

Title 4

BOAT HARBOR

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Chapter 4.10

GENERAL PROVISIONS

Sections:

- 4.10.010 Applicability of provisions.
- 4.10.020 Definitions.
- 4.10.030 Policy and intent – City liability denied.

4.10.010 Applicability of provisions.

The provisions of this title shall apply to all persons on or within the harbor jurisdiction. [Ord. 239 § 4, 1985.]

4.10.020 Definitions.

Whenever the following words or terms are used in this title, they shall have the meaning ascribed to them in this section, unless the context makes such meaning repugnant thereto:

“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 a derelict, or has become a nuisance because of non-payment of fees, or fails to meet the requirements of CMC 4.30.020(A) or (C).

“Derelict vessel” means a vessel that has been left unattended for a continuous period of more than 24 hours, if:

1. The vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
2. The vessel has been moored or otherwise left in the small boat harbor, and if:
 - a. The vessel’s certificate of 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, or
 - b. The last registered owner of record disclaims ownership and the current owner’s name or address cannot be determined, or
 - c. 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
 - d. The vessel registration records of a state department and 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.

“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 appurtenant thereto to which vessels may be moored, and which are owned or maintained by the city or the state of Alaska.

“Harbor facility” means any float, piling, dock, mooring, buoy, stall, vehicle-parking area, structure or other harbor improvement constructed, maintained, owned or leased by the city.

“Harbor jurisdiction” means the harbor facility and all navigable waters seaward of the higher high water line and within the corporate limits of the city of Craig, Alaska.

“Residence” means a vessel which serves as sleeping quarters for its owner(s) or occupant(s) for 15 days or more per 30-day period.

“Small boat grid” means all facilities maintained, leased or owned by the city for use while repairing, bottom scraping or painting small vessels by allowing said vessels to go dry on low tides.

“Small boat harbor” means all tidelands or submerged land areas in the city where small vessels are anchored or navigated while maneuvering to and from facilities.

“Transient vessel” means any vessel not homeported in Craig by designation or transactional utilization.

“Vehicles” means all trucks, automobiles, motorcycles and nonmotor vehicles of every kind and description, pleasure and commercial.

“Vessel length” means that length of the vessel used to determine moorage fees, and consists of the overall length of the vessel as measured in a straight line from stem to stern, plus all appurtenances that extend the length of the vessel such as bowsprits, C drives, sterndrives, skiffs, etc.

“Vessel owner, master or agent” means the individual, partnership or corporation renting a stall or mooring space in the small boat harbor, or someone acting for that individual or corporation.

“Vessels” 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.

“Wharfage” means a charge assessed all cargo passing or conveyed over, into or under wharves, or between vessels, or between a vessel and the water when the vessel is berthed at a city dock, wharf, piling structure, pier or bulkhead structure. Wharfage is solely the charge for use of a city dock, wharf, piling structure, pier or bulkhead structure as set forth herein, and does not include charges for any other service. [Ord. 483 § 4, 2000; Ord. 344 § 4, 1992; Ord. 334 § 4, 1992; Ord. 317 § 4, 1991; Ord. 239 § 4, 1985.]

4.10.030 Policy and intent – City liability denied.

It is declared that the intent of this title is to further the use of facilities of the small boat harbors by commercial fishermen, government vessels, commercial vessels in trade and commerce, pleasure craft and the general public. It is the further intent of this title to prevent and discourage the use of the facilities of the boat harbor by vessels which have only nominal use and dependence upon harbor facilities, or which have been abandoned by their owners to the point of becoming derelict vessels, as defined in this title. The policy of this title is to maximize the safe and efficient use of the harbor facilities. Payment of a user fee entitles an individual to facility use on a priority basis. Nothing shall limit the ability of the harbormaster to assign the vessels to any unused berth (“hot-berth”) for the purposes of efficiently allocating harbor space or in the interest of safety. It is the policy of the city that any persons visiting or using the harbor facility will do so at their own risk. The city does not assume responsibility for loss or damage to property, or injury to persons within or upon the harbor facility. [Ord. 239 § 4, 1985.]

