

VALDEZ SMALL BOAT HARBOR

LIVE-ABOARD RULES / POLICIES / REQUIREMENTS

I. INTRODUCTION

Live-aboard status is considered a privilege and is granted to Valdez Harbor Moorage customers as a revocable license. Customers that have been granted a Live-aboard License are herein referred to as a “Live-aboard Licensee.” Live-aboard Licensees provide an important service to the Harbor; serving as neighbors that promote safety and security for all boaters. As such, the Harbor has an important responsibility to assure Live-aboard Licensee’s set a good example for other licensees, as well as Harbor users and guests. Therefore, the application for live-aboard status is carefully considered and can be denied, or a Live-aboard License can be revoked as deemed necessary by the City of Valdez (“City”) for the enjoyment of all boaters and for a safe secure Harbor. The Harbormaster may decline to execute or renew a Live-aboard License Agreement at the Harbormaster’s sole discretion and for any reason.

An initial determination of eligibility for a Live-aboard License does not ensure that such license may continue nor does it create a landlord-tenant relationship between the City and the Live-aboard Licensee. It is the responsibility of the Live-aboard Licensee to comply with any applicable rules, regulations, policies, requirements, and procedures of any agency with jurisdiction. The grant of a Live-aboard License by the City does not alter the Live-aboard Licensee’s responsibility nor create an obligation on the City to make changes or incur obligations to allow Live-aboard Licensee’s continued privileges associated with the live-aboard license.

II. APPLICATION AND ELIGIBILITY REQUIREMENTS

A. Required Documents for Application.

At the time of application, all persons applying for Live-aboard License must provide the following documents:

1. Approved Moorage Agreement;
2. Completed Live-Aboard Application;
3. Photo identification of all those intending to live aboard, including a photo of pets;
4. Valid driver’s license for all persons intending to operate motor vehicles or the vessel;
5. Approved Credit Report?
6. Copy of current boat registration or certificate of documentation;
7. Valid certificate of insurance complying with the insurance requirements set forth herein and naming the City as an additional insured as follows:

City of Valdez
PO Box 275 or 307
Valdez, AK 99686

8. Vessels over 10 years old must provide current photo(s) including a view showing registration (AK) numbers of documented name; and
9. Completed vessel inspection.

B. Background Check.

An Applicant may be subject to credit and/or criminal background checks at their expense. Existing Live-aboard Licensees may be subject to annual credit/criminal background checks as the City's discretion, if deemed by the Harbormaster to be necessary. (Is this necessary??) Registered sex offenders and convicted felons (convicted within 15 years) are ineligible for live-aboard status. (?? Do we need to exercise this??)

C. Fees.

All Applicants must pay a \$50 non-refundable application fee and the monthly live-aboard fee with leasehold tax, all as established by the City. These fees are in addition to the monthly moorage fee and subject to change with sixty (60) days' advance notice. Monthly live-aboard fees will not be waived during periods when Live-aboard Licensee is absent from their vessel for any purpose.

The live-aboard fee is based on one person living aboard the vessel. Each additional person is charged an additional live-aboard fee (children under the age of 10 are free of charge). The live-aboard fee is listed in the Valdez Harbors Schedule of Rates & Fees (not currently). Moorage rates for vessels being used as residences are charged pursuant to the Harbor's Schedule of Rates & Fees, including a Harbor Residential Surcharge (clean-up/clarify).

The Live-aboard Licensee is responsible for electrical service charges according to the Harbor's Schedule of Rates & Fees. Pump-out services and water are included in the moorage fee.

D. Legal Ownership Required.

All Live-aboard Licensees must be the legal owner of the vessel, with exception of being listed as registered owner with a financial institution listed as lien holder. Proof of ownership is required.

E. Limitations on People Eligible to Live-Aboard.

Live-aboard vessels may have up to two (2) adults living aboard the vessel. A Live-aboard Licensee may also have children under the age of twenty-one (21) live with them on the vessel with Harbormaster's approval. Only the legal owner of the vessel, immediate family members, or dependents may live on board. The immediate family member(s) or dependent(s) must be listed on the Live-aboard License Agreement and they must live on board concurrently with the legal owner.

