

ORDINANCE NO. 260

AN ORDINANCE providing for the establishment of a Department in the City of Warrenton known as the "DEPARTMENT OF PUBLIC DOCKS", and giving unto the Common Council of the City of Warrenton power to prepare a comprehensive plan for the improvement of the harbor front of the City of Warrenton, making provisions for the needs of commerce and shipping, and providing for the construction of such docks, piers, slips wharves, basins, cranes and dock apparatus as they may deem necessary for the convenient and economical accommodation and handling of water craft of all kinds, and of goods and passengers; and they may modify such plans from time to time as the requirements of commerce and shipping and the advance of knowledge and information on the subject may suggest; and to provide for public owned docks of such number and character and in such places as the Common Council may deem feasible and proper, and to that end and purpose to purchase or acquire by condemnation or by other means such lands or rights or interests therein as may be proper and necessary for use in the construction of any public owned dock, wharf, pier, slip, basin or other structure as may be provided for in such plans; and the filling in and reclaiming such lands, overflow lands, and lowlands to and above high tide line; and to construct such bulkheads or retaining walls at such place or places as may seem proper or convenient for the purpose of retaining or holding such fill; and giving unto the Common Council of the City of Warrenton the power to issue and dispose of bonds of the City of Warrenton to an amount not exceeding the sum of \$350,000.00

to defray the costs and expenses thereof; and providing a method of paying the same; providing for the levy of an annual tax not exceeding 15 mills on the Dollar, for the purpose of paying interest on said Bonds to be issued for the purposes as aforesaid, and for redeeming such Bonds, and providing a sinking fund for the payment of said bonds.

All the acts necessary and proper to be done in carrying out the provisions of this Ordinance shall be exercised and performed as hereinafter provided by the Common Council of the City of Warrenton.

THE CITY OF WARRENTON DOES ORDAIN AS FOLLOWS, AND BE IT

ENACTED BY THE PEOPLE OF THE CITY OF WARRENTON: That the

Charter of the City of Warrenton, being an Act of the Legislative Assembly

of the State of Oregon, which was approved February 11th, 1899, entitled "An Act to incorporate the City of Warrenton, as amended by 'An Act of said Legislative Assembly approved February 15, 1901, and entitled 'An Act to incorporate the City of Warrenton and subsequent amendments thereto'", be and the same is hereby amended by adding the following provisions, to be known as Sections from 125 to 129, both included.

SECTION 125

That there is hereby created a department in the City of Warrenton known as the "DEPARTMENT OF PUBLIC DOCKS".

SECTION 126.

The Department of Public Docks shall be administered by the Common Council of the City of Warrenton.

SECTION 127.

The Common Council of the City of Warrenton shall have power, and it shall be its duty for and on behalf of the City of Warrenton

(a) To cause to be prepared a comprehensive plan for the construction of the harbor front of the City of Warrenton, making provisions for the needs of Commerce and shipping; and providing for the construction of such docks, piers, slips, wharves, basins, cranes and dock apparatus as they may deem necessary for the convenient and economical accommodation and handling of water craft of all kinds, and of goods and passengers; and they may modify such plans from time to time as the requirements of commerce and shipping and the advance of knowledge and information on the subject may suggest;

(b) And as a part of such plan to provide for public owned docks, of such number and character, and in such places as the Common Council may deem feasible and proper.

(c) To purchase or acquire by condemnation, as hereinafter provided, or by other lawful means, such lands or rights or interests therein as may be proper or necessary for use in the construction of any public owned dock, wharf, pier, slip, basin or other structure, as may be provided for in such plan, as the Common Council shall from time to time deem proper and expedient that the City of Warrenton should

acquire possession of such wharf property or land, and if no price can be agreed upon by the Common Council and the owner thereof then the Common Council may direct the City Attorney to take legal proceedings to acquire the same for the City of Warrenton in the same manner as land is condemned by the general laws of the State of Oregon in the case of corporations for the right of eminent domain. The title to all lands acquired by the Common Council shall be taken in the name of the City of Warrenton. If any lands acquired by the Common Council shall become unsuitable for the purposes for which they were acquired, they shall become the property of the City of Warrenton, free from any restrictions, upon the passing of a resolution so declaring by the Common Council; The Common Council may exchange or otherwise dispose of the same, in the discharge of its duties as hereinafter set forth. No further evidence or attempt by the Common Council to agree with the owner of property shall be required, then the sending of an offer by registered mail to the owner or occupant by name, if known, if not by such general designation at the premises, if occupied, if not, by posting a notice in a conspicuous place on said premises for ten (10) days prior to the institution of the suit setting forth the amount of the offer made by the Common Council.

