

ORDINANCE NO. 23 - 2018

AN ORDINANCE REGULATING CONDUCT AT THE KEN JERNSTEDT AIRFIELD AND SUPERSEDING AND REPLACING PRIOR ORDINANCE 23, DATED MAY 24, 2011

WHEREAS, the Port of Hood River, a public authority created pursuant to the laws of the State of Oregon, and owner and operator of Ken Jernstedt Airfield, possesses the authority to adopt ordinances in furtherance of the safety and welfare of the users of Ken Jernstedt Airfield and the general public, and to enforce the provisions of those ordinances;

WHEREAS, increasing use of the Ken Jernstedt Airfield, the need to clarify use procedures for airport improvements, the need to improve safety and requests by the Federal Aviation Administration require the formulation and implementation of the following Ordinance regulating use and activity at Ken Jernstedt Airfield;

NOW, THEREFORE, the Port of Hood River finds and ordains as follows:

SECTION 1. Scope of Ordinance. This Ordinance regulates conduct at the Ken Jernstedt Airfield.

SECTION 2. Definitions. Unless the context requires otherwise, for purposes of this Ordinance the following definitions apply, whether or not capitalized in the Ordinance text:

a. **"Alternative Grass Landing Area" or "AGLA"** means the grass area at the east end of the Airport and parallel to Runway 7/25 intended to accommodate aircraft landings. The AGLA is an alternative landing area but an integral part of Runway 7/25. The AGLA is shown on Exhibit 'A' attached hereto and incorporated herein by reference.

b. **"AGLA Procedures"** means Federal Aviation Administration approved rules that establish use of the AGLA, stated in Exhibit 'C', attached hereto and incorporated herein by reference.

c. **"Aircraft"** means any device that can be used for human flight, other than Ultralight vehicles as defined in Federal Aviation Regulation§ 103.

d. **"Airfield"** means any runway, taxi-way and area between a runway and taxi-way, and includes areas extending westerly and easterly beyond any runway and taxi-way, and all other areas used for "aviation activity" as defined below including within the Airport "Runway Protection Zone", as defined by the Federal Aviation Administration.

e. **"Airport"** means all real property owned or controlled by the Port that constitutes the area commonly known as the Ken Jernstedt Airfield, a public general aviation airport in Hood River County, bounded on the west by Tucker Road and on the east by vacated Orchard Road. To the North by Western Antique Aviation Auto Museum land and to the South by Airport Drive and private land, as shown on Exhibit 'A' attached hereto, and as may be

extended hereafter, including any Port structures or fixtures thereon.

f. **"Airport Administration Building"** means the structure(s) where the FBO conducts business, including areas within an FBO structure designated to be accessible to the general public.

g. **"Airport Road"** means the road south of and adjacent to the Airport.

h. **"Aviation Activity"** means parking, moving, operating, maintaining, modifying or repairing Aircraft on the Airport.

i. **"Board"** means Port of Hood River Board of Commissioners.

j. **"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.

k. **"Commercial Activity"** means any Aviation Activity which originates at the Airport, is made available to the general public or involves two or more persons or entities, and is undertaken for profit or personal financial gain, irrespective of where or when payment occurs. Payment includes all forms of compensation, including financial, trade and donations.

l. **"Commercial Glider Operator"** means a person or business that is authorized by the Port to provide glider services to the public as a Commercial Activity.

m. **"Commercial Operator"** means any person or entity that carries out a Commercial Activity at the Airport.

n. **"Concession Agreement"** means a fully executed written agreement between the Port and a person or business entity authorizing the use or establishment of facilities for a Commercial Activity and setting forth the terms and conditions under which the Commercial Activity may take place.

o. **"Executive Director"** means the person the Board has appointed to act as the general manager of all Port operations.

p. **"FAA"** means the Federal Aviation Administration.

q. **"FARs"** means Federal Aviation Regulations which are regulations implemented by the FAA governing aviation activity within the United States and are designed to promote aviation safety and the safety and welfare of the general public.

