

Proposed by:	Administration
PHAB Review:	02/26/2024
Attorney Review:	02/23/2024
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
RESOLUTION NO. 24-04R**

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 February 26, 2024, 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:

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ITEM 450 BUSINESS LICENSING AND MUNICIPAL SALES TAX

ITEM 30 DEFINITIONS

~~Commercial User Fee: The fee charged for commercial use of the Small Boat Harbor (see ITEM 400).~~

Port of call: A place at which a passenger ship commences or ends a voyage or stops during a voyage and at which the passenger ship intends either to embark or disembark passengers or to which a passenger ship intends to ~~lighter tender~~ passenger passengers.

Revenue Passenger: Any person who has paid any amount for a ticket contract entitling that person to transportation aboard ship. The term does not include (1) the owner's or operator's employees or their immediate family members sharing their quarters; (2) the owner's or operator's contractors or subcontractors; or (3) musicians, artists, guest speakers, art auctioneers,

interpreters, rangers, or similar persons traveling without charge and providing passenger services for the ship's owner or operator.

Visit: An instance where the Port of Skagway is a port of call occurring more than twenty-four (24) hours before or after another such instance by the same ship, excluding visits for emergency purposes.

~~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 40 FORMS

All required forms for the Port of Skagway, as detailed below, can be accessed through the following URL link:

PORT OF SKAGWAY FORMS

- Port of Skagway Terminal Berthing Application
- Port of Skagway Terminal Annual Vessel Registration Form
- Port of Skagway Terminal Parking Permit
- Port of Skagway Passenger Report Form
- ~~• Port of Skagway Vessel Impact Fee Return~~
- Port of Skagway Terminal Use Permit
- Port of Skagway ~~Port~~ Access Permit for Contractors
- Port of Skagway Small Boat Harbor Commercial User Fee Report Form
- Port of Skagway Commercial User Permit
- Port of Skagway Fresh Water Lading and Passenger Verification Form

All required forms for the Small Boat Harbor, as detailed below, can be accessed through the following URL link:

SSBH FORMS

- Small Boat Harbor Marine Maintenance Facility Use Agreement
- Small Boat Harbor Haul Out and Storage Application
- Small Boat Harbor Vessel Moorage Application
- Small Boat Harbor Wait List Application and Regulations
- ~~• Small Boat Harbor Parking Permit~~

ITEM 60 QUALIFICATIONS FOR USE

- B. Demonstration. Whenever the Port Director has reasonable basis to believe that a vessel is not qualified under the conditions of this section, the Port Director may require, upon seventy-two (72) hours' notice to the owner, operator, master, or managing agent of any such vessel, that such vessel demonstrate that it is or remains qualified for use of the Port. An exception shall be made where repairs are being diligently pursued or where other extenuating circumstances prevent demonstration of qualification, but such exception shall be only for a reasonable time, considering the circumstances. If the Port Director determines the circumstances constitute an emergency, the Port Director may make a reasonable effort to notify the owner, operator, master or managing agent of the vessel, and take necessary action without the requirement of seventy-two (72) hours' notice.

- H. Residence in the Port. Watercraft used as a combination domicile and pleasure, or commercial vessel shall not necessarily be prohibited from using the Port but must do so within the Small Boat Harbor and comply with all provisions of ITEM 370. Vessel owners must pay a Residence surcharge (same rate as single-family residential utility rate for water, sewer, and solid waste services, as approved by the Borough Assembly via resolution).

1. "Resident surcharge" is a fee assessed to the owner of a vessel when the vessel is used by any person as a residence, dwelling, or abode for ten (10) or more calendar days in any calendar month.
2. Residence surcharge period and duty to report. The residence surcharge will be assessed on a calendar month basis. If a vessel is subject to the resident surcharge for longer than ten (10) days in that calendar month, a full month residence surcharge will be assessed. The owner of the vessel is responsible for paying the residence surcharge. The owner of the vessel is responsible for immediately notifying the Harbormaster when their vessel is being used as a place of residence. Once a vessel is used as a residence, the Harbor Department will continue to assess the residence surcharge until the owner of the vessel gives written notice to the Harbormaster that the vessel is no longer used for a residence.

