

TENAKEE SPRINGS MUNICIPAL CODE

TITLE 15

HARBORS

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CHAPTER 15.01

GENERAL PROVISIONS

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15.01.010 Department Establishment. A. The Harbor Department is hereby established.

B. Purpose. To operate the harbor for the use and benefit of the public, to make available all harbor facilities and services to the public on fair and reasonable terms and without discrimination; and to provide space within the harbor, to the extent available, for those in need of harbor services. No preference will be given to local residents or to commercial or pleasure vessels.

C. The Tenakee Springs Harbor Department shall be operated as an Enterprise Fund of the City of Tenakee Springs and net proceeds shall be for operation, maintenance and capital

improvements of the harbor, with other uses only as provided for a public use by the City Council in Title 09.11 Revenue and Finance, Enterprise Funds.

- D. To provide for the orderly management, development, and control of the harbor.
- E. To protect and preserve the lives, health, safety and well being of persons who use, work or maintain property in the harbor.
- F. To protect public and private property;
- G. To prevent and abate nuisances and fire or health hazards;
- H. To prevent and discourage the use of the harbor by vessels which have been abandoned or are derelict;
- I. To assess reasonable fees for the use of harbor facilities.

15.01.020 Interpretation. This title shall be construed, to the greatest extent reasonable, in such a manner as to be consistent with applicable federal and state law, regulation, and any conveyances or agreements from or with the State of Alaska pertaining to the harbor, as in BMH 87-001.

15.01.030 Implied Agreement from Use of Facilities. The use of the harbor or the presence of a vessel therein shall constitute an agreement by the owner, operator, master and managing agent to conform to the provisions of this title and any rule, regulation or order made pursuant thereto and to pay all fees and charges provided by this title. The City does not assume responsibility or liability for loss or damage to property, or injury to persons within or upon its harbor. All persons visiting or using the harbor do so at their own risk.

15.01.040 Management and Operation. A. Under the direction of the Mayor, the Harbor Department shall be managed and operated by the Harbormaster.

B. The Harbormaster is appointed by the Mayor with confirmation by the City Council.

C. The Harbor Department shall be operated as an Enterprise Fund.

15.01.050 Definitions.

A. Whenever the words, terms, phrases and their derivations set forth in this section are used in this title, they shall have the meaning set forth in this section.

1. Anchor “Anchor” means to secure a vessel to the bed of a body of water by dropping an anchor or anchors or using a buoy or other ground tackle.
2. Derelict “Derelict” means any vessel which is or reasonably appears to be forsaken, abandoned, deserted, cast away, unsound, not seaworthy, or unfit for its trade or occupation.
3. Distress “Distress” means a state of disability or a present or obvious imminent danger which if unduly prolonged could endanger life or property.
4. Emergency “Emergency” means a state of imminent or proximate danger to life or property in which time is of the essence.
5. Harbor “Harbor” means all waters, tidal areas, and adjacent upland areas more particularly described as follows:
 - a.) All that property consisting of certain docks, approaches, ramps, floats, walks and other marine facilities located in or near the area known as Tenakee Springs Seaplane Float (Exhibit A) and the Tenakee Springs Boat Harbor (Exhibit B).

