

Rainier Ordinances

ORDINANCE NO. 1057

AN ORDINANCE SETTING UP RULES AND REGULATIONS FOR THE USE OF THE CITY MARINA AND CITY BOAT LAUNCH TO INCLUDE THE PARKING FACILITIES AND PRESCRIBING PENALTIES FOR VIOLATIONS OF USE AND REPEALING ORDINANCE NO. 823, ORDINANCE NO. 956, ORDINANCE 957 AND ORDINANCE NO. 1053.

WHEREAS, there has been constructed in the City of Rainier, a duly dedicated boat launching facility and a moorage facility,

AND WHEREAS, the City of Rainier reserved the right to adopt reasonable rules and regulations in accordance with the purposes and objects set forth in the dedication,

NOW, THEREFORE, in order to provide for orderly operation, maintenance and further development of the Rainier public boat launching, docking, parking and moorage facilities, the City of Rainier ordains as follows that the following rules and regulations shall be in effect and the Rainier City Council, in conjunction with the Rainier City Police Department and the Rainier Public Works Department, is given full power and authority to enforce such rules and regulations.

Purpose

The purpose of this chapter is to assure access to city docks by setting reasonable time limitation on moorage at the docks and to preserve the recreational purpose of the docks by limiting their use to recreational boats or vessels.

This article applies to all boats navigating the waters within the jurisdiction of this city, except where inconsistent with any laws or regulations of any higher governing authority, including the state of Oregon and the United States, in which case such laws and regulations shall prevail.

Section 1. Definitions - Applicability

A. "Abandoned vessel" means a vessel left at the city docks in violation of the time limitations in Section 11, or is in violation of the Oregon State Marine Board certificate of number and registration requirements.

B. "City" means City of Rainier.

C. "City Administrator" means the person holding the position of city administrator or any agent, employee, or designee authorized to perform the duties of this chapter by the city administrator.

D. "Commercial" means any profession, trade, occupation, shop, or any calling carried on for profit or livelihood, including but not limited to the rental of commercial or residential property, and those working as independent contractors, whether or not the contractor is paid on an hourly or job basis.

E. "Hazardous vessel" means any vessel which is unseaworthy or which is in such a state of disrepair that the environment, life, or property could become endangered if such state is unduly prolonged; any vessel which presents a hazard to navigation.

F. "Moorage" means any place where a vessel is anchored, made fast to a dock, or laid alongside another vessel made fast to a dock, including side and multi-side ties.

G. "Moorage agreement" means a commercial moorage license agreement entered into between the City of Rainier and an owner/operator.

H. "Motorboat" means any boat propelled in whole or part by machinery, including boats temporarily equipped with detachable motors.

I. "Owner/operator" means a person who claims, expressly or otherwise, to have lawful care, custody, control or possession of a vessel by legal title, equitable interest, lease or charter, or by any other method or manner giving the person lawful care, custody, control or possession of a vessel.

J "Person" means an individual, a partnership, corporation, association, or other legal entity recognized by the State of Oregon.

K. "Recognized boating or yachting organization" means any active, incorporated non-profit boating or yachting association that provides written notice of incorporation to the city administrator.

L. "Vessel" means every type of watercraft capable of floating upon the water (including, but not limited to dinghies, rowboats, sail boats, jet skis, or motorboats.)

Section 2. Moorage and launching

A. The Rainier common council shall, by resolution, make regulations for use of the Rainier boat launch and moorage facilities. This shall include the authority to set or change fees as deemed necessary by the council.

B. The Rainier common council may, by resolution, contract with private or public parties for the operation, use, lease, collections or fees, maintenance, repair, building or improvements of the Rainier boat launching and moorage facilities.

Section 3. Use of city docks

Use of city docks includes the following:

- (1) Mooring or tying a vessel directly to a city dock;
- (2) Locating a vessel within five feet of a city dock;
- (3) Mooring or tying a vessel to a vessel which is moored or tied to a city dock or located within five feet of a city dock;
- (4) Mooring or tying a vessel to one or more of a group of vessels, one of which is moored or tied to a dock or located within five feet of a city dock.

