

City of Coffman Cove Ordinance 18 06

AN ORDINANCE OF THE CITY OF COFFMAN COVE, ALASKA AMENDING THE WORDING OF TITLE X HARBOR

Section 1. Purpose.

To add, delete and amend the language of TITLE X Harbor.

Section 2. Classification.

This Ordinance is of general and permanent nature and shall become part of the Municipal Code.

Section 3. Prior Ordinance superseded.

This Code supersedes any and all Ordinances adopted prior to this code and not included within this Code at the time of this Code's adoption.

Section 4. Severability.

If in any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the remainder of this Ordinance shall not be affected thereby.

Section 5. Titles and Chapters adopted.

Section 10.01.030 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 further intent of this title to prevent and discourage the use of the facilities of the boat harbor by vessel 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 10.01.040 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. For further harbormaster duties see attached Schedule B.]~~

Section 10.02.020 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 ~~[is current on all other City bills and]~~ 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.]~~
- B. 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 10.02.030 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 conditions set by resolution of the city council. ~~[See Schedule A for fees.]~~
- ~~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. ~~[A reasonable attempt must be made by the Harbormaster to contact the person renting the slip before hot-berthing.]~~

Section 10.02.040

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 ~~harbormaster or~~ the city offices by November 30th will be considered overdue. ~~The city shall issue one reminder billing on December 1st.~~ Fees for reserved moorage not received by December 31st will be considered delinquent and will result in the forfeiture of the reserved slip.

Section 10.02.060

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 applicable waiting list to be assigned first. ~~to be assigned to recently vacated stalls of the appropriate nature.~~ Assignments may be one slip space and one ramp space allowed per household or business as needed. ~~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 31st 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.~~ result in removal from the wait 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 wait~~ing~~ lists shall be kept for: ~~each size (LOA and Beam) category of boats that can be accommodated at the dock.~~

1. ~~[0' – 18']~~ Skiff ramps
2. ~~[19' – 27' boat slips]~~ Non-commercial vessels
3. ~~[28' – 36' boat slips]~~ Commercial vessels
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 10.02.070 Priority in space assignment – Present renters get lowest

Effective with the adoption of this title, those persons, companies or organizations 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 10.02.080 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.~~

~~Section 10.02.100 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 10.02.110 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. [An appropriate slip for a vessel requires that the vessel's beam shall be no more than 1 foot less than half of the opening between fingers and the vessel's LOA shall be no more than 10 feet longer than the finger or dock. If the owner of a vessel who has an assigned stall acquires a vessel that is larger or smaller than the vessel 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 10.02.120 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] *City Clerk* 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.]~~

Section 10.03.020 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.~~
- ~~I. Green Section of front rail reserved for yachts and sailboats.
Yellow section of front rail reserved for commercial vessels. All vessels tying to yellow section of dock must raft.]~~

Section 10.03.080 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 10.03.090 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 10.03.110 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]~~ City council or set forth in municipal, state or federal law, rules or regulations.

Section 10.03.120 Use of other harbor facilities

- A. Other harbor facilities shall be used at the direction of the ~~harbormaster or~~ [City]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 City council. From time to time, when deemed necessary, the City 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]~~ City council or set forth in municipal, state or federal law, rules or regulations.

~~[Section 10.03.130 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 10.03.160 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 a careless manner within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another, or the harbor facility
- B. Using bumpers to cause damage to the dock.
- C. 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.

D. Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction.

E. 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.]~~

F. 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.

G. Using the harbor facility fire fighting equipment for any purpose other than fighting fires.

H. Disregarding, defacing, removing or damaging any *municipal* sign or notice ~~[posted or erected by the harbormaster or city public works department relating to the use of mooring areas or other facilities.]~~

I. Sub assigning or subleasing assigned mooring space.

J. Generating loud or boisterous noises tending to the reasonable peace and privacy of others.

K. Obstructing or interfering with the harbormaster in performance of his or her duties, or refusing to comply with lawful order of the harbormaster.

L. Challenging or intending to provoke another to fight, or engaging in fighting.

M. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person.

N. 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.

~~[O. 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 10.03.170 Regulations – parking areas

- A. The ~~[harbormaster]~~ *City council* 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 10.04.010 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]~~, *City Clerk* 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, at the discretion of the city council, upon the expiration of a period of fourteen days from the receipt of such notice.

Section 10.04.020 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]~~ *Mayor* 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 forth by resolution of the city council.

Section 10.04.040 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]-10.04.010 [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]~~ City for fifteen days prior to destruction or sale, during which period the ~~[harbormaster]~~ City Clerk 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].~~ in the usual three public places as for public meetings. ~~[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.]~~

NOW, THEREFORE, BE IT ENACTED BY THE COFFMAN COVE CITY COUNCIL,
AS FOLLOWS:

(new language *italics and underlined*, deleted language ~~[in bold brackets and stricken.]~~)

1st READING: November 16th, 2017

2ND READING: December 21st, 2017

PUBLIC HEARING: December 21st, 2017

PASSED AND APPROVED by the Coffman Cove City Council on this ____ day of ____
2017.

Mayor , Perry Olson

ATTEST:

City Clerk, Jean Soderberg