

**CITY OF CHARLEVOIX**

**Ordinance No. \_\_\_\_\_ of 2011**

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CHARLEVOIX CITY CODE CONCERNING THE CHARLEVOIX MUNICIPAL AIRPORT ORDINANCE.

THE CITY OF CHARLEVOIX ORDAINS:

**Section 1. Amendment of Section 2.193.**

Section 2.193 of the Charlevoix City Code is hereby amended to read in its entirety as follows:

**2.193 Operation and Parking.**

- (a) A person who operates a motor vehicle within the boundaries of the Airport shall comply with all of the following requirements:
  - (1) A person shall only operate a motor vehicle in locations designated by the Airport Manager where the operation of motor vehicles will not interfere with aircraft movement and will not create hazardous conditions to persons, property, or Airport operations.
  - (2) A person shall not operate a snowmobile and/or a recreational or off-road vehicle within the Airport boundaries without the written approval of the Airport Manager.
- (b) A person who parks a motor vehicle within the boundaries of the Airport shall comply with all of the following requirements:
  - (1) The motor vehicle shall only be parked in locations designated by the Airport Manager.
  - (2) A parking permit for that motor vehicle shall be issued under subsection (d) below and shall not be transferred to any other motor vehicle, except as authorized in subsection (e) below.
  - (3) An annual and six (6) month parking permit shall be affixed to the motor vehicle to which it was issued in the bottom right hand corner of the front windshield of that motor vehicle. A monthly, weekly, daily (non-overnight), and overnight parking permit shall be displayed within the motor vehicle in such a manner that the permit information is visible from the outside of the motor vehicle and may be hung from the rearview mirror of the motor vehicle. Provided, however, that any parking permit issued for a motor vehicle prior to the effective date of this amendatory ordinance may remain displayed or affixed to that motor vehicle in the location designated at the time the permit was issued. Any subsequent parking permit, however, shall comply with the display and location requirements of this subsection.

- (4) The motor vehicle shall only be parked in the parking area authorized by the parking permit issued under subsection (d) below. Parking in any other area shall be a violation of this Section.
  - (5) A motor vehicle shall not be parked in the parking area authorized by the parking permit issued under subsection (d) below beyond the time period authorized by such parking permit.
  - (6) A motor vehicle shall not be parked in the designated loading/unloading zone located adjacent to the south side of the terminal building. Provided, however, a motor vehicle may be temporarily stopped for no more than ten (10) minutes in the loading/unloading zone for the purpose of picking up or dropping off passengers or for the purpose of loading or unloading passenger luggage, if and only if the driver of the motor vehicle remains at all times with the motor vehicle.
- (c) A person who desires to park a motor vehicle within the boundaries of the Airport shall apply for and obtain a parking permit for the motor vehicle prior to the motor vehicle being parked within the boundaries of the Airport and shall pay the fee established pursuant to the Schedule of Rates and Charges. The application shall be on a form provided by the Airport Manager and shall contain the following information:
- (1) Name and address of the registered owner of the motor vehicle when applying for an annual permit and a six (6) month permit only. The name and address of the registered owner of the motor vehicle shall not be required when applying for a monthly, weekly, daily (non-overnight), and overnight parking permit.
  - (2) Make, model, model year, color, and license plate number of the motor vehicle. The license plate number shall not be required when applying for a monthly, weekly, daily (non-overnight), and overnight parking permit.
  - (3) Parking area desired, which shall be one of the following:
    - a. Premium parking area.
    - b. Daily parking area.
    - c. Multi-day/overnight/annual permit parking area.
    - d. Employee parking area.
    - e. Overflow/oversized vehicle parking area.
  - (4) The type of parking permit desired, which shall be one of the following:
    - a. An annual permit, which shall be valid from April 1 to March 31 of the succeeding year.
    - b. A six (6) month permit, which shall be valid for a period of six (6) months from the date of issuance.

