

ORDINANCE No.

Amend Harbors Code to revise usage of the Duckworth Dock Moorage and remove gender specific language (Ordinance; amend Code Chapter 19.16)

The City of Portland ordains:

Section 1. The Council finds:

1. Resolution 37175 adopted the use of gender-neutral language in City policies. Gender specific language in Title 19 has been revised with gender-neutral language
2. The Kevin J. Duckworth Memorial Dock is located in the Willamette River, south (upstream) of the Steel Bridge and attached to the Eastbank Esplanade.
3. The Duckworth Memorial Dock is under sole ownership of the City of Portland and all previous restrictions of its use mandated by the Oregon State Marine Board are no longer in place.
4. Moorage is no longer a desired use of the dock as other facilities on the river are available for that use; there is no need for a reservation system.
5. A motorized drop off zone is established to provide a safe location for embarking and disembarking from the dock.
6. It is important to have safe locations for different uses of the dock and this is provided by the zones.

NOW, THEREFORE, the Council directs:

- a. Code Chapter 19.16 Rules and Regulations is revised as shown in Exhibit A.

Passed by the Council:

Commissioner Jo Ann Hardesty

Prepared by: Trisha Schultz

Date Prepared: March 31, 2021

Mary Hull Caballero

Auditor of the City of Portland

By

Deputy

~~434~~ 4
 Agenda No.
ORDINANCE NO.
 Title

Amend Harbors Code to revise usage of the Duckworth Dock Moorage and remove gender specific language (Ordinance; amend Code Chapter 19.16)

INTRODUCED BY Commissioner/Auditor: Jo Ann Hardesty	CLERK USE: DATE FILED <u>June 1, 2021</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration - Wheeler Position 1/Utilities - Rubio Position 2/Works - Ryan Position 3/Affairs - Hardesty <i>JL Hardesty</i> Position 4/Safety - Mapps	Mary Hull Caballero Auditor of the City of Portland By: <u><i>Keelan McClymont</i></u> Deputy
BUREAU APPROVAL Bureau: Fire & Rescue Bureau Head: Sara Boone <small>Digitally signed by Sara Boone Date: 2021.05.19 09:33:04 -07'00'</small>	ACTION TAKEN: June 9, 2021 Passed to Second Reading June 16, 2021 at 9:30 a.m.
Prepared by: Trisha Schultz Date Prepared: 4/5/2021	
Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
City Auditor Office Approval: DB required for Code Ordinances	
City Attorney Approval: Tony Garcia <small>Digitally signed by Tony Garcia Date: 2021.05.18 13:35:56 -07'00'</small> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date June 9, 2021	

AGENDA

TIME CERTAIN
Start time: _____
Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Rubio	1. Rubio	
2. Ryan	2. Ryan	
3. Hardesty	3. Hardesty	
4. Mapps	4. Mapps	
Wheeler	Wheeler	

Chapter 19.16 - RULES AND REGULATIONS

19.16.005 Navigation Rules.

Except as otherwise specified vessels shall be subject to United States "Navigation Rules" Commandant Instruction M16672.2 Series Rules available at United States Coast Guard and are hereby made part of this Title.

19.16.010 Wharves to be Inspected - Signs Erected.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. The Harbor Master in coordination with the Director of the Bureau of Development Services shall cause to be inspected, not less than every 5 years, all docks, sheds, warehouses, or other structures within the harbor limits, which shall extend out over water or unfilled land. After the inspection, a safe loading limit, in pounds, shall be posted at the entrance to the building, and no loading shall be over this limit at any time.
- B. Whenever the Director of the Bureau of Development Services and/or Harbor Master, as officers of the City, finds that any such structure is becoming dangerous due to decay, rot, faulty design, or any other condition, ~~he/she~~ they may limit the load, and the load limit shall be posted at the entrance to the structure; and if found unsafe, ~~he/she~~ they may order the structure closed until repaired or removed. The Harbor Master or ~~his/her~~ their assistants shall enforce these orders when so notified by the Director of the Bureau of Development Services.
- C. They do not assume the responsibility for the safe manner and use of any structure, or damages from any loading, except where the structures are owned in whole or in part by the City.

19.16.015 Unsafe Docks or Waterfront Structures.

(Amended by Ordinance No. 176955, effective October 9, 2002.) Whenever the Harbor Master, in ~~his/her~~ their judgement finds that any dock or waterfront structure has become unsafe or dangerous so as to render the same or any portion thereof unsafe to life or property, ~~he/she~~ they shall ask the Director of the Bureau of Development Services to make a survey of the property; if ~~he/she~~ they declares the same to be unsafe to life or property, the Harbor Master shall order the same barricaded with proper fencing, and danger signs posted by day and red lights by night, which shall remain intact until necessary repairs thereto as the engineers report are practicable shall be made. If the repairs are not practicable, the Harbor Master shall order the removal of the dock or waterfront structure. If the owner, agent, or lessee of the property shall fail to comply promptly with the order of the Director of the Bureau of Development Services, the Harbor Master shall prohibit the use of the unsafe portion of the dock or waterfront structure for any purpose whatsoever, and shall erect or cause to be erected the necessary barricade, signs, and lights; and if the dock or waterfront structure is to be removed or razed the Director of the Bureau of Development Services shall, with the Harbor Master, remove or have removed any and all of the unsafe portions of the dock or waterfront structure, and all of the expense therefrom

shall be paid by and recoverable from the owner, agent, or lessee of any such dock or waterfront structure. Nothing contained herein shall prevent a condemnation as otherwise provided, nor shall the provisions herein contained relieve the owner, agent, or lessee from the duty of periodically inspecting the property and promptly proceeding thereafter to make all repairs that are practicable.

19.16.020 Decayed Docks Breaking Loose.

It is unlawful for the owner, agent, or lessee in charge of any dock or waterfront structure to allow the whole or any part thereof to fall into or remain adrift in the waters of the City or to float away from the dock. All fender piling or other portions thereof that shall break loose shall be removed at once by the owner, agent, or lessee of any dock; and upon failure to do so, the same shall be removed by the Harbor Master and the expense thereof shall be paid by and recoverable from the owner, agent, or lessee of the property by the City. In the event that any part of a dock or waterfront structure caves in, collapses, or is damaged in any way in excess of \$1,000, the owner, agent, or lessee in charge shall notify the Harbor Master within 72 hours.

19.16.025 Notification of Arrival of Ocean Going Vessels.

- A. The local agent, owner or person in charge of any facility where an ocean-going vessel ties up shall immediately report to the Harbor Master the name and local agent for the vessel.
- B. It is unlawful for any such person to neglect or refuse to give this report.
- C. The foregoing shall not apply to any vessel whose movements are limited to the inland waters of the Willamette and Columbia Rivers or any of their tributaries.
- D. Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

19.16.035 Vessels Changing Docks.

Every vessel, unless propelled by its engine, moving from one dock to another or from one place to another when necessary to pass through the draw of any bridge or when moving from a dock or wharf to a dock or wharf within the City shall, in order to prevent the obstruction of travel, have the services of a tug or tugs.

19.16.040 Notice of Change of Berth of Ocean Going Vessel.

- A. The local agent, owner or person in charge of any place where any ocean-going vessel is tied up in the Portland Harbor shall notify the Harbor Master when such vessel leaves the place where it is tied up and shall state the destination to which the vessel is moving.
- B. The notice shall be given no later than four hours after making the move.

- C. It is unlawful for any such person to neglect or refuse to give this report.
- D. Reports to the Merchant Exchange may be allowed in place of the above requirement by the Harbor Master.

19.16.045 Berthing Ships.

- A. No vessel may moor or berth next to City property without the Harbor Master's prior approval.
- B. The Harbor Master may assign space for mooring and berthing of any vessel next to any City property.
- C. The person or owner in control of any vessel berthed pursuant to this Section shall be liable for all charges and expenses including water charges by the ~~Bureau of Water Works~~ Portland Water Bureau and other special costs incurred or provided in connection with berthing, shall be liable for any other expenses connected with the ship during the period of being berthed at the seawall, and also shall be liable for any damages resulting from the berthing or continuance of mooring of the vessel.

19.16.055 Permits for Construction Work.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. No person shall construct or repair or wreck any old work or drive or remove any piling within the harbor zone within the City of Portland or remove any earth or other material from the river banks or bed shoreward of or adjacent to the harbor line without first securing a permit from the Bureau of Development Services. After the permit has been issued and before such work has been started, the permit holder must notify the Harbor Master. It shall be the duty of the Harbor Master to stop any such work until a permit shall be secured, if so requested by the Director of the Bureau of Development Services.
- B. Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, State Marine Board, and Division of State Lands.

19.16.060 Municipal Boat Landings.

(Amended by Ordinance Nos. 169986 and 188312, effective April 5, 2017.)

- A. As used in this Section, the following words and terms have the meanings indicated unless the context clearly requires otherwise:

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1. **“PP&R”** shall mean the City of Portland, Bureau of Parks and Recreation. Where appropriate, the term “PP&R” also refers to the staff and employees of Portland Parks and Recreation.
 2. **“Facility”** shall mean PP&R floats, piers, mooring buoys, and boat landings.
 3. **“Commercial vessel”** shall mean a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with PP&R.
 4. **“Length”** shall mean the overall length of a watercraft.
 5. **“Night”** shall mean any period of time between 3 PM and 9 AM.
 6. **“Docking Season”** shall mean the period of time between May 1 and September 30.
 7. **“Director”** refers to the Director of PP&R also known as the Superintendent of Parks.
- B.** The operator of recreational watercraft may use a municipal boat landing for recreational purposes only. It is unlawful to use a municipal boat landing for any purpose other than recreation without prior written permission of the Director of Parks.
- C.** No person shall moor or berth a watercraft of any type in a PP&R owned or operated park or marine area except in designated marine park areas and at designated facilities.
- D.** It is unlawful to moor a watercraft at a municipal boat landing for a period exceeding 24 hours or while the parks is closed, without prior written permission of the Director. The Harbor Master may permit a craft to be moored at a municipal boat landing for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it.
- E.** Use of any PP&R marine facility shall be on a first come, first served basis unless otherwise permitted by PP&R. Reserving or retaining space to moor or berth a watercraft at any facility, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit through the PP&R Reservation Center, shall not be permitted.
- F.** Open flames or live coals, or devices containing or using open flames, live coals, or combustible materials, including but not limited to barbecues, hibachis, stoves and heaters, shall not be permitted on PP&R marine facilities.

