

ORDINANCE NO. 4983

An Ordinance modifying Ordinance No. 4973 (An Ordinance modifying the McMinnville Municipal Code provisions regarding the Airport)

RECITALS:

On October 8, 2013, the City Council adopted Ordinance No. 4973 modifying Chapter 11 of the Municipal Code regarding the Airport. The ordinance contained a one-year sunset provision to allow for the review and revision of the new Chapter 11 language, if needed. The one year period is set to expire on November 8, 2014.

Staff reintroduced Chapter 11 to the Airport Commission at their meeting on July 1st. At that meeting, the Commission directed that any interested parties submit comments or suggested edits to the chapter language prior to August 15, 2014. That schedule would allow staff to compile the information for the Commission's consideration at the Commission meeting on September 2, 2014.

The Commission received no comments regarding the Chapter. At the September 2, 2014 meeting, the Commission unanimously recommended that the City Council reinstate the language as it was adopted in 2013 and remove the sunset clause.

NOW, THEREFORE, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

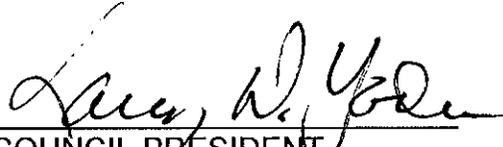
1. The McMinnville City Council, by enactment of this Ordinance, repeals Section 2 (the sunset clause) of Ordinance No. 4973.
2. The amendments to Chapter 11 which were adopted by the Council on October 8, 2013 remain in full force and effect.
3. This ordinance will be effective November 8, 2014.

Passed by the Council this 23<sup>th</sup> day of September 2014 by the following votes:

Ayes: Hill, Jeffries, May, Ruden, Yoder

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

Approved this 23<sup>th</sup> day of September 2014.

  
COUNCIL PRESIDENT

Attest:

\_\_\_\_\_  
CITY RECORDER

Approved as to Form:

  
\_\_\_\_\_  
CITY ATTORNEY

ORDINANCE NO. 4073

An Ordinance modifying the McMinnville Municipal Code provisions regarding the Airport.

RECITALS:

Much of the existing verbiage related to the airport contained in the City's Municipal Code (Chapter 11) is not current and is in need of updating. At a series of three work-sessions (held April 1<sup>st</sup>, 15<sup>th</sup>, and 29<sup>th</sup>), a working group of City staff, various Airport Commissioners, and airport users met to review and update the existing code language.

The resulting draft update to Chapter 11 of the Municipal Code was reviewed by the Airport Commission at their July 30<sup>th</sup> Airport Commission meeting. At that meeting, after taking input by interested parties in attendance, the Commission unanimously directed staff to prepare an ordinance, incorporating the proposed updates to Chapter 11 of the Municipal Code, for the City Council's consideration.

Notice regarding the City Council's consideration of the proposed ordinance at their September 24, 2013 meeting was sent to the Airport Commission, and to all interested Airport users.

Having considered the language of the proposed ordinance (attached hereto) at their September 24, 2013 meeting, and having requested the addition of language that requires the ordinance to be reviewed in one year (which language has been incorporated), the Council finds it is in the best interests of the City of McMinnville to approve the updates to the Municipal Code regarding the Airport.

Now, therefore, THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

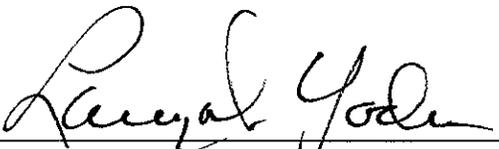
1. That the current Chapter 11 of the McMinnville Municipal Code is repealed in its entirety and the attached language will be incorporated into the McMinnville Municipal Code at Chapter 11.
2. This ordinance will be in full force and effect for a period of one year from the effective date. It will be automatically revoked one year from the effective date unless the City Council reconsiders and reinstates, with or without amendments, the provisions of the ordinance.

