



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Karl R. Amylon, City Manager

DATE: August 23, 2019

RE: **Ordinance No. 19-1902 – Amending Ketchikan Municipal Code Section 13.08.100; Subsections 13.08.125(b) And 13.08.155(a); Sections 13.08.185 And 13.10.030 To Increase Charges For Port Use; And Repealing Sections 13.08.101; 13.08.110; 13.08.120 And Subsection 13.08.125(e); And Establishing Effective Dates**

At the City Council meeting of July 8, 2019, Mayor Sivertsen requested staff to prepare a report and draft an ordinance updating fees and charges assessed by the Port of Ketchikan. The attached ordinance was prepared by the City Attorney at the request of Port & Harbors Director Steve Corporon, who asked that it be placed before the City Council for consideration at its meeting of September 5, 2019. If adopted, Ordinance No. 19-1902 provides for amending the Ketchikan Municipal Code to update various Port charges and fees as recommended by the Port & Harbors Director and/or the Port and Harbors Advisory Board.

Port and Harbors Director Steve Corporon summarizes each of the fees and charges that have been recommended for adjustment in the attached transmittal memorandum. Mr. Corporon has also undertaken a financial analysis of adjusting the three most significant Port fees: passenger wharfage, dockage and the Port Development fee. The Port & Harbors Director's memorandum is self-explanatory and requires no elaboration on the part of my office.

Mr. Corporon will be attending the City Council meeting of September 5, 2019, in order to address any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended the City Council adopt the motion approving in first reading Ordinance No. 19-1902 amending Ketchikan Municipal Code Section 13.08.100; Subsections 13.08.125(b) and 13.08.155(a); Sections 13.08.185 and 13.10.030 to increase charges for Port use; and repealing Sections 13.08.101; 13.08.110; 13.08.120 and Subsection 13.08.125(e); and establishing effective dates.

Recommended Motion: I move the City Council approve in first reading Ordinance No. 19-1902 amending Ketchikan Municipal Code Section 13.08.100; Subsections 13.08.125(b) and 13.08.155(a); Sections 13.08.185 and 13.10.030 to increase charges for Port use; and repealing Sections 13.08.101; 13.08.110; 13.08.120 and Subsection 13.08.125(e); and establishing effective dates.

July 8, 2019

Presentation of the City of Ketchikan and KPU Compensation Plan Update – Ralph Andersen & Associates

Assistant Manager Simpson reminded the Council of a Special meeting scheduled for July 17, 2019 at 7:00 p.m. in Council Chambers in which a presentation will be given by Doug Johnson of Ralph Andersen & Associates regarding the City of Ketchikan and KPU Compensation Plan.

K.P.U. MANAGER'S REPORT

Report of June 17, 2019 Power Outage

General Assistant Manager Simpson attached for Council review a memorandum from Electric Division System Engineering Manager Jeremy Bynum regarding the power outage of June 17, 2019.

CITY CLERK'S FILE – None

CITY ATTORNEY'S FILE

Assistant Manager Simpson provided for Council review a report from the office of the attorney significant activities for the Months of April and May 2019.

FUTURE AGENDA ITEMS

Mayor Sivertsen asked staff to bring back for Council consideration a report in the form of a draft ordinance to address the fees and charges related to the Port. He felt there is a need to review and adjust those fees as warranted.

Councilmember Gage said she would like the topic to raise the sales tax cap to \$2,000 brought back as either an agenda item or a discussion. She indicated the sales tax cap hasn't been raised since 1971, and noted Ketchikan will still be less than what other Southeast Cities have in place.

MAYOR AND COUNCIL COMMENTS

Councilmember Flora said he appreciates the hospital's update, but as he recalls the updates from the hospital were supposed to be interactive, not just a report. He said he would like to see this brought back as an agenda item for discussion. He said it was his understanding the meetings would happen on a regular basis either quarterly or semiannually, and occur in Chambers so the public could attend, and questions can be asked of the board.

Assistant Manager Simpson asked the Council if they would like her to contact the hospital board for clarification or as a discussion as a future agenda item.

[Clerk's note: It was the consensus of the Council to have this discussion as a future agenda item.]

Councilmember Flora summarized the Port Community Forum held on June 25, 2019. He said one dynamic he took away was there were two groups in attendance; one pro-growth, one to limit growth. He indicated both groups speak to the Council, but he didn't feel the two groups



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MEMORANDUM

To: Karl Amylon, City Manager
From: Steve Corporon, Port & Harbors Director
Date: August 21, 2019
Re: **Ordinance 19-1902 Amending Port Fees and Charges**

As directed a review of all port fees and charges currently included in the municipal code has been completed and the initial recommendations have been reviewed by the Port and Harbors Advisory Board (PHAB). The attached draft Ordinance No. 19-1902 contains all of the changes I am recommending at this time. The following are summaries of the various port fees and charges with supporting information including the last time each particular rate was raised along with some observations and recommendations. Annotated copies of the corresponding sections of code are also attached for additional reference. All of the cumulative rates of inflation used in the analysis were obtained at usinflationcalculator.com which was recommended by the Finance Department. For rates recommended to be increased in 2020 an additional 2% was added to account for inflation between now and the start of the 2020 season. For rates increases recommended to be delayed until the start of 2021 an additional 2% (for a total of 4%) was added to account for inflation between now and the start of the 2021 season. Cruise lines typically set their prices a year in advance; therefore, approving a rate increase in late September of 2019 would not provide them adequate notice for 2020.

Dockage: This is the fee charged to moor a vessel at the port for up to 24 hours. It is charged per day per foot of vessel length and is a sliding scale based on length of stay and vessel length with the longer vessels paying higher rates per foot. The rates for vessels less than 150 feet were last changed in February 2016 when they were increased to be comparable to the rates charged by the City's small boat harbors. The rates for vessels 150 feet and longer were last changed in March of 1991; however, in January of 2004 a provision was added to the code to charge passenger vessels 5% more than the standard rate. For vessels 700 feet and longer the rate is currently \$2.42/ft plus 5% which equates to \$2.54/ft. If this was adjusted using the cumulative rate of inflation of 88.1% from 1991 to 2019 plus an additional 4% for 2019 to 2021 the rate would be \$4.88. I recommended raising all of the rates to take effect in 2021 based on the cumulative rate of inflation in a similar manner. I also recommended including language in the code to provide for an automatic annual rate increase based on the CPI for these rates beyond 2021. I also recommended expanding the scale beyond 700+ to create separate categories for larger vessels such as 700-970, 970-1050 and 1050+ using the same percentage difference of 14.5% between the current top ranges to separate the proposed new ranges. I believe this is warranted as these neo-panamax vessels are impacting the facilities in increased wear and tear compared to panamax and smaller vessels. The PHAB voted 7-2 to recommend raising the dockage rates as proposed and also raise the rates for vessels less than 150 feet by the CRI for 2016-2019 (6.9%) plus 4% for 2019-2021 for a total of 10.9%.

Dockage 30-Day Flat Rate: This fee is charged off-season for vessels less than 400 feet wintering at the port. These rates were last changed in March 1991. The cumulative rate of inflation from 1991 to 2019 is 88.1%. I recommended raising all of the rates based on the cumulative rate of inflation plus an additional 2% and have the new rates take effect in 2020. I also recommended including language in the code to provide for an automatic annual rate increase based on the CPI for these rates beyond 2020. The PHAB voted 8-1 in favor of raising the dockage 30-day flat rates as proposed.

Promotional Dockage: These dockage rates were established in October 1998 and are similar to the 30-day off-season flat rates but have more restrictions. They have not been used in over 10 years and have not been updated since they were established in 1998. The cumulative rate of inflation from 1998 to 2019 is 57.1%. I recommended removing these fees from the code. The PHAB voted 9-0 in favor of removing the promotional dockage rates as proposed.

Lightering: This fee is charged for cruise ships lightering passengers to the dock. It is charged per cruise ship per day, not per lightering vessel. The current charge of \$280/day was last changed in January 2004. If this was adjusted using the cumulative rate of inflation of 35.6% from 2004 to 2019 plus 4% for 2019 to 2021 the fee would be \$390/day. I recommended raising the rates based on the cumulative rate of inflation plus 4% and have the new rate take effect in 2021. I also recommended including language in the code to provide for an automatic annual rate increase based on the CPI for these rates beyond 2021. The PHAB voted 8-1 in favor of raising the lightering fee as proposed.

Wharfage: These fees are charged for cargo that is loaded or unloaded on the port. It does not apply to stores, supplies or baggage for use by the vessel. Since the port is not set up for or capable of handling cargo these rates have not changed since October 1985. The cumulative rate of inflation from 1991 to 2019 is 138.1%. I recommended removing these fees from the code. The PHAB voted 9-0 in favor of removing the wharfage rates as proposed.

Port Development: Although not specifically called a port development fee in the code, it states the fee shall be dedicated for the design and construction of mooring facilities, which is what other ports often call a port development fee. It is based on the length of the vessel and is charged for cruise ships using the port from May 1 – Sep 30. It applies to cargo ships as well but as mentioned in the paragraph on wharfage, the port does not handle cargo vessels. The current rates were established in April 1999 and are \$1.25/ft for vessels less than 500 feet and \$1.90/ft for vessels 500 feet and longer. If these were adjusted using the cumulative rate of inflation of 53.7% from 1999 to 2019 plus an additional 4% for 2019 to 2021 the rates would be \$1.97/ft and \$3.00 respectively. I recommended raising these rates based on the cumulative rate of inflation plus 4% and having the new rates take effect in 2021. I also recommended including language in the code to provide for an automatic annual rate increase based on the CPI for these rates beyond 2021. The PHAB voted 7-2 in favor of raising the port development fees as proposed. The PHAB further recommended changing the dates for charging the port development fees to include the period April 15 through October 15. Currently the fees are charged from May 1 through September 30. The PHAB vote on the date changes was 9-0.

