

REGULATIONS OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

**Amendment of Title 05, Chapter 15
FEES AND CHARGES**

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

Section 1. Authority. These regulations are adopted pursuant to CBJ Ordinance 01.60, 85.02.060, and 85.02.100.

Section 2. Amendment of Section. 05 CBJAC 15.060 is amended to read:

05 CBJAC 15.060 Vessel lightering fee.

- (a) *Definition.* The charge assessed to vessels for dropping-off or picking-up passengers at the ~~Marine Park Lightering Float~~ **Port Field Office Float** or the Intermediate Vessel Float.
- (b) *Applicability and basis for computing charges.* A vessel lightering fee shall be assessed to any vessel over 100 gross register tons, carrying more than 100 passengers-for-hire which makes voyages lasting more than 24 hours, of which any part is on the high seas when such vessels lighter passengers to the Intermediate Vessel Float or the ~~Marine Park Lightering Float~~ **Port Field Office Float**. Gross tonnage means the gross tonnage measurement of the vessel under 46 U.S.C. Chapter 143 or Chapter 145. The Port reserves the right to obtain the gross tonnage from the vessel's register.
- (c) *Vessel lightering fee period.* The period of time which the vessel lightering fee shall be assessed shall commence when the first lightering tender is made fast to an allocated berth or moored, comes within a slip, and shall continue until the last lightering tender such vessel casts off and has vacated the position allocated, or terminates lightering operations. All time is counted and no deductions are allowed because of weather or other conditions, except when the Port Director provides for such allowance for good cause shown.
- (d) *Charges when a vessel shifts to different berth.* When a vessel is shifted directly from one position to another berth or slip, or shifts lightering operations, the total time at such berths or slips, or lightering operation shall be combined when computing the lightering fee.
- (e) *Vessel lightering fee assessment:*

Unit	Charge
Each 24-hour period or portion thereof	\$600.00 \$1,700.00

(1) For each calendar year after 2022, the fee assessment will be equal to the previous year's fee, adjusted by the Consumer Price

Index – Urban Alaska (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the seasonal cruise vessel year, unless the Docks and Harbors Board takes action to keep the fee the same as the previous year.

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 November **XX**, 2021, 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 Uchtyl
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) Its 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 following each section; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: _____

Robert H. Palmer III
Municipal Attorney

Assembly Review

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

Date: _____

Elizabeth J. McEwen, 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: _____

Elizabeth J. McEwen, Clerk