Passed by the Council this 8th day of October 2013 by the following votes:

Ayes: Hill, Jeffries, Menke, Ruden, Yoder

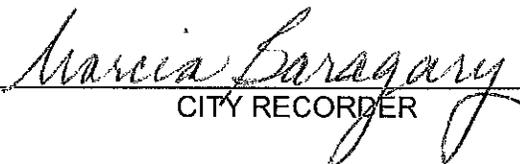
Nays: \_\_\_\_\_

Approved this 8th day of October 2013.

  
 \_\_\_\_\_  
 MAYOR  
 COUNCIL PRESIDENT

Approved as to form:

Attest:

  
 \_\_\_\_\_  
 CITY RECORDER

  
 \_\_\_\_\_  
 CITY ATTORNEY

## Title 11

### AIRPORT<sup>1</sup> AND AIRCRAFT

#### Chapters:

|              |  |
|--------------|--|
| <u>11.01</u> | <u>Definitions</u>   |
| <u>11.04</u> | <u>Federal Regulations</u>                                   |
| <u>11.08</u> | <u>Administration</u>  |
| <u>11.10</u> | <u>Property Regulations</u>                                  |
| <u>11.12</u> | <u>Ground Rules</u>  |
| <u>11.16</u> | <u>Taxiing</u>   |
| <u>11.20</u> | <u>Landing and Takeoff</u>                                   |
| <u>11.28</u> | <u>Miscellaneous Regulations, Enforcement, and penalties</u> |

#### Chapter 11.01

##### DEFINITIONS

#### Sections:

##### 11.01.010 Definitions.

11.01.010 Definitions. All words and phrases used in this chapter shall have the following meaning, unless the context requires otherwise. All definitions contained within the Federal Aviation Act of 1958 and all amendments thereto are incorporated herein. All definitions herein shall be interpreted consistently with the Federal Aviation Act of 1958 and all amendments thereto.

A. "Aircraft" means a device that is used or intended to be used for flight in the air, including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultralight, balloon, or blimp.

B. "Aircraft movement areas" at McMinnville Municipal Airport are defined as the numbered runways, lettered taxiways and other areas of the airport utilized for taxiing, takeoff and landing of aircraft. The movement area does, however, exclude the aircraft parking areas, the loading ramp, and the taxiways serving the general aviation hangar storage area.

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<sup>1</sup>For statutory provisions on municipal airports, see ORS 836.200 etseq.

C. "Airplane" means an engine-driven fixed-wing aircraft heavier than air, that is supported in flight by the dynamic reaction of the air against its wings.

D. "Airport" means any and all of the properties owned and controlled by the City of McMinnville, Oregon, being used as a public airport and located in Yamhill County, Oregon, at latitude 44/11.67'N, and longitude 123/08.16'W.

E. "Airport Administrator" means the City Manager or his/her designee. This person shall have the authority to appoint an Assistant Airport Administrator and Airport Manager.

F. "Airport Commission" means the body made up of six persons appointed by the City Council, and a City Council liaison, to provide advice to the Airport Manager, Airport Administrator, and to the City Council on management, care, and control of the Airport; required rules and regulations in connection therewith; and the expenditure of such funds as shall be appropriated by the McMinnville City Council.

G. "Airport Manager" means the person with the right to exercise all of the authority granted by the Airport Administrator in the physical operation of the Airport for aeronautical purposes, airport property farming activities, and the enforcement or application of these rules subject to the paramount right of the Airport Administrator to supervise or overrule his/her action, inaction, or decision. The Airport Manager may appoint an authorized agent to serve as Assistant Airport Manager.

H. "Airport Use Agreement" means the written agreement between the City and a Person specifying the terms and conditions under which the Person may conduct commercial aviation activities, special events, and/or demonstrations at the Airport. The Airport Administrator shall have authority to issue Airport Use Agreements.