Chapter 4.20

REGISTRATION AND STALL ASSIGNMENT

Sections:

- 4.20.010 Transactions to be conducted at harbor office or City Hall.
- 4.20.020 Application for mooring.
- 4.20.030 Rental and use fees – Use of vacant stalls.
- 4.20.040 Payment for reserved and transient moorage and other use fees.
- 4.20.050 Lien for unpaid moorage and other fees.
- 4.20.060 Priority in space assignment – Method.
- 4.20.070 Priority in space assignment – Present renters get lowest.
- 4.20.080 Sale of vessel terminates moorage – Exception.
- 4.20.090 Loss of assigned reserved moorage.
- 4.20.100 Vessels assigned to appropriate size slip.
- 4.20.110 Relinquishment of an assigned slip.

4.20.010 Transactions to be conducted at harbor office or City Hall.

All registration of boats, payment of moorage charges and other harbor facility business will be conducted at harbor office or City Hall. [Ord. 483 § 4, 2000; Ord. 239 § 4, 1985.]

4.20.020 Application for mooring.

A. No person shall be permitted the privilege of renting a stall or mooring space in the small boat harbor unless such person signs an application identifying the vessel, agreeing to make timely payment of all rental and service charges which may be assessed or levied under this chapter, and assenting to the harbormaster’s authority to move the vessel pursuant to this title.

B. Said application shall be in such form as is required by the city and shall be made in duplicate; the original to be filed with the city office, the second copy retained in the harbormaster’s files.

C. Not all moorage areas will be available on a year-round basis, but will be regulated by the city as to the number and location of such moorage

areas, and the conditions under which they will be rented. [Ord. 239 § 4, 1985.]

4.20.030 Rental and use fees – Use of vacant stalls.

A. Fees for the privilege of berthing or mooring any vessel at the harbor facility shall be levied according to the fees, charges and conditions set by resolution of the city council.

B. The harbor master shall have discretionary authority to allow other vessels to occupy an empty stall at any time the assigned vessel is absent from its assigned space, without compensation or refund of prepaid moorage fees. [Ord. 239 § 4, 1985.]

4.20.040 Payment for reserved and transient moorage and other use fees.

A. All reserved permanent moorage payments are due and payable in advance. Fees for reserved permanent moorage that become 60 days past due will result in the forfeiture of the reserved slip. A slip that is assigned for over one-half of the month shall be considered as one full month for the purposes of fees due.

B. Transient moorage fees may be required to be paid in advance. All transient moorage fees and other harbor user fees accrued during a month that are not paid by the twenty-fourth of the month will be billed to the person or company responsible for payment of the fees. A \$5.00 billing fee will be charged to all vessels billed at the one month rate.

C. Moorage payments for vessels at the three-month or six-month rates shall be paid in advance. [Ord. 454 § 4, 1998; Ord. 376 § 5, 1994.]

4.20.050 Lien for unpaid moorage and other fees.

A. All moorage and other fees accruing to the city from the mooring of any vessel or use of harbor facilities by the vessel owner shall constitute a lien against such vessel.

B. It is unlawful for any vessel owner, master or agent who is in default of any charges accruing to the city under the provisions of this chapter to use any mooring facilities or other harbor facilities prior to the payment of all charges imposed by this chapter.

C. If the owner, master or agent of any vessel shall fail to pay any charges by the twentieth of the month the bill is due, the bill is considered delin-

quent and the amount in arrears shall be noted on all subsequent billings.

D. If the fees are not paid within 40 days of the date they are originally due, then the vessel is in default and may be subject to impound and/or the owner, master or agent may be assessed a penalty established by resolution of the city council. [Ord. 376 § 5, 1994.]

4.20.060 Priority in space assignment – Method.

Assignment of spaces in the boat harbors shall be allocated on a first-come, first-served basis, with names at the top of the list to first be assigned to recently vacated stalls of the appropriate nature. The city may, by regulation, make a separate list according to either vessel length or character of vessel. [Ord. 239 § 4, 1985.]

4.20.070 Priority in space assignment – Present renters get lowest.

Effective with the adoption of this title, those persons already assigned a stall shall be given, at all times, the lowest priority in seeking additional stalls. The harbor master shall encourage those persons already assigned more than one stall to relinquish their additional stalls, whenever a waiting list exists. [Ord. 239 § 4, 1985.]

4.20.080 Sale of vessel terminates moorage – Exception.

Sale of an assigned vessel shall constitute termination of the mooring privilege, unless the stall renter replaces the vessel with a similar-sized vessel, or demonstrates to the harbor master that he or she intends to replace the vessel within a reasonable period of time. [Ord. 239 § 4, 1985.]

