



MEMORANDUM

Date: May 1, 2019
To: City Clerk's Office Employees
From: Brenda Ballou, City Clerk *bjb*
RE: Short Term Lodging Disallowed on Boats in Seward Harbor

HISTORY

Every year the clerk's office is asked by a boat owner if conducting a short term rental (nightly lodging) on a boat at the harbor is allowable. The short answer is this type of business is not allowed in the Seward Boat Harbor.

LIFE SAFETY CONCERNS

The reasons why this type of business activity relate primarily on life safety concerns:

1. All land-based nightly lodging businesses are required by city code to have an annual life safety inspection, which is conducted by the fire department. The parameters under which the life safety inspection is conducted derive from the International Building Code (IBC) and International Fire Code (IFC); the city is bound to follow these regulations, as adopted. Neither of these tomes prescribe regulations for running a lodging business on a boat in a harbor; therefore, there is no guideline for the fire department to follow.
2. The Harbormaster's office maintains a list of liveaboards, and in the event of an emergency like a fire or a tsunami, the harbormaster's staff is duty-bound to execute an established protocol to alert and evacuate liveaboards. Adding additional slips to the list for boats that may or may not be occupied by a lodger unduly increases the life safety concerns for the harbormaster's staff and emergency response personnel.

SUPPORTING DOCUMENTATION - SEWARD CITY CODE

7.10.517 - Improper use of facilities.

No person may use the harbor for purposes or in a manner not authorized by this title.
(Ord. No. 2010-002, § 1(att.), 9-27-2010)

7.10.542 - Failure to observe city health and conduct rules.

No person in the harbor shall violate any provision of this Code dealing with health, sanitation, the conduct of persons, or prohibiting acts contrary to public health, morals, safety, or public peace.
(Ord. No. 2010-002, § 1(att.), 9-27-2010)

15.10.140 -- Definitions.

(b) Specific definitions. (Parenthetical references are for cross-reference only.) In this chapter, unless otherwise provided or the context otherwise requires:



(48) Lodging. The renting out of a dwelling, or portion thereof, to provide overnight sleeping accommodations for a period of less than 30 consecutive days. The use includes the providing of meals to overnight guests only. This use includes bed and breakfast, but does not include motel, hotel or hostel.

a. Bed and breakfast. An owner occupied and operated single-family residential dwelling where lodging with a meal is provided for compensation on a short-term basis. The term does not include boardinghouses and separate apartments which are leased on a month-to-month or longer basis.

15.10.226 – Land uses allowed.

(b) Lodging as defined in section 15.10.140B. is allowed in accordance with table 15.10.225 of this chapter and subject to the following conditions:

- (1) Regardless of the date such use began, an annual administrative permit is required. Prior to issuing the permit, the city shall conduct an annual life safety inspection of each guest room to assure compliance with the current adopted building code door/window egress standards, the presence of an operable and inspected fire extinguisher and adequate smoke detection systems, a posted evacuation plan, and visible signs showing exit locations.

7.10.320 – Reserved moorage.

J. Duration. A holder's rights to reserved moorage space, once assigned, continues until the holder ceases having a qualifying interest in a vessel suitable for the assigned space, until the holder's death, or until the holder's voluntarily or involuntarily relinquishment of the space. A holder's right does not transfer with the sale or other disposition of the vessel.

4. Involuntary relinquishment. A holder's right to an assigned space shall be involuntarily relinquished and the right to use the assigned space terminated if:
 - a. The holder supplies misleading or false information in the moorage application;
 - b. The holder fails to pay all fees as provided by this title or the harbor tariff without a prior written agreement to pay such fees on other terms acceptable to the harbormaster;
 - c. The holder fails to maintain a qualifying interest in the assigned vessel or substitute qualified vessel within the period allowed;
 - d. The holder fails, upon request of the harbormaster, to provide proof of a qualifying interest in the vessel assigned to the space;
 - e. The holder fails to maintain on the vessel the equipment required by this title;
 - f. The vessel to which the space is assigned becomes a derelict or a nuisance; or
 - g. The holder fails to observe any section of this title.