I. "Commercial Activity" means the conduct of any aspect of a business or concession on the airport for revenue.

J. "Emergency aircraft" means those aircraft landing because they are mechanically disabled or are providing emergency medical or rescue services.

K. "Land Lease" means the written contract between the City and a person/business enterprise specifying the terms and conditions under which a person may occupy and operate from certain Airport facilities and/or property.

## Chapter 11.04

### FEDERAL REGULATIONS

#### Sections:

- 11.04.010 Federal Aviation Regulations.
- 11.04.020 Conformance required.
- 11.04.030 Use of airport subject to regulation.

11.04.010 Federal Aviation Regulations. A. The Federal Aviation Act of 1958, as amended, authorized the Federal Aviation Administrator to prescribe air traffic rules and regulations governing the flight of aircraft.

B. The Federal Aviation Regulations promulgated by the Federal Aviation Administrator cover all flights on or in the vicinity of McMinnville Municipal Airport, and, by reference, the Federal Aviation Regulations are incorporated into this title.

C. Aircraft operators, pilots and other users of the airport are required to be familiar with the Federal Aviation Regulations, and, in particular, Part 91 General Operating and Flight Rules, of said regulations.

11.04.020 Conformance required. All aeronautical activities at the McMinnville Municipal Airport, and all flying of aircraft departing from or arriving at the airport, shall be conducted in conformity with the current pertinent provisions of the Federal Aviation Regulations, Oregon state law, the McMinnville Municipal Code, and all other applicable laws, regulations, and ordinances.

11.04.030 Use of airport subject to regulation. Subject to applicable orders, certificates, or permits of the FAA, no person shall use the airport or any portion thereof, or any of its improvements or facilities, for revenue-producing commercial business or aeronautical activities unless and until he or she has first complied with the city code, applicable ordinances, and the adopted Minimum Standard for Commercial Aeronautical Activities.

## Chapter 11.08

### ADMINISTRATION

#### Sections:

- 11.08.010 Airport Administrator's Powers and Duties.
- 11.08.020 Airport Manager's Powers and Duties.
- 11.08.030 Removal of Aircraft or Parts.
- 11.08.040 Commercial Activity Authorization
- 11.08.050 Airport use - City held harmless.

#### 11.08.010 Airport Administrator's Powers and Duties. A.

The Airport Administrator is empowered to oversee the operations of the McMinnville Municipal Airport and to apply and enforce the provisions of this title. The rules contained in this title are supplemental to the Federal Aviation Regulations and apply specifically to McMinnville Municipal Airport.

B. General information relative to McMinnville Municipal Airport is provided in this title and the Airport Administrator is authorized to publish the rules and additional explanatory material. Additional explanatory information is published solely for the convenience of and assistance to pilots, is advisory only, and shall not modify any rule or regulation of the Federal Aviation Agency or of the city. The Airport Administrator may post signs at the airport which state or apply the rules, regulations, orders, or instructions. Each person on the airport shall comply with all rules, regulations, and signs posted by the Airport Administrator pursuant to this chapter.

C. In any contingency or emergency not specifically covered by these rules, the Airport Administrator is authorized to make such decisions as necessary.

D. The Airport Administrator may issue Airport Use Agreements for special events and/or demonstrations, provided FAA requirements are met, and no such event or demonstrations shall be conducted by anyone without prior written permissions.

#### 11.08.020 Airport Manager's Powers and Duties. The

Airport Manager shall represent the city at all times, in regard to the McMinnville Municipal Airport. He/she:

A. Shall at all times have authority to take such action as may be necessary to safeguard the public in attendance at the airport. Every person on or using the airport shall cooperate to enforce these rules and to see that all persons on the premises use care and caution to prevent injury to persons or damage to property;

B. May suspend or restrict any or all operations without regard to weather conditions whenever such action is deemed necessary in the interest of safety;

C. May suspend, as a means of safeguarding this airport and the public, the privileges of the airport and its facilities to any person refusing to comply with these rules. Persons suspended under this provision shall have the right to appeal the suspension to the City Manager;

D. Shall have authority to restrict operations to such portion or portions of the airport as he/she may deem necessary or desirable. Any part of the airport temporarily unsafe for aircraft operations which is not available for any cause shall be clearly marked in accordance with recommendations of the FAA.

