

DRAFT

DRAFT

DRAFT

Sponsor: Mayor Poelstra

**CITY OF EDNA BAY, ALASKA
ORDINANCE NO. 23-32CO**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF EDNA BAY, ALASKA AMENDING
THE CITY CODE BY ADDING A NEW TITLE TO ESTABLISH THE EDNA BAY HARBOR
FACILITIES RULES, POLICIES AND PROCEDURES.**

BE IT ENACTED BY THE EDNA BAY CITY COUNCIL AS FOLLOWS:

Section 1. Classification: This ordinance is of a general and permanent nature, the title, chapters, and sections hereby amended shall be added to the Edna Bay City Code.

Section 2. Severability: If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons shall not be affected thereby.

Section 3. Amendment of Code: The City Code is hereby amended by adding a new title as follows:

DRAFT

DRAFT

DRAFT

**Title 7
Edna Bay Harbor Facilities**

Chapters:

- 7.05 Edna Bay Harbor**
- 7.10 Registration and stall assignments**
- 7.15 Rules for use of harbor facilities**
- 7.20 Control of nuisance and derelict boats**
- 7.25 Enforcements**
- 7.30 No wake zone within Edna Bay Harbor**

Chapter 05 Edna Bay Harbor

Sections:

7.05.010	Purpose and intent
7.05.015	Applicability of provisions
7.05.020	Jurisdiction
7.05.025	Use of revenues
7.05.030	Definitions

Section 7.05.010 Purpose and intent

(a) The purpose of this title is to protect and preserve the lives, health, safety, and well-being of any person who uses or works upon the Edna Bay Harbor Facilities, to protect the property of such persons by regulating the use of the facilities, and to make reasonable charges for the use of the facilities.

(b) It is the **priority** intent of this title to **provide the marine access needs of community members of Edna Bay. The secondary intent is to support** of the Edna Bay Harbor Facilities by commercial fisherman, government vessels, pleasure boats, and the general boating public.

It is further the intent of this title to prevent and discourage the use of the facilities by **liveaboards**, unpowered vessels, scows, barges, rafts, and other cumbersome floating structures, or by boats which have or may become a charge or nuisance to the City of Edna Bay.

(c) **These facilities will be managed to provide moorage for the maximum number of individual community households.**

(d) The provisions of this title shall be liberally construed for the accomplishment of these purposes.

Section 7.05.015 Applicability of provisions

This title shall constitute the Edna Baby harbor facilities provisions, and may be cited as such. The provision of this title shall apply to all persons on or within the city's harbor jurisdiction.

Section 7.05.015 Jurisdiction.

The Edna Bay Harbor Facilities shall be under the jurisdiction of the council of the City of Edna Bay who shall have the authority to classify areas of the harbor, set fees for the use of facilities, make rules and regulations for the governance of the harbor, and appoint a harbormaster to implement this title.

Section 7.05.020 Use of revenues

The city council of the City of Edna Bay shall establish and maintain a separate fund entitled "Edna Bay Harbor Facilities Fund." All mooring and storage rentals, fees, fines, and other revenues arising out of the use, management, or operation of the harbor shall be deposited to this fund and shall be expended exclusively for the operation, maintenance, supervision, and improvement of the Edna Bay Harbor Facilities.

Section 7.05.025

Definitions

Whenever the following words or terms are used in this title, they shall have the meaning ascribed to them in this section:

