

Board of Commissioners

Dirk Rohne – Chairman
Robert Stevens – Vice-Chair
Frank Spence – Secretary
James Campbell – Treasurer
Scott McClaine – Assistant Secretary/Treasurer

422 Gateway Ave, Suite 100
Astoria, OR 97103
Phone: (503) 741-3300
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www.portofastoria.com

Workshop Session

April 18, 2023 @ 4:00 PM
10 Pier 1, Suite 209

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting by calling the Port of Astoria at (503) 741-3300.

*This meeting will also be accessible via Zoom. Please see page 2 for login instructions.

Agenda

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. CHANGES/ADDITIONS TO THE AGENDA
5. PUBLIC COMMENT:
This is an opportunity to speak to the Commission for 3 minutes regarding any topic. In person, those wishing to speak must fill out a public comment form. Those participating via Zoom may raise their hands during the public comment period.
6. ADVISORY:
 - a. Second Reading, ORDINANCE AMENDING ORDINANCE 97-01 AND ENACTING REGULATIONS AND PENALTIES FOR CERTAIN AIRPORT ACTIVITIES3
Copies of the Ordinance are available at the Port Administrative office at 422 Gateway Ave, Suite 100, Astoria, OR.
 - b. Marina Discussion – Janice Burk
 - c. SeaTrade Update – Bruce Conner
7. ACTION:
 - a. Request for Expenditure #0142 West Mooring Basin Parking Meter 28
8. COMMISSION COMMENTS
9. EXECUTIVE DIRECTOR COMMENTS
10. UPCOMING MEETING DATES:
 - a. Regular Session – May 2, 2023 at 4:00 PM
 - b. Budget Committee – May 10, 2023 at 12:00 PM
 - c. Workshop Session – May 16, 2023 at 4:00 PM
11. ADJOURN

Please Note:

Agenda packets are available online at: <https://www.portofastoria.com/CommissionMeetings/AgendaMinutes.aspx>

Please allow time for the normal posting procedure for agendas and meeting packets.

Board of Commissioners**HOW TO JOIN THE ZOOM MEETING:**

Online: Direct link: <https://us02web.zoom.us/j/86905881635?pwd=amhtTTBFcE9NUElxNy9hYTZFPQTizQT09>
Or go to [Zoom.us/join](https://zoom.us/join) and enter Meeting ID: 869 0588 1635, Passcode: 422

Dial In: (669) 900-6833, Meeting ID: 869 0588 1635, Passcode: 422

This meeting is accessible to persons with disabilities or persons who wish to attend but do not have computer access or cell phone access. If you require special accommodations, please contact the Port of Astoria at least 48 hours prior to the meeting by calling [\(503\) 741-3300](tel:5037413300) or via email at admin@portofastoria.com.

 Port of Astoria COMMISSION MEETING
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<u>BRIEFING DATE/TIME:</u>	April 18, 2023	
<u>DEPARTMENT:</u>	Operations	
<u>STAFF CONTACT:</u>	Matt McGrath	
<u>TOPIC:</u>	Updated Airport Ordinance	
<u>PURPOSE:</u>		Information only
<i>Check all that apply</i>	<input checked="" type="checkbox"/>	Decision needed
	<input checked="" type="checkbox"/>	Follow up from previous briefing
<u>BACKGROUND & OVERVIEW OF SURROUNDING ISSUES:</u>		
<p>The current ordinance governing operations at the Astoria Regional Airport (Ordinance 97-01) is due for an update. The updates within the new ordinance include, but are not limited to the following:</p> <ul style="list-style-type: none"> • FAA Administrative Order references • Environmental compliance language • Language to include electric aircraft and electric “fuel” • Fuel Transportation Vehicle permits, requirements and penalties • Fuel Flowage Fee policies and penalties 		
<u>DOCUMENTS ATTACHED:</u>		
<p>Ordinance 97-01 Revised Ordinance 2023-01 (redline) Revised Ordinance 2023-01 (final)</p>		
<u>SUMMARY & FINANCIAL IMPACT:</u>		
<p>The revised ordinance is cleaner and more clearly addresses and streamlines Port policies related to use of a fuel transportation vehicle (FTV). The direct financial impact of the Ordinance on Astoria Regional Airport revenues is negligible.</p>		
<u>NEXT STEPS/TIMEFRAME:</u> <i>Based on the Commission’s recommendation, describe the next steps required in order to bring this item to conclusion. Include the time frame for each step.</i>		
<p>First reading: April 4, 2023 Second reading: April 18, 2023 Adoption: May 18, 2023 (30 days after second reading and adoption)</p>		



COMMISSION MEETING

STAFF RECOMMENDATION:

April 4th - Review the revised ordinance over the next two weeks; provide suggested revisions to staff for inclusion in the April 18, 2023 Commission Packet.

April 18th - Approve the revised Ordinance 2023-01 for the Astoria Regional Airport.

PORT OF ASTORIA

ORDINANCE 2023-_____

AN ORDINANCE AMENDING ORDINANCE 97-01 AND ENACTING REGULATIONS AND PENALTIES FOR CERTAIN AIRPORT ACTIVITIES

WHEREAS, pursuant to Oregon Revised Statutes (“ORS”) 777.210(6), the Port of Astoria (“Port”) operates and maintains the Astoria Regional Airport (“Airport”) and is authorized to collect charges for use of such facilities; and

WHEREAS, pursuant to ORS 836.210(6) the Port may adopt regulations establishing charges, fees and tolls for the use of the Airport, and enact civil penalties for violation of such regulations; and

WHEREAS, pursuant to ORS 777.190, the Port may adopt ordinances for policing or regulating of Port property and appoint peace officers to enforce the same; and

WHEREAS, the Port desires to amend Ordinance No. 97-01, “Regarding Fees, Fuel Flowage Fees, and Regulating Operation of Aircraft and Vehicles at Airport,” to establish or amend specific procedures for activities conducted at the Airport; establish or amend applicable fees; enact related rules and regulations; and enact penalties for violation of the same;

