

Presented by: The Manager  
Introduced: 09-02-76  
Referred to:

A RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 389

A RESOLUTION ESTABLISHING FEES, RATES,  
RULES AND REGULATIONS FOR CITY AND BOROUGH  
OF JUNEAU SMALL BOAT HARBORS AND  
SUPERSEDING SPECIFIED PRIOR RESOLUTIONS.

WHEREAS, the Title 85 of the Code of the City and Borough of Juneau provides that the Assembly shall establish, by resolution, fees, rates, rules and regulations for small boat harbors, and

WHEREAS, various resolutions have been promulgated which provide various fees and rules for the various harbors in the city and borough, and

WHEREAS, it is in the best interest of the city and borough and the persons using the small boat harbors that the fees and regulations governing the small boat harbors be uniform throughout the municipality.

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

That the following rates and regulations shall apply to all City and Borough of Juneau boat harbors.

Boat Stall Rental, Classification and Assignment

Section 1. Rental Periods and Payment. The leasing or rental of space in the Boat Harbor shall be based on a fiscal year running from October 1 through September 30. Rent for the year will be due and shall be paid on or before October 31. Rents are not refundable, and are payable in advance for the full year. A new renter or lessee may be charged on a pro rata basis from the date of entry into the Boat Harbor to the next due date, and on a yearly basis thereafter. No other pro rata rates, fees or charges are implied in this Section; all rents and leases are based on a full year stall rental. If the stall rent or other charges are not paid by when due, all rights to the space shall be terminated and the Harbormaster may impound and/or confine the vessel or boat pursuant to CBJ Title 85 and this resolution and shall lease the space to another qualified vessel.

Section 2. Rental Rates.

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(a) Regular Stall. Rent shall be computed at the rate of Seven Dollars (\$7.00) per year for each foot of stall rented or length of boat whichever is greater.

(b) Covered Moorage. Rent of covered moorage: 40 foot and smaller boat shelters, \$480; over 40 feet, \$480 plus \$12.00 per foot or fraction thereof over 40 feet.

(c) Side Moorages. Side moorages shall be charged on the basis of eighteen (18) feet of stall or the actual length of the boat whichever is greater.

(d) Residences. A vessel which is being occupied in the Boat Harbor and used, rented or leased as a place of residence, shall be charged at the regular rate for that size stall plus an additional \$20.00 per month on a monthly basis paid in advance. A vessel which is occupied for over fifteen (15) calendar days of a month shall be deemed to be used as a residence for the entire month. The owner of such a vessel shall be liable for the monthly charge.

(e) Open Moorage. (1) Open moorage as defined in CBJ 85.15.010(4) shall be permitted only for loading and unloading except upon payment in advance of two dollars (\$2.00) per day or \$20.00 per month for boats of less than forty feet (40') in length and four dollars (\$4.00) per day or \$40.00 per month for boats forty feet (40') in length and over. In areas designated by the Harbormaster as "free twenty-four hour moorage areas" such fees need not be paid. A boat may moor in a free moorage area for a period not in excess of twenty-four hours, and a break in moorage of at least seventy-two hours must occur before a boat is again eligible to moor in any such free moorage areas.

(2) Auke Bay Open Moorage. Except for space leased to governmental agencies, all moorage at Auke Bay shall be open moorage, but no vessel may occupy open moorage space for more than 72 hours unless it has been out of the Auke Bay facility for more than 24 hours. Fees shall be two dollars (\$2.00) per day for boats under forty feet (40') in length and shall be four dollars (\$4.00) per day for boats forty feet (40') in length and over, payable in advance. Space may be leased to governmental agencies upon approval of the Director of the Division of Waters and Harbors. A maximum of (15) open moorage spaces at Auke Bay may be rented on a month-to-month basis during the period commencing October 1 and terminating April 30 of each year at a monthly rental of \$0.60 per foot per month based on the length of the vessel.

Section 3. Stall Assignments.

(a) Stalls Assigned by Manager or His Designee. Stalls shall be assigned by the Manager or his designee. Stall assignments shall be made to insure maximum usage of stall space. The Manager or his designee shall establish minimum and maximum boat lengths and maximum beams permitted for each type and size stall available. Stall assignments or use not in compliance with established maximums and minimums shall not be made except in unusual or temporary situations, and only with the express approval of the Manager or his designee. No vessel may be assigned or use more than one stall which is under the control or ownership of the City and Borough.

(b) Stalls rented in name of vessels. All stalls except those rented for covered moorage shall be rented in the name of the vessel and/or under its Coast Guard registration number. No other vessel may occupy a stall so rented except on a temporary basis upon the approval of the Manager or his designee. Any vessel occupying a stall or space without the express approval of the Manager or his designee shall be impounded by the Harbormaster. The owner of the vessel to which the space is rented may not sublease or assign the right to use such space to any other person or vessel. A vessel whose owner derives a sublease income in any form which is not specifically authorized by resolution or ordinance shall forfeit all right to said stall and the Harbormaster shall rent such stall to another qualified vessel.

