

ORDINANCE NO. 2743**AN ORDINANCE ESTABLISHING RULES FOR THE CONDUCT OF COMMERCIAL ACTIVITY AT THE BAKER MUNICIPAL AIRPORT AND DECLARING AN EMERGENCY.**

BE IT ORDAINED BY THE CITY OF BAKER:

SECTION 1: License Required. No aeronautically associated service, operation or activity shall be offered or performed at the Baker Municipal Airport without a license for such service, operation, or activity having first been obtained from the City of Baker and signed by the City Manager of the City of Baker. Aeronautical activities of scheduled airlines and municipal, state, and federal agencies are exempt from this provision.

SECTION 2: Grant of Exclusive Rights Prohibited. No license for the exclusive right to provide an aeronautical service, operation or activity on the Baker Municipal Airport shall be issued.

SECTION 3: Ground Space and Structures: Licensees for aeronautical activities on the Baker Municipal Airport who are required to provide ground space and structures for such activities shall enter into lease agreements with the City for the rental of such space. Ground space allocations to licensees under lease agreements will be made in accordance with a master plan and land use plan adopted by the City of Baker for development of the Airport. All structures erected on the Airport shall comply with all building regulations including fire, electrical, and plumbing codes applicable within the City of Baker. Structural and architectural design of all structures shall be subject to approval of the City of Baker. Termination of the ground lease without other satisfactory arrangements having been made with the City of Baker shall automatically revoke a license for an aeronautical activity, service or operation.

SECTION 4: Privileges, Uses, Rights and Interests. In addition to privileges, uses, rights and interests given to a licensee under terms of the license or lease agreement, the following privileges, uses, rights and interests are granted to the licensee, to-wit:

- a) The loading and unloading of aircraft engaged in any lawful commercial activities in areas and locations designated by the City.
- b) The non-exclusive use of said public airport facilities and navigational

aids and facilities relating thereto for purpose of commercial and non-commercial landings,

take-offs and taxiing of aircraft.

c) The right of ingress or egress from the leased premises without charge therefor except the considerations set out herein.

SECTION 5: Licenses Subject to Laws and Regulations. Licensees and their officers, agents and employees shall carry on their activities and operations on said Airport in compliance with Federal laws, FAA regulations, state statutes, and City of Baker ordinances and airfield regulations. Licensee shall be responsible for the actions of his officers, agents, and employees.

SECTION 6: Fixed Base Operations. A fixed base operator's license will be issued subject to the condition that such licensee comply with all conditions hereinafter imposed and provide at the Baker Municipal Airport all of the aeronautical services hereinafter listed:

a) Fuel and Oil Sales: Licensee shall provide adequate space in a convenient location at the airport for fuel and oil sales and service to all types of aircraft making regular use of the field. Adequate fuel storage shall be provided for all types of fuel by the Licensee. Such storage may either be by means of underground or above ground tanks, provided all applicable codes are met. (As amended by Ord. No. 3102 adopted 11/28/95)

b) Flight Training activities: Licensees shall maintain on a full time basis, at least one pilot currently qualified and certificated as a flight instructor. Licensees shall have available currently certificated aircraft of specific type compatible with the training offered. Adequate classroom space with availability to restrooms shall be provided. Licensees shall be required to maintain continuing certification by the FAA to conduct the training proposed. Instruction offered shall include flight instrument training.

c) Aircraft Charter and Taxi Service: Fixed base licensee shall provide aircraft charter and taxi service to the extent required to meet the reasonable demand therefore. Adequate office, waiting room and restroom facilities shall be provided patrons of aircraft charter and taxi service.

d) Aircraft Rental and Sales: Licensees shall maintain currently airworthy certificated aircraft available for rental commensurate with type of service normally to be expected at the Baker Airport. Licensee shall not be required to maintain a sales and dealership franchise, but may engage in the sale of new and used aircraft on an individual basis.

e) Air Ambulance: Licensee shall provide at least one airworthy aircraft equipped for use as an air ambulance. For the purposes of these rules, "air ambulance" shall mean any aircraft which is capable of accommodating a stretcher with patient.