4.20.090 Loss of assigned reserved moorage.

A. If the owner of a vessel to which a reserved slip or space has been assigned does not have the vessel in the slip or dry docked in Craig, or use the reserved slip or space for which it is assigned for at least four months each assignment period, the reserved slip is forfeited.

B. However, the harbor master may waive this requirement for one year under exceptional circumstances such as extended ocean voyages, vessels undergoing repairs or other similar situations.

C. The decision of the harbor master may be referred to the harbor advisory committee within 30 days. Final appeal will be to the city council. [Ord. 359 § 4, 1993.]

4.20.100 Vessels assigned to appropriate size slip.

A. Vessels assigned slips in the city harbors shall be assigned to slips of an appropriate size to accommodate the vessel. If the owner of a vessel who has an assigned slip acquires a vessel that is larger or smaller than the slip size requirements for their present slip, they shall be required to move the new vessel to an appropriate size slip when one becomes available. Vessel owners with an assigned slip will receive priority over those on the waiting list for assignment of an appropriate size slip.

B. Vessel Size to Slip Size Requirements.

17-foot slips: 0 – 21 feet

23-foot slips: 21 – 27 feet

32-foot slips: 28 – 36 feet

40-foot slips: 37 – 46 feet

50-foot slips: 47 – 60 feet

[Ord. 360 § 4, 1993.]

4.20.110 Relinquishment of an assigned slip.

A person who has been assigned a slip and who wishes to relinquish that slip must provide written notice to the harbor master that they no longer want the slip. Until such notice is received the slip hold will be responsible for all moorage fees due to the city for that slip. [Ord. 376 § 5, 1994.]

Chapter 4.30

RULES FOR USE OF HARBOR

Sections:

- 4.30.010 Live-aboard policy.
- 4.30.020 Conduct in harbor facility – Rules generally.
- 4.30.030 Condition of vessels.
- 4.30.040 Power of harbor master to board and inspect vessels and facilities.
- 4.30.050 Power of harbor master to move vessels.
- 4.30.060 Persons to comply with harbor master's communications.
- 4.30.070 Persons to obey lawful regulations and meet accepted safety standards.
- 4.30.080 Harbor master may pump vessels and maintain lines.
- 4.30.090 Fees for pumping or line maintenance by harbor master.
- 4.30.100 Use of grids.
- 4.30.110 Loading zones.
- 4.30.120 Conducting business in harbor from any vessel.
- 4.30.130 Acts prohibited without prior approval of the harbor master.
- 4.30.140 Prohibited acts.
- 4.30.150 Electrical service to vessels – Conductor specifications.
- 4.30.160 Regulation of vehicles and parking areas.
- 4.30.170 Unauthorized use of power in harbor slips.
- 4.30.180 Use of launch ramps.

4.30.010 Live-aboard policy.

A. A person living aboard his/her own or another person's vessel is considered a live-aboard for purposes of this title.

B. Pets may be kept on a live-aboard vessel at the discretion of the harbor master.

C. Vessels being used for live-aboard purposes must meet all sanitary requirements as established by the United States Coast Guard.

D. Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacturer's specifications and approved by the harbor master as a matter of public safety.

E. Live-aboard fees shall be established by resolution of the city council. [Ord. 639 § 4, 2011; Ord. 239 § 4, 1985.]

4.30.020 Conduct in harbor facility – Rules generally.

A. Vessel moorage within the harbor facility shall be for active or operational motor vessels only, unless specifically authorized by the harbor-master.

B. Vessels, when unattended, must be securely moored with adequate bow, stern and spring lines.

C. Vessels moored in the harbor facility must, at all times, be completely seaworthy and ready for immediate or emergency departure into local waters, and also may not be chained or locked into any float.

D. All vessels entering the harbor facility must have a valid identifying name or number permanently affixed to the vessel and visible from the outside. Failure to have either shall be cause for refusal of moorage.

E. All berthing and moorage of vessels in the small boat harbor shall be in strict accordance with signs posted by the harbor-master.

