

**PETERSBURG BOROUGH
ORDINANCE #2018-15**

**AN ORDINANCE AMENDING PETERSBURG MUNICIPAL CODE CHAPTER 14.20,
ENTITLED "MUNICIPAL HARBORS", TO INCREASE HARBOR FEES**

Whereas, on March 21, 2016, the Petersburg Borough Assembly adopted the Petersburg Borough Comprehensive Plan dated February 22, 2016 with Ordinance #2016-02; and

Whereas, the Petersburg Borough Comprehensive Plan includes the Petersburg Waterfront Master Plan and appendices; and

Whereas, the Petersburg Waterfront Master Plan, in Section 6.1 Financial Considerations Summary, recommended an across-the-board increase of 12% to harbor moorage and use fees to bring revenues in line with costs; and

Whereas, after careful review, borough staff have determined that a number of the moorage and use fees require an increase, some higher than 12%. To accomplish the across-the-board increase goal, a 10% prepayment provision was eliminated with the adoption of Ordinance #2017-03, moorage rates will increase by approximately 9%, and most other harbor fees will increase by approximately 12% with the adoption of this ordinance.

Therefore, the Petersburg Borough Ordains, as follows:

Section 1. Classification: This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

Section 2. Purpose: The purpose of this ordinance is to increase harbor fees to bring harbor revenues in line with costs.

Section 3. Substantive Provisions: Sections 14.20.030, *Definitions*, and 14.20.390, *Fees and charges for services*, of Chapter 14.20 Municipal Harbors, of the Petersburg Municipal Code shall be amended to read as follows:

14.20.030 - Definitions.

The following words, terms and phrases, when used in this title shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

"Constituting a nuisance" means any vessel which is not kept and regularly pumped free of excess water inside her hull, or is submerged, or creates a fire, health or navigation hazard, or is derelict.

"Derelict vessel" means:

1. A vessel that has been left unattended for a continuous period of more than 24 hours, if:
 - a. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
 - b. The vessel has been moored or otherwise left in a municipal harbor, and if:

- i. The vessel's certificate 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 a state department or the United States Coast Guard,
 - ii. The last registered owner of record disclaims ownership and the current owner's name or address cannot be determined,
 - iii. The vessel identification numbers and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner, or
 - iv. The vessel registration records of a state department or the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined; or
2. Any vessel delinquent for failure of the vessel owner, master or agent to register or to pay for moorage or other services as provided in this chapter.

"Finger floats" means the numbered floats attached and connected to the master floats. Finger floats shall be identified by numbers. All floats, now or hereafter installed, whether or not connected with master floats, shall be suitably identified.

"Floats" means all floating or stationary walkways and structures to which vessels may be moored, and which are owned or maintained by the borough.

~~"Floatside moorage rate" means the rate charged to a vessel permanently moored in designated floatside areas within a harbor and is the same as the permanent stall rate.~~

"Grid" means all facilities located within any municipal harbor that are maintained, leased or owned by the borough for use while repairing, bottom-scraping or painting vessels by allowing the vessels to go dry on low tides.

"Harbor facility" means any float, piling, dock, mooring, buoy, stall, vehicle parking area, structures, ramps, hoists, grid or other harbor improvement constructed, maintained, owned or leased by the borough.

"Harbormaster" means the Petersburg municipal harbormaster or the harbormaster's designee or agent.

~~"Long-term hot berth moorage rate" means the rate charged to a vessel moored long term in a permanently occupied stall and is the same as the permanent stall rate.~~

"Municipal harbors" means all present and future waters, tidal areas and adjacent upland areas, together with all facilities and improvements of a port or maritime nature owned, maintained or leased by the Petersburg Borough.

"Person" means any person, partnership, corporation, company, association or other organization or enterprise.

"Probable cause to impound" means a state of facts as would lead a person of ordinary care and prudence to believe that there was a breach of local, state, or federal law rendering a vessel or vehicle subject to impoundment.

"Transient vessel" means any vessel that does not have a moorage contract on file with the borough.

