

Title 15

Harbors and Boat Moorage

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Chapter 15.04 General Provisions*

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- 15.04.010 Purpose.
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- 15.04.030 Registration with Harbormaster.
- 15.04.031 Establishing a Stall Waiting List
- 15.04.040 Moorage charges.
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15.04.010 Purpose. This title shall be deemed in exercise of the powers of the City Council for the protection, safeguarding and orderly moorage and control of boats, and for the protection and general welfare of the public, and all of its provisions shall be liberally construed for the accomplishment of that purpose. (Prior code Sec. 8.005(a))

15.04.020 City facilities use--Responsibility. The use of any city-owned or operated mooring facilities automatically gives permission to officers of the City to board boats for the purpose of enforcing this title and other city ordinances, and to move said boats as necessity or emergencies require. The City assumes no liability for loss or damage to boats moored at any such facility or for the movement thereof. (Prior code Sec. 8.005(b))

15.04.030 Registration with Harbormaster. Every act or statement required to be made by a vessel owner or agent of such owner shall be made, by the

* For statutory provisions regarding general city powers see AS Secs. 29.35.010 and 29.35.250.

owner of the boat and person, or if by an agent, the necessity thereof shall be stated and shown; provided, that the operator of any vessel shall, for the purposes of this act, be considered the legal agent or the owner. It shall be the duty of the operators of all boats tying up to facilities in the small boat harbor to register with the Harbormaster, giving the name and ownership, overall length, beam and draft of said boats. (Prior code Sec. 8.005(c))

15.04.031 (a) Establishing a Harbor Stall Waiting List. The Harbormaster shall establish and maintain a reserved stall waiting list or lists. The list(s) shall include the sign up date, the name, address, and telephone number of the applicant, the stall size requested, and any other information requested by the Harbormaster and payment of a fifteen-dollar fee. An applicant shall notify the Harbormaster in writing of any change of address or telephone number immediately. (Ord. 89-1)

B. Any individual, partnership, corporation or governmental agency may apply for use of a reserved stall. All applicants, except government agencies, shall designate a single individual whose name shall appear on the waiting list and who shall be responsible for payment of all fees. Any changes in the individual designated may result in the applicant's loss of priority on the waiting list, except as specifically provided in subsection 15.04.031(f)

C. Separate lists may be maintained by the Harbormaster for different stall sizes available in the boat harbor. An applicant or reserved stall licensee may be placed on one or more of these lists.

D. The Harbormaster shall place applicants on the waiting list on a first-come/first-served basis and only upon receipt of all requested information and payment of the annual waiting list fee of fifteen dollars. The annual waiting list fee will be accepted only from the individual whose name appears on the waiting list. The fee is neither refundable nor creditable to the berth lessee.

E. An applicant need not own or operate a vessel to be placed on the waiting list.

F. Upon the death of an applicant, the applicant's rank on the waiting list shall be transferred to the surviving spouse upon written request to the Harbormaster.(Ord. 89-1)

15.04.040 Moorage charges. A schedule of mooring charges and service fees shall be established by non-code ordinance of the Council and shall be subject to review and revision as occasion demands. (Ord. 80-21 Sec. 2, 1980: Ord. 80-4 Sec. 2, 1980)

15.04.050 Electrical charges. A schedule of electrical charges shall be established by resolution of Council and shall be subject to review and revision as occasion demands. (Ord. 81-12)

Chapter 15.08 Definitions

Sections:

- 15.08.010 Boat.
- 15.08.020 Length.
- 15.08.030 Operator.
- 15.08.035 Reserved Mooring.
- 15.08.040 Small boat harbor.
- 15.08.050 Transients.
- 15.08.060 Waterway.
- 15.08.070 Abandoned.

