ORDINANCE NO. 292

CITY OF DEPOE BAY

AN ORDINANCE AMENDING ORDINANCE NO. 252 THE HARBOR ORDINANCE, AS AMENDED; INCORPORATING ORDINANCE NOS. 252, 284, 286, 289, SECTION 2 - ORDINANCE NO. 267, SECTION 4 - ORDINANCE NO. 290; PROVIDING FOR INCORPORATION OF FUTURE AMENDMENTS TO THE HARBOR ORDINANCE; PROVIDING FOR THE CONTROL AND MANAGEMENT OF THE HARBOR PROPERTIES AND FACILITIES OF THE CITY OF DEPOE BAY; REPEALING ORDINANCE NUMBERS 252, 284, 286, 289; AND DECLARING AN EMERGENCY.

WHEREAS, the Harbor Commission of the City of Depoe Bay has conducted a review of Harbor Ordinance No. 252 and has recommended revisions to the City Council of the City of Depoe Bay; and

WHEREAS, the City Council of the City of Depoe Bay has determined certain amendments to the Harbor Ordinance are necessary; and

WHEREAS the City Council of the City of Depoe Bay desires to consolidate all previous and existing ordinances pertaining to the control and management of harbor properties and facilities of the City of Depoe Bay;

NOW, THEREFORE, THE City Council of the City of Depoe Bay ordains that this ordinance, upon adoption, shall provide for the control and management of the harbor properties and facilities of the City of Depoe Bay.

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1.000 GENERAL PROVISIONS

1.010 REFERENCE: This Ordinance shall be referred to as the City of Depoe Bay Harbor Ordinance.

1.020 PURPOSE: The purpose of these rules and regulations is to secure the most effective control and management of the harbor properties and facilities of the City of Depoe Bay.

1.030 APPLICATION: These rules and regulations are applicable to all harbor properties and facilities of and in the City of Depoe Bay. All vessel owner/operators and persons entering or using the facilities shall be subject to the policies herein defined.

1.040 AVAILABILITY OF ORDINANCE: Anyone may inspect a copy of these rules and regulations in the City Hall office and copies may be obtained upon request.

1.050 CONSTRUCTION: Unless otherwise required by the context or any particular provision, the words or phrases defined in Section 5.000 shall have the 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. When used throughout this Ordinance the terms "shall" is mandatory and "may" is permissive, and the provisions of this Ordinance shall apply to individuals, partnerships, associations and corporations alike.

1.060 REPEAL/INCORPORATION OF FUTURE AMENDMENTS: It being the purpose of this Ordinance to consolidate all existing ordinance provisions relating to the Depoe Bay Harbor Commission and for the regulation and operation of the Depoe Bay harbor and facilities, Ordinance numbers 252, 284, 286 and 289 be and are hereby repealed. Incorporated herein are Section 2 of Ordinance 267 and Section 4 of Ordinance 290. The last ordinance included herein is Ordinance 290 passed September 20, 2011. Ordinances adding to, amending, correcting or repealing all or any part or portion of the "City of Depoe Bay Harbor Ordinance" passed subsequent to the adoption of this Ordinance No. 292 will be incorporated into the City of Depoe Bay Harbor Ordinance.

2.000 HARBOR COMMISSION

2.010 MEMBERSHIP: The Commission shall consist of seven (7) members to be appointed by the City Council, not more than two (2) of whom may be non-residents of the City of Depoe Bay.

2.020 TERM OF OFFICE: The term of office for members shall commence on January 1 of the first year of appointment by the City Council, and shall expire four (4) years thereafter on December 31, or until their successors are appointed and qualified.

2.030 REMOVAL FROM OFFICE: Any member of the Commission may be removed by a majority vote of the City Council at any time without cause. No member shall miss more than two consecutive meetings. Should a member miss three consecutive meetings a report shall be provided to the City Council. The member may be removed from the Commission unless the City Council deems the absences as excused.

2.040 VACANCIES IN OFFICE: Any vacancy in the Commission shall be filled by appointment made by the City Council for the unexpired portion of the term.

2.050 OATH OF OFFICE: Members of the Commission shall qualify by taking and subscribing an oath of office to uphold the Constitution of the United States and the State of Oregon and the Charter and Ordinances of the City of Depoe Bay, and to faithfully and impartially perform the duties of the office to the best of his or her ability.

2.060 COMPENSATION OF MEMBERS: The members of the Commission shall receive no compensation as such, except as the City Council may approve reimbursement to Commission members for out-of-pocket expenses.

3.000 ORGANIZATION OF THE COMMISSION

3.010 CHAIRMAN AND VICE-CHAIRMAN: At the first regular meeting each January the Commission shall elect a Chairman and Vice-Chairman, who shall serve in that capacity for a one year term. Any vacancy will be filled by election for the unexpired portion of the term. The Chairman shall preside over all Commission meetings. The Vice-Chairman shall preside over the meetings in the absence of the Chairman. The Chairman and/or Vice-Chairman shall perform such other duties on behalf of the Commission as imposed by the Commission or ordinance.

3.020 SECRETARY: The Commission shall elect a Secretary, who need not be a member of the Commission, and who shall serve at the pleasure of the Commission. The Secretary shall keep an accurate record of all proceedings of the Commission and shall perform such other duties as are imposed by the Commission.

3.030 LIAISON TO CITY COUNCIL: The Commission shall elect a Liaison Officer, who shall serve at the pleasure of the Commission. The Liaison Officer shall report to the City Council at a regular Council meeting as necessary.

3.040 QUORUM: Four members of the Commission shall constitute a quorum.

3.050 VOTING: The concurrence of a majority of the members present at a Commission meeting shall be necessary to decide any question before the Commission.

3.060 MEETING TIME & PLACE/LOCATION OF BUSINESS RECORDS: The Commission shall meet at least once a month, or as Commission business requires. The regular meeting place of the Commission shall be as designated by the City Council from time to time. The Council shall designate a place for the transaction of the business of the Commission and keeping of its records. Workshops or portions of meetings may be held in the dock area or elsewhere when it is determined by the Chairman of the Harbor Commission that the change in location is necessary for conducting Commission business.

3.070 COMMISSION PROCEDURES: The Commission may make, establish and alter rules and regulations for its governance and procedure consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Depoe Bay.