6. Harbor Facilities “Harbor Facilities” includes all mooring devices including but not limited to floats, fingers and stalls, grid irons, and other appurtenances located in the small boat harbor, the float system, boat launching ramps, land storage areas and loading areas under the jurisdiction of the City for health, safety or convenience of the public.
7. Loading Areas “Loading Areas” means A designated area of any float, suitably posted and marked, to be used only by the general public, without charge, for the purpose only of loading and unloading of supplies, equipment and stores. Use of the loading zones is limited to two (2) hours in any 24 hour period.
8. Long-term Storage Zone “Long-term Storage Zone” means an area designated by resolution of the Tenakee Springs City Council for the non-permanent storage of marine-related equipment.
9. Moor “Moor” means to make a vessel fast to the shore, to an anchor or to a dock.
10. Moorage “Moorage” means the process of mooring or the state of being moored and, when the context requires, the fees for such acts imposed by this title.
11. Nuisance “Nuisance” means a derelict vessel, 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 shall be presumed to constitute a nuisance if:
 - a.) the vessel is sunk or in immediate danger of sinking, or is obstructing the waterway, or is endangering life or property and has been left unattended for a continuous period of twenty-four hours; or
 - b.) the vessel has been moored or otherwise left in the harbor; and
 - 1.) the vessel’s state registration number or marine document has expired and the registered owner no longer resides at the address listed in the vessel registration or marine document records of the United States Coast Guard, the State of Alaska or the harbor; or
 - 2.) the last registered owner of record disclaims ownership and the current owner’s name or address cannot be determined, or the vessel identification number or other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owners; or
 - 3.) vessel registration records of the United States Coast Guard, State of Alaska, or the harbor contain no record of the vessel ever having been registered or documented, and the owner’s name cannot be determined.
12. Person “Person” means any natural person, partnership, corporation, or governmental agency. A natural person and a corporation may be considered the same if the former has control over the latter.
13. Qualifying Interest “Qualifying Interest” means the interest of a person who owns the vessel or under the provisions of written charter or lease has exclusive control over the operation and navigation of the vessel. The person who transfers title to a vessel or enters into a charter or lease of the vessel, and thereby relinquishes his exclusive control over the use and operation of the vessel, ceases to have a qualifying interest in the vessel.
14. Transient “Transient” means using harbor facilities on a temporary basis.

15. Transient Vessel “ “Transient Vessel” means a vessel using harbor facilities. Transient vessels include, but are not limited to: vessels seeking a harbor of refuge, day use, or overnight use of a moorage space, as determined by the Harbormaster.
16. Vessel “Vessel” means any ship, boat, skiff, barge, dredge, and craft of every kind and description, whether used for pleasure or commercial purposes, which is on the water and is capable of being used as a means of transportation on or through the water, but excluding seaplanes.
17. City “City” means the City of Tenakee Springs.

CHAPTER 15.02

ADMINISTRATION

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| Sections: | 15.02.010 | HARBORMASTER AND ASSISTANT HARBORMASTER |
| | 15.02.020 | DISCLAIMER OF LIABILITY |
| | 15.02.030 | HARBOR ADVISORY COMMITTEE |
| | 15.02.040 | HARBOR ADVISORY COMMITTEE PROCEDURE |

15.02.010 Harbormaster and Assistant Harbormaster. A. The mayor shall appoint a Harbormaster with confirmation by the City Council, who may suspend or remove the Harbormaster at any time for just cause or as per contractual agreement. The Harbormaster shall administer the harbor with the powers provided by this title and enforce, as a peace officer of the City, the provisions of this title, and shall supervise the Assistant Harbormaster. The Harbormaster monitors compliance with the State of Alaska Management Agreement and assures the City of compliance with Title 15. The Harbormaster will work with the Harbor Advisory Committee and will attend all Harbor Advisory Committee meetings. The Harbormaster may issue regulations consistent with this title for the operation and use of the harbor. Regulations shall be in writing and posted for public review at the City Clerk’s and Harbormaster’s Office for 30 days prior to becoming effective. Thereafter, they shall be available for public distribution at the Harbormaster’s Office. The Harbormaster will report to the City Council in person or in writing at regularly scheduled City Council meetings.

B. Assistant Harbormaster—The Assistant Harbormaster will report to the Harbormaster and shall administer the harbor with the powers provided by this title and enforce, as a peace officer of the City, the provisions of this title. The Assistant Harbormaster will be hired by the Harbormaster and may be the same person as the Harbormaster.

15.02.020 Disclaimer of Liability. The authority granted to the Harbormaster shall not create an obligation or duty requiring the Harbormaster to take any action to protect or preserve any vessel or property located within the harbor or utilizing the harbor. The City shall not be

liable for any loss or damage to real or personal property in the harbor resulting from fire or other casualty, theft, or vandalism.

15.02.030 Harbor Advisory Committee. The Harbor Advisory Committee shall consist of five members appointed by the mayor and confirmed by the City Council, to advise the Harbormaster and the City Council on harbor related issues. The term will be two years. The Harbor Advisory Committee will meet bimonthly on the even numbered months or when requested by the mayor. The Harbor Advisory Committee will hold public hearings and formulate harbor policies. The policies will be passed in resolution form by the City Council.

15.02.040 Harbor Advisory Committee Procedure. The Committee shall elect from its own members a chairperson and adopt rules for the notice, time, place, and conduct of its meetings.

