

ORDINANCE NO. 24

AN ORDINANCE REGULATING CONDUCT ON PORT PROPERTY AND REPEALING ORDINANCE NO. 22

The Port of Hood River ordains as follows:

SECTION 1. Scope of Ordinance. This ordinance regulates conduct on Port land, Port waterways and Port structures.

SECTION 2. Definitions. Unless the context requires otherwise, for purposes of this ordinance the following definitions apply:

“Board” means Port of Hood River Board of Commissioners.

“Boat Launch” means the concrete ramp on the east side of the Marina Boat Basin.

“Camp” means erecting a tent or shelter, arranging bedding or occupying a parked vehicle, trailer or camper for purposes of, or in such a way as will permit, sleeping or remaining overnight.

“Commercial Activity” means any activity directed to the general public or between two or more persons or entities undertaken for profit or personal gain.

“Dock” means a wharf or platform for loading or unloading people or materials.

“Event Site” means Port Property which includes an improved vehicular parking area and beach access to the Columbia River, located north of Portway Avenue, west of the Nichols Basin inlet, south of the Columbia River, and east of the Jensen building.

“Executive Director” means the person the Board has appointed to act as the general manager of all Port operations.

“Hook” means Port Property which includes a peninsula located east of Wells Island, north of Interstate 84, and south of the Columbia River.

“Interstate Bridge” means the bridge owned by the Port which crosses the Columbia River from Hood River, Oregon to Washington.

“Kiteboarding” means pumping/drying kites, carrying inflated kites, rigging or attaching lines, launching and landing.

“Lot 1” means the undeveloped lot east of Second Street, south of Portway Avenue, and west and south of a road leading from the north end of Portway Avenue south to Second Street.

“Marina Beach” means Port Property located east of the Hood River and north of the Marina Park.

“Marina Boat Basin” means the water inlet located north of the Marina Green and east of the Marina Park, used for launching and moorage of boats and pontoon airplanes, with access to the Columbia River.

“Marina Boat Basin Area” means Port Property located west of the Interstate Bridge approach road, south of the Marina Beach, east of the Hood River and north of Interstate 84.

“Marina Green” means Port Property which includes a grass recreation field located south of the Marina Boat Basin and north of Interstate 84.

- “Marina Park” means the park setting and picnic shelter located east of the Hood River and west of the Marina Boat Basin.
- “Nichols Basin” means the water inlet north of Interstate 84, which runs south to north along the western boundary of the Spit, with access to the Columbia River.
- “Official Sign” means all signs, signals, markings, devices and placards placed, erected or provided by the Port for the purpose of guiding, directing, warning or regulating vehicular or boat traffic or personal conduct.
- “Overnight” means between 10:00 p.m. and 6:00 a.m.
- “Peace Officer” means a peace officer appointed by the Board pursuant to ORS 777.190, or a peace officer as defined in ORS 161.015.
- “Pedestrian Bridge” means the bridge owned by the Port of Hood River intended for pedestrian use which crosses the Hood River from the Marina Boat Basin Area to the Spit.
- “Port” means Port of Hood River. Any action attributed to the Port by this Ordinance shall be an action by a Port employee, the Board, or their designee.
- “Port Employee” means a Port employee paid a salary by the Port, or a Port employee in a full year, full time position paid wages by the Port when working for the Port, but does not include a person employed by the Port part time or on a seasonal basis. A Port employee shall have authority to carry out acts contemplated by this ordinance, and for purposes of regulating activities on Port Property shall be a “person in charge” as defined in ORS 164.205(5).
- “Port Property” means all real property in Hood River County, Oregon owned or controlled by the Port, and the Interstate Bridge.
- “Sandbar” means the area, north and west of the Spit, created by the outflow of the 2006 winter storm plus any additional accretion, and owned by the Department of State Lands.
- “Spit” means Port Property which is a peninsula located north of Interstate 84, west of the Hood River, east of the Nichols Basin and south from the Columbia River including exposed land in the Columbia River which is occasionally submerged.
- “Transient Dock” means Port Property located west of the Boat Launch and used for temporary tie-up and limited overnight moorage.
- “Vehicle” means every motorized device intended to carry people.

GENERALLY APPLICABLE REGULATIONS

SECTION 3. Commercial Activity. No person shall engage in any Commercial Activity on Port Property without the prior approval of, and under the terms and conditions prescribed by the Port.

SECTION 4. Littering. No person shall litter on Port Property. For purposes of this section littering is defined as the dumping, throwing, placing, depositing or leaving, or causing to be dumped, thrown, deposited or left any refuse of any kind or any object or substance which tends to pollute, mar or deface.

SECTION 5. Vegetation. No person shall remove vegetation on Port Property without written permission from the Port.

