

PORT OF NEWPORT

ORDINANCE NO. 2-1981

AN ORDINANCE RESTRICTING THE SALE, DELIVERY, UNLOADING, LOADING, TRANSSHIPMENT OR STORAGE OF SEAFOOD PRODUCTS UPON CERTAIN PORT PROPERTY; AND DECLARING AN EMERGENCY

WHEREAS, the Port of Newport maintains various dock and wharf facilities on Yaquina Bay in Lincoln County, Oregon, and

WHEREAS, it appears that there are adequate private facilities for the sale, delivery, unloading, loading, transshipment and storage of seafood products in the Yaquina Bay area as required in normal circumstances for the fishing and seafood harvesting industry on and about Yaquina Bay, and

WHEREAS, this Board of Port Commissioners hereby determines that it is in the best interest of the Port, except in special or unusual circumstances, that such products not be so handled on, about or across the Port of Newport Hoist Dock or on any of the land of the Port of Newport situated above the mean high water mark of Yaquina Bay,

NOW, THEREFORE, the Port of Newport ordains as follows:

Section 1. The term seafood product shall include: salmon, bottom fish and fish of all types and species; clams, shrimp, crab and shellfish or all types and species; and all other food, or food products, whether intended for animal or human consumption.

Section 2. No person shall cause, permit or suffer any seafood product to be sold, unloaded, delivered or transshipped on, across, upon or about the Hoist Dock or any of the lands of the Port of Newport lying above the mean high water line of Yaquina Bay without the express, written consent of the Port of Newport by and through its manager or lawfully authorized representative specifying the activity to be so permitted and the period of time during which such activity shall be permitted. This shall not apply, however, with respect to any Port property lawfully in the possession of another pursuant to a written lease agreement granting exclusive possession of such property for a term exceeding one (1) year. This also shall not prohibit the transportation across the lands of the Port of any seafood product which is in the course of immediate transit in possession of the owner thereof in the course of the transportation of such product from any port dock at which the sale, delivery, unloading, loading or transshipment of such seafood product is not restricted over, upon or across such Port lands to any location not on Port property.

Section 3. Any violation of this ordinance shall be a misdemeanor. The District Court of Lincoln County, Oregon shall have jurisdiction of all offenses set forth herein, and prosecution may be commenced and maintained in the same manner as for other crimes of which such court shall have jurisdiction. The violation of any provision of this ordinance shall be punished by imprisonment not exceeding 180 days in the Lincoln County jail or a fine not exceeding \$1,000.00, or both. A separate offense shall be deemed to have occurred with respect to each occasion that any such violation shall occur or take place or during each day on which any violation shall continue.

Section 4. This ordinance is hereby found to be necessary for the peace, safety, health and general welfare of the Port of Newport and an emergency is therefore declared to exist, and this ordinance shall take effect immediately upon adoption.

APPROVED by the following vote on this 13th day of January, 1981.

AYES: 5

NAYES: 0

ABSENT: 0

APPROVED:

Bin Hendon
President

ATTEST:

Paul W. Shumate
Secretary