F. 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.

G. All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner. [Ord. 239 § 4, 1985.]

4.30.030 Condition of vessels.

All vessel owners, masters, agents, crew or guests, when using the harbor facility for moorage or otherwise, shall keep their vessel, equipment, gear, pier, float or finger float in the vicinity of their vessel neat, clean and in an orderly manner. [Ord. 239 § 4, 1985.]

4.30.040 Power of harbor-master to board and inspect vessels and facilities.

The harbor-master reserves the right to inspect any and all vessels and leased areas within the harbor facility at any time, for cause. This regulation should not be construed to mean that failure to perform such inspections is the responsibility of the harbor-master or harbor facility. Failure by a vessel owner, master, agent or occupant to allow the har-

bormaster to board his vessel shall be deemed a violation of this chapter. [Ord. 239 § 4, 1985.]

4.30.050 Power of harbor-master to move vessels.

The harbor-master may move any vessel moored within the harbor facility, for reason of protection of life or property, during an emergency condition or for the best utilization of the facility. [Ord. 239 § 4, 1985.]

4.30.060 Persons to comply with harbor-master's communications.

Any person present upon, within, or using the harbor facility or the facility equipment shall comply with all verbal and written communications of the harbor-master. These communications include administrative and operational policies and procedures, as issued. [Ord. 239 § 4, 1985.]

4.30.070 Persons to obey lawful regulations and meet accepted safety standards.

Those persons and vessels utilizing the harbor facility shall obey all harbor facility, municipal, state and federal laws and regulations, as well as those generally accepted safety standards and requirements. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws. [Ord. 239 § 4, 1985.]

4.30.080 Harbor-master may pump vessels and maintain lines.

The harbor-master is hereby granted the power and authority to, from time to time, but without any obligation or duty to do so, and without any obligation or liability on his part or that of the city for his failure to do so, replace defective mooring lines, secure any vessel with additional mooring line, and pump vessels which are in a dangerous condition. [Ord. 239 § 4, 1985.]

4.30.090 Fees for pumping or line maintenance by harbor-master.

Whenever the harbor-master shall perform any of the acts authorized in CMC 4.30.080, after having given notice to the vessel owner, master or agent at the registered address of the immediate need thereof, or having attempted to give such notice, the vessel owner, master or agent is

required to pay fees established by resolution of the city council. [Ord. 239 § 4, 1985.]

4.30.100 Use of grids.

The harbormaster assigns grid privileges on a first-come, first-served basis. [Ord. 239 § 4, 1985.]

4.30.110 Loading zones.

There shall be reserved loading zones within the small boat harbor in the most accessible places. Zones shall be adequately marked, with mooring time being limited to the hours posted. Violations shall be governed by Chapter 4.50 CMC. [Ord. 239 § 4, 1985.]

4.30.120 Conducting business in harbor from any vessel.

The city does not encourage commercial enterprises within the small boat harbor. Any vessel owner, master or agent desiring a temporary mooring space within the harbor facilities for the purpose of selling any merchandise shall make application to the harbormaster for such space, and shall pay a daily rental established by resolution. Peddlers and itinerant merchants shall have a valid license, all in accordance with Chapter 5.08 CMC. [Ord. 239 § 4, 1985.]

4.30.130 Acts prohibited without prior approval of the harbormaster.

The following acts are prohibited unless the prior approval of the harbormaster has been obtained:

A. Using a vessel as a residence, as defined by CMC 4.10.020. 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 and deemed appropriate by the harbormaster;

B. 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. Sale from a private vessel is governed by CMC 4.30.120;

C. Major maintenance or repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel;

D. Tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devices installed within the harbor facility;

E. Moving or altering any wharf, float, gang plank, ramp, or other facility in the harbor facility;

F. Building any type of floating boat shelter;

G. Posting of signs for the sale of items or the charter or rental of vessels;

H. Borrowing or using any harbor facility equipment;

I. Tying or mooring pile drivers, scows, barges, boathouses, or other similar vessels, or vessels over 100 feet in length, to any float;

J. Placing of any gear or other items on the North Cove floating breakwater in an unauthorized area or by those that do not have a van or a rented space on the breakwater, prior to making arrangements with the harbormaster to do so. It would also include actions such as tying or mooring barges, boats, logs, pounds or other such items that restrict or interfere with access to any part of the breakwater without prior authorization. [Ord. 563 § 4, 2006; Ord. 483 § 4, 2000; Ord. 239 § 4, 1985.]

