

ORDINANCE NUMBER 721

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AMENDING COTTONWOOD MUNICIPAL AIRPORT RATES, CHARGES AND FEES.

WHEREAS, the City has performed a detailed study and prepared written reports that evaluate and estimate the costs related to the operations of the City's municipal airport; and

WHEREAS, the reports, projections and estimates described above have been made available to the public by filing copies thereof with the City Clerk and by posting them on the City's website; and

WHEREAS, a Notice of Intent to adopt new fees as described above, including the date, time and place of the public hearings noted below was timely published in the *Verde Independent* in the form and manner required by Arizona Revised Statutes Section 9-499.15; and

WHEREAS, the Council finds that the fees set forth in the Cottonwood Municipal Airport Rates, Charges, and Fees Schedule are reasonable, necessary and appropriate.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, AS FOLLOWS:

Section 1. That the Cottonwood Municipal Airport Rates, Charges & Fees Schedule attached to this ordinance as Exhibit "A" is hereby adopted.

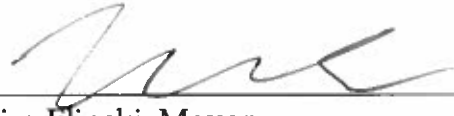
Section 2. The effective date of this ordinance is November 1, 2022.

Section 3. Severability: That if any section, subsection, sentence, clause, phrase or portion of this ordinance adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR OF THE CITY OF COTTONWOOD, YAVAPAI COUNTY, ARIZONA, THIS 20TH DAY OF SEPTEMBER 2022.

ORDINANCE NUMBER 721

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Tim Elinski, Mayor

APPROVED AS TO FORM:



Steven B. Horton, Esq.
City Attorney

ATTEST:



Marianne Jiménez, City Clerk

Exhibit A to Ordinance Number 721
COTTONWOOD MUNICIPAL AIRPORT
Rates, Charges & Fees
Effective: November 1, 2022

AIRPORT GROUND & FACILITY LEASE RATES

Ground Lease Rate	Bare ground for development		Per Individual Lease
Facility Lease Rate	Existing city-owned facility		Per Individual Lease

AIRPORT GROUND LEASE RATES

Unimproved Ground Lease Rate	Per Acre, Per Year	\$	125.00
Improved Ground Lease Rate	Per Square foot, Per Month	\$	0.01

FIXED BASE OPERATORS (FBO) & SELF-FUELING PERMITTEES (Non-FBO)

Ground & Facility Rent (FBO):			
Ground Rent			Per Individual Lease
Facility Rent			Per Individual Lease
Operational Fees (FBO):			
Percentage of Gross Receipts	Annual Report and payment shall be due by April 15th		1.5%
Transient Overnight Parking Fees	(% of Collections)		50%
Fuel Flowage Fees	Cost per gallon	\$	0.10
Fuel Permit Administration fee	Annual Inspection & Permit fee	\$	250.00
Operational Fees (Non-FBO):			
Fuel Flowage Fees	Cost per gallon	\$	0.10
Fuel Permit Administration Fee	Annual Inspection & Permit fee	\$	100.00

SPECIALIZED AVIATION SERVICE ORGANIZATION (SASO)

Lease Based Fees	Per application		to be negotiated
Outside Consultant Fees	Per application		to be negotiated
Application Fee	Per application	\$	100
Revenue Fee	Annual Report and payment shall be due by April 15th		Percentage of Revenue
<i>Any specialized flying service as defined in MOS Section 7.11</i>			
Based Maintenance and Repair	(% of Gross Revenue)		2.50%
Mobile Maintenance and Repair	(per Aircraft per repair)	\$	25.00
Aircraft Rental	(% of Gross Revenue)		2.50%
Aircraft Leasing & Storage	(% of Gross Revenue)		2.50%
Aircraft Washing & Detailing	(per Aircraft per wash/detail)	\$	25.00
Aircraft Sales	(% of Gross Revenue)		2.50%
Aircraft Parts & Sales	(% of Gross Revenue)		1.00%
Aircraft Management Services	(% of Gross Revenue)		2.50%
Aircraft Charter Brokerage Services	(% of Gross Revenue)		2.50%
Aerial Photography	(% of Gross Revenue)		2.50%
Aerial Banner Towing	(per day)	\$	75.00
Flight Training Services	(includes non-profit flight training services)(% of Gross Revenue)		2.50%
Skydiving	(% of Gross Revenue)		2.50%

