

Title 14

HARBOR AND PORT FACILITIES

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Chapter 14.01
GENERAL PROVISIONS

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14.01.005 Purpose.

The purpose of this title is:

- A. To maximize the safe and efficient use of harbor and port facilities.
- B. To provide for the orderly management, development, and control of harbor and port facilities.
- C. To protect and preserve the lives, health, safety, and well-being of persons who use, work or maintain property in the harbor and port facilities.
- D. To protect public and private property.
- E. To prevent and abate nuisances and fire or health hazards.
- F. To prevent and discourage the use of harbor or port facilities by vessels that have been abandoned or are derelict.
- G. To assess reasonable fees for the use of harbor and port facilities.
- H. To promote the widest possible public use of the Port of Wrangell. [Ord. 625 § 5, 1996.]

14.01.010 Policy.

The Port of Wrangell is for the use of vessels engaged in commercial fishing or other trade and commerce, pleasure vessels, government vessels, float planes, and sea planes, and the general public. The policy of this title is to maximize the safe and efficient use of port facilities, and prevent and discourage the use of port facilities by vessels which have been abandoned, or allowed to become derelict or nuisances. [Ord. 625 § 5, 1996.]

14.01.015 Interpretation.

This title shall be construed, to the greatest extent reasonable, in such a manner as to be consistent with applicable federal and state law and regulation and any conveyances or agreements from or with the state pertaining to the harbor and port facilities. [Ord. 625 § 5, 1996.]

14.01.020 Implied agreement from use of facilities.

The use of the harbor and port facilities or the presence of a vessel therein shall constitute an agreement by the owner, operator, master and managing agent to conform to the provisions of this title and any rule, regulation or order made pursuant thereto and to pay all fees and charges provided by this title. The City and Borough of Wrangell does not assume responsibility or liability for loss or damage to property,

or injury to persons within or upon its harbor or port facilities. All persons visiting or using the harbor or port facilities do so at their own risk. [Ord. 625 § 5, 1996.]

14.01.025 Tariff for use by common carriers.

This chapter does not govern use of harbor or port facilities by a common carrier by water within the meaning of 46 U.S.C. Sections 801 and 1702 unless it is filed with the Federal Maritime Commission. If this chapter is not so filed, a separate tariff approved by the assembly ordinance and filed with commissioner shall govern such uses. [Ord. 625 § 5, 1996.]

14.01.030 Definitions.

Whenever the words, terms, phrases and their derivations set forth in this section are used in this title, they shall have the meaning set forth in this section.

A. "Anchor" means to secure a vessel to the bed of a body of water by dropping an anchor or anchors or by using a buoy or other ground tackle.

B. "Heritage Harbor moorage area" (definition awaiting review).

C. "Charter vessel" means any vessel that is for hire.

D. "Daily rental period" means that period of time occurring between 8:00 a.m. on the first calendar day and 8:00 a.m. on the next calendar day.

E. "Derelict" means any vessel which is or appears to be forsaken, abandoned, deserted or cast away, or which in the opinion of the harbormaster is unsound, unseaworthy, and unfit for its trade or occupation.

F. "Distress" means a state of disability or a present or obvious imminent danger which, if unduly prolonged, could endanger life or property.

G. "Emergency" means a state of imminent or proximate danger to life or property in which time is of the essence.

H. "Float" means any floating structure that is normally used as a point of transfer for passengers and goods or for mooring purposes, including all floating or stationary walkways and structures appurtenant thereto to which vessels may be moored.

I. "Gridiron" means all facilities maintained, leased, or owned by the City and Borough of Wrangell for use while repairing, maintaining, bottom scraping, or painting vessels, or by allowing said vessels to go dry on low tides.

J. "Harbormaster" means the individual described in WMC 14.03.005 and any assistant harbormaster or other person designated by the harbormaster to act in his place.

K. "Moor" means to secure a vessel other than by anchoring.

L. "Moorage" means the process of mooring or the state of being moored and, when context requires, the fees for being moored imposed by this title.

M. "Nuisance," when applied to a vessel, means a vessel that is derelict, unfit or unseaworthy, is not kept and regularly pumped free of excess water inside its hull, is submerged, creates a fire, health, pollution, safety or navigation hazard, or, in the opinion of the harbormaster, constitutes a fire, health, pollution, safety, or navigation hazard. A vessel shall be presumed to constitute a nuisance if:

1. The vessel is sunk or in immediate danger of sinking, or is obstructing a waterway, or is endangering life or property and has been left unattended for a continuous period of 24 hours; or
2. The vessel has been moored or otherwise left in the harbor and:
 - a. The vessel's state registration number or marine document has expired and the registered owner no longer resides at the address listed in the vessel registration or marine document record of the United States Coast Guard, the State of Alaska or the City and Borough of Wrangell; 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 number or other means of identification has been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owners; or
 - d. Vessel registration records of the United States Coast Guard, State of Alaska or City and Borough of Wrangell contain no record of the vessel ever having been registered or documented, and the owner's name cannot be determined; or
3. The vessel does not clear the harbor at least three times per year; or
4. The vessel constitutes a pollution hazard or risk of a pollution hazard.

N. "Person" means any natural person, partnership, corporation, association or governmental agency. A natural person and a corporation may be considered the same if the former has control over the latter.

O. "Qualifying interest" in a vessel means the interest of a person who owns, leases, or bare-boat or demise charters the vessel. The person who transfers title to a vessel or enters into a charter or lease of the vessel ceases to have a qualifying interest in the vessel.

P. "Seaplane float" means a separate float or portion of a float designated by the harbormaster for the exclusive use of seaplanes and float planes by appropriate signs or markings giving notice of the restricted use of the float or portion of the float.

Q. "Shoemaker Bay Harbor" means that particular body of water and uplands located at Shoemaker Bay, Wrangell, Alaska, being more particularly described as follows:

Beginning at the most Northeasterly corner of Lot 24, U.S. Survey No. 3403, a point on the West-erly right-of-way of Zimovia Highway, thence continuing along the Zimovia Highway right-of-way, S 50 degrees 10'E a distance of 1163.99 feet; thence continuing along a curve to the right a dis-tance of 442.77 feet with the chord bearing S 47 degrees 56'15"E a distance of 442.66 feet; thence S 53 degrees 16'30"W a distance of 205.29 feet; thence N 84 degrees 45'W a distance of 135.00 feet; thence S 50 degrees 45'W along the most southerly breakwater for the Shoemak-er Bay Boat Harbor, a distance of 660.00 feet; thence continuing along the breakwater N 39 de-grees 15'W a distance of 820.00 feet; thence N 47 degrees 18'W to a point on the most Northerly breakwater, a distance of 395.55 feet; thence continuing along the most Northerly breakwater N 41 degrees 43'E a distance of 580 feet to a point on the Westerly boundary of Lot 24, U.S. Survey No. 3403; thence continuing along the Westerly boundary of Lot 24, U.S. Survey No. 3403, N 42 degrees 32'W a distance of 92.21 feet; thence N 30 degrees 55'W a distance of 193.64 feet; thence East a distance of 173.03 feet to the point and place of beginning of the Shoemaker Bay Boat Harbor and Uplands.

R. "Summer float" means the seasonal wooden floats placed on the inside face of the Wrangell bor-ough dock.

S. "Transfer of cargo" means all types of loading, unloading, movement, and containerization of any kind of cargo.

T. "Ton" means and is equal to 2,000 pounds.

U. "Two-mile moorage area" (definition awaiting review).

V. "Vessel" means any ship, boat, skiff, barge, or craft of every kind and description, pleasure and commercial, other than seaplanes, capable of being used as a means of marine transportation on or through the water.

W. "Wharf" means and embraces every structure to which a vessel may make fast, or on to which merchandise may be discharged or from which merchandise may be loaded.

X. "Wrangell dock and barge ramp facility" means the upland and improvements within the submerged lands, to include the Wrangell dock, barge ramp and appurtenances within the resubdivision of Lots 1 and 2, Block 1, Lot 1, Block 2A of the Wrangell Townsite Survey, and unsubdivided tidelands of U.S. Survey No. 1119 and Alaska Tidelands Survey No. 83, as per the recorded plat No. 80-1, filed in the borough on April 21, 1980, being more particularly described as follows:

Commencing at the Northeast corner of Lot 4, of the resubdivision of Lot 2, Block 1, the true point of beginning; thence along the Westerly right-of-way of Outer Drive S 09 degrees 23'00"E a distance of 128.10 feet; thence S 62 degrees 29'46"E a distance of 202.46 feet; thence S 40 degrees 24'36"E a distance of 133.83 feet; thence S 48 degrees 50'00"W a distance of 624.89 feet; thence N 37 degrees 49'45"W a distance of 496.79 feet; thence N 29 degrees 30'00"W a distance of 113.91 feet; thence N 48 degrees 50'00"E a distance of 343.34 feet; thence N 81 degrees 03'00"E a distance of 152.47 feet to a point on the Southwesterly right-of-way of Front Street, S 08 degrees 57'E a distance of 29.00 feet; thence N 80 degrees 11'22"E a distance of 131.98 feet to the point and place of beginning of the Wrangell Dock and Barge Ramp facility.

Y. "Wrangell Inner Harbor" means a portion of the submerged and tidelands within Alaska Tidelands Survey No. 83 (CR62S,83E), as per the City of Wrangell Tidelands Survey Map, dated October 15, 1962, and on file at the Wrangell borough clerk's office, being more particularly described as follows:

Beginning at the most northerly corner of the northerly fraction of Lot 28, Block 84, of U.S. Survey No. 1119; thence S 31 degrees 23'E along the Line of Mean High Water, to the breakwater a distance of 45.00 feet, more or less, the true point and place of beginning; thence continuing along the breakwater N 23 degrees 24'30"E a distance of 305.36 feet, more or less, to the navigational light, thence N 65 degrees 34'34" a distance of 417.56 feet, to a point common with the most southerly point on the Wrangell, Alaska Mill Dock; thence East a distance of 370.79 feet; thence S 87 degrees 00'E a distance of 99.81 feet to a point on the Line of Mean High Water; thence continuing along the Line of Mean High Water in an easterly direction to the point and place of beginning of the Wrangell Inner Harbor.