Families with small children are discouraged from living aboard their vessels because of the lack of recreational opportunities, facilities, and the inherent safety hazards. Children under the age of twelve (12) must be accompanied by a responsible adult while on the docks and floats. The City takes no responsibility for providing for the safety of children while on City property and facilities. A child's physical safety is the sole responsibility of the parent or guardian. Transfers of Live-aboard Licenses or allowing guests to live-aboard without the owner present is not allowed.

The vessel owner or Live-aboard Licensee shall update the occupants list in writing within five days of any change in persons or animals living aboard. The vessel may not be leased or rented to third parties for the purpose of residency or monetary gain (i.e. Air B&B, VRBO, etc.).

F. Vessel Qualifications and Requirements.

1. In general, only vessels registered/documented at 26' or longer are eligible to be considered for live-aboard status. However, Harbormaster may, at Harbormaster's discretion, grant a Live-aboard License on smaller vessels.

2. Vessels must meet federal, state, and local laws at all times, which include those pertaining to navigation and safety equipment. A copy of the vessel registration (federal or state) is required to be submitted with the Moorage Agreement. Annual state registration decals must be attached to the hull of the vessel, and state registration numbers must be attached to both sides of the hull and in opposing colors of the vessel.

3. Vessels must be seaworthy and operable, immediately ready for cruising in local waters. The Harbor reserves the right to perform periodic vessel inspections for compliance where these qualifications may be in question. Owners attempting to use vessels solely to live aboard and not utilize for boating are ineligible for live-aboard status.

4. Surveys:

a. Vessels with wooden hulls require a valid marine survey conducted by a SAMS, NAMS, ACMS, USSA, or IIMS marine surveyor within the past 2 years;

b. All other vessels require a valid marine survey conducted by a SAMS, NAMS, ACMS, USSA or IIMS marine surveyor within the past 5 years

5. The vessel must not be permanently attached to the dock and must leave the Harbor waters under its own power at least once (3 times per our current code). Any operation/trip log must be maintained and provided upon request.

6. The vessel must be equipped with a working and operational telephone connected to the local telephone system. Cellular telephones and VHF Marine radio-telephones satisfy this requirement.

G. Insurance Required.

Vessel owners shall procure and maintain a comprehensive general liability policy covering all claims for personal injury (including death), property damage (including all real and personal property), and pollution liability arising out of the intentional or negligent acts of the Live-aboard Licensee or breach of the Moorage Agreement or Live-aboard License Agreement by the Live-aboard Licensee. The limits of liability shall be not less than Three Hundred Thousand Dollars (\$300,000) per occurrence and in the aggregate. The foregoing insurance policy(s) shall name the City as an additional insured. The Live-aboard Licensee shall provide an additional insured endorsement as evidence of the City's additional insured status and must contain the express condition that the Harbor is to be given written notice by mail at least thirty (30) days in advance of cancellation for all policies evidenced on the certificate of insurance.

All insurance policies obtained must contain a Waiver of Subrogation stating: To the fullest extent permitted by law, the Live-aboard Licensee hereby waives its and its insurer(s)' rights of recovery against the City under all required insurance policies for any loss arising from or related to this Live-aboard License Agreement. The Live-aboard License Agreement shall require its insurers to execute any waiver of subrogation endorsements, which may be necessary to affect such waiver.

All Live-aboard Licensees must maintain automobile liability insurance coverage as required by Alaska law.

III. TERMS AND CONDITIONS

A. Written Agreement.

All Live-Aboard Applicants (living on the vessel for ninety (90) days or more within a calendar year) must fill out and sign a written Live-aboard Application, which can be obtained at the Harbormaster's office. Only those granted a Live-aboard License are eligible to live-aboard their vessel. The Live-aboard License Agreement must be renewed on an annual basis (calendar year) and it is the sole responsibility of the Moorage Customer to annually reapply in order to maintain their license to live-aboard. Failure to reapply for a Live-aboard License prior to the expiration of an existing license will result in the loss of live-aboard privileges upon expiration of the term of any existing license. If the required proof of insurance expires, the vessel owner will be required to provide updated proof of insurance upon expiration of any previously provided proof to remain eligible for live-aboard status.