CHAPTER 15.03

MOORAGE

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| Sections: | 15.03.010 | REGISTRATION REQUIRED |
| | 15.03.020 | TRANSIENT MOORAGE |
| | 15.03.030 | PERMANENT MOORAGE |
| | 15.03.040 | MOORAGE CONDITIONS AND RESTRICTIONS |
| | 15.03.050 | REFUSAL OF MOORAGE |
| | 15.03.060 | REQUIRED EQUIPMENT |
| | 15.03.070 | UTILITIES |
| | 15.03.080 | AUTHORITY OF HARBORMASTER TO BOARD AND MOVE VESSELS |
| | 15.03.090 | FORFEITURE OF SPACE |
| | 15.03.100 | LIEN FOR UNPAID RENTALS AND FEES |

15.03.010 Registration Required. Every owner, master or managing agent of a vessel using the harbor is required to register the person's name, address and telephone number, and the vessel's name, home port, official number or state registration number, color, length, breadth and draft, and such other information as the harbormaster may require, with the harbormaster within six (6) hours after such vessel first enters the harbor. Said owner, master or managing agent shall promptly notify the harbormaster of any changes in registration information.

15.03.020 Transient Moorage.

A. Availability. Transient moorage space is available within the harbor at locations designated or assigned by the Harbormaster which may include temporary use of permanent moorage space. A written and signed application for such space on a form provided by the Harbormaster shall be provided to the Harbormaster within the time allowed for registration. Prepayment of fees for such moorage shall be required. Approval of such application by the

Harbormaster confers no rights in the land or water constituting the space. The applicant shall promptly notify the Harbormaster of any changes in the information set forth on the application. Transient fees not paid after 5 days become delinquent and are subject to late fees and eviction from the harbor.

B. Fee Periods. The daily fee period is 8:00 AM on the first calendar day to 8:00 AM, the next calendar day. A vessel accumulating greater than ten (10) days transient moorage in any calendar month will be charged on a monthly basis. The annual fee period is the fiscal year beginning July 1 and ending the following June 30th. A transient moorage holder receiving permanent moorage after the start of the fiscal year will be charged a prorated annual fee. Permanent moorage holders upgrading slips or acquiring larger boats must pay the additional fee on the prorated annual fee basis.

C. No Preferential Right. The transient moorage user receives the privilege of occupying designated or assigned transient moorage on an as-available basis. Users have no preferential right to moor in any particular location in transient moorage, nor the right to return to the same space if another vessel is occupying that space.

D. Rafting. Rafting of vessels will be allowed at the discretion of the Harbormaster or Assistant Harbormaster. Rafted vessels are required to pay moorage fees.

E. Maximizing Use of Space. The Harbormaster shall have authority to move a vessel in transient moorage space to another location to better maximize the use of available space.

15.03.030 Permanent Moorage. A. Availability. Permanent moorage space is available within the harbor at locations designated or assigned by the Harbormaster. Permanent moorage space shall be assigned on a first-come, first-served basis to those who have provided to the city a written and signed application for such space on a form provided by the City of Tenakee Springs.

B Assignment of Permanent Moorage. Permanent moorage space shall be assigned by the Harbormaster to ensure the maximum use of space available. The Harbormaster will establish minimum and maximum vessel sizes for each space or class of spaces available, not to exceed five (5) feet beyond the length of the stall.

C. Wait List. If there are more applications received than there are spaces available, the city office shall establish and maintain a permanent moorage wait list. A non-refundable, non-interest-bearing deposit shall be required, a reasonable deposit to be set by City Council Resolution, to place an applicant on the list. Applications will be placed on the list in the order in which they are received. The applicant shall promptly notify the city of any changes in the information set forth on the application. Wait List priority may not be transferred except to an applicant's devisee upon death.

D. Retention of Wait List Priority. If an applicant chooses not to accept a permanent moorage space when offered or does not respond to a notice by the city the first time, the applicant does not forfeit any priority on the wait list for subsequent space. If an applicant refuses to accept a permanent moorage space when offered on two (2) separate occasions, or fails to respond on two (2) separate occasions, it shall be presumed that the applicant has voluntarily withdrawn the application. The applicant will be removed from the wait list and the applicant's deposit forfeited.

E. One Space Limit. As long as there are applicants on the wait list awaiting assignment of permanent moorage space, no person who is currently a holder of one (1) permanent moorage space may be assigned an additional permanent space.

