


POSSIBLE MOTION

I MOVE TO approve Ordinance 2014-07
on second and final reading.

MEMORANDUM

To: Mayor Mim McConnell and Members of the Assembly

Through: Mark Gorman, City Administrator

From: Stan Eliason, Harbormaster 

Date: March 20th, 2014

Subject: SGC title 13 revision

The Port and Harbor Commission voted and approved the revision of SCG Title 13, on March 12th 2014. The previous title was not current with Maritime Law, pertaining to vessel impoundment and lien procedures. We now have a legal process for vessel impoundment. The new title is very easy to navigate, after being cleaned up. Several ordinances were either completely stricken or modified, to meet our current needs.

Stan Eliason, Harbormaster

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014-07

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA
GENERAL CODE TITLE 13 ENTITLED "PORT AND HARBORS" BY REPEALING
AND REENACTING CERTAIN SECTIONS TO SUBSTANTIALLY UPDATE THE
LAWS GOVERNING CONDUCT AND USE OF SITKA MUNICIPAL HARBOR
FACILITIES BY ADOPTING CLEAR REQUIREMENTS FOR VESSEL
MAINTENANCE AND CARE AND PROCEDURES FOR IMPOUNDING NUISANCE
VESSELS

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code ("SGC").

2. **SEVERABILITY.** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. **PURPOSE.** The purpose of this ordinance is to modify SGC Title 13 to provide detailed and clear impoundment procedures for vessels declared as nuisances in the City and Borough of Sitka ("CBS") and to protect harbor facilities in CBS and the health, safety, and welfare of the CBS community. SGC currently provides cursory direction regarding impoundment and disposal of nuisance vessels and does not provide vessel owners with post-impoundment hearings when a vessel poses clear and present danger to CBS nor does it provide for notification to lien holders before a vessel is sold. In addition, SGC currently contains numerous outdated provisions and requires reorganization to reflect more detailed and expansive impoundment and disposition procedures as provided for in maritime regulations and laws and the laws and regulations of the State of Alaska.

The proposed changes will give CBS procedures and enforcement by making SGC consistent with maritime regulations and the laws of the State of Alaska for all vessels, registered and not registered, as well as cleaning up and/or removing old SGC provisions that are outdated or unenforceable. A copy of current SGC Chapter 13 is attached to this ordinance.

Adding –

- SGC 13.06.050 entitled "Delinquent accounts;"
- SGC 13.06.060 entitled "Lien created;"
- SGC 13.06.070 entitled "Other remedies;"
- SGC Chapter 13.07 entitled "Harbor Use Privileges and Prohibitions;"
- SGC 13.08.015 entitled "Safe condition of vessel"
- SGC Chapter 13.13 entitled "Nuisances;"
- SGC Chapter 13.14 entitled "Vessel Impoundment and Disposition;" And
- SGC Chapter 13.15 entitled "(Reserved – Float Houses)."

- 49 • Modify SGC 13.02.020 to clarify and expand harbormaster’s authority to raise a
- 50 sunken vessel and authority to board a vessel;
- 51 • Delete SGC 13.04.030 “Derelict” and SGC 13.04.200 entitled “Vessel
- 52 seaworthiness” and adding SGC 13.04.070 entitled “Float houses;” Move SGC
- 53 13.08.010 entitled “Registration required” to SGC 13.08.005 and rename it “Duty
- 54 to register;” and
- 55 • Modify SGC Chapters 13.09 and 13.10 to reflect other changes within Title 13.
- 56

57 This ordinance is recommended by the Port and Harbors Commission by unanimous vote

58 on March 12, 2014.

59

60 4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of

61 the City and Borough of Sitka that Title 13 of the Code entitled “Ports and Harbors” is repealed

62 and reenacted as follows:

63 **Title 13**

64 **PORT AND HARBORS**

65 **Chapters:**

- 66 **13.02 General Provisions**
- 67 **13.04 Definitions**
- 68 **13.06 Charges/Fees**
- 69 **13.07 Harbor Use Privileges and Prohibitions**
- 70 **13.08 Reserved Mooring Staffs**
- 71 **13.09 Anchoring**
- 72 **13.10 Float Regulations**
- 73 **13.11 Enforcement**
- 74 **13.12 Nuisances**
- 75 **13.14 Vessel Impoundment and Disposition**
- 76 **13.15 (Reserved – Float Houses)**

77

78 **Chapter 13.02**

79 **GENERAL PROVISIONS**

80 **Sections:**

- 81 **13.02.010 Purpose.**
- 82 **13.02.020 Harbormaster.**
- 83 **13.02.030 Port and harbors commission.**
- 84 **13.02.040 Jurisdiction limits.**

85

86 **13.02.010 Purpose.**

87 The purpose of these regulations is to provide for orderly development, management,

88 protection, safety and efficient use of all harbor spaces and port facilities within the municipal

89 harbor system by commercial vessels, government vessels, pleasure vessels and the boating

90 public. By the mooring of any vessel within the harbor system, the owner, operator, or master

91 of any vessel agrees to follow the rules and requirements of all the provisions within this title.

92

93 **13.02.020 Harbormaster.**

94 There is created a port and harbors department which will be operated under a harbormaster
95 and staff. The harbormaster will have supervision responsibility and authority to administer all
96 city and borough owned or operated floats, harbor spaces and port facilities, subject to
97 supervision by the municipal administrator. The harbormaster will have the powers to assign
98 to all vessels, aircraft and other waterborne structures; places for docking, berthing, mooring
99 and anchoring within the floats and docks and within all water area in the designated harbor
100 system and to reassign any such stall or space should conditions warrant the same. It is illegal
101 to moor, dock or anchor in any area within harbor jurisdiction unless specifically authorized by
102 the harbormaster. The harbormaster will have the authority to impound or seize any vessel
103 within the system for improper moorage activities or dead storage. Without any obligation or
104 liability on the harbormaster's part or that of the municipality for his failure to do so, or duty to
105 do so, the harbormaster may replace defective mooring lines, pump boats which are found in a
106 dangerous condition, move any boat found endangering other vessels or raise any sunken
107 vessel. The harbormaster will have the authority to board, inspect for infractions of the law and
108 require compliance prior to the vessel owner continuing the activity that resulted in the
109 infraction. (The responsible boat owner will be billed actual costs associated with any
110 emergency services.)
111

112 **13.02.030 Port and harbors commission.**

113 There exists a port and harbors commission consisting of seven members who act as an
114 advisory body to the assembly on matters concerning the harbor system. Their duties will
115 include: working with the harbormaster and administrator planning for new harbors;
116 evaluating needs for harbor services; examining and updating harbor ordinances; review of
117 current harbor operations and annual budgets; recommending priorities, moorage rates and
118 other charges; receiving and evaluating formal and informal advice on harbor operations from
119 citizens and preparing a yearly report to the assembly on the status of the municipal harbor
120 system. The commission will meet nine times per year with additional meetings as needed at
121 the discretion of the chairperson.
122

123 **13.02.040 Jurisdiction limits of the Sitka Harbor System.**

124 The geographic boundaries of jurisdiction for the harbormaster will be: that area seaward of
125 the western shore of Baranof Island from the south end of Crescent Harbor to the southern
126 point of the Sitka Airport runway, then continuing north and east along the southerly and
127 easterly shores of Charcoal and Alice Island and continuing northerly and westerly along the
128 easterly shore of Japonski Island to the northwesterly side of the breakwater established in
129 Western Anchorage. Then continuing north and easterly along said breakwater to the westerly
130 shore of Baranof Island, thence continuing southerly and easterly along the shores of Sitka
131 Channel through Crescent Harbor and back to the point of beginning, including Sitka Channel
132 and the Western Anchorage area to the breakwater. Within these geographic confines are
133 contained the municipally owned or operated Crescent Harbor, Sealing Cove Harbor, ANB
134 Harbor, Seaplane Float, Thomsen Harbor, Eliason Harbor, Japonski work float, as well as any
135 and all other public spaces, parking lots, ramps, restrooms, docks or port facilities. (See
136 jurisdiction map, Exhibit A, set out at the end of this title.) The entire area described in this
137 section shall be referred to as the Sitka Harbor system in this Title. The harbormaster shall

138 have the authority to post such signs as are necessary to facilitate the safe and orderly
139 movement of vessels, vehicles and pedestrians.

140
141 **Chapter 13.04**
142 **DEFINITIONS**

143 **Sections:**

- 144 **13.04.010 Anchor.**
145 **13.04.020 Charter/vessel for hire.**
146 **13.04.040 Dinghy/lighter.**
147 **13.04.050 Distress.**
148 **13.04.060 Emergency.**
149 **13.04.070 Float Houses.**
150 **13.04.080 Harbor.**
151 **13.04.090 Harbormaster.**
152 **13.04.100 Hot berth.**
153 **13.04.110 Liveaboard.**
154 **13.04.120 Moor.**
155 **13.04.130 Permanent transient.**
156 **13.04.140 Person.**
157 **13.04.150 Qualifying interest.**
158 **13.04.160 Stall.**
159 **13.04.170 Transient vessel.**
160 **13.04.180 Transfer of cargo.**
161 **13.04.190 Traffic lanes.**
162 **13.04.200 Vessel.**
163 **13.04.210 Vessel length.**
164 **13.04.220 Waterborne structures.**

165
166 **13.04.010 Anchor.**

167 “Anchor” means to secure a vessel to a bed or body of water by dropping a weighted ground
168 line or tackle or by use of a buoy or other means to prevent more than a measurable movement
169 of the vessel.

170
171 **13.04.020 Charter/vessel for hire.**

172 “Charter/vessel for hire” means any vessel licensed to carry passengers for hire; “bare boat” is
173 a boat rented with or without crew or operator.

174
175 **13.04.040 Dinghy/lighter.**

176 “Dinghy/lighter” means a small vessel normally carried aboard a larger vessel or towed as a
177 life boat or tender.

178
179 **13.04.050 Distress.**

180 “Distress” means a state of disability or a present or obvious imminent danger which if unduly
181 prolonged could endanger life or property.

183 **13.04.060 Emergency.**

184 “Emergency” means a state of immediate danger to life or property in which time is of the
185 essence.
186

187 **13.04.070 Float Houses.**

188 “Float houses” means a floating structure used wholly as a dwelling unit, which is not
189 designed to travel on water and which is otherwise not a vessel, as defined herein.
190

191 **13.04.080 Harbor.**

192 “Harbor” means the Sitka Harbor system or all waters, tidal areas and adjacent uplands areas,
193 together with all facilities of a port or maritime nature publicly owned that are primarily used
194 by or for the service of vessels, including docks, pilings, ramps, hoists, parking areas, leased
195 water areas, concessions and/or service facilities located within.
196

197 **13.04.090 Harbormaster.**

198 “Harbormaster” means the individual described in Section 13.02.020 and any assistant
199 harbormaster or other person designated to act in the harbormaster’s place.
200

201 **13.04.100 Hot berth.**

202 “Hot berth” means the practice of allowing a vessel to temporarily occupy a stall or space not
203 reserved to said vessel.
204

205 **13.04.110 Liveaboard.**

206 “Liveaboard” means any vessel used by one or more persons as a primary residence while
207 moored in the Sitka harbor system, which meets the following requirements. A liveaboard
208 vessel must comply with all requirements imposed on any vessel moored in the harbor system
209 including the requirement that the vessel be powered by an engine of sufficient size to propel
210 the vessel at a speed allowing normal steerage and to maneuver out of and into the harbor. A
211 liveaboard vessel must be registered as such with the harbor department. A liveaboard vessel
212 must have a safe heating system, and food preparation system, and berthing accommodations
213 for all occupants.
214

215 **13.04.120 Moor.**

216 “Moor” means to secure a vessel by the use of lines to a dock, pier or other object providing a
217 more secure fastening to a particular location than by anchoring.
218

219 **13.04.130 Permanent transient.**

220 “Permanent transient” means a vessel which is on the wait list (Section 13.08.040). The vessel
221 will not have a permanent stall assignment but will be provided moorage and be billed for
222 permanent moorage under Section 13.06.010.
223

224 **13.04.140 Person.**

225 “Person” means any natural person, individual, partnership, corporation or governmental
226 agency. A corporation and natural person or individual will be considered the same if the
227 natural person has control over the former.

228 **13.04.150 Qualifying interest.**
229 “Qualifying interest” in a vessel means the interest of a person who owns the vessel, or under
230 provisions of written charter or lease, has exclusive control over the operation and navigation
231 of the vessel. A person who transfers title to a vessel or enters into a charter or lease of the
232 vessel to another, seasonally or permanently, thereby relinquishes exclusive control over the
233 use and operation of said vessel and ceases to have a qualifying interest in said vessel.

234
235 **13.04.160 Stall.**
236 “Stall” means a place to moor individual vessels in the harbor.

237
238 **13.04.170 Transient vessel.**
239 “Transient vessel” means any vessel occupying space in the Sitka Harbor system for which a
240 regular reserved stall has not been assigned.

241
242 **13.04.180 Transfer of cargo.**
243 “Transfer of cargo” means all types of loading, unloading, transfer and/or containerization of
244 any type of cargo including, but not limited to, fish, shellfish and other seafood products
245 thereof.

246
247 **13.04.190 Traffic lanes.**
248 “Traffic lanes” (navigation lanes) means those areas specifically set aside for movement to and
249 from other locations and which will be kept open, free of obstructions and not for use for
250 anchoring or mooring.

251
252 **13.04.200 Vessel.**
253 “Vessel” means any ship, boat, skiff, barge, dredge and craft of every kind or description,
254 whether used for commercial or pleasure purposes, which is on the water and is capable of
255 being used as a means of transportation on or through the water, excluding seaplanes.

256
257 **13.04.210 Vessel length.**
258 The method of determining vessel length within the harbor system: Vessel length will be
259 computed as the actual overall length of any vessel, including bow sprits, outboards (in down
260 position) or other extensions.

261
262 **13.04.220 Waterborne structures.**
263 “Waterborne structures” means other than a vessel. Examples include but are not limited to
264 barges, float houses, or other, usually unpowered, structures.

265
266 **Chapter 13.06**
267 **CHARGES/FEEES**

268 **Sections:**

- 269 **13.06.010 Moorage charges and fees.**
270 **13.06.030 Nonpayment.**
271 **13.06.040 Unpaid stalls.**
272 **13.06.050 Delinquent accounts.**

273 **13.06.060 Lien Created.**
274 **13.06.070 Other remedies.**

275
276 **13.06.010 Moorage charges and fees.**

277 There is established, determined, and levied upon all vessels and waterborne structures
278 moored, tied to, or in any other way attached by rope, cable, gangplank or other means to any
279 float, piling, dock, mooring buoy or other harbor improvement which is owned, constructed,
280 maintained or operated by the city and borough of Sitka a rental charge and/or fee for the
281 privilege and use of such facilities. The charges and fees shall be reviewed annually by the
282 port and harbors commission in the month of January.

