

PORT OF ALSEA
ORDINANCE NO. 51

AN ORDINANCE REPEALING ALL PRIOR ORDINANCES, ADOPTING A FACILITIES CODE, AND DECLARING AN EMERGENCY.

The Port of Alsea ordains as follows:

The Board of Commissioners of the Port of Alsea determines that it is necessary to repeal ordinance numbers 42, 43, 44, 45, 46, 47, 48, 49, and 50 because a new ordinance is hereby adopted to replace them.

Section 1. Introductory Issues

A. Effective February 16, 2023, the Port of Alsea repeals any and all ordinances passed prior to February 16, 2023. The repealed ordinances have neither force nor effect. The repealed ordinances shall, in their entirety, be superseded. Effective February 16, 2023, the Port of Alsea adopts, pursuant to Ordinance 14 pertaining to the procedure for the adoption of ordinances, this Port ordinance, dated February 16, 2023

B. Publication of the Ordinance: The Ordinances of the Port of Alsea shall be available at the Port office. A true and current copy of this Ordinance shall be posted on the Port of Alsea website. In the event of a conflict between the paper version and the web version, the paper version controls.

C. Conflict with Oregon Revised Statutes: The intent of this Ordinance is to address issues specific to the Port of Alsea. They are not intended to be comprehensive. This Ordinance is intended to supplement Oregon law. In the event of a conflict with Oregon law, Oregon law shall control. Rules may exist that are not codified in this Ordinance and may be posted at appropriate places throughout the Port facilities. In any case, Port guests shall comply with instructions from the Port of Alsea staff.

D. Future Amendments of Ordinances: Future Commissions may, from time to time, adopt, amend, or repeal this ordinance or sections of this ordinance. The procedure for adopting, amending, or repealing a specific Ordinance or portion of the Ordinance shall be ORS 198.510 through 198.570. In the event of an addition, an amendment, or a repeal, the Commission shall adopt the specific Ordinance noting the date of the amendment or repeal of the specific section with a notation such as “Amended, 7/7/2022”.

E. Passage of Resolutions: The Commission may adopt by resolution changes to specific items contained in this Ordinance. Those specific items are indicated herein.

F. Choice of Law: In the event of litigation to resolve a dispute, suit shall be filed in the Circuit Court of Oregon, County of Lincoln. The court shall apply Oregon law.

Section 2. Doing Business with the Port of Alsea

- A. Business Prohibited on Port Property Without Permission of the Port Manager: No person shall conduct business on Port property without the permission of the Port Manager.
- B. Rental and Lease of Real Property: Any person, including a corporation or LLC, wishing to rent or lease Port property is required to enter into a rental lease agreement with the Port of Alsea.
- C. Insurance: Each non-resident tenant will maintain liability insurance naming the Port as an “additional insured” and provide certificate of liability insurance to the Port Manager annually.
- D. Signage: No signage is allowed on Port property without permission.
- E. Violations of Section 2(A-D) are punishable by \$250.00 fines. Punishment for these violations may be amended by resolution by the Board of Commissioners.

Section 3. Safety Regulations

- A. Flotation Devices: Any person twelve (12) years of age and under shall wear a United States Coast Guard approved personal flotation device when upon any dock owned and operated by the Port of Alsea.
- B. Children Accompanied by Adults: No person twelve (12) years of age or younger shall be allowed upon any dock owned or operated by the Port of Alsea unless such person is under the supervision of an adult aged eighteen (18) years or older.
- C. Storage on Docks: No materials may be stored, even temporarily on the boarding float, and the docks or fingers in the boat marina. Crabbing is not allowed on the boarding float or the docks and fingers in the boat marina.
- D. Dock Attachments Prohibited: Any attachments to docks, including nails, screws, and bolts, are prohibited.
- E. Violations of Section 3(A-D) are punishable by \$250.00 fines. Punishment for these violations may be amended by resolution by the Board of Commissioners.

Section 4: Vessels and Moorage

- A. Requirement for Moorage Reservation and Agreement: Every boat moored in a slip must have a reservation and moorage agreement issued at the time of the reservation. The moorage agreement is adopted as Appendix A. The moorage agreement may be amended by resolution of the commissioners. The terms of the moorage agreement are imputed to every vessel, owner, and guest whether the agreement is signed, expired, or voided for nonpayment while the vessel remains anchored, moored, or parked on Port property.