(c) Preference Rights. The vessel in whose name or number a stall is rented shall have a preference for renewal of the stall lease, regardless of changes of ownership of vessel, so long as stall rental is paid in accordance with the terms of applicable resolutions and ordinances. However, upon the sale or other voluntary transfer of ownership of a vessel, the seller will have the right to assume the lease if the buyer gives a written waiver of his right to lease the stall in the name of the transferred vessel. No such assumption shall be valid unless the waiver is executed within seven days of the date of sale or transfer and the seller has presented, within 21 days of the date of the sale or transfer, adequate written proof that he owns or has acquired the predominant ownership rights in, a vessel which may be properly moored in the stall. All such assumptions must be first approved by the manager or his designee.

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(d) Forfeitures for Non Use. A vessel which does not use the stall or space to which it is assigned for at least 3 months each lease year shall forfeit all rights to the stall or space.

(e) Sublet Boat Shelter. A floating boat shelter, which is privately owned, may be sublet by the renter or lessee at a rate not to exceed seventy dollars (\$70.00) per month per stall. Any one (1) owner may reserve or occupy only one (1) floating boat shelter space and may sublease or assign only one (1) stall therein. The owner of a boat shelter who subleases a space for more than \$70.00 per month or who does not occupy one stall for more than 4 months a year with a vessel registered in his name forfeits all right to lease the covered moorage stall.

(f) One Vessel, One Stall; Exceptions. Only one boat shall be moored in any one stall, except that when the public interest and general welfare demand it or there is a single ownership of vessels, the Harbormaster, in his discretion, may allow more than one boat to occupy a single stall. When more than one vessel occupies a stall, the rental shall be computed on the combined length of the vessels.

(g) Government Vessels. The Manager, with the concurrence of the Director of the Division of Waters and Harbors, may lease to government owned and operated vessels stalls and spaces not otherwise available for permanent or extended leasing. Such leases may contain such additional or modified conditions as the Manager and Director deem appropriate except that the rental rate shall be the same as for similar space rented to privately owned vessels.

(h) Leasing During Vessel Absence. The Assembly may, by resolution, establish a system whereby certain vessels may be authorized to use space leased to another vessel during the absence from the space of the vessel regularly assigned to the space.

Section 4. Fees.

(a) Impound and Storage Fees. Any vessel owner whose vessel is impounded for any reason or removed by the Harbormaster shall pay a fee of one dollar (\$1.00) per lineal foot of vessel prior to release of the boat, regardless of whether impoundment occurs at a space rented for the vessel or at another place. Such charge shall be for each month or any part thereof during which the boat is impounded

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or stored. Nothing herein shall be construed as making the City and Borough the bailee or warehouseman of any such boat. If the vessel is stored in commercial facilities, the fee shall be the cost of haul out and storage plus \$20.00.

(b) Douglas Dock. The following charges shall be in effect at the Douglas Dock:

- (1) Tie-up fee - \$15.00.
- (2) Tonnage fee, over the dock  
- \$2.00 per ton.
- (3) Storage fee - A storage fee of \$.04 per cubic foot per day shall be made for any material stored on the Douglas Dock for a period in excess of twenty-four (24) hours.

(c) Floats and Other Use of Water Area Not Adjoining Dock. The charge for use of floats or other uses of the water areas within the Boat Harbor shall be computed as if such area were unimproved tidelands. Such use shall be allowed only pursuant to a lease approved by the assembly by resolution. Such lease shall require that the lessee hold the City and Borough harmless for liability of any nature arising from use of the leased premises and shall require submission of adequate liability insurance coverage in which the City and Borough is named as an additional insured.

(d) Fees for Replacing Lines and Securing Vessels. A fee shall be charged to the vessel owner for additional mooring lines furnished by the City and Borough and needed in the judgment of the Harbormaster as replacements for worn lines or for securing a boat. The fee for lines up to and including twenty (20) feet in length shall be five dollars (\$5.00); for lines over twenty (20) feet, ten dollars (\$10.00). The lines so furnished shall belong to the owner upon payment of the appropriate fee.

(e) Pumping Fees. If the Harbormaster pumps a boat to keep it afloat, or for some other similar reason, the owner shall pay a fee of ten dollars (\$10.00) per day for each day or part thereof the boat is pumped.

(f) Grid Fee. There shall be no fee for the first 72 hours use of the grid. A fee of ten dollars (\$10.00) shall be paid for each additional day or portion of a day

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that grid is occupied in excess of the initial 72 hours. Grid use shall be on a first come, first served basis.

Section 5. Design and Location of Floating Boat Shelters.

(a) Design and Maintenance. Any boat shelter in the Boat Harbor shall be designed and constructed in conformity with plans which have the current approval of the State of Alaska, Department of Public Works, Division of Waters and Harbors and the City-Borough Engineer. The Harbor-master may permit minor modifications in the aforesaid design, but any boat shelter within the Boat Harbor shall substantially conform to the aforesaid plans. The owner of a boat shelter shall keep it in good, safe and presentable condition and shall repaint it when the Manager or his designee determines there is a need. Paint color shall be approved by the Manager or his designee before application.

