

CITY OF CHARLEVOIX
ORDINANCE NO. 755 OF 2012
AN ORDINANCE TO AMEND TITLE II, CHAPTER 26, OF THE CHARLEVOIX CITY CODE

THE CITY OF CHARLEVOIX ORDAINS:

Section 1. Amendment of Title II, Chapter 26.

Title II, Chapter 26 of the Charlevoix City Code is hereby amended to read in its entirety as follows:

**CHAPTER 26
CHARLEVOIX MUNICIPAL AIRPORT**

ARTICLE I. IN GENERAL

2.181. Definitions.

Aeronautical Commercial Activity means any operation of an aircraft for compensation or hire, or any services performed incidental to the operation of any aircraft for which a fee is charged or compensation received while basing aircraft, advertising, or performing such services at the Charlevoix Municipal Airport. This includes, but is not limited to, the servicing, fueling, maintaining and repairing of Third Party Aircraft, the rental or charter of aircraft under an Federal Aviation Regulations (F.A.R.) Part 135 certificate (scheduled or unscheduled), the operation of flight schools, the operation of aircraft for the application of chemicals or other substances, aerial photography, or aerial surveys. An Aeronautical Commercial Activity is one type of Commercial Activity.

Airport means Charlevoix Municipal Airport.

Airport Manager means the individual tasked with oversight and management of all activities at Charlevoix Municipal Airport, and includes designees of the Airport Manager. The Airport Manager shall be appointed by the City Manager.

Based Aircraft means an aircraft stationed at the Airport on a long-term or permanent basis, through an arrangement for the storage of the aircraft in either a hangar or an outdoor tie-down area.

City means the City of Charlevoix.

City Manager means the City Manager of the City or a designee of the City Manager.

Commercial Activity means the sale or rental of any commodities, supplies, or services and includes, but is not limited to, an Aeronautical Commercial Activity.

Contract means any contract, lease, covenants, or other written agreement.

Fuel means any liquid which is used to power an airplane. Fuel includes, but is not limited to, 100LL and JetA.

License means a written document issued by the City, pursuant to this Chapter, that grants permission to engage in a specified Commercial Activity at the Airport. A license may also be called a permit.

Minimum Standards means the minimum requirements for the conducting of any Commercial Activity at the Airport as adopted by the City Council by resolution and as amended from time to time.

Person means any individual, firm, partnership, corporation, company, or association, including any trustee or receiver.

Schedule of Insurances means the list of types of insurance, limits of coverage, and other insurance-related requirements for the conducting of an Aeronautical Commercial Activity or any other type of activity as adopted by the City Council by resolution and as amended from time to time.

Schedule of Rates and Charges means the fees or charges for the conducting of an Aeronautical Commercial Activity or any other type of activity at the Airport as adopted by the City Council by resolution and as amended from time to time.

Third Party Aircraft shall mean aircraft that are not owned or leased by a self-fueling operator.

Transient Aircraft means an aircraft that is not a Based Aircraft.

Through the Fence means an agreement whereby a landowner whose property abuts the Airport is given permission to taxi aircraft between the privately owned land and the publicly owned Airport.

2.182. Existing Contracts.

It is not intended for this Chapter to interfere with existing contracts. However, where this Chapter or compliance with federal grant assurance imposes a greater duty on a person than does an existing contract and where this Chapter does not directly and irreconcilably conflict with that contract, then the greater duty imposed by this Chapter shall apply. All future contracts shall be made consistent with this Chapter.

2.183. Licenses Non-Exclusive.

All licenses for a Commercial Activity at the Airport shall be granted on a non-exclusive basis, conforming to all federal statutes, orders, guidelines, and regulations.

2.184. Agreement with U.S. Government.

During time of war or national emergency, the City shall have the right to enter into an agreement with the U.S. Government for military use of part or all of the Airport and/or its facilities. Any contracts to persons other than the U.S. Government shall be subject to and subordinate to any such agreement with the U.S. Government.

