

An Ordinance of the Haines Borough amending Haines Borough Code Title 16 to clarify governance of the Haines Borough Port and Harbor Facilities.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance is effective upon adoption.

Section 4. Amendment of Title 16. Title 16 of the Haines Borough Code is hereby amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

Chapters:

- 16.04 General Provisions
- 16.08 Harbor Management
- 16.12 Classification of Harbor Areas
- 16.16 Fees and Payments
- 16.20 Duties of Boat Owners
- 16.24 Harbor Nuisances
- 16.28 Prohibited Acts and Enforcement
- 16.32 Letnikof Cove Park Boat Facilities'

Chapter 16.04
GENERAL PROVISIONS

Sections:

- 16.04.010 Definitions.
- 16.04.020 Purpose and construction.
- 16.04.030 Policy and intent – Use of boat harbor.

16.04.010 Definitions.

In construing the provisions of this title, except when otherwise stated or when ~~another~~ **other** meaning is apparent from the context, the following words shall have the meanings indicated in this section.

"Aircraft" means and includes aircraft of every kind or description which are capable of being landed upon or taking off from water.

~~"Boat" means and includes any vessel, ship, boat or skiff and water craft of every kind and description.~~

~~Boat length. For the purposes of any fee or assessment, the term "boat length" means the actual overall length of the vessel, including anchors, bowsprits, swim steps, outboards or other extensions.~~

"Clerk" means the duly appointed, qualified and acting clerk of the borough.

"Commercial Vessel" means any vessel engaged in commerce for which it is intended.

"Derelict" means any ~~boat~~ **vessel** moored, or otherwise located within the boundaries of the Haines ~~boat harbor facilities~~ **Borough Port and Harbor Facilities**, ~~which is forsaken,~~

abandoned, deserted or cast away, or which is left in a condition such that it will not rise and fall with the tide, or has suffered such neglect as to be unfit for navigation on the seas.

"Enterprise Funds" describes the funding mechanics proscribed by state law that limits revenue over expenses to reinvestment in the enterprise as in Boat Harbor Fund, Lutak Fund and Port Chilkoot Fund.

"Excursion Inlet Facility" means that area of tidelands, submerged lands and uplands owned, and controlled by the Haines Borough, together with its breakwaters, dolphins, wharves, floats ramps, gridirons, utilities, approaches and appurtenances.

"Finger floats" means numbered floats attached and connected to the master float.

"Haines boat harbor" means that area of tidelands and submerged lands located immediately to the south of the intersection of Front and Main Streets, which was dredged and constructed as a boat harbor by the Alaska Public Works Department, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Haines boat harbor facilities" includes all facilities and appurtenances of the Haines boat harbor, and all additions and improvements thereto.

"Harbormaster" means the duly appointed ~~H~~Harbormaster of the borough Haines Borough **who also serves as a Facility Security Officer for all Port and Harbor Facilities.**

"Hazardous condition" means any condition which may be considered dangerous or hazardous by a borough, state or federal official.

"Letnikof Cove Small Boat Harbor" means the area of tidelands, submerged lands and uplands owned or controlled by the Haines Borough, together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Lutak Dock Facility" means that area of tidelands, submerged lands and uplands owned, or controlled by the Haines Borough, together with its breakwaters, dolphins, docks, wharves floats, ramps, gridirons, utilities, approaches and appurtenances.

"Manager" means the duly appointed, qualified and acting Haines Borough Manager or the manager's designee.

"Master f Float" means the main float, reached by ramp, from the dock approach pier or dock.

"Port Chilkoot Dock Facility" means that area of tidelands, submerged lands and uplands owned, or controlled by, the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Portage Cove Harbor" means that area of tidelands and uplands owned or controlled by the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats, ramps, gridirons, utilities, approaches and appurtenances.

"Swanson Harbor Facility" means that area of tidelands, submerged lands and uplands owned, or controlled by, the Haines Borough together with its breakwaters, dolphins, docks, wharves, floats ramps, gridirons, utilities approaches and appurtenances.

"Transient Vessel" means vessels not assigned permanent moorage or permanent open moorage.

"Vessel" means a watercraft constructed and maintained for the primary purpose of navigating the waterways and not for the primary purpose of providing living quarters such as "float homes" or "houseboats" and includes any ship, boat or skiff and watercraft of every kind and description.

"Vessel length" For the purpose of any fee or assessment, the term "vessel length" means the actual overall length of the vessel, as moored, including anchors, bowsprits, swim-steps, outboards or other extensions.

16.04.020 Purpose and eConstruction.

The purpose of this title is to protect the lives, health, safety and well-being of the residents of the ~~Haines~~ ~~B~~Borough and those persons who have property in, or use or work upon the ~~boats~~

~~vessels using the facilities of, the Haines boat harbor,~~ **Borough Port and Harbor Facilities** or who make sales and deliveries of goods and merchandise to ~~boats~~ **vessels** therein; or who use the facilities for mooring commercial or pleasure ~~boats~~ **vessels**; to protect the property of such ~~boat~~ **vessel** owners by regulating the **port and harbor and its facilities** to ensure the widest possible public use thereof; to prevent the maintenance of nuisances and fire and health hazards; and to make reasonable charges for the use of certain facilities, to enable the ~~h~~**Borough**, insofar as possible, to pay the costs of maintenance, operation and supervision of the Haines ~~boat harbor~~ **Borough Port and Harbor** facilities from the revenues therefrom.

16.04.030 Policy and intent – Use of ~~boat harbor~~ **Harbor Facilities**.

A. It is ~~declared to be the intent of this title to provide regulations concerning the use of, and moorage in, the Haines boat harbor by the boaters of Alaska~~ **Borough Port and Harbor Facilities**. It is ~~further~~ also the intent of this title to prevent and discourage the use of facilities of the boat harbor **Port and Harbor Facilities** by ~~boats~~ **vessels** which have become derelicts, or a charge and nuisance to the borough, the ~~h~~**H**arbormaster and the general public.

16.04.035-Livaboards

~~BA.~~ From October 15th to April 1st it shall be unlawful to live aboard vessels moored in the harbor **Port and Harbor Facilities** except on a transient moorage basis for periods of two weeks or less. ~~At no time of year shall a water craft, used as a combination domicile and pleasure or commercial vessel, be permitted in the harbor unless such vessel meets all of the following criteria:~~ **Commercial vessels actively engaged in related trade are exempt with the Harbormaster's approval.**

B. At no time of year shall a watercraft, used as a combination domicile and pleasure, or commercial vessel, be permitted in the Port and Harbor Facilities unless such vessel meets the following criteria:

~~1. Vessel is powered by an inboard motor. Vessels powered solely by outboard motors shall not be used for live-aboard purposes.~~

~~21.~~ Vessel is capable of "getting underway" at all times.

~~32.~~ Vessel meets all U-S- Coast-Guard requirements for safe navigation on the open water.

~~43.~~ Vessel has on board an operating Type II or Type III marine sanitation device. Discharges from these devices within the boat harbor **Port and Harbor Facilities** are prohibited, except when using pump-out equipment connected to the ~~h~~**Borough** sanitary sewer system.

~~5. Vessel is a watercraft, constructed and maintained for the primary purpose of navigating the waterways and not for the primary purpose of providing living quarters, such as "float homes" or "house boats."~~

~~64.~~ The vessel occupant(s) are owners, ~~not renters,~~ of the vessel, unless the vessel is a **and or signers, of the moorage agreement. The agreement is a license not a rental agreement. Therefore no rental rights can be presumed.** ~~Transient vessels,~~ which uses the harbor **Port and Harbor Facilities** for two weeks or less **are exempted from this subsection. Vessel does not have any animals living aboard.**

~~7. Animals are prohibited on live-aboard vessels.~~

C. Owners of vessels used for live-aboard purposes shall be assessed for increased usage of harbor facilities **Port and Harbor Facilities** in addition to paying moorage fees, in accordance with HBC 16.16.080 through 16.16.100.

D. Occupants of live-aboard vessels shall not park more than one vehicle per vessel in the harbor vehicle parking **Port and Harbor Facility** areas at any one time. During periods of snow accumulation, the owners of such vehicles shall park vehicles as directed by the ~~h~~**H**arbormaster to facilitate snow removal. Failure to follow ~~written~~ direction of the ~~h~~**H**arbormaster may result in removal of the vehicle at the owner's expense.

Chapter 16.08
HARBOR MANAGEMENT

Sections:

- 16.08.010 Government of ~~boat~~ **Port** and ~~h~~**H**arbor facilities.
- 16.08.020 Harbormaster – Appointment.
- 16.08.030 Harbormaster – Powers and duties.

16.08.010 Government of ~~boat~~ **Port and** ~~h~~**H**arbor ~~f~~**F**acilities.

A. The governance of the Haines ~~boat~~ **Borough Port and** ~~h~~**H**arbor ~~f~~**F**acilities and all additions and improvements thereto, whether or not contiguous to the present facilities, shall be under the exclusive jurisdiction of the Haines Borough, its assembly, and its administration.

