

**CITY OF GUSTAVUS
ORDINANCE FY20-12**

**AN ORDINANCE FOR THE CITY OF GUSTAVUS PROVIDING FOR THE
AMENDMENT OF CITY ORDINANCE TITLE 8 MARINE FACILITIES CHAPTER 8.01,
SECTIONS 8.01.030, 8.01.040 f) and z), CHAPTER 8.02, SECTIONS 8.02.020 (b)
6., 8.02.040 (a), (c), CHAPTER 8.04, Sections 8.04.010 a. through e., CHAPTER
8.05, SECTION 8.05.010 (f) and CHAPTER 8.07, SECTION 8.07.030 (c)**

BE IT ENACTED BY THE GUSTAVUS CITY COUNCIL AS FOLLOWS:

- Section 1. Classification. This ordinance is of general and permanent nature and shall become a part of the City of Gustavus Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and its application to other persons, or circumstances shall not be affected thereby.
- Section 3. Enactment. Now therefore, it is enacted by the Gustavus City Council that Title 8 Marine Facilities Chapter 8.01, Sections 8.01.030, 8.01.040 f) and z), Chapter 8.02, Sections 8.02.020 (b) 6., 8.02.040 (a), (c), Chapter 8.04, Sections 8.04.010 a. through e., Chapter 8.05, Section 8.05.010 (f) and Chapter 8.07, Section 8.07.030 (c) be amended as follows:

Bold and Underlined items are additions. ~~Strikeout~~-items are deletions.

Chapter 8.01 MARINE FACILITIES

Section 8.01.030 – Implied agreement for use of facilities; city liability denied

~~The use of city owned and maintained harbor facilities constitutes an agreement by the owner, operator, master and/or managing agent of a vessel comply with this title and any regulation adopted by the City of Gustavus, and to pay all fees and charges provided by this title. The City of Gustavus shall not be liable for loss of or damage to property, or injury to persons within or upon its harbor facilities.~~

The City of Gustavus may require signed agreement to meet applicable regulatory requirements as a condition to issuing use permits to its harbor facilities.

Section 8.01.040 - Definitions

- a. **Commercial Fishing Vessel. A vessel engaged in any trade, business, or commercial activity**
- z) **Private Vessel. Any motor vessel that is not engaged in business (business includes, but is not limited to, transportation of passengers for hire or commercial fishing)**

Chapter 8.02 - ADMINISTRATIONS

Section 8.02.020 – Powers and duties.

(b) Power and duties. The harbormaster shall have the following authority:

6. To report any suspected violation of Federal, State, or City of Gustavus laws, regulations, or policies to the Mayor or City Administrator.

Section 8.02.040 – Marine Facilities Advisory Committee

(a) There is established the marine facilities advisory committee, which shall consist of at least three (3) **four (4)** members appointed by the Gustavus City Council. To the extent possible, appointments to the marine facilities advisory committee shall include persons having marine, engineering, financial, and other skills relevant to harbor facility affairs. Appointments shall be for three (3) years, after which a former member is required to wait at least one (1) year before applying for re-appointment. Initial appointments shall be for staggered terms of two (2) and three (3) years.

~~(2) Marine Facilities advisory committee members(s) physically absent from Gustavus may participate by teleconference for no more than four (4) meetings per year, beginning the date of their appointment.~~

Chapter 8.04 – RULES FOR USE OF THE GUSTAVUS HARBOR FACILITIES

Section 8.04.010 – Conduct in harbor facilities-General Rules.

~~(a) Vessels moored within the harbor facilities shall be capable of meeting the provisions of [Section 8.07.090](#), Underway requirements, at all times, unless specifically authorized by the harbormaster.~~

~~(b) Vessels, when unattended, shall be securely moored with lines, adequate in size and number for the boat, and suitable for weather and other conditions. Lines shall be easily removed by hand.~~

~~(c) Vessels moored within the harbor facilities shall, at all times, be seaworthy and ready for immediate or emergency departure into local waters. At no time may a vessel be chained or locked to any float or other component or structure of the harbor facilities.~~

~~(d) All moorage of vessels in the harbor facilities shall be in accordance with posted signs or as otherwise directed by the Harbormaster or the City of Gustavus.~~

~~(e) All vessels and vehicles in, at or on the harbor facilities shall be parked, moored and maneuvered in a safe and orderly manner.~~

- a. Vessels moored within the harbor facilities shall be capable of meeting the provisions of **Section 8.07.090**, Underway requirements, at all times, unless specifically authorized by the harbormaster.
- b. Vessels, when unattended, shall be securely moored with lines, adequate in size and number for the boat, and suitable for weather and other conditions. Lines shall be easily removed by hand.
- c. Vessels moored within the harbor facilities shall, at all times, be seaworthy and ready for immediate or emergency departure into local waters. At no time may a vessel be chained or locked to any float or other component or structure of the harbor facilities.
- d. Moorage of all vessels in the harbor facilities shall be in accordance with posted signs or as otherwise directed by the harbormaster or the City of Gustavus.
- e. All vessels and vehicles in, at or on the harbor facilities shall be parked, moored and maneuvered in a safe and orderly manner.
- f. Use of the float system is not intended for vessel repair, or long - term moorage. Transient moorage in zoned areas is allowed with permission of the harbormaster.
- g. Conduct of users of the marine facilities must be non-confrontational and cooperative, acknowledging the rights of all patrons to use the facilities. Any unresolved disagreements or confrontations should be documented and brought to the attention of City Hall.
- h. Cleaning of fish on the float is prohibited. Cleaning of fish aboard a vessel tied to the float is permitted so long as fish waste is retained on the vessel or packaged for safe removal to a shore disposal site.
- f. Discarding of fish carcasses or by-product waste must be done in accordance with Federal, State, and City of Gustavus laws. Dumping of such waste around City floats, State dock or the Salmon River boat harbor is prohibited. Fish or animal waste may not be discarded at the dock, and not closer than mid-channel of Icy Passage.
- g. Storage of gear, totes, coolers and trash on the floats is prohibited.
- h. Violation of any of these standards may result in suspension of facility use and/or a fine of up to \$200. per violation.

Chapter 8.05 – PROHIBITED ACTS

Section 8.05.010 – Prohibited acts

(f) *Improper waste disposal.* It is unlawful for any person to dispose of trash, garbage, refuse, human waste, animal carcasses or parts, fish waste or parts, or any similar substance in or on the water or the land of the harbor facilities. **Discarding of animal carcasses (e.g. fish, deer, etc.) is prohibited from the Cities Marine Facilities. All dumping of animal carcasses must be beyond mid-channel.**

Chapter 8.07 – SALMON RIVER SMALL BOAT HARBOR

Section 8.07.030 – Long-term storage zone.

(c) Vessels and boat trailers. Boat trailers may be stored in the designated storage zone. ~~Untrailerred Vessels~~ **Vessels not on a trailer** may be stored in the storage zone, but shall be blocked and supported by means and in a manner that does not create a hazard to persons or property and does not impede relocation if required by the harbormaster.

Section 4. Effective Date. This ordinance becomes effective upon its adoption by the Gustavus City Council.

Date Introduced: March 9, 2020

Date of Public Hearing: April 13, 2020

PASSED and APPROVED by the Gustavus City Council this 13th day of April, 2020



Calvin Casipit, Mayor



Attest: Karen Platt CMC, City Clerk