

Proposed by:	Administration
PHAB Review:	03/22/2023
Attorney Review:	03/30/2023
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 23-14R

A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, AMENDING PORT OF SKAGWAY TARIFF NO. 3.

WHEREAS, the Skagway Port Department wishes to update certain provisions in the tariff document; and

WHEREAS, at its meeting of March 22, 2023, the Ports and Harbors Advisory Board reviewed the amendments and voted to move them forward to the Assembly;

NOW, THEREFORE, BE IT RESOLVED by the Borough Assembly of the Municipality of Skagway that the Port of Skagway Tariff No. 3 is hereby amended as follows:

TABLE OF CONTENTS

ITEM 310 ~~VEHICLES ON WHARF~~ AT PORT OF SKAGWAY TERMINALS
ITEM 410 SMALL BOAT HARBOR COMMERCIAL USER FEE ~~OF SMALL BOAT HARBOR~~
ITEM 440 PORT ACCESS PERMIT

ITEM 10 APPLICATION OF TARIFF

This tariff applies to all cargo, passengers, commercial business enterprises and their employees, and vessels utilizing the Port of Skagway's uplands, wharves, and/or facilities owned or operated by the Municipality of Skagway, Alaska, pursuant to Skagway Municipal Code (SMC) Title 12.

ITEM 30 DEFINITIONS

Charter: The reservation of an aircraft, boat, or bus for private use.

Commercial User: An individual or commercial business enterprise utilizing Municipality owned Port of Skagway facilities or lands for commercial, revenue-generating activities.

Port of Skagway Terminal: Municipality of Skagway owned large-vessel cruise berths and small-vessel cruise berth located at its waterfront in Skagway, Alaska (Broadway Dock, Ore Dock, and Ferry Float, respectively).

Small Boat Harbor Commercial User Fee: Fee imposed to provide for the safety, efficiency, and access of revenue passenger carrying vessels within the Small Boat Harbor, to offset costs incurred by the Municipality of Skagway in acquiring, leasing, constructing, repairing, improving, and equipping its harbor facilities to provide services to commercial users, as more specifically set forth in ITEM 410.

Vessel: A ship, tug, boat, passenger ship, or barge either self propelled or not self propelled. In this tariff document, a vessel refers to any and all ships or boats or other types of amphibious transportation types that may utilize Municipality owned port wharves and docks (including but not limited to floatplanes and non-self-propelled barges).

Vessel Impact Fee: Fee imposed to provide for the safety, efficiency, and access of passenger ships and their passengers and to offset costs incurred by the Municipality of Skagway in acquiring, leasing, constructing, repairing, improving, and equipping its port facilities to provide services to the passenger ships and their passengers, as more specifically set forth in ITEM 220.

Visitor: In regard to ITEM 380. C. 5., a visitor is defined as any small boat harbor facility user that does not actively hold a slip or whose vehicle is not used for commercial purposes. This includes, but is not limited to, vessel owners that launch and leave their vehicle but do not rent a slip, and seasonal workers parking at the small boat harbor but working or conducting business outside of the small boat harbor.

ITEM 50 PORT OF SKAGWAY FACILITIES

Freight Pier - A pass-pass style dock where cargo ships and barges can load and unload, extending from the port shore between the Ore Dock and Broadway Dock.