r. **"FBO"** means the Fixed Base Operator who may be a Port employee, or may be a commercial entity or person having an agreement with the Port to manage aspects of Airport operations and conduct certain Commercial Activity including aircraft maintenance, instruction and retail sales and may be the authorized representative of the Port under designated circumstances; the FBO shall include owners or employees of the FBO or FBO contractors permitted by the Port to perform FBO functions.

s. **"Glider"** means a heavier-than-air Aircraft, that is supported in flight by the dynamic reaction of the air against its lifting surfaces and whose free flight does not depend principally on an engine.

t. **"Glider Flight Activity"** means final preparation of a Glider for launch prior to takeoff, moving a Glider to a takeoff location, and moving a Glider away from the area where a Glider has landed.

u. **"Glider Operations Area"** means the Airport areas shown on Exhibit 'A' and on Exhibit 'B' attached hereto and incorporated herein by reference, designating where Gliders are prepared for launching, launched, brought after landing, and temporarily parked during Glider Flight Activity.

v. **"Glider Support Area"** means that Airport area shown on Exhibit 'A' and Exhibit 'B' attached hereto and incorporated herein by reference, designating the area where all persons not directly involved in Glider Flight Activity but interested in observing Glider Flight Activity, gather; where recreational Glider pilots meet immediately prior to launch; and where Commercial Glider Operators meet with customers to transact business, including registering customers for Glider flights. Glider Flight Activity is prohibited in the Glider Support Area.

w. **"Instrument Flight Rule"** means Port and/or FAA adopted rules governing procedures for conducting instrument flight.

x. **"Limited Access Areas"** means those areas of the Airport the Port has made available to tie down Aircraft or to provide access to T-Hangars for use by Airport tenants or persons moving Aircraft, shown on Exhibit 'A' attached hereto and incorporated herein by reference.

y. **"Motor Vehicle"** means any self-propelled device or device designed for self-propulsion, in, upon or by which any person or property is or may be transported or drawn upon a street, roadway or path, but does not include a vehicle designed for flight.

z. **"No Access Areas"** means those areas where no pilot or public access is permitted unless a legal right exists, because the areas are leased for Commercial Activity, are used for Port purposes, or contain critical weather-related apparatus, shown on Exhibit 'A' attached hereto and incorporated herein by reference.

aa. **"Non-Commercial Operator"** means any person or entity that carries out Aviation Activities at the Airport other than a Commercial Operator.

bb. **"NOTAM"** (Notice-To-Airmen) means a notice containing timely information on unanticipated or temporary changes to components of hazards in the National Airspace System (NAS). Component changes may pertain to facilities, services, procedures or hazards in the NAS. A NOTAM provides information that becomes available too late to publish in the associated aeronautical charts and related publications. The NOTAM system is not intended to be used to impose restrictions on airport access for the purpose of controlling or managing noise, or to advertise data already published or charted.

cc. **"Official Sign"** means all signs, signals, markings, devices and placards placed, erected or provided by the Port or Port designee for the purpose of guiding, directing, warning or regulating Aircraft, Motor Vehicle traffic or personal conduct.

dd. **"Peace Officer"** means a Peace Officer appointed by the Port pursuant to ORS 777.190, or a Peace Officer as defined in ORS 161.015.

ee. **"Pilot in Command"** means the person responsible for the Aircraft as defined by FAA regulations.

ff. **"Port"** means Port of Hood River.

gg. **"Port Tenant"** means any person or business that has entered into a lease or rental agreement with the Port or FBO including renting T-Hangars, Tie-Downs or commercial properties at the Airport.

hh. **"Restricted Access Areas"** means an aircraft runway, all taxi-ways, and areas within 150 feet of a runway or taxi-way at the Airport, shown on Exhibit 'A' attached hereto and incorporated herein by reference.

ii. **"UNICOM"** (Universal Communications) means a ground-to-air radio communication station that may provide airport advisory information to aircraft pilots and persons involved with aviation activity.

jj. **"Ultralight"** is any Aircraft meeting the definitions set forth in FAR Part 103.1.

SECTION 3. Commercial Activity. No person shall engage in any Commercial

Activity at the Airport without the prior approval of the Port, under the terms and conditions prescribed by the Port.

When the Port determines that a person proposes to engage in Commercial Activity at the Airport in the future, the Port may grant that person permission to do so, may issue a Concession Agreement, may require the person to enter a lease or may deny permission to do so.

Minimum Standards, which are adopted by the Port by resolution, outline the type of activities, both commercial and non-commercial that may be carried out at the Ken Jernstedt Airfield as well as the basic requirements for each activity type. These Minimum Standards ensure that each Commercial and Non-Commercial Operator is held to uniform standards to ensure efficient, non-discriminatory and safe operations at the Airport. All persons engaging in Commercial and Non-Commercial Activities at the Airport must comply with Port resolutions establishing Minimum Standards.

SECTION 4. Littering. No person shall litter at the Airport. 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. Fireworks. No person shall ignite fireworks or similar incendiary devices of any kind at the Airport whether legally allowed in Oregon or not.

SECTION 6. Animal Control. No person shall allow a domestic animal which the person owns or for which he or she is caring to be on the Airport unless the animal is on a leash and under the person's control at all times.

SECTION 7. Camping. No person shall camp at any time on the Airport unless the person has written permission to do so from the FBO or Port.

SECTION 8. Hunting. No person shall discharge firearms, hunt, or attempt to trap animals on the Airport unless the person has received written permission to do so from the Port.

SECTION 9. Fires. No person shall build or attempt to build a fire on the Airport.

SECTION 10. Access Prohibitions. No person shall be on any portion of Limited Access Areas, Restricted Access Areas or No Access Areas unless one or more of the following conditions are met:

a. In the Limited Access Areas, they are a Port Tenant or an invited guest of a Port Tenant, a pilot with a legal right to use an Aircraft located at the Airport, or an invited guest under the direct supervision of a Pilot in Command who has a legal right to use an Aircraft located at the Airport.

b. In the Restricted Access Areas, they are a Pilot in Command of an Aircraft or a guest of the Pilot in Command and under the direct supervision of the Pilot in Command of an Aircraft.

- c. In the No Access Areas, they are a Port Tenant authorized by the Port to be there or an invited guest of a Port Tenant authorized to be there.
- d. They have permission from the Port or the FBO to be there.
- e. They are a Port employee or FBO, or a Port or FBO contractor with permission to conduct authorized business and are doing so.
- f. In the case of an emergency requiring access.

SECTION 11. Aircraft Access to Airport. Unless the Port or FBO grants prior permission otherwise, no person shall bring an Aircraft onto the Airport unless they are landing the Aircraft, are traveling across an existing Port Aircraft access easement, are traveling through an approved Aircraft corridor under a Through the Fence Agreement, or in an emergency. No person shall bring an Aircraft onto the Airport on or within a trailer unless the person obtains prior permission from the Port or FBO to do so, or, in the event the Port or FBO are unavailable, they check-in with the FBO at the earliest reasonable opportunity to obtain permission and determine Airport use rules.

SECTION 12. Aircraft Storage. No person shall tie down or in any other way attach any Aircraft to the Airport unless they use Port approved tie-down equipment and they have received permission of the Port or the FBO. No person shall store or park an Aircraft that is not tied down or in a hangar for more than twenty (20) minutes in Restricted Access Areas without permission of the Port or the FBO. Every person using the Airport for Aircraft storage or tie-down parking of Aircraft shall, at the time specified, pay to the FBO such fees as are from time to time fixed in the manner set forth by the Port; provided that the Port may waive any storage or tie-down fees for Aircraft in connection with authorized air shows and fly-ins. T-hangar rentals shall require a written agreement between the proposed Port Tenant and the Port in a form to be determined by the Port.

SECTION 13. Motor Vehicles.