NOW, THEREFORE, the Port’s Board of Commissioners hereby ordains as follows:

1. Purposes. The general purposes of this ordinance are to: (1) establish regulations regarding certain activities at the Airport; (2) establish or clarify standardized procedures relating to such activities; (3) protect and preserve the health and safety of staff and the general public using or providing services at the Airport; and (4) effectuate the Port’s authority in ORS 777.258 to promote the maritime shipping, aviation and commercial interests of the Port.
2. Amendment of Ordinance 97-01. To further the Purposes herein described, Port of Astoria Ordinance No. 97-01 is hereby amended as follows:

1. FINDINGS AND PURPOSE

1.1 Findings

The Port of Astoria finds that:

- 1.1.1 The Port owns and operates the Astoria Regional Airport ("Airport") which is used for the taking off, landing, operation and storage of aircraft, and the conduct of businesses supporting aviation activities; and

1.1.2 The Airport promotes a strong economic base for the county, assists and encourages trade opportunities and is of vital importance to the health, safety, and welfare of the Port district; and

1.1.3 It is essential that the Airport attain financial self-sufficiency to perform its transportation role in the county and to provide the county with cost effective aviation facilities; and

1.1.4 The revenues received from users of the Airport are vital to the economic well being of the Airport; and

1.1.5 The Port incurs and will continue to incur substantial expenditure for capital investment, operation, maintenance, and development of the facilities at the Airport; and

1.1.6 In accordance with U.S. Department of Transportation, Federal Aviation Administration (“FAA”) Order 5190.6B, Change 1 (effective date November 22, 2021, or as may be amended from time to time), the FAA has directed airports to ensure that rates, fees, rentals, landing fees, and other service charges imposed on aeronautical users of airports for aeronautical uses are of fair market value; and

1.1.7 The FAA has further directed that airport fees should be established using a consistent methodology for comparable aeronautical users, that fees imposed on a group of aeronautical users should not exceed the costs allocated to that user group, that reasonable distinctions may be made among aeronautical users, and that differing charges may be imposed on categories of aeronautical users based on those distinctions; and

1.1.8 ORS 777.210(6) authorizes the Port to operate and maintain airports and collect charges for the use of such facilities, and ORS 836.210 further authorizes the Port to provide by regulation for charges, fees, and tolls for the use of the Airport and civil penalties for the violations of such regulations; and

1.1.9 In order to raise revenue for purposes of making the Airport as self-sustaining as possible under the circumstances existing at the Airport and maintaining, operating, and developing the Airport for the convenience of aviation users and the traveling public, and to preserve existing revenues, protect the public, preserve order, provide for the public health, safety and welfare, enhance the welfare of the Port, and govern use of Airport property, it is necessary to adopt and implement the fees specified in this Ordinance to be paid by persons utilizing the Airports for aviation purposes; and

1.2 Purpose

The purpose of this Ordinance is to enact airport fees and to establish safety requirements for aircraft and vehicles and to ensure compliance with environmental regulations consistent with the above findings, and this Ordinance shall be liberally construed to effectuate this purpose.

2. DEFINITIONS

As used in this Ordinance:

2.1 Airport. “Airport” shall mean that certain airport located in Clatsop County, Oregon, known as the Astoria Regional Airport, including all facilities and roads located at or on such airport.

2.2 Aircraft. “Aircraft” shall mean every contrivance invented, used, or designed to navigate, or fly in, the air.

2.3 Executive Director. “Executive Director” shall mean the Port’s Executive Director or designee.

2.4 “Fee” “Fee” shall mean any Fee authorized by Section 6 of this Ordinance.

2.5 Fuel. “Fuel” shall mean any aviation gasoline 100LL and Jet A or any other inflammable or combustible gas or liquid useable as fuel for the operation of aircraft. For electric propulsion of aircraft, “Fuel” shall also mean the process of battery charging for aircraft propulsion.

2.6 Fuel Flowage Fee. “Fuel Flowage Fee” shall mean the Fuel Flowage Fee authorized in Section 3.1 of this Ordinance.

2.7 Fuel Operator. “Fuel Operator” shall mean any person who is authorized by the Port to operate any system or device used to store or dispense fuel at the Airport, including but not limited to a fuel storage tank, fuel transportation vehicle, or similar system or device.

2.8 Fuel Transportation Vehicle. “Fuel Transportation Vehicle” shall mean any form of transportation that is used in and capable of transporting fuel, including fuel for airplanes running on automobile gasoline, on Airport roads, parking areas, ramp areas, taxiways, runways, or elsewhere on the Airport.

2.9 Government Aircraft. “Government Aircraft” shall mean any aircraft owned or operated by the United States government or any of its agencies, including but not limited to the U.S. Coast Guard, Army, Navy, Marine Corps, and Air Force; and any state National Guard unit.

2.10 “Peace Officer” shall include the Clatsop County Sheriff; the Oregon State Police; the City of Warrenton Police; an authorized security officer for the Port; the Port’s Executive Director; or the Port’s Deputy Director.

2.11 Permit. “Permit” shall mean a Permit required pursuant to this Ordinance.

2.12 Permittee. “Permittee” shall mean any person required by this Ordinance to have a Permit for operation of a Fuel Transportation Vehicle at the Airport.

2.13 Person. “Person” shall mean an individual, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization.

3. FUEL TRANSPORTATION VEHICLES

3.1 Permit Required.

Any Fuel Transportation Vehicle shall require a Permit to operate on Airport Premises. Operating a Fuel Transportation Vehicle on any Port property without a properly authorized Permit shall be a violation of this Ordinance. Failure to comply with any term or condition of a Permit shall be deemed a separate violation for which a separate penalty may be imposed.

