

Presented by: The Manager  
Introduced: 5/15/80  
Drafted by: B.E. & G.L.S.

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 658

A RESOLUTION ESTABLISHING MUNICIPAL DOCK REGULATIONS  
AND REPEALING RESOLUTION SERIAL NUMBERS 244, 441, 520,  
AND ALL OTHER RESOLUTIONS ESTABLISHING DOCK REGULATIONS.

WHEREAS, the City and Borough of Juneau owns and operates such docks as the Juneau Ferry Terminal, the City Dock, the Steamship Dock, the Juneau Lightering Dock, and the Douglas Dock, and

WHEREAS, the regulation of such docks is presently covered under Resolution Serial Numbers 244, 441, and 520, and

WHEREAS, the regulation of all docks owned and operated by the City and Borough of Juneau should be covered by a single resolution;

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

1. Licenses. The city and borough of Juneau may grant to a licensee the non-exclusive permission to use a dock for mooring, for loading and discharging cargo, and for boarding and discharging passengers and vehicles.

2. Priorities. (a) The use of the ferry terminal by a licensee shall be on a non-interference basis with the Alaska State Ferry System activities and operations. An Alaska State Ferry docking, whether scheduled or unscheduled, takes priority over the use of the mooring by any licensee.

(b) As between licensees, a licensee who uses a dock on a regularly scheduled basis and whose license incorporates that schedule shall have priority over licensees whose use is irregular or for which no regular schedule has been incorporated into the license, but such priority shall be effective only during the times shown on the schedule. Any licensee shall have priority over a non-licensee during the periods stated in the license.

(c) As between the tour vessels, such vessels using any dock facility shall have a priority for berthing, which is based on the number of consecutive years the shipline company owning the vessel has served Juneau in the tourist

trade. Where more than one shipline company has served Juneau in the tourist trade for the same number of consecutive years, priority shall go to the company which has the highest number of scheduled arrivals for the tour season in question. The city and borough reserves the right to designate the place a licensee shall dock in order that it may maintain the highest and best utilization of all its port facilities.

(d) The payment or promise to pay rental does not give a licensee or permittee any vested interest in the use of any dock at any time.

3. Rental. In return for the use of the mooring, the licensee or other person or vessel using the dock shall pay a rental in accordance with the schedule approved by the city and borough assembly. Payment shall be made within 30 days of the date of billing to: City and Borough of Juneau, 155 South Seward, Juneau, Alaska 99801. Interest at 8% per annum shall be charged on any balance due 30 days after the billing date. Any licensee which is 60 or more days in arrears on rentals will be denied mooring rights, notwithstanding any license or other agreement or permit to use a dock. Licensees and others who have not established satisfactory credit with the city and borough of Juneau will have use of a dock on a cash basis only.

4. Loss or Damage to Docks. The licensee or other person or vessel using a dock shall be strictly liable, without regard to negligence, for any loss of, or damage to, city-borough property incurred as a result of the use by the licensee or permittee, and shall make such restoration or repair, or monetary compensation, as may be directed by the city and borough.

5. Indemnification. The use of a dock by any person or vessel for any purpose constitutes an agreement between the city and borough and such user that it agrees for itself, its successors and assigns, by operation of law or otherwise, to hold harmless the city and borough of Juneau, and to assume full responsibility for, and to defend, pay or otherwise settle any and all claims, demands, actions or causes of action of every nature and character whatsoever in law or equity for loss, damage or injury to any and all persons or property arising out of such use by the user. Such user further agrees to release and discharge the city and borough of Juneau, including any department or agency thereof, its agents and any and all employees, officers and contract personnel, their heirs, successors, executors, administrators, or assigns from any and all liabilities, claims, demands, actions or causes of action, of every nature whatsoever arising out of such use by the user, and

to indemnify and hold harmless the city and borough of Juneau (including any department or agency thereof), its agents, successors, or assigns from any loss or damage suffered by reason of such use by the user.

