

ORDINANCE NO. 97

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF PORT FACILITY REGULATIONS FOR THE PORT OF BETHEL AND ITS CODIFICATION WITHIN THE BETHEL CODE OF ORDINANCES AS CHAPTER 10.08.

SECTION I. Application.

The regulations contained in this Chapter may be known and cited as the Port of Bethel Regulations. These regulations apply to any public structure operated by the City of Bethel and specifically to the Bethel Medium Draft Port Facility located in Lot(s) 1, 2, BLK 20, for the convenient loading and unloading of vessels. There is expressly excepted herefrom areas which are under the exclusive control of the State of Alaska or the United States.

SECTION 2. Definitions.

For the purpose of this Chapter: (a) "Person" means an individual, firm, association, organization, partnership, business trust, corporation or company. (b) "City" means the City of Bethel, Alaska. (c) "Vessel" and "Craft" means and includes ships of all types: 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. (d) "Tariff Charges" means the charges included in the current Port of Bethel terminal tariff. Terminal charges includes only charges for facilities, goods, or services provided by the City. (e) "Wharf" includes every pier, bulkhead, quay, dock, landing, float, grid iron, and other structure to which vessels make fast or upon which persons or cargo are discharged from a vessel or from which persons or cargo are loaded upon a vessel. (f) "Dockage" is a charge made for vessels at wharves or moored on City property. (g) "Wharfage" is the charge made against any cargo and commodities passing over City premises. (h) "Wharf-Demurrage" is the charge made against cargo and commodities left on City premises beyond the time specified.

SECTION 3 Port Director - General Powers and Duties.

The Port Director shall be the chief administrator of the port under the supervision of the Director of the Public Works Department of the City of Bethel. He shall perform all duties imposed by State or Federal law upon harbor masters, Port Directors and administrative heads of harbors and ports.

SECTION 4 Port Director - Authority of Representatives.

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

SECTION 5 Port Director - Enforcement.

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

SECTION 6 Port Director - Refusal to Obey.

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

SECTION 7 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 his office is closed, notification shall be given to the Bethel 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 injury or damage occurred and the date and time when the injury or damage occurred.

SECTION 8 Berth Regulations and Priveleges .

Vessels berthing at a municipal wharf 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 of the Director of the Department of Public Works of the City of Bethel. The assignment of berth privileges includes only the right of the person or firm making the application therefor 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.

SECTION 9 Wharf Regulations and Privileges.

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

SECTION 10 Wharf-Mooring.

(A) No person may make fast a rope or mooring to a municipal wharf ( except to the mooring piles, mooring bits, or bollards provided for this purpose ), shed, dolphin, piles or fender piles. (B) Every vessel at a municipal wharf shall be made fast with head and stern lines in such manner as to prevent it from drifting or being carried away.

SECTION 11

Wharf - Used to Break, Warp or Turn Around Prohibited.

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.

SECTION 12

Moving Vessel which Interferes With Another Vessel Or Creates Hazards.

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, said Port Director is authorized to move the vessel. Expenses will be assessed pursuant to Section 37.

SECTION 13

Responsibility For Damage When Vessel Lying Across End Of Wharf.

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

SECTION 14

Vessels To Haul or Go Into Stream When Ordered.

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 the port or non-payment of tariff charges. If the person in control of the vessel does not comply with the Port Director's orders, he may take control of the vessel. The Port Director may then remove the vessel from the wharf or take whatever other action is necessary to alleviate the situation which form the basis of his order. Expenses will be charged pursuant to Section 37.

SECTION 15

Fire and Welding Restrictions.

No bonfire, nor open fire shall be allowed on any municipal wharf. No welding or welding equipment is permitted on a wharf without permission from the Port Director.

SECTION 16

Petroleum Products - Permits To Keep on Wharves.

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

## SECTION 17

### Vessels Loaded With Low Flash Point Oil Restricted.

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

## SECTION 18

### Fuel Oil Delivery Vessels Restricted.

No tanker engaged in the business in supplying fuel oil will be allowed, when empty, to haul or lie alongside a vessel or wharf. A vessel after having discharged all oil which is intended to be discharged at the wharf must immediately leave the port unless special permission has been granted by the Port Director.

## SECTION 19

### Sand For Absorbing Waste Oil at Wharves and Docks.

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

## SECTION 20

### General Operation in Fueling Motor Vehicles On Wharves.

(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 the above areas, it must be hauled off the 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. Expenses will be assessed pursuant to Section 36.