SECTION 6. Fireworks. No person shall ignite fireworks or similar incendiary devices of any kind on Port Property, whether legally allowed in Oregon or not.

SECTION 7. Animal Control. No person shall bring an animal onto Port Property, or allow an animal to be on Port Property, except when the animal is leashed and under the control of an adult. However, at the Hook and Spit dogs are allowed off leash one hour before and after sunrise and one hour before and after sunset, provided the person with the dog is in compliance with the provisions of the Hood River County dog control ordinance.

SECTION 8. Animal Waste. No person shall allow the feces of an animal in that person's care to remain anywhere on Port Property other than in a garbage or sanitary sewer receptacle.

SECTION 9. Launching Boats. No person shall launch a motorized watercraft from Port Property except at the Marina Boat Basin.

SECTION 10. Camping. No person shall camp on Port Property between the hours of 10:00 p.m. and 6:00 a.m.

SECTION 11. Hunting. No person shall discharge firearms, hunt, or attempt to trap animals on Port Property.

SECTION 12. Fires. No person shall build or attempt to build a fire on Port Property.

SECTION 13. Kiteboarding.

Location Restrictions:

No person shall launch or operate a kiteboard or training kite from Port Property other than at the following locations:

- a. An area where the activity is permitted by an Official sign.
- b. Marina Green, Lot 1 and Marina Beach, except when prohibited by an Official Sign.

Safety Restrictions:

No person shall launch or operate a kiteboard or training kite from Port Property, including where permitted under subsection a. of this Section 13, after a Port employee requests the person not do so if the Port Employee has reasonable grounds to believe that activity may conflict with or impair other permitted uses on Port Property or may pose a hazard to others.

SECTION 14. Vehicle Parking and Passes.

- a. *Parking:* No person shall park or store a vehicle on Port Property in violation of an Official Sign or request of a Port employee. No person shall park a vehicle overnight anywhere on Port Property unless expressly authorized by the Port. Parking is not permitted in areas where curbs are painted red. Vehicles of violators may be towed at the vehicle owner's expense.

- b. *Event Site Parking Passes*: No person shall park at the Event Site without a pass issued by the Port when a person the Port has hired is staffing the booth. Annual parking passes must be affixed to the windshield; daily/weekly passes must be visible on dashboard.

SECTION 15. Vehicle Speed. No person shall operate a vehicle at a speed in excess of 15 miles per hour in the Marina Boat Basin Area or at the Hook, or in excess of 25 miles per hour on other Port Property, unless an Official Sign is posted in an area of Port Property authorizing a different maximum speed, in which event the speed designated on the Official Sign shall be the maximum speed allowed.

SECTION 16. Vehicles on Paths or Off Roads. No person shall operate a vehicle on any pedestrian path located on Port Property, with the exception of motorized wheelchairs and devices used to improve mobility for disabled persons, Port maintenance vehicles, and emergency vehicles. No person shall drive or park a vehicle on Port Property off of designated roads or parking areas.

SECTION 17. Official Signs. No person shall engage in any conduct in violation of instructions or prohibitions appearing on an Official Sign on Port Property.

SECTION 18. Use of Port Utilities. No person shall connect an electrical device of any kind to a Port electrical power outlet or in any other manner use or interfere with electricity or water supplied to or by the Port on Port Property.

SECTION 19. Fees. No person shall refuse nor neglect to pay a fee or charge established by the Board or Executive Director for use of Port Property, Port facilities or Port services, when due.

SECTION 20. Port Permission. No person may violate this ordinance unless the person is given express permission to do so at a specific time or for a specific purpose by the Board or a Port employee, or an activity is allowed by an Official Sign. Such permission shall apply only to the expressly stated particular time, event, or activity.

SITE-SPECIFIC REGULATIONS

SECTION 21. Boat Launch and Transient Dock.

- a. No person shall park a vehicle in the Boat Launch parking lot overnight.
- b. No person shall dock a boat under 26 feet long to the Transient Dock for more than three consecutive nights.
- c. No person shall dock a boat 26 feet or longer to the Transient Dock for more than ten consecutive nights in a 30 day period.

SECTION 22. Marina Boat Basin. All Marina Boat Basin tenants shall comply with the conditions of their moorage agreement with the Port. Unless otherwise allowed or prohibited by an Official Sign, the following activities are prohibited in the Marina Boat Basin or Marina Boat Basin Area:

- a. No person shall jump or dive into, swim in, windsurf, or kiteboard in the Marina Boat Basin.
- b. No person shall operate a boat, an airplane or any other type of watercraft in the Marina Boat Basin at a speed in a manner which causes a wake.
- c. No person shall clean fish in the Marina Boat Basin or Marina Boat Basin Area.
- d. No person shall stay overnight on a boat or boathouse moored in the Marina Boat Basin or park a vehicle at the Marina Boat Basin parking lot for more than three consecutive nights.
- e. No parent, guardian, or person having custody or control of a child under the age of 16 years shall allow the child to be in a moored boat or boathouse in the Marina Boat Basin unaccompanied by an adult.