- a. General
 - (1) No person shall engage in any form of ground towing to launch an Aircraft.
 - (2) No person operating a Motor Vehicle may travel through any Restricted Access Area. An Airport map indicating Restricted Access Areas is attached as Exhibit A and incorporated herein by reference.
- b. Parking.
 - (1) Motor Vehicles may be parked on paved areas immediately adjacent to the FBO building and on the shoulder of Airport Road, unless prohibited or restricted by an official sign.
 - (3) No person shall park a Motor Vehicle in Restricted Access Areas without receiving prior written permission from the FBO or Port to do so, or unless necessary because of an emergency.
 - (4) No person shall park a Motor Vehicle in Limited Access Areas without FBO or Port permission to do so except if:
 - (i) Necessitated by an emergency;

(ii) The person is a Port Tenant with permission to park a Motor Vehicle near their leased space; or

(iii) The person is an invited guest of a Port Tenant who has permission to park a Motor Vehicle near a rented space or near a hangar leased by the Port Tenant who invited the person, as a means of access to Aircraft or a T-hangar.

The foregoing notwithstanding, no person shall park a Motor Vehicle within Limited Access Areas for a period longer than eight consecutive hours unless the person has received prior permission to do so from the FBO or Port, and the person displays a parking permit issued by the Port in plain view on the dashboard of the parked Motor Vehicle.

(5) No person shall park a motor vehicle in No Access Areas unless they are a Port tenant authorized to park there, an invited guest of a Port tenant authorized by the Port to park there, or a Port employee.

c. Motor Vehicle Speed; Warning Lights.

Except on Airport Road, no person shall operate a Motor Vehicle at a speed in excess of 15 miles per hour on the Airport. No person shall operate a Motor Vehicle within the Restricted Access Area or No Access Area unless the Motor Vehicle utilizes a clearly visible yellow beacon or yellow flashing lights to alert persons at the Airport and Aircraft pilots that the motor vehicle is present.

SECTION 14. Airport Administration Building Use. No person shall use the Airport Administration Building in violation of any regulation adopted by the Port. Regulations governing use of the Airport Administration Building now in effect are attached to this Ordinance as Exhibit 'D' and incorporated herein by reference. These regulations may be rescinded or modified at any time, as provided in section 19 of this ordinance.

SECTION 15. Aircraft Operations. No person shall engage in conduct at the Airport that violates any of the following provisions:

a. General Aircraft Operations

- (1) All Aircraft shall be operated in conformance with FAR and AGLA regulations and the rules set forth in this Ordinance.
- (2) The Port or the Port's duly authorized representative may suspend or restrict any or all operations at the Airport for reasons including, but not limited to, safety and/or adverse weather conditions whenever such action is deemed necessary.
- (3) The Port or the Port's duly authorized representative shall at all times have the authority to take such action as he or she deems necessary for safety of operations and to safeguard the public at the Airport.
- (4) All ground support activities shall be conducted only in areas designated by the Port or Port's duly authorized representative.
- (5) All Aircraft operators and Pilots in Command shall have the duty at all times to carry out the provisions of this Ordinance and any other applicable regulations with respect to admission and control of children, pets and non-flying observers to or at areas where Aircraft are in operation.
- (6) Flight Rule weather conditions are prescribed by the FARs. Any differing specification shall be made only by the Port and be consistent with this Ordinance and other applicable rules and regulations.

- (7) Aircraft pilots shall be familiar with and comply with local Instrument Flight Rule procedures and with the nonstandard patterns flown by Aircraft operating Instrument Flight Rule or practicing Instrument Flight Rule operations.
- (8) Ultralight pilots shall be aware of the effect of wake and helicopter rotor turbulence upon Ultralight Aircraft and undertake safe separation from helicopters.
- (9) Standard Soaring Society of America (S.S.A.) procedures now or hereafter adopted applicable to Glider Flight Activity on land shall be used by all Glider pilots and their assistants, before a Glider is launched and after a Glider has landed, including using appropriate hand signals.

b. No Simultaneous Aircraft Operation.