4.000 POWERS AND DUTIES

4.010 GENERAL POWERS AND DUTIES: The Commission shall have the powers and duties set forth by ordinance of the City or as delegated by the City Council.

4.020 RECOMMENDATIONS TO CITY SUPERINTENDENT: It shall be the duty of the Commission and it shall have the power, except as otherwise provided by law, to recommend and make suggestions to the City Superintendent, Harbormaster or such other person as designated by the City Council concerning the following matters:

(a) The formation of rules and regulations for the operation and use of harbor facilities.

(b) Planning for future growth, development and improvement with respect to harbor facilities.

(c) To recommend improvements and maintenance with regard to harbor facilities.

(d) Conduct lease negotiations with leaseholders of city harbor facilities and recommend proposed leases to the City Council for consideration and execution.

4.030 NORMAL MAINTENANCE OF HARBOR FACILITIES: The City Superintendent shall supervise the execution of normal harbor facility maintenance.

5.000 DEFINITIONS

5.010 ABANDONED: A vessel or other personal property shall be deemed abandoned if:

(a) It is left on or in Harbor facilities either without identification or evidence of ownership and without notification to the City of ownership and:
   (1) without notification to City of intent to leave for more than five (5) days, or
   (2) notification to City of intent to leave, but failure to return within five (5) days of date stated to City for date of return.

(b) It is not removed from Harbor facilities within 15 days from date of mailing notice to vacate by City by regular mail to registered owner at last known address, according to records of U.S. Coast Guard for federally documented vessels, Oregon State Marine Board for state licensed vessels or to owner or person in control as registered with City.

(c) Vessel is not registered with City within 12 hours of commencement of use of Harbor moorage.

5.020 CITY: Shall mean the City of Depoe Bay.

5.030 CITY SUPERINTENDENT: Shall mean that person appointed by the City Council to serve as City Superintendent, and acting under its direction.

5.040 EMERGENCY: Shall mean a state of imminent danger to life, property or navigation in which time is of the essence.

5.050 ENVIRONMENTAL LAW: Shall mean any federal, state, or local law, statute, ordinance, or regulation pertaining to hazardous substances, health, industrial hygiene, or environmental conditions, including without limitation the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, and the Resource Conservation and Recovery Act of 1976, as amended.

5.060 GOOD CAUSE: Good cause exists when it is established by satisfactory evidence that an action, circumstance or omission was beyond the reasonable control of the person and, under similar circumstances, would be beyond the reasonable control of a reasonable and prudent person exercising ordinary common sense.

5.070 HARBOR COMMISSION: Shall mean that Commission appointed by the City Council and acting under the ordinances of the City of Depoe Bay and recommending plans, regulations and improvements to the harbor facilities.

5.080 HARBOR FACILITIES: Shall mean all facilities and equipment owned, leased or operated by the City of Depoe Bay for the purpose of providing or facilitating usage of the Depoe Bay harbor by vessels and the public, including but not limited to moorage facilities, boat launch facility, vessel fueling facility/dock, fish plant facility, and parking areas.

5.090 HARBORMASTER: Shall mean that person appointed by the City to serve as Harbormaster and any Deputy Harbormaster or other employee authorized or designated by the City to enforce the provisions of this ordinance.

5.100 HAZARDOUS SUBSTANCE: Shall mean any hazardous, dangerous, toxic, infectious, or radioactive substance, waste, or material, as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

5.110 INDUSTRIAL WASTE: Shall mean any liquid, gaseous or solid waste substance or combination thereof resulting from any process of industry, manufacturing, trade, agricultural or agricultural operation or business, or from the development or recovery of any natural resources, which may cause or might reasonably be expected to cause pollution of the harbor property or the waters controlled by the City.

5.120 LITTER: Shall mean any and 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, bottles, paper and paper products, wrappings, decayed wood, sawdust, shavings, bark, cement, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, dead animals 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 harbor property or waters controlled by the City unsightly, noxious, or otherwise unwholesome or to the detriment of the public health and welfare.

5.130 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 a dock, and shall include side and multi-side ties.

(a) Reserved moorage: Shall mean a designated moorage as defined above which is specifically assigned to the use permit holder on an annual basis, reserved for use only by the permit holder, and which is paid for on an annual basis.

(b) Unreserved moorage: Shall mean an undesignated moorage which is on an annual basis, and which is paid for on an annual basis.

(c) Transient moorage: Shall mean an undesignated moorage in which the period of occupancy is not established by a reserved moorage use permit or an unreserved moorage use permit, and the charges for transient moorage are based upon the period occupied, daily or for one month.

5.140 MOORAGE FACILITIES: Shall mean those facilities of the City of Depoe Bay where vessels may moor to wharfs, docks, pilings, walkways, and finger piers.

5.150 MOORAGE USE PERMITS: Shall be of three types:

(a) Reserved moorage use permit is an agreement between the boat owner or operator and the City of Depoe Bay for the use of a reserved moorage.

(b) Unreserved moorage use permit is an agreement between the owner/operator and the City of Depoe Bay for the use of the unreserved moorage and using a moorage facility on a space as available basis.

(c) Transient moorage use permit is an agreement between the owner/operator and the City of Depoe Bay for daily or monthly moorage for any vessel to use the harbor moorage facility and which belongs to an owner/operator who does not have a reserved or unreserved moorage use permit in effect. Transient vessels or guest boats include, but are not limited to: Vessels seeking a harbor of refuge, day(s) use or overnight(s) use of a moorage facility on a space-as-available basis.

5.160 OVERALL LENGTH: Shall mean the distance from the foremost part of the bow (including the bowsprit or other protruding portion of the vessel) to the aftermost part of the stern including any protruding portion of the vessel except outboard engines or stern drives, regardless of keel length and regardless of registered length.

5.170 OVERALL WIDTH: Shall mean the distance between the outermost part of each side of the hull of the vessel including any protruding portion, regardless of registered width.

5.180 OWNER/OPERATOR: Shall mean any person who claims lawful care, custody, or control of a vessel by virtue of legal title or equitable interest therein which entitles him to possession or has authority over the operation of the vessel pursuant to authority of the legal or equitable owner and has so stated on the moorage agreement that he/she is the operator of the vessel.

5.190 PERSON: Shall mean individual, individuals, partnership, corporation, association or other form of legal entity.

5.200 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.