f) Aircraft Required: To provide the services above listed, licensees shall provide and maintain at least three aircraft, one of which at least must be a twin engine and

one of which is equipped for use as an air ambulance.

g) Additional services: In addition to the services required to be provided by a fixed base operator described in sub-section (a) through (f) inclusive above, such operator may, in his discretion, furnish, but shall not be limited to the following services:

Agricultural Chemical Aerial Activities

Flight Instructor Schools

Aircraft, Engine and Accessories Maintenance

Mechanics School

Any activity for which a special license may be issued hereunder.

SECTION 7: Operations of Fixed Base Operators.

(a) Certain operations limited to Fixed Base Licensee. Operations as hereinabove listed shall be limited to Fixed Base Operators and no single or partial combination license will be issued for such service:

Fuel and Oil Sales

Flight Training Activities

Aircraft Charter and Taxi Service

Aircraft Rental

Air Ambulance Service

SECTION 8: Miscellaneous Operations.

(a) Agricultural Chemical Applicators. A license will be issued for aerial agricultural chemical applicator service operations (hereinafter referred to as Crop Dusting) upon satisfaction of the general and special provisions of these standards pertaining to such activities.

It shall be a condition of any license issued for crop dusting that premises used for such purpose shall be maintained in a clean and orderly condition at all times, and that chemicals be handled, loaded and stored at all times in spaces removed from other airport activities as designated by the City of Baker.

Crop dusting licensees shall arrange with the City Manager for the use of space on the airport from which to operate. Such space shall have access to a taxiway and shall be located where it can be served by water and power utilities.

Except for such facilities and services as licensee is securing from a Fixed Base Operator, said licensee shall confine his entire ground activities within his designated boundaries.

In case of a Fixed Base Operator who chooses to enter into Agricultural Chemical

Applicator activities, certain of the above requirements may be waived at the discretion of the City since the Fixed Base Operator will be acting as his own coordinator to prevent mutual interference of this activity and his other operations.

Disposal of paper sacks must be made off the Airport. No incinerator or open burning is permitted for such disposal.

Licensees in this category must secure and maintain any and all permits that may be required by state or federal agencies for the aerial application of agricultural chemicals. Licensees must also conform any such activities to the applicable state and federal regulations.

(b) Aerial Surveying, Mapping and Photography: When a license is issued for aerial mapping, photography, or surveying, an agreement may be made with a Fixed Base Operator for the space and services required for facilities and operations involved.

A licensee under this heading may have the option of providing for his own center of operations under separate agreement with the City of Baker for ground space allocation as provided for under Section 3 of these standards.

(c) Forest Fire Patrol Services. Licensees under this heading shall arrange with the City Manager for the use of space on the airport. Operation under this license shall be confined to the designated boundaries.

(d) Aircraft, Engine and Accessory Maintenance. Adequate hangar, shop, storage, and office space shall be provided by licensee. Maintenance service for instruments and electronic equipment may be provided at the option of the licensee. Licensee shall maintain at least the minimum inventory of aircraft engine overhaul and maintenance equipment, manuals, and tools which are required by the FAA.

(e) Unlisted Services. Licenses will be issued for services not covered in other sections of these standards only after an agreement with the City of Baker has been reached by the licensee as to the conditions under which operations shall be conducted.

(f) Licensees Combined Quarters. No licensee, except a Fixed Base Operator, shall combine its operations or quarters with any other license without prior written approval of the City of Baker.

SECTION 9. General Requirements for all Commercial Operations. All licensees shall maintain a registry of availability with a Fixed Base Operator or at separate headquarters of the licensee on the Airport. All licensees shall have phone service and operations offices on the airport or in the Baker community. Minimum availability of licensees who offer their services to the general public shall be maintained during the hours of 8:00 a.m. to 6:00 p.m., Monday through Sunday, except aircraft mechanics, who may perform services on part-time or "on-call" basis. Where necessary, supervised personnel

shall be provided by the licensee. Such personnel shall be certified, or under the supervision of certified technicians, shall be adequately trained, and of good moral character.

