

ORDINANCE NO. 2026-01

ADOPTED AUGUST 18, 2026

**AN ORDINANCE ENACTING RULES AND REGULATIONS GOVERNING
ENVIRONMENTAL PROTECTION, STORMWATER MANAGEMENT, AND TENANT
HOUSEKEEPING AND NUISANCE ABATEMENT ON PORT PROPERTIES;
ESTABLISHING ENFORCEMENT PROCEDURES AND PENALTIES FOR
VIOLATION THEREOF,
AND REPEALING PRIOR ORDINANCES**

WHEREAS, the Port of Astoria (“Port”) owns various parcels of real property, including certain common areas that are available for general use (collectively, “Port Properties”); and

WHEREAS, the Port leases certain Port Properties to various individuals and businesses (“Tenants”); and

WHEREAS, activities conducted on Port Properties have the potential to impact stormwater, surface waters, groundwater, sediments, air quality, and neighboring properties if not properly managed; and

WHEREAS, the federal Clean Water Act (33 U.S.C. § 1251 et seq.), and Oregon Revised Statutes (“ORS”) chapters 468 and 468B, as administered and enforced by the Oregon Department of Environmental Quality (“DEQ”), including National Pollutant Discharge Elimination System (NPDES) permits issued pursuant to Oregon Administrative Rules (“OAR” chapter 340, divisions 41 and 45), regulate the discharge of pollutants and require implementation of Best Management Practices (BMPs) to protect waters of the state; and the Port has obligations under such laws and permits to take reasonable measures within its authority to prevent unauthorized discharges and manage stormwater associated with activities occurring on Port Properties; and

WHEREAS, it is in the public interest to adopt uniform standards governing environmental compliance, stormwater management, tenant housekeeping and nuisance prevention on Port Properties;

WHEREAS, pursuant to the authority granted in ORS 777.190, the Port seeks to establish Rules and Regulations (“Regulations”) to ensure the appropriate use and cleanliness of Port Properties by all Tenants, other users, and visitors to Port Properties, and to establish penalties for violations of such Regulations.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE PORT OF ASTORIA ORDAINS AS FOLLOWS:

GENERAL PROVISIONS

Title. This Ordinance shall be called the “Port of Astoria Environmental Rules and Regulations.”

Purpose and Scope. The purpose of this Ordinance is to establish a uniform framework of Regulations governing activities and conditions on Port Properties to protect public health and safety and prevent pollution and environmental harm.

Application. This Ordinance shall apply to all Persons using Port Properties, and unless preempted by state or federal law, shall be in addition to, and not in contradiction of, any other law, rule, Port policy or ordinance, lease or other agreement.

Effect on Other Requirements. This Ordinance is in addition to, and intended to be consistent with, all other Port ordinances, permits, leases, licenses, contracts, and other Port requirements. Where more than one Port requirement applies to the same activity, condition, discharge, release, or operation on Port property, the more restrictive requirement shall control. Compliance with this Ordinance does not limit or waive any right, remedy, or enforcement authority available to the Port.

Severability. If any section or part of this Ordinance is found to be inconsistent with any state or federal law or regulation, such section or part shall be superseded by such law or regulation without invalidating the remainder of this Ordinance. Nothing in this Ordinance shall be construed as a limitation of any rights, privileges, or remedies previously existing under any applicable law, nor as a limitation of the powers and authorities of the Port.

Repeal. The following ordinances are hereby repealed:

- ORDINANCE NO 8 (1912), Prohibiting throwing, placing, or leaving any dead animal or putrefying (sic) matter in any of the waters of the Port of Astoria;
- ORDINANCE NO 9 (1912), Prohibiting Placing of any Rubbish, Refuse Matters, or Articles of an offensive Character upon any Wharf or Dock Within Limits of the Port of Astoria;
- ORDINANCE NO 10 (1912), Prohibiting dumping or depositing of any articles which may tend to obstruct the flow of navigation of the waters of the Port of Astoria;

PART 1 DEFINITIONS

Unless otherwise expressly stated or required by context, the following definitions shall apply to this Ordinance. The use of any gender shall include all genders; the singular shall include the plural and the plural shall include the singular; and the provisions of this Ordinance shall apply to individuals, partnerships, associations, and corporations alike.

