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Policy 11A.1: REGULATIONS OF ALL PROPERTIES OWNED BY THE OREGON INTERNATIONAL PORT OF COOS BAY (ORDINANCE 143)

A. REGULATIONS HAVING GENERAL APPLICATION: Provisions of this Division apply to properties owned, managed or controlled by the Port including, but not limited to, the following: Charleston Marina Complex, Citrus Dock, ORCAS Dock, North Bay Marine Industrial Park (North Spit), Eastside property and Business Center.

B. PROPERTY MANAGEMENT: The Commission shall provide for the management of property owned, controlled or operated by the Port; and hereby delegates to the Port's Chief Executive Officer to carry out specific functions of such management. The Chief Executive Officer, or such persons as may be designated by the Chief Executive Officer, shall manage such properties in an orderly and efficient manner, provide for the collection of fees for services and keep records of the receipt and disbursement of funds.

C. PROPERTY OFFENSES: The following acts are unlawful:

1. Erecting signs or other structures on Port property without written permission of the Port.
2. Discharging firearms on any property owned or managed by the Port, without prior written authorization from the Chief Executive Officer (CEO), or his designee. The CEO, or designee, may issue written authorization to permit the discharge of firearms on any property owned or managed by the Port for the limited purpose of controlling predators or invasive species.
3. Building fire on Port property without permission of the Port.

D. REMOVAL, DISPOSAL AND SALE OF VESSELS AND OTHER PROPERTIES WHICH ARE ABANDONED, HAZARDOUS OR ON WHICH THERE ARE UNPAID CHARGES:

1. Definitions: For purposes of this section, the following definitions will apply:
 - a. A vessel shall be deemed abandoned if the vessel is not registered with the Port within 12 hours of commencement of use of Port moorage; or the vessel is not removed from Port facilities as required under provisions of this Ordinance covering hazardous vessels and termination of moorage.
 - b. Personal property, other than vessels, shall be deemed abandoned if the property is left 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 personal property identified to a vessel is left on or in Port facilities in excess of 90 days after expiration of the moorage license agreement for resident vessels or in excess of five (5) days after expiration of the moorage license agreement for transient vessels and guest boats, provided that personal property or gear

associated with a vessel which is deemed abandoned under this ordinance shall likewise be deemed abandoned.

- c. A hazardous vessel is one which is determined by the Harbormaster to be unseaworthy or in a state of disrepair which if unduly prolonged could endanger the marine environment or life or property or become a hazard to navigation.
 - d. Moorage is 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.
2. 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 storage charges, securing or removing vessels or personal property in cases of delinquency or abandonment, and public sale of vessels and personal property:
- a. Prior Notice to 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 the notice. The notice shall be delivered by: (A) Posting the notice on the vessel or personal property; and (B) 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 if different than the owner. In the case of 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: In cases of delinquency or 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 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.
 - c. Notice of Securing Vessel or Personal Property: At the 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:
 - I. The date and time of the notice was attached;
 - II. A statement that if the account, together with all expenses incurred in securing the vessel or property and the Port's collection costs, is 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 costs;

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

IV. 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 87.192 (4).

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

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

a. By 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

b. By entering into a written agreement satisfactory to the Port for installment payments of the unpaid balance, collection, and other costs, 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 for the unpaid sums due at the time of filing of such confession of judgment, including costs, collection expenses, and attorney fees; or

c. 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 final judgment in such court, including appeals, or upon any settlement of such dispute between the 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 any judgment, costs 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 provided by law.

4. 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 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 ordinance may be sold at public auction along with such vessel. The Port adopts the procedures for notification, foreclosure, and sale provided by Sections 87.172 through 87.206, Oregon Revised Statutes for all sales of vessels and other personal property under this Ordinance, except for the sale of documented vessels. The Port may bid all or part of its charges

and expenses at the sale and may become a purchaser at the sale. Sale proceeds shall be applied first to the costs of the sale, including attorney fees, then to discharge of 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.

