

## PORT OF PORT ORFORD

### ORDINANCE 96-1

**WHEREAS**, the Port of Port Orford is a duly organized municipal corporation of Curry County, Oregon, and is the owner of certain real and personal property, and is the operator and administrator of certain real and personal property, and the facilities thereon, located within Curry County; and

**WEAREAS**, certain properties and facilities of the Port of Port of Port Orford are public facilities and/or are operated as public; and

**WEAREAS**, the Port of Port Orford has adopted certain ordinances and regulations regarding and relating to the use, occupancy, and presence on or about Port of Port Orford properties and/or facilities, said ordinance and regulations being of diverse nature and date; and

**WEAREAS**, it is in the best interests of the citizens of the Port Orford Port District and the public to have codified body of regulations to govern the use, occupancy or presence on or about Port of Port Orford property and/or facilities and the administration thereof.

**NOW THEREFORE**, the Port of Port Orford ordains as follows:

#### **SECTION 1 - GENERAL PROVISIONS:**

**1.1 Title:** This ordinance shall be called “Rules and Regulations Governing the Administration of the Properties and Facilities of the Port of Port Orford”

**1.2 Purpose and Scope:** The purpose of these rules and regulations is to secure the most effective control and management of the properties and facilities of the Port of Port Orford.

**1.3 Interpretation:** If any section or part thereof of these rules and regulation is inconsistent with any laws of the State of Oregon, or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof, shall be construed, superseded or governed thereby. Nothing contained in these rules and regulations shall be construed to limit the powers of the Port Commission.

**1.4 Severability:** The provisions of these rules and regulations are declared and if any portion of the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules and regulations of the application of such remainder to other persons or property shall not be affected.

**1.5 Application:** these rules and regulations are applicable to all properties and facilities of the Port of Port Orford. All vessels and persons entering or using the facilities shall be subject to the policies herein defined. A copy of these rules and regulations shall be posted at the Port Office at the Port of Port Orford. Copies may be obtained there upon request.

## **SECTION 2 - DEFINITIONS**

GENERAL STATEMENT: Unless required by the context of any particular provision, the use of any gender shall include all genders; the singular shall include the plural shall include the singular; and the following words shall have the following meanings:

**2.1 Abandoned:** Shall mean left or given up with no intent to return or reclaim. A vessel or motor vehicle or other personal property shall be deemed abandoned if left on or in Port facilities without identification or evidence of ownership and without notification to the Port of intent to leave, and without payment of fees for storage or use.

**2.2 Boat Owner:** Shall mean and include any person who claims expressly or otherwise, lawful care, custody, or control of a vessel by virtue of legal title or equitable interest therein and control, the master of a vessel shall be deemed to possess indicia of ownership to obligate the vessel for dockage and becomes liable therefore.

**2.3 Camping:** Shall mean any person sleeping overnight, or any activity normally connected with temporary or permanent lodging.

**2.4 Commercial Vessel:** Shall mean any vessel used or engaged for any type of commercial venture, including, but not limited to commercial fishing or the carrying of passengers for hire.

**2.5 Dockage Facilities:** Shall mean those facilities of the Port of Port Orford where vessels may be placed on trailers on the dock, or any other Port property in assigned or designated spaces.

**2.6 Emergency:** Shall mean a state of imminent danger to life or property in which time is of the essence.

**2.7 Port Manager:** Shall mean that person appointed by the board of Commissioners of the Port of Port of Port Orford with the delegated authority and responsibility for the Port's operation.

**2.8 Port:** Shall mean Port of Port Orford.

**2.9 Shall and May:** “Shall” is mandatory. “May” is permissive.

**2.10 Sport Vessel:** Shall mean any vessel used or engaged for any type of sport fishing, diving, touring, or any other purpose that is not of a commercial nature.

**2.11 Underway:** Shall mean the condition of a vessel not at anchor; without mooring; and not made fast to the shore nor aground.

