

**A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA**

**Amendment of Title 05, Chapter 20  
Small Boat Harbor Fees and Charges – Moorage**

**and**

**Title 05, Chapter 40  
Small Boat Harbor Moorage Management Regulations**

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

**Section 1. Authority.** These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060 and CBJ 85.20.010.

**Section 2. Adoption of Regulations.** The City and Borough of Juneau Administrative Code is amended by the adoption of new regulations in Title 05, Chapter 20 Small Boat Harbor Fees and Charges – Moorage; and Title 05, Chapter 40 Small Boat Harbor Moorage Management Regulations, reading as follows:

Adopt an amended section 05 CBJAC 20.020, to read:

**05 CBJAC 20.020 - Special annual moorage fee for skiffs.**

An owner with an open-hulled vessel 21 feet or less in length, excluding engines, may apply to the harbor master for moorage in the limited access areas of the small boat harbors. The harbor master will assign moorage in these areas on a first-come, first-serve basis. If assigned moorage by the harbor master, all requirements pertaining to annual moorage apply, except the annual moorage fee that the owner shall pay, which shall be as follows:

- (1) ~~\$500.00~~ *\$580.00* from July 1, ~~2007~~ *2013* through June 30, ~~2008~~ *2014*; and
- (2) Each moorage year after June 30, ~~2008~~ *2014*, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest \$5.00, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.025, to read:

...

**05 CBJAC 20.025 - Assigned moorage credit.**

- (b) Administration. Once each year, the harbormaster shall issue a credit memo to the account of a person with a moorage assignment that makes their private shorepower available for temporary moorage assignments. The credit shall ~~equal \$1.00~~ *be equal to the daily shorepower access fee charged in 05 CBJAC 30.010(e)* for each day that the harbormaster uses their stall for a temporary moorage assignment and the temporary moorage assignee uses the private shorepower connection. The credit is redeemable only against docks and harbors charges levied against the account of the moorage assignee.

Adopt an amended section 05 CBJAC 20.030, to read:

**05 CBJAC 20.030 - Daily moorage fees.**

- (a) Definition. The fee charged on a daily basis to the owner of a vessel for berthing the vessel at the Douglas Boat Harbor, Harris Boat Harbor, Aurora Boat Basin, Norway Point Float, National Guard Float, Fisherman's Terminal, Statter *Boat* Harbor, ~~DeHart's Marina~~, and moorage appurtenant to any of these facilities.

...

- (d) Daily moorage fees. Except as provided for reserved daily moorage, daily moorage fees will be assessed for each 24-hour period or portion thereof as follows:
  - (1) From July 1, ~~2007~~ *2013* through June 30, ~~2008~~ *2014*, ~~\$0.45~~ *0.53* per foot; and
  - (2) Each moorage year after June 30, ~~2008~~ *2013*, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest cent, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.040, to read:

**05 CBJAC 20.040 - Downtown monthly moorage fees.**

- (a) Definition. The fee charged to the owner of a vessel for berthing the vessel at the Douglas Boat Harbor, Harris Boat Harbor, Aurora Boat Basin, Norway Point Float, National Guard Float, Fisherman's Terminal, and moorage appurtenant to any of these facilities, *on a monthly basis*.

...

- (d) Monthly moorage fees. Monthly moorage fees will be assessed for each calendar month or portion thereof as follows:

- (1) From July 1, ~~2007~~ 2013 to June 30, ~~2008~~ 2014, ~~\$3.60~~ 4.15 per foot; and
- (2) Each moorage year after June 30, ~~2008~~ 2014, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the moorage year, rounded to the nearest five cents, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.041, to read:

**05 CBJAC 20.041 - ~~Auke Bay~~ Statter Boat Harbor monthly moorage fees.**

- (a) Definition. The fee charged to the owner of a vessel for berthing the vessel at the Statter Boat Harbor ~~and DeHart's Marina,~~ and moorage appurtenant ~~to these facilities to this facility,~~ on a monthly basis.