ITEM 60 QUALIFICATIONS FOR USE

F. Commercial Use.

1. Commercial Operations. No berthing space shall be ~~sublet,~~ rented or leased to any firm or individual for the purpose of conducting any commercially oriented business enterprises at the facilities; except for those activities allowed per SMC 19.06.080 W – Waterfront Zone, commercial activities on vessels that have received permission from the Port Director, and that cruise vessels, and charter vessels, including aircraft, may pick up and discharge passengers at any space that such vessel or aircraft has the right to occupy, but may not pick up or discharge cargo at any space or any other part of the facilities of the Port except at spaces designated for such use.
2. ~~Commercial Use Temporary Permit. The Port Director may, at their discretion, grant a temporary permit to~~ Commercial Use Temporary Permit. All commercial activities within the Port must be compliant with SMC 19.06.080 W – Waterfront Zone. the owner, operator, master, or managing agent of a vessel moored in the Port or an individual or entity intending to conduct ~~short term and occasional~~ commercially oriented activities at the vessel of such owner, operator, master, or managing agent or with the primary location of activities within the port, provided that such activities may not in any way interfere with the normal use of the Port by other users of the facility, must apply for a Commercial Use permit annually. The borough assembly may, by resolution, set additional terms and conditions for the issuance of such permits. The issuance of a permit under this section shall not in any manner reduce or replace any other requirement for permits or licenses but shall be in addition to such other permits or licenses.

ITEM 90 VESSEL TO FURNISH MANIFESTS

72-hours prior to arrival, ~~vessels~~ using Port of Skagway facilities must furnish the Port Director and Facility Security Officer (FSO) with a copy of the Dangerous Cargo Manifest as provided to U.S. Coast Guard or signed certification that the cargo loaded or offloaded includes no dangerous or hazardous cargo, as defined in 49 CFR. The Port of Skagway has the right to deny the movement of cargo deemed a threat to the safety and security of the Port of Skagway Terminal and/or community of Skagway, in the sole discretion of the Borough Manager and/or Port Director.

~~a manifest of all cargo loaded or unloaded at Port facilities. Such manifest shall be submitted in advance of arrival and include~~ Unless otherwise outlined in a berthing agreement, within 72-hours after departure from the Port of Skagway Terminal, vessels shall submit to the Port Department a manifest of all cargo loaded or unloaded at Port facilities that includes, at a minimum:

1. ~~For containerized or unitized~~ For cargo vessels – the number of units of each type of cargo in accordance with ITEM 240 WHARFAGE. ~~gross weight, exterior dimensions, and contents of each container or unit.~~

- ~~2. For break bulk or bulk cargo gross weight, number of pieces, (if applicable) and contents of each shipment.~~
- ~~3. For cargo remaining on vessel, a complete description of all cargo not listed in 1 and 2 above. Contents shall be defined in terms of its generic description and its seven (7) digit Standard Transportation Commodity Code (STCC), where applicable.~~
4. Passenger vessels shall furnish a completed Passenger Report form that includes the total number of revenue passengers and total number of non-revenue passengers on board, that is signed and sealed by a representative of the ship. manifests ~~should include the full name of each passenger.~~ Passenger vessel shall be responsible for retaining documentation necessary for passenger entry into the United States.

~~Accompanying each cargo manifest provided by vessel to Port Director and FSO shall be a copy of the Dangerous Cargo Manifest as provided to U.S. Coast Guard or signed certification that the cargo loaded or offloaded includes no dangerous or hazardous cargo, as defined in 49 CFR.~~

ITEM 140 RESPONSIBILITY LIMITED

No person or commercial business enterprise, ~~other than employees of a stevedoring contractor (if any),~~ shall be permitted to perform any services on Port of Skagway wharves or facilities without ~~prior~~ having an approved Port Access permit on file and written authorization for such work from the Port Director. The Port of Skagway shall not be liable for the injury of persons on its wharves or facilities, nor shall it be liable for any loss, damage or theft occasioned by such persons' presence on the wharves or facilities.

ITEM 160 PENALTY FOR UNAUTHORIZED USE OF PORT FACILITIES

Vessels, individuals and commercial business enterprises which use the Port of Skagway facilities without the permission of the Port Director, including, but not limited to, failure to register for berthing or failure to receive approval of required permits before accessing the Port of Skagway Terminal, shall be subject to removal at the discretion of the Port Director, at the sole expense of the vessel or business owner, master or managing agent. The vessel or business owner, master or managing agent shall be held responsible for all loss or damage arising from such unauthorized use and subsequent removal.