B. Compliance with Harbor Policies.

All Live-aboard Applicants must agree and adhere to the Valdez Harbors live-aboard policy, and all Live-aboard Licensees and persons living aboard must comply with Harbor Best Management Practices (BMP's), including, but not limited to, the proper handling and disposal of fuel, oil, chemicals, hazardous waste, grey water, sewage, and other waste, as well as all items referenced in the Harbor Policies & Procedures and City Code regarding parking, noise ordinances, and conduct. Failure to observe Harbor Policies & Procedures, BMP's, and City Code will result in the termination of the Live-aboard License and/or the right to moor in the Harbors. A Live-aboard License is not transferable to any other individual or vessel.

C. Not A Residential Tenant.

Due to zoning and fire regulations, the City cannot allow a boathouse to be used for residential purposes. The Moorage Agreement provides for the mooring of operable, seaworthy vessels only.

D. Dock Debris.

The docks must remain free from debris that may cause a safety hazard, including, but not limited to, hoses, planters, bicycles, barbecues, dock carts, etc. Any personal or boating related items must be stored onboard the vessel and are not allowed on the docks. Vessel exteriors must be kept in a clean, neat, and orderly manner. No outward evidence that persons are living aboard (such as clotheslines, excessive storage above deck, or on the docks etc.) shall be allowed.

E. Winter Water Service (Not Guaranteed).

Harbor staff may turn off the dock water supply during periods of winter freezing conditions and customers need to be prepared to be without dockside water supply during these times.

F. Sewer Disposal.

1. The Harbormaster will conduct an inspection of the vessel's marine sanitation device (MSD) before a license is granted. All live-aboard vessels must have an approved Type III MSD or working Porta-Potty and ensure that any valves are secured in the closed position to prevent illicit discharge. Dye tablets may be required for holding tanks to ensure the highest possible water quality is preserved.

2. Discharge of untreated sewage anywhere within the waters of Prince William Sound, including both the North and South basins of the Valdez Harbors, is prohibited by law. A live-aboard vessel found discharging waste or other hazardous materials into the Harbor will have their license to live aboard immediately terminated and fines will be levied.

3. All Live-aboard Licensees are responsible for having vessels pumped/dumped monthly and will be required to maintain a log of all pump-outs or dumping and submit logs upon request. All Live-aboard Licensees are required to keep the Harbormaster apprised of the vessels monthly pump-out methods. The Harbor offers three pump-out options: Stationary, Portable Unit, or Pump-out boat service.

4. Pumpout Confirmation Procedure:

- a. Upon completion of the Courtesy Check, Live-aboard Licensees must complete and maintain on the vessel a pump-out checklist provided by the Harbormaster.
- b. A sign-off sheet will be available at both porta potty dump stations, both portable unit stations, and the base station. Live-aboard Licensee's vessels that are pumped by the Harbor provided pump-out boat or cart will not require a sign-off sheet (this should still be documented on the overall log notating what pump-out style was used).
- c. The sign-off sheet will have a box for name, slip number, and date (add pump-out type, i.e. cart, boat, stationary).
- d. Harbor Staff will collect the sheet monthly for pump-out cooperation compliance.
- e. The Harbor Staff will remind Live-aboard Licensee three (3) times that the vessel needs to be pumped-out. The first reminder will be verbal, after consecutive pump-out sign-off sheets show that vessels have not been pumping out. The second reminder will come by letter, if Live-aboard Licensee has not

complied after the first verbal request. The third reminder will be a notice to vacate the slip and leave the Harbor.

G. Pets.

While on Harbor property, including the docks, pets are subject to Valdez Municipal Code Section 6.08. This includes, but is not limited to, pet licensing, vaccination, and noise ordinances. Pet owners are responsible for controlling the behavior of their pet(s), keeping them on a leash (applies to all types of pets), and cleaning up after them in a timely way and manner. Live-aboard Licensees are responsible for their guests and their pets. All pets shall be contained or restrained on a leash of less than six (6) feet and leashed at all times when on Harbor property. No pet shall be tied to any part of the docks, including fingers, hose stanchions, and utility pedestals. Live-aboard Licensees and their guests are required to closely supervise their pets while on the Harbor property, particularly on the gangways, docks, and fingers.

H. Mail.

The Harbor offers minimal mail services and only accepts mail or packages on behalf of Live-aboard Licensees, if item to be received must be shipped to a physical address. Any mail or package received by the Harbormaster's office will only be kept for up to two (2) weeks. All Live-aboard licensees must provide and maintain a valid mailing address and are responsible for obtaining their own post office boxes. All contact info must be kept updated on file with the Harbormaster.