F. Notice of Space Availability. When space becomes available, the city shall notify the applicant who first applied for permanent moorage for a vessel of the size for which space is available. Notice shall be by certified mail, effective upon mailing. An applicant shall have thirty (30) days to respond. If the applicant declines the offered space, or if no response is received within the period allowed, then the city will notify the next eligible applicant on the wait list and so on until the space is assigned.

G. Preference. Approval of an application for permanent moorage space and assignment of space by the city confers only the privilege of occupying the assigned moorage space on a preferential basis and does not convey any rights in the land or water constituting the space.

H. Temporary Use by Other Vessels. The Harbormaster shall have full discretionary authority to allow other vessels to occupy an empty permanent moorage space anytime the assigned vessel is absent without compensation to the permanent moorage holder.

I. Duration. A holder's rights to permanent moorage space, once assigned, continues until the holder voluntarily or involuntarily relinquishes the space.

J. Retention When Vessel is Sold, Lost, Destroyed or Stolen. A permanent moorage holder must promptly notify the Harbormaster if the holder ceases to have a qualifying interest in the vessel assigned to permanent moorage space. The holder may retain the permanent moorage space if the holder obtains a qualifying interest in another vessel of the appropriate sized within six (6) months and registers the new vessel with the Harbormaster pursuant to 15.03.010. The Harbormaster may, for cause, grant an extension not to exceed an additional six (6) months if the vessel was lost, destroyed or stolen. If the holder obtains a qualifying interest in another vessel that is smaller than the minimum vessel size established by the Harbormaster for the assigned space, the holder may retain and use the permanent moorage for the smaller vessel until permanent moorage space of the correct size becomes available in the same harbor, unless another space is acceptable to the holder. If the holder obtains a qualifying interest in another vessel that is larger than the maximum vessel size established by the Harbormaster for the assigned space, the holder will not be permitted to use the space for the larger vessel. If the holder intends to obtain an appropriately sized vessel, he may continue to hold the assigned permanent moorage for the time periods noted above.

K. Death. In the case of the death of the holder of permanent moorage space, the space may be transferred to the heir or devisee who obtains ownership of the vessel, if a request is made to the Harbormaster with appropriate documentation.

L. Relinquishment. A permanent moorage space holder may voluntarily relinquish permanent moorage at any time by notifying the city in writing.

M. Upgrade. Permanent space holders who upgrade to a larger vessel will be charged the permanent rate for that size vessel provided they are on the wait list for that size vessel. They will occupy transient space until a slip is available. A prorated fee will be charged for the extra length for the remainder of the year.

15.03.040 Moorage Conditions and Restrictions. A. Qualified Interest Required. Moorage may only be assigned to an applicant with a qualified interest in the vessel to which space is to be assigned.

B. No Unpaid Charges. Moorage may only be assigned to an applicant who has no delinquent fees or unpaid fines.

C. One Space. No vessel may be assigned to more than one transient or permanent moorage space or to a transient and permanent space.

D. Use by Assigned Vessel Only. Permanent moorage space may only be used by the holder for the assigned vessel.

E. No Assignment or Transfer. Moorage space shall not be assigned or transferred by the holder thereof and does not transfer with the sale or other disposition of the vessel.

15.03.050 Refusal of Moorage. The Harbormaster shall refuse moorage to any vessel or applicant which or who the Harbormaster has probable cause to believe has not complied or is not in compliance with this title.

15.03.060 Required Equipment.

A. All vessels moored in the harbor shall carry the equipment required by any applicable United States laws or regulations, and shall be numbered or designated in accordance with any applicable Federal and State laws or regulations.

15.03.070 Utilities. Electric and water utility service may be provided to vessels moored in the harbor in such locations and according to such specifications as the Harbormaster may specify by regulation.

15.03.080 Authority of Harbormaster to Board and Move Vessel. The Harbormaster may board any vessel moored in the harbor at any time to inspect same for compliance with this title. In the event of a fire or other emergency affecting the safety of persons and property in the harbor, the harbormaster may board, move, replace inadequate mooring lines on, remove snow from, pump water from and take any other action to prevent loss of life or property with respect to any vessel in the harbor.