- (1) All pilots shall comply with applicable FARs and AGLA Procedures in relation to simultaneous Aircraft operation.
- (2) No pilot shall move an Aircraft or cause an Aircraft to be moved on the AGLA runway if another Aircraft is on or will be imminently landing on the primary runway or the AGLA runway.

c. Landings.

- (1) All pilots shall comply with applicable FARs and AGLA Procedures on landing.
- (2) Pilots intending to use the AGLA shall monitor UNICOM prior to and after landing their Aircraft if it is equipped with a UNICOM radio.
- (3) A pilot, with a radio onboard an Aircraft, who intends to land on the AGLA, shall declare that intention to land on the AGLA by radio prior to landing.
- (4) A pilot may land an Aircraft on the AGLA only when no other aircraft or other activities are occurring or present on either the paved runway or the taxiway.
- (5) Any person who assists with removing a Glider from the AGLA after landing shall remain outside the Restricted Access Areas until the Glider has safely landed and stopped moving.
- (6) Any person who assists with removing a Glider from the AGLA shall comply with FAA procedures and Port regulations applicable to use of the AGLA.

d. Departures.

- (1) All pilots shall comply with applicable FARs and AGLA Procedures on departure.
- (2) Pilots of Aircraft with radios shall declare the intention to taxi on the north parallel taxi-way and complete a thorough visual review of ground and air traffic before crossing the taxi-way holdline.
- (3) Pilots shall keep Aircraft at the designated taxi-way hold line until all traffic on Airport runways or taxi-ways is clear.

SECTION 16. Official Signs. No person shall engage in any conduct in violation of instructions appearing on an Official Sign at the Airport.

SECTION 17. Use of Port Electricity. No person shall connect an electrical device of any kind to a Port electrical power outlet or in any other manner use electricity supplied to the

Port at the Airport without Port permission.

SECTION 18. Fees. No person shall refuse nor neglect to pay when due a fee or charge established by the Board or Executive Director for use of Airport property, Airport facilities or Port or FBO services provided at the Airport.

SECTION 19. Port Regulations. The Board may adopt regulations which define or regulate conduct at the Airport in furtherance of the provisions of this Ordinance, or which otherwise prohibit or limit conduct at the Airport. Each such regulation shall be enacted after publication of a Board meeting agenda that includes a reference to a regulation or regulations to be considered at the Board meeting. The public will have an opportunity at the Board meeting to obtain a copy of the proposed regulation(s) and to comment on the regulation(s) prior the Board adopting a regulation. Each adopted regulation shall be in writing, be dated and be on file for public inspection at the Port business office during Port business hours. If a person violates any provision of an adopted Port regulation the person will be deemed to have violated this Ordinance, and shall be subject to the same penalties as for a violation of a provision of this Ordinance.

SECTION 20. 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.

SECTION 21. Penalties.

- A. 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.
- B. Each violation of a section or subsection of this ordinance shall constitute a separate offense.
- C. Each separate violation of this ordinance shall constitute a separate offense.

SECTION 24. Enforcement.

a. By authority of ORS 777.190, the Board appoints the Executive Director and the Port Maintenance Supervisor, as Peace Officers who shall have the same authority, for the purpose of the enforcement of the provisions of this Ordinance, as other peace officers;

b. All Peace Officers 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 Hood River County Circuit Court on the date and time listed on the citation, or in such other court in Hood River County with jurisdiction over the matter as stated on the citation.

SECTION 25. Right of Removal.

a. No person shall remain at the Airport after being asked to leave the Airport by a Peace Officer if they believe the person being requested to leave has violated or intends to violate any provision of this Ordinance.

b. No person shall cause or allow their personal property to remain at an Airport location after a Peace Officer has asked the person to remove or relocate the personal property.

SECTION 26. Severability. This Ordinance and the regulations adopted pursuant hereto will be liberally construed to effectuate the purposes of this Ordinance. Each section, subsection or other portion of this Ordinance shall be severable; a finding of the invalidity of any section, subsection, or other portion shall not invalidate the remainder.