- c. A monthly permit, which shall be valid for a period of thirty (30) days from the date of issuance.
  - d. A weekly permit, which shall be valid for a period of seven (7) days from the date of issuance.
  - e. A daily (non-overnight) permit, which shall be valid until 11:59 p.m. of the day of issuance.
  - f. An overnight permit, which shall be valid until 11:59 p.m. of the day following the date of issuance.
- (d) After receiving an administratively complete application, the Airport Manager or his or her designee shall issue the requested parking permit if he or she determines that the applicable fee has been paid and that there is a parking space available within the parking area desired by the applicant. No parking permit, however, shall be issued until all information require under subsection (c) above is provided.
- (e) An annual parking permit may be transferred to another motor vehicle if and only if all of the following requirements are met:
- (1) The parking permit that was issued shall be surrendered to the Airport Manager, or his or her designee, prior to a new parking permit being issued under this subsection.
  - (2) The motor vehicle to which the parking permit will be transferred shall be registered to a parent, spouse, or sibling of the person to whom the original parking permit was issued, or to a legal dependant of the person to whom the original parking permit was issued who is under the age of 18 and who is claimed as a dependent on the federal income tax return filed by the person to whom the original parking permit was issued. The person requesting the transfer shall establish the required relationship of this subsection.
  - (3) The parking permit being transferred shall not have been transferred more than three (3) previous times.
  - (4) The transferred parking permit shall be affixed to the windshield of the motor vehicle to which it was transferred as required by subsection (b)(3) above.
- (f) Any parking permit used in violation of this Section or obtained through any fraud or misrepresentation, in addition to the penalty provisions of Section 2.200(f) of this Chapter, shall be subject to revocation by the Airport Manager, with no refund of any parking permit fee paid. Any such revocation may be appealed to the City Manager, who shall review the matter anew.

**Section 2. Amendment of Title II, Chapter 26.**

Title II, Chapter 26 of the Charlevoix City Code is hereby amended to add a new Article IIA, which new article shall read in its entirety as follows:

## **ARTICLE IIA. MINIMUM STANDARDS**

**2.193-A. Per-Seat FAR Part 135 and Scheduled FAR Part 121 Operators.** Businesses in this category shall, at a minimum:

- (a) Subject to the provisions at the end of this standard, rent counter space and airline operating space if available in the City-owned passenger terminal building at Charlevoix Municipal Airport, and pay expenses associated with shared public spaces in the passenger terminal building. The City acknowledges that, at the time these Minimum Standards are adopted, an existing operator within this category may have real estate interests outside of City-owned facilities. In circumstances where pre-existing non-leasehold real estate interests exist, the City will work with such existing operators to either purchase their real estate interests or otherwise make the operator financially whole before requiring rental of spaces within the City-owned passenger terminal building; provided, however, when such an operator merely has a leasehold interest in premises which serve the purpose of counter space and airline operating space which otherwise would be required to be located in the City-owned passenger terminal building, then the operator shall comply with this standard upon the termination of the operator's existing lease. The terms of such a real estate transition plan will be addressed in the contract between the City and the operator for this aeronautical commercial activity or by an amendment to that contract subject to reaching mutually agreeable economic terms.
- (b) Provide, at a minimum, the following services to the general public:
  - (1) Uniformed personnel on duty to meet the seasonal demands of the traveling public. Uniform to be approved by Airport Manager.
  - (2) Aircraft that are well maintained and kept in good service, clearly displaying air taxi or airline markings to FAA standards.
  - (3) Ground support equipment, either owned by the operator or provided through a service/equipment provider, to include ground power unit(s), aircraft tug(s), and compressed air dispenser(s), necessary to properly operate the aircraft per applicable FAA certificate(s).
  - (4) Reliable communication system, whereby the flying public can access pricing and aviation flight services offered.
- (c) Maintain FAA approval for all operator certificates, airworthiness certificates and flight crews offered to the public.
- (d) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.

- (e) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and per the Schedule of Insurances approved and updated by the City Council from time to time.
- (f) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (g) Develop a Ramp Safety Plan that provides for the protection of the traveling public against dangers associated with an operating aircraft parking ramp and movement areas, sets out security practices to insure unauthorized access to aeronautical areas is prevented, and sets operating practices for escorted access to aircraft and aircraft parking areas. The plan should include protocols for parking aircraft, and for positioning safety cones, signs, markings, striping, and/or other visual guidance that facilitates the safe passage of passengers across the aircraft parking ramp. The plan shall also address manning of gates and doors that would be locked and secured except for those times when passengers are boarding and deplaning aircraft. The Ramp Safety Plan shall be reviewed and approved by the Airport Manager before being scheduled for implementation.

