

ORDINANCE NO. 2327

AN ORDINANCE AMENDING CHAPTER 110 OF THE HERMISTON MUNICIPAL CODE,
ENTITLED "AIRPORT COMMERCIAL BUSINESS."

Whereas, the staff of the City of Hermiston is conducting a major review of the City's Code of Ordinances, now, therefore,

The City of Hermiston ordains as follows:

(New language is in red and underlined and repealed language has ~~a line through it.~~)

Section 1. Section 110.01 of Chapter 110 "Airport Commercial Business" of the Hermiston Municipal Code is amended to read:

GENERAL PROVISIONS

110.01 PURPOSE AND INTENT.

(A) The minimum standards for commercial activity, operation or service hereinafter set forth herein or adopted by the Authority are intended ~~have been developed~~ to promote in a reasonable manner the best interest of the public concerning the competent and qualified operation of the Hermiston Municipal Airport.

(B) This Chapter and any standards, rules or regulations adopted by the Authority ~~These standards shall be administered on fair and reasonable terms~~ in accordance with all applicable federal and State of Oregon laws and regulations, including but not limited to ~~the provisions of~~ Section 308 of the Federal Aviation Act of 1958, as amended; Title VI, of the Civil Rights Act of 1964; Part 21, of Department of Transportation Regulations; FAA Advisory Circular, 150/5190-~~71A~~, dated August 28, 2006 ~~December 16, 1985~~; and FAA Advisory Circular 150/5190-~~61~~, dated January 1, 2007 ~~September 2, 1966~~ as they may be amended or superseded.

(C) The provisions of this Chapter and any standards, rules or regulations adopted hereunder shall be uniformly applied to the extent required by law. Commercial users and lessees shall receive access to and the use and availability of airport property on fair and reasonable terms without discrimination to the extent required by law. ~~Any standard which a tenant operator is required to meet must be uniformly applicable to all operators seeking the same franchise privileges, and the basic premises herein contained are applicable to all.~~

Section 2. Section 110.02 of Chapter 110 "Airport Commercial Business" of the Hermiston Municipal Code is amended to read:

110.02 DEFINITIONS ~~WAIVER PROVISIONS.~~

For the purpose of this Chapter and any adopted standards, rules or regulations, the following definition shall apply unless the context clearly indicates or requires a different meaning.

AIRPORT. The Hermiston City Airport, and all property and facilities associated therewith.

AIRPORT ADVISORY BOARD. The Board appointed by the City Council pursuant to Chapter 32.12 to 32.15.

AIRPORT TENANT. Any person renting or leasing property at the Hermiston Airport.

AUTHORITY. The City Council of the City of Hermiston, or a person or body designated by the City Council to serve as the Authority. The Authority may designate a person to act as its designee in the administration and enforcement of this Chapter.

AUTHORIZED OPERATOR. A person, other than a Fixed Based Operator, authorized to engage in specified commercial activity at the Hermiston Airport, subject to the terms of the authorization and the standards, rules and regulations.

FIXED BASE OPERATOR (FBO). A person authorized to provide specified aeronautical services, subject to the terms of the authorization and the standards, rules and regulations.

~~(A) The Council may in its discretion waive any portion of these rules and regulations for the benefit of a commercial airline licensed by the CAB, any governmental agency, or a person performing nonprofit public service performing air search and rescue operations, or engaging in fire fighting operations.~~

~~(B) The Council may consider an application by an individual for a license to perform in one of the following functions and not connected with a fixed base operation when in the Council's discretion the service is necessary for the convenience of the public:~~

~~(1) Special flight instructor;~~

~~(2) Ground school instructor;~~

~~(3) Aircraft mechanic;~~

~~(4) Avionics or other specialist technician;~~

~~(5) Agricultural applicator pilot.~~

~~(C) The Council may in its discretion waive any portion of these rules and regulations for the benefit of non-aviation related activities and developments on airport lands.~~

Section 3. Section 110.03 of Chapter 110 "Airport Commercial Business" of the Hermiston Municipal Code is amended to read:

110.03 WAIVER PROVISIONS ~~RATES, CHARGES, TAXES AND ASSESSMENTS.~~

(A) The Authority may, in its discretion, waive any portion of a standard rules or regulations for the benefit of a licensed commercial airline, any governmental agency, or a person performing nonprofit public service performing air search and rescue operations, or engaging in firefighting operations to the extent permitted by law and FAA guidelines.