- 1.1 Active Use.** The period during which materials or equipment are being physically handled, accessed, moved, processed, loaded, unloaded, or otherwise used as part of ongoing operations.
- 1.2 Authorized Person.** Any individual designated by the Executive Director to carry out responsibilities under this Ordinance, including but not limited to the Deputy Director, Boatyard Manager, Environmental Compliance and Permits Manager, Terminal Manager, Marina Manager, Airport Manager, Port Authority Officer, or designee.
- 1.3 Best Management Practices (BMPs).** Schedules of activities, prohibited practices, maintenance procedures, and structural, operational, or source-control measures used to prevent or reduce the discharge of pollutants.
- 1.4 Executive Director.** The person duly appointed by the Commission of the Port of Astoria as the chief executive officer for the Port. Unless otherwise expressly stated herein, any power granted or duty assigned to the Executive Director under this Ordinance may be exercised by any Authorized Person.
- 1.5 Litter.** Any and all types of debris and substances, whether liquid or solid or a combination thereof, including but not limited to garbage, refuse, rubbish, glass, cans, bottles, paper and paper products, wrappings, decayed wood, sawdust, shavings, bark, cement, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, dead animals or fish carcasses or parts thereof, manure, human or animal wastes, putrid, decaying or deleterious substances or matter, petroleum wastes, or any machinery, appliances or automobiles or parts thereof, and any food, food scraps, or edible materials placed or discarded in a manner that may attract wildlife or pests, or any other substances which may render Port Properties , noxious, or otherwise unwholesome or to the detriment of the public health and welfare.
- 1.6 Nuisance Condition.** Shall mean any accumulation or runoff of garbage, waste, or other material that does or is reasonably likely to attract insects, rodents, birds or other animals, and/ or create an unsightly, foul-smelling, or environmentally hazardous condition.
- 1.7 Peace Officer.** Shall include the Clatsop County Sheriff; the Oregon State Police; the City of Astoria Police; the Port Authority; the Port's Executive Director; the Port's Deputy Director; or any Port staff member duly authorized by the Port's Executive Director or Deputy Executive Director.
- 1.8 Person.** Any individual, partnership, corporation, association or other form of legal entity, including but not limited to Tenants.
- 1.9 Port.** The Port of Astoria.
- 1.10 Port Commission or Board of Commissioners.** The governing body of the Port of Astoria.
- 1.11 Port Properties.** All real properties and facilities owned, operated, or controlled by the Port of Astoria.

- 1.12 Responsible Person.** Shall include any tenant, employee or representative of a tenant, visitor or invitee, or contractor located or doing business on Port Properties.
- 1.13 Seafood Product.** Fish of all types and species; clams, shrimp, crab and shellfish of all types and species; and all other seafood, or seafood products, whether intended for animal or human consumption.
- 1.14 Sewage.** Water, chemical, or other liquid carried human or animal wastes from Vessels, Vehicles, trailers, residences, buildings, industrial or commercial establishments or other places with such ground water infiltration and surface water as may be present.
- 1.15 Shall and May.** “Shall” is mandatory. “May” is permissive.
- 1.16 Tenant.** Shall mean any Person leasing property from the Port.

PART 2

RULES AND REGULATIONS RELATING TO USE OF PROPERTIES

- 2.1 Compliance with Regulations, Laws, Safety Standards.** Any Person using Port Properties shall obey all applicable regulations and laws and comply with generally accepted safety standards and requirements. Notwithstanding the provisions of this Ordinance, the Port retains the right to immediately prevent, restrict, or suspend any activity deemed by authorized Port staff to be hazardous to any person, Port facility or operation.
- 2.2 Combustible and Flammable Materials/Waste Oil.**
- A. Combustible and flammable materials shall be stored, handled, and maintained in a place and manner as to prevent accidental ignition, combustion, or fire, including storage in approved containers where required. Rags and waste materials saturated with combustible or flammable fluids shall be placed in covered, non-combustible containers designed for such materials and shall be removed from Port Properties at reasonable intervals in accordance with applicable environmental regulations.
 - B. No Person shall dump, discharge, or pump, or allow to be dumped, discharged, or pumped, any oil, spirits, gasoline, distillate, any petroleum products, or any other combustible or flammable materials onto any part of the Properties, or into any public sewer or drainage system.
 - C. No combustible or flammable materials or waste oil shall be stored on Port Properties without the Port’s express written consent and with applicable BMPs and in compliance with applicable federal, state, and local regulations.

