

PORT OF HOOD RIVER
Resolution No. 2023-24-22

**A RESOLUTION SETTING WATERFRONT PARKING POLICY, RATES, FEES, ZONES
AND HOURS, AND ADOPTING A POLICY REQUIRING THE USE OF A PARKING
APP OR A TEXT-TO-PAY METHOD FOR WATERFRONT PARKING PAYMENT**

WHEREAS, the Port of Hood River (the “Port”) Board of Commissioners regulates the use of Port Property through its Property Ordinance, adopted via Ordinance Number 27 on May 16, 2023; and

WHEREAS, per Section 15(1) of the Property Ordinance, the Port shall adopt a policy and procedure for vehicle parking in the Port’s Parking Zone (as defined therein); and

WHEREAS, the Port adopted such a policy via Resolution Number 2022-23-12 on May 1, 2023 (the “Parking Policy”); and

WHEREAS, members of the public have inquired about methods for paying for parking within the Port Waterfront Parking Zones (as such term is defined by the Property Ordinance); and

WHEREAS, Oregon Revised Statute (“ORS”) 659A.410(1) requires places offering public accommodations, advantages, facilities, or privileges, or otherwise any place that is open to the public and provided by a public body, to accept US coins or currency as payment, with limited exceptions; and

WHEREAS, ORS 659A.410(3)(f) denotes “Internet-based transactions” as such an exception; and

WHEREAS, ORS 659A.410(7)(f) defines an “Internet-based transaction” as a “transaction that occurs over the Internet and that involves a sale, purchase or reservation of...services to be...consumed by a customer or patron,” but is not an in-person transaction; and

WHEREAS, the definition of “Internet-based transactions” contains many ambiguous terms that require further interpretation at a local level by the Port; and

WHEREAS, Port staff and legal counsel interpret the definition of an in-person transaction to mean a transaction in which all parties are physically present contemporaneously; and

WHEREAS, in current practice the Port offers both a downloadable app and a text-to-pay option for paying for parking within the Port Parking Zone, as well as a designated number of free parking spaces; and

WHEREAS, Port staff and legal counsel have examined the statute and current Port practice and believe that both the app and the text-to-pay options fall within the definition of “Internet-based transactions,” and therefore sufficiently qualify the Port Waterfront Parking Zones for an exemption to the requirements of ORS 659A.410(1); and

WHEREAS, the Commission would like to update the Parking Policy to reflect current policies and rates, and to further formalize its policy regarding the validity of electronic payment for parking

within the Port's Waterfront Parking Zones via either an app or text-to-pay service.

NOW, THEREFORE, THE PORT OF HOOD RIVER BOARD OF COMMISSIONERS RESOLVES AS FOLLOWS:

Section 1. Pay-to-Park Zones.

- A. Hook Zone:** Encompasses the Hook access road and westernmost block of Portway Avenue.
- B. Jensen Zone:** Encompasses the westernmost half of the West Jensen Parking Lot.
- C. Waterfront Zone:** Encompasses Nichols Basin parking lot, N. 1st Street, Lot 1, and the westernmost block of Portway Avenue.
- D. Event Site Zone:** Encompasses the Event Site Parking Lot.
- E. Marina Zone:** Encompasses the Marina Boat Launch Parking Lot and the gravel area behind the DMV building.

No parking is allowed on any Port-owned lots and streets between the hours of 11:00 p.m. and 6:00 a.m. with the exception of the Marina Boat Ramp Parking Lot that opens at 4:00 a.m.

Section 2. Free-to-Park Zones and Hours.

No payment is required for parking in the following Free-to-Park zones: Spit Parking Lot, Marina Beach Parking Lot, or the Marina Moorage Parking Lot. No parking is allowed in Free-to-Park zones after 9:00 p.m.

Section 3. Pay-to-Park Rates and Fees.

Payment for parking in Pay-to-Park zones is required between the hours of 8:00 a.m. and 6:00 p.m. There is no maximum stay limit for any designated parking space between the hours of 6:00 a.m. and 11:00 p.m.

Parking hourly rates in all Zones will be adopted via a separate master rates, fees and charges resolution, which shall be reviewed and updated annually.

Annual Parking Passes are valid January 1 – December 31 for hours parking lots are open. Passes are not valid for Nichols Basin Lot, The Hook, or on-street parking. The fees for each type of annual pass will be adopted via a separate master rates, fees and charges resolution, which shall be reviewed and updated annually.

Section 4. Parking Payment Methods for Hourly Parking and Annual Parking Passes.

Payment for hourly parking within the Port's Waterfront Pay-to-Park Parking Zones must be made electronically via either an app or text-to-pay service. The Board of Commissioners finds that paying for hourly parking within the Port's Waterfront Pay-to-Park Parking Zones via an app or text-to-pay service qualifies as an internet-based transaction as defined by ORS 659A.410(7)(f) and is not an in-person transaction.

Annual parking passes can be purchased online or in-person at the Port front office during regular business hours. Online payment must be made via credit card. In-person payment methods include cash, local check, or credit card.

Section 5. Vehicle Types Allowed and Hours of Parking by Location.

Trailers must remain attached to vehicles at all times.

