

Proposed by:	Administration
PHAB Review:	10/24/2023
Attorney Review:	10/27/2023
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

**MUNICIPALITY OF SKAGWAY, ALASKA  
RESOLUTION NO. 23-32R**

**A RESOLUTION OF THE MUNICIPALITY OF SKAGWAY, ALASKA, AMENDING PORT OF SKAGWAY TARIFF NO. 3.**

**WHEREAS**, the Skagway Port Department wishes to update certain provisions in the tariff document; and

**WHEREAS**, at its meeting of October 24, 2023, the Ports and Harbors Advisory Board reviewed the amendments and voted to move them forward to the Assembly; and

**WHEREAS**, certain amendments to the tariff proposed by the Ports and Harbors Advisory Board at its October 24, 2023 meeting related to Commercial Use are being further researched by staff and the borough attorney and are not included in this resolution but will be presented at a later time;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Assembly of the Municipality of Skagway that the Port of Skagway Tariff No. 3 is hereby amended as follows:

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**ITEM 30        DEFINITIONS**

**Fish (Loose) & Other Marine Organisms (Loose): Individually sold whole or filleted fish or other marine organisms.**

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**Marine Organisms: The plants, animals and other organisms that live in the salt water of seas or oceans, or the brackish water of coastal estuaries. Includes mariculture, seafood, and other organisms or animals that may be used in consumable and/or non-consumable products.**

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**ITEM 80        DUTIES OF VESSEL OWNERS**

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D.        Duties. In addition to the duties of registration and identification, every owner, master, operator or managing agent of any boat or vessel using Skagway municipal docks shall be required to use due diligence in performing the following requirements:

1. ~~File with~~ Make available to the Port Director upon request an emergency operations plan, which must include protocols and procedures in the case of infectious or contagious disease on board the vessel.
2. Use all reasonable precautions in keeping the vessel in a reasonably clean and sanitary condition, with special attention to pure water and sanitary toilets.
3. Use all reasonable precautions in keeping the vessel free from fire hazards of any type or nature.

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#### ITEM 170 PROHIBITED ACTS

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22. To engage in the practice of private subleasing or "hot ~~bunking~~ berthing" of an assigned ~~berthing~~ moorage or dockage space. Any subleasing or "hot ~~bunking~~ berthing" assignments shall be made only by the Port Director, who shall collect the normal ~~transient~~ applicable user fee therefore.

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#### ITEM 190 ABANDONED PROPERTY

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- B. Procedure for Impounded Vessels and Stored Items.
  1. Impound fee. When Skagway has impounded or removed any vessel or stored item, the owner, master, operator, or managing agent thereof shall be subject to and liable for a storage charge set by the borough assembly by resolution and shall be subject to and liable for all expenses incurred by Skagway by reason of the impounding or removal.
  2. Notice to Owner. Immediately upon impounding or removing any ~~boat~~ vessel or stored item, Skagway shall cause to be posted in the Harbormaster's office or bulletin board, the clerk's office, and on the bulletin board at the entrance of the United States Post Office, notice of such action taken by Skagway. A copy of the notice shall be mailed by certified mail, return receipt requested, to the owner, master, or registered agent of the vessel at his last known address, which address shall be the same as that furnished to the Port Director. The notice shall contain the name, description and/or number of the vessel or stored item; the name and address, if known, of the owner, master, operator or managing agent; the location of the vessel or stored item; the reason for the ~~vessel's~~ impoundment; and the opportunity for a hearing before the Port Director no later than twenty (20) days following the postmark date of the mailed notice. For documented vessels, the same notice shall be mailed to any mortgage holder whose name and address are recorded with the U.S. Coast Guard.

