

ORDINANCE No. 9071.

An Ordinance providing for a Harbor Master for the City and Port of Portland and defining his duties.

THE CITY OF PORTLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: The Officer of the City of Portland designated as Harbor Policeman, shall be ex-officio the Harbor Master of the City of Portland, and in addition to the duties provided by law for said Harbor Policeman, he shall perform the duties provided for in this Ordinance.

SECTION 2: Vessels arriving within the corporate limits of the city of Portland, if obliged to anchor, shall be anchored below ^{the} Albina Ferry, and on the West side of the main ship channel; such vessels shall be moored with bow anchored forward, and a stream anchor out astern, to prevent the vessels from swinging across the main ship channel and obstructing the same. Vessels moving from the docks or wharves to anchor in the river while waiting for cargo, shall be moored in the same manner as other vessels so as to leave a clear channel for vessels coming up or going down the river. Vessels must not be anchored or moored in the fairway channel within the City Limits, neither must they moor or anchor within 400 feet of any bridge or ferry line.

SECTION 3: All square rigged vessels while laying along side of any dock, wharf or landing must have their off-shore anchor suspended ready for dropping; their lower yards braced sharp upon their in-shore braces, except when in actual use discharging or loading cargo, and when required by the Harbor Master their movable fore and aft spars, martin-gales and jib booms must be rigged in.

SECTION 4: A vessel anchored or moored in the harbor or laying at the dock, must at all times have at least one seaman on board capable of taking proper care of the vessel. If it becomes necessary, a vessel may be removed by order of the Harbor Master at the expense of the owner, and the owner and vessel shall be liable for all damages and costs that shall arise thereby.

SECTION 5: A vessel while anchored or moored in the harbor must at all times of night show the regulation lights not less than fifteen feet above the deck.

SECTION 6: When ballast of stone, earth, sand, gravel, mud, coal or other loose matter or things that will sink is being loaded or unloaded from a vessel upon a wharf, or is being transferred from one vessel into another, a canvas shute or other contrivance, to the satisfaction of the Harbor Master, must be used to prevent any part of such substances from falling into the dock or river. Any person or corporation violating this Section shall be deemed guilty of a misdemeanor, and on conviction thereof in the Municipal Court of said City, shall be fined not less than \$100.- nor more than \$250.- for each offense.

Section 7: No fire must be used on board of any vessel at the docks or in the vessels for heating pitch, tar, or other inflammable substances, but may be used on floating stages or boats for the purpose of heating such substances for repairing vessels, provided, that such fire shall be constantly in the charge of a person capable of taking proper care of the same.

SECTION 8: Every steam engine when used upon any dock, wharf or landing for loading or unloading cargo must have upon its smoke stack a bonnet or spark catcher that will effectually prevent sparks from falling upon any dock or wharf, or upon the deck of any vessel.

SECTION 9: It shall be unlawful for any person or persons, firm or corporation to dump, deposit or throw, or cause to be dumped, deposited or thrown, into the Willamette River within the limits of the City of Portland, any sawdust, slabs, gravel, loose earth or other debris which may tend to obstruct the channel of said river, or to dump or deposit or cause to be dumped or deposited any sawdust, slabs, gravel, loose earth, rubbish or other debris, at any point within the corporate limits of the City of Portland, where the same will be carried away and into said river, or into or through any sewer within the City limits, by freshets or otherwise. Any person or persons, firm or corporation violating this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof in the Municipal Court of said City, be fined not less than \$100.- nor more than \$250.- for each and every offense.

SECTION 10: The Harbor Master is hereby authorized to enter upon and inspect any vessel to ascertain the kind and quality of merchandise or cargo thereon or her condition in any respect, or the condition of her crew, and no person shall hinder or molest the Harbor Master or refuse to allow him to enter upon any vessel for any purposes specified in this Section.

SECTION 11: It shall be the duty of the Harbor Master to inspect the harbor frequently, and to report any violation of this or any other City Ordinance, or any law respecting the use of wharves, docks, landings, vessels or harbor to the proper authorities of the City of Portland, the United States or the State of Oregon, as the case may be, to be acted upon as provided by law in cases where he is not empowered by this Ordinance to act himself.