**2.12 Use Permit:** Shall mean the agreement between boat owner and the Port of Port Orford.

### **SECTION 3 – MAINTENANCE, STORAGE, AND USE OF PORT FACILITIES**

**3.1 General:** Every vessel and all other personal property and facilities located on Port properties or facilities shall be kept and maintained in such condition of repair, maintenance, neatness, and orderliness so as not to constitute a condition of nuisance, substantial danger or risk of harm to persons or property, or obstructions to public use of Port property or facilities.

**3.2 Storage:** No person shall store boats, trailers, vehicles, supplies, materials or equipment on any walkway, dock, parking area or any other public area of the Port except:

- a. In area so designated by the Port, and
- b. With prior consent by the Port

Crab pots and fish pots may be stored 10 days prior to the opening of crab season in an area designated by Port Personnel. Crab pots and fish pots must be removed from Port property within 3 days after being brought in. Crab pots and fish pots located on Port property after 3 days shall be assessed \$1.00 per pot, per day for storage. This rate may be amended by Resolution.

**3.3 Placement of Structures:** No buildings or structures of any nature whatsoever shall be placed or constructed on Port properties or facilities without prior approval of the Port.

**3.4 Signs:** Signs are not allowed to be displayed without permission of the Port.

**3.5 commercial Activity:** No person shall engage in any public business or commercial activity at the Port without prior permission of the Port. “Commercial Activity” includes, but is not limited to, any advertisement or promotion of goods or services, any offer to sell, rent or lease goods or services, or any offer to buy, rent or lease goods or services directed to the organizations. Commercial activity requiring a business license is contained in **RESOLUTION 94-09** “Business license to conduct Commercial Activity at the Port of Port

Orford”. Charter Boat activity is contained in **RESOLUTION 94-08** “Charter Boat Policy Agreement”.

**3.6 Solicitation of Contributions:** The Port does not authorize any solicitation on Port property.

**3.7 Access to Dock:** No person shall obstruct the dock and access thereto with tools and equipment. If persons use portions of the dock and access thereto for rigging and maintenance work, such space must be left in a neat, clean, orderly manner. Dock lockers or other similar dock storage is prohibited.

**3.8 Camping:** Overnight Parking will be allowed in designated areas only. (Revised 2/18/14)

**3.9 Fishing and Crabbing:** No person shall fish or crab off the dock at the Port between the hours of 10p.m. and 5a.m. without first obtaining a permit from the Port Manager or other Port personnel.

**3.10 Port Access:** No person shall use or enter upon Port property from the hours of 10 P.M. to 5 A.M., unless that person has a boat legally parked at the Port or moored in the harbor, or is an employee or guest upon said boat or is a Port official or employee or employee of buying stations or processing plants or who has prior approval of the Port Manager, or other Port personnel.

**3.11 Fish Cleaning:** No person shall clean or process fish or shellfish on any Port property except in areas so designated by the Port.

**3.12 Live Aboard:** No person shall live aboard any vessel while same is parked on Port property without prior approval of Port.

#### **SECTION 4 – SANITATION**

**4.1 Standard:** All vessels, personal property, facilities or equipment on or about, or used on or about Port properties or equipment on or about, or used on or about Port properties, or water under control of the Port, shall be kept, at all times, in constitute a common nuisance of existing or potential danger or harm to public health.

**4.2 Definitions:** The following definitions together with those set forth in Section 2 apply:

(1) “Industrial Waste” means any liquid, gaseous or solid waste substance or combination thereto resulting from any process of industry, manufacturing, trade, agricultural operation or business, or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the property or the waters controlled by the Port.

(2) “Litter” means and all types of debris and substances, whether liquid, gaseous or solid or combination thereof, including but not limited to garbage, refuse, rubbish, glass, cans, bottles, paper and paper products, wrappings, decayed wood, sawdust, shavings, bark, cement, lime, ciders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, dead animals or fish carcasses or parts thereto, manure, human or animal wastes, putrid, decaying or deleterious

substance or matter, petroleum wastes, or any machinery, appliances or automobiles or parts thereof, or any other substances which may rend property or waters controlled by the Port unsightly, noxious or otherwise unwholesome or to the detriment of the public health and welfare.

(3) "Sewage" means water, chemical or other liquid carrying human or animal wastes from vessels, motor vehicles, trailers, residences, buildings, industrial or commercial establishments or other places with such ground water infiltration and surface water as may be present.