(B) The Authority may, in its discretion, waive any portion of this Chapter, or any standards, rules or regulations adopted hereunder to accommodate non-aviation-related activities and developments on airport lands.

~~(A) The rates and charges for any and all activities and services of operators shall be determined by the operators, subject to the approval of the City Council, and subject, further, to the requirement that all rates or charges shall be reasonable and be equally and fairly applied to all users of the services.~~

~~(B) All fixed base operators shall at their own expense pay all taxes and assessments against any buildings or other structures placed on the premises by them as well as all taxes and assessments against the personal property used by them in their operations.~~

Section 4. Section 110.04 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.04 USE OF AIRPORT ~~UTILITY AND SERVICE CHARGES.~~

(A) No person shall conduct operations at the airport, use the airport as a base for conduct of business or otherwise provide services or goods to any person at the airport without first obtaining written approval from the Authority or its designee. Approval may include, but is not limited to, a permit, license, contract or lease.

(B) Any approval is subject to the right of the Authority to grant similar privileges to other persons when in its sole discretion the Authority deems the same to be non-discriminatory and in the public interest.

(C) No person shall conduct operations or otherwise use the Airport except in full compliance with this Chapter and the standards, rules and regulations adopted hereunder, and any applicable federal, state or local laws, rules and regulations.

(D) All FBO’s and Authorized Operators shall, at all times, conduct, operate and maintain their operations for the benefit of the public, the FBO and Authorized Operator. All products and services shall be made available to the public. Any charges to patrons and customers shall not be excessive or otherwise unreasonable. No person shall be discriminated against on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status or any other status protected by law.

~~All operators shall provide and pay for all lights, gas, electrical current, water, sewer charges and garbage collection charges used or incurred anywhere in or about the leased premises and shall~~

~~pay the charges made therefor by the suppliers thereof promptly when due.~~

Section 5. Section 110.05 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.05 ADOPTION OF STANDARDS, RULES AND REGULATIONS ~~OPERATOR REQUIREMENTS.~~

(A) The Authority may adopt such minimum standards, rules and regulations as it deems reasonable and necessary to govern use and operation of the Airport. Such standards, rules and regulations may include, but are not limited to:

(1) Facilities use contracts, leases or other binding agreements to be entered into by the Authority and governing operations and use of the Airport, including limitations on the number or type of such agreements. Any such agreement shall such terms as necessary and be subordinate to any existing or future agreement between the City and the United States as required to obtain or expend federal funds;

(2) Fees, use or lease rates and other compensation due to the City;

(3) Indemnification and insurance requirements. Unless waived pursuant to this Chapter, required liability insurance shall be for amounts not less than those specified in the Oregon Tort Claims Act and shall name the City, Authority, its officers, employees and agents as additional insured;

(4) Requirements and qualifications to obtain and maintain approval to be a Fixed Based Operator, Operator, tenant or to otherwise use the Airport. This includes establishing FBO and Authorized Operator categories authorizing and governing specific operations and services;

(5) Minimum facility standards to be provided by operators and users;

(6) Design and construction standards, which at a minimum, shall comply with any applicable FAA standards and the Airport Layout Plan or other plans adopted by the Authority;

(7) Regulation and approval of the rates or charges for activities and services which shall be reasonable and uniformly applied to users of such activities or services;

(8) Provisions for obtaining Authority approval of any assignment, sublease, transfer, or assumption of any agreement, change in business form or conveyance of any interest;

(9) Provisions governing security, access, use, maintenance and repair of airport property and airport facilities, including common areas.

~~All operators at the airport shall be full-time, financially sound and progressive business enterprises, with adequately manned and equipped facilities, including ample office facilities, and who observe normal or specifically required business hours.~~

Section 6. Section 110.06 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.06 RATES, CHARGES, TAXES AND ASSESSMENTS ~~LAWS, ORDINANCES AND REGULATIONS.~~

(A) The rates and charges for any and all activities and services shall be determined by the FBO’s and Authorized Operators, subject to the Authority, and subject, further, to the requirement that all rates or charges shall be reasonable and be equally and fairly applied to all users of the services.

(B) All FBO’s, Authorized Operators shall, at their own expense, pay all taxes and assessments against any buildings or other structures placed on the premises by them as well as all taxes and assessments against the personal property used by them in their operations.

