

## Chapter 12.08

### SALMON HARBOR

#### Sections:

- 12.08.010 Short title.
- 12.08.020 Purpose.
- 12.08.030 Definitions.
- 12.08.040 Interpretation.
- 12.08.050 Use of harbor deemed compliance agreement.
- 12.08.060 Permit--Required.
- 12.08.070 Permit--Duration.
- 12.08.080 Permit--Scope.
- 12.08.090 Permit--Nontransferable.
- 12.08.100 Reassignment of moorage space.
- 12.08.110 Temporary reassignment of moorage space.
- 12.08.120 Permit--Revocation.
- 12.08.130 Permit--Cancellation.
- 12.08.140 Permit--Conditions.
- 12.08.150 Disposal of abandoned property.
- 12.08.160 Permit--Rates and fees.
- 12.08.170 Rate schedule.
- 12.08.180 Imposition of liens--Authority.
- 12.08.190 Provisions not to constitute a waiver.
- 12.08.200 Prohibited acts.
- 12.08.210 Enforcement authority.
- 12.08.220 Enforcement jurisdiction.
- 12.08.230 Issuance of warning.
- 12.08.240 Citation--Issuance. (repealed Ord 2001-6-4, 2001)
- 12.08.250 Citation--Form and contents. (repealed Ord 2001-6-4, 2001)
- 12.08.260 Citation--Service. (repealed Ord 2001-6-4, 2001)
- 12.08.270 Citation--Appearance. (repealed Ord 2001-6-4, 2001)
- 12.08.280 Hearing--Waiver. (repealed Ord 2001-6-4, 2001)
- 12.08.290 Hearing--Generally. (repealed Ord 2001-6-4, 2001)
- 12.08.300 Hearing--Date and notice. (repealed Ord 2001-6-4, 2001)
- 12.08.310 Hearing--Failure to appear. (repealed Ord 2001-6-4, 2001)
- 12.08.320 Violation deemed a nuisance. (repealed Ord 2001-6-4, 2001)
- 12.08.330 Violation--Penalty. (repealed Ord 2001-6-4, 2001)
- 12.08.340 Violation Proceedings.
- 12.08.350 Remedies Not Exclusive.

12.08.010 Short title. This chapter and any ordinances that amend the ordinance codified in this chapter shall be referred to as the "Salmon Harbor ordinance." (Ord. 82-2-2 §1.1, 1982)

12.08.020 Purpose. This chapter is adopted pursuant to an intergovernmental agreement between the county and Port of Umpqua dated February 11, 1982. This chapter is intended to implement the intergovernmental agreement and to fulfill the public purposes set forth in Section 1.1 of the agreement. A copy of the intergovernmental agreement is recorded in the county journal on file in the office of the county clerk. (Ord. 84-4-1 §1, 1984: Ord. 82-2-2 §1.2, 1982)

12.08.030 Definitions. The definitions for words, terms and phrases which are contained in the intergovernmental agreement, set forth in Exhibit 1 of the ordinance codified in this chapter, shall apply to this chapter. In addition to the definitions contained in the agreement, the following words, terms and phrases shall have the meanings set out as follows:

A. "Anchor" means to secure a boat to the bottom by dropping of an anchor or other ground tackle.

B. "Boat" means any vessel, ship, boat, skiff, and watercraft of every kind, including aircraft which is able to alight upon or take off from water. The essential element of a boat is that its purpose and use is navigation as a means of transportation.

C. "Derelict" means any boat moored or otherwise located in Salmon Harbor which is in imminent danger of sinking, badly deteriorated, likely to damage other boats or floats, creates an unsafe or hazardous condition to persons or property, or which the harbormaster determines is unsound, unseaworthy or unfit for its intended use.

D. "Float" means any floating structure normally uses as a point of transfer for passengers and goods or for mooring.

E. "Imminent danger of sinking" means any condition where the lack of, or the failure, of a pump, or of power to the pump, would materially contribute to the sinking of a boat within twenty-four hours of such failure.