6. Winching In. No person using a dock shall "winch in" or place any undue strain upon the dock facility. When determined necessary by the manager or his designee, mooring shall be assisted by tugs. When, in the judgment of the manager or his designee, the use of a dock by any person or vessel may cause damage to the dock, the manager or his designee may deny such person or vessel the use of the dock.

7. Storage. (a) No person may store or leave personal property of any type on any dock except in accordance with the terms of the license executed or other agreement or permit granted by the city-borough, and in no case may a person store property on any dock except as provided in these regulations. The manager or his designee shall approve in advance the location where any personal property is to be stored and may, if he determines conditions warrant, revoke or modify such approval.

(b) The city and borough may remove and store any property on a dock which is not stored in accordance with this regulation. The city and borough assumes no liability for such property nor for any consequences of the removal of such property. The city and borough shall charge the owner of such property all costs of removal and storage, and such charge shall be paid by the owner before such property is released to him.

8. Juneau Lightering Dock. (a) Vessels which anchor in Gastineau Channel and will be loading or unloading passengers and crew shall have exclusive use of the Juneau Lightering Dock during their lightering operations. Shipline companies operating a tour ship shall have first priority and all other vessels having to lighter shall have second priority. Use for loading and unloading passengers by vessels or aircraft on a per stop basis shall have third priority with use on a first come, first served basis.

(b) No fee for the use of the lightering dock shall be charged a vessel which has paid the regular docking fee but has been unable to complete its loading or unloading while docked.

(c) Commercial vessels or aircraft may use the facility for a reasonable period of time for the purpose of loading and unloading. Any vessel or aircraft not actually

in the process of loading or unloading shall vacate the lightering dock immediately upon request if it is needed by other vessels or aircraft. Commercial vessels or aircraft not complying with this section may be denied future use of the dock or have their license revoked.

(d) No vessel or aircraft, whether commercial, non-commercial, or governmental, may be left unattended at the dock. The operator of the vessel or aircraft must remain aboard the boat or on the dock. The vessel or aircraft is considered unattended if the person on the dock, vessel, or aircraft is not able to move the vessel or aircraft from the dock immediately when requested to do so.

(e) The owner or operator of the vessel or aircraft found to be in violation of Section 9(d) shall pay an administrative fine of \$50.00 for each offense. The manager or his designee may impound or move a vessel or aircraft which is left unattended and is impeding the use of the dock by other vessels. Any vessel or aircraft impounded or moved shall be subject to a \$50.00 impound or moving fee. The vessel may be chained to the lightering dock or may be moved to another facility at the owner's or operator's expense. In addition to the impound or moving fee and fine, the owner or operator shall be responsible for all fees and charges arising from berthing the vessel or aircraft at another facility to which it is moved.

(f) Vessels in excess of 50 feet and 100 tons with a two foot sea may not use the lightering dock. During heavy weather or for other reasons, the manager or his designee may reduce these requirements.

10. Services Not Provided by the City-Borough. Any owner or operator which requires services not provided by the city and borough (telephone, electric power, etc.) may have these services installed with the written approval of the manager or his designee. The cost of installation, removal, repairs, and the service shall be borne by the owner or operator.

11. Addition or Alterations to Dock. Any additions to or alterations of the licensed dock or facilities which the licensee shall consider necessary or desirable in connection with its use and occupancy shall be made only with the prior approval and consent of the city and borough and at the sole cost and expense of the licensee. Upon revocation, expiration, cancellation, or surrender of the license and to the extent directed by the city and borough, the licensee shall remove all alterations, additions, betterments and improvements made, or installed, and restore the

dock and facilities to the same or as good condition as existed on the date of entry under the license, reasonable wear and tear excepted. The licensee shall have the right to remove only such additions, betterments or improvements as are authorized by the city and borough.

12. Fees. Fees for licenses, permits, or use of a dock shall be established by resolution.

13. Repeal of Resolutions. Resolution Serial Numbers 244, 441, 520, and those parts of all other resolutions dealing with regulation of the use of the city and borough dock facilities are repealed.

Adopted this 5th day of June, 1980.

  
Mayor

Attest:

  
Clerk