Subleasing shall be permitted only after approval by the City of Baker.

Aviation fuel will be sold on the airport only by a Fixed Base Operator. No other fuel deliveries or service will be allowed on the Airport, unless said fuel is of a type not provided by any Fixed Base Operator at the airport. Nothing in this section shall be construed so as to limit the right of any person to provide fuel for his own aircraft, however, such self-service fueling operation shall meet all applicable city, state, and federal safety regulations.

License issuance shall be conditioned on receipt of satisfactory proof of financial stability, good credit rating, and moral and technical capability of the applicant in the field for which license is sought.

For the first two years of operation on the Airport by each licensee a performance bond of \$1,000 shall be required guaranteeing that continued service will be maintained by the licensee in the field licensed and in full compliance with these standards as long as the license is effective.

All licensees shall carry liability insurance and shall indemnify the City of Baker, its officers and employees in the minimum amounts of:

P.L.	\$100,000
	300,000
P.D.	50,000

for all claims arising from or attributable in whole or in part to the operations to which these standards are applicable.

SECTION 10. Licenses and Fees. The charge for all licenses set forth hereunder shall be as provided from the time to time by resolution of the City Council. Terms of licenses will be for a calendar year. An additional charge will be made for leaseholds with amounts specified in lease agreements. Such charges are for ground rental and airfield use.

SECTION 11: Revocation of License. The City Council of the City of Baker may summarily revoke the license of any licensee who shall fail to comply with any terms, conditions or requirements hereof within 15 days after the City Manager shall have given said licensee written notice of such non-compliance. The City Council may summarily revoke the license of any licensee, without notice, if there is repeated non-compliance with

the same term, condition or requirement hereof after having had notice on prior occasions.

A licensee may appeal a license revocation to the City Council of the City of Baker upon filing written notice of appeal with the City Recorder of said City within ten days after a revocation. The Council shall hear that appeal at the next regular Council meeting following the giving of notice and said hearing may be continued from time to time by said Council.

SECTION 12: Separate Offense. Each violation of a provision of this ordinance shall constitute a separate offense.

SECTION 13: Severability. The sections and sub-sections of this ordinance are hereby declared severable. The invalidity of any one Section or sub-section shall not affect the validity of the remaining sections or sub-sections.

SECTION 14: Penalty. Any person violating Section 1 of this ordinance, upon conviction thereof, shall be punished by imprisonment for a period not to exceed 100 days or by a fine not to exceed \$500.00 or both such fine and imprisonment.

Any person violating any provision hereof, except for Section 1, upon conviction thereof, shall be punished by imprisonment for a period not to exceed 20 days or by a fine not to exceed \$100.00 or both such fine and imprisonment.

SECTION 15: Waiver of Regulations. In the event that no qualified person is willing or able to undertake to provide all services required by Section 6 of this ordinance of a Fixed Base Operator at the Baker Municipal Airport, the City Council may, by Resolution, waive such requirements of this ordinance as may be necessary to obtain any or all such services. (As amended by Ord. No. 3180 adopted 5/22/01)

SECTION 16: Any violation of any provision of this ordinance may be enjoined by the maintenance of civil proceedings instead of by penal enforcement.

SECTION 17: It is hereby determined and found that it is in the best interest and welfare of the people of the City of Baker that new airport rules and regulations be established. By virtue of the foregoing reasons an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon and after its passage by the City Council and approval by the Mayor of the City of Baker.

Read for the first time in full this 28th day of June, 1977. Read for the second time

by title only this 28th day of June, 1977, upon the unanimous vote of all the members of the Council present, after the text of the ordinance was offered to the members of the Council and for the use during the meeting of the press and public attending. Read for the third time by title only this 12th day of July, 1977, upon the unanimous vote of all the members of the Council present, after the text of the ordinance was offered to the members of the Council and for the use during the meeting of the press and public attending. PASSED by the City Council and APPROVED by the Mayor of the City of Baker, Oregon, this 12th day of July, 1977.