15.03.090 Forfeiture of Space. A. Causes. A moorage space holder's right to an assigned space shall be involuntarily forfeited and the right to use the assigned space terminated if:

1. The holder supplies misleading or false information in space application.
2. The holder fails to pay all fees as provided by this title.
3. The holder fails to maintain a qualified interest in the assigned vessel or substitute qualified vessel within the period allowed.
4. The holder fails to use the space for assigned vessel at least two (2) months each calendar year.
5. The holder fails, upon request of the Harbormaster, to provide proof of a qualifying interest in the vessel assigned to the space.
6. The holder fails to maintain on the vessel the equipment required by section 15.03.060 above; or
7. the vessel to which the space is assigned is impounded pursuant to Chapter 15.05.

B. Notice. Prior to forfeiting any moorage space holder's right to an assigned space for the causes stated in subsections (A) (1)-(6), the Harbormaster shall prepare written notice of such intent, identifying the space involved and the cause for forfeiture. The notice shall be sent regular mail to the name and address listed on the moorage application (unless the Harbormaster has received written notice of a different name and address) not less than ten (10) days prior to forfeiture.

C. Hearing. The moorage space holder may request a hearing on the forfeiture. The procedure provided by section 15.05.030 shall apply to such requests, except that the issue shall be whether one or more of the causes set forth in subsection (A) of this section exist.

15.03.100 Lien for Unpaid Rentals and Fees. All moorage or other fees or costs authorized by this chapter shall constitute a lien against the vessel; and, all lawyers fees and other costs of collection which the fees or any mooring facilities prior to the payment of all fees and costs imposed by this title. If the owner, master or agent of any vessel shall fail to pay any charges within the first ten (10) days of the month, a notice of delinquency shall be mailed or delivered to the owner, master or agent of said vessel advising of the delinquency and a assessing a five dollar (\$5.00) per month late fee. If not paid in full by the twenty-fifth (25th) day of the month, the vessel is subject to impound and disposition in accordance with and/or other remedy for collection and lien foreclosure provided by law.

CHAPTER 15.04

PROHIBITED PRACTICES

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| Sections: | 15.04.010 | SPEEDING |
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| | 15.04.050 | IMPROPER MOORING |
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| | 15.04.080 | IMPROPER PETROLEUM PRODUCT DISPOSAL |
| | 15.04.090 | IMPROPER CARE AND CONTROL OF ANIMALS |
| | 15.04.100 | ACCIDENT REPORT |

15.04.010 Speeding. No Person shall operate or cause to be operated a vessel within the harbor in excess of three (3) miles per hour or in a manner which causes an excessive wake.

15.04.020 Operating Under the Influence. No Person may operate a vessel within the harbor while under the influence of alcohol or other drugs to the extent that it would be unlawful to operate a motor vehicle under state law in such conditions.

15.04.030 Hazard to Navigation. No Person shall create or fail to remove, after request from the Harbormaster, a hazard to navigation within the water of the harbor.

15.04.040 Failure to Register. No Person shall fail to register a vessel operated by that person within six (6) hours of entering the harbor.

15.04.050 Improper Mooring. A. No Person shall moor a vessel:

1. In permanent moorage space assigned to another.
2. In any area not designated for transient moorage.
3. Without permission of the Harbormaster.
4. In an area not designated for that size vessel, or
5. without otherwise complying with Chapter 15.03 of this title.

15.04.060 Inadequate Equipment. No Person shall operate or moor a vessel within the harbor who does not have the equipment specified by section 15.03.060.

15.04.070 Improper Waste Disposal. A. No Person shall dispose of trash, garbage, refuse, or any similar substance into the water of the harbor or on the harbor grounds.
B. Operating an incinerator or burning trash, brush or other material within the harbor is prohibited.

15.04.080 Improper Petroleum Product Disposal. No Person shall release any fuel, oil, their derivatives, wastes or by-products, or other petroleum products into the waters or onto the lands of the harbor.

15.04.090 Improper Care and Control of Animals. The owner of any animals have the responsibility to immediately clean all feces of such animals.

15.04.100 Accident Report. Any person operating any vessel involved in an accident within the harbor resulting in the death or injury of any person or damage to property in excess of (\$500) shall, in addition to any other notices required by law, immediately give oral notice of the accident to the Harbormaster. In addition, the person shall, within twenty-four (24) hours after the accident, file a written report with the Harbormaster on such form as the Harbormaster may provide.