3. Notice of Sale. Any vessel or stored item impounded or removed shall be held by Skagway for a period of not less than thirty (30) days, during which Skagway shall publish in a newspaper of general circulation in Skagway a notice describing the vessel or stored item in general terms, its name and/or number, if any; the name and address of the owner, master, operator or managing agent, if known; or if not known, shall state the location of the vessel or stored item; and the intention Skagway to sell the same at public auction, on a day and at a place and time certain, for cash to the highest bidder unless the vessel or stored item is sooner redeemed. At any time prior to the start of the auction, the owner, master, operator or managing agent may redeem the vessel or stored item by a cash payment of all Skagway charges against the item boat.
4. Sale. The proceeds of the sale shall be first applied to the costs of sale, then to berthing/storage and service fees accrued, and the balance, if any, shall be held in trust by Skagway for the owner of the ~~boat~~ vessel or stored item to claim; and if not claimed within one (1) year, the balance shall be deposited into the Port fund. Upon the sale being made, Skagway shall make and deliver its bill of sale, without warranty, conveying the vessel or stored item to the buyer.
5. Other Disposition. If at the public sale there are no bidders for the vessel or stored item, Skagway may destroy, sell at private sale, or otherwise dispose of the vessel or stored item. The disposition is to be made without liability to the owner, Port Director, Harbormaster, Skagway, or lienholder of the boat.
6. Collection. If after the sale of the vessel an unpaid balance remains on the delinquent account, remaining owed charges and fees will be sent to a collection agency.

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ITEM 220      VESSEL IMPACT FEE

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SECTION 2:    FEES

- A. The amount of the fee imposed on passenger vessels shall be assessed per passenger on the passengers listed on the passenger manifest of the passenger vessel as follows:
  1. Upon each visit by a passenger vessel docking at any municipal owned or leased wharf port facility a passenger fee of \$8.50 per passenger shall be assessed. Effective January 1, 2024, the rate at any municipal owned or leased wharf port facility will increase to ~~\$13.50~~ \$13.00 per passenger;
  2. Upon each visit by a passenger vessel docking at any privately owned or leased wharf port facility, which facility is located on tidelands owned by the Municipality of Skagway, a passenger fee of \$3.50 per passenger shall be assessed. Effective January 1, 2024, the rate at any privately owned or leased wharf port facility will increase to ~~\$8.50~~ \$8.00 per passenger;

3. Upon each visit by a passenger vessel that anchors a short distance away and tenders passengers to or from a municipal port facility or leased by the Municipality or owned or leased by any private person or entity, a passenger fee of \$8.50 shall be assessed. Effective January 1, 2024, the rate for any anchoring and tendering vessel will increase to ~~\$13.50~~ \$13.00 per passenger;

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#### SECTION 4: ADMINISTRATION AND RETURNS.

- A. A person required under this chapter to collect from a passenger and remit to the Municipality the fees imposed by this chapter shall:
  1. collect the fee from the passenger on or before completion of the visit, regardless of billing practices, installment agreements, credit procedures, or bad debts; and
  2. pay the fee to the Municipality within 30 days upon receipt of invoice of due fees. ~~on or before the end of the month following the month in which the visit ended.~~
- B. A person required to collect and remit the fee imposed by SMC 12.05.010 shall file with the Municipality a passenger report within 72 hours upon departure as required in ITEM 240, wharfage. ~~a separate return for each passenger ship for each calendar month for all passengers for each visit that ended in that month.~~
- C. The passenger report return must be signed under penalty of perjury by the person filing the return. The return report must include ~~the following information:~~
  1. ~~the name, federal taxpayer identification number, address, telephone number, and other contact information of the person filing the return;~~
  2. the name and call sign of the passenger ship providing the visit; and
  3. ~~a schedule of all visits that the commercial passenger vessel completed during the month; the schedule must include, by visit,~~
    - a. ~~the beginning and ending date of the visit;~~
    - b. ~~the total number of passengers subject to the passenger fee;~~
- D. ~~The filing of the return and the remittance of the total fees must be made not later than the end of the month following the month in which the visit ended.~~
- E. Confidential and private material.
  1. Except as otherwise provided in this section, ~~returns~~ passenger reports filed with the Municipality for the purpose of complying with the terms of this chapter and all information obtained from such returns are private and confidential and such returns and information shall be kept from inspection by private persons.
  2. This section does not prohibit the delivery to a person, or the person's duly authorized representative, of a copy of any return filed by that person.
  3. This section does not prohibit the publication of statistics presented in a manner that prevents the identification of particular persons.
  4. This section does not prohibit the disclosure of such returns or information through enforcement or collection proceedings, or when required by court order, or prohibit furnishing such returns and information on a reciprocal basis to other agencies or political subdivisions of the State or United States concerned with the enforcement of tax laws.