Section 4. Boat control

- A. Every operator of a motor boat shall at all times navigate the motorboat in a careful and prudent manner and at such rate of speed as not to endanger the life, limb or property of any person.
- B. Reckless navigation of a motorboat includes operating the motorboat in a manner which unnecessarily interferes with the free and proper use of the navigable waters of the city or unnecessarily endangers other boats therein, or the life and limb of any person.
- C. No person shall operate any motorboat at a rate of speed greater than will permit him/her in the exercise of reasonable care to bring the motorboat to a stop within the assured clear distance ahead.
- D. All persons must operate boating vessels within marina premises at a speed less than that which will create a wake. Boats in the marina shall be operated according to the Oregon Revised Statutes and the Oregon Administrative Rules as set forth by the Oregon State Marine Board and navigational laws of the United States.
- E. Nothing in this act is intended to prevent the operator of a motorboat actually competing in a race or regatta which is sanctioned by an appropriate government from attempting to attain high speeds on a marked racing course.

Section 5. Boat limitations

- A. No person shall so anchor a boat for fishing or other purposes of any body of water over which the city has jurisdiction in such a position as to obstruct a passageway ordinarily used by other boats.
- B. No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

Section 6. Boat capacity

No boat shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and other normal operating conditions.

Section 7. Passenger Safety

- A. No person operating a motorboat shall allow any person to ride or sit on either the starboard or port gunwales thereof or on the decking or over the bow of the boat while underway.

B. Nothing in this section is intended to prevent passengers or other persons aboard a boat from standing on the decking over the bow of the boat in order to moor the boat to a mooring buoy or to cast off from such a buoy or for any other necessary purpose.

Section 8. Operating a boat while under the influence

- A. No person under the influence of an intoxicating liquor or controlled substance shall operate, propel or be in actual physical control of any boat on any waters in this state.
- B. No owner of a boat or person in charge or in control of a boat shall authorize or knowingly permit the boat to be propelled or operated on any waters of this state by any person who is under the influence of intoxicating liquor or a controlled substance.
- C. Violations and penalties will be in accordance with state statute, Coast Guard and Columbia County Sheriff's Department rules and regulations and other appropriate governing authorities.

Section 9. Accidents

The operator of any boat involved in an accident resulting in injury or death to any person or in damage to property shall immediately stop such boat at the scene of such accident, or as close thereto as possible, and shall give the name, address, and the identifying number of the boat which the operator is operating, and the name and address of any other occupants of the boat, and shall render to any person injured in such an accident reasonable assistance and shall report such accident to the nearest or most convenient law enforcement agency or office.

Section 10. Damage

- A. The operation of all water craft within the jurisdiction of the City of Rainier shall be conducted in such a manner that damage will not be caused to floats, other boats or any of the marina facilities. A creation of excessive wake or operation of boats at excessive wake or operation of boats at excessive speeds is prohibited. Any person who through negligence, carelessness or who willfully caused damage to private or public property will be held liable for such damage.
- B. The City of Rainier does not provide liability or property insurance to anyone.

Section 11. Time limitations

City docks shall not be used by a vessel for more than 72 continuous hours, not to exceed 10 days per month. The 72-hour period shall begin with the first hour the vessel is tied or moored to the dock, regardless of whether or not the vessel moved from its original mooring to a city dock to another location or another city dock during the 72-hour period.

Section 12. Commercial use of city docks

The city docks shall not be used by commercial vessels or for commercial activity without first entering into a moorage agreement, obtaining the necessary permits and business licenses and paying all fees.

Section 13. Public assembly exemption

Any use of the city docks by a recognized boating or yachting organization within the time limits established by this chapter shall be exempt from the public assembly permit requirement of Chapter 8.06 RMC so long as no adjacent lands are used by the boating or yachting organization. Assembly permits are required for proposed use outside this exception. Nothing herein shall be interpreted as exempting members of such associations or organizations from all other applicable prohibitions and regulations in city ordinances including regulations concerning use of city dock facilities.