11.08.030 Removal of Aircraft or Parts. Upon demand made by the Airport Administrator to the owner or operator of any abandoned or disabled aircraft or parts wrongfully or improperly left on airport property, it shall be the duty of the owner or operator to remove the aircraft or parts at his/her expense.

A. If, after demand, the owner or operator fails or refuses to remove the aircraft or parts within a reasonable time, as determined by the Airport Manager, based on the circumstances and conditions of hazard or nuisance created by the aircraft or parts, the Airport Manager shall impound and store the aircraft or parts. The cost of removal and storage shall be a charge against the owner or operator of the aircraft or parts. The aircraft or parts will be released to the owner or operator upon payment in full of the charges;

B. In the event that the Airport Administrator cannot locate or is unable to communicate with the owner or operator of the aircraft or parts, he/she shall, at his/her sole discretion, determine whether or not the aircraft or parts pose a sufficient hazard to aircraft activity to require prompt and orderly removal. The cost of removal and storage of an aircraft or parts shall be a charge against the owner or operator;

C. The Airport Administrator shall give written notice of the removal and storage of an aircraft or parts to the registered owner. In the event that more than sixty days passes after the giving of written notice, the Airport Administrator may, at his/her discretion, proceed to sell the aircraft or parts for the cost of removal and storage;

D. The City shall not be liable for the cost of removal, storage, or any damage which may be incurred due to the provisions of this title.

11.08.040 Commercial Activity Authorization. All commercial activity at the airport will conform to the adopted Minimum Standards for Commercial Aeronautical Activities. When the Airport Administrator determines that a person is engaged in or proposes to engage in commercial activity at the Airport, the Airport Administrator may grant that person permission to do so; may issue that person an Airport Use Agreement with restrictions or conditions; may require the person to enter into a land lease or agreement; or may, with good cause, deny the permission. The Airport Administrator will consider the following conditions in determining if a commercial aeronautical activity will be authorized to conduct business:

A. The impact of the new commercial activity on public safety and convenience. The Airport Administrator will impose conditions and restrictions necessary to ensure safety in the air and on the ground, and to preserve unobstructed traffic patterns and runway approaches.

B. The amount of space at the Airport, the customary uses of the Airport, and the compatibility of the new commercial activity with present and planned development at the Airport.

C. Whether the new commercial activity complies with federal, state, and local laws and regulations, including land use regulations.

D. Whether the new commercial activity is conducted for profit or not for profit and its promotion of aviation, safety or education.

11.08.050 Airport Use - City Held Harmless. The privilege of using the airport and its facilities shall be conditioned on the assumption by the user of full responsibility and risk for the use, and the user releases and agrees to hold the city and its officers, employees, and agents, harmless, and to indemnify them from any liability or loss resulting from the use.

Chapter 11.10

PROPERTY REGULATIONS

Sections:

11.10.010 City not liable.

11.10.020 Damage, injurious activities and abandonment prohibited.

11.10.030 Damage to airport property - Compensation

11.10.010 City not liable. The city assumes no responsibility or liability for loss, injury, or damage to persons or property on the airport or for using airport facilities, including but not limited to fire, vandalism, wind, flood, earthquake, or collision damage.

11.10.020 Damage, injurious activities and abandonment prohibited. A. No person shall destroy, injure, deface, or disturb in any way, any building, sign, equipment, marker, structure, or other airport premises;

B. No person shall conduct activities that are injurious, detrimental, or damaging to the airport property, business of the airport, or persons;

C. No person shall abandon personal property at the airport.

11.10.030 Damage to airport property - Compensation. Any person causing or liable for any damage to airport property shall be required to pay the City on demand the full cost of repairs to the damaged property.