G. No swimming, diving, or sunbathing is permitted on or within 50 feet of PP&R marine facilities and municipal boat landings.

1. Exceptions

a. The Kevin Duckworth Dock Moorage

H. The mooring of any craft in violation of this section may result in eviction from moorage, in addition to any other penalty prescribed by law.

I. The Director is authorized to issue any rules and establish any fees with the Director deems necessary to operate and maintain all municipal Boat Landings and Marine Facilities.

J. Enforcement of the provisions in this Section shall be conducted by either the Director of Parks, the Harbor Master, the Chief of Police, the Multnomah County Sheriff, or their appointed designees. Subject to the provisions of ORS 830.908 to 830.948, any person authorized to enforce the provisions of this Section may order any abandoned or derelict vessel in any Park or at any municipal dock to be towed, stored and disposed of at the vessel owner's expense. Any person whose vessel is towed under this Section may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the towing order if, upon the Code Hearings Officer's de novo review, the preponderance of the evidence admissible under Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the vessel in fact was abandoned or derelict, as those terms are defined in ORS 830.908 to 830.948. If the tow is found to be invalid, any charges imposed by the City for towing and storage will be waived, and the City will pay any towing or storage charges owed to a private person or entity. The Code Hearings Officer shall not waive or reduce any towing or storage charges associated with any tow order if the Code Hearings Officer finds the tow order valid, and the vessel owner and/or the person entitled to possession of the vessel will be responsible for all such towing and storage charges.

K. Use of docks governed by this Section is also subject to all applicable provisions of law, including, without limitation, the provisions of Chapters 20.08, Parks & Recreation - Permits and 20.12 Parks & Recreation - Prohibited Conduct, of this Code.

L. The City of Portland, its officers, and employees are not liable for any personal injury or property damage resulting from maintenance or use of a municipal boat landing.

19.16.070 Vessels Are Not To Be Blocked.

No master, owner or person in charge of any vessels, or watercraft shall block or hinder in any way the entrance or exit to any Fire Boat station on either the land or water side.

19.16.075 Rafts Not to Block Slips or Channels.

Rafts or barges must not be more than one deep when moored alongside of any vessel while at any berth. No rafts, barges, or other floating objects shall be moored in such a way that the navigation of any vessel or watercraft shall be endangered or hindered. All barges, rafts, or other floating objects while so moored shall have a white light displayed on the offshore side.

19.16.080 River Obstructions.

- A. By certified mail, return receipt requested, the Harbor Master shall notify the owner, agent, or person in charge of any wreck, uncontrolled vessel, obstructing material or structure that is in violation of this chapter. In the Harbor Master's discretion, this notice may be posted on the wreck, vessel, material or structure.
- B. The notice shall state the time within which the violation is to cease.
- C. If the violation is not terminated within the time specified, the Harbor Master may remove the wreck, vessel, obstruction or material together with its tackle and cargo.
- D. After removal, the Harbor Master shall notify the owner, agent, consignee or person in charge of the wreck, vessel or material of the cost of removing it and specify a date on which the cost shall be paid to the City.
- E. If the cost of removal is not paid within the time specified, the wreck, vessel or material shall be sold and the proceeds disposed of in accordance with City Code Section 5.36.015.

19.16.085 Removal of Refuse.

- A. No refuse shall remain on the deck of a vessel overnight or after the cargo has been worked. All refuse must be removed daily onto the dock or a barge. Under no circumstances shall combustible materials be allowed to accumulate at any loading terminal, dock or yard.
- B. All barges or lighters must be with sideboards, bins and covers to prevent the escape of noxious odors.

19.16.090 Buoys Required on Wrecks.

- A. If any vessel, watercraft or barge is wrecked or sinks or loses any part of its cargo in the waters of the port, the owner, agent or person in charge of the vessel, watercraft or barge shall immediately notify the Harbor Master of the nature of the obstruction, the location and the cause of the obstruction.
- B. The owner, agent or person in charge of the vessel, watercraft or barge shall immediately place a marker or buoy on the obstruction. The marker or buoy shall display two red flags by day and two red lights by night. The flags shall be one

above the other, not less than three feet apart. Each flag shall be not less than 18” by 18” in size.

- C. If an obstruction constitutes a navigational hazard in any way, the owner, agent or person in charge shall notify the United States Coast Guard Captain of the Port and the owner, agent or person in charge shall mark the obstruction as ordered by the Captain of the Port.

19.16.095 Menace to Navigation.

- A. All refuse and debris in the waters of the port are declared to be public nuisances and menaces to navigation.
- B. It is unlawful for any person to throw or place or permit to be thrown or placed any such refuse or debris in the waters of the port or at a location where the refuse or debris may get into the waters of the port by high water or other means.
- C. Any such menace to navigation is subject to seizure by the Harbor Master without warrant or notice and is subject to summary destruction and abatement if this can be done without a breach of the peace or doing any unnecessary injury to other property.

19.16.100 Hot Work on Vessels.

(Amended by Ordinance No. 180917, effective May 26, 2007.) A Hot Work permit shall be obtained before beginning any welding or burning operations in or on any vessel, in or abutting the Portland harbor.

- A. Scope: This regulation applies to all operations involving the use of oxygen/fuel gas mixtures, electric arc welding, or other spark or fire producing operations on marine vessels regardless of the size of the vessel and regardless of whether or not the vessel is at anchor, moored, in drydock, or ashore.
- B. General Definition for this Section: For the purpose of this regulation the following words have the meanings set forth below:
 - 1. **Adjacent Spaces** - Those spaces in all directions from the subject space, including all points of contact, corners, diagonals, decks, tank tops, and bulkheads.
 - 2. **Bureau** - The City’s Portland Fire & Rescue.
 - 3. **Competent Person** - The holder of a valid Certificate issued by the National Fire Protection Association, or other recognized source attesting that the holder has successfully completed a course of training as a Competent Person and has been officially registered with the U.S.

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Department of Labor (OSHA) as a designated Competent Person by their respective employer.

4. **Confined Space** - A compartment of small size and limited access such as a double bottom tank, cofferdam, or other such similar type space which by its small size and confined nature can readily create or aggravate a hazardous exposure.
5. **Fire Watch** - A person designated by the supervisor of the welding operation to watch for signs of fire. Such persons shall be familiar with Fire Department Permit Conditions, the area where the hot work is to take place, and procedures for sounding an alarm in the event of fire. In addition, this person shall be trained in the proper use of the extinguishing equipment provided and instructed in the specific hazards anticipated.
6. **Designated Piers** - Those piers or berths designated by the Portland Harbor Master and by virtue of their construction, location, fire protection and fire hydrant availability, are suitable to permit certain repairs to vessels alongside.
7. **Enclosed Space** - Any space other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.
8. **Gangway** - A ramp-like or stair-like means of access provided to enable personnel to board or leave a vessel including accommodation ladders, gangplanks, and brows. A gangway shall have a walking surface not less than 20 inches wide, be of adequate strength, maintained in good repair, and safely secured. Each side of such gangway, and turntable if used, shall have a railing with a minimum height of 33 inches, with a mid rail. Rails, if constructed with rope or chain, shall be kept taut at all times.
9. **Hazardous Materials** - Any material which by reason of being explosive, flammable, poisonous, corrosive, oxidizing, irritant or otherwise harmful is like to cause injury.
10. **Hot Work** - Per NFPA 306, paragraph 1-05; any construction alteration, repair, or shipbreaking operation involving riveting operation welding, burning, or similar fire-producing operations. Grinding, drilling, abrasive blasting, or similar spark producing operations shall be considered hot work unless deemed otherwise by a Certified Marine Chemist.
11. **Marine Chemist** - The holder of a valid Certificate issued by the National Fire Protection Association in accordance with the "Rules for the Certification of Marine Chemist."

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12. **Powder Actuated Fastening Tool** - A tool or machine which drives a stud, pin, bolt or any type of fastener by means of an explosive charge.
 13. **Ship Repair** - The repair of any vessel including, but not limited to, alterations, modifications, conversions, installations, cleaning, painting, and maintenance work, and for the purposes of this code includes shipbuilding and shipbreaking.
 14. **Shipyards** - An operating facility, engaged in ship repair, doing business in the City of Portland or adjacent Columbia/Willamette River Port facilities, meeting the requirements of the Building and Fire Codes.
 15. **Vessel** - Every description of watercraft or other artificial contrivance used as a means of transportation on water, including special purpose floating structures not primarily designed for or used as a means of transportation on water.
- C. Hot Work Permits: Hot Works Permits for Hot Work on Marine Vessels shall be divided into three categories.
1. Level I - Those permits for hot work operations which are minor in nature. (See below for further definitions.)
 2. Level II - Those permits for hot work operations which are moderate in nature. (See below for further definition.)
 3. Level III - Those permits which involve major hot work operations. (See below for further definition.)
- D. Level I Hot Work:
1. Definition: Level I hot work is work which involves repairs or modifications which by nature do not involve any cutting or welding on or near hazardous areas of the vessels.
 2. Level I hot work must:
 - a. Not involve work on hazardous areas or compartments of the vessel. Such hazardous areas include, but are not limited to: Fuel systems (including tanks and piping and compartments adjacent to such tanks and piping). Compartments which are insulated with combustible or flammable insulation, including insulation which has a fire resistive barrier installed over the surface: Engine rooms, fire rooms and boiler rooms, auxiliary machinery rooms. Cargo or storage areas which contain or have contained hazardous materials (including flammable liquids and gases or combustible liquids).

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Work on surfaces directly adjacent to those compartments listed above (i.e.: Those opposite sides of an insulated space which might expose the insulation to heat).