"Vehicle" means all trucks, automobiles, trailers motorcycles and nonmotor vehicles of every kind and description, pleasure and commercial.

"Vessel" means all ships, boats, skiffs and craft of every kind and description, pleasure and commercial, other than a seaplane on the water, used or capable of being used as a means of transportation on or through the water.

"Vessel owner, master or agent" means an individual, partnership, corporation, company association, organization or other enterprise owning, leasing or controlling a vessel, or a person acting on behalf of the individual or enterprise.

14.20.390 - Fees and charges for services.

A. Annual Moorage fees.

1. Unless otherwise stated in this chapter, the base annual moorage fee (also referred to as the permanent stall rate), available to a vessel which has a moorage contract for a stall in the municipal harbors located in Service Area 1 for a minimum term of seven full consecutive months, is as follows:

Stall length	\$ per foot
18 ft.	$\times \$34.00$ \$37.00 = \$612.00 (\$51.00 mo.) \$666.00 (\$55.50 mo.)
20 ft.	$\times \$34.00$ \$37.00 = \$680.00 (\$57.00 mo.) \$740.00 (\$62.00 mo.)
26 ft.	$\times \$34.00$ \$37.00 = \$884.00 (\$74.00 mo.) \$962.00 (\$81.00 mo.)
32 ft.	$\times \$34.00$ \$37.00 = \$1,088.00 (\$91.00 mo.) \$1,184.00 (\$99.00 mo.)
40 ft.	$\times \$38.00$ \$41.45 = \$1,520.00 (\$127.00 mo.) \$1,658.00 (\$138.00 mo.)
42 ft.	$\times \$38.00$ \$41.45 = \$1,596.00 (\$133.00 mo.) \$1,740.90 (\$145.00 mo.)
48 ft.	$\times \$44.00$ \$48.00 = \$2,112.00 (\$176.00 mo.) \$2,304.00 (\$192.00 mo.)
50 ft.	$\times \$44.00$ \$48.00 = \$2,200.00 (\$183.00 mo.) \$2,400.00 (\$200.00 mo.)
50 ft. wide (55)	$\times \$44.00$ \$48.00 = \$2,420.00 (\$202.00 mo.) \$2,640.00 (\$220.00 mo.)
60 ft.	$\times \$50.00$ \$54.50 = \$3,000.00 (\$250.00 mo.) \$3,270.00 (\$272.50 mo.)
62 ft.	$\times \$50.00$ \$54.50 = \$3,100.00 (\$258.00 mo.) \$3,379.00 (\$281.50 mo.)
75 ft.	$\times \$50.00$ \$54.50 = \$3,750.00 (\$313.00 mo.) \$4,087.50 (\$340.50 mo.)
100 ft.	$\times \$50.00$ \$54.50 = \$5,000.00 (\$417.00 mo.) \$5,450.00 (\$454.00 mo.)

2. Monthly twenty-foot stall rental in South Harbor:

- a. 1—11 months: ~~\$56.67~~ **\$62.00**
- b. 12 months: ~~\$28.00~~ **\$31.00** (prepaid)

3. Overhanging stall: One dollar per foot, per month, except there shall be no overhanging stall fee charged to the 20-foot stalls in South Harbor.
4. Unless otherwise stated in this chapter, the base semi-annual moorage fees available to a vessel which has a moorage contract for a stall in the municipal harbors located in service area 1 for a term of 3 to 6 consecutive months shall be charged ~~\$5.00~~ **\$5.60** per linear foot per month.

