

PETERSBURG BOROUGH

ORDINANCE #2024-XX

AN ORDINANCE AMENDING CHAPTER 14.20 OF THE PETERSBURG MUNICIPAL CODE, *MUNICIPAL HARBORS*, TO ADOPT PROVISIONS REGARDING INACTIVE VESSELS

Whereas, commercial fishing is the economic driver of the community of Petersburg; and

Whereas, the majority of vessels using or seeking moorage space at the Borough's harbors are commercial fishing vessels; and

Whereas, vessel moorage within the harbors is intended for "for active or operational motor vessels only", under PMC 14.20.130(A); and

Whereas, there is an extensive wait for permanent moorage space at the harbors, with over 100 vessels on the wait list at this time; and

Whereas, the presence of inactive vessels at the harbors - those vessels that do not leave their mooring spaces for long periods of time - contribute to the backlog, as they use moorage space for vessel storage when that moorage is greatly needed for active, working vessels; and

Whereas, inactive vessels also contribute to the lack of available space at the harbors as those moorage stalls are never available for the hot berthing of other vessels, which accounts for almost 20% of the revenue of the harbors; and

Whereas, inactive vessels can become derelict vessels if they are not regularly attended and maintained, as the hulls and other systems can fall into disrepair due to nonuse; and

Whereas, it is the intent of the Borough to encourage the active and regular use of vessels moored in borough harbors, and to discourage the use of moorage stalls for vessel storage purposes, especially where vessels become unable to be moved under their own power.

Therefore, the Petersburg Borough Ordains, Chapter 14.20, *Municipal Harbors*, of the Petersburg Municipal Code, is hereby amended as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to impose certain requirements on vessels using the municipal harbors that have been deemed inactive, meaning those vessels have not moved from an assigned moorage stall to outside the harbor in 12, 24, or 36 consecutive months. .

Section 3 Substantive Provisions: Chapter 14.20 of the Petersburg Municipal Code, entitled *Municipal Harbors*, is hereby amended as follows. The language proposed for addition is **underlined and bolded**, and the language proposed for deletion is struck through.

A. New Section. Chapter 14.20, *Municipal Harbors*, is hereby amended by adding a new section 14.20.392, entitled *Inactive vessels*, to read as follows:

14.20.392 Inactive vessels.

A. For purposes of this section, a vessel is deemed inactive when, within a period of twelve (12) consecutive months, it has not exited its assigned moorage stall and the boundaries of the borough harbor under its own power, and remained absent from the harbor for a period exceeding twenty-four (24) consecutive hours, excepting that a vessel of 32 feet in length or less without sleeping accommodations must have remained absent from the harbor for a period exceeding twenty-four (24) nonconsecutive hours.

B. If a vessel is deemed inactive under paragraph A of this section, the vessel shall be considered to be occupying the stall for purposes of vessel storage and a vessel storage charge shall be imposed thereafter, in addition to the applicable moorage rate, until the vessel is no longer considered an inactive vessel. The storage charge shall be equal in amount to the moorage fee imposed under Section 14.20.390(A)(1) of this Code.

C. If a vessel is deemed inactive under paragraph A of this section, and remains so for an additional twelve (12) months thereafter, for a total of twenty-four (24) consecutive months of inactivity, the vessel owner must provide the Borough, by the end of the twenty-fifth (25th) month and thereafter on an annual basis if the vessel remains inactive, a marine condition survey for the vessel, conducted by a marine surveyor who is a member of either NAMS (National Accredited Marine Surveyors) or SAMS (Society of Marine Surveyors), that has been prepared within three (3) months of submittal to the Borough. All hull, floatation, equipment or other issues identified in the survey that the Borough Harbormaster reasonably determines may present a safety threat to harbor facilities must be fully repaired and otherwise remedied by the vessel owner within two (2) months of notification by the Borough Harbormaster; a shorter period of repair may be imposed if the repair is deemed immediately necessary to avoid imminent harm to borough facilities. If the noticed repairs or remedies are not fully and timely completed, the vessel shall be considered a derelict vessel under Section 14.20.270 of this Code.

D. If a vessel is deemed inactive under paragraph A of this section, and remains so for an additional twenty-four (24) consecutive months thereafter, for a total of thirty-six (36) consecutive months of inactivity, the vessel owner must provide the Borough, on an annual basis, with certificates of insurance, demonstrating the vessel has current policies of Protection and Indemnity (P&I) insurance and Marine Pollution Liability Insurance, with limits of liability no less than \$500,000 per occurrence, and naming the Borough as an additional insured. If the required insurance certificates are not provided, or the required insurance is not in place, the vessel shall be considered a derelict vessel under Section 14.20.270 of this Code.

E. The records of the Borough Harbor Department shall be considered conclusive in determining whether a vessel is deemed inactive under paragraphs A, C, and D of this Section.

The Borough Harbormaster shall provide written notice to the vessel owner, by US Mail at the last address of record, that the vessel has been deemed inactive under paragraph A, or has continued inactivity under paragraph C or D of this Section. If the vessel owner believes that the Borough records are inaccurate, the owner shall submit, in writing, owner's objection to the determination and owner's supporting documentation. The objection must

be received in the office of the Borough Harbormaster within fourteen (14) days of the date of mailing of the Harbormaster's notice. The Harbormaster shall consider the documentation submitted by the owner and issue a final decision within ten (10) days.

B. Amendment. Section 14.20.030, *Definitions*, is hereby amended by adding a new paragraph 3 to the definition of Derelict vessel, to read as follows:

"Derelict vessel" means:

1. A vessel that has been left unattended for a continuous period of more than 24 hours, if:

a. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or

b. The vessel has been moored or otherwise left in a municipal harbor, and if:

i. The vessel's certificate number or marine document has expired, and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state department or the United States Coast Guard,

ii. The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined,

iii. The vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner, or

iv. The vessel registration records of a state department or the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined; ~~or~~

2. Any vessel delinquent for failure of the vessel owner, master or agent to register or to pay for moorage or other services as provided in this chapter. ~~or~~

3. Any vessel deemed to be derelict under the provisions of Section 14.20.392(C) or (D) of this Code.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2024.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Clerk

Adopted:
Noticed:
Effective:

DRAFT