**4.3 Garbage:** No person shall keep or cause to be kept aboard any vessel, in any motor vehicle or trailer or on any Port properties, litter in the nature of offal, garbage, putrid, or decaying or deleterious substances which give off an offensive odor, except in a close tight fitting, lidded container, except when the same is being disposed of in a proper receptacle.

**4.4 Litter:** No person shall throw, place, leave, deposit or abandon, or cause or permit to be thrown, placed, left, deposited or abandoned, any industrial waste, litter, personal garbage, or sewage on any Port property or waters controlled by the Port, except in receptacles designated by the Port for the disposal of such materials or substances. The fact that proper receptacles are not furnished by the Port is not excuse r defense.

**4.5 Refuse or Waste Containers:** No person shall use refuse or waste containers provided by the Port for other that wastes, litter, or garbage generated on Port properties or waters controlled by the Port, except for those wastes, litter or garbage generated from the vessel's voyage.

**4.6 Animal Wastes:** No person having control of any animal on Port facilities shall allow waste or droppings of that animal to remain on Port property. Animal wastes or dropping shall be immediately removed and place in the nearest waste receptacle.

**4.7 Animals:** No person having control of dogs shall allow such animal to be on Port property except on a leash or in a vehicle.

**4.8 Tires:** No person shall dispose of tires on Port property or shall use any refuse or waste containers provided by the Port to dispose of tires. Persons are responsible for removing tires from Port Property and a charge of \$20.00 per tire shall be assessed for each tire left on Port property or refuse and waste containers.

**4.9 Boat Space Litter:** Persons shall be responsible for maintaining a clean boat space. The Port will give notice to clean up a leased space if necessary and if after 4 working days, or upon vacating the leased space, no action has been taken, Port personnel will clean up the space and the lessee shall be charged for the Port's cost of cleanup.

**4.10 Bilge Pumping:** Persons shall not allow the leaking or pumping of bilge water, fuel, oil or other material onto the paved area of the dock facility. Pumping of bilge water will cause the loss of the right to perk on the pavement.

## **SECTION 5 – MOTOR VEHICLE AND WATERCRAFT OPERATION**

**5.1 General:** Oregon Revised Statutes and any amendments, additions, deletions or changes thereto, in effect as of the date of the adoption of this ordinance, relating to the operation and use of motor vehicles and watercraft are hereby adopted as the regulations governing such use, together with those specifically herein below set forth.

**5.2 Definitions:** Those definitions set forth in Oregon Revised Statutes, Chapters 481, 483, 484, and 488 are adopted and incorporated herein except so far as any definition which would limit the applicability of any such statute to a public highway of the State of Oregon. It being the express purpose and intent thereof to make said statutes applicable to all Port of Port Orford properties whether designated as a public thoroughfare or not.

**5.3 Parking:** There shall be no public parking except in areas so designated by the Port. All vehicles not being directly used in the movement of vessels, product, or dock maintenance will be parked off the dock.

(a) No person shall park or permit to remain, a motor vehicle in from of any walkway, fire hydrant, access to Port property, or turn around area of the Port that will cause an obstruction to other vehicles.

(b) Illegally parked or moored vehicles or vessels may be removed by the Port and a fee shall be charged.

(c) No person shall drive onto that part of the Port that is the dock unless that person is directly servicing a vessel, moving a vessel, involved in product processing or product transportation or dock maintenance.

(d) The speed limit on the dock shall be 5mph.

**5.4 Tying to Dock:** No vessels shall tie to dock piling except while unloading fish products, while fueling or waiting to be hoisted from the water or at the Port Manager's discretion. The master of said boat must check with Port personnel before leaving vessel tied to dock and give a place where they can be reached while they are gone. No vessel shall be unattended in a location that will impede movement of other vessels. Disabled boats shall be charged \$20.00 per day to tie up to the dock in an approved location. This fee is payable in advance.

