

# **PORT OF GOLD BEACH - ORDINANCE 1-09**

## **AN ORDINANCE PROVIDING FOR THE CONTROL AND MANAGEMENT OF THE PROPERTIES AND FACILITIES OF THE PORT OF GOLD BEACH AND AMENDING AND SUPERSEDING ORDINANCE 1-99.**

**WHEREAS**, the Port of Gold Beach is a duly organized municipal corporation of Curry County, Oregon and is the owner of certain real and personal property and is the operator and administrator of certain real and personal property and facilities thereon, located within Curry County and,

**WHEREAS**, certain properties and facilities of the Port of Gold Beach are public facilities and/or are operated as public facilities and are open to the public and,

**WHEREAS**, it is in the best interest of the citizens of the Port of Gold Beach and the public to have a codified body of regulations to govern the use, occupancy or presence on or about the Port of Gold Beach property and/or facilities and the administration thereof and,

**WHEREAS**, it is the intent of this Ordinance to establish the rules and regulations of conduct for its patrons and provides exception for the Port of Gold Beach from these ordinances so that the Port of Gold Beach may conduct its affairs according to policy.

**NOW THEREFORE**, the Board of Commissioners of the Port of Gold Beach ordains as follows:

### **SECTION 1: GENERAL PROVISIONS**

**1.1 TITLE:** This Ordinance shall be called, "Rules and Regulations Governing the Administration of the Properties and Facilities of the Port of Gold Beach."

**1.2 PURPOSE AND SCOPE:** The purpose of these rules and regulations is to secure the most effective control and management of the properties and facilities of the Port of Gold Beach.

**1.3 INTERPRETATION:** If any section or part thereof these rules and regulations is inconsistent with any laws of the State of Oregon, or of the United States, or any rule, regulation or standard established pursuant thereto, such section, or part thereof shall be construed, superseded or governed thereby. Nothing contained in this Ordinance shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable laws or as a limitation of the powers of the Port Commission or management.

**1.4 SEVERABILITY:** The provision of these rules and regulations are declared and if any portion or application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules and regulations or the application of such remainder to other persons or property shall not be affected.

**1.5 APPLICATION:** These rules and regulations are applicable to all properties and facilities of and in the Port of Gold Beach. All vessels, aircraft, vehicles and persons entering or using the facilities shall be subject to policies herein defined.

**1.6 AVAILABILITY OF ORDINANCE:** Anyone may inspect a copy of these rules and regulations at the Port of Gold Beach office and copies may be obtained complying with the Port's Public Records Request procedure.

**1.7 CONSTRUCTION:** Unless otherwise required by context or any particular provision, the words or phrases defined in Section 2: Definitions have meanings as set forth therein. The use of any gender shall include all genders; the singular shall include the plural and the plural shall include the singular; and the provisions of this Ordinance shall apply to all individuals, partnerships, associations and corporations alike.

### **1.8 Liability/Responsibility**

A. The Port of Gold Beach will not be responsible for damage to any vessel berthed at the Port of Gold Beach facilities, being launched or withdrawn, or material or personal property stored on the Port property. No responsibility is assumed by the Port of Gold Beach for damages to automobiles or other wheeled vehicles parked on the premises. Anyone visiting or using the Port property does so at their own risk. The Port does not assume any responsibility for loss or damage to property or persons on or within Port property.

## **SECTION 2: DEFINITIONS**

### **2.1 ABANDONED:**

- A. A vessel shall be deemed abandoned if;
  - a). The vessel is not registered with the Port within 12 hours of commencement of the use of Port moorage; or
  - b). The vessel is not removed from Port facilities as required under provisions of this section covering hazardous vessels and termination of moorage.
  
- B. Personal property other than vessels and vehicles shall be considered to be abandoned if;
  - a). The property is left out on or in Port facilities without identification, evidence of ownership, or notification to the Port of ownership for a period of more than five (5) days; or
  - b). The property identified to a vessel is left on or in Port facilities in excess of 30 days or is in excess of five (5) days after expiration of the moorage license agreement for transient vehicles and guest boats, provided that personal property or gear associated with a vessel which is deemed abandoned under this section shall likewise be deemed abandoned.
  