(d) The Common Council shall have exclusive charge and control of the wharf property belonging to the City of Warrenton, including all of the wharves, piers, bulkheads, and structures thereon and water adjacent thereto, and of all the slips, basins, docks, water fronts, lands under and structures thereon, and the appurtenances, easements, uses, reversions and rights belonging thereto which are now owned or possessed by the City of Warrenton or which the City of Warrenton may become entitled, or which the City of Warrenton may acquire under the provisions hereof, or otherwise. The Common Council shall have the exclusive charge and control of the repairing, building, rebuilding, operation, alteration and leasing of said property, and every part thereof and all of the cleaning, dredging and deepening necessary in and about the same, not otherwise controlled by law.

(e) The Common Council is also vested with the exclusive government

and control of all wharves, piers, and bulkheads and structures and wharf property and water adjacent thereto, and all the basins, slips, and docks within the land under water of said City of Warrenton, not owned by said City. The powers conferred by the law in respect of piers and wharves, the same being Sections 5201 and 5202 of the laws of the State of Oregon, prepared and annotated under the supervision of William F. Lord and all Acts amendatory thereto, are hereby vested in the said Common Council. The said Common Council shall further have and exercise all the powers, rights and duties in respect of the subject matter herein provided for and that are now had or enjoyed by the City of Warrenton or by any of its departments or officers. The Common Council, in addition to a general control over the harbor front of the City of Warrenton, shall have authority to sue for loading and landing merchandise, with the right to collect dockage, wharfage and tolls thereon, as hereinafter provided.

(f) In the construction of docks, or the performance of other work, the Common Council shall proceed only after public notice asking for proposals based upon the plans and specifications submitted and filed with the Common Council by the City Engineer, and approved by them, provided, that when, in the judgment of the Common Council, the bids received are excessive, or otherwise unsuitable, the Common Council may proceed to do the work directly. The Common Council shall in all cases have the right to reject any and all bids. In the event that it shall perform the work directly or without contract, it shall make no purchase of materials in amounts exceeding one hundred (\$100.00) dollars, except by public letting, or in case of failure to receive bids after reasonable notice in a public newspaper of the City of Warrenton, or in case of extreme emergency or where the delay of public letting might cause serious loss or injury to the work.

(g) The Common Council shall have the power to make general rules and regulations of carrying out of the plans proposed, and provided by it for the building, rebuilding, repairing, alteration and maintenance

of all structures, erections and artificial constructions upon or adjacent to the water front of the City of Warrenton, and, except as provided by the general rules of the Common Council, no new structures or repairs upon or along said water front shall be undertaken except upon application to the Common Council and under permit by it and in accordance with the general plans of the Common Council and in pursuance of specifications submitted to the Common Council and approved by them upon such application, the general rules and regulations of the Common Council shall be embodied in the forms of ordinances; all such ordinances or general regulations of the Common Council prescribed by the Common Council shall be subject to amendment, repeal or alteration on referendum or by the initiative. The Common Council, however, have power and authority to prescribe, administrative regulations of a temporary nature and to alter the same from time to time without other record of the same than in its own books.

(h) The Common Council shall have the power to fix and regulate from time to time and from time to time to alter the dockage, wharfage and crange charges for all public owned docks, piers, wharves or slips owned by the City of Warrenton, and a schedule of such regulations shall be enacted in the form of ordinances, passed by the Common Council.

(i) The power and authority over that part of the streets of the City of Warrenton which abut upon or intersect the navigable waters lying between the harbor and the first intersecting street measuring backward from high water mark, is hereby conferred upon and vested in the Common Council, to the extent only that may be necessary or requisite in carrying out the powers elsewhere vested in it by this Act; and it is hereby declared that such powers shall include the right to build, docks, wharves, piers, retaining or sea walls or other construction across and upon such streets providing, only, that access be provided to the public at the shoreward end thereof.

(j) The Common Council shall have the power to employ such officers, employees and agents as may be necessary in the efficient and economical carrying out of the provisions of this Act, and provide for their compensation.