3.2 Fuel Purchase; Fuel Flowage Fee.

Every Fuel Operator shall purchase fuel from the Port at the per-gallon rate fixed by the Port for all fuel purchasers, or pay a Fuel Flowage Fee on all fuel transported onto the Airport. The Fuel Flowage Fee shall be assessed at the time fuel is transported onto the Airport by a Fuel Operator. The Fuel Flowage Fee shall be an amount payable on each gallon or similar measuring unit established by the Executive Director for each category of fuel, and may be adjusted by the Executive Director.

3.3 Collection.

Fuel Flowage Fees shall be collected by the Port in accordance with procedures established by the Executive Director. Unless the Executive Director has established other payment procedures, or credit arrangements satisfactory to the Executive Director have been made in advance, all Fuel Flowage Fees shall be paid by a Fuel Operator no later than twenty (20) days after the end of the calendar month in which fuel is transported onto the Airport. A delinquency charge in an amount established by the Executive Director shall be imposed on all Fuel Flowage Fees not paid when due. All Fuel Operators shall promptly provide the Port reports containing information specified by the Port which is necessary to calculate the Fuel Flowage Fee.

3.4 Penalties.

Failure to timely pay fees assessed under this Section shall be grounds for immediate suspension of a Permit, and assessment of penalties as provided in Section 9 of this Ordinance.

4. TIE-DOWN FEES

“Tie-Down Fees” shall be established, and may be adjusted, by resolution of the Commission. The Port Executive Director or designee is authorized to execute month-to-month Tie-Down License Agreements with aircraft owners wanting tie-down space for

their aircraft. Aircraft leased back to a designated FBO are required to pay Tie-Down Fees.

5. HANGAR FEES

Terms of Hangar Agreements, including fees, shall be approved by resolution of the Commission. The Port Executive Director, or designee, is authorized to execute month-to-month Hangar License Agreements with aircraft owners wanting hangar space for their aircraft.

6. TRANSIENT FEES

“Transient Fees” shall be established, and may be adjusted, by resolution of the Commission. Such resolution may provide for reduced rates for groups, Government Aircraft, or other special use circumstances. Transient Fees include any of the following:

Call-Out Fee

Landing Fee

Overnight Tie-down Fee

Monthly Tie-down Fee

Ramp/Facility Fee

Overnight Vehicle Parking Fee

Monthly Vehicle Parking Fee

Catering Fee

Transient Hangar Use Fee

7. OPERATION OF AIRCRAFT

Aircraft operators shall abide by all federal, state, and FAA regulations, and all rules established by the Port. Operators shall direct their prop wash away from hangar areas. No fueling of aircraft shall take place in or between hangars. Fueling is allowed only in the aircraft tie-down area or designated fueling area.

8. AUTOMOBILE OPERATION

Excluding authorized commercial, agricultural, or emergency vehicles, driving is forbidden on Airport ramps and runways except for hangar and tie-down use as follows:

- a) Access to hangars shall be only through the hangar security gate.
- b) Authorized ramp driving is allowed only through the main gate to the hangars.
- c) Ramp speed shall not exceed 15 MPH.

- d) Entrance to the tie-down area is through the gate located between Life Flight Network and the airport terminal building.
- e) Entrance to tie-down area is only for loading, unloading or minor aircraft maintenance.
- f) Any aircraft under power shall have the right of way over any non-aircraft vehicle or pedestrian.
- g) Any non-aircraft vehicle operating inside the security fence shall engage its emergency flashers or utilize a yellow rotating beacon on its roof.

9. ENFORCEMENT

9.1 Penalties. Pursuant to ORS 777.990, any Person violating this Ordinance commits a Class A misdemeanor. Maximum fines shall be as follows:

9.1.1 For an individual:

- A. First offense: \$100 per violation
- B. Subsequent offenses: \$500 per violation

9.1.2 For a corporation:

- A. First offense: \$1,000 per violation
- B. Subsequent offenses: \$3,000 per violation

9.1.3 A separate penalty may be assessed for each day or portion thereof that the violation continues.

9.1.4 Penalties assessed under this Section shall be separate from, and in addition to, any penalties or other remedies available under state or local law or described in a lease or other agreement.

9.2 Enforcement Authority. The provisions of this Ordinance may be enforced by any Peace Officer.

9.3 Enforcement Procedure. This Ordinance shall be enforced as follows:

9.3.1 Notice of Violation. Any Peace Officer may issue a written Notice of Violation by hand-delivery or by certified mail addressed to the Fuel Operator. The Notice shall describe the nature of the violation; cite to the specific regulation being violated; and the maximum penalty for the violation. Except when the Peace Officer determines in his or her sole discretion that emergency conditions require immediate

abatement of the violation, the Notice of Violation shall provide a minimum of twenty-four (24) hours for the violation to be remedied.

9.3.2 _____Penalty Assessed. If the violation is not fully remedied within the time stated in the Notice of Violation, the Peace Officer shall issue a Notice of Penalty in the amount described in Section 5 of this Ordinance.

9.3.3 _____Suspension of Permit. The Fuel Operator’s Permit shall be deemed suspended until any and all violations are remedied and all applicable penalties have been paid in full. Continuing to operate a Fuel Transportation Vehicle while a Permit is suspended shall be a separate violation of this Ordinance and shall be grounds for an additional penalty.

9.4 **Additional Remedy**. The remedies in this Ordinance are intended to be in addition to, and not to supersede, applicable provisions in state or federal law or administrative rules. Nothing in this Ordinance shall be interpreted to preclude the Port from exercising its right to remedy a violation of this Ordinance by any other means permitted by law.

10. SEVERABILITY

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

11. CONFORMANCE OF STATE & FEDERAL LAW

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the federal government, FAA, State of Oregon, or its agencies, or any ordinance, rule, or regulation of the Port of Astoria

12. INCONSISTENT PROVISIONS

This ordinance shall supersede, control and repeal any inconsistent provision of any Port ordinance as amended or any other regulations made by the Port of Astoria.