Passenger Wharfage: This fee is also commonly called the head tax. It was established in January 2004 at the rate of \$4.00 per passenger for ships docked at City owned docks and \$2.00 per passenger for vessels lightering to City owned docks or privately owned docks within the City. In May 2005 those two rates were raised to \$6.00 and \$4.00 respectively and a \$4.00 per passenger charge was also implemented for ships docking at privately owned docks within the City. In January 2007 the passenger wharfage rate was raised by \$1.00 to the current level of \$7.00 and it was expanded to include ships docking at facilities leased by the City. The \$4.00 per passenger fee for lightering and ships docking at privately owned facilities not leased by the

City remained the same. The \$1.00 increase in 2007 had a sunset clause that has been re-approved by the City Council on several occasions, most recently in 2016. It will expire this year unless reviewed by the Council no later than October 1, 2019. If the passenger wharfage fee of \$7.00 was adjusted using the cumulative rate of inflation of 23.5% from 2007 to 2019 plus an additional 4% for 2019 to 2020 the fee would be \$8.93. If the passenger wharfage fee for lightering and passengers on ships docking at private docks of \$4.00 was adjusted using the cumulative rate of inflation of 35.6% from 2004 to 2019 plus an additional 4% for 2019 to 2021 the fee would be \$5.58. I recommended raising the passenger wharfage fees to \$9.00 and \$6.00 per passenger respectively to take effect in 2021. I also recommended including language in the code at that time to provide for an automatic annual rate increase based on the CPI. I further recommended the City Council pass an ordinance this September removing the sunset provision of the additional \$1 increase from \$6 to \$7. It should be noted that the City's port expansion consultant has advised that once a port expansion plan is agreed upon the passenger wharfage fee will likely have to be increased further into the range of \$15 beyond 2021. The PHAB voted 9-0 to recommend removing the sunset provision from the code. The PHAB then voted 6-3 to recommend directing the City Attorney "to investigate if charging by the foot is more advantageous to the City" in lieu of raising the passenger wharfage fees. I do not agree with this recommendation and have drafted the ordinance to reflect a recommendation to increase the passenger wharfage fees.

Port Access Pass: A port access pass is required for vehicles conducting business on the port such as buses, vans, fuel trucks, delivery trucks, etc. Vehicles up to 20 feet and service vehicles are charged \$30/month. Vehicles between 20 and 30 feet are charged \$50/month. Vehicles over 30 feet are charged \$125/month. These rates were last changed in March 2001. It is interesting to note that they when they were established in 1991 the rates were \$75/month for vehicles under 30 feet and \$200/month for vehicles 30 feet and longer. If the current rates were adjusted using the cumulative rate of inflation of 44.7% from 2001 to 2019 plus 2% for 2019 to 2020 the rates would be \$44.01, \$73.35 and \$183.38 per month respectively. I recommended raising the rates to \$45.00, \$75.00 and \$200.00 respectively to take effect in 2020. I also recommended establishing a seasonal rate equivalent to 20% lower than the monthly rate times the number of months remaining in the season to encourage operators to purchase a seasonal pass. The PHAB voted 9-0 in favor of raising the port access pass fees as proposed and including a provision that in order to obtain a pass, businesses must be current on sales tax payments.

Port Loading Zone Permit: A port loading zone permit is required for tour vessels, charter vessels, etc. to moor at Daly Float, and the tendering floats at Berths 3 and 4 to load and unload passengers. The charge is based on the length of the vessel and the current rate of \$2.50/ft/month was established in July 1994. A lesser rate of \$1.25/ft/month was established in April 1997 for small vessels with a beam of less than 4 feet and powered only by oars or paddles. No one has applied for a permit at the lower rate in recent memory. If the original rate was adjusted using the cumulative rate of inflation of 72.8% from 1994 to 2019 plus 2% for 2019 to 2020 the rate would be \$4.37/ft/month. I recommended rounding down to an even \$4.00/ft/month and establishing a seasonal rate equivalent to 20% lower than the monthly rate times the number of months remaining in the season to encourage operators to purchase a seasonal pass. The PHAB voted 9-0 in favor of raising the port loading zone permit fees as proposed and including a provision that in order to obtain a permit, businesses must be current on sales tax payments.

Potable Water: Vessels loading potable pay a flat fee based on the length of the vessel. Under the current arrangement 75% of the gross revenue is credited to KPU and 25% to the Port. The fee for the largest vessel category of 900-1,000 feet in length is currently \$840/day. In 2018 this equated to fee of \$4.87/1000 gal. These fees were last raised in March 2018 to ensure KPU would continue to turn a profit on sales to cruise ships. KPU's cost to produce

water in 2018 was approximately \$3.20/1000. I recommended no additional increases at this time. The PHAB voted 9-0 in favor of not recommending any increases to the potable water fees at this time.

Waste Water: A waste water rate was established in March 2018 in order to accommodate emergency situations when vessels needed to off load waste water when they did not have the ability or capacity to adequately treat or hold it on their own. This does not normally occur with large cruise ships. It was most recently used during the visit of a U.S. Navy vessel this past winter. The current fee is \$150/day plus \$100 per 1,000 gallons. The \$150/day is intended to cover any testing and administrative costs incurred by the Waste Water Division of Public Works as they determined whether to accept the waste water or not. They have recently agreed to accept the waste water from a local tour vessel as long as they pump several times a week rather than letting the effluent go septic. As such it was recommended that the code be amended to allow the Public Works Director to waive the \$150/day fee on a case by case basis. The PHAB voted 9-0 in favor of this recommendation.

Review of Comparable Rates/Fees: The only comparable rates of interest are for the two public cruise ship docks in Juneau but even those are not easily comparable. For example their dockage fee of \$3.00/ft is similar but they also add on a maintenance fee of \$0.055/net ton displacement. Their passenger fee is only \$5.00/passenger but their port development fee is an additional \$3.00/passenger. Their lightering fee is \$600. In lieu of a port loading zone permit for tour and charter vessels using the public docks they have an annual fee plus a daily passenger fee. Inspected vessels pay \$500/year plus \$1.50/passenger daily. Uninspected vessels pay \$150/year plus \$1.50/passenger daily. In lieu of a monthly port access permit for vehicles they charge an annual fee of \$400 per company plus \$9.00/passenger seat. Their potable water fee is currently \$5.00/1000.

Summary of Recommendations: All of the recommended changes included in draft ordinance 19-1902 reflect the recommendations approved by the PHAB with two exceptions. The PHAB did not vote to recommend increasing the passenger wharfage fees. They voted to recommend directing the City Attorney "to investigate if charging by the foot is more advantageous to the City". In a subsequent discussion with the City Attorney he advised me that since all port revenues are deposited in the Port Enterprise Fund he did not see any advantage to increasing fees that are charged by the foot such as dockage as opposed to by the passenger such as passenger wharfage. There was some discussion during the PHAB meeting of splitting the increases into several smaller increases over three or five years but there were no recommendations along those lines approved. The other exception was the recommendation to insert language into the municipal code to provide for an automatic annual rate increase for some of the fees based on the CPI beyond the effective dates included in the ordinance. In speaking with the Clerks and upon further review it appears that adding such language could be confusing; therefore, my new recommendation is to review the fees and charges annually with the intent to raise them annually by an appropriate CPI but not insert such language into the municipal code.

Projected Impact on Port Revenues: The majority of the port revenues are generated by just three of the fees: Passenger Wharfage, Dockage and Port Development. Since the recommendation is to implement fee increases for these three effective April 1, 2021, it is difficult to predict what the total impact will be due to the uncertainty of how many vessels may be calling in Ward Cove instead of the City's facilities by then. Below are estimates based on the actual revenues for 2018 adjusted for 2021 using the proposed increases under two scenarios. The first assumes all passengers will continue to call on the City's facilities. The second assumes all of the NCL and their affiliate lines will call on Ward Cove. Both assume 1.3M passengers in 2021.

Revenue Category	2018 Actual	2021 (all City)	2021 (NCL @ WC)
Passenger Wharfage	\$7,300,575	\$11,700,000	\$9,000,000
Dockage	\$1,106,356	\$2,220,000	\$1,700,000
Port Development	\$807,113	\$1,273,000	\$975,000
Total	\$9,214,044	\$15,193,000	\$11,675,000

Recommended Motion: I move the City Council approve in first reading Ordinance No. 19-1902 amending Ketchikan Municipal Code section 13.08.100; subsections 13.08.125(b) and 13.08.155(a); sections 13.08.185 and 13.10.030 to increase charges for port use; repealing sections 13.08.101; 13.08.110; 13.08.120 and subsection 13.08.125(e); and establishing effective dates.

THE CITY OF KETCHIKAN, ALASKA

ORDINANCE NO. 19-1902

AN ORDINANCE OF THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA; AMENDING KETCHIKAN MUNICIPAL CODE SECTION 13.08.100; SUBSECTIONS 13.08.125(b) AND 13.08.155(a); SECTIONS 13.08.185 AND 13.10.030 TO INCREASE CHARGES FOR PORT USE; AND REPEALING SECTIONS 13.08.101; 13.08.110; 13.08.120 AND SUBSECTION 13.08.125(e); AND ESTABLISHING EFFECTIVE DATES.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF KETCHIKAN, ALASKA, AS FOLLOWS:

Section 1: Amendment. Subsection (a) of Section 13.08.100 of the Ketchikan Municipal Code, entitled “Dockage charges,” is hereby amended to read as follows:

“(a) Dockage charges are in addition to all other charges contained in this chapter and shall be assessed against all vessels, except as provided in subsection (f) of this section, as follows:

Rate per Foot per Day

<u>LOA</u>	<u>0-6 Days</u>	<u>7-14 Days</u>	<u>15 Days and Over</u>
Under 100'	[\$0.60] <u>\$0.67</u>	[\$0.50] <u>\$0.55</u>	[\$0.45] <u>\$0.50</u>
100' - 149'	[0.60] <u>0.67</u>	[0.50] <u>0.55</u>	[0.45] <u>0.50</u>
150' - 199'	[0.70] <u>1.34</u>	[0.56] <u>1.08</u>	[0.44] <u>0.85</u>
200' - 299'	[0.88] <u>1.69</u>	[0.70] <u>1.34</u>	[0.56] <u>1.08</u>
300' - 399'	[1.15] <u>2.21</u>	[0.92] <u>1.77</u>	[0.72] <u>1.38</u>
400' - 499'	[1.38] <u>2.65</u>	[1.10] <u>2.11</u>	[0.92] <u>1.77</u>
500' - 599'	[1.85] <u>3.55</u>	[1.48] <u>2.84</u>	[1.48] <u>2.84</u>
600' - 699'	[2.12] <u>4.07</u>	[2.12] <u>4.07</u>	[2.12] <u>4.07</u>
700' [and over]			
- <u>969</u>	[2.42] <u>4.65</u>	[2.42] <u>4.65</u>	[2.42] <u>4.65</u>
<u>970' - 1049'</u>	<u>5.32</u>	<u>5.32</u>	<u>5.32</u>
<u>1050' and over</u>	<u>6.09</u>	<u>6.09</u>	<u>6.09</u>

The above rates shall be assessed for each day or any part thereof a vessel is docked at the port facility and at the rate fixed for the longest period the vessel is docked.