B. There shall be a ~~five-~~ **seven** member ~~boat~~ **Port and** ~~h~~**H**arbor ~~a~~**A**dvisory ~~e~~**C**ommittee comprised of ~~two~~ **three** commercial ~~boat~~ **vessel** owners, two noncommercial ~~boat~~ **vessel** owners, **one tariff regulated company owner or representative**, and a community member at large who has a business related to harbor activities. Such appointments shall ~~be made by the mayor and subject to assembly confirmation. The members appointed shall~~ serve staggered terms of two years. Members shall serve until their successors have been confirmed by the assembly. There shall be no pay for committee membership. The committee shall organize itself and function according to the provisions of Chapter 2.60 HBC. The assembly may appoint a liaison who shall serve in an ex-officio capacity **and shall assist the committee administratively**. ~~The borough harbormaster shall also serve in an ex-officio capacity and shall assist the committee administratively.~~

C. The ~~boat~~ **Port and** ~~h~~**H**arbor ~~a~~**A**dvisory ~~e~~**C**ommittee shall deliberate over matters concerning the construction, improvement, maintenance, use, operation, and regulation of Haines **Borough Port and** ~~h~~**H**arbor ~~f~~**F**acilities, and ~~may~~ make recommendations regarding these issues to the assembly, either directly or through the ~~m~~**M**anager **or Harbormaster**.

D. The ~~boat~~ **Port and** ~~h~~**H**arbor ~~a~~**A**dvisory ~~board~~ **Committee** shall otherwise conduct its meetings and activities in accordance with Chapter 2.60 HBC. (Ord. 09-01-195)

16.08.020 Harbormaster – Appointment.

There is created the office of ~~h~~**H**arbormaster for the ~~b~~**B**orough. The ~~h~~**H**arbormaster, under the direction of the ~~m~~**M**anager, shall supervise and manage all Haines ~~boat~~ **Port and** ~~h~~**H**arbor ~~f~~**F**acilities and shall be appointed, paid, removed and succeeded in office as other ~~b~~**B**orough employees.

16.08.030 Harbormaster – Powers and duties.

A. Enforcement of Title-: The ~~h~~**H**arbormaster is charged with the duty of enforcing all of the provisions of this title, and any rules and regulations adopted hereunder, and is empowered to do so. In the performance of such duties, the ~~h~~**H**arbormaster shall have the power to issue citations for violations under this title, and to carry out all other legal responsibilities therein. The ~~h~~**H**arbormaster may delegate the enforcement of the provisions of this title to the ~~a~~**A**ssistant ~~h~~**H**arbormaster, who shall have authorization to issue citations to any person violating any provisions, rules and regulations set forth herein.

B. Rules and Regulations-: The ~~h~~**H**arbormaster shall bring to the attention of the ~~assembly~~ **Advisory Board** such rules and regulations as should be adopted to supplement the provisions of this title. Said rules and regulations shall not be inconsistent with the provisions of this title; ~~any lease between the borough and the state for facilities of the Haines boat harbor, or the state's regulations as set forth in 17 AAC 80.~~

C. Refusal of Moorage Facilities-: The ~~h~~**H**arbormaster may, ~~in~~ **at** the ~~h~~**H**arbormaster's discretion, refuse mooring facilities to **vessels with delinquent accounts**, boathouses, floats, scows, rafts, pile drivers, and other cumbersome floating structures, or to any boat, vessel or floating structure which is, or may become or create a fire hazard, or to otherwise become a menace to the safety and welfare of other ~~boats~~ **vessels** and their occupants.

D. Assignment of Mooring Facilities-: The ~~h~~**H**arbor master shall supervise and manage the assignment of all mooring spaces in the Haines ~~boat~~ **Borough Port and** ~~h~~**H**arbor ~~f~~**E**acilities, and the ~~h~~**H**arbor master may, in the ~~h~~**H**arbor master's discretion, in the interests of safety, order, convenience and health, require the owner or operator of any boat, vessel or floating structure to change from one mooring to another.

E. Posting of Signs and Mooring Numbers-: The ~~h~~**H**arbor master shall have the duty and exclusive power to post signs designating harbor speed limits, classification of harbor areas, numbers of exclusive mooring spaces, and other signs and notices to inform the public at large, and all ~~boat~~ **vessel** owners and operators, of authorized and prohibited use of the Haines ~~boat~~ **Borough Port and** ~~h~~**H**arbor ~~f~~**E**acilities. The ~~h~~**H**arbor master shall have the power to order the making of appropriate signs giving notice of all orders and decisions of the assembly and rules and regulations relating to the use of such facilities.

F. Identification of Finger Floats-: ~~The harbor master shall identify f~~**E**inger floats ~~by numbers commencing with number one, which shall be the most westerly of the finger floats. All floats, now or hereafter installed, whether or not so connected with the master float, shall be suitably identified by the~~ ~~h~~**H**arbor master.

G. Loading and Unloading of Cargo Carried for Hire-: No cargo to be carried for hire shall be loaded or unloaded at any point or part of the **Port or** ~~h~~**H**arbor without the approval of the ~~h~~**H**arbor master.

Chapter 16.12 CLASSIFICATION OF HARBOR AREAS

Sections:

- 16.12.010 ~~Purpose of classification-~~ **Repealed**
- 16.12.020 Dock area.
- 16.12.030 Gridiron use.
- 16.12.040 Net tending and storage of fishing gear.
- 16.12.050 Open mooring.
- 16.12.060 ~~Stalls~~ **Slips**.
- 16.12.070 Wharf areas.
- 16.12.080 Boat launch ramps.

16.12.010 ~~Purpose of classification-~~ **Repealed.**

~~In recognition of the federal and state funds used in the original construction of the boat harbor, and the construction and maintenance of its improvements, and of the services rendered to the boat owners by the United States Coast Guard, in addition to the varying needs of different types of boat owners for different types of services, the harbor areas are classified as follows in this chapter.~~

16.12.020 Dock ~~a~~**A**rea.

The dock area is the area sitting on piling and decked for use as an approach to the gangplank and master float. The dock is to be used only by the general public without charge for the purposes of ingress and egress from the float system and for the loading and unloading of supplies, equipment and stores. No vehicle, cart, conveyance or any other form of transportation shall remain in such designated area for any period longer than is reasonably necessary for loading and unloading.

16.12.030 Gridiron ~~u~~**U**se.

No vessels over 65 feet in length shall use the present grid. Use of the grid shall be under the direction of the ~~h~~**H**arbor master and fees shall be charged according to the most current assembly-approved harbor fee schedule. (~~Ord. 09-01-195~~)

16.12.040 Net ~~t~~Tending and ~~s~~Storage of ~~f~~Fishing ~~g~~Gear.

Areas set aside for net tending and storage of fishing gear shall be at the discretion and under the direction of the ~~h~~Harbormaster.

16.12.050 Open ~~m~~Mooring.

Float areas not otherwise occupied or posted for restricted use shall be designated for open mooring. Such areas shall be open to all members of the public primarily for transient and other temporary use for mooring ~~boats~~ vessels. Large ~~boats~~ vessels ~~may~~ shall be assigned designated mooring spaces in open moorage by the ~~h~~Harbormaster.

16.12.060 Stalls Slips.

Stalls Slips are numbered areas enclosed by floats set at an angle to the finger floats and designated for the exclusive use of privately owned ~~boats~~ vessels, both commercial and pleasure, upon the owners thereof having first made arrangements with the ~~h~~Harbormaster and having paid in advance to the borough finance department or ~~h~~Harbormaster the ~~stall rent~~ slip license fee provided in this title. Each ~~stall~~ slip shall be numbered in such a manner that its location can be readily determined.

16.12.070 Wharf ~~a~~Areas.

Wharf areas are the ~~designated~~ areas of the ~~master float~~, suitably posted and marked, ~~to be used by the general public without charge, only~~ designated by the Harbormaster, for the purposes of loading and unloading supplies, equipment and stores, passengers, and cargo. No ~~boat~~ vessel shall be moored in such designated areas for any longer than is reasonably necessary for loading and unloading.

16.12.080 Boat ~~L~~Launch ~~r~~Ramps.

The boat launch ramps located in the Haines ~~boat~~ Borough Port and ~~h~~Harbor Facilities, ~~Letnikof Cove and at the Lutak Dock~~ are facilities are facilities maintained by the borough under the direction of the ~~h~~Harbormaster. Such facilities shall be open to all members of the public for the launching and recovering of vessels at a fee set out in HBC 16.16.135.