3. Effect Of Adoption. Upon its adoption, this Ordinance shall supersede and revoke in full Ordinance 97-01.
4. Publication. The Board shall cause this Ordinance to be published for the period and in the manner required by ORS 198.530 to 198.560 and a certified copy of the signed Ordinance shall be filed in the records of the Port and with the Clatsop County Clerk.
5. Effective Date. This Ordinance shall be effective thirty (30) days after its adoption.

FIRST READING: _____

SECOND READING: _____

ADOPTED THIS _____ day of _____, 2023, by the following vote:

AYES:

NAYS:

ABSENT:

Signed: _____
Commission Chair

Attest: _____
Secretary

**ORDINANCE NO. 97-01
OF THE PORT OF ASTORIA**

**AN ORDINANCE REGARDING FEES, FUEL FLOWAGE FEES
AND REGULATING OPERATION OF AIRCRAFT AND
VEHICLES AT AIRPORT**

BE IT ENACTED BY THE PORT OF ASTORIA:

1. FINDINGS AND PURPOSE

1.1 Findings

The Port of Astoria finds that:

1.1.1 The Port owns and operates the Regional Astoria Airport ("Airport") which is used for the taking off, landing, operation and storage of aircraft, and the conduct of businesses supporting aviation activities; and

1.1.2 The Airport promotes a strong economic base for the county, assists and encourages trade opportunities and is of vital importance to the health, safety, and welfare of the Port district; and

1.1.3 It is essential that the Airport attain financial self-sufficiency to perform its transportation role in the county and to provide the county with cost effective aviation facilities; and

1.1.4 The revenues received from users of the Airport is vital to the economic well-being of the Airport; and

1.1.5 The Port incurs and will continue to incur substantial expenditure for capital investment, operation, maintenance, and development of the facilities at the Airport; and

1.1.6 The Federal Aviation Administration (FAA) has directed airports to ensure that rates, fees, rentals, landing fees, and other service charges imposed on aeronautical users of airports for aeronautical uses are of fair market value; and

1.1.7 The FAA has further directed that airport fees should be established using a consistent methodology for comparable aeronautical users, that fees imposed on a group of aeronautical users should not exceed the costs allocated to that user group, that reasonable distinctions may be made among aeronautical users, and that differing charges may be imposed on categories of aeronautical users based on those distinctions; and

1.1.8 ORS 777.210(6) authorizes the Port to operate and maintain airports and collect charges for the use of such facilities, and ORS 836.210 further authorizes the Port to provide by regulation for charges, fees, and tolls for the use of the Airport and civil penalties for the violations of such regulations; and

1.1.9 In order to raise revenue for purposes of making the Airport as self-sustaining as possible under the circumstances existing at the Airport and maintaining, operating, and developing the Airport for the convenience of aviation users and the traveling public, and to preserve existing revenues, protect the public, preserve order, provide for the public health, safety and welfare, enhance the welfare of the Port, and govern use of Airport property, it is necessary to adopt and implement the fees specified in this Ordinance to be paid by persons utilizing the Airports for aviation purposes; and

1.2 Purpose

The purpose of this Ordinance is to enact Tie-Down, Hangar, Transient, and Fuel Flowage Fees and to establish safety requirements for aircraft and vehicles consistent with the above findings, and this Ordinance shall be liberally construed to effectuate this purpose.

2. DEFINITIONS

As used in this Ordinance:

2.1 "Airport" "Airport" shall mean that certain airport located in Clatsop County, Oregon, known as the Regional Astoria Airport, including all facilities and roads located at or on such airport.

2.2 "Aircraft" "Aircraft" shall mean every contrivance invented, used, or designed to navigate, or fly in, the air.

2.3 "Executive Director" "Executive Director" shall mean the Port's Executive Director or his designee.

2.4 "Fee" "Fee" shall mean the Transient Fee, Tie-Down, Hangar, and Fuel Flowage Fees authorized by this Ordinance.

2.5 "Fuel" "Fuel" shall mean any aviation gasoline IOOLL and Jet A or any other inflammable or combustible gas or liquid useable as fuel for the operation of aircraft.

2.6 "Fuel Flowage Fee" "Fuel Flowage Fee" shall mean the Fuel Flowage Fee authorized in Section 3.1 of this Ordinance.

2.7 “Fuel Operator” “Fuel Operator” shall mean any person who is authorized by the Port to operate any system or device used to store or dispense fuel at the Airport, including but not limited to a fuel storage tank, fuel transportation vehicle, or similar system or device.

2.8 “Fuel Transportation Vehicle” “Fuel Transportation Vehicle” shall mean any form of transportation that is used in and capable of transporting fuel, including fuel for airplanes running on automobile gasoline, on Airport roads, parking areas, ramp areas, taxiways, runways, or elsewhere on the Airport.

2.9 “Government Aircraft” “Government Aircraft” shall mean any aircraft owned or operated by the United States government or any of its agencies.

2.10 “Permit” “Permit” shall mean the Permit required pursuant to this Ordinance..

2.11 “Permittee” “Permittee” shall mean any person required by this Ordinance to have a Permit for operation of a Fuel Transportation Vehicle at the Airport.

2.12 “Person” “Person” shall mean an individual, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization.

2.13 “Mobile Storage Tank Use Agreement” “Mobile Storage Tank Use Agreement” shall mean an agreement in force between the Port and a person which expressly authorizes the person to operate a Fuel Transportation Vehicle at the Airport in accordance with prescribed terms and conditions.

3. FUEL FLOWAGE FEES

3.1 Fees Required.

Every Fuel Operator shall pay a fuel flowage fee (“Fuel Flowage Fee”) on all fuel transported onto the Airport. The Fuel Flowage Fee shall be assessed at the time fuel is transported onto the Airport by a Fuel Operator. The Fuel Flowage Fee shall be an amount payable on each gallon or similar measuring unit established by the Executive Director for each category of fuel, and may be adjusted.