- 1) "City's harbor jurisdiction" means the harbor facility and all navigable waters situate within the city's tideland lease area.
- 2) "Commuter vessel" means any vessel not used for commercial activities (including the embarking or disembarking of passengers as part of commercial activities), home-ported in the city which is used by a resident of the city for the main purpose of transporting that resident or his family from place of residence to the main town site for purposes of attending work, obtaining materials and supplies, or attending school or school-related activities.
- 3) "Constituting a nuisance" means any vessel which is not kept and regularly pumped free of excess water inside her hull, or is submerged, or creates a fire, health or navigation hazard, or is a derelict, or has become a nuisance because of nonpayment of fees.
- 4) "Derelict vessel" means a vessel that has been left unattended for a continuous period of more than twenty-four hours, if:
 - A) the vessel is sunk or in immediate danger of sinking, is obstructing a waterway, or is endangering life or property; or
 - B) the vessel has been moored or otherwise left in the city boat harbor, and if:
 - I) the vessel's certificate of number or marine document has expired, and the registered owner no longer resides at the address listed in the vessel registration or marine document records of a state department or the United States Coast Guard; or
 - II) the last registered owner of record disclaims ownership and the current owner's name, or address cannot be determined; or
 - III) the vessel identification numbers, and other means of identification have been obliterated or removed in a manner that nullifies or precludes efforts to locate or identify the owner; or
 - IV) the vessel registration records of a state department and the marine document records of the United States Coast Guard contain no record that the vessel ever has been registered or documented, and the owner's name cannot be determined.
 - C) the vessel is in a state of disrepair or is not operational.
 - D) the vessel has not left the harbor under its own power within 180 consecutive days.
- 5) "Float" means all floating or stationary walkways and structures appurtenant thereto to which vessels may be moored, which are owned or maintained by the city.

- 6) "Harbor facilities" means any float, piling, dock, ring, buoy, stall, seaplane float, boat ramp, vehicle parking area, structure, **grid**, submerged lands and uplands directly associated with submerged lands use or other harbor improvement constructed, maintained, or owned or leased by the city.
- 7) "Residence" means the dwelling unit where one actually resides; one's home.
- 8) "Moored" means any vessel parked at or attached to the dock in any manner, including tying and rafting.
- 9) "**Floatplane**" means an airplane which is capable of landing in water.
- 10) "Stall" means all slips, skiff ramps, or areas used to moor a vessel.
- 11) "Transient/guest vessel" means any vessel not home-ported in Edna Bay by **documented registration** or transactional utilization **or is not owned or maintained by a resident of Edna Bay**.
- 12) "Vehicle" means all trucks, automobiles, motorcycles, all-terrain vehicles and non-motor vehicles of every kind and description, pleasure and commercial.
- 13) "Vessel" means all ships, boats, skiffs and craft of every kind and description, pleasure and commercial, including **floatplane**, on the water, used or capable of being used as a means of transportation on or through the water.
- 14) "Vessel Length" means length of a vessel from stern to stem, including all fixed protuberances.
- 15) "Vessel owner, master or agent" means the individual, partnership or corporation renting a stall or mooring space in the city boat harbor, or someone acting for that individual or corporation.

Chapter 10 Registration and stall assignments

Sections:

- 7.10.010** Transactions to be conducted with the city clerk or harbormaster
- 7.10.020** Application for mooring
- 7.10.030** Rental and use fees – use of vacant stalls
- 7.10.040** Payment for reserved and transient moorage and other user fees
- 7.10.050** Lien for unpaid moorage and other fees
- 7.10.060** Priority in space assignment – method
- 7.10.070** Priority in space assignment – present renters get lowest
- 7.10.080** Sale of vessel terminates moorage – exceptions
- 7.10.090** Vessel assignment to appropriate size slip
- 7.10.100** Relinquishment of assigned slip

Section 7.10.010 Transactions to be conducted **with** the city **clerk** or harbormaster

All registration of boats, payment of moorage charges and other harbor facility business will be conducted with the harbormaster or **city clerk**. Business conducted through the city office may be done in person or by mail using the city's mailing address: P.O. Box EDB, Edna Bay, Alaska 99950.

In the event of time sensitive material the postmark will be considered the date received.

Section 7.10.020 Application for mooring

(a) No person shall be permitted the privilege of renting a stall or mooring space in the small boat harbor unless such person signs an application identifying the vessel, agreeing to make timely payments of all rental and service charges which may be assessed or levied under this chapter, and assenting to the harbormaster's authority to move the vessel pursuant to this title.