~~All operators shall abide by and comply with all state, county and city laws and ordinances, the rules and regulations of the city and the rules and regulations of the State and Federal Aviation Administration.~~

Section 7. Section 110.07 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.07 UTILITY AND SERVICE CHARGES. ~~SUBORDINATED PROVISIONS.~~

Unless agreed otherwise, all persons pay for all lights, gas, electrical current, water, sewer charges and garbage collection charges used or incurred anywhere in or about the leased premises promptly when due.

~~All contracts and leases between operators and the city shall be subordinate to the provisions of any existing or future agreement between the city and the United States, relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport properties.~~

Section 8. Section 110.08 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.08 OPERATOR REQUIREMENTS. ~~SUBLEASES AND SUBLETS PROHIBITED.~~

(A) All FBO’s shall be full-time, financially sound business enterprises, with adequately manned and equipped facilities, including office facilities, and shall observe normal or specifically required business hours.

(B) All operators shall maintain accurate records of its operations and shall make such records available to the Authority for inspection to evaluate compliance the provisions governing the operator.

(C) Fixed base operators and employees shall hold required current valid certificates, permits, licenses or approvals required by any governmental body, including the FAA, and including any required air taxi permits and public utility commission certificates, and shall not utilize any pilot in any aircraft to be flown that does not have all current and valid licenses or permits.

~~(A) No fixed base operator shall sublease or sublet any premises leased by the operator from the city, or assign any lease without the prior written approval of the City Council; and any subletting or assignment shall be subject to all of the minimum standards herein set forth.~~

~~(B) In the event the lessee sublets any portion of his lease, the sublease must agree to assume the full obligations of the lease as set out herein and must agree to fully cooperate with the city in seeing that these standards are complied with. The sublease shall immediately comply with any reasonable request or direction of the city as it relates to the enforcement of these standards.~~

Section 9. Section 110.09 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.09 LAWS, ORDINANCES AND REGULATIONS. ~~RIGHTS IN COMMON.~~

All persons shall abide by and comply with all state, county and City laws and ordinances, the rules and regulations of the Authority, and the rules and regulations of the State and Federal Aviation Administration.

~~Fixed base operators shall have the right, in common with others authorized so to do, to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the takeoff, flying and landing of aircraft of lessee.~~

Section 10. Section 110.10 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.10 SUBORDINATE PROVISIONS. ~~PUBLIC BENEFITS.~~

All licenses, agreements and leases between FBO’s or Athorized Operators and the Authority shall be subordinate to the provisions of any existing or future agreement between the Authority or City and the United States or State of Oregon, relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal or State funds for the development or operation of the airport properties.

~~(A) Lessees will, at all times during the continuance of the term of the lease and any renewal or extension thereof, conduct, operate and maintain for the benefit of the public the fixed base operation provided for and described therein, and all aspects and parts and services thereof as defined and set forth, and will make all services available to the public and that they will devote their best efforts for the accomplishment of the purposes, and that they will at all times make charges to patrons and customers for all merchandise or materials and services furnished or~~

~~rendered, but that they will refrain from imposing or levying excessive or otherwise unreasonable charges or fees for any facilities or services.~~

~~(B) Notwithstanding anything contained in a lease that may be or appear to the contrary, it is expressly understood and agreed that the rights granted thereunder are nonexclusive, and the lessor reserves the right to grant similar privileges to another operator or operators on other parts of the airport when, in its sole discretion the City Council feels a need exists.~~

Section 11. Section 110.11 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.11 SUBLEASES AND SUBLETS PROHIBITED. ~~HAZARDOUS CONDITIONS.~~

(A) No person shall sublease or sublet any premises leased by the person or assign any lease without the prior written approval of the Authority; and any subletting or assignment shall be subject to all of the minimum standards established by the Authority.

(B) In the event the lessee sublets any portion of a lease, the sublease must agree to assume the full obligations of the lease and must agree to fully cooperate with the Authority in prompt compliance with all applicable laws, rules, regulations or standards.

(C) Unless otherwise approved by the Authority, the lessee and sublessee shall be jointly and severally responsible for compliance.

~~The city reserves the right to take any actions it considers necessary to protect the aerial approaches to the airport against obstructions, together with the right to prevent any fixed base operator from erecting, or permitting to be erected, any building, sign or other structure on the airport which, in the opinion of the city, would limit the usefulness of the airport or constitute a hazard to aircraft.~~

Section 12. Section 110.12 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.12 RIGHTS IN COMMON. ~~MAINTENANCE OF PREMISES.~~

FBO’s and Authorized Operators shall have the right, in common with others authorized so to do, to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the takeoff, flying and landing of aircraft to the extent authorized by the Authority.