5. This section does not prohibit making the following information available to the public: the names of ships subject to the collection and payment of fees, whether or not the ship is current in payment of fees, the total fees due, and names of ships which have been issued an exemption certificate. The manager may, from time to time, make public the names of the ships and owners, operators or agents delinquent in payment of fees and the amount thereof; provided, that the names of owners, operators or agents who have executed a confession of judgment for the delinquent fees and penalties, and who are current in their fee payments under such confession of judgment as of the date on which the names are made public, will not be made public.
- F. The borough manager may adopt policies, procedures, rules and/or regulations to administer and enforce this chapter.
- ~~G. A person required to collect the fees and remit the returns to the Municipality shall be reimbursed in the amount of 0.50 per passenger within thirty days of full compliance with the remission of the fees to the Municipality, or in a manner and time otherwise approved in writing by the borough manager.~~

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#### SECTION 2: MOORAGE CHARGES

- A. Calculation of Moorage Rates. Moorage charges shall commence when a vessel is made fast to a wharf, pier or other facility, or when a vessel is moored to another vessel so berthed ("rafting") **within the small boat harbor**. Charges shall continue until such vessel is completely freed from and has vacated the berth. A vessel berthed at any time between 12:01 a.m. and midnight shall be charged a full day's charge. The Port Director may, in their sole discretion, waive a daily charge for a vessel provided that the vessel stay is no more than 4 hours.
- B. Moorage charges shall be calculated on the overall length of the vessel, the linear distance measured from the extreme point of the bow to the extreme point of the stern will apply.

#### SECTION 3: ANNUAL MOORAGE – SMALL BOAT HARBOR

- A. ~~\$14.60~~ **\$14.80** per foot from January 1 – December 31
- B. Senior Citizen Discount: 15% discount will apply to annual moorage fees paid by residents of Skagway who are age 65 or older for personal pleasure craft.

#### SECTION 4: TRANSIENT MOORAGE – SMALL BOAT HARBOR

~~\$0.58~~ **\$0.60** per foot per day and ~~\$5.80~~ **\$6.00** per foot per month from January 1 – December 31

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#### ITEM 240 WHARFAGE

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- A. Charges will be assessed on all cargo including ship’s stores and fuel. Over-stowed cargo, ship’s gear and dunnage will not be charged wharfage.
- B. Wharfage charges will be assessed as shown below, ~~subject to the following minimum wharfage charges:~~

YEAR	MINIMUM WHARFAGE CHARGES
<del>2023</del>	<del>\$350.00</del>
<del>2024</del>	<del>\$354.00</del>
<del>2025</del>	<del>\$357.00</del>
<del>2026</del>	<del>\$361.00</del>
<del>2027</del>	<del>\$364.00</del>
<del>2028</del>	<del>\$368.00</del>

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Fish, <del>Loose</del> Fish (Loose) & Other Marine Organisms (Loose)		
2023	\$.055	PER POUND <u>AFTER THE FIRST 4,000 POUNDS</u>
2024	\$.060	
2025	\$.060	
2026	\$.065	
2027	\$.065	
2028	\$.070	

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**ITEM 260 DEMURRAGE, RAIL CARS OR VESSELS**

In furnishing the service of vessel berthing, ordering, billing out, loading, or unloading vehicles and/or rail cars, and of handling cargo to and from vessels, no responsibility for any demurrage or delay whatsoever on either rail cars or vehicles shall be assumed by the Port Director.

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**ITEM 280 FRESH WATER SERVICE**

When requested, the Port of Skagway may furnish fresh water for vessels at the charges shown below, ~~subject to a minimum water charge of \$250.00~~ plus the water hookup charge.

(Rates in dollars and cents)

YEAR	CHARGE PER 1,000 GALLONS	WATER HOOKUP CHARGE
2022	\$5.36	\$75.00
2023	\$5.36	\$100.00

2024	<del>\$5.36</del> <u>\$5.91</u>	\$100.00
2025	<del>\$5.36</del> <u>\$6.21</u>	\$100.00
<b>2026</b>	<b><u>\$6.52</u></b>	<b><u>\$100.00</u></b>

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**ITEM 290 VESSEL OILY WASTE OR GARBAGE DISPOSAL**

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- B. REFUSE COLLECTION: ~~The charge for taking off refuse from vessels up to 200 passengers shall be \$400.77.~~ When requested, the Port of Skagway may collect refuse from vessels up to 300 passengers at the charges shown below.

