

ORDINANCE 166

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA, REPEALING ORDINANCES 8, 97, 137, AND 148 AND THE CORRESPONDING TITLE 14 OF THE BETHEL MUNICIPAL CODE AND ESTABLISHING A NEW TITLE 14 ENTITLED HARBORS AND PORTS.

BE IT ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA, THAT ORDINANCES 8, 97, 137, AND 148 OF THE CITY OF BETHEL AND THE CORRESPONDING TITLE 14 OF THE BETHEL MUNICIPAL CODE ARE REPEALED IN THEIR ENTIRETY.

BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA, THAT ORDINANCE 166 ESTABLISHING A NEW TITLE 14 TO THE BETHEL MUNICIPAL CODE OF ORDINANCES ENTITLED HARBORS AND PORTS IS HEREBY ADOPTED AS FOLLOWS:

TITLE 14  
HARBORS AND PORTS  
CHAPTER 14.04  
PORT OF BETHEL

10.04.010 DEFINITIONS

AS USED IN THIS CHAPTER:

- A. "DOCKAGE" means a charge made for vessels at wharves or moored on City property.
- B. "PERSON" means an individual, firm, association, organization, partnership, business trust, corporation or company.
- C. "PORT OF BETHEL" or "PORT" means all navigable streams, rivers, continuous waterways, the adjacent shorelines and facilities thereto under the ownership or control of the City of Bethel located within the corporate limits of the municipality, including, but not limited to, the petroleum dock, the City cargo dock, the small boat harbor, the City seawalls and any other similar facilities exclusive of those areas which are within the exclusive jurisdiction of either the State of Alaska or the United States.
- D. "PORT DIRECTOR" means the director of the Port or his designee.
- E. "TARIFF CHARGES" means the charges included in the current Port of Bethel terminal tariff as filed with the Federal Maritime Commission. Terminal charges includes only charges for facilities, goods, or services provided by the City.
- F. "Vessel" means ships or crafts of all types including but not limited to: motor ships, steam ships, canal boats, tugs, barges, sailing vessels, motor boats, and every structure adapted to be navigated from place to place for the transportation of property and persons by any means.
- G. "WHARF" means every pier, bulkhead, quay, dock, landing, float, gird iron, and other structure to which vessels made fast or upon which persons or cargo are discharged from a vessel or from which persons or cargo are loaded upon a vessel.
- H. "WHARFAGE" means the charge made against any cargo and commodities passing over City premises.
- I. "WHARFAGE DEMURRAGE" means the charge made against cargo and commodities left on City premises beyond the time specified.
- J. "HANDLING" means the service accorded to cargo movement from end of ships tackle to first place of rest on the dock or other space designated by the Port Director to be used as the first place of rest or from such first place of rest to placing cargo within the reach of ships tackle.
- K. "DELINQUENT LIST" means the record of vessels, their owners or agents, or other users of the Port of Bethel who have failed to pay charges within sixty (60) days or who have not furnished proper cargo statements to the Port Director.

L. "PREFERRED VESSEL" means Seattle based common carriers that shall have priority use of the cargo dock. Re-supply tanker barges shall have priority use of the petroleum dock. When more than one vessel is brought up the river by the river pilot together, the first vessel arriving at Pilot Bar shall have first berthing at the Port of Bethel cargo dock.

M. "MOTOR VEHICLE" means any automobile, truck, tractor, motorcycle, snowmachine, 3-wheeler, 4-wheeler, or fork lift.

#### 10.04.020 APPLICABILITY

THIS CHAPTER SHALL APPLY ONLY WITHIN THE PORT.

#### 14.04.030 PORT COMMISSION

A. The Port Commission shall consist of seven (7) members appointed by the Mayor and confirmed by the Bethel City Council.

B. The Port Commission shall regulate the operation of terminal and transportation facilities at the Port by promulgating a terminal tariff containing rates, charges, rules, and regulations applicable at the Port and subject to the approval of the City Council and the Federal Maritime Commission.

C. The Port Commission shall, pursuant to Chapter 14.08 of this code, promulgate rules and regulations relating to the operation of terminal and transportation facilities at the Port.

#### 14.04.040 PORT DIRECTOR

A. The City Manager shall appoint the Port Director which appointment shall be confirmed by the City Council.

B. The Port Director shall:

1. be the chief administrator of the Port under the supervision of the City Manager;
2. perform the duties imposed by State or Federal law upon Harbor Masters, Port Directors, and Administrative Directors of Harbors and Ports;
3. regulate the use of municipal wharves, including the allocation of wharf space and its use;
4. remove, or cause to be removed to a place of safety, any motor vehicle found parked within the Port in violation of this Chapter or in such a manner as to create a significant danger to the safety of persons or property;
5. take corrective action if a vessel or person fails to comply with the provisions of the Chapter, an order of the Port Director, or a rule or regulation promulgated pursuant to this Chapter by rendering such performance himself.

#### 14.04.050 PORT DIRECTOR-SUBORDINATES

Whenever a power is granted to, or a duty is imposed upon the Port Director, that power may be exercised or the duty may be performed by any duly authorized representative or such other person as the Port Director may designate for the enforcement of these regulations.

#### 14.04.060 PORT DIRECTOR-ENFORCEMENT OF CHAPTER

The Port Director shall enforce the provisions of the Chapter and shall enlist the aid of any duly authorized police officer of the City to make arrest for violation of the provisions of the Chapter or other sections of this code.

#### 14.04.070 PORT DIRECTOR-REFUSAL TO OBEY

No person shall intentionally fail or refuse to comply with the lawful order of the Port Director in any manner pertaining to the regulations of this Chapter.

#### 14.04.080 MOORING AT WHARF

No person may make fast a rope or mooring to any structure other than a mooring bit or bollard provided for that purpose. Every vessel at a municipal wharf or facility shall be made fast with head and stern lines in a manner approved by the Port Director. Every vessel lying at a wharf or wharf facilities shall comply with all directions of the Port Director with respect to its rigging.

#### 14.04.090 PUSHING AGAINST WHARF

A person in control of the vessel may not maneuver the vessel by using the wharf to break up, warp around or turn around, nor may the vessel be maneuvered in a manner which involves swinging with the stem of the vessel against the wharf. The Master Agent or owner of a vessel who refuses or neglects to obey this section will be required to pay all damages caused to the wharf.

#### 14.04.100 INTERFERING WITH MOORING OR PASSING

The person in charge of a vessel which is in a position to prevent or interfere with mooring or passage of another vessel shall when directed by the Port Director change the position of the vessel to such place as may be indicated by the Port Director. If the person in charge of the vessel does not comply with the directions of the Port Director, the Port Director is authorized to move the vessel. Expenses incurred under this action will be assessed pursuant to Section 14.04.380.

