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Introduced: 3-6-80  
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RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 636 (am.4-3-80)

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

WHEREAS, 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, the Assembly, in Resolution 389, consolidated all prior resolutions providing fees and rules for all of the small boat harbors in the City and Borough of Juneau, and

WHEREAS, the fees and rules for small boat harbors have been modified by Resolutions 437, 515, 528 and 578, and

WHEREAS, the Assembly has created a Small Boat Harbor Advisory Committee and that committee has recommended consolidating and making certain changes to the rules and fees for small boat harbors;

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 April 1 through March 31. Rent for the year will be due and shall be paid on or before April 30. Rents are payable in advance for the full year and are not refundable except that a renter who sells his vessel and relinquishes his stall shall, upon request, be given a pro rata refund for the unused part of the rental year rounded to the nearest month. 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 due date, all rights to the space shall be terminated and the harbor master may impound and/or

confine the vessel or boat pursuant to CBJ Title 85 and this resolution and shall lease the space to the next person on the waiting list.

Section 2. Rental Rates. (a) Rental Rate. Unless otherwise provided, annual rental amounts for space shall be computed as follows:

Amount = (Rate x Width x Length) + Base Fee  
where,

Rate is the annual rate per square foot established in (b);

Width, except as provided below, is the width to the nearest foot of the space rented. The width of a floating boat shelter shall be measured from the inside surface of the side walls at their widest point, and;

Length is the length to the nearest foot of the space rented or the actual length of the vessel or structure, whichever is greater.

The Base Fee is the amount determined by dividing the estimated budget for the small boat harbor less estimated revenue for transient moorage, grid fees, and all other miscellaneous harbor fees by twice the number of stalls available for rent.

Side moorages shall be computed on the basis of an eighteen (18) foot length or maximum vessel length rounded to the nearest foot, whichever is greater, and the greater of the maximum actual or assumed width of the vessel or structure. For side moorages and whenever a vessel or structure exceeds the length of its stall, the vessel or structure will be assumed to have a width equal to the width of the smallest stall or space which could accommodate the vessel or structure without overhang.

(b) The annual rate for space is equal to the estimated budget for the small boat harbor less estimated revenue for transient moorage, grid fees, and all other miscellaneous harbor fees divided by twice the square footage of stalls available for rental.

(c) 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 monthly charge to be billed and paid in advance on a monthly basis computed as set forth in (d). A vessel which is occupied for two or more full days in a month shall be deemed to be used as a residence for the entire month unless the person occupying the vessel can prove to the satisfaction of the harbormaster that all persons residing on the vessel maintain a permanent place of residence on shore within the City and Borough of

Juneau. A city and borough tax bill or assessment notice on improved residential property in the name of the person occupying the vessel or a rent receipt which can be verified for a residence in the city and borough shall be prima facie proof that the person maintained a permanent place of residence on shore. The owner of such vessel shall be liable for the monthly charge. Once a vessel is used as a residence, the monthly charge shall continue until the owner or person living aboard gives written notice to the Harbor-master that the vessel is no longer being occupied as a residence.

(d) The additional monthly fee for residences shall be:

$$\text{Fee} = \text{TTAV/SF} \times \text{SFSS} \times \text{TR}/12 + \text{G}$$

where

TTAV/SF is the average per square foot value of all assessed travel trailers in the city and borough as determined by the city and borough assessor. Travel trailer shall be as defined by the assessor, and;

SFSS is the number of square feet of stall or other space rented as determined in (a) above. For covered moorage, the width shall be one half the stall width for each vessel occupied.

TR is the total tax rate in mills of the area in which the boat harbor is located. If a harbor is located in more than one service area, the applicable tax rate is the highest rate applicable to any part of the particular harbor, and;

G is the minimum monthly charge by the local garbage company for garbage collection and disposal for single family residences, provided, this amount shall be added in the above formula only for fees charged from November 1 through March 31.

(e) Open Moorage.

(1) In areas designated by the harbor-master as "free twenty-four hour moorage areas" no fee shall be charged for a boat qualified to moor there. 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; except, at Auke Bay, a boat may moor in the free moorage area for a period not in excess of seventy-two hours, and a break of at least twenty-four hours must occur before a boat is again eligible to moor at the Auke Bay free moorage area.

