

**CITY OF GUSTAVUS
RESOLUTION 2013-17**

**A RESOLUTION ESTABLISHING LANGUAGE FOR THE NOTICE OF PUBLIC
NUISANCE IN THE GUSTAVUS HARBOR FACILITIES.**

WHEREAS, the Gustavus City Council adopted Title 8, Marine Facilities ordinance on July 13, 2006, and,

WHEREAS, the Gustavus City Council determined that the language for notices pertaining to the Gustavus Harbor Facilities shall be adopted through resolution;

NOW THEREFORE BE IT RESOLVED, the notice of Public Nuisance in the Gustavus Harbor Facilities shall read:

NOTICE OF PUBLIC NUISANCE

ATTENTION: The vessel and/or property _____ has been impounded/removed/abated by the City of Gustavus Harbormaster as a public nuisance for the following reasons:

As the owner and/or operator of the vessel and/or property you have the following options (those that apply are checked)

_____ *The vessel and/or property has been impounded, and you may recover possession of the vessel and/or property by paying to the entity having custody, the towing, storage, and other charges that have accrued. The vessel and/or property is at the following location:*

_____ *The vessel and/or property has been removed, and you may recover possession at the following location: _____*

_____ *The vessel and/or property has been destroyed. You may direct any inquiry to the City of Gustavus Harbormaster.*

_____ *The following action has been taken, and any option you may have is described below:*

If you believe the vessel and/or property was improperly impounded, removed, or otherwise abated, you may:

- *In the case of an impoundment, you may recover possession of the vessel and/or property by paying any towing, storage, or other charges that have accrued, and you may claim a refund or reimbursement by filing a written demand for a hearing before the Harbor Appeal Panel as to if the Harbormaster had a sufficient factual and legal basis to impound the vessel and/or property; or*
- *In the case of an impoundment, demand return of the vessel and/or property without paying the towing, storage, or other charges by filing a written demand for a hearing as to whether the Harbormaster had a sufficient factual and legal basis to impound the vessel and/or property; or*

- In any other case file a written demand for an administrative hearing as to if the Harbormaster had a sufficient factual and legal basis to impound, remove or abate the vessel and/or property.

To be entitled to such a hearing, your written demand must be filed with the City Clerk (a) within five (5) workdays after you learned that your vessel and/or property was impounded, removed, or otherwise abated, or (b) within fifteen (15) workdays after the City sent a notice via certified mail, return receipt requested, to the vessel and/or property owner of the action taken, whichever is earlier. If you fail to make a timely request for a hearing, you will lose all right to challenge the sufficiency of the basis for the action taken.

If timely requested, the hearing must be held within seventy-two (72) hours after the filing of your written demand, not including, Saturdays, Sundays, and City holidays, unless you waive your right to a speedy hearing. A determination that there was an insufficient factual or legal basis for the action taken will require the release of the vessel and/or property to the owner without payment of the towing, storage or other accrued charges, or it will entitle the owner to a refund or reimbursement if the charges were already paid.

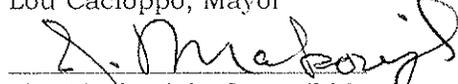
A hearing may be demanded by filing the appropriate form with the City Clerk at the Gustavus City Hall between 9:00 a.m. and 4:00 p.m. on Tuesday, Wednesday or Friday.

Date _____ Time: _____
Harbormaster _____

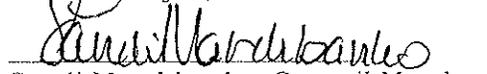
PASSED AND APPROVED by the Gustavus City Council, this 13th day of June, 2013.



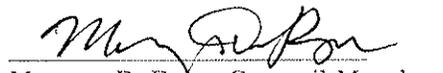
Lou Cacioppo, Mayor



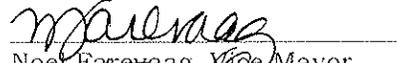
Jim Mackovjak, Council Member



Sandi Marchbanks, Council Member



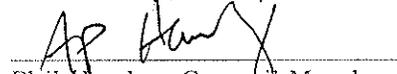
Morgan DeBoer, Council Member



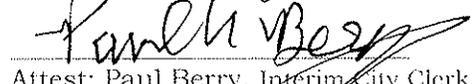
Noel Farnvaag, Vice Mayor



Tim Sunday, Council Member



Phil Hawley, Council Member



Attest: Paul Berry, Interim City Clerk