

**ORDINANCE NO. 97-01
OF THE PORT OF ASTORIA**

**AN ORDINANCE REGARDING FEES, FUEL FLOWAGE FEES
AND REGULATING OPERATION OF AIRCRAFT AND
VEHICLES AT AIRPORT**

BE IT ENACTED BY THE PORT OF ASTORIA:

1. FINDINGS AND PURPOSE

1.1 Findings

The Port of Astoria finds that:

1.1.1 The Port owns and operates the Regional Astoria Airport ("Airport") which is used for the taking off, landing, operation and storage of aircraft, and the conduct of businesses supporting aviation activities; and

1.1.2 The Airport promotes a strong economic base for the county, assists and encourages trade opportunities and is of vital importance to the health, safety, and welfare of the Port district; and

1.1.3 It is essential that the Airport attain financial self-sufficiency to perform its transportation role in the county and to provide the county with cost effective aviation facilities; and

1.1.4 The revenues received from users of the Airport is vital to the economic well-being of the Airport; and

1.1.5 The Port incurs and will continue to incur substantial expenditure for capital investment, operation, maintenance, and development of the facilities at the Airport; and

1.1.6 The Federal Aviation Administration (FAA) has directed airports to ensure that rates, fees, rentals, landing fees, and other service charges imposed on aeronautical users of airports for aeronautical uses are of fair market value; and

1.1.7 The FAA has further directed that airport fees should be established using a consistent methodology for comparable aeronautical users, that fees imposed on a group of aeronautical users should not exceed the costs allocated to that user group, that reasonable distinctions may be made among aeronautical users, and that differing charges may be imposed on categories of aeronautical users based on those distinctions; and

1.1.8 ORS 777.210(6) authorizes the Port to operate and maintain airports and collect charges for the use of such facilities, and ORS 836.210 further authorizes the Port to provide by regulation for charges, fees, and tolls for the use of the Airport and civil penalties for the violations of such regulations; and

1.1.9 In order to raise revenue for purposes of making the Airport as self-sustaining as possible under the circumstances existing at the Airport and maintaining, operating, and developing the Airport for the convenience of aviation users and the traveling public, and to preserve existing revenues, protect the public, preserve order, provide for the public health, safety and welfare, enhance the welfare of the Port, and govern use of Airport property, it is necessary to adopt and implement the fees specified in this Ordinance to be paid by persons utilizing the Airports for aviation purposes; and

1.2 Purpose

The purpose of this Ordinance is to enact Tie-Down, Hangar, Transient, and Fuel Flowage Fees and to establish safety requirements for aircraft and vehicles consistent with the above findings, and this Ordinance shall be liberally construed to effectuate this purpose.

2. DEFINITIONS

As used in this Ordinance:

2.1 "Airport" "Airport" shall mean that certain airport located in Clatsop County, Oregon, known as the Regional Astoria Airport, including all facilities and roads located at or on such airport.

2.2 "Aircraft" "Aircraft" shall mean every contrivance invented, used, or designed to navigate, or fly in, the air.

2.3 "Executive Director" "Executive Director" shall mean the Port's Executive Director or his designee.

2.4 "Fee" "Fee" shall mean the Transient Fee, Tie-Down, Hangar, and Fuel Flowage Fees authorized by this Ordinance.

2.5 "Fuel" "Fuel" shall mean any aviation gasoline IOOLL and Jet A or any other inflammable or combustible gas or liquid useable as fuel for the operation of aircraft.

2.6 "Fuel Flowage Fee" "Fuel Flowage Fee" shall mean the Fuel Flowage Fee authorized in Section 3.1 of this Ordinance.

2.7 “Fuel Operator” “Fuel Operator” shall mean any person who is authorized by the Port to operate any system or device used to store or dispense fuel at the Airport, including but not limited to a fuel storage tank, fuel transportation vehicle, or similar system or device.

2.8 “Fuel Transportation Vehicle” “Fuel Transportation Vehicle” shall mean any form of transportation that is used in and capable of transporting fuel, including fuel for airplanes running on automobile gasoline, on Airport roads, parking areas, ramp areas, taxiways, runways, or elsewhere on the Airport.

2.9 “Government Aircraft” “Government Aircraft” shall mean any aircraft owned or operated by the United States government or any of its agencies.

2.10 “Permit” “Permit” shall mean the Permit required pursuant to this Ordinance..

2.11 “Permittee” “Permittee” shall mean any person required by this Ordinance to have a Permit for operation of a Fuel Transportation Vehicle at the Airport.

2.12 “Person” “Person” shall mean an individual, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization.

2.13 “Mobile Storage Tank Use Agreement” “Mobile Storage Tank Use Agreement” shall mean an agreement in force between the Port and a person which expressly authorizes the person to operate a Fuel Transportation Vehicle at the Airport in accordance with prescribed terms and conditions.