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

5.220 VESSEL: Shall mean every description of watercraft in the water used or capable of being used.

5.230 VESSEL-COMMERCIAL: Shall mean any vessel used or engaged for any type of commercial venture, including but not limited to the display of advertising, commercial fishing, or the carrying of passengers or cargo for hire. Commercial Fishing Boat is defined as one that holds a valid resident or non-resident commercial fishing boat license and a valid commercial fishing license which authorizes the activity of selling his/her own catch directly from the vessel from which the catch was made and only to the ultimate consumer.

5.240 VESSEL-HAZARDOUS: Shall mean a vessel which is determined by the City to be unseaworthy or in a state of disability which if unduly prolonged could endanger the marine environment or life or property or become a hazard to navigation.

5.250 VESSEL-STRAY: Shall mean:

(a) an abandoned vessel,
(b) a vessel, the owner/operator of which is unknown,
(c) a vessel moored without permission, or
(d) a vessel underway without a competent person in command.

5.260 VESSEL-VIOLATION: Any vessel entering and remaining at the Harbor of Depoe Bay without authorization; or remaining at the harbor after moorage use permit has been terminated; or in violation of any ordinance pertaining to the Harbor of Depoe Bay.

6.000 USE OF HARBOR FACILITIES

6.010 ANIMALS: Animals shall not be allowed on the Harbor Facilities unless securely restrained by a leash, chain, or other device which restricts their freedom, and under the control of a responsible person. No person shall leash or tie any animal on any Harbor Facility in such a manner that would create a danger to any other person using the walkway or other facility, or that would obstruct normal traffic on the facility.

6.020 BOAT LAUNCH: Persons may launch vessels or retrieve vessels from the waters of the harbor of Depoe Bay from the designated boat launch facility. The use of the boat launch shall be at the vessel owner's or operator's risk. All persons launching or retrieving vessels using the boat launch facility shall exercise reasonable care to avoid damage to the boat launch facility or to other persons or property in or about the boat launch area. Use of the boat launch facility is subject to payment of such fee as may be determined by the City Council by resolution from time to time. The Harbor Commission of the City of Depoe Bay shall establish appropriate procedures for the collection of such fees and may issue rules and regulations with respect to the use of the boat launch facility, and direct that appropriate signage be placed to advise the public as to the rules and regulations with respect to use of the boat launch facility.

6.030 CHILDREN: Children under the age of 14 years shall not be allowed on any Harbor Facility unless wearing a Coast Guard approved life jacket, or unless accompanied and supervised by a parent, guardian or other responsible adult.

6.040 CONDITION OF VESSELS AND OTHER PROPERTY: Every vessel and all other personal property moored at or located on harbor properties or facilities of the City shall be kept and maintained in such condition of repair, maintenance, neatness, and orderliness so as not to

constitute a condition of nuisance, substantial danger or risk or harm to persons or property, or facilities. Every vessel moored at harbor properties or facilities of the City must, at all times, be completely seaworthy, fully operational and ready for immediate cruising in local waters under its own power. Lack of seaworthiness may result in removal of the vessel as a hazardous vessel unless:

(a) the vessel is undergoing short-term (thirty (30) days or less) repairs that render the vessel inoperable, or

(b) authorization has been obtained from the City to effect repairs rendering the vessel inoperable for longer than thirty (30) days.

In no event shall the vessel be rendered inoperable for a period exceeding ninety (90) days.

6.050 FISH CLEANING: No person shall clean or process fish or shellfish on any Harbor Facility or from any vessel secured thereto, except in areas so designated by the City.

6.060 FISHING AND CRABBING: No person shall fish or crab from any Harbor Facility except from 30 minutes before sunrise to 30 minutes after sunset. All fishing and crabbing gear shall be removed from the Harbor Facilities within 30 minutes after sunset.

6.070 HARBOR EQUIPMENT: All city-owned equipment shall be operated by city employees only. Harbor equipment includes but is not limited to the port boat and hoist. Use of the port boat or hoist is subject to payment of such fee as may be determined by the City Council by resolution from time to time.

6.080 MOORAGE FACILITIES: Prior to using the Harbor Facilities for moorage by any vessel, the owner/operator shall contact the City and register the vessel and obtain a moorage use permit for the moorage of the vessel. With the exception of transient moorage, payment for the moorage shall be made in advance prior to the mooring. Transient moorage shall be made in advance or within 12 hours of commencement of use of harbor moorage, the owner/operator shall register and pay for transient moorage.

6.090 PERFORMANCE OF MAINTENANCE:

(a) No person shall perform maintenance on any personal property except in those areas so designated by the City.

(b) No person shall perform any type of maintenance on a vessel except in a safe and workmanlike manner, and shall not create, suffer or permit any offensive or hazardous conditions while so performing.

(c) No tools, equipment, parts or materials shall be placed on or about the maintenance area that would create an offensive or hazardous condition, or impede public access or use of the facility.

6.100 STORAGE/ DESIGNATED STORAGE AREAS: No person shall store supplies, materials or equipment on any Harbor Facility or any other public area of the harbor except in areas designated by the City and with prior consent by the City. Persons may use such storage areas as designated by the Harbor Commission in accordance with the following provisions:

(a) Any person, except the City, desiring to store floating docks, cranes and personal property, such as crab pots, in the designated storage area shall apply to the City for permission. Upon payment of the required fee (as set by the City Council by resolution), and providing space is available, the docks, cranes or personal property may be stored in a designated storage area between October 1 to May 31st. Storage beyond these dates must be specifically authorized in writing by the City.

(b) Floating docks stored within the storage area shall not be stacked over three docks in height.

(c) Persons using the storage facilities shall be responsible for the items stored and for injuries to persons or other property caused by the persons using the storage facilities or their items stored therein.

(d) No storage boxes shall be allowed on harbor docks.

(e) Storage of sport crab pots is allowed on docks during crab season, plus two (2) weeks. Any other personal property will be allowed at the Harbormaster's discretion. In the event a person who is storing personal property on Harbor Facilities fails to comply with the terms and conditions of this Ordinance or fails to remove all items stored, the City shall have the right to move and relocate any personal property left on the Harbor Facilities, or to declare the property abandoned and proceed with disposition pursuant to Section 14.020. The removal and relocation of personal property by the City shall be at the risk of the owner and/or person in lawful possession who failed to remove the items of personal property and the owner and/or person in lawful possession shall pay to the City a fee of $50.00 for said removal and relocation, plus the actual costs of storage incurred by the City.