283
284 A. Moorage fees and charges shall be established by resolution and approved by the
285 Assembly.

286
287 B. Rates, fees, charges and a description of other available services, such as electricity,
288 recreational vehicles and boat trailer parking, launch ramp fees and grid fees shall be published
289 and available at the harbormaster's office and city hall.

290
291 **13.06.030 Nonpayment.**

292 It is unlawful for any person to moor, berth, tie, attach or in any other manner connect to any
293 harbor improvement or facility with any vessel or airplane, for a period not to exceed one day,
294 without paying the prescribed rental charges previously listed. Any delinquent personal
295 property tax or sales tax on a vessel will be paid prior to any mooring or being placed on a
296 municipal waiting list. A late or penalty fee will be assessed after thirty days, if in arrears, as
297 prescribed by the municipal code.

298
299 **13.06.040 Unpaid stalls.**

300 If the applicable moorage fees have not been paid by the date due, following delinquent
301 notification within thirty days, the harbormaster may declare the stall released and it may be
302 reassigned to the next person on the waiting list for that appropriate sized boat.

303
304 **13.06.050 - Delinquent accounts.**

305 Delinquent accounts shall be subject to collection procedures as followed by the city and
306 borough and as allowed by federal and state laws. Delinquent accounts shall accrue interest at
307 a rate of twelve percent per year on the unpaid delinquent balance.

308
309 **13.06.060 - Lien created.**

310 In addition to any other remedy provided for herein or at law, all mooring, grid and other
311 miscellaneous harbor fees shall constitute a lien against the vessel, its tackle, gear,
312 appurtenances and other similar property of the owner or operator, under federal and state law.
313 Fees and charges delinquent ninety days or longer may be foreclosed on by impounding and
314 selling the vessel against which the lien has vested under federal law and the provisions of this
315 title.

316
317

318 **13.06.070 –Other remedies.**
319 All liens created shall not be exclusive remedies. A proceeding to foreclose any lien or suit
320 thereon by the city and borough shall not preclude any other remedy, including impoundment
321 as above, at law or in equity. The procedure for foreclosure or suit thereon of any lien shall be
322 as set out in applicable state or federal law.
323

324 **Chapter 13.07**
325 **Harbor Use Privileges and Prohibitions**

326 **Sections:**

- 327 **13.07.005 Penalties.**
- 328 **13.07.010 Prohibited Acts.**
- 329 **13.07.020 Vessel seaworthiness.**
- 330 **13.07.030 Safeguarding.**
- 331 **13.07.040 Speed limits.**
- 332 **13.07.050 Accident reports.**
- 333 **13.07.060 Responsibility for property damage.**
- 334 **13.07.070 Fire hazards prohibited.**

335
336 **13.07.005 Penalties.**

337 All violations herein are subject to regulation and enforcement guidelines as set forth in
338 Sections 13.12.010 and 13.12.040.
339

340 **13.07.010 Prohibited acts.**

341 In addition to other prohibited actions under this title, the following conduct is prohibited:
342

- 343 A. Generating loud or boisterous noises, including that which occurs while working on
344 vessels, that disturb the reasonable peace and privacy of others;
345
- 346 B. Obstructing or interfering with the harbormaster and/or harbor staff in the performance of
347 their duties or refusing to comply with a lawful order of the harbormaster;
348
- 349 C. Challenging or intending to provoke another to fight, or engaging in fighting;
350
- 351 D. Consuming alcohol, except on licensed premises or private vessels, or engaging in the use
352 of, or being an instrument in the exchange of, illicit drugs or narcotics; and
353
- 354 E. Anyone violating this section may be ordered verbally by the harbormaster, or designee, to
355 leave the harbor immediately.
356

357 **13.07.020 Vessel seaworthiness.**

358 All vessels moored or docked in the Sitka Harbor system must meet the following criteria:
359

- 360 A. Be capable of getting underway under its own power at all times;
361

362 B. Be a watercraft constructed and maintained for the primary purpose of navigating the
363 waterways of Alaska and not solely for the specific purposes of maintaining a stationary place
364 of residence, floating storage, shop, office or other non-navigational purposes.
365

366 **13.07.030 - Safeguarding.**

367 Every vessel owner and operator shall use all reasonable effort and precautions in keeping the
368 vessel in his charge well-secured with mooring lines in reasonable fit condition, sufficiently
369 pumped at all times to keep afloat, free from fire hazards of any kind, and to otherwise attend
370 to the needs of the vessel.
371

372 **13.07.040 Speed limits.**

373 It is unlawful for any person to operate any vessel or taxiing aircraft, except during takeoff and
374 landing, in excess of the following speed limits:
375

376 A. No person shall operate a vessel within the area between the Crescent Harbor breakwater
377 entrance to the south tip of Aleutski Island to the south tip of Love Island and the north end of
378 the channel at the rubblemound breakwater at a speed which produces a wake, wash, or wave
379 action which may or could reasonably be expected to damage any other vessels or harbor
380 facilities or create discomfort to an occupant by causing such other boats to pitch or heave
381 because of such wake, wash or wave.
382

383 B. Three miles per hour within the inner harbors of ANB Harbor, Sealing Cove Harbor,
384 Crescent Harbor, Eliason Harbor and Thomsen Harbor.
385

386 **13.07.050 Accident reports.**

387 The operator of any vessel involved in an accident resulting in the death or injury of any
388 person or damage to property in excess of five hundred dollars shall immediately give oral
389 notice of the accident to the harbormaster, or if he is unavailable to receive the notice, to the
390 Sitka police department. In addition, the operator shall, within twenty-four hours after the
391 accident, file a written report with the harbormaster containing the name of the vessel, the
392 name of the vessel owner and operator, a description of the accident, a description of the
393 resulting injuries or damage, a description of possible causes or contributing factors, and such
394 other information as the harbormaster may require.
395

396 **13.07.060 Responsibility for property damage.**

397 A person damaging city and borough docks, floats, ramps or other property of the city and
398 borough shall be responsible for cost of repairs. A boat owner is strictly liable for the damages
399 caused by a fire originating in his vessel to any municipal property.
400

401 **13.07.070 Fire hazards prohibited.**

402 A. No person may leave a fire or flame unattended aboard a vessel in the Sitka Harbor system,
403 this includes oil, gas, wood stoves and other fuel burning appliances.
404

405 B. No person may store, deposit or leave on any float, dock or other harbor facility any
406 gasoline, lubricating oil or other combustible liquid of any nature or description, except for
407 temporary purposes in conjunction with the loading or unloading of a vessel.
408

409 C. A person using a grinder, torch or flame-producing device in or upon any vessel, dock,
410 float or other boat harbor facility shall provide a fire extinguisher adequate for putting out any
411 fire which may result. Any grinding or cutting must be done in such a way that sparks and
412 other debris shall not come into contact with the property of another.
413

414 D. A person shall not ignite or detonate fireworks or flares within the boundaries of the Sitka
415 Harbor system, except by permit from the fire chief.
416

417 **Chapter 13.08**
418 **RESERVED MOORING STALLS**

419 **Sections:**

420 **13.08.005 Duty to register.**

421 **13.08.015 Safe condition of vessel.**

422 **13.08.020 Reserved moorage.**

423 **13.08.030 Moorage space assignments.**

424 **13.08.040 Waiting list.**

425 **13.08.050 Retention of a waiting list priority and stall transfer list fee.**

426 **13.08.060 Utilizing a reserved stall.**

427 **13.08.070 Stall—Sale of boat.**

428 **13.08.080 Transfer of reserved mooring.**

429 **13.08.090 Nonuse of a stall.**
430

431 **13.08.005 Duty to register.**

432 A. Every owner, operator, agent of any vessel using the harbor for any period of time is
433 required to register the name, address and telephone number of the registered owner and the
434 operator of the vessel, if the vessel is operated by anyone other than the owner; the vessel's
435 length, breadth, registered tonnage (if any) description and uses, the vessel's name and home
436 port, and any other information required by the harbormaster on forms provided for that
437 purpose, and pay the required fees immediately, but no later than 12 hours after first entering
438 the harbor.
439

440 B. Every owner, operator, agent of any vessel using the facilities of the harbor shall execute a
441 moorage agreement providing for payment of moorage fees and other charges.
442

443 C. In the event of a change of ownership or in operator, a new vessel mooring agreement shall
444 be signed within thirty days after the change.
445

446 **13.08.015 Safe Condition of Vessel**

447 A. To qualify or remain qualified for moorage space a vessel must:

- 448 1. At all times meet United States Coast Guard standards which include those pertaining
449 to navigational and safety equipment;

- 450 2. Have a fixed propulsion system and have sufficient mode of power to permit the vessel
451 to be maneuvered and controlled safely while transiting, entering or leaving the small
452 boat harbors under wind and water conditions which are not unusual;
453 3. Be completely seaworthy and ready for immediate cruising in local waters in
454 compliance with Section 13.07.020; and
455 4. Shall not discharge sewage into the waters of the city and borough.
456

457 B. Whenever the harbormaster has probable cause to believe that a vessel is not qualified
458 under this section, the harbormaster may require the owner or operator of a vessel to
459 demonstrate that the vessel meets the qualifications in subsection A within seventy-two hours
460 from receiving notification from the harbormaster.
461

462 C. The harbormaster may refuse mooring space to any vessel which does not meet the
463 qualifications of this chapter and may terminate the moorage agreement for any mooring space
464 occupied by an unqualified vessel under this section. The harbormaster may require, upon
465 notice to the owner or operator of an unqualified vessel that the moorage agreement has been
466 terminated, the vessel is illegally moored and such vessel must be removed from the harbor
467 within seven days. Any vessel remaining in the harbor after the time specified in the notice
468 shall be subject to impoundment or removal as a nuisance under this title.
469

470 D. Any person whose vessel's moorage agreement is terminated under this section, shall not
471 be allowed to tie to any municipally owned harbor infrastructure, or anchor within the
472 jurisdiction of the Sitka harbor system.
473

474 **13.08.020 Reserved moorage.**

475 Reserved moorage may be obtained, as available, at locations designated or assigned by the
476 harbormaster. Reserved space will be assigned based on a waiting list which will be
477 maintained in the harbor office and will be on a first-come, first-served basis determined upon
478 the date the application was received, the type and size boat space required and the availability
479 of such spaces.
480

481 **13.08.030 Moorage space assignments.**

482 Moorage spaces may be held in the names of individual persons, government agencies,
483 educational institutions, and nonprofit organizations. Corporations may hold moorage spaces,
484 however if a corporation is sold or taken over by another corporation, individual, or business
485 entity the moorage space will be forfeit. Partners may hold a moorage space equally, but if the
486 space holder wishes to add a partner's name to the space assignment, the new partner must go
487 on the wait list and will be added to the space assignment when his/her name comes up for
488 assignment. Partnerships must be true partnerships and both names must be on the vessel
489 documentation or registration. Should a partnership dissolve, it will be up to the partner
490 retaining the moorage space to submit a release from the other partner indicating their
491 agreement to the retention. The stall will then transfer to the individual retaining the stall. The
492 harbormaster retains the right to review and obtain a copy if necessary of U.S. Coast Guard
493 documentation papers of ownership or state of Alaska vessel title or registration. Moorage
494 spaces may only be assigned to vessel owners. Vessel owners may not lease their vessels and

495 hold a moorage space after six months without the approval of the harbormaster. Any holder
496 of a reserved mooring stall shall not sublease, rent, or in any other manner permit or allow any
497 other vessel to occupy said space, unless specifically permitted and approved by the
498 harbormaster for sufficient reason given.
499

500 **13.08.040 Waiting list.**

501 There will be a moorage waiting list maintained by the harbormaster and displayed in the
502 harbor office for public inspection. The list will be based on receipt of a nonrefundable
503 administrative fee, equivalent to the first quarter's mooring fee based on the overall length of
504 the listed vessel. The nonrefundable administrative fee will not be applied to the first quarter's
505 moorage fee when a stall is assigned. All permanent moorage vacancies will be filled by the
506 first applicant on the list who has a vessel of the required length, beam, electrical needs or
507 other overall factors deemed by the harbormaster to be most suitable for the empty berth.
508

509 **13.08.050 Retention of a waiting list priority and stall transfer list fee.**

510 An applicant who does not respond to a written notice sent by the harbormaster, by certified
511 mail, to the last address in the files of the harbor department, will be removed from the waiting
512 list. Upon accepting a stall assignment and payment of a twenty-five-dollar nonrefundable stall
513 transfer list fee, the applicant may be placed on a stall transfer list for the same vessel.
514

515 **13.08.060 Utilizing a reserved stall.**

516 The municipality reserves the right to provide temporary moorage or "hot berthing" of another
517 vessel within a reserved mooring space when said space is unoccupied. A holder of a reserved
518 stall or space within the Sitka Harbor system should provide a usage plan to the harbormaster,
519 if he/she knows he/she will be absent for any reasonable extended length of time more than
520 twenty-four hours, giving his/her estimated time of departure and return. The stall holder will
521 not have the right to designate any specific vessel to use the stall. Should the reserved stall
522 holder return earlier than expected, the holder will contact the harbormaster, as early as
523 possible, to facilitate time to remove the temporary vessel from the reserved space. If the
524 harbormaster is not available, the reserved stall holder will moor at the transient area until
525 he/she can contact the harbor department. The harbormaster will inform temporary users of
526 any absent holder's reserved mooring space that said use will continue only for the duration of
527 the holder's boat's absence and that the harbormaster is authorized to move the temporary
528 vessel to another location upon return of the holder's boat. Any temporary stall user will
529 therefore be required to keep the harbormaster notified of his/her whereabouts. Any boat
530 owner desiring to moor temporarily in a reserved but vacant stall will apply to the
531 harbormaster. No such stall or space will be utilized unless authorized by the harbormaster.
532 The boat owner temporarily assigned to a reserved mooring space will not utilize the utilities
533 which may have been provided for the reserved stall holder unless authorized by the
534 harbormaster. If electricity is used, the stall holder will be credited to his current usage for that
535 month. Nothing in this section limits the harbormaster's authority to move any moored boat to
536 another location in the event of a fire or other emergency requiring such action.
537

538 **13.08.070 Stall – Sale of boat.**

539 When a person sells his/her boat, he/she will notify the harbormaster within one week of the
540 sale and state whether the stall will be released. A change of ownership occurs when a name is
541 changed, added, or dropped from a vessel’s documentation. A stall is not transferable by the
542 holder. Persons who sell their boat but intend to purchase another one which is of a proper size
543 to fit into the existing stall may retain their stall for a period of up to six months. If, at the end
544 of that time, they have not obtained ownership of another boat or furnished proof of intent to
545 procure a boat within a reasonable extended period of time as determined by the harbormaster,
546 the reserved space will be forfeited. Any such person wishing to retain the stall will be
547 responsible for the continued mooring rate fee as established by Section 13.06.010. The fee
548 will be based on the length of the stall.