2.185. Nondiscrimination.

No person shall, in the use of the Airport or any of the facilities located thereon, discriminate or permit discrimination against any other person or group of persons on the grounds of race, color, creed, national origin, sex, or age, or in any other manner prohibited by federal statutes, federal regulations, or City anti-discrimination policies. In addition, there shall be no discrimination in the pricing of services offered by Airport Licensees.

2.186. Federal and State Regulations.

All rules and regulations enacted by the Michigan Aeronautics Commission and/or the Federal Aviation Administration relative to pilots, aircraft, air traffic, and airports now in effect, or any amendments adopted in the future are hereby adopted by reference and made a part of these regulations as fully as if the same and each of all of them were completely set forth herein. In addition, all contracts, leases and licenses shall be subordinate to the City's commitment to comply with federal grant assurances and other obligations to the federal government.

2.187. Airport Manager's Authority.

The Airport Manager shall have authority to do the following: enforce all laws, ordinances, standards, resolutions, rules, and regulations governing pilots, aircraft, air traffic, and the general public using the Airport; suspend flying operations when, in the Airport Manager's judgment, the condition of the Airport or weather is such as to make flying operations unsafe; issue notices to airmen (NOTAMS) as are appropriate for conditions at the Airport; and take such lawful action as may be necessary for the proper handling, conduct, and management of the public in attendance at the Airport. The Airport Manager may delegate responsibilities which are assigned to the Airport Manager under this Chapter to such persons as have been designated by the City Manager to assist the Airport Manager. The City Manager may delegate to the Airport Manager any duty or authority of the City Manager contained in this Chapter.

2.188. Suspension or Revocation of License & Alternate Remedy.

- A. A violations of this Chapter by agents or employees of a licensee shall be deemed to be a violation by the licensee. As used in this Chapter, a violation of this Chapter includes not only a violation of this Chapter of the City Code, but also a violation of any provision of the applicable license.
- B. The City may suspend or revoke any license that has been issued pursuant to this Chapter for a violation of this Chapter.
- C. If the City Manager has reason to believe that a licensee has violated or is violating this Chapter, 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 violations of this Chapter. 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. 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.
- D. As an alternate remedy to license suspension or revocation by the City, the City may commence legal action in a court of competent jurisdiction to force compliance with the license as well as any applicable *Minimum Standards* and/or written plan related to a license and for such other relief as the Court shall deem equitable.

2.189. Hearing.

- A. If a hearing is held before the City Council, the licensee 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. Following the hearing, the City Council shall decide whether any portion of this Chapter has been or is being violated. If the City Council finds that any portion of this Chapter or any other provision of the City Code has been or is being violated, then the City Council shall decide whether the license should be suspended or revoked by evaluating the severity of the violation, whether more than one violation has been established, whether the licensee ignored warnings that a violation was occurring, the time period that the violation or violations were in existence and whether there have been

prior violations. The City Council's decision shall be based on substantial, material, and competent evidence. The decision shall be in writing and shall specify the factual evidence upon which the decision 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.

2.190. Fees/permits.

The City Council may set fees for usage of the Airport and Airport property. These fees shall be listed on a *Schedule of Rates and Charges*.

2.191. Insurance.

Each person seeking a license for a Commercial Activity at the Airport shall, prior to the issuance of the license, furnish the City with copies of certificates of insurance providing insurance coverage against loss occasioned by bodily injury or property damage pursuant to the Airport's *Schedule of Insurances* and shall execute an indemnification agreement with the City against any loss occasioned by bodily injury or property damage associated with the proposed licensee's use of the Airport. The indemnification agreement shall be in such form as shall be prescribed by the City.

2.192. Inspections.

City personnel, including but not limited to the City Manager, Airport Manager, City fire personnel, and/or City police officers, shall have the authority and the duty to make such inspections of a person's use of the Airport, as well as buildings and facilities at the Airport used by any person, to determine compliance with the provisions of this Chapter.