...

- (d) Monthly moorage fees. Monthly moorage fees will be assessed for each calendar month or portion thereof as follows:

- (1) From July 1, ~~2007~~ 2013 to June 30, ~~2008~~ 2014, ~~\$6.00~~ 6.95 per foot; and
- (2) Each moorage year after June 30, ~~2008~~ 2014, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index as reported by the Alaska Department of Labor for the calendar year preceding the moorage year, rounded to the nearest five cents, unless the docks and harbors board takes action to keep the fee the same as the previous year.

Adopt an amended section 05 CBJAC 20.060, to read:

**05 CBJAC 20.060 - Recreational boat launch fees.**

...

- (d) Recreational launch ramp fees. Recreational launch ramp fees will be assessed for each calendar year, calendar day, or portion thereof as follows:

Fee Period	July 1, 2005 to December 31, 2005	January 1, 2006 to December 31, 2006	January 1, 2007 to December 31, 2007
Calendar Year	<del>\$50.00</del>	<del>\$70.00</del>	\$90.00
Calendar Day	<del>\$10.00</del>	<del>\$12.00</del>	\$14.00

Adopt an amended section 05 CBJAC 20.070, to read:

**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:

Fee	July 1, 2005 to December 31, 2005	January 1, 2006 to December 31, 2006	January 1, 2007 to December 31, 2007
\$ per calendar year	\$175.00	\$200.00	\$225.00

- (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:

Fee Type	January 1, 2006 to December 31, 2006	After December 31, 2006
Commercial Use Fee	Up to ½ hour: \$25.00 Over ½ hour: \$25.00 + \$1.25 for each minute beyond ½ hour	Up to ½ hour: \$30.00 Over ½ hour: \$30.00 + \$1.50 for each minute beyond ½ hour
Personal Use Fee	Up to ¼ hour: no charge Over ¼ hour: \$10.00 per half hour of use beyond ¼ hour with \$10.00 minimum charge	Up to ¼ hour: no charge Over ¼ hour: \$15.00 per half-hour of use beyond ¼ hour with \$15.00 minimum charge

...

Adopt an amended section 05 CBJAC 20.080, to read:

**05 CBJAC 20.080 - Passenger-for-hire fee.**

(a) Definition. The fee assessed to a person conducting passenger-for-hire activities at Douglas Boat Harbor, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, ~~DeHart Marina~~, Statter Boat Harbor, or Statter *Boat* Harbor Launch Ramp.

...

(c) Requirements. The owner of a vessel must apply to and obtain a permit from the Harbormaster in order to conduct passenger-for-hire activities at Douglas Boat Harbor, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, ~~DeHart Marina~~, Statter Boat Harbor, or Statter *Boat* Harbor Launch Ramp. Applications are available at any of the Docks and Harbor Department Offices. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and the payment of fees.

(d) Inspected vessel fees. The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is regulated under Subchapter T and S of 40 CFR 33 as follows:

~~(1) Before January 1, 2007,~~

~~(A) Calendar year permit: \$300.00 plus \$7.00 per certificated passenger seat; or~~

~~(B) Calendar day permit: \$100.00; or~~

~~(2) On or after January 1, 2007,~~

~~(A 1) Calendar year permit: \$300.00 plus \$1.10 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity; or~~

~~(B 2) Calendar day permit: \$1.00 per certificated passenger seat; or~~

(3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.

(e) Uninspected vessel fees. The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is not regulated under Subchapter T and S of 40 CFR 33 (six-pack vessels) as follows:

~~(1) Before January 1, 2007,~~

~~(A) Calendar year permit: \$50.00 per vessel plus \$7.00 per passenger seat; or~~

~~(B) Five or fewer uses in a calendar year permit: \$50.00 per vessel; or~~

~~(2) On or after January 1, 2007,~~

~~(A 1) Calendar year permit: \$50.00 per vessel plus \$15.00 per passenger seat; or~~

~~(B 2) Five or fewer uses in a calendar year: \$75.00 per vessel; or~~

- (3) No charge for non-profit use when approved by the harbormaster on a case-by-case basis.