**2.193-B. Specialized Aviation Services.**

- (a) Aircraft Charter. Businesses in this category shall, at a minimum:
  - (1) Provide, by renting, leasing, or constructing, indoor space with public lounge and restrooms. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
  - (2) Provide, full time, at least one FAA-certified and instrument rated pilot with appropriate ratings for the type of services being offered, and be open and/or available during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
  - (3) Provide, and at all times maintain, at least one FAA-certified and airworthy aircraft, or other aircraft approved by the City. Aircraft may be owned or leased but must be under absolute control of the specialized aviation service provider and listed on the FAA Part 135 Air Taxi certificate. The intent of this section is not to exceed FAA requirements, but to ensure that aircraft charter operators comply will all applicable FAA certification standards applicable to aircraft charter. Specialized aviation services provider must maintain current FAA air taxi certificate and meet all FAA requirements.
  - (4) Develop a Ramp Safety Plan that provides for the protection of the traveling public against dangers associated with an operating aircraft parking ramp and movement areas, sets out security practices to insure unauthorized access to aeronautical areas is prevented, and sets operating practices for escorted access to aircraft and aircraft parking areas. The plan should include protocols for parking aircraft, and for positioning safety cones, signs, markings, striping,

and/or other visual guidance that facilitates the safe passage of passengers across the aircraft parking ramp. The plan shall also address manning of gates and doors that would be locked and secured except for those times when passengers are boarding and deplaning aircraft. The Ramp Safety Plan shall be reviewed and approved by the Airport Manager before being scheduled for implementation.

- (5) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (6) Pay to the City, in addition to any land, building, and percentage rentals, a landing fee in accordance with the schedule of rates and charges in effect, or by direct negotiation between City and specialized aviation services provider.
  - (7) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
  - (8) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (b) Aircraft Painting and Interior. Businesses in this category shall, at a minimum:
- (1) Provide, by renting, leasing, or constructing, a building with floor area of not less than 2,000 square feet with public restrooms. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
  - (2) Provide facilities, tools, and equipment for painting and aircraft interior fitting, and do all that is necessary to satisfy FAA requirements for an approved certificate.
  - (3) Employ at least one FAA-certified technician to conduct complete aircraft painting and interior fitting and installation that meets all FAA requirements to make repairs and alterations to certificated aircraft, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
  - (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (5) Carry comprehensive general liability insurance and environmental insurance, as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

- (6) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (c) Aircraft Rental and Leasing. Businesses in this category shall, at a minimum:
- (1) Provide, at all times, a minimum of one aircraft properly licensed and FAA-certified, for rental and flight instruction, and employ personnel sufficient to be responsive during published business hours, as may seasonally change, to meet the needs of the aviation public.
  - (2) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (3) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (d) Aircraft Sales. Businesses in this category shall, at a minimum:
- (1) Provide, by renting, leasing, or constructing, adequate office space for operations. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
  - (2) Provide at least one FAA-certified pilot with appropriate ratings for any aircraft being demonstrated, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
  - (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (e) Authorized Repair Station for Avionics. Businesses in this category shall, at a minimum:
- (1) Provide, by renting, leasing, or constructing, a building with floor area of not less than 2,000 square feet with public restrooms. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
  - (2) Provide facilities, tools, and equipment for avionics repairs and do all that is necessary to satisfy FAA requirements for an approved shop certificate.

