

# **Title IX**

## **Boat Harbor Facilities**

### Chapters:

Chapter 9.01	General provisions
Chapter 9.02	Registration & stall assignments
Chapter 9.03	Rules for use of harbor facilities
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### **Chapter 9.01**

#### **General Provisions**

### Sections:

9.01.010	Applicability of provisions
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9.01.030	Policy & intent – City liability denied
9.01.040	Harbormaster

#### **Section 9.01.010 Applicability of provisions**

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

#### **Section 9.01.020 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 meaning repugnant thereto:

- A. “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 fire, health, or navigational hazard, or is derelict, or has become a nuisance because of non payment of fees.
- B. “Derelict vessel” means a vessel that has been left for a continuous period of more than twenty-four hours (24), 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's boat harbor, and if:

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 United State Coast Guard.

The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined; or

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

The vessel registration 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.

- C. "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.
- D. "Float" means all floating or stationary walkways and structures apparent thereto which vessels may be moored, which are owned and maintained by the city.
- E. "Moored" means any vessel parked at or attached to the dock in any manner, including tying and rafting.
- F. "Harbor facility" means any float, piling, dock, ramp, ring, buoy, stall, vehicle parking area, structure or other harbor improvement constructed, maintained, or owned or leased by the city.
- G. "Stall" means all slips, skiff ramps, or areas used to moor a vessel.
- H. "Transient vessel" means any vessel not home ported in Coffman Cove by designation or transactional utilization.

- I. "Vehicle" means all trucks, automobiles, motorcycles, all terrain vehicles and non vehicles of every kind and description, pleasure or commercial.
- J. "Vessel" means all ships, boats, skiffs, and craft of every kind and description, pleasure or commercial, including seaplane, on the water, used or capable of being used as a means of transportation on or through the water.
- K. "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.
- L. "Vessel length" means the length of the vessel used to determine moorage fees and consists of the overall length of the vessel measured in a straight line from stem to stern plus all appurtenances that extend the length of the vessel, such as bowsprits, C drives, stern drives, skiffs, etc.
  - 1. Skiff ramps will be measured by vessel length with weight factored in. (Intended to include motor.)

**Section 9.01.030 Policy and Intent – City Liability Denied**

It is declared that the intent of this title is to further the use of facilities of the small boat harbors by commercial fishermen, government vessels, commercial vessels in trade and commerce, pleasure craft and the general public. It is the further intent of this title to prevent and discourage the use of the facilities of the boat harbor by vessels which have only nominal use and dependence upon harbor facilities, or which have been abandoned by their owners to the point of becoming derelict vessels, as defined in this title. The policy of this title is to maximize the safe and efficient use of harbor facilities. Payment of a user fee entitles an individual to facility use on a priority basis. Nothing shall limit the ability of the harbormaster to assign the vessel to any unused berth ("hot-berth") for the purpose of any persons visiting or using the harbor facility will do so at their own risk. The city does not assume the responsibility for loss of or damage to property, or injuries to persons within or upon the harbor facility.

**Section 9.01.040 Harbormaster**

The harbormaster shall supervise and manage the city harbor facilities in accordance with state and federal regulations and in accordance with the policy adopted by the city council. The harbormaster shall work under the direction of the mayor and the city council or their designee.

**Chapter 9.02**  
**Registration and Stall Assignment**

**Sections:**

9.02.010	Transactions to be conducted at the city office or by harbormaster.
9.02.020	Application for mooring
9.02.030	Rental and use fees – use of vacant stalls
9.02.040	Payment for reserved and transient moorage and other user fees.
9.02.050	Lien for unpaid moorage and other fees.
9.02.060	Priority in space assignment – method.
9.02.070	Priority in space assignment – present renters get lowest.
9.02.080	Seasonal hot berthing – multiple stalls
9.02.090	Sale of vessel terminates moorage – exception.
9.02.100	Loss of assigned reserved moorage.
9.02.110	Vessel assignment to appropriate size slip.
9.02.120	Relinquishment of assigned slip.