549
550 **13.08.080 Transfer of reserved mooring.**

551 Any person holding a reserved mooring space or a position on the approved waiting list may
552 not transfer such space or list position to any other person except that a preferential annual slip
553 assigned to a vessel may be retained if the transfer is between husband and wife, to a natural or
554 legally adopted son or daughter or grandson or granddaughter or is legally inherited by a
555 member of the owner’s family and documented as such to the satisfaction of the harbormaster.
556

557 **13.08.090 Nonuse of a stall.**

558 If the owner of a vessel, to which a reserved mooring space is assigned, does not use that space
559 or slip for at least three months of each calendar year, the reserved mooring space will be
560 forfeited and the harbormaster will notify said owner, in writing, subject to written appeal for
561 an extension to the Ports and Harbor Commission. The harbormaster may waive this
562 requirement, on a case-by-case basis, under exceptional circumstances such as extended ocean
563 voyages or major vessel repair.
564

565 **Chapter 13.09**
566 **ANCHORING**

567 **Sections:**

568 **13.09.010 Anchored vessels and waterborne structures.**

569
570 **13.09.010 Anchored vessels and waterborne structures.**

571 Anchoring within western anchorage will be permitted from March 1 to September 30. Unless
572 it is a float house, authorized under SGC 13.15, any anchored vessel or waterborne structure
573 must meet vessel seaworthiness requirements under Section 13.07.020, if applicable, and shall
574 not be a nuisance as defined in this title. Any anchored vessel or waterborne structure that does
575 not meet the applicable requirements or is declared a nuisance:

576
577 A. may be subject to impoundment under chapter 13.14 of this code and any other applicable
578 enforcement actions under law;
579

580 **Chapter 13.10**
581 **FLOAT REGULATIONS**

582 **Sections:**

- 583 **13.10.010 Notice to owners.**
- 584 **13.10.020 Dead storage.**
- 585 **13.10.030 Minimum-maximum length.**
- 586 **13.10.040 Vehicles and parking.**
- 587 **13.10.045 Vehicles prohibited.**
- 588 **13.10.046 Boat launch ramp and trailer parking.**
- 589 **13.10.047 Recreational vehicle park rules and regulations.**
- 590 **13.10.048 Recreational vehicle/boat trailer winter storage rules and regulations.**
- 591 **13.10.050 General requirements.**
- 592 **13.10.060 Harbor electrical system.**
- 593 **13.10.070 Notices – Bulletin Boards.**
- 594 **13.10.080 Distribution of commercial or political handbill and leaflets – Permit**
- 595 **required.**
- 596 **13.10.090 Skiffs or secondary vessel mooring.**
- 597 **13.10.100 Pets within the Sitka Harbor system.**
- 598 **13.10.110 Unlawful disposal in Sitka Harbor system.**
- 599 **13.10.140 Cleaning fish.**
- 600 **13.10.150 Storage prohibited.**
- 601 **13.10.160 Grid.**
- 602 **13.10.170 Gear/cargo loading float.**
- 603 **13.10.180 Work float.**
- 604 **13.10.185 Sealing Cove boat trailer area.**
- 605 **13.10.190 Airplane float.**
- 606 **13.10.195 Regulations for airplanes operating within the Sitka Harbor system.**
- 607 **13.10.200 Garbage facilities.**
- 608 **13.10.210 Children.**
- 609 **13.10.220 Swimming.**
- 610 **13.10.230 Restriction on offloading more than five hundred pounds of commercially**
- 611 **caught raw fish in the harbor system.**

13.10.010 Notice to owners.

By the mooring of any vessel within the Sitka harbor system, the owner, operator, or master of any vessel agrees to all of the provisions contained within this title.

13.10.020 Dead storage.

It is declared that city and borough owned or operated floats, mooring spaces or other facilities have been installed and are operated for the convenience and use of fishermen and pleasure boat owners and are not for the purposes of providing dead storage. Moorage of any type of waterborne structure, houseboat, flatboat or barge is specifically prohibited except float houses as authorized under SGC 13.15. This prohibition extends to the entire area of jurisdiction of the harbor system but will exclude those fishing scows specifically owned or operated by on-shore cold storage plants which are brought into the city and borough for maintenance or off-season storage only.

627 **13.10.030 Minimum-maximum length.**

628 The minimum-maximum length of any boat or ship or any other vessel which moors at any
629 city and borough harbor float, will be based on the length of the stall, and will be subject to the
630 harbormaster's discretion based on safety.

631
632 **13.10.040 Vehicles and parking.**

633 No vehicle will be allowed or permitted to park on the approach to any float so as to obstruct
634 said approach except as a necessary purpose of discharging passengers or freight.

635
636 **13.10.045 Vehicles prohibited.**

637 It is unlawful for any person to ride a bicycle, motor scooter, motorcycle, skateboard, roller
638 skates, roller blades, or other similar device on any municipal float.

639
640 **13.10.046 Boat launch ramp and trailer parking.**

641 A. The city and borough boat launch facility shall be open to the public. It is unlawful to
642 block access to either of the launch ramps at Sealing Cove or Crescent Harbor.

643
644 B. Short-term parking is available for trailers. There is also a three-day and a ten-day area.

645
646 The harbor department will issue citations and impound trailers that exceed the time limit.

647
648 **13.10.047 Recreational vehicle park rules and regulations.**

649 The facility is intended to service short-term visitors to Sitka. It is not intended to become a
650 location for permanent occupants.

651
652 A. The RV park is open annually from April 1st through September 30th. Occupancy is
653 limited to a maximum of thirty consecutive days.

654
655 B. The registration and fee shall be collected by harbor department personnel or park host
656 and shall be paid in advance.

657
658 C. Each occupant shall be responsible for keeping their assigned space neat and clean.

659
660 D. No tents, wannigans, sheds, additions, or extensions to the RV, camper or trailer
661 occupying the space are allowed.

662
663 E. Recreational vehicles with holding tanks may dump free of charge at the municipal
664 wastewater treatment disposal facility.

665
666 **13.10.048 Recreational vehicle/boat trailer winter storage rules and regulations.**

667 A. The recreational vehicle/boat trailer park at Sealing Cove will be open for winter storage
668 of recreational vehicles, boat trailers, boats on boat trailers, and motor vehicles from October
669 1st through March 31st of each year, after paying appropriate fees at harbormaster's office.

670

- 671 B. No recreational vehicle, boat trailer, or motor vehicle may be stored or remain at the
672 recreational vehicle trailer park unless:
673 1. The recreational vehicle, boat trailer, boat on boat trailer, or motor vehicle has
674 required license plate(s), current vehicle registration, and current license tags; and
675 2. The recreational vehicle, boat trailer, or motor vehicle is operational.
676
677 C. Any recreation vehicle, boat trailer, boat on boat trailer, or motor vehicle not removed by
678 March 31st will be impounded at the owner's expense.
679

680 **13.10.050 General requirements.**

681 The following rules are intended to minimize adverse effects on neighboring shore side
682 properties adjacent to the harbors within the Sitka Harbor system:
683

- 684 A. To the extent allowed by safety considerations, harbor lights, all bright lights, including
685 vessel deck lights will be directed away from the shoreline.
686
687 B. The use of crab lights (sodium, mercury, crab, flood, etc.) is prohibited within the harbors
688 within the Sitka Harbor system and between the breakwaters and O'Connell Bridge between
689 the hours of eight p.m. and seven a.m.
690
691 C. The use of any sound system, public address and/or paging systems of any sort will be
692 limited to the hours of seven a.m. and eight p.m. The performance of any vessel repairs
693 requiring noisy activities, including the revving of vessel engines will be limited to the same
694 hours. In case of emergencies contact the harbormaster.
695

696 **13.10.060 Harbor electrical system.**

697 The following regulations govern the use of electricity within the Sitka Harbor system:
698

- 699 A. Connections to any vessel moored within the Sitka Harbor system are under the direction
700 of the harbormaster and are subject to the following:
701 1. Use of nonmarine battery chargers is strictly prohibited. All chargers used within the
702 system must contain an isolator circuit or be run through an isolator so that no current is
703 discharged into the municipal system.
704 2. Use of extension cords, plugs, caps and other components between the vessel's
705 private system and the municipal shore side system will comply with the electrical code
706 of the city and borough and be of a specific marine design recognized and approved by
707 the city and borough.
708 3. Only heating lamps with porcelain type sockets may be used.
709 4. Any onboard heater capable of causing a fire if overturned, must be equipped with a
710 safety switch which will automatically disconnect the electrical power, if so overturned.
711
712 B. The harbormaster will, by permission of vessel owner or agent, have the authority to enter
713 any vessel connected to the municipal electrical system to inspect electrical equipment to
714 assure compliance with this and other applicable codes. If permission is not granted, the
715 harbormaster may disconnect said shore power from the offending vessel.

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C. It is unlawful for any person to interfere, tamper with, or connect any wires, plugs or other devices to any of the electrical wiring or electrical outlets upon any of the docks, floats or gangways maintained, constructed or owned by the city and borough without the permission of the harbormaster.

D. Violation of any of the provisions of this section is punishable up to the maximum of five hundred dollars.

13.10.070 Notices – Bulletin Boards.

Except in those areas designated by the harbormaster, it is unlawful for any person, firm or corporation to post any matter upon any bulletin board or to create any writing or printed material and post it to any float, piling, dock or any other portion of the Sitka Harbor system, except in those areas designated by the harbormaster. Any unauthorized material will be immediately removed by the harbormaster and destroyed. All material will be dated and is limited to thirty days.

13.10.080 Distribution of handbill and leaflets – Permit required.

Distribution of handbills and leaflets is forbidden within the Sitka Harbor system and in the adjacent public parking areas. Persons intending to distribute handbills and leaflets within the Sitka Harbor system will be required to obtain a permit from the municipality. A condition for the issuance of such permits shall be that the permittee agree to clean up any discarded handbills and leaflets in the harbor area and adjacent parking lot areas at the end of each day. Failure to properly clean up the area shall result in revocation of such permits by the city and borough of Sitka.

13.10.090 Skiffs or secondary vessel mooring.

No skiff or other secondary vessel will be separately moored to the Sitka Harbor system except at a berth specifically assigned for moorage to the owner of that skiff and with appropriate fees paid. No floating skiff will be tied or otherwise moored to any other vessel moored to that berth in any way as to protrude into the passage lane to another berth or in such a way as to block passage from any other vessel.

13.10.100 Pets within the Sitka Harbor system.

Any dog, cat or other pet living aboard any boat in the Sitka harbor system, or crossing the floats to a vessel shall be subject to the entirety of Title 8 as enforcement guidelines.

13.10.110 Unlawful disposal in Sitka Harbor system.

It is unlawful to:

- A. Dump garbage or trash into any boat harbor, harbor uplands or associated tidelands;
- B. Abandon or leave old boats, hulks or wrecks within the Sitka Harbor system;

760 C. Spill, dump, discharge or in any other manner dispose of flammable waste such as
761 gasoline, lubricating oil, or other combustible liquids into any boat harbor, uplands, or
762 associated tidelands; and
763

764 D. Leave or dispose of spoiled fish, bait, or gear on the city and borough floats. Vessel
765 owners will tend to their gear promptly after each commercial opening. Any failure to provide
766 necessary cleanup action will be considered a nuisance.
767

768 **13.10.140 Cleaning fish.**

769 It is unlawful to:

770
771 A. Dispose of any fish, shellfish or other animal, or waste parts of fish, shellfish or other
772 animal, into the Sitka Harbor system waters, so as to not attract birds which could create a
773 hazard with aircraft near the Rocky Gutierrez Airport.
774

775 B. To clean fish on any portion of a city and borough dock or float, except at designated fish
776 cleaning stations. Waste bins are available at the harbor from June through September. Any
777 waste outside of those dates shall be disposed of in a way not to attract vermin, birds, sea lions,
778 bears, etc. in accordance with both SGC 9.24.050 and SGC 13.12.
779

780 **13.10.150 Storage prohibited.**

781 It is unlawful for any person to use any harbor for storage, on any floats, docks or gangways or
782 any other portion of the municipal harbor system, of any pipes, nets, wares, merchandise, or
783 gear of any sort or type without the permission of the harbormaster. Even when permission is
784 given, it is for a specific, short length of time to facilitate gear changing, loading or other
785 necessary activity and not as a convenient place of storage of personal items. Should a skiff or
786 other item having value be found stored on the docks or floats in violation of this section, the
787 harbormaster will impound said items and dispose of them as follows:
788

789 A. They will be stored for thirty days.
790

791 B. The owner will be notified, if known, by certified mail, that the items have been
792 impounded and must be reclaimed within the thirty days, after paying reasonable storage and
793 associated costs, or they will be subject to sale at the end of thirty days with the owner
794 responsible for any unrecovered costs. Public and owner notification shall run concurrently.
795

796 **13.10.160 Grid.**

797 No boat more than thirty-five tons per bent will be allowed on the south grid. No boat more
798 than six tons per bent will be allowed on the north end grid. If persons wishing to exceed the
799 above limits wish to use the grid, they must contact the harbormaster for special consideration.
800 Maximum time on grid is ninety-six hours.
801

802 **13.10.170 Gear/cargo loading float.**

803 Unless other arrangements have been made with the harbormaster, for activity other than
804 loading or unloading, the following rules apply to the gear/cargo loading float:

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- A. The time limit on the loading float is two hours;
- B. Vehicle access shall be for vessels tied to the gear/cargo loading float only, when there is actual loading between vessel and vehicle; and
- C. Parking is not for casual access to vessels tied in the harbor. Improper use of the gear/cargo loading float is unlawful and subject to penalties in SGC 13.12.

13.10.180 Work float.

A year round work float is available for use and located on Sitka Channel across from ANB Harbor. The intent for this work float is gear work only and is subject to 72 hour consecutive use unless prior permission is given by harbormaster. Vessel must be removed for 24 hours before another 72 hours can be used. This float is equipped with water and electricity. No overnight moorage is permitted without the harbormaster's permission. No storage of any gear, nets or materials is permitted without the harbormaster's permission and only in case of an emergency. The Crescent Harbor, Float 4 work float is available for temporary winter moorage from September 15th until April 15th. Penalties for violating this section are specified in SGC 13.12.