- 3. Violation of Condition:**
 - a.** No welding or cutting shall be done on a dock or ship within the City's harbor without first obtaining a hot work permit authorized by Portland Fire & Rescue.
 - b.** If welding or cutting is done on a dock or ship within the City's harbor without first obtaining the permit or permits required by this Chapter, the welding or cutting shall cease immediately and not begin again until the Fire Marshal or Harbor Master has inspected the worksite, the inspection fee has been paid and the Fire Marshal or Harbor Master has issued a permit for welding or cutting. The person(s) must also obtain any Coast Guard or other required permits for the hot work, prior to the commencement of such work.
- 4. Examples of Level I hot work include work on:**
 - a.** Standing rigging
 - b.** Replacement of cleats and pad eyes
 - c.** Work involving deck machinery
 - d.** Similar repairs or modifications
- 5. Requirements:**
 - a. Permits Required:**
 - (1)** A U.S. Coast Guard Hot Work Permit.
 - (2)** A "Hot Work Permit for Vessels," authorized by Portland Fire & Rescue shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
 - b. Violation of Conditions:**
 - (1)** Violation of any of the following permit conditions shall be cause for immediate revocation of the "Hot Work Permit For Vessels." Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit. In the event that a fire occurs as a result of violation of these permit

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conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.

- c.** Authorized Locations: Level I hot work may be performed at the vessel's normal berth. Exception: Level I hot work shall not be performed at fuel terminals, passenger terminals, grain terminals, or terminals or piers at which the use is primarily residential or recreational in nature, unless authorized by the U.S. Coast Guard, Harbor Master, and a NFPA certified Marine Chemist.
- d.** Vessel's Fire Protection Systems: During hot work operations all of the vessel's fire protection systems shall remain in service.
- e.** Gangways Required: At least one gangway shall be provided for access to the vessel.
- f.** Prohibited Activity: The following activities are prohibited during hot work operations, unless specifically approved by a Marine Chemist.

 - (1)** All hot work operations shall be discontinued during discharge, loading, or transfer of fuel oils or other flammable or combustible substance.
 - (2)** Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Inspection Required:

 - (1)** Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:

 - (a)** The work to be performed does not involve an area of the vessel prohibited for Level I hot work.
 - (b)** Prohibited activity is not taking place elsewhere on the vessel.
 - (c)** The area is safe for the hot work to take place. Such inspection shall be made by the Competent Person

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and the person in charge of the repairs or modifications. Such inspections shall include the opposite sides of bulkheads or decks on which welding or cutting operations are to be performed.

h. Fire Watches:

- (1) Whenever hot work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during such operations.
- (2) Such persons shall have no other duties other than to watch for fire. Fire watches shall be equipped with, or have immediate access to emergency fire protection equipment (charged fire extinguishers and/or fire hoses). Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed.
- (3) Persons performing hot work may not serve as their own fire watch.
- (4) Persons appointed as fire watch may be a member of the vessel's crew or other person designated by the individual in charge of the work.
- (5) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (6) Fire watches are to be readily identifiable.
- (7) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

i. Fire Extinguishing Devices Required:

- (1) Portable fire extinguisher of sufficient size and number, as identified on Hot Work Permit, shall be kept in readiness at the location where the hot work is being done. Extinguishers may be 4A, 60BC, Dry Chemical; 1A 10/12 BC CO2 or, 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting may not be used for this purpose.

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- e. Work on surfaces directly adjacent to those compartments listed above (i.e., the opposite side of an insulated space, which might expose the insulation to heat). Level II hot work must be completed within 30 calendar days.
- 3. Examples of Level II hot work include:
 - a. Removal or replacement of major components of the vessel's propulsion system.
 - b. Removal or replacement of major components or sections of any shipboard piping systems.
 - c. Replacement of deck houses or other major structural components.
 - d. Replacement of hull or deck plating.
 - e. Work is less than 30 days in duration.
- 4. Requirements:
 - a. Permits Required:
 - (1) A U.S. Coast Guard Hot Work Permit.
 - (2) A "Hot Work Permit for Vessels," authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
 - b. Violation of Conditions:
 - (1) Violation of any of the following permit conditions shall be cause for immediate revocation of the "Hot Work Permit For Vessels." Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
 - (2) In the event that a fire occurs as result of a violation of these permit conditions, the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
 - c. Authorized Locations:
 - (1) Level II hot work may only be performed at designated Port facility piers or at shipyards.

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- (2) Crane service must be immediately available whenever work is being performed. Such cranes must be capable of lifting not less than 10,000 pounds with a boom of sufficient length to reach the middle of the ship on the largest vessel at the pier.

- d. Vessel's Fire Protection System: During hot work operations all of the vessel's fire protection systems shall remain in service.

- e. Gangways Required: Two gangways shall be provided for access to the vessel, unless physical limitations dictate otherwise.

- f. Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
 - (1) All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.

 - (2) Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere of less than 10 percent of the lower explosive limit for the particular material being applied as determined by a Marine Chemist. Monitoring of such areas shall be carried out by a Competent Person.

- g. Shipyard Personnel Required: Depending on the exact nature of the work, Level II hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Persons.

- h. Marine Chemist Certificate Required:
 - (1) No person shall engage in hot work or the use of powder actuated fastening tools in or on the spaces listed below until a certificate setting forth that such work can be done safely is issued. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).

 - (2) A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:

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- (a)** Within or on the boundaries of cargo tanks which have been used to carry combustible or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
- (b)** Within or on the boundaries of fuel tanks.
- (c)** On pipe lines, heating coils, pumps, fittings or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
- (d)** Within the boundaries of engine rooms, fire rooms and boiler rooms.
- (e)** Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
- (f)** Marine Chemist Certificate shall be issued in strict accordance with the requirements of NFPA 306 Standard for the “Control of Gas Hazards on Vessels.”

i. Inspection Required:

- (1)** Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
 - (a)** The work to be performed is not prohibited for Level II hot work.
 - (b)** Prohibited activity is not taking place elsewhere on the vessel, unless approved by a Certified Marine Chemist. (See section entitled “Prohibited Activity” above.)
 - (c)** The area is safe for the hot work to take place and Hot Work Permit Conditions are being complied with:
 - (i)** Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.

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deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck.

- (9) Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if the Fire Watch is in a remote or confined area or tank.

k. Fire Extinguishing Devices Required:

- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Works Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC Dry Chemical; 1A 10/12 BC CO₂, or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2) Fire hose(s) of not less than 1-1/2 inch in diameter, with nozzle attached, shall be stretched out and suitably charged prior to the commencement of Hot Work operations. One such hose shall be stretched to the area where the Hot Work is to occur. Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30 minutes (1/2 hour) after any hot work has been completed or breaks taken.
- (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or their designated representative.
- (4) Designated emergency "Red Head" fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100² feet lengths of 1-1/2² inch fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel's charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.

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- (5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO₂, other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- l.** Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside a confined space.
- m.** Removal of Materials:

 - (1) Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel or decks if hot work operations are to be performed at any location aboard the vessel during the repair process:

 - (a) Refrigerant gases (including gases within the system).
 - (b) Compressed gas cylinders except those needed for hot work.
 - (c) Drums of flammable and combustible liquids.
 - (d) Explosives.
- n.** Other Precautions Against Fire:

 - (1) Unless approved by a Certified Marine Chemist, solid combustible materials shall not be located within 25 feet of hot work operations (including the opposite of surfaces on which welding or cutting is being performed).
 - (2) Hot Work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.
 - (3) Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in

bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.)

F. Level III Hot Work:

- 1.** Definition: Level III hot work is that work which is major in nature or work which is moderate in nature and which will require more than 30 days to complete or work which will place the vessel's fire protection systems out of service.
- 2.** Requirements:
 - a.** Permits Required:
 - (1)** A U.S. Coast Guard Hot Work Permit.
 - (2)** A "Hot Work Permit for Vessels," authorized by the Harbor Master shall be obtained prior to the commencement of any hot work operations aboard any marine vessel.
 - b.** Violation of Conditions:
 - (1)** Violation of any of the following permit conditions shall be cause for immediate revocation of the "Hot Work Permit for Vessels." Permits which are revoked require all discrepancies corrected immediately and may require payment of a fee prior to issuance of a new permit.
 - (2)** In the event that a fire occurs as result of a violation of these permit conditions the Chief of Portland Fire & Rescue may prepare a statement setting forth the costs of extinguishing the fire and the permit holder shall pay such costs.
 - c.** Authorized Locations: Level III repairs may only be performed in a shipyard.
 - d.** Vessel's Fire Protection System: Whenever hot work operations are to occur, the vessel's fire protection systems shall remain in service or other steps shall be taken to provide a level of fire protection equivalent to the protection provided by the vessel's system. Before beginning the work, the ship's superintendent or designated person shall obtain the Harbor Master's approval of alternate measures.
 - e.** Gangways Required: Not less than two gangways shall be provided for access to the vessel.

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- f.** Prohibited Activity: Unless approved by a Certified Marine Chemist, the following activities are prohibited during hot work operations:
- (1)** All hot work operations shall be discontinued during discharge, loading or transfer of fuel oils or other flammable or combustible substances.
 - (2)** Spray painting or the application of other flammable compounds unless sufficient ventilation is provided to maintain the atmosphere at less than 10 percent of the explosive limit for the particular material being applied as determined by a marine chemist. Monitoring of such areas shall be carried out by a Competent Person.
- g.** Special Personnel Required: Level III hot work must be reviewed by a NFPA Certified Marine Chemist or a full-time safety person, or both prior to commencement. Full-time safety persons shall meet the requirements for Competent Person.
- h.** Marine Chemist Certificate Required:
- (1)** No person shall engage in hot work or the use of powder actuated fastening tools in or on the following spaces, boundaries, or pipe lines until a certificate is issued setting forth that such work can be done safely. Such certificates shall be valid only if they are issued by a Marine Chemist certified by the National Fire Protection Association (NFPA).
 - (2)** A Marine Chemist Certificate shall be required prior to Hot Work operations on any vessel:
 - (a)** Within or on the boundaries of cargo tanks which have been used to carry combustibles or flammable liquids and/or gases, or within spaces adjacent to such cargo tanks.
 - (b)** Within or on the boundaries of fuel tanks.
 - (c)** On pipe lines, heating coils, pumps, fittings, or other appurtenances connected to cargo tanks, fuel tanks or fuel systems.
 - (d)** Within the boundaries of engine rooms, fire rooms and boiler rooms.