#### 14.04.110 PROJECTING OR ADJACENT VESSELS

A vessel whose stem or bow extends beyond the edge or end of a municipal wharf or facility, and a vessel lying alongside another vessel which is berthed at such a wharf or facility, shall be responsible for damage to itself or to another vessel.

#### 14.04.120 BERTH ASSIGNMENTS

Vessels berthing at a municipal wharf or facility will be governed by instructions from the Port Director. Preferential assignments on a continuing basis may be authorized by the Port Director subject to approval by the City Manager. The assignment of berth privileges includes only the right of the person or firm making the application therefore to dock vessels owned or operated by such person or firm at such berths subject to the provision that when the berth is unoccupied the Port Director may dock other vessels at it. Such assignments do not include either dockage, wharfage or wharf demurrage.

#### 14.04.130 USE OF WHARVES

Use of municipal wharves will be governed by instruction from the Port Director. Assignment of wharf privileges or assignment of space on other City property is not transferable. Forfeiture of the assignment privileges is the penalty for violation of this section.

#### 14.04.140 DEPARTURES

A. Vessels must haul or go into the stream at their own expense when ordered to do so by the Port Director for reasons relating to safety of persons or property, efficient use of Port or non-payment of tariff charges. If the person in control of the vessel does not comply with the Port Director's orders, the Port Director may take control of the vessel. The Port Director may then remove the vessel from the wharf or take whatever action is necessary to alleviate the situation which forms the basis of the order. Expenses incurred under this section will be charged pursuant to Section 14.04.380.

B. Upon the order of the Port Director, a vessel shall immediately vacate its berth so that a preferred vessel may berth there. Failure of a vessel to comply with such an order shall be a violation of this section and will subject the vessel to liability for all damages sustained by the preferred vessel.

#### 14.04.150 OBSTRUCTION TO NAVIGATION

A. No vessel may remain in a position which interferes with the mooring or passage of another vessel or creates a danger to persons, vessels or property after the Port Director has ordered it to be moved.

B. No person may obstruct a municipal slip, basin, channel or wharf so as to interfere with the mooring, passage or activity of any vessel. The Port Director shall remove any such obstruction if the owner thereof fails to do so within twenty-four (24) hours after its discovery by the Port Director.

C. No structure, material or substance that can sink in the water or obstruct navigation may be deposited in the waterway or on the shore of the waterway unless written permission is first obtained from the Port Director. The Port Director shall not issue written permission to so deposit until all applicable State and Federal permits have been acquired.

D. When ballast, stone, coal, bricks, scrap, dirt, rubbish or other loose material or matter that can sink in water is being unloaded from or loaded onto a vessel, a canvas chute or similar contrivance shall be used to prevent spills into the bay.

E. The owner of a vessel which sinks, is grounded or delayed so as to interfere with navigation, obstruct a port, or endangers persons or property shall post warnings on the vessel that can be seen during the day and night and remove the vessel as soon as possible. However, if the owner is not capable of such immediate removal, the Port Director is authorized to take possession of the vessel or structure and remove it. No one shall interfere with or prevent such removal by the Port Director. Expenses incurred in enforcement of this section will be assessed pursuant to Section 14.04.380.

#### 14.04.160 OBSTRUCTING FACILITIES

A municipal basin, channel, wharf, a slip in front of these places or municipal street may not be obstructed by merchandise, vehicles, materials or structures. If such obstruction occurs and is not removed within twenty-four (24) hours, the merchandise, vehicle, material or structure shall be removed by the Port Director. Expenses incurred under this section will be charged pursuant to Section 14.04.380. Forfeiture of the assignment privileges is the penalty for violation of this section.

#### 14.04.170 DANGEROUS VESSELS

Every vessel that enters or is within the Port of Bethel in such a condition which renders it dangerous to person or property shall become immediately subject to the orders and directions of the Port Director. No person will fail or refuse to comply with the orders or direction in regard to the disposition of such vessel. If the person in control of the vessel does not comply with the Port Director's orders or directions, the Port Director is authorized to take control of the vessel and take whatever action is necessary to eliminate or alleviate the danger. Any expenses incurred in the enforcement of the section will be assessed pursuant to Section 14.04.380.

#### 14.04.180 LOST, ABANDONED, STOLEN VESSELS OR PROPERTY

The Port Director may assume custody of apparently lost, abandoned, stolen vessels or property found within the Port. Notification will be sent to the owner as determined from the registration number of the vessel or from any ownership identification on the structure which can be easily read and understood. If the owner does not claim the vessel or property and pay the expenses incurred by the City within ninety (90) days after identification of the vessel or property, the vessel or property will be disposed of. If the vessel or property is timely claimed by the owner, the Port may require reimbursement for the costs incurred prior to releasing the property or vessel.

#### 14.04.190 MANIFEST

Masters, owners, agents or operators of vessels are required to furnish the Port of Bethel with complete copies of vessel manifests showing names of consignees and a listing of commodities with weights of all freight loaded or discharged at the facilities of the Port of Bethel. In lieu of manifests, bills of lading containing all information as required above will be accepted. The Port Director must receive manifests prior to the arrival of inbound vessels. An outbound manifest listing cargo loaded across the Port of Bethel will be furnished to the Port Director concurrent with the departure of outbound vessels.

#### 14.04.200 RIGHT TO BOARD FOR INSPECTION

The Port Director is authorized to enter upon and inspect the vessel to ascertain the kind, quality and quantity of merchandise or cargo which the vessel carries in order to ascertain the condition of the vessel and its crew. No person will injure or molest the Port Director or refuse to allow the Port Director to enter upon a vessel for purposes specified in this section.

#### 14.04.210 TARIFFS-PAYMENT

- A. No person in control of a vessel shall cause or attempt to cause that vessel to leave the Port of Bethel prior to tariff charges incurred by the vessel being paid unless directed to do so by the Port Director.
- B. An owner, shipper, consignee or agent who is responsible for cargo which is discharged from or loaded upon a vessel shall pay the tariff charges incurred with respect to that cargo. Such payment should be made prior to the time when cargo leaves the Port of Bethel.
- C. Allowed credit by the Port Director or his staff for timely payment requirements of this section.
- D. Charges of which the vessel, its owners or agents have been appraised will be collected from and payment of same must be guaranteed by the vessel, its owners or agents of the vessel.
- E. Delinquent list: all charges for services rendered by the Port or for use of terminal facilities are due and payable in United States currency as they accrue upon completion of such services or uses. Failure to pay invoice when presented shall place the vessel, its owners or agents or the user of the facilities upon a Delinquent List. Vessels whose owners, operators or agents have been placed on the delinquent list shall not be allowed to utilize the Bethel Port Facilities until all past due charges have been paid in full. When a vessel has been placed on the delinquent list the past due charges shall accrue a penalty charge at the rate of one and a half (1½%) percent per month on the unpaid balance.