ITEM 170 PROHIBITED ACTS

- A. It is unlawful for any owner, master, operator or managing agent or other person to commit any of the following acts:

14. To deposit, place or leave any cargo, merchandise, supplies, freight, articles or things upon any dock, float, ramp, decline, walk, or other public place in the Port excepting at such places as may be designated as loading and unloading spaces by the Port Director. Materials used in repairing or rebuilding vessels shall not be stored on any float or dock.

21. To conduct any commercially oriented business enterprise at the Port facilities **not compliant with SMC 19.06.080** unless specifically authorized **or approved by the Port Director in compliance with SMC 19.06.080 and as provided under this tariff.** Preparation and repair of a cruise vessel, commercial fishing boat, or its gear and the pickup and discharge of charter passengers by vessels or aircraft authorized to use Port facilities is not conduct of a commercially oriented business within the meaning of this subsection.

ITEM 190 ABANDONED PROPERTY

- A. Any boat in the Port or in any of the Port of Skagway waters which is abandoned may be impounded, removed, sold, or otherwise disposed of as provided herein, consistent with due process and any applicable federal regulations. Failure of any boat owner, master, operator, or managing agent to register or pay berthing fees or service fees, **interest and penalties** provided by this tariff **within 180 days of payment due date** shall be presumed to constitute an abandonment.
- B. Procedure for Impounded Vessels.
 1. ~~Liability for Expenses & Charges~~ **Impound fee.** When Skagway has impounded or removed any vessel, the owner, master, operator, or managing agent thereof shall be subject to and liable for a storage charge set by the borough assembly by resolution and shall be subject to and liable for all expenses incurred by Skagway by reason of the impounding or removal.

6. **Collection. If after the sale of the vessel an unpaid balance remains on the delinquent account, remaining owed charges and fees will be sent to a collections agency.**

ITEM 210 BERTHING POLICY

SECTION 6: FERRY ~~AND BARGE~~ FACILITY

F. ~~Passenger manifests are required prior to docking and must include the full name of each passenger, passport number of each passenger if required for travel, and name and telephone number of a contact for each passenger.~~ Vessels shall follow passenger manifest requirements listed in ITEM 90 VESSEL TO FURNISH MANIFEST.

ITEM 220 VESSEL IMPACT FEE

SECTION 1: PURPOSE

The purpose of imposing vessel impact fees is to provide for the safety, efficiency and access of passenger vessel and visiting passengers and offset costs heretofore and hereafter incurred by the Municipality of Skagway in acquiring, leasing, constructing, repairing, improving and equipping its port facilities to provide services for ships ~~and their passengers~~ who visit the Municipality of Skagway and to partially mitigate the burden and impacts of increased utilization of municipal services and municipal infrastructure by ships ~~and their passengers~~.

ITEM 230 DOCKAGE AND MOORAGE

Unless the vessel has made advance reservations, Dockage charges shall commence when a vessel is made fast and shall continue until such vessel is completely freed from and has vacated the berth. Vessels that make advance reservations for a berth shall be charged dockage based on the reservation request plus any additional time beyond original reservation until such vessel is completely freed. Any reservation may be changed or cancelled up to 24 hours prior to arrival to a Port of Skagway Terminal. No deductions shall be made for weekends or Holidays or because of weather or other conditions unless approved by Port Director. The length shown in Lloyds Register or the certificate of registry will apply. If the length is not shown in these documents, the linear distance measured from the extreme point of the bow to the extreme point of the stern will apply.

SECTION 1: DOCKAGE CHARGES

(Rates in dollars and cents per foot per 24-hour period or fraction thereof, rounded up to the nearest hour) (See Exceptions 1 ~~and 2~~).