**Section 9.02.010                      Transactions to be conducted at the city offices or by harbormaster.**

All registration of boats, payment of moorage charges and other harbor facility business will be conducted with the harbormaster or at the city offices. Business conducted through the city office may be done in person or by mail using the city's mailing address: P.O. Box 18135, Coffman Cove, Alaska 99918. In the event of time sensitive material the postmark will be considered the date received.

**Section 9.02.020                      Application for mooring**

- A. No person shall be permitted the privilege of renting a stall or mooring space in the small boat harbor unless such person signs an application identifying the vessel, agreeing to make timely payments of all rental and service charges which may be assessed or levied under this chapter, and assenting to the harbormaster's authority to move the vessel pursuant to this title.
  
- B. Said application shall be in such form as required by the city and shall be made in triplicate, the original to be filed with the city office,

the second to be retained by the harbormaster and the third to be given to the applicant.

- C. Not all moorage area will be available on a year round basis, but will be regulated by the city as to the number and location of such moorage areas, and the conditions under which they will be rented.

**Section 9.02.030                      Rental and use fees – use of vacant stalls.**

- A. Fees for the privilege of berthing or mooring any vessel at the harbor facility shall be levied according to the fees, charges and condition set by resolution of the city council.
- B. The harbormaster shall have the discretion to allow other vessels to occupy an empty stall at any time the assigned vessel is absent from its assigned space, without compensation or refund of prepaid moorage fees.

**Section 9.02.040                      Payment for reserved and transient moorage and other user fees.**

- A. All reserved permanent moorage payments are due and payable in advance. The city shall issue annual moorage bills each October for the next year's reserved moorage. Fees are due and payable upon receipt. Fees for reserved moorage not received by the harbormaster or the city offices by November 30<sup>th</sup> will be considered overdue. The city shall issue one reminder billing on December 1<sup>st</sup>. Fees for reserved moorage not received by December 31<sup>st</sup> will be considered delinquent and will result in the forfeiture of the reserved slip.
- B. Transient moorage fees may be required to be paid in advance. All transient moorage fees and other harbor use fees accrued during a month that are not paid by the end of the month will be billed to the person or company responsible for payment and fees.

**Section 9.02.050                      Lien for unpaid moorage and other fees**

- A. All moorage and other fees accruing to the city from mooring of any vessel or use of harbor facilities by the vessel owner shall constitute a lien against such vessel.
- B. It is unlawful for any vessel owner, master or agent who is in default on any charges accruing to the city under this chapter to use any mooring facilities or other harbor facilities prior to the payment of all charges imposed by this chapter.

- C. If any owner, master or agent of any vessel fail to pay any charges by the end of the month the bill is due, the bill is considered delinquent and the amount in arrears shall be noted on all subsequent billings.
- D. If the fees are not paid within sixty days of the date they are originally due then the vessel is in default and may be subject to impound.

**Section 9.02.060                      Priority in space assignment – method**

- A. Assignments of spaces in the boat harbor shall be allocated on a first-come, first-served basis, with the names at the top of the list first to be assigned to recently vacated stalls of the appropriate nature. The city may make a separate list according to either vessel length or character of vessel.
- B. Applications for reserved moorage will be available through the harbormaster or at the city office.
- C. All applications for reserved moorage shall be completed and signed by the applicant. Properly completed applications will be accepted, signed and dated by the harbormaster or city office personnel when received. Upon receipt, a copy of the dated application shall be given to the harbormaster and the applicant. The original application shall become part of the city's files.
- D. There shall be an application fee submitted with each application. This shall be an annual fee and will be billed on the same schedule as annual reserved moorage. Fees for application renewals not paid by December 31<sup>st</sup> of each year will be understood to mean that the applicant is no longer interested in remaining on the waiting list and their name will be dropped from the list.
- E. Upon receipt of the completed application and fee the applicant will be placed on the appropriate waiting list according to the length of the vessel.
- F. A separate waiting list shall be kept for each size (length) category of boats that can be accommodated at the dock.
  - 1. 0' – 18' Skiff ramps
  - 2. 19' – 27' boat slips
  - 3. 28' – 36' boat slips
  - 4. Seasonal Hot Berths

