

ORDINANCE NO. 423-R
OF
THE PORT OF PORTLAND

AN ORDINANCE REGULATING USE AND OPERATION OF AIRPORTS AND THEIR FACILITIES AND REPEALING ORDINANCE NOS. 348, 370-R, AND 377-R.

BE IT ENACTED BY THE PORT OF PORTLAND, as follows:

1. FINDINGS AND PURPOSE

1.1 The Port of Portland finds that:

1.1.1 The aviation facilities it owns and operates promote a strong economic base for the community, assist and encourage world trade opportunities, and are of vital importance to the health, safety, and welfare of the State of Oregon;

1.1.2 The deregulation of the airline industry, the restructuring of airline ownerships, and fluctuating market changes in the field of commercial aviation have placed new financial challenges on the Port of Portland and airport operators in general;

1.1.3 The Port of Portland will require substantial capital investment of landside and airside development to meet the future demand for air travel;

1.1.4 The unregulated use of its Airports poses a threat to the peace, health, economic vitality, and safety of persons living in the community, the State of Oregon, and other people utilizing Port of Portland Airports;

1.1.5 The revenues received from concession agreements, leases, operating agreements, and the fees received from the operators of taxicabs, rental cars, courtesy vehicles, and other users of the facilities at Port of Portland Airports are vital to the economic well-being of the Port of Portland;

1.1.6 Commercial users of the Port of Portland Airports receive substantial economic benefit from their use of the Airports;

1.1.7 It is essential that the Port of Portland remain financially healthy to perform its economic role in the community and to provide the community with cost-effective aviation facilities;

1.1.8 Establishing reasonable Regulations at its Airports limiting commercial and noncommercial activity within the Airport are essential; and

1.1.9 It is a fundamental responsibility of the Port of Portland to effectuate legitimate state and local concerns in operating its Airport facilities.

1.2 The purposes of this Ordinance are to enact Regulations consistent with the above findings and to delegate to the Executive Director the authority to effectuate the policies and Regulations in this Ordinance. The Regulations published pursuant thereto shall be liberally construed to effectuate these purposes.

2. DEFINITIONS

As used in this Ordinance, unless the context requires otherwise,

2.1 "Aeronautical Activity" - means any activity or service that involves or is required for the safe and secure operation of aircraft at the Airport.

2.2 "Airport" - includes Portland International Airport, Portland-Troutdale Airport, Portland-Hillsboro Airport, Portland-Mulino Airport, including all facilities and roads located at or on such airports.

2.3 "Commercial Activity" - means any activity undertaken at the Airport for profit or personal gain including, but not limited to, concession agreements, operating agreements, leasing and subleasing of real and personal property, the sale of goods and services, advertising, rental cars, and the operation of ground transportation vehicles including without limitation limousines, courtesy vehicles, and taxicabs transporting Airport customers to or from the Airport. Commercial Activity does not include the distribution of written or printed materials permitted under Section 3.3 of this Ordinance.

2.4 "Executive Director" or "Director" – means the chief executive officer of the Port and his or her delegates, including without limitation, the Director of Aviation.

2.5 "Parking Control Representative" - means a Port employee to whom express authority has been delegated to provide assistance to Port Police officers in the enforcement of parking and traffic laws and Regulations pursuant to Port ordinances.

2.6 "Port of Portland" or "Port" - means the port district of the State of Oregon that owns and operates the Airport pursuant to ORS 778.005 through ORS 778.990.

2.7 "Port Police" - means a peace officer appointed by the Port pursuant to ORS 778.260.

2.8 "Minimum Standards" – means the qualifications, standards, and criteria which must be met as a condition for the right to engage in aeronautical activities at the Airport.

2.9 "Regulations" – shall have the meaning ascribed to it under ORS 777.190 and 778.260 and where context requires shall generally mean regulations for policing or regulating the use of Airports, and any facilities located at or in conjunction with Airports, owned, operated, maintained or controlled by the Port.

2.10 "Rules" – means rules to implement the Regulations authorized under this Ordinance that apply to activities, operations, and use of Airports.

2.11 “Terminal Roadway” – means the roadway adjacent to Portland International Airport providing access to the Airport Terminal Building and intended for Airport use by the general public and commercial transportation providers.

3. GENERAL

3.1 Compliance with Law

All persons or entities on or using the Airport shall comply with:

3.1.1 All applicable federal, state and local laws, regulations and directives;

3.1.2 Any Port ordinance regulating the use or operation of the Airport or any Rule, Regulation or requirement adopted pursuant to this Ordinance; and

3.1.3 Any order, signal or direction of any Port Police officer, Parking Control Representative, or other Port employee with authority to give the order, signal or direction.

3.2 Commercial Activity and Aeronautical Activity

3.2.1 Any person or entity engaging in a Commercial Activity at the Airport shall enter into and comply with the terms and conditions of a lease, concession agreement, operating agreement, permit, license or other form of written permission issued by the Director, and under terms and conditions prescribed by, the Port.

3.2.2 Any person or entity engaging in an Aeronautical Activity at the Airport shall, in addition to the requirements of Section 3.1, comply with applicable Minimum Standards.

3.3 Free Expression

3.3.1 Except as provided under Section 3.2, no person shall collect funds, goods, services, or signatures from the general public at the Airport for any purpose, whether charitable, non-profit, or otherwise.

3.3.2 The Director shall designate areas in the Airport where persons may distribute literature to the general public and otherwise express opinions in the manner prescribed by the Rules adopted pursuant to Section 4.1. The Director may impose time, place and manner restrictions that assure that activities involving free expression do not compromise Airport security, public safety and convenience, or the efficient operation of the Airport.