**5.5 Lifting Ropes:** All vessels using the boat hoist(s) at the Port shall have permanent lifting ropes attached to the vessel. The Port reserves the right of refuse to lift any vessel it deems unsafe to lift. (Revised 2/18/2014)

**5.6 Length, Beam, and Weight:** No vessel exceeding 42 feet in length, or weighing in excess of 45, 000 pounds shall be lifted by the boat hoist on the dock at the Port. These restrictions may be changed by resolution of the Port. These restrictions may be changed by resolution of the Port Commission depending upon circumstances that may change. (Revised 3/21/2017)

**5.7 Trailers:** All vessel or other trailers parked on the Port facility must have the vessel or owner's name marked in a visible location. Any unclaimed trailers may be sold as abandoned property.

## **SECTION 6 – FIRE, SAFETY, HAZARDOUS MATERIALS AND/OR OPERATION**

**6.1 General:** The provisions of this section are intended to govern the general safety of vessels, facilities, and properties of the Port and are not intended to limit the powers of any local, State or Feral agencies.

**6.2 Standards:** All vessels, personal property, Port property, or any items used on or about Port properties shall be used in such a manner and maintained in such conditions so as not to constitute a fire or safety hazard or a potential fire or safety hazard. The failure to conform to any local, State, or Federal regulation, or ordinance regarding safety or save operations may be considered in determining violation of this section.

**6.3 Dumping of Combustibles:** No person shall dump, discharge, pump, or allow to be dumped, discharged or pumped, any oil, spirits, gasoline, distillate, any petroleum products, or any other flammable materials onto Port properties or into the waters of the Port.

**6.4 Storage of Combustibles:** Combustible materials shall be stored in such place and manner as to prevent accidental combustion, except that rags and waste materials saturated with combustible fluids must be removed from Port property immediately after use, and as may be further limited herein below.

**6.5 Fuel Storage:** No person shall store or cause to be stored on Port properties or waters of the Port, any fuel for any vehicle or watercraft in or upon any vehicle or watercraft, except in tanks or containers designed for that purpose, and in areas where such tanks or containers shall not come into contact with sparks or excess heat or other conditions which may cause it to ignite.

**6.6 Discharge of Firearms:** No person shall discharge firearms within the Port of Port Orford property.

**6.7 Electrical Systems:** No person shall change or modify any electrical system of the Port unless authorized to do so.

**6.8 Fires:** Open flames are prohibited on Port property except by special permit, which may be issued by a Port employee for designated areas only. A fire extinguisher and live hose will be required at the location of any open flame.

**6.9 Fireworks:** The use of fireworks on Port property is prohibited.

**6.10 Personal Flotation Devices:** All persons aboard a watercraft are required to wear a personal flotation device during hoisting in or out of the water. (Revised 2/18/2018)

## **SECTION 7 - USE PERMITS**

**7.1 General:** It is the policy of the Port Commission that dock space at the Port is to be used for the purpose of accommodating commercial and sports vessels; however, the Port

reserves the right to restrict the use of Port property of facilities to those who observe the rules and regulations of the Port and who make full and timely payment of dockage fees and charges. Full payment for dockage shall be made in advance. The Port may deny the use of the Port and cancel the use permit of any individual failing to comply with this ordinance.

**7.2 Facility Use Permits Required:** No vessel will be permitted to be kept on Port property until a permit has been obtained and any fees for such permit have been paid. All vessels conduction commercial activity at the Port shall have a facility use permit.

**7.3 Period of Validity and Renewal of Use Permit:** The Port may issue or renew a use permit for any period up to, but not exceeding one (1) year. Use Permits shall be automatically renewed unless conditions of the original issue are not met. A use permit shall not be issued or renewed unless all fees and charges due and payable are paid. Upon expiration of the period stated therein, the permit and all rights of the permitted thereunder shall automatically terminate.

**7.4 Uses Permitted:** The use permit agreement and use permit emanating therefrom shall allow the use of the dockage facilities for dockage or hoist purposes only and shall grant no further rights, privileges or uses. Additional or varying uses shall not be allowed except as provided in Port ordinances or in the following sections.

**7.5 Transferability:** Use permits are not transferable. Any person who transfers or attempts to transfer a use permit shall be subject to penalty as provided in this ordinance. Sale of vessel covered by a use permit transfers no rights or privilege in said permit, nor guarantees permittee issuance of a new permit.

