

Chapter 8.28

CITY DOCKS AND WATERWAYS

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8.28.010 Purpose.

The purpose of this chapter is to assure responsible use of city docks and waterways by setting conduct expectations and implementing reasonable time limitations, and to preserve the recreational purpose of the docks and waterways by limiting their use to registered vessels.

8.28.020 Definitions.

(1) "Abandoned vessel" means a vessel that has been left without authorization on public or private land, the waters of this state, or any other water. (2) "City" means the city of St. Helens.

(3) "City administrator" means the person holding the position of city administrator or designee.

(4) "City docks" means all public docks operated by the city of St. Helens, including the Courthouse Docks, Sand Island Marine Park North, and Sand Island Marine Park.

(5) "Commercial" means any profession, trade, occupation, shop, or any calling carried on for profit or livelihood, including but not limited to the rental of commercial or residential property,

and those working as independent contractors, whether or not the contractor is paid on an hourly or job basis.

(6) "Hazardous vessel" means any vessel which is unseaworthy or which is in such a state of disrepair that the environment, life, or property could become endangered if such state is unduly prolonged; any vessel which presents a hazard to navigation.(7) "Derelict vessel" means a vessel that is within city waterways and that is:

- (a) Sunk or in imminent danger of sinking;
- (b) Obstructing a waterway;
- (c) Endangering life or property; or
- (d) In such dilapidated condition that it is in danger of becoming a significant environmental hazard as evidenced by repeated and documented instances of leaking fuel, sewage or other pollutants.

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

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

(10) "Person" means an individual, a partnership, corporation, association, or other legal entity recognized by the state of Oregon.

(11) "Recognized boating or yachting organization" means any active, incorporated nonprofit boating or yachting organization that provides written notice of incorporation to the city administrator.

(12) "Unoccupied vessel" means a vessel that is without occupant for a period of four or more hours.

(13) "Vessel" means every type of watercraft. (Ord. 3239 § 2 (Exh. A), 2019; Ord. 3087 § 1, 2008; Ord. 2888 § 2, 2003)

(14) "Waterway" means those state-owned submerged and submersible lands as further described in that certain Submerged and Submersible Land Lease 10474-ML, dated July 1, 2021, as amended from time to time, between the State of Oregon, by and through its Department of State Lands, and the city.

8.28.030 Use of city docks and waterways.

(1) Use of city docks and waterways includes the following:

- (a) Mooring a vessel directly to a city dock;
- (b) Mooring a vessel within city waterways ;
- (c) Mooring a vessel to a vessel which is moored to a city dock or located within city waterway;
- (d) Mooring a vessel to one or more of a group of vessels, one of which is moored to a dock or located within five feet of a city dock. Vessels moored to city docks shall be limited to three abreast, or not more than 40' on each side of the city dock;
- (e) Fishing in designated fishing zones. (Ord. 3087 § 2, 2008; Ord. 2888 § 3, 2003)

2) All vessels using city docks and waterways must comply with the following conditions:

- (a) Vessels must have current title, license and registration with the applicable state authority.
- (b) Vessels shall be maintained in seaworthy condition, kept neat and clean of debris, and fully operable at all times.
- (c) Hazardous vessels, as determined by the city administrator, may be boarded to allow for further inspection in order to prevent danger to the environment, life, or property.
- (d) Derelict or hazardous vessels may be denied moorage or have their moorage immediately terminated. In the event of moorage termination, the owner/operator must remove the vessel from the dock immediately. Provided, however, that the city administrator may take, at the owner/operator's expense, all actions necessary, including hauling the vessel out of the water, if the city administrator deems vessel to be derelict. The city administrator may require the owner/operator to provide, at no cost to the city, additional information to establish seaworthiness.
- (e) Derelict or hazardous vessels may be immediately, and without notice, moved and placed in storage ashore. All expenses and risk of loss or damage resulting therefrom shall be the sole responsibility of the owner/operator, as shall the cost of any salvage services rendered by the city.
- (f) Unoccupied vessels may not be moored at city docks or within city waterways.

