

**ORDINANCE NO. 426-R  
OF THE PORT OF PORTLAND**

AN ORDINANCE REGULATING USE AND OPERATION OF MARINE TERMINALS AND THEIR FACILITIES, AMENDING PORT ORDINANCE NO. 367-R.

BE IT ENACTED BY THE PORT OF PORTLAND:

**SECTION ONE:** Section 1.9 of Port Ordinance No. 367-R is deleted in its entirety, including the deletion of Exhibits A, B, C and D, and replaced with the following:

"1.9. **"Marine Terminals"** means Terminals 2, 4, 5 and 6 owned or operated by the Port."

Section 1.10 of Port Ordinance No. 367-R is amended to add "security guidelines" as follows:

"1.10 **"Rules, Regulations, Security Guidelines, and Tariffs"** means rules, regulations, and security guidelines adopted from time to time by the Executive Director to govern activities at, and establish procedures for utilization of, the Marine Terminals, and includes any regulatory provisions in any Terminal Tariffs adopted by the Executive Director."

**SECTION TWO:** Section 5 of Port Ordinance No. 367-R is deleted in its entirety and replaced with the following:

**"Section 5 - Contraband**

5.1. **Dangerous Substance or Device.** No Person shall possess any dangerous substance or device in the Marine Terminals, unless authorized under federal law, state law or a Coast Guard approved Facility Security Plan.

"Dangerous substance or device" means any material, substance or item that reasonably has the potential to cause a security incident resulting in a significant loss of life or environmental damage, transportation system disruption or economic disruption in a particular area.

5.2. **Alcohol and Controlled Substances.** No Person shall consume, use, or have in his or her possession at the Marine Terminals, other than within buildings in Leased or Managed Areas with the permission of the Marine Terminal Tenant or Operator, or on board vessels with the permission of the vessel owner, an open container of an alcoholic beverage; nor shall any Person distribute, sell, use, or have in his or her possession at the Marine Terminals any controlled substance as defined in ORS 475.005(6)."

**SECTION THREE:** Section 9.3 of Port Ordinance No. 367-R is deleted in its entirety and replaced with the following:

"9.3 **Transfers of Petroleum Products.** Transfer of petroleum products from motor tank trucks or barges to vessels shall conform to federal and the Portland Harbormaster's regulations unless otherwise specifically provided by Port Rules, Regulations and Tariffs."

**SECTION FOUR:** Section 10.3 of Port Ordinance No. 367-R is deleted in its entirety and replaced with the following:

"10.3 **Parking Violations.** Any person violating any provision of this Ordinance concerning the parking of a Vehicle may be charged by unsworn written notice pursuant to ORS 198.600(3) and ORS 221.333."

**SECTION FIVE:** 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 SIX:** This Ordinance will be effective August 8, 2008.

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: Mary Oleson for  
Judi Johansen, Commission President

By: Pam Thompson  
Pam Thompson, Assistant Secretary

APPROVED AS TO LEGAL SUFFICIENCY

By: Carl Kelley  
Counsel for Port of Portland

APPROVED BY COMMISSION

Date July 9, 2008