**7.6 Applicability:** Use permits shall be issued to a named owner of a vessel and shall be valid only for a specific vessel. Owners with more than one vessel are required to have a use permit for each one.

**7.7 Reassignment:** Dockage spaces may be reassigned at the option of the Port if the orderly administration of the facility so requires. Reassignment is not a right of the use permit. Holders of use permits may be temporarily assigned or permanently reassigned to spaces to accommodate repairs, improvements, maintenance, construction, emergencies, or when necessary during a special event. Assignment of spaces will be based upon the most recent Seniority list.

**7.8 Sub-Letting:** The dockage space designated by the use permit may not be sub-let by the permittee.

**7.9 Temporary use of Dockage Facilities:** Vessels not assigned regular dockage space shall only be parked in areas designated by Port personnel. Dockage space may be reassigned as determined necessary and vessel owner shall be responsible for relocating their vessel within 24 hours.

**7.10 Revocation of Use Permit:** If after notice and lapse of a reasonable period of time, the permittee fails to remedy any breach of the duties, covenants, or conditions of the permit or to desist from violation or permitting the violation of these Rules and Regulations, the Port may revoke the permittee's Use Permit immediately. In addition to the foregoing, the Port

may revoke a Use Permit for deliberate misstatement or willful failure to disclose any material fact in an application for a vessel number, documentation, registration of a vessel or any of the permits specified in any of the Sections or for non-payment of Use Permit fees.

**7.11 Cancellation of Use Permit:** A Use Permit may be cancelled by a vessel owner upon thirty (30) days written notice to the Port. Refund of Use Permit consideration, if any, shall be the difference between the monthly rate charges and the period the dock space was occupied.

**7.12 Removal of Vessel or Contrivance:** Upon notice to the owner by Registered Return Mail, and after reasonable time has elapsed for the owner himself to remove said vessel or contrivance from the Port, the Port may remove or dispose of any vessel or any property or personal articles located thereon, its' tackle, apparel, fixtures, equipment and furnishings when the presence thereof in the Port or any place is contrary to law or any provisions of these Regulations or when the Port deems such actions necessary to protect the lives of persons using the Port. Any action taken by the Port of Port Orford to remove the vessel or contrivance, including any property or personal articles located thereon, shall be at the sole cost of the owner of the vessel or contrivance.

**7.13 Duty of Permittee:** As a condition of the granting, and continuation of a use permit, the permittee shall at all times keep the Port informed of a current mailing address and telephone number, and an alternate or emergency telephone number. Permittee shall also notify the Port immediately upon any change of ownership of vessel, and further shall notify the Port immediately upon vacating the dock space assigned by the Port. Failure to keep the Port informed is a breach of covenant of Use Permit and shall be grounds for revocation of said permit.

**7.14 Non-Waiver:** Nothing contained in this section shall be construed as a waiver of the right of the Port to:

1. (1) deny the application to retain the dock space or the re-issuance of or to revoke any Use Permit for Failure to comply with these Rules and Regulation, or
2. (2) reassign a vessel to another space when a space is unusable, eliminated or in need of repairs.

**7.15 Disposal of Vessels and Personal Property:** Abandoned vessels and/or other personal property shall be disposed of at public or private sale by the Port. Notice of intent to sell and of sale shall be given by publication in a newspaper of general circulation in Curry County for one time, not more than 10 nor less than 4 days prior to sale. Proceeds of sale of vessels or personal property to satisfy obligation to the Port shall first be applied to the costs of sale, thereafter to the obligation due he Port, and any balance to the owner or in the case of sale of abandoned vessels and/or personal property, to the Clerk of Curry county to dispose of as abandoned property.

**7.16 Transfer of Ownership:** The Port Manager shall be notified of any sale or transfer of ownership of any vessel kept at the Port at or before the time of sale and/or transfer.

**7.17 Towing Fee:** If any vessel is left in a space not assigned to it by the Port and it becomes necessary to move said vessel, the Port hereby affirms such right and a towing fee plus dockage fees at the daily rate will be charged.

