

**PORT OF HOOD RIVER
ORDINANCE NO. 27**

AN ORDINANCE REGULATING CONDUCT ON PORT PROPERTY

WHEREAS, the Port of Hood River is a duly organized municipal corporation of Hood River County, Oregon (ORS 777); and

WHEREAS, it is in the best interest of the citizens of the district of this Port and the public generally to have certain ordinances and regulations regarding and relating to the public process of policy development codified; and

WHEREAS, the Port of Hood River desires to amend Ordinance Number 24 to update the Ordinance to allow persons designated by the Port of Hood River Board of Commissioners to exclude persons violating this Ordinance and/or criminal law from the Port's recreational properties; and

WHEREAS, the Port of Hood River desires to amend Ordinance Number 24 to repeal the current parking regulations and to state that the Board will adopt a separate Board Policy and Procedure for Parking; and

WHEREAS, the agenda with the Ordinance title was published on May 16, 2023 issue of the *Columbia Gorge News* six days in advance of the regularly scheduled Port of Hood River Board Meeting (ORS 198.540(2)); and

WHEREAS, a copy of the ordinance was made available to the public (ORS 198.550(1)(a)); and

WHEREAS, the board voted to read the ordinance by title only (ORS 198.550(1)(b)) for a first reading on April 18, 2023 and again for a second reading on May 16, 2023; NOW, THEREFORE, THE PORT OF HOOD RIVER ORDAINS AS FOLLOWS:

SECTION 1. Scope of Ordinance. This ordinance regulates conduct on Port Property, including at Port structures.

SECTION 2. Definitions. Unless the context requires otherwise, for purposes of this ordinance the following definitions and provisions stated in a definition apply:

"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.

- "Courtesy Notice"** means a written notice delivered or sent to a person informing them that a Parking Complaint has been issued and about their payment obligation.
- "Event Site"** means Port Property which includes an improved vehicle parking area and beach access to the Columbia River, located north of Port way 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 west of the western terminus of Portway Avenue, 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.
- "Marina Beach"** means Port Property located east of the Hood River and north of Marina Park.
- "Marina Boat Basin"** means the river basin 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 river basin 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 vehicle or boat traffic or personal conduct. An Official Sign includes a Port message appearing on or from an electronic kiosk or other electronic device which provides information.
- "Overnight"** means between 11:00 p.m. and 6:00 a.m., unless modified by Board resolution.
- "Parking Complaint"** means a written or electronic notice demanding payment issued by the Port placed on a vehicle or provided to a person who has violated a Parking Zone parking requirement.
- "Parking Pass"** means a Port-issued parking permit that authorizes a vehicle which displays the Parking Pass to be parked in a designated Port parking location at times specified and on terms required by the Port. The Board or Executive Director may establish Parking Pass parking locations or requirements by Board resolution.
- "Parking Zone"** means an area of Port Property designated as a parking zone described and/or depicted on a Port map or diagram, where the Port limits vehicle parking times and charges for vehicle parking at specified parking locations. These Port locations reserved for vehicle parking, which may be in a separate confined parking area or be shoulder spaces located adjacent to a curb along a Port access way, are not considered part of a

public road or street subject to Oregon Motor Vehicle Code laws governing travel on a public road or street.

"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 leading to the southern terminus of the Spit access road.

"Port Website" means the official Port website.

"Port Property" means real property in Hood River County, Oregon owned or controlled by the Port, and the Interstate Bridge.

"Port Recreational Property" means the following areas: Event Site; Hook; Marina Beach; Marina Boat Basin Area; Marina Green; Marina Park; Nichols Basin; and Spit.

"Portway Avenue" means a City of Hood River ("City") street running westerly from the intersection with North Second Street and easterly from the intersection with Eighth Street and includes connected Port roads extending in a straight line westerly from the west end of the City street and in a straight line easterly from the east end of the City street.

"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.

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 unless authorized by the Port in writing.

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.

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

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

SECTION 10. Camping. Except as permitted for Marina Boat Basin tenants in Section 24, no person shall camp Overnight on Port Property or Parking Zone.

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

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

SECTION 13. Drones, Remote-Controlled Aerial Devices.

(1) No person shall operate a remote-controlled flying or aerial device on or from Port property in a manner that violates FAA regulations governing such devices.

(2) No person shall operate a remote-controlled flying or aerial device on or from Port Property after a Port employee requests the person not do so because 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. Kiteboarding.

(1) *Location Restrictions:* No person shall launch or operate a kite, kiteboard or training kite from Port Property other than where permitted by an Official Sign, or Marina Green and Marina Beach, except when prohibited by an Official Sign.

(2) *Safety Restrictions:* No person shall launch or operate a kiteboard or training kite if the activity may conflict with or impair other permitted uses on Port Property or may pose a hazard to others.