## Chapter 11.12

### GROUND RULES

#### Sections:

- 11.12.010 Fire regulations.
- 11.12.020 Aircraft parking--Designated Areas.
- 11.12.030 Aircraft parking--Fee.
- 11.12.040 Aircraft parking--Special Events.
- 11.12.050 Taxiways.
- 11.12.060 Entering parking area or apron.
- 11.12.070 Chocking or tying down.
- 11.12.080 Vehicles prohibited on runways, taxiways and apron.
- 11.12.090 Accident procedures

11.12.010 Fire regulations. All persons using the airport area or the facilities of the airport for any purpose whatsoever shall comply with the state adopted fire code, which is enforced by the city Fire Department.

11.12.020 Aircraft parking--Designated Areas. Aircraft shall only be parked in designated areas, unless otherwise approved by the Airport Manager.

11.12.030 Aircraft parking--Fee. Fixed base operators may charge such reasonable fees for use of the leased facilities. Appeals of fee amounts may be made to the Airport Administrator.

11.12.040 Aircraft parking--Special events. For special events, aircraft shall be parked only in areas designated by the Airport Manager for this purpose.

11.12.050 Taxiways. Taxiway areas on the concrete apron, as designated on lease maps, shall be maintained open to taxiing aircraft at all times, and no aircraft shall be parked in taxiway areas or left unattended in a manner that will interfere with the free flow of traffic.

11.12.060 Entering parking area or apron. No persons except pilots, duly authorized personnel, passengers, or other persons personally escorted by pilots or authorized personnel, shall be permitted to enter the apron area of aircraft activity or parking. Any person permitted by this section to be on the

apron area is limited to necessary use of the space in connection with flights or routine duties.

11.12.070 Chocking or tying down. It is the pilot's responsibility to properly chock or tie-down the aircraft.

11.12.080 Vehicles prohibited on runways, taxiways and apron. Motor vehicles shall not be driven onto the apron, taxiways or runways without the express permission of the Airport Manager.

A. All authorized vehicles and equipment operating in the aircraft movement area shall be equipped with a flashing yellow or orange light(s) visible to taxiing or operating aircraft. Additionally, while in the aircraft movement area, all vehicle and equipment operators shall have a two-way VHF radio tuned to the airport's Common Traffic Advisory Frequency (CTAF);

B. Automobile parking shall be in designated areas, and/or as allowed by land leases;

C. In the general aviation T-hangar area, the paved ways are taxiways, not streets, and taxiing aircraft have the right-of-way. Automobiles shall not be left standing on these taxiways. Pilots and aircraft owners driving on taxiways for the purpose of reaching a T-hangar shall park on the entrance way to the T-hangar, maintaining a clearance of twenty-five feet from the centerline of the taxiway.

11.12.090 Accident procedures. A. Persons involved in aircraft accidents occurring at the airport shall make a full report to the Airport Manager as soon as possible after the accident. For the purposes of this section, an aircraft accident shall include any event involving an aircraft that results in property damage or personal injury.

B. Any person damaging airport property shall be fully responsible to the City for the cost of repairs.

C. Every pilot and aircraft owner shall be responsible for the prompt removal of any disabled aircraft or parts thereof, subject to accident investigation procedures.

## Chapter 11.16

### TAXIING

#### Sections:

11.16.010 Preparation for takeoff.

11.16.020 Runway use on takeoff and landing.

11.16.010 Preparation for takeoff. All airplanes preparing for takeoff shall use the appropriate taxiway for the purpose of taxiing to the ends of runways for takeoffs. All takeoffs shall be from designated runways.

11.16.020 Runway use on takeoff and landing. All landing airplanes returning to the flight line shall leave the runway on the first available taxiway which is practical in order to keep the runways clear for approaching aircraft.