<u>Solid Waste Disposal Rates</u>	<u>Frequency</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>
<u>Ships, vessels- less than 125 passengers</u>	<u>Per ½ hour</u>	<u>\$526.18</u>	<u>\$576.17</u>	<u>\$630.91</u>
<u>Ships, vessels- more than 125 passengers</u>	<u>Per ½ hour</u>	<u>\$957.48</u>	<u>\$1,048.44</u>	<u>\$1148.05</u>

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**ITEM 310 VEHICLES AT PORT OF SKAGWAY TERMINAL**

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- B. TERMINAL ~~PARKING~~ **VEHICLE ACCESS** PERMITS. ~~Parking~~ **Vehicle Access** permits are required for all vehicles used for commercial business enterprises and their employees utilizing the parking and/or vehicle staging areas at the Port of Skagway Terminal between 5:00am – 7:00pm, April 15 – October 15. Limit one vehicle per permit—valid for registered vehicles only. Non-refundable/non-transferable. Parking availability not guaranteed.

The charges for vehicle access and parking permits are as follows:

DOCK USE & PARKING PERMIT ANNUAL VEHICLE FEES	
# Vehicles	Rate
<u>1</u>	<u>\$200</u>
<del>1</del> <u>2</u> – 3	\$500
4 – 6	\$1,000
7 -10	\$1,500
11 - 20	\$3,000
20 +	\$6,000

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**ITEM 320 WHARF STORAGE**

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- A. Wharf storage is the charge assessed for the storage of cargo, **equipment and/or other materials** remaining on the wharf and/or unleased waterfront uplands after the expiration of free time. See ITEM 400 for storage at the Small Boat Harbor.
- B. Free time is the specified number of days during which cargo, including vessels, containers, and miscellaneous items, may occupy space assigned to it within the staging area without being subject to demurrage or storage charges. Free time will be five days for inbound cargo, and ten days for outbound cargo. Saturdays, Sundays and Holidays are excluded from free time.
- C. The following daily storage charges will apply **to ship cargo**:
  - 1. The first 5 days..... \$ 3.00 per short ton
  - 2. Each additional day..... \$ 4.00 per short ton
  - 3. Minimum storage charge.... \$ 250.00 per shipment
- D. Vessels or commercial users needing storage within unleased areas of the Port of Skagway must request space through an application for storage. Storage location and space allocation will be approved by the Port Director. ~~For storage in the Small Boat Harbor, see~~ **Rate for storage on unleased areas in the Port of Skagway Terminal will follow rates and terms set forth in** ITEM 400.

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**ITEM 380 SMALL BOAT HARBOR PARKING**

There are three distinct parking areas. Parking is only permitted in designated areas. ~~A daily pass or seasonal permit is required in order to park in designated municipal lots from April 1 — October 31.~~

- A. Parking Policies.
  - 1. ~~Passes/permits are non-refundable/non-transferable~~
  - 2. No camping, loitering, or occupying vehicles overnight
  - 3. No vehicle/bus staging for commercial operations not related to the Small Boat Harbor **unless approved by the port director, including rental cars.**
  - 4. Starting October 15, the Vehicle/Trailer parking area will be prioritized for winter boat storage.
  - 5. Parking in RV Spaces located at the North of the Small Boat Harbor Parking Lot is prohibited.
- B. ~~Seasonal Parking Permits.~~
  - 1. ~~Commercial: \$350~~

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**ITEM 390 CHARGES FOR MISCELLANEOUS SERVICES**

- A. Kayak Storage – Small Boat Harbor
1. \$7.50 per month per vessel
  2. ~~\$50 annually per vessel~~

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- E. Boat Launch Ramp Fee
1. \$10.00 per launch; includes all boats, kayaks, canoes, etc.
  2. \$50 Annual pass per vessel; includes all boats, kayaks, canoes, skiffs, motorized watercraft, and all other similar watercraft.

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**BE IT FURTHER RESOLVED** that this resolution shall be effective immediately upon adoption.

**PASSED AND APPROVED** this \_\_\_ day of \_\_\_\_\_, 2023, by the Assembly of the Municipality of Skagway, Alaska.

\_\_\_\_\_  
Sam Bass, Mayor

ATTEST:

\_\_\_\_\_  
Steve Burnham Jr.  
Borough Clerk

(SEAL)