(b) Vessels less than 400 feet LOA may apply for and make advance arrangements for a special 30-day flat rate docking fee. Such 30-day flat rate will apply only during the period October 15th through April 30th and is as follows:

<u>LOA</u>	<u>30-Day Flat Rate</u>
Under 100'	\$ [415.00] 789.00
100' - 149'	[920.00] 1,749.00
150' - 199'	[1,380.00] 2,623.00
200' - 299'	[2,500.00] 4,752.50
300' - 399'	[4,300.00] 8,174.30

(c) Lighter vessels used to transport passengers or cargo from designated areas of ~~[Hansen]~~, **Berth III, Berth IV**, Daly, Ryus or other city floats shall be assessed a fee of \$~~[280.00]~~ **390.00** for each day or any part thereof.

(d) The following provisions apply to vessels docked at the port facilities:

(1) Mooring lines shall be tended by ships' personnel and shall be in good condition and of suitable size and quantity for the vessel.

(2) An operator shall be available at all times to tend and to move the vessel, if and when required.

(e) Except as provided in this subsection, vessels using charter vessel loading zones shall be assessed a fee of \$~~[2.50]~~ **4.00** per foot per calendar month or any part thereof. ~~[Vessels with beams of less than four feet powered only by oars or paddles shall be assessed a reduced fee of \$1.25 per foot per calendar month; provided, however, that they use only those loading zone areas where the city manager has made this reduced fee applicable. **A seasonal permit may be obtained for the cost of a monthly permit multiplied by the number of months remaining in the season discounted 20%. A single monthly permit may not be discounted. A permit will not be issued until all outstanding sales tax, interest and penalties have been paid to the City and Borough.**~~

(f) Dockage charges for passenger ships shall be assessed at 105 percent of the rates per foot per day provided for in subsection (a) of this section. For example, a passenger vessel with an LOA of ~~[700]~~ **1050** feet or more shall be

assessed a rate per foot per day of \$~~[2.54]~~ **6.39**. For purposes of this subsection, a “passenger ship” means a vessel carrying passengers for compensation that is not exempted from payment of passenger wharfage fees under KMC 13.10.030.”

Section 2: Repeal. Section 3.08.101 of the Ketchikan Municipal Code, entitled “Promotional port dockage rates,” is hereby repealed in its entirety.

Section 3: Repeal. Section 3.08.110 of the Ketchikan Municipal Code, entitled “Wharfage rates,” is hereby repealed in its entirety.

Section 4: Repeal. Section 3.08.120 of the Ketchikan Municipal Code, entitled “Wharfage - Not chargeable when,” is hereby repealed in its entirety.

Section 5: Amendment. Subsection (b), Section 13.08.125 of the Ketchikan Municipal Code, entitled “Additional fees,” is hereby amended to read as follows:

“(b) The additional fee shall be determined by multiplying the vessel’s length-overall (as listed on the certificate of registry issued to the vessel by an internationally recognized classification society) by the following applicable fees:

(1) \$~~[1.25]~~ **1.97** per foot for all vessels with a length-overall of between 120 to 499 feet;

(2) \$~~[1.90]~~ **3.00** per foot for all vessels with a length-overall of 500 or more.”

Section 6: Amendment. Subsection (a), Section 13.08.155 of the Ketchikan Municipal Code, entitled “Motor vehicle port access passes,” is hereby amended to read as follows:

“(a) Port access passes, valid for the period of May 1st through September 30th, shall be obtained and displayed on vehicles entering the port premises when conducting business related to tourism vessels docked, or to be docked, at the port facilities. The charge for a port access pass is as follows:

<u>Vehicle Size</u>	<u>Rate</u>
Up to 20' and service vehicles	\$ [30.00] 45.00 per month
Over 20' - 30'	\$ [50.00] 75.00 per month
Over 30'	\$ [125.00] 200.00 per month

Monthly port access passes shall be required for any portion of a month that a vehicle enters on the port premises when conducting business related to

tourism vessels docked or to be docked at the port facilities. Monthly port access passes shall not be prorated for partial month use. **A seasonal pass may be obtained for the cost of a monthly pass multiplied by the number of months remaining in the season discounted 20%. A single monthly pass may not be discounted. A pass will not be issued until all outstanding sales tax, interest and penalties have been paid to the City and Borough.**

Section 7: Amendment. Section 13.08.185 of the Ketchikan Municipal Code, entitled “Wastewater,” is hereby amended to read as follows:

“Subject to written approval by the city of Ketchikan’s public works department, vessels may offload “grey water” wastewater into the city of Ketchikan’s wastewater collection system on a case-by-case basis. Acceptance will be based on several factors including quantity, anticipated or actual concentration of biochemical oxygen demand, anticipated or actual total suspended solids, method of delivery and the city’s wastewater facilities ability to adequately collect and process the grey water. The rate shall be \$150.00 per day plus \$100.00 per 1,000 gallons of effluent. **The Public Works Director may waive the \$150.00 per day fee on a case-by-case basis.**”

Section 8: Amendment. Section 13.10.030 of the Ketchikan Municipal Code, entitled “Imposition of passenger wharfage fees,” is hereby amended to read as follows:

“(a) Beginning [~~January~~] **April** 1, [~~2007~~] **2021**, upon each visit by a passenger ship docking at a city-owned or city-leased port facility, a passenger wharfage fee of \$[~~7.00~~] **9.00** per passenger shall be assessed.

(b) Beginning [~~January~~] **April** 1, [~~2007~~] **2021**, upon each visit by a passenger ship that lighters passengers to or from a wharf or port facility owned or leased by the city or any private entity, a passenger wharfage fee of \$[~~4.00~~] **6.00** per passenger shall be assessed.

(c) Beginning [~~January~~] **April** 1, [~~2007~~] **2021**, upon each visit by a passenger ship docking at wharf or port facility owned by a private entity, a passenger wharfage fee of \$[~~4.00~~] **6.00** per passenger shall be assessed.

[~~(d) Council Review. On or before October 1, 2019, the city council intends to review whether \$1.00 of the \$7.00 fee set in subsection (a) of this section should continue or should be reduced.~~]

Section 9: Effective Date. This ordinance is effective one (1) month after its final passage and publication, but in any event no sooner than the following dates respectively:

The new rates for dockage charges in Section 13.08.100(a) shall be effective April 1, 2021.

The new rates for dockage charges in Section 13.08.100(b) shall be effective April 1, 2020.

The new rates for lighter vessels in Section 13.08.100(c) shall be effective April 1, 2021.

The new rates for vessels using loading zones in Section 13.08.100(e) shall be effective April 1, 2020.

The example of the new rates for passenger vessels in Section 13.08.100(f) shall be effective April 1, 2021.

The elimination of the promotional dockage rates in Section 13.08.101 shall be effective January 1, 2020.

The elimination of the Wharfage rates described in Sections 13.08.110 and 13.08.120 will be effective January 1, 2020.

The new rates for additional fees in Section 13.08.125 shall be effective April 1, 2021.

The new rates for vehicle port access passes in Section 13.08.155 shall be effective April 1, 2020.

The new rate for wastewater in Section 13.08.185 shall be effective November 1, 2019.

The new rates for passenger wharfage fees in Sections 13.10.030(a), 13.10.030(b) and 13.10.030(c) shall be effective April 1, 2021.

The elimination of sections 13.08.125(e) and 13.10.030(d) shall be effective 30 days after passage.

PASSED ON FIRST READING _____.

FINAL PASSAGE _____.

Robert Sivertsen, Mayor

ATTEST:

Kim Stanker
City Clerk

EFFECTIVE		DATE:	
ROLL CALL	YEA	NAY	ABSENT
BERGERON			
COOSE			
FLORA			
GAGE			
KIFFER			
WILLIAMS			
ZENGE			
MAYOR			

**PORT & HARBORS ADVISORY BOARD
MEETING MINUTES
DATE: 08/13/2019**

CALL TO ORDER:

The Port & Harbors Advisory Board regular meeting was called to order at 7:00 P.M., at the Harbormaster Building at 2933 Tongass, Ketchikan, Alaska.

