ORDINANCE NO. 02-01

ADOPTED September 18, 2002

AN ORDINANCE PROVIDING RULES FOR THE PUBLIC USE OF THE EAST ASTORIA MOORING BASIN BREAKWATER AND CAUSEWAY.

WHEREAS, the Port of Astoria is a duly organized special district of Oregon, and is the owner of the East Astoria Mooring Basin facility, located within the City of Astoria, Clatsop County; which facility is protected by a breakwater owned by the U.S. Army Corps of Engineers; and

WHEREAS, the East Astoria Mooring Basin is open to the public, and the U.S. Army Corps of Engineers is agreeable that the breakwater also be open to the public under specified conditions; and

WHEREAS, it is in the best interests of the citizens of the port district to have rules governing the use, occupancy or public presence on or about the breakwater and causeway at the Port of Astoria East Astoria Mooring Basin facility.

NOW THEREFORE, THE BOARD OF COMMISSIONERS OF THE PORT OF ASTORIA ORDAIN AS FOLLOWS:

GENERAL PROVISIONS

1. **SHORT TITLE**: This ordinance shall be called "Rules Governing Use of the Breakwater at the East Astoria Mooring Basin".

2. **PURPOSE and SCOPE**: The purpose of these rules is to secure the most effective control and management of the breakwater at the East Astoria Mooring Basin.

3. **INTERPRETATION**: If any section or part thereof of these rules 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or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be construed, superseded or governed thereby.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 this ordinance shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.

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

5. **AVAILABILITY OF ORDINANCE**: Anyone may inspect a copy of these rules at the Port of Astoria or Astoria Mooring Basin offices and copies may be obtained upon request and payment of the Port's copy charges.

6. **CONSTRUCTION**: The use of any gender shall include all genders; the singular shall include the plural and the plural shall include the singular; and the provisions of this ordinance shall apply to individuals, partnerships, associations, and corporations alike.

7. **INCONSISTENT PROVISIONS**: This Ordinance shall supersede, control and repeal any inconsistent provision of any Port ordinance as amended or any other regulations made by the Port of Astoria.

8. **EFFECTIVE DATE**: This Ordinance shall take effect on the 30th day following adoption by the Port of Astoria Commission as provided in ORS 198.570.

9. **ADOPTION CLAUSE**: The Board of Commissioners hereby adopts the following rules governing the public use of the East Astoria Mooring Basin breakwater and causeway:

The breakwater and causeway shall be used primarily for pedestrian access, provided parking of vehicles will be allowed as set forth herein. The rules are specifically as follows:

1. **Garbage**. Garbage, trash, rubbish, litter, gray water, or any other waste material or waste liquid generated on the project and incidental to authorized recreational activities shall be either removed from the project or deposited in receptacles provided for that purpose. The improper disposal of such wastes, human and animal waste included, on the project is prohibited. It is a violation to bring onto a project any household or commercial garbage, trash, debris, dead animals or litter of any kind for disposal or dumping without the written permission of the Port of Astoria. For the purposes of this section, the owner of any garbage, trash, rubbish, debris, dead animals or litter of any kind shall be presumed to be responsible for proper disposal. Such presumption will be sufficient to issue a citation for violation.

2. **Discharge.** The spilling, pumping, discharge or disposal of contaminants, pollutants or other wastes, including, but not limited to, human or animal waste, petroleum, industrial and commercial products and by-products, on Port lands or into adjoining waters is prohibited.

3. **Pets.** No person shall bring or allow dogs, cats, or other pets onto the breakwater unless penned, caged, on a leash under six feet in length, or otherwise physically restrained. No person shall allow animals to impede or restrict otherwise full and free use of the breakwater. No person shall allow

animals to bark or emit other noise which unreasonably disturbs other people. Owners or guardians shall promptly remove any excrement created by pets under their control to proper disposal containers. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with State and local laws.

4. **Hours**. The Port of Astoria may establish and post a schedule of visiting hours and/or restrictions on the public use of the breakwater. The Port of Astoria may close or restrict the use of the breakwater when necessitated by reason of public health, public safety, maintenance, resource protection or other reasons in the public interest. Entering or using a project in a manner which is contrary to the schedule of visiting hours, closures or restrictions is prohibited.

5. **Vehicles**: Vehicles parked over six hours will require a parking permit from the Port of Astoria. Vehicles parked over six hours without a permit shall be deemed abandoned and subject to removal. Vehicles shall be operated and parked in accordance with posted restrictions and regulations, and not in such a manner as to obstruct or impede normal or emergency traffic movement or the parking of other vehicles, create a safety hazard, or endanger any person, property or environmental feature. Vehicles parked illegally are subject to immediate removal and impoundment at the owner's expense.

6. **Speed:** No person shall operate a vehicle at a speed in excess of 10 miles per hour on the breakwater or causeway.

7. **No Fish Cleaning**: No person shall clean or process fish or shellfish on the premises.

8. **Children:** Children under 12 years of age shall not be allowed on the premises unless supervised by a parent or responsible adult.

9. **Property:** No person shall leave fishing gear or personal property of any kind on the breakwater or causeway. Property that is not under the control of a person present in the facility will be deemed abandoned and may be seized.

First Reading, the 20 day of August, 2002.

Second Reading and Adopted this 18 day of ~~August~~ September, 2002 by the Board of Commissioners of the Port of Astoria.

President

Secretary