B. Use fees.

1. Transient vessel moorage fees.
 - a. The owner, master or agent of any transient vessel moored within the municipal harbors for less than ten days in any calendar month shall pay per day, or any portion thereof, moorage based on the length of vessel as follows:
 - i. All United States registered vessels: ~~\$0.65~~ **\$0.72** per linear foot.
 - ii. Foreign registered vessels 75 feet and under: ~~\$0.65~~ **\$0.72** per linear foot.
 - iii. Foreign registered vessels over 75 feet: ~~\$1.30~~ **\$1.45** per linear foot.
 - b. The owner, master or agent of any transient vessel moored within the municipal harbors for ten days or more in any calendar month shall pay moorage at the rate of ~~\$6.50~~ **\$7.20** per linear foot per calendar month.
2. Skiff float use. The owner, master or agent of any vessel moored at the skiff float shall be charged \$2.00 per linear foot per month.
3. Grid use fee. The owner, master or agent of any vessel using a grid shall pay for the use of the grid at the following rate per linear foot (vessel length) per day:
 - a. Wood grid, ~~\$0.60~~ **\$0.65**
 - b. Steel grid, ~~\$0.96~~ **\$1.10**
4. Live-aboard fee. The vessel owner, master or agent shall pay the following rate per month for persons living aboard a vessel:
 - a. One person, ~~\$50.00~~ **\$60.00**
 - b. Each additional person, ~~\$20.00~~ **\$25.00**
5. Launching ramp **permit** fee.
 - a. Commercial use of launching ramp. Persons launching vessels ~~for a fee without purchasing an annual launch permit~~ shall pay ~~\$10.00~~ **\$28.00** for each launch. ~~An annual launch permit for commercial use may be purchased at a cost of or \$250.00~~ **\$280.00 annually** for unlimited use of the launching facilities.
 - b. Noncommercial use of launching ramp. Persons ~~who launch~~ **ing** vessels without ~~receiving a fee for launching~~ **purchasing an annual launch permit** shall be charged ~~\$7.00~~ **\$10.00** for each launch. ~~An annual launch permit may be purchased at a cost of or \$30.00~~ **\$35.00 for the first permit and \$17.50 each for each additional permit (each trailer must have its own permit) annually** for unlimited use of the launching facilities. ~~The permit must be attached to the tongue of the trailer.~~
6. Port facility use fee.
 - a. Dock face moorage fee. The owner, master or agent of any vessel mooring at a dock face shall pay ~~\$0.50~~ **\$1.00** per linear foot (vessel length) ~~or fifty dollars, whichever is greater,~~ for each 24-hour period or portion thereof.
 - b. Wharfage fee. The owner, master or agent of any vessel loading or unloading freight at the port dock shall pay ~~\$3.85~~ **\$5.00** per ton of freight loaded or unloaded.