(b) Location. Boat shelters within the Boat Harbor shall be located in that area, or those areas designated for the purpose by the Harbormaster with the concurrence of the governing body. When the designated area or areas contain as many boat shelters as they will hold, no additional boat shelters will be allowed in the Boat Harbor. Space will be allotted for this purpose on a first come, first served basis. Building Permits shall be shown to the Harbormaster before construction of said boat shelter.

Section 6. Seaplanes.

(a) Ramp rentals.

(1) Light Aircraft Only. Only light aircraft (seaplanes) shall be allowed to rent or moor at seaplane ramps or floats in the Boat Harbor. The Harbormaster, in his discretion, may determine whether any aircraft is too large, too heavy or otherwise unsuitable because of physical characteristics to use or occupy space in the Boat Harbor.

(2) Private Seaplanes. Private, non-commercial seaplanes shall have first priority to rent seaplane ramps, on first come, first served basis.

(3) Commercial Seaplanes. Commercial seaplanes shall have second priority to rent seaplane ramps, on a first come, first served basis, provided, however, that such aircraft shall be allowed to rent such space only on a month-to-month basis, at thirty dollars (\$30.00) per month, cancellable upon one (1) month's notice upon application for said space for a private, noncommercial seaplane.

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(4) Commercial Enterprise, One Ramp. No commercial enterprise shall be rented more than one (1) ramp at a time in the Boat Harbor.

(b) Air Cargo or Air Passenger Business. No cargo or air passenger business shall be conducted in the Boat Harbor, except that transient seaplanes shall be allowed to take on and deliver passengers therein.

(c) Sublease and Assignment. No seaplane ramp shall be subleased, assigned or otherwise alienated without the Harbormaster's approval. Any sublease shall be made to those on the Harbormaster's waiting list for seaplane ramps, in the order of seniority.

(d) Emergency Landing. Except in a bona fide emergency, no aircraft shall land or take off within the confines of the Boat Harbor.

Section 7. Aircraft Parking Fees. The rental year for aircraft shall be from October 1 through September 30, and the rate shall be \$240.00 for each ramp, under the terms and conditions of §1 as applicable. Transient aircraft shall be afforded forty-eight (48) hours' free moorage on a space available basis; thereafter, parking will be at the rate of three dollars (\$3.00) per day. If an aircraft is parked in the Boat Harbor for more than thirty (30) days, it will lose its transient status, and the regular rate shall apply. No aircraft may be considered a transient unless its home port lies outside the City and Borough of Juneau.

Miscellaneous Provisions

Section 8. Advertising the Sale of Boats. It is permissible to post advertising notices concerning the sale of boats or their accessories moored in City and Borough Harbors on a bulletin board designated by the Harbormaster. The Harbormaster is authorized to regulate the type and size of notice allowed, the duration for which it may be posted, and to make and enforce any regulations which seem necessary to him concerning such notices.

Section 9. Nonliability of the City-Borough. Any transient, or any lessee, or any renter using the Boat Harbor or appurtenant facilities agrees thereby that the relationship between the City and Borough of Juneau and such transient, lessee or renter is simply that of landlord and

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tenant. A transient, lessee or renter using the Boat Harbor or any appurtenant facilities further agrees thereby that the City and Borough of Juneau: Does not accept any boat or aircraft for storage; shall not be held liable in any manner for the safekeeping or condition of any boat, aircraft or equipment; is not responsible therefor as a warehouseman; shall not be held responsible or liable for any damage or loss to or of the said boat or aircraft, its tackle, gear, equipment or property either upon said boat or aircraft or upon the premises of the Boat Harbor, and from any cause whatever, or for injury to the lessees, renters, transients or invitees or licensees occasioned by any cause upon the premises of the Boat Harbor or adjacent thereto.

Section 10. Concessionaires. All fees and charges due the City-Borough from any concessionaire located in, or considered a part of the Boat Harbor, shall be considered revenue of the Boat Harbor.

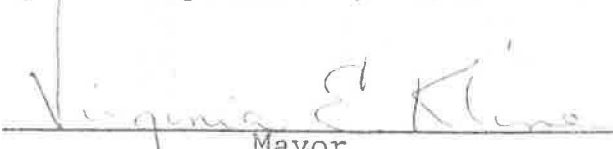
Section 11. Annual Review of Rates. An annual review of Boat Harbor rates shall be conducted by the Assembly.

Section 12. Copies to be Posted. A copy of this Resolution shall be posted in at least one (1) conspicuous place in each of the Boat Harbors of the City and Borough.

Section 13. Supersession and Repeal. This Resolution supersedes CBJ Resolution Nos. 64, 108, 120, 130, 153 and 269 which are hereby repealed. The adoption of this Resolution shall not abate or otherwise affect any claim, action or proceeding whether pending or not on the effective date hereof brought by or against the City and Borough of Juneau or any officer thereof.

Section 14. Effective Date. This Resolution shall take effect on September 2, 1976.

Adopted this 2nd day of September, 1976.

  
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Mayor

Attest:

  
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Clerk