SECTION 27. Ordinance Superseded and Replaced. Port Ordinance No. 23, An Ordinance Regulating Conduct at the Ken Jernstedt Airfield, dated May 24, 2011, is hereby repealed superseded and replaced by this ordinance.

First Reading: _____, by the Port of Hood River Board of Commissioners.

Second Reading: _____, by the Port of Hood River Board of Commissioners.

Adopted _____, by the Port of Hood River Board of Commissioners.

Effective Date: 30 days after date of adoption, _____, 2018.

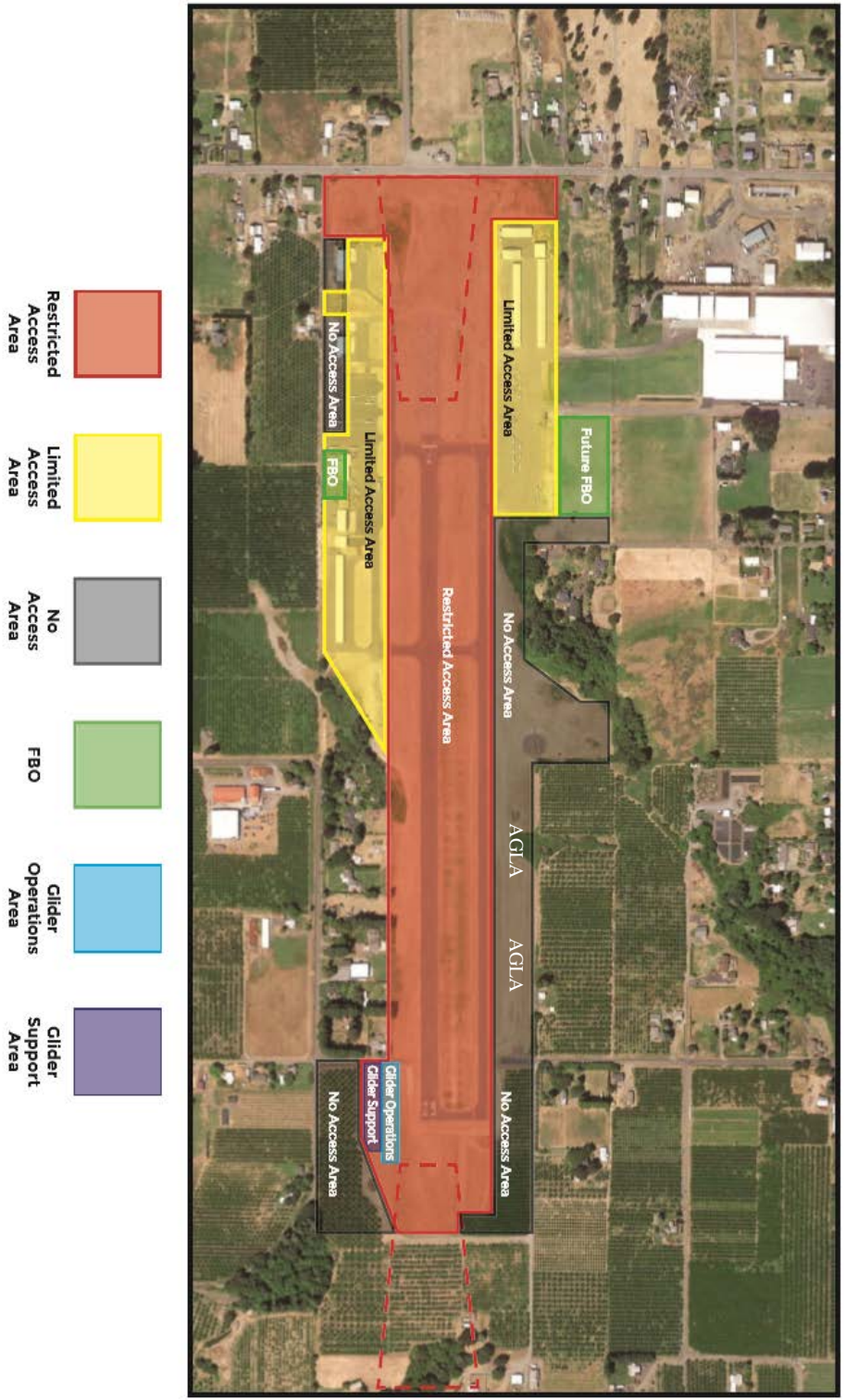
Passed: _____, 2018, by the Port of Hood River Board of Commissioners.