#### 14.04.220 TARIFFS-COLLECTION AUTHORITY

No person may collect tariff charges unless authorized by the City.

#### 14.04.230 SALE OR SOLICITATION

No person may sell or solicit for the sale of goods or services on municipal dock property without a written permit which has been authorized and issued by the Port Director. The permit may contain conditions and limitations in order to insure that the selling or solicitation will not interfere with the safe and efficient operation of the facilities located on municipal dock property.

#### 14.04.240 RATES AND CLASSIFICATIONS FOR USE OF FACILITIES

- A. Rates, charges and classifications to be charges shall be established for the use of facilities, goods or services provided at the Port of Bethel. Such rates, charges and classifications shall be just and reasonable, shall be published in such a manner as to make them generally available to the public, and shall be final unless overturned on appeal by the City Council.
- B. No person or entity may, for commercial purposes, tie up to, place property or equipment upon or otherwise use property of facilities within and under the jurisdiction of the Port of Bethel, unless otherwise authorized by the Port Director. All uses, whether for commercial or public use, shall conform to and be consistent with the City of Bethel's zoning ordinances.

#### 14.04.250 FIRES - WELDING

No bonfire or open fire shall be allowed on any municipal wharf. No welding equipment is permitted on a wharf without a welding permit issued by the Port Director.

#### 14.04.260 PETROLEUM PRODUCT STORAGE

No person may possess or keep acids, coal oil, gasoline, distillates or other liquified products of petroleum or empty drums which previously contained such products, on a wharf, except by special permit issued by the Port Director.

#### 14.04.270 FLASH POINT OIL

No vessel loaded with oil which will flash below one hundred ten degrees (110°) Fahrenheit will be permitted to haul alongside of a vessel, wharf or structure unless special permission has been granted by the Port Director.

#### 14.04.280 FUEL OIL DELIVERY VESSELS

No tanker engaged in the business of supplying fuel oil will be allowed when empty to haul or lie alongside a vessel, wharf or structure, unless special permission has been granted by the Port Director.

#### 14.04.290 ABSORPTION OF WASTE OIL

A user of the wharf will keep available an absorbent material approved by the Port Director and will use such material for absorbing waste oil that may fall upon the floor of the wharf.

#### 14.04.300 FUELING MOTOR VEHICLES

A. No motor vehicle which is dripping gasoline or other petroleum product will be allowed to cross or enter upon a wharf.

B. No gasoline or petroleum product will be put into or taken out of a vehicle which is on a wharf. If the gasoline in a vehicle becomes exhausted while the vehicle is on one of those areas, it must be removed from the dock area.

C. A motor vehicle operated by gasoline or any product of petroleum shall be allowed to stand on a wharf only for a reasonable length of time and then only when actually engaged in loading or unloading freight or passengers. A vehicle left standing on such an area without the constant attendance of its operator, or longer than is reasonable for loading or unloading purposes, may be removed and warehoused by the Port Director.

#### 14.04.310 EXPLOSIVES

No explosive shall be discharged on or loaded from any wharf, pier, bulkhead, or vessel except by permission from the Port Director, in which case the explosive will not be allowed to remain on any wharf, pier, or bulkhead unless a special permit is obtained from the Port Director.

#### 14.04.320 LIFE PRESERVERS

It is the duty of every owner, agent of leasee of a wharf to furnish and keep ring life preservers with ropes or lines, at least two hundred feet in length attached thereto, in boxes which shall be of sizes, character and materials prescribed by the Port Director. The Port Director shall direct the placement of these boxes.

#### 14.04.330 SMOKING

No smoking is allowed on a municipal wharf or in a municipal warehouse except in designated smoking areas established by the Port Director. Persons violating this section will be refused admittance to the wharf or warehouse.

#### 14.04.340 MERCHANDISE LIABILITY

The City is not liable for damage to or loss of merchandise while it is on a municipal wharf or in a municipal shed.

#### 14.04.350 DEPOSITING WASTE

It is unlawful for any person to place or deposit any rubbish, refuse or articles of an offensive character likely to create a nuisance upon any wharf or wharf road or street leading to a wharf except at places and in the manner as determined by the Port Director. Any person, firm or corporation who violates this section shall, upon conviction thereof, be punished in accordance with Chapter 1.08 of the Bethel Municipal Code.

#### 14.04.360 DEPOSITING PROPERTY

No person will deposit cargo, merchandise, equipment, tools or other property upon any area of the Port of Bethel without permission of the Port Director. If it is necessary for the Port Director to remove property deposited in violation of this section, expenses incurred in such removal will be assessed pursuant to Section 14.04.380.

#### 14.04.370 REPORTING INJURY OR DAMAGE

A person who is involved in an incident which results in the injury or death of a person or any property damage, shall immediately notify the Port Director. If the Office of Port Director is closed, notification shall be given to the Police Department. The notification shall include the name and address of the person, the type and extent of the injury and time when the injury occurred.

#### 14.04.380 EXPENSES OF CORRECTIVE ACTION

A. If a person or vessel fails to comply with the duties specified by this chapter and this failure requires the Port Director to take necessary corrective action as directed by these regulations, the person and the vessel which employs that person will be responsible for the expenses incurred by the Port Director in the enforcement of these regulations.

B. If the Port Director has to assume possession or control of the vessel or other property in order to take corrective action, then such possession or control may be maintained until the expenses are paid. Non-payment of expenses is grounds for denying the use of facilities at the Port of Bethel.

14.04.390 FACILITY DAMAGE

Any person who damages any property owned by the Port shall be strictly liable to the City of Bethel, without regard for fault or negligence, for all costs incurred by the City of Bethel in repairing or replacing the damaged property, including administrative overhead.

CHAPTER 14.06

BROWN SLOUGH

14.06.010

14.06.010 PURPOSE

The reason for this chapter is to prevent damage to boats and property in and on the banks of Brown Slough, a Small Boat Harbor in Bethel.

14.06.020 UNLAWFUL ACTS

IT SHALL BE UNLAWFUL FOR ANY PERSON USING BROWN SLOUGH TO:

- A. Operate or to be in the actual control of any boat when under the influence of intoxicating liquor, illicit narcotics or other dangerous drugs.
- B. Operate or cause to be operated any boat within Brown Slough that exceeds the posted speed limit or causes a wake or wave action.
- C. Operate or cause any boat to be operated recklessly or otherwise engage in a course of conduct within Brown Slough that is dangerous or a nuisance to persons or property.
- D. Throw or otherwise cause to be deposited any gasoline, oil, sewage, trash, garbage or debris of any kind into the waters or into the entrance to Brown Slough or upon grounds thereof.
- E. Create or maintain any nuisance within Brown Slough or to become a nuisance therein.
- F. Disregard, deface, remove, tamper with, or damage any sign or notice posted by the Port Director relating to the use of Brown Slough.
- G. Pump bilge into Brown Slough waters.
- H. Dump any offal or refuse, including but not limited to, waste materials from canneries, fish processors and other land or water based facilities within Brown Slough or in such close proximity as to cause overflow or drift of such material into Brown Slough or the entrance thereto.
- I. Set any net or fish taking device within Brown Slough unless it is attended at all times and shall not interfere with the movement of vessels within Brown Slough.
- J. Swim, waterski or use any unorthodox type of boat, raft or other device within Brown Slough up to the bridge.

14.06.030 VIOLATION-PENALTY

Any person or persons violating the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be fined twenty-five (25) dollars, or be sentenced to serve a term not to exceed five (5) days in the City jail, or be both so fined and imprisoned.

#### 14.06.040 VIOLATION-RESTRAINT

The City Council is empowered to bring an action, or cause an action to be brought, in the State Superior Court to restrain and enjoin any person or persons who have been twice convicted of a violation of this chapter.

#### CHAPTER 14.08

#### PORT COMMISSION

#### 14.08.010 COMPOSITION, TERM OF OFFICE AND PROCEDURES

A. The Port Commission shall consist of seven (7) members who shall be residents of the City of Bethel and shall be appointed by the Mayor subject to confirmation by the City Council. Initial appointments to the Port Commission shall be for staggered terms with two (2) members appointed for a one (1) year term, three (3) members appointed for a two (2) year term and two (2) members appointed for a three (3) year term. All appointments after the initial appointments shall be for three (3) year terms except where an interim appointment is necessary to complete the term of a Commissioner who resigns, dies, or is otherwise removed from office. In the event of vacancies the Mayor, subject to confirmation by the City Council shall make appointment to fill the vacant position. A Chairperson shall be elected by the Commission and shall serve in this capacity for a one year term. Commissioners can be removed from office for cause only. The City shall provide staff support to the Commission.

B. The Commission shall establish rules of procedure providing that there shall be regular meetings of the Commission not less often than semi-annually. Special meetings may be called at the discretion of the Chairperson or by the majority of the voting members of the Commission. All meetings of the Commission shall be open to the public.

C. A majority of the Commission shall constitute a quorum for the transaction of business. Four (4) affirmative votes shall be necessary to carry any question.

D. Permanent records, or minutes, shall be kept. The minutes shall be properly filed in the office of the City Clerk and shall be open to inspection by any person.

#### 14.08.020 PROCEDURES

A. The Commission shall be empowered to act for the City of Bethel in certain port and harbor matters. All resolutions and minutes of the Port Commission or a similar report shall be presented to the City Council by a member of the Council appointed to serve on the Commission, or in his absence, by the City Manager.

B. An agenda of meetings shall be prepared and published according to established rules of the City Council.

#### 14.08.030 DUTIES

A. Operate; manage, regulate and control the City's port and harbor facilities which include, but are not limited to, the City dock, the Small Boat Harbor, seawall, and any other facility within the Port of Bethel, all of which are hereinafter referred to as the "Port Facilities".

- B. Advise the Council with respect to the Port Facilities concerning the acquisition, ownership, exchange, transfer, lease, rent, conveyance or disposal, and use of real or personal property and any interest therein.
- C. Review contracts prior to execution and monitor and periodically report to the City Council concerning the status of all contracts executed with respect to the Port Facilities.
- D. Advise the City Council with respect to the construction, improvement, alteration, or repair of a Port Facility or any part thereof.
- E. Assist the City Council in developing ways and means whereby the City may encourage and permit the development of Port Facilities by private and public developers and builders.
- F. Hear appeals from actions of the Port Director.
- G. Perform analysis and set and adjust rent and fee schedules pertaining to Port Facilities and of routes, fares, schedules and levels of service pertaining to use of the Port Facilities.
- H. Periodically review the budget, capital improvement programs, and funding of City owned Port Facility and systems and report its findings to the City Council.
- I. Perform such other duties as the City Council may refer to it from time to time.
- J. Do such other acts as are necessary and proper for the performance of the duties and functions set forth herein.
- K. City Council shall be the Board of Appeals for all Port Commission actions.

14.08.040 VACANCIES

A vacancy shall be declared and filled as provided when a member:

- a) Fails to qualify and take his office within thirty (30) days after confirmation by the City Council.
- b) Departs from the City with the intent to remain away for a period of ninety (90) days or more or is physically absent from the City for ninety (90) days or more.
- c) Submits a resignation to the City Mayor.
- d) Is physically or mentally unable to attend Port Commission meetings or to attend to Commission business.
- e) Is absent from three or more consecutive, regular meetings of the Port Commission without an excuse approved by the Commission.
- f) Is convicted of a felony or other offense, an element of which is a violation of the oath of office.
- g) Is or becomes so directly interested in port or harbor matters in the course of their private affairs that membership on the Port Commission and to the belief of the Commissioners or the City Council, creates a conflict or the pervasive appearance of a conflict of interest.

14.08.050 ADMINISTRATIVE REPORT

A. The Port Commission shall receive full cooperation and support from the City Manager which shall include, but not be limited to, full access to any and all information bearing on the port and harbor matters, office or other administrative support, and the attendance of the City Manager and staff at Commission meetings as may be required by the Port Commission in the execution of its duties.

B. The Port Commission shall be provided with such office space as it shall require for the maintenance of Commission minutes, correspondence, resolutions, administrative regulations, and other documents which shall constitute public records of the City of Bethel.

C. The City Manager shall, in a prompt and expeditious manner, make available to the Port Commission such consultants, agents, attorneys, City staff, and other persons engaged by the City to aid the Commission in furtherance of the performance of its duties.

14.08.060 DEFINITIONS

"PORT" or "PORT FACILITY" shall mean all facilities, systems, and City of Bethel property adjacent to all navigable streams and rivers and contiguous waterways within the Bethel City limits, including, but not limited to, the petroleum dock, the City cargo dock, the Small Boat Harbor, the City seawalls, and any other similar facility.

CHAPTER 14.10

SMALL BOAT HARBOR

14.10.010 APPLICATION

The regulations contained in this chapter shall be known and cited as the Bethel Small Boat Harbor Regulations. These regulations apply to any public facility operated by the City of Bethel within the confines of the Small Boat Harbor boundaries.