6.110 STRUCTURES: No buildings or structures of any nature whatsoever shall be placed or constructed on City properties or facilities without prior written approval of the City.

6.120 SWIMMING AND DIVING: No person shall swim or dive from any Harbor Facility without written authority from the City. This section shall apply to recreational swimming and diving.

7.000 SANITATION

7.010 STANDARD: All vessels, personal property, facilities or equipment on or about, or used on or about City harbor properties or property or water under control of the City, shall be kept at all times in a condition of reasonable cleanliness and sanitation so as not to constitute a common nuisance or existing or potential danger or harm to public health.

7.020 ANIMAL WASTES OR DROPPINGS: No person having control of any animal on City facilities shall allow waste or droppings of that animal to remain on any Harbor Facility of the City. Animal wastes or droppings shall immediately be removed and placed in a waste receptacle.

7.030 FISH CARCASS/FISH WASTE: No person shall cause, suffer, permit, deposit or dispose of fish carcass or fish waste on or about the City harbor properties, City property, or water under the control of the City except as specifically allowed in this section.

(a) Commercial users: Commercial users shall be responsible for disposal of fish carcass and fish waste and shall not use City refuse or waste containers or other City facilities for disposal. Commercial users are persons, businesses, concessionaires, and non-public entities performing any regular or non-incidental activity or event conducted for the purpose of selling products or providing goods or services for a profit or private financial gain. Commercial uses include, but are not limited to, permanent or portable stores, restaurants, shops, commercial fishing vessels, ocean charterboats, fish cleaning services, tour or excursion boats, shuttle services, ticket sales, watercraft rentals.

(b) Non-commercial users: Non-commercial users may dispose of fish carcass and fish waste:

(1) by proper use of the grinder and/or City refuse or waste containers at the public fish cleaning station; or

(2) by transferring such carcass or waste to a person or entity that has agreed to dispose of such materials in such a way as to not violate any federal or state law or regulation applicable to the materials; or

(3) by removing of such materials from the harbor properties; or

(4) by disposing of such materials upon the waters of the harbor, provided such carcass or waste was exclusively used for recreational crabbing within the harbor.

7.040 INDUSTRIAL WASTE: No person shall throw, place, leave, deposit or abandon, or cause or permit to be thrown, placed, left, deposited or abandoned, any industrial waste, litter or sewage on any City harbor public property, except in receptacles designed by the City for the disposal of such materials or substances.

7.050 ODOROUS WASTE: No person shall cause, suffer, permit, place, leave, deposit or abandon aboard any vessel, in any motor vehicle or trailer, or on any City harbor properties or other public property, litter in the nature of offal, garbage putrid or decaying or deleterious substances which give off an offensive odor, except in a closed nonporous container.

7.060 OFF-PREMISES WASTE: No person shall use City refuse or waste containers for other than wastes or litter generated on City harbor properties or waters controlled by the City and for those wastes or litter generated from a vessel's voyage.

7.070 TOILET STANDARDS: No person on a vessel equipped with a toilet shall use or permit the use of such toilet on waters controlled by the City, unless the vessel is equipped with facilities approved by the U.S. Coast Guard, or other appropriate governmental agency, and such equipment is in good operating condition adequate to treat, hold, incinerate or otherwise handle sewage in such a manner that is capable of preventing water pollution. Dumping of vessel holding tanks in harbor waters is not allowed. Persons shall use the CVA pump/dump station for dumping of vessel holding tanks.

8.000 WHEELED VEHICLES OR DEVICES AND AIRCRAFT OPERATION

8.010 AIRCRAFT LANDING: No person shall land any aircraft, fixed or rotary wing, on City harbor properties or facilities except in an emergency or after receiving permission from the City.

8.020 WHEELED VEHICLES OR DEVICES: No person shall use any wheeled vehicles or devices on any Harbor Facility except if the device is necessary to accommodate a physical handicap or the device is used to transport necessary supply or maintenance items, and such devices are not used in a manner that creates a danger or hazard on the facilities. Wheeled vehicles or devices include but are not limited to mopeds, motorcycles, motorized wheelchairs, motor assisted scooters, electric mobility devices, bicycles, non-motorized vehicles other than bicycles (skateboards, scooters), wheeled carts and wagons.

9.000 FIRE, SAFETY, HAZARDOUS SUBSTANCES AND OPERATIONS

9.010 PURPOSE: The provisions of this section are intended to govern the general safety of vessels, harbor facilities and properties of the City of Depoe Bay and are not intended to limit the powers of any local, State or Federal agencies.

9.020 STANDARDS: All vessels, personal property, City property or any items used on or about City properties shall be used in such a manner and maintained in such a condition as not to constitute a fire or safety hazard. The failure to conform to any local, State or Federal regulation or ordinance regarding fire safety or safety operations may be considered in determining violation of this section.

9.030 COMBUSTIBLES: Combustible materials shall be stored in such place and manner as to prevent accidental combustion and fire, except that rags and waste materials saturated with combustible fluids must be removed from City property immediately after use and may be further limited herein below. No person shall dump, discharge, pump or allow to be dumped, discharged or pumped, any oil, gasoline, distillate, any petroleum products, or any other flammable materials onto City properties or into waters within the boundaries of the City. Persons shall use the waste petroleum recycling facility for disposal of oil, gasoline, distillate and petroleum products.

9.040 ELECTRONIC EQUIPMENT: No person shall knowingly use, repair or test any electronic equipment on or about the facilities of the City or waters within the boundaries of the City in such manner as to cause interference with other electronic equipment in the area or injury or harm to any person or property in the area.

9.050 ENVIRONMENTAL COMPLIANCE – HAZARDOUS SUBSTANCES: Persons shall take all practicable measures to minimize the quantity and toxicity of hazardous substances brought into, used, or handled at the properties of the City or upon waters within the boundaries of the City. All persons shall notify the City immediately upon becoming aware of any spill, leak, disposal, or other release of hazardous substances on, under, or adjacent to the harbor. As allowed by law, the City may inspect a person's use of any hazardous substances at the harbor properties at any time upon reasonable notice, or without notice in the event of an immediate threat to the general safety of the harbor.

9.060 FUELING: No person shall fuel or cause to be fueled, a vehicle or watercraft on properties of the City or upon waters within the boundaries of the City except at areas so designated by the City. The fueling area is the fuel dock station (dock 5).