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- (e) Within the boundary of any machinery compartment or space in which the machinery uses a flammable or combustible liquid or flammable gas in its operation.
 - (3) Marine Chemist Certificates shall be issued in strict accordance with the requirements of NFPA 306, "Control of Gas Hazards on Vessels."
- i. Inspection Required:
 - (1) Prior to the commencement of hot work operations, an inspection shall be made of the area in which the work is to occur to assure that:
 - (a) Prohibited activity is not taking place elsewhere on the vessel.
 - (b) The area is safe for the hot work to take place and Hot Work Permit conditions are being complied with.
 - (2) Regular inspections shall be made by a Competent Person during the entire repair period to note and eliminate fire hazards and to implement work procedures to keep such hazards to a minimum.
 - (3) The types and amounts of fuel oils and other flammable or combustible liquids in all cargo, bunker, deep, settler and double bottom tanks shall be determined. Such determination shall include associated piping systems. Such information shall be readily available to Portland Fire & Rescue in the event of a fire or inspection by the Harbor Master.
 - (4) Such inspection shall be made by the Competent Person or a Certified Marine Chemist.
 - (5) Such inspections shall include the opposite sides of bulkheads and decks on which welding or cutting operations are to be performed.
- j. Fire Watches:
 - (1) Whenever Hot Work operations are taking place, a responsible individual shall be appointed as fire watch and shall be on duty continuously during hot work operations.

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- (2) Such persons shall have no other duties other than to watch for fire.
- (3) Fire watches shall be equipped with and have immediate access to emergency fire protection equipment (charged fire extinguishers and fire hoses).
- (4) Fire watches shall remain on duty for not less than 30 minutes after hot work operations are completed or breaks or lunch taken.
- (5) Persons engaged in Hot Work operations may not serve as their own fire watch.
- (6) Persons appointed as fire watch may be a member of the vessel's crew or other persons designated by the individual in charge of the work.
- (7) As determined by a responsible, trained supervisor, the number and location of fire watch personnel shall be based on all existing conditions and potential fire hazards.
- (8) If during any Hot Work operation there will be a transmission of heat through a bulkhead or above or below a deck where such work is being done, a fire watch shall be maintained on all sides of the bulkhead or deck exposed to heat.
- (9) All Fire Watches shall be equipped with a mechanism to send a fire alarm or a device to cause an alarm to be sounded, even if Fire Watch is in a remote or confined area or tank.

k. Fire Extinguishing Devices Required:

- (1) Portable fire extinguishers of sufficient size and number as identified on the Hot Work Permit shall be kept in readiness at the location where hot work is being done. Extinguishers may be 4A, 60BC dry chemical; 1A 10/12 BC CO₂ or 2A pressurized water, depending on the work and surroundings involved. Extinguishers that are part of the vessel's established fire protection outfitting are not to be used for this purpose.
- (2) Hose(s) shall be tested prior to commencing any hot work. The hose(s) will remain ready for instant use for at least 30

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minutes (1/2 hour) after any hot work has been completed or lunch or breaks taken.

- (3) In areas of physical space limitations a special exemption relative to hose size(s) may be granted by the Company Safety Manager, or the Harbor Master or their designated representative.
 - (4) Designated emergency “Red Head” fire boxes shall be supplied and available. Each fire box shall be equipped with two (2) 100² feet lengths of 1-1/2² inch fire hose with adjustable fog/shut-off nozzles attached. Designated emergency (Red Head) fire boxes shall be suitably charged and positioned at intervals to maximize adequate fire protection including use of the vessel’s charged fire main system. Adequate supplies of spare hose (and nozzles), sufficient to reach any compartment in which Hot Work operations are taking place and each compartment adjacent to the compartment being worked on shall be readily available immediately adjacent to the Red Head boxes. Red Head fire boxes shall be used for emergency use only.
 - (5) In the event of severe freezing weather, or in electronic spaces or compartments containing materials that are easily water damaged, fire watches shall be equipped with CO₂, or other acceptable portable extinguisher(s). Fire hose(s) strung out shall remain dry, but in a state of readiness in the event portable extinguishers are not effective.
- l.** Ventilation: Forced draft ventilation of adequate capacity to remove hot work vapors and any accumulation of flammable vapor shall be installed prior to performing any work below deck or inside an enclosed space.
- m.** Removal of Materials:
- (1) Unless approved by a Certified Marine Chemist, the following materials must be removed from the vessel and/or dock if hot work operations are to be performed at any location aboard the vessel during the repair process:

 - (a) Refrigerant gases (including gases within the system).
 - (b) Compressed gas cylinders except those needed for hot work.

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(c) Drums of flammable and combustible liquids.

(d) Explosives and pyrotechnics.

n. Other Precautions Against Fire:

(1) Unless approved by a Certified Marine Chemist, combustible materials shall not be located within 25 feet of hot work operations, including all sides of surfaces on which welding or cutting is performed.

(2) Hot work shall not be done in or near compartments or spaces where flammable liquids or vapors, lint or loose combustible stocks are so located or arranged that sparks or hot metal from the welding or cutting operation may cause ignition or explosion of such materials.

(3) Where floor (deck) openings or cracks cannot be closed, precautions shall be taken such that no combustible materials on the floor below will be exposed to sparks. The same precautions shall be observed with cracks or holes in bulkheads, open doorways, and other openings (i.e., open piping, electrical stuffing tubes, etc.).

19.16.105 Length of Tows.

No towboat shall tow any raft or boom of logs or piling which shall exceed 1,500 feet in length from bow of towboat to stern of tow. No such tow shall exceed 120 feet in width. When freshet stage of water in the Willamette River exceeds 10 feet, no tow shall exceed 60 feet in width. The Harbor Master may allow larger tows than hereby specified if it is necessary and cannot be made smaller, but a patrol boat or some other craft must accompany the tow.

19.16.110 Property Found or Salvaged within the Port.

A. All articles found floating in the Columbia or Willamette River within Oregon jurisdiction or on any of their sloughs within the Harbor Master's jurisdiction shall be reported in writing to the Harbor Master within 72 hours after the article is found. The Harbor Master shall investigate the report, and, if possible, notify the owner, in writing, that the article has been found and request the owner to submit proof of ~~his/her~~ their claim to the article.

B. If no claim is made to the article within 90 days after notice to the owner, the Harbor Master shall destroy the article, if it has an estimated value of less than \$100, or is a menace to life or property. If the article has an estimated value of \$100 or more, and is not a menace to life or property, the Harbor Master shall sell the article by bid or public auction, after giving notice of the finding and sale once each week for

two consecutive weeks in the Daily Journal of Commerce. The notice shall state the general description of the article found and the date, time, and place of sale.

- C. If no person appears and establishes ownership of the article prior to the sale, the City shall be owner of the proceeds of the sale.
- D. Upon the sale, in accordance with this section, the interest in the article of the owner and any other person or corporation shall terminate.

19.16.115 Permits for Aquatic Events.

Any person, firm, corporation, or organization intending to sponsor or otherwise conduct an aquatic event shall make application for a permit therefor to the United States Coast Guard, not less than 30 days prior to the opening of the aquatic event. A copy of any approved permit shall be given to the Harbor Master. ~~He/she~~ They may add any other conditions as ~~he/she~~ they may deem appropriate.

19.16.120 Dead Animals and Refuse.

It is unlawful to throw, place, or leave any dead animal or putrefying matter into or on any part of the harbor or to place or deposit any rubbish, refuse matter, or article of any offensive character likely to create a nuisance upon any wharf, of any wharf road, or street leading to a wharf, except at the places and in the manner determined by the Office of the Harbor Master.

19.16.130 Check To Be Kept of Employees Handling Bulk or Dangerous Cargo.

Whenever any bulk or dangerous cargo is being worked in the hold of any vessel or other floating craft, the foreman or person in charge of any such work shall keep an accurate check or count of all persons at all times while so engaged or employed, and a count must be made of all persons entering and leaving the holds of any vessel or watercraft while such cargo is being worked.

19.16.135 Flammable and/or Combustible Liquid Storage on Docks.

- A. Storage of flammable or combustible liquids in excess of Uniform Fire Code exempt amounts shall not be permitted on docks, without prior approval of the Harbor Master.
- B. Storage of flammable and/or combustible liquids on docks in quantities requiring placarding by DOT shall be stored by designated areas.

Exception: Locations approved by the Harbor Master, prior to storage.

- C. Exempt amounts of flammable or combustible liquids may be stored on docks if stored in approved safety cans, flammable liquid cabinets, or in unopened Department of Transportation (DOT) containers.

- D. Flammable liquids or gases and combustible liquids shall not be dispensed in the hold of ships. Exchanging of fuel cylinders or tanks for equipment shall not be permitted in the holds of ships. When fueling of lift trucks or other equipment used in the holds of ships becomes necessary, the lift truck or equipment shall be lifted out of the ship to the dock and fueling shall be done on the dock. The fueling area on the dock shall be approved prior to fueling, by the Harbor Master. Any additional fire safety equipment deemed necessary by the Harbor Master shall be in place before any fueling or refueling is started. After fueling or refueling and before the lift truck or equipment is lifted back into the ship, the equipment shall be started and checked for leaks in the fuel system. The equipment shall then be shut down, lifted back into the hold of the ship and then restarted and work resumed. Except for emergency fueling of cars of 5 gallons or less.
- E. The transfer of flammable liquids in moorages for water craft is prohibited except at duly authorized fuel docks.