F. "Moor" means to secure a boat other than by anchoring.

G. "Slip" means the berthing space for a single boat.

H. "Waterway" means a water area providing a regular route for water traffic in Salmon Harbor. (Ord. 82-2-2 §1.3, 1982)

12.08.040 Interpretation. When in the administration of this chapter there is doubt regarding the intent of the chapter, the harbormaster shall request an interpretation of the provision by the committee. The committee shall issue an interpretation to resolve the doubt, but such interpretation shall not have the effect of amending the provisions of this chapter. Any interpretation of this chapter shall be based on the following considerations:

A. The provisions of the intergovernmental agreement between the county and the port;

B. The opinion of the harbormaster;

C. The purpose and intent of this chapter as applied to the particular section in question;

D. The opinion of the legal counsel.(Ord. 82-2-2 §1.4, 1982)

12.08.050 Use of harbor deemed compliance agreement. The use of any harbor facilities by any person, or the use of a boat by any person in harbor waters, shall constitute an agreement by such person to comply with the provisions of this chapter. (Ord. 82-2-2 §1.6, 1982)

12.08.060 Permit--Required.

A. The harbormaster shall have the authority, at his discretion, to issue temporary permits for the following activities:

1. To moor or anchor a boat in harbor waters;
2. To conduct any short-term commercial activity, not exceeding one week in duration;
3. To live aboard or occupy overnight accommodations on any boat for more than seven consecutive days;
4. To solicit within Salmon Harbor;
5. To camp overnight within Salmon Harbor.

B. No person shall engage in any activity described in this section without first obtaining a permit from the harbormaster or a determination from the harbormaster that a permit is not required for the proposed activity. The harbormaster may require reasonable terms and conditions for the issuance of permits which are not inconsistent with the provisions of this chapter. (Ord. 82-2-2 §2.1, 1982)

12.08.070 Permit--Duration. Use permits shall be issued for a period of not more than one year. Upon expiration of the permit stated therein, unless extended or renewed, the permit and all rights thereunder automatically terminate. No use permit shall be renewed if the holder thereof is in violation of any of the terms of this chapter or any other duly enacted ordinance or regulation of Salmon Harbor. No use permit shall be renewed until all fees and charges shall have been paid in full. (Ord. 82-2-2 §2.2, 1982)

12.08.080 Permit--Scope. A use permit shall authorize the holder thereof to use harbor facilities only for the purposes stated in the permit and shall grant no further rights, privileges or uses. Permits for moorage shall be issued only with respect to a named vessel and shall be valid only as respects that vessel in a numbered moorage space. (Ord. 82-2-2 §2.3, 1982)

12.08.090 Permit--Nontransferable. Use permits shall not be transferable. Sale or transfer of a vessel covered by a moorage permit transfers no rights or privileges inhering in the permit nor guarantees the issuance of a new permit. Moorage space designated by a moorage permit may not be sublet by the holder of the permit without permission in writing of the harbormaster and subject to such restrictions as the harbormaster may impose. (Ord. 82-2-2 §2.4, 1982)

12.08.100 Reassignment of moorage space. Moorage spaces may be reassigned at the pleasure of the harbormaster if the orderly administration of Salmon

Harbor so requires. Holders of permits may apply for reassignment; however, reassignment is not a right or privilege inhering in the permit. (Ord. 82-2-2 §2.5, 1982)

12.08.110 Temporary reassignment of moorage space. Vessels to which permits apply may be temporarily assigned or reassigned to other berths and spaces under the control of the harbormaster to accommodate repairs, improvements, maintenance, construction, emergencies or when necessary in order to permit maximum efficient public utilization of Salmon Harbor. (Ord. 82-2-2 §2.6, 1982)

12.08.120 Permit--Revocation. Any use permit may be revoked immediately by the harbormaster if the holder thereof violates any provision of this chapter, any other ordinance applicable to Salmon Harbor, any conditions of the permit, or any other law, rule or regulation applicable to Salmon Harbor. In addition, the harbormaster may revoke a permit for a deliberate misstatement or wilful failure to disclose any material fact in an application for the permit. (Ord. 82-2-2 §2.7, 1982)