9.070 FUEL STORAGE: No person shall store or cause to be stored, any fuel for any vehicle or watercraft on or upon the City properties or waters within the boundaries of the City except in tanks or containers designed for that purpose, and in areas where such tanks or containers shall

not come into contact with sparks or heat or other conditions which may cause it to ignite.

9.080 WELDING and FUEL TORCH EQUIPMENT: No person shall:

(a) Use any welding equipment on any Harbor Facility except in such areas as may be approved by the City.

(b) Do any welding with equipment that fails to meet State safety requirements and without having in his or her possession a fire extinguisher of the kind approved by the United States Coast Guard for use on a commercial vessel.

(c) No person shall use any blowtorch, acetylene torch or similar type equipment for the repair or refurbishing of any watercraft in such a manner as to cause injury, harm or damage to any person or property at or about the area of use.

(d) Do any welding without conducting a one (1) hour fire watch upon completion. A pre- and post-work wash down is required.

10.000 ELECTRICAL SYSTEMS

10.010 DAMAGE TO SYSTEM: No person shall do any act which will cause damage to or destroy any part, portion or the whole of the electrical system on the harbor facilities.

10.020 USE OF ELECTRICAL SYSTEM: No person shall change, modify or use the existing electrical system except as specifically authorized by the City.

10.030 EXCESSIVE USE: No person shall draw more amperage from the electrical system or individual outlets or services than as designed and available from one outlet, except that one additional outlet may be used on a temporary basis to operate power tools while the worker is on site making vessel repairs.

10.040 VEHICLE OR VESSEL CONTACT PROHIBITED: No person shall cause any vehicle or watercraft to be placed or moored in such a manner that the vehicle or watercraft or any part or extension thereof would come into contact with the electrical system or parts thereof.

10.050 APPROVED CONNECTOR: No person shall use other than a marine three-wire plug, 3/12 cord, approved by the City when using electricity from the City's electrical system.

10.060 ELECTROLYSIS: No person shall cause, permit, suffer or maintain any boat that discharges electrical currents in the harbor waters which result in electrolysis in the harbor. The City shall disconnect electrical service to such vessel and deny electrical hookup until the fault is corrected.

10.070 ELECTRICAL SURCHARGE: It is hereby imposed upon the owner/operator of a vessel moored at the Depoe Bay moorage facilities pursuant to a reserved or unreserved moorage permit, a surcharge for electrical service for each month or any portion of a month during which the vessel owned or operated by the owner/operator connects to the electrical system of the harbor facilities. The surcharge shall be in such amount as set by Resolution by the City Council and as amended from time to time thereafter by Resolution.

11.000 PERMITS

11.010 GENERAL: It is the policy of the City that the moorages in the harbor are to be used for the purpose of accommodating vessels operating in conformance with the rules and regulations of the City and full and timely payment of moorage fees and charges.

11.020 USE PERMITS REQUIRED: No person shall moor a vessel at Harbor Facilities without having first entered into a written moorage use permit agreement with the City in the form and in the manner required by the City.

11.030 VESSEL MUST BE LICENSED OR DOCUMENTED: As required by State or Federal law all vessels shall be licensed or documented at all times during the period of a moorage use permit.

11.040 PERIOD OF VALIDITY AND RENEWAL OF USE PERMIT:

(a) A reserved or an unreserved moorage use permit shall be issued for one (1) year or for such time as provided by subsection (c) of this section. Upon expiration of the period stated therein, the moorage use permit and all rights of the permittee thereunder shall automatically terminate. No moorage use permit, reserved or unreserved, shall be renewed unless the conditions of issuance are met and all fees and charges due and payable have been paid.

(b) A transient vessel moorage use permit may be issued for any period of time at the daily rate, or for a period of 30 days at the monthly rate, as provided by the then current resolution of the City Council.

(c) For purposes of subsection (a) of this section, the referenced one year period shall begin on July 1st and end June 30th of the following calendar year, except for the first year of reserved or unreserved moorage (which is for a 365 day period, terminating on the same day of the next year following the commencement of the reserved or unreserved moorage use permit). For purposes of the first year of reserved or unreserved moorage, the beginning date shall be the first day such use is permitted and shall extend for one year. In the event the moorage is renewed in a timely manner, the moorage fee for the second year shall be prorated from the renewal date through the following June 30th. To determine the prorated moorage fee for the second year's moorage, the appropriate annual fee shall be divided by twelve (12) and the result multiplied by the number of months or any portion of a month of permitted use. In the event the moorage use permit holder wishes to terminate the moorage use permit and seek a refund of a portion of moorage paid, the determination of a refund, if any, shall be as follows: the difference between the annual moorage amount paid and the transient daily rate multiplied by the number of days from the prior renewal date to the date of termination. If the moorage amount paid by permit holder exceeds the calculated figure, the City shall refund the difference.

11.050 USES PERMITTED: The use permit agreement and use permit emanating therefrom shall allow the use of the boat launch and of the moorage facilities for moorage purposes only and shall grant no further right privilege or use. Additional or varying uses shall not be allowed, except as provided in the following sections.

11.060 LIVE-ABOARD: Live-aboard shall mean any person sleeping overnight or any other activity normally connected with temporary lodging. Residing aboard a moored vessel for more than eighteen (18) days during any consecutive 30-day period is prohibited.

11.070 NON-TRANSFERABILITY OF PERMITS: Reserved or unreserved moorage use permits may not be sublet or in any other way beneficially assigned. Reserved or unreserved moorage use permits are non-transferable, except when authorized by the City Council under the following conditions:

(a) If a vessel is sold as the result of the death or disability or illness of the permit holder, the permit may be transferred with the vessel when sold. Only one transfer under this provision per part-owner or owner/operator shall be allowed.

(b) If two or more vessels are being traded between boat owners so the net result does not change the moorage configuration within the harbor.

(c) If a vessel owner sells a vessel and replaces it with another vessel that may, in the judgment of the Harbormaster, be safely moored in the same berth or in a suitable, available berth on the public docks when no one is on the waiting list for such berth.

(d) If a vessel owner transfers title to a corporation in which the vessel owner owns and maintains ownership of not less than 51 percent of the issued and outstanding stock.

(e) Upon the sale of a working charter boat with a valid City business license to an individual who shall continue working in the harbor as an active licensed charter boat, the purchaser of said vessel shall have the first right of refusal on said vessel's existing moorage space at the time of the sale.