(k) The Common Council shall annually make a full report of its doings for the year under this act, including an itemized account of its receipts and expenditures, and of its estimated receipts and expenses for the ensuing year; such reports shall be made at the same time as reports of the other Departments of the City of Warrenton are submitted; such report shall include careful estimates of amount necessary over and above net current receipts of the Common Council to pay interest on its bonded indebtedness then outstanding under this Act; to provide for the sinking fund hereinafter described, and for the necessary expenses of the Common Council in the maintenance and operation of dock property, a tax levy sufficient to raise the amount named ⁱⁿ said estimates shall annually be made by the Common Council of the City of Warrenton, in such manner and at such time as other taxes are levied.

(l) The Common Council of the City of Warrenton is hereby authorized in the name of, and under the corporate seal of the City of Warrenton, to issue and dispose of bonds of the City of Warrenton to an amount not exceeding \$350,000.00 in such denomination as the Common Council may determine, and in such form as they may direct. The Common Council may prescribe the length of time for which said bonds shall run, and that such bonds, or a prescribed portion of them, may be retired at any time after ten (10) years. Such bonds may be issued in series, as the necessity for the expenditure of money in the progress of the work of the Common Council may arise. The bonds shall be signed by the Mayor and countersigned by the Auditor and Police Judge of the City of Warrenton. Coupons shall be attached with facsimile signatures of the Mayor and Auditor. Said bonds shall contain a promise on the part of the City of Warrenton to pay to the bearer of said bonds or the registered holder thereof, if the same shall be registered, at the maturity thereof, the sum mentioned therein in Gold Coin of the United States, together with such interest thereon in like Gold Coin as said Common Council shall prescribe, not to exceed six per cent per annum, payable half yearly. Said bonds shall be known as "Dock Bonds of the City of Warrenton", they shall be sold to the highest responsible bidder by the Common Council, but the Common Council may reject any and all bids

tendered for the same, and proceed to re-advertise when bids are not satisfactory.

The Treasurer of the City of Warrenton shall have the care and custody of all moneys received from the sale of said bonds, and shall pay out of the same on the warrants signed by the Mayor and countersigned by the Auditor and Police Judge of the City of Warrenton, and not otherwise. The Common Council of the City of Warrenton is hereby authorized and directed to levy an annual tax not exceeding 15 mills on the Dollar, to be used for the purpose of paying interest on Bonds issued under this Act, and for redeeming such Bonds, and providing a sinking fund for the payment of said Bonds. The proceeds from the sale of said bonds shall be expended by the Common Council

I.

In the payment of the expenses of issuance of the said bonds;

2.

For the preparation of the plan provided for herein, and for the purchase of land for docks and (or) the purchase of other lands or in pursuance of condemnation proceedings, and

3.

In the reclaiming of tide lands, lowlands and overflow lands so purchased, and the building of bulkheads and retaining walls, and the construction and maintenance of docks, piers, slips and wharves, and in the maintenance, operation and management of the same; and in the exercising of the Common Council's general powers.

The bonds may contain such provisions for their redemption as the Common Council may prescribe, but in the event of no provision being made therein, after five years from the issuance of any series of bonds, not less than two per cent of the principal thereof shall be set aside as a sinking fund and invested in income bearing securities, preference being given to bonds of the City of Warrenton; such security in no case to have a date of maturity subsequent to that of the bonds for the payment of which they are to provide.

(M) All moneys received by the Common Council under this Act shall be paid to the City Treasurer, and by him kept in a separate fund.

SECTION 128

In ascertaining the limit of indebtedness of the City of Warrenton, as provided in Sections 31, 51, 89 and 101, and Ordinance Number 225, passed by the Common Council of the City of Warrenton and submitted to the

legal voters of the City of Warrenton, and carried, amending the Charter thereof, and adding thereto Sections 102 to 124 inclusive, this Act shall not be taken into consideration.

SECTION 129.

If any section or sub-division of this Act be declared unconstitutional, the decision thereof shall not effect the legality of the remainder of this Act.

Section 1. All parts of the Charter of the City of Warrenton and all ordinances and all parts of the Charter and Ordinances of said City in conflict with the provisions of this Charter Amendment are hereby modified or repealed, as the case may require, in order that this Amendment may be in full force and effect.

Section 2. This proposed amendment to the Charter of the City of Warrenton shall be submitted to the legal voters of said City at a Special Election which has been called to be held on Friday, the 14th day of November, 1919, for the purpose of voting upon proposed amendments to the Charter of the City of Warrenton.