15.08.010 Boat. "Boat" means any watercraft, used for navigating any waterways, in or upon or docked or moored at any place in any waterway within the boundaries of the City. Boats do not exceed one hundred fifty feet. (Ord. 80-4 Sec. 3, 1980)

15.08.020 Length. "Length," as used herein, means the overall length. (Prior code Sec. 8.010(b))

15.08.030 Operator. "Operator" means any person who is in actual physical control of a boat, vessel, ship or any other means of waterborne transportation. (Prior code Sec. 8.010(c))

15.08.035 Reserved mooring. "Reserved mooring" means having a specific assigned stall, the use of which, after payment of reserved mooring fees, takes precedence over the use of the stall by any other vessel. (Ord. 80-4 Sec. 5, 1980)

15.08.040 Small boat harbor. "Small boat harbor" means that area of water bounded by the rock break waters constructed by the federal government and by the line of mean higher high water on the shore line within these breakwaters, including the dock, floats, berths and gridiron. (Prior code Sec. 8.010(e))

15.08.050 Transients. "Transient" means any boat using the mooring space on a temporary basis or which does not have a specific reserved mooring space. (Ord. 80-4 Sec. 4, 1980)

15.08.060 Waterway. "Waterway" means any waters, lake river, tributary, slough or lagoon within the corporate boundaries of the City. (Prior code Sec. 8.010(d))

15.08.070 Abandoned. "Abandoned" means any undocumented vessel

moored or otherwise located within the boundaries of the Seldovia Harbor which is forsaken, abandoned, deserted, or cast away, which by appearances give evidence of being forsaken, abandoned, deserted, or cast away, or which in the opinion of any recognized marine surveyor is unsound, unseaworthy and unfit for its trade or occupation and which by any substantial evidence of neglect may be considered abandoned. (Ord. 86-8 Sec. 1, 1986)

Chapter 15.12 Boat Operation

Sections:

- 15.12.010 Speed limit.
- 15.12.020 Under intoxicating influence.
- 15.12.030 Equipment requirements.
- 15.12.040 Muffled exhaust.
- 15.12.050 Emitting noises.

15.12.010 Speed limit. It is unlawful for any person to operate a boat at such speed within any waterway that its wake, wash or wave action will damage, endanger or cause undue distress to any other boat or occupant thereof, and it shall be unlawful for any person to operate a boat in a reckless or negligent manner or at a speed which would endanger persons, property or other boats, all regardless of established or posed speed limits. (Prior code Sec. 8.020(a))

15.12.020 Under intoxicating influence. No person shall operate a boat in any waterway while under the influence of intoxicating liquors, narcotic drugs or opiates. (Prior code Sec. 8.020(b))

15.12.030 Equipment requirements. No person shall operate a boat which does not meet all applicable equipment requirements of the United States Coast Guard. (Prior code Sec. 8.020(c))

15.12.040 Muffled exhaust. No person shall operate a boat with outboard motor or with inboard motor unless it is equipped with adequately muffled exhaust. (Prior code Sec. 8.020(d))

15.12.050 Emitting noises. No person shall use any siren or other noise producing or noise amplifying instrument on a boat in such a manner that the peace is disturbed; provided, however, that nothing in this section shall be construed to prohibit the use of whistles, bells or horns as signals as required by the United States Motor Boat Act or other law for the safe navigation of motor boats or vessels. (Prior code Sec. 8.020(e))

Chapter 15.14 Set Nets and Gill Nets

Sections:

15.14.010 Prohibition of set nets and gill nets within the stated waters of the city limits.

15.14.010 Prohibition of set nets and gill nets within the stated waters of the city limits. Prohibition of set nets or gill nets within the Seldovia Slough, within an area of one hundred feet on either side of the Seldovia City boat haul out and the Seldovia Small Boat Harbor and within a two hundred fifty foot area on the northwest side of the main entrance of the Small Boat Harbor of Seldovia and to the northern-most point of land of the Seldovia East Addition next to the southeast side of the breakwater: No person shall and it is unlawful to place subsistence or commercial set nets or gill nets in water within the said areas of the city limits of the City of Seldovia. (Ord. 96-12A)

Chapter 15.16 Small Boat Harbor

Sections:

- 15.16.010 Loading dock.
- 15.16.020 Gridiron.
- 15.16.030 Floats--Kept free of objects.
- 15.16.040 Emergency services.
- 15.16.050 Raising sunken boats.
- 15.16.060 Dumping debris prohibited.
- 15.16.070 Occupant to keep area neat.
- 15.16.080 Skiffs attached to boat.
- 15.16.090 Welding prohibited on float.
- 15.16.100 Float assignment.
- 15.16.110 Services of Harbormaster.
- 15.16.120 Mooring without payment prohibited.
- 15.16.130 Float bumpers.
- 15.16.140 Wheeled vehicles on float facilities.
- 15.16.150 Anchoring prohibited where.
- 15.16.160 Children under twelve on or near floats.
- 15.16.165 Dogs on float facilities.
- 15.16.170 Combustible liquids.
- 15.16.180 Mooring fees--Collections.
- 15.16.190 Mooring agreement.