- c. Upland outdoor storage fees. The owner, master or agent of a vessel whose gear or equipment is stored at an upland outdoor storage area of a municipal harbor shall pay ~~\$0.24~~ **\$0.26** per square foot of storage space rented per month. Prior approval of the harbormaster is required.
- 7. Port dock, **drive down bulkhead**, and crane dock loading/off-loading use fee.
 - a. Persons engaged in loading or off-loading materials, equipment, gear or any other items on to or off vessels at the port dock, **drive down bulkhead** or crane dock shall be charged ~~\$20.00~~ **\$25.00** for each vessel loaded or off-loaded or ~~\$200.00~~ **\$250.00** annually for unlimited use of ~~either~~ **one of the docks** for loading/off-loading. Prior approval of the harbormaster is required.
 - b. Vessels are limited to ~~four~~ **4** hours moorage within a 24-hour period on the crane dock, **and drive down bulkhead**. Additional time may be granted by the harbor master.
- 8. Commercial Drive Down Dock **and Drive Down Bulkhead** Permit.
 - a. Annual Permit: ~~\$2.50~~ **\$2.80** per lineal foot of vessel.
 - b. Per Use Basis: \$1.00 per lineal foot of vessel per use.
 - c. Vessels are limited to 4 hrs of active loading and unloading activity within a 24-hour period. Additional time may be granted by the harbormaster.
 - d. Specific areas are available for vessel repair and maintenance. Reservations must be made prior through the harbormaster. Vessels will be charged \$1.00 per foot per day for reserved space.
- 9. Crane use fee. The owner, master or agent of any vessel using the crane shall be charged ~~\$30.00~~ **\$35.00** for each hour of use, or portion thereof.
- 10. Boat pumping fee. The owner, master or agent of a vessel pumped shall pay ~~\$50.00~~ **\$60.00** per hour (with a one-hour minimum fee) for the vessel pumping service.
- 11. Snow removal fee. The owner, master or agent of a vessel provided with snow removal service shall pay ~~\$35.00~~ **\$40.00** per hour (with a one-hour minimum fee).
- 12. Transient electrical service fee. The owner, master or agent of a vessel provided electrical service, if available, shall pay:
 - a. \$6.00 per day for 30 amp service;
 - b. \$10.00 per day for 50 amp service;
 - c. \$34.00 per day for 60 amp service; and
 - d. \$57.00 per day for 100 amp service.
- 13. Impounding fee for gear or other equipment left on dock or floats. The owner, master or agent of a vessel whose gear or equipment, including skiffs, is left on the docks or floats after the harbormaster has directed the items to be removed, after the vessel has left the harbor, or for a period in excess of 24 hours, shall be charged a ~~\$35.00~~ **\$50.00** minimum impound fee for those items, plus ~~\$2.00~~ **\$3.00** per day as the storage fee on the impounded items. Impounded items may, at the discretion of the harbormaster, be discarded if not claimed within 30 days.
- 14. Vessel moving/towing fee for vessels moored within the municipal harbors. The owner, master or agent of any vessel moored within the municipal harbors which is moved or towed within the facility shall be charged ~~one dollar~~ **\$1.25** per linear foot (vessel length) for the moving/towing service. The moving/towing service shall be provided at the discretion of the harbormaster.
- 15. Harbor skiff emergency use fee. The owner, master or agent of any vessel requiring the emergency use of the harbor skiff shall pay ~~\$35.00~~ **\$40.00** per hour (with a one-hour minimum fee) for the skiff emergency service.

16. Power-washer use. The owner, master or agent of any vessel using the power-washer shall be charged ~~\$30.00~~ **\$35.00** per hour, or any portion thereof.
 17. Harbor showers. Use of the showers at the harbormaster's building shall be charged \$2.00 for each seven and one-half minutes.
 18. Tour ship docking fees.
 - a. Float side **inner harbor**: ~~\$400.00~~ **\$450.00** per stop;
 - b. Port dock, **drive down float and drive down bulkhead**: ~~\$500.00~~ **\$560.00** per stop;
 - c. Lighters to the harbor will be charged ~~\$250.00~~ **\$280.00** per each 24 hours.
 19. Garbage, waste oil disposal fees and water fees.
 - a. Vessels not using the harbor facilities for moorage but disposing of garbage or waste oil or obtaining water shall be charged fees as follows:
 - i. Garbage disposal, ~~\$20.00~~ **\$25.00** per cubic yard;
 - ii. Waste oil disposal, ~~\$4.00~~ **\$5.00** per five gallons, ~~\$35.00~~ **\$40.00** per barrel;
 - iii. Potable water, \$15.00 minimum or \$0.03 per gallon, whichever is greater.
 20. Fees associated with vessels in a dangerous condition:
 - a. Replacing or securing mooring lines, ~~\$15.00~~ **\$20.00** plus the cost of material used;
 - b. Pumping of vessels, ~~\$50.00~~ **\$60.00** per hour (with a one-hour minimum fee), plus expenses incurred.
 21. Fees for conducting business from a vessel. ~~Ten~~ **Twenty** dollars per day during such period of time as mooring is approved.
 22. Impoundment fees. Impounded vessels shall be charged a minimum fee of ~~\$50.00~~ **\$60.00** plus storage at the rate of not less than ~~\$2.00~~ **\$3.00** per day. These fees are in addition to any costs incurred by the borough during the impoundment process.
- C. Fees in this subsection (14.20.390) may be increased, by ordinance amendment, on an annual basis, subject to review of harbor facilities' financial needs and borough assembly approval, based on increases in the Anchorage Consumer Price Index.

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective July 1, 2018.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 18th day of June, 2018.

ATTEST:

Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: