CITY OF BETHEL

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Introduced By: Council Member Wintersteen
Date: July 12, 1994
Public Hearing: July 26, 1994
Action: Set Second Public Hearing
Date: August 23, 1994
Action: Failed
Vote: 0-Yes, 5-No (Chris, Jones, Trantham, Tubbs, Wintersteen)

ORDINANCE #94-17

AN ORDINANCE AMENDING TITLE 14, HARBORS AND PORTS, BY ADDING CHAPTERS 14.04.060-.070, FISHING FROM DOCKS PROHIBITED, AND 14.08.060-.070, PERSONAL FLOATATION DEVICE REQUIRED

WHEREAS, fishing from the seawall or City docks is potentially dangerous to life and limb, a potential hazard to navigation, and has the potential to interfere with the orderly flow of traffic at and across the docks; and

WHEREAS, such activities conducted at or near the seawall carry the risk of drowning; and

WHEREAS, the City of Bethel has the power under Title 29 of the Alaska Statutes to regulate in the interests of health and safety, and to regulate the operation and use of municipal facilities and services.

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Bethel, Alaska, as follows:

Section 1. Title 14 of the Bethel Municipal Code is hereby amended by adding Sections 14.04.060-.070, Fishing from City Docks Prohibited, and Sections 14.08.060-.070, Personal Floatation Device Required.

Section 2. Sections 14.04.060-.070 of the Bethel Municipal Code are hereby adopted as follows:

14.04.060 Fishing from City Docks Prohibited. Fishing from any dock, including the petroleum dock and the City cargo dock, owned, operated, managed or controlled by the City of Bethel and located within its corporate limits is prohibited.

14.04.070 Fine. For each violation of Section 14.04.060, the City may assess a penalty in the amount of $300. The City may assess and collect this penalty without a court appearance.

Section 3. Sections 14.08.060-.070 are hereby adopted as follows:

14.08.060 Personal Floatation Device Required. Any person fishing from the seawall shall wear a personal floatation device, approved by a State or Federal agency for safety purposes. As used in this section, "seawall" means the bulkhead constructed of pipe piling or other material and located along the waterfront within the corporate limits of the City of Bethel.

14.08.070 Fine. For each violation of Section 14.08.060, the City may assess a penalty in the amount of $300. The City may assess and collect this penalty without a court appearance.

Section 4. If any part or provision of this ordinance or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in any controversy in which this judgement shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision or application.

Section 5. This ordinance shall be effective upon adoption.

PASSED AND APPROVED THIS ____ DAY OF _____, 1994.

_____
Donna J. Chris, Mayor

ATTEST:

_____
Connie Tucker, City Clerk