- G. Waiting lists shall be posted at the post office, harbormaster office and the city office. Posted waiting lists shall be updated quarterly as needed.
- H. At such times that the moorage slip becomes available the harbormaster will notify the first person on the appropriate waiting list using the contact information provided on their application. Notification will be by return receipt mail. The person notified will have 30 days from the date mailed to respond by contacting the harbormaster or the city office, completing a moorage agreement and paying the annual moorage. In the event that the first person on the list is unable to do this, they will forfeit their position on the wait list and the slip will be offered to the next person on the list in the same manner.

**Section 9.02.070                      Priority in space assignment – Present renters get lowest**

Effective with the adoption of this title, those persons already assigned a stall shall be given at all times the least priority in seeking additional stalls.

Additional stalls will be assigned on a one year basis only. This will occur only when there is no waiting list for the size stall needed. Additional stall rentals will expire each year and will become available for reassignment as needed.

As of the date of passage for this title, all existing skiff ramp moorage contracts shall be honored until they are no longer needed.

**Section 9.02.080                      Seasonal hot berths – multiple stalls**

A separate annual waiting list shall be kept for those who need a stall on a seasonal basis. A seasonal hot berth application will be available through the harbormaster or at the city hall and will be treated in the same manner as an application for moorage. Seasonal will mean calendar quarters (January 1 – March 31), (April 1 – June 30), (July 1 – August 31), (October 1 – December 31). Applications can be made for multiple quarters, but separate application must be submitted for each stall needed. There will be an application fee for each application submitted.

Seasonal hot berths shall be assigned as stalls in a rotation that provides each individual or entity on the list with a stall before any one is issued a third and so forth. Assigned stalls are subject to relocation at the discretion of the harbormaster.

All seasonal stalls are temporary and will expire at the end of the season assigned.

Applications must be submitted annually as the seasonal hot berth waiting list will expire at year's end and a new list will be made each year.

Seasonal stalls will be assigned at transient rate (monthly rate x 3 per quarter assigned) and moorage shall be paid when moorage agreement is signed.

**Section 9.02.090                      Sale of vessel terminates moorage – exception**

Sale of an assigned vessel shall constitute termination of the mooring privilege unless the stall renter replaces the vessel with a similar size vessel, or demonstrates to the harbormaster that he or she intends to replace the vessel within a reasonable period of time, not to exceed one year.

**Section 9.02.100                      Loss of assigned reserved moorage**

- A.     If the owner of a vessel to which a reserved slip or space has been assigned does not have a vessel in the slip or dry dock in Coffman Cove or use the reserved stall for which it is assigned for at least four months each assignment period, the reserved stall shall be forfeited.
  
- B.     However, the harbormaster may waive this requirement for one year under exceptional circumstances such as extended ocean voyages, vessels undergoing repairs or other similar situations.

**Section 9.02.110                      Vessel assignment to appropriate size slip**

Vessels assigned stalls in the city harbor shall be assigned to a stall of an appropriate size to accommodate the vessel. If the owner of a vessel who has an assigned stall acquires a vessel that is larger or smaller than the stall size requirement for their present slip, they shall be required to move the vessel to an appropriate size slip when one becomes available. The owner with an assigned stall will not receive priority over those on the waiting list for assignments of an appropriate size stall.

**Section 9.02.120                      Relinquishment of an assigned slip**

A person who has been assigned a stall and who wishes to relinquish that stall must provide written notice to the harbormaster that he or she no longer wants the slip. Until such notice is received the stallholder will be



responsible for all moorage fees due to the city for that stall. If written notification is provided the remainder of the moorage for the year shall be prorated monthly.

