

ORDINANCE NO. 2 - 1975

AN ORDINANCE RELATING TO THE ESTABLISHMENT OF MOORAGE FEES: ESTABLISHING A DIFFERENT FEE STRUCTURE WITH RESPECT TO SPORTS VESSELS, COMMERCIAL FISHING VESSELS, AND TRANSIENT VESSELS; DEFINING THE CATEGORIES OF THE VESSELS; AND ESTABLISHING PRIORITIES FOR AVAILABLE MOORAGE SPACE, AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PORT OF NEWPORT:

ARTICLE 1

Section 1. Findings and Determinations. Under the applicable laws of the State of Oregon, the Port of Newport is authorized and empowered to acquire, construct, maintain and operate, among other things, piers, wharves, docks, boat landings, etc., and for the public convenience and the convenience of its shipping and commercial interests, may improve all or any portion of the waterfront of its harbors, rivers and waterways, and may lease or sell the same, together with the lands upon which they are situated; whether held by the Port in its governmental capacity or not.

Pursuant to such power and authority the Port has heretofore constructed moorage facilities (and contemplates the construction of additional such facilities) for the mooring of all types of vessels, including but not limited to commercial vessels and sports vessels.

Pursuant to ORS Chapter 777 and particularly ORS 777.190 and 777.210, the Port has determined upon the basis of the economic facts and evidence before it that:

(a) Commercial fishing vessels are of paramount importance to the Port and the residents of the Port district, not only by virtue of the payment to the Port of substantial moorage fees but also by virtue of the fact that much of their fishing catch is

sold within the Port district, many of their fishing supplies and necessities are purchased within the Port district and their presence in the Port district and the jobs and income produced by them contributes significantly to the continuing economic viability of the Port district. To a significantly lesser degree, sports vessels which moor at the Port's mooring facilities also contribute to the Port's economy and that of the residents therein but also occupy valuable moorage space which is now, and will be in the foreseeable future, in short supply;

(b) Commercial fishing vessels are for the most part utilized and operated for much of the calendar year; by contrast, sports vessels are used only sporadically (for the most part during the summer season) and some such vessels occasionally never leave their moorage spaces during an entire calendar year;

(c) Moorage space is in great demand and in short supply. Consequently, the Port has had to establish waiting lists for available moorage space openings.

(d) Moorage space on Docks 5A South, 5B South, 5C and 5D South and North (side ties) is in critical demand during the trolling season (April 15 to October 15) due to the presence of non-local vessels in Newport waters and their requirement for transient moorage. Vessels normally assigned stalls in this portion of the facility are normally away from the Port for a great percentage of this period. It is not feasible nor practical to maintain individual stall assignments during the period April 15 to October 15.

(e) In the construction of such moorage facilities now in use and most probably those to be constructed in the future, the Port has obtained by grant from the Federal government considerable funds for such facilities. Such grants for existing facilities have

been based upon a need for moorage facilities for commercial vessels. The Port, therefore, believes that it owes a moral obligation if not a legal obligation to give preference to commercial vessels utilizing the existing facilities on an annual basis, and to establish a different schedule of moorage rates for the different classifications of vessels.

Section 2. Definitions. The terms defined in this Section shall for the purposes of this Ordinance and all ordinances and resolutions supplemental hereto now or hereafter adopted, have the meanings herein specified, unless the context clearly otherwise requires:

"Sports vessels" mean private pleasure craft, irrespective of length, depth or breadth, which are used primarily for pleasure.

"Commercial fishing vessels" means vessels, irrespective of length, depth or breadth, which are holders of a current commercial fishing license issued by the State of Oregon, or any other State, and vessels which carry passengers for hire as charter fishing vessels.

"Transient vessels" means vessels, irrespective of length, depth, breadth, or use, which do not have an annual moorage in Port facilities and/or which use said facilities on an intermittant basis.

"Annual moorage" means moorage assigned on an annual basis for the term of one year and which includes a specific moorage stall assignment for the full year term.

"Annual-transient moorage" means moorage assignments on Docks 5A South, 5B South, 5C and 5D assigned on an annual

basis for the term of one year which includes a specific moorage stall assignment for the period October 15 to April 14, and transient moorage on said docks on a "first come-first serve" basis for the period April 15 to October 14. "Transient moorage" means moorage assigned on a daily, weekly, monthly or winter storage basis and which does not necessarily include a stall assignment.

