

ORDINANCE 18-08-07-01
CITY OF THORNE BAY

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA, AMENDING TITLE 18-CITY BOAT HARBORS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY,
ALASKA

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

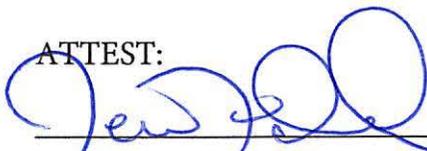
Section 3. Amendment of Section. Title 18-Harbor is hereby amended and added to the Thorne Bay Municipal Code. **ADDITIONS ARE IN BOLD AND CAPITALIZED; deletions are stricken.**

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 7, 2018


Harvey McDonald, Mayor

ATTEST:


Teri Feibel, CMC

[Introduction: July 17, 2018]
[Public Hearing: August 7, 2018]

Title 18

CITY BOAT HARBOR - Chapters:

18.10 General Provisions

18.20 Registration and Stall Assignment

18.30 Rules for Use of Harbor Facilities

18.40 Control of Nuisance and Derelict Boats

18.50 Enforcement

18.60 Harbor Fund

Chapter 18.10

GENERAL PROVISIONS - Sections:

18.10.010 Applicability of provisions.

18.10.020 Definitions.

18.10.030 Policy and intent-City liability denied.

18.10.040 Harbor commission.

18.10.050 Harbormaster.

ADDITIONS ARE CAPITALIZED AND BOLD

~~Deletions are stricken~~

Chapter 18.10 - General Provisions

18.10.010 Applicability of provisions.

The provisions of this title shall apply to all persons on or within the city's harbor jurisdiction.

(Ord. 89-30 § 5(part), 1989)

18.10.020 Definitions.

Whenever the following words or terms are used in this title, they shall have the meaning ascribed to them in this section, unless the context makes such meaning repugnant thereto:

- A. "**Boat grid**" means all facilities maintained, leased or owned by the city for use while repairing, bottom scraping or painting vessels by allowing said vessels to go dry on low tides.
- B. "**City's harbor jurisdiction**" means the harbor facility and all navigable waters situate within the city's tideland lease area.
- C. "**Commuter vessel**" means any vessel not used for commercial activities (including the embarking or disembarking of passengers as part of such commercial activities), home-ported in the city which is used by a resident of the city for the main purpose of transporting that resident or his family from place of residence to the main town site for purposes of attending work, obtaining materials and supplies, or attending school or school-related activities.
- D. "**Constituting a nuisance**" means any vessel which is not kept and regularly pumped free of excess water inside her hull, or is submerged, or creates a fire, health or navigation hazard, or is a derelict, or has become a nuisance because of nonpayment of fees.
- E. "**Derelict vessel**" means a vessel that has been left unattended for a continuous period of more than twenty-four hours, if:
 - 1. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
 - 2. The vessel has been moored or otherwise left in the city boat harbor, and if:

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- i. The vessel's certificate of number or marine document has expired, and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state department or the United States Coast Guard; or
- ii. The last registered owner of record disclaims ownership and the current owner's name, or address cannot be determined; or
- iii. The vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or
- iv. The vessel registration records of a state department and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined.

F. "Finger float" means the numbered floats attached and connected to the master floats. Finger floats shall be identified by numbers. All floats now or hereafter installed, whether or not connected with master floats, shall be suitably identified.

G. "Float" means all floating or stationary walkways and structures appurtenant thereto to which vessels may be moored, which are owned or maintained by the city.

H. "Harbor facility" means any float, piling, dock, ring, buoy, stall, seaplane float, boat ramp, vehicle parking area, structure, submerged lands and uplands directly associated with submerged lands use or other harbor improvement constructed, maintained, or owned or leased by the city.

I. "Residence" means the dwelling unit where one actually resides; one's home.

J. "Seaplane" means an airplane which is capable of landing in water.

K. "Transient/guest vessel" means any vessel not home-ported in Thorne Bay by designation or transactional utilization.

L. "Vehicle" means all trucks, automobiles, motorcycles, all-terrain vehicles and non-motor vehicles of every kind and description, pleasure and commercial.

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M. "Vessel" means all ships, boats, skiffs and craft of every kind and description, pleasure and commercial, including a seaplane, on the water, used or capable of being used as a means of transportation on or through the water.