## **Chapter 9.03**

### **Rules for use of Harbor and Facilities**

#### **Sections:**

9.03.010	Live aboard policy
9.03.020	Conduct in harbor facility
9.03.030	Condition of vessel
9.03.040	Power of harbormaster to board and inspect vessels in facilities
9.03.050	Power of harbormaster to move vessel
9.03.060	Persons to comply with harbormaster's communications
9.03.070	Persons to obey lawful regulations and meet accepted safety standards
9.03.080	Harbormaster may pump vessel and maintain lines
9.03.090	Fees for pumping or line maintenance by harbormaster
9.03.100	Use of boat launch ramp
9.03.110	Use of fish cleaning float
9.03.120	Use of other harbor facilities
9.03.130	Loading zones – vessels
9.03.140	
9.03.150	Acts prohibited without prior approval of harbormaster
9.03.160	Prohibited acts
9.03.170	Regulations – parking areas
9.03.180	Regulations of vehicles on dock

#### **Section 9.03.010            Live aboard policy**

- A. A person living aboard his or her own or another person's vessel for thirty consecutive days is considered a live aboard for the purposes of this title.
- B. Pets may be kept on live aboard vessel at the discretion of the harbormaster.

- C. Vessels being used for live aboard purposes must meet all sanitary requirements as established by the United States Coast Guard and the Alaska Department of Environmental Conservation.
- D. Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacturer's specifications.
- E. Generators are to be shut off at 10:00 p.m. and not started before 6:00 a.m.
- F. Live aboard fees shall be established by resolution of the city council.

**Section 9.03.020                      Conduct in harbor facility**

- A. Vessel moorage within the harbor facility shall be for active or operational motor vessels only, unless specifically authorized by the harbormaster.
- B. Vessel, when unattended, must be securely moored with adequate bow, stern and spring lines.
- C. Vessels moored in harbor facility must at all times be completely seaworthy and ready for immediate or emergency departure into local waters, and also may not be chained or locked to any float.
- D. All vessels entering the harbor facility must have a valid identifying name or number permanently affixed to the vessel and visible from the outside. Failure to have either shall be cause for refusal of moorage.
- E. All berthing and moorage of vessels in the small boat harbor shall be in strict accordance with signs posted by the harbormaster.
- F. The movement of vessels within the moorage areas shall be for the purpose of mooring and entering and leaving this area only. Vessel speeds within the harbor facility shall be slow enough so that no wake will be created by the movement of a vessel.
- G. All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner.
- H. All children twelve years of age or younger shall wear a life vest at all times while on harbor facilities.

**Section 9.03.030                      Condition of vessel**

All vessel owners, master, agents, crews or guests, when using the harbor facility for moorage or otherwise, shall keep their vessel, equipment, pier, float, or finger float in the vicinity of their vessel neat, clean and in an orderly manner.

**Section 9.03.040                      Power of harbormaster to board and inspect vessel and facility**

The harbormaster reserves the right to inspect any and all vessel leased areas within the harbor facility at any time. This regulation should not be construed to mean that performing such inspections is the responsibility of the harbormaster or harbor facility.

**Section 9.03.050                      Power of the harbormaster to move vessel**

The harbormaster may move any vessel moored within the harbor facility, for any reason of protection of life or property, or during an emergency condition.

**Section 9.03.060                      Persons to comply with harbormaster's communications**

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

**Section 9.03.070                      Persons to obey lawful regulations and meet accepted safety standards**

Those persons and vessels utilizing the harbor facility shall obey all harbor facility, municipal, state and federal laws and regulations, as well as those generally accepted safety standards and requirements. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws.

**Section 9.03.080                      Harbormaster may pump vessel and maintain lines**

The harbormaster is granted the power and authority to, from time to time, but without obligation or liability on his/her part or that of the city for his/her failure to do so, replace defective mooring lines or tie downs, and pump vessels, which are in a dangerous condition.

**Section 9.03.090 Fees for pumping or line maintenance by harbormaster**

Whenever the harbormaster shall perform any of the acts authorized in section 9.03.080, after having given notice to the vessel owner, master or agent at the registered address of the immediate need thereof, or having attempted to give such notice, the vessel owner, master or agent is required to pay fees established by resolution of the city council.