4. At no time of year shall a watercraft, used as a combination residence and pleasure or commercial vessel, be permitted in Port of Skagway and harbor facilities unless such vessel meets the following criteria:

- d. The vessel occupant(s) are owners, and/or signers, of the moorage agreement. The agreement is a license, not a rental agreement. Therefore, the vessel occupants have no rental rights and no expectation of rental rights. Transient vessels which use the Port of Skagway and harbor facilities for two weeks or less are exempted from this subsection.

ITEM 90 VESSEL TO FURNISH MANIFESTS

Seventy-two (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.

Unless otherwise outlined in a berthing agreement, within seventy-two (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 cargo vessels – the number of units of each type of cargo in accordance with ITEM 240 WHARFAGE.
42. For Passenger vessels ~~- shall furnish~~ a complete 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. Passenger vessel shall be responsible for retaining documentation necessary for passenger entry into the United States.

ITEM 110 INDEMNITY; FEES AND COSTS

In the event that Skagway shall be required to bring any action to enforce any of the provisions of this Tariff, in addition to all other payments required hereunder, the party or parties against whom such action is taken shall be required to reimburse Skagway for all of Skagway's reasonable actual attorney's fees and costs in connection with such action.

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:

11. To leave any boat, vessel or floating structure moored at any of the Port facilities unattended while any fire is burning thereon. The fuel flow to such range, stove, space heater or furnace shall not be controlled by a drip valve carburetor, but rather a safe control of a type approved by the Port Director. Any fire shall be deemed unattended unless the owner or operator is within one hundred feet (100') ~~feet~~ of the vessel, or some person over the age of eighteen (18) years and capable of moving the boat or vessel is aboard or within one hundred feet (100') of the same.

24. Conducting any in-water painting, paint scraping, or any other process that occurs underwater which removes paint from the hull.
- ~~245.~~ The discharge of graywater, ~~and~~ treated sewage, ~~AND and~~ untreated sewage in the harbor basin.
- ~~256.~~ The discharge of wash water from exhaust gas cleaning systems (EGCS) from all fuel combustion machinery (excluding main engines in use for propulsion) into the environment while a vessel is at anchor or at berth within the Port of Skagway.

ITEM 180 NUISANCES

- A. Derelicts. For the purpose of this policy and in the interest of the greatest use of the facilities of the Port and the Port of Skagway waters by the general public, vessels in the Port and elsewhere on such waters which are derelicts and unfit and unseaworthy, or which are maintained in such manner as to make them liable to sinking for lack of being pumped or other maintenance, or which have been declared unqualified by the Port Director, or which are maintained in a manner as to constitute a fire or other hazard, and sunken boats and boats in imminent danger of sinking, are hereby declared to be nuisances and subject to abatement and removal from the Port, or other Skagway waters, by ~~the~~ Skagway without liability of Skagway for any damage done by virtue of the removal or for any of its consequences.

- E. Abatement or Disposal. Nuisances described under this section constituting a clear and present danger to the public health and welfare may be removed, impounded, and disposed of by Skagway. Other nuisances under subsection D of this section may be impounded, disposed of by destruction, private sale, or any other means deemed reasonable by the Port Director and, in the case of boats or other valuable property, procedures providing due process to the property owner. All expenses incurred by Skagway in any such abatement ~~and/or~~ shall be borne by the person/entity responsible for the same.

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 one-hundred eighty (180) days of payment due date shall be presumed to constitute an abandonment.

ITEM 210 BERTHING POLICY

SECTION 1: BERTHING APPLICATION

All vessels must make written application to the Port of Skagway, using ~~a form provided by the Port~~ **the Port of Skagway Terminal Berthing Application form**, and obtain permission to berth prior to docking at any Port facility. The application must show the length and draft of the vessel, the requested facilities, the character of the cargo, and any other required information. All vessels moored at Skagway's wharves or facilities or alongside vessels so moored are at the owner's risk for loss or damage.