19.16.140 Oil Vessel Transfer Equipment.

When transferring oil or other hazardous materials cargoes, all vessels, transfer facilities, barges and other watercraft shall do so in complete compliance with procedures set forth in approved Codes of Federal Regulations.

19.16.145 Oil on Waters of the Harbor.

- A. No person shall pump, cast, discharge, or allow any petroleum or other oil of whatever nature to flow into or upon any tributary, sewer, drain, ditch, or waters which flow into any navigable water within and abutting the corporate limits of the City of Portland or water which flows into the river.
- B. No vessel or watercraft of any nature whatsoever shall pump ~~her~~ bilges containing any oil matter into the waters of the harbor, but they must pump the same into barges or lighters equipped for handling such oil cargo, or with a siphon discharge, and any such pumping shall be a violation of this Chapter if any oil matter shall get into the waters of the harbor. Notice shall be given to the Harbor Master by the owners, agent, or employees of the lighters or barges prior to the pumping or siphoning, and immediately upon completion of the operations.
- C. No industrial plant garage, service station, oil station, or other oil using plant shall have any direct lead from any oily drain into any sewer, drain, ditch, or other discharge without first running through a sump; and the sump shall be kept skimmed at all times and in case any sump overflows the responsible party shall be held the guilty person.
- D. Whenever any vessel or other watercraft is drydocked, beached, or hauled out on any ship way, and oil of any kind is leaking, all due precautions must be taken to keep such oil from flowing out into the waters of the harbor; and oils must be skimmed into barrels or other containers or absorbed by quantities of hay, straw,

dry shavings, or other approved buoyant absorbent. No chemical cleaner can be used for oil on the water. Oil must be removed to some place other than where it may again enter the waters of the harbor.

- E.** Any person, contractor, firm, or corporation who shall allow any petroleum product or other oil substance to get into such waters in any way must take immediate means to recover as much of the oil substance as possible by absorbing same into hay, straw, dry shavings, or approved buoyant absorbent which can be removed from the water and disposed of. Sinking same with sand, gravel, or chemical compounds will not be allowed and the use of same will subject the party doing so to arrest.

19.16.150 Mooring Hazardous Vessels.

No vessel or watercraft classed as an oil carrier or tanker, or constructed to carry a part cargo of oil, or carrying explosives or other dangerous or flammable cargo shall be made fast in any manner that cannot easily be cast off or cut without unnecessary delay, and there shall be sufficient water under the keel of any such vessel to float it at all times.

19.16.155 Hazardous Materials.

- A.** No vessel or watercraft may transport, load, unload, or use on board any hazardous material as cargo within the jurisdiction of the Harbor Master, except in accordance with the regulations of the U.S. Department of Transportation (DOT) and U.S. Coast Guard.
- B.** No hazardous materials shall be received, handled, or stored at any dock or other facility within the Harbor Master's jurisdiction not previously approved by the Harbor Master, and the U.S. Coast Guard. All hazardous materials at these facilities shall be handled, stored, loaded, and unloaded in compliance with requirements of the Portland Fire Code, National Fire Protection Association, and the U.S. Coast Guard.
- C.** All hazardous materials shall be properly packaged, marked, labeled, and containers placarded in accordance with DOT specifications, or International Maritime Dangerous Goods Code specifications as permitted by the DOT.
- D.** The Harbor Master may limit the scope of activity, and/or specify fire safety provisions, in addition to this Code, should ~~he/she~~ they deem such conditions are necessary to provide reasonable public safety in the handling or storage of hazardous materials.
- E.** Permission from the Harbor Master to handle the following hazardous materials must be requested at least one week prior to the cargo arriving into the harbor. (These are identified by the DOT classification.)
 - 1.** Explosives 1.1, 1.2, 1.3, 1.4.

2. Blasting agents 1.5.
 3. Poison gases 2.3
 4. Poison liquids with inhalation hazards 6.1
 5. Cryogenics 2.1, 2.2
 6. Pyrophoric 4.2
 7. Dangerous when wet 4.3
 8. Ammonium nitrate and ammonium nitrate mixtures 5.1
 9. Oxidizers 5.1 and organic peroxides 5.2
 10. Etiological materials 6.2
 11. Radioactive 7.
 12. Flammable solids 5.2
- F. The Harbor Master must be notified at least 72 hours prior to arrival into the harbor of any other hazardous materials, except for the following:
1. Motor vehicles.
 2. Hay/straw.
 3. New wet batteries.
 4. ORM/D (consumer commodities).

19.16.170 Precautions in Mooring.

All vessels when making fast to any dock or sea wall shall do so in a safe way with suitable lines and fastenings to be furnished by the vessel. Whenever any vessel, by reason of the manner in which the same is made fast to any dock or sea wall, shall be unsafe or dangerous or a menace to itself or to any other adjoining dock, it shall be the duty of the master of such vessel or other person in charge to make such change as may be necessary to correct such condition; and if the master or other person shall fail in such duty, the change shall be made by the Harbor Master and all expenses thereby incurred shall be paid by and recoverable from such vessel or the master thereof to the City.

19.16.175 Vessels at Berth.

Except when fastened parallel to the channel, any vessel lying at berth allowing a portion to extend beyond the line of the dock, does so at its own risk and may be held responsible for any damage that may result by reason of the projection into the stream.

19.16.180 Watchmen on Ocean Going Vessels.

It is unlawful for the owner, agent or master of any ocean going vessel to allow the same to remain anchored or moored or made fast to or lie at any pier, unless there is adequate security provided, as approved by the Harbor Master.

19.16.185 Mooring of Vessels.

- A. It is unlawful for any person or corporation to moor, tie up, secure or anchor more than two abreast any vessels or watercraft more than 35 feet in breadth along any dock or shoreline running parallel to the Willamette River, without first securing written permission from the Harbor Master.
- B. It is unlawful for any person or corporation to moor tie-up or anchor any vessel or watercraft, except at an approved moorage or site approved by the Harbor Master. This section is not meant to regulate normal recreational or commercial water craft or vessels for short periods of time, of less than 30 days duration. The Harbor Master may extend this time, as necessary, for unusual circumstances, at ~~his/her~~ their discretion.

19.16.190 Street Ends.

- A. No goods, lumber, logs, boats, vehicles, or other articles shall be placed, piled, moored, tied, dumped, deposited, or allowed to remain on, or to obstruct any street end in any manner; and all such articles shall be removed at once when so ordered by any member of the police or fire department.
- B. No sign shall be placed across or on any street end without written permission of the Harbor Master. No shack or other small building shall be allowed along the harbor unless of standard construction and unless a permit shall have been secured from the Harbor Master. The area from the property line to the curb line shall be kept clear for pedestrian traffic at all times unless closed by the City Council. No combustible building or other fire hazard shall be allowed under bridge approaches.

19.16.195 Equipment and Use of Docks.

- A. All docks where seagoing vessels are to be secured must be equipped with proper cleats, kevels, bollards, mooring posts, or similar devices for the ready and safe securing of such vessels as may be moored alongside; and all such fastenings must be kept clear at all times. No cargo or goods or articles of any kind shall be unloaded, loaded, or piled near such fastenings which might preclude quick access to them and no fastenings shall be made to any other part of any structure at any time which may endanger such structure in any way. All dock openings must have fences or barricades when not in use.
- B. It is unlawful for any ocean going vessel, while made fast to any dock or wharf within the confined limits of the City to turn its propeller over in excess of 15 turns

per minute (approximately one quarter full speed) without first having obtained permission from the Office of the Harbor Master and owner of the dock or wharf.

19.16.200 Passenger Docks To be Fenced.

No passenger carrying vessel shall be allowed to load or discharge any passengers at any dock within the City unless the proper gangways, manropes, and life nets are in place and an adequate fence or rope rail is in place at the edge of the dock. Exception: Life nets may be removed at the Harbor Master's discretion.

19.16.205 Respiration Protection Required.

Any stevedoring company or any person engaged in working sulfur or any cargo of poisonous compounds or other commodity whereby any person working in or around such cargo may be overcome by dust or fumes or gases from such cargo, shall have at hand for immediate use suitable respiration protection equipment approved by NIOSH.

19.16.210 Drinking Water and Toilets To Be Provided.

- A.** All docks or other places where vessels are moored and cargo is worked or repairs are made shall have at least one toilet and at least one drinking fountain for the accommodation of all employees and other persons having business at such dock or other place.
- B.** If any vessel shall be working any persons or gangs at any dock or other location within the port for any purpose whatsoever, and if there are not proper toilet facilities available, or if the facilities become out of order for any cause, said vessel shall have at least one toilet on board that shall be conveniently accessible and available at all times for the use of the persons so engaged in the ship's operations. All toilets shall be kept clean sanitary, and in good working order.

19.16.215 Making Unnecessary Noise Prohibited.

It is unlawful for the master or any person in charge of any vessel of any kind lying at any dock or while navigating in the harbor, to cause any whistle, siren, foghorn, bell, or any other kind of sound producing apparatus to be blown or sounded for any purpose other than required by law or by the U.S. Coast Guard "Rules of the Road: International - Inland" Commandant Instruction M16672.2 series. These rules are hereby made a part of this Title. Copies are available at Group Portland, United States Coast Guard. No such apparatus shall be tested or adjusted within the port without written permission of the Harbor Master. However, boilers and tanks may be blown out through an underwater exhaust between the hours of 7 a.m. and 10 p.m. of any day. This section shall not prevent the routine testing of any sound producing apparatus in connection with actual getting under way.

19.16.220 Garbage Not To Be Dumped.

- A.** No vessel or other watercraft shall dump garbage, dunnage, refuse, straw, or other packing material into the waters or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, but they shall

keep them on board until after leaving the harbor or dispose of same on shore through an approved garbage disposal service.

- B.** If at any time any communicable disease peculiar to animals is found to exist in any country or state from which cargo was received, no waste material in any manner whatsoever shall be discharged.
- C.** All garbage while onboard ship shall be stored in covered leak-proof containers. Any garbage discharged while in port must be to an approved facility.

