

PORT OF CASCADE LOCKS

ORDINANCE NO. 2021-1

AN ORDINANCE REGULATING CONDUCT ON PORT PROPERTY AND REPEALING AND REPLACING ORDINANCE NO. 1997-1 AND ORDINANCE NO. 2020-1

WHEREAS, the Port Commission for the Port of Cascade Locks (the “Port Commission”) has the authority pursuant to ORS 777.190 to make, modify, and abolish regulations providing for the policing, control, regulation, and management of property owned, operated, maintained, or controlled by the Port of Cascade Locks (the “Port”); and,

WHEREAS, the Port Commission adopted Ordinance No. 1997-1 setting forth certain rules and regulations governing conduct on Port property over two decades ago, and desires to now update the rules and regulations to reflect the current needs of the Port;

NOW, THEREFORE, the Port Commission of the Port of Cascade Locks ordains as follows:

Section 1. Title. This Ordinance shall be known as the Port Rules.

Section 2. Purpose. The purpose for these Port Rules is to provide for the regulation and enforcement of conduct occurring on Port property to ensure effective management and control of Port property and to safeguard Port property for the uses intended.

Section 3. Scope. These Port Rules apply to all persons, vehicles, and vessels entering upon or using Port property. Persons holding a specific permit, authorization, or agreement with the Port are subject to these Port Rules except to the extent that their specific authorization may provide otherwise.

Section 4. Definitions. The following definitions shall apply for purposes of interpretation and construction of the Port Rules, whether in the singular or the plural and regardless of whether the terms are capitalized in the text of the Port Rules.

“Bridge” or “BOG” means the Bridge of the Gods.

“Business Park” means the combined properties owned by the Port east of Herman creek.

“Camping” means remaining on Port property for the purpose of overnight occupancy, whether in a recreational vehicle or using any other personal property for the purpose of facilitating overnight occupancy.

“Commercial Activities” means any activity undertaken for business, profit, or economic gain, whether or not a profit or economic gain is realized. Commercial activities include, but are not limited to: concession activities, peddling wares, renting,

leasing, or subleasing any real or personal property, and the sale or purchase of goods and services. Commercial activities include advertising for a commercial activity.

"Drone" means any unmanned aircraft system or drone for recreational or commercial operation, as defined by the Federal Aviation Administration.

"Fee Schedule" means the then-effective rates, fees, and charges adopted by the Port Commission as may be revised from time to time. The fee schedule may be a single schedule of fees, rates, and charges, or may include multiple schedules of fees, rates, and charges.

"General Manager" means the individual appointed by the Port Commission as the General Manager of the Port of Cascade Locks.

"Litter" means dumping, throwing, placing, depositing, leaving, or causing to be dumped, thrown, deposited, or left, any refuse, rubbish, trash, garbage, or debris of any kind of an object or substance that may pollute, mar, or deface upon or from Port property.

"Marine Park" means the areas of Port property designated as lands for recreational uses including boat launching and moorage and located generally south and west of the Sternwheeler Café.

"Park" means a vehicle that is stopped or standing for any period of time, regardless of whether the vehicle is occupied.

"Peace Officer" means any individual appointed by the Port Commission pursuant to ORS 777.190, which individual may have a position title that is distinct from Peace Officer. Peace Officer also includes any individual meeting the definition of a peace officer under ORS 161.015(4).

"Person" means a human being and, where applicable, any public or private business entity.

"Port" means the Port of Cascade Locks, Oregon.

"Port Beach Area" means the area of Port property that is contiguous with and lying easterly of Marine Park and running along the south edge of the Columbia River.

"Port Commission" means the Board of Port Commissioners for the Port of Cascade Locks.

"Port Property" means all real property, buildings, facilities, and fixtures in Hood River County, Oregon, that are owned, operated, maintained, or controlled by the Port of Cascade Locks.

"Recreational Areas" means areas of Port property designated by the Port for recreation.