~~The lessee shall remove from the airport, or otherwise dispose of in a manner approved by the City Manager, all garbage, debris and other waste material (whether solid or liquid) arising out of its occupancy of the premises or out of its operations. The lessee shall keep and maintain his leased premises in a neat and orderly manner; lessee shall keep the grass cut and the buildings painted. Any garbage debris waste which may be temporarily stored in the open shall be kept in suitable garbage or waste receptacles, the same to be made of metal and equipped with tight-~~

~~fitting covers and to be of a design safely and properly to contain whatever may be placed therein and all in accordance with city ordinances. The lessee shall use extreme care when effecting removal of all waste.~~

Section 13. Section 110.13 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.13 PUBLIC BENEFITS. ~~FUTURE DEVELOPMENTS.~~

(A) FBO’s and Authorized Operators shall, at all times, conduct, operate and maintain for the benefit of the public, the fixed base or authorized operation and parts and services thereof, will make all such services available to the public, will devote their best efforts for the accomplishment of such purposes, and will at all times make charges to patrons and customers for all merchandise or materials and services furnished or rendered, but will refrain from imposing or levying excessive or otherwise unreasonable charges or fees for any facilities or services.

(B) Notwithstanding anything contained in a lease, contract or grant of authority, that may be or appear to the contrary, it is expressly understood and agreed that the rights granted thereunder are nonexclusive, and the Authority reserves the right to grant similar privileges to another operator or operators on other parts of the airport when, in its sole discretion the Authority deems it appropriate.

~~The City Council reserves the right to further develop or improve all areas of the airport as it sees fit, regardless of the desires or views of any fixed base operators, and without interference or hindrance from any fixed base operators.~~

Section 14. Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended by adding Section 110.14 to read:

110.14 HAZARDOUS CONDITIONS.

The Authority is authorized to take any actions it considers necessary to protect the aerial approaches to the airport against obstructions, together with the right to prevent any fixed base operator from erecting, or permitting to be erected, any building, sign or other structure on the airport which, in the opinion of the Authority, would limit the usefulness of the airport or constitute a hazard.

Section 15. Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended by adding Section 110.15 to read:

110.15 FUTURE DEVELOPMENTS.

The Authority is authorized to further develop or improve all areas of the airport as it deems appropriate, without interference or hindrance from any operators.

Section 16. Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended by adding Section 110.16 to read:

110.16 REVOCATION OF APPROVAL OR AGREEMENT.

The Authority shall have the right to suspend, revoke or terminate any authorization, agreement or lease for violation of this Chapter, the standards, rules and regulations adopted hereunder, or the terms of any authorization, approval or agreement, and further including terms of the license or lease:

- (A) Filing a petition of voluntary or involuntary bankruptcy by the operator;
- (B) The making by the operator or lessee of any general assignment for the benefit of creditors;
- (C) The abandonment or discontinuance of any permitted operation at the airport or the failure to conduct any service, operation or activity which the person has agreed to provide. Discontinuance for a period of 10 days without prior approval of the Authority, may be deemed an abandonment of the authority to continue service, operation or activity;
- (D) The failure to promptly pay, when due, all rents, charges, fees or other payments;
- (E) The failure to remedy any default, breach or violation of this Chapter and the standards, rules and regulations adopted hereunder, or the terms of an approval, authorization or agreement within 30 days after notice from the Authority. In the case of a default, breach or violation giving rise to an immediate risk of harm to public health or safety or property damage, the notice may require immediate compliance or in such period as the Authority deems appropriate;
- (F) Violation of or failures to maintain current all required approvals and licenses, including FAA licenses;
- (G) Supplying the Authority with materially false or misleading information, including a material omission; and
- (H) Operating or allowing any employee or agent to operate an aircraft or equipment in a dangerous or hazardous manner which may endanger the public in any manner.

Section 17. Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended by adding Section 110.17 to read:

110.17 RIGHT OF INSPECTION.

Any approval, authorization or agreement granted under this Chapter is conditioned on the operator consenting to the Authority inspecting, during reasonable hours, all aircraft, structures, premises, facilities and improvements on the airport. Absent exigent circumstances, the Authority shall provide notice and opportunity for the operator to be present.

Section 18. Chapter 110 “Airport Commercial Business” of the Hermiston Municipal

Code is amended by adding Section 110.18 to read:

110.18 ENFORCEMENT.

The Authority shall have, to the fullest extent permitted by law, the authority to enforce the terms of this Chapter, any standards, rules and regulations adopted thereunder, and any approvals, agreements or leases entered into by the Authority. This includes, but is not limited to, revocation of leases or authorizations, injunctive relief, damages and enforcement proceedings.