**7.18 Storage:** Storage of any vehicle, trailer, vessel or personal property will not be permitted without prior permission of the Port and the payment of the appropriate fee, otherwise such vehicles, trailers, vessels or personal property will be subject to impoundment.

## **SECTION 8 – SENIORITY**

**8.1 How Seniority is Determined:** Seniority shall be determined by the length of continuous fishing activity by an individual commercial fishing vessel owner. Seniority belongs to the individual paying the dockage or seniority bill.

**8.2 Space Assignment:** Any boat space which is vacated shall be filled on a seniority basis from an established waiting list. When a vacancy occurs, existing tenants may be relocated according to seniority.

**8.3 Transfer of Seniority:** An individual may not sub lease their berthing space or assign any interest therein. An individual may not convey their interest in the space to the lessee of the vessel. Seniority is not transferable, except as follow:

(1) Seniority may be transferred to a member of the owner’s immediate family in the event the ownership of a vessel is transferred as a result of death of the owner or serious disability of greater than six months duration. “Immediate Family” for this purpose shall mean; mother, father, spouse, son, daughter, brother or sister.

**8.4 Seniority during off Season or While Absent:** Storage areas are available for use during off-season and will allow the vessel owner to retain their space on the seniority list. In the event a vessel is absent from the Port, seniority may be maintained by making a monthly seniority payment. Notice of absence and desire to maintain seniority must be given to the Port.

**8.5 Sale or Loss of Vessel:** In the event of a loss or sale of a vessel, seniority may be maintained by making a monthly seniority payment. The individual shall have six months in which to procure another vessel. If a vessel has not been procured within six months, a written request for an extension must be presented to the Port for approval.

**8.6 Delinquent Accounts:** In the event a vessel owner’s account becomes delinquent for more than 60 days, all seniority privileges shall be lost by the individual. The date the vessel owner’s account becomes current shall be the date used for determining seniority.

**8.7 Hardship or Unforeseen Events:** An individual may present a written request for waiver of the rules to the Port Commissioners. Consideration will be given to circumstances that may arise that are beyond the control of the individual. Events that may occur that are not covered under this ordinance shall also be given consideration.

## SECTION 9 – CHARGES AND FEES

**9.1 General:** The charges for dockage, hoisting, parking, storage, towing and use or rental of Port equipment and other services shall be set by Resolution of the Board of Commissioners of the Port of Port of Port Orford.

**9.2 Fuel:** No fuel charges shall be allowed. Vessel owners shall pay in advance or at the time of delivery.

**9.3 Delinquent Accounts:** Payments on account are due in full, on the 10<sup>th</sup> of the month. Accounts that are past due shall be assessed interest at the rate of 1% per month on any past due balance. Hoisting and other Port services may be denied to persons with delinquent accounts.

**9.4 Hardship:** In cases of hardship, persons with delinquent accounts may make arrangements with the Port Manager for installment payments. Failure to make payments as scheduled may result in accounts being turned over to an attorney or collection agency. The individual shall be responsible for all collection costs incurred by the Port.

**9.5 Mooring Block Deposits:** A refundable \$50.00 mooring block deposit shall be charged to the individual when the moorage block is placed in the water. The individual shall forfeit the mooring block deposit if the mooring block is required to be moved for dredging or other purposes and that individual refused to or was unable to move the mooring block. Upon removal of the mooring block from the water, the deposit shall be applied to any unpaid balance due the Port and the remainder shall be refunded, or the individual may have the deposit left on the books for the next season.

**9.6 Hoists of Mooring Blocks and Truck Trailers:** There will be a charge of \$5.00 for a one way lift of mooring blocks or truck trailers.

**9.7 Short Term Rates:** Qualifications for lower dockage and hoist rates shall be based on a minimum of 14 days of dock rental. Vessels staying longer than 14 days shall be assessed at the lower rate.

**9.8 Charges for Commercial Ocean Products Landed at the Port:** Rules and regulations for commercial ocean product landings are set by **ORDINANCE 94-1b**.