8.28.040 Time limitations.

(1) City docks and waterways shall not be used by a vessel for moorage for more than 72 cumulative hours in any 14-calendar-day period. Upon expiration of the 72-hour limit, the vessel shall be moved from the moorage and may not be moored in city waterway or to any city

dock for 14 calendar days. The 72-hour period shall begin with the first hour the vessel is moored in city waterway or to any city dock, and accumulates regardless of movement of vessel from original mooring to subsequent mooring position during the 14-calendar-day period.

(2) Any vessel that is moored in violation of this section is hereby deemed unauthorized 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 SHMC [8.28.072](#). (Ord. 3239 § 2 (Exh. A), 2019; Ord. 3151 § 1, 2011; Ord. 3147 § 1, 2011; Ord. 3087 § 3, 2008; Ord. 2888 § 4, 2003)

8.28.050 Commercial use of city docks.

The city docks shall not be used by commercial vessels or for commercial activity without first registering the vessel, obtaining the necessary permits and business licenses, and paying all associated fees. (Ord. 3087 § 4, 2008; Ord. 2888 § 5, 2003)

8.28.052 Public assembly exemption.

Any use of the city docks by a recognized boating or yachting organization within the time limits established by this chapter shall be exempt from the public assembly permit requirement of SHMC Chapter [8.08](#) so long as no adjacent lands are used by the boating or yachting organization. Assembly permits are required for proposed use outside this exception. Nothing herein shall be interpreted as exempting members of such associations or organizations from all other applicable prohibitions and regulations in city ordinances including regulations concerning use of city docks and waterways. (Ord. 3087 § 5, 2008)

8.28.054 Registration

(1) Permitted Moorage. No vessel will be permitted to be moored at the city docks or in city waterways, unless the vessel is properly registered and all fees and charges have been paid..

(2) Registration.

(a) Time for Registration. All vessels must be registered with the city upon arrival. Payment of the fee for the initial term of moorage and any other required fees or charges shall be made at the time of registration.

(b) Information and Authorization Required. At the time of registration, the owner/operator shall provide all information required, including, but not limited to, the vessel's state certificate number (e.g. OR 123 ABC) and hull identification number. If the person registering the vessel is an operator only, owner authorization for moorage shall be made available upon request.

(c) Moorage Space. Registration does not assign a particular space for the designated vessel and it does not guarantee the owner/operator accommodations at any of the city docks or waterways.

(3) Scope. The vessel's registration shall allow use for moorage purposes only, and shall grant no further rights, privileges or uses.

(4) Transferability. Vessel registration shall be issued only to the owner/operator, and shall be valid only for the specific vessel designated in the registration. Vessel registration may not be assigned, sold, or transferred by any means whatsoever; any such transfer shall be void.

8.28.056 Fees and charges.

(1) Establishment. Moorage rates, fees and other charges shall be established by resolution of the city council, and may be reviewed by the city council from time to time and raised or lowered as deemed appropriate.

(2) Terms of Payment. The owner/operator shall be liable for all moorage rates, fees and other charges assessed under this chapter. Moorage rates shall be paid upon registration

(3) Attorney's Fees and Costs. The owner/operator shall be liable for any and all collection costs and expenses, including reasonable attorney's fees, necessary to collect delinquent moorage rates, fees or other charges or to enforce any other provision of this chapter. (Ord. 3087 § 7, 2008)

8.28.060 Prohibited activities.

(1) No person shall swim within 50 feet of the docks.

(2) No person shall obstruct a vessel from mooring.

(3) No person shall cut, drill holes in, or attach in any manner any object to, other than a vessel with mooring lines, the docks without written permission from the city administrator.

(4) No commercial activity shall occur on city docks without specific authorization.

(5) Vehicles are not allowed on city docks, except when necessary to accommodate a disability. Vehicles include, but are not limited to, bicycles, scooters, skateboards, rollerblades, mopeds, motorcycles, or other self-propelled units.

