

# **348: Operation of Airports [As Amended by Ord. 370-R & Ord. 377-R]**

**ENACTED OCTOBER 11, 1989**

**AN ORDINANCE REGULATING USE AND OPERATION OF AIRPORTS AND THEIR FACILITIES AND REPEALING ORDINANCE NO. 317 AND ORDINANCE NO. 327.**

**BE IT ENACTED BY THE PORT OF PORTLAND:**

## **Section 1 - Findings and Purpose**

1.1 The Port of Portland finds: (a) that 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; (b) That 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; (c) that the Port of Portland will require substantial capital investment of landside and airside development to meet the future demand for air travel; (d) that the unregulated use of its airports pose a threat to the peace, health, economic vitality, and safety of persons living in the community, the State of Oregon, and other citizens utilizing Port of Portland airports; (e) that 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 facilities at Port of Portland airports are vital to the economic well-being of the Port of Portland; (f) that commercial users of the Port of Portland airports receive substantial economic benefit from their use of the airports; (g) that 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; (h) that establishing reasonable regulations at its airports limiting commercial and noncommercial activity within the airport are essential; and (i) that 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 purpose of this Ordinance is to enact regulations consistent with the above findings and this Ordinance and the regulations published pursuant thereto shall be liberally construed to effectuate the purposes expressed herein.

## **Section 2 - Definitions**

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

2.1 "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.

2.2 "Airport Control Zone" means that area of airspace designated by the Port in the Approach and Clear Zone Plan (as amended from time to time) which is controlled by the Federal Aviation Administration to regulate aircraft taking off or landing at the airport.

2.3 "Airport Manager" means the person to whom Port has delegated authority and responsibility for airport operations or the authorized representative of the Airport Manager.

2.4 "Airport road" means those roads at an airport designated for vehicular use and intended for use by the general public.

- 2.5 "Areas designated for specific use" means those areas open to a segment of the general public for use for particular purposes, including but not limited to, restaurants, retail stores, airline ticketing and related facilities, and similar areas.
- 2.6 "Director" means the Port's Director of Aviation.
- 2.7 "District Court" means Multnomah County District Court for the State of Oregon.
- 2.8 "Official traffic sign" means all signs, signals, markings, and devices placed or erected by the Port for the purpose of guiding, directing, warning or regulating vehicular traffic.
- 2.9 "Operate an aircraft" includes taxiing, takeoff, flight, or landing an aircraft.
- 2.10 "Lodging" means to sleep or remain for a period of two hours or more in a public area using any bedding, sleeping bag, or other sleeping matter; or to remain in a public area for a period of ten or more consecutive hours; or to sleep or remain for a period of two hours or more in a public area between the hours of 10:00 p.m. and 7:00 a.m. for more than two times during any ten consecutive days. **[This paragraph amended pursuant to Section 1 of Ordinance No. 370-R]**
- 2.11 "Parking Control Representative" means a Port employee designated to provide assistance in the enforcement of parking and traffic laws and regulations as provided by state law and Port ordinances.
- 2.12 "Port" means the Port of Portland.
- 2.13 "Port Police" means a peace officer appointed by the Port pursuant to ORS 778.260.
- 2.14 "Public Area" means those areas of an airport intended for use by the general public and not designated for a specific use or posted as a restricted area.
- 2.15 "Restricted Areas" means any portion of the airport not intended for use by the general public posted by the Port.
- 2.16 "Special Aviation Event" means any operation of aircraft at an airport for any purpose other than normal and customary use of the airport and its facilities.
- 2.17 "Vehicle" means every self-propelled vehicle capable of being on a street or roadway.

### **Section 3 - General**

#### **3.1 COMMERCIAL ACTIVITY**

(1) No person shall engage in any public commercial activity at the airport without the prior approval of, and under terms and conditions prescribed by, the Port. All commercial activity shall be subject to regulations adopted by the Port.

(2) "Public Commercial Activity" means any activity undertaken at the airport for profit or personal gain, including, but not limited to, concession agreements, leasing and subleasing of real and personal property, the sale of goods and services, limousine, courtesy vehicle, and taxicab service picking up at or delivering passengers to the airport. "Public Commercial Activity" does not include the distribution of written or printed material permitted under Section 3.2.

#### **3.2 SOLICITATION OF CONTRIBUTIONS AND DISTRIBUTION OF LITERATURE**

(1) Except as provided in Paragraph 3.1, no person shall solicit funds, goods or services from the general public at the airport for any purpose, whether charitable, nonprofit or otherwise.

(2) Literature may be distributed to the general public at the airport for the benefit of a religion, a religious or political group or for the support of a religious or

political activity in the time, place and manner prescribed by regulations adopted by the Port.

### 3.3 OBSTRUCTION OF AIRPORT USE

No person shall obstruct, impair, or unreasonably interfere with the normal, routine use of the airport, or with the normal, routine use of the airport control zone, by any other person. No person shall obstruct, impair, or unreasonably interfere with the passage or safe, orderly and efficient use of the airport, or the airport control zone, by any other person, vehicle or aircraft.

### 3.4 LIMITATIONS ON NONBUSINESS ACTIVITY

No person shall:

- (a) Intrude upon any portion of the airport not open to the general public, or which is designated for a specific use;
- (b) Use sound or voice amplification systems, or radio communication systems, in areas of the airport where such systems are prohibited by Port ordinance or regulation;
- (c) Violate any provision of this Ordinance.

### 3.5 ACCIDENT REPORTS

No person involved in an accident at the airport which results in damage to persons or property shall fail to promptly report such occurrence to the Airport Manager.

### 3.6 RESTRICTED AREAS

No person shall enter any portion of the airport designated a "Restricted Area" unless authorized to do so by the Airport Manager. No person shall provide another with an Identification Badge or other authorization to enter a "Restricted Area" unless authorized to do so by the Airport Manager.

### 3.7 ANIMALS

No person shall bring any animal upon the airport except:

- (a) Persons entering the vehicular and storage areas, provided the animal is restrained by a leash, or other suitable means;
- (b) Persons delivering or receiving animals, provided the animal is restrained by a leash or other suitable means;
- (c) Blind persons using seeing-eye dogs.

### 3.8 FIREARMS OR DESTRUCTIVE DEVICES

No person shall carry or possess a firearm or destructive device on the airport except:

- (a) Firearms in a motor vehicle while the motor vehicle is upon the airport streets and roads, or in the motor vehicle parking and storage area;
- (b) Firearms enclosed in a container for shipment by air in accordance with Federal Aviation Administration Regulations.
- (c) Firearms carried by peace officers, government employees, or members of the Armed Forces of the United States, when such person is on official duty which authorizes the possession of a firearm.
- (d) Unconcealed firearms carried by persons employed by armored car companies under a permit issued by the Port's Chief of Police, or his designee, to service banking and other tenants at the Airport, which permission shall be consistent with the terms of the Port's most current Airport Security Plan, as that may be approved by the Federal Aviation Administration. **[This paragraph added pursuant to Section 1 of Ordinance No. 377-R]**

"Destructive device" means a projectile containing an explosive, incendiary material or other chemical substance, or a bomb, grenade, missile, or any other device creating an unreasonable risk of harm to persons or property.

### 3.9 SOLICITING RIDES

No person shall stand in an airport road for the purpose of soliciting a ride from the owner or operator of any private, noncommercial motor vehicle or aircraft at the airport.

### 3.10 ALCOHOLIC BEVERAGES

(1) No person shall drink any alcoholic liquor at the airport:

(a) In the vehicular parking and storage area designated for use by the general public;

(b) In a motor vehicle when the vehicle is upon an airport road;

(c) In those portions of the terminal building open for use by the general public, including those portions designated for a specific use, except within premises licensed by the Oregon Liquor Control Commission.

(2) No person shall have in his possession in any public area of the airport terminal building, or in the area adjacent to the aircraft loading gates designated for use by passengers waiting to board an aircraft, any bottle, can, or other receptacle containing any alcoholic liquor which has been opened, or a seal broken, or the contents of which have been partially removed, unless the bottle, can, or other receptacle is enclosed in a suitcase, carrying case, or other container.

### 3.11 LODGING

(1) No person shall use or remain in the airport for the purpose of lodging.

(2) Notwithstanding the prohibition contained in Subsection (1) of this Section, the Airport Manager may declare an emergency and suspend the provision of Subsection (1) in the case of severe weather conditions or other Acts of God causing disruption to airport activity which are beyond the control of the Port.

### 3.12 AIRPORT REGULATIONS

(1) The Director may publish regulations consistent with this Ordinance governing and regulating activity at the airport.

(2) The Port Police shall have the authority to enforce Port, City of Portland, Multnomah County ordinances and state law at the airport; and to make inquiries necessary to accomplish the purposes of the ordinances, rules, and regulations of the Port; and to issue a lawful order to leave the airport.

