

CITY OF THORNE BAY
ORDINANCE 18-09-18-03

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING ORDINANCE 18-08-07-01; TITLE 18-HARBOR

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-City Boat Harbor, Chapter 18.20 - Registration and Stall Assignment, Section 18.20.040, 18.120.060 & 18.20.070, Chapter 18.30-Rules for use of harbor facilities; Section 18.30.010, & 18.30.140, Chapter 18.40 Control of Nuisance And Derelict Boats, Section 18.40.050; is hereby amended and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 18, 2018


Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: September 4, 2018]
[Public Hearing: September 18, 2018]

Chapter 18.20

REGISTRATION AND STALL ASSIGNMENT

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 NEW HARBOR contracts WITHOUT A DEPOSIT ON FILE shall BE REQUIRED TO PAY A DEPOSIT EQUAL TO ~~require a~~ two-TIMES THE MONTHLY RATE CHARGED. DEPOSITS SHALL NOT EXCEED \$400.00, FOR ANY ACCOUNT. ~~-month deposit and all~~ contract shall begin at the first of the month.
- B. The city BILLING CLERK ~~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)

18.20.060 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: Ord 18-08-07-01)

Chapter 18.30

RULES FOR USE OF HARBOR FACILITIES

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), **FOR MORE THAN 7 CONSECUTIVE DAYS** 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.

B. LIVE ABOARD VESSELS ARE REFERRED TO AS "PERMANENT LIVE-ABOARD" AND "SEASONAL LIVE-ABOARD".

i. PERMANENT LIVE-ABOARD IS DEFINED BY USE OF ANY VESSEL AS A RESIDENCE FOR MORE THAN 6 MONTHS WITHIN A CALENDAR YEAR.

ii. SEASONAL LIVE-ABOARD IS DEFINED BY USE OF ANY VESSEL AS A RESIDENCE FOR MORE THAN 7-DAYS BUT LESS THAN 6 MONTHS WITHIN ANY CALENDAR YEAR.

C. MAXIMUM CAPACITY FOR LIVE-ABOARD VESSELS OCCUPIED IN THE CITY HARBOR IS SET BY RESOLUTION. .

1. A Live-aboard 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

They are paying an annual fee for the stall. (Ord. 18-05-01-01; Subsection 18.30.010; Prior Ord. 16-06-21-01)

iii. UPON RECONNECTION OF LIVE ABOARD STATUS, USERS WILL BE REQUIRED TO PAY AN ADMINISTRATIVE FEE AT THE RATE SET FORTH IN THE MOST CURRENT RESOLUTION SCHEDULE.

- D. 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.
- E. 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.
- F. Oil, gas, electric or wood heating units, if installed, must be installed and utilized in conformance with manufacturer's specifications.
- G. 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.
- H. 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)

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 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. INTERFERING WITH, BLOCKING OR OBSTRUCTING TRAFFIC ALONG FLOATS AND FINGER FLOATS,

- J. Using the harbor facility firefighting equipment for any purpose other than fighting fires;
- K. 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;
- L. Sub-assigning or subleasing assigned mooring space;
- M. Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;
- N. Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;
- O. Challenging or intending to provoke another to fight, or engaging in fighting;
- P. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;
- Q. 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;
- R. 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;
- s. 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)

Chapter 18.40

CONTROL OF NUISANCE AND DERELICT BOATS

18.40.050 Other property becoming a nuisance.

A. All engines, machinery, equipment, lines, **HOSES**, 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, **OR IMPEDING DAILY HARBOR OPERATIONS** without being removed there from by the owner or person in possession thereof may be declared to be a nuisance by the harbormaster and 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)