SECTION 15. Vehicle Parking.

(1) The Port shall adopt, by resolution, a Board policy and procedure for vehicle parking in the Port's Parking Zone. The Board policy and procedure shall establish the policy and procedure for the Port's establishment and enforcement of its Parking Zones.

(2) No person shall park a vehicle on Port Property in violation of an Official Sign or request of a Port employee.

(3) No person shall park a vehicle Overnight anywhere on Port Property unless expressly authorized by the Port.

(4) No person shall park a vehicle on Port Property where curbs are painted red.

SECTION 16. Vehicle Speed. No person shall operate a vehicle at a speed in excess of the posted speed.

SECTION 17. Vehicles on a Path or Off a Road.

(1) No person shall operate a vehicle on any pedestrian path located on Port Property except a motorized wheelchair or device used to improve mobility for a disabled person, a Port maintenance vehicle and an emergency vehicle.

(2) No person shall drive or park a vehicle on Port Property off a Port road or parking area without Port permission.

SECTION 18. Official Signs. No person shall engage in any conduct in violation of instructions or prohibitions appearing on an Official Sign on Port Property. No person shall place a sign on Port property without permission by the Port Executive Director or their designee. Contents of an Official Sign shall be approved by the Executive Director. If an Official Sign is placed by the Port on Port Property, the contents of the sign shall be deemed approved by the Executive Director.

SECTION 19. 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 20. Fees. No person shall refuse nor neglect to pay a fee or charge established by Board resolution for use of Port Property, Port facilities or Port services, when due.

SECTION 21. Tobacco use. No person shall use tobacco products of any kind, including cigars, cigarettes, e-cigarettes, vape pens, snuff or chewing tobacco while on Port Property or within Port buildings or facilities.

SECTION 22. Port Permission. No person may violate a provision of this ordinance unless the person is given express written 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 time, event, or activity.

SITE-SPECIFIC REGULATIONS

SECTION 23. Boat Launch and Transient Dock.

(1) No person shall park a vehicle in the Boat Launch parking lot Overnight.

(2) No person shall dock a boat under 26 feet long to the Transient Dock for more than three consecutive nights.

(3) No person shall dock a boat that is 26 feet in length or longer to the Transient Dock for more than ten consecutive nights in a 30-day period.

SECTION 24. Marina Boat Basin. All Marina Boat Basin tenants shall comply with the conditions of their moorage agreement and with moorage rules and regulations adopted by 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:

- (1) No person shall jump or dive into, swim in, windsurf, wing foil, Efoil or kiteboard in the Marina Boat Basin.
- (2) 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.
- (3) No person shall clean fish in the Marina Boat Basin or Marina Boat Basin Area.
- (4) No person shall stay on a boat or boathouse moored in the Marina Boat Basin for a period of time that violates a Port moorage rule or regulation.
- (5) No person shall park a vehicle at the Marina Boat Basin parking lot for more than three consecutive nights.
- (6) 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 25. Marina Park.

- (1) No person except a Marina moorage tenant or their guest shall operate or park a vehicle at the Marina Park between the posted hours.
- (2) No person shall park a vehicle on Marina Green grass.

SECTION 26. Marina Beach. No person shall recreate or otherwise use the Marina Beach in violation of an Official Sign or request of a Port employee.

SECTION 27. Pedestrian Bridge. The following activities are prohibited on the Pedestrian Bridge:

- (1) No person shall jump or dive from the Pedestrian Bridge.
- (2) No person shall drive a vehicle on the Pedestrian Bridge, with the exception of a motorized wheelchair or device used to improve mobility for a disabled person, and Port maintenance vehicles.
- (3) No person shall ride a bicycle, scooter or skateboard on the Pedestrian Bridge.

SECTION 28. Spit. No person shall drive or park a vehicle on the Spit north of the designated parking area.

SECTION 29. Event Site. No person shall engage in an activity related to kiteboarding, wing foiling or windsurfing at the Event Site except at times and in areas designated by an Official Sign.

SECTION 30. Event Site & Nichols Basin Structures. No person shall jump or dive from a wharf, pier, dock or pylon at or near the Event Site or the Nichols Basin. No person shall use a dock owned by the Port located at the Event Site or in the Nichols Basin without Port permission or unless allowed by an Official Sign.

SECTION 31. Hook. No person shall operate or park a vehicle at the Hook between the hours posted or when the Hook roadway entrance gate is closed. No kiteboarding allowed at the Hook.

