

CITY OF THORNE BAY
ORDINANCE 19-04-02-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
AMENDING TITLE 18-HARBOR; CHAPTERS 18.10-GENERAL PROVISIONS AND CHAPTER
18.20-REGISTRATION AND STALL ASSIGNMENT, SECTIONS 18.10.020-DEFINITIONS AND
SECTION 18.20.040 PAYMENT OF RENTAL AND USE FEES

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.

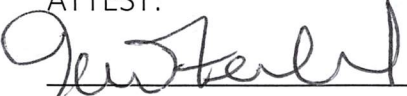
Section 3. Amendment of Section. The title and chapters of Title 1 - General Provisions, Chapter 1.16 - General Penalty, Section 1.16.035-Minor Offense Fine Schedule, adding fines for offenses listed in Title 13-Utilities, hereby amended and added to the Thorne Bay Municipal Code. The Fine Schedule for all offenses in Title 13-Utilities are added as written on page 2 & 3 of this ordinance.

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

PASSED AND APPROVED April 2, 2019



Lee Burger, Vice Mayor

ATTEST:


Teri Feibel, CMC

[Introduction: March 19, 2019]

[Public Hearing: April 2, 2019]

Amending
Title 18 Harbor
Amending Chapters:
18.10-General Provisions,
18.20 – Registration and Stall Assignment
Amendment of Sections:
Sections 18.10.020-Definitions
Section 18.20.040-Payment of Rental and Use Fees

ADDITION TO SECTIONS:

Adding Subsection **18.10.020 (N) "length of vessel"**
Adding Subsection: **18.20.040-Subsection B – "Billing of vessel computed by length"**

Chapter and Sections of Title 18-Harbor shall read as follows:

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), homeported 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:
 - 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.
- 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 LENGTH" LENGTH OF A VESSEL FROM STERN TO STEM, INCLUDING ALL FIXED PROTUBERANCES.**
- O. **"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)

18.20.040 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.

B. BILLING WILL BE COMPUTED BY LENGTH OF VESSEL OVERALL (STERN TO STEM).

- C. 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 new harbor contracts without a deposit on file shall be required to pay a deposit equal to two-times the monthly rate charged.
1. Deposits shall not exceed the maximum deposit requirement as set forth by resolution for any account. Contracts shall begin at the first of the month. (Ordinance 18-12-04-02, § A (part), prior Ordinance 18-09-18-03, § A (part))
- D. The billing clerk 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. (Ordinance 18-09-18-03, § B (part), Prior Ord. 13-04-02-04; Prior Ordinance 05-06-21-02 & Ord. 89-30 § 5(part), 1989)