5. Removal of Hazardous Vessels:

- a. A hazardous vessel may immediately and without notice be moved by the Port, secured, placed in a storage or removed from the moorage facilities whenever reasonably necessary for the protection and safety of the Port's property, other navigation vessels or the environment. All risk of loss or damage resulting from such movement shall be borne by the vessel owner and/or operator. All expenses incurred by the Port, including charges for salvage services, are for the account of the owner and/or operator. In the event the vessel is moved to another location or facility, the vessel, its 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 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.
- 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 vessel 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 thereafter as 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 opinion 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 chargeable to the vessel owner/operator and/or the person lawfully in possession thereof and/or the person bringing the same onto the Port facilities.

E. TOWING ABANDONED VEHICLES: The Port may tow a vehicle that has been left on Port property and determined to be abandoned after completing the following procedure:

1. The Port shall affix a notice to the vehicle that the vehicle will be towed if it is not removed from Port property. Such notice must remain on the vehicle for 72 hours before the vehicle is towed from the property.
2. The Port shall notify the local law enforcement agency (Coos County Sheriff's Office) of intent to have the vehicle towed.
3. The Port fills out a form that contains (a) a description of the vehicle, (b) the location of the property from which the vehicle is to be towed, and (c) a statement that the Port has complied with ORS 98.830.

Policy 11A.2: CHARLESTON MARINA

A. MARINA: The Charleston Marina includes the Small Boat Basin, the Shipyard, and other property managed by the Port in the Charleston area.

B. MARINA REGULATIONS: At the Charleston Marina, it shall be unlawful for any person:

1. To drive a motor vehicle at speeds in excess of those posted by proper signs within the confines of the Charleston Marina.
2. To park motor vehicles, boat trailers or other wheeled vehicles in excess of time limits or in places designated and marked “no parking” by the Harbormaster.
3. To park or leave a motor vehicle unattended within the confines of the Charleston Marina or on the roads or streets adjacent thereto in such a manner as to cause obstruction or hazard to vehicle or foot traffic.
4. To operate motor marine craft at speeds, or in a manner, dangerous or injurious to other craft or to persons or property.
5. To park recreational vehicles upon the premises of the Marina except in the area that has been designated for this purpose by the Port Commission.
6. To allow any animal within the Charleston Marina unless such animal is on a leash and controlled by the owner, or is on private property. Animals are not permitted on boats used as living quarters at the Charleston Marina and are not permitted on docks except to go directly to or from a boat and must be on a leash and controlled by the owner. No animal shall be left unattended on Marina property, and owners are required to clean up after their animals. Boat owners or users violating or permitting the violation of a provision of this paragraph will be required to pay a charge of \$25.00, and may be denied the use or rental of Port facilities for repeated or continuing violations.
7. To use the facilities of the Charleston Marina without payment in advance of the established fees. The Harbormaster or such other person as may be designated by the Harbormaster, is hereby authorized to impound the equipment, trailers, boats or automobiles of persons using the facilities without paying in advance therefore.
8. To dispose of garbage, oil or refuse within the Marina except in authorized containers.
9. To leave gear, materials, tackle or debris on floats or docks.

10. To use or enter upon the docks at the Charleston Marina from the hours of 10:00 P.M. to 5:00 A.M., unless that person has a boat legally moored at the Marina or is an employee or guest upon said boat.
11. To loan, to allow anyone to use, or to sub-lease a moorage or storage space at the Charleston Marina without the written permission of the Harbormaster.