4.30.140 Prohibited acts.

The following acts are prohibited:

A. Operating or causing any vessel to be operated recklessly, or otherwise engaging in a course of conduct within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another;

B. Using bumpers that cause damage to docks;

C. Dumping garbage, trash, oil, fuel, debris or other materials, liquid or solid, into the waters, or onto the land areas, floats and piers of the harbor facility, except into such containers as are provided for that specific purpose. Waste oil must be poured into special containers provided for that specific purpose;

D. Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction. Vessel owners may be required to seal or render inoperable all on-board toilet fixtures, if approval for living aboard the vessel is granted pursuant to CMC 4.30.130;

E. Setting any net or fish-taking device within the harbor jurisdiction unless it is attended at all times. The net or device cannot be over the length of the vessel and must be alongside of the vessel.

No net or device may be set so as to obstruct navigation or mooring within the harbor jurisdiction;

F. Swimming, water skiing, scuba diving except for maintenance and special occasions, or use of any unorthodox type of boat, raft or other device;

G. Allowing children under 12 years of age within the pier and float areas of the harbor facility, unless accompanied by a parent or other responsible adult;

H. Storing personal items or fishing gear on the floats and finger floats. Oily rags, open paints and other combustible and explosive materials must not be stored on docks;

I. Using the harbor facility firefighting equipment for any purpose other than fighting fires;

J. Disregarding, defacing, removing or damaging any sign or notice posted or erected by the harbormaster relating to the use of mooring areas or other facilities;

K. Subassigning or subleasing assigned mooring space;

L. Generating loud or boisterous noises tending to disturb the reasonable peace and privacy of others;

M. Obstructing or interfering with the harbormaster in the performance of his duties, or refusing to comply with a lawful order of the harbormaster;

N. Challenging or intending to provoke another to fight, or engaging in fighting;

O. Following and repeatedly accosting any person for the purpose of obtaining money or other property from that person;

P. Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotic and other dangerous drugs;

Q. Sleeping within a vehicle;

R. Bringing dogs upon or within the harbor facility, unless on a leash. Animal owners will be responsible for proper cleanup and disposal of animal wastes;

S. Except as otherwise authorized in writing by the harbormaster, no person other than the owner of a boat moored in the harbor or members of such boat owner's immediate family, or a person residing on a boat moored in the Craig Boat Harbor with the owner's permission, shall go upon or be upon the docks, floats, or other facilities of the Craig Boat Harbor between the hours of 9:00 p.m. on one

day and 6:00 a.m. on the following day; except that during the months of June, July, and August, the hours of restriction shall be from 10:00 p.m. on one day to 6:00 a.m. on the following day. The harbormaster may issue written authorizations (passes), applicable to dates and persons listed thereon, upon the request of boat owners, to allow the presence of persons listed in said authorizations (such as crew members or guests of boat owners) to be present during restricted time periods;

T. Placing any gear or other items on the North Cove floating breakwater, on or around a hatch cover in such a manner it would hinder access to a hatch, or may result in water being directed into a cell. [Ord. 563 § 4, 2006; Ord. 483 § 4, 2000; Ord. 306 § 5, 1990; Ord. 239 § 4, 1985.]

4.30.150 Electrical service to vessels – Conductor specifications.

Electrical connections to any vessel are under the direction of the harbormaster and must comply with the following regulations:

A. Cords with current carrying capacity of less than 15 amps shall not be used.

B. Flexible cords shall be used only in continuous lengths without splice or taps.

C. Cords shall not be smaller than required for the rated current of the connected equipment.

D. Attachment plugs and connector bodies shall not be smaller than that required for the rated current of the attached cord.

E. Attachment plugs shall be of the weather-proof type.

F. Infrared heating lamps may be used with porcelain-type sockets only.

G. Any heater capable of causing a fire if overturned must be equipped with a safety switch that will automatically disconnect electric current if overturned.

H. The following power cords are approved for use and listed by type: SO, ST, STO, POW, K, S.

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

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

K. Current-carrying capacity of flexible cords:

in the launch ramp staging areas. The council may set, by resolution, fees for the use of the launch ramps. [Ord. 483 § 4, 2000.]

<u>Size, AWG</u>	<u>Amps</u>
14	15
12	20
10	25
8	35
6	45
4	60

[Ord. 239 § 4, 1985.]

