

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

ADOPTION OF REGULATION AMENDMENTS

Title 05 Chapter 07 – Inactive Vessel Management

Title 05 Chapter 15 – Fees and Charges

Title 05 Chapter 20 – Small Boat Harbor Fees and Charges

Title 05 Chapter 25 – Statter Harbor Management Regulations

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. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 07 Inactive Vessel Management, to read:

05 CBJAC 07.010 Inactive vessel management.

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- (b) *Moorage areas designated for inactive vessels.* Certain moorage within Douglas, Harris, and Aurora Small Boat Harbors and at the National Guard Dock is designated as moorage eligible for use by inactive vessels. This Mmoorage includes the east side of the head float in Aurora Harbor,- ~~the area along~~ the east side of the head float in Harris Harbor, ~~and the west side of the area along~~ the head float in Douglas Harbor, and the National Guard Dock. Maps showing the moorage designated for inactive vessels are available at any of the harbor offices.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new costs on persons subject to the regulation.

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Section 3. Amendment of Regulation. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 15 Fees and Charges, to read:

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05 CBJAC 15.035 Reservation charge policy.

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(d) *Reservation confirmation and changes.* Payment is required for the first day of moorage for each visit at the time of reservation confirmation and is non-refundable. Cancelling a reservation will result in forfeiture of the reservation fee. Reservation dates can be adjusted until May 1 in the year of requested moorage at no additional charge if space is available. Starting May 1, reservation payments cannot be transferred to other dates; any change in dates will require forfeiture of the original reservation payment, and payment of an additional non-refundable reservation fee for the amended first day(s) of moorage. Failure to arrive within 24 hours after a reservation begins will result in cancellation of the remainder of the reservation and forfeiture of the reservation fee. Reservation payments are not transferrable between Downtown and Statter Harbor. All reservations made for a period of more than seven days will be paid in full at the time of reservation. The director may impose moorage terms and conditions that are reasonable and necessary to effectuate the purposes of CBJ Code of Ordinances Title 85 and CBJ Administrative Code Title 5.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new costs on persons subject to the regulation; however, patrons who reserve moorage for greater than seven day would forfeit reservation payment.

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Section 4. Amendment of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 20 Small Boat Harbor Fees and Charges, to read:

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05 CBJAC 20.050 Residence surcharge.

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(b) *Residence surcharge period and duty to report.* The residence surcharge will be assessed on a calendar month basis. The owner of the vessel is responsible for paying the residence surcharge. The owner of the vessel is responsible for immediately notifying the Harbormaster when their vessel is ~~being occupied and used by any person as a residence, dwelling, or abode, rented, or leased as a place of residence.~~ Any rental or leasing of a vessel by its owner must be for a period of no less than six months, subject to prior written approval by the Harbormaster. Rental for any period of less than six months and subleasing are not permitted. Once a vessel is in used as a residence, dwelling, or abode the Docks and Harbors Department will continue to assess the residence surcharge until the owner of the vessel gives written notice to the Harbormaster that the vessel is no longer used ~~for~~ as a residence, dwelling, or abode.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new costs on persons subject to the regulation.

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05 CBJAC 20.060 Recreational boat launch fees.

- (a) *Launch ramp permit required.* A boat trailer owner or vehicle owner (when launching vessels without a trailer) will obtain any and all necessary launch ramp permits for using one or more of the Douglas Harbor Boat Launches, the Harris Harbor Boat Launch, the North Douglas Boat Launch, the Statter Harbor Boat Launch, the Amalga Harbor Boat Launch, and the Echo Cove Boat Launch to launch and recover recreational vessels. Use of the Kayak Launch Ramps at Amalga Harbor and Statter Harbor is free and does not require a launch ramp permit.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new costs on persons subject to the regulation.

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05 CBJAC 20.090 Statter ~~Boat~~ Harbor Bus Lower Parking Lot permit fee.

- (a) *Definition.* The fee assessed to the owner of a vehicle for picking-up and discharging passengers for passenger-for-hire activities at the Statter Harbor Bus Lower Parking Lot.
- (b) *Requirements.* The owner of a vehicle using the Statter Harbor Bus Lower Parking Lot to pick-up and discharge passengers for passenger-for-hire activities must apply to and obtain a permit from the Harbormaster. Applications are available at any of the Docks and Harbor Department Offices. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and payment of fees.
- (c) *Fees.* The Harbormaster shall assess permit fees to the owner of a vehicle using the Statter ~~Boat~~ Harbor Bus Lower Parking Lot to pick-up and discharge passengers for passengers-for-hire activities as follows:

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220 (b). This proposed change would not impose new costs on persons subject to the regulation.

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05 CBJAC 20.110 Crane use fees.

