

City of St. Helens
ORDINANCE NO. 3239

AN ORDINANCE AMENDING ST. HELENS MUNICIPAL CODE
CHAPTER 8.28 REGARDING CITY DOCKS

WHEREAS, St. Helens Municipal Code Chapter 8.28 governs city docks; and

WHEREAS, City docks are intended for short term moorage and clarifications are needed to better specify the time limits on such use; and

WHEREAS, additional minor updates, including to the provisions related to impoundment of derelict or abandoned vessels, also are needed; and

WHEREAS, the amendments will better inform users of the limits on use and improve enforcement.

NOW, THEREFORE, THE CITY OF ST. HELENS ORDAINS AS FOLLOWS:

Section 1. Recitations. The above recitations are true and correct and are incorporated herein by this reference.

Section 2. SHMC 8.28 is amended as set forth in Exhibit A to this Ordinance (additional language is underlined and deleted text is shown as ~~strikethrough~~).


Section 3. This Ordinance shall be effective 30 days after its passage.

Read the first time: June 5, 2019
Read the second time: June 19, 2019

APPROVED AND ADOPTED by the City Council this 19th day of June, 2019, by the following vote:

Ayes: Locke, Carlson, Morten, Topaz, Scholl

Nays: None


Rick Scholl, Mayor

ATTEST:


Kathy Payne, City Recorder

8.28.020 Definitions.

(1) "Abandoned vessel" means a vessel left at the city docks in violation of the time limitations in SHMC [8.28.040](#) or ~~that otherwise is not authorized to use a City dock as provided in this Code or state law.~~ the Oregon State Marine Board certificate of number and registration requirements.

8.28.040 Time limitations.

(1) City docks shall not be used by a vessel for moorage, either directly to a dock or to one or more vessels that are moored to a dock, for more than ~~five~~ [72 cumulative continuous hours in any 14 calendar days](#) ~~period.~~ Upon expiration of the [72 hour](#) limit, the vessel [shall be moved from the dock and](#) may not be moored to any city dock for [14](#) calendar days, ~~not to exceed 10 calendar days per calendar month.~~ The [72 hour five-calendar-day](#) period shall begin with the first hour the vessel is tied or moored to any city dock, [and accumulates](#) regardless of whether ~~or not~~ the vessel moved from its original mooring to another position on the same or any other city dock during the [14 five-calendar-day](#) period.

(2) City docks are not available as a place to park an unoccupied boat. Notwithstanding subsection (1) of this section, city docks shall not be used by a vessel for moorage ~~as described in subsection (1) of this section~~ when the vessel is unoccupied, as defined herein. For the purposes of this section, an "unoccupied vessel" is a vessel that is without occupant for a [continuous](#) period of at least four hours [or more between sunset and sunrise](#) ~~of any every night that the vessel is so moored or using a city dock.~~

(3) ~~Regardless of how long the vessel has been moored as described herein,~~ [Any vessel that is moored in violation of this Section 8.28.040 subsection \(2\) of this section is hereby deemed to be in violation of this Ordinance and not authorized to moor at a city dock](#) ~~have exceeded the time limitations allowed in subsection (1) of this section and is,~~ therefore, subject to all penalties and sanctions described herein. ~~In addition to and not in lieu of any other remedy,~~ such [vessel](#) may be deemed abandoned [as provided in Section 8.28.072.](#)

8.28.060 Prohibited activities.

- (1) No person shall swim from or within 50 feet of the docks;
- (2) No person shall obstruct a vessel from docking;
- (3) No person shall cut, drill holes in, or attach in any manner any object other than a vessel with mooring lines to the docks without written permission from the city administrator;
- (4) No commercial activity will occur on city docks without specific authorization in the moorage agreement;

(5) Vehicles are not allowed on city docks, except for the immediate transport of a bicycle to and from a vessel or the use of a vehicle that is necessary due to a disability. Vehicles include but are not limited to bicycles, scooters, skateboards, rollerblades, mopeds, motorcycles, or other self-propelled units;

(6) Vessels are not allowed to use docking space designated only for emergency craft use. Such docking space is designated by a yellow stripe on the edge of the dock or by a sign or by both. The use of such space by craft other than government emergency craft is prohibited;

(7) Fishing is allowed in the docking space designated for emergency craft use when emergency craft are not present. Persons who are fishing must yield to emergency craft;

(8) Use a city dock for an abandoned or derelict vessel as defined herein or by state law.

(98) Violation of any other provisions of limitations this Chapter, including but not limited to the time limits in Section 8.28.0420, the time limitations in this chapter.

8.28.100 Impoundment/tow.

Law enforcement officers are authorized to call for seizure of a vessel, including a tow or impoundment of any vessel as provided in d any vessel in violation of this chapter in accordance with the ORS 830.875 to 830.895 concerning boat numbering and ORS 830.9087 through 830.94427 concerning abandoned or derelict boats, floating homes and bathouses. Any vessel seized pursuant to this Ordinance and state law and not reclaimed as provided by state law removed by the authorization of a law enforcement officer shall be disposed of in accordance with ORS 98.245.