(6) Vessels shall not use any docking space(s) designated for emergency craft use, which are identified by a yellow stripe on the edge of the dock, by a sign, or by both.

(7) No person shall fish in any docking space designated for emergency vessel use; however, such use is permitted when emergency vessels are not present.

(9) No person shall sell any alcoholic beverages on city docks or waterways, except under a concession agreement, or by permit.

(10) No person shall sell, distribute, make available, or otherwise offer to provide controlled substances or prescription drugs to another on city docks or waterways.

(11) No person shall package, possess, or otherwise store controlled substances on city docks or waterways without a valid prescription.

(12) No person shall possess on city docks or waterways anything specifically designed for and presently capable of causing, or carried with the intent to threaten or cause, bodily harm to another. This includes, but is not limited to: any firearm, pellet gun, spring-loaded weapon, stun gun or taser, any knife having a blade that projects or swings into position by force of a spring or by centrifugal force, any knife with a blade longer than 3-½ inches, any dirk, dagger, icepick, sling shot, slungshot, metal knuckles, nunchaku, studded hand-coverings, swords, straight razors, tear gas containers, saps, sap gloves, hatchets or axes. The prohibitions of this Section do not apply to firearm lawfully carried by persons exempt from local regulation under ORS 166.173.

(13) No person shall engage in any disruptive activity at the city docks or waterways. Disruptive activity includes, but is not limited to, any behavior, conduct or activity that obstructs, disrupts, or interferes with the operation or business being conducted by the City, or authorized users, or other permitted activities on or near city docks. Quiet time shall be observed between the hours of 10 pm and 8 am.

(14) No person shall moor a vessel in a city owned or operated park, dock facility, or leased waterway except in designated areas and at designated facilities.

(15) No person shall throw, place, leave, deposit, abandon, cause, or permit to be thrown, placed, left, deposited or abandoned, any industrial waste, litter, or sewage at the facility or adjacent property or into the Columbia River, except in receptacles specifically designated for such purpose by the city.

(16) No person shall use, cause, or permit the use of a toilet that is not equipped with a device in good operating condition, adequate to treat, hold, incinerate or otherwise handle sewage in such a manner which will prevent pollution on a vessel moored at the city docks or underway in the Columbia River. For the purposes of this section, an acceptable control device is one approved by the U.S. Coast Guard for such purpose.

(17) Violation of any other provisions of this chapter, including but not limited to the time limits in SHMC [8.28.040](#). (Ord. 3239 § 2 (Exh. A), 2019; Ord. 3147 § 2, 2011; Ord. 3087 § 8, 2008; Ord. 2888 § 6, 2003)

8.28.070 REPEALED.

8.28.072 REPEALED

8.28.074 REPEALED

8.28.080 Penalties.

(1) Violation of any portion of this chapter shall be punishable as a class B violation. Notwithstanding the above, violation of SHMC [8.28.060](#)(7) (improper use of designated emergency craft space) shall be a class A violation. Any person in violation of this chapter can be served with a park ban notice in addition to any other citation. (Ord. 2919 § 2, 2004; Ord. 2888 § 8, 2003)

(2) In addition to any other penalty authorized under this section the owner/operator shall be personally liable for any and all cleanup costs, fines and penalties assessed by any other governmental unit, resulting from a violation of this section. (Ord. 3087 § 9, 2008; Ord. 2908 § 1, 2004; Ord. 2888 § 7, 2003)

8.28.090 Inspection and citation.

(1) Investigations and Inspections. The following people are hereby authorized by this chapter to make such investigations and inspections as are necessary to enforce the provisions of this chapter: any law enforcement officer, including without limitations any city police officer, sheriff's deputy, or state police trooper, and city officials, such as the city building official, city planning administrator, city engineering manager, city code enforcement officer, and such other designees of the city of St. Helens .. Nothing herein shall be interpreted as prohibiting privately initiated violation citations as provided in ORS Chapter [153](#).