Z. "Wrangell Outer Harbor" means a portion of the submerged and tidelands within Alaska Tidelands Survey No. 83 (CR62S, 83E), as per the City of Wrangell Tidelands Survey Map, dated October 15, 1962, and on file at Wrangell borough clerk's office, being more particularly described as follows:

Beginning at the intersection of Fort Street and Stikine Avenue, thence S 71 degrees 59'30"W a distance of 22.87 feet, to a point on the Line of Mean High Water, and true point and place of beginning; thence S 60 degrees 36'30"W a distance of 325 feet, more or less, to a point on the Directors' Line; thence continuing along the Directors' Line S 29 degrees 30'E a distance of 652.00 feet, more or less, to Corner 5; thence S 36 degrees 49'45"E a distance of 938.38 feet, to Corner 6; thence S 17 degrees 18'W a distance of 525.00 feet; thence S 72 degrees 42"E a distance of 255.00 feet, more or less, to a point common with the navigation light, located on the northerly end of the breakwater; thence N 65 degrees 34'34"E a distance of 417.56 feet, to a point common with most southerly point on the Wrangell, Alaska Mill Dock; thence N 30 degrees 00'W a distance of 548.00 feet; thence N 60 degrees 00'E a distance of 790.00 feet; thence S 61 degrees 00'E a distance of 221.41 feet, to a point on the Line of Mean High Water; thence continuing along the Line of Mean High Water to the true point and place of beginning of the Wrangell Outer Harbor.

AA. "Work float" means a separate float set apart for the exclusive use of vessels while working on the vessel or gear.

BB. "Transient vessel" means any vessel occupying space in the Wrangell Harbor system for which a regular reserve stall has not been assigned, and is not on the wait list.

CC. "Hot berth" means the practice of allowing a vessel to temporarily occupy a stall or space not reserved to said vessel.

DD. "Live aboard" means any vessel utilizing the harbor as a primary residence. Any vessel thus used must still comply with all vessel requirements of the harbor system which include being powered by an engine of sufficient size to propel the vessel at a speed allowing normal steering and to maneuver out of and into the harbor.

EE. "Stall" means a place to moor individual vessels in the harbor.

FF. "Vessel length" means the method of determining vessel length within the harbor system: vessel length will be computed as the actual overall length of any vessel, including bow sprits, outboards or other extensions.

GG. "Freight" means commodities transported by a vehicle or vessel for a fee.

HH. "Travel and adventure services" includes, but not limited to, transportation vehicles and passenger vessels that provide: tours, charters, guide services and transportation services on land and water, utilizing the port and harbor facilities. "Travel and adventure services" does not include cruise vessels that are paying the dock face moorage.

II. "Harbor," "port," or "port facilities" includes the floats, piers, docks, gridirons, wharfs, ramps, stalls, and uplands of facilities operated by the borough. [Ord. 833 § 36, 2009; Ord. 783 § 1, 2006; Ord. 730 § 4, 2003; Ord. 668 § 4, 2000; Ord. 625 § 5, 1996.]

Chapter 14.03**ADMINISTRATION**

Sections:

- 14.03.005 Harbormaster and employees.
- 14.03.010 Harbormaster's powers and duties.
- 14.03.015 Disclaimer of liability.
- 14.03.020 Wrangell port commission.
- 14.03.025 Absence from meetings.
- 14.03.030 Election of chairperson.
- 14.03.035 Quorum – Voting.
- 14.03.040 Regular meetings.
- 14.03.045 Special meetings.
- 14.03.050 Executive session.
- 14.03.060 Authority.

14.03.005 Harbormaster and employees.

A. The borough manager, with advice and consent of the Wrangell port commission, shall appoint, and may discharge, a harbormaster who shall administer the harbor with the powers provided by this title. As a peace officer of the borough, the harbormaster is empowered to enforce the provisions of this title. The harbormaster may issue regulations not inconsistent with this title for the operation and use of the harbor.

B. The borough manager shall appoint, and may discharge, such technical and administrative employees as shall be necessary to carry on the functions of Wrangell harbor and port facilities.

C. The Harbormaster's salary shall be established by the commission subject to the assembly approval. Positions and salaries of other technical and administrative employees shall be established in accordance with the position classification and pay plan of the borough. [Ord. 625 § 5, 1996.]

14.03.010 Harbormaster's powers and duties.

The harbormaster shall be the director of the Port of Wrangell. He shall exercise such powers and perform such duties as may be imposed upon harbormasters, port directors, and administrative heads of harbors and ports by federal, state, or local law. The harbormaster shall be authorized to enforce WMC Title 14. The harbormaster may, in his discretion, refuse moorage to any vessel which in his opinion, constitutes a fire hazard, a nuisance, or a threat to the safety or welfare of other vessels or persons who use harbor and port facilities. When harbor and/or port facilities are overcrowded, the harbormaster may refuse moorage to any vessel. [Ord. 625 § 5, 1996.]

14.03.015 Disclaimer of liability.

The authority granted to the harbormaster shall not create an obligation or duty requiring the harbormaster to take any action to protect or preserve any vessel or property located within or utilizing or attempting to use Wrangell harbor and port facilities. The City and Borough of Wrangell shall not be liable for any loss or damage to real or personal property in the port or harbor resulting from fire or other casualty, theft, or vandalism. [Ord. 625 § 5, 1996.]

14.03.020 Wrangell port commission.

There is established the Wrangell port commission which shall consist of five members who shall each hold office for a period of three years ending on the first Monday following the annual municipal

general election, or until their successors have been appointed and have qualified. Commissioners shall have the same qualifications as assembly members, except that commissioners shall be 21 years of age, and they shall serve without pay. Commissioners shall serve staggered terms, with the minimum of one commissioner elected annually. Filing shall be by declaration of candidacy filed with the borough clerk within the time periods as prescribed for assembly members. No petition is necessary. Vacancies shall be filled by appointment by the mayor until the next annual election, at which time candidates may file for the remainder of the vacant term. [Ord. 625 § 5, 1996.]

14.03.025 Absence from meetings.

If any port commissioner is absent from more than one-half of all meetings, regular and special, held within any period of four consecutive months, the port commissioner shall thereupon cease to hold office. [Ord. 625 § 5, 1996.]

14.03.030 Election of chairperson.

The port commission, at its first meeting following the municipal annual election, shall elect from its own members a chairperson who shall serve for one year to preside over meetings. [Ord. 625 § 5, 1996.]

14.03.035 Quorum – Voting.

Three port commissioners shall constitute a quorum. Any number less than a quorum may adjourn to a later date. An affirmative vote of a majority of the port commission is required for a subject's passage or enactment. [Ord. 625 § 5, 1996.]

14.03.040 Regular meetings.

Regular meetings of the port commission shall be held on the first Thursday of each month at 7:00 p.m. at City Hall, Wrangell. If any such Thursday falls on a legal holiday as defined by the laws of the state, the meeting scheduled for that day shall be held at the same hour on the next succeeding day which is not a holiday. [Ord. 668 § 4, 2000; Ord. 639 § 4, 1998; Ord. 625 § 5, 1996.]

14.03.045 Special meetings.

Special meetings of the commission may be called by the chairperson, any two port commissioners, or the harbormaster. Notice of special meetings shall be given in the same manner as special assembly meetings. [Ord. 625 § 5, 1996.]

14.03.050 Executive session.

The port commission may, after its agenda is otherwise completed, recess for the purpose of discussing, in a closed or executive session, only those subjects permitted by law pursuant to AS 44.62.310 to be discussed in executive session. In all cases, the meeting must be convened as a public meeting and the question of holding an executive session determined by a majority vote of the body. No subjects may be considered at the executive session except those mentioned in the motion calling for the executive session unless auxiliary to the main subject. No action may be taken at the executive session. [Ord. 625 § 5, 1996.]

14.03.060 Authority.

The port commission shall advise the harbormaster and borough assembly on all matters regarding supervision and control of Wrangell harbor and port facilities. The port commission shall recommend regulations, rates and charges for use of all harbor and port facilities to the borough assembly. The borough assembly may adopt the port commission's proposed regulations, rates and charges by ordinance. [Ord. 625 § 5, 1996.]

Chapter 14.05**MOORAGE**

Sections:

- 14.05.005 Registration required.
- 14.05.010 Transient moorage.
- 14.05.015 Reserved moorage.
- 14.05.020 Customer service moorage.
- 14.05.025 General moorage conditions and restrictions.
- 14.05.030 Refusal of moorage.
- 14.05.035 Required equipment.
- 14.05.040 Utilities.
- 14.05.045 Electric service to vessels.
- 14.05.050 Authority of harbormaster to board and move vessel.
- 14.05.055 Forfeiture of space.
- 14.05.060 Authority of harbormaster to utilize restricted areas.

14.05.005 Registration required.

Every owner, master or managing agent of a vessel using the harbor is required to register with the harbormaster within two hours after such vessel first enters the harbor. Registration information required will include the person's name, address and phone number, the vessel owner's name, address and phone number and the vessel's name, home port, official number or state registration number, color, overall length, breadth and draft, and such other information as the harbormaster may require. Said owner, master or managing agent shall promptly notify the harbormaster of any changes in registration information. [Ord. 668 § 4, 2000; Ord. 625 § 5, 1996.]

14.05.010 Transient moorage.

A. Availability. Transient moorage space is available within the harbor at locations designated or assigned by the harbormaster which may include temporary use of reserved moorage space. A written and signed application for such space on a form provided by the harbormaster shall be provided to the harbormaster within the time allowed for registration. Prepayment of fees for such moorage may be required. Approval of such application by the harbormaster confers no rights in the land or water constituting the space. The applicant shall promptly notify the harbormaster of any changes in the information set forth on the application.

B. Rental Periods. The daily rental period is 8:00 a.m. on the first calendar day to 8:00 a.m. the next calendar day. The monthly rental period is any calendar month beginning on the first day of the month and ending on the last day of the month. A vessel accumulating greater than four days transient moorage in any calendar month will be charged on a monthly basis. Annual transient moorage must be requested in advance. Annual transient moorage will not be granted unless and until the person requesting annual transient moorage has taken all required steps for placement on the wait list for reserved moorage. The annual rental period is the fiscal year beginning July 1st and ending the following June 30th. A transient moorer requesting annual moorage after the start of the fiscal year will be charged a prorated annual fee.

C. Grace Period. [*Repealed.*]

D. No Preferential Right. The transient moorage user receives the privilege of occupying designated or assigned transient moorage space on an as-available basis. Users have no preferential right to moor in any particular location in transient moorage, nor the right to return to the same space if another vessel is occupying that space.

E. Rafting. Rafting of vessels in transient moorage space shall be permitted at locations from time to time as designated by the harbormaster. Vessels moored in such locations are subject to yet another vessel mooring alongside. Each vessel must have at least one line to the float alternating ends.

F. Authority of Harbormaster to Move Vessel. The harbormaster shall have authority to move a vessel in transient moorage space to another location in the event of fire or other emergency or to better use available space. Dinghies, skiffs or other auxiliary vessels may not be tied along side of vessels in transient moorage space.