ROLL CALL:

MEMBERS PRESENT:

- [x] Mr. Dan Christensen
- [x] Mr. John Kimmel
- [x] Mr. Andrew Mulder
- [x] Mr. Richard "Dick" Allen
- [x] Mr. Timothy Walker (Vice-Chairman)
- [x] Mr. Dale "Mickey" Robbins
- [x] Mr. Mark Flora (Council member)
- [x] Mr. Rod Bray (Chairman)
- [x] Mr. Eric Lunde

MEMBERS ABSENT:

Excused

- | | | |
|-----|---------------------------|-----|
| [] | Mr. Dan Christensen | [] |
| [] | Mr. John Kimmel | [] |
| [] | Mr. Andrew Mulder | [] |
| [] | Mr. Richard "Dick" Allen | [] |
| [] | Mr. Timothy Walker | [] |
| [] | Mr. Dale "Mickey" Robbins | [] |
| [] | Mr. Mark Flora | [] |
| [] | Mr. Rod Bray | [] |
| [] | Mr. Eric Lunde | [] |

Harbor Staff Present:

- [x] Mr. Steve Corporon
- [x] Mr. Dan Berg
- [x] Ms. Angel LaDuke

MINUTES:

MOTION was made by Walker to accept the minutes of the regular meeting of the Port and Harbors Advisory Board from July 9, 2019. **MOTION SECONDED** by Flora.

MOTION PASSED UNANIMOUSLY.

COMMUNICATIONS:

None

PERSONS TO BE HEARD:

Don Westlund: Mr. Westlund is a charter captain, and user of the harbors. He has concerns with the potential port expansion because the Thomas Basin area is already congested, and it is hard to get in and out of the area. He is also concerned with the creek deflection with the proposed 400' of expansion on Berth I. He is concerned it will erode the base of the breakwater. He stated he is not happy about the larger ships coming.

Mr. Westlund stated that he did not feel it was fair to offer a price break to charter boat loading zone passes for purchasing a season pass. He states that he pays for a pass to use it for one day, and everyone should have to pay the same, and people should only have to pay for what they use. Director Corporon explained that this incentive was offered because of the administrative costs it takes to produce passes monthly.

Mr. Westlund also noted he is on the North Tongass Fire Department and is concerned about the increase in the volumes of calls if there is a cruise ship dock put in at Ward Cove. He was informed by the Chairman that the City of Ketchikan has no involvement in the Ward Cove dock.

Jerry Cegelske: Mr. Cegelske was representing the Ketchikan Yacht Club and is a Thomas Basin user. He is concerned about the number of salmon tenders anchoring in the approach of Thomas Basin, especially with all of the traffic: Allen Marine, Baranoff Skiffs, vessels clearing customs, etc. He is concerned about the bow thrusters from the ships creating a hazard, and the high flow out of the creek after a large rain. The Ketchikan Yacht Club is against the expansion of Berth I as proposed by the Survey Point Holding proposal. He would like to make it clear that he is not in favor of any proposal that narrows the entrance to Thomas Basin.

Rick Erickson: Mr. Erickson was present representing Survey Point Holdings (SPH) and Cruise Line Agencies. He said the proposal was simply to show the powers that be that there are other options than what have already been presented. He stated the option presented by SPH costs less, and expands Berth I 300' past the present mooring dolphin.

OLD BUSINESS:

None

NEW BUSINESS:

1. Review of Port Fees

Director Corporon explained that extensive time and research was done on the implementation dates and rates of Port services. He concluded that most of the rates had not been raised in many years, and that they were well below the consumer price index (CPI). Director Corporon presented his rationale for each rate increase in his memo to the Board, as well as the timeline for implementation (2021 anticipated rate increases for the cruise ships, with some implementation dates as soon as 2020), and each was discussed at the table.

Kimmel voiced that he feels like these numbers and increases are arbitrary. He stated that the cruise lines need years to create a budget and inflicting these raises on them in such a short amount of time is not acceptable. He suggested a meeting with the cruise industry, and also voiced concern over raising rates without a specific project to fund.

Allen voiced his opinion that the cruise ship berths need to be improved, and that the passenger wharfage rate increase should be used to pay for these improvements. Allen questioned if the port development fund could be used for design and building or just designing projects for the port. Corporon replied it could be used for both.

Flora commented that these numbers are not arbitrary, and were calculated using formulas that account for inflation. He feels these rate increases are 20 years too late, and that we are simply fixing a mistake that was made not increasing them over the last 20 years. He feels that while these increases are unpleasant for the cruise ship industry, they are well over-due.

Christensen stated that the private wharfage tax will cost too much to enforce and he feels it is counterproductive. He also stated that he feels like a set rate rather than a variable rate for port fees would be better so vessels know what to expect every time they are here.

Walker stated that he feels that these increases should be done over time, not all at once, and not on such a short implementation time line.

Lunde questioned if charging ships by the foot or by the passenger was more lucrative.

a. Dockage

MOTION was made by Allen that the Port and Harbors Advisory board recommend that the City Council approve an ordinance raising the dockage fee to \$4.88 in 2021, as well as expanding the scale beyond 700'+ to create categories for larger vessels, such as 700'-900' at a rate of \$2.77/ft, 970'-1050', and 1050'+, using the same percentage difference of 14.5% between the current top ranges to separate the proposed new ranges. **MOTION SECONDED** by Flora. **MOTION PASSED 7-2. Walker, Kimmel Opposed.**

b. Dockage 30-day Flat Rate

MOTION was made by Robbins that the Port and Harbors Advisory board recommend that the City Council approve an ordinance raising the dockage 30-day flat rates based on the cumulative rate of inflation plus an additional 2% to take effect in 2020, as well as include language in the code to provide for an automatic annual rate increase based on the consumer price index for these rates beyond 2020.

Discussion followed.

MOTION was made by Robbins to amend the main motion to the Port and Harbors Advisory board recommend that the City Council approve an ordinance raising 30-day flat rates based on the cumulative rate of inflation since 1991, plus an additional 2% to take effect in 2020, noting that 0'-100' and 100'-149' only be raised based on the cumulated rate of inflation since 2016, when they were last changed; as well as include language in the code to provide for an automatic annual rate increase based on the consumer price index for these rates beyond 2020. **MOTION SECONDED** by Flora. **MOTION PASSED 8-1. Walker Opposed.**

c. Promotional Dockage

MOTION was made by Flora that the Port and Harbors Advisory board recommend that the City Council remove the promotional dockage fees from the municipal code. **MOTION SECONDED** by Allen. **MOTION PASSED UNANIMOUSLY.**

d. Lightering

MOTION was made by Allen that the Port and Harbors Advisory board recommend that the City Council approve an ordinance raising the lightering fee based on the cumulative rate of inflation plus 4% to take effect in 2021; as well as include language in the code to provide for an automatic annual rate increase based on the consumer price index for these rates beyond 2021. **MOTION SECONDED** by Mulder. **MOTION PASSED 8-1. Kimmel Opposed.**

e. Wharfage

MOTION was made by Mulder that the Port and Harbors Advisory board recommend that the City Council remove the wharfage fees from the municipal code. **MOTION SECONDED** by Lunde. **MOTION PASSED UNANIMOUSLY.**

f. Port Development

MOTION was made by Flora that the Port and Harbors Advisory board recommend that the City Council approve an ordinance raising the port development fee to rates based on the cumulative rate of inflation plus 4% to take effect in 2021, resulting in the rates being \$1.97/ft for vessels less than 500' and \$3.00/ft for vessels over 500'; as well as include language in the code to provide for an automatic annual rate increase based on the consumer price index for these rates beyond 2021. **MOTION SECONDED** by Robbins. **MOTION PASSED 7-2. Walker, Kimmel Opposed.**

MOTION was made by Allen that the Port and Harbors Advisory board recommend that the City Council approve expanding the dates encompassed in the code language to April 15th- Oct 15th. **MOTION SECONDED** by Robbins. **MOTION PASSED UNANIMOUSLY.**

g. Passenger Wharfage

MOTION was made by Walker that the Port and Harbors Advisory board recommend the City Council remove the sunset provision from the passenger wharfage municipal code. **MOTION SECONDED** by Christensen. **MOTION PASSED UNANIMOUSLY.**

MOTION was made by Walker that the Port and Harbors Advisory board recommend that the City Council implement fee increases incrementally. **MOTION Died for lack of second.**

MOTION was made by Lunde that the Port and Harbors Advisory board recommend that the City Council direct the City Attorney to research if it would be more advantageous to charge cruise ships by the foot or keep charging a per passenger rate, prior to raising the passenger wharfage rate. **MOTION SECONDED** by Christensen. **MOTION PASSED 6-3. Bray, Flora, Allen Opposed.**

h. Port Access Pass

MOTION was made by Walker that the Port and Harbors Advisory board recommend that the City Council approve an ordinance raising the port access pass fee to \$45.00 for vehicles under 30', \$75.00 for vehicles 21'-30', and \$200.00 for vehicles over 30', to take effect in 2020; as well as recommend establishing a seasonal rate equivalent to 20% lower than the monthly rate times the number of months remaining to encourage operators to purchase a seasonal pass. **MOTION SECONDED** by Flora. **MOTION PASSED UNANIMOUSLY.**

i. Port Loading Zone Permit

MOTION was made by Flora that the Port and Harbors Advisory board recommend that the City Council include language in the municipal code to require the business purchasing a port loading zone permit and/or a port access pass to be current on sales tax with the Ketchikan Gateway Borough. **MOTION SECONDED** by Robbins. **MOTION PASSED 8-1. Lunde Opposed.**

MOTION was made by Walker that the Port and Harbors Advisory board recommend to the City Council approve an ordinance raising the port loading zone permit fee to \$4.00/ft/month; as well as recommend establishing a seasonal rate equivalent to 20% lower than the monthly rate times the number of months remaining to encourage operators to purchase a seasonal pass. **MOTION SECONDED** by Lunde. **MOTION PASSED 7-2. Bray, Flora Opposed.**

j. Potable Water

MOTION was made by Allen that the Port and Harbors Advisory board recommend that the City Council do not increase the potable water fee at this time. **MOTION SECONDED** by Mulder. **MOTION PASSED UNANIMOUSLY.**

k. Waste Water

MOTION was made by Mulder that the Port and Harbors Advisory board recommend that the City Council do not increase the waste water fee at this time, but add to the code language that the Public Works Director may waive the \$150/day fee on a case-by-case basis. **MOTION SECONDED** by Allen. **MOTION PASSED UNANIMOUSLY.**

2. Review of proposal for expanding Berth I submitted by Survey Point Holdings (SPH)

Director Corporon summarized his memo to the Board. He pointed out he has to consider both the Port, and the harbors.