(b) Said application shall be in such form as required by the city.

(c) Not all moorage area will be available on a year round basis, but will be regulated by the city as to the number and location of such moorage areas, and the conditions under which they will be rented.

Section 7.10.030 Rental and use fees – use of vacant stalls

(a) Fees for the privilege of berthing or mooring any vessel at the harbor facility shall be levied according to the fees, **charges and conditions set by resolution of the city council**.

(b) The harbormaster shall have the discretion to allow other vessels to occupy an empty stall at any time the assigned vessel is absent from its assigned space, without compensation or refund of prepaid moorage fees. **Upon return of original occupant, secondary occupant must leave the stall and moor as designated by the harbor master.**

Section 7.10.040

Payment for reserved and transient moorage and other user fees

(a) All reserved permanent moorage payments are due and payable in advance. The city shall issue annual moorage bills each **June** for the next year's reserved moorage.

Fees are due and payable upon receipt. Fees for reserved moorage not received by the city by **July 30th** will be considered overdue. Fees for reserved moorage not received by **August 31st** will be considered delinquent and will result in the forfeiture of the reserved slip.

(b) Transient moorage fees **shall** be paid in advance. All transient moorage fees and other harbor use fees accrued during a month that are not paid by the end of the month will be billed to the person or company responsible for payment and fees.

Section 7.10.050

Lien for unpaid moorage and other fees

(a) All moorage and other fees accruing to the city from mooring of any vessel or use of harbor facilities by the vessel owner shall constitute a lien against such vessel.

(b) It is unlawful for any vessel owner, master or agent who is in default on any charges accruing to the city under this chapter to use any mooring facilities or other harbor facilities prior to the payment of all charges imposed by this title.

(c) If any owner, master or agent of any vessel fails to pay any **non-annual** charges by the end of the month the bill is due, the bill is considered delinquent and the amount in arrears (**including all applicable fees**) shall be noted on all subsequent billings.

(d) If the fees are not paid within sixty days of the date they are originally due then the vessel is in default and may be subject to impound.

Section 7.10.060

Priority in space assignment – method

(a) Assignments of spaces in the boat harbor shall be allocated on a first-come, first-served basis, with the names at the top of the applicable waiting list to be assigned first.

(b) All applications for reserved moorage shall be completed and signed by the applicant. Properly completed applications will be accepted, signed and dated by the city office personnel when received. The original application shall become part of the city's files. Applications for reserved moorage will be available **from the harbormaster or City Clerk** at the city office.

(c) There shall be an application fee submitted with each application **and is non-refundable**. This shall be an annual fee and will be billed on the same schedule as annual reserved moorage. Fees for application renewals not paid by **August 31st** of each year will result in removal from the wait list. Upon receipt of the completed application and fee, the applicant will be placed on the appropriate wait list. Separate wait list shall be kept for:

- (1) Skiff ramps
- (2) Non-Commercial vessels
- (3) Commercial vessels
- (4) Seasonal Hot Berths

Waiting lists shall be posted by the city **clerk**. Posted waiting lists shall be updated quarterly as needed.

Section 7.10.070 Priority in space assignment – present renters get lowest

(a) Those persons, companies or organizations already assigned a stall shall be given the least priority in seeking additional stalls.

(b) **If available**, additional stalls **for existing users may** be assigned **for a maximum of one year**. This will occur only when there is no waiting list for the size stall needed. Additional stall rentals will expire each year and will become available for reassignment as needed.

(c) **Wait list** applications must be submitted annually as **slip waitlist requests** will expire **after 1 fiscal year**. **The City will prorate months that are not included in the annual length of registration at the time of the request. Annual renewal waitlist request payment is due prior to expiration of the previous waitlist request.**

Section 7.10.080 Sale of vessel terminates moorage – exceptions

Sale of an assigned vessel shall constitute termination of the mooring privilege unless the stall renter replaces the vessel with a similar size vessel, or demonstrates to the harbormaster that he or she intends to replace the vessel within a reasonable period of time, not to exceed one year.

