

Introduced by Commissioner Leslie W. NEWTON

AN ORDINANCE AMENDING ORDINANCE NO. 723-A TO REVISE RULES AND REGULATIONS FOR MOORING BASIN

The City of Warrenton Ordains as follows:

Section 1

Section 5 of Ordinance No. 723-A is hereby amended to read as follows:

Rules and regulations governing the use of the Warrenton Mooring Basin shall be as follows:

1. The City or the Basin Manager is authorized to at any time board any vessel moored in the City Basin for the purpose of placing notices and securing the boats to the dock if necessary.
2. The City of Warrenton will not be responsible for any loss, damage or theft of private property by third persons. In renting space for moorage, the City retains no control over the vessels or any property on or about the vessels or upon the floats. Any person mooring his vessel at City of Warrenton facilities assumes any and all risks for damage, loss or theft, including vandalism. The City of Warrenton provides no watchman nor supervision of moored vessels as any part of its service to the public and the patrons of the Port.
3. The City of Warrenton:
 - a. Does not accept any boat moored for stowage, and shall not be held liable in any matter for the safe-keeping or condition of same, and is not responsible therefore as a warehouseman, it being understood that the relationship between the parties is simply that of landlord and tenant.
 - b. Further understood and agreed between the parties that the city will not be held responsible or liable for any damage or loss to, or of, the said boat, its tackle, gear, equipment, or property either upon said boat or upon premises of the City, from any cause whatsoever, or for injury to the lessee or invitees occasioned by any cause upon the city premises or adjacent thereto.
4. Moorages cannot be assigned, sublet, transferred, or loaned, unless approved by the harbormaster.
5. All boat owners or operators entering the basin shall promptly comply with all directions or instructions issued or given by the City with respect to the movement of their boats or otherwise. Non-compliance shall entitle the City to require the immediate removal of the boat from the basin area.
6. Boats may be removed or berths reassigned by the Port Manager for the protection of life or property or proper and full utilization of the basin. Any vessel which, in the opinion of the Port Manager, is in danger of sinking, or is a hazard to other vessels or the premises may be removed forthwith, with all expense and risk of loss or damage for the account of the vessels owner; or should the Port be obliged to render salvage services to any vessel, the costs thereof shall be for the account of the owner.
7. Docks and floats must not be obstructed by, or used as stowage area for equipment, gear, etc. (small boarding ladder/ platform allowed.)
8. Boats when unattended, must be securely moored (tied) three or more lines required. Any boats causing damage to floats or docks as a result of being improperly moored will be liable for cost of repair of such damage.
9. The moorage fee charged (per ft.) will be for boat length measured across deck bow to stern.
10. Boat owners will moor their boats in a manner where bow does not project across float creating an obstruction.

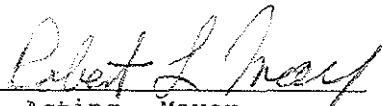
11. Pumping bilges is not permitted in harbor. The pumping of bilge oil or bilge waste into harbor will result in loss of moorage, plus cost of clean-up.
12. Electricity will be provided for those making application and complying to the rules governing electrical usage as set forth in Ordinance 479-A as amended by Ordinance 619-A and in conformity with the following additional regulations:
 - a. Said written applications shall show the dates requested for service; transients must also disclose termination date.
 - b. A \$3.00 service fee will be charged for turn on/turn off to customer.
 - c. After the 15th of billing month, if the account is not paid in full, a 50¢ collection charge per delinquent month shall be collected. If unpaid before 15th of the third month, the electricity shall be shut off. Payment in full will then be required in order to resume service.
 - d. Applicant must maintain a lock on his meter box at his expense to prevent usage by others. Applicant shall agree to be responsible for all usage shown on the meter from whatever source and assumes all risk of improper and unauthorized usage. WHEN ORDERING ELECTRICITY OFF, USER IS REQUIRED TO REMOVE HIS LOCK so that city lock can be placed on the meter.
 - e. Both moorage and electrical applications must be in the same name. One individual registered with the city will be held responsible for all accounts including both berth charges and electrical charges, and all contracts or payments to be so made until a written request is received by the city to terminate future responsibility.
13. The city mooring basin parking lots shall be for the use of basin patrons' automobiles. There will be no parking for motor homes and no camping.
14. Sailboat owners will keep halyreds and shrouds tightened while berthed at city basin.
15. Children under 12 yrs old shall be required to wear life jackets transiting docks and floats unless with company of adults.
16. Pet owners will be responsible for clean-up from their pets while at basin.
17. Tires as fenders will not be installed on floats and piers.
18. Boat speed inside basin - Boats maneuvering in basin will operate at slow minimum speed as to not create wake. Boat owners will be liable for damage caused by wake to other boats.
19. Waste engine oil (free of water) will be deposited in tank located rear of harbormaster office. Do not dump oil in garbage containers located at basin.
20. Any person violating any of the conditions of this ordinance may, upon conviction, be punished by a fine not exceeding \$300.00 or by imprisonment in the county jail not exceeding 30 days, or by both such fine and imprisonment.
21. In the event action, suit or other legal proceedings are necessary by the city to enforce its rights including collection of rates or charges or other amounts due herein, the city shall be entitled to recover reasonable attorneys' fee including those incurred on appeal in addition to its costs and disbursements.
22. All users of the City of Warrenton Moorage, including but not limited to, all tenants thereof and applicants for either electrical or moorage herein agree to indemnify and hold the City of Warrenton, its agents, officers and employees harmless from any and all claims, complaints or demands of whatever nature, whether negligent or non-negligent arising out of their use of the city's premises. They further specifically agree to pay the reasonable costs of defense of all such claims, complaints

and demands, whether groundless or not, and the city shall have the right to control such defense and select the attorney to conduct such defense. The claims shall include loss from fire, theft, vandalism and include injury to or death of any person or persons or loss or damage or injury to any property from any cause whatsoever.

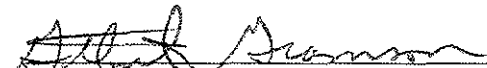
23. Each berth-holder must inform the city in writing immediately of any change of boat moored in his stall and must include size, name, and registry number of boat.
24. The service dock adjacent to F-float will be limited to usage for the time required to accomplish net loading/unloading, installing new wire, etc. The dock cannot be occupied for lengthy boat repairs. The posted 3 Hr. maximum will be adhered to. Nets and debris MUST NOT BE LEFT ON DOCK when no work is being done, as it must be made available for others who wish to use it, and for fire trucks or other emergency vehicles. Permission for use of the service dock will be required by city or basin manager.
25. If any article, section, subsection, subdivision, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance, but shall be confined to the article, section, subsection, subdivision, clause, sentence or work so held invalid or unconstitutional.

Passed by the City Commission of the City of Warrenton, this 16th day of April 1984.

Approved by the Mayor of the City of Warrenton, this 16th day of April 1984.


Acting Mayor

ATTEST:


Auditor and Police Judge