- C. A vehicle shall be considered to be abandoned:
  - a) If the vehicle has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by Port Manager; or
  - b) If a vehicle that is disabled, abandoned, parked or left standing unattended on a public right of way and is in such a location as to constitute a hazard or obstruction to motor vehicle traffic using the public right of way; or
  - c) If the Port has reason to believe that the vehicle is disabled or abandoned.

**2.2 CAMPING:** Shall mean any person sleeping overnight, or any activity normally connected with temporary or permanent lodging.

**2.3 COMMERCIAL VESSEL:** Shall mean a boat used principally for commercial purposes.

**2.4 COMPOUND STORAGE:** Storage yard.

**2.5 DISTRESS:** Shall mean a state of disability which if unduly prolonged could endanger life or property or become a hazard to navigation.

**2.6 DRAFT:** Shall mean the depth of a vessel keel below the water line especially with a heavy load.

**2.7 EMERGENCY:** Shall mean a state of prominent danger to life or property or navigation in which time is of the essence.

**2.8 FAIRWAY:** Shall mean a cleared navigation channel for vessels.

**2.9 FEE SCHEDULE:** Shall mean moorage, harbor services, camping services rates, fees and charges as determined from time to time by resolution of the Board of Commissioners of the Port.

**2.10 FLOAT:** Shall mean a floating platform anchored near a shoreline for use by boaters.

**2.11 GEAR:** Shall mean any movable property, fishing equipment, fishing paraphernalia and rigging of a boat.

**2.12 HAZARDOUS VESSEL:** A vessel which is determined by the Port Manager to be unseaworthy or in a state of disability which, if unduly prolonged, could, or might reasonably be expected to, endanger the marine environment or life or property or become a hazard to navigation.

**2.13 INDUSTRIAL WASTE:** Shall mean any liquid, gaseous or solid waste substances or combination thereto resulting from any process of industry, manufacturing, trade, agricultural or agricultural operation of business, or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the property or waters controlled by the Port of Gold Beach.

**2.14 LITTER:** Shall mean any or all types of debris and substances, whether liquid, gaseous or solid or a combination thereof, including but not limited to garbage, refuse, rubbish, glass, cans, bottle, paper, and paper products, wrappings, decayed wood, sawdust, shavings, bark, cement, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, dead animals, or fish carcasses or parts thereof, manure, human or animal wastes, putrid, decaying or deleterious substances or matter, petroleum wastes or any machinery, appliances or automobiles or parts thereof, or any other substances which may render the Port properties or waters controlled by the Port unsightly, noxious or other wise unwholesome or to the detriment of the public health and welfare.

**2.15 LIVE ABOARD:** Shall mean any person using a vessel for moorage other than for daily moorage.

**2.16 MARINA:** Shall mean all of the Port of Gold Beach property within the city limits of Gold Beach except for the Airport property including; the RV Park, parking lots, storage facilities, Port office and shop, leased land, the boat harbor, launch ramp area and docks.

**2.17 MOORAGE:** Shall mean any place where a vessel lies when at anchor or is made fast to a dock or is laid alongside another vessel made fast to dock, and shall include side and multi-side ties.

**2.18 MOORAGE AGREEMENT:** Shall mean an agreement between the boat owner and operator and the Port of Gold Beach for the use and payment for moorage on a long-term or short-term basis.

**2.19 MOORAGE FACILITIES:** Shall mean those facilities of the Port of Gold Beach where vessels may moor to wharfs, docks, pilings, and finger piers in assigned or designated spaces.

**2.20 OVERALL LENGTH:** Shall mean the distance from the foremost part of the bow (including bow spirit) to the aft-most part of the stern, regardless of keel length and regardless of registered or documented length.