## SECTION 10 – MISCELLANEOUS

**10.1 Damage/Liability:** Any person shall be responsible for any and all damage caused by their person, vessel, aircraft, or other vehicle to the property of facilities of the Port. Damaged facilities may be repaired by the Port, or by private contractors, and charged to the responsible person or persons. The Port will not be responsible for damage to any vessel kept at the Port facilities, nor material stored on the premises. No responsibility is assumed by the Port for damages to automobiles or other vehicles parked at the Port. The Port is not responsible for any damages to vessels or persons during the hoisting of vessels.

**10.2 Emergency Action:** Nothing is implied in this ordinance to preclude the Port from taking whatever action is necessary during the general operation of the Port or in an

emergency situation, to attempt to prevent damage/loss of property and such other actions, the anticipated results of which would be for the general good and wellbeing of the general public and the Port District.

**SECTION 11 – VIOLATIONS, FINES, PUNISHMENT & ENFORCEMENT**

**11.1 General:** Violation of any provision of this ordinance shall constitute a misdemeanor and shall be punishable by a fine of not more than \$250.00, or imprisonment of not more than thirty (30) days, or both. Each day of a continual violation of any of the Rules and Regulations herein shall be deemed a new, separate foregoing penalties and punishments provide, in the event of violations of Sections 4.4, 5.3, 7.1, 7.2, 7.9, 7.10, 7.12, 7.17 and 7.18 of this Ordinance, the employees of the Port are hereby authorized to remove or cause to be removed, any vehicle or vessel involved in the violation, at the sole risk and expense of the owner or operator thereof, with the right to seize and hold said vehicle or vessel for any charges or expense of moving and storing the said vehicle or vessel, and creating a lien thereon for such expense.

**11.2 Enforcement:** The statutes and regulations as hereinabove adopted shall be enforce by any peace officer of the State of Oregon, County of Curry, City of Port Orford, or Port of Port Orford.

**11.3 Jurisdiction:** The nearest Justice Court in the County of Curry shall have jurisdiction of all offenses set out in this ordinance.



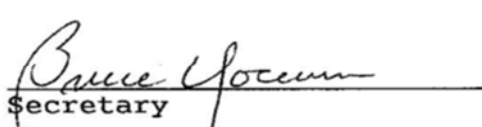

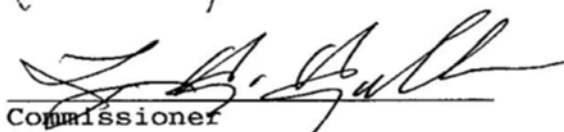
**11.4 Citation:** Violators of this Ordinance or any other Ordinance of the Port shall be cited to appear before the nearest Court of jurisdiction in Curry County.

**11.5 Service of Complaint:** A copy of the complaint shall be delivered to the defendant at the time the citation is issued.

**WHEREAS** Ordinance 86-1 required changes due to numerous amendments by resolution;

**LET IT THEREFORE BE RESOLVED** that Ordinance 96-1 hereby replaces Ordinance 86-1.

**PASSED BY UNANIMOUS VOTE OF THE** Board of Port Commissioners this 20<sup>th</sup> day of August, 1996

 _____ President	 _____ Vice-President
 _____ Secretary	 _____ Treasurer
 _____ Commissioner	

## **ORDINANCE 94-1**

BE IT ORDAINED BY THE Commissioners of the Port of Port Orford as follows:

### **SECTION I**

#### **Definition of "Ocean Product"**

For the purpose of this ordinance, the term "Ocean Product" is defined to mean:

- A. All commercial fish products, including, but not limited to, fish, shellfish, crustaceans, mollusks, and other invertebrates.
- B. All kelp seaweed or similar or related ocean products.
- C. All other commercial animal or vegetable products, and minerals or oil products or any other product brought in from the ocean.

### **SECTION II**

#### **Charge for Taking Commercial Ocean Product Across The Port of Port Orford Dock**

Each person, corporation, or other business entity shall pay a landing fee of one percent of the gross acquisition or ex-vessel price to the Port of Port Orford on commercial ocean product taken across the Port Dock as compensation for services provided by the Port of Port Orford. Said one percent shall apply to all commercial ocean product takers, whether tenants or otherwise, and shall be on the value of the product prior to any offsets or deductions for fuel, bait, or any other deductions.

