

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

ADOPTION OF REGULATION AMENDMENTS

Title 05 Chapter 10 – Waterfront Sales Permits, Tour Sales Permits

Title 05 Chapter 20 – Small Boat Harbor, Reserved Moorage Waitlist Fee

Title 05 Chapter 20 – Small Boat Harbor, Harbor Fee Policy

Title 05 Chapter 35 – Small Boat Harbor, Transient Moorage Management Fees

Title 05 Chapter 40 – Small Boat Harbor, Moorage Management Regulations

Title 05 Chapter 45 – Small Boat Harbor, Auke Bay Loading Facility

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 Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 10 Waterfront Sales Permits to read:

05 CBJAC 10.040 Tour sales permits.

(a) Application process and permit award.

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(3) *How the permits are awarded.* The port director will manage and award the permits by public outcry auction. The minimum bid for a permit is ~~\$30,000.00~~ \$35,000. Applicants meeting the permit eligibility requirements set out in 05 CBJAC 10.030(f) will be allowed to bid on a permit provided the applicant posts a ~~\$30,000.00~~ \$35,000 bid bond payable to CBJ. The applicant must agree to forfeit the bid bond in the event the applicant does not honor a winning bid on a permit.

Section 3. Amendment of Regulation. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 20 Small Boat Harbor Fees and Charges, to read:

05 CBJAC 20.010 Small boat harbor fee policy.

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(r) *Collection accounts.* If a person has had a previous account with Docks and Harbors sent to collections, the person shall not be able to moor a vessel until the collection account has been paid in full. Should the person moor their vessel without settling all accounts, the vessel is deemed abandoned and immediately subject to the impound process under CBJ 85.25.130.

- (s) *Habitual Offenders.* Any person who has been subject to impoundment proceedings or had an account sent to collections in the previous 24 months, shall be required to pre-pay for their moorage.

Section 4. Amendment of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 35 Small Boat Harbor Transient Moorage Management, to read:

05 CBJAC 35.060 Fees.

Persons using transient moorage must pay fees in accordance with CBJ Administrative Code Title 05, Chapter 20 and as set forth below.

(a) *Uninsured Vessel Surcharge.*

- (1) Prior to obtaining a moorage assignment, CBJAC 40.035, 050, 055, or 065, the owner of a vessel must:
 - (i) provide the Harbormaster with proof of current marine insurance showing, at a minimum, the owner's name, information identifying the vessel, and the dates of insurance coverage; or
 - (ii) pay a non-refundable moorage surcharge of \$1.50 per foot per month.
 - A. As of January 1, of each year, should the actual vessel disposal costs vary more than 20% from the annual amount collected, Docks and Harbors will adjust the rate to no less than \$1.00 per foot per month and no more than \$3.00 per month to make up for the difference. The new rate must be approved by the Board no less than 30 days prior to implementation.
 - (iii) Vessels paying the daily moorage rate are exempt from paying this surcharge.
- (2) The funds collected from the moorage surcharge under this regulation will be used to pay for the unrecoverable costs attributable to vessel salvage and disposal activities in the small boat harbors.
- (3) This regulation does not relieve an owner from the responsibility to pay fees as set out in CBJ Ordinance Title 85 or regulations adopted thereunder and does not constitute marine insurance.

Section 5. Amendment of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 40 Small Boat Harbor Moorage Management Regulations, to read:

05 CBJAC 40.010 General moorage management policy.

(g) ~~Vessel salvage and disposal.~~ *Uninsured Vessel Surcharge.*

- (1) Prior to obtaining a moorage assignment pursuant to CBJAC 40.035, 050, 055, or 065, the owner of a vessel must:

...

- (ii) pay a non-refundable moorage surcharge of ~~\$-.031~~ \$1.50 per foot per month.

- A. As of January 1, of each year, should the actual vessel disposal costs vary more than 20% from the annual amount collected, Docks and Harbors will adjust the rate to no less than \$1.00 per foot per month and no more than \$3.00 per month to make

up for the difference. The new rate must be approved by the Board no less than 30 days prior to implementation.

(iii) Vessels paying the daily moorage rate are exempt from paying this surcharge.

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Section 6. Amendment of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 45 Small Boat Harbor and Port Facilities Use Regulations, to read:

05 CBJAC 45.050 Auke Bay Loading Facility.

(k) *Drive-Down Use Fees.* Notwithstanding any fee provision listed in 05 CBJAC 15 and 20, and 30, operators shall pay fees for use of the drive-down gangway and float as follows:

- (1) The owner of a vessel that ties up to the float shall pay daily moorage fees for each calendar day or portion thereof that the vessel remains affixed to the float, except that an owner may use the facility for up to two hours on any calendar day without incurring moorage. Vessels wanting to use the float will need to schedule in advance with the Harbormaster. Mooring a vessel without first contacting the harbor office constitutes unauthorized moorage and the vessel will be assessed the full daily moorage fee in accordance with 05 CBJAC 20.210.

Section 7. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJC 01.60.200 were followed by the agency. The notice period began on **XXXX, 2024**, 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 adopts these regulations as set forth above. The agency will next seek Assembly review and approval.

Date:_____

Carl Uchtyl, P.E.
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) Existence of code authority and the correctness of the required citation of code authority; and
- (3) Clarity, simplicity of expression, and absence of possibility of misapplication.

Regulations of Docks & Harbors

Amending 05 CBJAC 10; 05 CBJAC 20; 05 CBJAC 35; CBJAC 40; and 05 CBJAC 45

Date: _____

Emily Wright
Assistant 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
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: _____

Elizabeth J. McEwen
Municipal Clerk