19.16.225 Handling Loose Materials.

- A.** It is unlawful for any person, firm, or corporation to throw, dump, deposit, unload, load, wash, flush, or by any other means allow any coal, clean water ballast, ashes, sand, gravel, rock, sawdust, ground fuel, dirt, earth, dust, chaff, vegetable, animal, or fish parts, slabs, planks, timbers, dunnage, paper, metal, or loose products, or dredgings of any kind, or any other unauthorized material into or upon the banks of any stream, tributary, or waters within or abutting the corporate limits of the City of Portland, by high water or other means.
- B.** When such materials are being handled from ship, barge, or other floating object to shore, or from one floating object to another, a sufficient tarpaulin, plate, platform, or other kind of jumper shall be placed, stretched, or spread so as to prevent effectually any such material from falling into the waters of the port, except where the loose materials are being handled by a pipe, hose, tube, tight bucket, or other object, so that no part thereof is allowed to get into the waters of the port.
- C.** No plant along the banks of the navigable waters within or abutting the corporate limits of the City of Portland shall allow any washing, screenings, or plant refuse of any kind whatsoever to get into the river if any such material will prove obnoxious or tend to fill in or obstruct the free flow of the river.
- D.** All concerns engaged in the removal of refuse of any kind on the river shall have suitable barges or boats with fixed bins, barricades, or fences so that no part of any such refuse shall fall overboard while handling or mooring same. In the event any such material gets into the waters of the port, the materials must be removed at once.

19.16.235 Care and Use of Boats.

It is unlawful for any person to operate any vessel in the harbor in such a manner as to jeopardize the same or to endanger life or property. When any power craft of less than 15 tons net burden is proceeding in such a manner that it is endangering any canoe, rowboat, skiff, or other watercraft, it shall be the duty of the person in charge of such power craft to reduce the speed, stop, or reverse as the case may be, to remove the danger to such watercraft or to refrain from willfully frightening the occupants thereof.

19.16.240 Safety Measures To Be Observed.

All contractors doing any construction work along the waterfront shall take all necessary precautions for the safety of their workers.

19.16.245 Vending Prohibited.

It is unlawful for any vendors of any kind to go upon any ship or dock face while a ship is working cargo or while the winches or any of the gear is being operated for any purpose. No vending of any kind shall be allowed at any dock where the owners thereof shall have posted suitable signs prohibiting such vending.

19.16.250 Floating Dwellings.

(Amended by Ordinance No. 176955, effective October 9, 2002.)

- A. It is unlawful for Any person to place or maintain any houseboat, scow, dwelling, ~~houses~~scow, boathouse, or any other kind of a floating dwelling on the river except at such places as shall be designated by the Harbor Master as proper moorages.
- B. All such dwellings shall be connected with running water from the City's mains and shall have at least one toilet of the flush type on board, and if the dwelling shall go on ground, a proper closed drain shall be established to running water.
- C. No such dwelling shall be maintained at any location without permission first having been obtained from the property owner.
- D. All persons so occupying any floating dwelling shall have written permission from the Harbor Master and the permission shall designate the location of the dwelling. The Harbor Master shall grant written permission if after investigation ~~he/she~~ they shall find that all of the above provisions have been complied with and finds that any floating dwelling will not be a menace to the surrounding property or the public health of the community.
- E. He shall have the power to move any such dwelling at any time it shall become necessary, or at the request of the property owner, or for the safety of the dwelling or the public at large.
- F. Also, there shall be no dwelling established along the waterfront or any property in the City limits from the shore line of the river to the nearest paralleling street curb which will not meet the building specifications and have the permission of the Bureau of Development Services for any such buildings, and they must have running City water connected into the building and have at least one flush type toilet connected to an approved sewer.
- G. The owner of every floating dwelling shall at all times have at least one 50-foot length of garden hose and a spray nozzle connected to City water service.

- H.** All such dwellings and buildings must be constructed so as to meet all the requirements of the building, plumbing, Title 28 Floating Structures, electrical, and fire regulations and shall be subject to inspection by proper authority at any time.

19.16.253 Canoe Houses and Small Boat Storage.

- A.** No club association, person, firm, or corporation shall operate or maintain any canoe houses or small boat storage without first having obtained from the Harbor Master a permit for moorage. The permit shall be required if moorage space is rented to more than three individuals per year by any person, firm, corporation, club, or association. The permit may be revoked at any time if the Harbor Master finds conditions at any moorage are unsafe or a menace to the public health [or morals of the community], or where existence of the moorage in any location creates conditions adversely affecting navigation or maneuvering of vessels, or where navigation or maneuvering may create a hazard to life and property at the moorage.
- B.** All moorages must have running water piped to them with a service line of sufficient size as to supply adequately all houses in the moorage.
- C.** All walks, steps, gangways, and ramps shall be maintained in good condition at all times, equipped with at least one handrail or safety rail and have sufficient lights distributed as to make them safe at all times at night with lights turned on and burning during the hours of darkness every night. Electric power lines must be strung so that they will in no way endanger persons passing in and out of any such moorage.
- D.** All moorages shall maintain sufficient covered standard garbage cans to take proper care of all garbage for such moorage and garbage shall not be allowed to accumulate for over 7 calendar days without being disposed of as provided by law. No garbage, waste, or other surplus materials shall be dumped or thrown into any of the waters within or abutting the corporate limits of the City of Portland, by any person at any moorage.

19.16.255 Ballast Logs.

All ballast logs, fending off floats, or camels when used by vessels at docks shall be properly fastened by chains, wire cable, or ropes in such a manner that they cannot float through their fastenings if disturbed by the displacement of water caused by any passing vessel or other cause; and all such floats shall have at least one preventer cable attached to it on end with the other end securely fastened to the ship or dock.

19.16.265 Heating Combustible Matter.

It is unlawful to heat any combustible matter, such as pitch, tar, resin, oil, or other flammable compounds on board any vessel lying at a dock or in the stream in the port, except in places as shall be designated by the Harbor Master.

19.16.270 Lines Not To Cross Channel.

No person shall run any rope, cable, or any other obstruction across any channel or fairway within the harbor without first obtaining permission from the Harbor Master. If so ordered by the Harbor Master ~~him/her~~, they shall maintain a proper patrol during such time to warn all approaching watercraft of such danger and also shall place red flags out by day and red lanterns by night, or other signals as ordered.

19.16.275 Restrictions of Towage.

- A. The Harbor Master is authorized to stipulate the number and size and arrangement of any barges, rafts, or other objects which shall be allowed to be towed through the harbor by any certain power boat or towboat; and no master, owner, agent, or person in charge of any towboat shall tow in the Portland harbor unless the towboat has sufficient power to safely handle the object in tow and to keep it from obstructing any channel or fairway. If at any time such tow shall obstruct navigation, or if the Harbor Master finds that said towboat does not have sufficient power to safely handle the tow, the Harbor Master shall order same promptly removed or secured, and the expense thereof shall be recoverable by the City.
- B. It is unlawful for any person, firm, or corporation to enter the City limits with any vessel, barge, boat, scow, or other floating object that has been wrecked, damaged, or that may be in any unsafe and liable to sink due to such condition, or cause any above-named dangerous object to be towed into the harbor, where it may become submerged and an unsafe object to navigation, life, and property of the community, without first obtaining permission in writing from the Harbor Master.
- C. Any uncommissioned vessel or other large tow which is difficult to control or which in any way endangers the bridges crossing the Willamette River, will not be allowed to pass through any of the drawbridges crossing the Willamette River, unless it is equipped with an anchor of sufficient size, ready to drop, to hold the vessel or tow in any stage of water, and sufficient number of capable workers to handle such vessel shall be on board. Any such vessel or other large tow not so equipped may be ordered tied up by the Harbor Master until the requirements of this Section have been complied with.
- D. In the event the object being towed gets out of control and damages public or private property or sinks and becomes a menace to navigation, the agent or responsible party making this tow shall remove the sunken object at the earliest possible time.
- E. Any uncommissioned vessel passing through the bridges crossing the Willamette River within the City limits must have the services of a local pilot, provided, however, that if the Harbor Master shall, in ~~his/her~~ their discretion, determine that the services of a local pilot are not necessary under prevailing conditions, this requirement may be waived.

19.16.280 Speed of Vessels.

- A.** All vessels and other watercraft during foggy or smoky weather, mist, falling snow, heavy rain, or other obscuring weather, shall proceed at a moderate speed, having due regard to the existing conditions and circumstances.
- B.** All vessels and watercraft must keep clear of seaplanes while they are taking off or landing within any district set aside for that purpose.
- C.** All motorboats shall proceed with caution while in the harbor and not try out for speed if other small boats are in the vicinity in numbers, except during permitted regattas, races, or demonstrations.
- D.** All vessels when passing dredges, drydocks, vessels under repair, diving, or grappling operations, or other submarine work, shall slow down to not more than 6 statute miles per hour. While passing over the mooring lines of any such activity, the propellers or other propelling machinery shall be stopped; and if their draft permits, the vessel shall keep on the outside of the buoys marking the ends of the mooring lines of floating plant that may be working within the channel area.
- E.** No vessel shall be operated in the port at any speed whereby any damage may be done to the property of another or life may be endangered thereby by the suction of waves, swells, or wake caused by such speed.

19.16.290 Obstructing Public Docks.

It is unlawful for any person to moor, tie up, or dock any vessel or other watercraft so that any portion of such vessel or watercraft shall overlap or obstruct in any manner the free and easy entrance to or departure from any public dock or fireboat slip at any time.

19.16.295 Connections for Potable Water.

All docks or other such places, moorings, and dolphins where ocean going vessels will be moored for working cargo or repairs shall have connections for potable water installed in accordance with Title 25 of the Administration Code of the City of Portland.

