

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

**Amendment of Title 05, Chapter 20
SMALL BOAT HARBOR FEES AND CHARGES**

and

**Amendment of Title 05, Chapter 45
SMALL BOAT HARBOR AND PORT FACILITIES USE REGULATIONS**

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD PROPOSES TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are adopted pursuant to CBJ Ordinance 01.60, 85.02.060, and 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 20.

05 CBJAC 20 Small Boat Harbor Fees and Charges, is amended to read:

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05 CBJAC 20.070 Fees for commercial use of boat launches.

- (a) *Definition.* The fees assessed to an owner for using one or more of the Douglas Harbor Boat Launches, the Harris Harbor Boat Launch, the North Douglas Boat Launch, the Statter Harbor Boat Launch, the Tee Harbor Boat Launch, the Amalga Harbor Boat Launch, and the Echo Cove Boat Launch for any type of commercial use.
- (b) *Annual fee.* A commercial user of the launch ramps must pay an annual fee prior to using a launch ramp each calendar year as follows:

\$ per calendar year	\$225.00
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- (c) *Freight use fee.* In addition to other fees set out in 05 CBJAC 20, a person using a launch ramp for freight use must pay the fees set out in this subsection. Freight use means the use of a launch ramp for any purpose other than launching and recovering a recreational vessel. A person may pay the personal use freight fee set out in this subsection if the freight use is limited to non-commercial use. All other persons must pay the commercial use fee. The harbormaster shall assess freight use fees by duration of use per calendar day as follows:

Commercial Use Fee	<p>Up to ½ hour: \$30.00</p> <p>Over ½ hour: \$30.00 + \$1.50 for each minute beyond ½ hour</p> <p><u>\$60.00 for the first hour; and</u></p> <p><u>\$30.00 for each additional hour</u></p>
Personal Use Fee	<p>Up to ¼ hour: no charge</p> <p>Over ¼ hour: \$15.00 per half-hour of use beyond ¼ hour with \$15.00 minimum charge</p>

- (d) *Freight staging fee.* A person staging freight shall pay a fee of \$25.00 per 24-hour period per 1,000 square feet of staging area space or portion thereof used, except when the staging operation is less than four hours in duration.
- (e) *Special fee for launch ramp tour activities.* Persons using the launch ramps for tour activities are subject to additional fees established through the permit program established in 05 CBJAC 01.

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05 CBJAC 20.110 Crane use fees.

- (a) *Definition.* The fees assessed to a person for using a hydraulic crane at one of the CBJ Docks and Harbor Department facilities.
- (b) *Crane use requirements.* A person must obtain approval from the Harbormaster before using a hydraulic crane. Crane use fees must be paid in advance. A person may reserve use of the crane. Payment of the crane use fee is required to obtain a reservation. The Harbormaster will require a person using the crane to post a bond or other guaranty before using a crane when the Harbormaster believes such security is necessary.
- (c) *Crane use fees.* Crane use fees will be assessed at the rate of ~~\$0.25 per minute~~ \$5.00 per each 15 minutes of use.

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05 CBJAC 20.130 Storage fees.

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

(b) Vessel storage. When available, Docks and Harbors will allow vessels to be hauled out and temporarily stored at the Auke Bay Loading Facility. The following rates apply:

(1) May through September - \$1.00 per linear foot per day for up to five days.

(2) May through September - \$3.00 per linear foot per day after five days.

(3) October through April - \$8.00 per linear foot per calendar month.

(4) No storage fee will be assessed for the day the vessel is hauled out.

(c) Boat stand rental. When a vessel is brought to available uplands for storage by an individual or contractor, Docks and Harbors shall assess one hour of prevailing labor rate for blocking and \$100 per calendar month for use of boat stands. The Harbormaster or their representative shall approve the blocking of all vessels.

05 CBJAC 20.140 Staff labor fees.

When required in the furtherance of duties set out in CBJ Ordinance Title 85, harbor regulations and rules, fees for services of Docks and Harbors Department staff will be assessed as follows:

- (1) ~~\$60.00~~ \$75.00 per hour for each staff person with a one-hour minimum charge per staff person;
- (2) ~~\$5.00 per foot of silhouette vessel length when moving a vessel~~ \$125.00 boat charge per hour, one-hour minimum, and increments each 30 minutes prorated; and
- (3) The actual cost of contracted services, supplies or materials plus a ten percent mark-up.

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05 CBJAC 20.160 Parking lot fees.

- (1) From May 1 through September 30 each year, the fee to park in designated pay spaces at the parking lots for the ~~Intermediate Vessel Float, Douglas Boat Harbor, Harris Boat Harbor, and Aurora Boat Basin, and Statter Harbor~~ is \$1.00 per hour or portion thereof, \$5.00 per 24 hours or portion thereof, or \$75.00 per calendar month or portion thereof. The applicable fee must be paid in advance.
- (2) From May 1 through September 30 each year, the fee to park in designated pay spaces at Don D. Statter Harbor Facilities shall be \$5.00 per 24 hours or portions thereof, or \$100.00 per calendar month or portion thereof. The number of monthly parking permits shall be managed and issued by the Port Director or representative. From October 1 through April 30, the off-season monthly fee shall be \$50.00 per calendar month or portion thereof. The applicable fee must be paid in advance.

