

Chapter 80
Water and Harbors

Article 1
Harbor and Harbor Facilities

17 AAC 80.010. Purposes The purposes of this chapter are to protect and preserve the lives, health, safety and well-being of any person who uses or works upon any state harbor facility; to protect the property of such persons by regulating the use of the facilities; and to make reasonable charges for the use of state harbor facilities.

17 AAC 80.020. Intent It is the intent of this chapter to (1) encourage the use of state harbor facilities by commercial fishermen, government vessels, pleasure craft, and the general boating public; (2) discourage and prevent the use of state harbor facilities by individuals or firms for the purpose of conducting commercial enterprises; (3) discourage and prevent abandoned boats and derelicts which may become a charge and nuisance to the State of Alaska from occupying space or otherwise utilizing state harbor facilities.

17 AAC 80.030. Government of harbor facilities The government of state harbor facilities is under the jurisdiction of the commissioner. Nothing in this chapter shall prohibit any lessee of a state harbor facility from promulgating and enforcing additional or more restrictive harbor ordinances or regulations as may be necessary to provide safe, orderly operation and management of the state harbor facilities under lease.

17 AAC 80.040. Powers (a) The commissioner may at his discretion refuse berthing at any state harbor facility to boathouses, floats, scows, log rafts, barges, pile drivers and other cumbersome floating structures which might overstress or otherwise damage the facilities, or to any boat which is, or may create, a fire hazard or otherwise become a menace to the safety and welfare of other boats and their occupants. (b) The commissioner shall assign all berthing in state harbor facilities and may at his discretion require the owner of any boat or floating structure to change from one berthing space to another. (c) The commissioner shall have the exclusive power to post signs and notices to inform the public at large and all boat owners and operators of rules, regulations, and authorized and prohibited uses of state harbor facilities. No person shall mark any harbor facility in any manner as to endanger the operation of boats or to conflict with the intent of signs or notices posted by the commissioner.

17 AAC 80.050. Berthing rentals Berthing rentals and other charges for use of state harbor facilities shall be paid in advance to the commissioner to be deposited into the state general fund. The commissioner may at his discretion exempt certain remote state harbor facilities for the required berthing rental fees. Minimum berthing rental fees at state harbor facilities shall be \$.20 per month for each foot of overall vessel length (centerline measurement).

17 AAC 80.060. Duties of boat owners and users Every owner, master, managing agent, or user of any boat using state harbor facilities shall take reasonable precautions to see that the boat in his charge is kept clean, well secured, free from fire hazards of all types, sufficiently pumped to maintain the boat afloat and to otherwise attend to the requirements of the boat to avoid damage to the harbor facilities.

17 AAC 80.070. Harbor nuisance defined - removal For the purposes of this chapter, boats in any state harbor facility which are derelicts are: maintained in such manner as to make them liable to sinking; maintained in a manner to constitute a fire hazard to other boats or otherwise damage the harbor facilities; and sunken boats are hereby declared nuisances and are subject to removal from the state harbor facility without liability on the State of Alaska for any damage done by virtue of this removal. Boats removed under the provisions of this section shall be disposed of as provided in sec. 80 of this chapter.

17 AAC 80.080. Abandoned property - disposition Any boat in a state harbor facility which is derelict, abandoned, or declared by the commissioner to be a public nuisance may be impounded, removed, sold, or otherwise disposed of as provided below: (1) immediately upon determination that a boat is derelict or a public nuisance, the commissioner shall notify the owner, master, or managing agent of the boat, at his last known address, of the intent to impound, remove, sell or otherwise dispose of the boat; (2) any boat impounded or removed shall be subject to and liable for storage charge of \$20 per month and costs incurred by reason of the impounding or removal; (3) any boat impounded or removed shall be held by the commissioner for a period of not less than 30 days after which time the commissioner may destroy, sell, or otherwise dispose of the boat; proceeds from sale of the boat shall be first applied to the costs of conducting the sale, impounding, removal, berthing and service fees accrued, and the balance held in trust for the owner to claim; and if not claimed within two years, the balance shall be deposited in the state general fund; (4) failure of any boat owner, master, or managing agent to pay designated berthing fees provided by secs. 10-110 of this chapter shall be presumed to constitute abandonment.

17 AAC 80.090. Prohibited acts It shall be unlawful for any owner, master, managing agent, user, or other person charged with the operation of a boat using a state harbor facility to (1) operate or cause to be operated any boat within the limits of a state harbor facility in excess of 10 miles per hour; (2) operate or cause to be operated any boat in a reckless or negligent manner likely to endanger the safety of persons or property within the limits of a state harbor facility; (3) throw or otherwise cause to be deposited gasoline, oil, trash, garbage or refuse onto any part of or into the waters of a state harbor facility; (4) create or maintain any nuisance within a state harbor facility, or to conduct or operate any commercially oriented business enterprise at the facilities unless specifically authorized in writing by the commissioner; (5) deposit, place, or abandon cargo, merchandise, supplies, freight, or thing upon any float, ramp, approach, dock or other public place within a state harbor facility except at places designated as loading and unloading areas by the commissioner; (6) disregard, deface, remove, tamper with or damage any sign or notice posted or installed by the commissioner relating to the use of a state harbor facility.

17 AAC 80.100. Liability for damages Any person, firm, or corporation who damages, or causes to be damaged, any float, grid, dock, launching ramp, approach, piling, dolphin, navigation aid, buoy, breakwater, or related appurtenances within any state harbor facility shall be held responsible and liable for the cost of repair of such damages.

17 AAC 80.110. Definitions In this chapter (1) "boats" means all vessels, ships, boats, skiffs, and watercraft of every kind and description; (2) "commissioner" means the commissioner of the Department of Transportation and Public Facilities; (3) "derelict" means any boat berthed or

otherwise located within the boundaries of any state harbor facility which has been or gives the appearance of being forsaken, abandoned, deserted or cast away, or which in the opinion of the commissioner is unsound, unseaworthy or unfit for its trade or occupation or which by any substantial evidence of neglect may be considered abandoned; (4) "state harbor facility" means any float, grid, dock, launching ramp, approach, piling, dolphin, buoy, breakwater, dredged basin or channel, navigation aid, and appurtenances constructed or operated by the State of Alaska, including an area extending a reasonable distance from each of these structures to permit unobstructed maneuvering and safe navigation; (5) "berthing" means securing or otherwise attaching a boat to any harbor facility by means of line, wire, rope, or other similar device.