4.30.160 Regulation of vehicles and parking areas.

A. The harbormaster may establish such reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of the harbor facility. This includes the posting of all signs and all other regulations that may be required. Vehicles found in violation of these regulations will be subject to towing and placement in the impound lot.

B. All towing and impound expenses will be incurred by the owner of the vehicle.

C. Persons using the harbor facility vehicle parking area will do so only in connection with the use of the other harbor facilities. [Ord. 239 § 4, 1985.]

4.30.170 Unauthorized use of power in harbor slips.

A. No person may use power owned or leased by another unless the person using the power has been authorized to do so by the owner or lessee of the power.

B. Any person that uses another person’s power without authorization may be issued a citation in the amount of \$25.00 per daily occurrence. [Ord. 380 § 4, 1994.]

4.30.180 Use of launch ramps.

Launch ramps shall be open to public use. Access to launch ramps shall be maintained at all times. Staging zones shall be designated and kept open at all times. Mooring of vessels, logs, floats, herring pounds, or other such items are not allowed

Chapter 4.40

CONTROL OF NUISANCE AND DERELICT BOATS

Sections:

- 4.40.010 Abatement of nuisance, impoundment, removal and sale.
- 4.40.020 Procedure for destruction, sale or other disposition of boat.
- 4.40.030 Impoundment – Final disposition of sold and unsold vessels.
- 4.40.040 Other property becoming a nuisance.

4.40.010 Abatement of nuisance, impoundment, removal and sale.

A. In the event any boat constitutes a nuisance as defined in CMC 4.10.020 or is a derelict, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master, or managing agent of the boat as shown on the registration statement filed with the harbormaster, stating that unless said boat is removed, repaired, or that other action is taken to remedy such nuisance, the boat will be subject to destruction or sale, in the discretion of the harbormaster, upon the expiration of a period of seven days from the receipt of such notice.

B. In the event any mooring fees are not paid within 60 days after the same are due, the boat for which the fees are in arrears shall be considered abandoned and a nuisance. In the event any boat is abandoned or declared to be a nuisance by reason of the failure to timely pay such fees, notice thereof shall be given to the owner, master or managing agent of the boat as shown on the registration statement, and said notice shall state that unless such fees are paid within 30 days after the service of said notice, said boat shall be subject to removal, impoundment, destruction or sale in the discretion of the harbormaster because the boat has been declared to be a nuisance.

C. Notices provided for in this section shall be given by the clerk, by a method which assures a signed receipt therefor (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records); notice shall be given to such owner, master or managing agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The

notice shall be in writing, signed by the clerk and dated, and shall inform the recipient of his right to a hearing before the harbormaster no later than seven days from receipt of the notice, as well as informing the notice recipient of the potential consequences (set forth in subsections (A) and (B) of this section) for failure to appear. [Ord. 239 § 4, 1985.]

4.40.020 Procedure for destruction, sale or other disposition of boat.

A. Any boat which is declared a nuisance may, after the expiration of the time stated in the notice delivered to the owner, master or managing agent, either be impounded in the waters of the Craig Boat Harbor or removed therefrom to a place of safe storage in the vicinity thereof and impounded at such location. A notice of impoundment signed by the harbormaster shall be posted on or in said boat at a place where likely to be seen by anyone inspecting said boat. During the period of impoundment or storage by the harbormaster, the boat, its owner, master, or managing agent shall be liable for a monthly storage charge and costs incurred by reason of the impounding or removal of the boat. An impoundment fee shall also be charged. Storage and impoundment fees shall be in accordance with preestablished amounts set by resolution of the city council.

B. After any boat is so impounded or removed, the clerk shall again give written notice (by a method assuring return receipt) that the boat has been impounded, that the notice recipient has opportunity for a hearing before the harbormaster no later than seven days following receipt of notice, and that after the expiration of that period the boat may be destroyed, sold or disposed of as the harbormaster shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or managing agent and (for documented vessels) to any holder of a recorded mortgage on the boat at such an address as is shown on the last registration statement for said boat.