Section 7.10.090 Vessel assignment to appropriate size slip

Vessels assigned stalls in the city harbor shall be assigned to a stall of an appropriate size to accommodate the vessel, **as determined by the harbor master**.

Section 7.10.100 Relinquishment of assigned slip

A person who has been assigned a stall and who wishes to relinquish that stall must provide written notice to the harbormaster that he or she no longer wants the slip. Until such notice is received the stall holder will be responsible for all moorage fees due to the city for that stall.

Chapter 15
Rules for use of harbor facilities

Sections:

7.15.010	Live aboard policy
7.15.020	Conduct in harbor facility
7.15.030	Condition of vessel
7.15.040	Power of harbormaster to board and inspect vesselsIn facilities
7.15.050	Power of harbormaster to move vessel
7.15.060	Persons to comply with harbormaster's communications
7.15.070	Persons to obey lawful regulations and meet accepted safety standards
7.15.080	Harbormaster may pump vessel and maintain lines
7.15.090	Fees for pumping or line maintenance by harbormaster
7.15.100	Use of boat launch ramp
7.15.110	Use of fish cleaning float
7.15.120	Use of other harbor facilities
7.15.130	Transient Moorage
7.15.140	Prohibited acts
7.15.150	Regulations – parking areas
7.15.160	Regulations of vehicles on dock

Section 7.15.010 Live aboard policy.

- (a) A person living aboard his or her own or another person's vessel for thirty consecutive days is considered a live aboard for the purposes of this title. Pets may be kept on a live aboard vessel at the discretion of the harbormaster.
- (b) Vessels being used for live aboard purposes must meet all sanitary requirements as established by the United States Coast Guard and the Alaska Department of Environmental Conservation.
- (c) Oil, gas, electric or wood heating units must be installed and utilized in conformance with manufacturer's specifications. Generators are to be shut off at 10:00 p.m. and not started before 6:00 a.m.
- (d) **Live aboard fees shall be established by resolution of the city council.**

Section 7.15.020 Conduct in harbor facilities

- (a) Vessel moorage within the harbor facilities shall be for active or operational motor vessels only. Vessel, when unattended, must be securely moored with adequate bow, stern and spring lines.
- (b) Vessels moored in harbor facility must always be completely seaworthy and ready for immediate or emergency departure into local waters, and also may not be chained or locked to any float.
- (c) All vessels entering the harbor facilities must have a valid identifying name or number permanently affixed to the vessel and visible from the outside. Failure to have either shall be cause for refusal of moorage.
- (d) All berthing and moorage of vessels in the harbor shall be in strict accordance with **posted signs and orders** of the harbormaster.

(e) The movement of vessels within the moorage areas shall be for the purpose of mooring, entering and leaving this area only. Vessel speeds within the harbor facility shall be slow enough so that no wake will be created by the movement of a vessel.

(f) All vessels and vehicles will be parked, moored and maneuvered in a safe and orderly manner.

(g) Users of the facility are responsible for maintaining their pets in a safe and orderly fashion. At the discretion of the harbor master, any pet determined to be a nuisance or safety risk to other users may be refused the right to access the public facility. Repeat incidents may result in any stall registration being forfeit.

(h) Users of the harbor are responsible for ensuring personal property is not stored on the facility. Items may only be temporarily moved onto the facility if they will be situated in a safe and orderly fashion that does not impede pedestrian access. Offloaded items must be promptly returned to the vessel or removed from the facility.

Section 7.15.030 Condition of vessel

All vessel owners, master, agents, crews or guests, when using the harbor facility for moorage or otherwise, shall keep their vessel, equipment, pier, float, or finger float in the vicinity of their vessel neat, clean and in an orderly manner.

Section 7.15.040 Power of harbormaster to board and inspect vessels and facilities

The harbormaster reserves the right to inspect all vessel leased areas within the harbor facilities at any time. This regulation should not be construed to mean that performing such inspections is the responsibility of the harbormaster or harbor facility.