His first talking point was that this estimate is, in his opinion, very low from a cost perspective. SPH used some of the same source information as Moffat and Nichol (M&N) did on their initial planning estimate for Berth I, which was low as well. Director Corporon also spoke to the element that the Army Corp of Engineers (ACEO) has indicated that if this design is approved, there may be conditions that apply to the permit approval.

Also noted by Director Corporon were the concerns from a harbor aspect: the cruise ships do create a very large water displacement when using azipods or bow thrusters,

and this current is pushed right up against the Thomas Basin break water. Extending the berth 400' also creates a navigational hazard for vessel traffic coming and going from Thomas Basin, and this is a very congested and busy area now. Director Corporon did note that he is currently monitoring the current sensor installed earlier this year to have an idea of the current conditions, and possible implications given the proposed SPH expansion proposal.

Discussion was held by The Board. Key points are as follows:

- Concern about the velocity of flow coming out of Ketchikan Creek and how that will impact maneuverability coming and going from Thomas Basin, in relation to the proposed 400' berth expansion.
- Will the payback be worth the risk? Will this asset be worth the cost, or will it be an abandoned asset? Is a return on the investment expected, especially with the potential berths going in at Ward Cove?
- Will the safety issues with this proposal be considered? Such as the current at the entrance, the narrowing of the entrance and vessel traffic control.
- Will the transfer bridge be protected in this design, as it is right in the path of vessels with limited maneuverability transiting to and from Thomas Basin.
- There will be a loss of moorage on the back side of Berth I for larger vessels. This is an essential piece of moorage for the fishing fleet, as it can accommodate vessels over 110' in length, which is the maximum for the harbors.

Council Member Flora spoke to the fact that the SPH proposal is not a good option, as it is based off of fallacies and inaccurate numbers. He states that this proposal suggests using up the port reserve funds and then offers to let the City take out a private loan from SPH. It also accounts for not taking out the Berth II rock pinnacle to save costs, which is not even an option as the project is underway. Lastly, SPH plans to lobby for CPV funds, which after looking at the proposed State budget, are nonexistent. He cautions the PHAB to look at this proposal for what it is and not what it could be.

Other discussion related to the Port, but not necessarily the SPH proposal, are as follows:

- Is expansion or reconfiguration a better path to take? It has been discussed that even if we expand berths, our uplands do not have the infrastructure to support multiple neopanamax ships at one time. B&A has provided the City with three "Plan B" options (Plan A is no longer on the table after the construction of private Ward Cove berths were unveiled). These options range from about \$20,000,000 to \$89,000,000.
- Will the 35% design by M&N be considered by the City Council alongside the B&A and SPH proposals? Director Corporon spoke to the fact that although their contract was terminated in March, that we own the M&N expansion proposal.
- Should we look at cost cutting or spending the money now, and having what we want later?
- Council Member Flora informed the Board that the negotiations for the Berth IV expansion are at a stall with SPH.

- A long term plan must be considered, and does not need to be done in haste.
- Thomas Basin users are not supportive of this plan, and in general, of the expansion. This must be considered when making a decision.

MOTION was made by Allen to recommend the City Council look at the Survey Point Holdings proposal in more depth considering safety. **MOTION SECONDED** by Mulder. **MOTION PASSED 7-2. Bray, Flora Opposed.**

Director's Report:

1. **Rock Pinnacle Removal Update:** The ACOE permit was received on July 19 which allowed us to complete the design package and issue the invitation for bids on July 26. Bids are due on August 22 with consideration of a contract award at the City Council meeting of September 5. A mandatory pre-bid meeting is scheduled for 8/14/19. Work is scheduled to be performed this coming winter of 2019/2020.
2. **Proposed Project to Purchase the Former Bar Harbor Restaurant:** At the City Council meeting of June 20 the Council directed staff to inquire about having the property assessed/inspected for hazmat. Public Works and the Assistant City Manager are coordinating with the owner to gain access for a preliminary inspection before seeking a more detailed inspection by a contractor. The report will be provided to the Council prior to their determination on whether to pursue a purchase or not. It should be noted that the revised estimated cost of the project provided to the Council at the June 20 meeting had increased from \$1.3M to \$2.3M. I was also recently contacted by the owner of the house on the other side of the current parking lot at 2829 who stated he was interested in selling that property to the City. He does not own the small empty lot at 2823 which is in between his property and the entrance to the parking lot.
3. **Ward Cove Proposed Cruise Ship Facilities Update:** On July 29 Director Corporon attended the open house hosted by the owners of Ward Cove to gather more information on their proposed project to construct a cruise ship facility. The owners anticipate beginning work on site in November with the facility being open in July of 2020 and their ACOE permit application is under review. A copy of the public notice issued by the ACOE recently for the project is attached. The comment period has been extended and will now close on September 19th. The City of Ketchikan does intend on commenting. In anticipation of the ACOE permit being approved the owners have already order steel for the project as well as the 500' by 70' float.
4. **Installing Additional Safety Ladders in Harbor Facilities:** Testing and evaluation of the three new safety ladders recently installed in Thomas Basin has been completed, and it was determined that the collapsible ladders work best. In addition to working well, they are the lowest cost option. Staff will complete

another assessment of the harbors to see where, and, thus, how many ladders will need to be purchased, and work the cost into the proposed FY 2020 budget.

5. **Thomas Basin Float 1 Rehabilitation:** The project is essentially complete with the installation of some additional floatation by contract divers as the only remaining work. The work was performed in house by P&H maintenance personnel who did an outstanding job of maintaining access for customers throughout the project while providing quality work. In response to the question regarding the orientation of the decking where Float 1 intersects Float 4 we confirmed that the orientation of the structural members in that location dictated the orientation of the decking. We also confirmed by reviewing old aerial photos that the orientation is the same as it was prior to the incident a few years ago.
6. **Bar Harbor North Ramp 3 Grant Application:** The application for the State Harbor Facility Grant Program for the Bar Harbor North ramp 3 project was completed and submitted on July 25 well ahead of the August 1 deadline. A copy of the application will be available at the meeting if anyone is interested in seeing the finished product. Status of funding for grants for last year's applicants is still uncertain due to the State budget issues. Attached is a letter the President of the Alaska Association of Harbormasters and Port Administrators recently sent to the Governor and Legislators regarding the Governor's veto of funding for the program.
7. **Bar Harbor South Drive Down Dock Crane:** The drive down dock crane motor has gone out, and staff is researching a replacement.

COMMITTEE MEMBER COMMENTS:

Mr. Dan Christensen: Thinks removing the cargo wharfage is not a good idea. I feels\ that it is easier to modify it later, than have to add it back in. What if someone wants to unload a gravel barge on the port?

Mr. John Kimmel:

Mr. Timothy Walker:

Mr. Dale "Mickey" Robbins: Happy to be back.

Mr. Mark Flora:

Mr. Richard "Dick" Allen: It was an interesting and productive meeting, and I hope no one was offended.

Mr. Rod Bray: This was a long, but civil meeting. Thank you everyone.

Mr. Eric Lunde: Thank you for compiling the information, Steve.

Mr. Andrew Mulder: I appreciate the hard work that went into compiling this information, Steve.

ADJOURNMENT:

MOTION TO ADJOURN was made Allen at 10:09 p.m. **MOTION SECONDED** by Walker. **MOTION PASSED UNANIMOUSLY.**

Chair/Vice Chair Signature

Date

EXCERPTS FROM TITLE 13 - PORT OF KETCHIKAN

13.08.080 Dockage period.

The period upon which dockage is assessed shall commence when the vessel is made fast to an assigned berth or moored and shall continue until such vessel lets go and has vacated the position assigned. When a vessel is shifted directly from one position to another berth, the total time at such berths shall be considered together when computing the dockage charge. All time is counted and no deductions are allowed because of Sundays, holidays, weather or other conditions. (Ord. 841 § 4(a), 1976)

13.08.090 Basis for computing dockage.

(a) Dockage is assessed upon length-overall (LOA) of the vessel. "Length-overall" means the linear distance, in feet, from the most forward point of the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel. Length-overall of the vessel as published in "Lloyds Register of Shipping" will be used and when not published, the port reserves the right to:

- (1) Obtain the length-overall from the vessel's register;
- (2) Measure the vessel.

(b) In computing dockage, charges are for a 24-hour day or fraction thereof. (Ord. 841 § 4(b), 1976)

13.08.100 Dockage charges.

(a) Dockage charges are in addition to all other charges contained in this chapter and shall be assessed against all vessels, except as provided in subsection (f) of this section, as follows:

<u>LOA</u>	<u>Rate per Foot per Day</u>		
	<u>0 - 6 Days</u>	<u>7 - 14 Days</u>	<u>15 Days and Over</u>
Under 100'	\$0.60	\$0.50	\$0.45
100' - 149'	0.60	0.50	0.45
150' - 199'	0.70	0.56	0.44
200' - 299'	0.88	0.70	0.56
300' - 399'	1.15	0.92	0.72
400' - 499'	1.38	1.10	0.92
500' - 599'	1.85	1.48	1.48
600' - 699'	2.12	2.12	2.12

FEB 2016

MAR 1991

<u>LOA</u>	<u>Rate per Foot per Day</u>		
	<u>0 – 6 Days</u>	<u>7 – 14 Days</u>	<u>15 Days and Over</u>
700' and over	2.42	2.42	2.42

MAR 1991

The above rates shall be assessed for each day or any part thereof a vessel is docked at the port facility and at the rate fixed for the longest period the vessel is docked.

(b) Vessels less than 400 feet LOA may apply for and make advance arrangements for a special 30-day flat rate docking fee. Such 30-day flat rate will apply only during the period October 15th through April 30th and is as follows:

<u>LOA</u>	<u>30-Day Flat Rate</u>
Under 100'	\$ 415.00
100' – 149'	920.00
150' – 199'	1,380.00
200' – 299'	2,500.00
300' – 399'	4,300.00

MAR 1991

(c) Lighter vessels used to transport passengers or cargo from designated areas of Hansen, Daly, Ryus or other city floats shall be assessed a fee of \$280.00 for each day or any part thereof.