(2) Open Moorage - Daily Rate. Open moorage shall be permitted only for loading and unloading

except on payment in advance of two dollars (\$2.00) per day for boats of less than forty feet (40') in length and four dollars (\$4.00) per day for boats forty feet (40') in length and over, payable in advance.

(3) Open Moorage - Long Term Rate. Open moorage permits may be obtained for specific periods of time on the following basis:

12 mos.	75% of fees as specified in Sections 2(a) and (b)
6 mos.	45% of fees as specified in Sections 2(a) and (b)
3 mos.	25% of fees as specified in Sections 2(a) and (b)

The vessel of a person who pays a fee under this subsection may use open moorage space on the same terms and conditions as all other vessels except that for the period of the permit the vessel is exempt from paying the daily fee required by Section 2(e)(2) above. A permit obtained under this section does not guarantee an open moorage space will be available when the vessel returns to harbor and does not excuse a vessel from observing break in moorage requirements in free moorage areas when moored in such areas.

(4) An additional one dollar (\$1.00) per day shall be charged where electricity is available, whether utilized or not.

(f) Auke Bay Winter Space Rental. A maximum of fifteen open moorage spaces at Auke Bay may be rented on a month-to-month basis between October 1 and April 30 at a monthly rate equal to one-twelfth the rate as computed under Sections 2(a) and (b).

Section 3. Stall Assignments. (a) Stalls Assigned by the harbormaster. Stalls shall be assigned by the harbormaster. Stall assignments shall be made to insure maximum usage of stall space. The harbormaster 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 harbormaster. 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 Registered in Name of Vessels. All stalls except those rented for covered moorage shall be registered in the name of the vessel and/or under its Coast Guard registration number. No other vessel may occupy a stall so registered except on a temporary basis upon the approval of the harbormaster. Any vessel occupying a stall or space without the express approval of the harbormaster shall be impounded. The person to whom the space is rented may not sublease or assign the right to use such space to any other person or vessel. A person who 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 harbor master shall rent such stall to the next person on the waiting list.

(c) Transfer of Ownership. Should the renter of a stall cease to own a qualifying interest in the vessel registered to the stall, the transferee of the interest shall have no right to the space occupied by the vessel. The original renter may retain the stall space under his rental agreement for ninety days and may retain the stall longer if, within that ninety day period, he shall have procured, or be in the process of procuring, a boat of appropriate length for occupancy of the stall. A qualifying interest in a vessel is an ownership interest equal to or greater than fifty percent. The person, corporation, partnership, or other association holding the qualifying interest shall be the owner for purposes of this resolution. If the owner is other than a natural person, one natural person shall be designated as agent for the association for all matters relating to the vessel as it relates to the vessel's use of the small boat harbors.

(d) Forfeitures for Non-Use. If the owner of a vessel to which a stall or space has been assigned for rental purposes does not use the stall or space for the vessel to which it is assigned for at least three months each lease year, he shall forfeit all rights to the stall or space and the harbor master shall lease the stall or space to another. With proper prior documentation, the harbor master may waive this requirement under exceptional circumstances such as extended ocean voyages or a vessel undergoing repairs.

(e) Sublet Boat Shelter. One space within a floating boat shelter which is privately owned may be sublet by the renter or lessee at a monthly rate not to exceed 15% of the annual rent charged for the boat shelter space. Any one (1) owner may reserve or occupy only one (1) stall therein. The owner of a boat shelter who subleases a space for more than the amount established in this section or who does not occupy one stall in the boat shelter for more than four months in any given twelve-month period with a vessel registered in his name forfeits all rights to the lease of the covered moorage stall.

(f) One Vessel, One Stall - Exceptions. Only one vessel may be moored in any one stall, except that the harbor master may, after determining that it is in the public interest, grant an exemption to this subsection and allow more than one vessel to occupy a single stall or the space between two adjacent stalls. Rental fees for multiple occupancy of a stall or stalls will be prorated based on the space utilized by each vessel. The harbor master shall attempt to obtain the permission of adjacent stall renters before allowing a vessel to moor between two stalls.

