

**CITY OF KODIAK
ORDINANCE NUMBER 1441**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK AMENDING TITLES 1 AND 18 OF THE KODIAK CITY CODE TO PROMOTE ORDER IN THE KODIAK HARBOR

WHEREAS, The City is a hub for the maritime industry of Southwest Alaska and home to a large and varied fishing fleet. The port operates a ~~container~~ cargo terminal and two ~~small~~ boat harbors accommodate a fleet of 1200 fishing and general purpose recreations vessels annually; and

WHEREAS, Chapter 18.28 was initially adopted in 1982 and many sections have not been substantially updated since that time; and

WHEREAS, certain practices, such as stationary propulsion testing and power loading of vessels must be regulated to prevent long-term damage to the harbor and its infrastructure; and

WHEREAS, Ordinance No. 1431 amended the Kodiak City Code to take advantage of the minor offense adjudication process; and;

WHEREAS, Ordinance No. 1431 contained limit amendments to Chapter 18.28, related to minor offense enforcement and inclusion of certain Chapter 18.28 offenses on the City's fine schedule; and

WHEREAS, additional amendments are necessary to promote order, recognize current practices and protect the City's facilities to preserve them for the future; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: This ordinance is of a permanent and general nature and shall be included in the Kodiak City Code. New text is **bold and underlined**; deleted text is ~~stricken~~.

Section 2: Kodiak City Code Section 18.28.010 is hereby amended by adding the following definitions, as follows:

18.28.010 Definitions

"Power Loading" means the use of a motor while loading or unloading a vessel at a boat ramp to get the vessel on or off a trailer.

Section 3: Kodiak City Code Section 18.28.030, Exclusive moorage, is hereby amended as follows:

18.28.030 Exclusive Moorage

(a) Float space designated for exclusive moorage shall be assigned by the harbormaster for the exclusive use of one vessel per stall or space. **With approval from the harbormaster, a different recreational vessel that is owned by the same person may be designated to use the exclusive stall or space on a limited basis.**

(c) The owner or operator of a vessel utilizing exclusive moorage space shall notify the harbormaster each time the space will be unoccupied. During such periods when the assigned vessel will not be utilizing exclusive moorage space, the harbormaster may assign such space for transient moorage. Upon not less than two hours' notice by the vessel entitled to exclusive moorage, the harbormaster shall cause the removal of any transient vessel utilizing the exclusive moorage space. Upon termination of exclusive moorage,

written notice of the effective date shall be given on a form provided by the city to the harbor master. Sale of a vessel assigned exclusive moorage terminates the exclusive moorage agreement unless the stall or space renter replaces the sold vessel with another vessel or demonstrates to the satisfaction of the harbor master that it is the intent to replace the sold vessel within a reasonable period of time, such period not to exceed six months. **A vessel owner who replaces their sold vessel with one that does not fit in their current exclusive moorage may be given priority for an exclusive stall by the harbor master for a stall of the appropriate size.** If a vessel owner with exclusive moorage loses the vessel by fire, sinking, or natural disaster, the owner may retain such exclusive moorage for a period of one year, without charge, beginning on the next anniversary date of the vessel mooring agreement. Such stalls shall be assigned for use at the discretion of the harbor master during the period of hardship.

Section 4: Kodiak City Code Section 18.28.060 is hereby amended as follows:

18.28.060 Multiple boat moorage

~~(e) A person who owns or operates more than one vessel is permitted to lease only one exclusive stall unless there is no waiting list for the size of exclusive stall required by the second vessel. The second or other vessel(s) owned or operated by such a person shall be accommodated on a transient basis.~~

Section 5: Kodiak City Code Section 18.28.110, Dry storage area—short-term, is hereby amended as follows:

18.28.110 Dry storage area—short-term

(c) A charge shall be made for storage of items for a period longer than any initial free period the council may establish. ~~No item may be stored in the dry storage area for a period in excess of 60 consecutive days. Items stored for a period in excess of 60 days~~ **If payment of storage fees is more than 60 days past due, items may** shall be impounded by the harbor master. Property so impounded may be sold at the expiration of three months from the date of impoundment unless the registered owner or the owner's agent pays accrued storage and impoundment fees and removes the property from the harbor facilities. Notice of sale of an impounded item shall be sent to the registered owner of the vessel not less than 30 days prior to the date scheduled for the sale. The notice shall identify the vessel to which the property belongs and shall state the date of impoundment, the date, time, and place of the proposed sale, and the accrued storage and impoundment fees to the date of the notice. **In the event the owner's address is unknown, notice will be posted in at least three public places in the city and may be published in a newspaper of general circulation in the city at least 30 days before the date of the sale.**

Section 6: Kodiak City Code Section 18.28.130 is hereby amended as follows:

18.28.130 Charges for facilities and services

(b) Annual charges for moorage shall be due and payable as follows: annual exclusive moorage charges may be paid in two equal installments. The first installment shall be due on or before August 1 of each year and, if not paid on or before August 1, shall accrue interest at ~~12~~ **18** percent per year from that date until paid. The second installment shall be

due and payable on or before January 1 of each year and, if not paid on or before January 1, shall accrue interest at ~~12~~ **18** percent per year from that date until paid. If the first installment is not paid on or before October 1 or the second installment is not paid on or before April 1, the exclusive moorage agreement ~~shall~~ **may** be terminated, and the harbormaster may assign the exclusive moorage to another vessel. The minimum term for exclusive moorage slip rental shall be 12 months. **Installment payments may be accepted at the harbormaster's discretion.**

(d) The fees and charges for other facilities, equipment, and services provided or made available within the Kodiak boat harbor that are not required to be paid in advance shall be paid within 30 days after billing. Billings that are not paid within 30 days shall accrue interest at the rate of ~~12~~ **18** percent per year from the due date. **A vessel owner who fails to pay for 90 days may be required to pay full annual moorage payment in advance as a condition of continued access to the harbor. Repeated failure to pay for facilities, services or equipment may result in denial of use of harbor facilities.**

Section 7: Kodiak City Code Section 18.28.190, Operation of vessels, is hereby amended as follows:

18.28.190 Operation of Vessels

(c) No person may operate a vessel in any waterway while under the influence of an intoxicating liquor ~~or drug, narcotic drug, or hallucinogenic drug.~~

(f) While affixed to any float or piling, no vessel shall load test or utilize propulsion to such a degree as to create a wake. Brief use of propulsion as necessary to facilitate springing off the dock is not prohibited.

(~~f~~ **g**) No person may anchor a vessel in any open area within the confines of the small boat harbors without first obtaining permission from the harbormaster.

(~~g~~ **h**) Vessels are prohibited from anchoring within the inner anchorage area (a line starting from the end of the Kodiak boat harbor west light to a point at position 57°46'56" N, 152°25'09" W, thence to the North Pacific Fuel pier at position 57°46'05" N, 152°25'18" W) due to possible fouling and damage to waste water discharges from the canneries in that vicinity (St. Paul harbor anchor zone).

(~~h~~ **i**) A vessel underway, upon being hailed by the harbormaster vessel or patrol boat, is required to stop immediately and lay to, or maneuver in such a way as to permit the harbormaster to board or deliver a verbal message.

Section 8: Kodiak City Code Section 18.28.230 is hereby amended as follows:

18.28.230 Occupancy of vessels

~~(a) No person may use or occupy a vessel moored at boat harbor facilities as a place of residence, nor may a person rent or lease such a vessel as a place of residence, utilize it as a rooming house, or permit it to be occupied for any period of more than five days by any person other than the normal crew of the vessel.~~

(a) Any person wishing to reside aboard a vessel must first register with the harbormaster and provide a sewage control plan. The harbormaster will limit the number of vessels being occupied in the harbor to not more than 10% of available slips.