15.16.200 Fees--Miscellaneous Services.

15.16.210 Live-aboard Policy.

15.16.010 Loading dock. The loading dock in the small boat harbor is open to the public without charge, but moorage at said dock is limited to the period of actual loading and unloading operations only. (Prior code Sec. 8.025(a))

15.16.020 Gridiron. The gridiron in the small boat harbor is open to the public on a reserved basis, according to scheduled fees. (Ord. 80-4 Sec. 6, 1980)

15.16.030 Floats--Kept free of objects. All floats shall be kept clear of any objects or items that are not appurtenances to the floats. Any such items found on the floats are subject to impoundment. Impounded items will be released after proof of ownership and payment of an impoundment fee. Items not claimed within ninety days may be sold by the City. (Ord. 80-4 Sec. 7, 1980)

15.16.040 Emergency services. Boats requiring emergency service by city employees will be charged for such service by the City at cost. (Prior code Sec. 8.025(d))

15.16.050 Raising sunken boats. The actual cost of raising and moving sunken boats will be charged to the owner. In all instances, attempts shall be made to notify the owner or operator of the boat before such action is taken by the City. Abandoned boats will be impounded and after ninety days, if not reclaimed, sold at public auction otherwise disposed of as authorized by law for the disposition of such personal property. (Ord. 74-34 Sec. 1(part), 1974; prior code Sec. 8.025(e))

15.16.060 Dumping debris prohibited. No person in charge of or occupying any boat shall dump or throw garbage, paper, bottles, cans or debris into the waters or onto the floats at the small boat harbor. The Harbormaster shall provide garbage cans of sufficient size and number, to be mounted on racks on the loading dock, for collection by the garbage collector. No person shall pump bilges containing oil or gasoline or transferred gasoline or any other highly inflammable liquid or substance within the confine of the small boat harbor. (Prior code Sec. 8.025(f))

15.16.070 Occupant to keep area neat. Persons in charge of or occupying boats shall at all times keep the floats and premises adjacent to such watercraft in a neat and orderly condition, free from trash, rubbish, repair parts, machinery equipment and debris of all kinds. (Prior code Sec. 8.025(g))

15.16.080 Skiffs attached to boat. No boat moored within the small boat harbor shall have skiff tied along the side or stern except when actually in use. (Prior code Sec. 8.025(h))

15.16.090 Welding prohibited on float. For the safety of the general public and protection of the boat float, there shall be no welding on the boat float.

Violators of this section shall be subject to the general penalty provision in Section 1.08.010 of this code. (Ord. 89-12, Ord. 74-34 Sec. 1(part), 1974: prior code Sec. 8.025(i))

15.16.100 Float assignment. Float assignments and other mooring spaces shall be designated by the Harbormaster and his decision shall be final. (Ord. 75-10 Sec. 2, 1975)

15.16.110 Services of Harbormaster. The Harbormaster is granted the power and authority to, from time to time as circumstances require but without any obligation or duty to do so, and without any obligation or liability on his part or that of the City for his failure to do so, replace defective mooring lines, attach additional mooring lines, pump vessels which are in a dangerous condition for lack of pumping, and to move any boat for the purpose of protecting such boat from fire or other hazard or for the protection of other vessels or property therefrom. (Ord. 75-10 Sec. 3, 1975)

15.16.120 Mooring without payment prohibited. It is unlawful for any person to moor, berth, tie, attach or connect to any harbor improvement or facility, any vessel, or other waterborne structure for an overnight period without paying rental charges. (Ord. 80-4 Sec. 8, 1980)