- (3) From May 1 through September 30 each year, the fee to park in designated pay spaces in the Taku Lot (adjacent to the Intermediate Vessel Float) shall be \$2.00 per hour or portion thereof and limited to 3 hours per calendar day.
- (4) Auke Bay Loading Facility parking privileges shall be assessed at \$100.00 per calendar month as set forth in 05 CBJAC 45.050.

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05 CBJAC 20.190 Reserved. Auke Bay Loading Facility - Drive Down Float Fee. Auke Bay Loading Facility Drive Down Float shall be accessed at a fee of \$5.00 per vehicle/truck occurrence. Charges shall be assessed through an electronic key card issued by Docks and Harbors.

05 CBJAC 20.200 Auke Bay Loading Facility - Key Card Issuance Fee. Harbor users intending to utilize facilities requiring remote access shall purchase and register through a Harbor Office electronic key card/key fob for \$10.00.

05 CBJAC 20.210 Auke Bay Loading Facility - Float Moorage. The fee to use the Auke Bay Loading Facility Float shall be as follows:

- (1) No cost for the first two hours using the float.
- (2) \$0.75 per linear foot per calendar day for using the float for more than two hours and up to three calendar days.
- (3) \$1.50 per linear foot per calendar day for using the float for more than three calendar days and up to seven calendar days.
- (4) \$3.00 per linear foot per calendar day for using the float for seven calendar days or more.

05 CBJAC 20.220 Auke Bay Loading Facility Float – Mechanical Work Zone. The rate for the Docks and Harbors Auke Bay Loading Facility Float Mechanical Work Zone shall be as follows:

- (1) \$0.75 per linear foot per calendar day for the first three days.
- (2) \$1.50 per linear foot per calendar day for days four through seven.
- (3) \$3.00 per linear foot per calendar day in excess of seven days.

05 CBJAC 20.230 Auke Bay Loading Facility – Haul-out Fees. The rate for Docks and Harbors employing the Self-Propelled Hydraulic Boat Lift shall be \$10.00 per linear feet each way (includes blocking, stands and one hour of prevailing staff labor rate for pressure washing).

Section 3. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended at 05 CBJAC 45.

05 CBJAC 45.050 Auke Bay Loading Facility, is amended to read:

05 CBJAC 45.050 Auke Bay Loading Facility.

- (a) *Definition of the Facility.* The Auke Bay Loading Facility is located on Lot 1 of Alaska Tidelands Survey 201 and the adjacent municipal tidelands within Auke Nu Cove in Auke Bay, Alaska. The facility is comprised of improved upland staging and parking areas, a landing craft loading ramp, a trestle and drive-down gangway, a heavy duty float, and associated improvements. This regulation establishes standards for use of the Auke Bay Loading Facility by the public. A map and diagram of the facility is available from the Harbormaster.
- (b) *Uses Allowed Without Prior Approval.* ~~The owner or operator of a vessel that is actively engaged in the loading or unloading of gear, stores, cargo, or crew onto, or off of, their vessel may use the facility without obtaining approval from the Harbormaster. This subsection does not apply to the loading or unloading of freight, materials, or products intended for resale at another destination. Reserved.~~
- (c) *Uses Requiring Prior Approval.* ~~Except when engaged in an allowed use listed in 05 CBJAC 45.050(b),~~ aA person must obtain approval from the Harbormaster or their representative prior to using the facility. The Harbormaster or their representative may establish procedures for administering this provision will schedule all vessel operations through the Statter Harbor Office.
- (d) *Overnight Moorage Prohibited.* No overnight moorage is permitted at the facility unless approved scheduled by the Harbormaster or their representative.
- (e) *Uplands Parking.* The Harbormaster or their representative shall designate approximately 12 parking spaces in the uplands for commercial users of the facility and establish rules for their use. All persons using the facility shall park in designated spaces in accordance with the rules established by the Harbormaster. One parking pass will be made available, on a first come first serve basis, to a registered commercial vessel at Don D. Statter Harbor Facility or ABLF.
- (f) *Parking for Drive-Down Gangway and Float.* Only vehicles that are associated with the activities of a vessel moored at the drive-down gangway and float are allowed to drive onto the drive-down gangway and float. Persons shall position vehicles so they do not obstruct the use of the gangway or float by others. ~~The Harbormaster may establish additional rules for the control and use of vehicles on the drive-down gangway and float.~~ Vehicular access to the drive down float shall be controlled via an electronic gate requiring a key fob and access fee as set forth in 05 CBJAC 20.070.
- (g) *Staging.* Staging means the temporary placement of materials or goods at the facility that are associated with the activities of a vessel using the facility. The Harbormaster is authorized to designate staging areas and establish rules for their operation. Persons shall only stage goods or materials in designated areas in accordance with the rules established by the Harbormaster. Operators shall pay fees for staging as set out in 05 CBJAC 20.070(d).