DEC 2003

(d) The following provisions apply to vessels docked at the port facilities:

- (1) Mooring lines shall be tended by ships' personnel and shall be in good condition and of a suitable size and quantity for the vessel.
- (2) An operator shall be available at all times to tend and to move the vessel, if and when required.

JULY 1994

(e) Except as provided in this subsection, vessels using charter vessel loading zones shall be assessed a fee of \$2.50 per foot per calendar month or any part thereof. Vessels with beams of less than four feet powered only by oars or paddles shall be assessed a reduced fee of \$1.25 per foot per calendar month; provided, however, that they use only those loading zone areas where the city manager has made this reduced fee applicable.

APR 1997

(f) Dockage charges for passenger ships shall be assessed at 105 percent of the rates per foot per day provided for in subsection (a) of this section. For example, a passenger vessel with an LOA of 700 feet or more shall be assessed a rate per foot per day of \$2.54. For purposes of this subsection, a "passenger ship" means a vessel

JAN 2004

carrying passengers for compensation that is not exempted from payment of passenger wharfage fees under KMC 13.10.030. (Ord. 1811 § 1, 2016; Ord. 1483 § 2, 2004; Ord. 1363 § 1, 1997; Ord. 1301 § 2, 1994; Ord. 1204 § 1, 1991; Ord. 1173 § 2, 1989; Ord. 1062 § 1, 1985; Ord. 841 § 4(c), 1976)

13.08.101 Promotional port dockage rates.

In lieu of the dockage charges assessed by KMC 13.08.100(a) and (b), the city manager may assess the following dockage charges against certain vessels docked at port facilities:

<u>LOA</u>	<u>Temporary Rates per Foot per Day</u>		<u>Temporary 30-Day</u>
	<u>7 – 14 days</u>	<u>15 days and over</u>	<u>Flat Rate</u>
Under 100'	\$0.17	\$0.14	\$ 290.50
100' – 149'	0.28	0.22	644.00
150' – 199'	0.39	0.31	966.00
200' – 299'	0.49	0.39	1,750.00
300' – 499'	0.64	0.50	3,010.00

OCT 1998

Vessels which are assessed the above rates shall not receive utility service or other port services unless approved by the city manager. The manager may limit the availability of the above rates to certain dockage locations. The manager may also limit the availability of the above rates to vessels receiving repair, reprovisioning or other services in this borough, and vessels which, in his determination, might otherwise dock elsewhere to receive these services.

The above rates may be offered only for dockage which begins on or after October 1st and which ends on or before March 1st. The manager may, however, begin offering the above rates at a later date and may discontinue the above rates at an earlier date. Vessels which are docked at port facilities after March 1st or after discontinuance of the above rate, whichever is earlier, and vessels with a length-overall of 500 feet or more shall pay the rates set out in KMC 13.08.100(a) or (b), or other applicable sections of the KMC. (Ord. 1406 § 1, 1998)

13.08.105 Dockage – Not chargeable when.

The dockage charges otherwise chargeable pursuant to KMC 13.08.100 shall not be applied to vessels that use the port of Ketchikan when such vessels, by reason of length and draft, are qualified to moor in boat harbor facilities, as defined and referred to in KMC 14.08.040 and 14.20.090, provided the director of the port determines that there exists no moorage space available in the boat harbor facilities, that docking at the port of Ketchikan is in the best interest of the city, and that the moorage fees established by Chapter 14.40 KMC are to be assessed. (Ord. 976 § 1, 1982)

13.08.110 Wharfage rates.

Wharfage shall be assessed against all cargo as follows:

<u>Cargo</u>	<u>Rate</u>
Bulk, break bulk	\$2.00 per short ton of 2,000 pounds
Timber products	\$0.50 per 1,000 board feet
Liquid cargo	\$1.00 per short ton of 2,000 pounds
Containers/vans	\$5.00 per container/van

OCT 1985

(Ord. 1062 § 2, 1985; Ord. 841 § 5(a), 1976)

13.08.120 Wharfage – Not chargeable when.

No wharfage shall be assessed on:

- (a) Handling and stevedore tools, equipment and appliances taken on wharf for the purpose of loading or discharging a vessel;
- (b) Baggage of passenger when carried on same vessel as passenger and on which no revenue is collected by the water carrier, either as excess baggage, freight, or cargo;
- (c) Stores and supplies purchased by the vessel for use by the vessel. (Ord. 841 § 5(b), 1976)

13.08.125 Additional fees.

(a) In addition to any other fees assessed pursuant to this chapter, an additional fee shall be assessed against each vessel which exceeds 120 feet length-overall and either carries revenue generating passengers or loads or unloads cargo at port of Ketchikan facilities. This additional fee shall be assessed each time the vessel uses port of Ketchikan facilities during the period of May 1st through September 30th of each year. A vessel will be considered to have used port of Ketchikan facilities once each time it is moored to a port of Ketchikan facility.

(b) The additional fee shall be determined by multiplying the vessel's length-overall (as listed on the certificate of registry issued to the vessel by an internationally recognized classification society) by the following applicable fees:

- (1) \$1.25 per foot for all vessels with a length-overall of between 120 to 499 feet;
- (2) \$1.90 per foot for all vessels with a length-overall of 500 or more.

AAR 1999

FEB 1993

(c) The master or agent of each vessel shall provide the length-overall of the vessel upon request of the city.

\$1.60 150-299
\$2.00 300-599

(d) Proceeds from this fee shall be dedicated for the design and construction of mooring facilities.

(e) **Effective Date.** The provisions of this section shall be subject to a review by the city council no later than July 15, 1999. Such review may include the consideration of a sunset provision. (Ord. 1414 § 1, 1999; Ord. 1306 § 1, 1994; Ord. 1237 §§ 1, 2, 1993)

13.08.130 Manifest required.

Vessel must furnish a complete copy of manifest of cargo and statement of passengers loaded or discharged at port of Ketchikan. (Ord. 841 § 5(c), 1976)

13.08.140 Stevedoring services and charges.

Vessels shall enter into their own contract arrangements for stevedoring services. (Ord. 841 § 6, 1976)

13.08.150 Motor vehicle parking charges.

Parking stalls for motor vehicles within the port of Ketchikan may be managed by the city manager as commercial parking lots under Chapter 10.60 KMC. If parking fees or permits are required for the parking of motor vehicles on the port of Ketchikan, the city manager shall allocate an equitable portion of such parking fees or permit fees to the port fund established under KMC 13.04.050. (Ord. 1682 § 4, 2011)

13.08.155 Motor vehicle port access passes.

(a) Port access passes, valid for the period of May 1st through September 30th, shall be obtained and displayed on vehicles entering the port premises when conducting business related to tourism vessels docked, or to be docked, at the port facilities. The charge for a port access pass is as follows:

<u>Vehicle Size</u>	<u>Rate</u>
Up to 20' and service vehicles	\$30.00 per month
Over 20' – 30'	\$50.00 per month
Over 30'	\$125.00 per month

MAR 2001
MAR 1991
~~\$75~~ < 30
~~\$200~~ 30+

Monthly port access passes shall be required for any portion of a month that a vehicle enters on the port premises when conducting business related to tourism vessels docked or to be docked at the port facilities. Monthly port access passes shall not be prorated for partial month use.

(b) No port access pass may be issued to any duty-free seller, his agents, employees, or contractors unless that seller has executed a concession agreement with the city of Ketchikan. Duty-free goods may not be delivered or kept in any vehicle for which a port access pass has been issued except to the extent allowed under a concession agreement between the seller and the city.

(c) Issuance of a port access pass permits only the use of a vehicle on designated port premises. It does not permit the holder to conduct business on port premises or make other use of port premises. Any such business or other use must be separately requested by the applicant and approved by the city. Any port access pass may be canceled by the city at any time for any or no reason upon prorated refund of charges paid. (Ord. 1682 § 5, 2011; Ord. 1510 § 2, 2005; Ord. 1442 § 1, 2001; Ord. 1280 § 1, 1993; Ord. 1204 § 2, 1991; Ord. 1173 § 3, 1989; Ord. 949 §§ 1, 2, 3, 1980; Ord. 841 § 7, 1976)

13.08.180 Water.

(a) Subject to availability, fresh water may be supplied to vessels at the port of Ketchikan's facilities at the following rate:

Vessel Length-Overall	Fee for Each Servicing
199 feet or less	\$60.00
200 to 299 feet	\$120.00
300 to 399 feet	\$180.00
400 to 499 feet	\$240.00
500 to 599 feet	\$360.00
600 to 699 feet	\$480.00
700 to 799 feet	\$600.00
800 to 899 feet	\$720.00
900 to 1,100 feet	\$840.00

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(b) The above rates may be waived or reduced by the manager for certain vessels docked at the port facility during the period beginning October 1st and ending March 1st. (Ord. 1865 § 1, 2018; Ord. 1703 § 1, 2012; Ord. 1565 § 1, 2007; Ord. 1483 § 3, 2004; Ord. 1428 § 1, 2000; Ord. 1409 § 1, 1998; Ord. 1362 § 3, 1997; Ord. 1000 § 2, 1983; Ord. 841 § 8(c), 1976)

13.08.185 Wastewater.

Subject to written approval by the city of Ketchikan's public works department, vessels may offload "grey water" wastewater into the city of Ketchikan's wastewater collection system on a case-by-case basis. Acceptance will be based on several factors including quantity, anticipated or actual concentration of biochemical oxygen demand, anticipated or actual total suspended solids, method of delivery and the city's wastewater facilities ability to adequately collect and process the grey water. The rate shall be \$150.00 per day plus \$100.00 per 1,000 gallons of effluent. (Ord. 1865 § 2, 2018)

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13.10.010 Purpose.