ITEM 240 WHARFAGE

WHARFAGE CHARGES

(Rates in dollars and cents)

TYPE OF CARGO	WHARFAGE PER UNIT		UNIT
Fuel:			PER GALLON
YEAR	UP TO 5 MILLION	OVER 5 MILLION	
2023	\$0.021	\$0.018	
2024	\$0.021	\$0.018	
2025	\$0.021	\$0.018	
2026	\$0.022	\$0.019	
2027	\$0.022	\$0.019	
2028	\$0.022	\$0.019	
Lumber, Cants, or Logs:			
2023	\$5.97		PER 1,000 BOARD FEET
2024	\$6.03		
2025	\$6.09		
2026	\$6.15		
2027	\$6.21		
2028	\$6.27		
Empty Containers:			
2023	\$15.50		PER CONTAINER
2024	\$15.66		
2025	\$15.81		
2026	\$15.97		
2027	\$16.13		
2028	\$16.29		
Gravel, Pit run, sand, crushed aggregate, Process stone or boulders:			
2023	\$0.50		SHORT TON
2024	\$0.51		
2025	\$0.51		
2026	\$0.52		
2027	\$0.52		
2028	\$0.53		
Explosives and other Hazardous <u>Waste Shipments</u> Cargo:			
2023	\$14.82		SHORT TON
2024	\$14.97		
2025	\$15.12		
2026	\$15.27		
2027	\$15.42		
2028	\$15.58		
Ore ship loading and Storage up to 90 days:			
2023	\$20.00		METRIC TON (WET)
2024	\$20.20		

2025	\$20.40	
2026	\$20.61	
2027	\$20.81	
2028	\$21.02	
After 90 Days Ore facility ground usage per day:		
2023	\$1.00	METRIC TON (WET)
2024	\$1.02	
2025	\$1.04	
2026	\$1.06	
2027	\$1.08	
2028	\$1.10	
Fish, loose		
2023	\$.055	PER POUND
2024	\$.060	
2025	\$.060	
2026	\$.065	
2027	\$.065	
P2028	\$.070	
Freight, NOS		
2023	<u>\$2.500</u>	METRIC <u>SHORT</u> TON
2024	<u>\$2.502</u>	
2025	<u>\$2.504</u>	
2026	<u>\$2.506</u>	
2027	<u>\$2.508</u>	
2028	<u>\$2.650</u>	

ITEM 270 SECURITY

- B. In order to fulfill its responsibilities for security, including but not limited to responsibilities mandated under the Maritime Transportation Safety Act of 2002 and the US Coast Guard regulation 33CFR105, the Port of Skagway will assess against and collect from ocean going vessels, whether passenger vessel or cargo vessel or any combination, their owners, or operators for the use of the terminal working areas at Port operated facilities, a Port Security Fee. Such fee, in the amounts set forth below, shall be in addition to all other fees and charges due under this tariff. At the Port of Skagway's sole discretion, charges may be assessed to cargo and/or vessels for additional security costs associated with an increase in MARSEC level mandated by the US Department of Homeland Security.

Charges for Port Security are as follows unless otherwise specified in a berthing agreement:

Assessed for vessels loading or offloading passengers and cargo, the following Security Fees will apply:	BASELINE SECURITY FEE: PER DOCKING	MAXIMUM MONTHLY SECURITY FEE
2023	\$300.00 <u>\$100.00</u>	\$600.00 <u>\$100.00</u>
2024	\$303.00 <u>\$103.00</u>	\$606.00 <u>\$309.00</u>
2025	\$306.00 <u>\$106.00</u>	\$612.00 <u>\$318.00</u>
2026	\$309.00 <u>\$109.00</u>	\$618.00 <u>\$327.00</u>
2027	\$312.00 <u>\$112.00</u>	\$624.00 <u>\$336.00</u>
2028	\$315.00 <u>\$115.00</u>	\$631.00 <u>\$345.00</u>

- C. When actual security personnel are is required to be provided by the Port of Skagway per US Coast Guard regulation 33CFR105 and are provided by Port of Skagway staff, the security fees assessed will be \$50.00 per hour per security personnel used in addition to the baseline security fee. ~~lieu of the above listed fees.~~
- D. When actual security personnel are required to be provided per US Coast Guard regulation 33CFR105 and are provided by a Port Terminal Use Permit Holder or other third party contracted service, in addition to the baseline security fee billed by the Port of Skagway, a security fee may be established and billed directly to the vessel owner by the Port Terminal Use Permit Holder or other third party contracted service.