Chapter 16.16
FEES AND PAYMENTS

Sections:

- 16.16.010 Assignment of spaces.
- 16.16.020 Use of ~~stall~~ slip as it pertains to ~~o~~Owner of ~~boat~~.
- 16.16.030 Fees due when – ~~Rental~~ License period.
- 16.16.040 Appeal of charges or assessments.
- 16.16.050 Delinquent rental and moorage fees.
- 16.16.060 Failure to pay – Harbormaster's report.
- 16.16.070 ~~Boat harbor fund created.~~ Boat Harbor, Lutak and Port Chilkoot Enterprise Funds Created.
- 16.16.080 Rental, moorage and seaplane float use fees.
- 16.16.090 Computation of annual fees.
- 16.16.100 Live-aboard assessment.
- 16.16.105 Permanent open moorage vessels.
- 16.16.110 Rental waiting list and seniority list.
- 16.16.120 ~~Unoccupied stalls~~ Repealed
- 16.16.130 Transient ~~boat~~ vessel moorage fees.
- 16.16.135 Boat launch ramp use/fees.
- 16.16.140 Seaplane moorage and float rental fees.
- 16.16.150 Boat houses, floats, scows, barges, pile drivers and dredges – Fee assessment basis.

- 16.16.160 Electric service – Responsibility for payment.
- 16.16.170 Electrical connection regulations and rates.
- 16.16.180 Conducting business in the harbor from any vessel.
- 16.16.190 Unlawful to moor without payment.
- 16.16.200 Dead storage prohibited.
- 16.16.210 Harbor crane use and fees.

16.16.010 Assignment of ~~s~~**S**paces.

Assignment of use of a designated and numbered space, either ~~stall~~ **slip** side mooring or bow mooring, shall be made by the ~~h~~**H**arbor master who shall give the ~~boat~~ **vessel** owner a duplicate of the ~~stall rental~~ **slip license** agreement. Presentation of this duplicate, signed by the ~~boat~~ **vessel** owner, shall be made to the borough finance department or ~~h~~**H**arbor master when payment of the fee indicated thereon is made. ~~Boat owners~~ **Assigned licensees** may retain space ~~rented~~ **licensed** by them only so long as they continue to be ~~boat~~ **vessel** owners. If a ~~boat~~ **vessel** owner ~~licensee~~ **licensee** sells or disposes of their ~~boat~~ **vessel**, the ~~owner~~ **licensee** may retain the space until the end of the ~~rental~~ **license** period and may not renew the same unless the ~~owner~~ **licensee** has acquired or given notice of intent to acquire another ~~boat~~ **vessel** within a reasonable time. **If a licensee's new vessel is inappropriately sized for the assigned space, the licensee shall be placed at the end of the wait list for the new size, unless they already hold an appropriately sized position on a wait list.** Otherwise, the ~~stall~~ **slip** shall be assigned to the first appropriate-sized ~~vessel~~ **vessel** on the waiting list. (~~Ord. 07-08-162~~) **Vessels owned or leased by government entities, U.S. corporations, or Limited Liability Companies may be assigned license of a slip for a term not to exceed 10 years, at which time the license will be reviewed for renewal. Any changes in the Corporation or the specific vessel occupying the space may initiate a review and possible revocation of the licensed space. The intent of this section of code is to ensure that slips can not be held in perpetuity.**

16.16.020 Use of ~~stall~~ **Slip as it p**ertains to ~~e~~**O**wner of ~~boat~~.

No property rights are created by this section or this title. The ~~stall renter~~ **slip licensee** shall have only a license to use the space reserved to him ~~or her~~ **or her** as provided in this title. There shall be no loaning or sublease of ~~stalls~~ **slips** except by the ~~h~~**H**arbor master. ~~Stalls~~ **Slips** are assigned to ~~boat~~ **vessel** owners, rather than ~~boats~~ **vessels**; a person buying a ~~boat~~ **vessel** previously moored in the harbor shall have no rights to the previous owner's ~~boat~~ **vessel slip** except as established by the harbor ~~stall~~ **slip** waiting list. The borough assembly, upon recommendation of the manager, may permit a person or business to bypass the ~~stall~~ **slip** waiting list when such an exception is justified in the public interest **as in transfer to a surviving spouse in the case of death of the slip holder.** The borough assembly may establish conditions that limit the ~~boat~~ **vessel** owner's use of the ~~stall~~ **slip** and may revoke the use of the ~~stall~~ **slip** if continued occupancy is no longer justified in the public interest. The ~~h~~**H**arbor master has the authority to utilize the holder's reserved space for other ~~boats~~ **vessels** during the absences of the holder's ~~boat~~ **vessel** and to move moored ~~boats~~ **vessels** to other locations in the event of fire or other emergency requiring such action.

16.16.030 Fees ~~d~~**U**e ~~w~~**W**hen – ~~Rental~~ **License p**eriod.

A. ~~Rental~~ License fees, moorage and launch ramp fees provided in this chapter shall be paid for prior to the occupancy or use of the facilities during the period for which the fees are assessed and shall be delinquent unless then paid. Except as specifically provided in this chapter, ~~rental~~ **license** payments for ~~stalls~~ **slips**, permanent moorage and launch ramp fees shall be made annually, in advance, for a one-year period commencing October 1st and ending September 30th.

B. A ~~boat~~ **vessel** owner or agent who ~~rents~~ **licenses** a ~~stall~~ **slip** or permanent open moorage on or after April 1st shall pay the entire annual fee for the period ending September 30th;

however, the owner or agent shall be entitled to a 50 percent reduction in the moorage fee for the next 12-month period beginning October 1st.

C. Anyone wishing to terminate the use of their ~~stall~~ slip before April 1st of the year shall be eligible for a refund in the amount of one-half the moorage fees paid for that billing year.

16.16.040 Appeal of ~~e~~Charges or ~~a~~Assessments.

The rates stated in this chapter are determined and found to be fair, just and reasonable rates. All rates charged or assessed by the ~~h~~Harbor master shall be charged or assessed according to the rates either set forth in this title or in the most current assembly-approved harbor fee schedule and paid by the owner, master or other persons having charge of the vessel on the demand of the ~~h~~Harbor master. ~~Payments shall be made to the borough finance department or harbor master.~~ Any person or vessel owner against whom a charge is so levied or assessed by the ~~h~~Harbor master who considers the same to be improperly computed or assessed may apply to the assembly in writing for an adjustment and refund of such charge. Such application shall be made within 50 days from the date on which the charge is made, and the assembly shall determine whether the charge shall be adjusted or sustained at the first meeting at which the assembly has sufficient evidence available to make the determination; provided, however, that the assembly shall not hear any such protest or application unless the charge and assessment made by the ~~h~~Harbor master shall have been paid at the time ~~of~~ the assessment ~~or~~ within 24 hours thereafter. was due.

16.16.050 Delinquent ~~rental~~ License and ~~m~~Moorage ~~f~~Fees.

In the event ~~rental~~ license and/or moorage fees are not paid within 60 days from the date of delinquency as outlined in HBC 16.16.030, a penalty of 10 percent of the ~~rental~~ license and/or moorage fees due shall be levied against and added to the delinquent account. Additionally, interest of 1.5 percent per month shall accrue upon all unpaid fees, not including penalty, from the due date until paid in full. Transient moorage which must be invoiced will be charged at twice the normal rate.

16.16.060 Failure to ~~p~~Pay – Harbor master's ~~r~~Report.

Any owner, master or managing agent of any ~~boat~~ vessel who fails to pay the moorage fees in this chapter and service fees as provided elsewhere in this title, at the time and place when such fees are due and payable, and for a period of 30 days thereafter, shall be personally liable to the borough for such fees and charges. If a ~~stall~~ slip or open moorage ~~renter~~ licensee has not paid moorage fees ~~30~~ 60 days after they are due, or made financial arrangements with the Haines Borough to do so, the ~~renter~~ licensee shall be notified by mail that unless the delinquent amounts are paid within five 60 days ~~time from the time the assessment was due~~ date of the notice, the ~~renter~~ delinquent slip licensee will shall lose the ~~renter's~~ moorage slip. If the ~~renter~~ does not pay the delinquent amounts within the specified time, and the delinquent ~~stall~~ renter shall lose the ~~stall~~ and the delinquent open moorage vessel shall be required to leave the harbor impounded by harbor personnel. The ~~h~~Harbor master shall submit a report to the borough assembly of all such delinquencies and such report shall include the description of the ~~boat~~ vessel, the name and address of its owner and the type and value of such fees as are delinquent. The Borough may pursue any necessary legal action in the recovery of moorage fees and penalties.

16.16.070 ~~Boat harbor fund created.~~ Boat Harbor, Lutak and Port Chilkoot Enterprise Funds Created.