ARTICLE II. VEHICLES

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 and such operation of a motor vehicle shall not interfere with aircraft movement and shall 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 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 six (6) month, monthly, weekly, overnight and daily (non-overnight) parking permit shall be hung from the rearview mirror of the motor vehicle in such a manner that the permit information is visible from the outside of the motor vehicle. Provided, however, 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 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 pursuant to this Chapter. Parking in any other area shall be a violation of this Chapter.
 - (5) A motor vehicle shall not be parked in the parking area authorized by the parking permit 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 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 and contact phone number of the registered owner when applying for an annual permit or a six (6) month permit. The name and address of the registered owner of the motor vehicle shall not be

required when applying for a monthly, weekly, overnight, or daily (non-overnight) parking permit.

(2) Make, model, model year, color, and license plate number of the motor vehicle.

(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. An overnight permit, which shall be valid until 11:59 p.m. of the day following the date of issuance.
- f. A daily (non-overnight) permit, which shall be valid until 11:59 p.m. of the day of issuance.

- D. After receiving an administratively complete application, the Airport Manager or Airport Manager's 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 shall be issued until all information required under subsection C above is provided.
- E. An annual parking permit may be transferred to another motor vehicle only if all of the following requirements are met:
- (1) The parking permit that was previously 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 dependent of the person to whom the original parking permit was issued who has a valid driver's license 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 2.200F 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.

ARTICLE III. BUILDINGS AND PROPERTY

2.194. Buildings and Property.

Building size and building amenities for a Commercial Activity, which is allowed on Airport property, are stipulated in the *Minimum Standards*. The City shall own all buildings or structures constructed or placed on Airport property. A person may construct a building or structure on Airport property with permission of the City and as provided in this Chapter; provided, however, the City shall own the building or structure upon the completion of its construction. In addition, the following shall apply to all buildings or structures on Airport property:

- A. The use of all buildings and property on the Airport shall be subject to a lease between the user of the building or building amenities and the City. The lease shall stipulate the allowable uses, require compliance with the Airport's *Minimum Standards*, and contain such other terms and conditions as the parties shall agree. The lease shall be approved by the City Manager and approved as to form by the City Attorney.
- B. Except as provided herein, the use of private hangars on the Airport shall be limited to storage of aircraft and/or aircraft parts, or other aeronautical purposes as approved by the City Manager. Storage of other personal property may be approved by the written consent of the Airport Manager or City Manager. In its sole discretion, the City may require the lessee to provide additional taxiways and/or ramp space in front of or adjacent to a private hangar.
- C. Authorization to construct a building on the Airport may be issued after:
 - (1) Detailed building plans and a written plan outlining the intended use of any associated structure or building have been approved by

the Airport Manager and all such plans shall comply with the *Minimum Standards* and generally accepted design and construction practices.

- (2) Execution of a written lease agreement between the proposed lessee and the City.
 - (3) Compliance with the City's *Schedule of Insurances*.
 - (4) Payment of appropriate fees pursuant to the *Schedule of Rates and Charges*.
 - (5) Issuance of building permits when so required by the County.
- D. The construction of any building or structure shall:
- (1) Comply with all applicable ordinances of the City if such ordinances are intended to apply to the Airport property.
 - (2) Be located according to the Airport's development plan and approved by the City Manager.
 - (3) Comply with rules for the construction of buildings or structures at the Airport which have been prepared by the City Manager.
 - (4) Be inspected and approved by the county building inspector and Airport Manager with respect to applicable building codes and to ensure that the building complies with the Airport's rules and plans for the building which were approved by the City.
- E. Alterations or additions to existing structures, whether internal or external, will be considered the same as new construction and, in addition, shall be owned by the City.
- F. All improvements to the property, such as utilities, approaches, paving, drain tiling, and fill dirt will be provided at the lessee's expense.