(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 spaces not otherwise available for continuous assignment to a vessel. Such rental agreements 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) Renting During Vessel Absence. The harbormaster may allow any vessel for which the open moorage fee has been paid to occupy a stall that is temporarily unoccupied. Whenever the harbormaster has received written notification from a renter that the vessel registered to his stall will be absent from its stall for a specified period of time in excess of 24 hours, or whenever the harbormaster has made a written record of such oral notification, the harbormaster shall add such period of time to the hot berthing account of that renter if the harbormaster has assigned the use of such unoccupied stall to another vessel during any part of the period for which such notification was given. If, at the end of the lease year, the renter has accumulated 30 or more days in his hot berthing account, he shall receive a credit on his next year's rent computed as follows:

$$\text{Credit} = \frac{\text{Annual Rental Paid}}{365} \times \frac{\text{Days Credited}}{3}$$

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, as applicable, haul out costs, a storage fee of \$3.00 per foot length overall of the vessel per month or any part thereof if the vessel is hauled out and stored on municipal facilities or, actual storage fees if commercial storage is utilized, and all direct and indirect labor, services, and materials costs incurred by the City and Borough of Juneau in impounding, moving, hauling out, securing and storing the vessel.

(b) 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.

(c) 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 replacing lines and/or securing vessels shall be computed at the rate of time plus materials. The lines so furnished shall belong to the owner upon payment of the appropriate fee.

(d) Pumping Fees. If the harbormaster pumps a boat to keep it afloat, or for some other similar reason, the owner shall pay a fee consisting of time plus materials. The Manager shall establish an hourly rate for pumps.

(e) Grid Fee. A grid fee shall be paid in accordance with the following table:

Boat Length	Rate Per Day
Under 21 feet	\$5.00
21 to under 41 feet	\$10.00
41 to under 51 feet	\$15.00
51 feet and over	\$25.00

After 72 hours the fee is doubled. The harbormaster may require the owner of a vessel to post a bond or other guaranty before using a grid when the harbormaster believes such security is necessary to protect the public interest.

(f) Stall Waiting List. A non-refundable fee of \$50.00 will be charged to be placed on a waiting list for a boat stall. The fee will be applied as a credit to the first year stall rent, except for \$15.00 to cover administrative costs.

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 Division of Waters and Harbors and the City-Borough. The harbormaster 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 that 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 harbor-master, 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 a 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-four dollars (\$34.00) per month, cancellable upon one (1) month's notice upon application for said space for a private, non-commercial seaplane.

(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 harbor-master's approval. Any sublease shall be made to those on the harbor-master'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 April 1 through March 31, and the rate shall be \$275.00 for each ramp, under the terms and conditions of Section 1 as applicable. Transient aircraft shall be charged 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 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 and borough from any concession 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. 389, 437, 515, 528 and 578 and all parts of all other resolutions which are inconsistent herewith, which are 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. Mid-Term Rental Adjustments. The rates for all rentals shall be subject to change by the Assembly effective on or after July 1 of the year in which the rental commences. Further, if the small boat harbor utility budget adopted by the assembly is greater than the estimated budget used for purposes of computing stall rentals under Section 2 new rental fees may be computed and the difference billed to the renter. If any rental is increased during the term of a lease, the lessee is entitled to a

refund of the unused portion of his rent payment if demand for the refund is made and the space is relinquished by the lessee within thirty days of the mailing of notice of the changed rates. The difference between the amount paid at the commencement of the rental period and the amount due under the new rate is due and shall be paid on or before July 31 or thirty days from the mailing of a bill for the difference, whichever is later.

Section 15. Effective Date. This resolution shall take effect on July 1, 1980; provided, the new rentals shall be computed immediately and those renters whose new rate is lower than their present rate shall be given an immediate refund equal to the difference between the amount paid and the new rate. Notwithstanding provisions of this resolution to the contrary, the owner of a vessel to which a stall is leased who sells that vessel between the effective date of this resolution and September 1, 1980, shall have the option of retaining the stall as provided under this resolution or of permitting the rights to the stall to be transferred to the new owner of the vessel; provided if the rights to the stall are to be transferred to the new owner of the vessel, the harbormaster must receive written notice on or prior to September 1, 1980, of the party to whom the sale was made.

Adopted this 3rd day of April, 1980.

  
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Mayor

Attest:

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Clerk