The purpose of imposing fees under this chapter is to offset costs heretofore and hereafter incurred by the city of Ketchikan in acquiring, constructing and equipping its port facilities to provide related services for ships and their passengers who visit Ketchikan, and to mitigate impacts of increased utilization of city services by ships and their passengers.

13.10.020 Definitions.

The following definitions shall apply for purposes of this chapter:

"Agent" or "authorized agent" means the master or person in charge of the ship or any other person authorized by the owner or operator of the ship to act on behalf of the owner or operator with respect to the ship.

"City manager" or "manager" means the city of Ketchikan city manager or his or her designee.

"Entry into any port" means anchoring or mooring and allowing passengers to embark or disembark.

"Passenger" means any person who has paid any amount for a ticket contract entitling that person to transportation aboard the ship. The term does not include:

- (1) The owner's or operator's employees or their immediate family members sharing their quarters;
- (2) The owner's or operator's contractors or subcontractors; or
- (3) Musicians, artists, guest speakers, art auctioneers, interpreters, rangers, or similar persons traveling without charge and providing passenger services for the ship's owner or operator.

"Passenger manifest" means a document stating the total number of passengers aboard a ship at the time it enters or leaves the boundaries of the city.

"Passenger ship" or "ship" means a vessel carrying passengers for compensation.

"Person" means any individual, partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character.

"Visit" means an entry into a port or dock within the boundaries of the city more than 24 hours before or after another entry by the same ship, excluding visits for emergency purposes. (Ord. 1682 § 13, 2011)

13.10.030 Imposition of passenger wharfage fees.

- (a) Beginning January 1, 2007, upon each visit by a passenger ship docking at a

city-owned or city-leased port facility, a passenger wharfage fee of \$7.00 per passenger shall be assessed.

4 JAN 2004
6 MAY 2005
7 JAN 2007

(b) Beginning January 1, 2007, upon each visit by a passenger ship that lighters passengers to or from a wharf or port facility owned or leased by the city or any private entity, a passenger wharfage fee of \$4.00 per passenger shall be assessed.

2 JAN 2004
4 MAY 2005

(c) Beginning January 1, 2007, upon each visit by passenger ship docking at a wharf or port facility owned by a private entity, a passenger wharfage fee of \$4.00 per passenger shall be assessed.

(d) Council Review. On or before October 1, 2019, the city council intends to review whether \$1.00 of the \$7.00 fee set in subsection (a) of this section should continue or should be reduced. (Ord. 1829 § 1, 2016; Ord. 1732 § 1, 2013; Ord. 1688 § 1, 2012; Ord. 1682 § 14, 2011; Ord. 1669 § 1, 2011; Ord. 1555 § 1, 2007; Ord. 1517 § 1, 2005)

13.10.040 Calculation of fees.

(a) The total amount of passenger wharfage fees for each ship shall be calculated based on the passenger manifest upon arrival or departure, whichever is greater, for the ship upon its entry into or departure from any port within the city. Only one passenger wharfage fee shall be assessed per passenger per ship per visit.

(b) Upon entry into or departure from any port within the city, the owner, operator or authorized agent from each ship shall provide the city manager with a passenger manifest.

(c) The city manager shall develop procedures in accordance with KMC 13.10.080 for transmission of the passenger manifest from the owner, operator or authorized agent to the city manager. (Ord. 1682 § 15, 2011)

13.10.070 Exemptions.

(a) The passenger wharfage fees provided for in KMC 13.10.030 shall not apply to:

- (1) Ships without berths or overnight accommodations for passengers;
- (2) Ships operated by entities described in Section 501(c) of the Internal Revenue Code of 1986, as amended; or
- (3) Ships operated by a state or political subdivision of the state, the United States government, or a foreign government.

(b) The burden of proving an exemption shall be on the person claiming the exemption. Persons claiming an exemption shall be required to obtain an exemption certificate from the city manager in accordance with procedures established by the manager under KMC 13.10.080.

05 CBJAC 20.080 - Passenger-for-hire fee.

- (a) *Definition.* The fee assessed to a person conducting passenger-for-hire activities at Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp.
- (b) *Relationship to other fees.* This fee applies in addition to other fees set out in 05 CBJAC 020, except as follows:
- (1) A person paying moorage fees for reservations moorage at Statter Harbor as set out in 05 CBJAC 25.040 shall not be required to pay this fee;
 - (2) A person paying freight use fees as set out in 05 CBJAC 20.070 shall not be required to pay this fee if the passengers are loaded at a launch ramp;
 - (3) A person conducting passenger-for-hire activities at the Douglas Boat Harbor Launch Ramps, North Douglas Launch Ramp, Amalga Harbor Launch Ramp, Tee Harbor Launch Ramp, and Echo Cove Launch Ramp are assessed fees as set out 05 CBJAC 01 in lieu of this fee; and
 - (4) A person conducting passenger-for-hire activities at the Intermediate Vessel Float or the Marine Park Lightering Float are assessed moorage fees as set out in 05 CBJAC 15 in lieu of this fee.
- (c) *Requirements.* The owner of a vessel must apply to and obtain a permit from the Harbormaster in order to conduct passenger-for-hire activities at Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp. Applications are available at any of the Docks and Harbor Department Offices. The Harbormaster is authorized to issue permits with reasonable conditions concerning insurance, operations, and the payment of fees.
- (d) *Inspected vessel fees.* The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is regulated under Subchapter T and S of 40 CFR 33 as follows:
- (1) Calendar year 2015 permit: \$300.00 per vessel plus \$1.25 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2016 permit: \$400.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2017 permit: \$500.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.
 - (2) Each calendar year after 2017, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest

\$1.00 for the vessel permit and nearest \$0.10 per passenger, unless the docks and harbors board takes action to keep the fee the same as the previous year.

(3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.

(e) *Uninspected vessel fees.* The Harbormaster shall assess permit fees to the owner of a vessel engaged in passenger-for-hire activities that is not regulated under Subchapter T and S of 40 CFR 33 (OUPV - operator of uninspected passenger vessels) as follows:

(1) Calendar year 2015 permit: \$50.00 per vessel plus \$1.00 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2016 permit: \$100.00 per vessel plus \$1.25 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity. Calendar year 2017 permit: \$150.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

(2) Each calendar year after 2017, a fee equal to the previous year's fee adjusted by the Anchorage Consumer Price Index (CPI) as reported by the Alaska Department of Labor for the calendar year preceding the start of the moorage year, rounded to the nearest \$1.00 for the vessel permit and nearest \$0.10 per passenger, unless the docks and harbors board takes action to keep the fee the same as the previous year.

(3) No charge for non-profit use when approved by the Harbormaster on a case-by-case basis.

(Amended 4-11-2005, eff. 4-19-2005; Amended 12-5-2005, eff. 12-12-2005; Amended 4-24-2006, eff. 5-2-2006; Amended 7-15-2013, eff. 7-23-2013; Amended 4-1-2015, eff. 4-8-2015)

05 CBJAC 15.030 - Dockage charges.

- (a) *Definition.* The charge assessed to vessels for berthing at the Steamship Wharf, the Cruise Ship Terminal, the Intermediate Vessel Float (IVF), the Port Field Office Float (PFO), and the Inside of the Cruise Ship Terminal (ICT).
- (b) *Basis for computing charges.* Dockage charges are assessed upon length-over-all (LOA) of the vessel. Length-over-all is defined as the linear distance, in feet, from the forward most part at the stem to the aftermost part of the stern of the vessel, measured parallel to the base line of the vessel.

Length-over-all of the vessel, as published in "Lloyd's Register of Shipping" will be used and, when not published, the Port reserves the right to measure the vessel or obtain the length-over-all from the vessel's register.

- (c) *Dockage period; how calculated.* The period of time which dockage will be assessed shall commence when the vessel is made fast to an allocated berth or moored, or comes within a slip and shall continue until such vessel casts off and has vacated the position allocated. All time is counted and no deductions shall be allowed because of weather or other conditions, except when the Port Director provides for such allowance for good cause shown.
- (d) *Charges when a vessel shifts to different berth.* When a vessel is shifted directly from one position to another berth or slip, the total time at such berths or slips will be considered together when computing the dockage or charge.
- (e) *From May 1 to September 30, dockage for all vessels, except those vessels paying dockage fees set out in 05 CBJAC 15.030(f) and (h), will be assessed for each 24-hour period or portion thereof as follows:*
 - (1) \$1.50 per foot for vessels less than 65 feet in length overall;
 - (2) \$2.50 per foot for vessels with a length overall from 65 feet up to 200 feet; and
 - (3) \$3.00 per foot for vessels greater than or equal to 200 feet in length overall.
- (f) From May 1 to September 30, fishing vessels will be assessed dockage at \$0.75 per foot of length overall for each 24-hour period or portion thereof, except there will be no charge to vessels staging to offload at Taku Dock, provided the duration of staging is less than four hours.
- (g) From October 1 to April 30, dockage will be assessed as set out in 05 CBJAC 20.030 and 05 CBJAC 20.040.
- (h) From May 1 to September 30, vessels loading passengers as part of a for-hire tour or experience with a duration less than 24 hours shall comply with the requirements set out in 05 CBJAC 20.080(c) and shall pay passenger-for-hire fees as set out in 05 CBJAC 20.080(d).
- (i) *Dockage specials.* The Docks and Harbors Board may after public hearing establish special and promotional rates of a temporary nature in order to encourage use of facilities, to

respond to unusual economic circumstances, or to promote revenue development.

(Eff. 5-1-2005; Amended 12-11-2006, eff. 5-1-2007; Amended 5-18-2009, eff. 5-27-2009; Amended 3-15-2010, eff. 3-22-2010; Amended 5-15-2017, eff. 5-23-2017.)