13.10.185 Sealing Cove boat trailer area.

Parking of boat trailers in the Sealing Cove boat trailer area is limited to ten days. Changing parking stalls in the parking area shall not initiate a new ten-day period. A trailer must be removed from the parking lot for forty-eight hours before another ten days of parking may be allowed. Penalties for violation of this section are specified in SGC 11.40.170D.4 for overtime parking.

13.10.190 Airplane float.

The municipal airplane float shall be administered and enforced by the harbormaster but subject to:

- A. Commercial operations shall be allowed at the municipal airplane float with the harbormaster's approval and proper permitting. Such operations shall be charged an appropriate user fee.
- B. The municipal plane floats are for the use of active planes.
- C. Only repair and maintenance work of a minor nature shall be allowed on the float, which is defined as that work which would ordinarily be completed in one twenty-four-hour period. The harbormaster shall have discretion in enforcing this provision.
- D. No person may moor a vessel at any municipal plane float.

13.10.195 Regulations for airplanes operating within the Sitka Harbor system.

Airplanes operating within the Sitka Harbor system shall:

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- A. Follow international navigation rules while operating on the water;
- B. Not taxi on step in the channel except during take-off and landing. There is to be a no wake zone in affect in Sitka Channel from O'Connell Bridge to the rubble mound breakwater north of Eliason Harbor;
- C. Use the take-off and landing corridor located on the southwest side of Western Anchorage, paralleling Japonski Island, from the government pier, out to the breakwater. Pilots have the option to use other areas when wind and weather conditions require, but must maintain adequate separation from vessel traffic. Approximately eighty percent of seaplane operations will be conducted in the designated area;
- D. Do not fly within five hundred feet of any structures, except as necessary for take-off and landing. This includes the O'Connell Bridge.

13.10.200 Garbage facilities.

Objects too large to fit into the litter container shall be disposed of at the municipal landfill by the owner at his/her expense.

13.10.210 Children.

Children under the age of twelve are prohibited on the docks unless in the immediate presence of a parent, guardian or responsible adult.

13.10.220 Swimming.

Swimming and diving (with the exception of authorized commercial scuba diving or snorkeling and special events approved by the harbormaster) from any city and borough owned or managed float, dock, or wharf is prohibited.

13.10.230 Restriction on offloading more than five hundred pounds of commercially caught raw fish in the harbor system.

A. The city and borough-owned hoist is the only place more than five hundred pounds of commercially caught raw fish, taken by one vessel, on one fishing trip, may be offloaded in the harbor system. Anyone committing a violation of this section is liable for up to a five hundred dollar fine. See, fines, SGC 13.12.050B.

B. If the hoist is unavailable, commercially caught raw fish may be taken to another area after consultation with the harbormaster.

**Chapter 13.12
ENFORCEMENT**

Sections:

- 13.12.010 General.**
- 13.12.040 Written warning.**
- 13.12.050 Fines.**

895 **13.12.010 General.**

896 A. The harbormaster has the authority to order vessels, occupants or visitors to leave the
897 harbor for violations of any portion of this title. Moorage and berthing is a privilege which
898 may be revoked for violations of this title. The harbormaster is granted the authority to
899 impound vessels and remove vessels from the harbor system either temporarily or permanently
900 under the provisions of this title. The owner of record and/or the person in charge of the vessel
901 will be responsible for any and all infractions charged against the vessel.
902

903 B. Persons utilizing the harbor facilities shall obey all municipal, state and federal laws and
904 regulations, as well as those generally accepted safety standards, as well as refrain from
905 engaging in prohibited acts under this title.
906

907 **13.12.040 Written warning.**

908 If, at the discretion of the harbormaster, an infraction of the rules of the harbor system may be
909 resolved with a written warning to the offending vessel owner, he/she may do so, retaining a
910 copy for the harbor files. Said written warning will specify the infraction and notify the owner
911 that further action will be taken if the offense is repeated or does not cease immediately. Any
912 such written warning will be hand delivered in person or mailed by certified mail.
913

914 **13.12.050 Fines.**

915 The maximum penalty will be five hundred dollars, minimum will be \$50 and a standard
916 penalty for violations will be as follows:
917

918 A. Cleaning fish – waste (SGC 13.10.140):
919

920 First offense - \$100.00
921 Second or subsequent offense - \$250.00
922

923 B. Excessive wake (SGC 13.07.040):
924

925 First offense - \$ 50.00
926 Second or subsequent offense- \$100.00
927

928 C. Offloading more than 500 pounds – commercially caught raw fish (SGC 13.10.230) within
929 a 5-year period:
930

931 First offense – \$250.00
932 Second or subsequent offense - \$500.00
933

934 D. Nuisance violations (SGC 13.13.025 – soot) within one year:
935

936 First offense – \$50.00
937 Second offense - \$100.00
938 Third or subsequent offense - \$300.00
939

- 940 E. Harbor electrical violations (SGC 13.10.060.A) within one year:
941
942 First offense - Written warning
943 Second offense - \$100.00 and shut off power to vessel
944 Third or subsequent offenses - \$300.00 and shut off power to vessel
945
946 F. Harbor electrical violations (SGC 13.10.060.C) within one year:
947
948 First offense - \$250.00
949 Second or subsequent offenses - \$500.00 and subject to removal from Sitka harbor
950 system
951
952 G. Violations of vehicle loading and unloading area regulations (SGC 13.10.170) shall be
953 \$25.00 per offense.
954
955 H. Violations of work float usage (SGC 13.10.180) shall be up to \$500.00 per offense.
956

957 **Chapter 13.13**
958 **NUISANCES**

959 **Sections:**

- 960 **13.13.010 Nuisances declared.**
961 **13.13.020 Other nuisances.**
962 **13.13.025 Emission of soot from an oil stove in a vessel.**
963 **13.13.030 Abatement or disposal.**
964 **13.13.040 Abandoned property.**
965 **13.13.050 Sunken or obstructive vessels.**
966 **13.13.060 Floating objects.**
967 **13.13.070 No custody of derelicts.**
968

969 **13.13.010 Nuisances declared.**

- 970 A. For the purposes of this title, a vessel is a nuisance if:
971 1. The vessel is in violation of the mooring or traffic regulations of the Sitka Harbor
972 system;
973 2. The stall rent or any other fee or charge due the city and borough for the vessel has not
974 been paid thirty days after the due date of the rent, fee or charge owed;
975 3. The vessel causes an obstruction to navigation;
976 4. The vessel is unfit, unseaworthy or maintained in such a manner as to make it liable to
977 sink;
978 5. The vessel is unqualified under the provisions of Section 13.08.015;
979 6. The vessel constitutes a fire hazard; or
980 7. The vessel is sunken or is in imminent danger of sinking
981
982 B. A vessel declared to be a nuisance is subject to abatement and removal from the Sitka
983 Harbor system or other municipal waters by the city and borough or its agents, without

984 liability to the city and borough or its agents for any damage done by virtue of the removal or
985 for any of its consequences.

986
987 C. Any vessel declared to be a nuisance under this section shall be considered a derelict vessel
988 for purposes of Alaska Statute 30.30.

989
990 **13.13.020 Other nuisances.**
991 Refuse of all kinds, structures or pieces of any structure, dock sweepings, dead animals or
992 parts thereof, timber, logs, piles, boomsticks, lumber, boxes, paint, plastic bags, empty
993 containers and oil of any kind floating uncontrolled on the water, and all other substances or
994 articles of a similar nature are declared to be public nuisances, and it shall be unlawful for any
995 person to throw or place in or permit to be thrown, or placed any of the above-named articles
996 or substances within in the Sitka Harbor system or the municipal waters, either by high tides,
997 storms, floods or otherwise. Nets, gear and other material left on any float or dock for more
998 than twenty-four hours are declared a nuisance, and shall be tagged with a warning tag by the
999 harbormaster. Any person causing or permitting the nuisances placed shall remove the same
1000 and upon his failure to do so within twenty-four hours of tagging may be removed by the
1001 harbormaster. When the harbormaster has authorized such nuisances to be removed, all costs
1002 of such removal or storage shall be paid by and recoverable from the person creating the
1003 nuisance.

1004
1005 **13.13.025 Emission of soot from an oil stove in a vessel.**
1006 Each owner and operator of a vessel in the harbor system shall take all reasonable measures to
1007 prevent the emission of soot from oil stoves. If a vessel's oil stove emits soot that settles onto
1008 or touches another vessel, the owner or operator of the vessel from which the soot came shall
1009 face a correctional citation, and if not corrected shall pay the fine imposed in SGC 13.12.050C.
1010 The first and second offenses shall be bailable. A person cited for a third offense of emission
1011 of soot from an oil stove shall be declared a nuisance.

1012
1013 **13.13.030 Abatement or disposal.**
1014 A. Nuisances described under this chapter constituting a clear and present danger to the public
1015 health, safety or general welfare may be summarily abated without notice prior to
1016 impoundment subject to Section 13.14.050.

1017
1018 B. Vessels declared nuisances which do not constitute a clear and present danger to the public
1019 health, safety or general welfare may be removed, impounded and disposed of as provided in
1020 Section 13.14.040.

1021
1022 C. Other nuisances under Section 13.13.010-.025 may be impounded, disposed of by
1023 destruction, private sale, or any other means deemed reasonable by the harbormaster. Such
1024 disposition is to be made without liability of the city to the owner of the nuisance.

1025
1026 **13.13.040 Abandoned property.**

1027 Any vessel in the Sitka Harbor system which is abandoned but has not been declared a
1028 nuisance may be impounded, sold or otherwise disposed of as provided in Alaska Statute
1029 30.30.

1030

1031 **13.13.060 Floating objects.**

1032 All vessels, watercraft, logs, piling, building material, scows, houseboats or any other article of
1033 value found adrift within the Sitka Harbor system may be taken in charge by the harbormaster
1034 and may be subject to the reclamation by the owner thereof on payment by him to the city and
1035 borough of any expenses incurred by the city and borough, and in case of a failure to reclaim
1036 may be sold or disposed of as abandoned property.

1037

1038 **13.13.070 No custody of nuisances.**

1039 The Sitka Harbor system shall not accept ownership or custody of nuisance or abandoned
1040 vessels or any nuisance as declared under Section 13.13.010-.025 unless expressly accepted by
1041 the harbormaster in writing.

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1043

Chapter 13.14

1044

VESSEL IMPOUNDMENT AND DISPOSITION

1045

Sections:

1046

13.14.010 Impoundment of boats or vessels for violations.

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13.14.020 Storage charge.

1048

13.14.030 Notice to owner.

1049

13.14.040 Right to Pre-impoundment hearing.

1050

13.14.050 Post-impoundment notice and hearing.

1051

13.14.060 Appeals.

1052

13.14.070 Notice of disposition.

1053

13.14.080 Form of disposition.

1054

1055

13.14.010 Impoundment of boats or vessels for violations.

1056

The harbormaster may, pursuant to this section, impound a vessel by immobilizing it or
1057 removing or having it towed from the water and placed in city and borough or commercial
1058 storage with all expenses and risks of haul-out and storage to be borne by the owner of the
1059 vessel.

1060

1061

13.14.020 Storage charge.

1062

The owner or person entitled to possession of a vessel impounded by the city and borough
1063 shall be subject to and liable for actual storage charge and shall be subject to and liable for all
1064 costs incurred by the city and borough by reason of the impounding or removal.

1065

1066 **13.14.030 Notice to owner.**

1067 Except as provided in Section 13.13.030(A), at least thirty days prior to impounding any
1068 vessel, the city and borough shall cause to be posted on the vessel, in the harbormaster's office,
1069 in the City Hall and on the bulletin board at the United States Post Office, notice of such action
1070 to be taken by the city and borough. A copy of the notice shall be mailed to the owner,
1071 operator or agent of the vessel at his last known address, which address shall be the same as
1072 that furnished in accordance with the provisions of Section 13.08.010. The notice shall contain
1073 the name and/or number of the vessel, the name and address, if known, of the owner and the
1074 location of vessel.

1075
1076 **13.14.040 Right to Pre-impoundment hearing.**

1077 A. Except as provided in Section 13.13.030(A), the owner of a vessel or person entitled to
1078 possession of the vessel has the right to a pre-impoundment administrative hearing to
1079 determine whether there is probable cause to impound the vessel if the owner or person
1080 entitled to possession of the vessel files a written demand for such a hearing with the
1081 municipal clerk within fifteen days after the mailing of the notice required by Section
1082 13.14.030.

1083
1084 B. A hearing shall be conducted before a hearing officer designated by the municipal
1085 administrator within forty-eight hours of receipt of a written demand for a pre-impoundment
1086 hearing from the person seeking the hearing unless such person waives the right to a speedy
1087 hearing. Saturdays, Sundays and city and borough holidays are excluded from the calculation
1088 of the forty-eight-hour period. Pre-impoundment hearing request forms are available at the
1089 harbormaster's office.

1090
1091 C. The hearing officer shall be someone other than the persons who will direct the
1092 impounding and storage of the vessel. The sole issue before the hearing officer shall be
1093 whether there is probable cause to impound the vessel in question. "Probable cause to
1094 impound" shall mean such a state of facts as would lead a person of ordinary care and
1095 prudence to believe that there was a breach of law rendering the vessel subject to
1096 impoundment. The hearing officer shall conduct the hearing in an informal manner and shall
1097 not be bound by technical rules of evidence.

1098
1099 D. The person demanding the hearing shall carry the burden of establishing his right to
1100 possession of the vessel in question. The harbormaster shall carry the burden of establishing
1101 that there is probable cause to impound the vessel.

1102
1103 E. After the pre-impoundment hearing, the hearing officer shall prepare a written decision and
1104 certificate of probable cause if probable cause exists. A copy of the decision and the certificate
1105 shall be provided to the harbormaster, the vessel owner, and the person demanding the hearing.
1106 The decision of the hearing officer is final.

1107
1108 F. Failure of the owner or person entitled to possession of the vessel to request or attend a
1109 scheduled pre-impoundment hearing shall be deemed a waiver of the right to such hearing.

1110 G. Upon receipt of a Certificate of probable cause, the harbormaster may proceed with
1111 impoundment and disposition of the vessel by removal, sale or destruction as authorized by
1112 this chapter.
1113

1114 **13.14.050 Post-impoundment Notice and Hearing.**

1115 A. Unless otherwise provided, the procedure set forth in this section shall apply whenever a
1116 vessel has been impounded or removed or a nuisance vessel abated pursuant to Section
1117 13.13.030(A) or the pre-impoundment hearing procedures under Section 13.14.040 were not
1118 followed.
1119

1120 B. When action is taken to impound, remove, or otherwise abate a nuisance vessel that poses
1121 clear and present danger to the public health, safety or general welfare, notice shall be
1122 personally delivered or mailed to the owner of the vessel, if the name and location of the
1123 owner is known, within twenty-four hours after the impoundment, removal or abatement.