2.3 Waste/Litter/Sewage Disposal.

- A. No Person shall throw, place, leave, deposit, or abandon, or cause or permit to be thrown, placed, left, deposited or abandoned, any industrial waste, Seafood Product, Litter, or Sewage on any Port Properties except in receptacle areas designated by the Port for the disposal of such materials or substances.
- B. Waste, Litter, Sewage, Seafood Products, and other refuse or debris generated from activities conducted on Port Properties shall be removed from Port Properties or deposited in appropriate containers provided for this purpose. Port-provided containers may be used only for waste generated on Port Properties. No Person shall place household garbage, personal waste, off-site commercial waste, or any other materials not generated from activities on Port Properties into any waste receptacle on Port property.
- C. Waste shall not be permitted to accumulate in a manner that creates or contributes to an environmental risk or Nuisance Condition.
- D. No person except the Port's contracted waste collection service shall remove any Waste, Litter, Sewage, Seafood Products, or other refuse or debris placed out for collection, resource recovery, or recycling without the Port's express written consent.

2.4 Feeding of Wildlife Prohibited. No Person shall intentionally feed or attempt to feed birds, waterfowl, gulls, or other wildlife, or place, distribute, or scatter any food, food scraps, garbage, seafood waste, or other attractants on Port Properties that is reasonably likely to attract such wildlife.

2.5 Fish Processing. No Person shall clean or process Seafood Products on Port Properties except in facilities and with equipment specifically designated and posted for that purpose.

2.6 Walkways, Steps and Stairways. All walkways, steps, and stairways shall be kept clear of Litter and other debris at all times.

2.7 Repair Work. Welding, metal cutting and/or fabrication, sandblasting or spray painting are prohibited on Port Properties without the express written permission of authorized Port staff, and may occur only in designated areas with adequate containment and controls.

2.8 Spill Prevention and Response.

- A. All Persons shall take reasonable measures to prevent spills of oil, fuel, chemicals, or other hazardous or nuisance substances, including proper storage, secondary containment, and equipment maintenance.
- B. Spills shall be immediately contained and cleaned up by the Responsible Person, who shall immediately initiate the response procedures outlined in the current Port Spill Prevention and Response Plan (SPRP).
- C. Spills shall be reported to an Authorized Person at the Port immediately, and to all federal, state, and local agencies as required by law. Such notification does not

relieve any Person of the obligation to comply with applicable legal reporting requirements.

2.9 General Housekeeping and Property Maintenance Standards.

- A. All Persons shall maintain leaseholds and work areas in a clean and orderly condition to prevent pollution, fire hazards, and nuisance conditions.
- B. Solid waste, recyclables, and other materials shall be stored, handled, and disposed of in appropriate containers with lids closed when not in Active Use in accordance with applicable federal, state, and local laws.
- C. All materials, supplies, and equipment shall be stored in a manner that minimized the risk of spills, leaks, wind dispersal, or contact with stormwater, and shall not obstruct drainage, access ways, or emergency response.
- D. Tenants shall implement basic good housekeeping practices and Best Management Practices appropriate to their operations, including routine cleaning, prompt spill response, and regular inspection of work areas, storage areas, and waste containers.
- E. Tenants and operators shall ensure their employees receive stormwater awareness training, including spill prevention and response procedures.

2.10 Air Emissions and Dust. Activities generating dust, fumes, and emissions shall be conducted using reasonable controls to minimize off-site impacts and comply with applicable air quality permits.

2.11 Noise. Users shall not create unreasonable noise that interferes with Port operations or neighboring properties.

2.12 Inspection and Access. Consistent with lease terms and applicable laws, the Port may conduct inspections of Port Properties at reasonable times to assess compliance with these Rules.

2.13 Discharges and Illicit Releases.

- A. No Person shall cause, allow, or contribute to any discharge of pollutants, including but not limited to, wash water, process water, wastewater, grey water, or any other liquids to stormwater, surface waters, groundwater, drainage systems, or Port infrastructure, except as authorized by an applicable permit or expressly approved by the Port in writing.
- B. No Person shall make or allow any connection or conveyance to Port water, sewer, or storm infrastructure above or below ground without proper written approval of the Port.

2.14 Washing and Cleaning Activities.

- A. The use of soaps, detergents, degreasers, solvents, or any other cleaning agents to wash vehicles, vessels, aircraft, equipment, or facilities on Port Properties is prohibited unless washing occurs in a Port-approved wash area and wash water is

fully contained and discharged to an approved sanitary sewer or treatment system in compliance with applicable permits.