05 CBJAC 15.035 - Reservation charge policy.

- (a) *Purpose.* This reservation charge policy applies to vessels for reserved moorage at the Intermediate Vessel Float, the Port Field Office Float (PFO), the Inside of the Cruise Ship Terminal (ICT), and Statter Harbor Breakwater from May 1 to September 30.
- (b) *Basis for computing charges.* Charges will be assessed as set out in 05 CBJAC 15.030.
- (c) *Reservation requests.* Reservations are required to dock at these facilities, with the exception of designated active loading zones. Requests for moorage reservations can be submitted at any time by email. Requests for reservations more than 365 days into the future will only be processed between May 1 and September 30. All requests and reservations must have arrival and departure times. Requested positions on the dock are not guaranteed. Docks and Harbors staff will review all requests and position vessels to optimize use of the IVF, PFO, and ICT Docks.
- (d) *Reservation confirmation and changes.* Payment is required for the first day of moorage for each visit at the time of reservation confirmation and is non-refundable. Cancelling a reservation will result in forfeiture of the reservation fee. Reservation dates can be adjusted until May 1 in the year of requested moorage at no additional charge if space is available. Starting May 1, reservation payments cannot be transferred to other dates; any change in dates will require forfeiture of the original reservation payment, and payment of an additional non-refundable reservation fee for the amended first day(s) of moorage. Failure to arrive within 24 hours after a reservation begins will result in cancellation of the remainder of the reservation and forfeiture of the reservation fee. Reservation payments are not transferrable between Downtown and Statter Harbor. The director may impose moorage terms and conditions that are reasonable and necessary to effectuate the purposes of CBJ Code of Ordinances Title 85 and CBJ Administrative Code Title 5.
- (e) *Other fees.*
 - (1) Any associated tenders/dinghies will also be charged moorage when stored in the water on the dock or alongside the vessel (space permitting) as set out in 05 CBJAC 15.030.
 - (2) Rafting is only authorized by Docks and Harbors staff and charges will be assessed as set out in 05 CBJAC 15.030.
 - (3) Power is available on a first come first serve basis and is not guaranteed. Charges will be assessed as set out in 05 CBJAC 30.010(e).
- (f) *Loading zones.* Designated active loading zones are intended primarily for vessels which are lightering, fishing vessels staging to offload at Taku Dock, and vessels engaged in passenger-

for-hire activity. Vessels wishing to dock in a loading zone for longer than four hours must obtain approval from the Harbormaster and will be charged accordingly.

(Eff. 5-23-2017)

05 CBJAC 15.040 - Port maintenance fee.

- (a) *Definition.* The charged assessed for use of the Steamship Wharf, the Cruise Ship Terminal, the Intermediate Vessel Float, and the Marine Park Lightering Float to provide for maintenance, replacement, and improvement of these facilities.
- (b) *Applicability and basis for computing charges.* Port maintenance fees shall be assessed to any vessel over 100 gross tons, carrying passengers-for-hire that makes voyages lasting more than 24 hours of which any part is on the high seas when such vessels tie to, or lighter to, the Steamship Wharf, the Cruise Ship Terminal, the Intermediate Vessel Float, and the Marine Park Lightering Float. Gross tonnage means the gross tonnage measurement of the vessel as set out in 46 U.S.C. Chapter 143 or Chapter 145. The Port reserves the right to obtain the gross tonnage from the vessel's register. Except for lightering operations less than three hours in duration, the port maintenance fee shall be assessed based on the net registered tonnage of the vessel. For lightering operations less than three hours in duration, the port maintenance fee shall be assessed based on one-half of the net registered tonnage of the vessel. If the vessel subsequently moves from anchor to alongside a public dock, the port maintenance fee shall be assessed based on the net registered tonnage of the vessel.
- (c) *Port maintenance fee period; how calculated.* The period of time which the port maintenance fee will be assessed shall commence when the vessel is made fast to an allocated berth or moored, comes within a slip, or begins lightering operations and shall continue until such vessel casts off and has vacated the position allocated, or terminates lightering operations. All time is counted and no deductions are allowed because of weather or other conditions, except when the Port Director provides for such allowance for good cause shown.
- (d) *Charges when a vessel shifts to different berth.* When a vessel is shifted directly from one position to another berth or slip, or shifts lightering operations, the total time at such berths or slips, or lightering operation shall be combined when computing the port maintenance fee.
- (e) *Port maintenance fees assessment:*

Time Period	Charge
Each 24-hour period or portion thereof	\$0.055 for each net registered ton of vessel displacement

(Eff. 5-1-2005; Amended 3-5-2007, eff. 3-13-2007)

05 CBJAC 15.050 - Potable water fee.

- (a) *Definition.* The charge assessed to vessels for taking on potable water through a metered connection at the Port.
- (b) *Basis for computing charges.* The charge shall be assessed based on water meter readings recorded by the Port staff.
- (c) *Potable water fees assessment:* The fee shall be 150 percent of the CBJ Water Utility Rate for the metered commercial customer class.

(Eff. 5-1-2005; Amended 9-17-2012, eff. 10-1-2012 ; Amended 3-30-2017, eff. 4-11-2017)

05 CBJAC 15.060 - Vessel lightering fee.

- (a) *Definition.* The charge assessed to vessels for dropping-off or picking-up passengers at the Marine Park Lightering Float or the Intermediate Vessel Float.
- (b) *Applicability and basis for computing charges.* A vessel lightering fee shall be assessed to any vessel over 100 gross register tons, carrying more than 100 passengers-for-hire which makes voyages lasting more than 24 hours, of which any part is on the high seas when such vessels lighter passengers to the Intermediate Vessel Float or the Marine Park Lightering Float. Gross tonnage means the gross tonnage measurement of the vessel under 46 U.S.C. Chapter 143 or Chapter 145. The Port reserves the right to obtain the gross tonnage from the vessel's register.
- (c) *Vessel lightering fee period.* The period of time which the vessel lightering fee shall be assessed shall commence when the first lightering tender is made fast to an allocated berth or moored, comes within a slip, and shall continue until the last lightering tender such vessel casts off and has vacated the position allocated, or terminates lightering operations. All time is counted and no deductions are allowed because of weather or other conditions, except when the Port Director provides for such allowance for good cause shown.
- (d) *Charges when a vessel shifts to different berth.* When a vessel is shifted directly from one position to another berth or slip, or shifts lightering operations, the total time at such berths or slips, or lightering operation shall be combined when computing the lightering fee.
- (e) *Vessel lightering fees assessment:*

Unit	Charge
Each 24-hour period or portion thereof.	\$600.00

(Eff. 5-1-2005)

05 CBJAC 15.070 - Tour broker and vending permit fees.

- (a) *Definition.* The charge assessed for obtaining a tour broker or tour vendor permit as set out in CBJ Administrative Code Title 05, Chapter 10.
- (b) *Basis for charge.* Permits are issued to qualifying entities by means of a public bid in accordance with CBJ Administrative Code Title 05, Chapter 10. The public bid usually occurs each January.

(Eff. 5-1-2005)

05 CBJAC 15.080 - Loading permit fees.

- (a) *Definition.* The charge assessed for obtaining a loading permit as set out in CBJ Administrative Code Title 05, Chapter 10.
- (b) *Basis for charge.* Permits are issued to qualifying entities pursuant to the regulations set out in CBJ Administrative Code Title 05, Chapter 10. Three classes of permits are issued, "A" permits, "B" permits, and limited loading permits. The "A" and/or "B" permits have two fee components. The first component is assessed to each company obtaining one or more "A" and/or "B" permits. The second component is assessed to each company based on the total number of passenger seats, excluding the vehicle driver's, that are permitted. All fees are assessed on a per calendar year basis.
- (c) *Loading permit fees assessment:*

Permit Type	Fee
"A" or "B" Permit	2017: \$300 per company plus \$7 per passenger seat 2018: \$350 per company plus \$8 per passenger seat 2019: \$400 per company plus \$9 per passenger seat Starting 2025: Adjust this fee every 5 years based on the CPI adjustment
Limited Loading Permit	\$15 per vehicle for each permit day; or \$250 per year, whichever is less.

(Eff. 5-1-2005; Amended 5-15-2017, eff. 5-23-2017)

05 CBJAC 15.090 - Electricity fees.

- (a) *Definition.* The fee assessed for the use of electrical outlets at the Marine Park Lightering Float, the Steamship Wharf, the Cruise Ship Terminal, the Intermediate Vessel Float and adjacent facilities under the administration of the Docks and Harbors Board.
- (b) Fees for electricity will be assessed in accordance with the fees and charges in effect at the time the electricity is consumed.

(Eff. 5-1-2005)

05 CBJAC 15.095 - Other fees.

- (a) *Definition.* The fee assessed for the use of CBJ Docks and Harbors Department facilities that are not specifically identified in CBJ Administrative Code Title 05, Chapter 15.
- (b) *Basis for charges.* Fees will be established by the CBJ Docks and Harbors Board on a case-by-case basis.

(Eff. 5-1-2005)

05 CBJAC 15.100 - Other CBJ fees billed by docks and harbors department.

- (a) *Marine passenger fee.* The CBJ Docks and Harbors Department assesses a marine passenger fee in accordance with CBJ Ordinance 69.20. The marine passenger fee is currently \$5.00 per arriving passenger. The fee is assessed to certain passenger vessels entering into any port within the City and Borough of Juneau. Fee proceeds are deposited into the general fund of the CBJ.
- (b) *Port development fee.*
 - (1) *Imposition.* Beginning on the effective date of Resolution Serial No. 2552, every vessel carrying passengers for compensation on port calls in the City and Borough and not otherwise exempted by subsection (A) of this section, shall pay in addition to any other fee or charge, a Port Development Fee of \$3.00 per arriving passenger per day for all vessels, except for the following:
 - (A) *Exemptions.* The Port Development Fee shall not apply to:
 - (i) vessels under 200 tons;
 - (ii) noncommercial vessels or vessels owned and operated by the state, the United States government, or a foreign government; and
 - (iii) vessels operated by federally recognized Indian tribes.

(Eff. 5-1-2005; Amended 5-13-2013, eff. 5-23-2013)