

PORT OF NEWPORT
ORDINANCE NO. 1 1963.

AN ORDINANCE ESTABLISHING THE OFFICE OF HARBOR MASTER, PRESCRIBING THE AUTHORITY OF THE PORT OF NEWPORT AND HARBOR MASTERS, ESTABLISHING CHARGES FOR THE USE OF AND CONTROL OVER THE HARBOR FACILITIES, PROVIDING FOR A METHOD OF REGISTRATION AND PAYMENT, PROVIDING FOR A METHOD OF REMOVAL FOR NON PAYMENT, PROVIDING FOR PENALTIES AND DECLARING AN EMERGENCY

The Port of Newport does ordain as follows:

Section 1. All area of the Port of Newport lying adjacent to and within the Yaquina Bay at Newport, Lincoln County, Oregon, is hereby designated as the Yaquina Bay harbor area and is hereby declared to be subject to the regulations of this ordinance.

Section 2. The area of the Port of Newport lying adjacent to and within Depoe Bay at Depoe Bay, Lincoln County, Oregon, is hereby designated as the Depoe Bay harbor area and is hereby declared to be subject to the regulations of this ordinance.

Section 3. The office of Harbor Master is hereby established and the Harbor Master's duties shall be:

1. To generally supervise the port facilities in Yaquina Bay and Depoe Bay and any other area lying within the Port of Newport hereafter designated by the Commissioners of the Port of Newport;
2. To collect all fees and charges directed or required by the Port Commission for wharfage, moorage or use of the Port facilities not covered by specific lease of the Port of Newport;
3. To generally supervise the use of Port facilities, including the designation of moorage space; and
4. To do any and all things necessary for the administration of this ordinance or any other ordinance, rules or regulations connected with the operation of harbor facilities within Yaquina Bay and Depoe Bay.

Section 4. (a) It is hereby provided that prior to using the Port facilities for moorage by any vessel, boat, ship or other craft, that the owner or operator thereof shall first contact the Harbor Master and register said vessel, boat, ship or other craft, and receive from the Harbor Master assigned moorage space for the vessel, boat, ship or other craft owned or operated by said individual, and payment for said moorage shall

be made in advance prior to said mooring, provided, however, that an owner or operator may moor to the designated area for temporary moorage for a period not to exceed 24 hours without having first contacted said Harbor Master, it being expressly provided that the owner or operator will be responsible immediately upon contacting said Harbor Master for said vessel and charges from the time of said moorage of said vessel, boat, ship or other craft.

(b) The Harbor Master may require removal or change of assignments of moorage spaces; and in case of an emergency or for repairs or construction of Harbor facilities, the Harbor Master may move any vessel, boat, ship or other craft to a different area of the harbor facility.

Section 5. (a) There is hereby established the following charges for the use of the harbor facilities in Yaquina Bay, Newport, Oregon, effective April 1, 1963:

| <u>Overall length</u> | <u>Per day</u> | <u>Per week</u> | <u>Per Month</u> | <u>Per 6 months</u> | <u>Per year</u> |
|---------------------------|----------------|-----------------|--------------------------|---------------------------------|---------------------------------|
| Up to 28' | \$1.50 | \$ 7.50 | \$ 15.00 | \$ 67.50 | \$ 90.00 |
| Over 28' but not over 38' | 1.50 | 8.75 | 17.50 | 78.75 | 100.00 |
| Over 38' but not over 46' | 1.50 | 10.00 | 20.00 | 90.00 | 120.00 |
| Over 46' but not over 55' | 2.00 | 11.25 | 22.50 | 101.25 | 135.00 |
| Over 55' but not over 65' | 2.00 | 12.50 | 25.00 | 112.50 | 150.00 |
| Over 65' | \$2.00 | 15.00 | 40¢ per ft. \$30 max. | \$1.80 per ft. \$131.25 max. | \$2.40 per ft. \$175.00 max. |

(b) There is hereby established the following charges for the use of the harbor facilities in Depoe Bay, Oregon, effective April 1, 1963:

| <u>Overall length</u> | <u>Per day</u> | <u>Per week</u> | <u>Per month</u> | <u>Per Year</u> |
|---------------------------|----------------|-----------------|------------------|-----------------|
| Up to 28' | \$1.00 | \$4.00 | \$10.00 | \$45.00 |
| Over 28' but not over 38' | 1.00 | 4.00 | 12.00 | 55.00 |
| Over 38' | 1.00 | 4.00 | 12.00 | 65.00 |

(c) "Overall length" shall be considered the distance from the foremost part of the bow to the foremost part of the stern, regardless of keel length and regardless of registered length.

(d) All fees shall be payable in advance.

(e) In the event of non payment of the fees required by the Port of Newport, the Port of Newport is hereby authorized, through its officers and agents to impound any vessel, boat, ship or other craft, for which payment has not been made, and the Port Commission of the Port of Newport is hereby authorized to make a charge of not more than \$100.00 and costs for additional work required in collecting said delinquent fee. Said fee shall be collected by the Port Commission and the payment of said charges by the said owner or operator shall be a condition precedent to the further use of any facilities of the Port of Newport within Yaquina Bay and/or Depoe Bay by any such owner or operator.

Section 6. It shall be unlawful for any person:

(a) To park motor vehicles, boat trailers or other wheeled vehicles in excess of time limits in places where designated and marked "No Parking" by the Harbor Master;

(b) To park or leave a motor vehicle unattended on the ramp leading to the marine harbor facilities of the Port of Newport wherever located, or in such a manner as to cause obstruction or hazard to motor or foot traffic on said ramp;

(c) To operate motor or marine craft at speeds in excess of five statute miles per hour within 200 feet of the harbor facilities at Newport or Depoe Bay or to operate such craft in a manner injurious to persons or property, either privately or publicly owned.