G. Prepayment. Users of daily transient moorage space qualify for a discount, if moorage fees due are paid prior to end of calendar month. Fees shall be assessed as listed in WMC 14.11.005. [Ord. 784 § 1, 2006; Ord. 668 § 4, 2000; Ord. 625 § 5, 1996.]

14.05.015 Reserved moorage.

A. Availability. Reserved moorage space is available within the harbor at locations designated or assigned by the harbormaster. Reserved moorage space shall be assigned on a first-come, first-served basis to those who have provided to the harbormaster a written and signed application for such space on a form provided by the harbormaster.

B. Assignment of Reserved Moorage. Reserved moorage space shall be assigned by the harbormaster to ensure the maximum use of space available. The harbormaster will establish minimum and maximum vessel sizes for each space or class of spaces. Minimum length of vessel will be no less than three feet the length of the finger, maximum length of vessel will be no greater than 10 feet the length of the finger. Minimum length excludes spaces 20 feet or less. Maximum length excludes spaces greater than 50 feet.

C. Wait List. If there are more applications received than there are spaces available, the harbormaster shall establish and maintain a reserved moorage wait list as follows:

1. Application. Applications will be placed on wait list in the order in which they are received. Application shall include the sign-up date, the name, address and telephone number of the applicant, the vessel's name, home port, official number or state registration number, color, overall length, breadth and draft or if applicant does not currently own a vessel, the proposed dimensions of the vessel to be acquired and any location preferences. To be placed on the wait list, an applicant's fines and fees must be paid to date.

2. Deposit Required. A nonrefundable and noninterest-bearing deposit shall be required to place an application on the list. The deposit shall be applied against the applicant's reserved moorage fees following assignment of reserved moorage space.

3. Changes. The applicant shall promptly notify the harbormaster of any changes in the information set forth on the application. Any change in overall length, breadth, or draft of a vessel previously placed on the wait list may require reapplication if such changes require a different stall size than that which the applicant previously requested. No additional deposit will be required.

4. Transfer. Wait list priority may not be transferred except between husband and wife or to an applicant's heir or devisee upon death.

5. Retention of Wait List Priority. If an applicant chooses not to accept a reserved moorage space when offered or does not respond to a notice by the harbormaster, the applicant does not forfeit any priority on the wait list for subsequent space. If an applicant refuses to accept a reserved moorage space when offered on two separate occasions, or fails to respond on two separate occasions, it shall be presumed that the applicant has voluntarily withdrawn his application and the applicant will be removed from the wait list and his deposit forfeited. To retain wait list priority, an applicant must remain current on harbor fees and fines.

6. Notice of Space Availability. When space becomes available, the harbormaster shall notify the applicant who first applied for reserved moorage for a vessel of the size for which space is available. Notice shall be by certified mail, effective upon mailing. An applicant shall have 30 days to respond. If

the applicant declines the offered space, or if no response is received within the period allowed, then the harbormaster will notify the next eligible applicant on the wait list and so on until the space is rented.

D. Two Space Limit. As long as there are applicants on the wait list awaiting assignment of reserved moorage space, no person who is currently a holder of two or more reserved moorage spaces may be assigned an additional reserved moorage space notwithstanding the number of vessels held with a qualifying interest by the applicant.

E. Preference. Approval of an application for reserved moorage space and assignment of space by the harbormaster confers only the privilege of occupying the assigned moorage space on a preferential basis and does not convey any rights in the land or water constituting the space.

F. Temporary Use by Other Vessels. The harbormaster shall have full discretionary authority to allow other vessels to occupy an empty reserved moorage space any time the assigned vessel is absent for more than five days, without compensation to the reserved moorage holder.

G. Duration. A holder's right to reserved moorage space, once assigned, continues until the holder voluntarily or involuntarily relinquishes the space.

H. Retention When Vessel is Sold, Lost, Destroyed or Stolen. A reserved moorage holder must promptly notify the harbormaster if the holder ceases to have a qualifying interest in the vessel assigned to reserved moorage space. The holder may retain the reserved moorage space if the holder obtains a qualifying interest in another vessel of the appropriate size within six months and registers the new vessel with the harbormaster pursuant to WMC 14.05.005. The harbormaster may, for cause, grant an extension not to exceed an additional six months if the vessel was lost, destroyed or stolen. If the holder obtains a qualifying interest in another vessel that is smaller than minimum vessel size established by the harbormaster for the assigned space, the holder may retain and use the reserved moorage for the smaller vessel until reserved moorage space of the correct size becomes available in the same harbor, unless another harbor is acceptable to the holder. If the holder obtains a qualifying interest in another vessel that is larger than the maximum vessel size established by the harbormaster for the assigned space, the holder will not be permitted to use the space for the larger vessel. If the holder intends to also obtain an appropriately sized vessel, he may continue to hold the assigned reserved moorage for the time periods noted above.

I. Death. In the case of the death of the holder of reserved moorage space, the space may be transferred to the heir or devisee who obtains ownership of the vessel if a request is made to the harbormaster with appropriate documentation.

J. Relinquishment. A reserved moorage space holder may voluntarily relinquish reserved moorage at any time by notifying the harbormaster in writing.

K. Auxiliary Vessel. A reserved moorage space holder may moor a secondary auxiliary vessel to primary vessel so long as it does not interfere with adjacent vessel moorage or harbor traffic. Fees shall be assessed as listed in WMC 14.11.005.

L. Live Aboard Vessel Limit. Live aboards will constitute no more than five percent of total stalls. The float assignments are as follows:

Shoemaker Bay	5
Heritage	5
Fish and Game	4
Reliance	3
Standard Oil	1

Inner Harbor	0
Total	18

M. Live Aboard Vessel Requirements. All live aboard vessels are required to have either a Type 1, 2 or 3 sewer system. Portable toilet systems are considered a Type 3 system. Vessels with Type 3 systems will be required to utilize the harbor department's pump out system to ensure sewage is properly disposed of. Vessels that have either a Type 1 or 2 system will be required to obtain any necessary permits. Live aboard vessel owners currently in Wrangell harbors that do not currently have a Type 1, 2 or 3 system will be given 90 days to comply with this regulation. Failure to comply with this regulation will result in the loss of right to utilize their vessel as a live aboard.

N. Oversized Vessel Beam. A vessel that occupies more than 45 percent of the total berth width between the two finger stalls will be assessed in surcharge. A vessel's beam will be determined by measuring its widest point. A charge based on the cost of a square foot of space in the vessel's stall will be assessed for each foot of oversized width. The formula to be used is as follows: stall length X the excess width X the cost of a square foot of the vessel's stall. Any boat width measurement over six inches will be considered to be the next foot when determining the boat width figure. [Ord. 819 § 2, 2008; Ord. 668 § 4, 2000; Ord. 625 § 5, 1996.]

14.05.020 Customer service moorage.

A. Availability. Customer service moorage space is available within the harbor at locations designated or assigned by the harbormaster. Customer service moorage space shall be assigned on a first-come, first-served basis to those who have provided to the harbormaster a written and signed application for such space on a form provided by the harbormaster.

B. Assignment of Customer Service Moorage. Customer service moorage space shall be assigned by the harbormaster to ensure the maximum use of space available. The harbormaster will establish minimum and maximum vessel sizes for each space or class of spaces.

C. Wait List. If there are more applications received than there are spaces available, the harbormaster shall establish and maintain a customer service moorage wait list as follows:

1. Application. Any bona fide vessel maintenance business may apply for customer service moorage by completing an application form provided by the harbormaster. Wait list information provided by the applicant shall include the sign-up date, the applicant's name, address, and telephone number, the business name, address, telephone number and current Alaska business license number; the proposed dimensions of the vessels to be serviced and any location preference. Applications will be placed on wait list in the order in which they are received. To be placed and to remain on the wait list, an applicant's fines and fees must be paid to date.

2. Deposit Required. A nonrefundable, noninterest bearing deposit shall be required to place an application on the list. The deposit shall be applied against the applicant's customer service moorage fees following assignment of a customer service moorage space.

3. Changes. The applicant shall promptly notify the harbormaster of any changes in the information set forth on the application. Any change in overall length, breadth, or draft of a vessel previously placed on the wait list may require reapplication if such changes require a different stall size than that which the applicant previously requested. No additional deposit will be required.

4. Transfer. Wait list priority for customer service moorage shall not be transferred.

5. Retention of Wait List Priority. If an applicant chooses not to accept a customer service moorage space when offered or does not respond to a notice by the harbormaster, the applicant does not forfeit any priority on the wait list for subsequent space. If an applicant refuses to accept a customer service moorage space when offered on two separate occasions, or fails to respond on two separate occasions, it shall be presumed that the applicant has voluntarily withdrawn his application, and the applicant will be removed

from the wait list and his deposit forfeited. To retain priority on the wait list, the applicant must remain current on harbor fees and fines.

6. Notice of Space Availability. When space becomes available, the harbormaster shall notify the applicant who first applied for customer service moorage for a vessel of the size for which space is available. Notice shall be by certified mail, effective upon mailing. An applicant shall have 30 days to respond. If the applicant declines the offered space, or if no response is received within the period allowed, then the harbormaster will notify the next eligible applicant on the wait list and so on until the space is rented.

D. One Space Limit. As long as there are applicants on the wait list awaiting assignment of customer service moorage space, no person, business, partnership, corporation, or government agency which is currently a holder of a customer service moorage space may be assigned an additional customer service moorage space.

E. Preference. Approval of an application for customer service moorage space and assignment of space by the harbormaster confers only the privilege of occupying the assigned moorage space on a preferential basis and does not convey any rights in the land or water constituting the space.

F. Temporary Use by Other Vessels. The harbormaster shall have full discretionary authority to allow other vessels to occupy an empty customer service moorage space any time the space is vacant for more than five days, without compensation to the customer service moorage holder.

G. Duration. A holder's rights to reserved moorage space, once assigned, continues until the holder voluntarily or involuntarily relinquishes the space. [Ord. 625 § 5, 1996.]

14.05.025 General moorage conditions and restrictions.

A. Qualified Interest Required. Moorage may only be assigned to an applicant with a qualified interest in the vessel to which space is to be assigned.

B. No Unpaid Charges. Moorage may only be assigned to an applicant who has no delinquent fees or unpaid fines.

C. One Space. No vessel may be assigned to more than one transient or reserved moorage space, or to both a transient and a reserved space.