“Recreational Vehicles” means a vehicle holding a current and valid registration from the Oregon Department of Motor Vehicles that may or may not have motive power and is designed for use as temporary living quarters.

“Toll Plaza” means the roadway directly below the toll booth canopy structure that all vehicles must pass in order to enter and/or exit the Bridge of The Gods.

“Vehicle” means any device in, upon, or by which any person or property is or may be transported or drawn upon a street, road, path, or highway and includes vehicles that are propelled or powered by any means but does not include drones.

Section 5. Rules of Conduct.

5.1. OPERATING HOURS

5.1.1. Marine Park Hours. Marine Park hours are thirty minutes before sunrise to 10:00pm PST every day of the calendar year. No person shall enter nor remain in Marine Park between the hours of 10:00pm PST and thirty minutes before sunrise, unless the person is camping as authorized by the Port; using the boat launching or moorage areas as authorized by the Port; fishing as authorized by the Port or other regulatory agency of competent jurisdiction; or attending a social function as authorized by the Port.

5.1.2. General Business Park Hours. Business Park hours are thirty minutes before sunrise to 10:00pm PST every day of the calendar year, for all areas of the Business Park open to the general public for recreation, with the exclusion of leased commercial areas (“General Business Park Areas”). No person shall enter nor remain in the General Business Park Areas between the hours of 10:00pm PST and thirty minutes before sunrise, unless the person holds a special permit, lease, or other authorization by the Port that provides otherwise.

5.2. OPERATION OF VEHICLES

5.2.1. Speed Limits. No person shall drive any vehicle at a rate of speed exceeding the posted speed limit for the Port property upon which the vehicle is moving. The maximum rate of speed shall be limited to 15 miles per hour on Port property where pedestrians are permitted to use the same roadway, including in recreational areas, on Fisherman Access Road, in Marine Park, and on the Bridge of the Gods except through the Toll Plaza. The maximum rate of speed through the Toll Plaza shall be limited to 5 miles per hour for all vehicles, regardless of the payment method used to pay the toll. If speed limits lower than the maximum rates of speed specified in the Port Rules are posted by the Port, the maximum speed limit in such location shall be the posted speed.

5.2.2. Traffic Laws. Persons operating vehicles on Port property shall operate vehicles in compliance with all applicable laws and regulations of the Oregon Department of Motor Vehicles and these Port Rules.

5.3. PARKING

- 5.3.1. **Parking in Designated Areas Only.** Vehicles shall only be parked in designated parking areas on Port property. The registered owner of the vehicle shall be responsible for parking violations under the Parking Section of the Port Rules.
- 5.3.2. **Parking Fees Required.** Any vehicle that parks upon Port property shall be subject to parking fees at rates established by the Port Commission unless otherwise provided under this Parking Section. The registered owner of the vehicle shall be responsible for all payments due.
- 5.3.3. **Privileges for Disability Permit Holders.** Vehicles carrying a visible, valid, individual disability parking permit may park in any designated parking space reserved or marked for parking for persons with disabilities or for resident parking. Disability Permit Holders are subject to all applicable parking fees established by the Port Commission.
- 5.3.4. **Privileges for Special Parking Permit Holders.** Vehicles carrying a visible, valid, wheelchair user parking permit or an Oregon Wounded Warrior parking permit may park in any designated parking zone that is limited in the length of time that vehicles may be parked, without incurring penalties for overtime parking. Permit holders under this subsection may also park in parking spaces reserved for residents and in any metered public parking zone without paying the parking meter fee.
- 5.3.5. **Limitations on Privileges for Special Parking Permit and Disability Permit Holders.** Vehicles carrying individual disability parking permits, wheelchair user parking permits, and Oregon Wounded Warrior parking permits may not: (a) park in a zone where parking, stopping, or standing of vehicles is prohibited; (b) park overnight where overnight parking is prohibited; (c) park during late evening hours where parking during those times is prohibited; (d) park in zones reserved for special types of vehicles or activities; or (e) park in zones where parking is only permitted for 30 minutes or less.