1124 C. The owner of the vessel or person entitled to possession of the vessel has a right to a post-
1125 impoundment hearing if that person submits a written demand for a post-impoundment hearing
1126 to the municipal clerk within fifteen days after the city and borough mailed the notice of
1127 impoundment.
1128

1129 D. A post-impoundment hearing shall be conducted before a hearing officer designated by the
1130 municipal administrator within forty-eight hours of receipt of a written demand for a post-
1131 impoundment hearing from the person seeking the hearing unless such person waives the right
1132 to a speedy hearing. Saturdays, Sundays and city and borough holidays are excluded from the
1133 calculation of the forty-eight-hour period. Post-impoundment hearing request forms are
1134 available at the harbormaster's office.
1135

1136 E. A post-impoundment hearing officer shall determine whether there was probable cause to
1137 impound the vessel. If the hearing officer determines that there was not probable cause to
1138 impound the vessel, the vessel shall be released to the owner without payment of the towing,
1139 storage or other accrued storage, impoundment, and abatement charges or the owner shall be
1140 entitled to a refund or reimbursement of the charges if they were paid. If the hearing officer
1141 determines that there was probable cause for the impoundment of the vessel, the harbormaster
1142 may proceed to dispose of the vessel as provided in this Chapter.
1143

1144 F. Failure of the owner or person entitled to possession of the vessel to request or attend a
1145 scheduled post-impoundment hearing shall be deemed a waiver of the right to such hearing.
1146

1147 **13.14.060 Appeals.**

1148 Any appeal from the decision by the hearing officer in a pre-impoundment or post-
1149 impoundment hearing must be filed within thirty days of the decision to the Alaska Superior
1150 Court at Sitka in accordance with Alaska Rules of Appellate Procedure.
1151

1152 **13.14.070 - Notice of Disposition.**

1153 A. After impounding a nuisance vessel, the city and borough shall publish a notice of
1154 disposition once in a newspaper of general circulation and, if possible, post a notice of
1155 disposition on the vessel at least thirty days before disposing of the vessel.
1156

1157 B. A duplicate of the notice must be served by certified mail, with return receipt, on:

1158 1. the registered owner of the vessel, if known, at the address on record with the United
1159 States Coast Guard; and

1160 2. all lienholders who have filed a financing statement indexed in the name of the
1161 registered owner, or who are shown on the records of a state agency or the United States Coast
1162 Guard.
1163

1164 C. The notice of disposition must include a description of the vessel, the name and/or number
1165 of the vessel, if any, the name and address of the owner, if known, the location of the vessel,
1166 and the means of disposition. If a public auction will be held, the location, date, and time of
1167 the auction shall be included in the notice of disposition.
1168

1169 **13.14.080 Form of Disposition.**

1170 A. If the vessel is not repossessed within thirty days after the publication or mailing of the
1171 notice required under Section 13.14.070, the vessel may be disposed of by negotiated sale
1172 except that when two or more prospective purchasers indicate an interest in purchasing the
1173 vessel, the vessel will be sold at public auction to the highest bidder. The city and borough
1174 may conduct the public auction under this chapter or execute the city and borough's lien
1175 against the vessel in federal court and subject the vessel to a public auction conducted by the
1176 U.S. Marshall's service.
1177

1178 B. The proceeds of any sale of the vessel at a public auction under this chapter shall be first
1179 applied to the costs of conducting the sale, then to impoundment fees and storage charges, and
1180 the balance, if any, shall be forwarded to the registered owner of the vessel, if the owner can
1181 be found. If the owner cannot be found, the balance shall be deposited with the commissioner
1182 of the state of Alaska department of administration and shall be paid out in accordance with
1183 state law. The proceeds of any sale of the vessel at a public auction sanctioned by federal law
1184 shall be dispersed in accordance with federal law. A lienholder shall receive priority of
1185 payment from the balance of the proceeds to the extent of the lien. A registered owner has one
1186 year to make a claim for the remaining proceeds from the sale.
1187

1188 C. If no prospective purchaser indicates a desire to purchase the vessel within thirty days after
1189 the publication or mailing of the notice required under Section 13.14.070, the vessel may be
1190 disposed of as junk, donated to a government agency, or destroyed.
1191

1192 D. Any disposition of the vessel is to be made without liability of the city and borough, its
1193 employees or agents to the owner, operator or lienholder of the vessel.
1194

1195 **13.15 (Reserved – float houses).**
1196

1197 5. **EFFECTIVE DATE.** This ordinance shall become effective 30 days after the date of
1198 its passage.

1199
1200 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of
1201 Sitka, Alaska this 11th day of April, 2014.

1202
1203
1204
1205
1206
1207
1208
1209
1210

Mim McConnell, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

Title 13
PORT AND HARBORS Revised 1/14

Chapters:

13.02 General Provisions

13.04 Definitions

13.06 Charges/Fees Revised 1/14

13.08 Reserved Mooring Stalls

13.09 Anchoring

13.10 Float Regulations

13.12 Enforcement

The Sitka General Code is current through Ordinance 13-46,
passed December 23, 2013.

Disclaimer: The City Clerk's Office has the official version of the
Sitka General Code. Users should contact the City Clerk's Office
for ordinances passed subsequent to the ordinance cited above.

**Chapter 13.02
GENERAL PROVISIONS**

Sections:

- 13.02.010 Purpose.
- 13.02.020 Harbormaster.
- 13.02.030 Port and harbors commission.
- 13.02.040 Jurisdiction limits.

13.02.010 Purpose.

The purpose of these regulations is to provide for orderly development, management, protection, safety and efficient use of all harbor spaces and port facilities within the municipal harbor system by commercial vessels, government vessels, pleasure vessels and the boating public. By the mooring of any vessel within the harbor system, the owner, operator, or master of any vessel agrees to follow the rules and requirements of all the provisions within this title. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.02.020 Harbormaster.

There is created a port and harbors department which will be operated under a harbormaster and staff. The harbormaster will have supervision responsibility and authority to administer all city and borough owned or operated floats, harbor spaces and port facilities, subject to supervision by the city and borough administrator. The harbormaster will have the powers to assign to all vessels, aircraft and other waterborne structures; places for docking, berthing, mooring and anchoring within the floats and docks and within all water area in the designated harbor system and to reassign any such stall or space should conditions warrant the same. The harbormaster will have the municipal police powers in the enforcement of this title and places within the harbor system but the use of said power is limited to the harbor system unless specifically designated and authorized by the chief of police. It is illegal to moor, dock or anchor in any area within harbor jurisdiction unless specifically authorized by the harbormaster. The harbormaster will have the authority to issue harbor tickets and to impound or seize any vessel within the system for improper moorage activities or dead storage. Without any obligation or liability on the harbormaster's part or that of the municipality for his failure to do so, or duty to do so, the harbormaster may replace defective mooring lines, pump boats which are found in a dangerous condition, move any boat found endangering other vessels or raise any sunken vessel found to be endangering others. The harbormaster will have the authority to board, inspect for Title 13 infractions and require compliance prior to the vessel owner continuing the activity that resulted in the infraction. (The responsible boat owner will be billed actual costs associated with any emergency services.) (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.02.030 Port and harbors commission.

There exists a port and harbors commission consisting of seven members who act as an advisory body to the assembly on matters concerning the harbor system. Their duties will include: working with the harbormaster and administrator planning for new harbors; evaluating needs for harbor services;

examining and updating harbor ordinances; review of current harbor operations and annual budgets; recommending priorities, moorage rates and other charges; receiving and evaluating formal and informal advice on harbor operations from citizens and preparing a yearly report to the assembly on the status of the municipal harbor system. The commission will meet nine times per year with additional meetings as needed at the discretion of the chairperson. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.02.040 Jurisdiction limits.

The geographic boundaries of jurisdiction for the harbormaster will be: that area seaward of the western shore of Baranof Island from the south end of Crescent Harbor to the southern point of the Sitka Airport runway, then continuing north and east along the southerly and easterly shores of Charcoal and Alice Island and continuing northerly and westerly along the easterly shore of Japonski Island to the northwesterly side of the breakwater established in Western Anchorage. Then continuing north and easterly along said breakwater to the westerly shore of Baranof Island, thence continuing southerly and easterly along the shores of Sitka Channel through Crescent Harbor and back to the point of beginning, including Sitka Channel and the Western Anchorage area to the breakwater. Within these geographic confines are contained the municipally owned or operated Crescent Harbor, Sealing Cove Harbor, ANB Harbor, Seaplane Float, Thomsen Harbor, Japonski work float, as well as any and all other public spaces, parking lots, ramps, restrooms, docks or port facilities. (See jurisdiction map, Exhibit A, set out at the end of this title.) The harbormaster shall have the authority to post such signs as are necessary to facilitate the safe and orderly movement of vessels, vehicles and pedestrians. (Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(A), 1997; Ord. 96-1394 § 4 (part), 1996; Ord. 96-1366 § 4 (part), 1996.)

The Sitka General Code is current through Ordinance 13-46, passed December 23, 2013.

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**Chapter 13.04
DEFINITIONS**

Sections:

- 13.04.010 Anchor.
- 13.04.020 Charter/vessel for hire.
- 13.04.030 Derelict.
- 13.04.040 Dinghy/lighter.
- 13.04.050 Distress.
- 13.04.060 Emergency.
- 13.04.070 Harbor.
- 13.04.080 Harbormaster.
- 13.04.090 Hot berth.
- 13.04.100 Liveaboard.
- 13.04.110 Moor.
- 13.04.120 Nuisance or hazardous.
- 13.04.125 Permanent transient.
- 13.04.130 Person.
- 13.04.140 Qualifying interest.
- 13.04.150 Stall.
- 13.04.160 Transient vessel.
- 13.04.170 Transfer of cargo.
- 13.04.180 Traffic lanes.
- 13.04.190 Vessel.
- 13.04.200 Vessel seaworthiness.
- 13.04.210 Vessel length.
- 13.04.220 Waterborne structures.

13.04.010 Anchor.

"Anchor" means to secure a vessel to a bed or body of water by dropping a weighted ground line or tackle or by use of a buoy or other means to prevent more than a measurable movement of the vessel. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.020 Charter/vessel for hire.

"Charter/vessel for hire" means any vessel licensed to carry passengers for hire; "bare boat" is a boat rented with or without crew or operator. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.030 Derelict.

"Derelict" means any vessel which is or reasonably appears to be forsaken, abandoned, deserted, cast off, unsound, unseaworthy or unfit for its use or occupation. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.040 Dinghy/lighter.

"Dinghy/lighter" means a small vessel normally carried aboard a larger vessel or towed as a life boat or tender. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.050 Distress.

"Distress" means a state of disability or a present or obvious imminent danger which if unduly prolonged could endanger life or property. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.060 Emergency.

"Emergency" means a state of immediate danger to life or property in which time is of the essence. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.070 Harbor.

"Harbor" means all waters, tidal areas and adjacent uplands areas, together with all facilities of a port or maritime nature publicly owned that are primarily used by or for the service of vessels, including docks, pilings, ramps, hoists, parking areas, leased water areas, concessions and/or service facilities located within. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.080 Harbormaster.

"Harbormaster" means the individual described in Section 13.02.020 and any assistant harbormaster or other person designated to act in the harbormaster's place. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.090 Hot berth.

"Hot berth" means the practice of allowing a vessel to temporarily occupy a stall or space not reserved to said vessel. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.100 Liveaboard.

"Liveaboard" means any vessel used by one or more persons as a primary residence while moored in the Sitka harbor system, which meets the following requirements. A liveaboard vessel must comply with all requirements imposed on any vessel moored in the harbor system including the requirement that the vessel be powered by an engine of sufficient size to propel the vessel at a speed allowing normal steerage and to maneuver out of and into the harbor. A liveaboard vessel must be registered as such with the harbor department. A liveaboard vessel must have a safe heating system, and food preparation system, and berthing accommodations for all occupants. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.110 Moor.

"Moor" means to secure a vessel by the use of lines to a dock, pier or other object providing a more secure fastening to a particular location than by anchoring. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

13.04.120 Nuisance or hazardous.

"Nuisance" or "hazardous" means a derelict or a vessel which is not kept and regularly pumped free of excess water inside its hull, or is submerged, or which constitutes a fire, health, safety or navigation hazard. A vessel is presumed to constitute a "nuisance" if: the vessel is sunk; in immediate danger of sinking; obstructing a waterway; endangering life or property; the vessel has been moored or otherwise left in the harbor and has expired vessel registration numbers; the registered owner no longer resides at the address listed on same registration or other marine documentation papers, or the last known registered owner disclaims ownership and the current owner cannot be determined, or if other means of identification have been obliterated or removed in a manner which precludes identification; or if the vessel does not clear the harbor, under its own power, at least four times per year. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

13.04.125 Permanent transient.

"Permanent transient" means a vessel which is on the wait list (Section 13.08.040). The vessel will not have a permanent stall assignment but will be provided moorage and be billed for permanent moorage under Section 13.06.010. (Ord. 04-21 § 4 (part), 2004: Ord. 99-1531 § 4A, 1999.)

13.04.130 Person.

"Person" means any natural person, individual, married couple, partnership, corporation or governmental agency. A corporation and natural person or individual will be considered the same person if the natural person has control over the former. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

13.04.140 Qualifying interest.

"Qualifying interest" in a vessel means the interest of a person who owns the vessel, or under provisions of written charter or lease, has exclusive control over the operation and navigation of the vessel. A person who transfers title to a vessel or enters into a charter or lease of the vessel to another, seasonally or permanently, thereby relinquishes exclusive control over the use and operation of said vessel and ceases to have a qualifying interest in said vessel. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

13.04.150 Stall.

"Stall" means a place to moor individual vessels in the harbor. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

13.04.160 Transient vessel.

"Transient vessel" means any vessel occupying space in the Sitka Harbor system for which a regular reserved stall has not been assigned. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.170 Transfer of cargo.

"Transfer of cargo" means all types of loading, unloading, transfer and/or containerization of any type of cargo including, but not limited to, fish, shellfish and other seafood products thereof. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.180 Traffic lanes.

"Traffic lanes" (navigation lanes) means those areas specifically set aside for movement to and from other locations and which will be kept open, free of obstructions and not for use for anchoring or mooring. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.190 Vessel.