D. Use by Assigned Vessel Only. Reserved moorage space may only be used by the holder for the assigned vessel.

E. No Assignment or Transfer. Moorage space shall not be assigned or transferred by the holder thereof and does not transfer with the sale or other disposition of the vessel except as provided in WMC 14.05.015(I). Moorage space shall not be involuntarily assigned or transferred by operation of law except as expressly provided in this title. [Ord. 625 § 5, 1996.]

14.05.030 Refusal of moorage.

The harbormaster may refuse moorage to any vessel or applicant who the harbormaster has probable cause to believe has not complied, or is not in compliance, with this title. [Ord. 625 § 5, 1996.]

14.05.035 Required equipment.

All vessels moored in the harbor shall carry the equipment required by any applicable United States laws or regulations, and shall be numbered or designated in accordance with any applicable United States laws or regulations. In the absence of extenuating circumstances, failure of any vessel within the Port of

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

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

F. Adaptors which meet code are acceptable.

G. Violation of any of the provisions of this section is punishable up to the maximum fine of \$500.00. [Ord. 832 § 1, 2009; Ord. 668 § 4, 2000; Ord. 625 § 5, 1996.]

14.05.050 Authority of harbormaster to board and move vessel.

In the event of a vessel obstructing a harbor facility, fire, pollution or risk of pollution, or other cause affecting the safety of persons and property in the harbor, the harbormaster may board, replace inadequate mooring lines on, pump water out, and move any vessel within the harbor, or take other action with respect to such vessels to prevent loss of life or property or to abate pollution or the risk of pollution and to ensure the safe and efficient operation of harbor facilities. This section creates no duty or obligation of the harbormaster to take any such action, nor any liability for any such action taken. [Ord. 625 § 5, 1996.]

14.05.055 Forfeiture of space.

A moorage space holder's right to an assigned space shall be involuntarily forfeited and his right to use the assigned space terminated if:

A. The holder supplies misleading or false information in the space application;

B. The holder fails to pay all fees as provided by this title without prior written agreement to pay such fees on other terms acceptable to the harbormaster;

C. The holder fails to maintain a qualified interest in the assigned vessel or substitute qualified vessel within the period allowed;

D. The holder fails to use the space for the assigned vessel at least two months each calendar year;

E. The holder fails, upon request of the harbormaster, to provide proof of a qualifying interest in the vessel assigned to the space;

F. The holder fails to maintain on the vessel the equipment required by WMC 14.05.035; or

G. The vessel to which the space is assigned becomes a nuisance. [Ord. 625 § 5, 1996.]

14.05.060 Authority of harbormaster to utilize restricted areas.

Notwithstanding any provision of this title to the contrary, the harbormaster may, from time to time, in the interest of safety, health, convenience, order and efficiency, authorize the otherwise restricted use of areas such as loading zones, the seaplane float and similar areas as transient moorage space for a specific period of time. Such use shall be subject to payment of transient moorage fees and all other ordinances pertaining to transient moorage. [Ord. 802 § 1, 2007.]

Chapter 14.07**PORT OPERATIONS AND OTHER SERVICES**

Sections:

- 14.07.005 Wrangell dock and barge ramp facilities.
- 14.07.010 Wharfage and transfer of freight.
- 14.07.013 Port development fees.
- 14.07.015 Impoundment of cargo or stored property.
- 14.07.020 Storage.
- 14.07.025 Gridiron.
- 14.07.030 Launch ramps.
- 14.07.035 Parking.
- 14.07.040 Services of the harbormaster.
- 14.07.045 Electrical service.
- 14.07.050 Water supplied from Wrangell dock.
- 14.07.055 Hoists.
- 14.07.060 Work float.
- 14.07.065 Gear float.
- 14.07.070 Vendor shelter.
- 14.07.075 Fish processing.
- 14.07.080 Signs.
- 14.07.085 Seaplane float.
- 14.07.090 Dolphin moorage storage.

14.07.005 Wrangell dock and barge ramp facilities.

A. Availability. Moorage exists at the Wrangell dock and barge ramp facilities for ships, barges and other large vessels that desire to use the Port of Wrangell. Reservations may be made with the harbor-master for vessels making regular calls, subject to change without notice as circumstances require.

B. Application. An individual, business or government agency may apply for moorage privileges at the Wrangell dock or barge ramp facility by providing the harbormaster with the following information prior to any operation:

1. The gross tonnage and overall length of vessel;
2. The tonnage of any cargo transferred, if any; and
3. The name or entity, if other than the owner, master or managing agent of the vessel, to whom moorage, wharfage and storage fees are to be billed.

C. Wrangell Dock and Barge Ramp Facilities Moorage. The moorage fee for use of any Wrangell dock or barge ramp facility is in addition to all other fees assessed in this chapter, and shall be assessed against all vessels as listed in WMC 14.11.005.

D. Net and Gear Work. The owner, master or managing agent of a vessel may make advanced arrangements with the harbormaster to use the dock as a work area for fishing net and gear repairs. The fee for use of the dock as a net and gear work area shall be assessed regardless of whether the net was delivered to and/or removed from the dock by a vessel. The fee is in addition to other fees assessed in this chapter, and shall be assessed as listed in WMC 14.11.005.

E. Summer Float and Dock Transient Moorage. Vessels that otherwise would be qualified to moor within Wrangell Harbor and are assigned transient moorage space at the borough dock or summer float will be charged moorage pursuant to WMC 14.11.005(A). [Ord. 625 § 5, 1996.]

14.07.010 Wharfage and transfer of freight.

A. Location. The transfer of freight may occur at the Wrangell dock and barge ramp facility, and other areas as designated by the harbormaster.

B. Application. Berths at the Wrangell dock and barge ramp facilities shall be assigned by the harbormaster upon application. No freight may be transferred within the harbor without prior written application and approval by the harbormaster, on such form as the harbormaster shall specify, of the berth and quantity and kind of freight to be transferred. Transfers which occur on a regular basis may be approved in advance on such basis.

C. Payment. Wharfage fees shall be charged for all freight coming into or out of the Wrangell dock and barge ramp facility, or other areas designated by the harbormaster as listed in WMC 14.11.005.

D. Prepayment. The harbormaster may require prepayment of the estimated fees due under this title prior to any freight transfer.

E. Refusal of Freight. The harbormaster may refuse to permit the transfer of any freight whose volume, weight, hazardous nature, or other characteristics would present a risk to the safety of persons or property, private or public, within the harbor or whose value is less than the fees due under this title.

F. Manifests. A complete copy of the manifest showing all the freight unloaded or discharged at the harbor may be required by the harbormaster. In lieu of manifest, freight bills containing all information as required in this section may be accepted.

G. Persons Responsible for Fees. Vessels, their owners, agents, masters, and shippers and/or consignees of freight transferred within the harbor shall be jointly and severally liable for all fees due for activities described in this section notwithstanding any contrary provisions, any bills of lading, charter party agreements, contracts, or other agreements.

H. Freight on Which Fees Have Become Delinquent. Freight on which fees have become delinquent may be impounded pursuant to WMC 14.07.015.

I. Liability and Indemnity. All risk of loss from theft, fire, or other casualty to freight shall be assumed by the parties to the shipping agreement and not the City and Borough of Wrangell. The person making application for the berth shall defend, indemnify, and hold the City and Borough of Wrangell harmless from all claims arising from the transfer of freight within the harbor. [Ord. 668 § 4, 2000; Ord. 625 § 5, 1996.]

14.07.013 Port development fees.

A. In addition to any other fees assessed pursuant to this chapter, a port development fee shall be assessed against each vessel which exceeds 120 feet in length overall and carries revenues generating passengers at Port of Wrangell facilities. This additional fee shall be assessed each time the vessel uses Port of Wrangell facilities during the period of May 1st through September 30th of each year. A vessel will be considered to have used Port of Wrangell facilities once each time it is moored to a Port of Wrangell facility.

B. The additional fee shall be assessed as listed in WMC 14.11.005.

C. The master or agent of each vessel shall provide the length overall of the vessel upon request of the borough.

D. Proceeds from this fee shall be dedicated for the maintenance, design and construction of port facilities. [Ord. 749 § 5, 2004.]

14.07.015 Impoundment of cargo or stored property.

Cargo and/or stored property may be impounded and sold in accordance with the provisions of Chapter 14.15 WMC. [Ord. 625 § 5, 1996.]

14.07.020 Storage.

A. Availability. Storage space may be available within the Wrangell port facilities. A person may apply to use storage space by completing an application on a form provided by the harbormaster.

B. Assignment of Storage. Storage space shall be assigned on a first-come, first-served basis by the harbormaster. Property may be stored in outside or inside storage areas on application. Storage areas will be designated by the harbormaster. Persons, excluding minor children, requesting use of storage yard for sale of items will be charged the minimum fee on a daily basis and three days without charge will not apply.

C. Rental Period. Outside storage shall be computed on a daily basis. The daily rental period is 8:00 a.m. on the first calendar day to 8:00 a.m. on the next calendar day. Items may be placed in the storage area for up to three days without charge, but all items left in storage area beyond that period will be charged for storage beginning on the next daily rental period. Inside storage shall be computed on a monthly basis. Storage fees will be charged as listed in WMC 14.11.005.

D. Specific Types of Storage. The following requirements apply to the kind of storage indicated:

1. Storage Containers. Storage containers must be:
 - a. Completely enclosed with four walls (one of which is able to function as a door), a roof, and a floor;
 - b. In good condition and repair;
 - c. Neat, safe and clean; and
 - d. Not attached or affixed permanently to any storage space but able to be moved by a reasonable means within 24 hours of notice to move it.
2. Trailers. Property may be stored in or on a trailer or any similar type of wheeled conveyance which is capable of being pulled or drawn from the storage area within 24 hours after notice is given by the harbormaster. The contents shall be completely covered so the stored property is not visible from the outside. Clear plastic materials are not acceptable as coverings. Boats and boat trailers may be stored in their manufactured state, provided they do not create a safety hazard to persons or property.
3. Vessels. Vessels may be stored without trailers but must be blocked up and properly supported so as not to create a safety hazard.
4. Other Cargo. Incoming and outgoing cargo and commodities of a size and type not suitable for containerized storage may be neatly stored in the open at areas designated by the harbormaster.

E. Markings. Items placed in a storage area, including goods on pallets, shall be clearly marked with the name of the owner or responsible person, mailing address, telephone number, and a general description of the item.

F. Liability and Indemnity. The user of storage space in the harbor assumes all risk of loss from theft, fire, or other casualty. Storage areas in the harbor may not be guarded or fenced. The users shall defend, indemnify, and hold the City and Borough of Wrangell harmless from all claims arising from storage within the harbor. [Ord. 706 § 4, 2001; Ord. 639 § 5, 1998; Ord. 625 § 5, 1996.]