14.10.020 PURPOSE

The purpose of this chapter is to protect and preserve the lives, health, safety and well being of the people who have property in, or use or work upon boats using the City's boat harbor facilities, or who make sales or deliveries of merchandise to boats therein, or who use these facilities in the course of visits for commercial or pleasure purposes; to make reasonable charges for the use of certain facilities to enable the City, insofar as possible, to pay the cost of maintenance, operation and supervision of the City's boat harbor facilities from the revenue derived therefrom; to further the accomplishment of the purpose of protecting the general welfare and to operate the boat harbor on a non-profit basis.

#### 14.10.030 JURISDICTION

The Bethel Port Commission shall have the authority to classify areas of the harbor, set fees for the use of facilities, and make rules and regulations for the governance of the harbor.

#### 14.10.040 DEFINITIONS

- A. "BEAM" means the greatest overall width of a vessel.
- B. "BOAT" refers to the description of a vessel.
- C. "BOAT OWNER" means the actual or registered owner, master, agent or the person in navigational control or person responsible for the operation of the boat.
- D. "DERELICT" means any boat moored or otherwise located in the boundaries of the boat harbor facilities which is forsaken, abandoned, deserted, cast away for service in trade and which by any substantial evidence of neglect may be considered abandoned.
- E. "HARBOR FACILITIES" means all dock, floats, berths and other landing, launching, mooring or other facilities located within the harbor area operated by the City of Bethel.
- F. "HARBOR JURISDICTION" means all navigable waters within the harbor facilities and the entrance thereto.
- G. "LOCAL BOATS" means boats operating out of the Port of Bethel and whose owners or operators are residents of Bethel.
- H. "MOORING" means any weight, chain, rope, float, structure and/or appliance used for anchoring purposes by a vessel which is not carried aboard a vessel as part of the vessel.
- I. "PORT DIRECTOR" means the official hired by the City of Bethel to manage and enforce the provisions of this section.
- J. "TRANSIENT VESSEL" means a vessel whose home port is other than Bethel or any boat that is not registered by an exclusive or term moorage with the Bethel Small Boat Harbor.
- K. "VESSEL" means a boat, motorboat, canoe, sailboat, scow, barge, raft or other floating structure used for recreational, commercial or other purposes upon the waterway or moored at any place on the waterway.

#### 14.10.050 REVENUE

The Bethel City Council shall establish and maintain a separate fund entitled "Bethel Small Boat Harbor Fund". All mooring and storage rentals, fees, fines, and other revenue arising out of the use, management or operation of the harbor shall be deposited to this fund to be expended exclusively for the operation, maintenance, supervision, and improvement of the Bethel Small Boat Harbor.

14.10.060 PORT DIRECTOR

A. The Port Director of the City of Bethel and required assistants will supervise and manage the Boat Harbor Facilities. The Port Director may hire a harbormaster or other designee, with City Council's consent, and delegate duties as necessary for the operation and maintenance of the Small Boat Harbor.

B. The Port Director is hereby charged with the duty of enforcing all the provisions of this code and any rules and regulations duly adopted hereunder. In the performance of such duties he shall have all powers of a police officer of the City of Bethel.

C. Assignment of moorage stalls shall be by the Port Director on a first come, first serve basis, from a list maintained by the Port Director. The Port Director shall supervise and manage the assignment of dry land storage and the use of the boat lift, launching ramp, gridiron and all other facilities as available or made available by the City. He may, in the interest of safety and order, require the owner of a boat to change from one moorage space to another and may, in the absence of the owner, move the boat himself without incurring liability to the City of Bethel.

D. The Port Director may, at his discretion, refuse moorage or storage to any boat which may become a menace to the safety or welfare of other boats or their occupants. He may refuse the use of any harbor facilities to boats that may cause damage to the facilities. He may at his discretion refuse berthing to boathouses, floats, scows, log rafts, barges, and other cumbersome floating structures. Use of floating boat shelters, floating storage buildings, or houseboats is prohibited. The Port Director may refuse moorage or use of any of the harbor facilities to any boat or boat owner violating any provision of this code.

E. The Port Director shall have the duty and the exclusive power to post signs and to thereby designate the limit of harbor speeds, classification and use of harbor moorage and storage areas, and such other signs and notices necessary to inform the public of authorized to direct all waterborne and vehicular traffic within the limits of the harbor boundaries, including designated parking and storage areas.

F. The Port Director shall have the right to board and inspect any vessel and leased area within the harbor facility at any time for cause. This regulation should not be construed to mean that failure to perform such inspection is the responsibility of the Port Director or the harbor facility. Failure of the vessel owner, operator or occupant of the vessel to allow the Port Director to board his vessel shall be deemed a violation of this chapter.

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

H. The Port Director shall enforce the provisions of this ordinance and shall enlist the aid of the harbor patrol boat or any duly authorized police officer of the City to make arrests for violations of this ordinance. No person will intentionally fail or refuse to comply with the lawful orders of the Port Director in any manner pertaining to enforcement of this ordinance.

#### 14.10.070 TRANSACTIONS TO BE CONDUCTED

All registration of boats, payments of moorage and other charges, and other harbor facility business shall be conducted at the harbor office.

#### 14.10.080 REPORTING INJURY OR DAMAGE

Any person who is involved in an incident or accident which results in the injury or death of a person or any property damage shall immediately file a written report concerning the incident or accident at the harbor office. In the event that the harbor office is closed, notification shall be given to the Police Department. The notification shall include the name and address of the person, the type and extent of the injury or damage, the location where the incident or accident occurred, the date and time of the incident and names of witnesses.

#### 14.10.090 CITY OF BETHEL NOT HELD RESPONSIBLE

The City of Bethel or employees of the City shall not be held responsible for loss or damage, from whatever cause, to vessels or property moored or located within the confines of boat harbor facilities. The City shall not be liable for loss or damage to items which have been impounded.

#### 14.10.100 REGISTRATION

Every vessel owner or operator using the boat harbor facilities is required to register his name, address, telephone number and the name and/or number of the boat with the Port Director on forms provided for that purpose.

#### 14.10.110 CLASSIFICATION AND USE OF MOORING FACILITIES

All of the mooring spaces in the boat harbor can be classified as either open mooring or reserved mooring. The use of either classification of mooring facilities is contingent upon payment of the appropriate fee as set forth in this chapter. The assignment of mooring spaces will be made by the Port Director.

A. "USE OF OPEN MOORING FACILITIES". Areas designated as open mooring shall be open to all members of the public. Such areas shall be used primarily for temporary mooring. Open mooring spaces shall be utilized on a first come, first serve basis. No boat owner shall have exclusive rights to open mooring space. Should any boat leave, it shall have no exclusive right to return to the same space. The Port Director, in the interest of safety or convenience, may request the boat owner to change from one mooring space to another.