SECTION 5: NOTICES

Passenger vessel companies, industrial users, or their designated agents will forward all berthing schedule requests to the Port of Skagway. Advance requests are encouraged. Notice must be addressed to:

Port Director
Cody Jennings
c.jennings@skagway.org

Except as otherwise provided in this tariff or a written berthing agreement, all notices required to be provided by the Port of Skagway shall be provided using the last known contact information for the intended recipient of such notice.

ITEM 220 VESSEL IMPACT FEE

SECTION 2: FEES₂

- A. The amount of the fee imposed on passenger vessels shall be assessed per **revenue** passenger on the passengers listed on the passenger manifest of the passenger vessel as follows:
1. Upon each visit by a passenger vessel docking at any municipal owned or leased wharf port facility a passenger fee of \$8.50 per **revenue** passenger shall be assessed. Effective January 1, 2024, the rate at any municipal owned or leased wharf port facility will increase to \$13.00 per **revenue** passenger;
 2. Upon each visit by a passenger vessel docking at any privately owned or leased wharf port facility, which facility is located on tidelands owned by the Municipality of Skagway, a passenger fee of \$3.50 per **revenue** passenger shall be assessed. Effective January 1, 2024, the rate at any privately owned or leased wharf port facility will increase to \$8.00 per **revenue** passenger;
 3. Upon each visit by a passenger vessel that anchors a short distance away and tenders passengers to or from a municipal port facility or leased by the Municipality or owned or leased by any private person or entity, a passenger fee of \$8.50 shall be assessed. Effective January 1, 2024, the rate for any anchoring and tendering vessel will increase to \$13.00 per **revenue** passenger.

SECTION 3: FEE EXEMPTIONS.

The vessel impact fees provided shall not apply to noncommercial vessels, **vessels in the Small Boat Harbor**, warships, ships without berths or other overnight accommodations for passengers and vessels operated by the state, the United States, or a foreign government. The burden of proving an exemption shall be on the person claiming the exemption. Persons claiming an exemption shall be required to obtain an exemption certificate from the borough manager.

SECTION 4: ADMINISTRATION AND RETURNS.

- A. A person required under this chapter to collect from a passenger and remit to the Municipality the fees imposed by this chapter shall:
1. collect the fee from the passenger on or before completion of the visit, regardless of billing practices, installment agreements, credit procedures, or bad debts; and
 2. pay the fee to the Municipality within thirty (30) days upon receipt of invoice date of due fees.
- B. A person required to collect and remit the fee imposed by SMC 12.05.010 shall file with the Municipality a passenger report within seventy-two (72) hours upon departure as required in ITEM 240, wharfage.

SECTION 5: RECORD-KEEPING AND INVESTIGATION.

- D. In the event the Municipality is unable to ascertain the fees due to be remitted by the person responsible for their collection by reason of the failure of that person to keep accurate books, allow inspection, failure to file a return, or falsification of records, the Municipality may make an estimate of fees due based upon all of the information available. Such estimate may be referred to as a "forced filing." Notice of the estimate of fees due shall be furnished by certified mail or by hand delivery to the person or the person's agent and shall become final for the purposes of determining liability of that person to the ~~city~~ Municipality in ten (10) working days unless that person earlier files an accurate return, supported by satisfactory records, indicating a lesser liability. If the Municipality prepares a forced filing return on behalf of a person which has failed to file a timely return, the Municipality may recover its actual costs incurred in preparing such return.