- (3) Employ at least one FAA-certified technician to conduct complete avionics repair and installation, and maintain a FAA-approved repair station certificate, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
  - (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (5) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
  - (6) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (f) Flight Instruction. Businesses in this category shall, at a minimum:
- (1) Be a FAR Part 141/Pilot Schools and/or a FAR Part 142/Training Centers. These Minimum Standards, however, shall not apply to FAR Part 61/Flight Instruction.
  - (2) Provide a minimum of one FAA-certified instructor pilot.
  - (3) Maintain FAA and state approvals for schools, services and flight operations offered to the public.
  - (4) Provide, at all times, a minimum of one aircraft properly licensed and FAA-certified, available for flight instruction.
  - (5) Employ at least one FAA-certified flight instructor accessible to the aviation public through advertised business hours and/or means of seeking instruction.
  - (6) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (7) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
- (g) Flying Club. Businesses in this category shall, at a minimum:
- (1) Organize and operate as a not-for-profit venture, in concurrence with the Michigan Aeronautics Commission Rules and Regulations pertaining to flying clubs. Flying Clubs shall not collect fees in excess of their expenses; engage in charter or air taxi activities; or provide the ability to rent aircraft to persons that are not members of the Flying Club. Officers shall register with the Airport

Manager, furnish membership lists upon request, and be responsible for the club's activities.

- (2) Ensure that all persons belonging to the flying club and acting as either flight or ground school instructors are licensed by the FAA as same, and maintain current registrations with the Michigan Department of Aeronautics.
- (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

(h) Outsourced Service of Based Aircraft – Businesses in this category shall, at a minimum:

- (1) Be available to service aircraft that are primarily based at Charlevoix Municipal Airport (based aircraft), in hangars leased, owned or fully controlled by based aircraft owners. All activities shall fully comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
- (2) Provide customary tools and equipment necessary for the servicing of aircraft, aircraft engines, and aircraft propellers, and do all that is necessary to satisfy FAA requirements for airframe and power plant repairs.
- (3) Have at least one FAA-certified mechanic that is capable of providing the types of work offered, and that is able to mobilize personnel and equipment to the site of the based aircraft, during hours adequate to meeting the needs of the aviation public.
- (4) Be accessible to provide minor repairs within a reasonable period of time.
- (5) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (6) Carry comprehensive general liability insurance as defined in the Schedule of Insurances approved by City Council, and updated and revised from time to time.

(i) Parachuting and Jump Schools. Businesses in this category shall, at a minimum:

- (1) Provide, at all times, a minimum of one aircraft properly licensed and FAA-certified, for parachuting activities, and employ personnel sufficient to be responsive during published business hours, as may seasonally change, to meet the needs of the aviation public.
- (2) Provide a minimum of one FAA-certified pilot during advertised hours of business.

- (3) Maintain FAA and state approvals for schools, services and flight operations offered to the public.
  - (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City.
  - (5) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
  - (6) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
- (j) Repair Station for Aircraft, Engines, Propellers and Accessories. Businesses in this category shall, at a minimum:
- (1) Provide, by renting, leasing, or constructing, a hangar with floor space of not less than 2,000 square feet, including public restrooms and office space. All buildings or structures to be constructed or modified must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
  - (2) Provide facilities, tools, and equipment for aircraft, engine, and propeller repairs, and do all that is necessary to satisfy FAA requirements for an approved shop certificate.
  - (3) Employ, full time, at least one FAA-certified mechanic for all types of work to be performed, and be open during advertised business hours, as may seasonally change, to meet the needs of the aviation public.
  - (4) Provide minor repairs on a standby basis during daylight hours that the repair station is closed.
  - (5) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (6) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
  - (7) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (k) Self-Fueling. Businesses in this category shall, at a minimum:
- (1) Store all aviation fuels in the City's fuel storage tanks.