N. "Vessel owner, master or agent" means the individual, partnership or corporation renting a stall or mooring space in the city boat harbor, or someone acting for that individual or corporation. (Ord. 97-22 § 3(part), 1997; Ord. 92-17 § 4, 1992; Ord. 89-30 § 5(part), 1989)

18.10.030 Policy and intent-City liability denied.

It is declared that the intent of this title is to further the use of facilities of the city boat harbor by commercial fishermen, government vessels, commercial vessels in trade and commerce, pleasure craft, seaplanes and the general public. It is the further intent of this title to prevent and discourage the use of the facilities of the city boat harbor by vessels which have been abandoned by their owners to the point of becoming derelict vessels, as defined in this title. The policy of this title is to maximize the safe and efficient use of the harbor facilities. Payment of a user fee entitles an individual to facility use on a priority basis. Nothing shall limit the ability of the harbormaster to assign the vessels to any unused berth, stall or mooring space ("hot-berth") in the interest of public safety. It is the policy of the city that any persons visiting or using the harbor facility will do so at their own risk. The city does not assume responsibility for loss or damage to property, or injury to persons within or upon the harbor facility. (Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)

18.10.040 Harbor commission.

There is established the harbor commission for the city to assist and advise the city with respect to all harbor-related problems or activities. The harbor commission shall consist of members from the community and the number of commission members shall be determined by the city council. Members shall be appointed for a term of one year by the chief administrative officer and confirmed by the council. Commission members shall elect a chairperson from the members, subject to confirmation by the council, to conduct the affairs of the commission. In the event that a harbor commission is not appointed, the city council will perform the duties of the harbor commission. (Ord. 97-03 § 3(part), 1997; Ord. 96-06 § 3, 1996; Ord. 93-02 § 4, 1993; Ord. 90-28 §§ 5 and 6(part), 1990)

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18.10.050 Harbormaster.

The chief administrative officer shall appoint a person as harbormaster for the city. The harbormaster shall, under the direction of the city's chief administrative officer, supervise and manage all Thorne Bay boat harbor facilities; **AND ENFORCE ALL LAWS OF THE HARBOR AS PROVIDED IN TITLE 18 OF THE THORNE BAY MUNICIPAL CODE.**

(Ord. 90-28 § 6(part), 1990)

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Chapter 18.20 - REGISTRATION AND STALL ASSIGNMENT

- 18.20.010 Transactions to be conducted at City Hall.
- 18.20.020 Application for mooring or use of the harbor facilities.
- 18.20.030 Rental and use fees-Use of vacant stalls.
- 18.20.040 Payment of rental and use fees.
- 18.20.050 Lien for unpaid rentals and fees.
- 18.20.060 Priority in space assignment-Method.
- 18.20.070 Priority in space assignment-Present renters get lowest.
- 18.20.080 Sale of vessel terminates moorage- Exception.
- 18.20.090 Commuter vessel moorage.

18.20.010 Transactions to be conducted at City Hall or at the harbor office.

All registration of boats and seaplanes, payment of harbor facility charges, and other harbor facility business will be conducted at City Hall or at the Harbor office. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 §5(part), 1989)

18.20.020 Application for mooring or use of the harbor facilities.

- A. The application for mooring of vessels, seaplanes or use of the Harbor Facilities, as defined in Title 18, shall be in such form as is required by the city and shall be filed with the city clerk.
- B. A copy of Title 18, Thorne Bay Municipal Code, pertaining to use of Harbor Facilities as defined in Title 18 shall be given to each successful applicant along with an approved signed application. (Ord. 97-03 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)(Ord. 15-12-15-03)

18.20.030 Rental and use fees-Use of vacant stalls.

Fees for the privilege of berthing or mooring any vessel or seaplane, short or long term, at the harbor facility or for use of other Harbor Facilities, including but not limited to seaplane floats, boat grid, pump out station, fish cleaning station, boat launch ramp, hoists or any other Harbor Facility as defined in Title 18, shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)(Ord. 15-12-15-03)

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18.20.040 Payment of rental and use fees.

A. All use of any harbor facilities shall be payable in advance, moorage and other fees are payable in advance. Guest or transient use fees shall be based on the fees established by the City Council for daily rates. Permanent use fees (contracts) shall be based on the fees established by the City Council for monthly, biannually, or annually rates. Use of Harbor Facilities for less than 1 month will be charged daily guest rates or charged the appropriate monthly rate with a signed contract. All contracts shall require a two-month deposit and all contract shall begin at the first of the month.