3. FUEL FLOWAGE FEES

3.1 Fees Required.

Every Fuel Operator shall pay a fuel flowage fee (“Fuel Flowage Fee”) on all fuel transported onto the Airport. The Fuel Flowage Fee shall be assessed at the time fuel is transported onto the Airport by a Fuel Operator. The Fuel Flowage Fee shall be an amount payable on each gallon or similar measuring unit established by the Executive Director for each category of fuel, and may be adjusted.

3.2 Collection

Fuel Flowage Fees shall be collected by the Port in accordance with procedures established by the Executive Director. Unless the Executive Director has established other payment procedures, or credit arrangements satisfactory to the Executive Director have been made in advance, all Fuel Flowage Fees shall be paid by a Fuel Operator no later than 20 days after the end of the

calendar month in which fuel is transported onto the Airport. A delinquency charge in an amount established by the Executive Director shall be imposed on all Fuel Flowage Fees not paid when due. All Fuel Operators shall promptly provide the Port reports containing information specified by the Port which is necessary to calculate the Fuel Flowage Fee.

4. TIE-DOWN FEES

"Tie-Down Fees" shall be established by resolution of the Commission, and may be adjusted. The Port Executive Director or his designee is authorized to execute month to month Tie-Down contracts with aircraft owners wanting Tie-Down space for their aircraft. Aircraft leased back to a designated FBO are required to pay Tie-Down Fees.

5. HANGAR FEES

"Hangar Fees" shall be established by resolution of the Commission and may be adjusted. The Port Executive Director, or his designee, is authorized to execute month-to-month hangar contracts with aircraft owners wanting hangar space for their aircraft.

6. TRANSIENT FEES

"Transient Fees" shall be established by resolution of the Commission and may be adjusted. Such resolution may provide for reduced rates for groups, military, or other special use circumstances.

7. OPERATION OF AIRCRAFT

Aircraft operators shall abide by all federal, state, and FAA regulations, and all rules established by the Port. Operators shall direct their prop wash away from hangar areas. No fueling of aircraft shall take place in or between hangars. Fueling is allowed only in the aircraft tie-down area or designated fueling area.

8. AUTOMOBILE OPERATION

Excluding authorized commercial, agricultural, or emergency vehicles, driving is forbidden on Airport ramps and runways except for hangar and tie-down use as follows:

- (a) Entrance to hangars shall be only through the hangar entrance;

- (b) Authorized ramp driving is allowed only through the main gate to the hangars; and
- (c) Ramp speed shall not exceed 25 MPH.
- (d) Entrance to the tie-down area is through the gate located between Lektro and Astoria Flight Center.
- (e) Entrance to tie-down area is only for loading, unloading or minor aircraft maintenance.
- (f) Aircraft have right of way at all times.

9. FUEL TRANSPORTATION VEHICLES

Fuel Transportation Vehicles shall be licensed by the Port to operate on Airport premises. No person shall operate a Fuel Transportation Vehicle at the Airport without a license or written permission of the Port.

10. PENALTIES

10.1 Civil Sanctions

In the event any Person violates any term or condition of this Ordinance, the Port may exercise any rights or remedies allowed by law or equity, including without limitation, imposition of a civil penalty pursuant to ORS 836.210 of not more than \$500 per violation, and, in the case of a violation of any term or condition of any Permit granted pursuant to this Ordinance, after reasonable notice and hearing, suspension or termination of the rights granted pursuant to the Permit. In the event that any Permit is so suspended or terminated, any covenant or condition (including, but not limited to, indemnification covenants) set forth in the Permit, the full performance of which is not specifically required prior to the suspension or termination of the Permit, and any covenant or condition which by its terms is to survive, shall survive the suspension or termination of the Permit and shall remain fully enforceable thereafter.

10.2 Criminal Sanctions

Any Person violating this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$250 per violation.

11. SEVERABILITY

In the event any phrase, clause, sentence, paragraph, or paragraphs of this Ordinance is declared invalid for any reason, the remainder of the Ordinance shall not be thereby invalidated, but shall remain in full force and effect, all parts being declared separable and independent of all others.

12. CONFORMANCE OF STATE & FEDERAL LAW

This ordinance shall not substitute for nor eliminate the necessity for conformity with any and all laws or rules of the federal government, FAA, State of Oregon, or its agencies, or any ordinance, rule, or regulation of the Port of Astoria

13. INCONSISTENT PROVISIONS

This ordinance shall supersede, control and repeal any inconsistent provision of any Port ordinance as amended or any other regulations made by the Port of Astoria.

14. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions of this ordinance.

15. EFFECTIVE DATE


The effective date of this Ordinance shall be October 16, 1997.

ADOPTED THIS 16 day of September, 1997, being the date of its second reading before the Board of Commissioners of the Port of Astoria.

VICE



President



Secretary

APPROVED AS TO LEGAL SUFFICIENCY:



Counsel for Port of Astoria