Section 14. Registration and moorage agreements

A. No commercial vessel will be permitted to be moored at the city docks, unless the vessel is properly registered, a moorage agreement entered into, and all fees and charges have been paid. All vessels mooring at city docks shall be seaworthy; upon request by the city, an owner/operator may be required to demonstrate the seaworthiness of the vessel.

B. All vessels must be registered with the city prior to or within two hours after arrival at the facility. Registration will be made with the business office of the city. If the time within which to register is after regular business hours or if the harbor master is not on duty, a registration form shall be completed at the start of the next business day. Payment of the fee for the initial term of moorage and any other required fees or charges shall be made at the time of registration.

C. Information and Authorization Required. At the time of registration, the owner shall provide all information required on the moorage agreement form. If the person making the registration is an operator only, owner authorization for moorage shall be made available upon request.

D. Moorage License Agreements

(1) Requirements. No vessel shall be moored at the facility without notifying the business office of the city within two hours of its arrival, or moor at the facility for more than six hours without the owner/operator entering into a moorage agreement with the city, according to the terms and conditions as set forth in the agreement.

(2) Period. A moorage agreement shall be a transient moorage and shall be limited to the dates and length of time specified in the moorage agreement. A “transient moorage” for a commercial vessel shall be any moorage exceeding one hour, but less than six hours.

(3) Moorage Space. Use the assigned moorage slip only to moor the boat registered at City Hall; no other boats are allowed without prior approval of City Hall. Keep the boating vessels within the dimensions of the slip assigned at all times.

(4) Relocation. The city reserves the right to temporarily relocate any boat to another part of the marina in order to prevent damage to the boat or docks.

(5) Renewal. No moorage agreement shall be renewed unless all conditions for the initial issuance of the moorage agreement are still being met, and all fees and charges are paid in full.

(6) Scope. Moorage renters, who are in good standing, can launch and load their

boating vessel without paying the daily launching fee. Moorage renters can also, if in good standing, park in the marina parking facilities without paying the daily parking fee.

(7) Change of address. City Hall must be notified by the boat owner of any transfer of title or ownership of the boating vessel and any changes of address and/or telephone number within 30 days of the date of change.

(8) Transferability. Moorage agreements shall be issued only to the owner/operator of the vessel, and shall be valid only for the specific vessel designated in the moorage agreement. A moorage agreement may not be assigned, sold, or transferred by any means whatsoever; any such transfer shall be void. Sale of a vessel shall not transfer any rights or privileges under a moorage agreement; a valid moorage agreement does not ensure the transferee will be issued a moorage agreement.

E. Revocation. The city reserves the right to evict anyone from the moorage area and slips who refuses to comply with the marina rules and regulations. The moorage agreement may be revoked by the city upon ten days written notice if the vessel or owner/operator is in violation of the terms of the moorage agreement or any provision of this chapter.

(1) Notice. Notice of revocation may be by personal delivery or certified mail to the owner/operator at the owner/operator's last known address, and by posting notice on the vessel. The notice of revocation shall state the moorage agreement has been revoked, give the reasons therefore, and state the owner/operator has ten days from the date of the notice to correct the violation or have the vessel impounded or otherwise secured at the owner/operator's expense.

(2) Reinstatement. Upon proof of correction of any violation and payment of all costs and charges, the owner/operator may apply for reinstatement of the moorage agreement, which may be permitted by the city. If reinstatement is permitted, and a second violation occurs at any time within the next six months, the moorage agreement shall be immediately revoked, and no reinstatement shall be allowed.

F. Cancellation. A moorage agreement may be cancelled by the owner/operator upon ten days written notice to the city, which shall provide an address where the owner/operator can be reached after the termination of the moorage agreement for return of any refund as hereinafter provided.