5.4. CONDUCT ON BRIDGE OF THE GODS

- 5.4.1. **Vehicle Weight Limits.** No person shall operate a vehicle nor cause a vehicle to be operated upon the Bridge of a total weight in excess of 20,000 pounds per individual axle, or 80,000 pounds in total gross weight.
- 5.4.2. **Vehicle Height Limits.** No person shall operate a vehicle nor cause a vehicle to be operated on the Bridge of a height greater than 14 feet and 6 inches.
- 5.4.3. **No Stopping or Parking of Vehicles.** Except as authorized by the Port or by an on-duty law enforcement officer, as may be caused by vehicle breakdown, or as may be reasonably necessary for safety reasons, no person shall stop, park, or leave a vehicle unattended on the Bridge.
- 5.4.4. **Toll Required.** All persons are required to pay the applicable toll rates for Bridge crossing as established by the Port Commission.
- 5.4.5. **Activities on the Bridge.** Permissible activities that are allowed on the Bridge include: walking, bicycling, driving a motor vehicle, and equestrian use, provided

that Port Rules are followed, and the use is conducted in a reasonable and safe manner. Prohibited activities that are not allowed on the Bridge include: jumping off the Bridge, stopping, parking, interfering with traffic, interrupting traffic, and acting in a manner that is unreasonable or unsafe for self or others.

5.5. CAMPING

5.5.1. Camping Allowed in Designated Areas Only. Camping on Port property is allowed in designated camping areas only. No person may camp on Port property except in designated camping areas and in compliance with Port Rules.

5.5.2. Maximum Camping Limit. No person may camp in any designated camping area on Port property for more than fourteen (14) consecutive nights, or for more than fourteen (14) total nights in any given month, without a special permit issued by the General Manager.

5.5.3. Camping Fees. The Port Commission may establish reasonable fees for camping in designated camping areas. Persons camping in designated camping areas shall be subject to all applicable camping fees that may be established by the Port Commission.

5.6. FIRES

5.6.1. No person shall build or attempt to build or start a fire anywhere on Port property, other than clean-burning gas stoves or as may be authorized by the Port in Marine Park.

5.7. ALCOHOL

5.7.1. No person shall possess open containers of alcohol anywhere on Port property except to transport the alcohol to or from moored boats or as allowed by Special Permit issued by the Port.

5.8. TRESPASS

5.8.1. Authorized Entry Only. No person shall enter or remain on Port property unless the person is: (a) present pursuant to a license or lease authorized by the Port; (b) present for the purpose of conducting business with the Port or with a Port licensee or lessee on the property; or (c) using the areas of Port property that are open to the public during the hours when they are open to the public.

5.8.2. Right of Removal of Person. No person shall remain on Port property after being asked to leave Port property by the General Manager, a Peace Officer, or Port employee acting within the scope of their duties. A person may be asked to leave for violation of any of the Port Rules or if the requesting party reasonably believes the person intends to commit, or will imminently commit, a violation of any of the Port Rules. Persons who have been asked to leave for violation of a Port Rule may be referred to law enforcement and prosecuted for criminal trespass.

5.8.3. Right of Removal of Personal Property.

5.9. COMMERCIAL ACTIVITIES

5.9.1. Permission Required for Commercial Activity. No person shall conduct or carry on commercial activity anywhere on Port property except with the express authorization of the General Manager or Port Commission to do so, and may only conduct commercial activity within the scope of such permission.

5.10. BOAT ACTIVITIES

5.10.1. Boat Launch in Designated Areas Only. No person shall launch any boat, vessel, or watercraft except in the designated launching areas of Marine Park.

5.10.2. Overnight Stays on Boats. No person shall remain overnight on any boat, vessel, or watercraft in Marine Park for more than three consecutive nights, nor leave a boat, vessel, or watercraft in Marine Park for longer than 72 hours at the transient dock consistent with the Oregon State Marine Board Rules.

5.11. USE OF DRONES

5.11.1. General. No person shall operate a drone on Port property except in compliance with these Port Rules and all applicable state and federal rules for drone operation, including all applicable Federal Aviation Administration regulations.