14.07.025 Gridiron.

A. Availability. The gridiron shall be available to any vessel on a first-come, first-served basis. Vessels are required to locate on the gridiron in such a manner as to allow maximum utilization of gridiron space by other vessels.

B. Payment. The gridiron use shall be computed on a daily basis. The daily rental period is 8:00 a.m. on the first calendar day to 8:00 a.m. on the next calendar day. Vessels may use the gridiron for two days without charge but all vessels left on the gridiron beyond that period will be charged beginning on the next daily rental period. Fees charged are listed in WMC 14.11.005.

C. Occupation. No vessel may occupy gridiron space except for such reasonable time as is required to accomplish bottom painting, repairs and other customary gridiron uses.

D. Vessel Limits. The gridiron may only be used by a vessel within the following limits:

1. The vessel actual weight, not registered tonnage, and keel configuration must be such that the vessel load on each bent (cross timber) is less than 15,000 pounds. For example, if the keel of a vessel bears on three bents, the actual weight of the vessel shall not exceed 45,000 pounds.

2. The overall bearing surface of the vessel resting on the gridiron shall not extend beyond the width of the bent.

E. Surety. The harbor master may require a vessel to post a bond or other surety when, in the opinion of the harbor master, the condition of the vessel or other circumstances make posting of such security necessary for the protection of the Port of Wrangell. [Ord. 625 § 5, 1996.]

14.07.030 Launch ramps.

A. Availability. Launch ramps within Wrangell port and harbor facilities are available on a first-come, first-served basis.

B. Conditions and Restrictions of Use. The harbor master may place reasonable restrictions and conditions of use on any launch ramp operated by the Port of Wrangell by posting a notice of such restrictions or conditions of use on a sign at that launch ramp.

C. Payment. Persons using a launch ramp shall be charged according to fees listed in WMC 14.11.005. [Ord. 625 § 5, 1996.]

14.07.035 Parking.

The borough assembly may establish by resolution, upon the recommendation of the port commission, designated off-street parking lots in the Port of Wrangell. Each parking lot shall be governed and parking enforced according to WMC 11.30.010 through 11.30.060. [Ord. 625 § 5, 1996.]

14.07.040 Services of the harbor master.

The harbor master is granted power and authority, from time to time, without any obligation or duty to do so, and without liability therefor, to board any vessel, replace inadequate mooring lines on any vessel, pump water out of any vessel in danger of sinking, and move any vessel within the harbor which has been improperly located, and take any other action with respect to any vessel to prevent loss of life or property or to abate pollution or risk of pollution. Whenever any act above is performed, fees as listed in WMC 14.11.005 shall be charged. [Ord. 625 § 5, 1996.]

14.07.045 Electrical service.

Vessels using Wrangell port and harbor facilities may connect to designated electrical service on an interruptible temporary basis not to exceed 21 days. Vessels shall comply with requirements as listed in WMC 14.05.045. A fee as listed in WMC 14.11.005 shall be charged for each daily rental period or portion thereof. Fees collected for the use of electrical service by vessels connected to a meter in reserved moorage space with approval of the holder shall be credited to the holder's electrical account. The harbormaster may disconnect any vessel causing disruption to the electrical system, using inadequate equipment for service connections or for which payment has not been received. This section does not constitute resale of electrical energy pursuant to WMC 15.12.080. [Ord. 625 § 5, 1996.]

14.07.050 Water supplied from Wrangell dock.

Water is available to vessels qualified to moor at Wrangell dock for the fee listed in WMC 14.11.005. [Ord. 625 § 5, 1996.]

14.07.055 Hoists.

Hoists in the ports and harbors of the borough shall be activated, used and deactivated by access cards issued by the harbor department. Required fees for access cards and use of the hoists are as set forth in WMC 14.11.005. Users of hoists will comply with the procedures set forth by the harbor department and shall sign user agreements as a condition to using the hoists. Hoist users shall not exceed the posted operational limits of the hoists. Users of the hoists do so at their own risk and shall defend, indemnify and hold harmless the City and Borough of Wrangell and its officials and employees from any claims relating to the use of the hoists. [Ord. 765 § 4, 2005; Ord. 625 § 5, 1996.]

14.07.060 Work float.

The work float is available on a first-come, first-served basis to any vessel qualified for repairs and maintenance to that vessel. There is no charge for the first daily rental period for holders of reserved moorage. Transient moorage vessels will be charged pursuant to WMC 14.05.010. All vessels are subject to a trespass fee, as listed in WMC 14.11.005, if the vessel occupies the work float more than one daily rental period without permission of the harbormaster. [Ord. 625 § 5, 1996.]

14.07.065 Gear float.

The gear float located in the center of the in-town harbors is available for repair and maintenance of fishing gear on a first-come, first-served basis. There is no charge for the first 36 hours of use. Gear float users are subject to a trespass fee, as listed in WMC 14.11.005, for each daily rental period or portion thereof. [Ord. 625 § 5, 1996.]

14.07.070 Vendor shelter.

The port vendor shelter is available on a first-come, first-served basis. Persons may apply for vendor shelter space on a form provided by the harbormaster. The harbormaster may place reasonable restrictions and conditions on the use of the vendor shelter. Users of vendor shelter space shall be charged pursuant to WMC 14.11.005. [Ord. 625 § 5, 1996.]

14.07.075 Fish processing.

Fish or shellfish may be cleaned or processed within the harbor only in areas, and with equipment and provision for waste disposal, approved by the harbormaster. [Ord. 625 § 5, 1996.]

14.07.080 Signs.

Signs or other printed matter shall not be placed on any part of the harbor without the prior approval of the harbormaster. [Ord. 625 § 5, 1996.]

14.07.085 Seaplane float.

A. Availability. Moorage exists at the seaplane float for seaplanes and floatplanes on a first-come, first-served basis.

B. Application. A person may apply for moorage at the seaplane float by completing an application form provided by the harbormaster. Information provided by the applicant shall include the sign-up date, the applicant's name, mailing address, telephone number, aircraft description and aircraft registration number.

C. Payment. Seaplanes and floatplanes mooring at the seaplane float shall be charged according to fees listed in WMC 14.11.005. [Ord. 625 § 5, 1996.]

14.07.090 Dolphin moorage storage.

One-half the moorage at piling with no shore access will be charged. One-half daily rate for up to four days, and one-half monthly after four days to a calendar month. [Ord. 668 § 4, 2000.]

Chapter 14.09

PROHIBITED PRACTICES

Sections:

- 14.09.005 Speeding.
- 14.09.010 Operating under the influence.
- 14.09.015 Hazard to navigation.
- 14.09.020 Failure to register.
- 14.09.025 Improper mooring.
- 14.09.030 Inadequate equipment.
- 14.09.035 Improper use of facilities.
- 14.09.040 Improper waste disposal.
- 14.09.045 Improper petroleum product disposal.
- 14.09.050 Improper care and control of animals.
- 14.09.055 Water sports.
- 14.09.060 Negligent operation.
- 14.09.065 Improper use of seaplane float.
- 14.09.070 Improper use of a loading zone.
- 14.09.075 Improper use of fire equipment.
- 14.09.080 Improper use of utilities.
- 14.09.085 Tampering and defacing signs.
- 14.09.090 Nuisance.
- 14.09.095 Failure to comply with rules, regulations or procedures.
- 14.09.100 Obstruct or impede use of any launch ramp.
- 14.09.105 Tampering with impounded vessels.

14.09.005 Speeding.

No person shall operate or cause to be operated a vessel within the harbor in excess of three miles per hour or in a manner which causes an excessive wave. [Ord. 625 § 5, 1996.]

14.09.010 Operating under the influence.

No person may operate a vessel within the harbor while under the influence of alcohol or other drugs to the extent that it would be unlawful to operate a vessel under state law in such a condition. [Ord. 625 § 5, 1996.]

14.09.015 Hazard to navigation.

No person shall create, or fail to remove after request from the harbormaster, a hazard to navigation within the waters of the harbor. [Ord. 625 § 5, 1996.]

14.09.020 Failure to register.

No person shall fail to register a vessel operated by that person with the harbormaster within two hours of entering the harbor. [Ord. 625 § 5, 1996.]

14.09.025 Improper mooring.

No person shall moor a vessel:

- A. In reserved moorage space assigned to another;

- B. In any area not designated for transient moorage;
- C. Without permission of the harbormaster;
- D. In an area not designated for that size vessel; or
- E. Without otherwise complying with Chapter 14.05 WMC. [Ord. 625 § 5, 1996.]

14.09.030 Inadequate equipment.

No person shall operate or moor a vessel within the harbor that does not have the equipment specified by WMC 14.05.035. [Ord. 625 § 5, 1996.]

14.09.035 Improper use of facilities.

No person may use portions of the harbor for purposes or in a manner not authorized by Chapter 14.07 WMC. [Ord. 625 § 5, 1996.]

14.09.040 Improper waste disposal.

No person shall dispose of trash, garbage, refuse, human or animal waste, or any similar substance into the water of the harbor or on the harbor grounds except in receptacles or locations designated by the harbormaster. Any person causing any waste to be introduced into the waters of the harbor in any manner must immediately remove the waste. [Ord. 625 § 5, 1996.]

14.09.045 Improper petroleum product disposal.

No person shall release any fuel, oil, their derivatives, wastes or byproducts, or other petroleum products into the waters or onto the lands of the harbor. [Ord. 625 § 5, 1996.]

14.09.050 Improper care and control of animals.

No person shall have or bring a dog or animal within the harbor unless the dog or animal is on a leash or confined to a vessel. The owner or other person in charge of the dog or animal must immediately remove any waste on floats or other harbor property caused by the dog or animal. [Ord. 625 § 5, 1996.]

14.09.055 Water sports.

No person shall engage in swimming, diving, water skiing, or other sports where the body of the person comes into contact with the water within the harbor except after notice to and with the permission of the harbormaster. Diving for the purpose of vessel repair and inspection or for law enforcement purposes is not prohibited by this section. [Ord. 625 § 5, 1996.]

14.09.060 Negligent operation.

No person shall operate a vessel in a manner which creates an unjustifiable risk of harm to a person or property. An "unjustifiable risk" is a risk of such a nature and degree that a failure to avoid it would constitute a deviation from the standard of care that a reasonable person would observe in that situation. [Ord. 625 § 5, 1996.]

14.09.065 Improper use of seaplane float.

No person shall moor or land a vessel at the seaplane float. [Ord. 625 § 5, 1996.]