15.16.130 Float bumpers. Float bumpers made from used tires, rope, old fire hose, etc., shall not be secured either permanently or temporarily to the float system under any circumstance. The lessee may install standardized premolded rubber, vinyl bumpers of commercial manufacture if so desired. (Ord. 75-10 Sec. 5, 1975)

15.16.140 Wheeled vehicle on float facilities. There shall be no driving of any wheeled bicycle or wheeled or tracked motorized piece of equipment upon the float facilities, except equipment authorized by the Harbormaster. (Ord. 75-10 Sec. 6, 1975)

15.16.150 Anchoring prohibited where. Anchoring in open areas in the small boat harbor is prohibited. (Ord. 75-10 Sec. 7, 1975)

15.16.160 Children under twelve on or near floats. It is unlawful for any children under the age of twelve years to be on or near any float or dock within the city harbor, unless accompanied by an adult. (Ord. 75-10 Sec. 8, 1975)

15.16.165 Dogs on float facilities. Only dogs at heel or on a leash shall be allowed on floats to and from boats. Owners are responsible for messes and damage caused by their dog. (Ord. 90-06, Ord. 84-3 Sec. 2, 1984)

15.16.170 Combustible liquids. It is unlawful for any person to store upon any of the floats, docks or gangways owned, constructed or maintained by the City, any gasoline, lubricating oil or other combustible liquids or oils of any nature or

description. (Ord. 75-10 Sec. 9, 1975)

15.16.180 Mooring Fees--Collections. Mooring fees shall be paid in accordance with the published schedule. Delinquent accounts for stall rentals are cause to have the stall cancelled and are subject to the collection in accordance with the credit policy adopted by the CouncilCity Council and in effect. All mooring, grid, energy and other miscellaneous harbor fees shall constitute a lien against the vessel, its tackle, gear, appurtenances and other similar property of the owner or operator. (Ord. 87-17 Sec. 4, 1987)

15.16.190 Mooring agreement. As a condition precedent to securing of moorage space each owner or authorized agent shall, in writing, agree to the removal of his boat by the Harbormaster in the event of delinquent fees. All cost of removal of any boat shall be at the owner's expense and risk. (Ord. 80-4 Sec. 10, 1980)

15.16.200 Fees for miscellaneous harbor services. A fee of \$10.00 a day will be paid by any vessel not paying moorage in Seldovia for any use of these harbor facilities: fresh water, cleaning station, fish weighing scales and carcass pens. Said payment shall be made for day rate before usage, to Harbormaster's office. (Ord 89-18)

15.16.210 Live-aboard Policy. A. A person living aboard a boat in the Seldovia Boat Harbor for fifteen days within any thirty-day period is considered a live-aboard for purposes of this section.

B. Pets may be kept on a live-aboard vessel at the discretion of the Harbormaster.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard.

D. Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacturer's specifications.

E. Live-aboards shall be current on all moorage and other boat harbor charges to be able to occupy a vessel for this purpose.

Live-aboard fees shall be established by a non-code ordinance of the City Council. (Ord. 94-01)

Chapter 15.20 Enforcement

Sections:

Title 15-8
12/26/90; 6-11-2008

- 15.20.010 Enforcing officer.
- 15.20.020 Harbormaster duties.
- 15.20.030 Moorage refusal to violators.
- 15.20.040 Citations.
- 15.20.210 Live-aboard Policy.

15.20.010 Enforcing officer. The Chief of Police of the City shall have direct supervisory responsibility for all city moorage facilities and waterways and is authorized to enforce the provisions of this title. (Prior code Sec. 8.015(a))

15.20.020 Harbormaster duties. A Harbormaster, who shall have police power on the floats and loading zone, shall be appointed by the City Manager as an officer of the City. The Harbormaster shall be assigned to enforce the provisions of this title; shall establish adequate fire and security watch; maintain within working hours an adequate log of the registration data of all boats using small harbor facilities showing the dates of occupancy of berthing facilities; establish rule for the mooring of occupancy of berthing facilities; establish rule for the mooring of boats in specified areas so as to facilitate movement of traffic in the small boat harbor facilities showing the dates of occupancy of berthing facilities; establish rules for the mooring of boats in specified areas so as to facilitate movement of traffic in the small boat harbor, such regulations to be based upon the length and draft; collect fees established by the Council and pay over such fees to the City clerk-treasurer. It is the Harbormaster's duty to recommend or prepare budget input and to exercise full control within the budgetary limits established, with Council approval. (Ord. 80-12 Sec. 1, 1980; Ord. 80-4 Sec. 11, 1980)