- (2) Utilize fuel dispensing vehicles of no less than 250 gallons to refill aircraft. All such vehicles and their fuel dispensing systems shall comply with and be maintained according to aviation industry safety regulations and protocols.
  - (3) The Airport Manager or another designee of the City Manager shall periodically inspect all motor vehicles, and all associated fuel delivery systems to ensure compliance with these Minimum Standards.
  - (4) Delivery of a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
  - (5) Make regular and timely payments to the City as defined by the Self-Fueling Dispensing License, in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (6) Carry comprehensive general liability insurance and environmental impairment liability insurance to protect against spills or releases associated with motor vehicles used by the self-fueling operator, as defined by the Self-Fueling Dispensing License and quantified in the City's Schedule of Insurances approved by City Council, which may be updated and revised from time to time. The City shall be named as an additional insured on all insurance policies, and policies shall be issued by an insurance company with at least an "A" rating by the AM BEST Insurance rating system.
- (l) Through-the-Fence (TTF) Operations. Businesses in this category shall, at a minimum:
- (1) Own and hold fee simple title to property contiguous with Charlevoix Municipal Airport, of not less than 20,000 square feet. All buildings or structures must be for commercial aeronautical use. All construction or modification must be approved by the City as to location, design, and type of construction, and comply with Chapter 26 of the Charlevoix City Ordinance regarding Charlevoix Municipal Airport Rules and Regulations.
  - (2) Provide approved connectivity to aeronautical infrastructure, at the TTF operator's expense, in a manner consistent with industry standards and the City of Charlevoix's standards for construction. Airfield security shall be maintained at all times by the TTF operator.
  - (3) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (4) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and as stipulated in the Schedule of Insurances approved by City Council, and updated and revised from time to time.
  - (5) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).

## **2.193-C. Airport Passenger Services.**

- (a) On-Airport Car Rental. Businesses in this category shall, at a minimum:
- (1) Rent counter space and/or operating space in the City-owned passenger terminal building at Charlevoix Municipal Airport, and pay applicable expenses associated with shared public spaces in the passenger terminal building.
  - (2) Provide, at a minimum, the following services to the general public:
    - a. Uniformed personnel on duty to meet the seasonal demands of the traveling public.
    - b. Late model rental vehicles that are well maintained, regularly inspected, serviced and kept in overall good condition.
    - c. Service personnel, that either work for the operator or a service provider under contract to the operator, to clean, refuel and move vehicles as required.
    - d. Reliable reservation system, or other mechanism, whereby the general public can access pricing, check rental car availability, and obtain a confirmation.
  - (3) Devote no less than one (1) courtesy car on a full-time basis to aircraft pilots and aircrews for their short-time use (one hour or less).
  - (4) Make regular and timely payments to the City as defined by the lease(s) and any operating agreement(s), in addition to applicable rates and charges imposed by the City, and updated and revised from time to time.
  - (5) Carry comprehensive general liability insurance as defined in applicable lease(s) and/or operating agreement(s), and per the Schedule of Insurances approved and updated by the City Council from time to time.
  - (5) Provide a fidelity bond or other acceptable security instrument to the City, consistent with applicable lease(s) and/or operating agreement(s).
- (b) Off-Airport Car Rental. Businesses in this category shall, at a minimum:
- (1) Rent or own a place of business within five (5) miles of Charlevoix Municipal Airport, capable of meeting the operational demands of a rental car provider as described below.
  - (2) Provide, at a minimum, the following services to the general public:
    - a. Uniformed personnel to serve the seasonal demands of the traveling public.

- b. Late model rental vehicles that are well maintained, regularly inspected, serviced and kept in overall good condition.
  - c. Service personnel, that either work for the operator or a service provider under contract to the operator, to clean, refuel and move vehicles as required.
  - d. Reliable reservation system, or other mechanism, whereby the general public can access pricing, check rental car availability, and obtain a confirmation.
- (3) Have a current and valid License Agreement for Commercial Operations with the City of Charlevoix, and have paid all applicable Airport Fees imposed by the City, which are approved by City Council, and updated and revised from time to time.
  - (4) Maintain all applicable insurances per the Schedule of Insurances, approved and updated by the City Council from time to time, as required of the License Agreement for Commercial Operations.
  - (5) Display a City-provided window sticker in each shuttle vehicle, and a company logo in each rental car, that is operated to and from the Commercial parking area of the Charlevoix Municipal Airport passenger terminal building.