**Section 9.03.100 Use of boat launch ramp**

- A. Launch ramps shall be open to public use. Access to launch ramps shall be maintained at all times. Staging zones shall be designated and kept open at all times. Mooring vessels, logs, floats, or other such items are not allowed in the launch staging area. The council may set, by resolution, fees for the use of the launch ramps.
- B. No moorage is allowed at the boat launch. This area is strictly for loading and unloading boats from trailers. No boat shall be tied up for longer than 15 minutes.
- C. Boat launch ramp users shall obey all boat launch ramp rules and regulations issued by the harbormaster or council or set fourth in municipal, state or federal law rules or regulations. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws.

**Section 9.03.110 Use of fish cleaning float**

- A. The fish cleaning station shall be used on a first come, first served basis.
- B. Fish cleaning station users shall obey fish cleaning station use rules and regulations issued by the harbormaster or the council or set fourth in municipal, state or federal law, rules or regulations.

**Section 9.03.120 Use of other harbor facilities**

- A. Other harbor facilities shall be used at the direction of the harbormaster or council.
- B. Fees for the privilege of using other harbor facilities shall be levied according to the fees, charges and conditions set by resolution of the council. From time to time, when deemed necessary, the council may modify, change or amend such fees, charges and conditions. Users of other harbor facilities shall obey all rules and

regulations issued by the harbormaster or council or set fourth in municipal, state or federal law, rules or regulations.

**Section 9.03.130 Loading zones – vessels**

There shall be reserved loading zones within the small boat harbor. Zones shall be adequately marked, with mooring time being limited to the time it takes to load or unload the boat. There shall be a maximum time allowance of 15 minutes,

**Section 9.03.140**

**Section 9.03.150 Acts prohibited**

The following acts are prohibited:

- A. Major maintenance or repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel.
- B. Tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devices installed within the harbor facility.
- C. Moving or altering any wharf, float, gang plank, ramp, or other facility in the harbor facility.
- D. There shall be no tying to the skiff ramps at any time.
- E. No more than 6 skiffs assigned or moored on any one skiff ramp.
- F. Building any type of floating boat shelter.
- G. Posting of signs for the sale of items or the charter or rental of vessels, except in designated areas.
- H. Borrowing or using any harbor facility equipment.
- I. Tying or mooring to pile drivers, scows, boathouses, or other similar vessels, or vessels over one hundred feet in length, at any float.

**Section 9.03.160 Prohibited acts**

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

- A. Operating or causing any vessel or vehicle to be operated recklessly, or otherwise engaging in careless manner within

the harbor jurisdiction that is dangerous or a nuisance to the person or property of another, or the harbor facility

- B. Having a loaded firearm on the dock.
- C. Using bumpers to cause damage to the dock.
- 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 device may be set so as to obstruct navigation or mooring within the harbor jurisdiction.
- G. 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.
- H. Using the harbor facility fire fighting equipment for any purpose other than fighting fires.
- I. 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.
- J. Sub assigning or subleasing assigned mooring space.
- K. Generating loud or boisterous noises tending to the reasonable peace and privacy of others.
- L. Obstructing or interfering with the harbormaster in performance of his or her duties, or refusing to comply with lawful order of the harbormaster.
- M. Challenging or intending to prove another to fight, or engaging in fighting.

- N. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person.
- O. Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotic and other dangerous drugs.
- P. Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners will be responsible for proper clean up and disposal of animal wastes.

**Section 9.03.170                      Regulations – parking areas**

- A. The harbormaster may establish such reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of the harbor facility. Vehicles found in violation of these regulations will be subject to towing and placement in impound.
- B. All towing and impound expenses will be incurred by the owner of the vehicle.

**Section 9.03.180                      Regulations of vehicles on dock**

- A. Vehicles are allowed on the dock for the purpose of loading and unloading only.
- B. People working on repairing their boats or using the fish cleaning floats are not allowed to leave their vehicles on the dock while doing so.
- C. Vehicles shall never be parked or left unattended on the dock.
- D. While the seaplane float is attached to the dock, the air service agents have priority use of the loading area whenever they are meeting planes.

