

ORDINANCE NO. 1976- /

AN ORDINANCE RELATING TO MOORAGE
FEES AND THE COLLECTION THEREOF

BE IT ENACTED BY THE PORT OF NEWPORT:

Section 1. Findings and Determination.

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, and other facilities for the public needs and the convenience of shipping and commercial interests, and may improve all or any portion of its waterfront, its harbors, rivers and waterways, and may lease or sell the same, together with the lands upon which they are situated. Pursuant to such power and authority the Port has heretofore constructed moorage facilities for the mooring of all types of vessels, and has enacted ordinances setting and determining the fees and charges for the use thereof. In order to collect the amounts due to the Port of Newport for such charges that are unpaid and delinquent, it is sometimes necessary for the Port of Newport to bring suit or action in the courts for collection and enforcement thereof. In such cases the Port of Newport incurs costs and attorney's fees, and it is hereby determined that it is in the best interests of the Port of Newport that the persons indebted to the Port of Newport for costs, charges, or penalties imposed in accordance with its ordinances be required to reimburse the Port for costs and attorney's fees incurred in bringing suit or action to collect and enforce the same.

Section 2. In any case where the Port of Newport shall bring suit or action against any person or entity to collect any fee, charge, penalty or other amount of money due to the Port of Newport for moorage, use permit, storage or any other amount due, by reason of or pursuant to the ordinances of the Port of Newport, or any of such ordinances, the defendant in any such suit or action shall be obligated to pay to the Port of Newport its reasonable attorney's fees incurred therein, including its reasonable attorney's fees incurred in any appeal of such matter, and additionally all costs and expenses incurred therein.

Section 3. Section 2 shall apply with respect to any fees or charges or other sums which are incurred, accrue or otherwise come due or payable at any time on or after the effective date of this ordinance.

Section 4. In the event of any violation of any ordinance of the Port of Newport, upon conviction, the defendant shall pay to the Port of Newport, in addition to any fine, fee, assessment or charge imposed by any other ordinance or statute, the Port of Newport's reasonable attorney's fees incurred in the prosecution of said violation, including any appeal thereof.

Section 5. Section 4 above shall apply with respect to any offense or violation occurring on or after the effective date hereof.

Section 6. This ordinance shall become effective on the 30th day after it is adopted.

The foregoing ordinance was passed and adopted by the Board

of Port Commissioners for the Port of Newport on the 9th day of AUGUST, 1976, by the following vote:

YEAS: 5

NAYS: 0

ABSENT: 0

Signed this 9th day of August, 1976.

Donald Swift
Gene Bateman
President

ATTEST this 9th day of August, 1976.

Gene Bateman
Secretary