B. "USE OF RESERVED MOORING FACILITIES".

1. Every boat owner desiring to guarantee the availability of a mooring space, or to moor temporarily at any vacant reserved stall, shall apply to the Port Director. No such space shall be so reserved or assigned until the appropriate fee has been paid.
2. Possession of a reservation for a specific mooring space does not apply to or guarantee the holder any right to exclusive use of any such spot for the duration of the reservation agreement. Possession of a reservation is a guarantee that the reserved space shall be available for the use of the holder of the reservation during those periods when the subject boat is within the harbor facilities. The Port Director may temporarily assign another boat to a reserved mooring space as he determines it expedient and only when the boat assigned to reserved space is away from the harbor.

3. In the event that the holder of a mooring space reservation returns to the boat harbor facility and finds his reserved space occupied, the holder shall contact the Port Director. The Port Director will cause the temporarily assigned boat to be moved to another location.

4. The boat owner who possesses a reservation for a mooring space shall not sublease or in any other manner permit the use of such mooring space to another boat owner.

5. No property rights are created by this section. The holder shall have only a license to use the space reserved to him as provided for in this chapter.

6. A waiting list will be maintained by the Port Director of names or persons requesting mooring spaces at times when no vacant spaces exist. As space becomes available it will be offered to the first name on the waiting list whose vessel size fits the criteria for the mooring space available.

C. "LOADING AREAS" No boat shall be moored in any area designated by the Port Director as a loading area any longer than it is necessary for loading the boat. No unattended boats shall be left at any loading area.

D. "MOVING OF BOATS" When an occasion arises that a person must move another person's boat, the person moving the boat shall report such moves to the Port Director and indicate where the boat has been moved to.

E. "REPORTING PETROLEUM SPILLS" Any person having knowledge of a petroleum spill within the boat harbor shall immediately report such spill to the harbor office; if the harbor office is closed, the spill shall be reported to the Police Department.

F. "UNSEAWORTHY VESSELS" No person shall bring into moor or berth within the harbor any vessel of any kind whatsoever which is unseaworthy or is in such a badly deteriorated condition that it is liable to sink or damage boat harbor facilities of other vessels or which may become a menace to navigation, except in cases of extreme emergency, in which case the owner shall be liable for any damage caused by such vessel. In the event a vessel or other craft is wrecked or sunk within the harbor, it shall be the owner's responsibility to mark its location and provide for the raising and disposition of such vessel or craft and assume all liabilities for damage to City property and other vessels in the harbor.

G. "AIRCRAFT" No aircraft or float plane shall land or take-off from within the confines of the boat harbor or the entrance thereto nor shall any aircraft operate within the Small Boat Harbor.

H. "VEHICLES AND OTHER WHEELED CONVEYANCES" Vehicles and boat trailers must be removed from boat launching areas after boat has been launched and parked only in areas designated and posted by the Port Director as parking areas. Vehicles and boat trailers parked in other than parking areas during the absence of the owner or operator shall be removed and impounded.

I. "USE OF BOAT TRAILERS FOR LAUNCHING BOATS" Launching or hauling out of boats on skids is prohibited; boat trailers or other wheeled conveyances must be used. Boats shall be launched at designated launching areas only.

J. "BEACH STORAGE" Due to the limited beach space, beach storage of supplies, merchandise, or other property of boat owners shall be limited to areas designated by the Port Director. Boat owners must obtain a space assignment for storage of property from the Port Director and pay storage fees in advance.

K. "UNLOADING LOGS OR FIRE WOOD" Due to unstable banks of the boat harbor no logs or firewood shall be unloaded and placed on the beach of the boat harbor. Log rafts shall not be allowed within the confines of the harbor nor the entrance thereto.

#### 14.10.120 UNLAWFUL ACTS

It shall be unlawful for any person using the boat harbor facilities to:

- A. Operate or to be in the actual control of any boat when under the influence of intoxicating liquor, illicit narcotics, or other dangerous drugs.
- B. Operate or cause to be operated any boat within the boat harbor facilities that exceeds the posted speed limit or causes a wake or wave action.
- C. Operate or cause any boat to be operated recklessly or otherwise engage in a course of conduct within the harbor facility that is dangerous or a nuisance to persons or property.
- D. Throw or otherwise cause to be deposited any gasoline, oil, sewage, trash, garbage or debris of any type into the waters or the entrance to the boat harbor facilities or upon the grounds thereof.
- E. Create or maintain any nuisance within the boat harbor facilities or the become a nuisance thereon.
- F. Allow dogs or any animals to run at large on any of the boat harbor facilities. Dogs must be on leash and accompanied by the owner who will be responsible for removing any offal left by the dog.
- G. Allow children under the age of twelve years within the float or beach areas of the harbor facility unless they are accompanied by the parent or other responsible adult.
- H. Erect, place, post or maintain any advertising matter, other than legal notices, upon any part of the boat harbor facilities without the prior approval of the Port Director. All unauthorized advertising and signs shall be removed by the Port Director.
- I. Disregard, deface, remove, tamper with, or damage any sign or notice posted by the Port Director relating to the use of the harbor facilities.
- J. Fail to register with the Port Director any vessel prior to occupying any of the boat harbor facilities.
- K. Pump bilge into boat harbor waters.
- L. Deposit, place or leave any cargo, merchandise, supplies, articles or things upon any float, ramp, decline, walk or other public place within the facility excepting at such places as may be designated as loading areas at the harbor.
- M. Dump any offal or refuse, including but not limited to waste materials from canneries, fish processors, and other land or water based facilities within the Small Boat Harbor or in such close proximity as to cause overflow or drift of such material into the harbor facilities or the entrance thereto.
- N. Store any explosives, gasoline, or any other flammable substance in drums, cans, or any other type of containers within the boundaries of the boat harbor facilities.

- O. Set any net or fish taking device within the harbor facility unless it is attended at all times and shall not interfere with the movement of vessels within the harbor.
- P. Swim, waterski or use any unorthodox type of boat, raft, or other device within the harbor.
- Q. Loiter around the premises of the harbor facility without lawful reason or justification.
- R. Refuse to comply with any lawful order of the Port Director.