**Section 3. Amendment of Section 2.195.**

Section 2.195 of the Charlevoix City Code is hereby amended to read in its entirety as follows:

**2.195. Commercial uses.**

- (a) No person shall engage in an aeronautical commercial activity, the sale or rental of any commodities supplies, services, or any other type of commercial activity on the Airport (the “Commercial Activity”) without first obtaining a license from the City Clerk pursuant to the requirements of this Section. Provided, however, a person may continue a Commercial Activity previously authorized by a written contract with the City until such contract expires or is terminated pursuant to its terms. Thereafter, the person shall be required to obtain a license pursuant to the requirements of this Section. The City Council shall establish applicable fees through the Airport’s Schedule of Rates and Charges and such fees shall be imposed on an annual basis, on or about April 1 of each year.
- (b) A person seeking a license under this Section shall submit a complete application to the Airport Manager on a form provided by the Airport Manager and pay the required fee. The application shall include all of the following:
  - (1) Name and address of the individual or entity that will be conducting the Commercial Activity.

- (2) The proposed location on the Airport where the Commercial Activity will be conducted.
  - (3) The proposed route for motor vehicle traffic within the Airport for accessing the Commercial Activity, including information that the proposed route will not interfere with the Airport's gate security and safety.
  - (4) Information that establishes that the nature and location of the proposed Commercial Activity will not interfere with Airport operations.
  - (5) Information that establishes compliance with the Minimum Standards applicable to the proposed Commercial Activity as provided in Article IIA of this Chapter and all other requirements of this Chapter applicable to the proposed Commercial Activity.
  - (6) If the proposed Commercial Activity involves the operation of a scheduled or unscheduled commercial airline and ticket-purchasing passengers, a written plan documenting how the applicant will comply with the following reporting requirements:
    - a Filing on a timely, annual basis Form 1800-31 with the Federal Aviation Administration (FAA).
    - b Filing on a timely basis any other form or document with the FAA regarding the enplanement of passengers, take-offs and landings, or any other aspect of the applicant's proposed Commercial Activity which is conducted in whole or in part at the Airport and which is required by the FAA to be filed.
    - c Filing on a timely basis any other form or document with the FAA regarding the enplanement of passengers, take-offs and landings, or any other aspect of the applicant's proposed Commercial Activity which is conducted in whole or in part at the Airport and which is not required by the FAA to be filed, but which the City requests in writing to be filed with the FAA.
    - d. Filing on a timely basis any forms, reports, or documents with the Transportation Security Administration, the Department of Homeland Security, the FAA, and any other local, state, or federal agency having jurisdiction over the applicant or over the applicant's proposed Commercial Activity.
- (c) After receiving an administratively complete application, the Airport Manager shall review the application and determine whether the applicable fee has been paid and whether all of the following applicable standards are met for the proposed Commercial Activity:
- (1) The Commercial Activities complies with all of the Minimum Standards applicable to that Commercial Activity as provided in Article IIA of this Chapter and complies

with all other requirements of this Chapter applicable to the proposed Commercial Activity.

- (2) The nature and location of the Commercial Activity will not interfere with Airport operations.
  - (3) The route for motor vehicle traffic within the Airport for accessing the Commercial Activity will not interfere with the Airport's gate security and safety.
  - (4) If the Commercial Activity involves the operation of a scheduled or unscheduled commercial airline and ticket-purchasing passengers, the applicant has provided an adequate written plan documenting how the applicant will comply with the following reporting requirements:
    - a Filing on a timely, annual basis Form 1800-31 with the Federal Aviation Administration (FAA).
    - b Filing on a timely basis any other form or document with the FAA regarding the enplanement of passengers, take-offs and landings, or any other aspect of the applicant's Commercial Activity which is conducted in whole or in part at the Airport and which is required by the FAA to be filed.
    - c Filing on a timely basis any other form or document with the FAA regarding the enplanement of passengers, take-offs and landings, or any other aspect of the applicant's Commercial Activity which is conducted in whole or in part at the Airport and which is not required by the FAA to be filed, but which the City requests in writing to be filed with the FAA.
    - d. Filing on a timely basis any forms, reports, or documents with the Transportation Security Administration, the Department of Homeland Security, the FAA, and any other local, state, or federal agency having jurisdiction over the applicant or over the applicant's Commercial Activity.
- (d) If the Airport Manager determines that the applicable fee has been paid and that all of the applicable standards in subsection (c) above have been met for the proposed Commercial Activity, then the Airport Manager shall forward the application to the City Clerk, who shall issue the license for the Commercial Activity sought within a reasonable time after receiving the application from the Airport Manager. The City Clerk shall either mail the issued license to the applicant, the applicant may pick up the issued license from the City Clerk's Office, or the City Clerk shall forward the issued license to the Airport Manager, who shall then personally deliver the issued license to the applicant. Following the issuance of any license under this Section, the City Clerk shall maintain a copy of the issued license as part of the City's records.
- (e) Any license issued prior to March 31 in a calendar year shall remain in effect until March 31 of that same calendar year. Thereafter, any license issued shall remain in effect until March 31 of the year following the date of issuance. Any license issued may be

