

**Title 18 – Natural Resources**  
**Chapter 9 – Commercial Float Dock Facility**

**Sec.**

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**Legislative History**

**Enacted:**

Ord. 234 (6/7/05), BIA (6/17/05).

**Repealed or Superseded:**

Codifying Title 18, Ord. 207 (1/27/04), BIA (2/9/04) (that portion of Ordinance 207 that pertains to Title 18, Chapter 9).

Regulating the Use of the Commercial Fishing Boat Dock Facility, Ord. 91 (2/6/92), BIA (2/18/92).

Authorizing the Use of the Commercial Fishing Boat Dock Facility, Res. 89-7-67 (7/12/89).

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**18-09.010 Purpose.**

The purpose of this Chapter is to provide rules and regulations governing the use of the boat dock facility in order to ensure public safety, long-term maintenance, longevity, and fair access to this public tribal facility.

[History] Ord. 234 (6/7/05); Ord. 207 (1/27/04); Ord. 91 (2/6/92).

**18-09.020 Float Dock Definition.**

The Swinomish Commercial Fishing Boat Dock Facility or “Commercial Float Dock” means the float dock (and any floats, piers and ramps) at the eastern-most end of Moorage Way on the Swinomish Channel.

[History] Ord. 234 (6/7/05); Ord. 207 (1/27/04); Ord. 91 (2/6/92).

**18-09.030 Docking Privileges.**

**(A) Priority.**

- (1) Docking privileges shall be granted to qualifying boat owners by the Tribe based on space availability. Docking privileges shall be based upon the following prioritization for usage:

**Priority 1:** Licensed Swinomish Indian fishers

**Priority 2:** Licensed fishers from other tribes

**Priority 3:** Other licensed fishers

**Priority 4:** Pleasure boat owners

- (2) Dock space shall be granted first to Priority 1 applicants according to custom and usage. Should additional slips become available, further assignments shall be granted to other applicants based on their priority level.

(B) **Assignment.** Annually, boat owners shall be assigned a moorage unit based upon the priority system in Section 18-09.030(A). The Fisheries Manager shall keep a list of such assignments.

(C) **Fees.**

- (1) The Senate may, from time-to-time, set fees for the privilege of docking at the commercial float dock facility, *i.e.*, moorage fees.
- (2) Unless otherwise posted, moorage fees shall be \$6.00/foot/month.
- (3) A moorage fee shall be not be assessed against a licensed Swinomish Indian fisher; Provided that he or she maintains the area of the float dock adjacent to his moorage unit pursuant to Section 18-09.040.

(D) The Tribe reserves the right to terminate moorage privileges for any violation of this Chapter.

[History] Ord. 234 (6/7/05); Ord. 207 (1/27/04).

#### **18-09.040 Maintenance and Net Storage.**

All persons using the Commercial Float Dock shall keep the Commercial Float Dock clean and free of debris, fishing gear and other personal property at all times.

[History] Ord. 234 (6/7/05); Ord. 207 (1/27/04); Ord. 91 (2/6/92).

#### **18-09.050 Inspection, Notice and Confiscation**

(A) **Inspection.** The Enforcement Officer shall inspect the Commercial Float Dock as follows:

- (1) The morning after a closure of a fishery; and
  - (2) At two other times per month, Provided that the bimonthly inspections are at least two weeks apart.
- (B) **Notice.** If the Enforcement Officer finds debris, fishing gear or other personal property on the Commercial Float Dock, he or she shall request the owner remove all debris, fishing gear, or other personal property from the dock by attaching a written notice on the vessel, or on the gear or other personal property if the vessel is not in port, pursuant to Section 18-06.090(B).
- (C) **Confiscation and Disposal.** The Enforcement Officer shall have authority pursuant to Section 18-06.090 and .100 of this Title to confiscate and dispose of any fishing gear or other personal property on the Commercial Float Dock in violation of Section 18-03.320.

[History] Ord. 234 (6/7/05).

**18-09.060 Vessel Confiscation.**

The Tribe reserves the right to confiscate and impound any vessel left unattended at the dock that becomes a public nuisance. As used in this section, public nuisance means a condition that interferes with the use or enjoyment of the dock by others or that creates an unsafe environment. The procedures set forth in Chapter 18-06 shall govern confiscation, impoundment and release of any such vessel.

[History] Ord. 234 (6/7/05); Ord. 207 (1/27/04); Ord. 91 (2/6/92).