SECTION 12: The Harbor Master shall at all times execute the orders of the Health Officer of the City of Portland in abating nuisances, injurious to the health of the City, which may be found in the harbor or on any dock, wharf, landing, vessel or water craft within the City limits. If any thing shall be declared to be such nuisance by the Health Officer, the Harbor Master shall notify such person or persons maintaining the same to remove or abate it forthwith, and if such person or persons does not remove or abate the same, said person or persons shall be deemed guilty of a misdemeanor and on conviction in the Municipal Court be fined not less than \$25.- nor more than \$100.

SECTION 13: The Harbor Master shall have the right to call on the Chief of Police to aid him in the execution of his duties and he shall have full power to arrest any person or persons who obstruct or resist or refuse to obey his legal orders and requirements and bring him or them before the proper court or courts having jurisdiction in the case, for punishment.

SECTION 14: The Harbor Master shall see that all harbor lights are kept up at night, and if not up, to report the same to the proper federal officers, that the offender may be prosecuted under the Acts of Congress in that behalf made and provided; and he shall also upon discovering any vessel at night without its proper harbor lights, require the same to be put up and if his order is disregarded shall prosecute the master or other person in charge of said vessel as for a misdemeanor in disobeying his said order before the Municipal Court and such person shall upon conviction thereof be fined by the said Court not less than \$25.- nor more than \$100.

SECTION 15: The Harbor Master shall particularly see to it that Sections 1, 2 and 4 of Ordinance No. 3175 of the City of Portland, entitled, "An Ordinance regulating the Landing, Storage

and Transportation of Explosive Compounds," and all Ordinances passed in lieu of or as amendatory thereof, to be strictly complied with; said Sections as they now stand are as follows: "SECTION (1): It shall be unlawful for any steamship vessel or other water craft to enter the City limits while having on board any blasting powder, gun-powder, dynamite, or other explosive compounds used for blasting purposes. But this shall in no wise be construed so as to include water craft of any description having any such cargo on-board, which may be passing up or down the Willamette river to points outside the City limits," "SECTION (2): No person shall discharge blasting powder, gunpowder, dynamite, or other explosive substances from any vessel or steamship except from ships sides or tackles, and before the vessel shall have been hauled up to the wharf. No water craft shall be permitted to remain at the wharf longer than twenty-four hours after receiving gunpowder, blasting powder, or other explosive substances on board. All gunpowder, blasting powder, dynamite or other explosive substances deposited on the wharf for shipment, shall be immediately passed on board the vessel which is to receive the same." "SECTION (4): A violation of the provisions of this Ordinance shall be deemed a misdemeanor, and on conviction thereof in the Police Court, the offender shall be punished by a fine of not less than twenty-five (\$25.) Dollars nor more than One hundred (\$100.) Dollars." And if the Harbor Master shall discover any violation of said Sections he shall arrest the offender or offenders, if the offense is committed in his presence, or if not, then upon a warrant sued out, as in other cases of violation of Ordinances and cause him or them to be prosecuted under Section (4) of said Ordinance before the Municipal Court of said City.

SECTION 16: The Auditor shall have printed in portable shape this Ordinance and any other regulation or ordinance necessary for the information of masters of vessels entering this port, and place them in the hands of the Harbor Master, whose duty it shall be to furnish a copy of them to the master of every vessel arriving within the harbor of the City of Portland. The Auditor shall also furnish the Harbor Master with all necessary books, blanks and stationery, for the proper performance of his duties aforesaid.

SECTION 17: The Harbor Master shall make monthly reports to the Common Council.

SECTION 18: It shall be the duty of the Harbor Master to enforce the provisions of all Ordinances regulating the use of wharves, piers, landings, docks, vessels, or of the harbor.

SECTION 19: All Ordinances and parts of Ordinances inconsistent with this Ordinance are hereby repealed, excepting Ordinance No. 3099 entitled, "An Ordinance regulating the mooring of vessels, and defining the powers and duties of licensed wharfingers."

Approved May 6th 1861.

Passed the Common Council, December 11th, 1864.

A. N. GAMBELL,

Auditor.

Approved, December 20th, 1864.

G. P. FRANK,

Mayor.