renewed by the payment of the applicable renewal fee established through the Airport's Schedule of Rates and Charges.

- (f) A person to whom a license has been issued pursuant to this Section shall display that license to the Airport Manager upon request of the Airport Manager. The issued license, however, shall not be required to be displayed at the site of the Commercial Activity.
- (g) A licensee shall at all times conduct the Commercial Activity authorized by the license in full compliance with the applicable standards specified in subsection (c) above, including the timely filing of all forms, reports, or documents specified in subsection (c)(4) above. If the licensee fails to conduct the Commercial Activity in full compliance with all of the applicable standards, including the Minimum Standards applicable to that Commercial Activity as provided in Article IIA of this Chapter, and/or fails to timely file all forms, reports, or documents specified in subsection (c)(4) above, such conduct shall be a violation of this Section and shall subject the licensee to the penalty provisions specified in Section 2.200 of this Chapter.
- (h) A copy of any form, report, or document filed by the licensee with the Federal Aviation Administration, the Transportation Security Administration, the Department of Homeland Security, and any other local, state, or federal agency having jurisdiction over the licensee or over the licensee's Commercial Activity shall be provided to the Airport Manager within seven (7) days after it has been filed with the applicable agency. The failure of the licensee to comply with this subsection shall be a violation of this Section and shall subject the licensee to the penalty provisions specified in Section 2.200 of this Chapter.

**Section 4. Amendment of Subsection 2.197(c).**

Subsection 2.197(c) of the Charlevoix City Code is hereby amended to read in its entirety as follows:

- (c) A person who desires to place an aircraft on the ramp at the Airport outside of a private hanger shall comply with all of the following requirements:
  - (1) The person shall locate the aircraft only on the Airport ramp and only in locations designated by the Airport Manager.
  - (2) The person shall chock and/or tie down the aircraft when the aircraft is located on the ramp and shall maintain such chocking and/or tie down of the aircraft at all times when the aircraft is located on the ramp.
  - (3) The person shall obtain a ramp permit for the aircraft, which shall be one of the following:
    - a. An annual permit, which shall be valid from April 1 to March 31 of the succeeding year.
    - b. A monthly permit, which shall be valid for a period of thirty (30) days from the date of issuance.

- c. A weekly permit, which shall be valid for a period of seven (7) days from the date of issuance.
  - d. A daily permit, which shall be valid until 11:59 p.m. of the day following the date of issuance.
- (4) The person shall not keep the aircraft on the ramp beyond the time period authorized by the ramp permit obtained pursuant to subsection (3) above.
  - (5) The person shall pay to the City the applicable ramp permit fees as specified by the terms and conditions in the Airport's Schedule of Rates and Charges.

**Section 5. Amendment of Section 2.197.**

Section 2.197 of the Charlevoix City Code is hereby amended to add a new subsection (d), which shall read in its entirety as follows:

- (d) Except as may be otherwise provided in a hanger lease or contract with the City, a person who lands an aircraft at the Airport shall pay a landing fee for each landing at the Airport as specified by the terms and conditions in the Airport's Schedule of Rates and Charges. Provided, however, if a person lands the same aircraft only once in a twenty-four (24) hour period and obtains a daily ramp permit, then the landing fee and daily ramp permit fee shall be combined into one fee as specified by the terms and conditions in the Airport's Schedule of Rates and Charges. Provided further that if the person obtains and pays the applicable fee for an annual ramp permit, all landing fees shall be deemed paid for the year in which the annual ramp permit remains valid.