~~SECTION 6: PENALTY AND INTEREST.~~

- ~~A. In the event the person responsible for the collection and payment of fees fails or neglects to file a return when due, or fails to remit the fees collected, or which should have been collected, in a timely manner as required by this chapter, then such return and fees due are delinquent and the Municipality shall add penalties as follows:~~

If Payment Made:	Additional Penalty (% of Fees Due)
1. Within seven working days after delinquency date	1%
2. More than 7 working days up to and including 30 days after delinquency date	15%
3. More than 30 days up to and including 60 days after delinquency date	20%
4. More than 60 days after delinquency date	25%

- ~~B. Interest shall accrue on the unpaid fees, not including penalty, from the date of delinquency to the date of payment at the rate of one percent per month. All remedies available to the city to collect fees, penalties and interest, plus collection costs, including attorney fees, shall commence on the date of the delinquency. Payments received after the date of delinquency shall be applied first to payment of any collection costs, next on interest, next on penalty, and next on the fees. In the event of partial payment, penalties shall continue to accrue on the unpaid portion of the fees as provided for in subsection (a) of this section. Interest at the rate of one percent per month shall also accrue on any unpaid amount of fees until paid in full.~~
- ~~C. The Municipality may file a civil action for collection of any fees, penalties, interest and costs including attorney fees due the city under this section or for any other legal or equitable remedy in the Superior or District Court for the First Judicial District, State of Alaska, at Juneau, Alaska.~~

SECTION ~~76~~: LIENS AND OTHER COSTS.

The amount of delinquent fees, ~~interest, penalties~~ **finance charges**, and costs, including attorney fees shall constitute a lien on real and personal property of the owner, operator or agent of a ship to the extent allowable under A.S. 29.25.010(17) and otherwise not precluded by federal law.

SECTION ~~87~~: LIABILITY.

SECTION ~~98~~: USE OF FEES.

The fees and other amounts collected under this chapter shall be deposited in the Municipality of Skagway Port Fund and applied to pay and reimburse costs incurred to:

- A. acquire, lease, develop, construct and equip port facilities or infrastructure and related municipal facilities or infrastructure that benefit or serve or facilitate the passenger ships or their passengers;
- B. improve, maintain, repair or replace existing port equipment, facilities or infrastructure and related municipal equipment, facilities or infrastructure that benefit or serve or facilitate passenger ships;
- C. provide services to passenger ships;
- D. improve the safety and efficiency of the interstate and foreign commerce activities in which the passenger ships are engaged;
- E. otherwise facilitate the marine enterprise and associated enterprises of the passenger ships; ~~or~~
- F. for any other lawful purpose in any lawful manner; ~~;~~

G. to mitigate the projected costs of the long-term protection of life, health, safety, and critical port infrastructure from the serious threat of rockslides and other natural disasters, which directly threaten the safe use of the Port by vessels and the safety of passengers.

ITEM 230 DOCKAGE AND MOORAGE

Unless the vessel has made advance reservations, dockage **and moorage** 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 **or moorage** 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 **twenty-four (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.

~~Dockage charges will be assessed as shown below, subject to the following minimum dockage charges.~~

<u>Year</u>	<u>Minimum Dockage Charge</u>
<u>2023</u>	<u>\$325.00</u>
<u>2024</u>	<u>\$350.00</u>
<u>2025</u>	<u>\$350.00</u>

SECTION 1: DOCKAGE CHARGES

Dockage charges will be assessed as outlined below, subject to the following minimum dockage charges.

<u>Year</u>	<u>Minimum Dockage Charge</u>
<u>2023</u>	<u>\$325.00</u>
<u>2024</u>	<u>\$350.00</u>
<u>2025</u>	<u>\$350.00</u>

(Rates in dollars and cents per foot per each **twenty-four (24)**-hour period within which the visit occurs, rounded up to the nearest hour. No reduction is made for visits that occur within a fraction of a **twenty-four (24)**-hour period.) (See Exceptions 1) ~~(See Exceptions 1)~~

A. The following dockage charges apply to dock facilities outside of the Small Boat Harbor.

<u>VESSEL LOA</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<u>0/149'</u>	<u>\$2.90</u>	<u>\$2.99</u>	<u>\$3.08</u>	<u>\$3.17</u>

150'/199'	\$3.10	\$3.19	\$3.29	\$3.39
200'/299'	\$3.40	\$3.50	\$3.61	\$3.72
300'/399'	\$3.76	\$3.87	\$3.99	\$4.11
400'/499'	\$4.20	\$4.33	\$4.46	\$4.59
500'/599'	\$4.79	\$4.93	\$5.08	\$5.23
600'/699'	\$5.22	\$5.38	\$5.54	\$5.70
700' and over	\$5.50	\$5.67	\$5.83	\$6.01

A vessel not engaged with passengers or cargo shall vacate when the berth is required for another vessel to load or discharge passengers or cargo. A vessel on notice to move which refuses to vacate will be assessed dockage at five (5) times its applicable rate starting at the time vessel is notified to vacate.