### **SECTION III**

#### **Responsible Party for Payment**

Each person, corporation or firm hoisting ocean product is responsible for payment, unless prior approval is given by the Port of Port Orford for payment to be made by a third party.

### **SECTION IV**

#### **Payment**

All responsible persons, corporations or firms subject to this charge, including those hoisting for themselves or others, or those granted permission to pay on their own, shall file with the port, not later than the 15<sup>th</sup> of each month, a form provided by or approved by the port, listing the types of product taken across the dock, the number of pounds, and the gross ex-vessel costs. Any responsible persons, corporations or firms may request permission from the Port of Port Orford for different filing date.

AN ORDINANCE DEFINING FEES AND CHARGES FOR COMMERCIAL  
OCEAN PRODUCTS LANDED AT THE PORT OF PORT ORFORD

**SECTION V**

**Payment**

Payment of the one percent shall accompany the form, and shall be payable by the 15<sup>th</sup> of each month for the previous month's product, unless another payment date has been approved by the Port of Port Orford. Payments received after the approved due date shall be subject to interest of 1% per month, compounded on the past due balance.

**SECTION VI**

**Hoisting for others**

All persons, corporations or firms hoisting for other commercial producers shall notify the port by the 15<sup>th</sup> of each month of the names and addresses of each party they have hoisted for during the previous month, whether or not the hoisting party is liable for payment on that product.

**SECTION VII**

**Obligations of Buyers**

All buyers shall provide to the hoisting party a statement showing the product and price per pound being paid e-vessel prior to any deduction or other offsets.

**SECTION VIII**

**Collection for Others**

Tenants hoisting for other parties shall collect and remit to the Port of Port Orford the one percent fee, unless said tenant has been advised in writing by the Port that the buyer has been approved by the Port for direct payment.

**SECTION IX**

**Hoisting for Delivery Off Dock**

Fishermen or other providers may hoist product for delivery off the dock to an outside buyer, with prior approval of the Port. Said provider shall be liable for the one percent fee and reporting of these deliveries.

**SECTION X**

**Audit**

All reports by providers, tenants, and buyers shall be subject to audit and confirmation by comparison to Oregon Department of Fish and Wildlife Fish tickets or reports.

AN ORDINANCE DEFINING FEES AND CHARGES FOR COMMERCIAL  
OCEAN PRODUCTS LANDED AT THE PORT OF PORT ORFORD

**SECTION IX**

**Ordinance 94-1 supersedes Prior Ordinances**

This ordinance supersedes all prior ordinances and resolutions of the Port of Port Orford pertaining to landing fees.

**SECTION XII**

**Computation of One Percent Fee**

The one percent fee set forth above is based upon the total gross value, ex-vessel, without deduction for hoist, fuel, bait, or any other expenses, operation or otherwise.

**SECTION XIII**

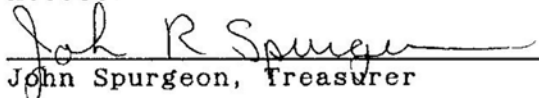
**Enforcement of Ordinance**

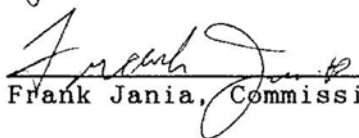
Enforcement of this ordinance may be accomplished by the Port of Port of Port Orford in any manner authorized by law. In the event it shall become necessary for the Port of Port Orford, by civil action, to enforce the collection of any sum of monies due under this ordinance, the responsible party shall pay all collection costs including, but not limited to , court costs and reasonable attorney's fees, which the Port of Port Orford may incur as a result thereof.

Adopted this 15th day of March,  
19 94 by unanimous vote of the Commissioners of the Port of  
Port Orford.

  
Lynn Halper, President

Attest:

  
John Spurgeon, Treasurer

  
Frank Jania, Commissioner

**AN ORDINANCE DEFINING FEES AND CHARGES FOR COMMERCIAL  
OCEAN PRODUCTS LANDED AT THE PORT OF PORT ORFORD**