12.08.130 Permit--Cancellation. A use permit may be cancelled by the holder thereof upon thirty days written notice to the harbormaster. (Ord. 82-2-2 §2.8, 1982)

12.08.140 Permit--Conditions. As a condition to the issuance of a permit, the holder thereof shall at all times keep the harbormaster informed of his current mailing address and telephone number. The holder shall also notify the harbormaster immediately upon any change of ownership of the vessel to which his permit applies, and shall further notify the harbormaster immediately upon vacating the moorage space assigned to the vessel. Failure to keep the harbormaster informed as to the holder's current mailing address and telephone number shall be grounds for revocation of the permit. (Ord. 82-2-2 §2.9, 1982)

12.08.150 Disposal of abandoned property. Upon notice by certified mail, return receipt requested, to the holder of a permit that the permit has been revoked pursuant to this chapter, and after the expiration of ten days from the date when such notice was delivered or should have been delivered, the harbormaster may remove any vessel or other personal property left by the holder in Salmon Harbor and dispose of the same in such fashion as the harbormaster may deem proper. Abandoned vessels and/or other personal property shall be disposed of at public or private sale by the harbormaster. Notice of intent to sell and of sale shall be given by certified mail, return receipt requested, to the holder of the permit as to such vessel or personal property, and by publication in a newspaper of general circulation in the coastal area of the county for one time, no more than ten nor less than four days prior to sale. Proceeds of the sale shall be first applied to the costs of sale, thereafter to the obligations owed to Salmon Harbor, and any balance to the holder of the permit. (Ord. 82-2-2 §2.10, 1982)

12.08.160 Permit--Rates and fees. All permit fees and other charges shall be paid in advance. Failure to prepay fees or other charges or failure to pay charges within thirty days from the date billed shall be a violation of this chapter. A late charge of ten percent

shall be due and payable if an account remains due and unpaid for thirty days after billing. (Ord. 82-2-2 §2.11, 1982)

12.08.170 Rate schedule. Moorage rates and fees for use of Salmon Harbor facilities shall be set by resolution of the Salmon Harbor management committee. (Ord. 84-4-1 §2, 1984: Ord. 82-2-2 §2.12, 1982)

12.08.180 Imposition of liens--Authority. The county and Port of Umpqua, acting through the committee, shall have a lien against any boat located in Salmon Harbor for any unpaid moorage rentals, permit fees or fines imposed pursuant to this chapter. The harbormaster shall have the authority to foreclose such liens in any manner provided by law. (Ord. 82-2-2 §2.13, 1982)

12.08.190 Provisions not to constitute a waiver. Nothing contained in this chapter shall be construed as a waiver by the county or the port of any rights and privileges granted by this chapter nor as a waiver of any right which the county or the port may have against the vessel or the holder of any use permit therefor under this chapter. Nothing contained herein shall constitute a waiver by the county or the port of its right to arrest any vessel to enforce a maritime lien thereon under federal law, or a waiver of any other right or remedy under the laws of the state. (Ord. 82-2-2 §2.14, 1982)

12.08.200 Prohibited acts. It is unlawful for any person to commit any of the following acts in Salmon Harbor:

A. To fail to register his name, telephone number, post office and street address, and the name and number of the boat, its length, its breadth and registered tonnage, if any, with the harbormaster on forms to be provided by him for that purpose within four hours after the boat moors at any float or slip in the harbor.

B. To fail to secure a permit or violate the terms of any permit required by Section 12.08.060.

C. To fail to pay any fees, rentals, or costs assessed or levied against a boat, its owner, or other person.

D. To fail to obey any direction made by the harbormaster pursuant to this chapter.

E. To leave any boat moored or anchored in Salmon Harbor unattended while any fire is burning thereon, unless such fire is in a range, stove, space heater or furnace approved by the harbormaster. Any fire shall be deemed unattended unless the owner or operator is within one hundred feet of the boat, or some person over the age of eighteen years and capable of moving the boat is aboard or within one hundred feet of the same.

