B. Each day during which any such violation or refusal or failure to comply with any such rule or regulation occurs or continues shall be deemed a separate offense for which separate prosecution may be had.

(Ord. No. 498-06, § 3, 2006; Ord. No. 03-2016, § 2, 2016)

12.12.110 Administration and appeal.

The city manager or their designee shall administer these regulations. An aggrieved person may appeal a decision of the city manager or their designee to the city clerk in writing within fifteen days of the decision of the city manager or their designee. The city clerk shall accept written argument from the aggrieved party and make a written decision based on the standards provided in these regulations.

Commented [SAC15]: Stole these from the appeal process for nuisance fines - is this how you want to handle these types of appeals? Or should it be more like 10.24.240?