SECTION 32. Interstate Bridge. The following activities are prohibited on the Interstate Bridge:

- (1) No person shall ride a bicycle on the Interstate Bridge.
- (2) No person shall operate an electronic bicycle, motorized scooter or skateboard on the Interstate Bridge.
- (3) No person shall walk onto or jump from the Interstate Bridge.
- (4) No person shall drive a vehicle in excess of the posted speed 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 exempt from this requirement in cases of an emergency.
- (5) 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.
- (6) No person shall stop, park, or leave a vehicle unattended on the Interstate Bridge.
- (7) No person shall drive a vehicle onto or across the Interstate Bridge without paying a bridge toll established by the Port.

ENFORCEMENT

SECTION 33. Enforcement of Ordinance. The following persons have the authority to carry out the provisions of this Ordinance:

- (1) Port employees.
- (2) All peace officers as defined by ORS 133.005.
- (3) Licensed private security professionals as defined in ORS chapter 181 and appointed by the Board.
- (4) For Parking Zone violations, any person appointed by the Executive Director.

SECTION 34. Parking Compliance. The following provisions apply to compliance with Parking Zone parking requirements:

- (1) A person who fails to comply with a Port Parking Zone requirement may be issued a Parking Complaint and assessing a penalty for violation. The person issued a Parking Complaint shall be liable for any late payment charge, tow fees, or vehicle immobilization penalties owed if the parking charge payment is not received when due.
- (2) If a person disputes a Port claim of non-compliance with a Parking Zone requirement, failure to pay a parking charge when due, or the contents of a Parking Complaint or payment demand, for any reason, the person may obtain a Port form to be used to state the reason(s) for their dispute at the Administration Office or Port Website ("Dispute Form"). A completed Dispute Form may be filed with the Port in person at, or sent by mail to, the Administration Office or be submitted to the Port at the Port Website. A properly completed and filed Dispute Form will be considered by the Executive Director or their designee if received within 30 days after the issuance of a Parking Complaint and if a Courtesy Notice is issued 30 days after issuance of the Courtesy Notice or may be considered later in the Executive Director's discretion. The Executive Director or their designee may take any action they deem appropriate in response to the information in a Dispute Form filed with the Port, or

received in some other manner, including obtaining more information, reducing or forgiving a parking charge, or undertaking or continuing collection activities.

SECTION 35. Penalties and Payments.

- (1) A person who violates a provision of this ordinance shall commit an offense punishable by a fine as a Class A violation. Provided however, if an offense defined in this ordinance is also an offense governed by a provision of the Oregon Criminal Code or Oregon Motor Vehicle Code ("State Regulation") and the State Regulation offense category is lower than a Class A violation, the ordinance offense and fine payable shall be reduced to be the same as provided in the State Regulation.
- (2) Each violation of a section or subsection of this ordinance shall constitute a separate offense.
- (3) Each separate violation of this ordinance shall constitute a separate offense.
- (4) If a person fails to comply with any Parking Zone parking requirement established by the Port, the person shall owe the Port the amount established by Board resolution as a result of their failure to comply.

SECTION 36. Right to Exclude.

The Port shall adopt, by resolution, a Board policy and procedure to exclude persons from Port Recreational Property and Parking Zones who violate this Ordinance, the Oregon Criminal Code, or the person has threatened to do so. No person shall remain on Port Recreational Property after being directed to leave. Exclusion applies only to Port Recreational Property and Parking Zones as defined in Section 2.

SECTION 37. 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 38. Scrivener's Errors. A scrivener's error in any portion of this ordinance may be corrected by order of the Port of Hood River Board of Commissioners.

SECTION 39. Codify. Staff is directed to organize this policy and potential future amendments to this policy into a generally accepted professional format for public use and viewing.

SECTION 40. Ordinance Repealed. Port Ordinance No. 26 (24-2018), An Ordinance Regulating Conduct on Port Property, dated June 26, 2018, is hereby repealed and replaced by this ordinance.

SECTION 41. Effective Date. 30 days after adoption of this ordinance.

SECTION 42. Recitals. The recitals of this Ordinance are incorporated herein by reference and adopted as findings in support of this Ordinance.

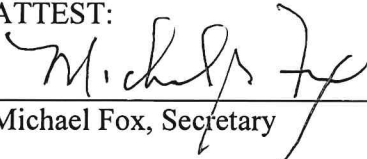
SECTION 43. Short Title. This ordinance shall be entitled and shall be known as the “Port Facilities Code.”

APPROVED AND ADOPTED BY THE BOARD OF COMMISSIONERS this 16th day of May, 2023.



Ben Sheppard, President

ATTEST:



Michael Fox, Secretary

CERTIFICATE
Attestation of a Copy of a Document

State of Oregon)
Hood River County)

I certify that this is a true and correct copy of a document in the possession of Port of Hood River.

Date: May 16, 2023



Notary Public – State of Oregon