3.2 Collection

Fuel Flowage Fees shall be collected by the Port in accordance with procedures established by the Executive Director. Unless the Executive Director has established other payment procedures, or credit arrangements satisfactory to the Executive Director have been made in advance, all Fuel Flowage Fees shall be paid by a Fuel Operator no later than 20 days after the end of the

calendar month in which fuel is transported onto the Airport. A delinquency charge in an amount established by the Executive Director shall be imposed on all Fuel Flowage Fees not paid when due. All Fuel Operators shall promptly provide the Port reports containing information specified by the Port which is necessary to calculate the Fuel Flowage Fee.

4. TIE-DOWN FEES

“Tie-Down Fees” shall be established by resolution of the Commission, and may be adjusted. The Port Executive Director or his designee is authorized to execute month to month Tie-Down contracts with aircraft owners wanting Tie-Down space for their aircraft. Aircraft leased back to a designated FBO are required to pay Tie-Down Fees.

5. HANGAR FEES

“Hangar Fees” shall be established by resolution of the Commission and may be adjusted. The Port Executive Director, or his designee, is authorized to execute month-to-month hangar contracts with aircraft owners wanting hangar space for their aircraft.

6. TRANSIENT FEES

“Transient Fees” shall be established by resolution of the Commission and may be adjusted. Such resolution may provide for reduced rates for groups, military, or other special use circumstances.

7. OPERATION OF AIRCRAFT

Aircraft operators shall abide by all federal, state, and FAA regulations, and all rules established by the Port. Operators shall direct their prop wash away from hangar areas. No fueling of aircraft shall take place in or between hangars. Fueling is allowed only in the aircraft tie-down area or designated fueling area.

8. AUTOMOBILE OPERATION

Excluding authorized commercial, agricultural, or emergency vehicles, driving is forbidden on Airport ramps and runways except for hangar and tie-down use as follows:

- (a) Entrance to hangars shall be only through the hangar entrance;

- (b) Authorized ramp driving is allowed only through the main gate to the hangars; and
- (c) Ramp speed shall not exceed 25 MPH.
- (d) Entrance to the tie-down area is through the gate located between Lektro and Astoria Flight Center.
- (e) Entrance to tie-down area is only for loading, unloading or minor aircraft maintenance.
- (f) Aircraft have right of way at all times.

9. FUEL TRANSPORTATION VEHICLES

Fuel Transportation Vehicles shall be licensed by the Port to operate on Airport premises. No person shall operate a Fuel Transportation Vehicle at the Airport without a license or written permission of the Port.

10. PENALTIES

10.1 Civil Sanctions

In the event any Person violates any term or condition of this Ordinance, the Port may exercise any rights or remedies allowed by law or equity, including without limitation, imposition of a civil penalty pursuant to ORS 836.210 of not more than \$500 per violation, and, in the case of a violation of any term or condition of any Permit granted pursuant to this Ordinance, after reasonable notice and hearing, suspension or termination of the rights granted pursuant to the Permit. In the event that any Permit is so suspended or terminated, any covenant or condition (including, but not limited to, indemnification covenants) set forth in the Permit, the full performance of which is not specifically required prior to the suspension or termination of the Permit, and any covenant or condition which by its terms is to survive, shall survive the suspension or termination of the Permit and shall remain fully enforceable thereafter.

10.2 Criminal Sanctions

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 per violation.

11. SEVERABILITY

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

12. CONFORMANCE OF STATE & FEDERAL LAW

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the federal government, FAA, State of Oregon, or its agencies, or any ordinance, rule, or regulation of the Port of Astoria

13. INCONSISTENT PROVISIONS

This ordinance shall supersede, control and repeal any inconsistent provision of any Port ordinance as amended or any other regulations made by the Port of Astoria.

14. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.

15. EFFECTIVE DATE

The effective date of this Ordinance shall be October 16, 1997.

ADOPTED THIS 16 day of September, 1997, being the date of its second reading before the Board of Commissioners of the Port of Astoria.

VICE [Signature]
President
[Signature]
Secretary

APPROVED AS TO LEGAL SUFFICIENCY:

[Signature]
Counsel for Port of Astoria

PORT OF ASTORIA

ORDINANCE 2023- ____

AN ORDINANCE AMENDING ORDINANCE 97-01 AND ENACTING REGULATIONS AND PENALTIES FOR CERTAIN AIRPORT ACTIVITIES

WHEREAS, pursuant to Oregon Revised Statutes (“ORS”) 777.210(6), the Port of Astoria (“Port”) operates and maintains the Astoria Regional Airport (“Airport”) and is authorized to collect charges for use of such facilities; and

WHEREAS, pursuant to ORS 836.210(6) the Port may adopt regulations establishing charges, fees and tolls for the use of the Airport, and enact civil penalties for violation of such regulations; and

WHEREAS, pursuant to ORS 777.190, the Port may adopt ordinances for policing or regulating of Port property and appoint peace officers to enforce the same; and

WHEREAS, the Port desires to amend Ordinance No. 97-01, “Regarding Fees, Fuel Flowage Fees, and Regulating Operation of Aircraft and Vehicles at Airport,” to establish or amend specific procedures for activities conducted at the Airport; establish or amend applicable fees; enact related rules and regulations; and enact penalties for violation of the same;

NOW, THEREFORE, the Port’s Board of Commissioners hereby ordains as follows:

1. Purposes. The general purposes of this ordinance are to: (1) establish regulations regarding certain activities at the Airport; (2) establish or clarify standardized procedures relating to such activities; (3) protect and preserve the health and safety of staff and the general public using or providing services at the Airport; and (4) effectuate the Port’s authority in ORS 777.258 to promote the maritime shipping, aviation and commercial interests of the Port.
2. Amendment of Ordinance 97-01. To further the Purposes herein described, Port of Astoria Ordinance No. 97-01 is hereby amended as follows:

1. FINDINGS AND PURPOSE

1.1 Findings

The Port of Astoria finds that:

1.1.1 The Port owns and operates the Astoria Regional Airport (“Airport”) which is used for the taking off, landing, operation and storage of aircraft, and the conduct of businesses supporting aviation activities; and

1 - ORDINANCE ESTABLISHING PROCEDURES, REGULATIONS, AND PENALTIES AT AIRPORT AND AMENDING ORDINANC

1.1.2 The Airport promotes a strong economic base for the county, assists and encourages trade opportunities and is of vital importance to the health, safety, and welfare of the Port district; and

1.1.3 It is essential that the Airport attain financial self-sufficiency to perform its transportation role in the county and to provide the county with cost effective aviation facilities; and

1.1.4 The revenues received from users of the Airport ~~are~~ vital to the economic well being of the Airport; and

1.1.5 The Port incurs and will continue to incur substantial expenditure for capital investment, operation, maintenance, and development of the facilities at the Airport; and

1.1.6 ~~The~~ In accordance with U.S. Department of Transportation, Federal Aviation Administration (“FAA”) Order 5190.6B, Change 1 (effective date November 22, 2021, or as may be amended from time to time), the Federal Aviation Administration (FAA) has directed airports to ensure that rates, fees, rentals, landing fees, and other service charges imposed on aeronautical users of airports for aeronautical uses are of fair market value; and

1.1.7 The FAA has further directed that airport fees should be established using a consistent methodology for comparable aeronautical users, that fees imposed on a group of aeronautical users should not exceed the costs allocated to that user group, that reasonable distinctions may be made among aeronautical users, and that differing charges may be imposed on categories of aeronautical users based on those distinctions; and

1.1.8 ORS 777.210(6) authorizes the Port to operate and maintain airports and collect charges for the use of such facilities, and ORS 836.210 further authorizes the Port to provide by regulation for charges, fees, and tolls for the use of the Airport and civil penalties for the violations of such regulations; and

1.1.9 In order to raise revenue for purposes of making the Airport as self-sustaining as possible under the circumstances existing at the Airport and maintaining, operating, and developing the Airport for the convenience of aviation users and the traveling public, and to preserve existing revenues, protect the public, preserve order, provide for the public health, safety and welfare, enhance the welfare of the Port, and govern use of Airport property, it is necessary to adopt and implement the fees specified in this Ordinance to be paid by persons utilizing the Airports for aviation purposes; and

1.2 Purpose

The purpose of this Ordinance is to enact ~~Tie Down, Hangar, Transient, and Fuel Flowage Fees~~ airport fees and to establish safety requirements for aircraft and vehicles and to ensure compliance with environmental regulations consistent with the above findings, and this Ordinance shall be liberally construed to effectuate this purpose.

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2. DEFINITIONS

As used in this Ordinance:

2.1 ~~“Airport”~~ “Airport” shall mean that certain airport located in Clatsop County, Oregon, known as the ~~Astoria Regional Airport~~ Regional Astoria Airport, including all facilities and roads located at or on such airport.

2.2 ~~“Aircraft”~~ “Aircraft” shall mean every contrivance invented, used, or designed to navigate, or fly in, the air.

2.3 ~~“Executive Director”~~ “Executive Director” shall mean the Port’s Executive Director or ~~his~~ designee.

2.4 ~~“Fee”~~ “Fee” shall mean ~~the Transient Fee, Tie Down, Hangar, and Fuel Flowage Fees~~ any Fee authorized by Section 6 of this Ordinance.

2.5 ~~“Fuel”~~ “Fuel” shall mean any aviation gasoline ~~100/100LL~~ and Jet A or any other inflammable or combustible gas or liquid useable as fuel for the operation of aircraft. For electric propulsion of aircraft, “Fuel” shall also mean the process of battery charging for aircraft propulsion.

2.6 ~~“Fuel Flowage Fee”~~ “Fuel Flowage Fee” shall mean the Fuel Flowage Fee authorized in Section 3.1 of this Ordinance.

2.7 ~~“Fuel Operator”~~ “Fuel Operator” shall mean any person who is authorized by the Port to operate any system or device used to store or dispense fuel at the Airport, including but not limited to a fuel storage tank, fuel transportation vehicle, or similar system or device.

2.8 ~~“Fuel Transportation Vehicle”~~ “Fuel Transportation Vehicle” shall mean any form of transportation that is used in and capable of transporting fuel, including fuel for airplanes running on automobile gasoline, on Airport roads, parking areas, ramp areas, taxiways, runways, or elsewhere on the Airport.

2.9 ~~“Government Aircraft”~~ “Government Aircraft” shall mean any aircraft owned or operated by the United States government or any of its agencies, including but not limited to the U.S. Coast Guard, Army, Navy, Marine Corps, and Air Force; and any state National Guard unit.

2.10 ~~“Peace Officer”~~ “Peace Officer” shall include the Clatsop County Sheriff; the Oregon State Police; the City of ~~Warrenton~~ Astoria Police; an authorized security officer for the Port; the Port’s Executive Director; or the Port’s Deputy Director.

2.11 ~~“Permit”~~ “Permit” shall mean ~~the a~~ Permit required pursuant to this Ordinance.

2.12 ~~“Permittee”~~ “Permittee” shall mean any person required by this Ordinance to have a Permit for operation of a Fuel Transportation Vehicle at the Airport.

3 - ORDINANCE ESTABLISHING PROCEDURES, REGULATIONS, AND PENALTIES AT AIRPORT AND AMENDING ORDINANC

~~2.1213~~ **“Person”**— “Person” shall mean an individual, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization.

~~2.13~~ **“Mobile Storage Tank Use Agreement”** “Mobile Storage Tank Use Agreement” shall mean an agreement in force between the Port and a person which expressly authorizes the person to operate a Fuel Transportation Vehicle at the Airport in accordance with prescribed terms and conditions.