(D) If an owner or operator of a motor vehicle willfully disregards these rules, Port Director may deny the offender further admission to transit across municipal wharves.

## SECTION 21

### Discharging Explosives.

No explosive shall be discharged on or loaded from any wharf, pier, bulkhead, or vessel except by permission from Port Director, in which case it must be immediately removed, nor shall any gun powder or any other explosive be allowed to remain on any wharf, pier, or bulkhead unless a special permit is obtained from the Port Director.

SECTION 22

Obstruction to Wharves and Streets.

A municipal basin, channel, wharf, a slip in front of these places, or municipal street, may not be obstructed by merchandise, vehicles, material, or structure. 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 will be charged pursuant to Section 37.

SECTION 23

Life Preservers on Wharves.

It shall be the duty of every owner, agent or lessee of a wharf to furnish and keep ring life preservers, with ropes or lines at least 200 feet in length attached thereto, in boxes on the wharf. These life preservers, ropes or lines and boxes shall be of sizes, character and materials prescribed by the Port Director. The Port Director shall direct the placement of these boxes.

SECTION 24

Smoking Prohibited at Wharves and Warehouses.

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 such areas.

SECTION 25

City Not Liable for Damage to or Loss of Merchandise.

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

SECTION 26

Depositing Waste Restricted.

It shall be 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 shall violate this section shall, upon conviction thereof, be punished in accordance with Chapter 8.44 of the Bethel Code of Ordinances.

SECTION 27 Depositing Property Upon Area Without Permission Prohibited.

(A) 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.

(B) If it is necessary for the Port Director to remove property deposited in violation of this section, expenses will be assessed pursuant to Section 37.

## SECTION 28

### Disabled or Dangerous Vessels.

Every vessel that enters, or is within, the Port of Bethel in such a condition which renders her dangerous to persons or property shall become immediately subject to the orders and directions of the Port Director. No person will fail or refuse to comply with orders or directions 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, he is authorized to take control of the vessel and take whatever action is necessary to eliminate or alleviate the danger. Expenses will be assessed pursuant to Section 37.

## SECTION 29

### Sunken or Disabled Vessel or Structure.

(A) Should a vessel or other structure sink or ground or be unnecessarily delayed, in such a manner as to interfere with navigation, obstruct the Port of Bethel, or endanger persons or property, the owner of the vessel or structure will mark its location so that other persons will be aware of its presence during day and night, and will immediately remove it. 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 to remove it. No one shall interfere with or shall prevent such removal by the Port Director. Expenses will be assessed pursuant to Section 37.

(B) If the owner of the vessel or structure fails or refuses to reimburse the City for the expenses of removal and storage within ninety (90) days after notification, then the Port Director may sell the vessel or its contents or any part thereof and the proceeds of the sale shall first be used to reimburse the City for the expense of the removal and storage.

(C) Notification, as used in this section, means that notice sent to the owner as determined from the registration number of the vessel, or from any ownerships identification on the structure which can be easily read and understood.

## SECTION 30

### Lost, Abandoned, Strayed Property or Vessels.

The Port Director shall be informed of lost, abandoned or strayed vessels or other property found within the port. He shall take custody of such property. Notification, as defined in Section 29, will be sent. If the owner does not claim the vessel or property and pay the expenses incurred by the City within ninety (90) days after identification, the property will be disposed of.

## SECTION 31

A person in control of the vessel will be responsible for furnishing the Port Director with a complete copy of the manifest showing all cargo loaded or discharged at a municipal wharf. An inbound manifest will be furnished prior to or concurrent with the vessel's arrival, and an outboard manifest will be furnished prior to or concurrent with the vessel's departure.

vessel's departure

SECTION 32

Inspection of Cargo or Crew of Vessel.

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

SECTION 33

Payment of Tariff Charges.

(A) No person in control of a vessel shall cause or attempt to cause that vessel to leave the Port of Bethel prior to all tariff charges incurred by the vessel or with respect to cargo that was discharged from or loaded upon the vessel, 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 or timely payment by another person will satisfy the payment requirements of this section.

SECTION 34

Authority to Collect Charges.

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

SECTION 35

Sales or Solicitation of Goods or Services.

No person may sell, or solicit for the sale of, goods or services, 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 in the port.