15.04.110 Penalties. Violation of any provision of this chapter is a civil violation for which a notice may be issued under the provisions set forth in Chapter 01.05 and subject to a civil penalty in the amount set forth in Section 01.05.030 not to exceed five hundred dollars (\$500).

CHAPTER 15.05

IMPOUNDMENT

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| Sections: | 15.05.010 | VESSELS WHICH MAY BE IMPOUNDED |
| | 15.05.020 | NOTICE TO OWNER |
| | 15.05.030 | HEARING |
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| | 15.05.050 | IMPOUNDMENT |
| | 15.05.060 | NOTICE OF SALE |
| | 15.05.070 | SALE |

15.05.010 Vessels Which May Be Impounded. A. The harbormaster is authorized to impound a vessel under any of the following circumstances:

1. The vessel is within the harbor and is derelict or a nuisance as defined in this title.
2. The fees or fines for which the City has a lien on the vessel are delinquent.
3. The vessel is located in the harbor and is in violation of this title, a regulation of the harbor, or a state or federal law, or
4. the owner, operator, master or managing agent is not aboard the vessel and the vessel is not properly identified by a name and/or number.

15.05.020 Notice To Owner. A. Contents. Prior to impounding any vessel, the Harbormaster shall prepare in a written notice of intent to impound the vessel. The notice shall contain:

1. The name and/or official number or state registration number of the vessel.
2. The name and address, if known, of the owner, operator, master or managing agent, the location of the vessel.
3. The basis or reason for impoundment, and
4. the permanent moorage space, if any, which will be forfeited if the vessel is impounded.

B. Distribution. The notice of intent to impound shall be, at least twenty (20) days before impoundment:

1. mailed by certified mail, return receipt requested, to the last known owner, master, or managing agent of the vessel at his last known address, and
2. posted on the vessel, in the Harbormaster's office and in the United States Post Office in Tenakee Springs.

15.05.030 Hearing. A. Demand for Hearing. The owner, master or managing agent or any other person in lawful possession of a vessel proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is cause to impound the vessel. Any such person desiring a hearing shall file a written demand with the City Clerk within ten (10) days after mailing and posting of the notice of intent to impound.

B. Hearing Procedure. The hearing shall be conducted within seventy-two (72) hours of receipt of a written demand therefore from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and City holidays are to be excluded from the calculation of the seventy-two (72) hour period. The hearing officer shall be designated by the Mayor and shall be someone other than the Harbormaster. The sole issue before the hearing officer shall be whether there is cause to impound the vessel in question. "Cause to impound" shall mean such a state of facts as would lead a reasonable person exercising ordinary prudence to believe there are grounds for impounding the vessel. The hearing officer shall

conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that he has the right to possession of the vessel. The Harbormaster shall have the burden of establishing there is cause to impound the vessel. Failure of the owner, operator, master or managing agent to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such a hearing.

15.05.040 Decision. At the conclusion of the hearing, the hearing officer shall prepare a written decision. The hearing officer shall only determine that as to the vessel in question, either that there is cause to impound the vessel or that there is no such cause. A copy of the decision shall be provided to the person demanding the hearing, and the owner of the vessel, if the owner is not the person requesting the hearing. The hearing officer's decision shall in no way affect any criminal proceedings in connection with the impoundment in question, and any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final.

15.05.050 Impoundment. In the event the hearing officer determines there is cause to impound the vessel, the Harbormaster may proceed immediately with impoundment of the vessel. The Harbormaster may impound the vessel by immobilizing it, removing it or having it removed from the water and placing it in public or commercial storage, with all expenses of haul out and storage and an impound fee to be borne by the owner of such vessel. At any time prior to the sale of the vessel, the owner, operator, master or managing agent, or person in lawful possession of the vessel may redeem the vessel by a cash payment of all fees against the vessel, including interest and costs.

15.05.060 Notice of Sale. A. Contents. Prior to the sale of any impounded vessel, the Harbormaster shall prepare a written notice of sale of the vessel. The notice shall contain:

1. The name and/or official number or state registration number of the vessel.
2. The date, time, and place of the sale, and
3. The fees, interest, and costs which are due against the vessel and the bidding terms provided by section 15.05.070.

B. Distribution. The notice of sale shall be at least thirty (30) days before the sale:

1. Mailed by certified mail, return receipt requested, to the last known owner, master, or managing agent of the vessel at his last known address.
2. Posted on the vessel, in the Harbormaster's Office, the City Office and at the United States Post Office in Tenakee Springs.