**2.21 OVERALL WIDTH:** Shall mean the distance between the outermost part of each side of the hull of the vessel, regardless of registered or documented width.

**2.22 PIER:** Shall mean a structure extending into navigable water for use as a landing place.

**2.23 PORT:** Shall mean the Port of Gold Beach and include all lands, water, properties and facilities owned or operated by the Port of Gold Beach.

**2.24 PORT COMMISSION:** Shall mean the Commission elected by the electorate of the Port District to recommend plans, regulations and improvements to Port facilities and set policy for the Port of Gold Beach.

**2.25 PORT MANAGER:** Shall mean that person duly appointed and recognized by the Commission of the Port of Gold Beach. The Manager is to administer the functions, operation of all Port facilities and administer to Port policies. Whenever, by the provisions of this Ordinance, a power is granted to the Manager or a duty is imposed upon him, the power may be exercised or duty performed by an assistant of the Manager, unless it is expressly otherwise provided.

**2.26 RECEIVING DOCK:** Shall mean a platform for unloading fish and gear from commercial fishing boats.

**2.27 RESIDENT VESSEL:** Shall mean any vessel holding a long-term moorage agreement with the Port of Gold Beach.

**2.28 SEAWORTHY:** Shall mean the condition of a vessel which is self-propelled, in sound condition, and capable of operating safely in navigable waters.

**2.29 SEWAGE:** Shall mean water, chemical, or other liquid carried, human or animal wastes from vessels, motor vehicles, trailers, residences, buildings, industrial or commercial establishments or other places with such ground water infiltration and surface water as may be present.

**2.30 SHALL AND MAY:** "Shall" is mandatory. "May" is permissive.

**2.31 STORAGE BAYS:** Enclosed storage units with or without doors.

**2.32 TRANSIENT MOORAGE:** Short-term berthage (for not more than four (4) hours, for use of moorage facilities whereby the vessel is granted authority to moor, but does not enter into a Moorage Agreement.

**2.33 TRANSIENT VESSEL OR GUEST BOAT:** Any vessel using a Port moorage facility and which belongs to an owner who does not have a Moorage Agreement with the Port. Transient vessels or guest boats include, but are not limited to: vessels seeking harbor of refuge, day(s) use or overnight(s) use of a moorage facility on a space on available basis.

**2.34 UNDERWAY:** Shall mean a vessel, not at anchor, without moorings, and not made fast to the shore or ground.

**2.35 UPRIVER LANDS:** Those properties that were acquired by the Port from Hancock Properties. They are located along the Rogue River and are commonly known as Canfield, Orchard, Jim Hunt, and Huntley Bars and also the upriver portion of the island below the "Ferry Hole." The Port recognizes that a portion of these properties that lie below the "high mean water line" is owned by the Oregon Division of State Lands.

**2.36 VESSEL:** Shall mean every description of watercraft, other than seaplanes, in the water used or capable of being used.

**2.37 VESSEL OWNER/OPERATOR:** Shall mean any person who claims, expressly or otherwise, lawful care, custody, or control of a vessel by virtue of legal title or equitable interest therein which entitles him to possession.

**2.38 VIOLATION VESSELS:** Any vessel entering and remaining at the Port of Gold Beach without authorization; or remaining at the Port of Gold Beach after moorage has been terminated.

### **SECTION 3: GENERAL RULES & REGULATIONS FOR ALL PORT PROPERTY**

#### **IT SHALL BE UNLAWFUL FOR ANY PERSON:**

**3.1** To use the facilities of the Port of Gold Beach without payment in advance of fees set forth by the Board of Commissioners.

**3.2** To drive a motor vehicle at a speed in excess of those posted by proper signs or to violate the direction of any traffic signs within the confines of the Port of Gold Beach.

**3.3** To park motor vehicles, boat trailers or other wheeled vehicles in excess of time limits and in places where it is designated and marked "No Parking." Parking is allowed in designated areas only. No boat trailers unattached to vehicles may be left in the general parking area.