14.09.070 Improper use of a loading zone.

No person shall moor a vessel in a loading or unloading zone for more than four hours. [Ord. 625 § 5, 1996.]

14.09.075 Improper use of fire equipment.

No person shall use firefighting equipment for any purpose other than fighting fires, or tamper with any public or private firefighting equipment. [Ord. 625 § 5, 1996.]

14.09.080 Improper use of utilities.

No person shall tap, connect, disconnect, interfere with, or tamper with any water outlet, water pipe, or water connection, or any electrical wiring, electrical outlet, or electrical connection of any kind installed or maintained in the Port of Wrangell without authorization from the harbormaster or use such facilities in an unsafe or inadequate electrical condition. [Ord. 625 § 5, 1996.]

14.09.085 Tampering and defacing signs.

No person shall erect, place, post, or maintain any advertising, sign, or other matter other than legal notices on any part of any facility of the Port of Wrangell without prior approval of the harbormaster. [Ord. 625 § 5, 1996.]

14.09.090 Nuisance.

No person shall create or maintain any nuisance within the Port of Wrangell, or cause any disturbance or other action contrary to federal, state and/or local law, statute or ordinance. [Ord. 625 § 5, 1996.]

14.09.095 Failure to comply with rules, regulations or procedures.

No person shall, following a lawful order of the harbormaster or his designee, fail to comply with any rule, regulation, or procedure of the Port of Wrangell provided for in this title. [Ord. 625 § 5, 1996.]

14.09.100 Obstruct or impede use of any launch ramp.

No person shall obstruct or impede the use of any launch ramp. [Ord. 625 § 5, 1996.]

14.09.105 Tampering with impounded vessels.

No person shall tamper with, move, or attempt to move any vessel which has been impounded by the harbormaster or by the U.S. Marshal. [Ord. 625 § 5, 1996.]

Chapter 14.11**FEES AND PENALTIES**

Sections:

- 14.11.005 Fee schedule.
- 14.11.010 Fee collection and lien.
- 14.11.015 Penalties.
- 14.11.020 Public hearing.

14.11.005 Fee schedule.

The following fees shall be charged for the uses indicated:

Use	Fee
A. Transient Moorage – WMC 14.05.010.	
Daily – Prepaid	\$0.30/foot
Daily – Invoiced	Two times the daily prepaid
Monthly	\$3.00/foot
Annual	Same as reserved moorage
B. Reserved Moorage – WMC 14.05.015.	
Wait list deposit	\$50.00 each
Annual	
Effective 07-01-08	\$18.00/foot
Effective 07-01-10	\$21.00/foot
Effective 07-01-11	\$24.00/foot
C. Customer Service Moorage – WMC 14.05.020.	
Wait list deposit	\$50.00 each
Annual	1.5 times the annual rate
D. Electric Utility Service – WMC 14.07.045.	
Daily	
20 amp 120 v	\$5.00/day
30 amp 120 v	\$8.00/day
50 amp single phase	\$10.00/day
50 amp 3 phase	\$30.00/day
100 amp 3 phase	\$50.00/day
E. Outside Dock Face Moorage – WMC 14.07.005(C).	
1. 00 – 99 feet	\$0.90/foot
2. 100 – 199 feet	\$1.15/foot
3. 200 – 299 feet	\$1.30/foot
4. 300 – 499 feet	\$1.50/foot
5. 500 – 599 feet	\$1.75/foot
6. 600 feet and up	\$2.00/foot

F. Inside Dock Face Moorage – WMC 14.07.005(C).	
1. 00 – 99 feet	\$0.90/foot
2. 100 – 199 feet	\$1.15/foot
3. 200 – 299 feet	\$1.30/foot
4. 300 – 499 feet	\$1.50/foot
5. 500 – 599 feet	\$1.75/foot
6. 600 feet and up	\$2.00/foot
G. Barge Ramp Facility Moorage/Mill Dock/Borough Dock – WMC 14.07.005(C).	
Daily (\$750.00 minimum)	\$0.38/gross ton
Beach landing (\$25.00 minimum)	\$0.05/gross ton
H. Net and Gear Work on Dock – WMC 14.07.005(D).	
First two rental periods	\$25.00
Each additional rental period	\$20.00
I. Wharfage – WMC 14.07.010(C).	
General cargo	\$2.50/ton
Vehicles	\$2.50/ton
Explosives	\$6.25/ton
Lumber	\$1.00/thousand milled board feet
Empty containers	\$3.75 each
Sand and gravel	
500 tons	\$1.00/ton
501 – 1500 tons	\$500.00 + \$0.20/ton for each ton over 500
1,500+ tons	\$800.00 + \$0.05/ton for each ton over 1,500
J. Storage – WMC 14.07.020(B).	
Outside storage (\$6.25 minimum)	\$0.30/square foot monthly
Inside storage	\$0.50/square foot monthly
Floating log storage	\$0.10/thousand milled board feet monthly
Vending storage	50% of covered vendor storage rate
K. Gridiron – WMC 14.07.025(B).	
Daily (after first two rental periods)	\$1.00/foot
L. Launch Ramps – WMC 14.07.030.	
No charge	\$0.00
M. Parking – WMC 14.07.035.	
No charge	\$0.00

N. Services of the Harbormaster – WMC 14.07.040.	
Replace mooring lines	\$10.00 + cost of line
Moving boat (minimum \$20.00)	\$1.00/foot
Pumping	\$25.00 + labor
Labor	Labor costs will be the actual costs of the employee. They will include wages and employee costs. Overtime and callout rules will also apply.
Raising of boats	\$150.00 + cost of materials and professional services
O. For rates, see WMC 15.04.640, Monthly Water Rates, Class B – Commercial and Industrial – Flat Rates.	
P. Hoists – WMC 14.07.055.	
Hourly (billed in 6-minute increments)	\$10.00/hour
6-minute minimum	\$1.00
Resident access card (original issue)	\$10.00
Transient access card (original issue)	\$20.00
Replacement access card (lost or damaged)	\$20.00
Access card refund	1/2 original fee
Q. Work float – WMC 14.07.060.	
Trespass fee	\$50.00/rental period
R. Gear float – WMC 14.07.065.	
Trespass fee	\$100.00/rental period
S. Vendor Shelter – WMC 14.07.070.	
Annual reserved	12 times the reserved season rate
Reserved for entire season	\$77.81/month
Month to month	\$90.31/month
Day to day	\$18.06/month
T. Seaplane Float – WMC 14.07.085.	
Daily	\$5.00
Monthly	\$100.00
Annual reserved	\$420.00
U. Impoundment Storage – WMC 14.13.025.	
Minimum of \$50.00 per month	\$0.01/sq. ft. per day
V. Impoundment Fee – WMC 14.13.025.	
This fee is in addition to other related costs	\$100.00
W. Transient Moorage at Summer Floats.	
0 – 80 feet	\$0.65/foot/day
81 feet and up	\$0.95/foot/day
X. Moorage for Mill Dock and Back Side of Borough Dock	
Monthly Dock Rates.	
0 – 80 feet	\$4.00/foot/month
81 feet and up	\$5.00/foot/month

Y. Travel and Adventure Services.	
Transportation vehicles	\$50.00/monthly
10 by 10 space	\$20.00/monthly
Passenger vessels – motorized	
Daily	\$10.00/departure
Monthly	\$2.00/per foot per month
Annual	\$400.00
Passenger vessels – nonmotorized	
Water vessel	\$1.00/launch
Land vehicle	\$0.50/rental
Z. Port Development Fees.	
120 – 499	\$1.25/foot
500 and up	\$2.00/foot
AA. Marine Service Center Fees.	
Round trip travel lift (150 ton)	
0 – 40 feet	\$11.00/foot
41 – 58 feet	\$12.00/foot
59 feet and up	\$13.00/foot
Hoist (minimum fee)	\$300.00/hour
Work area storage	\$0.50/sq. ft./month
Long-term storage	\$0.30/sq. ft./month
	After 12 consecutive months, rate doubles
Cancellation	\$300.00
Inspection hoist (150 ton)	
Up to 2 hours of hoist time	60% of round trip
After first 2 hours of hoist time	\$75.00/15 minutes
Pressure washer	\$1.00/foot
Electrical	Refer to subsection (D) of this section.
Environmental fee	\$15.00 per haulout or per month
Hydraulic trailer fees	
Round trip	\$8.25 per foot
One-way	Half of round trip
Minimum fee	\$225.00
Off-site transport fee	Round trip or one-way fee plus travel time at \$235.00 per hour with a one-hour minimum

[Ord. 836 § 1, 2009; Ord. 819 § 1, 2008; Ord. 795 § 1, 2007; Ord. 784 §§ 2 – 9, 2006; Ord. 765 § 5, 2005; Ord. 749 § 5, 2004; Ord. 730 § 4, 2003; Ord. 717 § 4, 2002; Ord. 706 § 4, 2001; Ord. 701 § 4, 2001; Ord. 668 § 4, 2000; Ord. 639 § 6, 1998; Ord. 633 § 4, 1997; Ord. 625 § 5, 1996.]

14.11.010 Fee collection and lien.

A. Invoicing. Invoices for fees shall be due on the fifth day after they are sent or delivered. Invoices may be delivered personally or on a monthly or other basis to the last address provided to the harbormaster. It is the harbor user's obligation to notify the harbormaster in writing of any changes in address.

B. Refunds.

1. Transient Moorage. There shall be no refunds of unused daily or monthly transient moorage fees paid for or agreed to in advance. Upon written request, the harbormaster shall refund an amount up to 10 months transient moorage fees computed from the end of the calendar month in which a written request is received.

2. Reserved and Customer Service Moorage. Upon written request, the harbormaster shall refund to a holder who voluntarily relinquishes reserved moorage space an amount up to 10 months unused moorage fees computed from the end of the calendar month in which the request is received, less any cost incurred by the Port of Wrangell including legal and administrative costs of processing the involuntary forfeiture.

C. Delinquent Fees and Fines. Fees are delinquent when they are more than 30 days past due. Fines are delinquent on the day after they are imposed by the court unless the court provides otherwise. The harbormaster may, but need not, give notice of any delinquent fees or fines.

D. Interest on Delinquent Fees and Fines. Delinquent fees and fines under this title shall accrue interest at the rate of one and one-half percent per month, or the maximum rate allowable by law, whichever is less, from the date they were due until paid in full.

E. Collection Action. The borough manager is authorized to commence suit or exercise any other legal remedy to collect any delinquent fee or fine. In the event such suit is commenced, the person obligated to pay the fee or fine shall, in addition to any other liability imposed by this title, be liable for the City and Borough of Wrangell's actual, reasonable attorney's fees and court costs associated with the collection.