(3) Parking control personnel shall have the authority to enforce any rules or regulations relating to parking or traffic regulations published pursuant to this Ordinance.

## **Section 4 - Aeronautical**

### 4.1 OPERATION OF AIRCRAFT - GENERAL

(1) No person shall operate, service, maintain, or repair any aircraft at the airport except in compliance with the regulations of the Federal Aviation Administration, the regulations of the Port, and the provisions of this Ordinance.

(2) No person shall operate any aircraft at the airport contrary to the restrictions set forth in a Notice to Airmen (NOTAMS) duly issued by the Airport Manager.

### 4.2 USE OF AIRPORTS

No person shall organize, promote, or participate in any special aviation event including but not limited to formation landings and takeoffs, without the prior approval of the Federal Aviation Administration and the prior written approval of the Airport Manager.

#### 4.3 STUDENT PILOT TRAINING

(1) No person shall operate or knowingly permit the operation of an aircraft at the airport for the purpose of training student pilots, including training in the use of radio navigation aids, except under the supervision of a rated flight instructor.

(2) No person shall operate or knowingly permit the operation of an aircraft at Portland International Airport for the purpose of training student pilots except for training required in the use of radio navigational aids.

#### 4.4 MAINTENANCE, REPAIR, AND SERVICE OF AIRCRAFT

No person shall repair, service, or perform maintenance on any aircraft at the airport except:

- (a) At a commercial facility holding a permit from the Port;
- (b) Preventive maintenance as specified in the regulations of the Federal Aviation Administration; or
- (c) Emergency repairs, service, or maintenance authorized by the Airport Manager.

#### 4.5 HAZARDS TO AVIATION

(1) No person shall operate or release any model aircraft, rocket, kite, balloon, parachute, or other article or substance upon or over the boundaries of the airport without the prior approval of the Airport Manager, except:

- (a) Personnel of the National Weather Service, United States Department of Commerce, when performing their official duties;
- (b) Persons parachuting from an aircraft in an emergency situation;
- (c) Persons releasing seed, sprays, dusts, or similar substances for horticultural or agricultural purposes over farms adjacent to the airport.

(2) No person shall operate an aircraft, model aircraft, rocket, kite, balloon, parachute or other article or substance within the airport control zone except as required for normal, routine use of the airport or its facilities.

(3) No person shall operate a nonpowered aircraft at an airport, except:

- (a) At Portland-Hillsboro Airport in compliance with regulations of the Port; or
- (b) At any other airport in cases of emergency.

#### 4.6 DAMAGED OR DISABLED AIRCRAFT

(1) No owner or operator of a damaged aircraft shall refuse, fail, or neglect to promptly remove the damaged aircraft when failure to do so would obstruct or unreasonably interfere with the safe, orderly, and efficient operation of the airport and when directed to do so by the Airport Manager, unless removal is contrary to the procedures and requirements of the National Transportation Safety Board.

(2) No person shall park or store a damaged or disabled aircraft at the airport for more than 45 days, except:

- (a) When undergoing or awaiting repairs at a commercial repair facility holding a permit from the Port; or
- (b) When specifically authorized by prior written permission of the Airport Manager.

(3) Aircraft not removed when required by Paragraph 4.6(1), or parked or stored in violation of Paragraph 4.6(2), may be removed to a suitable storage area designated by the Airport Manager. The owner or person entitled to possession of

the aircraft placed in storage may reclaim the aircraft upon presentation of satisfactory proof of ownership or right of possession upon payment of the actual costs incurred in removal of the aircraft and storage charges as specified in the current rate schedule of the Port, and acceptance of service of citation in lieu of arrest for the violation, if any, of this Ordinance.

(4) As used in this Paragraph 4.6, "aircraft" shall include parts and components of aircraft.

#### 4.7 HANDLING AND STORAGE OF HAZARDOUS MATERIAL

(1) Except with the prior written permission of the Airport Manager, no person shall keep, transport, handle, or store at the airport any hazardous material.

(2) As used in this Paragraph 4.7, "hazardous material" means those materials and articles barred from loading in or transportation by civil aircraft in the United States by regulations of the Federal Aviation Administration.

### **Section 5 - Motor Vehicles**

#### 5.1 VEHICLES AT AIRPORTS

No person shall drive any vehicle upon the airport or in any vehicular parking or storage area, except:

(a) In a vehicle which may be lawfully operated on the public roads and streets of the state of Oregon; and

(b) For the purpose of ingress and egress to the airport and for parking or storage of a vehicle while at the airport; and

(c) In compliance with the provisions of this Ordinance; or

(d) When authorized by a permit and right of entry granted by the Port or by the regulations published pursuant to the ordinances.