**Section 6. Amendment of Section 2.199.**

Section 2.199 of the Charlevoix City Code is hereby amended to add a new subsection (n), which shall read in its entirety as follows:

- (n) No person shall obtain fuel for his, her, or its aircraft from any person or entity other than the City, except when the fuel is dispensed by a self-fueling operator in full compliance with all regulations of this Chapter applicable to that self-fueling operator.

**Section 7. Amendment of Section 2.200.**

Section 2.200 of the Charlevoix City Code is hereby amended to read in its entirety as follows:

**2.200 Penalty.**

- (a) Except as provided in subsections (e) and (f) below, any person who violates any provision of this Chapter, including a person who engages in an aeronautical commercial activity in violation of the Minimum Standards provided in Article IIA of this Chapter, shall be responsible for a municipal civil infraction as defined in Public Act 126 of 1994, amending Public Act 236 of 1961, being Sections 600.101 - 600.9939 of the Michigan Compiled Laws and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. In addition to the fine, the City may in a municipal civil

infraction proceeding seek from the Court an order imposing costs of prosecution, not to exceed Five Hundred and 00/100 (\$500.00) Dollars, and an enforcement order revoking the license and expelling the Commercial Activity from the Airport. Each day this Chapter is violated shall be considered as a separate violation.

- (b) Officers of the City of Charlevoix Police Department are hereby designated as the authorized City officials to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- (c) A violation of this Chapter is hereby declared to be a public nuisance or a nuisance per se and is declared to be offensive to the public health, safety and welfare.
- (d) In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding, the City may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter, or may suspend or revoke a Commercial Activity license issued under Section 2.195 of this Chapter pursuant to Section 7.17 and Section 7.18 of this Code.
- (e) Any person who violates Section 2.199(d) of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred and 00/100 Dollars (\$500) and/or by imprisonment in the county jail for not more than ninety (90) days.
- (f) Any person who violates Section 2.193 of this Chapter shall be responsible for a civil infraction, shall be issued notice of violation pursuant to Section 10.55 of the City Code, and shall be subject to all procedures, including the evidentiary presumption, related to parking violations contained in the Michigan Motor Vehicle Code, adopted by reference in Section 10.1(2) of the City Code.

#### **Section 8. Amendment of Section 7.17.**

Section 7.17 of the Charlevoix City Code is hereby amended to read in its entirety as follows:

#### **7.17. Suspension or Revocation.**

- (1) If the City Manager has reason to believe that cause exists, as defined in Section 7.18 of this Chapter, to suspend or revoke a license or permit issued by any City official under this Code, the City Manager may, but is not required to, prepare or cause to be prepared a written notice specifying the factual basis for the alleged cause for suspension or revocation. The notice shall also state the date, time, and place of a hearing before the City Council concerning whether the license or permit should be suspended or revoked. At this hearing the licensee shall be given an opportunity to show cause why the license or permit should not be suspended or revoked, shall be given an opportunity to confront adverse witnesses and present evidence and legal arguments to the City Council, and may be represented by an attorney. The written notice shall be served on the licensee either personally or by certified mail, restricted delivery and return receipt requested, no less than twenty-one (21) days before the hearing.

- (2) Following the hearing the City Council shall decide whether cause exists for suspending or revoking the license or permit and whether the issued license or permit should be suspended or revoked. The City Council's decision shall be in writing and shall specify the factual evidence upon which it is based. A copy of the City Council's written decision shall be given to the licensee once it is approved by the City Council.

**Section 9. Effective Date.**

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. \_\_\_\_\_ was adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Charlevoix City Council as follows:

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

\_\_\_\_\_  
Carol A. Ochs, Clerk

\_\_\_\_\_  
Norman L. Carlson, Jr., Mayor

I certify that this is a true copy of Ordinance No. \_\_\_\_\_ that was adopted at a regular meeting of the Charlevoix City Council on \_\_\_\_\_, 2011 and published in the Charlevoix Courier on \_\_\_\_\_, 2011.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Carol A. Ochs, City Clerk