"Vessel" means any ship, boat, skiff, barge, dredge and craft of every kind or description, whether used for commercial or pleasure purposes, which is on the water and is capable of being used as a means of transportation on or through the water, excluding seaplanes. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.200 Vessel seaworthiness.

"Vessel seaworthiness" means a state of readiness or safety which all vessels moored or docked in the Sitka Harbor system must meet including the following criteria:

- A. Be capable of getting underway under its own power at all times;
- B. Meet all U.S. Coast Guard requirements;
- C. Be a watercraft constructed and maintained for the primary purpose of navigating the waterways of Alaska and not solely for the specific purposes of maintaining a stationary place of residence, floating storage, shop, office or other nonnavigational purposes;
- D. Any vessel found to be in violation of the above requirements shall be given ninety days to comply. Noncompliance shall result in the cancellation of moorage and/or removal from the harbor system.

(Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(B), 1997; Ord. 96-1366 § 4 (part), 1996.)

13.04.210 Vessel length.

The method of determining vessel length within the harbor system: Vessel length will be computed as the actual overall length of any vessel, including bow sprits, outboards or other extensions. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.04.220 Waterborne structures.

"Waterborne structures" means other than a vessel. Examples include but are not limited to barges, float houses, or other, usually unpowered, structures. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

The Sitka General Code is current through Ordinance 13-46, passed December 23, 2013.

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**Chapter 13.06
CHARGES/FEES** Revised 1/14

Sections:

- 13.06.010 Moorage charges and fees. Revised 1/14
- 13.06.020 Review of charges.
- 13.06.030 Nonpayment.
- 13.06.040 Unpaid stalls.

13.06.010 Moorage charges and fees. Revised 1/14

There is established, determined, and levied upon all vessels and waterborne structures moored, tied to, or in any other way attached by rope, cable, gangplank or other means to any float, piling, dock, mooring buoy or other harbor improvement which is owned, constructed, maintained or operated by the city and borough of Sitka a rental charge and/or fee for the privilege and use of such facilities. The charges and fees set forth in this section shall be reviewed annually by the port and harbors commission in the month of January. The administrator and municipal clerk shall each be responsible for ensuring that such review is put as an item on the commission's agenda for a meeting in January of each year. The rental charges and/or fees for each vessel or waterborne structure will be imposed and levied upon and collected from the owners, operators, or masters of all such vessels and waterborne structures according to the following classifications set forth in this section:

A. Permanent Moorage.

- 1. Rates and Fees. Permanent moorage charges shall be assessed per foot per month (or portion thereof) of overall vessel length, or stall length, whichever is greater, as set forth in the table below. The permanent moorage is inclusive of the standard moorage rate to cover operations and a capital improvement projects plan in accordance with the harbor system master plan, as set forth in the table below.

**Moorage Rates and Charges
(per foot per month)**

Total Permanent Moorage	\$2.80
-------------------------	--------

- 2. Payment Schedule. Payments may be made in advance quarterly, semiannually or annually, but not to exceed one year (January to December).

B. Daily Transient Moorage.

- 1. Rates. Daily transient moorage charges shall be assessed per foot per day of overall vessel length, as set forth in the table below. If billing is required, the moorage rate assessed will be double the rates listed below.

Moorage Rates (per foot per day)

	10/1/2012
Daily Transient Rate (0—80 feet)	\$0.87
Daily Transient Rate (81—150 feet)	\$1.49
Daily Transient Rate (151 feet or more)	\$2.24

2. **Payment Schedule.** All charges shall be paid in advance and are nonrefundable, even if the vessel does not use transient moorage for any of the pre-paid time period.
- C. **Liveaboard Vessels.** Liveaboard vessels will pay the regular monthly mooring fee. In addition, they will pay the minimum residential user's fees for garbage, water, and sewer on a monthly basis.
- D. **Monthly Transient Moorage.**
1. **Rates.** Monthly transient moorage charges shall be assessed per foot per month (or portion thereof) of overall vessel length, as set forth in the table below. If billing is required, the moorage rate assessed will be double the rates listed below.

Moorage Rates (per foot per month)

	10/1/2012
Monthly Transient Rate (0—150 feet)	\$14.94
Monthly Transient Rate (151 feet or longer)	\$22.41

2. **Payment Schedule.** Each month of moorage charges shall be paid in advance, and are nonrefundable, even if the vessel does not use transient moorage for any of the pre-paid time period.
- E. **Wait-List Moorage.** Vessels on the wait list moored in any of the Sitka harbors shall be charged the same rates and fees as for permanent moorage, payable in advance, quarterly. Payments will be nonrefundable. If a person is delinquent in the payment of moorage for more than thirty days, the vessel will be removed from the wait list and the vessel shall be required to pay transient moorage.
- F. **Transient Electricity.** The fee for using an electrical meter other than a meter in the vessel owner's name will be five dollars per day for thirty amp service. For fifty amp service and above, the fee will be as follows: a ten-dollar in and ten-dollar out meter reading fee plus the cost of the electricity used.
- G. **Tour Ship Lightering Fees.** The fee for the use of the lightering floats will be:
1. Nine hundred sixteen dollars and seventy cents per ship, per day, plus applicable city sales tax for the 2013 through 2015 seasons.
 2. Future lightering fees will be negotiated prior to the 2016 season.

H. Airplane Float Fees. Fees will be fifty dollars per month for aircraft mooring at the airplane float. A transient aircraft fee of five dollars per day or a thirty-day permit for one hundred dollars will be assessed. It is unlawful for any boat to moor at, or in any way obstruct, the airplane float.

1. The fee for use of the floatplane facility (airplane float) by commercial aircraft is two hundred dollars per year. This fee shall be in addition to the fee for use of the airplane float for aircraft mooring set out in this subsection.

I. Summer Recreational Vehicle/Boat Trailer Parking Fee. The rate is thirty-five dollars plus applicable city sales tax per calendar day per stall.

J. Winter Recreational Vehicle/Boat Trailer Park Storage Fees. The rates are as follows for winter storage (October 1st through March 31st) at Sealing Cove recreational vehicle/boat trailer park, based on the overall length of the recreational vehicle, boat trailer, or motor vehicle:

1. Daily rate of fifteen cents per foot per day;
2. Monthly rate of three dollars and ten cents per foot per month;
3. Winter seasonal rate (October 1st through March 31st) of sixteen dollars per foot;
4. A two hundred dollar deposit will be collected before any vehicle is stored, to be refunded whenever the vehicle is moved out.

K. Grid Fee. The fee for use of the harbor grid is ten dollars per day per vessel.

L. Launch Ramp Fees. The fee for the use of a launch ramp is as follows:

1. Daily rate of ten dollars per day; or
2. Annual rate of seventy-five dollars per year for an annual permit.

M. Large Vessel with Reservations for End-Ties and O'Connell Lightering Facility.

1. Rates. Charges for large vessel with reservation for end-ties or for the O'Connell Lightering Facility when it is not being used as a lightering float shall be assessed per foot per day of overall vessel length or float length, whichever is greater, as set forth in the table below. If billing is required, the moorage fee assessed will be double the rates listed below.

Moorage Rates (per foot)

Moorage Type	10/1/2012
Large Vessel Daily Reservation, End-Tie	\$2.50
Large Vessel Daily Reservation, O'Connell Lightering	\$3.00

2. Payment Schedule. All charges shall be paid in advance and are nonrefundable, even if the vessel does not use transient moorage for any of the pre-paid time period.

(Ord. 13-46 § 4, 2013; Ord. 13-15 § 4, 2013; Ord. 12-21A § 4, 2012; Ord. 10-26 § 4, 2010; Ord. 07-01 § 4 (part), 2007; Ord. 06-15 § 4, 2006; Ord. 06-10 (A-1) § 4(A), 2006; Ord. 05-12 § 4(A), 2005; Ord. 04-21 § 4 (part), 2004; Ord. 03-1726 § 4, 2003; Ord. 02-1708 § 4, 2003; Ord. 00-1569 § 4, 2000; Ord. 99-1552 § 4, 1999; Ord. 99-1531 §§ 4A-4E, 1999; Ord. 96-1394 § 4 (part), 1996; Ord. 96-1366 § 4 (part), 1996.)

13.06.020 Review of charges.

The rates stated in this title are determined to be fair, just and reasonable rates. All rates charged or assessed by the harbormaster will be paid by the owner, master or other person having charge of the vessel, but will be subject to review for fairness by the municipal administrator. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.06.030 Nonpayment.

It is unlawful for any person to moor, berth, tie, attach or in any other manner connect to any harbor improvement or facility with any vessel or airplane, for a period not to exceed one day, without paying the prescribed rental charges previously listed. Any delinquent personal property tax or sales tax on a vessel will be paid prior to any mooring or being placed on a municipal waiting list. A late or penalty fee will be assessed after thirty days, if in arrears, as prescribed by the municipal code. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.06.040 Unpaid stalls.

If the applicable moorage fees have not been paid by the date due, following delinquent notification within thirty days, the harbormaster may declare the stall released and it may be reassigned to the next person on the waiting list for that appropriate sized boat. (Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(C), 1997; Ord. 96-1366 § 4 (part), 1996.)

The Sitka General Code is current through Ordinance 13-46, passed December 23, 2013.

Disclaimer: The City Clerk's Office has the official version of the Sitka General Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

Chapter 13.08 RESERVED MOORING STALLS

Sections:

- 13.08.010 Registration required.
- 13.08.020 Reserved moorage.
- 13.08.030 Moorage space assignments.
- 13.08.040 Waiting list.
- 13.08.050 Retention of a waiting list priority and stall transfer list fee.
- 13.08.060 Utilizing a reserved stall.
- 13.08.070 Stall—Sale of boat.
- 13.08.080 Transfer of reserved mooring.
- 13.08.090 Nonuse of a stall.
- 13.08.100 Transient vessels.

13.08.010 Registration required.

Every owner, master or managing agent of a vessel using the harbor, even temporarily, will be required to register with the office of the harbormaster within eight hours of entering the harbor system. Said registration will contain the following information: owner's or managing agent's name, address and phone number, the vessel's name and home port, official documentation or state I.D. number, color, length, breadth and draft. If a different phone number or contact person is required for an emergency phone number or contact person it will also be listed. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.020 Reserved moorage.

Reserved moorage may be obtained, as available, at locations designated or assigned by the harbormaster. Reserved space will be assigned based on a waiting list which will be maintained in the harbor office and will be on a first-come, first-served basis determined upon the date the application was received, the type and size boat space required and the availability of such spaces. (Ord. 04-68 § 4, 2004; Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.030 Moorage space assignments.

Moorage spaces may be held in the names of individual persons, government agencies, educational institutions, and nonprofit organizations. Corporations may hold moorage spaces, however if a corporation is sold or taken over by another corporation, individual, or business entity the moorage space will be forfeit. Partners may hold a moorage space equally, but if the space holder wishes to add a partner's name to the space assignment, the new partner must go on the wait list and will be added to the space assignment when his/her name comes up for assignment. Partnerships must be true partnerships and both names must be on the vessel documentation or registration. Should a partnership dissolve, it will be up to the partner retaining the moorage space to submit a release from the other partner indicating their agreement to the retention. The stall will then transfer to the individual retaining the stall. The harbormaster retains the right to review and obtain a copy if

necessary of U.S. Coast Guard documentation papers of ownership or state of Alaska vessel title or registration. Moorage spaces may only be assigned to vessel owners. Lease vessels do not comply with the requirements of this title. Vessel owners may not lease their vessels and hold a moorage space after six months without the approval of the harbormaster. Any holder of a reserved mooring stall shall not sublease, rent, or in any other manner permit or allow any other vessel to occupy said space, unless specifically permitted and approved by the harbormaster for sufficient reason given. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.040 Waiting list.

There will be a moorage waiting list maintained by the harbormaster and displayed in the harbor office for public inspection. The list will be based on receipt of a nonrefundable administrative fee, equivalent to the first quarter's moorage fee based on the overall length of the listed vessel. The nonrefundable administrative fee will not be applied to the first quarter's moorage fee when a stall is assigned, unless the applicant paid the waitlist fee prior to February 15, 2007. All permanent moorage vacancies will be filled by the first applicant on the list who has a vessel of the required length, beam, electrical needs or other overall factors deemed by the harbormaster to be most suitable for the empty berth. (Ord. 07-01 § 4 (part), 2007; Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.050 Retention of a waiting list priority and stall transfer list fee.

An applicant who does not respond to a written notice sent by the harbormaster, by certified mail, to the last address in the files of the harbor department, will be removed from the waiting list. Upon accepting a stall assignment and payment of a twenty-five-dollar nonrefundable stall transfer list fee, the applicant may be placed on a stall transfer list for the same vessel. (Ord. 07-01 § 5, 2007; Ord. 04-21 § 4 (part), 2004; Ord. 02-1696 § 4, 2002; Ord. 96-1366 § 4 (part), 1996.)

13.08.060 Utilizing a reserved stall.

The municipality reserves the right to provide temporary moorage or "hot berthing" of another vessel within a reserved moorage space when said space is unoccupied. A holder of a reserved stall or space within the city and borough of Sitka harbor system should provide a usage plan to the harbormaster, if he/she knows he/she will be absent for any reasonable extended length of time more than twenty-four hours, giving his/her estimated time of departure and return. The stall holder will not have the right to designate any specific vessel to use the stall. Should the reserved stall holder return earlier than expected, the holder will contact the harbormaster, as early as possible, to facilitate time to remove the temporary vessel from the reserved space. If the harbormaster is not available, the reserved stall holder will moor at the transient area until he/she can contact the harbor department. The harbormaster will inform temporary users of any absent holder's reserved moorage space that said use will continue only for the duration of the holder's boat's absence and that the harbormaster is authorized to move the temporary vessel to another location upon return of the holder's boat. Any temporary stall user will therefore be required to keep the harbormaster notified of his/her whereabouts. Any boat owner desiring to moor temporarily in a reserved but vacant stall will apply to the harbormaster. No such stall or space will be utilized unless authorized and the appropriate fee is paid in advance. The boat owner temporarily assigned to a reserved moorage space will not utilize the

utilities which may have been provided for the reserved stall holder unless authorized by the harbormaster. If electricity is used, the stall holder will be credited to his current usage for that month. Nothing in this section limits the harbormaster's authority to move any moored boat to another location in the event of a fire or other emergency requiring such action. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.070 Stall – Sale of boat.

When a person sells his/her boat, he/she will notify the harbormaster within one week of the sale and state whether the stall will be released. A change of ownership occurs when a name is changed, added, or dropped from a vessel's documentation. A stall is not transferable by the holder. Persons who sell their boat but intend to purchase another one which is of a proper size to fit into the existing stall may retain their stall for a period of up to six months. If, at the end of that time, they have not obtained ownership of another boat or furnished proof of intent to procure a boat within a reasonable extended period of time as determined by the harbormaster, the reserved space will be forfeited. Any such person wishing to retain the stall will be responsible for the continued mooring rate fee as established by Section 13.06.010. The fee will be based on the length of the stall plus ten feet. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.080 Transfer of reserved mooring.