Section 7.15.050 Power of harbormaster to move vessel

The harbormaster may move any vessel moored within the harbor facilities, for any reason. The harbormaster may reassign moorage slips to maximize moorage revenue.

Section 7.15.060 Persons to comply with harbormaster's communications

Any person present upon, within, or using the harbor facility or the facility equipment shall comply with all verbal and written communications of the harbormaster. These communications include administrative and operational policies and procedures, as issued.

Section 7.15.070 Persons to obey lawful regulations, meet accepted safety standards

Those persons and vessels utilizing the harbor facility shall obey all harbor facility, municipal, state, and federal laws and regulations, as well as those generally accepted safety standards and requirements. Violators are subject to the enforcement provisions of this title as well as prosecution under the laws.

Section 7.15.080 Harbormaster may pump vessel and maintain lines

The harbormaster is granted the power and authority to replace defective mooring lines or tie downs, and pump vessels, which are in a dangerous condition.

Section 7.15.090 Fees for pumping or line maintenance by harbormaster

Whenever the harbormaster shall perform any of the acts authorized in section 7.15.080, the vessel owner, master or agent is required to pay fees established by resolution of the city council.

Section 7.15.100 Use of boat launch ramp

(a) Launch ramps shall be open to public use. Access to launch ramps shall be kept accessible. Staging zones shall be always designated and kept open. Mooring vessels, logs, floats, or other such items are not allowed in the launch staging area. The council may set, by resolution, fees for the use of the launch ramps.

(b) No moorage is allowed at the boat launch. This area is strictly for loading and unloading boats from trailers. No boat shall be left in this area for more than 1 hour.

(c) Boat launch ramp users shall obey all boat launch ramp rules and regulations as established by the City Council. Violators are subject to the enforcement provisions of this title as well as prosecution under the aforementioned laws.

Section 7.15.110 Use of fish cleaning float

The fish cleaning station shall be used on a first come, first served basis. Fish cleaning station users shall obey fish cleaning station use rules and regulations issued by the City Council or set forth in municipal, state or federal law, rules or regulations.

Section 7.15.120 Use of other harbor facilities

Other harbor facilities shall be used at the direction of the city council. Fees for the privilege of using other harbor facilities shall be levied according to the fees, charges and conditions set by resolution of the city council. The city council may modify, change or amend such fees, charges and conditions. Users of other harbor facilities shall obey all rules and regulations issued by the city council or set forth in municipal, state or federal law, rules or regulations.

Section 7.15.130 Transient moorage

(a) No person mooring a vessel at transient moorage shall leave the vessel unattended for longer than twelve hours, unless posting name of owner/operator, date and time by which vessel will be attended, home or business phone number, address or other means of contact.

(b) Anyone mooring a vessel at transient moorage, either at the dock or alongside another vessel, shall use sufficient mooring lines and moor the vessel in a safe and secure manner so as not to cause damage to other vessels. Any person causing damage to another vessel due to improper tie-up at the transient moorage will be liable for that damage. Such damage is not the city's liability.

(c) Any person rafting outside of another vessel at transient moorage assumes the responsibility to either move outside that vessel to allow inside vessels to depart from the dock, or to implicitly allow the owner/operator of the inside vessel the right to move and re-moor the outside vessel in order to depart the dock.

Section 7.15.140

Prohibited acts

The following acts are prohibited:

- (1) Major maintenance or repair work, including spray painting, sandblasting, welding, burning, outfitting, etc., upon any vessel.
- (2) Tapping, connecting, disconnecting, interfering with or tampering with electrical outlets or devices installed within the harbor facility.
- (3) Moving or altering any wharf, float, gang plank, ramp, or other facility in the harbor facility.
- (4) There shall be no tying to the skiff ramps at any time.
- (5) No more than 6 skiffs assigned or moored on any one skiff ramp.
- (6) Building any type of floating boat shelter.
- (7) Posting of signs for the sale of items or the charter or rental of vessels, except in designated areas.
- (8) Borrowing or using any harbor facility equipment.
- (9) Tying or mooring to pile drivers, scows, boathouses, or other similar vessels, or vessels over one hundred feet in length, at any float.
- (10) Operating or causing any vessel or vehicle to be operated recklessly, or otherwise engaging in a careless manner within the harbor jurisdiction that is dangerous or a nuisance to the person or property of another, or the harbor facility.
- (11) Using bumpers to cause damage to the dock.
- (12) Dumping garbage, trash, oil, fuel, debris, or other materials, liquid or solid, into the waters, or onto the land areas, floats and piers, of the harbor facility, except into such containers as are **designated** for that specific purpose. Waste oil must be poured into special containers **designated** for that specific purpose.
- (13) Discharging of sewage from toilet facilities on vessels while within the harbor jurisdiction.
- (14) Setting any net or fish taking device within the harbor jurisdiction.
- (15) Storing personal items on the floats and finger floats. Oily rags, open paints and other combustible and explosive materials shall not be stored on docks.
- (16) Using the harbor facility fire fighting equipment for any purpose other than fighting fires.
- (17) Disregarding, defacing, removing or damaging any sign or notice.
- (18) **Personally** sub assigning or subleasing assigned mooring space.
- (19) Generating loud noises **disrupting** the reasonable peace and privacy of others.

(20) Obstructing or interfering with the harbormaster in performance of his or her duties, or refusing to comply with lawful order of the harbormaster.

(21) Challenging or intending to provoke another to fight, or engaging in fighting.

(22) Consuming alcohol, except upon licensed premises or private vessels, or engaging in the use of, or being an instrument in the exchange of, unlawful narcotic and other dangerous drugs.

Section 7.15.150 Regulations – parking areas

The city council may establish such reasonable traffic and parking regulations as may be required for the safe and orderly operation and parking of all vehicles within the confines of the harbor facilities. Vehicles found in violation of these regulations will be subject to towing and placement in impound. All towing and impound expenses will be incurred by the owner of the vehicle.

Section 7.15.160 Regulations of vehicles on dock

For facilities that include a drive down access ramp, vehicles are allowed on the dock ramp float for the purpose of loading and unloading only. People working on repairing their boats or using the fish cleaning floats are not allowed to leave their vehicles on the dock while doing so. Vehicles, including motorcycles and 4-wheelers, shall never be parked or left unattended on the dock.

Chapter 20
Control of nuisance and derelict boats

Sections:

- 7.20.010** **Abatement of nuisance, impoundment, removal and sale**
- 7.20.020** **Procedure for destruction, sale or other disposal of vessel**
- 7.20.030** **Impoundment – final disposal of sold and unsold vessels**
- 7.20.040** **Other property becoming a nuisance**

Section 7.20.010 **Abatement of nuisance, impoundment, removal, and sale**

(a) In the event any vessel constitutes a nuisance or is derelict, liable to sinking, sunk, or in a hazardous condition, notice thereof shall be given to the owner, master or agent of the vessel as shown on the registration statement filed with the harbormaster. The notice must state, unless said vessel is removed, repaired, or that other action is taken to remedy such nuisance, the vessel will be subject to destruction or sale, at the discretion of the city council, upon the expiration of a period of fourteen days from the receipt of such notice.

(b) In the event any mooring fees are not paid within sixty days after the same are due, the vessel for which the fees are in arrears shall be constituted abandoned and a nuisance by reason of the failure to timely pay such fees. Notice thereof will be given to the owner, master or agent of the vessel as shown on the registration statement. Said vessel shall be subject to removal, impoundment, destruction, or sale in the discretion of the city council.