B. The city treasurer shall send a bill to persons renting a stall or mooring space on or about the first day of each month. Said bill shall be due and payable on the twentieth day of the month. Such bill will also contain a statement for additional services which have been rendered during the prior month. Bills not paid by the due date shall be subject to a two percent monthly service charge. (Ord. 13-04-02-04; Prior Ordinance 05-06-21-02 & Ord. 89-30 § 5(part), 1989)

18.20.050 Lien for unpaid rentals and fees.

A. All rentals and other fees accruing to the city from the use of the harbor facilities shall constitute a lien against such vessel, seaplane, vehicle or other lien able item.

B. It is unlawful for any vessel, seaplane or vehicle owner, master or agent who is in default of any charges accruing to the city under the provisions of this chapter to use any harbor facilities prior to the payment of all charges imposed by this chapter. **PERSONS VIOLATING THIS SECTION IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035.**

C. If the owner, master or agent of any vessel seaplane or vehicle shall fail to pay any charges within the first twenty days of the month; a notice of delinquency shall be mailed or delivered to the owner, master or agent of the vessel advising of delinquency and assessing a fee established by resolution of the city council.

D. If fees are not paid in full by the fifth day of the next month, the vessel is in default and is subject to both tow away and loss of moorage space assignment. (Ord. 89-30 § 5(part), 1989)

E. In the event any mooring fees are not paid within sixty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event that any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days

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after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance. (Ord. 13-04-02-04)

18.20.060 Priority in space assignment-Method.

Assignment of spaces in the city boat harbor shall be initially allocated by lottery and thereafter allocated on a first-come, first-served basis, with names at the top of the list to first be assigned to recently vacated stalls of the appropriate nature. The city may take into consideration special requirements of vessels and make a separate list according to either vessel length or character of vessel. (Ord. 89-30 § 5(part), 1989)

18.20.070 Priority in space assignment-Present renters get lowest.

Effective with the adoption of the ordinance codified in this title, those persons already assigned a stall shall be given at all times the lowest priority in seeking additional stalls. Only two boat stalls shall be permitted without prior approval of the harbor commission or City Council. Those paying annual moorage and those paying annual moorage that operate licensed Thorne Bay businesses and demonstrate a need for more than two stalls may request approval of the Harbor Commission or City Council for additional stalls subject to availability on a monthly basis. (Ord. 90-28 § 4(part); Ord. 89-30 § 5(part), 1989)(Ord. 16-04-19-01)

18.20.080 Sale of vessel terminates moorage-Exception.

Sale of an assigned vessel shall constitute termination of the mooring privilege unless the stall renter re-replaces the vessel with a similar-sized vessel or demonstrates to the harbormaster that he or she intends to replace the vessel within a six-month period of time. (Ord. 89-30 § 5(part), 1989)

18.20.090 Commuter vessel moorage.

Commuter vessel moorage spaces in the city boat harbor shall be on a daily first-come first-served basis. City makes no guarantee regarding the sufficiency or availability of day-to-day commuter vessel moorage. Commuter vessels may not occupy the same moorage space for more than eighteen consecutive hours in a twenty-four-hour period of time. Violations shall be governed by Chapter 18.50 of this code. (Ord. 92-17 § 5, 1992)

Chapter 18.30 - RULES FOR USE OF HARBOR FACILITIES

- 18.30.010 Live-aboard policy.
- 18.30.015 Live-aboard at Davidson Landing
- 18.30.020 Conduct in harbor facility-Rules generally.
- 18.30.030 Condition of vessels.
- 18.30.040 Power of harbormaster to board and inspect vessels and facilities.
- 18.30.050 Power of harbormaster to move vessels.
- 18.30.060 Persons to comply with harbormasters communications.
- 18.30.070 Persons to obey lawful regulations and meet accepted safety standards.
- 18.30.080 Harbormaster may pump vessels and maintain lines.
- 18.30.090 Fees for pumping or line maintenance by harbormaster.
- 18.30.100 Use of grids.
- 18.30.103 Use of seaplane floats.
- 18.30.105 Use of boat launch ramp.
- 18.30.106 Use of fish cleaning station.
- 18.30.108 Use of other harbor facilities.
- 18.30.110 Loading zones.
- 18.30.120 Conducting business in harbor from any vessel.
- 18.30.130 Acts prohibited without prior approval of the harbormaster.
- 18.30.140 Prohibited acts.
- 18.30.150 Electrical service to vessels-Conductor specifications.
- 18.30.160 Regulation of vehicles and parking areas.

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18.30.010 Live-aboard policy.

A. A person using his/her own or another person's vessel as a residence as defined in 18.10.020 (I), at any time during a month is considered a live aboard for purposes of this title and is liable for the full monthly live aboard rate. Applications and first month's fee and deposit must be submitted to the City at the time of occupying slip and paid in monthly, six month or annual installments thereafter.