#### 5.2 BASIC SPEED LIMITS

(1) No person shall drive a vehicle upon the airport at a speed greater than is reasonable and prudent having due regard to traffic, surface and width of the roadway, the hazard at intersections, pedestrian traffic and other conditions then existing. Except as provided in Paragraph 5.2(2), in no event shall any person drive a vehicle upon the airport at a speed greater than designated herein.

(2) The speeds designated in Paragraph 5.3 do not apply to authorized emergency vehicles. However, the driver or operator of an authorized emergency vehicle shall not drive without due regard for the safety of all persons using the airport roadways.

(3) As used in Paragraph 5.2, "authorized emergency vehicle" means vehicles of the Fire Department, Police Department, Operations Department, and emergency vehicles of municipal or public service corporations and ambulances, while being used for emergency purposes and displaying the required lights and sounding a siren or other audible warning.

#### 5.3 DESIGNATED SPEED LIMITS

No person shall drive a vehicle upon the airport at a speed greater than those contained below or as otherwise posted or set forth in the regulations published pursuant to this Ordinance:

(1) Ten miles per hour in a zone designated by an official traffic sign for the loading or unloading of passengers or luggage.

- (2) Fifteen miles per hour in a zone designated by an official traffic sign for the parking or storage of vehicles.
- (3) Twenty miles per hour in a zone designated by an official traffic sign as a "construction zone" within which, due to construction, a reduced speed is required for the reasonable and safe operation of vehicles.
- (4) Twenty-five miles per hour in a zone designated by an official traffic sign as a "congested zone" or "hazardous zone" within which, due to traffic conditions existing during normal and usual use, a reduced speed is required for the reasonable and safe operation of vehicles.
- (5) As established and posted in all other locations.

#### 5.4 DRIVING RECKLESSLY OR WHILE INTOXICATED

No person shall drive a vehicle upon the airport carelessly and heedlessly in willful or wanton disregard of the rights and safety of others, or while being under the influence of intoxicating liquor, dangerous drugs, or narcotic drugs.

#### 5.5 DRIVING ON ROADS, STREETS, AND PARKING AREAS

No person shall drive a vehicle in any Public Area of the airport except upon designated airport roads, streets and vehicular parking areas without the prior approval of the Airport Manager.

#### 5.6 PARKING AND PARKING CITATIONS

- (1) Parking: No person shall park or store a vehicle in any Public Area of the airport except in areas specifically posted and designated for such purposes and in accordance with the posted and designated rules regulating parking and storage of vehicles, without the prior approval of the Airport Manager.
- (2) Parking control supervisor and representatives: Parking control supervisor and representatives shall serve as follows:
  - (a) The duties of the position of parking control representative shall be to provide assistance in the enforcement of parking and traffic laws and regulations as provided by state law and Port ordinances.
  - (b) Persons appointed as parking control representatives or as supervisors shall have authority to issue citations for parking violations.

#### 5.7 VEHICLES IN RESTRICTED AREAS

No person shall drive, park or store a vehicle in any Restricted Area of the airport except with the prior approval of the Airport Manager and in compliance with the terms and conditions of such approval.

#### 5.8 ABANDONED OR UNREASONABLY PARKED VEHICLES

- (1) No person shall abandon any vehicle upon the airport.
- (2) Any vehicle abandoned upon the airport, or any vehicle parked or stored contrary to this Ordinance and which obstructs or unreasonably interferes with the safe, efficient and orderly operation of the airport may be towed.
- (3) The legal owner, owner or person entitled to possession of a vehicle towed may reclaim the vehicle upon presentation of satisfactory proof of ownership or right of possession, signing a Vehicle Release form at the Port Police office, payment of the actual costs incurred in the removal, preservation and custody of the vehicle, including actual towing fees and storage charges, and acceptance of service of citation in lieu of arrest for violation of this Ordinance, if any, arising from the abandonment, parking or storing of the vehicle.

#### 5.9 PEDESTRIAN CROSSWALKS

No person shall drive a vehicle through a designated pedestrian crosswalk without stopping if the crosswalk is occupied by a pedestrian.

#### 5.10 USE OF CROSSWALKS

No person shall cross any street or road at the airport except at a designated pedestrian crosswalk.