- 3.4** No person shall stay overnight in any recreational vehicle, camper, tent or vehicle or boat out of the water on Port property except in areas designated as recreational vehicle or tent camps. The Port's Marina Complex is "Day Use" only.
- 3.5** To park or leave a motor vehicle unattended on Port property in such a manner as to cause obstruction or hazard to motor or foot traffic.
- 3.6** To park or leave unattended a motor vehicle on Port property, other than in clearly identified designated parking areas, without the permission of the Port Manager.
- 3.7** To operate a motor marine craft in excess of 5 MPH or to cause a wake inside the boat basin area.
- 3.8** To allow any animal on the Port's property unless the animal is on a leash and controlled by the owner. Animals are not allowed on the docks except to go directly to or from a boat and are on a leash, controlled by the owner. No animal shall be left unattended on Port property. Owners are required to clean up after their animals.
- 3.9** To take part in any of the following prohibited activities except in designated areas: build fires or have open flames, discharge of firearms, lighting off of fireworks, spray painting, display of commercial or advertising signs except for approved businesses, loud music, consumption of illegal drugs, consumption of alcohol except in licensed restaurants.
- 3.10** To dispose of sanitary waste, garbage, litter, trash, oil or chemicals and disposable items of any kind from boats anywhere except in proper receptacles. Trash, garbage, etc. from your residence, camper, etc. may not be brought to the Port for disposal.
- 3.11** To store boats, trailers, vehicles, supplies, materials or equipment on any walkway, pier, wharf, parking area or any other public area of the Port except in areas so designated by the Port and with prior written consent by the Port Manager.
- 3.12** To place or construct any building or structure of any nature whatsoever on Port properties or facilities without prior written approval by the Port Manager.
- 3.13** To write or post any written or printed matter in any place on the Port of Gold Beach properties including but not limited to commercial or advertising signs except for approved businesses.
- 3.14** To post any political signs on Port property whether for a candidate or a cause.
- 3.15** To solicit on Port property.
- 3.16** To obstruct piers and access thereto with tools and equipment. If persons use portions of piers and access thereto for rigging and maintenance work, such space must be left in a neat, clean, orderly manner.
- 3.17** To fish or crab from the walkways, wharves, docks or piers of the Port except during the hours of daylight and shall remove all fishing and crabbing gear from the Port's facilities during the hours of darkness.

**3.18** To clean or process fish or shellfish on any walkways, wharves, dock or piers except in areas designated by the Port.

**3.19** To have a vessel entering the Port area without a valid identification number permanently affixed to the hull, clearly visible from the outside, and/or Coast Guard documentation numbers and the name of the boat on the hull.

**3.20** To fuel or cause to be fueled a vehicle, watercraft, or aircraft on Port properties except in areas designated by the Fire Marshall and approved by the Port for that purpose.

**3.21** To store or cause to be stored any fuel for any vehicle, watercraft or aircraft in or upon any vehicle, watercraft or aircraft on or upon Port properties or waters of the Port except in tanks or containers designated for that purpose and in areas where such tanks or containers shall not come into contact with sparks or excess heat or other conditions which may cause it to ignite.

**3.22** To allow any children less than 13 years of age on the Port docks unless supervised by a parent or responsible adult and wearing U.S. Coast Guard approved life jackets.

**3.23** To swim, surface and scuba dive from or near port docks except by authorization of the Port Manager.

**3.24** To bicycle, skateboard, or use motorcycles or any other wheeled vehicle unless said vehicle or device is necessary as a prosthetic device or carts used for removal of fish on Port docks.

**3.25** To take part in sandblasting, metal cutting, welding, or paint over-spraying on Port docks, wharves and walkways without permission of the Port Manager.

#### **SECTION 4: RULES & REGULATIONS – MARINA:**

**This section shall apply to vessels and personal property situated on land or at facilities owned or operated by the Port of Gold Beach.**

**4.1** It shall be unlawful for any person to use the facilities of the Port of Gold Beach without payment in advance of fees set forth by the Board of Commissioners.