The chief fiscal officer of the borough shall open and maintain a separate accounts entitled the "Haines ~~b~~Boat ~~h~~Harbor, Lutak and Port Chilkoot Enterprise ~~f~~Funds." All mooring, ~~rental~~ licensing and other fees received by the borough arising out of the operation of the ~~boat harbor~~ and Letnikof Cove these operations shall be deposited in this fund these enterprises and used exclusively for such costs of operation, maintenance and supervision of the ~~boat harbor~~ them as

~~the assembly may from time to time authorize, except that when advances are made to the Haines boat harbor fund by the borough general fund, the Haines boat harbor fund may reimburse the general fund upon approval of the assembly. See also HBC 16.16.135. (Ord. 07-08-162)~~

16.16.080 Rental, moorage and Seaplane float Use Fees.

Permanent open moorage vessels shall have priority over transient ~~boats~~ **vessels** for available mooring space. Only one ~~stall~~ **slip** shall be allowed to any ~~boat~~ **vessel** owner, except that the owner of a commercial vessel shall be permitted to rent one additional ~~stall~~ **slip** for a ~~boat~~ **vessel** used solely for recreational purposes. ~~A boat owner~~ **An assigned licensee** may not designate any other person as the recipient of the ~~owner's stall~~ **licensee's slip** if the ~~owner~~ **licensee** surrenders or forfeits it for any reason whatsoever. ~~Stall~~ **Slip** rentals, moorage fees and seaplane float use fees provided in this chapter shall be paid to the borough finance department or to the ~~h~~**H**arbor master. A receipt shall be given to each person upon payment. The ~~h~~**H**arbor master shall daily deliver to the finance department all ~~the~~ money collected and a duplicate of each receipt.

16.16.090 Computation of ~~a~~**A**nnual ~~f~~**F**ees.

Unless otherwise provided, annual fees for ~~stall rentals~~ slip licenses and moorage shall be assessed according to the most current assembly-approved harbor fee schedule. ~~In no instance shall the annual fee for stall rent be less than any minimums required in the State of Alaska DOT/PF Boat Harbor Management Agreement.~~

16.16.100 Live-aboard ~~a~~**A**ssessment.

The ~~h~~**H**arbor master shall assess a monthly fee for all vessels on which people are living aboard according to the most current assembly-approved harbor fee schedule. This fee will be in addition to the regular moorage rate to compensate for their increased use of the harbor facilities. Per HBC 16.04.030(B), live-aboards are prohibited for periods longer than 14 days from October 15th to April 1st.

16.16.105 Permanent open moorage vessels.

A. Permanent open moorage ~~vessels~~ **licensees** are long-term ~~vessels~~ **licensees** that shall qualify for ~~a~~ moorage rates equal to the regular moorage rate for their size boat (see HBC 16.16.090) **for their vessel size** by meeting the following conditions:

1. ~~Vessel~~ **Licensee** has been on the waiting list for a permanent ~~stall~~ **slip** for at least one year;
2. Fees are paid in advance, ~~as per 16.16.030~~
3. ~~Owners~~ **Permanent open licensees** must reside in the Haines Borough area ~~during the months they receive the special rate,~~ and be on call, or arrange for a responsible person, approved by the harbor master, to be on call to move their boat if necessary for ~~harbor repairs and upkeep,~~ **any reason.**
4. ~~Vessel must be in the water year-round.~~ Permanent Open Licensees must pay annually for the full year to retain their permanent open status.

B. The ~~renter~~ **licensee** of a permanent ~~stall~~ **slip** may receive the same moorage rate described in subsection (A) of this section for a second ~~commercial~~ vessel by meeting the conditions in subsections (A)(2) and (3) ~~of this section,~~ provided the permanent ~~stall~~ **slip** fee is paid. If the conditions are not met, transient moorage rates shall apply, and from April 1st through September 30th these vessels shall be charged long-term transient moorage rates as set out in the most current assembly-approved harbor fee schedule.

16.16.110 Rental ~~Licensee~~ **W**aiting ~~L~~**L**ist and seniority ~~Transfer~~ **T**ransfer ~~L~~**L**ist.

The ~~h~~**H**arbor master shall maintain a waiting list of all persons desiring ~~stall~~ **slip** space and a seniority list of ~~stall~~ **slip** renters **licensees** wishing to improve their ~~stall~~ **slip** location. As ~~stall~~ **slip** space becomes available, the first person on the seniority **moving** list shall have the option

of exchanging the space and the first person on the waiting list shall then be assigned the vacant stall ~~slip~~ provided all harbor fees are paid current. (~~Ord. 07-08-162~~) **The licensee has 90 days to occupy the slip or provide proof of ownership of a vessel of the appropriate length. Slips of similar size may be exchanged at any time by mutual consent of the licensees and the Harbormaster. An annual fee shall be charged to be on the waiting list as set out in the most current assembly approved harbor fee schedule.**

16.16.120 Unoccupied stalls. **Repealed**

~~If any stall remains unoccupied for 10 consecutive days and if the moorage fees therefor have not been paid by the date due, the stall shall be released and the rental agreement cancelled by the harbormaster.~~

16.16.130 Transient boat **Vessel** ~~m~~**Moorage** ~~f~~**Fees**.

A. Transient boats **vessels** are vessels not assigned permanent moorage or permanent open moorage. Transient moorage fees shall be based upon **the overall** vessel length, **measured as moored**.

B. Transient moorage fees for boats **vessels** using the harbor shall be assessed according to the most current assembly-approved harbor fee schedule.

16.16.135 Boat ~~L~~**Launch** ~~r~~**Ramp** ~~u~~**Use**/~~f~~**Fees**.

Any person launching or recovering a vessel from a trailer using a launch ramp owned or operated by the Haines Borough must have first either purchased an annual launch ramp sticker from the ~~h~~**H**arbor**master** or paid a daily fee according to the most current assembly-approved harbor fee schedule and shall be ~~payable~~ as provided for in HBC 16.16.030. Upon payment of such fees, a sticker shall be provided by the ~~h~~**H**arbor**master**, which shall be prominently displayed on the boat trailer. Payment of such fees shall allow unlimited launching and retrieval of one boat per permit at any borough boat launch facility. Any person not wishing to obtain the annual permit sticker shall be charged a daily ramp use fee according to the most current assembly-approved harbor fee schedule. It is presumed that a trailer in a ramp parking lot or in the parking lot adjacent to the ~~b~~**B**orough's boat harbor **or port** facilities either has been used or is intended to be used to launch or recover a boat **vessel** via ~~a~~**the** launch ramp owned and operated by the Haines Borough. **Accordingly, an annual permit or receipt for daily use shall be displayed on all boat trailers parked in Port and Harbor Facilities and owners shall park in compliance with signage.** Use of any ~~b~~**B**orough launch ramp facility without payment of appropriate fees shall result in a fine of ~~\$50.00~~ **determined by the most current Borough schedule of fees and charges** per violation. All boat launch ramp revenue shall be maintained in a separate cash reserve account and appropriated only for the maintenance, repair, reconstruction or new construction of boat launch ramps operated by the ~~b~~**B**orough.

16.16.140 Seaplane ~~m~~**Moorage** and ~~f~~**F**loat ~~r~~**R**ental ~~f~~**F**ees.

Fees for the moorage of seaplanes or for the rental of the seaplane float shall be according to the most current assembly-approved harbor fee schedule. (~~Ord. 07-08-162~~)

16.16.150 Boat ~~h~~**H**ouses, ~~f~~**F**loats, ~~s~~**S**cows, ~~b~~**B**arges, ~~p~~**P**ile ~~d~~**D**rivers and ~~d~~**D**redges – Fee ~~a~~**A**ssessment ~~b~~**B**asis.

Boat houses, floats, scows, barges, pile drivers and dredges shall be moored in the harbor only on a temporary basis and only ~~at the discretion~~ **by permission** of the ~~h~~**H**arbor**master**. When moorage for the above is allowed, fees for the same shall be assessed according to the most current assembly-approved harbor fee schedule. The vessels and watercraft mentioned in this section shall not be used for live-aboard purposes while moored in the harbor.

16.16.160 Electricity service – Responsibility for Payment.

Electricity is supplied to the harbor by the Alaska Power and Telephone Co., a private utility. It shall be the responsibility of owners of ~~boats~~ vessels moored in permanent ~~stalls~~ slips or in open moorage to arrange with the utility for electricity provided to the ~~stalls~~ slips and payment therefore. **Electrical usage by transient vessels shall be charged at the rate set out in the most current assembly approved harbor fee schedule.**

16.16.170 Electrical ~~e~~Connection ~~r~~Regulations and ~~r~~Rates.

A. Electrical connections to any vessel are under the direction of the Alaska Power and Telephone Co., the local electrical utility, and must comply with the following regulations:

- ~~1. Cords with current carrying capacity of less than 15 amps shall not be used.~~
- 21.** Flexible cords shall be used only in continuous lengths without splice or tape.
- 32.** Cords shall not be smaller than required for rated current of the connected equipment.
- 43.** Attachment plugs and connector bodies shall not be smaller than that required for rated current of the attached cord.
- 54.** Infrared heating lamps may be used with porcelain type sockets only.
- 65.** Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electrical current if the heater is overturned.
- 76.** Attachment plugs shall be of the weatherproof type.

B. Only power cords with a water rating are approved for use on boats within the boat harbor.

C. Any cord not listed must be inspected and approved by the Alaska Power and Telephone Co., prior to being put into use.

~~D. Current carrying capacity as shown below is required for flexible cords:-~~

Size, AWG	Amps
14	15
12	20
10	25
8	36
6	45
4	60

~~E-D.~~ No electric cord from receptacles or meters shall be installed so that it lies on top of any walkway or in such a manner that it may accidentally be disconnected during snow removal or at any other time, and such installation shall be protected from mechanical damage at all times.

