

Proposed by:	Administration
Attorney Review:	02/18/2015
First Reading:	02/19/2015
Second Reading:	03/05/2015
Vote:	5 Aye      0 Nay      1 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA**  
**ORDINANCE NO. 15-08**

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 12.08 SMALL BOAT HARBOR AND SMC 12.16 GENERAL PROVISIONS TO PROVIDE THAT VIOLATIONS OF THESE CHAPTERS ARE SUBJECT TO CIVIL FINES.**

**NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:**

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

**Section 2. Purpose.** To amend Chapter 12.08 Small Boat Harbor and Chapter 12.16 General Provisions to provide that violations of these sections are subject to civil fines.

**Section 3. Amendment.** The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 12.08 Small Boat Harbor is hereby amended as follows:

12.08.070 Rents, fees and penalties.

A. Basis.

1. As owner and operator of the Small Boat Harbor, the municipality is responsible for the funding of all costs of operation and maintenance of the facility. Accordingly, the borough assembly shall set the moorage fees at levels sufficient to:
  - a. Provide adequate moorage rent of the Small Boat Harbor;
  - b. Satisfy all maintenance requirements, current and future;
  - c. Retire any existing debt obligations;
  - d. Provide for contingencies and emergencies;
  - e. Provide adequate capital for replacement of facilities at the end of their useful life;
  - f. Provide and operate electrical utilities, potable water, fire protection, harbormaster office and services, vehicle parking areas and sanitary facilities.
2. The schedule of fees for rental of annual moorage space and for monthly and daily transient moorage shall be reviewed annually by the borough assembly and adjusted by resolution as deemed appropriate. The moorage fee/stall rental fee shall be based upon length of the boat.

B. Terms. All mooring and stall rentals, fees, and other charges for use of boat harbor facilities, terms of rental agreements, and procedures for applying for space and making rental payments shall be established by the borough assembly by resolution. Failure of any boat owner, master, operator or managing agent to register or pay mooring or service fees provided by this title shall be presumed to be an abandonment.

C. Rental Periods. The leasing or rental of space in the boat harbor shall be based on a fiscal year running from April 1st through March 31st. Rents are not refundable, and are payable in advance for the full year. A new annual renter or lessee may be charged on a

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pro rata basis from the date of entry into the boat harbor to the next due date, and on a yearly basis thereafter. No other pro rata rates, fees or charges are implied in this section. Transient moorage space shall be rented only on a daily basis or for one (1) month periods based upon calendar months. If the moorage/stall rental fees or other charges are not paid by the due date, the harbormaster may impound and/or confine the vessel or boat.

D. Billing Period. Billing for annual rentals shall be mailed the first week of March, and payment is due and payable to the borough clerk on or before April 10th.

E. Collection of Transient Moorage Fees. Transient moorage fees for daily or monthly moorage space shall be paid to the harbormaster, in advance whenever feasible.

**F. Penalties. For violations of SMC chapter 12.08 refer to chapter 1.20 General Penalties. Violations are subject to civil fines established by resolution.**

**Section 4. Amendment.** The Skagway Municipal Code is hereby amended; (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 12.16 General Provisions is hereby amended as follows:

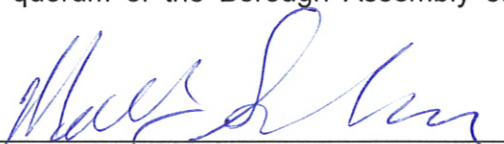
12.16.030 Enforcement and penalties.


The harbormaster shall have authority to enforce all provisions of this title, to issue directives to users of harbor facilities to comply with such provisions, and to abate any act of violation. The harbormaster, ~~upon noncompliance with such directive, shall issue a citation for each act of violation. Violations shall be deemed infractions, and violators shall be subject to a fine not in excess of three hundred dollars (\$300.00) for each act of violation.~~ **For violations of SMC chapter 12.16 refer to chapter 1.20 General Penalties. Violations are subject to civil fines established by resolution.**

**Section 5. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 6. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 5<sup>th</sup> day of March, 2015.

  
Mark Schaefer, Mayor

ATTEST:  
  
Emily A. Deach, Borough Clerk

(SEAL)