C. RESTRICTIONS ON VESSELS IN THE MARINA:

1. Unseaworthy Vessels Prohibited in Harbor: A person shall not moor or permit to be moored in the Charleston 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.
2. Correcting Unsafe Berthing: If any vessel shall be found in the judgment of the Harbormaster to be anchored or moored within any harbor or maritime facility in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels or to persons or property, Harbormaster shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions or ordinance shall rest with the owner of the improperly anchored or moored vessel or his authorized agent. In an emergency situation and in the absence of any such responsible person, Harbormaster shall forthwith board such vessel and cause the improper situation to be corrected, and the owner of the vessel shall be liable for any costs incurred by the Port in effecting such correction.
3. Removal and Custody of Illegally Berthed or Abandoned Vessels: If any unattended vessel or unseaworthy vessel shall be found to be anchored or moored illegally within a harbor or maritime facility, or if Harbormaster has reasonable grounds to believe that a vessel has been abandoned within a harbor or maritime facility, the Harbormaster may assume custody of such vessel and cause it to be removed and held or placed in storage. The Port of Harbormaster shall not be held liable for any damage to such vessel or liable to its owners before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Harbormaster only after satisfactory proof of ownership has been presented and full reimbursement made to the Port for all costs incident to recovery, movement and storage as set forth in Policy 11.1, Section D, Number 3.
4. Obstruction of Fairways, Channels or Berthing Spaces and Removal of Sunken Vessels:
 - a. It shall be unlawful to tie up or anchor a vessel at the Charleston Marina in such a manner as to obstruct the fairways or channels or to 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, berth in 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 a harbor are subject to the 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 Marina, 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 in accordance with Policy 11.1, Section D of this Ordinance. The owner or owners of such vessel or other property causing said obstruction or danger shall be liable to the Port of all costs incident to said removal and disposition, and the Port, its employees, agents, and officers, shall not be liable for the damages of any nature whatsoever arising out of or in any way connected with removal, sale or disposition of such vessel or other property.

D. REGULATION OF MOORAGES AT THE CHARLESTON MARINA:

1. Findings: The Port Commission finds that the Port moorage facilities at its Charleston Marina Complex are designed for use by seaworthy vessels for fishing and recreational uses, and that such facilities are not designed to provide appropriate sanitation and other accommodations for vessels and other structures which are not seaworthy. The Commission further finds that its moorage facilities need additional regulation to protect appropriate uses of its facilities and the public health, safety, and welfare.

2. Definitions: For purposes of this ordinance, the following definitions shall apply:

Harbormaster means and includes the person appointed to the office of Harbormaster or an assistant or acting Harbormaster.

Holding Tank means a receptacle designed for and used on a vessel to retain sewage.

Live-aboard vessel is one which is used as temporary living quarters for members of the crew and passengers.

Moorage shall mean any place where a vessel is made fast to a dock or is laid along side another vessel made fast to a dock, and shall include side and multi-side ties.

Seaworthy shall mean the condition of a vessel which is self-propelled, in sound condition, and capable of operating safely in navigable waters.

Sewage means the wastewater associated with human habitation, including that portion of wastewater commonly known as black water, from toilets of any other receptacles containing human or animal excreta and urine.

Vessel shall mean any sailboat or motor-driven craft that is designed for operation in open waters and is currently documented by the U.S. Coast Guard or registered with a state or foreign country.

3. Permitted Moorages: Moorages at Port facilities shall be limited to seaworthy vessels. Owners or operators of moored vessels must be able to demonstrate the seaworthiness of their vessels, if requested by the Harbormaster, by getting the vessel underway under its own power. No vessel shall be moored at a Port moorage facility for more than twelve (12) hours without it being registered with the Port.
4. Living Quarters: Vessels may be used as temporary living quarters while moored at Port facilities only if they are moored on a day-to-day basis or have a live-aboard permit for a longer period; provided that no live-aboard permit shall be issued for a period in excess of the duration of the moorage license. On application, vessel owners or operators who meet the stipulations of this Ordinance and abide by all federal, state, local, and Port regulations shall be eligible for a live-aboard permit. No vessel moored at Port facilities may be used primarily as a domicile.
5. Moorage Renewal and Termination: The Port has no obligation to issue or renew any moorage license. Vessels remaining on Port premises after the expiration or termination of a license may be deemed abandoned. The Port reserves the right to terminate a moorage for a failure or refusal of a licensee to comply with this ordinance, the terms of the moorage license agreement, or the applicable laws, rules or regulations of the Port, County of Coos, State of Oregon or the United States.
6. Dock Restrictions: Port docks shall be subject to the following restrictions:
 - a. No vessel will be moored in a manner which is hazardous to other dock users or which prevents rapid access to the dock in emergencies.
 - b. Docks and fingers shall be kept clear of obstructions.
 - c. All vessels are required to be tied in a safe and seaman-like manner, and the vessel owners or operators are responsible for any hazards created by mooring lines or the placement of objects on or over the dock or walkways.
 - d. Spray painting, sanding and sandblasting the exterior of vessels is prohibited at Port docks. Limited repair and upkeep of vessels is permitted at the Port docks with the approval of the Harbormaster.
7. Discharge of Sewage: Discharge of sewage from vessels while in the Marina is prohibited. Vessels may use one of the Port's pump-out stations for the purpose of removing sewage from their tanks.

