

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 05, Chapter 40 SMALL BOAT HARBOR MOORAGE MANAGEMENT REGULATIONS

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, and CBJ 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by the adoption of regulations in Title 05, Chapter 40 as follows:

05 CBJAC 40.065 - Vessel anchoring requirements. ~~(Reserved).~~

- (a) Purpose. City and Borough tide and submerged lands are managed to allow limited anchoring opportunities while maximizing public use and enjoyment of that property, minimizing interference with navigation, and equitably managing uses.
- (b) Applicability. These regulations apply to all tide and submerged lands owned, leased, or managed by the City and Borough of Juneau. The term vessel in these regulations means all vessels, watercraft, logs, piling, building material, scow, houseboat, structures, and any other article of value. These regulations do not apply to City and Borough of Juneau vessels or vessels owned or operated by authorized agents of the City and Borough of Juneau.
- (c) Anchoring requirements.
 - (1) A person may anchor a vessel for up to 24 hours without a permit. No person may anchor a vessel or raft to an anchored vessel in one location or within two miles of one location for more than 24 hours unless first having received a permit from the Port Director.
 - (2) A vessel anchored out shall use standard anchoring tackle as designed for the vessel and local conditions.
 - (3) A permanent mooring system is prohibited.
 - (4) No person shall anchor, permit their vessel to be anchored, or raft their vessel to an anchored vessel in a manner that unreasonably or unnecessarily (i) constitutes a navigational hazard or (ii) interferes with another vessel.
 - (5) Anchoring is prohibited (i) under or near the Juneau-Douglas bridge, (ii) in or adjacent to the entrance of the boat harbors, (iii) in or adjacent to heavily traveled corridor, and (iv) adjacent to the port.

- (6) A vessel violating any of these regulations is deemed a public nuisance. In addition to other legal authorities, the Port Director may abate, dispose, or impound a vessel as provided by sections 85.25.120 and 85.25.180.
- (d) Permits. The owner, operator, master, or managing agent of a vessel must submit an application for an anchoring permit on a form provided by the Port Director.
- (1) Short Term Permit. The Port Director may issue a short term permit for a vessel anchoring out for 14 or fewer days in one location.
- a. There shall not be a fee, no proof of insurance required, and no proof of an approved marine sanitation system for a short term permit.
 - b. Upon expiration of the short term permit, the vessel shall be moved more than two miles from the permitted short term anchorage location. A vessel subject to a short term permit is prohibited from receiving another short term permit for the same geographical area, as determined by the Port Director, within 13 days of the expiration of the prior permit.
 - c. The Port Director may attach other reasonable terms and conditions as necessary to protect public health, safety, and welfare.
- (2) Long Term Permit. The Port Director may issue a long term permit for a vessel anchoring out for 14 to 90 days. No vessel may receive a long term permit or a combination of permits for anchorage of more than 90 days in any twelve month period.
- a. A \$100.00 non-refundable application fee is required to apply for a long term permit. In addition, the daily fee for anchorage is \$0.25 per foot.
 - b. The vessel owner must demonstrate that they have enough insurance coverage for recovery of the vessel if it should sink, damage CBJ property, or discharge a hazardous material. A performance guaranty (damage deposit) in an amount determined by the Port Director is required if the Port Director finds the condition of the vessel and the contents on or associated with the vessel present a higher risk of loss or damage.
 - c. The vessel owner must show the vessel is equipped with an approved marine sanitation system pursuant to 05 CBJAC 45.010 and comply with the requirements, compliance, and inspections of 05 CBJAC 45.015.

d. The Port Director may attach other reasonable terms and conditions as necessary to protect public health, safety, and welfare.

(3) Permit Refusal and Revocation. The Port Director may, in the Port Director's discretion, refuse to issue or revoke a permit and provide a written explanation. Such an explanation may be based on the following non-exclusive list of factors: condition of the vessel; a vessel or the contents on or associate with the vessel are or are likely to become a hazard; when the anchorage would likely interfere with another vessel or a traffic corridor; when there is insufficient space for the vessel; when the anchorage would unreasonably risk public health, safety, or welfare; when anchorage is not in the public's best interest; or the failure to comply with any law related to the anchored vessel or use of Dock and Harbor property or facilities.. The Port Director may also revoke a permit upon probable cause that a violation of these regulations occurred. Unless circumstances warrant immediate revocation, the Port Director shall provide reasonable notice of revocation. Upon revocation, the applicant shall be entitled to a pro rata refund of anchorage fees paid in advance, if any, less any other fees or charges the City and Borough of Juneau may have against the vessel, its owner, operator, master, or managing agent.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on _____, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: _____

Carl Uchytel
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

(1) Consistency with federal and state law and with the charter, code, and other municipal regulations;

(2) The existence of code authority and the correctness of the required citation of code authority; and

(3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

Robert H. Palmer, III
Assistant Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of _____. They were adopted by the Assembly.

Date: _____

Laurie J. Sica, Municipal Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at ___:___ a.m./p.m. on the ____ day of _____, _____.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: _____.

Date: _____

Laurie J. Sica, Municipal Clerk