ARTICLE IV. COMMERCIAL USES

2.195. Commercial uses & Licenses.

- A. No person shall engage in a Commercial Activity at the Airport 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. The City Council shall have the right to adopt and amend *Minimum Standards* for any Commercial Activity. A Commercial Activity shall comply with all applicable *Minimum Standards* during the time that the license is in effect. *Minimum Standards* may be adopted or amended by resolution or motion of the City Council.
- C. When this Chapter requires that a written plan be submitted to the City as part of an application for a license for a Commercial Activity and a license is issued pursuant to that application, the Commercial Activity shall comply with the written plan during the time that the license is in effect.
- D. 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 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.
- E. 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 licensing requirements are met for the proposed Commercial Activity:
- (1) The Commercial Activity complies with all of the *Minimum Standards* applicable to that Commercial Activity 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 application is a license renewal, that there are no current violations of this Chapter related to the proposed license.
 - (5) If this Chapter requires the submission of a written plan for any aspect of the Commercial Activity, the applicant has reasonably established in the written plan that there will be compliance with the applicable requirements of this Chapter.
- F. If the Airport Manager determines that the applicable fee has been paid and that all of the applicable licensing requirements contained in this Chapter 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.
- G. 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. A license may be renewed by submitting a renewal application on a form supplied by the Airport Manager and, if renewal is approved, the payment of the applicable renewal fee established through the Airport's *Schedule of Rates and Charges*. A renewal license shall meet all standards and requirements that are applicable to the initial issuance of a similar license.
- H. A person to whom a license has been issued pursuant to this Chapter shall display that license to the Airport Manager upon request of the Airport Manager. However, the issued license shall not be required to be displayed at the site of the Commercial Activity.
- I. A licensee shall at all times conduct the Commercial Activity authorized by the license in full compliance with all of the requirements of this Chapter and shall not violate any provision of this Chapter. Failure of the licensee to comply with this subsection shall subject the licensee to suspension or revocation of the license.
- J. 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 license requirements for which the license may be suspended or revoked.

ARTICLE V. ON-AIRPORT RESIDENCES

2.196. Residences - Airport Access.

- A. Residential dwellings are prohibited on Airport property, and Through-the-Fence access agreements shall not be granted to adjacent property owners of residential dwellings. An existing Through-the-Fence access agreement shall be allowed to remain until title to the property which benefits from the access agreement is conveyed to a new owner.

ARTICLE VI. AIRCRAFT OPERATIONS

2.197. Aircraft.

- A. All Based Aircraft shall be registered with the Airport Manager.

- B. Transient Aircraft using the terminal parking area may park only in designated areas. The terminal parking area directly in front of the terminal building is closed to overnight parking except by prior arrangement with the Airport Manager.
- C. A person who places 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) If an aircraft is placed on the ramp at the Airport outside of a private hanger, 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. An overnight 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*.
- 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.