3. **FUEL FLOWAGE-TRANSPORTATION VEHICLES**

3.1 **Permit Required.**

Any Fuel Transportation Vehicle shall require a Permit to operate on Airport Premises. Operating a Fuel Transportation Vehicle on any Port property without a properly authorized Permit shall be a violation of this Ordinance. Failure to comply with any term or condition of a Permit shall be deemed a separate violation for which a separate penalty may be imposed.

~~Fees Required~~ **3.2 Fuel Purchase; Fuel Flowage Fee.**

Every Fuel Operator shall ~~pay purchase fuel from the Port at the per-gallon rate fixed by the Port for all fuel purchasers, or pay a Fuel Flowage Fee (“Fuel Flowage Fee”)~~ on all fuel transported onto the Airport. The Fuel Flowage Fee shall be assessed at the time fuel is transported onto the Airport by a Fuel Operator. The Fuel Flowage Fee shall be an amount payable on each gallon or similar measuring unit established by the Executive Director for each category of fuel, and may be adjusted by the Executive Director.

3.23 Collection.

Fuel Flowage Fees shall be collected by the Port in accordance with procedures established by the Executive Director. Unless the Executive Director has established other payment procedures, or credit arrangements satisfactory to the Executive Director have been made in advance, all Fuel Flowage Fees shall be paid by a Fuel Operator no later than twenty (20) days after the end of the calendar month in which fuel is transported onto the Airport. A delinquency charge in an amount established by the Executive Director shall be imposed on all Fuel Flowage Fees not paid when due. All Fuel Operators shall promptly provide the Port reports containing information specified by the Port which is necessary to calculate the Fuel Flowage Fee.

3.4 Penalties.

Failure to timely pay fees assessed under this Section shall be grounds for immediate suspension of a Permit, and assessment of penalties as provided in Section 9 of this Ordinance.

4. TIE-DOWN FEES

“Tie-Down Fees” shall be established, and may be adjusted, by resolution of the Commission, ~~and may be adjusted~~. The Port Executive Director or ~~his~~ designee is authorized to execute month-~~to-~~month Tie-Down ~~contracts~~-License Agreements with aircraft owners wanting ~~Tie-Down-down~~ space for their aircraft. Aircraft leased back to a designated FBO are required to pay Tie-Down Fees.

5. HANGAR FEES

Terms of Hangar Agreements, including fees“Hangar Fees” shall be ~~approved~~established, and may be adjusted, by resolution of the Commission, ~~and may be adjusted~~. The Port Executive Director, or ~~his~~ designee, is authorized to execute month-to-month ~~hangar contracts~~Hangar License Agreements with aircraft owners wanting hangar space for their aircraft.

6. TRANSIENT FEES

“Transient Fees” shall be established, and may be adjusted, by resolution of the Commission ~~and may be adjusted~~. Such resolution may provide for reduced rates for groups, ~~military~~Government Aircraft, or other special use circumstances. Transient Fees include any of the following:

Call-Out Fee

Landing Fee

Overnight Tie-down Fee

Monthly Tie-down Fee

Ramp/Facility Fee

Overnight Vehicle Parking Fee

Monthly Vehicle Parking Fee

Fuel Flowage Fee

Catering Fee

Transient Hangar Use Fee

7. OPERATION OF AIRCRAFT

Aircraft operators shall abide by all federal, state, and FAA regulations, and all rules established by the Port. Operators shall direct their prop wash away from hangar areas. No fueling of aircraft shall take place in or between hangars. Fueling is allowed only in the aircraft tie-down area or designated fueling area.

8. AUTOMOBILE OPERATION

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Excluding authorized commercial, agricultural, or emergency vehicles, driving is forbidden on Airport ramps and runways except for hangar and tie-down use as follows:

- a) ~~Access~~Entrance to hangars shall be only through the hangar security gate~~entrance~~.
- b) Authorized ramp driving is allowed only through the main gate to the hangars ~~and~~
- c) Ramp speed shall not exceed ~~25~~15 MPH.
- d) Entrance to the tie-down area is through the gate located between Life Flight Network and the airport terminal building~~Letro and Astoria Flight Center~~.
- e) Entrance to tie-down area is only for loading, unloading or minor aircraft maintenance.
- f) Any aircraft under power shall have the right of way over any non-aircraft vehicle or pedestrian~~Aircraft have right of way at all times~~.
- g) Any non-aircraft vehicle operating inside the security fence shall engage its emergency flashers or utilize a yellow rotating beacon on its roof.

9. FUEL TRANSPORTATION VEHICLES

~~Fuel Transportation Vehicles shall be licensed by the Port to operate on Airport premises. No person shall operate a Fuel Transportation Vehicle at the Airport without a license or written permission of the Port.~~

109. PENALTIES ENFORCEMENT

9.1 Penalties. Pursuant to ORS 777.990, any Person violating this Ordinance commits a Class A misdemeanor. Maximum fines shall be as follows:

9.1.1 For an individual:

- A. First offense: \$100 per violation
- B. Subsequent offenses: \$500 per violation

9.1.2 For a corporation:

- A. First offense: \$1,000 per violation
- B. Subsequent offenses: \$3,000 per violation

9.1.3 A separate penalty may be assessed for each day or portion thereof that the violation continues.

9.1.4 Penalties assessed under this Section shall be separate from, and in addition to, any penalties or other remedies available under state or local law or described in a lease or other agreement.

9.2 Enforcement Authority. The provisions of this Ordinance may be enforced by any Peace Officer.

9.3 Enforcement Procedure. This Ordinance shall be enforced as follows:

9.3.1 Notice of Violation. Any Peace Officer may issue a written Notice of Violation by hand-delivery or by certified mail addressed to the Fuel Operator. The Notice shall describe the nature of the violation; cite to the specific regulation being violated; and the maximum penalty for the violation. Except when the Peace Officer determines in his or her sole discretion that emergency conditions require immediate abatement of the violation, the Notice of Violation shall provide a minimum of twenty-four (24) hours for the violation to be remedied.