#### 5.11 TRAFFIC SIGNS AND SIGNALS

No person shall drive a vehicle upon the airport contrary to the instructions of any official traffic markings, notices, directions, sign or signal, unless otherwise directed by a police officer, or to disobey the direction of any police officer directing traffic.

#### 5.12 UNATTENDED VEHICLES

No person driving or in charge of a motor vehicle shall permit the vehicle to stand unattended on any airport road.

#### 5.13 TRAFFIC ACCIDENTS

When a Port police officer at the scene of a traffic accident on the airport has, based on his personal investigation, reasonable grounds to believe that a driver involved in the accident, in connection with the accident, has violated a provision of this Ordinance, the police officer may issue to the driver a citation for that offense without making an arrest. This authority is in addition to any other authority of the police officer to issue a citation or make an arrest.

### **Section 6 - Obedience to Regulations and Traffic Officers**

#### 6.1 OBEDIENCE TO TRAFFIC REGULATIONS

(1) Compliance: It is unlawful and, unless otherwise declared herein with respect to particular offenses, it shall constitute a violation of this Ordinance for any person to fail or neglect to comply with any rule or regulation set forth in this Ordinance or any regulations published pursuant to this Ordinance.

(2) Offense by Owners: It is unlawful for the owner, lessor, or lessee of a motor vehicle or for any person employing or otherwise directing the driver of a motor vehicle knowingly to permit or require the operation of a motor vehicle upon a Port street or highway when such vehicle is equipped otherwise than as required or permitted by law or is in excess of a weight permitted by law, or the operation of any vehicle in any manner contrary to law.

#### 6.2 OBEDIENCE TO TRAFFIC AND POLICE OFFICERS

(1) It is unlawful for any person to refuse or fail to comply with any lawful order, signal, or direction of any parking control representative or police officer displaying his or her star or badge, and invested by law with authority to direct, control or regulate traffic.

(2) It is unlawful for any person, while driving a vehicle on any street, to knowingly flee or attempt to elude any parking control representative or police officer after having received any signal from a parking control representative or police officer to bring the vehicle to a stop.

(3) Every police officer or parking control representative seeking to enforce the provisions of this Ordinance shall be in uniform or have conspicuously displayed upon his person a conspicuous badge indicating his official authority.

### **Section 7 - Citations**

#### 7.1 PARKING CITATIONS

Whenever any vehicle is found parked or stopped in violation of this Ordinance or any other city or state law, the parking control representative in finding the vehicle shall issue a serially numbered parking citation to its occupant, or leave the citation attached to or placed upon the vehicle if unoccupied. The registered owner of the vehicle is prima facie responsible for the violation charged by the citation.

#### 7.2 CITATION FORMS

(1) All parking citation forms used shall be in a form approved by the district court and shall conform to the requirements of ORS 810.425. The original of the traffic citation form, when completed to meet the minimum requirements of ORS 810.425, may serve as a complaint.

(2) Citation form books for parking violations shall be provided by the district court and upon request be distributed to the parking control representatives who issue them. The presiding judge shall be responsible for all forms provided him.

#### 7.3 WAIVER OF CITATIONS

The district court shall be the only agency authorized to waive the penalty provided by this Ordinance for violation of which the citation has been issued.

#### 7.4 MUTILATION OF TRAFFIC AND PARKING CITATIONS

It is unlawful for any unauthorized person to change, erase, alter, mar, mark, mutilate, or destroy a traffic or parking citation form which has been issued under authority of this Ordinance.

### **Section 8 - Penalties**

#### 8.1 MISDEMEANOR

Except as otherwise provided by state law, any person violating this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$250.

#### 8.2 INJUNCTIONS

The Port may, in addition to or in lieu of the provisions of Paragraph 8.1, prosecute an action for appropriate injunctive relief for any violation of the provisions of this Ordinance.

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.

#### 8.3 PENALTY

The penalty provided for in this section is in addition to any other civil or criminal penalty which may also be applicable to the conduct prohibited by this ordinance which may also be violative of other local, municipal, state or federal ordinances or statutes.

**[This paragraph added pursuant to Section 2 of Ordinance No. 370-R]**

### **Section 9 - 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.

### **Section 10 - Ordinances Repealed**

Port Ordinance Nos. 317 and 327 are hereby repealed.

### **Section 11 - Cumulative Effect**

This ordinance is in addition to any other federal, state, and municipal ordinances, statutes or regulations which affect the airports. **[This paragraph added pursuant to Section 3 of Ordinance No. 370-R]**