ITEM 300 STEVEDORING SERVICES

Stevedoring services are provided by independent contractors at Port of Skagway facilities and must have an active Commercial Use Permit on file as defined in Item 60.F. 2 to conduct business at the Port of Skagway Terminal under Port Use Permits issued by the Port of Skagway. Vessels shall enter into their own contract arrangement for stevedoring services with Terminal Use Permit Holders or directly with stevedoring entities. For the purpose of this rule, stevedoring services include, but are not limited to line handling, the loading/unloading of cargo between a ship and the point of rest, loading/unloading cargo or baggage to/from rail cars or trucks or other means of land conveyance to/from the terminal facility, and accessorial services pertinent thereto, including line handling. A current list of Terminal Use Permit Holders is available on request from the Port Director.

ITEM 310 VEHICLES ON WHARF AT PORT OF SKAGWAY TERMINAL

- A. VEHICLES ON WHARF. Except for security, stevedoring, and Municipality owned port vehicles, cargo consisting of vehicles, and emergency vehicles, no motor vehicles may go on Port of Skagway Terminal wharf ~~yes~~ unless the operator of the vehicle has first obtained a written permit from the Port Director and paid the applicable annual vehicle access fee. Security and stevedoring vehicles must be marked with tags as such and permitted, but no fee is required.

- B. TERMINAL PARKING PERMITS. ~~Seasonal~~ ~~Parking~~ permits are required for all vehicles used for commercial business enterprises and their employees utilizing the ~~Broadway and Ore Dock~~ parking and/or vehicle staging areas at the Port of Skagway Terminal between 5:00 am – 7:00 pm, April 15 – October 15. Limit one vehicle per permit— valid for registered vehicles only. Non-refundable/non-transferable. Parking availability not guaranteed.

ITEM 320 WHARF STORAGE

- A. Wharf storage is the charge assessed for the storage of cargo remaining on the wharf and/or unleased waterfront uplands after the expiration of free time. See ITEM 400 for storage at the Small Boat Harbor.

- D. Vessels or commercial users needing storage within unleased areas of the Port of Skagway must request space through an application for storage. Storage location and space allocation will be approved by the Port Director. For storage in the Small Boat Harbor, see ITEM 400.

ITEM 360 PAYMENT OF CHARGES

- C. Payment of Charges. All charges for services rendered by the Port of Skagway ~~Director~~ for the use of terminal facilities are due and payable as they accrue upon completion of such services or uses, unless otherwise specified in this document. This subsection does not apply to vessels that have a berthing/moorage agreement in place, or when prior credit approval is received from the Port of Skagway's financial department.
The Port Director may request payment of charges in advance as follows:
1. For all charges to the vessel before a vessel begins loading or discharging.
 2. For all charges to the cargo before the cargo leaves the custody of the terminal.
 3. For all charges to perishable goods or cargo of doubtful value, or household goods prior to the commence of services named herein.

- E. Handling of Delinquent Accounts. Any Port of Skagway user with charges and fees 180 days past due will trigger the Abandoned Property process in ITEM 190. In the case of delinquent accounts without physical property within the Port of Skagway or which, after property has been impounded and revenue from the sale of impounded property has

been applied to the account, have remaining charges or fees owed by the owner, all existing account dues will be sent to a collections agency twenty (20) days following the postmark date of a notice sent certified mail, return receipt requested, to the owner, master, or registered agent of the property at their last known address, which address shall be the same as that furnished to the Port Director.

F. Future Services Rendered. No future services shall be rendered to delinquent account holders until all owed charges, fees, interest, and penalties are paid and the account is up-to-date with liens removed. If future services are needed, previously delinquent account holders must pay 100% of projected services fees in advance and are liable for future payment of any additional incurred and billed charges.