B. Transient Vessels: Transient vessels are permitted to moor at designated side-ties for up to two hours. Longer tie-ups require permission from the Port Manager. No boats may tie-up at boat slips within the boat marina regardless of whether a slip does not have a reserved sign at the slip. If a boat comes in after the office is closed to moor overnight, the boat may tie up at a side-tie designated for transient moorage and contact the office or the Dock of the Bay the next morning. Boats towed to the boat launch shall not block the use of the boat launch for other vessels and must make arrangements for the immediate removal of the boat from the boat launch area.

C. Assignment of Slips: All slip assignments will be made by the Port Manager at the time that a reservation is made. All reservations require prepayment of the moorage due for the length of the reservation. No vessels can enter and moor at any slip until a reservation has been made. Designated side-ties must be used until the boat has been assigned a slip by the Port Manager.

D. Crabbing and Fishing Prohibited from the Boat Marina Docks: No crabbing is allowed from the boat marina docks.

E. Moorage Rates: Moorage rates are subject to the Moorage Rate Charts (Appendix B and C). Rates are based upon the length of the slip, either 20' or 25', the length of stay designated in the reservation, and whether the boat owner is a local resident or an out-of-District owner. Owners who live out of the Port District but own property in the Port District are considered locals. The distinction between locals and those out-of-district is to provide a discount to locals who supported the bond measure that allowed the construction of the new facilities and those who pay property taxes on the bond measure that funded the new facilities. The moorage rates may be changed by the adoption of a resolution by the board of commissioners.

F. Commercial Fees: All commercial vessels except those owned by the Port of Alsea must pay for an annual commercial license to use any of the Port facilities. Commercial licenses are paid for by the calendar year. They include launch privileges. The annual commercial license for commercial crabbers is \$350 per year. The licenses for commercial guides cost \$250.00. The rates for commercial licenses may be changed by the adoption of a resolution by the board of commissioners.

G. Documentation: Every boat must be currently registered. Every vessel must carry safety equipment as mandated by the U. S. Coast Guard.

H. Abandoned and Derelict Vessels: Abandoned and derelict vessels shall be treated according to the requirements found in ORS 830.908 to 830.948.

I. Insurance: Every vessel must carry liability insurance that covers damage to the Port facilities, as well as other relevant liabilities.

J. Dogs: Dogs may be taken by boat owners to their boats but the dogs must be on a leash or carried and cannot create an obstacle or nuisance on the docks.

K. Violations of Section 4(A-J) are punishable by \$250.00 fines. Punishment of these violations may be amended by resolution by the Board of Commissioners.

Section 5: Port Property

A. Boat Ramp Fees: Daily boat launch fees are \$10.00. Annual launch fees are \$60 for locals and \$75.00 for those boat owners who qualify as out-of-district. See Section 4(E), Moorage Rates, for the definition of boat owners who qualify as local and the justification for giving local boat owners a discount on launch fees. The daily launch rate and the annual boat launch fees can be changed by the adoption of a resolution by the Board of Commissioners.

B. Boat Launch for Motorized Vessels: Only motorized vessels may use the boat launch. Boaters must pull forward to stage to get ready to launch. Boaters should only move to the top of the launch when actually prepared to launch.

C. Camping on Port Property: All camping on Port properties is banned unless the Board of Commissioners has designated a place for overnight camping. Staying inside a vehicle at night is considered camping. People may be parked overnight if they are crabbing at a designated place, but this does not permit people to sleep inside the vehicle while crabbing.

D. Fires on Port Properties: A person may have recreational fires on Port property under the following conditions:

1. Fires are no larger than three feet by three feet in dimension.
2. Fires must be located as follows:
 - a. In the open beach sand area or designated fire pits;
 - b. Downwind of any shoreline vegetation and small wood debris, log accumulations, or other combustible materials;
 - c. Never in dunes, small wood debris, or log accumulations;
 - d. A minimum of 25 feet from beach access points, shoreline vegetation, log accumulations, or other combustible materials;
3. Fires must not be left unattended.
4. Fires must not cause damage to facilities or natural resources.
5. Fires must not be covered by sand; fires must be extinguished completely with water and be broken apart before users leave the area. A person may only burn paper products and untreated natural wood free of attached metal, nails, glass, or plastic attachments. A person may not use gasoline, diesel, or other petroleum-base products to start a fire.
6. The Port may restrict fires to specific areas or temporarily prohibit fires due to high fire conditions.
7. Fireworks and smoking are prohibited within 25 feet of beach grass.