5.11.2. Recreational Use of Drones. No person may operate a drone for recreational use within Marine Park except by Special Permit granted by the Port. Drones may be operated for recreational use within the Business Park without a Special Permit from the Port, provided the drone is operated during daylight hours only and does not fly over people or from a moving vehicle.

5.11.3. Commercial Use of Drones. No person may operate a drone for commercial use anywhere on Port property except by Special Permit granted by the Port and in compliance with Federal Aviation Administration regulations. No person may operate a drone for commercial use unless the person has a current and valid pilot certification from the Federal Aviation Administration.

5.12. DISCHARGE OF FIREARMS

5.12.1. No Firearms. No person shall brandish nor discharge firearms anywhere on Port property.

5.13. HUNTING

5.13.1. No Hunting. No person shall trap nor attempt to trap animals anywhere on Port property. Fishing is exempt from this rule.

5.14. FISHING

5.14.1. Fishing in Designated Areas Only. No person shall conduct fishing activities from Port property except in designated fishing areas and in compliance with the State of Oregon Fish & Wildlife regulations. No person shall fish from a space designated for handicapped fishing unless the person carries proof of a current and valid handicap parking permit from the Oregon Department of Motor Vehicles.

5.14.2. No Fish Cleaning or Disposal. No person shall clean fish or dispose of fish parts on or from Port property.

5.15. SWIMMING

5.15.1. No Swimming in Unauthorized Areas. No person shall wade, swim, or bathe in Marine Park or in the old navigational locks.

5.16. LITTERING

5.16.1. No Littering. No person shall litter or allow littering on or from Port property.

5.17. SEWAGE DUMPING

5.17.1. No Dumping. No person shall dump or dispose of sewage on or from Port property except where designated by the Port and after paying all applicable sewage dumping fees as established by the Port Commission.

5.18. ANIMAL CONTROL

5.18.1. Leash Requirement. There are no designated off-leash areas anywhere on Port property. Animals must be both restrained by a leash or tether and under the immediate control and command of their owner or keeper at all times while on Port property. Persons in violation of this Port Rule may be referred to the Hood River County Animal Control Division of the Sheriff's Office for enforcement, in addition to any enforcement provisions under the Port Rules.

Section 6. Fees and Penalties. Any person who violates any provision of these Port Rules commits a Class A misdemeanor and shall be subject to a fine as may be established by the Port Commission. Each violation of a separate section of these Port Rules shall constitute a separate offense, and each day that a violation of these Port Rules is committed or permitted to continue shall constitute a separate offense.

Section 7. Enforcement. The General Manager, Peace Officers, and other individuals as may be specifically authorized by the Port Commission, are each authorized to enforce the Port Rules and all provisions of this Ordinance, issue citations, and to collect fees and penalties for violations as established by the Port Commission. Any person who violates this Ordinance shall be subject to all applicable penalties, fees, and enforcement provisions provided in these Port Rules and as may be available at law. Persons who are issued a citation for violation of a Port Rule must appear before the Justice of the Peace Court in the City of Cascade Locks on the date and time listed on the citation or in such other court as the citation may identify.

Section 8. Severability. Each section, subsection, and provision of this Ordinance shall be severable. Any rule, section, subsection, or provision that is deemed invalid by a court of competent jurisdiction shall not invalidate the remainder of this Ordinance.

Section 9. Effect on Prior Ordinances. Ordinance No. 1997-1 and Ordinance No. 2020-1 are hereby repealed and replaced by these Port Rules. This Ordinance supersedes and replaces any and all previously adopted ordinances regulating the conduct described herein.

Section 10. Effective Date. This Ordinance shall take effect on the thirtieth day after adoption.

Read for the first time: _____, 2021.

Read for the second time: _____, 2021.

Adopted this ____ day of 2021, by the Port Commission for the Port of Cascade Locks.

BY: _____ TITLE: _____

Attest: BY: _____ TITLE: _____