1. Live-aboards wishing to use their boats seasonally may reserve their live-aboard status if:
 - i. Their deposit is retained by the city,
 - ii. A standby fee is paid in advance as established by Resolution, and
 - iii. They are paying an annual fee for the stall.

(Ord. 18-05-01-01; Subsection 18.30.010; Prior Ord. 16-06-21-01)

B. No more than two pets may be kept on a live aboard vessel at the discretion of the harbormaster. Any complaint may constitute the immediate removal of the pets.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard and the Alaska Department of Environmental Conservation.

D. Oil, gas, electric or wood heating units, if installed, must be installed and utilized in conformance with manufacturer's specifications.

E. Live-aboard fees shall be established by resolution of the city council and will be established by resolution of the City Council and will not be prorated unless the moorage agreement is terminated, and the boat removed from the harbor.

F. Deposit for Live-aboard agreements shall be established by resolution of the City Council.

(Ord. 16-06-21-01, amending section- A ; Prior Ordinances: 16-06-07-02; Ord. 13-08-06-01; Ord. 13-04-02-04; Ord. 89-30 § 5(part), 1989)

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18.30.020 Conduct in harbor facility-Rules generally.

A. Vessel moorage within the harbor facilities shall be for active operational vessels or seaplanes only, and must possess a display all local, State and Federal Registrations, licenses and Permits.

B. Vessels, when unattended, must be securely moored with adequate bow, stern and spring lines or tie-downs, as applicable.

C. Vessels moored in the harbor facility must, at all times, be completely seaworthy or air worthy, as applicable, and ready for immediate or emergency departure, under the power of a gas or diesel engine, or if equipped with oars by oar, into local waters, and also may not be chained or locked to any float.

1. Harbor Master may request owner of agent of any vessel to start and move said vessel out one hundred yards and back under its own power.
2. Mechanical problems must be immediately reported to the Harbor Master.
3. Harbor Master may grant a 30-day grace period for repairs with additional grace period if needed, so long as progress toward repairs is being made.

D. All vessels entering the harbor facility must have a valid identifying name or number permanently affixed to the vessel and visible from the outside. Failure to have either shall be cause for refusal of moorage.

E. All berthing and moorage of vessels in the city boat harbor shall be in strict accordance with signs posted by the harbormaster.

F. The movement of vessels within the moorage areas shall be for the purpose of mooring and entering or leaving his area only. Vessel speeds within and approaching the harbor facility shall be slow enough so that no wake will be created by the movement of a vessel.

G. All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner.

H. All children twelve years of age or younger shall wear a US Coast Guard approved life vest at all times while on harbor facilities.

I. All power cords, lines and other equipment must be used and kept in a way not to create hazardous conditions for other users of harbor facilities. (Ordinance 17-03-21-02; Prior Ordinances 13-04-02-04 (part); Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989))

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18.30.030 Condition of vessels.

All vessel owners, masters, agents, crew or guests, when using the harbor facility for moorage or otherwise, shall keep their vessel, equipment, pier, float or finger float in the vicinity of their vessel neat, clean and in an orderly manner. (Ord. 89-30 § 5(part), 1989)

18.30.040 Power of harbormaster to board and inspect vessels and facilities.

The harbormaster reserves the right to inspect any and all vessels and leased areas within the harbor facility at any time, for cause. This regulation should not be construed to mean that performing such inspections is the responsibility of the harbormaster or harbor facility. (Ord. 89-30 § 5(part), 1989)

18.30.050 Power of harbormaster to move vessels.

The harbormaster may move any vessels within the harbor on the waters of Thorne Bay within the City of Thorne Bay boundaries. The Harbormaster may respond to and move any vessel, for reason of protection of life or property, or during an emergency condition. Fees for the services rendered shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. (Ord. 89-30 § 5(part), 1989)

18.30.060 Persons to comply with harbormaster's communications.

Any person present, upon, within, or using the harbor facility or the facility equipment shall comply with all verbal or written communications of the harbormaster. These communications include **CITATIONS ISSUED FOR VIOLATING THE PROVISIONS OF THIS CHAPTER, AND** administrative and operational policies and procedures, as issued by the harbormaster or council; (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.070 Persons to obey lawful regulations and meet accepted safety standards.