8. Moorage Fees: 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. Moorage fees will be on an annual, monthly or daily basis. The existing fee schedule for moorages is hereby adopted as a part of this ordinance, and it may be modified by resolution of the Port Commission and become effective immediately for new moorages.

E. LICENSING PRIVATE COMMERCIAL BUSINESSES IN THE MARINA:

1. No person, firm or corporation shall conduct a private commercial business at the Charleston Marina without first obtaining from the Port either a lease which authorizes the conduct of the specific type of business on the premises or a license for such business. The conduct of a “private commercial business” shall include the offering, soliciting, or selling of goods or services, but shall not include governmental or utility services.
2. The Port Commission, by resolution, may adopt and amend a schedule of rules, regulations, rates and fees for the licensing and operation of private commercial businesses at the Charleston Marina, and such rules, regulations, rates and fees shall have the same force and effect as the provisions of this Ordinance. The regulations may provide for licenses to be issued or denied on the basis of whether the goods or services are necessary or convenient in the operation of the Marina.

F. ACCESS TO, AND USE OF, CHARLESTON SHIPYARD:

1. Time Restrictions for Shipyard Access: No person shall be permitted to enter onto the premises of the Charleston Shipyard of the Oregon International Port of Coos Bay between the hours of 10:00 p.m. and 5:00 a.m., unless such person is an agent or employee of the Port or is named in a permit issued by the Port. Persons having leases of Shipyard land and/or buildings from the Port will receive access permits for their premises.
2. Access Permits: Persons not an employee, agent or a lessee of the Port may apply for a revocable permit to be on the Shipyard premises between the hours of 10:00 p.m. and 5:00 a.m. for the purpose of performing work on their vessels, subject to the following:
 - a. The application and the permit will provide the names of the owner, operator, crew members or other persons for whom the permit is to be issued, their address and telephone numbers, the identification of a valid Shipyard storage license, a description of the work to be performed on the vessel and the requested duration of the permit.
 - b. If all conditions for a permit have been met, and if the applicant is not in violation of any applicable laws, ordinances or regulations, then the permit may be issued at the discretion of a Port representative.

- c. A Port representative may revoke a permit at anytime with or without cause.
3. Use Restrictions: Permit holders under the terms of this Ordinance are subject to the following restrictions.
 - a. All work on vessels must be carried out in compliance with regulations adopted by resolutions adopted by resolution of the Port Commission to be known as ‘Best Management Practices’.
 - b. Persons sleeping during restricted hours must do so on vessels in the Shipyard and may not for this purpose use motor vehicles, trailers or other quarters without written permission from the Port justified by special conditions involving health or safety; and such permission shall not be granted for more then thirty days and may be revoked at any time without cause and without prior notice.
 - c. Any minors in the Shipyard area must be directly supervised by an adult.
 - d. No repairs may be made to vehicles or other property except the vessel for which the permit is issued and the tools or equipment used in such repair.
 - e. Permit holders must agree to defend, indemnify, and hold the Port harmless from claims and legal actions arising out of conduct, conditions, lack of due care or failure to comply with laws or regulations while on the premises of the Shipyard.
4. Enforcement: Employees and agents of the Port and law enforcement officers are authorized to enforce the provisions of this Ordinance by denying access to the Shipyard and by excluding or removing unauthorized persons from the Shipyard. Gates to the Shipyard will remain closed between the hours of 10:00 p.m. and 5:00 a.m., except to permit entry of emergency vehicles or authorized Port personnel. Persons on Shipyard premises without authorization or a permit are deemed to be trespassers.