F. For any person who owns or is in charge of any animals to allow such animal to run at large upon or to be tethered or restrained to any part of a float or dock, or to permit any animal to become or create a nuisance in the harbor facilities.

G. To deposit, place, or leave any cargo, merchandise, supplies, freight, articles or things upon any float, ramp or other public place in the harbor facilities excepting at such places as may be designated as loading and unloading space by the harbormaster.

H. To tap, connect, disconnect, interfere with or tamper with any water outlet, water pipe, water connection or any electrical wiring, electrical outlet or electrical device of any

kind, installed or maintained in the boat harbor, without first obtaining the approval of the harbormaster; or to interfere with or tamper with any float, gangplank, walkway, ramp or other facilities within the harbor.

I. To erect, place, post or maintain any advertising matter, sign or other printed matter other than legal notices in any part of the harbor facilities without approval of the harbormaster, except business identification or promotional signs on leased premises.

J. To disregard, deface, remove, tamper with or damage any sign or notice posted or erected by the harbormaster.

K. To park any boat trailer or vehicle in a manner that obstructs access to or within the harbor facilities.

L. To install or secure to any concrete float either permanently or temporarily, any bumper other than standardized premolded rubber or vinyl bumpers of a commercial manufacture approved by the harbormaster.

M. To fail to properly anchor or to properly secure any boat to a slip or float within the harbor with adequate care and equipment necessary to prevent breakaway.

N. To secure any boat to a slip or float already reserved to another boat by lease or permit.

O. To side tie or secure one boat to another boat more than four deep without approval of the harbormaster.

P. To moor, anchor, or otherwise keep a derelict boat within Salmon Harbor.

Q. To operate a vessel within the boundaries of Salmon Harbor at a speed in excess of five miles per hour or to create a wake. (Ord. 82-2-2 §3.1, 1982)

12.08.210 Enforcement authority. The harbormaster and any peace officer employed by the Port of Umpqua, Douglas County or the state of Oregon shall be and are empowered to enforce the provisions of this chapter. (Ord. 82-2-2 §3.4, 1982)

12.08.220 Enforcement jurisdiction. The Circuit Court for the State of Oregon for the County of Douglas and the Reedsport Justice Court have concurrent jurisdiction over any and all violations of this chapter. (Ord. 82-2-2 §3.5, 1982)

12.08.230 Issuance of warning. The harbormaster may issue a warning notice of a violation of this chapter. Warning notices shall give a brief description of the violation, the date the warning was issued, and a statement that failure to correct the alleged violation or to contact the harbormaster may result in issuance of a citation to the Circuit Court or The Justice Court of the State of Oregon for the County of Douglas, Oregon. The warning notice shall be served upon the person accused of the violation. (Ord. 82-2-2 §3.6, 1982)

12.08.340 Violation Proceedings.

A. The harbormaster is delegated the authority to designate, from time to time, specific employees of Salmon Harbor that are authorized to issue citations for the commission of violations of the Salmon Harbor Ordinance. The harbormaster and the employees so designated shall be deemed to be "enforcement officers," within the meaning of ORS 153.005 to 153.145.

B. Violations of the Salmon Harbor Ordinance shall be deemed to be "violations,"

within the meaning of ORS 153.008. Violations of the Salmon Harbor Ordinance are punishable by fines as established by the State Court Administrator for unclassified violations.

C. The sentence to pay a fine for a violation committed by a corporation shall be in an amount twice the fine established for a violation by an individual.

D. Violation proceedings shall follow the process set forth in ORS 153.005 to 153.145. (Ord. 2001-6-4, §2, 2001)

12.08.350 Remedies Not Exclusive. None of the remedies available to Salmon Harbor management as set forth in the Salmon Harbor Ordinance are exclusive. Nothing in the Salmon Harbor Ordinance shall preclude any remedy otherwise available to Salmon Harbor management, either in law or equity. (Ord. 2001-6-4, §2, 2001)