Those persons and vessels utilizing the harbor facility shall obey all harbor facility, municipal, state and federal laws and regulations, as well as those generally accepted safety standards and

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requirements. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 89-30 § 5(part), 1989)

18.30.080 Harbormaster may pump vessels and maintain lines.

The harbormaster is granted the power and authority to, from time to time, but without any obligation or duty to do so, and without any obligation or liability on his part or that of the city for his failure to do so, replace defective mooring lines, secure any vessel with additional mooring line or tie downs, and pump vessels, including seaplane floats, which are in a dangerous condition. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.090 Fees for pumping vessels or line maintenance by harbormaster.

Whenever the harbormaster shall perform any of the acts authorized in Section 18.30.080, after having given notice to the vessel owner, master or agent at the registered address, of the immediate need thereof, or having attempted to give such notice, the vessel owner, master or agent is required to pay fees established by resolution of the city council. (Ord. 89-30 § 5(part), 1989)

18.30.100 Use of grids.

- A. The harbormaster shall assign grid privileges on a first-come, first-served basis.
- B. Fees for the privilege of using grids shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change, or amend such fees, charges and conditions.
- C. Grid users shall obey all grid use laws, rules, and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997: Ord. 89-30 § 5(part), 1989)

18.30.103 Use of seaplane floats.

- A. The harbormaster shall assign seaplane parking float moorage privileges on a first-come, first-served basis. The seaplane landing float shall be used on a first-come, first-served basis.

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B. Fees for the privilege of using the seaplane parking float and seaplane landing float shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Seaplane facility users shall obey all seaplane facility use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws.

D. Boats are prohibited from mooring or otherwise using the seaplane parking and landing floats unless authorized by the harbormaster. (Ord. 97-22 § 3(part), 1997)(Ord. 13-04-02-04)

18.30.105 Use of boat launch ramps.

A. The boat launch ramp shall be used on a first-come, first-served basis.

B. Fees for the privilege of using the boat launch ramp shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Boat launch ramp users shall obey all boat launch ramp use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.106 Use of fish cleaning station.

A. The fish cleaning station shall be used on a first-come, first-served basis.

B. Fees for the privilege of using the fish cleaning station shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Fish cleaning station users shall obey fish cleaning station ramp use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

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18.30.108 Use of other harbor facilities.

A. Other harbor facilities shall be used as directed by the harbor-master or council.

B. Fees for the privilege of using other harbor facilities shall be levied according to the fees, charges and conditions set by, resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions.

C. Users of other harbor facilities shall obey all use rules and regulations issued by the harbormaster or council or set forth in municipal, state or federal law, rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. (Ord. 97-22 § 3(part), 1997)

18.30.110 Loading zones.

There shall be reserved loading zones within the harbor facilities. Zones shall be adequately marked, with mooring time being limited to the hours posted. Violations shall be governed by Chapter 18.50. (Ord. 89-30 § 5(part), 1989)

18.30.120 Conducting business in harbor from any vessel.

Any vessel owner, master or agent desiring a temporary mooring space within the harbor facilities for the purpose of selling any merchandise shall make application to the harbormaster for such space and shall pay a daily rental established by resolution. Peddlers and itinerant merchants shall have a valid license, all in accordance with applicable laws. (Ord. 89-30 § 5(part), 1989)

18.30.130 Acts prohibited without prior approval of the harbormaster.

The following acts are prohibited unless the prior written approval of the harbormaster has been obtained:

A. Using a vessel as a residence, as defined by Section 18.20.020. Persons requesting moorage space to be used as a residence, or those who, while using a moorage space, do not regularly use the vessel as a fishing, freight or pleasure craft, must first comply with such separate regulations and conditions as are set forth and deemed appropriate by the harbormaster;

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- B. Issuance of a permit or license for commercial use of the harbor facility. The requirements and conditions for such permits or licenses shall be prescribed in separate instructions as issued. Sale from a private vessel is governed by Section 18.30.120;
- C. Major maintenance or repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel;
- D. Tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devices installed within the harbor facility;
- E. Moving or altering any wharf, float, gang plank, ramp or other facility in the harbor facility;
- F. Posting of signs on the harbor facility for the sale of items or the charter or rental of vessels;
- G. Borrowing or using any harbor facility equipment;
- H. Operating a four-wheeler, all-terrain vehicle, with or without a trailer, for the purpose of loading or unloading vessels or aircraft at the seaplane float facilities. (Ord. 98-20 § 3(part), 1998; Ord. 89-30 § 5(part), 1989)

18.30.140 Prohibited acts.

Unless otherwise provided in this chapter, the following acts are prohibited:

- A. Operating or causing any vessel to be operated recklessly, or otherwise engaging in a careless manner within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another;
- B. Tying or mooring pile drivers, scows, barges, boat houses, or other similar vessels, or vessels over one hundred feet in length, or more than 20% of stall length as measured by length overall from the furthest part of the bow to the furthest part of the stern, to any float or stall; unless authorized to do so by the Thorne Bay Harbor Master.
- C. Using bumpers that cause damage to docks;
- D. Dumping garbage, trash, oil, fuel, debris or other materials, liquid or solid, into the waters, or onto the land areas, floats and piers of the harbor facility, except into such containers as are provided for that specific purpose. Waste oil must be poured into special containers provided for that specific purpose;
- E. Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction;
- F. Setting any net or fish-taking device within the harbor jurisdiction unless it is attended at all times. The net or device cannot be over the length of the vessel and must be alongside of

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the vessel. No net or device may be set so as to obstruct navigation or mooring within the harbor jurisdiction;

- G. Water skiing, scuba diving except for maintenance and special occasions;
- H. Storing personal items on the floats and finger floats. Oily rags, open paints and other combustible and explosive materials shall not be stored on docks at any time;
- I. Using the harbor facility firefighting equipment for any purpose other than fighting fires;
- J. Disregarding, defacing, removing or damaging any sign or notice posted or erected by the harbormaster or city public works department relating to the use of mooring areas or other facilities;
- K. Sub-assigning or subleasing assigned mooring space;
- L. Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;
- M. Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;
- N. Challenging or intending to provoke another to fight, or engaging in fighting;
- O. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;
- P. Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotics and other dangerous drugs;
- Q. Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners WILL be responsible for proper cleanup and disposal of animal wastes;
- R. Riding or operating bicycles, skateboards, roller skates, or other similar devices on gangways, floats or finger floats. This prohibition does not apply to wheeled carts or similar devices used for the transport of goods to and from vessels. (Ord. 98-20 § 3(part), 1998; Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)(Ord. 17-03-21-02)

18.30.150 Electrical service to vessels-Conductor specifications.

Electrical connections to any vessel are under the direction of the harbormaster and must comply with the following regulations:

- A. Cords with current carrying capacity of less than fifteen amps shall not be used;
- B. Flexible cords shall be used only in continuous lengths without splice or taps;

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- C. Cords shall not be smaller than required for the rated current of the connected equipment;
- D. Attachment plugs, and connector bodies shall not be smaller than that required for the rated current of the attached cord;
- E. Attachment plugs shall be of the weatherproof type;
- F. Infrared heating lamps may be used with porcelain-type sockets only;
- G. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electric current if overturned;
- H. The following power cords are approved for use and listed below by type: SO, ST, STO, POW, K, S;
- I. Any cord not listed must be inspected and approved by the harbormaster prior to being put in service;
- J. Current-carrying capacity of flexible cords:

Size, AWG	Amps.	Size, AWG	Amps.
14	15	8	35
12	20	6	45
10	25	4	60(Ord. 89-30 § 5(part), 1989)

18.30.160 Regulation of vehicles and parking areas.

A. The harbormaster may establish such reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of the harbor facility. This includes the posting of all signs and all other regulations that may be required. **Vehicles found in violation of these regulations will be subject to towing and placement in impound.**

B. All towing and impound expenses will be incurred by the owner of the vehicle.

C. Persons using the harbor facility vehicle parking area will do so only in connection with the use of the other harbor facilities. (Ord. 89-30 § 5(part), 1989)

D. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY THE FINE ESTABLISHED IN 1.16.030 IF THE OFFENSE IS NOT LISTED IN THE FINE SCHEDULE.

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Chapter 18.40 - CONTROL OF NUISANCE AND DERELICT BOATS

18.40.010 Abatement of nuisance-Impoundment-Removal and sale.

18.40.020 Procedure for destruction, sale or other disposition of boat.

18.40.030 Impoundment-Final disposition of sold and unsold vessels.

18.40.040 Other property becoming a nuisance.

18.40.010 Derelict, nuisance, unseaworthy, wrecked and sunken vessels

No person may bring into or keep within the small boat harbor facilities or property a vessel that is derelict or a nuisance, or in the opinion of the harbormaster, is so unseaworthy or in such a deteriorated condition that it may sink, become a hazard to navigation, or damage docks, floats, or other vessels, except as required in an emergency, but only for so long as required by the emergency.