I. Parking.

Live-aboard Licensees are allowed one (1) vehicle in the upland parking areas. Additional vehicles must be parked in the overflow parking areas, and the number of vehicles allowed will not exceed one vehicle per licensed driver living aboard. Idle storage of vehicles in the Harbor parking areas is prohibited and are subject to storage fees, removal, and removal fees. For the purposes of these regulations, the term "regularly used" refers to a vehicle that leaves Harbor property weekly. Determination of regular use is up to the Harbormaster's discretion. Live-aboard Licensees' recreational vehicles, trailers, and non-commuter vehicles are not permitted on Harbor property. Vehicle maintenance and washing is not permitted in the parking lot.

J. Live-aboard Status Only to Vessel Owner.

Live-aboard status shall be granted only to the vessel owner, members of vessel owner's immediate family, or a single crewmember for vessels over 45' in length, if first approved in writing by the Harbor staff. No vessel may be rented or leased for any period of time. Vessel may not be listed on Air B&B or VRBO.

IV. CONDUCT & BEHAVIOR

A. General Requirements.

Live-aboard licensees are responsible to the City and shall indemnify the City from any claim or damage arising from the conduct of licensees, guests, business invites, and others on the vessel.

Live-aboard Licensees and all guests, business invitees, and others on the vessel may not engage in behavior that creates a nuisance or disturbs the peace and tranquility of the Harbor, of any other Live-aboard Licensees, or guests. Three (3) or more complaints to the Harbor or three (3) observations by Harbor staff of violating this policy may, in the discretion of the Harbor, result in the termination of a Live-aboard License Agreement and/or Moorage Agreement.

The Harbor is not able to offer physical assistance to in boarding or disembarking from personal vessels.

Live-aboard Licensees, their guests, and business invitees shall comply with all Harbor Policies & Procedures. Without limiting the foregoing, Live-aboard Licensees will not allow the discharge of any pollutants into the waters of the Valdez Harbors.

Live-Aboard Licensee status does not change the Moorage Agreement or create a residential landlord-tenant relationship between the City and the Live-aboard Licensee.

B. Reporting.

The City extends, to a limited number of boater's, permission to live-aboard their cruising vessels in the Harbors for the purpose of providing additional safety and security for people and property at the Harbors. Live-aboard Licensees provide for a neighborhood-type feel and add vitality to the Harbors. As part of their role of providing safety, Live-aboard Licensees have the responsibility to report hazards, suspicious incidents, and dangers to Harbor staff to help keep the Harbor community safe. Under no circumstances does the City authorize Live-aboard Licensees to act as agents or employees of the City or Harbors. Live-aboard Licensees are not directed to act beyond reporting suspicious activity or suspected Harbor violations to the Harbormaster's office or Valdez Police, if necessary.

C. Rental of Live-Aboard Vessels and Operation of Commercial Enterprises Prohibited.

Pursuant to Valdez Municipal Code Section 11.04.250(A), the operation of commercial businesses or enterprises within the Harbor is prohibited. This prohibition extends to the rental of vessels for live-aboard purposes, including the use of vessels as a bed and breakfast, a rental dwelling, or as lodging of any sort. The advertising of vessel as available for rent for live-aboard purposes, any offers to allow renters, or the discovery of persons on board a vessel without the Live-aboard Licensee present may result in immediate termination of Moorage Agreement and or Live-aboard License.

D. Compliance and Enforcement.

Individuals living aboard their vessels must comply with all Harbor Policies & Procedures, BMP's, and City Code. Violation of or failure to comply with any of the Harbor policies or code, or any conduct that adversely affects the health or safety of any person, may result in the termination of live-aboard privileges and/or termination of the vessel owner's Moorage Agreement. Live-aboard privileges are not transferrable with the sale of the vessel. Providing false information with regard to live-aboard status or living aboard without permission of the Harbor, pursuant to an executed Live-Aboard Application and Live-aboard License Agreement, or providing false information

regarding compliance with Harbor rules and regulations applicable to the Harbor may result in immediate termination of Live-aboard privileges.

E. Penalty.

The penalty for failure to file a Live-aboard Application or for providing false information will result in immediate termination of the live-aboard privileges and Moorage Agreement.