~~F. E.~~ Rates imposed shall be subscribed by the local electrical utility. **Electrical usage by transient vessels shall be charged at the rate set out in the most current assembly approved harbor fee schedule.**

~~G.F.~~ Owners of vessels moored in permanent ~~stalls~~ slips to which electrical service is available or owners of vessels in permanent open moorage (winter rate) as defined by HBC 16.16.105 who are placed in ~~stalls~~ slips to which electrical service is available shall pay the borough an annual service maintenance fee according to the most current assembly-approved harbor fee schedule if the electrical service is activated. ~~The harbormaster shall also charge transient vessels utilizing stalls to which electrical service is available, and for which the annual service maintenance fee has not been paid, a service maintenance fee according to the most current assembly-approved harbor fee schedule if the electrical service is activated. This charge is levied to defray the cost of maintenance of the electrical services, which is borne by the borough. (Ord. 07-08-162)~~

G. Licensees wishing to hook up to electrical service, must read and sign a copy of the electric regulations as outlined herein, and pay the annual electrical fee, before obtaining service from the local power utility.

16.16.180 Conducting ~~b~~**B**usiness in the ~~h~~**H**arbor ~~f~~**F**rom a ~~any~~ **v**Vessel.

A. Any transient vessel owner or agent desiring a mooring space within the harbor facilities for the purpose of selling merchandise shall make application to the harbor master for such space, and shall pay according to the most current assembly-approved harbor fee schedule for such mooring and shall also be required to collect all borough sales taxes, file returns thereon and pay the taxes to the office of the Haines Borough before the boat leaves the harbor. Peddlers and itinerant merchants shall have a valid license in accordance with HBC Title 5 before making any such sale.

B. Owners or agents of permanent stall vessels shall abide by all portions of this section except that they shall not be charged the space rent described in subsection (A) of this section.

Any vessel conducting retail business in the Haines Borough Port and Harbor Facilities shall abide by all Borough codes and regulations.

16.16.190 Unlawful to ~~m~~**M**oor ~~w~~**W**ithout ~~p~~**P**ayment.

It shall be unlawful for any person to moor, berth, tie, attach or connect to any part of the Haines ~~boat~~ **Borough Port and h**Harbor ~~f~~**F**acilities any ~~boat~~ **vessel**, or other waterborne structure, without paying the rental charges prescribed in this title. Failure to pay designated berthing fees constitutes trespass and abandonment of the vessel; provided, however, it shall not be a violation of this section to temporarily moor a vessel for a time not to exceed three hours.

16.16.200 Dead ~~s~~**S**torage ~~p~~**P**rohibited.

A. It is declared that the Haines ~~boat~~ **Borough Port and h**Harbor ~~f~~**F**acilities are installed and have been installed for the convenience of owners of ~~boats~~ **vessels** who use them for navigation and not for the purpose of providing moorage for ~~boats~~ **vessels** in dead storage or used as a residence.

B. Permits may be issued allowing exception to this section under such conditions and regulations as the assembly may impose. An application for such permit shall be for a period of time not to exceed six months. Permits shall be issued fairly and without discrimination and shall be applicable to all under like conditions.

16.16.210 Harbor ~~e~~**C**rane ~~u~~**U**se and ~~f~~**F**ees.

Any person using the harbor crane owned by the Haines Borough must have first either purchased an annual crane use permit from the ~~h~~**H**arbor master or paid a daily fee according to the most current assembly-approved harbor fee schedule. Prior to use, fees shall be paid and all persons will receive information on how to properly operate the crane. Crane users will certify, on a form provided by the borough, that they can operate the crane properly and that the Haines Borough is held harmless for any improper or unauthorized use. The ~~h~~**H**arbor master shall implement a procedure to ensure use of the crane is limited to those with permits **and Hold Harmless Agreements**. ~~Use of the harbor crane without payment of appropriate fees shall result in a fine of \$50.00 per violation. All harbor crane revenue shall be maintained in a separate cash reserve account and appropriated only for the maintenance, repair or replacement of harbor cranes operated by the borough.~~

Chapter 16.20
DUTIES OF ~~BOAT~~ **VESSEL** OWNERS

Sections:

- 16.20.010 Registration.
- 16.20.020 Control and securing regulations.
- 16.20.030 Traffic lanes and ~~parking~~ **Mooring**.

- 16.20.040 **Snow Removal, See also 16.28.005 "Hazardous conditions".**
16.20.050 ~~Explosives.~~ **REPEALED**

16.20.010 Registration.

Every owner, master or managing agent of any ~~boat~~ **vessel** using the mooring facilities of the Haines ~~boat~~ **Borough Port and Harbor Facilities** is required to register their name, telephone number, post office box and street address, and the name and number of their ~~boat~~ **vessel**, its length, width and registered tonnage, if any, with the ~~H~~**H**arbor master on forms to be provided by the ~~H~~**H**arbor master for that purpose, within eight hours after such ~~boat~~ **vessel** enters and moors at any float in the ~~boat~~ **Port and Harbor Facilities**. No ~~stall~~ **slip** or space shall be used until it has been assigned and the rental therefor has been paid.

16.20.020 Control and ~~s~~**S**ecuring ~~r~~**R**egulations.

In addition to the duties of registering as provided in HBC 16.20.010, every owner, master or managing agent of any ~~boat~~ **vessel** using the moorage or other facilities of the ~~boat~~ **Haines Borough Port and Harbor Facilities** (hereinafter called "user") must:

- A. Use all reasonable precautions in keeping the ~~boat~~ **vessel** in the user's charge free from fire hazards of any type or nature.
- B. Use all reasonable precautions in keeping the ~~boat~~ **vessel** in the user's charge in a reasonably clean and sanitary condition, with special attention to pure water and sanitary toilets.
- C. Use all reasonable effort and precautions in keeping the ~~boat~~ **vessel** in the user's charge well secured, securely moored, **properly fendered**, with lines in reasonably fit condition, sufficiently pumped out at all times to keep the ~~boat~~ **vessel** afloat, and to otherwise attend the needs of the ~~boat~~ **vessel** to avoid attention by the ~~H~~**H**arbor master.
- D. Use adequate precautions to lock up and stow and otherwise safeguard all movable gear and tackle.
- E. Promptly pay all charges and taxes assessed or levied under this title, and all rentals and charges for utilities used on the vessel.

16.20.030 Traffic ~~t~~**L**anes and ~~p~~**a**rking **Mooring**.

- A. Traffic lanes are to be left free. Double ~~p~~**a**rking **mooring** is allowed only at the ~~discretion~~ **direction** of the ~~H~~**H**arbor master and transient moorage rates will apply.
- B. No ~~vehicles~~ **vessels** shall be allowed or permitted to park in the approach to any of the floats mentioned in this title or so as to obstruct the approach in any manner except for the purpose of discharging freight or passengers.
- C. Float plane moorage in the boat harbor shall be permitted at the float plane ramp ~~only~~ **or with the explicit direction of the Harbor master**.

16.20.040 ~~Hazardous conditions.~~ **Snow Removal.**

~~It shall be unlawful for any boat owner or person in charge of any boat to allow a hazardous condition endangering life or property to continue on or with regard to the boat. Any of the following constitutes a hazardous condition:~~

- ~~A. Allowing a boat to remain in a sunken condition more than five days whether on a navigable channel or not.~~
- ~~B. Allowing a boat to remain in a sunken condition more than the time required to buoy and mark it as a warning to others to whom it might be a navigational danger.~~
- ~~C. Maintaining or allowing a condition on or in any vessel to continue more than five days after it has been declared a hazardous condition following inspection and report by the harbor master, the chief of police, the fire chief or designated agent, or the director of public works. One copy of such report shall be filed with the borough clerk and one copy given to the person involved.~~
- ~~D. No wood fires are allowed in the boat harbor.~~

~~E. Electrical systems on any vessel shall be designed and constructed for marine usage and shall be maintained so as to avoid hazards from electrical shock, fire, or electrolysis. Only marine type battery chargers shall be used. Vessels discharging stray electrical current into the water may be disconnected from the shore power hook-up until the condition is remedied.~~

During the winter months, it is the responsibility of slip licensees to remove snow from adjacent fingers if they are occupying their assigned slips. It is prohibited to leave snow removed from vessels on any dock, float, or finger.

16.20.050-Explosives- **REPEALED**

~~It shall be unlawful for any person, firm or corporation to bring or cause to be brought into the Haines boat harbor any explosives of any nature.~~

Chapter 16.24
HARBOR NUISANCES

Sections:

- 16.24.010 Nuisances declared – Removed.
- 16.24.020 Abandoned property.
- 16.24.030 Sunken or obstructive boats.
- 16.24.040 Floating objects.
- 16.24.050 Services of ~~h~~**H**arbor master – Fees.
- 16.24.060 Unpaid ~~rentals~~ **license** and **other** fees – Lien.
- 16.24.070 Impounded ~~boat~~ **vessel**– Disposition procedure.