No person may rent or lease such a vessel for the purpose of living aboard nor may any person occupy a vessel for hire overnight.

(b) A vessel which is not in regular use for the purposes for which it is normally operated and which has remained moored to boat harbor facilities continuously for a period of ~~90~~ **120** days or more may not be occupied. ~~except that one person may occupy the vessel if serving in the capacity of a caretaker.~~

Section 9: Kodiak City Code Section 18.28.240, Disposal of waste, is hereby amended by addition of a new subsection (f) to read as follows:

18.28.240 Disposal of waste, litter, and garbage

(f) No person may discharge sewage or human waste from toilets, holding tanks, buckets or any other receptacle or means within the Kodiak harbor or waterways, except at a designated sewage pump out station or by legally off-loading waste to a licensed private sewage handling contractor.

Section 10: Kodiak City Code Section 18.28.270 is hereby amended to read as follows:

18.28.270 Float bumpers

~~No person may utilize in the small boat harbors float bumpers that are attached, permanently or temporarily, to the float facilities made from used tires, old fire hose, or similar materials. The owner or operator of a vessel assigned reserved moorage space may install standardized premolded rubber or vinyl bumpers of commercial manufacture~~ **or** as approved by the harbormaster.

Section 11: Kodiak City Code Section 18.28.280 is hereby amended to read as follows:

18.28.280 Use of loading ramp and docks

(c) Vessels using the city's loading (gravel) ramps will be charged a ramp user fee, plus wharfage as established by resolution. **Vessels shall not use the launch ramps for the purpose of loading or unloading commercial cargo.**

(d) Use of propulsion to maintain position over launch ramps is prohibited.

(e) Power Loading is prohibited. Watercraft must be loaded and unloaded from the watercraft trailer, carriage or other device used to transport said watercraft without the use of the watercraft's main, auxiliary or trolling power devices or any other motor. A rope, strap or similar device is to be used.

Section 12: Kodiak City Code Section 18.28.360 is hereby amended as follows:

18.28.360 Commercial repair of vessels

~~No person may engage in the commercial repair of any vessel within the small boat harbor without first notifying the harbormaster of the vessel to be repaired, the nature of the repairs, and the type of equipment to be utilized in the repairs. The harbormaster may require evidence of insurance or the execution of a hold harmless agreement as a~~

condition to permitting commercial repair in the boat harbor, if the harbormaster determines that the repairs to be performed may create a risk of damage or destruction to other vessels or property, or injury to persons in the boat harbor. **Repair work shall be conducted at reasonable hours, as determined by the harbormaster, and in a manner that minimizes disruption to other users of harbor facilities.**

Section 13: Kodiak City Code Section 1.12.040(e) is hereby amended by adding the following minor offenses to the fine schedule and schedule of offenses, as follows:

City Code Provision	Offense	Fine
<u>18.28.190(f)</u>	<u>Load testing or use of propulsion while stationary</u>	<u>\$75</u>
18.28.190 (f) , (g), <u>(h)</u>	Illegal anchoring	\$75
18.28.190 (h) <u>(i)</u>	Failure to stop when hailed	\$75
<u>18.28.230</u>	<u>Improper Occupancy of a Vessel</u>	<u>\$200</u>
<u>18.28.240(f)</u>	<u>Improper disposal of sewage or human waste</u>	<u>\$300</u>
<u>18.28.280(d)</u>	<u>Using motor to maintain position over launch ramp</u>	<u>\$100</u>
<u>18.28.280(e)</u>	<u>Using motor to unload or load boat (Power Loading)</u>	<u>\$100</u>

Section 14: This ordinance shall go into effect one month after its passage and publication.



CITY OF KODIAK

Get Prance

 MAYOR

ATTEST:

Michelle Shroog-Tilson

CITY CLERK

First Reading: October 26, 2023
 Second Reading: November 9, 2023
 Effective Date: Decemeber 15, 2023