**4.2** All vessels moored in excess of four (4) hours will be subject to moorage charges and shall be registered with the Port within twelve (12) hours of moorage. Moorage fees will be on an annual, monthly or daily basis. The existing fee schedule for moorages may be obtained from the Port and may be modified by resolution of the Port Commission and become effective as provided in said resolution.

**4.3** No person shall moor or permit to be moored in the Port Marina a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats or other vessels or which may become a menace to navigation. Owners and operators of moored vessels must be able to demonstrate to the satisfaction of the Port the seaworthiness of their vessels, if requested by the Port Manager, by getting the vessel underway under its own power.

**4.4 Removing or Securing Vessels or Personal Property and Public Sale:** The Port may, at its option, employ the following procedures for the collection of delinquent moorage or moorage charges, securing or removing vessels or personal property in case of delinquent or abandonment, and public sale of vessels and personal property.

A. Prior Notice to Resident Owner and Operator: At least thirty (30) days prior to securing or removal of a resident vessel, the Port shall give the owner a notice setting forth the charges owing and stating that the Port may terminate the moorage license or other ongoing service and seize the vessel or other property if the charges are not paid within thirty (30) days of the date of notice. The notice shall be delivered by:

1. Posting the notice on the vessel or personal property;

2. Personal delivery to the owner or certified mail, return receipt requested, to the owner at the last address provided to the Port by the owner. The foregoing notice shall be given by the same methods to the operator registered with the Port is different than the owner.

In the case of transient vessels, abandoned vessels or property, or where no address was furnished by the owner/operator, the Port is not required to give the foregoing notice prior to securing or removing the vessel or personal property.

B. Securing Vessels and Personal Property Notice:

1. In cases where delinquency on abandoned vessels or personal property, the Port may take reasonable measures including, but not limited to, the use of chains, ropes and locks, removal from the water, or removal to a storage area to secure vessels and other personal property so that the same are in the possession and control of the Port and cannot be removed from Port facilities.

2. At the same time of securing a vessel or other personal property, an authorized Port employee shall attach to such vessel or property a notice which shall contain the following information:

a. The date and time the notice was attached.

b. A statement that if the account, together with all expenses incurred in securing the vessel or property and the Port's collection costs, if not paid in full within sixty (60) days of the date of such notice, the vessel or personal property may be sold at public auction with proceeds applied to satisfy the Port's costs, including attorney fees, charges; and;

c. The address and telephone number where additional information may be obtained concerning release of the vessel or personal property.

d. The notice may also establish the date and time the public auction is to be held and give other information for notices of foreclosure sales under ORS 87.194(4).

e. Notice of securing a vessel or personal property shall be sent too the owner and, if different, the operator thereof, by certified mail, return receipt requested, at the last address provided to the Port by the owner and/or operator.

C. Recovery of Possession by Owner or Operator: The owner/operator of a vessel or personal property secured by the Port may recover the possession as follows:



1. Making payment to the Port of all Port charges, including costs incurred in securing the vessel or property, notification costs, and other collection costs or:

2. Entering into a written agreement satisfactory to the Port for installment payments for the unpaid balance, collection, and other costs, including attorney fees, in addition to the payment of future charges when due, and, in the case of commercial vessels or commercial property, execution of a Confession of Judgment in favor of the Port for all sums then due and providing that the Port shall be entitled to judgment for the unpaid sums due at the time of filing of such Confession of Judgment, including costs, collection expenses, and attorney fees; or

3. By posting with the Port a sufficient cash bond or other acceptable security to be held in trust by the Port pending resolution of any disputed Port charges in a civil action in a court of competent jurisdiction. Upon entry of a final judgment in such a court, including appeals, or upon any settlement of such dispute between parties, the trust shall terminate and the Port shall receive so much of the bond or other security as is agreed or as is necessary to satisfy and judgment, costs, including attorney fees and interests as may be awarded to the Port. If personal or real property was pledged as security, it shall be executed upon in the manner provide by law.