9.3.2 Penalty Assessed. If the violation is not fully remedied within the time stated in the Notice of Violation, the Peace Officer shall issue a Notice of Penalty in the amount described in Section 5 of this Ordinance.

9.3.3 Suspension of Permit. The Fuel Operator's Permit shall be deemed suspended until any and all violations are remedied and all applicable penalties have been paid in full. Continuing to operate a Fuel Transportation Vehicle while a Permit is suspended shall be a separate violation of this Ordinance and shall be grounds for an additional penalty.

9.4 Additional Remedy. The remedies in this Ordinance are intended to be in addition to, and not to supersede, applicable provisions in state or federal law or administrative rules. Nothing in this Ordinance shall be interpreted to preclude the Port from exercising its right to remedy a violation of this Ordinance by any other means permitted by law.

10.1 Civil Sanctions

In the event any Person violates any term or condition of this Ordinance, the Port may exercise any rights or remedies allowed by law or equity, including without limitation, imposition of a civil penalty pursuant to ORS 836.210 of not more than \$500 per violation, and, in the case of a violation of any term or condition of any Permit granted pursuant to this Ordinance, after reasonable notice and hearing, suspension or termination of the rights granted pursuant to the Permit. In the event that any Permit is so suspended or terminated, any covenant or condition (including, but not limited to, indemnification covenants) set forth in the Permit, the full performance of which is not specifically required prior to the suspension or termination of the Permit, and any

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~~covenant or condition which by its terms is to survive, shall survive the suspension or termination of the Permit and shall remain fully enforceable thereafter.~~

~~10.2 — Criminal Sanctions~~

~~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 per violation.~~

~~11. SEVERABILITY~~

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

~~12. CONFORMANCE OF STATE & FEDERAL LAW~~

~~This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the federal government, FAA, State of Oregon, or its agencies, or any ordinance, rule, or regulation of the Port of Astoria~~

~~13. INCONSISTENT PROVISIONS~~

~~This ordinance shall supersede, control and repeal any inconsistent provision of any Port ordinance as amended or any other regulations made by the Port of Astoria.~~

~~14. SEPARABILITY~~

~~If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.~~

- 3. Effect Of Adoption. Upon its adoption, this Ordinance shall supersede and revoke in full Ordinance 97-01.
- 4. Publication. The Board shall cause this Ordinance to be published for the period and in the manner required by ORS 198.530 to 198.560 and a certified copy of the signed Ordinance shall be filed in the records of the Port and with the Clatsop County Clerk.
- 5. Effective Date. This Ordinance shall be effective thirty (30) days after its adoption.

FIRST READING: _____

SECOND READING: _____

ADOPTED THIS _____ day of _____, 2023, by the following vote:

AYES:

NAYS:

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ABSENT:

Signed: _____
Commission Chair

Attest: _____
Secretary

DRAFT

9 - ORDINANCE ESTABLISHING PROCEDURES, REGULATIONS, AND PENALTIES AT AIRPORT AND AMENDING ORDINANC

Project: West Mooring Basin- Parking Meter

Project Manager: Matt Hansen

Quotes obtained by: Janice Burk

Procurement Method: Small procurement Intermediate procurement Request for Bid
 Sole source Emergency Request for Proposal

Solicitation Method: Verbal quotes (informal) Requests for written quotes (informal) Public solicitation (formal)

Vendor	Amount	Description	Availability	Specific expertise	Other information
Northwest Parking Equipment Company	\$12,385.00	VenTek Pay N Display Station; 6ft pedestal mount; on-site setup and staff training.	8 weeks	specialized product and service	

Northwest Parking Equipment Company is the current supplier for parking fee machines.

Vendor selection & justification:
(REQUIRED)

Northwest Parking Equipment Company
 13500 Lake City Way NE
 Suite 208
 Seattle, Washington 98125
 (bus) (206) 363-5265

PROPOSAL

Submitted to:

Janice Burke	Date: February 7, 2023
Port of Astoria	
10 Pier One	
Astoria, OR. 97103	

Customer P.O.

No.

Delivery Site:

Same as above unless specified.
Is a forklift available?

QUANTITY	DESCRIPTION OF ITEM	AMOUNT
1	VenTek Pay N Display venSTATION- Configuration is Online credit/debit card acceptance with tilt angled display, dual hybrid card reader, and 4G modem and multi-carrier SIM card.	9,500.00
1	VenSTATION 6" pedestal mount with bolts.	513.00
1	Onsite setup of components, rate table customization/programming, server setup, and staff training.	595.00
1	Optional solar kit assembly.	1,350.00
	**Freight is an "estimated" amount and may increase or decrease upon market conditions.	
	**Applicable Online fees apply.	

**FREIGHT
TOTAL**

427.00
\$12,385.00

OTHERS TO SUPPLY: Pedestal and machine installation.

WARRANTY: One year on site parts & labor.

In the event that legal action must be taken to collect any and/or all of the contract price, Northwest Parking Equipment Company shall be entitled to reasonable attorneys' fees, court costs and preparation time. Preparation time will be calculated at Northwest Parking Equipment Company's shop rate and is in addition to attorneys' fees and late charges. Unless otherwise stated on invoices, all invoices will be payable, in full, thirty (30) days from invoice date. In addition, a 1.5% late charge per month will be assessed on all past due accounts. Northwest Parking Equipment Company's performance under this agreement is contingent upon strikes, accidents, delays of carriers and other delays unavoidable or beyond the reasonable control of Northwest Parking Equipment Company.

ACCEPTANCE

PAYMENT TERMS: Zero deposit with order.

Full payment due within 30 days of shipment.

The above prices, descriptions, and conditions are satisfactory and are hereby accepted. You are authorized to proceed with the items specified by this proposal in accordance with the terms herein.

ACCEPTED:

 [Company Name]
 By: _____

 Date

NORTHWEST PARKING EQUIPMENT COMPANY

 Roy Whipple, Jr.,
 President
 February 8, 2023
 Date