(c) Notices provided for in this section shall be given by the harbormaster by a method which assures a signed receipt (certified mail return receipt requested, or personal delivery with a signed receipt obtained for the city's records) is delivered; notice shall be given to such owner, master or agent, as well as (for documented vessels) each recorded holder of a mortgage interest in the vessel. The notice shall be in writing, signed by the harbormaster and dated, and shall inform the recipient of his right to a hearing before the city council no later than fourteen days from receipt of the notice, as well as informing the notice recipient of potential consequence (set forth in subsections A and B of this section) for failure to appear.

Section 7.20.020 **Procedure for destruction, sale or other disposal of vessel**

(a) Any vessel which is declared a nuisance may, after the expiration of the time stated in the notice delivered, to the owner, master, or agent, either be impounded in the waters of Edna Bay vessel harbor or removed to a place of safe storage in the vicinity and impounded at such location. A notice of impoundment signed by the Mayor to be posted on or in said vessel at a place where likely to be seen by anyone inspecting said vessel. During the period of impoundment or storage, the vessel, its owner, master or agent shall be liable for a daily storage charge and costs incurred by reason of the impounding or removal of the vessel. An impoundment fee shall also be charged. **Storage and impoundment fees shall be in accordance with reestablished amounts set forth by resolution of the city council.**

(b) After any vessel is so impounded or removed, the harbormaster shall again give written notice (by any method assuring return receipt) that the vessel has been impounded, that the notice recipient has opportunity for a hearing before the city council no later than fourteen days following the receipt of notice, and that after the expiration of that period the vessel may be destroyed, sold or disposed of as the city council shall determine unless the fees have been paid in full. Such notice shall go to such owner, master or agent and (for documented vessel) to any holder of recorded mortgage on the vessel at such an address as is shown on the last registration statement for the vessel.

(c) Any vessel impounded or removed shall, after the expiration of the period stated in the notice delivered to the owner, master or agent, be destroyed, sold or disposed of as the city council shall determine unless sooner repaired so as to no longer be a nuisance or unless fees have been paid in full. In the event of disposition by sale of the vessel, notice of the sale shall be mailed to the owner, master or agent of the vessel and then posted in three public places for a period of ten days prior to the date of the sale and shall be signed and posted by the harbormaster. Said notice shall state the identification of the vessel; that it is being sold after having been declared a nuisance under the provisions of this title; and that all of the rights, title and interest of the owners and lien holders of said vessel will be sold to the highest bidder for cash at public auction at such time and place as stated in the notice. The proceeds from the sale shall be applied first to the cost of conducting the sale, impounding and removal of the vessel, and the payment of all fees assessed and payable by the said vessel its owner, master or agent under this title. The balance shall be held in trust for the owner to claim, and if not claimed within two years, the balance shall be deposited in the general fund of the city.

Section 7.20.030 Impoundment - final disposal of sold and unsold vessels

Upon the sale being made, the city shall make and deliver its bill of sale, without warranty, conveying the vessel to the buyer according to law. If, at the public sale, there are no bidders for the vessel, the city may destroy, sell at private sale, or otherwise dispose of said vessel. Such disposition to be made without liability to the owner, master, or agent or creditors of the vessel.

Section 7.20.040 Other property becoming a nuisance

(a) All engines, machinery, equipment, lines, skiffs, nets, gear, or other personal property left upon the dock, approach, floats or other facilities may be declared to be a nuisance by the harbormaster and impounded, removed, or sold in the discretion of the city council in the manner provided for the removal, impoundment, sale or other disposition of vessels which are declared a nuisance.

(b) Written notice and opportunity for a hearing before the city council shall be provided to the property owner (if identity of the owner is known) in the same manner as in section 7.20.010 of this chapter. In cases where the owner has left no record of such property with the harbormaster, then such property shall be held by the city for fifteen days prior to destruction or sale, during which period the harbormaster shall post prominent notices in the usual three public places as for public meetings.