E. Live Aboards Prohibited: Boaters are not allowed to stay overnight on their boats.

F. Parking in Unauthorized Parking Area: All parking spaces designated Boat Trailer Parking Only are for vehicles with an attached boat trailer. It is for daytime parking only. Boat

trailers cannot be parked in these spaces unless they are attached to a vehicle without the permission of the port manager.

H. Kayak Launch: Crabbing and fishing are not allowed from the kayak launch. Kayaks and kayakers cannot stage on the dock past the entry to the kayak launch and cannot obstruct the gangway or the dock while waiting to launch. If the kayak launch is in full use, other kayakers must wait at the top of the gangway until space is available on the launch.

I. Wood Cutting: Wood cutting and the removal of wood is prohibited on all lands owned by the Port of Alsea located on the south side of the Alsea Bay from the east right-of-way of the Alsea Bridge to the northern tip of Robinson Park, except small pieces of wood may be removed as souvenirs or for use in beach fires if the wood is small enough to be used as fuel without extending beyond the perimeters of a 3'x3' beach fire.

J. Violations of Section 5(A-C and E-I) are punishable by \$250.00 fines. Violations of Section 5(D) are punishable by \$500.00 fines. Punishments for violations of Section 5 may be amended by resolution by the Board of Commissioners.

DATED THIS _____ of _____, 2023

Rob Bishop, Board Chair

Jan Power, Secretary / Treasurer

APPENDIX A

MOORAGE SLIP _____ DATE IN _____ DATE OUT _____

OWNER / OPERATOR _____

ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

BOAT REGISTRATION STATE _____ NUMBER _____

LENGTH OF MOORAGE _____ MOORAGE FEE _____

CELL PHONE _____ EMAIL _____

1. Port of Alsea grants to the owner / operator the use of the designated moorage for the term specified above. In consideration thereof, the owner / operator agrees to pay the Port the agreed moorage fees for the specified term.
2. The boat owner shall comply with all Port ordinances even if they are not specified in this agreement.
3. The boat shall be used for recreational purposes only unless another use is authorized by the Port.
4. No equipment shall be left or stored on the marina floats, docks, or landings.
5. No dog shall be permitted on the marina floats, docks, or landings that create a nuisance to other guests.
6. This agreement is not transferable without the consent of the Port.
7. Upon breach of this agreement or violation of any adopted Port ordinances or rules, the Port may terminate this agreement. If necessary, the Port may take any necessary action to remove the vessel from the moorage site, and exercise all remedies available to collect all reasonable costs, including attorney fees, incurred because of the breach or violations.
8. The Port assumes no liability for any damages that may occur to any boat or possessions while moored at the Port of Alsea marina. The moorage holder agrees to hold the Port harmless in the event of losses to the moorage holder's property.

AGREED TO this _____ of _____, 2023

Owner / Operator

Port of Alsea

APPENDIX B

In the rate structure below, locals are those who reside within the Port of Alsea District or own property within the Port of Alsea District. Locals pay a discounted moorage rate because the new facilities were built with bond funds paid for by local residents and those who live outside the district but pay property taxes in the Port District.

MOORAGE RATES FOR 20' SLIPS

TYPE OF MOORAGE	CURRENT RATE
Daily Rate	\$15.00
Weekly Rate	90.00
Monthly Rate	
Locals	180.00
Out-of-District	225.00
3-Month Rate	
Locals	480.00
Out-of-District	600.00
6-Month Rate	
Locals	720.00
Out-of-District	900.00
Annual Rate	
Locals	1,200.00
Out-of-District	1,500.00
ANNUAL BOAT LAUNCH FEE	
Locals	60.00
Out-of-District	75.00

APPENDIX C

In the rate structure below, locals are those who reside within the Port of Alsea District or own property within the Port of Alsea District. Locals pay a discounted moorage rate because the new facilities were built with bond funds paid for by local residents and those who live outside the district but pay property taxes in the Port District.

MOORAGE RATES FOR 25' SLIPS

TYPE OF MOORAGE	CURRENT RATE
Daily Rate	\$18.75
Weekly Rate	112.50
Monthly Rate	
Locals	225.00
Out-of-District	281.25
3-Month Rate	
Locals	600.00
Out-of-District	750.00
6-Month Rate	
Locals	900.00
Out-of-District	1,125.00
Annual Rate	
Locals	1,500.00
Out-of-District	1,875.00