SECTION 23. Marina Park.

- a. No person except a Marina Boat Basin tenant or their guest shall operate or park a vehicle at the Marina Park between the hours of 10:00 p.m. and 6:00 a.m.
- b. No person shall park a vehicle on Marina Green.

SECTION 24. Marina Beach. No person shall recreate or otherwise use the Marina Beach in violation of an Official Sign or request of the Port.

SECTION 25. Pedestrian Bridge. The following activities are prohibited on the Pedestrian Bridge.

- a. No person shall jump or dive from the Pedestrian Bridge.
- b. No person shall drive a vehicle on the Pedestrian Bridge with the exception of a motorized wheelchair or device used to improve mobility for disabled persons, and Port maintenance vehicles.
- c. No person shall ride a bike on the Pedestrian Bridge.

SECTION 26. Spit. No person shall drive or park a vehicle on the Spit north of the designated parking area.

SECTION 27. Event Site. No person shall engage in activities related to kiteboarding and windsurfing at the Event Site except at times and in areas designated by an Official Sign.

SECTION 28. Event Site Docks.

- a. No person shall jump or dive from an Event Site dock.
- b. No person shall use a dock owned by the Port located at the Event Site or in the Nichols Basin without Port permission.

SECTION 29. Hook. No person shall operate or park a vehicle at the Hook between the hours of 10:00 p.m. and 6:00 a.m., or when the Hook roadway entrance gate is closed.

SECTION 30. Interstate Bridge. The following activities are prohibited on the Interstate Bridge:

- a. No person shall ride a bicycle or other self-propelled device on the Interstate Bridge.
- b. No person shall walk onto or jump from the Interstate Bridge.
- c. No person shall drive a vehicle in excess of 25 miles per hour on the Interstate Bridge, unless a different speed is posted at an entrance to the Interstate Bridge, in which event the driver shall obey the posted speed. Emergency vehicles are the exception from this requirement in cases of an emergency.
- d. No person driving a vehicle shall pass another vehicle traveling in the same direction, or pass a vehicle in the same lane of travel which is stopped on the Interstate Bridge.
- e. No person shall stop, park, or leave a vehicle unattended on the Interstate Bridge.

ENFORCEMENT

SECTION 31. Severability. This ordinance shall be liberally constructed to effectuate the purposes of this ordinance. Each section, subsection or other portion of this ordinance shall be severable; the invalidity of any section, subsection, or other portion shall not invalidate the remainder.

SECTION 32. Enforcement of Ordinance.

- a. Port employees shall have authority to carry out the provisions of this ordinance, to cause citations for ordinance violations to be issued by a Peace Officer, and if the employee is a Peace Officer to issue citations.
- b. All peace officers of the city, the county, the state and those appointed by the Board shall have the authority to enforce the provisions of this ordinance and to issue citations for the violation of any section of this ordinance.
- c. Any person who is issued a citation for the violation of any section of this ordinance must appear in the Municipal Court of the City of Hood River or in such other court in Hood River County with jurisdiction over the matter as stated on the citation.

SECTION 33. Penalties. A person who receives a citation for violation(s) of this ordinance shall be subject to a fine(s). Each violation of a separate section of this ordinance shall constitute a separate offense. Each time a separate violation of this ordinance occurs shall constitute a separate offense. Each offense shall be subject to a fine not to exceed \$250.00.

SECTION 34. Right of Removal.

- a. No person shall remain on Port Property after being asked to leave Port Property by a Peace Officer or by a Port employee who has reasonable grounds to believe the person has violated a provision of this ordinance or of the Oregon Criminal Code, or the person has threatened to do so.
- b. No person shall cause or allow their personal property to remain at a location on Port Property after a Peace Officer or a Port employee has asked the person to remove or relocate the personal property.

SECTION 35. Ordinances Repealed. Port Ordinance No. 22, An Ordinance Regulating Conduct on Port Property, dated May 20, 2003, is hereby repealed.

First Reading: 15th day of April, 2014, by the Port of Hood River Board of Commissioners.

Second Reading: 6th day of May, 2014, by the Port of Hood River Board of Commissioners.

Adopted: ____ day of _____, 2014, by the Port of Hood River Board of Commissioners.

Effective Date: 30 days after date of adoption, the ____ day of _____, 2014.

PORT OF HOOD RIVER

1000. E. Port Marina Drive
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Rich McBride, President

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