

HAINES HARBOR MOORAGE AGREEMENT-TERMS AND CONDITIONS

Note: This policy is a synopsis of the Haines Borough Code Title 16, concerning moorage and use of small boat harbors. It is not intended to replace or supplement the Code, which has precedence.

1. **Assignment of spaces.** Assignment of use of a designated and numbered space, either stall side mooring or bow mooring, shall be made by the harbormaster who shall give the boat owner a duplicate of the stall rental agreement. Presentation of this duplicate, signed by the boat owner, shall be made to the borough finance department or harbormaster when payment of the fee indicated thereon is made. Boat owners may retain space rented by them only so long as they continue to be boat owners. If a boat owner sells or disposes of their boat, the owner may retain the space until the end of the rental period and may not renew the same unless the owner has acquired or given notice of intent to acquire another boat within a reasonable time. Otherwise, the stall shall be assigned to the first appropriate-sized boat on the waiting list.
2. **Use of stall pertains to owner of boat.** No property rights are created by this section or this title. The stall renter shall have only a license to use the space reserved to him as provided in this title. There shall be no loaning or sublease of stalls except by the harbormaster. Stalls are assigned to boat owners, rather than boats; a person buying a boat previously moored in the harbor shall have no rights to the previous owner's boat stall except as established by the harbor stall waiting list. The borough assembly, upon recommendation of the manager, may permit a person or business to bypass the stall waiting list when such an exception is justified in the public interest. The borough assembly may establish conditions that limit the boat owner's use of the stall and may revoke the use of the stall if continued occupancy is no longer justified in the public interest. The harbormaster has the authority to utilize the holder's reserved space for other boats during the absences of the holder's boat and to move moored boats to other locations in the event of fire or other emergency requiring such action.
3. **Fees due when – Rental period.** A. Rental, moorage and launch ramp fees provided in this chapter shall be paid for prior to the occupancy or use of the facilities during the period for which the fees are assessed and shall be delinquent unless then paid. Except as specifically provided in this chapter, rental payments for stalls, permanent moorage and launch ramp fees shall be made annually, in advance, for a one-year period commencing October 1st and ending September 30th. B. A boat owner or agent who rents a stall or permanent open moorage on or after April 1st shall pay the entire annual fee for the period ending September 30th; however, the owner or agent shall be entitled to a 50 percent reduction in the moorage fee for the next 12-month period beginning October 1st. C. Anyone wishing to terminate the use of their stall before April 1st of the year shall be eligible for a refund in the amount of one-half the moorage fees paid for that billing year.
4. **Delinquent rental and moorage fees.** In the event rental and/or moorage fees are not paid within 60 days from the date of delinquency as outlined in HBC 16.16.030, a penalty of 10 percent of the rental and/or moorage fees due shall be levied against and added to the delinquent account. Transient moorage which must be invoiced will be charged at twice the normal rate.
5. **Liability.** The borough shall not be liable for death or injury to persons, or damage to property, upon the vessel, harbor facilities or premises adjacent thereto arising from any cause other than the willful misconduct of the borough. The boat owner indemnifies and holds the borough and its officers and employees harmless from all claims for death or injury to persons, or damage to property, arising from acts or omissions of renter, or renter's agents, employees or invitees.
6. **Computation of annual fees.** Unless otherwise provided, annual fees for stall rentals and moorage shall be computed as follows: Annual fee = \$0.95 x width x length. "Length" is the length of the stall rented or the actual length of the boat, whichever is greater. In no instance shall the annual fee for stall rent be less than \$12.00 per foot of vessel length as required in the State of Alaska DOT/PF Boat Harbor Management Agreement.
7. **Live-aboard assessment.** The harbormaster shall assess a monthly fee for all vessels on which people are living aboard of \$15.00 per month per vessel in addition to the regular moorage rate to compensate for their increased use of the harbor facilities.
8. **Permanent open moorage vessels.** A. Permanent open moorage vessels are long-term vessels that shall qualify for moorage rates equal to the regular moorage rate for their size boat (See HBC 16.16.090) by meeting the following conditions: Vessel has been on the waiting list for a permanent stall for at least one year; Fees are paid in advance; Owners must reside in the Haines Borough area during the months they receive the special rate, and be on call, or arrange for a responsible person, approved by the harbormaster, to be on call to move their boat if necessary for harbor repairs and upkeep; vessel must be in the water year-round. B. The renter of a permanent stall may receive the same moorage rate described in subsection (A) of this section for a second commercial vessel by meeting the conditions in subsections (A)(2) and (3) of this section, provided the permanent stall fee is paid. From April 1st through September 30th these vessels shall be charged long-term transient moorage fees as set out in HBC 16.16.130(B).
9. **Rental waiting list and seniority list.** The harbormaster shall maintain a waiting list of all persons desiring stall space and a seniority list of stall renters wishing to improve their stall location. As stall space becomes available, the first person on the seniority list shall have the option of exchanging the space and the first person on the waiting list shall then be assigned the vacant stall.
10. **Unoccupied stalls.** If any stall remains unoccupied for 10 consecutive days and if the moorage fees therefor have not been paid by the date due, the stall shall be released and the rental agreement cancelled by the harbormaster.
11. **Transient boat moorage fees.** A. Transient boats are vessels not assigned permanent moorage or permanent open moorage. Transient moorage fees shall be based upon vessel length, B. Transient moorage fees \$0.30 per lineal foot/day for boats using the harbor shall be assessed according to the following schedule:

Short-term (less than two weeks):	\$0.30 per lineal foot/day
Long-term (two weeks and over):	\$3.50 per lineal foot/month