16.24.080 Disposition of Abandoned Property.

16.24.010 Nuisances declared – Removed.

A. Derelicts. For the purposes of this title and in the interest of the greatest use of the facilities of the ~~boat~~ **Haines Borough Port and h****H**arbor **Facilities** and the municipal waters by the general public, ~~boats~~ **vessels** in the ~~boat~~ **Port and h****H**arbor **Facilities** and elsewhere on the municipal waters which are derelicts and unfit and unseaworthy or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance, or which are maintained in a manner as to constitute a fire hazard, and sunken ~~boats~~ **vessels** and ~~boats~~ **vessels** in imminent danger of sinking, are hereby declared to be nuisances and subject to abatement and removal **at the owner's expense**, from the ~~boat~~ **Port and h****H**arbor **Facilities** or other municipal waters by the ~~h~~**B**orough or its agents, without liability to the ~~h~~**B**orough for any damage done by virtue of the removal or for any of its consequences.

B. Other Nuisances. Refuse of all kinds, structures or pieces of any structure, dock sweepings, dead animals or parts thereof, timber, logs, piles, broom sticks, lumber, boxes, paint, empty containers and oil of any kind floating uncontrolled on the water, and all other substances or articles of a similar nature are hereby declared to be public nuisances, and it shall be unlawful for any person to throw or place in or cause or permit to be thrown or placed any of the above-named articles or substances in the ~~boat~~ **Port and h****H**arbor **Facilities** or the municipal waters, or upon the shores thereof or in such position that the same may or can be washed into said ~~boat~~ **Port and h****H**arbor **Facilities** or municipal waters, either by high tides, storms, floods or otherwise. Nets, gear, and other material left on any float or dock **that harbor officials deem to impede passage** for more than **96 24** hours is hereby declared a nuisance. Any person causing or permitting the nuisances to be so placed shall remove the nuisance, and upon failure to do so, the nuisance may be removed or ~~caused to be removed by the harbor master. When the harbor master has authorized such nuisances to be removed or~~ stored commercially, all costs of such commercial removal or storage shall be paid by and recoverable from the person creating said nuisance. The abatement of any such public nuisance shall not excuse the person responsible therefor from prosecution hereunder.

C. Abatement or Disposal. Nuisances described under this section constituting a clear and present danger to the public health, safety, morals or general welfare may be summarily abated.

~~Boats~~ **Vessels** declared a nuisance under HBC 16.24.010(A) which do not constitute a clear and present danger to the public health, safety, morals or general welfare may be removed, impounded, and disposed of as provided in HBC 16.24.070.

D. Other nuisances under subsection (B) of this section may be impounded, disposed of by destruction, ~~private~~ **public** sale or any other means deemed reasonable by the ~~h~~**H**arbor**master**. ~~Such disposition is to be made without liability to the owner of the nuisance.~~

16.24.020 Abandoned ~~p~~**P**roperty.

Any ~~boat~~ **property** in the ~~boat~~ **Port and h**arbor **Facilities** or in any of the municipal waters, ~~unattended,~~ which is abandoned may **be deemed abandoned, and may be** impounded, removed, sold or otherwise disposed of as provided herein. Failure of any ~~boat~~ **vessel** owner, master, operator or managing agent to register, pay moorage fees or service fees provided by this title shall be presumed to constitute an abandonment.

16.24.030 Sunken or ~~e~~**O**bststructive ~~boats~~ **Vessels**.

When any vessel or watercraft or obstruction has been sunk or grounded, or has been delayed in such manner as to stop or seriously interfere with or endanger navigation, moored ~~boats~~ **vessels** or any harbor vessels, the ~~h~~**H**arbor**master** may order the same immediately removed, and if the owner or other person in charge thereof, after being so ordered, does not proceed immediately with such removal, the ~~h~~**H**arbor**master** may take immediate possession thereof and remove the same, using such methods as in the ~~h~~**H**arbor**master's** judgment will prevent unnecessary damage to such vessel or watercraft or obstruction, ~~and t~~ **and** ~~t~~ **The expense and** ~~or damages~~ incurred by the ~~h~~**H**arbor**master** in such removal shall be paid by the owner or other person in charge of such vessel or watercraft or obstruction; and in case of failure to pay the same, the ~~b~~**B**orough ~~may maintain~~ **shall impose** an action for the recovery thereof.

16.24.040 Floating ~~e~~**O**bjects.

All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of value found adrift in the municipal waters of the ~~b~~**B**orough ~~may~~ **shall** be taken in charge by the ~~h~~**H**arbor**master** **or the US Coast Guard** and ~~may~~ **shall** be subject to reclamation by the owner thereof on payment by the owner to the ~~b~~**B**orough of any expenses incurred by the ~~b~~**B**orough, and in case of failure to reclaim, may be sold or disposed of as abandoned property.

16.24.050 Services of ~~h~~**H**arbor**master** – Fees.

The ~~h~~**H**arbor**master** is hereby granted the power and authority to, but without any obligation or duty to do so, and without any obligation or liability on the ~~h~~**H**arbor**master's** part or that of the borough for failure to do so, replace defective mooring lines, pump ~~boats~~ **vessels** which are in dangerous condition for lack thereof, and to move any ~~boat~~ **vessel** for the purpose of protecting the ~~boat~~ **vessel** from fire or other hazard, or for the protection of other ~~boats~~ **vessels** therefrom. Whenever the ~~h~~**H**arbor**master** shall perform any of the acts hereinbefore authorized, after having given notice to the ~~boat~~ **vessel** owner or operator at the registered address of the immediate need ~~therefore~~, or having attempted to give such notice, the ~~boat~~ **vessel** and owner **or operator** thereof is hereby required to pay to the borough the actual personnel cost to the borough for such services plus any applicable fees stated in the most current assembly-approved harbor fee schedule. Any call-out for the emergency provision of these services by the ~~h~~**H**arbor**master** outside of regular working hours shall be billed at the ~~h~~**H**arbor**master's** overtime hourly rate – minimum of two hours – in addition to the other charges.

16.24.060 Unpaid ~~rentals~~ **License** and ~~f~~**F**ees – Lien.

The ~~b~~**B**orough shall have a lien for any unpaid mooring ~~rentals~~ **license fees**, and a lien for any unpaid fees for services provided by the ~~h~~**H**arbor**master**; and should any of such ~~rentals~~ **license fees** and fees be unpaid or unsecured for 90 consecutive days after due, any boat, vessel or other floating structure upon which such ~~rentals~~ **license fees** ~~or fees~~ have accrued shall

be impounded and sold by the ~~h~~**H**arbor master for the unpaid charges and fees under the provisions of HBC 16.24.070.

16.24.070 Impounded ~~boat~~ **Vessels** – Disposition ~~p~~**P**rocedure.

A. Impoundment of Boats or Vessels for Violations. The ~~h~~**H**arbor master is hereby authorized to impound any ~~boat~~ or vessel in the ~~boat~~ **Port and Harbor Facilities** whose owner, operator, master, or managing agent is not aboard and which is not properly identified by name and number; or any boat or vessel in the ~~boat~~ **Port and Harbor Facilities** which is in violation of any of the parking, mooring, or traffic regulations of the ~~boat~~ **Port and Harbor Facilities**; or any ~~boat~~ or vessel in the ~~boat~~ **Port and Harbor Facilities** whose owner, operator, master or managing agent has not paid the ~~stall~~ **rent slip license fee** or any other fee or charge due the borough for the ~~boat~~ or vessel by the due date of such ~~rental~~ **license fee**, fee or charge; or any ~~boat~~ **vessel** which has become a nuisance and whose owner, operator, master or managing agent has failed to remove it. The ~~h~~**H**arbor master may, pursuant to this section, impound a ~~boat~~ **vessel** by immobilizing it or removing it or having it removed from the water and placed in borough or commercial storage with all expenses and risks of haul-out and storage to be borne by the owner of such ~~boat~~ **vessel**.

B. Storage Charge. The owner, master, operator or managing agent of any impounded ~~boat~~ **vessel** shall be subject to and liable for a storage charge, and shall be subject to and liable for all costs incurred by the ~~b~~**B**orough by reason of the impounding or removal.

C. Notice to Owner-: At least 10 days prior to impounding any ~~boat~~ **vessel**, the borough shall cause to be posted on the ~~boat~~ **vessel**, in the ~~h~~**H**arbor master's office, the borough clerk's office and on the bulletin board at the entrance of the United States Post Office, notice of such action to be taken by the borough. A copy of the notice shall be mailed to the owner's, master's or registered agent's last known address, which address shall be the same as that furnished in accordance with the provisions of HBC 16.20.010. The notice shall contain the name and number of the ~~boat~~ **vessel**, the name and address, if known, of the owner, master, operator or managing agent and the location of the ~~boat~~ **vessel**.