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- ~~(b)~~ *Crane use requirements.* A person must obtain approval from the Harbormaster before using a hydraulic crane. ~~Crane use fees must be paid in advance.~~ A person may reserve use of the crane. Charges shall be assessed through an electronic key card issued by Docks and Harbors. ~~Payment of the crane use fee is required to obtain a reservation. The Harbormaster will require a person-~~

~~using the crane to post a bond or other guaranty before using a crane when the Harbormaster believes such security is necessary.~~

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change requires users to purchase a \$10 key FOB.

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05 CBJAC 20.130 Storage fees.

- (a) A person may apply to the Harbormaster for use of long-term storage space in designated areas. Except as provided herein, the fee for use of this space is \$0.50 per square foot per calendar month, or portion thereof. ~~A person who maintains a reserved moorage assignment may store one personal item of up to 200 square feet for \$0.25 per square foot per calendar month, or portion thereof.~~ The Harbormaster is authorized to issue permits and develop written procedures to implement this section.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed regulation change would impact the current sixteen patrons who store cumulative 1394 sf by increasing their (16) payment from \$349/month to \$698/month. Docks & Harbors estimates that an additional \$4182 per year could be collected as the result of this regulation change.

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05 CBJAC 20.160 Parking lot fees.

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- (2) From May 1 through September 30 each year, the fee to park in designated pay spaces at Don D. Statter Harbor Facilities shall be \$1.00 per hour or portion thereof, or \$5.00 per 24 hours or portions thereof, ~~or \$100.00 per calendar month or portion thereof.~~ ~~The number of monthly parking permits shall be managed and issued by the Port Director or representative.~~ From October 1 through April 30, the off-season monthly fee shall be ~~\$50.00 per calendar month or portion thereof.~~ The applicable fee must be paid in advance.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new costs on persons subject to the regulation; however, by deleting the summer monthly permit, Docks & Harbor could increase revenue \$2000/month or \$10,000/year. In 2022, the Port Director's representative established 40 as the number of available parking permits allowed per month.

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05 CBJAC 20.190 ~~Auke Bay Loading Facility Drive Down Float Fee~~ Reserved.

~~Auke Bay Loading Facility Drive Down Float shall be accessed at a fee of \$5.00 per vehicle/truck occurrence. Charges shall be assessed through an electronic key card issued by Docks and Harbors.~~

Section 5. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 25 Statter Harbor Management Regulations, to read:

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05 CBJAC 25.060 Summer management.

Except for a loading zone, from May 1 through September 30 each year, a vessel may moor at the facility, including the breakwater, for up to ten consecutive calendar days, after which the vessel must clear the facility, under its own power, for at least six consecutive hours. Vessels which do not clear the facility for at least six consecutive hours after any ten-day period shall be assessed the daily fee in accordance with 05 CBJAC 20.070. A vessel owner may request an exception to this rule by submitting a request in writing to the Harbormaster, who may grant the request in writing upon a showing of exigent circumstances by the vessel owner. Unless directed otherwise by the Harbormaster in accordance with procedures established under this regulation, all moorage during this period shall be on a first-come, first-serve basis.

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new fees on persons subject to the regulation; however patrons, in violation of the requirement to move every 10-days, would be charged \$0.61/LF/day in lieu of the monthly discounted charge of \$0.26/LF/day. The purpose of this regulation change to encourage compliance with 05 CBJAC 25.060.

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05 CBJAC 25.080 Winter management.

- (a) From October 1 through April 30 each year, the Harbormaster may assign moorage to vessels for all or part of this period. Moorage will be assigned as follows:
- (1) During the month of ~~August~~ September each year, a person wishing to obtain a moorage assignment may submit a request for moorage via email or apply on an application form provided by the Harbormaster. ~~The person shall submit a \$100.00 application fee, refundable if the person does not receive a moorage assignment and creditable towards docks and harbor department charges;~~
 - (2) ~~During~~ Before the end of the month of September each year, the Harbormaster, with consideration to vessel size and space availability, shall assign moorage in the order in which applications were received by lottery until all of the designated spaces are is assigned or all of the applications are processed.
 - (3) ~~After assigning moorage by lottery, the Harbormaster may assign moorage if space is available at the facility.~~

(b) No person, other ~~then~~ than the moorage assignee, shall moor in an assigned space without Regulations of Docks & Harbors

Harbormaster approval. Moorage assignments under this section will terminate if the assignee does not pay all applicable fees on a timely basis. Moorage assignees shall notify the Harbormaster of departure and arrival times as required by 05 CBJAC 40.020(d).

Fiscal Note per 01.60.220(a). This proposed change would not result in additional appropriations necessary for Docks & Harbors staff to execute this amended regulation.

Fiscal Note per 01.60.220(b). This proposed change would not impose new costs on persons subject to the regulation.

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Section 6. 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 _____, 2022, 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 Uchytel, 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.

Date: _____

Benjamin Brown
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