Section 3. The title of the proposed Amendment as hereinbefore set forth to be voted upon at said special election and as the same shall appear on the Official Ballot shall be as follows: "AN ACT PROPOSED BY THE COMMON COUNCIL OF THE CITY OF WARRENTON, AND REFERRED TO THE ELECTORS OF THE CITY OF WARRENTON."

"AN ACT

PROVIDING FOR THE ESTABLISHMENT OF A DEPARTMENT IN THE CITY OF WARRENTON KNOWN AS THE 'DEPARTMENT OF PUBLIC DOCKS', AND GIVING UNTO THE COMMON COUNCIL OF THE CITY OF WARRENTON THE POWER TO PREPARE A COMPREHENSIVE PLAN FOR THE CONSTRUCTION OF THE HARBOR FRONT OF THE CITY OF WARRENTON, MAKING PROVISIONS FOR THE NEEDS OF COMMERCE AND SHIPPING, AND PROVIDING FOR THE CONSTRUCTION OF SUCH DOCKS, PIERS, SLIPS, WHARVES, BASINS, CRANES, AND DOCK APPARATUS AS THEY MAY DEEM NECESSARY FOR THE CONVENIENT AND ECONOMICAL ACCOMMODATION AND HANDLING OF WATER CRAFT OF ALL KINDS, AND OF GOODS AND PASSENGERS; AND THEY MAY MODIFY SUCH PLANS FROM TIME TO TIME AS THE REQUIREMENTS OF COMMERCE AND SHIPPING AND THE ADVANCE OF KNOWLEDGE AND INFORMATION ON THE SUBJECT MAY SUGGEST, AND TO PROVIDE

FOR PUBLIC OWNED DOCKS OF SUCH NUMBER AND CHARACTER AND IN SUCH PLACES AS THE COMMON COUNCIL MAY DEEM FEASIBLE AND PROPER, AND TO THAT END AND PURPOSE TO PURCHASE OR ACQUIRE BY CONDEMNATION OR BY OTHER LAWFUL MEANS, SUCH LANDS OR RIGHTS OR INTEREST THEREIN AS MAY BE PROPER AND NECESSARY FOR USE IN THE CONSTRUCTION OF ANY PUBLIC OWNED DOCK, WHARF, PIER, SLIP, BASIN OR OTHER STRUCTURE, AS MAY BE PROVIDED FOR IN SUCH PLAN; AND TO FILL IN AND RECLAIM SUCH LANDS, OVERFLOW LANDS AND LOWLANDS TO AND ABOVE HIGH TIDE LINE, AND TO CONSTRUCT SUCH BULKHEADS AND RETAINING WALLS AT SUCH PLACE OR PLACES AS MAY SEEM PROPER OR CONVENIENT FOR THE PURPOSE OF RETAINING OR HOLDING SUCH FILL; AND GIVING UNTO THE COMMON COUNCIL OF THE CITY OF WARRENTON THE POWER TO ISSUE AND DISPOSE OF BONDS OF THE CITY OF WARRENTON TO AN AMOUNT NOT EXCEEDING THE SUM OF \$350,000.00, AND TO LEVY AN ADDITIONAL TAX NOT EXCEEDING 15 MILLS ON THE DOLLAR IN ANY ONE YEAR, UPON THE TAXABLE PROPERTY OF THE CITY OF WARRENTON, TO PAY SAID INTEREST, AND PROVIDE A SINKING FUND FOR THE PAYMENT OF SAID BONDS.

Vote Yes or No:

300 Yes

301 No.

Section 4. Inasmuch as the objects to be obtained by this ordinance will be of great benefit to the people of the City of Warrenton; and there exists and is an urgent necessity that this Ordinance should take effect as soon as possible so that the health, peace and safety of the City of Warrenton may be preserved, an emergency is hereby declared to exist and this section shall take effect when approved and adopted by the affirmative vote of 2/3 of all the members of the Common Council, and this Ordinance shall then be in full force and effect immediately after its approval by the Mayor of the City of Warrenton and adopted by the people of the City of Warrenton at a special election held therefor.

Passed the Common Council this 2nd day of October, 1919.

Submitted to the Mayor this 2nd day of October, 1919.

Approved this 2nd day of October, 1919.

J. M. Wilson
Mayor

Attest:

John Evenden
Auditor and Police Judge