G. Denial. The city may deny a moorage agreement to a vessel which is a hazard to health or safety, or if the owner/operator is delinquent on any fee or charge under this chapter, or any other city ordinance, or if the owner/operator is unwilling or unable to provide the city with the required registration information. Immediately after a moorage agreement has been denied, the owner/operator shall remove the vessel from the facility, and the city shall not moor the vessel nor permit the vessel to be moored until all hazards to health or safety have been corrected and proof of such correction has been provided to the city, all such fees and charges are paid in full, and the required information has been completely provided.

Section 15. Prohibited activities

- A. No person shall swim from or within 50 feet of the docks.
- B. No person shall obstruct a vessel from docking.
- C. No person shall cut, drill holes in, or attach in any manner any object other than a vessel with mooring lines to the docks without written permission from the city administrator.
- D. No commercial activity will occur on city docks without specific authorization in the moorage agreement.
- E. Vehicles are not allowed on city docks, except for the immediate transport of a bicycle to and from a vessel or the use of a vehicle that is necessary due to a disability. Vehicles include, but are not limited to, bicycles, scooters, skateboards, rollerblades, mopeds, motorcycles, or other self-propelled units.
- F. Vessels are not allowed to use docking space designated only for emergency craft use. Such docking space is designated by a yellow stripe on the edge of the dock or by a sign or by both. The use of such space by craft other than government emergency craft is prohibited.
- G. Vessels are not allowed to use docking space designated for fishing only. Such space is designated by a stripe on the edge of the dock and by signs posted.
- H. Violation of any other limitations, including the time limitations in this chapter.

Section 16. Sanitation and waste disposal

- A. No person shall throw, place, leave, deposit, abandon, cause or permit to be thrown, placed, left, deposited or abandoned, any industrial waste, litter or sewage at the facility or adjacent property or into the Columbia River, except in receptacles specifically designated for such purpose by the city.
- B. No person shall use, cause or permit the use of a toilet that is not equipped with a device in good operating condition, adequate to treat, hold, incinerate or otherwise handle sewage in such a manner which will prevent pollution on a vessel moored at the city docks or underway in the Columbia River. For the purpose of this section, an acceptable control device is one approved by the U.S. Coast Guard for such purpose.
- C. The owner/operator of the vessel shall be personally liable for any and all cleanup costs, fines and penalties assessed by any other governmental unit, resulting from a violation of this section.

Section 17. Abandoned vessels

No person shall leave an abandoned vessel at the city docks. Any abandoned vessel may be removed in accordance with ORS 830.907 through 830.927 regarding abandoned boats, floating homes and boathouses.

Section 18. Hazardous vessels

(1) In the event of an emergency, a hazardous vessel may, immediately and without notice by the city, be secured or removed from the facility. If removal is required, the city may take reasonable efforts to notify the owner/operator prior to moving a hazardous vessel. If the city moves a hazardous vessel without prior notice, notice indicating the vessel has been moved shall be given as soon as practicable. In all other cases, the city shall give written notice to the owner/operator, requesting removal of hazardous vessels within ten days of the date of such

notice. Notice shall be posted on the hazardous vessel, and delivered by personal delivery to the owner/operator or by certified mail, return receipt requested, to the last address provided by the owner/operator to the city.

(2) All risk of loss or damage resulting from securing or removing the vessel shall be borne by the vessel owner/operator. In the event the vessel is moved to another location, the vessel and its owner/operator shall be liable for any and all costs associated with removal and storage of the vessel.

(3) In the event any vessel capsizes, sinks or is otherwise disabled in such a manner as to be a hazard to navigation or use of city facilities, all loss, damage or cost of removing the same shall be chargeable to the vessel owner/operator.

(4) A hazardous vessel which remains at the facility in excess of ten days from the date of notice requesting removal may be deemed an abandoned vessel.

