

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013-21

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING SITKA GENERAL CODE TITLE 13 ENTITLED "PORT AND HARBORS" TO ALLOW PROVISIONS FOR REMOVAL OF PERSONS VIOLATING CITY AND BOROUGH OF SITKA HARBOR FACILITIES REGULATIONS

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 revise SGC Title 13 entitled "Ports and Harbors" to modify SGC 13.12.010 entitled "General" by adding subsections A and B for additional authority to the harbormaster and staff and additional violation provisions for persons utilizing harbor facilities and adding SGC 13.12.15 entitled "Prohibited acts."

This ordinance is recommended by the Port and Harbors Commission by a vote of 7-0.

4. **ENACTMENT. NOW, THEREFORE, BE IT ENACTED** by the Assembly of the City and Borough of Sitka that SGC 13.12.010 entitled "General" is amended and SGC 13.12.015 entitled "Prohibited acts" is added as follows (new language underlined; deleted language stricken):

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 vViolations of any portion of this title. Moorage and berthing is a privilege which may be revoked for violations of this title. will be subject to punishment as provided in this chapter. 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 SGC 13.12.15.

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.

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

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 14th day of May, 2013.


Mim McConnell, Mayor

ATTEST:


Colleen Ingman, MMC
Municipal Clerk