Adopt an amended section 05 CBJAC 20.090, to read:

**05 CBJAC 20.090 – Statter Boat Harbor Lower Parking Lot permit fee.**

...

- (c) Fees. The Harbormaster shall assess permit fees to the owner of a vehicle using the Statter Boat Harbor Lower Parking Lot to pick-up and discharge passengers for passengers-for-hire activities as follows:

- ~~(1) Before January 1, 2007,~~

- ~~(A) Calendar year permit: \$300.00 per company plus \$7.00 per passenger seat; or~~

- ~~(B) Occasional and off-peak time use permit: \$15.00 per vehicle per calendar day or \$250.00 per vehicle per calendar year; or~~

- ~~(2) On or after January 1, 2007,~~

- ~~(A 1) Calendar year permit: \$300.00 per company plus \$15.00 per passenger seat; or~~

- ~~(B 2) Once per week permit: \$25.00 per vehicle per calendar day for companies that use the lot to drop-off passengers for passenger-for-hire activities no more than once per week; or~~

- (3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.

Adopt an amended section 05 CBJAC 20.100, to read:

**05 CBJAC 20.100 - Grid usage fees.**

...

- (d) *Grid usage fees.* Grid usage fees shall be assessed as follows:

Fee	July 1, 2005 to June 30, 2006	July 1, 2006 to June 30, 2007	July 1, 2007 to June 30, 2008
\$ per foot per day	\$0.65	\$0.80	\$ .95

Adopt an amended section 05 CBJAC 40.010, to read:

**05 CBJAC 40.010 – General moorage management policy.**

...

- (b) *Applicability and other regulations.* CBJ Administrative Code Title 05, Chapter 40 applies to the small boat harbors under the jurisdiction of the City and Borough of Juneau Docks and Harbors Board. These include the Douglas Small Boat Harbor, the National Guard Dock, Harris Boat Harbor, the Fisheries Terminal Float, Aurora Boat Basin, Statter Boat Harbor, ~~DeHart's Marina~~ and moorage facilities appurtenant thereto. Where the requirements of 05 CBJAC 40 differ from other small boat harbor regulations in CBJ Administrative Code Title 05, the regulation that is more specific or restrictive shall take precedence.

...

Adopt an amended section 05 CBJAC 40.020, to read:

**05 CBJAC 40.020 – Reserved moorage policy.**

...

- (c) *Availability.* A limited amount of reserved moorage is available in Douglas Small Boat Harbor, Harris Boat Harbor, Aurora Boat Basin, the Fisheries Terminal Dock, and ~~DeHart's Marina~~ *Statter Boat Harbor*. The Harbormaster assigns this moorage in accordance with this regulation. Maps of reserved moorage are available at the Aurora Harbor Office.

...

- (j) *Reserved Moorage for Former DeHart Marina Patrons.* Former DeHart Marina patrons eligible for reserved moorage at Statter Boat Harbor will be provided preferred moorage, notwithstanding the size requirements under 05 CBJAC 40.010(f), until the vessel is sold, lost, destroyed or stolen. Vessels procured with the intent to retain reserved moorage under 05 CBJAC 40.020(e), must meet the requirements under 05 CBJAC 40.010(f).

Adopt an amended section 05 CBJAC 40.040, to read:

**05 CBJAC 40.040 – Reserved moorage waitlists.**

...