Section 19. Section 110.20 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~FIXED BASE OPERATION~~

~~110.20 FIXED BASE OPERATIONS.~~

~~(A) A Fixed Base Operator is defined as any person, firm or corporation performing any of the functions or furnishing any of the services as hereinafter set out for fixed base operators at the Hermiston Municipal Airport. No person, firm or corporation shall engage in any commercial activity as a fixed base operator as herein defined unless the same is done in full compliance with the standards, rules and regulations herein set forth.~~

~~(B) All activities, operations or services provided on the airport property for compensation shall be considered commercial and shall meet the standards as set forth in this section.~~

~~(C) Only fixed base operators shall conduct a commercial activity on the airport. The following sections have been set forth as possible services.~~

Section 20. Section 110.21 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.21 PRIMARY SERVICES.~~

~~(A) The sales, rental and leasing of aircraft, accessories and supplies.~~

~~(B) Flight training, ground school (instruction) and related operations.~~

~~(C) Charter and/or air taxi service.~~

~~(D) Maintenance activities to include repair, overhaul, rebuilding and modification of aircraft, engines and accessories.~~

~~(E) Line services to include aviation fuel and oil sales and other miscellaneous service activities.~~

~~(F) Provide hangar facilities and non-public tie down areas.~~

Section 21. Section 110.22 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.22 SPECIALTY SERVICES.~~

- ~~(A) Aerial photography.~~
- ~~(B) Air ambulance service.~~
- ~~(C) Agni-chemical spraying.~~
- ~~(D) Radio and/or instrument repair.~~
- ~~(E) Propeller and/or avionics shop.~~
- ~~(F) Other specialty services not listed.~~

Section 22. Section 110.23 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.23 APPLICATION FOR OPERATOR RIGHTS.~~

~~An applicant desiring a lease or license to provide a commercial service at the airport shall submit a written application to the City Council containing all the pertinent information as set forth in Appendix (A), attached to Ordinance 1034, titled "Application for Fixed Base Operator," six months prior to the desired occupancy date. The Council within 90 days shall arrive at some contract agreement or reject the application.~~

- ~~(A) Special provisions.~~
 - ~~(1) The Council may grant licenses for special services.~~
 - ~~(2) Land areas and/or facilities used or needed shall be by lease or license only and shall not be transferable unless authorized in writing by the Council.~~
 - ~~(3) All proposals for fixed base operations shall include a sufficient land lease area to accommodate the required services and to provide for suitable buildings in which to conduct proposed activities.~~
 - ~~(4) All buildings or structures used by fixed base operators are considered "public buildings" and shall comply with state and local laws and codes and regulations pertaining to their construction.~~
 - ~~(5) An applicant shall specify each and every activity, operation or service to be provided as listed in §§ 110.21 and 110.22; and he shall conduct only those activities, operations or services~~

~~for which he qualifies and which are specified in his lease and/or license.~~

~~(B) — The intent of the city in granting a lease or license is that no fixed base operator shall have any preferential advantage over another fixed base operator, and that the true variable of success shall be good and sound business practice.~~

Section 23. Section 110.24 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

110.24 ~~CONSTRUCTION COST.~~

~~When, and in the manner as authorized by the City Council, a fixed base operator shall at his own expense provide, construct, install, equip and maintain all utilities, buildings, structures, ramps, tie downs and other facilities and improvements used for his own business. The city may at its discretion provide assistance for the development of the operational area and also lease any existing city-owned structures as it sees fit.~~

Section 24. Section 110.25 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

110.25 ~~CONDUCT OF BUSINESS.~~

~~Each fixed base operator shall, upon being authorized by the Council, complete the structures, facilities and/or improvements necessary for his operation or activity within a time limit as included and set forth in his lease or license.~~

Section 25. Section 110.26 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is omitted and reserved:

110.26 RESERVED. ~~APPROVAL OF CITY COUNCIL.~~

~~Applicant shall satisfy the City Council of his ability to perform the services to be provided in the application and shall be stipulated in the lease or license.~~

Section 26. Section 110.27 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

110.27 ~~LIABILITY INSURANCE.~~

~~(A) — The fixed base operator shall secure minimum public liability insurance coverage from an acceptable insurance company as follows:~~