ARTICLE VII. FIRE REGULATIONS

2.198. Fire Regulations.

- A. All persons shall comply with "No Smoking," "Fire Lane," and other regulatory signs.
- B. No airplane shall be fueled or drained of fuel while the engine is running or while in a hangar or other enclosed space.
- C. The cleaning of engines or other parts of an airplane within an enclosure shall be with nonflammable liquids. If volatile, flammable liquids are employed, cleaning operations shall be carried on in the open air.
- D. Floors shall be kept free and clean from oil at all times. The use of volatile or flammable substances for the cleaning of floors is prohibited.
- E. Owners and tenants of hangars or other structures shall be responsible for prompt removal of oily waste, rags, and other rubbish, such as empty oil, paint and varnish cans, bottles, etc., which shall not be allowed to accumulate.
- F. No rubbish, paper, or debris of any kind shall be permitted to be stored in or about the hangars or other structures.
- G. The storage of gasoline, kerosene, or other flammable liquids including those used in connection with the process of doping shall be in compliance with the regulations of the National Fire Prevention Association and all future amendments of those regulations for containers for flammable liquids and the storage of such containers.
- H. Any person responsible for the spillage or dripping of fuels or flammable liquids which may be unsightly or detrimental to the pavement or to the environment shall insure the immediate removal of the material. The responsibility for removal shall be assumed by the operator of the equipment causing the spillage or by the tenant or licensee responsible for the spillage. Any spillage or dripping of fuels, flammable liquids, acids, or the like shall be reported to the Airport Manager's office immediately.
- I. No fuels, oils, dopes, paints, solvents, or acids shall be disposed of or dumped in drains, on the ramp areas, catch basins, or ditches, or elsewhere on the Airport.
- J. No person shall start an aircraft engine or run an aircraft engine in any hangar or building at the Airport without the permission of the Airport Manager. This includes, but is not limited to, the running of an aircraft engine to enter or exit a hangar.

ARTICLE VIII. PERSONAL CONDUCT

2.199. Conduct.

- A. No person shall impede the operation of aircraft, or any authorized operation or activity at the Airport.
- B. No person shall cause objects to be placed on any runway or taxiway that could cause aircraft engine damage or take any other action that is a danger to aircraft or aircraft engines.
- C. A person shall obey all posted signs, fences and barricades prohibiting entry upon restricted areas or governing their activities and demeanor while at the Airport.
- D. No person shall use a closed or secure gate without closing or securing the gate after that person's use.
- E. No person shall enter within the Airport boundaries without good cause. Good cause shall include, but is not limited to: being a passenger of a plane located on the Airport; a pilot of a plane located on the Airport; a visitor of an aircraft owner, tenant, business, or operator of an aircraft; a visitor or invitee of Airport and/or City administration; an owner, operator, or employee of a business at the Airport; the customer or business invitee of a business at the Airport; a person having a contractual relationship with the City involving Airport property and the person's presence is in the performance of that contract; or a person otherwise authorized by laws or regulations of the City, state or federal government.
- F. No person shall hunt or discharge a firearm on Airport property without written permission from the Airport Manager except for law enforcement personnel in the performance of their duties.
- G. No person shall dispose of garbage, papers, refuse or other forms of trash on the premises of the Airport except in receptacles provided for such purposes, nor use a restroom other than in a clean and sanitary manner.
- H. No person shall operate or release any model aircraft, rocket, kite, balloon, or other similar contrivance at or upon the Airport without the prior approval of the Airport Manager. Approval shall be granted only if the proposed activity will not create a risk of harm to persons or property at the Airport or will disrupt Airport operations. Upon approval of the Airport Manager, a *Notice to Airmen* shall be issued prior to commencement of the approved activity.
- I. No person shall enter the terminal building or field area of the Airport with a pet or other animal unless the animal is caged or on a leash and under an authorized person's control.
- J. No person may smoke on any Airport apron or ramp, in any hangar or in any aircraft on Airport property, on any observation deck, or in any other place on Airport property where smoking is prohibited by means of posted signs indicating such prohibition.
- K. No person shall travel upon the premises of the Airport other than on roads or walkways except when authorized by the Airport Manager for a purpose related to the operation, maintenance or use of the Airport.
- L. No person shall solicit money or anything of value on the Airport for any non-Aeronautical Commercial Activity, unless otherwise approved by the Airport Manager, City Manager or City Council.
- M. Except as provided in this provision, air camping and camping within the Airport is prohibited. The Airport Manager may authorize air camping at certain times within specific areas and under rules established by the Airport Manager. A fee for air camping may be charged pursuant to the Airport's *Schedule of Rates and Charges*. The Airport Manager is authorized to revoke permission for a person to air camp for a violation of this Chapter, the failure to pay a required fee or for a violation of Air Camping rules. Sections 2.188 and 2.189 of this Chapter shall not apply to the revocation of permission for air camping.
- N. No person shall parachute at or upon the Airport without prior notice to the Airport Manager.
- O. No person shall parachute at a time which creates an unreasonable risk of harm to persons or property. A *Notice to Airmen* shall be issued prior to the commencement of the parachuting.
- P. 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.
- Q. A pilot shall escort all passengers to and from the pilot's aircraft. This requirement shall not apply to a licensee who has a written plan that has been approved by the City and which provides for a different method of implementing passenger safety.