- (h) *Storage*. Storage means the placement of materials or goods at the facility that are not associated with the activities of a vessel using the facility. The Harbormaster is authorized to designate storage areas and establish rules for their operation. No storage is allowed on the drive-down gangway or float. Persons shall only store goods or materials in designated areas in accordance with the rules established by the Harbormaster. Operators shall pay fees for storage as set out in 05 CBJAC 20.130.
- (i) *Landing Craft Loading Ramp Use*. Operators must reserve use of the landing craft loading ramp and associated staging area and obtain approval from the Harbormaster. Operators shall comply with applicable federal and local requirements concerning the loading of designated dangerous and hazardous cargos. The Harbormaster may establish additional rules for operation of the loading ramp and staging area. Operators shall pay fees for use of the loading ramp and associated staging area as set out in 05 CBJAC 20.070.
- (j) *Mechanical Work Zone Area*. From May 15 to September 30, the Harbormaster shall designate 75 feet along the northwest side of the drive-down float as a Mechanical Work Zone Area. The area will only be available for use from May 15 to September 30. The owner of a vessel wanting to use the Area will schedule use with the Harbormaster, which will require submitting documentation about the desired scope of work. The Harbormaster has complete discretion to approve, deny, and schedule use of the Area. Fees associated with this usage are set forth in 05 CBJAC 20.210.
- (k) *Drive-Down Use Fees*. Notwithstanding any fee provision listed in 05 CBJAC 15 and 20, and 30, operators shall pay fees for use of the drive-down gangway and float as follows:
- (1) The owner of a vessel that ties up to the float shall pay daily moorage fees for each calendar day or portion thereof that the vessel remains affixed to the float, except that an owner may use the facility for up to ~~four~~ two hours on any calendar day without incurring moorage charges ~~provided they have paid moorage charges at another CBJ harbor or port facility for the calendar day they will be using the facility.~~ Vessels wanting to use the float will need to schedule in advance with the Harbormaster.
 - (2) Persons using shorepower shall pay daily fees for shorepower access as set out in 05 CBJAC 30 if the person has not paid daily fees for shorepower access at another CBJ harbor or harbor facility for the period of time that they will be using shorepower. Persons must obtain shorepower credentials from the Harbormaster in order to access shorepower.
 - (3) Persons delivering or selling fuel shall register with the Harbormaster and pay fuel use fees as set out in 05 CBJAC 20.175. This subsection does not apply to persons using the landing craft loading ramp and paying freight use fees as set out in 05 CBJAC 20.070.
- (l) *Crane Use Fees*. All persons using the fixed cranes on the drive-down gangway and float must obtain access credentials from the Harbormaster and comply with the provisions set out in 05 CBJAC 20.110. The Harbormaster is authorized to establish additional rules for operation of the cranes.
- (m) *Work Practice Standards*. In addition to the specific requirements set out 05 CBAC 50.020 and 030, all persons using the facility must comply with the following work standards:

- (1) Persons must protect the facility from damage. In the event a person damages the facility, the person is financially responsible for repairing the damage to the satisfaction the Harbormaster. The Harbormaster may require damage bonds from users if necessary to assure financial responsibility.
- (2) Persons must take reasonable precautions to prevent dust, debris, or other contaminants from entering the waters or being deposited upon the facility or the property of others at the facility.
- (3) Persons must conduct operations in an orderly and neat manner.
- (4) Persons must not unreasonably obstruct the operation of others at the facility.
- (5) Persons conducting commercial operations at the facility must maintain general liability commercial insurance with a minimum coverage of \$1 million naming CBJ as additional insured. The Harbormaster is authorized to require proof of insurance from commercial operators. Operators that are unable, or refuse, to provide proof of insurance are not allowed to use the facility.
- (6) Persons undertaking projects that generate solid waste refuse shall not use the public dumpsters at the facility unless arrangements have been made with the Harbormaster to pay appropriate disposal fees.


~~(m)~~(n) *Enforcement.* Violation of any provision of this regulation constitutes an infraction and is enforceable as set out in the applicable provisions of CBJ Ordinance 03.30. In cases of negligent or unsafe operation, non-payment of fees, or similar situations, the Port Director may prohibit a person from using the facility.

Section 4. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on _____, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: 8/5/15

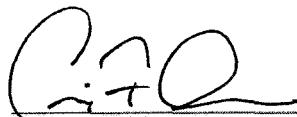

Carl Uchytel *for*
Port Director *DAVID BORG*
ACTING

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Its consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority following each section; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 8/5/15

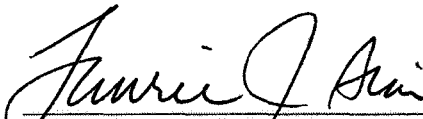


Amy Mead
Municipal Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of August 10, 2015 They were adopted by the Assembly.

Date: 8/11/15



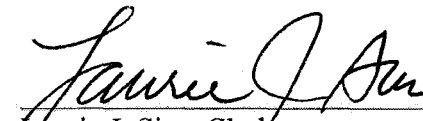
Laurie J. Sica, Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at 8 : 00 a.m p.m. on the 11th day of August, 2015.
2. After signing, I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: August 18, 2015.

Date: 8/11/2015



Laurie J. Sica, Clerk