Any person holding a reserved mooring space or a position on the approved waiting list may not transfer such space or list position to any other person except that a preferential annual slip assigned to a vessel may be retained if the transfer is between husband and wife, to a natural or legally adopted son or daughter or grandson or granddaughter or is legally inherited by a member of the owner's family and documented as such to the satisfaction of the harbormaster. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.08.090 Nonuse of a stall.

If the owner of a vessel, to which a reserved mooring space is assigned, does not use that space or slip for at least three months of each calendar year, the reserved mooring space will be forfeited and the harbormaster will notify said owner, in writing. The harbormaster may waive this requirement, on a case-by-case basis, under exceptional circumstances such as extended ocean voyages or major vessel repair. (Ord. 04-21 § 4 (part), 2004; Ord. 02-1697 § 4, 2002; Ord. 96-1366 § 4 (part), 1996.)

13.08.100 Transient vessels.

No transient vessel shall moor at ANB Harbor Float No. 4 for more than ten consecutive days except by special permission of the harbormaster. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

**Chapter 13.09
ANCHORING**

Sections:

13.09.010 Anchoring permits.

13.09.020 Anchored vessels and waterborne structures.

13.09.010 Anchoring permits.

A. Any operator or owner of a vessel or waterborne structure that is anchored within the water area in the jurisdictional limits of the harbormaster as identified in Section 13.02.040 is required to apply for an anchoring permit from the harbormaster within twenty-four hours after anchoring. The anchoring permit shall be effective for no more than seven consecutive days unless an extended anchoring period is approved by the harbormaster. The anchoring location shall be specified on the permit application, and is subject to approval by the harbormaster.

B. This chapter applies to vessels or waterborne structures that are anchored as defined in Section 13.04.010, but not to those vessels or waterborne structures that are moored as defined in Section 13.04.110.

(Ord. 06-46 § 4 (part), 2006.)

13.09.020 Anchored vessels and waterborne structures.

A. Any anchored vessel must meet vessel seaworthiness requirements under Section 13.04.200, and not be a hazard or nuisance as defined by Section 13.04.120. Any anchored vessel that does not meet the vessel seaworthiness requirements or is a hazard or nuisance is subject to impound under Section 13.04.200(D) and other applicable enforcement actions under Chapter 13.12, is not eligible for any anchoring permit, and any issued anchoring permit shall be cancelled.

B. Any anchored waterborne structure may not be a hazard or nuisance under Section 13.04.120. Any anchored vessel that is a hazard or nuisance is subject to impound under Section 13.04.200(D) and other applicable enforcement actions under Chapter 13.12, is not eligible for any anchoring permit, and any issued anchoring permit shall be cancelled.

(Ord. 06-46 § 4 (part), 2006.)

**The Sitka General Code is current through Ordinance 13-46,
passed December 23, 2013.**

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Chapter 13.10 FLOAT REGULATIONS

Sections:

- 13.10.010 Notice to owners.
- 13.10.020 Dead storage.
- 13.10.030 Minimum-maximum length.
- 13.10.040 Vehicles and parking.
- 13.10.045 Vehicles prohibited.
- 13.10.046 Boat launch ramp and trailer parking.
- 13.10.047 Recreational vehicle park rules and regulations.
- 13.10.048 Recreational vehicle/boat trailer winter storage rules and regulations.
- 13.10.050 General requirements.
- 13.10.060 Harbor electrical system.
- 13.10.070 Notices – Billboards.
- 13.10.080 Distribution of commercial handbill and leaflets – Permit required.
- 13.10.090 Skiffs or secondary vessel mooring.
- 13.10.100 Pets within the harbor system.
- 13.10.110 Unlawful disposal in Sitka Harbor system.
- 13.10.120 Fires.
- 13.10.130 Liveaboards in Crescent Harbor.
- 13.10.140 Cleaning fish.
- 13.10.150 Storage prohibited.
- 13.10.160 Grid.
- 13.10.170 Gear/cargo loading float.
- 13.10.180 Work float.
- 13.10.185 Sealing Cove boat trailer area.
- 13.10.190 Airplane float.
- 13.10.195 Regulations for airplanes operating within the Sitka Harbor system.
- 13.10.200 Garbage facilities.
- 13.10.210 Children.
- 13.10.220 Swimming.
- 13.10.230 Restriction on offloading more than five hundred pounds of commercially caught raw fish in the harbor system.

13.10.010 Notice to owners.

By the mooring of any vessel within the Sitka harbor system, the owner, operator, or master of any vessel agrees to all of the provisions contained within this title. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.020 Dead storage.

It is declared that the city and borough of Sitka owned or operated floats, mooring spaces or other facilities have been installed and are operated for the convenience and use of fishermen and

pleasure boat owners and are not for the purposes of providing a source of inexpensive alternative housing or dead storage. Moorage of any type of waterborne structure, houseboat, flatboat or barge is specifically prohibited. This prohibition extends to the entire area of jurisdiction of the harbor system but will exclude those fishing scows specifically owned or operated by on-shore cold storage plants which are brought into Sitka for maintenance or off-season storage only. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.030 Minimum-maximum length.

The minimum-maximum length of any boat or ship or any other object which moors at any city and borough of Sitka harbor float, will be based on the length of the stall. For stalls twenty feet to fifty feet in length, the minimum will be three feet under stall length and the maximum will be ten feet in excess of stall length. For stalls less than twenty feet there will be no minimum and the maximum length will be set by the harbormaster depending on the stall in question. This size restriction does not apply to the municipal port development area, Thomsen Harbor floating breakwater or other specific areas where oversize packers, tour vessels or large visiting yachts are specifically permitted. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1394 § 4 (part), 1996; Ord. 96-1366 § 4 (part), 1996.)

13.10.040 Vehicles and parking.

No vehicle will be allowed or permitted to park on the approach to any float so as to obstruct said approach except as a necessary purpose of discharging passengers or freight. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.045 Vehicles prohibited.

It is unlawful for any person to ride a bicycle, motor scooter, motorcycle, skateboard, roller skates, roller blades, or other similar device on any municipal float. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.046 Boat launch ramp and trailer parking.

A. The city and borough of Sitka boat launch facility shall be open to the public. It is unlawful to block access to either of the launch ramps at Sealing Cove or Crescent Harbor.

B. Short-term parking is available for trailers. There is also a three-day and a ten-day area. The harbor department will issue citations and impound trailers that exceed the time limit.

(Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.047 Recreational vehicle park rules and regulations.

The facility is intended to service short-term visitors to Sitka. It is not intended to become a location for permanent occupants.

A. The RV park is open annually from April 1st through September 30th. Occupancy is limited to a maximum of thirty consecutive days.

- B. The registration and fee shall be collected by harbor department personnel or park host and shall be paid in advance. (See Section 13.06.010(l) for fee.)
- C. Each occupant shall be responsible for keeping their assigned space neat and clean.
- D. No tents, wannigans, sheds, additions, or extensions to the RV, camper or trailer occupying the space are allowed.
- E. Recreational vehicles with holding tanks may dump free of charge at the municipal wastewater treatment disposal facility.

(Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(D), 1997; Ord. 96-1394 § 4 (part), 1996.)

13.10.048 Recreational vehicle/boat trailer winter storage rules and regulations.

- A. The recreational vehicle/boat trailer park at Sealing Cove will be open for winter storage of recreational vehicles, boat trailers, boats on boat trailers, and motor vehicles from October 1st through March 31st of each year.
- B. No recreational vehicle, boat trailer, or motor vehicle may be stored or remain at the recreational vehicle trailer park unless:
 - 1. The recreational vehicle, boat trailer, boat on boat trailer, or motor vehicle has required license plate(s), current vehicle registration, and current license tags; and
 - 2. The recreational vehicle, boat trailer, or motor vehicle is operational.
- C. Any recreation vehicle, boat trailer, boat on boat trailer, or motor vehicle not removed by March 31st will be impounded at the owner's expense.

(Ord. 06-10 (A-1) § 4(B), 2006.)

13.10.050 General requirements.

The following rules are intended to minimize adverse effects on neighboring shore side properties adjacent to the harbors:

- A. To the extent allowed by safety considerations, harbor lights, all bright lights, including vessel deck lights will be directed away from the shoreline.
- B. The use of crab lights (sodium, mercury, crab, flood, etc.) is prohibited within the harbors and between the breakwaters and O'Connell Bridge between the hours of eight p.m. and seven a.m.
- C. The use of any sound system, public address and/or paging systems of any sort will be limited to the hours of seven a.m. and eight p.m. The performance of any vessel repairs requiring noisy activities, including the revving of vessel engines will be limited to the same hours. In case of emergencies contact the harbormaster.

(Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.060 Harbor electrical system.

The following regulations govern the use of electricity within the harbor system:

- A. Connections to any vessel moored within the municipal system are under the direction of the harbormaster and are subject to the following:
1. Use of nonmarine battery chargers is strictly prohibited. All chargers used within the system must contain an isolator circuit or be run through an isolator so that no current is discharged into the municipal system.
 2. Use of extension cords, plugs, caps and other components between the vessel's private system and the municipal shore side system will comply with the electrical code of the city and borough and be of a specific marine design recognized and approved by the city and borough of Sitka.
 3. Only heating lamps with porcelain type sockets may be used.
 4. Any onboard heater capable of causing a fire if overturned, must be equipped with a safety switch which will automatically disconnect the electrical power, if so overturned.
 5. Violation of any of the provisions of this section is punishable up to the maximum of five hundred dollars.
- B. The harbormaster will, by permission of vessel owner or agent, have the authority to enter any vessel connected to the municipal electrical system to inspect electrical equipment to assure compliance with this and other applicable codes. If permission is not granted, the harbormaster may disconnect said shore power from the offending vessel.
- C. It is unlawful for any person to interfere, tamper with, or connect any wires, plugs or other devices to any of the electrical wiring or electrical outlets upon any of the docks, floats or gangways maintained, constructed or owned by the city and borough of Sitka without the permission of the harbormaster.
- D. Violation of any of the provisions of this section is punishable up to the maximum of five hundred dollars.

(Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.070 Notices – Billboards.

It is unlawful for any person, firm or corporation to post any matter upon any bulletin board or to create any writing or printed material and post it to any float, piling, dock or any other portion of the municipal harbor system, except in those areas designated by the harbormaster. Any unauthorized material will be immediately removed by the harbormaster and destroyed. All material will be dated and is limited to thirty days. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.080 Distribution of commercial handbill and leaflets – Permit required.

Distribution of commercial handbills and leaflets is forbidden in harbor facility areas and in the adjacent public parking areas except in those locations designated by the municipality for such

distribution. Persons intending to distribute commercial handbills and leaflets in the harbor area will be required to obtain a permit from the municipality. A condition for the issuance of such permits shall be that the permittee agree to clean up any discarded handbills and leaflets in the harbor area and adjacent parking lot areas at the end of each day. Failure to properly clean up the area may result in revocation of such permits by the administrator or his/her agent. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.090 Skiffs or secondary vessel mooring.

No skiff or other secondary vessel will be separately moored to the municipal harbor system except at a berth specifically assigned for moorage to the owner of that skiff and with appropriate fees paid. No floating skiff will be tied or otherwise moored to any other vessel moored to that berth in any way as to protrude into the passage lane to another berth or in such a way as to block passage from any other vessel. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.100 Pets within the harbor system.

Any dog, cat or other pet living aboard any boat in the Sitka harbor system, or crossing the floats to a vessel shall be subject to the entirety of Title 8 as enforcement guidelines and to include "three strikes and you're out" rule. Any person who observes an animal defecating, spraying, exhibiting excessive aggressive behavior or otherwise creating a problem on the floats or another vessel other than where the animal originated which is not immediately corrected by its owner will:

- A. For an animal defecating or spraying, report the incident to the office of the harbormaster. An employee of the harbor department will contact the owner of the animal and explain the offense observed and prepare a written report for the record. In the case of an animal exhibiting excessive aggressive behavior, a "notice of potentially dangerous and dangerous dog" form will be completed by the harbor department and the animal control officer for the city and borough will be notified regarding this action.
- B. For a second incident with the same animal defecating or spraying, the harbormaster will prepare a citation and will inform the owner the pet will be subject to removal from the harbor system if the problem is not corrected. In regards to an animal exhibiting excessive aggressive behavior, a second offense involving such behavior will result in the issuance of a citation and the animal will be banned from the harbor system. The animal control officer for the city and borough of Sitka will also be contacted and provided with all the information in regards to a second violation for exhibiting excessive aggressive behavior.
- C. If the same animal is observed for the third time, defecating, spraying, or otherwise displaying improper behavior within the harbor system, a written letter will be sent to the owner declaring the particular animal is barred from the harbor system. The owner will be granted ten days to remove the animal, if existing on a liveaboard, or be prohibited from accompanying the owner to their vessel through the harbor system floats. Any owner having an animal barred from the harbor system may appeal the harbormaster's decision to the administrator of the city and borough of Sitka. If not resolved, an appeal may be presented to the port and harbors commission, acting as a recommending body for the assembly. The assembly may then hear any additional appeal not

resolved. As with any other appeal of an administrative decision, this may be appealed to a court of competent jurisdiction.

(Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.110 Unlawful disposal in Sitka Harbor system.

It is unlawful to:

- A. Dispose of any fish, shellfish or other animal, or waste parts of fish, shellfish or other animal, into the waters of the Sitka Harbor system or waters within one-half mile of any boat harbor. The fine for any violation is set out in Section 13.12.050(D);
- B. Dump garbage or trash into any boat harbor, harbor uplands or associated tidelands;
- C. Abandon or leave old boats, hulks or wrecks within the Sitka Harbor system;
- D. Spill, dump, discharge or in any other manner dispose of flammable waste such as gasoline, lubricating oil, or other combustible liquids into any boat harbor, uplands, or associated tidelands;
- E. Leave or dispose of spoiled fish, bait, or gear on the city floats. Vessel owners will tend to their gear promptly after each commercial opening. Any failure to provide necessary cleanup action will be considered a nuisance.

(Ord. 09-64 § 4 (part), 2009; Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.120 Fires.

A boat owner is strictly liable for the damages caused by a fire originating in his vessel to any municipal floats or structures. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.130 Liveboards in Crescent Harbor.