15.05.070 Sale. A. Bids. The minimum acceptable bid shall be a sum equal to the Fees against the vessel, including interest and costs to be paid in cash at the time of sale or within twenty-four (24) hours thereafter. The proceeds of such sale shall be first applied to the cost of sale, then to interest, then to fees accrued, and the balance, if any, shall be held in trust by the City for the owner of the vessel to claim. If such balance is not claimed within two (2) years, the balance shall be forfeited to the City. Upon sale being made, the City shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer.

B. No Bids. If at the public sale there are no acceptable bids for the vessel, the City may destroy, sell at a private sale, or otherwise dispose of the vessel. Such disposition shall be without liability to the owner, master or managing agent, person in possession of the vessel, or lien holder of the vessel.

CHAPTER 15.06

HARBOR REGULATIONS

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| Sections: | 15.06.010 | REGULATIONS-SCOPE AND ADOPTION |
| | 15.06.020 | TENAKEE SPRINGS HARBOR |
| | 15.06.030 | ACTS PROHIBITED WITHOUT PRIOR APPROVAL OF HARBORMASTER |
| | 15.06.040 | PROHIBITED ACTS |

15.06.010 Regulations-Scope and Adoption.

A. The provisions of regulations adopted under this Section shall apply to all persons on or within the Harbor Facility.

B. The Harbormaster shall, in conjunction with City Council approval, adopt from time to time such regulations as are necessary for the safe and efficient management of the Tenakee Springs Boat Harbor.

15.06.020 Tenakee Springs Harbor Regulations. A. General Rules governing conduct in the Harbor Facility:

1. Vessel moorage with the Harbor Facility shall be for active or operational motor vessels only; the Harbormaster may specifically authorize non-compliance with this regulation, giving justification in writing, with a copy filed with the City Council, for a period of not more than 90 days.
2. Vessels, when unattended, must be securely moored with adequate bow, stern and spring lines.
3. The Harbormaster may designate the length of use of any loading zone depending upon the needs of the vessel.
4. Vessels moored in the Harbor Facility must, at all times, be completely seaworthy; ready for immediate or emergency departure into local waters; and also, may not be chained or locked to any float, except with the written approval of the Harbormaster as in 1. above.
5. All berthing and mooring of vessels in the Tenakee Springs Boat Harbor shall be in strict accordance with signs posted by the Harbormaster.
6. The movement of vessels within the moorage areas shall be for the purpose of mooring and entering or leaving this area only. Speed limits within the Harbor Facility shall be as posted.

7. All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner.
8. All vessel owners, master, agents, crew or guests, when using the Harbor Facility for moorage or otherwise, shall keep their vessel, equipment, gear, net areas, pier, float, or finger float in the vicinity of their vessel neat, clean and in an orderly manner.
9. The Harbormaster may board to inspect or have any vessel moored within the Harbor Facility, for reason of protection of life or property; or during an emergency condition; or for the best utilization of the Facility.
10. No vessel larger than sixty (60) feet registered length shall use the small boat grid located within the Tenakee Springs Boat Harbor.
11. No owner, master or agent may leave or cause to be left any vessel in any small boat grid without a person capable of caring for said vessel being in attendance at all times.
12. No vessel shall remain on a grid in excess of forty-eight (48) hours without the consent of the Harbormaster or city clerk
13. The owner, master or agent of any vessel using the grids and which causes damage to the grid shall be liable for payment necessary to correct the damage.
14. Any person present upon, within, or using the Harbor Facility or the facility equipment, shall comply with all verbal and written communications of the Harbormaster. These communications include administrative and operational policies and procedures, as issued.
15. Those persons and vessels utilizing the Harbor Facilities shall obey all Harbor Facility, city, state and federal laws and regulations; as well as generally accepted safety standards and requirements. Violators are subject to prosecution under the aforementioned laws.
16. The boat owner is not liable for any accidental injury sustained by the Harbormaster while aboard a boat.
17. Motorized vehicles, carts, or wagons are allowed on the floats for loading or unloading only, for a maximum of 30 minutes.