(f) Upon the sale of a licensed actively working commercial fishing boat to an individual who shall continue working in the harbor as a licensed active commercial fishing boat, the purchaser of said vessel shall have the first right of refusal on said vessel's existing moorage space at the time of the sale. For the purposes of this exception, "Commercial Fishing Boat" is defined as one that "holds a valid resident or non-resident commercial fishing boat license and a valid commercial fishing license which authorizes the activity of selling his/her own catch directly from the vessel from which the catch was made and only to the ultimate consumer".

11.080 GRACE PERIOD: In the event the holder of a reserved moorage use permit sells or involuntarily loses the vessel, except by foreclosure by the City, the reserved moorage use permit shall remain with the original permittee, providing that the permittee has purchased or purchases within one year of the date of the sale or loss, another vessel that is compatible to the size of the berth previously occupied and pays the reserved moorage use permit fees at time of renewal. Prior to mooring the new vessel permittee shall obtain a valid moorage use permit for the new vessel pursuant to the requirements of this Ordinance.

11.090 ACQUISITION OF MOORAGE USE PERMITS:

(a) All reserved moorages will be assigned by the Harbormaster at such time as appropriate moorage space is available. Except as provided by Section 11.070, reserved moorage use permits will be granted to the applicant who is the highest on priority (determined by

time) on the waiting list and who owns a vessel that is compatible to the berth that is available. Any person refusing to accept an assigned reserved moorage berth without good cause as determined by the Harbormaster, may be dropped from the waiting list.

(b) All unreserved moorage and transient moorage use permits for a period exceeding three (3) days shall be granted upon proof of insurance and payment of charges provided there is no violation of any City Ordinance and there is sufficient unreserved moorage space available, on a first come basis. There is no waiting list for unreserved or transient moorage use permits.

(c) Applicants for the waiting list for a reserved moorage use permit shall certify the following information: true dimensions (overall length and overall width); applicant's name, address, telephone number, document or certificate number and name or proposed name of vessel. The application must bear the signature of the applicant and signature of the City employee receiving the application. At the time of assignment of reserved moorage, pursuant to Sections 11.040(a) and (c), 11.090(d) and 13.030, a reserved moorage use permit shall be granted upon proof of insurance and payment of charges provided there is no violation of any City Ordinance. Signatures of both the applicant and the City employee will be required for a valid application on all new and yearly renewals of moorage use permits.

(d) All applicants for new or renewed reserved, unreserved and transient moorage use permits for a period exceeding three (3) days shall have in force and effect watercraft liability-protection and indemnity insurance and pollution liability insurance in an amount not less than $500,000.00 for the term of the moorage use permit. All such insurance policies required under this section shall name the City of Depoe Bay as additional insured and shall include a provision governing notifying the City prior to any early cancellation of the policy. Proof of all such insurance policies required under this section shall be provided to the City of Depoe Bay as a condition of issuance of a moorage use permit. The Certificate of Insurance provided as proof shall clearly identify the insurance coverage and name the City of Depoe Bay as "Additional Insured" on the policy. Non-motorized vessels are excluded from the requirement to carry pollution liability insurance, all other requirements of this section shall apply.

(e) All unreserved moorage and transient moorage use permits for a period of three (3) days or less shall be granted upon receipt by the City of applicant's signed indemnification and hold harmless agreement (incorporated herein and attached as Exhibit "A") and payment of charges provided there is no violation of any City Ordinance and there is sufficient unreserved moorage space available, on a first come basis. There is no waiting list for unreserved or transient moorage use permits.

11.100 ADDITIONAL RIGHTS NOT IMPLIED: The issuance of an unreserved moorage use permit does not grant any rights or privileges to a holder of an unreserved moorage use permit with regard to consideration for the granting of a reserved moorage use permit. Holders of an unreserved moorage use permit must apply for a position on the waiting list for a reserved moorage use permit in the same manner as those not having an unreserved moorage use permit.

11.110 WAITING LIST: The City shall maintain a waiting list of applications for reserved moorage use permits. The waiting list shall be divided into categories determined by the City,

based upon the various sizes of berths or moorages available in the harbor. All new and renewing waiting list applications shall be subject to payment of such fee as may be determined by the City Council by resolution from time to time.

11.120 APPLICABILITY OF MOORAGE USE PERMITS:

(a) Reserved moorage use permits shall be issued to a named owner/operator of a vessel and shall be valid only for a specific vessel in a designated moorage.

(b) Unreserved moorage use permits shall be issued to the named owner/operator of a vessel. The unreserved moorage use permits are valid only for a specific vessel.

(c) Transient moorage use permits shall be issued to the owner/operator and are valid only for a specific vessel.

11.130 REASSIGNMENT: Any moorage space may be reassigned at the option of the Harbormaster if the orderly administration of the moorage facility so requires, notwithstanding the prior designation of a specific moorage berth in the moorage use permit. Permittees may apply for reassignment, however granting reassignment is at the option of the Harbormaster. A reassignment determination by the Harbormaster may be appealed to the Harbor Commission. A written appeal shall be filed with the City no later than within five (5) business days of the date of reassignment determination. An appeal, timely filed, will be presented to the Harbor Commission at the first regular Harbor Commission meeting following filing of the appeal. Appeals are de-novo. Moorage reassignment may also be made by the Harbor Commission or the Harbormaster if a vessel's size in relationship to the size of the assigned berth does not permit maximum and efficient public utilization of harbor facilities or if a reassignment will in any other manner increase the efficient public utilization of moorage facilities.

11.140 TEMPORARY ASSIGNMENT AND REASSIGNMENT: Holders of moorage use permits may be temporarily assigned or reassigned to other berths or spaces to accommodate repairs, improvements, maintenance, construction, emergencies, or special events.

11.150 PERMITTEE'S MAILING ADDRESS: The permittee shall at all times keep the City informed of his current mailing address and telephone number, and an alternate telephone number. Permittee shall notify the City immediately upon any change of ownership of the vessel and further shall notify the City immediately upon vacating the moorage assigned by the City. Failure to keep the City informed is a breach of covenant of use permit and grounds for revocation of the permit.

11.160 CANCELLATION OF USE PERMIT FOR BERTH REPAIR OR ELIMINATION: The City may deny the application for moorage space or the reissuance of a reserved moorage use permit when a berth is unusable, modified, eliminated or in need of repairs.