Chapter 25 Enforcements

Sections:

7.25.010	Enforcement powers of harbormaster
7.25.020	Penalties – civil penalties
7.25.030	Procedure for notification of violation
7.25.040	Penalty for noncompliance
7.25.050	Penalty for multiple violations
7.25.060	Penalty for abusive behavior to harbormaster

Section 7.25.010 Enforcement powers of harbormaster

(a) The city council authorizes the harbormaster of the harbor facilities to enforce chapter by either written or verbal communication. The harbormaster may interpret the reasonable intent of these provisions to promote the intent of this chapter.

(b) The harbormaster may order persons or vessels found in violations of any provisions of this chapter to depart from the harbor facility. Failure of a person or vessel to depart from the harbor facility when the harbormaster orders, may result in civil penalty and/or the impoundment of the vessel.

(c) Vessels impounded by harbormaster may be removed by a private contractor, with charges to be assessed against the vessel and/or its owner, master or agent.

Section 7.25.020 Penalties – civil penalties

Every act prohibited by this title is unlawful and may be enjoined by judicial order. The below listed acts shall be subject to civil penalties, **in amounts to be established by resolution of the city council**. Acts subject to civil penalties are:

- (1) Parking in a loading zone (vessel or vehicle);
- (2) Obstructing any float, ramp, or finger;
- (3) Unauthorized use of another stall or mooring in any unauthorized area;
- (4) Unattended or nuisance dogs on dock;
- (5) Leaving vessel in an unsafe or sunken condition;
- (6) Causing a fire hazard;
- (7) Abusive language, foul language or a threatening manner.

Each act or violation and every day upon which a violation occurs constitutes a separate offense. In addition to fine set forth above, violators shall be subject to additional fine consisting of the actual cost to the city to remedy the condition causing the offense numbered (5) or (6).

Section 7.25.030

Procedure for notification of violation

(a) The harbormaster is given authority to determine if any violation poses an immediate threat to health, safety and wellbeing of persons and vessels using the harbor facilities. Any violation posing this risk can be deemed an emergency violation and allow the harbormaster to take immediate action to rectify the situation.

(b) Any other violations will usually be handled with the following procedure:

- (1) First contact – reminder given to the person of violation, reminder can be given verbally or in writing.
- (2) Second contact – written notice of violation will be issued. Notice may be mailed, or hand delivered. A copy may be attached to the vessel or vehicle. Notice will clearly state the violation, deadline for compliance and possible penalty for noncompliance.
- (3) Third contact – occurs upon deadline for compliance. Should violators remain non-compliant, penalty for violation will be enforced and penalty notice will be issued by the harbormaster. Penalty notice will include the opportunity for violators to request a hearing to be placed on the next city council agenda of the next regularly scheduled meeting.
- (4) Violation records will remain on record for two years.

Section 7.25.040

Penalty for noncompliance

Any person not complying with penalty violations can lose his/her stall and/or harbor privileges.

Section 7.25.050

Penalty for multiple violations

Any person incurring multiple violations or repeat violations can lose his/her slip and/or harbor privileges.

Section 7.25.060

Penalty for abusive behavior to harbormaster

Any persons becoming abusive to the harbormaster, in any inappropriate manner, verbally or physically, will lose their harbor privileges and can be charged with assault under state laws.

Chapter 30
No wake zone within Edna Bay Harbor

Sections:

7.30.010 No wake zone within Edna Bay Harbor

Section 7.30.010 No wake zone within Edna Bay Harbor

No person shall operate a vessel on step or at a speed which produces a wake, a wash or wave action inside Edna Bay which may or could reasonably be expected to damage any other vessels or harbor facilities or create discomfort to an occupant by causing such other boats to pitch or heave because of such wake, wash or wave.

DRAFT

DRAFT

DRAFT

Section 5 . Effective Date: This ordinance becomes effective upon its adoption by the Edna Bay City Council.

DATE INTRODUCED: July 10, 2023

DATE OF PUBLIC HEARING:

Passed and approved by the Edna Bay City Council this _____ day of _____, 2021. .

Tyler Poelstra, Mayor

ATTEST: _____

Myla Poelstra, Clerk

DRAFT

DRAFT

DRAFT