ITEM 370 SMALL BOAT HARBOR REGULATIONS

A. Use.

1. Access. The Small Boat Harbor shall be open to all on an equal basis. Except as provided herein, no special preference shall be granted to accommodate one (1) type of user over another. The extensions of the municipal streets and sidewalks and public access to the harbor shall be maintained at all times. Commercial enterprises or businesses ~~conducting shall not be permitted to conduct~~ business of a permanent or continuing nature within the Small Boat Harbor, or from a vessel using the facilities must: 1) have a valid State and Municipal business license; 2) have an active Commercial User Permit on file; and 3) follow the conditions and terms set forth in this document and, in particular, ITEM 60 and 170. ~~This shall not be construed as an absolute prohibition of any type of commercial transaction in the boat harbor on an occasional basis.~~ A commercial fishing vessel or charter boat operator, not conducting services within the Skagway Small Boat Harbor, would not be considered a commercial business enterprise in this case since the business is essentially conducted elsewhere and the Small Boat Harbor is merely a point for embarking and disembarking.

ITEM 380 Small Boat Harbor Parking

A. Parking Policies.

1. Passes/permits are non-refundable/non-transferable.
2. No camping, loitering, or occupying vehicles overnight.
3. No vehicle/bus staging for commercial operations not related to the Small Boat Harbor.
4. Starting October 15, the Vehicle/Trailer parking area will be prioritized for winter boat storage.
5. Parking in RV Spaces located at the North of the Small Boat Harbor Parking Lot is prohibited.

- C. Seasonal Parking Permit.
1. Commercial: \$350-
 2. ~~Harbor Area Employee: \$50~~
 - ~~32.~~ Slip Holder: \$50/vehicle, max 2
 - ~~43.~~ Vehicle & Trailer: \$200
 - ~~54.~~ Visitor: \$100
- See ITEM 30 for VISITOR definition

- D. Parking Areas.
1. Seawalk Parking Lot - Along Congress Way overlooking the small boat harbor - free ~~two~~three-hour parking for vehicles (no trailers of any kind or campers). Parking for more than ~~two hours~~ three (3) hours requires a daily parking pass. No overnight parking. Max Stay 24 Hours. Seasonal Parking Permits are good for one vehicle and are available per calendar year.
 2. Small Boat Harbor Parking Lot – Immediately adjacent to the Harbormaster Office – Daily Parking Pass for parking more than three (3) hours or Seasonal Parking Permit required. ~~Annual~~ Seasonal Parking Permits are good for one Vehicle and are available per calendar year. Overnight parking is permitted. For vehicles unattended for more than 24 hours please leave keys with Harbormaster. Vehicles with trailers or lone trailers are not allowed to park in the harbor parking lot. Max stay 14 Days.
 3. Vehicle/trailer or lone-trailer parking – Area to the west of RV spaces and east of Small Boat Harbor storage area along the northern boundary of the Small Boat Harbor. Daily Parking Pass for parking more than three (3) hours or Seasonal Parking Permit required. Seasonal Parking Permits are good for one vehicle and are available per calendar year. Overnight parking is permitted. For vehicles unattended for more than 24 hours please leave keys with Harbormaster. Max stay 7 days.

ITEM 410 SMALL BOAT HARBOR COMMERCIAL USER FEE ~~OF SMALL BOAT HARBOR~~

All commercial vessels, including but not limited to fishing charters and kayaks, shall pay the following rates per revenue passenger as a tariff for loading and unloading passengers at the Skagway Small Boat Harbor:

ITEM 440 PORT ACCESS PERMIT

Independent contracted companies providing services directly to the Municipality of Skagway at or on restricted-access port facilities must have a Port Access Permit on file prior to accessing or beginning work at port facilities.

BE IT FURTHER RESOLVED that this resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this ___ day of _____ 2023, by the Assembly of the Municipality of Skagway, Alaska.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr.
Borough Clerk

(SEAL)