~~(1) — Bodily injury: \$250,000 each person or \$500,000 each occurrence~~

~~(2) — Property damage: \$200,000 each occurrence~~

~~(B) The insurance coverage shall name the city as a co-insured with the fixed base operator. The policy or policies shall be maintained in full force and effect during all terms of existing leases, contracts or agreements and renewals or extensions of same. A copy of the policy shall be delivered to the Finance Director/Recorder. Each policy shall contain a provision that the policy may not be canceled without at least ten days prior notice in writing to the City Manager.~~

Section 27. Section 110.28 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.28 FIRE AND DAMAGE INSURANCE.~~

~~At all times during the term of a lease, lessor shall insure, at lessor’s own cost or expense, all hangars and structures on the leased ground against any loss or damage by fire, windstorm, hail, explosion or smoke with a responsible insurance company which is acceptable to the City Council.~~

Section 28. Section 110.29 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.29 RECORDS AND BOOKS OF ACCOUNTS.~~

~~Lessee shall keep accurate records and book of accounts on the operation of its facility, and the records and books shall be open to examination by the City Council or its authorized representative.~~

Section 29. Section 110.30 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.30 REPAIR AND MAINTENANCE.~~

~~The leased area facilities and structures shall be kept in an acceptable state of repair and maintained at all times. Lessor shall be responsible for the structural supports and exterior walls of the facilities which are owned by the city; lessee shall be responsible for all else.~~

Section 30. Section 110.31 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.31 REVOCATION OF LEASE OR LICENSE.~~

~~The Council in its discretion shall have the right to terminate any lease, license or agreement authorizing the fixed base operator to conduct any service or activity and to revoke a lease on any land or facility upon the airport for any cause or reason provided by these rules or by law, and in addition, upon the happening of one or more of the following:~~

~~(A) Filing a petition of voluntary or involuntary bankruptcy by the operator;~~

~~(B) — The making by the fixed base operator of any general assignment for the benefit of creditors;~~

~~(C) — The abandonment or discontinuance of any permitted operation at the airport by the fixed base operator or the failure to conduct any service, operation or activity which the lessee or licensee has agreed to provide under the terms of his contract. If this condition exists for a period of ten days without prior approval of the Council, it will constitute an abandonment of the land or facilities and the lease and/or license shall become null and void;~~

~~(D) — The failure of the fixed base operator to promptly pay to the city, when due, all rents, charges, fees or other payments which are payable to the city in accordance with applicable leases or licenses;~~

~~(E) — The failure of the fixed base operator to remedy any default or breach or violation of these rules and regulations by him or his employees within 30 days after notice from the City Manager;~~

~~(F) — Violates any of these rules and regulations or fails to maintain current FAA licenses required for his operation;~~

~~(G) — Supplies the city with false or misleading information or misrepresents any material facts on his application or documents, or in statements to or before the Council, or fails to make full disclosure on his financial statement or other required documents; and~~

~~(H) — Operates or allows any employee to operate an aircraft or equipment in a dangerous or hazardous manner which may endanger the public in any manner.~~

Section 31. Section 110.32 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

110.32 CERTIFICATES.

~~Fixed base operators and/or employees shall be competent and shall hold all current valid certificates, permits, licenses or other authorities required by the CAB and the FAA, including any required air taxi permits and public utility commission certificates, and shall not utilize any pilot in any aircraft operations who does not hold valid and current certificates from CAB and FAA, nor shall they allow any aircraft to be flown which does not have a current and valid license and permit.~~

Section 32. Section 110.33 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

110.33 COMPLAINTS IN WRITING.

~~All complaints against any fixed base operator or his employees for violation of these rules and regulations shall be in writing and signed by the complainant and filed with the Finance~~

Director/Recorder.

Section 33. Section 110.34 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is repealed.

~~110.34 RIGHTS OF INSPECTIONS.~~

~~To the extent necessary to protect the rights and interests of the city or to investigate the terms of these rules and regulations, the City Manager or his authorized representative shall have the right to inspect, during reasonable hours, all aircraft, structures, premises, facilities and improvements on the airport, preferably in the presence of the lessee or owner.~~

Section 34. Section 110.99 of Chapter 110 “Airport Commercial Business” of the Hermiston Municipal Code is amended to read:

110.99 PENALTY.

Any person who violates a provision of this Chapter ~~chapter~~ commits a Class B violation.

Section 35. Effective date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 9th day of August 2021.

SIGNED by the Mayor this 9th day of August 2021.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC City Recorder