G. MARINA RATES AND DISCOUNTS: (Amended by Ordinance 146)

1. Owners and/or operators of vessels using Port moorage facilities, owners of property contained within Port storage areas, and users of Port services, are responsible for the charges outlined in the current Charleston Marina Rate and Discount Schedule, as adopted periodically by the Port’s Board of Commissioners.
2. Rates and discounts are reviewed each year during the budget development process. Any changes will be reviewed and approved by the Port’s Budget Committee and Board of Commissioners.
3. Discounted rates are offered to monthly and annual moorage customers and monthly RV Park customers who utilize multiple services within the Charleston Harbor, are

current on their account balance, pay for their services/rent in advance, and adhere to Port policies.

4. Current discounts are listed on the published Charleston Marina Rate & Discount Schedule.

H. REGISTRATION / DOCUMENTATION / INSURANCE: (Amended by Ordinance 147)

1. All moored vessels must be currently registered with the State or documented with the Coast Guard in the Moorage Holder's or Vessel Owner's name.
2. All vessels moored, stored, or using Travel Lift services, must be insured as outlined in the Port of Coos Bay Rate Schedule. These requirements are subject to periodic review by the Port's Insurance Broker of Record. Current proof of the minimum insurance requirements must be submitted with the appropriate License Agreement, or upon request.
3. Vessel owners delinquent in registration will be reported to the Marine Patrol, Coast Guard, and Oregon State Marine Board.
4. If requested by the Marine Patrol or the Oregon State Marine Board, the Port will provide boat owner information of out-of-compliance vessels.

Policy 11A.3: GENERAL PROVISIONS

A. LIABILITY AND INDEMNITY:

1. Neither the Port nor its officers, agent or employees shall be liable for damages to persons or property arising on property owned, managed or operated by the Port caused by the unauthorized or illegal acts or omissions of any person or persons not employed by the Port in the ordinary course of its business; and the injured or damaged party shall rely only on the person or persons whose acts or omissions caused such injury or damage.
2. Any person using, renting or purchasing any services or facilities on property which is under the management and control of the Port shall be deemed to have accepted such facilities or property under the conditions and circumstances then existing and shall not hold the Port nor any of its officers, agents or employees liable for any claim, loss or injury resulting from the condition of such facility or property. The use of Port facilities, whether or not for a charge or other consideration, shall be deemed an acceptance and acknowledgment that the privileges granted for such use are subject to the foregoing provisions.
3. Any person, firm or corporation using any Port property, building or facility under a lease or contract entered into after the effective date of this Ordinance shall indemnify and hold the Port harmless from any injury or damage caused by its acts or omissions or those of its agents or employees or caused by any condition of the property, premises or facility while under the control of such person, firm or corporation.

B. ENFORCEMENT:

1. This Ordinance, having been enacted under the authority of ORS 777.190, may be enforced by any peace officer of the State of Oregon, County of Coos, or Oregon International Port of Coos Bay, who may give a warning or issue a citation for violation of this ordinance. Citations may require appearance in a Court in Coos County, Oregon. The manner of service and the content of the citation shall be as provided by Oregon law.
2. Any person violating a provision of this ordinance will be subject to a civil penalty of not to exceed \$500, 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.

C. REPEAL OF ORDINANCES: Ordinances numbered 82, 101, 115, 125, 126, 127, 130, 131, 132, 135, 136 and 138 are hereby repealed; provided, that if there are any conditions, circumstances or proceedings pending under the terms of any of such ordinances at the effective date of this Ordinance, then such proceedings may be continued until their conclusion under the terms of such ordinance.

D. AMENDMENTS AND CODIFICATION: After the enactment of amendments to this ordinance, Port General Counsel, or other official designated by the Board of Commissioners, is hereby authorized to codify the changes in this ordinance, and add a note below the change with the date and number of the amending ordinance.