F. Lien for Unpaid Fees. In addition to all other remedies available by law, the City and Borough of Wrangell shall have a lien for any fees and interest provided by this title and costs of collection, including attorney's fees, upon any vessel (including all equipment, tackle, and gear) and property giving rise to such fees.

The lien may be enforced by the procedure set forth in Chapter 14.13 WMC and by any procedure otherwise provided by law. [Ord. 625 § 5, 1996.]

14.11.015 Penalties.

A. Nonmandatory Appearance Fine Schedule. The following penalties shall be imposed for the violation indicated:

Section	Violation	Fine
14.09.015	Hazard to navigation	\$100.00
14.09.020	Failure to register	\$25.00
14.09.025	Improper mooring	\$25.00
14.09.030	Inadequate equipment	\$50.00
14.09.035	Improper use of facilities	\$50.00
14.09.040	Improper waste disposal	\$50.00
14.09.045	Improper petroleum product disposal	\$100.00
14.09.050	Improper care and control of animals	\$25.00

Section	Violation	Fine
14.09.055	Water sports	\$25.00
14.09.065	Improper use of seaplane float	\$50.00
14.09.070	Improper use of a loading zone per hour	\$2.00
14.09.075	Improper use of fire equipment	\$100.00
14.09.080	Improper use of utilities	\$50.00
14.09.085	Tampering and defacing signs	\$25.00
14.09.090	Nuisance	\$100.00
14.09.100	Obstruct or impede use of any boat launch ramp	\$50.00
14.09.105	Tampering with impounded vessels	\$100.00

B. Mandatory Appearance Fine Schedule. The following penalties shall be determined by the court pursuant to this schedule:

14.09.005	Speeding	Up to \$300.00
14.09.010	Operating under the influence	Up to \$500.00
14.09.060	Negligent operation	Up to \$300.00
14.09.095	Failure to comply with rules, regulations and procedures	Up to \$300.00

C. Citation. A person committing a violation of this title shall be issued a citation, unless otherwise required by law or the immediate circumstances. A copy of the form of citation is found at the end of this chapter as Appendix "A."

D. Mail-In Fine Procedure. If the violation for which the citation is issued is one which does not require a mandatory appearance, the person to whom it is issued may plead no contest or guilty to the offense without a court appearance by signing the appropriate blank on the citation and paying the specified fine in person or by mail within five days of the date of citation, to the borough accounting clerk, at Wrangell City Hall, 205 Brueger Street, Post Office Box 531, Wrangell, Alaska 99929. Acceptance of payment of the prescribed fine is complete satisfaction for the violation, and the offender shall be given a receipt which so states, if requested.

E. Promise to Appear. The citation form shall contain a place for the accused to sign acknowledging receipt of the citation and promising to appear in court at a time specified on the citation. If the accused person refuses to accept the citation or refuses to sign acknowledgement of receipt and promise to appear, the peace officer shall proceed in the manner provided by law for violations. If the accused accepts the notice but fails to pay the fine or appear in court as required, the citation shall be considered a summons for the charge of the violation and the accused shall be proceeded against in a manner prescribed by law. [Ord. 625 § 5, 1996.]

14.11.020 Public hearing.

A. The port commission, subject to approval by the borough assembly, shall fix the rates, charges and classifications to be charged for the use of any and all harbor, port, terminal or transportation facilities constructed on property under its jurisdiction, including charges assessed against vessels, their owners, agents or operators for use of facilities and services within areas of the commission's jurisdiction; charges for berthage while loading or discharging passengers or cargo; charges for administrative expense in serving users; charges for freight-handling operations; moorage, wharfage, handling, loading, unloading, services provided; and wharf demurrage rates.

B. Such rates, charges and classifications shall be just and reasonable and shall be established and modified at a public hearing conducted by the port commission. Notice specifying the time and place of hearing shall be at given by at least one publication in a newspaper of general circulation in the borough at least 15 days prior to the hearing.

C. At the hearing, all persons affected by or interested in the matters to be heard may be present and may be represented by counsel. At the conclusion of the hearing, the parties interested may make such arguments before the port commission either in person or by an attorney regarding the matter at issue, and thereafter the port commission shall proceed to prepare a schedule of rates to be submitted to the borough assembly at its next regular meeting.

D. The borough assembly may adopt the port commission's proposed schedule of rates by ordinance, but the date upon which the rates fixed or regulated go into effect may not be less than 10 days after its passage and approval. [Ord. 625 § 5, 1996.]

APPENDIX A

DISTRICT COURT FOR THE CITY AND BOROUGH OF WRANGELL FIRST JUDICIAL DISTRICT, AT WRANGELL HARBOR TICKET AND COMPLAINT

City and Borough of Wrangell v. _____ Plaintiff

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)

The undersigned, being duly sworn, upon his oath deposes and says:

On the _____ day of _____, 20____, at _____ a.m./p.m.

Form with fields for (Last), (First), (Middle), (Mailing Address), (City), (State), (Type), (Length), (Color)

(Boat name or number) (Item description)
within a public harbor, at _____ in violation of
Wrangell Municipal Code ().().().()

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NON-MANDATORY
COURT APPEARANCE

- 1. Mooring in no parking zone (\$15.00 per notice to move)
2. Mooring at seaplane float (\$15.00 per notice to move)
3. Mooring in wrong area for boat size (\$10.00 per notice to move)
4. Unauthorized use of another person's stall (\$50.00)
5. More than one boat per stall (\$10.00 per notice to move)
6. Parking in loading zone over 4 hours (\$5.00 per)
7. Cargo, freight, etc. on float, wharf, etc. over 4 hours (\$5.00 per period)
8. Animals being a nuisance (\$25.00)
9. Causing fire hazard/blocking fire lane/illegal use of fire equipment (\$100.00)
10. Unauthorized use of electrical facilities (\$25.00)
11. Other (\$15.00)

MANDATORY
COURT APPEARANCE

- 12. Speeding or excessive wake ___mph in a ___mph zone ___ wake ht
13. Reckless or negligent operation
14. Failure to comply with lawful order of harbormaster
15. Other

The undersigned further states that this Harbor Ticket is based upon his personal observations and/or belief that the person named herein committed the offense, contrary to law.

COMPLAINT:

Sworn To and Subscribed before me this _____)
day of _____, 20____.) (Signature of Complainant)
)
)
_____) (Title)
(Notary)

Court Appearance _____ day of _____, 20____, at _____ a.m./p.m.

Court Address:

I promise to appear in court at the time and place indicated.

Signature: _____

PLEASE READ THE BACK OF THIS TICKET AND COMPLAINT

**INSTRUCTIONS TO PERSON GIVEN HARBOR TICKET READ
THE FOLLOWING INSTRUCTIONS CAREFULLY**

WHEN COURT APPEARANCE MANDATORY:

You have been charged with a Port Violation and requested to appear in District Court. You must appear in court on the date specified if you are charged with a MANDATORY COURT APPEARANCE VIOLATION as indicated on the other side of this summons.

WHEN COURT APPEARANCE NON-MANDATORY:

You have been charged with a Port Violation and are not required to appear in court if you have been charged with a NON-MANDATORY COURT APPEARANCE VIOLATION as indicated on the other side of this summons.

You may plead not guilty and contest the citation by signing the appropriate blank in the citation and posting bail in an amount equal to the fine. The court will notify you of your rights and a trial date. In general, you have the right to a trial, to engage counsel to assist in your defense, to confront and question witnesses to testify and to subpoena witnesses on your behalf. If you do not fully understand your rights, you may retain an attorney to advise you or you may appear in court on the date specified on the other side of this citation and the court will explain your rights.

You may plead no contest or guilty to the offense by signing the appropriate blank on the citation and paying the fine or bail specified on the citation either in person to the Borough Accounting Clerk in Wrangell City Hall at 206 Brueger Street, downtown Wrangell within five (5) days of the date of the arrest, or by mail to the Borough Accounting Clerk, P.O. Box 531, Wrangell, Alaska 99929 within five (5) days of the arrest. Acceptance and payment of the fine or bail is a complete satisfaction for the offense, and the offender shall be given a receipt which so states, should it be desired by the offender.

NOTICE

The court will issue a warrant for the arrest of any defendant who has failed to appear or answer a Harbor summons duly served upon him and upon which a complaint has been filed.

APPEARANCE, PLEA OF NOT GUILTY AND WAIVER OF APPEARANCE FORM

A. CONTEST THE CITATION. PLEA OF NOT GUILTY AND WAIVER OF APPEARANCE. _____

I wish to contest this citation. I have checked the box above. A signed copy of this citation and my bail are enclosed. I request a non-jury trial. I understand the court will send me a listing of my rights, the time, date and place of trial, and notice of the type of trial granted.

I hereby waive my right to appear for arraignment, agree to post bail and enter a plea of not guilty to the violation charged.

AMOUNT \$ _____

(Defendant's Name) (Please Print)

(Address)

(Defendant's Signature)

(Date)

B. PLEA OF GUILTY AND WAIVER OF APPEARANCE. _____

I, the undersigned, do hereby enter my appearance on the complaint of the offense charged on the other side of this summons. I have been informed of my right to a trial, to engage counsel to assist in my defense, to confront and question witnesses, to testify and subpoena witnesses on my own behalf, and that my signature on this plea of guilty will have the same force and effect as a judgment of court, I do hereby PLEAD GUILTY to said offense as charged and WAIVE my rights to a trial by the court. I further agree to pay the penalty prescribed for my offense.

AMOUNT \$ _____

(Defendant's Name) (Please Print)

(Address)

(Defendant's Signature)

(Receipt No.)

(Date)

Chapter 14.13

IMPOUNDMENT OF VESSELS

Sections:

- 14.13.005 Vessels which may be impounded.
- 14.13.010 Notice to owner.
- 14.13.015 Pre-impoundment hearing.
- 14.13.025 Impoundment.
- 14.13.030 Notice of impoundment.
- 14.13.035 Sale.
- 14.13.040 Emergency impoundment.

14.13.005 Vessels which may be impounded.

The harbormaster is authorized to impound a vessel under any of the following circumstances:

- A. The vessel is within the harbor and is a derelict or a nuisance as defined in this title;
- B. The fees for which the City and Borough of Wrangell has a lien on the vessel are delinquent;
- C. The vessel is located in the harbor and is in violation of any rule or regulation of the harbor; and
- D. The owner, operator, master or managing agent is not aboard the vessel and the vessel is not properly identified by a name and/or number. [Ord. 625 § 5, 1996.]