Section 3. Moorage billing is on a quarterly basis, with one of the billing dates on July 1, 1975. It is necessary for the orderly administration of Port moorage billing and to raise necessary funds for the operating budget for this ordinance to go into effect July 1, 1975, and therefore an emergency is hereby declared.

## ARTICLE II

Section 1. Allocation of moorage space. Available moorage space as well as moorage spaces which hereafter become available when vessel owners relinquish such space or the term or continuing term of such use expires shall be assigned in the following priority:

- (a) Commercial fishing vessels;
- (b) Sports vessels;
- (c) Other vessels not otherwise defined herein.

Section 2. Waiting lists. The existing waiting list for moorage space shall be revised into categories as follows:

- (a) Category A - Commercial fishing vessels
- (b) Category B - Sports vessels
- (c) Category C - Other vessels not otherwise defined herein.

It is the intent of Section 1 and 2 of this Article that the waiting list for moorage space shall be revised and that all vessels on the waiting list shall be assigned into the appropriate category. The order of priority shall be Category A, then Category B, then Category C. Category B vessels shall not be entitled to moorage space until all Category A vessels on the waiting list have obtained moorage space and Category C vessels shall not be accommodated until all Category B vessels on the waiting list have been accommodated, provided however, a moorage space not appropriate for assignment to the higher category vessel because of size, location, etc., shall be assigned to an appropriate vessel in the lower category.

### ARTICLE III

Section 1. Schedule of moorage fees. The following schedule of moorage fees shall be and the same is hereby adopted, effective as of July 1, 1975.

#### CATEGORY A - COMMERCIAL VESSELS

1. Annual Moorage. Moorage fees shall be \$0.50 per boat foot (overall length) per month times 12 months, and are payable in advance for the 12-month term. The minimum annual moorage fee shall be that of a 22-foot vessel.
2. Annual-transient moorage. Moorage fees shall be \$0.50 per boat foot (overall length) per month times 6 months for the period October 15 through April 14, and 1/30th of one month's charge for the days or portion of

a day actually moored at said facility for the period April 15 through October 14. The fee for the period October 15 through April 14 shall be paid in advance at the beginning of the annual term and the balance if any within 10 days of billing.

CATEGORY B - SPORTS VESSELS

Annual moorage. Moorage fees shall be \$0.65 per boat foot (Overall length) per month times 12 months and are payable in advance for the 12-month term. The minimum annual moorage fee shall be that of a 22-foot vessel.

CATEGORY C - TRANSIENT

(Overall Length)	Month	Week	Daily	Month	Week	Daily
Up to & Incl 26'	\$39.00	\$13.00	\$2.00	52'	78.00	26.00 3.75
27'	41.00	14.00	"	53'	79.00	" "
28'	43.00	"	"	54'	81.00	27.00 4.00
29'	44.00	15.00	2.25	55'	83.00	" "
30'	45.00	"	"	56'	84.00	28.00 "
31'	46.00	"	"	57'	86.00	" "
32'	48.00	16.00		58'	87.00	29.00 4.25
33'	50.00	17.00	2.50	59'	89.00	" "
34'	51.00	"	"	60'	90.00	30.00 4.50
35'	52.00	"	"	61'	91.00	" "
36'	54.00	18.00	2.75	62'	93.00	31.00 "
37'	55.00	"	"	63'	94.00	" "
38'	57.00	19.00	"	64'	96.00	32.00 4.75
39'	58.00	"	"	65'	98.00	" "
40'	60.00	20.00	3.00	66'	99.00	33.00 "
41'	62.00	"	"	67'	100.00	" "
42'	63.00	21.00	3.25	68'	102.00	34.00 5.00
43'	65.00	"	"	69'	103.00	" "
44'	66.00	22.00	"	70'	105.00	35.00 5.25
45'	68.00	"	"	71'	106.00	" "
46'	69.00	23.00	3.50	72'	108.00	36.00 "
47'	71.00	"	"	73'	110.00	" "
48'	72.00	24.00	"	74'	111.00	37.00 5.50
49'	73.00	"	"	75'	113.00	" "
50'	75.00	25.00	3.75	76'	114.00	38.00 5.75
51'	76.00	"	"	77'	115.00	" "
				78'	117.00	39.00 "
				79'	118.00	" "
				80'	120.00	40.00 6.00

Passed by the Board of Commissioners of the Port of Newport  
at a meeting held on June ~~18~~, 1975. This Ordinance shall take effect  
July 1, 1975.

How C. Swift  
President

ATTEST

Mohand Yumi  
Secretary