19.16.300 Signal Lights.

All ocean going vessels and other watercraft shall comply with the applicable rules and regulations prescribed by the federal government, and in addition all vessels under 150 feet registered length, barges, scows, or other watercraft, when at anchor within the port, shall carry forward where it can best be seen, but at a height not exceed 20 feet nor less than 8 feet above the deck, a white light showing a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile. When at a dock, all vessels, log rafts, booms, or other floating craft that may have been made fast anywhere in the harbor, and any part thereof extending out past the harbor line, shall display from sunset to sunrise at the extreme corners on the upstream and downstream ends, or within 25 feet thereof, a white, and no other colored, light that may be seen at least a distance of 1 mile, except on tankers or other vessels that may be carrying any hazardous cargo on which the federal law

requires an unbroken red light, provided that regular fixed deck lights in proper placement may be used in place of portable lights on cargo vessels, and preferred on tankers and vessels carrying hazardous cargo. No vessel or other watercraft shall display at any place within the City limits any colored lights that may be confused as navigation lights, signal lights, etc., except when actually under way or during a parade, or for a temporary display for a short time only. Whenever any such lights are to be displayed, notice must be given the Office of the Harbor Master, which Office shall notify the local pilot's office. All signal or navigation lights must be maintained from sunset to sunrise.

19.16.305 Closing and Lighting Docks and Wharves.

Every owner, lessee, or occupant of a dock or wharf within the City shall close and keep closed by sufficient gates barricades, or hatches all slips and runways used as passageways between a dock or wharf and a ship, when such slips and runways are not in actual service, and shall keep every dock and wharf sufficiently lighted at night when a vessel is made fast thereto.

19.16.310 Lights and Gangways on Vessels at Wharves.

Every vessel lying alongside a wharf, or vessel lying alongside a vessel berthed at a wharf shall, from sunset until sunrise, be provided with the proper lights, and shall be provided continuously with the appliances in the way of gangways and manropes as may, in the opinion of the Harbor Master or in fact, be necessary for the convenience and safety of person passing to and from the vessel. Every gangway fixed for the purpose of giving the crew or other persons access to the ship after dark, shall be brightly illuminated by the best available means as long as such gangway is in use.

19.16.315 Safety Nets on Vessels.

Every ocean going vessel lying at a berth and secured, except river boats, shall have safety nets suspended below any landing stage or gangplank as will prevent any person from falling into the water in the event any person slips off the landing. The nets must extend at least 5 feet past each side of all gangways. Safety nets may be regular cargo nets, tarpaulins, sailcloth, canvas, or any other material that is pliable and of sufficient strength to hold the body of an adult person who may fall from the gangway.

EXCEPTION: This regulation may be waived by the Harbor Master.

19.16.320 Safeguarding Hawasers or Ropes from Rats.

Every hawser or rope by which any ocean going vessel is made fast to any dock, dolphin, or shore shall be equipped with at least one metal disc or rat guard of size or position as shall be approved by the Harbor Master and in no instance shall a guard be allowed with less than 18 inches of metal from the center of the guard to the outside rim. Every metal disc shall, if not affixed to the hawser or rope to the satisfaction of the Harbor Master, be removed to a position on the hawser or rope as pointed out by the Harbor Master. Vessels while berthed at a dock must be fended off from the dock a sufficient distance so that rats cannot jump from the vessel to the dock; provided that when river conditions may prevent the loading or discharging of any vessel when fended off the proper distance, the Harbor Master may grant permission for the removal of the fending off floats to facilitate the loading or discharging of such vessel; but when the vessel is not loading or discharging

cargo, the same shall be immediately fended off the required distance if conditions so permit.

19.16.325 Precautions on Vessels at Night.

All openings in the ship's sides shall be closed at sundown, and all cargo skids and nets shall be unrigged at sundown, except during times as they are actually in use, when they shall be brightly illuminated. In case gangways are not lifted from the ship or dock at night, both ends of the gangway shall be lighted and a person constantly on watch at the head of the gangway on the vessel.

19.16.330 Conditions of Vessels at Docks and Wharves.

The master or person having the charge or command of any vessel coming to or laying alongside any wharf or vessel berthed at a wharf shall, both before and during the time a vessel is moored or stationed at the wharf, or alongside any vessel berthed at a wharf, have the anchors stowed, and all other projections stowed within the rail of the vessel.

19.16.335 Removal of Vessels from Docks or Wharves.

In order to facilitate the removal of vessels from their berths at any wharf or place of mooring or for other reasons, the Harbor Master may direct the master or person in charge of any vessel to slack away hawsers, cables, or other fastenings of any ship and to stow booms or other rigging. Every vessel while backing out of any slip shall have at least one member of the crew on the lookout astern on the upper deck, such person to be in full view of the pilothouse to warn the master, or the person in charge of such vessel, of the proximity of any obstruction to navigation or the approach of another vessel. Every vessel shall continue to back a sufficient distance beyond the face of any pier to avoid any danger of accident or collision with any other vessel backing out from the same or any other slip. Every vessel backing out from a slip shall proceed slowly, using extreme care for the prevention of accidents.

19.16.345 Rules Governing Operation of Canoes, Sailboats, and Motorboats.

It is unlawful for any person operating any motorboat to tow any canoe while such canoe is occupied by any person, and it is unlawful for any person operating or occupying any canoe, sailboat, motorboat, or rowboat to make fast to any log raft being towed through the harbor. No person operating any canoe, rowboat, or motorboat shall pass between the stern of any towboat and the raft in tow thereof.

19.16.355 Protection of Water Mains.

- A. It is unlawful for any person to drive any piling or to dredge or dig within 200² feet of the submerged water mains of the City of Portland in the Willamette River, without first obtaining written permission to do so from the Harbor Master. Before giving any such permission, the Harbor Master shall consult with the Engineering staff of the Portland Bureau of Water Works. The existing City water mains are located as follows:

A 30-inch water main from the foot of SW Spokane Street to the foot of SE Spokane Street.

A 36-inch water main from the foot of SW Caruthers Street to the foot of SE Stephens Street.

A 24-inch water main from the foot of SW Mill Street to the projected foot of SE Stephens Street.

A 30-inch water main from the foot of SW Clay Street to the foot of SE Clay Street.

A 60-inch water main from the foot of SW Miles Place to the foot of SE Lambert Street.

A 36-inch water main from the foot of St. Johns Bridge to the foot of N. Pittsburgh Street (approx. 500 feet upstream of the center line of the St. Johns Bridge).

The location of the City's water mains are indicated by large targets on which there is printed "Pipe Crossing City of Portland."

- B.** Nothing in the above Section shall relieve any person, company, or corporation from securing such other permits as may be required by any other agency such as, U.S. Army Corps of Engineers or the Port of Portland, and Division of State Lands.

19.16.360 Derrick Booms Near Bridges.

(Amended by Ordinance No. 180917, effective May 26, 2007.)

- A.** Any person operating or having control upon the navigable waters within the City limits any watercraft having moveable derrick booms or other adjustable contrivances shall, before passing through or under any bridge, lower the boom or other adjustable contrivance sufficiently so that the draw or lift of any bridge shall not have to be opened or raised on account of such derrick boom or other adjustable contrivance. It is unlawful for any person having control of any watercraft equipped with moveable derrick boom or other adjustable contrivance to signal for the opening of any draw or the raising of any bridge lift, where, by lowering the derrick boom or other adjustable contrivance, the craft would be able to pass under the bridge without opening the draw or raising the lift.
- B.** No watercraft shall be anchored or moored within 50 feet of any such bridge or bridge approach without obtaining a permit therefor as provided by ordinance; provided, however, that this Section shall not apply to cargo carrying vessels which comply with the regulations of the United States Government for protection against fire while taking on or discharging cargo. All watercraft to which this Section applies shall be kept free from oily rags, oily wood, wastepaper, and all other things which constitute a fire hazard. Every such watercraft shall be equipped with

approved fire extinguishers in good working condition as required by ORS 488.090.

- C. All machinery, apparatus, devices, and instruments for furnishing power, light, heat, or protection against fire or for extinguishing fire, shall comply with all of the regulations of the Government of the United States of America, the State, and the City. To the full extent permitted by law, authorized personnel of Portland Fire & Rescue, Bureau of Police, or other City bureaus or departments shall have the right at all reasonable hours to inspect watercraft to determine conformity with the provisions of this Section.

19.16.365 Interfering with Dumping Snow.

It is unlawful for any person to moor or maintain any vessel or other watercraft at any street end or along or adjacent to any bridge in such position as to interfere with the dumping of snow into the harbor from a bridge or street end when snow is being removed from streets.

19.16.370 Recovery of Bodies or Evidence from River.

- A. Whenever it appears to the Harbor Master that any automobile, boat, or other thing has sunk within the Portland harbor, and ~~he shall have~~ has reason to believe that a human body may be contained therein, ~~he/she~~ they hereby ~~is~~ are authorized to use such means for the removal or recovery of same as may appear reasonable and necessary.
- B. Whenever any gun or other thing has been thrown into or has entered the waters within the City and the same appears to be necessary evidence in any investigation, criminal or civil, ~~he/she~~ they hereby ~~is~~ are authorized to use such means as may be needed to recover same.

19.16.375 Protection of Bridges.

It is unlawful to fasten any watercraft or floating timber to any bridge, or part thereof, or to moor any watercraft or floating timber underneath any bridge or bridge approach within or abutting the corporate limits of the City of Portland.

19.16.380 Damage of City Property.

Any person causing any damage to or injuring any dock, pier, gangway, float, barge, trestle, roadway, building, fence, or other structure which is the property of or under the supervision of the City, the damage being caused by the use thereof, by accident or otherwise, shall be liable to the City for the full amount of the damage. The Harbor Master shall be notified of any such damages with 48 hours of such occurrence.

19.16.385 Dead Ships Moored Permit Required.

No dead ship shall be moored or anchored within the harbor except upon written approval of the Harbor Master who shall have been given at least 5 days prior notice of the entry of the dead ship or ships into the harbor.

19.16.400 Boats and Boating.

ORS Chapter 830 is adopted herein, incorporated by reference, and made a part of this Title. Except as otherwise specified, all boats on any navigable waters within or abutting the corporate limits of the City of Portland shall be subject to the provisions of Chapter 830, Oregon Revised Statutes (Boats and Boating).