15.06.030 Acts Prohibited without Prior Approval of Harbormaster. A. These provisions shall apply to all persons on or within the Harbor Facility. The following acts are prohibited without prior approval of the Harbormaster:

1. using a vessel as a residence-Persons requesting moorage space to be used as a residence, or those who, while using a moorage space, do not regularly use the vessel as a fishing, freight or pleasure craft, must first comply with such separate regulations and conditions as are set forth in written regulations set forth by the City Council;
2. issuance of a permit or license for commercial use of the Harbor Facility-the requirements and conditions for such permits or licenses shall be prescribed in separate instructions as issued, and are in every case discouraged;
3. tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devises installed within the Harbor Facility;
4. moving or altering any wharf, float, gang plank, ramp or other facility in the Harbor Facility;

5. building any type of floating boat shelter;
6. posting of signs for the sale of items or the charter or rental of vessels;
7. borrowing or using any Harbor Facility equipment.

15.06.040 Prohibited Acts. A. These provisions shall apply to all persons on or within the Harbor Facility. The following acts are prohibited:

1. storing personal items or combustible or explosive material on the floats and finger floats
2. tying or mooring pile drivers, scows, barges, boat houses or other similar vessels, or vessels over sixty-five (65) feet in length, to any float, transient vessels sixty-five to one-hundred (65-100) feet in length may be tied up for a day or two providing enough crew remain on board to move vessel out of the harbor should conditions require.
3. securing to the public float system, under any circumstance, bumper made of rope or old fire hoses, etc.;
4. dumping garbage, trash, oil, fuel, debris or other materials, liquid or solid, into the waters on onto the land areas, floats and piers of the Harbor Facility.
5. setting any net or fish-taking device within the Harbor Facility unless it is attended at all times. The net or device cannot be over the length of the vessel and must be along side of the vessel. No net or device may be set so as to obstruct navigation or mooring within the Harbor Facility.
6. operating or causing any vessel to be operated recklessly, or otherwise engaging in a course of conduct within the Harbor Facility dangerous or a nuisance to the person or property of another;
7. using the Harbor Facility fire-fighting equipment for any purpose other than fighting fires;
8. disregarding, defacing, removing or damaging any sign or notice posted or erected by the Harbormaster relating the use of mooring areas or other facilities;
9. sub assigning or subleasing assigned mooring space;
10. generating loud or boisterous noises, including the discharge of fireworks, tending to disturb the reasonable peace and privacy of others;
11. obstructing or interfering with the Harbormaster in the performance of his duties, or refusing to comply with a lawful order of the Harbormaster;
12. challenging or intending to provoke another to fight, or engaging in fighting;
13. following and repeatedly accosting any person for the purpose of obtaining money or other property from that person.

15.06.050 Penalties. Violation of any provision of this chapter is a civil violation for which a notice may be issued under the provisions set forth in Chapter 01.05 and subject to a civil penalty in the amount set forth in Section 01.05.030 not to exceed five hundred dollars (\$500).

CHAPTER 15.07

HARBOR – ELECTRIC

Sections: 15.07.010 **ELECTRICAL CONNECTION
GUIDELINES; RATES**

15.07.010 Electrical Connection Guidelines; Rates. A. Electrical connections to any vessel are under the direction of the Harbormaster and the Electric Department Manager and must comply with the following guidelines:

1. Cords with current carrying capacity of less than thirty (30) amps shall not be used.
2. Flexible cords shall be used only in continuous lengths without splice or taps.
3. Cords shall not be smaller than required for rated current of the connected equipment.
4. Attachment plugs and connector bodies shall not be smaller than that required for rated current of the attached cord.
5. Attachment plugs shall be of the weatherproof type.
6. Infra red heating lamps may be used with porcelain type sockets only.
7. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electric current if overturned.
8. The following power cords are approved for use and listed below by type: SO, ST, STO, PK, K, S.

The following cords are not approved and must not be used: SP3, SPT-3, TP, TPT, TS, TST, AFC, AFD, CFC, FPO, DFPO, CFPD, PO-1, PO, SPT-1, SPT-2, SP-2, C, PD, P-1, P-2, P. PW-1, PW-2, SV, SVT, SJ, SJO, SJT, SJTO, PO-2.

Any cord not listed must be inspected and approved by the Harbormaster prior to being put in service.

B. Electric rates and regulations applicable to floats: Rates and regulations as set by the City of Tenakee Springs by resolution for such service. Failure to timely pay same shall subject a vessel to lien sanctions as prescribed by section 15.03.100.