

PORT OF NEWPORT

ORDINANCE NO. 3, 1972

AN ORDINANCE ESTABLISHING CONDITIONS FOR MOORAGE AGREEMENT; PROVIDING FOR COLLECTION OF MOORAGE AND OTHER CHARGES; PROVIDING FOR ACTION IN CASE OF NON-PAYMENT OF EXISTING MOORAGES; PROVIDING FOR ASSESSMENT OF COSTS OF COLLECTION AND OR REMOVAL, INCLUDING ATTORNEY FEES; PROVIDING THAT NON-COMPLIANCE WITH THIS ORDINANCE SHALL BE DEEMED A TRESPASS; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE PORT OF NEWPORT, LINCOLN COUNTY, OREGON AS FOLLOWS:

Section 1. As condition precedent to rental of moorage at any port of Newport facility, a rental agreement, of form to be presented by the Port of Newport, shall be executed by the owner of the vessell to be moored, provided however, the current master of a documented vessell may obligate the owner and vessell to said moorage. Evidence of ownership of vessell shall be presented at time of execution of agreement.

Section 2. All moorage fees and charges shall be paid in advance to obtaining or continuing moorage.

Section 3. Moorage renewals shall be paid in advance of due date. Renewals, if not paid in advance, shall be, as of the due date, considered a monthly moorage rental, and the monthly charges shall apply. If an agreement, by operation of this section is changed to a monthly rate, and monthly charges paid when due, moorage holder, at his option, may convert to the annual rate at the next quarterly billing date.

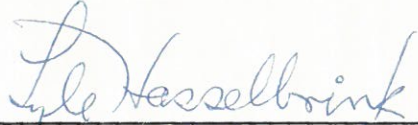
Section 4. If payment of the monthly charge is not made within 30 days of the due date, the rights in and to moorage with the Port of Newport shall be deemed terminated. Notice of termination shall be given to the owner or obligor of said vessel by registered mail at the address on the moorage agreement. Owner or obligor of any vessel moored at port of Newport facilities shall have 15 days from the date of termination to remove his vessel from the facility.

Section 5. Any person whose moorage rights are terminated pursuant to this ordinance shall, as a condition precedent to obtaining a new moorage agreement, deposit with the Port of Newport a sum equal to the annual rate for his moorage, pay any and all unpaid costs of termination, pay any and all back moorage accounts, and pay all fees and charges in advance as provided in Section 2 and 3 above.

Section 6. Any vessel not removed within the time set forth in Section 4. above shall be deemed as a trespasser and the attorney for the Port of Newport is authorized and hereby directed to proceed in the Circuit Court of the State of Oregon or the Federal Court of Admiralty to remove said vessel. Nothing in this section is intended to abrogate the rights of the Port of Newport to prosecute action for collection of fees from the owner, master, or vessel itself. The owner, obligor, or vessel shall be liable for all costs, and disbursements including attorney fees, in any action for removal or collection.

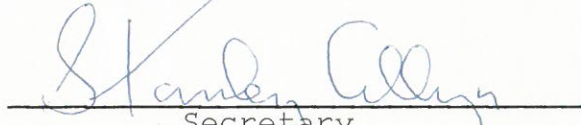
Section 7. Immediate action regarding collection of moorage rates by law necessitates immediate action and therefore an emergency is hereby declared.

This ordinance is declared adopted this 12th day of June, 1972.



President

ATTEST:



Secretary