- C. Monthly Dockage Rate. ~~A monthly dockage rate equal to one half (1/2) of the total daily dockage rate for one month may be granted as follows:~~ The Port Director is authorized to approve a monthly dockage rate equivalent to no more than one-half (1/2) of the daily total dockage rate for the given month. This adjusted rate may be granted through submission of a special request as follows:

Tug Operators. Vessels employed solely in the business of providing tug service to vessels calling at any dock or terminal facility of the Municipality of Skagway may apply directly to the Port Director for monthly dockage rates.

SECTION 2: MOORAGE CHARGES

- A. Calculation of Moorage Rates. Moorage charges shall commence when a vessel is made fast to a wharf, pier or other facility, or when a vessel is moored to another vessel so berthed ("rafting") within the small boat harbor. Charges shall continue until such vessel is completely freed from and has vacated the berth. A vessel berthed at any time within a twenty-four (24) hour period, from between 12:01 a.m. and to midnight (12:00 a.m.) shall ~~incur be charged~~ a full day's charge. The Port Director may, in their sole discretion, waive a daily charge for a vessel provided that the vessel stay is no more than four (4) hours.

SECTION 3: ANNUAL MOORAGE – SMALL BOAT HARBOR

- A. \$14.80 per foot from January 1 – December 31

- B. Senior Citizen Discount: **Fifteen percent (15%)** discount will apply to annual moorage fees paid by residents of Skagway who are age **sixty-five (65)** or older for personal pleasure craft.

ITEM 250 WEIGHTS

Cargo moving outbound in ship or barge loads for which no commercial scale weights are available, will be subject to terminal charges based on estimated weight obtained by survey of vessel by qualified person acceptable to Port Director and vessel owner, operator, agent, or charterer.

ITEM 290 VESSEL OILY WASTE OR GARBAGE DISPOSAL

- A. Operators of vessels needing to discharge oily waste or garbage at the Port facilities shall notify the Port Director at least 24 hours in advance. The Port Director will provide the vessel operator with directions to receptacles for the disposal of such items. The vessel operator shall provide at least **twenty-four (24)** hours advance notice in the case of:
 1. Garbage regulated by the Animal & Plant Health Inspection Service (APIS) of the U.S. Department of Agriculture under 7 CFR 330.400 or 9 CFR 94.5
 2. Medical wastes, or
 3. Hazardous wastes defined in 40 CFR 261.3.
- B. If a vessel contacts the Port Director regarding disposal of medical or hazardous wastes as described above, the Port Director will provide a list of persons able to transport and treat such wastes. The vessel operator shall arrange directly with such a person to handle such wastes, and payment of services will be made directly to the person so engaged. Any such person is not an agent or employee ~~of~~ of the Port of Skagway, nor shall the Port of Skagway be liable for any act or omission of any person so engaged by the vessel operator.
- C. REFUSE COLLECTION: When requested, the Port of Skagway may collect refuse from vessels up to **three-hundred (300)** passengers at the charges shown below.