19.16.435 Standard Whistle Signal for Fire in Port.

In the event of fire occurring on board any vessel or watercraft in the Portland harbor, except those under way, it may sound five prolonged blasts of whistle or siren as an alarm indicating fire on board or at the dock to which it is moored. The signal may be repeated at intervals to attract attention and is not a substitute for, but may be used in addition to, other means of reporting a fire. The words “prolonged blast” used in this Section shall mean a blast of 4 to 6 seconds duration.

19.16.500 Duckworth Dock Moorage.

(Added by Ordinance No. 186748, effective August 6, 2014.)

- A. As used in this Section and Section 19.16.515 the following words and terms have the meanings indicated unless the context clearly requires otherwise:
1. “PBOT” means the City of Portland Bureau of Transportation. Where appropriate, the term “PBOT” also refers to the staff and employees of the Portland Bureau of Transportation.
 2. “Dock” means the PBOT float, piers, and gangway that are part of the Kevin J. Duckworth Memorial Dock installed on the east bank of the Willamette River and attached to the Eastbank Esplanade near and upriver (south) of the Steel Bridge.
 3. “Commercial vessel” means a vessel which is used, rigged, or licensed for any commercial use or purpose, and shall include watercraft operated within the terms of a concession lease or agreement with the City of Portland.
 4. “Night” means any period of time between one hour after sunset until one hour before sunrise.
 5. “Director” means the Director of the Portland Bureau of Transportation.
- B. The operator of recreational watercraft may use the Dock for recreational purposes only. It is permissible to swim, fish and operate non-motorized craft from the dock. Recreational motorized boats are only permitted to pick up and drop off passengers from the designated zone. It is unlawful to use the Dock for any purpose other than recreation without prior written permission of the Director.
- C. It is unlawful to moor a watercraft at the Duckworth Dock ~~during the night~~, except as described in this Section, without prior written permission of the Director. The

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Harbor Master may permit a craft to be moored at the Duckworth Dock for more than 24 hours only when the craft is inoperable and reasonable additional time is needed to repair it. ~~Mooring of boats will be allowed for a period of up to 72 hours from Friday at noon to Monday at noon from the full weekend prior to the Memorial Day holiday weekend through the full weekend after the Labor Day weekend. During the rest of year mooring of boats will be allowed as a day use only with no overnight mooring.~~ A designated 50 foot drop off/pickup zone has been established for motorized boats at the northern most outside edge of the dock. This is the only area of the dock recreational vehicles are permitted for the purpose of dropping off and picking up passengers. No recreational motorized boat mooring is permitted.

- D.** ~~Non-motorized R~~recreational boats may moor on both sides of the dock, with the exception of the ~~100-foot outside and upstream portion of the dock~~ 50 foot recreational motorized drop off/pick up zone which is also designated for commercial vessels (tour boats, water taxis, etc.). Commercial vessels must obtain a permit through the Portland Parks & Recreation Reservation Center, which is allowed to issue commercial permits on PBOT's behalf.
- E.** Use of the Dock shall be on a first come, first served basis unless otherwise permitted by the Director. ~~Reserving or retaining space to moor a watercraft, by means of a dinghy or any method other than occupying the space by the watercraft to be moored or obtaining a permit is prohibited.~~
- F.** The mooring of any craft in violation of this Section may result in eviction from moorage, in addition to any other penalty prescribed by law.
- G.** The Director is authorized to issue administrative rules and establish moorage fees which the Director deems necessary to operate and maintain the Dock.
- H.** The provisions of this Section may be enforced by the Director or ~~his or her~~ their appointed designees, the Portland Park Bureau Rangers, the Harbor Master, the Portland Police Bureau and its officers, and, the Multnomah County Sheriff's Office and its deputies.
- I.** The Director is authorized to designate persons in charge of the Dock. The designation shall be in writing, and any person and law enforcement agency so designated shall be a "person in charge" as that term is defined in ORS 164.205(5) until the designation is removed by the Director. The Director shall maintain a list of all persons who have been designated as a "person in charge" of the Dock. Upon request, the Director shall provide a copy of the list to the District Attorney of Multnomah County.
- J.** The City of Portland, its officers, employees, and agents are not liable for any personal injury or property damage resulting from maintenance or use of the Dock.

19.16.515 Exclusions.

(Added by Ordinance No. 186748, effective August 6, 2014.)

- A.** In addition to other remedies provided for violation of this Code, or of any of the laws of the State of Oregon, any Peace Officer as that term is defined under ORS 133.005 may exclude any person who violates any applicable provision of law at the Duckworth Dock from the Dock 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.
- B.** For purposes of this Section, "applicable provision of law" includes any applicable provision of this Code, of any City ordinance, or of any rule or regulation promulgated by the Director or the Council under this Title, any applicable criminal or traffic law of the State of Oregon, any law regarding controlled substances or alcoholic beverages, any applicable County ordinance or regulation. For purposes of this Section, "applicable" means relating to the person's conduct at the Dock.
- C.** 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 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 on two or more occasions within two years before the date of the present exclusion, the exclusion shall be for 180 days.
- D.** Before issuing exclusion under this Section, a Peace Officer shall first give the person a warning and a reasonable opportunity to desist from the violation. An exclusion shall not be issued if the person promptly complies with the direction and desists from the violation. Notwithstanding the provisions of this Subsection, no warning shall be required if the person is to be excluded for engaging in conduct that:

 - 1.** Is classified as a felony or as a misdemeanor under the following Chapters of the Oregon Revised Statutes, or is an attempt, solicitation or conspiracy to commit any such felony or misdemeanor defined in ORS:

 - a.** Chapter 162 - Offenses Against the State and Public Justice;
 - b.** Chapter 163 - Offenses Against Persons;
 - c.** Chapter 164 - Offenses Against Property, except for ORS 164.805, Offensive Littering;
 - d.** Chapter 165 - Offenses Involving Fraud or Deception;

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- e. Chapter 166 - Offenses Against Public Order; Firearms and Other Weapons; Racketeering;
 - f. Chapter 167 - Offenses Against Public Health, Decency and Animals; Chapter 475 - Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors; or
 - 2. Has resulted in injury to any person or damage to any property; or
 - 3. Constitutes a violation of any of the following provisions of this Code:
 - a. Section 14A.40.030 - Indecent Exposure;
 - b. Section 14A.40.040 - Loitering to Solicit Prostitution;
 - c. Section 14A.40.050 - Unlawful Prostitution Procurement Activities;
 - d. Section 14A.60.010 - Possession of a Loaded Firearm in a Public Place;
 - e. Section 14A.60.020 - Discharge of a Firearm;
 - f. Section 14A.60.030 - Tear Gas and Stun Guns;
 - g. Section 14A.60.040 - Explosives and Bottle Bombs; or
 - 4. Is conduct for which the person previously has been warned or excluded for committing on the Dock.
- E.** Written notice shall be given to any person excluded from the Dock 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.
- F.** A person receiving such notice of exclusion may appeal to the Code Hearings Officer in accordance with the provisions of Title 22 of this Code. The Code Hearings Officer shall uphold the exclusion if, upon the Code Hearings Officer's de novo review, the preponderance of evidence admissible under the provisions of Title 22 of this Code convinces the Code Hearings Officer that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law.
- G.** At any time within the period of exclusion, a person receiving such notice of exclusion may apply in writing to the Director for a waiver of some or all of the

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effects of the exclusion for good reason. If the Director grants a waiver under this Subsection, the Director shall promptly notify the Portland Police Bureau's Records Division and the designated Person in Charge of such action. In exercising discretion under this Subsection, the Director shall consider the seriousness of the violation for which the person has been excluded, the particular need of the person to be on the Dock during some or all of the period of exclusion, such as for work or to attend or participate in a particular event (without regard to the content of any speech associated with that event), and any other criterion the Director determines to be relevant to the determination of whether or not to grant a waiver. Notwithstanding the granting of a waiver under this Subsection, the exclusion will be included for purposes of calculating the appropriate length of exclusions under Subsection 19.16.515 C. The decision of the Director to grant or deny, in whole or in part, a waiver under this Subsection is committed to the sole discretion of the Director, and is not subject to appeal or review.

- H.** If an appeal of the exclusion is timely filed under Subsection 19.16.515 F., the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of exclusion shall be effective immediately upon the issuance of the Hearings Officer's decision, unless the Hearings Officer specifies a later effective date.
- I.** If a person is issued a subsequent exclusion while a previous exclusion is stayed pending appeal (or pending judicial review, should a court stay the exclusion), the stayed exclusion shall be counted in determining the appropriate length of the subsequent exclusion under Subsection 19.16.515 C. If the predicate exclusion is set aside, the term of the subsequent exclusion shall be reduced, as if the predicate exclusion had not been issued. If multiple exclusions issued to a single person for the Dock are simultaneously stayed pending appeal, the effective periods of those which are affirmed shall run consecutively.
- J.** No person shall enter or remain on the Dock at any time during which there is in effect a notice of exclusion issued under this Section excluding that person from the Dock.

IMPACT STATEMENT

Legislation title: Amend Harbors Code to revise usage of the Duckworth Dock Moorage and remove gender specific language (Ordinance; amend Code Chapter 19.16)

Contact name: Matt Grumm and Sean Whalen
Contact phone: 503-823-8753 and 503-209-8109
Presenter name: Matt Grumm and Sean Whalen

Purpose of proposed legislation and background information:
Update gender specific language to gender neutral.

The Kevin J. Duckworth Memorial Dock is now fully under the control and ownership of the City of Portland. It has been identified as a location appropriate for non-motorized recreational boating as well as unsupervised swimming. As such, Title 19 must be amended to allow these uses.

Financial and budgetary impacts:

There is no financial or budgetary impact with this legislation. It will not impact current operational or maintenance obligations.

Community impacts and community involvement:

The non-motorized recreational boating and swimming community are very supportive of this legislation. PBOT has not received complaints from the motorized boating community since changes were implemented at Duckworth Dock two years ago.

100% Renewable Goal:

Not Applicable

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
 NO: Skip this section