(d) To use, tie to, or moor to an individual dock or float space other than that assigned by the Harbor Master for said vessel, boat, ship or other craft, except for the period of 24 hours in the designated area while making immediate registration of said vessel, boat, ship or other craft;

(e) To use the said facilities of the Port of Newport in Yaquina Bay or Depoe Bay without payment in advance according to the schedule of fees in this ordinance set forth, in the manner as herein set forth;

(f) To dispose of garbage, fish oil, or other refuse within the immediate Port facility area;

(g) To leave gear, materials, tackle or other debris on floats or docks;

(h) To erect signs or other structures on Port facilities without permission or a lease from the Port Commission;

(i) To moor a vessel, boat, ship or other craft, without providing bumper protection between the said vessel, boat, ship or other craft, and the Port floats;

(j) To use electricity provided by the Port of Newport for a period of over 12 hours for heating purposes or for using continuously for over a period of 24 hours for any purpose without written permission of the Harbor Master. The Harbor Master is hereby authorized to charge a reasonable amount for any electricity so used, with or without permission.

It shall be unlawful for any person, firm or corporation to carry passengers for hire from the Port facilities without written permission of the Port Commission.

Section 7. It shall be unlawful for any person, firm or corporation to engage in any commercial pursuit in or upon or in connection with the use of any of the said Port facilities, whether in an assigned area or not, unless such person, firm or corporation shall have secured and have in effect the license or lease for such pursuit from the Port Commission. An operator carrying on a commercial fishing venture under license of the Fish Commission of the State of Oregon is not deemed to be a violation of this provision where fish are delivered to some area other than the Port facilities.

Section 8. The Port of Newport further hereby provides that upon failure of any owner or operator to register said vessel, boat, ship or other craft for a period

of sixty days, such failure to register shall be presumed abandonment of the said vessel, boat, ship or other craft by the owner and/or operator thereof, and it is hereby provided that in the event any said vessel, boat, ship or other craft is abandoned, that the Port Commission shall give notice to the owner of said vessel by mail at the last known address according to the records of the U. S. Customs Registrar of Vessels or the last address of the registered owner of said vessel as shown by the records of the State Marine Board of the State of Oregon, and that said notice shall provide that said owner or operator has a specified period of time, not less than thirty days from the date of said notice, in which to remove said vessel, boat, ship or other craft, as the case may be, or to register said vessel, boat, ship or craft with the Harbor Master, including the payment of any delinquent charges; and it is further provided that in the event that the said vessel, boat, ship or other craft is not removed or properly registered within the time specified in said notice, then the Port of Newport shall have the authority to remove and/or place in storage said vessel, boat, ship or other craft, to a place of storage designated by the Port Commission, and shall give the owner at his last known address, by mail as above provided, notice of said removal or storage, as the case might be, including charges and fees then due, and notification as to where said vessel, boat, ship or other craft has been stored, and the owner or operator of any of said vessels, boats, ships, or other craft, being moored at the facilities of the Port of Newport in Yaquina Bay or Depoe Bay by mooring at the said facilities, appoints the Port of Newport as agent to provide for such storage charges and costs of removal to be a lien on said vessel, boat, ship or other craft, and said charges shall be paid prior to the removal from the storage place by the owner or operator thereof.

Section 9. In the event the Harbor Master, Port Manager or any Commissioner of the Port of Newport determines in his sole discretion that it is in the public interest or in the interest of the Port of Newport to move any vessel from its place of moorage or in the event of the sinking of any vessel; or in the event any vessel is, in the opinion

of any official of the Port of Newport, in danger of sinking any such official of the Port of Newport shall have the right and without liability for damages to the owner of any such vessel, to move or cause the same to be moved to any place of storage designated by the Port Commission and thereafter notify by mail the registered owner of said vessel. The owner of said vessel shall thereafter remove said vessel from Yaquina or Depoe Bay within 30 days and shall pay the costs of such removal and storage as are determined reasonable by the Port Commission. The Port of Newport shall have a lien against said vessel for such removal and storage charges.

Section 10. In the absence of the Harbor Master or in the vacancy of the office of Harbor Master, the Port Manager shall have all of the authority, powers and duties of the Harbor Master.

Section 11. The Port of Newport reserves unto itself the right to revoke any license granted or to withhold the issuance of any license to any person, firm or corporation who violates either or any of the rules or regulations herein contained or hereafter promulgated. In the event of any such revocation of license the good faith deposit of the licensee shall be retained by the Port of Newport. The Port of Newport also reserves unto itself the right to revoke all licenses granted without cause but in such event the deposits made by the licensee shall be refunded, withholding from such deposits, however, such sums as may then be due on account of moorage or delinquencies owed to the Port of Newport.

Section 12. Violation of the rules or regulations promulgated herein shall constitute a misdemeanor and shall be punishable as provided in Section 777.190 (1) Oregon Revised Statutes. Each day of a continual violation of any of the rules or regulations herein shall be deemed a new, separate and distinct violation of such regulation.

Section 13. The Port of Newport will not be responsible for damage to any vessel, boat, ship or other craft berthed at the harbor facilities of the Port of Newport,

being launched or withdrawn, or material stored on the premises. No responsibility is assumed by the Port of Newport for damages to automobiles or other wheeled vehicles parked on the premises.

This ordinance being declared an emergency is adopted this 11th day of March, 1963, and is effective immediately.

PORT OF NEWPORT

By *Lyle Hasselbink*
President

By *John A. Sultor*
DEPUTY Secretary