ARTICLE IX. PENALTY

2.200. Penalty.

- A. Except as provided in subsections E, F, and G below, any person who violates any provision of this Chapter, including a person who engages in a Commercial Activity without a license for the Commercial Activity from the City, 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 detrimental 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 as provided in this Chapter.
- E. Any person who violates Section 2.199E 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 Title X, Chapter 145, Section 10.1(2) of the City Code.
- G. A person who has a Commercial Activity license and who fails to comply with a written plan that was submitted as part of the license application process or the applicable *Minimum Standards* shall not be subject to a municipal civil infraction or misdemeanor penalty pursuant to this Section for a violation of the written plan or the applicable *Minimum Standards*, but shall be subject to any other remedy provided in this Chapter.

2.201–2.299. Reserved.

ARTICLE X. SELF-FUELING OPERATIONS

2.300. Self-Fueling.

The City of Charlevoix requires that all aviation fuels at Charlevoix Municipal Airport be stored within a common fuel farm for environmental, safety and quality control reasons. Self-fueling operators shall store all aviation fuels in the City's Fuel storage system, and pay applicable fees under the *Schedule of Rates and Charges*.

2.301. Self-Fueling Dispensing License.

- A. No person shall dispense fuel at the Airport without first obtaining a self-fueling license from the City Manager.
- B. Dispensing of aviation fuel under a fuel dispensing license shall be consistent with the *Minimum Standards* for Charlevoix Municipal Airport.
- C. No person shall dispense fuel at the Airport unless and until financial assurances have been provided as contained in the Airport's *Minimum Standards*.

2.302. License Requirements.

The City Manager or a designee of the City Manager shall issue the self-fueling license after the City Manager has determined that there will be compliance with the applicable *Minimum Standards* and that the financial assurances as described in the *Minimum Standards* have been met.

2.303. Non-City Fuel Sales and Fueling Third Party Aircraft Prohibited.

The City of Charlevoix is the exclusive and proprietary provider of retail aviation fuels at the Airport. The sale of retail fuel by any person, including but not limited to a self-fueling operator, is prohibited. The fueling of Third Party Aircraft by any person, including but not limited to a self-fueling operator, is prohibited.

2.304. Fees.

The fee for the self-fueling license shall be contained in the *Schedule of Rates and Charges*. The fee shall be of an amount sufficient to reimburse the City for all administrative costs associated with the issuance of the license. Administrative costs include, but are not limited to, legal fees and consultant fees relating to the review of documents and the issuance of the license. Licensee shall also pay Fuel Flowage fees and Fuel System Use fees contained in the *Schedule of Rates and Charges* and must be current on the payment of all fees to maintain a self-

fueling license.

2.305. Self-fueling License - Term.

The self-fueling license shall be valid for one (1) year from the date of issuance.

Section 2. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any remaining portions or application of this Ordinance which can be given effect without the invalid portion or application.

Section 3. Effective Date.

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

Ordinance No. 755-2012 was enacted on the 20th day of February, A.D. 2012, by the Charlevoix City Council as follows:

Motion by: Councilmember Shane Cole
Seconded by: Councilmember Dennis Kusina

Yeas: Cole, Kusina, Picha, Stevens, Vollmer
Nays: None
Absent: Gennett

STATE OF MICHIGAN }
 } ss
CITY OF CHARLEVOIX }

Carol A. Ochs City Clerk

Norman L. Carlson, Jr. Mayor