PORT OF HOOD RIVER
1000 E. Port Marina Drive
Hood River, OR 97031

Hoby Streich, Port Commission President

Recording Secretary

EXHIBIT 'A'



Ordinance 23 - Exhibit A

EXHIBIT 'B'



EXHIBIT 'C'

Alternative Grass Landing Area Procedures USE REQUIREMENTS

The following rules govern use of the Alternative Grass Landing Area (AGLA) at Ken Jernstedt Airfield in Hood River, Oregon (Airport). The AGLA has been constructed principally to accommodate landing for antique Aircraft. It is located in the grassy median parallel to Runway 7/25, between the paved runway surface and the north parallel taxi-way. The AGLA is an alternative landing area but an integral part of Runway 7/25.

NO SIMULTANEOUS OPERATION

- No simultaneous Aircraft operations shall occur on the paved surface of Runway 7/25 and the AGLA portion of Runway 7/25.
- No simultaneous Aircraft operations shall occur on the north parallel taxi-way and the AGLA.

LANDINGS

- Ken Jernstedt Airfield is a visual approach airport. All pilots are required to adhere to best practices for Airfield safety policies, including checking Notice to Airmen (NOTAM). Radios are encouraged for all aircraft.
- When an Aircraft declares intention to land on the paved runway, no activity is permitted within the AGLA.
- Pilots with radios must declare their intention to land on the AGLA. Landings may occur on the AGLA only when no other Aircraft or other activities are present on either the paved runway or the north parallel taxi-way. If such activity is present, all Aircraft must land on the paved runway.
- Aircraft landing on AGLA must exit taxi-way as soon as safely possible.

DEPARTURES

- Prior to taxi from the north apron or entrance to the north parallel taxi-way, Aircraft with radios shall declare intention to taxi on the north parallel taxi-way and complete thorough visual review of ground and air traffic before crossing the Hold Line. Pilots must remain at the designated hold line until traffic is cleared.
- All pilots must review and understand Airport signage and markings.
- All pilots must review Airport NOTAMS.
- Pilots must have an Airport diagram out and available as a reference during taxi.
- Pilots must maintain appropriate taxi speed and may not exceed 15 miles per hour on the taxi-way.

EXHIBIT 'D'
Public Use of Airport Administration Building

This Airport Administration Building is owned by the Port of Hood River and managed by the Fixed Based Operator (FBO).

Public uses are allowed in this building. Following is a list of rules for public use:

The FBO will post hours the building is available to the public. Minimum public hours are: 8 a.m.-5 p.m. October through April, and 8 a.m.-6 p.m. May through September, at least five days a week, including all Saturdays and Sundays; building is closed New Years Day, Thanksgiving Day and Christmas Day. If the FBO locks the Airport Administration Building at any time during these hours, it is required to post notice with immediate contact information.

- Pilots may use this building at any time during posted public hours for flight planning.

- Pilots may use the building at any time during posted public hours as a waiting area during weather events that create conditions when safe flying is in jeopardy.

- severe weather events may prevent the building from being open during normal posted hours. The FBO will display a notice if weather prevents this building from being open during normal posted hours. This notice shall contain a contact telephone number.

- Aviation/airport meetings may be held but must be scheduled with the FBO one week prior to desired meeting time. The date, time and estimated number of attendees must be provided when scheduling meetings.

- Transient flight instructors from other airports may debrief students at this building. They may be required to demonstrate proof that they have a flight school at another airport or similar facility.