15.20.030 Moorage refusal to violators. In addition to the penalties provided by this code, the City will refuse moorage facilities to violators of this title or persons in arrears of authorized fees and charges. (Ord. 80-4 Sec. 12, 1980)

15.20.040 Citations. Violators of the provisions of Chapter 15 of the City code, will be cited and a fine will be levied as follows: first offense, \$10.00; second offense, \$25.00; third offense, \$35.00; fourth offense, mandatory court appearance. (Ord. 81-14, 1981)

Chapter 15.30 Harbor Advisory Commission

Sections:

- 15.30.010 Commission--Creation and membership.
- 15.30.020 Commission--Terms of members.

15.30.030 Proceedings of the Commission.

15.30.040 Duties and responsibilities of the Commission.

15.30.010 Commission--Creation and membership. A. There is created the City of Seldovia Port and Harbor Advisory Commission, referred to in this chapter as the Commission. Such Commission will be made up of seven (7) members, of which a minimum of five members shall be Seldovia harbor users, who shall be nominated by the Mayor from a list of potential candidates provided by the Commission and others who may apply and confirmed by a majority of City Manager the City Council. The City Treasurer or a duly appointed representative of the City Treasurer shall be appointed to one seat on the Commission. (Ord. 93-1; Ord. 00-09)

B. A chairman and vice-chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members.

C. The Mayor, the City Manager, and the Harbormaster shall serve as consulting members of the Commission in addition to the seven appointive members, and may attend all meetings as consultants, but shall have no vote. (Ord. 88-9, 1988)

15.30.020 Commission--Terms of members. A. Members of the first Commission shall be appointed for the following terms:

1. Three members shall be appointed for three-year terms.
2. Two members shall be appointed for two-year terms.
3. Two members shall be appointed for one-year terms.

B. At the end of the respective terms set forth in subparagraph (A) of this section, members shall be appointed for full three-year terms.

C. Any Commissioner who shall have two (2) successive unexcused absences shall be recommended to the City Council for removal by a majority vote of the Commission. (Ord. 88-9, 1988; Ord. 93-1)

15.30.030 Proceedings of the Commission. The Commission shall conduct a public meeting no less than once every three months, or at the call of the chairman. The chair may schedule a work session at any time. Permanent records and recorded minutes shall be kept of Commission proceedings and such minutes shall record the vote of each member upon every question. All minutes, decisions and findings shall be filed in the office of the City Clerk, and shall be a public record open to inspection by any person. Every decision and finding shall be directed through the City Manager to the City Council at the earliest possible date. The City Manager shall respond in a timely manner to any requests for information from the Commission, and shall be available to attend any of the Commission meetings as requested. (Ord. 88-9, 1988; Ord. 93-1; Ord. 00-09)

15.30.040 Duties and responsibilities of the Commission. A. It shall be the duty of the Commission to act in an advisory capacity to the City Manager and the City Council on the problems and development of the city port and harbor facilities.

Consideration shall include the physical facilities, budget suggestions, user fee structure, possible future development and recommendations on land use within the port and harbor areas, and other considerations the Commission deems important. (Ord. 00-09)

B. The daily operation and maintenance of the port and harbor are the direct responsibility of the City Manager and the Harbormaster at the direction of the City Manager. Any recommendation the Commission or a Commission member may have regarding the operation and maintenance of the facilities is to be directed to the City Manager, not a port or harbor employee. (Ord. 00-09)

C. The Commission shall consider any specific proposal, problem or project as directed by the City Council, and the City Manager. (Ord 00-09)

D. The Commission shall by May 1st of each year submit to the harbor department suggestions for a proposed harbor budget for the coming fiscal year identifying both the expenses and sources of revenue. Administrative costs shall total no more than 15% of the total harbor budget. (Ord. 00-09)

E. The City Council may at a future date expand or withdraw duties and responsibilities of the Commission. (Ord. 88-9, 1988; Ord. 00-09)