A. If the harbormaster determines that the derelict condition of a vessel constitutes a fire or safety hazard to harbor facilities or other vessels, or a pollutant hazard to the waters and marine life of the harbor, and that damage from such fire, safety, or pollutant hazard will more likely than not occur within the notice period required under this subsection, the harbormaster may take reasonable steps to prevent damage from the fire, safety, or pollutant hazard without prior notice or hearing, including without limitation impounding the vessel by immobilizing the vessel or by hauling the vessel out of the water and storing it, with all expenses and risks of the haul-out and storage to be borne by the owner of the vessel. The City of Thorne Bay shall not be held liable for any damages resulting from the haul-out or storage of any impounded vessel. Promptly after impounding a vessel under this subsection, the harbormaster shall give notice of the impoundment in accordance with 18.40.020 subsection (a). (Ord. 10-07-06-02)

18.40.020 Abatement of nuisance-Impoundment-Removal and sale.

A. In the event any boat constitutes a nuisance or is a derelict, as defined, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master, or agent of the boat as shown on the registration statement filed with the harbormaster, stating that unless said boat is removed, repaired, or that other action is taken to remedy such nuisance, the boat will be subject to destruction or sale, in the discretion of the harbor

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commission, upon the expiration of a period of fourteen days from the receipt of such notice.
(Ord. 12-05-01-01)

B. In the event any mooring fees are not paid within approximately thirty days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within thirty days after the service of the notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbor commission because the boat has been declared to be a nuisance.

c. Notices provided for in chapter 18 shall be given by the city clerk by a method which assures a signed receipt therefore (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records); notice shall be given to such owner, master or agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The notice shall be in writing, signed by the city clerk and dated, and shall inform the recipient of his right to a hearing before the harbor commission no later than fourteen days from receipt of the notice, as well as informing the notice recipient of the potential consequences (set forth in subsections A and B of this section) for failure to appear.
(Ord. 90-28 § 4(part), 1990: Ord. 89-30 § 5(part), 1989)

18.40.030 Procedure for destruction, sale or other disposition of boat.

A. Any boat which is declared a nuisance may, after the expiration of the time stated in the notice delivered to the owner, master or agent, either be impounded in the waters of the Thorne Bay Boat Harbor or removed there from to a place of safe storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster to be posted on or in said boat at a place where likely to be seen by anyone inspecting said boat. During the period of impoundment or storage by the harbormaster, the boat, its owner, master or agent shall be liable for a monthly storage charge and costs incurred by reason of the impounding or removal of the boat. An impoundment fee shall also be charged. Storage and impoundment fees shall be in accordance with pre-established amounts set by resolution of the city council.

B. After any boat is so impounded or removed, the city clerk shall again give written notice (by a method assuring return receipt) that the boat has been impounded, that the notice recipient has opportunity for a hearing before the harbor commission no later than fourteen

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days following receipt of notice, and that after the expiration of that period the boat may be destroyed, sold or disposed of as the harbor commission shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or agent and (for documented vessels) to any holder of a recorded mortgage on the boat at such an address as is shown on the last registration statement for the boat.

C. Any boat so impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master, or agent, be destroyed, sold or disposed of as the harbor commission shall determine unless sooner repaired so as to no longer be a nuisance or unless the fees have then been paid in full. In the event of a disposition by sale of the boat, a notice of sale shall be mailed to the owner, master, or agent of the boat and then posted in three public places for a period of ten days prior to the date of sale and shall be signed and posted by the city clerk. Said notice shall state the identification of the boat; that it is being sold after having been declared a nuisance under the provisions of this title; and that all of the rights, title, and interest of the owners and lien holders of said boat will be sold to the highest and best bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be applied first to the cost of conducting the sale, impounding and removal of the boat, and the payment of all fees assessed and payable by said boat, its owner, master, and agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city. (Ord. 90-28 § 4(part), 1990; Ord. 89-30 § 5 (part), 1989)

18.40.040 Impoundment-Final disposition of sold and unsold vessels.

Upon the sale being made, the city shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer according to law. If, at the public sale, there are no bidders for the vessel, the city may destroy, sell at private sale, or otherwise dispose of said vessel, such disposition to be made without liability to the owner, master, agent or creditors of the vessel. (Ord. 89-30 § 5(part), 1989)

18.40.050 Other property becoming a nuisance.

A. All engines, machinery, equipment, lines, skiffs, nets, gear, animals or other personal property left upon the dock, approach, floats or other facilities of the Thorne Bay Boat Harbor for a period of more than forty-eight hours without being removed there from by the owner or person in possession thereof may be declared to be a nuisance by the harbormaster and

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impounded, removed, or sold in the discretion of the harbor commission in the manner provided for the removal, impoundment, sale, or other disposition of boats which are declared a nuisance.