D. Procedure for Public Sale: If a vessel or other personal property has been secured and the owner or operator does not regain possession by the above methods, the Port may, at its sole option, elect to sell the vessel or property at a public sale. Gear or other personal property belonging to or associated with a vessel which has been secured and is being held for public auction under this section may be sold at public auction along with such vessel. For all sales of vessels and other personal property under this section, the Port adopts the procedure for notification, foreclosure, and sale provided by Sections 87.172 through 87.206, Oregon Revised Statutes. The Port may bid all or part of its charges and expenses at the sale and may become the purchaser at the sale. Sale proceeds shall be applied first to the costs of the sale, including attorney fees, then to discharge of moorage and other charges owed by the owner or operator, and the balance shall be paid as provided by ORS 87.206. For the foreclosure and sale of documented vessels, in addition to the procedures provided herein, the Port shall comply with the requirements of Federal regulations contained in 46 CFR Ch. 1, to the extent that they are in addition to or different from the requirements of this Ordinance.

E. Reservation of Other Rights and Remedies: The rights and remedies granted under this section are cumulative with the Port's other ordinances and other rights and remedies existing at law, in equity and admiralty. Each such right and remedy may be exercised wholly or in part, from time to time and without waiving any other rights or remedies which the Port may have against the vessel, the vessel owner or operator, or against the personal property of the same. No delay in the enforcement of any right of remedy shall be deemed to constitute a waiver or election with respect to any rights or remedies.

#### **4.3 Removal of Hazardous Vessel:**

A. A hazardous vessel may immediately and without notice be moved by the Port, secured, placed in storage or removed from the moorage facilities whenever reasonable necessary for the protection and safety of the Port's property, other navigation vessel or the environment. All risk of loss or damage resulting from such movement shall be borne by the vessel owner and/or operator. In the event the vessel is moved to another location or facility, the

vessel, is owner and its operator shall, in addition, be liable for the prevailing moorage rate and other fees charged at the location or facility to which the vessel is moved.

B. The Port shall give written notice requesting removal of the hazardous vessels within fifteen (15) days of the date of such notice. Such notice shall be given by: (1) posting the hazardous vessel, and (2) by personal delivery to the owner or by certified mail, return receipt requested, to the last address provided to the Port by the owner. The same notice shall be given to the operator of a hazardous vessel, if different from that of the owner.

C. The Port shall make a reasonable effort to give a notice requesting removal prior to moving a hazardous vessel where a non-emergency situation exists, however, the Port may move or remove hazardous vessels as it reasonably deems necessary for the protection of Port property, other vessels, navigation or the environment. If the Port moves the hazardous vessel without prior notice, notice requesting removal under this section shall be given as soon as thereafter practicable.

D. A hazardous vessel which remains in or on Port facilities in excess of fifteen (15) days from the date of the notice requesting removal may, at the option of the Port, be deemed an abandoned vessel.

E. In the event any such vessel shall capsize, sink, or otherwise be disabled in such a manner as to be a hazard to navigation or use of Port Facilities, all loss, damage or cost of removing the same shall be charged to the vessel owner/operator and/or the person lawfully in possession thereof and/or the person bringing the same upon Port facilities.

#### **4.4 Obstructions of Fairways, Channels or Berthing Spaces and Removal of Sunken Vessels**

A. It shall be unlawful to tie up or anchor a vessel at or in the Port of Gold Beach harbor or maritime facility in such a manner as to obstruct the fairways or channels or prevent or obstruct the passage of other vessels; or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway or berthing space; or to float loose timbers, debris, logs or piles in any channel, fairway or berthing space in such a manner as to impede navigation or cause damage to vessels therein. It is understood that wrecked or sunken vessels within the harbor are subject to published rules and regulations of the United States Coast Guard and any applicable State law, rules or regulations.