## Chapter 11.20

### LANDING AND TAKEOFF

#### Sections:

- 11.20.010 Landing / takeoff permit.
- 11.20.020 Permit-Exemptions.
- 11.20.030 Permit-Issuance-Procedure.
- 11.20.040 Permit-Issuance-Criteria for consideration.
- 11.20.050 Permit-Issuance authority of City Manager.
- 11.20.060 Violation of Sections 11.20.010 through 11.20.060--Penalty.

11.20.010 Landing / takeoff permit-Required. The landing and/or takeoff of aircraft within the corporate limits of the city, except for at the McMinnville Municipal Airport, is expressly forbidden unless a permit has first been obtained from the city.

11.20.020 Permit-Exemptions. The prohibition set forth in Section 11.20.010 does not apply to emergency aircraft landing and/or taking off within the city.

11.20.030 Permit-Issuance-Procedure. A person or business firm desiring to land and/or take off an aircraft within the city, at a location other than at the McMinnville Municipal Airport, shall first obtain a permit from the city. The procedure is as follows:

A. For all permits pertaining to a single flight or for duration of one day or less, a permit may be issued by the City Manager after the factors to be considered in Section 11.20.040 are addressed. The City Manager shall prepare an application form to obtain the required information.

B. All permits of duration longer than one day shall be issued after receipt of an application which provides information concerning the factors to be considered. This application form shall be prepared by the City Manager. No permit shall be issued for more than one year. A renewal of a permit may be granted by the City Manager, provided no complaints have been received.

C. All applications must include written permission from the owner of the property which the aircraft will be landed on and/or taken off from.

11.20.040 Permit-Issuance-Criteria for consideration. The City Manager shall consider the following factors when granting a permit:

A. Landing / take off site to be used and its geographic relationship to commercial, industrial and residential buildings, and population concentrations;

B. Flight path of aircraft and its relationship to commercial, industrial and residential buildings, plus populations centers, and to any hazards that would endanger the citizens of the city (i.e., high tension wires, etc.);

C. Frequency and duration of the flights, and hours of operation;

D. Previous history of compliance with permit regulations, if applicable;

E. Creation of noise which may be harmful to the mental or physical well-being of the citizens of McMinnville.

11.20.050 Permit-Issuance-Authority of City Manager. A permit shall be applied for on a form provided by the City Manager not less than ten days prior to the date on which the flight(s) will occur. The factors to be considered shall be addressed by the applicant. In granting or denying a permit, the City Manager shall state the reasons for the action taken and notify the applicant.

11.20.060 Violation of Sections 11.20.010 through 11.20.060-Penalty. Any person or firm violating any provisions of Sections 11.20.010 through 11.20.060 shall, upon conviction in the municipal court, be punished by a fine of not more than five hundred dollars. Trial shall be before the judge of the court without a jury.

Chapter 11.28

MISCELLANEOUS REGULATIONS, ENFORCEMENT, AND PENALTIES.

Sections:

11.28.010 Public intoxication prohibited.

11.28.020 Enforcement of provisions.

11.28.030 Violation—Penalty.

11.28.010 Public intoxication prohibited. It is unlawful for any person to be in an intoxicated condition or under the influence of any illegal substance on airport property.

11.28.020 Enforcement of provisions. Any duly elected or appointed peace officer or police officer of the city, county or state, shall have the authority and power to enforce any provisions of this chapter on airport property, and to make arrests for violations of this chapter.

11.28.030 Violation—Penalty. Any person operating or handling aircraft on or in the vicinity of the airport, or traveling on airport property by foot, automobile, bicycle, motorcycle, or other conveyance, or occupying any building or otherwise using the airport for any purpose whatsoever, shall comply with the rules as set forth in this title. Any person violating any portion of this title shall, upon conviction in the municipal court, be punished by a fine not to exceed the sum of \$250.00, and may be subject to all other lawful penalties.