11.170 REVOCATION OF USE PERMIT: If after notice, the permittee fails to remedy any breach of the duties, covenants or conditions of the permit or to cease and desist from violating or permitting the violation of these rules and regulations, the City may revoke the permittee's use permit and take appropriate enforcement procedures. In addition to the foregoing, the City may revoke a use permit for a deliberate misstatement or willful failure to disclose any material fact in an application for any of the permits specified in this Ordinance.

12.000 BUSINESS AT HARBOR FACILITIES

12.010 REQUIREMENTS: No business or commercial enterprise shall be conducted on or from any Harbor Facilities except as specifically authorized and permitted by the provisions hereof and on the conditions stated as follows:

(a) The holder of a valid reserved or unreserved moorage use permit may, upon the conditions set forth herein, load and unload passengers from charter boats on the City's docks and may sell fish directly from commercial fishing vessels to the public on the City's docks.

(b) No fish shall be sold directly from vessels to the public on public docks nor shall passengers be allowed to board or depart from charter vessels unless the vessel from which the fish are being sold or passengers boarding or departing is secured directly to the City's docks in accordance with the vessel's moorage use permit.

(c) No business shall be conducted on or from the Harbor Facilities pursuant to this Section until the owner/operator of the moorage use permit for the vessel from which the business shall be conducted has applied for and received a City business license authorizing the type of business to be conducted. No business license shall be issued until the applicant has provided to the City written verification that:

(1) All applicants who use or employ shore-based workers which, if injured, come within the provisions of the federal Longshoremen and Harborworkers Act, shall obtain and maintain during such time as the workers are used or employed or for such time as a claim may be brought, insurance for coverage under the Longshoremen and Harborworkers Act in an amount not less than $500,000.00. All such insurance policies required under this section shall name the City of Depoe Bay as an additional insured and shall include a provision governing notifying the City prior to any early cancellation of the policy.

(2) A City business license has been issued.

13.000 VESSEL CATEGORIES, CHARGES AND FEES

13.010 ESTABLISHMENT OF: Vessel categories, moorage rates and charges for Harbor Facilities and equipment shall be established by resolution of the City Council.

13.020 MOORAGE USE PERMIT FEES: All moorage rates (daily, monthly and annual) shall, effective each July 1 and thereafter, be adjusted annually to reflect inflation costs by applying the US City Average Consumer Price Index for All Urban Consumers percent of change from the previous year. This annual adjustment shall not be less than three percent (3%) or more than five percent (5%) each fiscal year. In addition to this annual adjustment, all moorage rates may be revised from time to time by resolution of the City Council.

13.030 DUE DATES FOR MOORAGE USE PERMIT FEES:

(a) Reserved and unreserved moorage use permit fees shall be paid in advance by new permittees before a berth is occupied.

(b) Permittees holding a reserved or unreserved use permit will be billed by the City on or about June 1 for a renewal period of one (1) year starting July 1 following, except for the second year of moorage, which shall be such period of time as determined pursuant to Section 11.040(c). This annual fee is due on July 1 for the annual period for which the renewal is issued, together with any delinquent charges owed to the City. If all charges and fees are not paid on or before July 10th (or the next regular business day if July 10 of the particular year is a Saturday, Sunday or legal holiday), such failure shall subject the permittee desiring a renewal of a reserved or unreserved moorage use permit to a late payment charge of ten percent (10%). Failure to pay monies by July 20th (or the next regular business day if July 20 falls on a Saturday, Sunday or legal holiday) shall result in revocation of a permittee's use permit, unless a petition for hardship has been filed with the Harbor Commission pursuant to Section 13.080 on or prior to July 1 (or the next regular business day if July 1 is on a Saturday, Sunday or legal holiday), and in such event revocation of the permittee's use permit shall be stayed until the petition for hardship has been either granted or denied.

(c) Applicants for a reserved or an unreserved moorage use permit shall pay in advance for one year at the time of application. On or about 30 days prior to the end of the first year of moorage, the City shall bill the Owner/Operator for the prorated amount pursuant to Section 11.040(c) from the end of the first year through the following June 30th.

(d) Transient moorage use permit fees shall be paid upon registration.

(e) If monies due the City are not paid when due, the City may take such enforcement or collection action as it deems appropriate against the delinquent permittee at any time thereafter. If charges and fees are not paid when due, such failure shall subject the permittee to a 10% late service charge and result in revocation of the use permit.

13.040 ELECTRICAL SURCHARGE:

(a) Electrical surcharge applies to annual moorages. Each vessel connecting to the City's electrical service shall be metered. Charges to the vessel owner/operator will be based on the City's rate costs at the time of electrical usage.

(b) Electrical surcharge for the moorage year shall be prepaid at the time annual moorage is due and payable. For vessel owner/operators renewing moorage, the prepaid amount shall be determined by the previous year's usage. Vessels not previously moored in the harbor will have their prepaid amount estimated by the Harbormaster. The prepaid amount is held as a deposit against which monthly electrical usage is charged.

(c) In the event charges based on metered usage exceed the prepaid amount, the vessel owner/operator will be billed and required to pay additional fees. There will be a fee charged each time a billing must be sent for electrical use.

(d) An annual reconciliation of electrical surcharges will be conducted prior to the end of the moorage year. Any credit balance remaining will be applied to the upcoming moorage year's electrical surcharge, debit balances will be added to the upcoming year's estimated electrical surcharge.

(e) Should any vessel owner/operator terminate his moorage with a remaining electrical surcharge deposit credit balance, it will be refunded.

13.050 AFTER HOURS FUELING SURCHARGE:

(a) In the event that a vessel owner/operator requests fuel at a time outside of regularly scheduled work hours that would involve a call-out (overtime) for the Harbormaster or other City Staff, in addition to the cost of the fuel the vessel owner/operator shall pay an after-hours surcharge.

(b) The after-hours surcharge shall be a flat rate which may be based upon the cost of City employee overtime call-out, and may be revised from time to time by resolution of the City Council.

13.060 WAITING LIST FEE:

(a) At the time of application for placement on the waiting list for reserved moorage, the applicant shall pay a non-refundable fee, prorated at a monthly rate for each month, or part of a month, to the following July 1st.