D. As to any ~~boat~~ **vessel** proposed for impoundment pursuant to this chapter by or at the request of the borough, its agents or employees, a person in lawful possession of the ~~boat~~ **vessel** has the right to a pre-impoundment administrative hearing to determine whether there is probable cause to impound the ~~boat~~ **vessel** if such person files a written demand, on forms so provided for such a hearing, with the borough within 10 days after such person has learned such ~~boat~~ **vessel** will be impounded or within 10 days after the mailing of such notice required by subsection (C) of this section, whichever occurs first.

E. A hearing shall be conducted before a hearing officer, or officers, designated by the manager within five business days of receipt of a written demand, ~~therefor from the person seeking the hearing~~ unless such person waives the right to a speedy hearing. Calculation of the five days shall commence with the first business day following receipt of the written demand and exclude Saturdays, Sundays and borough holidays. The hearing officer(s) shall be someone other than the person who will direct the impounding and storage of the ~~boat~~ **vessel**. The sole issue before the hearing officer(s) shall be whether there is probable cause to impound the ~~boat~~ **vessel** in question. "Probable ~~e~~**C**ause to ~~i~~**l**mpound" shall mean such a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of local, state or federal law rendering the ~~boat~~ **vessel** subject to impoundment. The hearing officer(s) shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall carry the burden of establishing that such person has the right to possession of the ~~boat~~ **vessel**. The ~~h~~**H**arbor master shall carry the burden of establishing that there is probable cause to impound the ~~boat~~ **vessel** in question. At the conclusion of the hearing the hearing officer(s) shall prepare a written decision. A copy of such decision and the reasons ~~therefore~~ shall be provided to the person demanding the hearing and the owner of the ~~boat~~ **vessel** if such owner is not the person requesting the hearing. The hearing officer(s)' decision in no way affects any criminal proceedings in connection with the impound in question and any

criminal charges involved in such proceeding may only be challenged in the appropriate court. The decision of the hearing officer(s) is final. Failure of the owner, operator, master or managing agent to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such hearing.

F. The hearing officer(s) shall only determine that, as to the ~~boat~~ **vessel** in question, either there is probable cause to impound the ~~boat~~ **vessel** or there is no such probable cause. In the event that the hearing officer(s) determine(s) that there is no probable cause, the hearing officer(s) shall prepare and date a ~~e~~Certificate of ~~n~~No ~~p~~Probable ~~e~~Cause, copies of which shall be given to the owner, operator, master or managing agent and to the ~~h~~Harbor**master**.

In the event that the hearing officer(s) determine(s) that there is probable cause, the hearing officer(s) shall prepare and date a ~~e~~Certificate of ~~p~~Probable ~~e~~Cause, copies of which shall be given to the owner, operator, master or managing agent and the ~~h~~Harbor**master**. Upon receipt of such ~~e~~Certificate of ~~p~~Probable ~~e~~Cause, the ~~h~~Harbor**master** may proceed with impoundment and disposition of the ~~boat~~ **vessel** by removal, sale or destruction as authorized by this chapter.

G. Notice of Sale. Any ~~boat~~ **vessel** impounded shall be held by the ~~b~~Borough for a period of not less than 30 days during which the ~~b~~Borough shall publish in a newspaper of general circulation in the ~~b~~Borough a notice describing the ~~boat~~ **vessel** in general terms, the name and number, if any, the name and address of the owner, master, operator or managing agent, if known, or if not known shall so state, the location of the ~~boat~~ **vessel** and the intention of the ~~b~~Borough to sell the same at public auction, on a day and at a place and time certain, not less than 10 days prior to the sale for cash to the highest and best bidder. At any time prior to the date of the auction, the owner, master, operator or managing agent may redeem the ~~boat~~ **vessel** by a cash payment of all ~~b~~Borough charges against the ~~boat~~ **vessel**; however, if sold as a derelict vessel, other conditions specified by the ~~h~~Harbor**master** or hearing officer(s) shall also be met.

H. Sale. The minimum acceptable bid shall be a sum equal to the ~~b~~Borough's charges against the ~~boat~~ **vessel**. The proceeds of the sale shall be first applied to the costs of sale, then to moorage and service fees accrued, and the balance, if any, shall be held in trust by the ~~b~~Borough for the owner of the ~~boat~~ **vessel** to claim; and if not claimed within one year, the balance shall be deposited into the ~~boat~~ **appropriate Port or h**Harbor ~~f~~Fund. Upon the sale being made, the ~~b~~Borough shall make and deliver its bill of sale, without warranty, conveying the ~~boat~~ **vessel** to the buyer.

I. Other Disposition. If at the public sale there are no bidders for the ~~boat~~ **vessel**, the borough may destroy, sell at private sale or otherwise dispose of the ~~boat~~ **vessel**. The disposition is to be made without liability to the owner, master or lien holder of the ~~boat~~ **vessel**.

16.24.080 Disposition of Abandoned Property.

A. Port and Harbor Departments to receive unclaimed property:

When lost, stolen, abandoned or otherwise unclaimed property or money, except vehicles covered under the traffic code, comes into the possession of the Port and Harbor Departments the departments shall hold and store such property in a safe place or with some responsible person until it is claimed and all just and reasonable charges for saving and storage thereof have been paid. The Harbormaster** shall establish rules and regulations for the storage of such unclaimed property and shall establish fees and charges for saving and storage of the same, subject to approval by the Manager and in cooperation with the Chief Financial Officer.**

B. Dangerous or perishable property – Immediate disposal: Property in possession of the Port and Harbor Departments determined by the Harbormaster** to be perishable or constitute an immediate danger to the public may be disposed of immediately by the Harbor**master** in any manner without notice.**

C. Abandoned vehicles: As outlined in AS 28.11.030, a vehicle left unattended and without permission from Port or Harbor staff on Borough property, and more than 10 feet from any road, shall be considered abandoned and shall be removed by Borough

employees or a private contractor. A written report of the removal shall be made by the Harbormaster or employee who removes, or has removed a vehicle, under this section, and the report shall be sent immediately to the department and a copy of the report shall be given to the person who stores the property. The report must describe the vehicle, the date, time and place of the removal, the grounds for removal and the place of impoundment of the vehicle. The vehicle may be placed in impound and fees for removal and storage assessed to the owner of record. Within 30 days of removal a written notice must be sent to the owner of record stating the reason for removal, place of impound and fees due. As outlined in AS 28.11.070, a vehicle that has had the notification requirements satisfied may be auctioned or scrapped. A vehicle abandoned within 10 feet of a highway or vehicular way for more than 48 hours may be removed following the same procedure and reporting requirements.

Chapter 16.28

HAZARDOUS CONDITIONS, PROHIBITED ACTS AND ENFORCEMENT

Sections:

16.28.005 Hazardous Conditions

- 16.28.010 Prohibited acts.
- 16.28.020 Each day a separate offense.
- 16.28.030 Penalties for violations.
- 16.28.040 Citation.
- 16.28.050 Mail-in fine procedure.
- 16.28.060 Promise to appear.

16.28.005 Hazardous Conditions.

It shall be unlawful for any vessel owner or person in charge of any vessel to allow a hazardous condition endangering life or property to continue on with regard to the vessel. Determination of a hazardous condition shall be at the direction of the Harbormaster and shall consider any local, state or federal regulations. Any of the following constitutes a hazardous condition, though this list is not considered all inclusive:

A. Allowing a vessel to remain in a sunken condition more than five days whether on a navigable channel or not.

B. Allowing a vessel to remain in a sunken condition more than the time required to buoy and mark it as a warning to others to whom it might be a navigational danger.

C. Maintaining or allowing a condition on or in any vessel to continue more than five days after it has been declared a hazardous condition following inspection and report by the Harbormaster, the chief of police, the fire chief or designated agent, or the director of public works. One copy of such report shall be filed with the borough clerk and one copy given to the person involved.

D. No wood fires are allowed in the Port and Harbor Facilities - unless they are contained within a USCG Approved Marine wood burning stove.

E. Electrical systems on any vessel shall be designed and constructed for marine usage and shall be maintained so as to avoid hazards from electrical shock, fire or galvanic corrosion. Only marine-type battery chargers shall be used. Vessels discharging stray electrical current into the water may be disconnected from the shore power hook-up until the condition is remedied. Owner shall be liable for any damages incurred by stray currents originating from their vessels. Vessel owners wishing to hook up to electrical service must read and sign a copy of the electrical system rules before permission will be granted for new service.

16.28.010 Prohibited ~~a~~Acts.

It shall be unlawful for any ~~boat~~ **vessel** owner, master or manager or other person in charge of the operation of a ~~boat~~ **vessel** using the **Haines Port and Harbor** ~~f~~Facilities of the Haines ~~boat harbor~~ to commit any of the following prohibited acts:

A. To operate, or cause to be operated, any ~~boat~~ **vessel**, as defined in this title, within the limits of the Haines boat harbor **or port facilities**, in excess of three miles per hour. **All vessel operators are legally liable for any damages from their wake.**

B. To operate, or cause to be operated, any ~~boat~~ **vessel**, as defined in this title, within the limits of the Haines boat harbor **or port facilities**, in a reckless **negligent** manner in willful and wanton disregard for the safety of persons or property.