- A. Event Site Parking Lot:** Open for parking 7:00 a.m. to 9:00 p.m. Payment required between 8:00 a.m. and 6:00 p.m. Regular Length Vehicles (up to 20' in total length) and Overlength Vehicles (over 20' in total length) are allowed and must park in designated spaces. No vehicles or trailers allowed after 9:00 p.m.
- B. West Jensen Parking Lot:** Open for parking 6:00 a.m. to 11:00 p.m. on the westernmost half of the lot. Payment required between 8:00 a.m. and 6:00 p.m. Passenger vehicles only. Overlength Vehicles (over 20' in total length), RVs, or trailers are NOT allowed even if they are less than 20'. No parking is allowed between the hours of 11:00 p.m. and 6:00 a.m.
- C. Nichols Basin Parking Lot:** Open for parking 6:00 a.m. to 11:00 p.m. Payment required between 8:00 a.m. and 6:00 p.m. Regular Length Vehicles (up to 20' in total length) are allowed. No Overlength vehicles (over 20'), RVs or trailers are allowed. No parking is allowed between the hours of 11:00 p.m. and 6:00 a.m.
- D. Marina Boat Launch Parking Lot:** Open for parking 4:00 a.m. to 11:00 p.m. Payment required between 8:00 a.m. and 6:00 p.m. Regular Length Vehicles (up to 20' in total length) and Overlength Vehicles (over 20' in total length) are allowed. Only vehicles with trailers are allowed in the overlength parking spots. No parking is allowed between the hours of 11:00 p.m. and 4:00 a.m.
- E. Marina Beach and Marina Moorage Parking Lots:** Marina Beach gates are open 7:00 a.m. to 9:00 p.m. Regular Length Vehicles (up to 20' in total length) and Overlength Vehicles (over 20' in total length) are allowed. Commercial trucks are not allowed. Commercial trucks are defined as a tractor or tractor trailer combination in excess of 10,000 gross vehicle weight ("gvw"). Marina Moorage parking is for Regular Length Vehicles only. No RVs or trailers are allowed. No parking allowed after 9:00 p.m.
- F. The Spit:** Open for parking 7:00 a.m. to 9:00 p.m. No vehicles over 20' in length, no RVs, and no trailers. There is no adequate turnaround on this road. Commercial trucks are not allowed. Commercial trucks are defined as a tractor or tractor trailer combination in excess of 10,000 gvw. No parking allowed after 9:00 p.m.
- G. The Hook:** Open for parking 7:00 a.m. to 9:00 p.m. Payment required between 8:00 a.m. and 6:00 p.m. Regular Length Vehicles (up to 20' in total length) only. Overlength Vehicles (over 20' in total length) are NOT allowed. RVs, campers, or trailers are NOT allowed, even if they are less than 20' in length. Parking in designated spaces only. Vehicles parked in FIRE ZONES or in any way impeding access of emergency response vehicles will be towed at the owner's expense. There is no adequate turn around on this road. No parking is allowed after 9:00 p.m.
- H. West Portway Avenue:** Open for parking 6:00 a.m. to 11:00 p.m. Payment required between 8:00 a.m. and 6:00 p.m. Passenger vehicles allowed 7 days a week. Commercial trucks not allowed May 15 through October 15. Overnight parking for commercial trucks is only allowed October 16 through May 14. Commercial trucks are defined as a tractor or tractor trailer combination in excess of 10,000 gvw.
- I. North 1st Street and East Portway Avenue:** Open for parking 6:00 a.m. to 11:00 p.m. Payment required between 8:00 a.m. and 6:00 p.m. Passenger vehicles allowed 7 days a week. Commercial trucks not allowed May 15 through October 15. Commercial trucks are defined as a tractor or tractor trailer combination in excess of 10,000 gvw. No parking is allowed between 11:00 p.m. and 6:00 a.m.

Section 6. Terms and Conditions.

When parking on Port Waterfront Property users shall:

- A. Obey all Port of Hood River official signs and regulations.
- B. Pre-pay charges for each parking space used as posted at parking areas and on the Port of Hood River website: www.portofhoodriver.com

Section 7. Violation Penalties.

As permitted by Sections 15 and 35 of the Property Ordinance, a person who violates a provision of this resolution shall be punishable for the following fines:

- A. Non-payment (per parking space) - As set annually by rate/fee resolution
- B. Parking in unauthorized space - As set annually by rate/fee resolution
- C. After hours parking (anytime between 11:00 p.m. to 6:00 a.m. all Zones AND after 9:00 p.m. in the Event Site Parking Lot) - As set annually by rate/fee resolution
- D. Non-payment of violation penalty after 30 days of issuance - As set annually by rate/fee resolution
- E. Non-payment of violation penalty after 60 days of issuance - As set annually by rate/fee resolution
- F. Non-payment of violation penalty after 90 days of issuance - Send to collections, will include collections fees assessed by Duncan Solutions.

Each violation shall constitute a separate offense. Each additional day for which a violation continues shall constitute a separate offense. If a person disputes a Port claim of violation, they shall proceed in accordance with Section 34(2) of the Property Ordinance.

Section 8. Violation Payment Method.

Parking violation payment is accepted by cash, check, or credit card at the Port office during regular business hours or via U.S Mail.

Section 9. Effective Date. This resolution is effective immediately upon passage.

Section 10. Repealer. All previous rates and/or policy resolutions regarding Port Waterfront Parking, including Resolution Number 2022-23-12, are hereby repealed.

Section 11. Severability. If any provision, section, phrase, or word of this Resolution or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Adopted by the Board of Commissioners of the Port of Hood River this 11th day of June, 2024.

SIGNED

DocuSigned by:
Kristi Chapman
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Kristi Chapman, President

ATTEST

DocuSigned by:
Mike Fox
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Michael Fox, Secretary