C. Any boat so impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master, or managing agent, be destroyed, sold, or disposed of as the harbormaster shall determine, unless sooner repaired so as to no longer be a nuisance or unless the fees have then been paid in full. In the event of a disposition

by sale of the boat, a notice of sale shall be mailed to the owner, master, or managing agent of the boat and then posted in three public places for a period of 10 days prior to the date of sale and shall be signed and posted by the clerk. Said notice shall state the identification of the boat that it is being sold after having been declared a nuisance under the provisions of this title, and that all of the rights, title, and interest of the owners and lienholders of said boat will be sold to the highest and best bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be applied first to the cost of conducting the sale, impounding and removal of the boat, and the payment of all fees assessed and payable by said boat, its owner, master, and managing agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city. [Ord. 239 § 4, 1985.]

4.40.030 Impoundment – Final disposition of sold and unsold vessels.

Upon the sale being made, the city shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer according to law. If, at the public sale, there are no bidders for the vessel, the city may destroy, sell at private sale, or otherwise dispose of said vessel, such disposition to be made without liability to the owner, master, agent or creditors of the vessel. [Ord. 239 § 4, 1985.]

4.40.040 Other property becoming a nuisance.

A. All engines, machinery, equipment, lines, skiffs, nets, gear, animals or other personal property left upon the dock, approach, floats or other facilities of the Craig Boat Harbor for a period of more than 48 hours, without being removed therefrom by the owner or person in possession thereof, may be declared to be a nuisance by the harbormaster and impounded, removed, or sold in the discretion of the harbormaster in the manner provided for the removal, impoundment, sale, or other disposition of boats which are declared a nuisance.

B. Written notice and opportunity for a hearing before the harbormaster shall be provided to the property owner (if the identity of the property owner is known to, or can reasonably be ascertained by, the harbormaster) in the same manner as

notice and opportunity for a hearing provided to boat owners under CMC 4.40.010 and 4.40.020. In cases where the owner has left no record of such property with the harbormaster, and the harbormaster makes reasonable efforts to determine ownership but is unable to do so, then such property shall be held by the harbormaster for a period of 15 days prior to its destruction or sale, during which period the harbormaster shall post prominent notices upon the personal property itself and upon a place designated by the harbormaster for the routine posting of notices at the harbor. Such notice shall be in a form reasonably calculated to notify the property owner of the date by which the property will be destroyed or sold unless the owner redeems it, and notify the owner of his right to a hearing before the harbormaster by a date stated in the notice, such date to be no earlier than seven days after the initial posting of the notice. [Ord. 239 § 4, 1985.]

Chapter 4.45**DOCK AND WAREHOUSE**

Sections:

4.45.010 Wharfage rate.

4.45.010 Wharfage rate.

Fees and charges, including wharfage, for the use of the dock and warehouse shall be levied according to the fees, charges and conditions set by resolution of the council. [Ord. 344 § 5, 1992.]

Chapter 4.50**ENFORCEMENT**

Sections:

4.50.010 Enforcement powers of harbormaster.

4.50.020 Penalties.

4.50.010 Enforcement powers of harbormaster.

A. The city authorizes the harbormaster of the harbor facility to enforce this chapter by either written or verbal communication.

B. The harbormaster may interpret the reasonable intent of these provisions to promote the purpose and intent of this chapter.

C. The harbormaster may order persons or vessels found in violation of any provision of this chapter to depart from the harbor facility. Failure of a person or vessel to depart from the harbor facility when the harbormaster orders may result in a civil penalty and/or the impoundment of the vessel.

D. Vessels impounded by the harbormaster may be removed by a private contractor, with charges to be assessed against the vessel and/or its owner, master or agent. [Ord. 239 § 4, 1985.]

4.50.020 Penalties.

A. Every act prohibited by this title is unlawful and may be enjoined by judicial order. The below-listed acts shall be subject to civil penalties, in amounts to be established by resolution of the city council, not to exceed \$300.00 per violation. Each act or violation and every day upon which a violation occurs or continues constitutes a separate offense.

B. Acts subject to civil penalty are:

1. Overtime parking;
2. Parking in loading zone;
3. Loose dog or animal;
4. Speeding and excessive wake;
5. Obstructing float;
6. Leaving vessel in sunken condition;
7. Unauthorized use of another stall;
8. Causing a fire hazard;
9. Other violations of this title;
10. Unauthorized use of the North Cove breakwater;

11. Blocking or interfering with access to any access hatch on the deck of the North Cove breakwater. [Ord. 563 § 4, 2006; Ord. 239 § 4, 1985.]