**Chapter 9.04**

## **Control of Nuisance and Derelict Vessels**

### **Sections:**

- 9.04.010 Abatement of nuisance, impoundment, removal and sale
- 9.04.020 Procedure for destruction, sale or other disposal of vessel
- 9.04.030 Impoundment – final disposal of sold and unsold vessels
- 9.04.040 Other property becoming a nuisance

### **Section 9.04.010 Abatement of nuisance, impoundment, remove and sale**

- A. In the event any vessel constitutes a nuisance or is derelict, as defined, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master or agent of the vessel as shown on the registration statement filed with the harbormaster, stating unless said vessel is removed, repaired, or that other action is taken to remedy such nuisance, the vessel will be subject to destruction or sale, in the discretion of the city council, upon the expiration of a period of fourteen days from the receipt of such notice.
- B. In the event any mooring fees are not paid within sixty days after the same are due, the vessel for which the fees are in arrears shall be constituted abandoned and a nuisance by reason of the failure to timely pay such fees, notice thereof will be given to the owner, master or agent of the vessel as shown on the registration statement, and said vessel shall be subject to removal, impoundment, destruction or sale in the discretion of the city council because the vessel has been declared a nuisance.
- C. Notices provided for in this section shall be given by the city clerk by a method which assures a signed receipt thereof (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records); notice shall be given to such owner, master or agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The notice shall be in writing, signed by the city clerk and dated, and shall inform the recipient of his right to a hearing before the city council no later than fourteen days from receipt of the notice, as well as informing the notice recipient of potential consequence (set forth in subsections A and B of this section) for failure to appear.



## **Section 9.04.020**

### **Procedure for destruction, sale or other disposition of vessel**

- A. Any vessel which is declared a nuisance may, after the expiration of the time stated in the notice delivered, to the owner, master, or agent, either be impounded in the waters of Coffman Cove vessel harbor or removed there from to a place of safe storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster to be posted on or in said vessel at a place where likely to be seen by anyone inspecting said vessel. During the period of impoundment or storage by the harbormaster, the vessel, its owner, master or agent shall be liable for a daily storage charge and costs incurred by reason of the impounding or removal of the vessel. An impoundment fee shall also be charged. Storage and impoundment fees shall be in accordance with reestablished amounts set fourth by resolution of the city council.
- B. After any vessel is so impounded or removed, the city clerk shall again give written notice (by method assuring return receipt) that the vessel has been impounded, that the notice recipient has opportunity for a hearing before the city council no later than fourteen days following the receipt of notice, and that after the expiration of that period the vessel may be destroyed, sold or disposed of as the city council shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or agent and (for documented vessel) to any holder of recorded mortgage on the vessel at such an address as is shown on the last registration statement for the vessel.
- C. Any vessel impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master or agent, be destroyed, sold or disposed of as the city council shall determine unless sooner repaired so as to no longer be a nuisance or unless fees have been paid in full. In the event of disposition by sale of the vessel, notice of the sale shall be mailed to the owner, master or agent of the vessel and then posted in three public places for a period of ten days prior to the date of the sale and shall be signed and posted by the city clerk. Said notice shall state the identification of the vessel; that it is being sold after having been declared a nuisance under the provisions of this title; and that all of the rights, title and interest of the owners and lien holders of said vessel will be sold to the highest bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be applied first to the cost of conducting the sale, impounding and removal of the vessel, and the payment of all fees assessed and

payable by the said vessel its owner, master or agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city.

**Section 9.04.030                      Impoundment – final disposition of sold and unsold vessels**

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

**Section 9.04.040                      Other property becoming a nuisance**

- A. All engines, machinery, equipment, lines, skiffs, nets, gear, or other personal property left upon the dock, approach, floats or other facilities of the harbor for a period of more than forty eight hours without being removed there by the owner or person in the possession thereof may be declared to be a nuisance by the harbormaster and impounded, removed, or sold in the discretion of the city council in the manner provided for the removal, impoundment, sale or other disposition of vessels which are declared a nuisance.
  