14.13.010 Notice to owner.

A. Contents. Prior to impounding any vessel, except with exigent circumstances, the harbormaster shall prepare a written notice of intent to impound the vessel. The notice shall contain:

- 1. The name and/or official number or state registration number of the vessel;
- 2. The name and address, if known, of the owner, operator, master or managing agent, the location of the vessel; and
- 3. The basis of the impoundment.

B. Distribution. The notice of intent to impound shall be, at least 20 days before impoundment:

- 1. Mailed by certified mail, return receipt requested, to the last known owner and to the master, or managing agent, of the vessel at their last known addresses; and
- 2. Posted on the vessel, at the harbormaster's office, and in the United States Post Office at Wrangell, Alaska. [Ord. 625 § 5, 1996.]

14.13.015 Pre-impoundment hearing.

A. Demand for Hearing. The owner, master or managing agent or any other person in lawful possession of a vessel proposed for impoundment has the right to a pre-impoundment administrative hearing to determine whether there is probable cause to impound the vessel. Any such person desiring a hearing shall file a written demand with the Wrangell borough clerk within 10 days after mailing and posting of the notice of intent to impound.

B. Hearing Procedure. The hearing shall be conducted within 72 hours of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and borough holidays are to be excluded from the calculation of the 72-hour period. The hearing officer shall be designated by the borough manager and shall be someone other than the harbormaster. The sole issue before the hearing officer shall be whether there is probable cause to impound

the vessel in question. "Probable cause to impound" shall mean such a state of facts as would lead a reasonable person exercising ordinary prudence to believe there are grounds for impounding the vessel. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that he has the right to possession of the vessel. The harbormaster shall have the burden of establishing there is probable cause to impound the vessel. Failure of the owner, operator, master or managing agent to request or attend a scheduled pre-impoundment hearing shall be deemed a waiver of the right to such a hearing.

C. Decision. At the conclusion of the hearing, the hearing officer shall prepare a written decision. The hearing officer shall only determine that as to the vessel in question, either that there is probable cause to impound the vessel or that there is no such probable cause. A copy of the decision shall be provided to the person demanding the hearing, and to the owner of the vessel, if that owner is not the person requesting the hearing. The hearing officer's decision shall in no way affect any criminal charges involved in such proceedings in connection with the impoundment in question, and any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final.

D. Bond as Substitute for Impoundment. If the sole cause for impound is for unpaid fees, fines or other charges accrued against the vessel and the hearing officer determines there is probable cause to impound, the hearing officer may allow the owner, operator, master or managing agent to post a cash bond as substitute for impound. The amount of the cash bond must be no less than the total charges accrued against the vessel including but not limited to interest, costs and attorney's fees. The cash bond must be posted with the borough clerk within 10 days from the date of the hearing. The act of posting a bond does not constitute an admission of liability for the debt or fine. [Ord. 625 § 5, 1996.]

14.13.025 Impoundment.

In the event the hearing officer determines there is probable cause to impound the vessel, the harbormaster may proceed immediately with impoundment of the vessel. The harbormaster may impound the vessel by immobilizing it, removing it or having it removed from the water and placing it in public or commercial storage with all expenses of haul out and storage and an impound fee, pursuant to the schedule listed in WMC 14.11.005, to be borne by the owner of such vessel. At any time prior to the sale of the vessel, the owner, operator, master or managing agent, or person in lawful possession of the vessel may redeem the vessel by a cash payment of all fees against the vessel, including interest and costs, and by correcting any cause cited for impoundment, as described within this chapter. [Ord. 625 § 5, 1996.]

14.13.030 Notice of impoundment.

A. Contents. Prior to the sale of any impounded vessel, the harbormaster shall prepare a written notice of impoundment and sale of the vessel. The notice shall contain:

1. The name and/or official number or state registration number of the vessel;
2. The name and address of the owner, if known;
3. Description and location of the vessel;
4. The date, time and place of sale; and
5. The fees, interest, and costs which are due against the vessel and the bidding terms provided by WMC 14.13.035.

B. Distribution. The notice of impoundment and sale shall be, at least 30 days before the sale:

1. Mailed by certified mail, return receipt requested, to the last known owner, and to the master, or managing agent, of the vessel at their last known addresses;
2. Posted on the vessel, at the harbormaster's office, the United States Post Office in Wrangell, Alaska; and
3. Published in a newspaper of general circulation in the borough at least once. [Ord. 625 § 5, 1996.]

14.13.035 Sale.

A. Method of Sale. Sales will be by public outcry auction. Sealed bids will be accepted and will be read aloud at commencement of the sale.

B. Bids. The minimum acceptable bid shall be a sum equal to all fees against the vessel, including interest and costs to be paid in cash at time of sale. The proceeds of such sale shall be applied to the cost of sale, then to interest, then to fees accrued, and the balance, if any, shall be held in trust by the borough for the owner of the vessel to claim. If such balance is not claimed within two years, the balance shall be forfeited to the borough. Upon sale being made, the borough shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer.

C. No Bids. If at the public sale there are no acceptable bids for the vessel, the borough may destroy, sell at a private sale, or otherwise dispose of the vessel. The dispossession is to be made without liability to the owner, master or managing agent, person in possession of the vessel, or lienholder of the vessel. [Ord. 625 § 5, 1996.]

14.13.040 Emergency impoundment.

A vessel causing a threat to health or property, pollution hazard or flight to avoid prosecution or debt may be impounded immediately without hearing. Notice of impoundment and a notice of right to a post-impoundment hearing will be given following procedures in WMC 14.13.030. The owner, operator, master or managing agent or any other person in lawful possession of the vessel has the right to a post-impoundment hearing. The hearing procedure in WMC 14.13.015 will apply to vessels impounded under this section. [Ord. 625 § 5, 1996.]

Chapter 14.15**IMPOUNDMENT OF CARGO OR STORED PROPERTY**

Sections:

- 14.15.005 Cargo or property which may be impounded.
- 14.15.010 Notice of impoundment.
- 14.15.015 Hearing.
- 14.15.020 Sale.

14.15.005 Cargo or property which may be impounded.

The harbormaster is authorized to impound cargo or property under any of the following circumstances:

- A. Cargo or property on which fees have become delinquent.
- B. Cargo or property which is causing or is at risk of causing a safety or pollution hazard.

C. Cargo or property transferred or stored without prior written application pursuant to WMC 14.07.010(B). [Ord. 625 § 5, 1996.]

14.15.010 Notice of impoundment.

A. Contents. Prior to the sale of impounded cargo or property, the harbormaster shall prepare a notice of impoundment and sale of the cargo or property. The notice shall contain:

- 1. The name and address of the owner, managing agent or other responsible person, if known;
- 2. The description and location of the cargo or property;
- 3. The date, time and place of sale;
- 4. Notice of right to hearing provided by WMC 14.15.015; and
- 5. The fees, interest and costs which are due against the cargo or property and the bidding terms provided by WMC 14.15.020.

B. Distribution. The notice of impoundment and sale shall be, at least 30 days before the sale:

- 1. Mailed by certified mail, return receipt requested, to the owner if known, and to the agent or other person responsible for the cargo or property;
- 2. Posted on the cargo or property, at the harbormaster's office, the United States Post Office in Wrangell, Alaska; and
- 3. Published in a newspaper of general circulation in the borough at least once. [Ord. 625 § 5, 1996.]

14.15.015 Hearing.

A. Demand for Hearing. The owner, agent or other person responsible for cargo or property which has been impounded has the right to an administrative hearing to determine whether there is probable cause to impound the cargo or property. Any person desiring a hearing shall file a written demand with the Wrangell borough clerk within 10 days after mailing and posting of the notice of impound.

B. Hearing Procedure. The hearing shall be conducted within 72 hours of receipt of a written demand therefor from the person seeking the hearing, unless such person waives the right to a speedy hearing. Saturdays, Sundays and borough holidays are to be excluded from the calculation of the 72-hour period. The hearing officer shall be designated by the borough manager and shall be someone other than the harbormaster. The sole issue before the hearing officer shall be whether there is probable cause for impounding of the cargo or property. "Probable cause to impound" shall mean such a state of facts as would lead

a reasonable person exercising ordinary prudence to believe there are grounds for impounding the cargo or property. The hearing officer shall conduct the hearing in an informal manner and shall not be bound by technical rules of evidence. The person demanding the hearing shall have the burden of establishing that he has the right to possession of the cargo or property. The harbormaster shall have the burden of establishing there is probable cause to impound the cargo or property. Failure of the owner, agent or other responsible person to request or attend a scheduled impoundment hearing shall be deemed a waiver of the right to such a hearing.

C. Decision. At the conclusion of the hearing, the hearing officer shall prepare a written decision. The hearing officer shall only determine that as to the cargo or property in question, either that there is probable cause to impound the cargo or property or that there is no such probable cause. A copy of the decision shall be provided to the person demanding the hearing, and to the owner of the cargo or property, if the owner is not the person requesting the hearing. The hearing officer's decision shall in no way affect any criminal charges involved in such proceedings in connection with the impoundment in question, and any criminal charges involved in such proceedings may only be challenged in the appropriate court. The decision of the hearing officer is final.

D. Bond as Substitute for Impoundment. If the sole cause for impound is for unpaid fees, fines or other charges accrued against the cargo or property and the hearing officer determines there is probable cause to impound, the hearing officer may allow the owner, agent or other person responsible for the cargo or property to post a cash bond as substitute for impound. The amount of the cash bond must be no less than the total charges against the cargo or property including but not limited to interest, costs and attorney's fees. The cash bond must be posted with the borough clerk within 10 days from the date of the hearing. The act of posting a bond does not constitute an admission of liability for the debt or fine. [Ord. 625 § 5, 1996.]

14.15.020 Sale.

A. Method of Sale. Sales will be by public outcry auction. Sealed bids will be accepted and will be read aloud at commencement of the sale.

B. Bids. The minimum acceptable bid shall be a sum equal to all fees against the cargo or property, including interest and costs to be paid at time of sale. The proceeds of such sale shall be applied to the cost of sale, then to interest, then to the fees accrued, and the balance, if any, shall be held in trust by the borough without interest, for the owner of the cargo or property to claim. If such balance is not claimed within two years, the balance shall be forfeited to the borough. Upon sale being made, the borough shall make and deliver its bill of sale, without warranty, conveying the cargo or property to the buyer.

C. No Bids. If at the public sale there are no acceptable bids for the cargo or property, the borough may destroy, sell at private sale, or otherwise dispose of the cargo or property. The dispossession is to be made without liability to the owner, agent or other person responsible for the cargo or property. [Ord. 625 § 5, 1996.]