Limited liveboards shall be allowed in Crescent Harbor, as permitted by the harbor department, based on criteria recommended by the port and harbors commission. It is also recognized that on an occasional basis, vessels moored in Crescent Harbor may desire to leave very early in the morning due to a fisheries opening. Owners will notify the harbormaster on those times when they feel they must nap on the boat in preparation for an early departure. (Ord. 07-26 § 4, 2007; Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.140 Cleaning fish.

It is unlawful to clean fish on any portion of a city and borough dock or float, except at designated fish cleaning stations. See Exhibit A, set out at the end of this title. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.150 Storage prohibited.

It is unlawful for any person to use any harbor for storage, on any floats, docks or gangways or any other portion of the municipal harbor system, of any pipes, nets, wares, merchandise, or gear of any sort or type without the permission of the harbormaster. Even when permission is given, it is for a specific, short length of time to facilitate gear changing, loading or other necessary activity and not as a convenient place of storage of personal items. Should a skiff or other item having value be found stored on the docks or floats in violation of this section, the harbormaster will impound said items and dispose of them as follows:

- A. They will be stored for thirty days.
- B. The owner will be notified, if known, by certified mail, that the items have been impounded and must be reclaimed within the thirty days, after paying reasonable storage and associated costs, or they will be subject to sale at the end of thirty days with the owner responsible for any unrecovered costs. Public and owner notification shall run concurrently.

(Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.160 Grid.

No boat more than thirty-five tons per bent will be allowed on the south grid. No boat more than six tons per bent will be allowed on the north end grid. If persons wishing to exceed the above limits wish to use the grid, they must contact the harbormaster for special consideration. Maximum time on grid is ninety-six hours. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.170 Gear/cargo loading float.

Unless other arrangements have been made with the harbormaster, the following rules apply to the gear/cargo loading float:

- A. The time limit on the loading float is two hours;
- B. Vehicle access shall be for vessels tied to the gear/cargo loading float only, when there is actual loading between vessel and vehicle;
- C. Parking is not for casual access to vessels tied in the harbor. Improper use of the gear/cargo loading float is unlawful.

(Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(E), 1997; Ord. 96-1366 § 4 (part), 1996.)

13.10.180 Work float.

A year round work float is available for use and located on Sitka Channel across from ANB Harbor. The intent for this work float is gear work only. This float is equipped with water and electricity. No overnight moorage is permitted without the harbormaster's permission. No storage of any gear, nets or materials is permitted without the harbormaster's permission and only in case of an emergency. The Crescent Harbor, Float 4 work float is available for temporary winter moorage from September 15th until April 15th. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.185 Sealing Cove boat trailer area.

Parking of boat trailers in the Sealing Cove boat trailer area is limited to ten days. Changing parking stalls in the parking area shall not initiate a new ten-day period. A trailer must be removed from the parking lot for forty-eight hours before another ten days of parking may be allowed. The penalties for violation of this section and Section 13.10.180 shall be as specified in Chapter 11.40 for overtime parking. (Ord. 04-21 § 4 (part), 2004; Ord. 99-1537 § 4, 1999.)

13.10.190 Airplane float.

The municipal airplane float shall be administered and enforced by the harbormaster but subject to:

- A. Commercial operations shall be allowed at the municipal airplane float with the harbormaster's approval and proper permitting in place until such time as a new floatplane facility is constructed or December 31, 2006, whichever is earlier. Such operations shall be charged an appropriate user fee.
- B. The municipal plane floats are for the use of active planes.
- C. Only repair and maintenance work of a minor nature shall be allowed on the float, which is defined as that work which would ordinarily be completed in one twenty-four-hour period. The harbormaster shall have discretion in enforcing this provision.
- D. It is unlawful for the owner or person in charge of any boat to moor it at any municipal plane float.

(Ord. 05-18 § 4, 2005; Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.195 Regulations for airplanes operating within the Sitka Harbor system.

Airplanes operating within the Sitka Harbor system shall:

- A. Follow international navigation rules while operating as a vessel (i.e., on the water);
- B. Not taxi on step in the channel except during take-off and landing. This is to be a no wake zone in affect in Sitka Channel from O'Connell Bridge to the rubble mound breakwater north of Thomsen Harbor;
- C. Use the take-off and landing corridor located on the southwest side of Western Anchorage, paralleling Japonski Island, from the government pier (USCG cutter Woodrush), out to the breakwater. Pilots have the option to use other areas when wind and weather conditions require, but must maintain adequate separation from vessel traffic. Approximately eighty percent of seaplane operations will be conducted in the designated area;
- D. Pilots are reminded not to fly within five hundred feet of any structures, except as necessary for take-off and landing. This includes the O'Connell Bridge.

(Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.200 Garbage facilities.

Objects too large to fit into the litter container shall be disposed of at the municipal landfill by the owner at his/her expense. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.210 Children.

Unless walking with or otherwise closely accompanied by parents or a responsible adult, it is unlawful for any child under the age of twelve to be on the city and borough owned floats, docks or wharves unless wearing a life preserver. Parents and guardians shall be responsible for compliance with this regulation. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.220 Swimming.

Swimming and diving (with the exception of authorized commercial scuba diving or snorkeling and special events approved by the administrator) from any city and borough of Sitka owned or managed float, dock, or wharf is prohibited. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.10.230 Restriction on offloading more than five hundred pounds of commercially caught raw fish in the harbor system.

The only place more than five hundred pounds of commercially caught raw fish taken by one vessel on one fishing trip may be offloaded in the harbor system is the city and borough-owned hoist. Anyone committing a violation of this section is liable for a fifty dollar fine unless either of the next two sentences applies. Anyone committing a violation after having been found to have committed a previous violation of this section is liable for a fine of one thousand dollars. Anyone committing a violation after having been found to have committed more than one previous violations of this section is liable for a fine of two thousand five hundred dollars. (Ord. 05-23 § 4, 2005; Ord. 04-48 § 4(B), 2004.)

The Sitka General Code is current through Ordinance 13-46, passed December 23, 2013.

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**Chapter 13.12
ENFORCEMENT**

Sections:

- 13.12.010 General.
- 13.12.015 Prohibited acts.
- 13.12.020 Negligent operation.
- 13.12.030 Reckless operation.
- 13.12.035 Speed limits.
- 13.12.040 Written warning.
- 13.12.050 Fines.
- 13.12.060 Impoundment.
- 13.12.065 Penalties for emission of soot from an oil stove in a vessel.
- 13.12.070 Notice to owner.
- 13.12.080 Right to hearing.
- 13.12.090 Hearing procedure.
- 13.12.100 Assembly oversight.

13.12.010 General.

A. The harbormaster has the authority to order vessels, occupants or visitors to leave the harbor for violations of any portion of this title. Moorage and berthing is a privilege which may be revoked for violations of this title. The harbormaster is granted the authority to issue citations, impound vessels and remove vessels from the harbor system either temporarily or permanently under the provisions of this title. The owner of record and/or the person in charge of the vessel will be responsible for any and all infractions charged against his/her vessel.

B. Persons utilizing the harbor facilities shall obey all municipal, state and federal laws and regulations, as well as those generally accepted safety standards, as well as refrain from engaging in prohibited acts under Section 13.12.015. (Ord. 13-21 § 4 (part), 2013; Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.12.015 Prohibited acts.

In addition to certain other actions noted within other chapters, the following actions are also prohibited:

- A. Generating loud or boisterous noises that disturb the reasonable peace and privacy of others;
- B. Obstructing or interfering with the harbormaster and/or harbor staff in the performance of their duties or refusing to comply with a lawful order of the harbormaster;
- C. Challenging or intending to provoke another to fight, or engaging in fighting;
- D. Consuming alcohol, except on licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, illicit drugs or narcotics; and

E. Anyone violating this section may be ordered verbally by the harbormaster, or designee, to leave the harbor immediately. (Ord. 13-21 § 4 (part), 2013.)

13.12.020 Negligent operation.

It is unlawful for any person in charge of a vessel to operate or propel the boat in a negligent manner. A person who operates a vessel in a manner which creates an unjustifiable risk of harm to any person or property and who, as a result of the creation of that risk actually endangers a person or property is guilty of negligent operation. That a defendant actually endangered a person or property is established by showing that, as a result of the defendant action, an accident occurred or evasive action was required or a person was forced to dramatically slow down or stop to avoid an accident or a person or property was otherwise endangered. The offense of negligent operation is a lesser offense than, and is included in the offense of reckless operation. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.12.030 Reckless operation.

It is unlawful for any person in charge of operating or propelling any boat within the Sitka Harbor system to do so in a reckless manner. A person who operates a vessel in a manner which creates a substantial and unjustifiable risk of harm to a person or property is guilty of reckless operation. A substantial and unjustifiable risk of harm to a person or property is a risk of such a nature and degree that the conscious disregard of it or a failure to perceive it constitutes a gross deviation from the standards of conduct a reasonable person would observe in the situation. Any damage to other boats moored at floats in the harbor system will be prima facie evidence of reckless operation. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.12.035 Speed limits.

A. It is unlawful for any person to operate any vessel or taxiing aircraft, except during takeoff and landing, in excess of the following speed limits:

1. No person shall operate a vessel within the area between the Crescent Harbor breakwater entrance to the south tip of Aleutski Island to the south tip of Love Island and the north end of the channel at the rubblemound breakwater at a speed which produces a wake, wash, or wave action which may or could reasonably be expected to damage any other vessels or harbor facilities or create discomfort to an occupant by causing such other boats to yaw, pitch, shear or heave because of such wake, wash or wave.
2. Three miles per hour within the inner harbors of ANB Harbor, Sealing Cove Harbor, Crescent Harbor, and Thomsen Harbor.

(Ord. 04-21 § 4 (part), 2004; Ord. 98-1484 § 4, 1998; Ord. 97-1445 § 4(H), 1997; Ord. 96-1383 § 4, 1996.)

13.12.040 Written warning.

If, at the discretion of the harbormaster, an infraction of the rules of the harbor system may be resolved with a written warning to the offending vessel owner, he may do so, with a copy for the

harbor files. Said written warning will specifically spell out the infraction and notify the owner that further action will be taken if the offense is repeated or does not cease immediately. Any such written warning will be hand delivered or mailed by certified mail so proof of delivery is assured. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.12.050 Fines.

The maximum penalty will be five hundred dollars. Bail schedule and a standard penalty for violations will be as follows:

- A. Negligent operation of vessel: minimum penalty of one hundred dollars;
- B. Reckless operation of vessel: minimum penalty of two hundred dollars;
- C. The bailable amount for violations of the vehicle loading and unloading area regulations, not otherwise specified, shall be ten dollars for the first violation, twenty dollars for the second violation, and fifty dollars for the third and subsequent violations.
- D. Violation of Section 13.10.110(A):

First offense	Written warning
Second offense	\$100.00
Third offense	\$200.00
Fourth offense and subsequent offenses	\$400.00

- E. All other violations: minimum penalty of fifty dollars. A person cited for a third violation of speeding, negligent operation or reckless operation shall be required to appear in court and if convicted shall be subject to a minimum fine of five hundred dollars.

(Ord. 09-64 § 4 (part), 2009; Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(F), 1997; Ord. 96-1366 § 4 (part), 1996.)

13.12.060 Impoundment.

The harbormaster is authorized to impound a vessel under any of the following circumstances: the vessel is a derelict, nuisance or abandoned as defined in this title; the moorage or other fees imposed by the municipality are delinquent; the vessel is improperly located in violation of this title or the vessel is improperly or incorrectly identified. Impounded vessels will be processed by the harbor department as follows:

- A. The vessel will be stored.
- B. Notice will be given to the owner, if known, as impounded and that unless the vessel is reclaimed within thirty days of such notice by paying the impound storage and other costs in full, it will be sold and the owner or operator will be responsible for any unrecovered costs.

C. After the expiration of the required notice period, the vessel will be sold at auction with the proceeds to be applied to impound, storage, and other associated costs. The owner or operator shall be liable for any unrecovered costs.

(Ord. 04-21 § 4 (part), 2004; Ord. 97-1445 § 4(G), 1997; Ord. 96-1366 § 4 (part), 1996.)

13.12.065 Penalties for emission of soot from an oil stove in a vessel.

Each owner and operator of a vessel in the harbor system shall take all reasonable measures to prevent the emission of soot from oil stoves. If a vessel's oil stove emits soot that settles onto or touches another vessel, the owner or operator of the vessel from which the soot came shall face a correctional citation, and if not corrected shall pay a fine of fifty dollars for the first offense and a fine of one hundred dollars for the second offense within a one-year period. For a third or subsequent offense within a one-year period, the owner or operator shall pay a fine of three hundred dollars. The first and second offenses shall be bailable. A person cited for a third offense of emission of soot from an oil stove shall be required to appear in court. (Ord. 04-21 § 4 (part), 2004; Ord. 01-1655 § 4, 2001.)

13.12.070 Notice to owner.

The notice will contain: the name and/or official number of the vessel; the name and address, if known, of the owner, operator, master or managing agent; the reason for the impoundment, the actual date of impoundment and the reserved moorage space that will be forfeited when the vessel is impounded. The notice will be hand delivered or mailed, by certified U.S. Mail, return receipt requested, to the last known address. In addition, a copy of the same notice of impoundment will be physically placed on the subject vessel at the most logically appearing point of entry to the inside of the boat. A third copy will be posted in the harbormaster's office on a visible bulletin board. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.12.080 Right to hearing.

The owner, operator, master or managing agent in lawful possession of a vessel given notice for impoundment has the right to an administrative hearing to determine whether there is just cause to impound the vessel. Any person desiring such an appeal must file a written request with the municipal clerk within ten days after mailing and posting of said notice. (Ord. 04-21 § 4 (part), 2004; Ord. 96-1366 § 4 (part), 1996.)

13.12.090 Hearing procedure.

The hearing will be conducted by the port and harbors commission, acting as a board of inquiry on behalf of the municipality and will be held at its next meeting following receipt of said request. The person will have the right to submit written evidence or provide a list of witnesses or persons who will speak on his or her behalf. The harbormaster will likewise prepare written material outlining previous steps taken to resolve this issue, earlier correspondence, and reasoning leading up to the impoundment. Following the hearing, the port and harbors commission will cause to have prepared a

written decision outlining the rationale and results of its findings. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

13.12.100 Assembly oversight.

As with any administrative action, if the owner, operator or master of said vessel involved in the hearing, still disagrees with the decision to impound, they may file a formal appeal, through the administrator, to the assembly of the city and borough of Sitka. The report or findings, prepared by the port and harbors commission, along with all written or presented oral or visual testimony, will be forwarded to the assembly, who will review the report and uphold or overturn the recommendation. (Ord. 04-21 § 4 (part), 2004: Ord. 96-1366 § 4 (part), 1996.)

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