Solid Waste Disposal Rates	Frequency	2024	2025	2026
Ships, vessels - less than 1 - 125 passengers	Per ½ hour	\$526.18	\$576.17	\$630.91
Ships, vessels - more than 126 - 125 300 passengers	Per ½ hour	\$957.48	\$1,048.44	\$1148.05

- E. The vessel operator shall be responsible for any costs or charges incurred by the Port Director for services not covered by this tariff item. Such costs and charges will be billed to the vessel operator along with an additional one-hundred twenty-five percent (125%)

of the incurred costs and charges. ~~Any costs or charges incurred by the Port Director for services not covered by this tariff item shall be billed to the vessel operator plus 125%.~~

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~~ ITEM 60.F. 2 to conduct business at the Port of Skagway Terminal. 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 AT PORT OF SKAGWAY TERMINAL

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

The charges for vehicle access and parking permits are as follows:

VEHICLE ACCESS PERMIT ANNUAL VEHICLE FEES	
# Vehicles	Rate
1	\$200 \$250
2 – 3	\$500
4 – 6	\$1,000
7 -10	\$1,500
11 - 20	\$3,000
20 21+	\$6,000

ITEM 320 WHARF STORAGE

- B. Free time is the specified number of days during which cargo, including vessels, containers, and miscellaneous items, may occupy space assigned to it within the staging area without being subject to demurrage or storage charges. Free time will be five (5) days for inbound cargo, and ten (10) days for outbound cargo. Saturdays, Sundays and Holidays are excluded from free time.
- C. The following daily storage charges will apply to ship cargo:
 - 1. The first five (5) days..... \$ 3.00 per short ton
 - 2. Each additional day..... \$ 4.00 per short ton
 - 3. Minimum storage charge.... \$ 250.00 per shipment

ITEM 360 PAYMENT OF CHARGES

- D. Finance Charges on Delinquent Accounts. All ~~invoices~~ charges and fees, except for charges to be paid in advance, and except for damages to wharf property, will be declared delinquent ~~30 days after the date of~~ the invoice or remittance due date, and, as such, will be charged a finance charge of ~~10 ten~~ percent (10%) of the delinquent balance after a ten day (10) -day grace period. All extra expenses, including legal expenses, litigation cost, or costs of agents employed to effect collection shall also be assessed to, and payable by, such accounts.
- E. Handling of Delinquent Accounts. Any Port of Skagway user with charges and fees one-hundred eighty (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 one-hundred percent (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 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~~. 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.

B. Classification of harbor areas.

2. Size and Types of Vessels. No vessel with a length in excess of one hundred ~~fifty~~ forty (140) feet shall be allowed to enter the Small Boat Harbor except in an emergency. Under no circumstances shall excessively large vessels be allowed to secure to the float systems. Barges, boathouses, boat shelters, log rafts, scows, pile drivers, and other cumbersome floating structures shall not be permitted to secure to the floats unless specific provisions for accommodations are made and the Harbormaster grants approval.

C. Allocation of stalls.

3. Maximum Utilization of Stalls. Stall assignments shall be made to ~~insure~~ ensure maximum usage of stall space. The Harbormaster shall establish minimum and maximum boat lengths and maximum beams permitted for each type and size stall available. Stall assignments or uses not in compliance with established maximums and minimums shall not be made except in unusual or temporary situations, and only with the express approval of the Harbormaster or his designee. No vessel may be assigned or use more than one (1) stall which is under the control or ownership of Skagway.

ITEM 380 SMALL BOAT HARBOR PARKING

There are three distinct parking areas. Parking is only permitted in designated areas.

A. Parking Policies.

2. No vehicle/bus staging for commercial operations not related to the Small Boat Harbor unless approved by the ~~port director~~ Port Director, including rental cars.

B. Parking Areas.

1. Seawalk Parking Lot - Along Congress Way overlooking the ~~Small Boat Harbor~~. No overnight parking. ~~Max Stay 24 Hours.~~
2. Small Boat Harbor Parking Lot – Immediately adjacent to the Harbormaster Office – Overnight parking is permitted. ~~For v~~Vehicles unattended for more than **twenty-four (24)** hours ~~please are required to~~ leave keys with the Harbormaster. Vehicles with trailers or lone trailers are not allowed to park in the harbor parking lot. Maximum stay fourteen (14) Ddays.
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. Overnight parking is permitted. ~~For v~~Vehicles unattended for more than **twenty-four (24)** hours ~~please are required to~~ leave keys with the Harbormaster. Maximum stay seven (7) days.