(2) Citations. The following people are hereby authorized by this chapter to issue citations to individuals or entities to appear in the St. Helens municipal court: any law enforcement officer, including without limitations any city police officer, city code enforcement officer, sheriff's deputy, or state police trooper.

(3) Service of Citations. Unless the law enforcement officer witnesses the mooring of a vessel, a rebuttable presumption exists that a vessel moored in violation of this chapter was moored by the owner/operator of the vessel and the citation issued for the violation may be placed upon

the vessel. If the mooring of the vessel is witnessed by the law enforcement officer, the operator of the vessel shall be the person responsible for violations of this section. (Ord. 3147 § 3, 2011; Ord. 3087 § 12, 2008; Ord. 2919 § 3, 2004; Ord. 2888 § 9, 2003)

8.28.100 Impoundment/tow.

(1) Law enforcement officers may seize and hold a vessel when it is discovered that a vessel's identification number has been removed, defaced, covered, altered, or destroyed, as authorized by ORS [830.875](#) to [830.895](#).

(2) Law enforcement officers may seize an abandoned or derelict vessel as authorized by and in accordance with ORS [830.908](#) through [830.944](#).

(3) An owner may reclaim a seized vessel by paying all costs incurred by the city in salvaging, towing and storing the vessel; and establishing to the city administrator's satisfaction that the owner is able to move the vessel to a place where the vessel can be lawfully kept. If any seized vessel is not reclaimed pursuant to this chapter, title to the vessel and all personal property found in the vessel shall vest in the city, and the city may sell or otherwise dispose of the vessel and the personal property.(Ord. 3239 § 2 (Exh. A), 2019; Ord. 3087 § 13, 2008; Ord. 2888 § 10, 2003)

8.28.110 Additional remedies.

Any removal of a vessel pursuant to this chapter is in addition to, and not in lieu of, any other civil, criminal, or administrative penalty, sanction, or remedy otherwise authorized by law. (Ord. 3087 § 14, 2008)

8.28.120 Exclusion

(1) In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any law enforcement officer may exclude any person who violates any applicable provision of law at the city docks and waterways from the property in accordance with the provisions of this Section. Nothing in this Section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the state or federal constitutions. However, a person engaged in such protected activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this Section.

(2) For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any city ordinance, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, or any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the dock or on the waterways.

(3) An exclusion issued under the provisions of this Section shall be for 30 days. If the person to be excluded has been excluded from the dock or waterways at any time within two years before the date of the present exclusion, the exclusion shall be for 90 days. If the person to be excluded has been excluded from the dock or waterways on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.

(4) Before issuing exclusion under this Section, a law enforcement officer shall first give the person a warning and a reasonable opportunity to cease and desist from the violation. An exclusion shall not be issued if the person promptly complies with the warning. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is engaging in conduct that:

(a) Is classified as a felony or as a misdemeanor, or as an attempt, solicitation or conspiracy to commit a felony or misdemeanor, under the laws of the State of Oregon;

(b) Has resulted in physical injury to any person or damage to any property; or

(c) Is conduct for which the person previously has been warned or excluded for committing on the dock or waterways.

(5) Written notice shall be given to any person excluded from the dock or waterways under this Section. The notice shall specify the date, length and place of the exclusion, shall identify the provision of law the person has violated and shall contain a brief description of the offending conduct. The notice shall inform the excluded person of the right to appeal, including the time limit and the place of delivering the appeal. It shall be signed by the issuing party. Warnings of consequences for failure to comply shall be prominently displayed on the notice.

(6) A person receiving such notice of exclusion may appeal to the city's municipal court in accordance with the provisions of this Code. The municipal court judge shall uphold the exclusion if, upon the conducting de novo review, the preponderance of evidence admissible under the provisions of this Code convinces the judge that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.

(6) No person shall enter or remain on city docks or waterways at any time during which there is in effect a notice of exclusion issued under this Section.