- B. Written notice and opportunity for a hearing before the city council shall be provided to the property owner (if identity of the owner is known to, or can reasonably be ascertained by, the harbormaster) in the same manner as notice and opportunity for a hearing provided to vessel owners sections 9.04.010 and 9.04.020. In cases where the owner has left no record of such property with the harbormaster, and the harbormaster makes reasonable efforts to determine ownership but is unable to do so, then such property shall be held by the harbormaster for fifteen days prior to destruction or sale, during which period the harbormaster shall post prominent notices on the personal property itself and upon a place designated by the harbormaster for the routine of posting 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 notifies the owner of his/her right to a hearing before the city council by a date stated in the

notice, such date to be no earlier than seven days after the initial post of the notice.

## **Chapter 9.05**

### **Enforcement**

#### **Sections:**

9.05.010	Enforcement powers of harbormaster
9.05.020	Penalties – civil penalties
9.05.030	Procedure for notification of violation
9.05.040	Penalty for non – compliance
9.05.050	Penalty for multiple violations
9.05.060	Penalty for abusive behavior to harbormaster

#### **Section 9.05.010 Enforcement powers of harbormaster**

- A. The city authorizes the harbormaster of the harbor facility to enforce this chapter by either written or verbal communication.
- B. The harbormaster may interpret the reasonable intent of these provisions to promote the intent of this chapter.
- C. The harbormaster may order persons or vessels found in violations of any provisions of this chapter to depart from the harbor facility. Failure of a person or vessel to depart from the harbor facility when the harbormaster orders may result in civil penalty and/or the impoundment of the vessel.
- D. Vessels impounded by harbormaster may be removed by a private contractor, with charges to be assessed against the vessel and / or its owner, master or agent.

#### **Section 9.05.020 Penalties – civil penalties**

- A, Every act prohibited by this title is unlawful and may be enjoined by judicial order. The below listed acts shall be subject to civil penalties, in amounts to be established by resolution of the city council, not to exceed three hundred dollars per violation. Each act or violation and every day upon which a violation occurs constitutes a separate offence.
- B. Acts subject to civil penalties are:

1. Parking in a loading zone (vessel or vehicle)
  2. Obstructing any float, ramp, or finger.
  3. Unauthorized use of another stall or mooring in any unauthorized area.
  4. Unattended or nuisance dogs on dock.
  5. Leaving vessel in an unsafe or sunken condition.
  6. Causing a fire hazard.
- C. In addition to fine set forth above, violators shall be subject to additional fine consisting of the actual cost to the city to remedy the condition causing the offence numbered 5 or 6.

**Section 9.05.030                      Procedures for notification of violation**

- A. The harbormaster is given authority to determine if any violation poses an immediate threat to health, safety and well – being of persons and vessels using the harbor facility. Any violation posing this risk can be deemed an emergency violation and allow the harbormaster to take immediate action to rectify the situation.
- B. Any other violations will usually be handled with the following procedure:
1. First contact – reminder given to the person of violation, reminder can be given verbally or in writing.
  2. Second contact – written notice of violation will be issued. Notice may be mailed or hand delivered. A copy may be attached to the vessel or vehicle. Notice will clearly state the violation, deadline for compliance and possible penalty for non compliance.
  3. Third contact – occurs upon deadline for compliance. Should violators remain non-compliant, penalty for violation will be enforced and penalty notice will be issued by the city clerk. Penalty notice will include the opportunity for violators to request a hearing to be placed on the next city council agenda of the next regularly scheduled meeting.
  4. Violation records will remain on record for two years.

**Section 9.05.040                      Penalty for non-compliance**

Any person not complying with penalty violations can lose his/her stall and/or harbor privileges.

**Section 9.05.050                      Penalty for multiple violations**

Any person incurring multiple violations or repeat violations can lose his/her slip and/or harbor privileges.

**Section 9.05.060                      Penalty for abusive behavior to harbormaster**

Any persons becoming abusive to the harbormaster, in any inappropriate manner, verbally or physically will lose their harbor privileges and can be charged with assault under state laws.