B. Written notice and opportunity for a hearing before the harbor commission shall be provided to the property owner (if the identity of the property owner is known to, or can reasonably be ascertained by, the harbor commission) in the same manner as notice and opportunity for a hearing provided to boat owners under Sections 18.40.010 and 18.40.020. In cases where the owner has left no record of such property with the harbormaster, and harbor commission makes reasonable efforts to determine ownership but is unable to do so, then such property shall be held by the harbormaster for a period of fifteen days prior to its destruction or sale, during which period the harbormaster shall post prominent notices upon the personal property itself and upon a place designated by the harbormaster for the routine posting of notices at the harbor. Such notice shall be in a form reasonably calculated to notify the property owner of the date by which the property will be destroyed or sold unless the owner redeems it and notify the owner of his right to a hearing before harbor commission by a date stated in the notice, such date to be no earlier than seven days after the initial posting of the notice. (Ord. 90-28 § 4(part), 1990: Ord. 89-30 § 5(part), 1989)

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Chapter 18.50 - ENFORCEMENT - Sections:

18.50.010 Enforcement powers of harbormaster.

18.50.020 Penalties.

18.50.010 Enforcement powers of harbormaster.

A. The city authorizes the harbormaster of the harbor facility to enforce this chapter by either written or verbal communication, **INCLUDING BUT NOT LIMITED TO ISSUING CITATIONS TO PERSON(S) VIOLATING THE PROVISIONS OF THIS CHAPTER.**

B. The harbor commission may interpret the reasonable intent of these provisions to promote the purpose and intent of this chapter.

The harbormaster may secure by lock and change any vessel, vehicle or equipment that is in violation of any provisions of Chapter 18 until such time as said violations are resolved to the harbormaster's satisfaction. The harbormaster may also order persons and/or vessels found in violation of any provision of chapter 18 to depart from the harbor facility. Failure of a person or vessel to depart from the harbor facility when the harbormaster orders **IS IN VIOLATION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND THE VESSEL MAY BE IMPOUNDED.** ~~may result in a civil penalty and/or the impoundment of the vessel.~~

C. Vessels impounded by the harbormaster may be removed by a private contractor, with charges to be assessed against the vessel and/or its owner, master or agent. (Ord. 90-28 § 4(part), 1991; Ord. 89-30 § 5(part), 1989)

18.50.020 Violations & Penalties.

ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY THE FINE ESTABLISHED IN 1.16.030 IF THE OFFENSE IS NOT LISTED IN THE FINE SCHEDULE.

~~A. Every act prohibited by this title is unlawful and may be enjoined by judicial order. The below-listed acts shall be subject to civil penalties, in amounts set forth below, not to exceed three hundred dollars per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense.~~

~~B. Acts subject to civil penalty and penalty amounts are:~~

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~~—Description of Offenses~~

- ~~—1. Overtime parking~~
- ~~—2. Parking in loading zone~~
- ~~—3. Loose dog or animal~~
- ~~—4. Other violations of this title not specifically set forth in this section.~~

~~—Number of Offenses _____ Fine~~

~~—First offense _____ \$ 25.00~~

~~—Second offense within one year _____ \$ 50.00~~

~~—Third offense within one year _____ \$100.00~~

~~—Fourth and subsequent within one year—Mandatory Hearing with the Harbor Commission~~

~~—Description of Offenses~~

- ~~—5. Speeding and excessive wake~~
- ~~—6. Obstructing float~~
- ~~—7. Unauthorized use of another stall~~

~~—Number of Offenses~~

~~—First offense _____ \$ 25.00~~

~~—Second offense within one year _____ \$ 50.00~~

~~—Third offense within one year _____ \$ 100.00~~

~~—Fourth and subsequent within one year mandatory hearing with the Harbor Commission.~~

~~—Description of Offenses:~~

- ~~—8. Leaving vessel in sunken condition~~
- ~~—9. Causing a fire hazard~~

~~—Number of Offenses~~

~~—First offense _____ \$ 50.00~~

~~—Second offense within one year—\$100.00~~

~~—Third offense within one year—\$200.00~~

~~Fourth and subsequent within one year mandatory hearing with the Harbor Commission.~~

~~In addition to fine set forth above, violators shall be subject to an additional fine consisting of the actual cost to the city to remedy the condition causing offenses numbered 8 and 9 above. (Ord. 97-22 § 3(part), 1997; Ord. 89-30 § 5(part), 1989)~~

18.60

City Harbor Fund

18.60.010-City Harbor Fund

The City of Thorne Bay will deposit 10% of harbor gross revenue annually into a separate checking account to be used for depreciation expenses and improvements to the harbor.