C. To operate, or cause to be operated, any ~~boat~~ **vessel**, as defined in this title, within the limits of the Haines boat harbor **or port facilities**, in a negligent manner likely to endanger the safety of persons or property.

D. To throw or otherwise cause to be deposited gasoline, oil, trash, garbage or refuse on any float or into the water of the Haines boat harbor **or port facilities**. **It is prohibited to leave snow removed from vessels on any dock, float, or finger. During winter months, licensees in occupied slips are responsible for removal of snow on adjacent fingers.**

E. To fail to register with the harbormaster, as provided in HBC 16.20.010 within 30 days after the effective date of the ordinance codified in this title, any boat or vessel on which rental is not being currently paid as provided in HBC 16.20.010 and which is occupying the Haines boat harbor **leave snow removed from vessels on any dock, float, or finger. To fail to register with the Harbormaster, as provided in section 16.20.010.**

F. To leave any ~~boat~~, vessel or floating structure moored at any of the Haines boat harbor or **port** facilities unattended while any fire is burning thereon. Any such fire shall be deemed unattended unless the owner or operator is within 100 feet of the ~~boat~~, or some person capable of moving the boat or vessel is aboard or within 100 feet of the same.

G. To start or allow to continue any fire on a float or dock.

~~H~~**H**. To create and maintain any nuisance within the Haines boat harbor, ~~or to conduct or carry on any unlawful business or occupation therein; and all of the titles of the borough defining offenses and prescribing penalties for the violation thereof are hereby expressly extended to the Haines boat harbor facilities~~ **or port facilities**.

I. To conduct or carry on any unlawful business or occupation within the limits of the Haines boat harbor or port facilities.

~~H~~**H**. To live aboard a vessel moored in the harbor at any time from October 15th to April 1st, except on a transient moorage basis for periods of two weeks or less. **For any person or owner in charge of any dog or animal to allow or permit such dog or animal to run at large within the Haines boat harbor or port facilities.**

~~I~~. For any person or owner in charge of any dog or animal to allow or permit such dog or animal to run at large within the Haines boat harbor or to become a nuisance therein. Animals are prohibited on live aboard vessels.

~~J~~**K**. To deposit, place or leave any cargo, merchandise, supplies, freight, articles or thing, **including fecal matter deposited on docks**, upon any float, ramp, walk or other public place in the Haines ~~boat~~ **Borough Ports and Harbor Facilities**, except while loading or unloading to or from a boat or vehicle.

L. For any person or owner in charge of any dog or animal to fail to clean up after their animals.

~~K~~**M**. To tap, disconnect, interfere with, or tamper with any water outlet, water pipe, water connection, or any electrical wiring, electrical outlet, or electrical device of any kind installed or maintained in the Haines boat harbor **or port facilities** by the borough without first having obtained the permission of the ~~h~~**H**arbor**master**; ~~or to interfere with any wharf, gangplank, ramp or any other facility of the Haines boat harbor facilities.~~

N. To interfere with the any wharf, gangplank, ramp or any other facility of the Haines boat harbor or port facilities.

~~LO.~~ To write or post any written or printed matter or sign upon any bulletin board constructed or maintained by the borough without first having obtained the permission of the ~~h~~Harbormaster.

~~MP.~~ To erect, place, post or maintain any advertising matter, sign or other printed matter other than legal notices on any part of the **Port and Harbor** Haines boat harbor facilities without approval thereof first being obtained from the ~~h~~Harbormaster. ~~All unauthorized advertising and signs shall be removed at the direction of the harbormaster.~~

~~NQ.~~ To disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the ~~h~~Harbormaster or by the direction of the **Borough** ~~a~~Assembly relating to the use of mooring areas or other uses of the Haines boat **Port and Harbor Facilities**.

R. To moor, berth, tie, attach or connect to any part of the Letnikof Cove Facility any boat or other waterborne structure without paying the fees or charges prescribed in this title;

16.28.020 Each ~~d~~Day a ~~s~~Separate ~~e~~Offense.

Each day that a violation of any of the provisions of this title continues constitutes a separate offense.

16.28.030 Penalties for ~~v~~Violations.

Any person violating any of the provisions of this title shall **will** be fined as follows: **according to the fees set out in the most current assembly approved fee schedule.**

A. For the first violation **offense**: ~~\$25.00.~~ **X**

B. For the second violation **offense**: ~~\$50.00.~~ **X x 2**

C. For the third violation **offense**: ~~\$75.00.~~ **X x 3**

D. For the fourth violation: **offense** the person shall be denied the privilege of using the ~~f~~Facilities of the boat **Port and Harbor**.

16.28.040 Citation.

A person who commits a violation of this title shall receive a citation unless otherwise required by law or the circumstances.

16.28.050 Mail-in fine ~~p~~Procedure.

If the violation for which a citation is issued is one for which only a fine may be imposed, the person to whom it is issued may plead no contest or guilty to the offense without a court appearance by signing the appropriate blank on the citation and paying the specified fine. Acceptance of payment of the prescribed fine is complete satisfaction for the violation, and the offender shall be given a receipt that ~~se~~ states **so**, if requested.

16.28.060 Promise to ~~a~~Appear.

The citation shall contain a place for the accused to sign acknowledging receipt of the citation and promising to appear in court at a time specified on the citation.

A. If the accused person refuses to accept the citation or refuses to sign acknowledgement of receipt and promise to appear, the amount of any fine shall be included in the accused person's moorage fees owing. If the penalty is loss of **Port and Harbor** privileges, the accused shall lose ~~harbor~~ privileges from the date the accused is to appear in court.

B. If the accused accepts the notice, but fails to pay the fine or appear in court as required, the amount of any fine shall be included in the accused person's moorage fees owing. If the penalty is loss of **Port and Harbor** privileges, the accused shall lose **Port and Harbor** privileges from the date the accused is to appear in court.

Chapter 16.32
LETNIKOF COVE PARK BOAT FACILITIES **MOORING**

Sections:

~~16.32.010~~ Definitions.

~~16.32.030 Adoption of provisions.~~

16.32.040 Special joint-use permit available to boat harbor stall renters.

16.32.045 Parking.

~~16.32.010 Definitions.~~

~~As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:~~

~~“Letnikof Cove Park boat facilities” means that area of tidelands and submerged lands located in Letnikof Cove under lease to the borough from the Alaska Department of Transportation and Public Facilities, pursuant to Lease Addendum Number 1, to a lease entered into on April 1, 1968, together with floats, approaches, ramps and appurtenances which are currently or may in the future be located thereon.~~

~~16.32.030 Adoption of provisions.~~

~~Except as otherwise specified in this chapter, all provisions of other chapters of this title, as may be amended, including but not limited to those provisions for fees and fines, apply to the operation and use of the Letnikof Cove Park boat facilities. (Ord. 10-04-225 § 4)~~

16.32.040 Special ~~j~~Joint-use ~~p~~Permit aAvailable to boat ~~h~~Harbor stall renters ~~Tenants~~.

A. Any vessel for which annual moorage fees for the boat harbor are paid current, and who have paid an additional annual joint-use permit fee as set out in the most current assembly-approved harbor fee schedule and received a decal, shall be entitled to moor such craft at the Letnikof Cove Park boat facility at no additional fee, provided the decal is displayed clearly on the craft.

B. The owner, ~~or~~ master or managing agent of any vessel for which ~~m~~Moorage ~~f~~Fees in the Haines ~~b~~Boat ~~h~~Harbor are not paid current, or any vessel without a boat ~~in a~~ harbor stall ~~slip~~, shall, within three hours of mooring at the Letnikof Cove Park boat ~~f~~Facilityies, register and pay the required use permit fees according to the most current assembly-approved harbor fee schedule at the pay station provided ~~on the floats~~ at the facility pier and launch ramp or directly to harbor staff.

It shall be unlawful for any person to moor, berth, tie, attach or connect to any part of the Letnikof Cove Park boat ~~f~~Facilityies any boat or other waterborne structure without paying the rental ~~fees or~~ charges prescribed in this title; provided, however, no fees shall be required to temporarily moor a vessel for a time not to exceed three hours.

16.32.045 Parking.

Long-term parking of vehicles, ~~boats~~ vessels, or trailers is prohibited outside of the designated long-term parking area at the Letnikof Cove Park boat ~~f~~Facility. “Long-term” is defined as 24 or more continuous hours. Areas shall be posted or otherwise marked by an appropriate sign, or by combinations of placed and painted signs, indicating prohibited and authorized parking areas. Enforcement of this section shall be in the same manner as set forth in Chapter ~~HBC~~ 16.28 HBC.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS ____ DAY OF _____, 2012.

ATTEST:

Stephanie Scott, Mayor

Julie Cozzi, MMC, Borough Clerk

Date Introduced: 01/24/12
Date of First Public Hearing: 02/14/12
Date of Second Public Hearing: 02/28/12