SECTION 36

Wharf Facilities - Fixing Rates, Charges and Classifications for Use.

Rates, charges and classifications to be charged 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 changed by the City Council within twenty (20) days after the publication.

SECTION 37

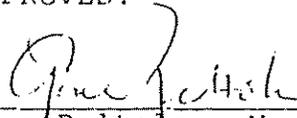
Expenses of Corrective Action.

(A) If a person or vessel fails to comply with his or her duties specified by this chapter, and this failure requires the Port Director to take necessary corrective action as directed by this Ordinance then the person and the vessel which employs that person will be responsible for the expenses incurred by the Port Director.

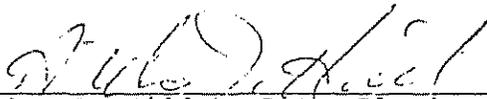
(B) If the Port Director has to assume possession or control of the vessel or other property in order to take corrective action, then such possession or control may be maintained until the expenses are paid. Nonpayment of expenses are also grounds for denying for the use of facilities of the Port of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

Passed and approved this 9 day of May, 1977.

APPROVED:

  
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Gene Peltoia - Mayor

ATTEST:

  
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Altha J. Hill - City Clerk

MODIFICATION NO. 1  
of  
ORDINANCE NO. 97

MODIFICATION NO. 1 TO CITY OF BETHEL ORDINANCE NO. 97, AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF PORT FACILITY REGULATIONS FOR THE PORT OF BETHEL AND ITS CODIFICATION WITHIN THE BETHEL CODE OF ORDINANCES AS CHAPTER 10.08.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF BETHEL, ALASKA, THAT SECTION 10.08.030 OF ORDINANCE NO. 97 BE AMENDED TO READ AS FOLLOWS:

HARBOR MASTER GENERAL POWERS AND DUTIES.

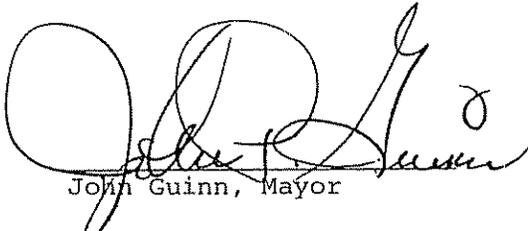
THE HARBOR MASTER SHALL BE THE CHIEF ADMINISTRATOR OF THE PORT UNDER THE SUPERVISION OF THE CITY MANAGER OF THE CITY OF BETHEL. THE HARBOR MASTER SHALL PERFORM ALL DUTIES IMPOSED BY THE STATE OR FEDERAL LAW UPON HARBOR MASTERS, PORT DIRECTORS, AND ADMINISTRATIVE HEADS OF HARBORS AND PORTS. THE PORT DIRECTOR SHALL BE UNDER THE SUPERVISION OF THE HARBOR MASTER. THE PORT DIRECTOR SHALL PERFORM THE DUTIES AND TECHNICAL PUBLIC WORKS SERVICES AS DIRECTED BY THE HARBOR MASTER.

BE IT FURTHER ORDAINED AND ENACTED THAT THE TERM HARBOR MASTER BE SUBSTITUTED FOR THE TERM PORT DIRECTOR WHEREVER THE TERM PORT DIRECTOR APPEARS WITHIN ORDINANCE NO. 97 EXCEPT FOR THE USE OF THE TERM PORT DIRECTOR AS USED IN THE AMENDED SECTION 10.08.030 OF ORDINANCE NO. 97 AS WRITTEN ABOVE.

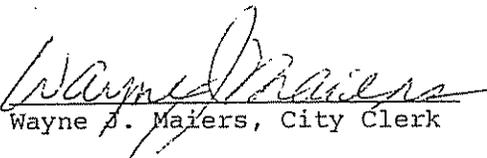
BE IT FURTHER ORDAINED THAT THE TERM CITY MANAGER BE SUBSTITUTED FOR THE TERM DIRECTOR OF PUBLIC WORKS WHEREVER THE TERM DIRECTOR OF PUBLIC WORKS APPEARS WITHIN ORDINANCE NO. 97.

EFFECTIVE DATE: April 7, 1983

PASSED AND APPROVED THIS 7th DAY OF April, 1983.

  
John Guinn, Mayor

ATTEST:

  
Wayne P. Maier, City Clerk