3.3.3 The Director may require persons wishing to use areas designated for expressive conduct to obtain a permit, and the Director may adopt additional rules governing the use of such areas.

3.3.4 The Director may not refuse to issue a permit based on the viewpoint to be expressed.

3.4 Exclusion from the Airport

3.4.1 The Director or Port Police may exclude from the Airport persons who violate a law, Port ordinance, or Rule in a manner that interferes or risks interfering with the safe or efficient operation of the Airport. The Director or Port Police may also exclude those persons who engage in conduct specifically set forth in the Rules as a basis for exclusion.

3.4.2 The Director or Port Police shall determine the duration of an exclusion based on the severity of: (a) the interference or risk of interference with Airport operations; (b) the damage or risk of damage to property; and (c) the harm or risk of harm to persons in accordance with laws, Port ordinances, and Rules.

4. DELEGATION OF AUTHORITY TO THE DIRECTOR

4.1 Rules Governing Activities and Conduct at the Airport

4.1.1 The Director is responsible for the operation, management, maintenance and security of the Airport and is hereby authorized to adopt Rules governing the operation of Airport facilities for each Port airport. The Rules shall be consistent with the Regulations and policies contained in this Ordinance and other applicable Port ordinances. The Rules may also address matters in addition to those described in this Ordinance. This delegation shall be liberally construed to: (a) allow the Director to enhance Airport security; (b) protect the safety of the public, Port employees, and commercial users of the Airport; (c) promote efficiency of operations and public convenience; and (d) implement best practices in airport management.

4.1.2 Prior to adopting Rules that impact the general public, the Director shall publish notice of the proposed Rules in a newspaper of general circulation in the area in which the Port airport is located, to provide reasonable notice to the general public. The notice shall invite comments on the proposed Rules, and the Director shall allow at least fourteen (14) calendar days for interested persons to submit written comments. In cases of emergency or unforeseen circumstances that require immediate response in the form of Rules, the Director may adopt temporary Rules without the prior notice otherwise required by this Section 4.1.2.

4.1.3 Prior to adopting Rules that impact the general public, the Director shall consider any comments received during the comment period.

4.1.4 Rules shall be posted on the Port's website, and copies shall be provided to interested persons upon request.

4.1.5 A violation of the Rules shall be deemed a violation of this Ordinance.

4.2 Minimum Standards

4.2.1 The Director may establish qualifications, standards, and criteria which make up the Minimum Standards which must be met as a condition for the right to engage in aeronautical activities at each Airport.

4.2.2 A violation of Minimum Standards shall be deemed a violation of this Ordinance.

4.3 Development Guidelines

The Director may establish guidelines governing the development of Airport properties and their facilities.

4.4 General Provisions

The Director may establish general provisions and definitions applicable to all the documents authorized by Section 4.

5. ENFORCEMENT

5.1 Police

5.1.1 Port Police shall have the authority to enforce federal, state and local laws, Port ordinances and the Rules promulgated pursuant to this Ordinance.

5.1.2 Port Police shall have the authority to order persons to leave the Airport.

5.2 Parking Control Representatives

5.2.1 Parking Control Representatives shall have the authority to control and restrict the flow of vehicular traffic on the Terminal Roadway as well as pedestrian traffic in crosswalks.

5.2.2 Parking Control Representatives shall have the authority to enforce parking Regulations as provided by Port, city and county ordinances and state laws, and to issue citations for parking violations.

5.3 Delegates

5.3.1 The Director may appoint other enforcement officers who shall have the authority to issue citations for violations of this Ordinance.

5.3.2 Persons designated as enforcement officers shall be authorized to issue citations for violations of only those Rules, Regulations or requirements for which they have management or operational responsibility. The Director's designations of enforcement officers shall describe specifically the citation authority being delegated.

5.4 Due Process

The Director shall establish procedures to ensure that all persons and entities sanctioned or otherwise affected by any Rule, Regulation or requirement adopted pursuant to this Ordinance are afforded the due process to which they are entitled under the United States Constitution.

5.5 Penalties

5.5.1 Any person who violates this Ordinance, or any Rule adopted pursuant to this Ordinance, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than that allowed under ORS 778.990.

5.5.2 The Director may, in addition to or in lieu of the penalties authorized by Section 5.5.1, sanction violations of Port ordinances by means of the enforcement mechanisms and processes established pursuant to Section 4.1.2.

5.5.3 The Director may, in addition to or in lieu of the penalties authorized by Section 5.5.1 and/or the sanctions authorized by Section 5.5.2, prosecute an action for injunctive relief for any violation of this Ordinance.

6. SAVINGS CLAUSE

In the event any phrase, clause, sentence, paragraph, or paragraphs of this Ordinance is declared invalid for any reason, the remainder of the sentence, paragraph, or paragraphs of this Ordinance shall not be thereby invalidated, but shall remain in full force and effect, all parts being hereby declared separable and independent of all others.

7. ORDINANCES REPEALED

Port Ordinance Nos. 348, 370-R, and 377-R are hereby repealed.

8. CUMULATIVE EFFECT

This Ordinance is in addition to any other federal, state, and municipal ordinances, statutes and regulations which affect the Airports.

ADOPTED this 9 day of July, 2008, being the date of its second reading before the Board of Commissioners of the Port of Portland.

THE PORT OF PORTLAND

By: *Judi Johansen*
Judi Johansen, Commission President

By: *Pam Thompson*
Pam Thompson, Assistant Secretary

APPROVED AS TO LEGAL SUFFICIENCY

By: *Carb Kelly*
Counsel for Port of Portland

APPROVED BY COMMISSION

Date July 9, 2008