#### 14.10.130 ACTS PROHIBITED WITHOUT APPROVAL OF PORT DIRECTOR

The following acts are prohibited without the prior approval of the Port Director:

- A. Using a vessel as a residence. Persons requesting mooring space for a vessel used as a residence must first comply with such separate regulations and conditions as are set forth and deemed appropriate by the Port Director.
- B. Major maintenance and repair work, including but not limited to sand-blasting, welding, burning, and outfitting. An approved fire extinguisher shall be required when welding or burning.
- C. Taping, connecting, disconnection, or interfering or tampering with electrical outlets or devices installed within the harbor facility.
- D. Building any type of float, shed, floating boat shelter or structure within the harbor facility.
- E. Moving or altering any wharf, float, gang plank, ramp or other facility.
- F. Posting of signs for the sale of items or for the charter or rental of vessels.
- G. Conduct any commercial business within the boat harbor facilities without a proper license.

#### 14.10.140 RENTALS AND FEES

- A. A schedule of mooring charges and fees shall be established by the Port Commission and be subject to review as occasion demands.
- B. Berthing or storage rentals and other fees for the use of facilities shall be paid in advance to the Port Director. Failure to register or pay such rentals or fees shall be presumed to be an abandonment.
- C. The rental of moorage space shall be on a seasonal basis. At the discretion of the Port Director, monthly rentals may be charged by prorating the seasonal fee.
- D. At this discretion, the Port Director may charge a new renter on a prorated basis from the date of entry into the harbor.
- E. Mooring, storage, or other boat harbor facility fees shall be payable in advance unless special arrangements are made with the Port Director. Payment of such fees shall entitle the owner of a boat for which all mooring fees have been paid to moor or tie-up for the said period.

F. The Port Director shall prepare a receipt for all monies paid for harbor facility fees. The receipt shall be prepared in triplicate. The payer shall be given the original copy, a copy shall be given to the City Clerk with the payment, and a copy shall be retained by the Port Director.

#### 14.10.150 HARBOR PRIVILEGE AGREEMENT

The harbor agreement shall be signed by the applicant and, in the event the applicant is not the owner, endorsed by the owner of the vessel agreeing to the terms and provisions thereof. The following terms and provisions shall be made part of the harbor privilege agreement.

A. The applicant agrees to abide by the rules and regulations and all amendments thereto relating to the Bethel Small Boat Harbor as established by or pursuant to Title 14 of the Bethel Municipal Code as now constituted or hereafter amended. Applicant acknowledges that a copy of said Title has been made available for inspection by the Port Director. The applicant further understands and agrees that this agreement applies only to the vessel described herein and is not transferable. In the event of a change of ownership and/or operator, a new harbor privilege shall be executed, but failure to do so shall in no way negate, compromise, or alter the rights of the City pursuant hereto. Applicant also agrees to pay moorage and other fees and charges at rates established by the Port Commission.

B. The applicant agrees that any unpaid fees and charges shall become a lien against the vessel described in this agreement.

C. Nothing herein contained shall be interpreted to impose upon the City of Bethel any obligation or responsibility for the care and protection of any private property, including vessels, this agreement being limited to privileges of moorage space only. Applicant hereby expressly consents and authorizes the City to move the vessel in the event that rents, fees or charges are not paid, ordinances or regulations are violated, or in the event of necessity or emergency. Applicant further agrees to hold the City harmless against the loss or damage to the vessel, including its equipment, nets, gear, tanks, lines or other personal property on, attached, or related to said vessel, resulting from the use of the City facilities and any movement of the vessel.

D. Applicant hereby consents to a physical inspection of the vessel and its equipment by the Port Director in the exercise of his duties as outlined in the Bethel Municipal Code at any time while the vessel is within the boundaries of the Bethel Small Boat Harbor or the Port of Bethel pursuant to the grant of harbor privileges.

#### 14.10.160 DUTIES OF BOAT OWNERS AND USERS

A. Every owner, operator, or managing agent of any boat using the harbor facilities shall take reasonable precautions to see that the boat in his care is kept clean, well secured, free from fire hazards of all types, sufficiently pumped out to maintain the boat afloat, and to otherwise attend to the requirements of the boat to avoid damage to other boats or to the harbor.

B. The Port Director is hereby granted the power and authority, from time to time but without any obligation or liability to do so, to replace defective mooring lines, pump out boats which are in danger of sinking, or move any boat which may be creating a hazard to other boats or the harbor facilities. The boat owner is hereby required to pay for these services.

#### 14.10.170 REVOCATION OF PRIVILEGES

In the event of the default in the performance of any obligation or failure to comply with any ordinance or regulation relating to the Bethel Small Boat Harbor, harbor privileges may be revoked by the Port Director if the non compliance continues for a period of thirty (30) days from the date said certified letter noticing the default is sent to the permittee.

#### 14.10.180 LIEN

The City of Bethel shall have a lien for any unpaid rentals, fees, or services. Should any such rentals or fees be unpaid for a period of sixty (60) consecutive days after due, any boat upon which such rental or fee has accrued shall be impounded and disposed of in the manner provided for in Section 14.10.210.

#### 14.10.190 REMOVAL OF ABANDONED BOATS

Boats within the harbor which are sunk or derelicts, maintained in a manner to constitute a fire hazard to other boats or otherwise damage the harbor facilities, are hereby declared abandoned and are subject to removal from the harbor facility without liability for any damage done by virtue of the removal. Boats removed under the provisions of this section shall be disposed of in the manner provided for in Section 14.10.210.

#### 14.10.200 REMOVAL OF ABANDONED PROPERTY

Any nets, gear, tanks, lines or other personal property which is deposited, stored, or otherwise placed on any of the harbor facilities without a permit for a period of over twenty-four (24) hours is declared to be abandoned and a public nuisance and may be impounded, removed, sold, or otherwise disposed of in the manner provided for in Section 14.10.210.

#### 14.10.210 DISPOSITION OF BOATS AND PROPERTY

Any boat or other personal property which is abandoned or declared to be a public nuisance or for which rentals, fees, or services remain unpaid for a period of sixty (60) consecutive days after due, may be impounded, removed, or disposed of as provided below:

A. Immediately upon determination that rentals or fees remain unpaid for a period of sixty (60) consecutive days after due, or that a boat is abandoned, derelict, or a public nuisance, the Port Director shall, by registered or certified mail, with a return receipt, notify the registered owner of the boat or vessel and the permittee at their last known address, and all lienholders shown on the records of a State or Federal agency, that the said boat or vessel has been impounded and may be removed, sold, or otherwise disposed of. A notice need not be sent to the purported owner or any lienholder whose interest in the vessel is not recorded with a State department or a Federal agency unless his address is otherwise known. A duplicate of the notice shall be posted on the vessel.

B. The notice of impound and intent to sell or otherwise dispose of the vessel shall be published in a newspaper of general circulation once a week for four consecutive weeks prior to sale or other disposition of the vessel. The notice shall include the following:

1. A brief description of the vessel and its location.
2. Amount of the City's lien against the vessel, if any.
3. The date, place, and manner of sale or other intended disposition.
4. The name of the owner or reputed owner, if known.
5. A statement that the owner can redeem the vessel by payment of the amount against it, including all port fees.
6. A statement that any purchaser at a sale of the vessel may be taking it subject to outstanding liens.