ITEM 390 CHARGES FOR MISCELLANEOUS SERVICES

D. Haul-Out Fee – Small Boat Harbor

1. Clemar/Sealift
 - a. \$210.00 round-trip: from water to stands and back
 - b. \$155.00 round-trip: stay on trailer three (3) hours maximum
 - c. \$125.00 per hour; one- (1) hour minimum yard move
2. With flatbed truck
\$65.00 per hour; one (1)-hour minimum

H. Harbor Crane Use Fee

1. \$20.00 per hour with a one-half (1/2)-hour minimum; or
2. \$50.00 annual fee

- K. ~~Towing Services in Small Boat Harbor~~ **Harbor Labor Services**
1. ~~Skiff with operator \$100.00 per hour; one-half (1/2) hour minimum~~
 2. Services may include septic pump out, bilge pump out, net change, small vessel line handling, waste oil processing, towage services, oil spill cleanup, among others.

ITEM 400 SMALL BOAT HARBOR STORAGE

- D. Long Term Marine Related Storage in the Small Boat Harbor. When permitted by the Harbormaster, and when such space is available, areas of storage space may be reserved for the storage of boats and other marine related items for periods of not less than thirty (30) days, subject to the following conditions:
1. No space will be made available for use having less than two-hundred fifty (250) square feet in gross area.
 2. Storage charges shall be for thirty (30) days minimum, with charges prorated on a per-day basis after ~~the~~ thirty (30) days.

- E. ~~Live Aboards~~ **Liveaboards** on the Hard
1. Stay Limit: Limit to fourteen (14) days, ~~with a A seven (7) -day extension, with an approved workplan from the Harbormaster~~ may be granted with an approved workplan submitted to the Harbormaster in writing.
 2. Insurance Requirement: Must maintain active insurance coverage and provide proof of such insurance to the Harbormaster.
 3. ~~Waiver~~
 43. Fees: Any stay longer than ten (10) days shall pay a full month "resident surcharge" (ITEM 60.H.).

- G. Boats in storage must go in the water at least annually or every twelve (12) months with six (6) -month extension on written approval from the Harbormaster. ~~Reference ITEM 40D~~

ITEM 410 SMALL BOAT HARBOR COMMERCIAL USER FEE

SECTION 1: FEES

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:

(Rates in dollars and cents)

YEAR	Unload	Loading
2023	\$1.04	\$1.04
2024	\$1.07	\$1.07
2025	\$1.10	\$1.10

SECTION 2: ADMINISTRATION AND RETURNS

- A. Cruise Lines: In the event that cruise lines do not provide the specific Loaded and Unloaded passenger numbers tendered in the Small Boat Harbor in their Passenger Report Form (ITEM 90), the computation of Total Small Boat Harbor Commercial User Fee charges will be based on calculating ninety percent (90%) of the reported revenue passengers from the Passenger Report Form. This calculated value will then be applied to both Unload and Loading rates, as outlined in the rate table provided above.**
- B. Commercial Users: All non-cruise line commercial users shall submit to the Port Department a Commercial User Fee Report Form (ITEM 40) and make the corresponding Fee Payment within thirty (30) days following the conclusion of the reporting quarter.**

ITEM 450 BUSINESS LICENSING AND MUNICIPAL SALES TAX

- A. Business Licensing. All Port of Skagway users must adhere to SMC 5.04.02 A. It is unlawful for any person, firm or corporation to engage in a business within the municipality without first applying for and obtaining a Municipality of Skagway business license.**
- B. Sales Taxation. Any entity that is berthed at the Port of Skagway, including privately owned docks, is considered within Municipal boundaries and is subject to SMC 4.08 SALES TAXATION while berthed.**

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

PASSED AND APPROVED this ___ day of _____, 2024, by the Assembly of the Municipality of Skagway, Alaska.

Sam Bass, Mayor

ATTEST:

Steve Burnham Jr.
Borough Clerk
(SEAL)