

PORT OF NEWPORT
ORDINANCE NO. 3 - 1981

AN ORDINANCE PROVIDING FOR ATTORNEYS FEES
INCURRED IN ENFORCEMENT OF VARIOUS
ORDINANCES, RESOLUTIONS AND REGULATIONS
OF THE PORT OF NEWPORT

WHEREAS, the Port of Newport has adopted and will adopt various ordinances, resolutions and regulations for the imposition of various fees and charges to be paid by persons using or benefiting from the facilities, properties and services provided by the Port of Newport.

WHEREAS, each person using or benefiting from such facilities, properties and services, or receiving benefits for which a fee is imposed, is deemed to know and have knowledge of and to have agreed to pay the established charges and fees therefor, and

WHEREAS, the Port of Newport has also adopted and will adopt ordinances regulating the conduct of persons, and

WHEREAS, from time to time it is necessary for the Port to employ the services of an attorney to enforce its ordinances, resolutions, and regulations regarding the conduct of persons, or to collect fees and charges from persons who are delinquent in the payment thereof,

NOW, THEREFORE, it is hereby ordained by the Port of Newport as follows:

(1) Any person shall receive, use or obtain from or through

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the Port of Newport any service, or the use of any Port facilities or properties, or the benefit thereof, shall, in the event such person shall fail to pay the fees or charges therefor, additionally pay to said Port of Newport its reasonable costs of collecting the same, including reasonable attorneys fees, whether or not suit or action has been instituted thereon. The costs and charges imposed by this ordinance shall constitute an additional obligation incurred by any person receiving or benefiting from any service or from the use of any Port facility or property, and such person shall be deemed to assent to the payment of all such reasonable costs of collection, including such reasonable attorneys fees. The Port shall have a lien for the full amount of the original charges, as well as for such costs of collection upon any vessel or other property benefitted by any such services or the use of any such Port facilities or properties.

(2) In the event it is necessary for the Port to retain the services of an attorney to enforce the provisions of its ordinances, resolutions, and regulations, any person violating any such ordinance, resolution, or regulation shall pay to the Port of Newport its reasonable attorneys fees and any other reasonable expenses so incurred, including but not limited to those which may be incurred in any suit to enjoin further such violations, as well as proceedings for punishment of violations.

(3) If an appeal is taken from any suit or action in which reasonable attorneys fees and/or collection costs are sought under this ordinance, the Port of Newport shall be entitled to recover such sum as the appellate court shall adjudge reasonable as the Port's attorneys fees upon such appeal.

(4) The provisions of this ordinance are deemed severable, and should any part, portion or provision hereof be found invalid or unenforceable, the remaining provisions hereof shall nonetheless remain in full force and effect.

PASSED AND ADOPTED by the Board of Commissioners of the Port of Newport, Oregon, this 27th day of October, 1981 by the following vote:

Ayes: 5

Nays: 0

Absent: 0

APPROVED by the President of the Board of Commissioners of the Port of Newport on the day last written above.

PORT OF NEWPORT

By: Melvin L. Rigdon
President

ATTEST:

Bin Anderson
Secretary