Section 19. Parking

A. Single car parking only in designated areas. Towing vehicles and boat trailer parking only in designated areas.

B. Trailers are not to be unhooked from the tow vehicle.

C. Park individual towing vehicles and trailers, cars, etc. in a neat and orderly fashion in areas designated by the city or be subject to removal of said vehicle and/or trailer at the owner's expense.

D. Parking at marina facilities shall be for a period not longer than 72 hours to accommodate boaters engaging in boat camping activities.

E. Maximum speed in parking facilities and/or marina premises is five miles per hour.

F. No parking of any vehicles in such a manner as to cause obstruction or hazards to other traffic.

G. No storing boat trailers, vehicles, or other personal belongings on marina premises for more than 24 hours. The city shall not be held liable or responsible for theft or damage to boats, trailers, vehicles, personal belongings or contents.

Section 20. Rules and regulations

A. All moorage renters/tenants and their guests, employees or others with the tenant must abide by the rules and regulations found in the lease signed when renting a slip at the marina.

B. Persons must obey all rules, regulations, laws, ordinances and directives of any legally constituted authority, including federal, state, county and city, now in existence or as they may exist in the future with respect to the use of the marina and/or moorage facilities.

C. All boating vessels must be properly marked as required by law or the vessel will not be permitted to moor or launch at the marina.

D. Boaters using the marina launching/mooring facilities must pay a launch/parking fee for each boating vessel launched and/or each vehicle parked on the marina premises. The amount of such fee is determined by the city and will be posted at the marina.

E. All pets must be kept on a leash or under control of the owner while on marina premises. Pets are not allowed to be tied where they or their leashes, ropes, etc. block or impair main traffic areas or the docks and/or walkways.

F. The city, including its officers, employees and agents, cannot be held responsible for any claims, demands or liability for any damage, theft, injury or other occurrence that may result to persons and/or personal belongings while on the marina and/or moorage facilities.

Section 21. Violation – Penalty

- A. Violation of any provision of this act is punishable upon conviction by a sum not exceeding \$500.00.
- B. Failure to obtain and use the ticketing system while parking/launching at the marina and moorage facilities will be punishable upon conviction by a sum of \$50.00 and subject towing of vehicle(s) at the owner's expense.
- C. When ordered by the court, the boat owner will pay the reasonable legal fees of the city connected with any action or proceeding to enforce the terms of this article.
- D. Any boating vessels found in violation of Section 2 and/or Section 14 of this act may, at the discretion of the Rainier Police Department or the Rainier Public Works Department, be impounded by the securement or removal to impoundment facilities. In such case it will be the responsibility of the owner of said boat to satisfy all past due moorage fees, any fines that may result from the violation and impoundment and storage fees, in full, before the boating vessel is released to the owner's custody.

Section 22. Funding the marina

- A. All monthly moorage fees are to be collected and distributed into marina funds within the city budget. This includes penalty fees, storage fees, rental fees, launch/parking fees and other existing monies collected from operation of the marina.
- B. All funding received from the Oregon State Marine Board or other funding agencies for the marina must be distributed into marina funds within the city budget.
- C. All monies within the City of Rainier's marina fund must be spent on the marina and/or some aspect of the marina as deemed necessary by the City of Rainier.

Section 23. Vehicle blocking ramp – Time limit

No person shall allow any vehicle to remain either attended or unattended upon or blocking access to the city's municipal boat launching ramp for a period of time in excess of 15 minutes.

Section 24. Boats blocking ramp or dock – Time limit.

No person shall leave a boating vessel either attended or unattended in the city's municipal boat launching ramp or tied to the boat loading dock for a period of time in excess of 15 minutes.

Section 25. Violation – Penalty

Any person found guilty of a violation of Section 23 or Section 24 shall be subject to a fine not to exceed \$500.

WHEREAS, this ordinance shall be in full force and effect immediately upon passage by the Rainier City Council and approved by the Mayor.

Introduced by: _____

Read first time: _____, 2013.

Read second time: _____, 2013.

Read third time and placed on final passage: _____, 2013.

APPROVED:

Mayor

ATTEST:

City Recorder