(b) Thereafter, each year following placement on the waiting list, in order to maintain the right to continue to be on the waiting list for reserved moorage, applicants shall pay a non-refundable fee due on July 1st.

13.070 OTHER SERVICES-FEES AND CHARGES: Other services include, but are not limited to, vessel pump-out, vessel line secure, use of harbor boat, use of harbor hoist and storage. City owned equipment shall be operated by City personnel only. All fees and charges are payable in advance for scheduled services and storage. For unscheduled services all fees and charges are due within thirty (30) days of original billing. If charges and fees are not paid when due, a 10% late service charge will be added to the account.

13.080 EXTENSION OF TIME FOR PAYMENT DUE TO HARDSHIP: The Harbor Commission shall review petitions of hardship brought before the Commission by moorage use permittees seeking an extension of time for payment of moorage use permit charges. The Commission shall hear the petition for hardship as expeditiously as reasonably possible. During such time as a petition for hardship has been filed, the permittee's use permit shall not be revoked. A permittee may file within five (5) business days of the Harbor Commission's decision, a written appeal for review of the Harbor Commission's decision with the City Council. The City Council shall hear the matter and determine whether or not the petition for hardship should be granted or denied. The City Council's decision shall be final. A permittee may file no more than two (2) consecutive extension petitions to the Harbor Commission.

13.090 NON-WAIVER OF OTHER REMEDIES: Nothing in this Ordinance shall be construed as a waiver by the City of any rights granted by this Ordinance, State or Federal statutes for civil action against a vessel or person for which moorage or other charges have been incurred and not paid.

14.000 ENFORCEMENT

14.010 MANNER OF ENFORCEMENT: This Ordinance may be enforced in the manner provided by Ordinance No. 94- the Depoe Bay Enforcement Ordinance, or as such Ordinance may be hereafter amended, providing for general enforcement of ordinances of the City of Depoe Bay. Upon determination that a violation of this Ordinance exists, the City shall provide a

written notice by personal delivery, or by placing in the U.S. mail a letter to the person in violation at the last known address provided to the City. If mailed, the notice shall be sent by certified mail, return receipt requested. The notice will include a statement that the violation must be corrected within fifteen (15) calendar days from the date of the notice.

14.020 REMOVING OR SECURING VESSELS OR PROPERTY: The City may, at its sole option, employ the following procedures in cases of abandonment; or when an owner/operator fails to maintain their vessel in a manner sufficient to not be hazardous; or when an owner/operator fails to obtain or maintain a valid use permit by failure to register with the City, pay moorage, storage or electric fees causing them to be delinquent, or provide proof of insurance as required by Section 11.090 of this Ordinance:

(a) At least thirty (30) calendar days prior to securing or removal of a vessel or personal property the City shall provide notice to the Owner/Operator of the vessel or personal property setting forth the statement of violation and that the City may seize the vessel and other property if the violation is not corrected within thirty (30) calendar days of the date of the notice. The notice shall be delivered by posting the notice on the vessel or other personal property, and by personal delivery to the Owner/Operator, or by certified mail, return receipt requested, to the last known address provided to the City by the Owner/Operator. In the case of abandoned vessels or property, or where no address was furnished by the Owner/Operator, the City is not required to give the notice prior to securing or removing the vessel or personal property.

(b) The City may take reasonable measures including, but not limited to, the use of chains, ropes and locks, removal from the water, or removal to storage areas to secure vessels and other personal property so that the same are in the possession and control of the City. At the time of securing a vessel or other personal property, an authorized City employee shall attach to such vessel or property a notice which shall contain the following information:

(1) The date and time the notice was attached, and
(2) A statement that if the account, together with all expenses incurred in securing the vessel and the City's collection costs, is not paid in full and/or any ordinance violation is not resolved within sixty (60) days of the date of the notice, the vessel or personal property may be sold at public auction with proceeds applied to satisfy the City charges and costs, and
(3) The address and telephone number where additional information may be obtained concerning release of the vessel or personal property.

Notice of securing a vessel or personal property shall be sent to the Owner/Operator by certified mail, return receipt requested, at the last known address provided to the City by the Owner/Operator.

(c) The Owner/Operator of a vessel or personal property secured by the City may regain possession as follows:
(1) Establishing good cause for any Ordinance violation where that is the issue, or
(2) Correcting and resolving the violation to the satisfaction of the City, or
(3) Making payment to the City of all City charges.

(d) If a vessel or other personal property has been secured and the Owner/Operator does not regain possession by the above methods, the City may, at its sole option, elect to sell the vessel or personal property at public sale. For all sales of vessels and other personal property under this Section the City shall proceed with foreclosure and sale in the manner provided by ORS 87.152 to 87.212, or ORS 783.010 to 783.170. The City may bid all or part of charges and expenses at the sale and may become a purchaser at the sale. Sale proceeds shall first be applied to the costs of sale, including attorney's fees, then to discharge of moorage and other charges owed by the Owner/Operator, and the balance, if any, shall be paid as provided by state statute.

WHEREAS, the City Council finds that the provisions of this Ordinance are necessary for the protection of the City's facilities and for the health and safety of the citizens of Depoe Bay, this Ordinance shall take effect immediately upon adoption by the City Council and approval by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon on this 18th day of December, 2012.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this 18th day of December, 2012.

Approved by the Mayor of the City of Depoe Bay, Oregon, this 18th day of December, 2012.

CITY OF DEPOE BAY

APPROVED:

Carol Connors

Carol Connors, Mayor

ATTEST:

Pery Murray

Pery Murray, City Recorder

City of Depoe Bay
Indemnification and Hold Harmless Agreement

As a condition of obtaining a valid moorage use permit for unreserved or transient moorage for a period of three (3) or fewer days, applicant agrees to the following:

During the term of applicant's moorage use permit the applicant shall indemnify, defend and hold the City of Depoe Bay (hereafter known as "City"), its employees and agents harmless from any claim, loss or liability arising out of, or related to, the applicant's use of the City premises and property. The applicant shall indemnify the City for any damage to the City's property occurring during the term of the moorage use permit, caused in whole or in part by the applicant, and for expenses and costs, including attorney fees, incurred by the City or its employees or agents, in enforcing the terms of this agreement or defending against any claims or demands for losses or liability arising from, or related to, the applicant's use of City premises or property.

Moorage Date(s) _____

Applicant Name (please print): _____

Applicant Signature: _____

Date: _____