

A REGULATION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Amendment of Title 05, Chapter 45 Small Boat Harbor and Port Facilities Regulations

PURSUANT TO AUTHORITY GRANTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, THE DOCKS AND HARBORS BOARD IS PROPOSING TO ADOPT THE FOLLOWING AMENDMENT TO REGULATIONS:

Section 1. Authority. These regulations are proposed for adoption pursuant to CBJ 01.60 and CBJ 85.02.060, and CBJ 85.02.100.

Section 2. Adoption of Regulations. The City and Borough of Juneau Administrative Code is amended by the adoption of new regulations in Title 05, Chapter 45, Small Boat Harbor and Port Facilities Regulations, reading as follows:

Adopt an amended section 05 CBJAC 45.040 to read:

05 CBJAC 45.040 - Speed limits.


- (a) *Prohibition.* No person shall operate a vessel at a speed greater than
- (1) Four knots within any small boat harbor, including Douglas Small Boat Harbor, Harris Small Boat Harbor, Aurora Boat Basin, and landward of the Auke Bay Breakwater;
 - (2) Five knots in Gastineau Channel within the following areas:
 - (A) *Reserved*;
 - (B) The portion of the Juneau Harbor which is northeast of a range line that starts at the existing radio antenna atop the Juneau Federal Building marked on chart 17315 at position 58°18.086'N, 134°25.234' W proceeding along a bearing of 135°T to a speed limit dayboard mounted atop a steel pile dolphin group at the AJ Cruise Ship Dock in position 58°17.366'N, 134°23.866'W;
 - (C) From the Douglas Bridge on the southerly end to the navigational aid known as the "Mendenhall Bar Channel Marker #5" at position 59°19.1'N, 134°27.4'W on the northerly end; and
 - (3) Five knots in Auke Bay within an area bounded on the northerly side by the Auke Bay Breakwater extending seaward approximately 1,000 feet to a range line beginning at a point on east shore of Auke Bay at position 58°22.7'N, 134°38.6'W then bearing 281°T to a point on the west shore of Auke Bay at position 58°22.8'N, 134°39.9'W.
- (b) *Exceptions.* The speed limits in 05 CBJAC 45.040(a)(2) and (3) do not apply to seaplanes, wing-in-ground (WIG) craft, vessels under sail or oar, vessels requiring more speed to adequately perform an emergency, security, or safety activity, and vessels requiring a minimum speed in excess of the limit to maintain safe steerageway.
- (c) *Enforceability.* This regulation is enforceable as set out in CBJ Ordinance 03.30.

Section 3. Notice of Proposed Adoption of a Regulation. The notice requirements of CBJ 01.60.200 were followed by the agency. The notice period began on December 9, 2012, which is not less than 21 days before the date of adoption of these regulations as set forth below.

Adoption by Agency

After considering all relevant matter presented to it, the agency hereby amends these regulations as set forth above. The agency will next seek Assembly review and approval.

Date: 2 Jan 13



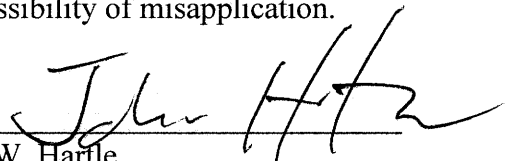
Carl Uchtyl
Port Director

Legal Review

These regulations have been reviewed and approved in accordance with the following standards set forth in CBJ 01.60.250:

- (1) Consistency with federal and state law and with the charter, code, and other municipal regulations;
- (2) The existence of code authority and the correctness of the required citation of code authority; and
- (3) Its clarity, simplicity of expression, and absence of possibility of misapplication.

Date: 1-2-13



John W. Hartle
City Attorney

Assembly Review

These regulations were presented to the Assembly at its meeting of Jan 7, 2013. They were adopted by the Assembly.

Date: January 8, 2013



Laurie J. Sica, Clerk

Filing with Clerk

I certify, as the clerk of the City and Borough of Juneau, that the following statements are true:

1. These regulations were accepted for filing by the office of the clerk at 8:00 a.m./p.m. on the 8th day of January, 2013.
2. After signing I will immediately deliver or cause to be delivered copies of this regulation to the attorney and the director of libraries.
3. A permanent file of the signed originals of these regulations will be maintained in this office for public inspection.
4. Effective date: January 15, 2013.

Date:

January 8, 2013

Laurie J. Sica
Laurie J. Sica, Clerk