- B. Pressure washing or surface cleaning that generates wash water is prohibited unless explicitly approved by the Port and implemented consistent with applicable Best Management Practices.

2.15 Vessel Discharges.

- A. No Person shall discharge or allow the discharge of pollutants, including but not limited to, wash water, process water, wastewater, sewage, graywater, bilge water, seafood holding tank water, or any pollutants from any vessel into waters of the state or onto Port Properties.
- B. All vessel sewage shall be disposed of at approved pump-out facilities.

2.16 Material Management.

- A. Garbage and waste containers shall be kept covered at all times except when in Active Use.
- B. When not in Active Use, outdoor material storage (including stockpiles, raw materials, and equipment) shall be covered, protected, or otherwise managed to prevent stormwater contact.
- C. Any container used for storing seafood products or seafood processing by-products shall be equipped with a reasonably airtight cover that can be latched or sealed so that it cannot be easily dislodged by animals, wind, or passersby. Outdoor totes for live seafood are not required to be airtight or latched however, they may be cleaned only in the 900J areas and stored upside-down when not in Active Use.

2.17 Fueling and Liquid Transfers.

- A. Fueling and liquid transfer operations shall be attended at all times and conducted using spill prevention practices.
- B. Hoses, nozzles, caps, plugs, fittings, and all associated containers shall be maintained to prevent leaks.
- C. Spill response materials appropriate to the operation shall be readily available.

PART 3 ENFORCEMENT AND PENALTIES

3.1 Authorized Person. The Executive Director or any Authorized Person or Peace Officer may enforce the provisions of this Ordinance, orally or in writing, in accordance with ORS 777.190.

3.2 Corrective Action; Liability for Costs. Any Person determined to be in violation of this Ordinance shall undertake immediate corrective action to correct the condition giving rise to the violation. If such Person fails to correct such condition within a reasonable time as directed, the Port may undertake such corrective action and charge the cost thereof to such Person.

3.3 Enforcement; Removal. Any Authorized Person may obtain the assistance of a Peace Officer in enforcing this Ordinance. If necessary to immediately address a nuisance condition, either the Authorized Person or Peace Officer may direct any Person in violation of this Ordinance to leave Port premises for a period of time determined by the Port or such law enforcement officer, or by a court of law.

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

3.4.1 For an individual:

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

3.4.2 For a business:

- A. First offense: \$3,000 per violation
- B. Subsequent offenses: \$5,000 per violation

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

3.5 Penalties Cumulative. The penalties set forth in this Section are cumulative. The assessment of one penalty shall not preclude the assessment of a different penalty or penalties for a single violation, or for multiple violations by a single Person.

3.6 Enforcement Procedure. Any Authorized Person may issue a written Notice of Violation by hand-delivery or by certified mail addressed to the Responsible Person. The Notice shall describe the nature of the violation, cite to the specific regulation(s) being violated; the penalty for the violation; the date by which compliance is required; and the process for appeal of the violation being charged. Unless timely appealed, the Notice of Violation shall serve as an order to comply as stated in the Notice.

3.7 Appeals.

- A. Right to Appeal. Any Person issued a Notice of Violation under this Ordinance may appeal the Port's determination.
- B. Appeal Procedure. A written appeal shall be submitted in the manner stated on the Notice of Violation.
- C. Review of Appeal. Within thirty (30) days of receipt of a written appeal, the Port shall review the appeal and issue a written decision affirming, modifying, or dismissing the Notice of Violation and any associated penalty.
- D. Finality. If an appeal is not submitted in the time and manner required, the order comprising the Notice of Violation shall be final.

FIRST READING:

July 21, 2026

SECOND READING:

August 18, 2026

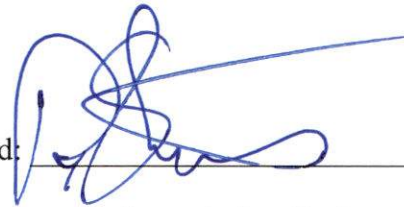
ADOPTED THIS 18 day of August 2026, BY THE FOLLOWING VOTE:

AYES: 5

NAYS: 0

ABSENT: 0

Signed: _____



Commission Chair

Attest: _____



Secretary