C. If the vessel is not repossessed within thirty (30) days after the mailing of the notice, the vessel may be disposed of by public auction, through oral tenders, or by sealed bids. If no bid is received, the vessel may be sold by negotiation, disposed of as junk, donated to a governmental agency, or destroyed.

D. Public auction is not required when the appraised value of the vessel, as determined by an independent appraiser, is less than \$1,000.00. The appraiser must have at least one year of experience in sale, purchase, or appraisal of vessels. Upon that determination, the Port Director may sell the vessel, dispose of it as junk, donate the vessel to a governmental agency, or destroy it.

E. Proceeds from the sale, if any, shall be applied in order to the following:

1. The City's lien, including all port or harbor use fees, rental, berthing, utility and service fees, towing, handling, storage, appraisal, advertising, attorney's fees, court costs and any other expenses incurred by the City in connection with the vessel.
2. Any other liens against the vessel of which the City has actual notice, depending upon their status under maritime law, provided, however, the City shall have no obligation to ascertain or to inquire concerning the existence or status of such other liens.
3. The remainder, if any, shall be forwarded to the registered owner of the vessel if he can be found and if not found it shall be deposited in the Bethel Small Boat Harbor Fund and shall be paid out to the registered owner of the vessel if a proper claim is filed within one year from date of sale. If no claim is made within one year, the money shall remain in the Bethel Small Boat Harbor Fund.
4. The City may sue for any deficiency not covered by the sale provided, however, nothing herein shall be construed to require the City to sell or otherwise dispose of the boat before proceeding directly against the owner, his agent, or the permittee or any other responsible party.

F. Any nets, gear, tanks, lines or other personal property abandoned on any harbor facility may be disposed of in any manner at the discretion of the Port Director.

#### 14.10.220 LIABILITY FOR DAMAGES

A. The City, its officials and agents, including the Port Director, shall not be responsible for any damage of any boat or person using the facilities of the harbor and nothing contained in this Title shall be construed or interpreted to constitute authority for the establishment of a bailment relationship between the City and any individual for the care, custody, management, and control of the boat or any other personal property.

B. Any person who causes to be damaged any float, grid, dock, launching ramp, approach, piling, dolphin, navigation aid, buoy, breakwater, building, or related appurtenances within the harbor shall be held responsible for the costs of repair or replacement thereof.

14.10.230 PERSONS TO OBEY LAWFUL REGULATIONS

Those persons and vessels utilizing the Small Boat Harbor Facilities shall obey all municipal, State, and Federal laws and regulations as well as generally accepted safety standards and regulations.

14.10.240 PENALTIES AND REMEMDIES

A. A person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than two hundred dollars (\$200.00) or by imprisonment not to exceed thirty (30) days, or both.

B. Notwithstanding the availability of any other remedy, the City or any aggrieved person may bring a civil action to enjoin any violation of this chapter or to obtain damages for any injury the plaintiff suffered as a result of the violation.

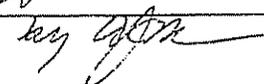
14.10.250 EQUALITY

The City of Bethel Small Boat Harbor Facilities will be available on an equal basis irregardless of race, color, sex, creed or national origin.

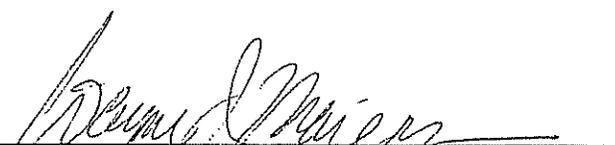
14.10.260 STATE AND FEDERAL LAW

This ordinance may not be construed to contravene any applicable State or Federal law or regulation.

PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF May, 1985.

  
\_\_\_\_\_  
Joe Sullivan  
Mayor 

ATTEST:

  
\_\_\_\_\_  
Wayne J. Maiers  
City Clerk

AMENDMENT 1  
to  
ORDINANCE 166

AN ORDINANCE AMENDING ORDINANCE 166, ENTITLED HARBORS AND PORTS, AND THE CORRESPONDING CHAPTER 14.04 OF THE BETHEL CODE OF ORDINANCES AS CODIFIED.

WHEREAS, recreation, commercial, and fishing activity has increased on the Kuskokwim River at Bethel; and

WHEREAS, there is a need to provide for the orderly use of the waterway at Bethel to protect the life and property of the residents of Bethel and the Yukon-Kuskokwim Delta; and

WHEREAS, present State law and local ordinances do not adequately provide for the regulation of all watercraft using the river at Bethel.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF BETHEL, ALASKA, THAT ORDINANCE 166 AND THE CORRESPONDING CHAPTER OF THE BETHEL MUNICIPAL CODE, CHAPTER 14.04, IS AMENDED AS FOLLOWS:

add section 14.04.400 - WATERCRAFT OPERATION

14.04.400 WATERCRAFT OPERATION

- A. SAFETY REQUIREMENTS - watercraft operating on the inland waters and river within the City of Bethel shall:
1. carry and exhibit between the hours of sunset and sunrise at least one white light to show all around the horizon;
  2. carry at least one life preserver or lifebelt or ring buoy or other device of the sort approved by the United States Coast Guard for each person on board, so placed as to be readily accessible;
  3. carry a fire extinguisher capable of promptly and effectively extinguishing flammable liquids.
- B. ENFORCEMENT - a peace officer may enforce this ordinance and in the exercise of enforcement may stop and board watercraft subject to this ordinance.
- C. DEFINITIONS -
1. operate - to navigate or otherwise use a watercraft for recreational, subsistence, or commercial purposes;
  2. watercraft - every description of vessel used or capable of being used as a means of transportation on water;
  3. peace officer - means City of Bethel police officer, River Patrol officer, Bethel Harbormaster, Alaska State Trooper, and any other State or Federal Officer authorized to patrol the waterways of the State of Alaska;

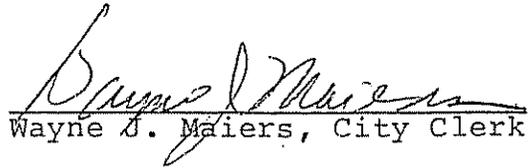
D. PENALTY - violators of this ordinance may be subject to a fine not to exceed \$ 100.00 for each violation.

PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF AUGUST, 1986.

  
~~Marge Bainton, Mayor~~

Robert W. Carpenter, ACTING Mayor

ATTEST:

  
Wayne J. Maiers, City Clerk