- (f) *Notification of assignment.* When a moorage assignment becomes available, the Harbormaster will notify highest-ranked applicant on the applicable waitlist and provide the applicant 15 days after mailing of the notice to respond to the Harbormaster. If the applicant declines or does not respond within 15 days after service of the notice, the Harbormaster will offer the stall to next highest-ranked applicant. The Harbormaster will continue

notifying applicants in this manner until an applicant accepts the assignment or all applicants decline. Upon acceptance of the assignment, the Harbormaster shall process the assignment as set out in 05 CBJAC 040.035. ~~Except for a DeHart's Marina assignment, a~~An applicant that declines an assignment or does not respond will be removed from the applicable waitlist.

...

Adopt an amended section 05 CBJAC 40.045 to read:

#### **05 CBJAC 40.045 – Reserved moorage reassignments.**

A reserved moorage assignee, ~~including a DeHart's Marina assignee,~~ may apply to the Harbormaster for reassignment to a similar slip or space size class at a different location. The Harbormaster shall maintain waiting lists for this purpose. ~~Except for reassignments to Dehart's Marina,~~ Assignees with the earliest sign-up date on the applicable list will be given the highest priority. ~~For reassignments to Dehart's Marina, assignees with the earliest date the assignee was assigned reserved moorage in any one of the City and Borough small boat harbors will be given the highest priority on the DeHart's Marina waitlist.~~ When a similar slip or space in the applicable size class becomes available, the Harbormaster shall notify the reserved moorage assignees on this waiting list according to priority and offer the available slip or space for reassignment. The assignee has 72 hours to respond. If the assignee fails to respond or declines the reassignment, the Harbormaster may offer the slip or space to the next assignee on the waiting list. The refusal of an offered slip or space will not cause the assignee to lose waiting list priority.

Adopt an amended section 05 CBJAC 40.065 to read:

#### **05 CBJAC 40.065 – DeHart's Marina Moorage Management.**

~~(a) Applicability of this regulation. All requirements of 05 CBJAC 40 apply to the slip or space assignees of DeHart's Marina, except as follows:~~

- ~~(1) Assignees with a reserved slip or space at DeHart's Marina on July 1, 2005 may transfer assignment of their reserved slip or space to another person as part of the sale of their assigned vessel. In order for the transfer of the assignment to be effective, the assignee shall provide the Harbormaster with proof of the sale to the new vessel owner; and~~
- ~~(2) Assignees of a reserved slip or space at DeHart's Marina on July 1, 2005 may continue to keep their annual or seasonal assignment provided they meet the applicable requirements set out in 05 CBJAC 40. For the moorage period from April 1, 2006 through June 30, 2006, assignees may keep their moorage assignment by paying to the Harbormaster the applicable moorage fee for this period no later than March 30, 2006. A renewal application is not required for the period of April 1, 2006 through June 30, 2006. For the moorage year starting July 1, 2006, a DeHart's Marina assignee shall follow the renewal moorage application provisions set out in 05 CBJAC 40.030 and the Harbormaster shall process the application in accordance with the procedures set out in 05 CBJAC 40.035~~



(b) ~~DeHart's Marina Fees. Reserved~~

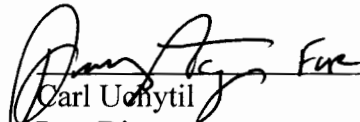
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**Section 3. Notice of Proposed Adoption of a Regulation.** The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on April 16, 2013, which is not less than 21 days before the date of adoption of these regulations 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: July 8, 2013

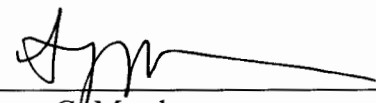
  
Carl Uchytel  
Port Director

### Legal Review

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

- (1) 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; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: July 8, 2013

  
Amy G. Mead  
City Attorney

**Assembly Review**

These regulations were presented to the Assembly at its meeting of \_\_\_\_\_. They were adopted by the Assembly.

Date: \_\_\_\_\_

\_\_\_\_\_  
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 \_\_\_\_:\_\_\_\_ a.m./p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
- (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: \_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Laurie J. Sica, Clerk