B. Whenever the navigation of any waters within the Port of Gold Beach harbor or facility, including anchorages and berths therein, shall be obstructed or endangered by any sunken vessel or other obstruction and the obstruction or danger has existed for a period of more than twenty-four (24) hours, the vessel or obstruction shall be subject to removal, sale, or other disposition. The owner or owners of such a vessel or other property causing said obstruction or danger shall be liable to the Port for all costs, including attorney fees, incident to said removal and disposition, and the Port, its employees, agents, and officers shall not be liable for damages of any nature whatsoever arising out of any way connected with removal, sale, or disposition of such vessel or property.

### **SECTION 5: GOLD BEACH AIRPORT GENERAL PROVISIONS**

A. It shall be unlawful for any persons or vehicles to access the airport within the boundary fence unless:

1. Owner/operator has used the facility in the manner prescribe by Federal Aviation Regulations as they pertain to aircraft operations, including meeting, picking up, or dropping off passengers arriving/departing by air.

2. Person(s) has obtained permission from the Port of Gold Beach to operate within the confines of the airport.

3. Person(s) is a tenant of the Port of Gold Beach with property within the confines of the airport.

B. All persons, while within the confines of the airport must operate vehicles within prescribed safe operations, including, but not limited to, operations of less that ten (10) MPH.

C. All persons, while within the confines of the airport, must insure that the greatest of care is taken to not cause any undue hazard or dangerous to occur by themselves or passengers.

D. No signs or devices of any type shall be attached to any building or hangar or placed any where on the grounds of the Gold Beach Airport or leased premises for advertising or to display the name of any business or any other type of advertisement without the written consent of the Port of Gold Beach Manager.

## **SECTION 6: PORT OF GOLD BEACH UPRIVER LANDS**

A. Camping is allowed on the upriver lands of the Port of Gold Beach in designated areas only.

B. The use of rim-fire and center-fire rifles or handguns or shotguns using a shot size larger than 2 is prohibited on all Port properties. Any use of a firearm is prohibited within Huntley Park Campground.

C. Fishing in accordance with Oregon State law is permitted in all areas of the upriver lands owned by the Port of Gold Beach.

D. Removal of logs and high water debris on the upriver lands of the Port of Gold Beach is allowed for personal use only and a permit must be obtained from the Port Manager.

E. Public access is allowed to all upriver lands of the Port of Gold Beach unless otherwise posted.

F. Removal of rock and sand from upriver lands of the Port of Gold Beach is allowed for personal use only and a permit must be obtained from the Port Manager

G. Controlled fires on upriver lands of the Port of Gold Beach are allowed in contained areas during permissible burn seasons.

H. Removal of brush and/or trees within 75 feet of the Rogue River is prohibited on the upriver lands of the Port of Gold Beach.

I. Garbage and littering on the upriver lands of the Port of Gold Beach is prohibited and will be subject to penalty under state law.

J. The use of off-road vehicles and motorcycles on the upriver lands of the Port of Gold Beach is prohibited in areas that are posted.

K. Removal of standing trees outside the riparian zone may be permitted on Port property. A permit must be obtained from the Port Manager. Removal of fallen trees may be permitted and a permit must be obtained from the Port Manager.

## **SECTION 7: ENFORCEMENT AND PENALTIES:**

**7.1** This ordinance has been enacted under the authority of ORS 777.199, and may be enforced by any peace officer of the State of Oregon, County of Curry, City of Gold Beach or Port of Gold Beach.

**7.2** Any person violating a provision of this ordinance will be subject to a civil penalty of not to exceed \$500.00, and each day that a violation shall continue and persist, after written notice to the offender of the nature of the violation, will be a separate and distinct violation.

**7.3** An action for a violation of any provision of this Ordinance, not occurring within the jurisdiction of the City of Gold Beach, shall be brought in the Circuit Court of the State of Oregon for Curry County.

**7.4** An action for a violation of any provision of this Ordinance, occurring within the jurisdiction of the City of Gold Beach shall be brought in the Municipal Court for the City of Gold Beach.