NON-TENANT COMMERCIAL OPERATORS (NICO)

Application Fee	Per application	\$	100.00
Outside Consultant Fees	Per application	\$	-

ADMINISTRATIVE FEES

Non-Aeronautical Parking Permit	(per vehicle/per quarter)	\$	90.00
Airport Access Card & Parking Sticker	(per card/sticker)	\$	25.00
City N-Hangar Wait List	(per aircraft)	\$	50.00
City Covered Tie-down Wait List	(per aircraft)	\$	50.00
Transient Parking - Single Engine	(per night)	\$	10.00
Transient Parking - Twin Engine	(per night)	\$	15.00
Transient Parking - Turbine/Jet Aircraft	(per night)	\$	25.00
Transient Parking - Helicopter - single rotor	(per night)	\$	15.00
Transient Parking - Helicopter - twin rotor	(per night)	\$	25.00
Transient Parking - Non-Aeronautical	(per night/per vehicle or equipment)	\$	25.00
Transient Overnight Storage - B Hangar	(per night/per aircraft - piston SE/ME)	\$	25.00
Transient Overnight Storage - B Hangar	(per night/per aircraft - Turbine)	\$	50.00
Transient Overnight Storage - B Hangar	(per night/per aircraft - Helicopter)	\$	25.00
Open Tie Down	(per Quarter)	\$	150.00
Covered Tie Down	(per Quarter)	\$	300.00
N' Hangar units 1, 2, 3, 4, 5, 7, 8, 9	(per Quarter per) (annual lease rate per Lease Exhibit E)	\$	973.92
N' Hangar units 6 & 10	(per Quarter per) (annual lease rate per Lease Exhibit E)	\$	1,066.73
Signage (W 30' x L 30')	(per year)	\$	240.00
Runway/Taxiway Incursion Fine	(per incident, per person - at Airport Manager's discretion)	\$	1,000.00
Document Transaction Fee	(per request - Airport Manager level)	\$	50.00
Document Transaction Fee	(per request - City Manager level)	\$	150.00
Document Transaction Fee	(per request - City Council level)	\$	300.00

All rates, charges, and fees are subject to applicable tax.

Cottonwood Municipal Airport
Rates, Charges, and Fees Description
Effective: November 1, 2022

GROUND & FACILITY LEASE RATES

- (1) **Airport Ground Lease Rate**. Cost per square foot to lease unimproved ground for development. This rate will be fair market value at the time of lease initiation and subject to applicable escalation and consumer price index (CPI) adjustments.
- (2) **Airport Facility Lease Rate**. Cost per square foot to lease existing building and infrastructure. This rate will be fair market value at the time of lease initiation and subject to applicable escalation and consumer price index (CPI) adjustments.
- (3) **Airpark Ground Lease Rate – Unimproved Ground**. Cost per acre per year to lease unimproved ground for development consistent with the terms and conditions of the 1983 Master Ground Lease.
- (4) **Airpark Ground Lease Rate – Improved Ground**. Cost per square foot per month for airport land leased supporting developed land consistent with the terms and conditions of the 1983 Master Ground Lease.

FIXED BASE OPERATORS (FBO) & SELF-FUELING OPERATORS (Non-FBO)

A. Ground & Facility Rent (FBO):

- (1) **Ground Rent**. Rent paid per square foot for the leasing of bare land for aeronautical development per the terms and conditions of a lease agreement with the City.
- (2) **Facility Rent**. Rent paid per square foot for the leasing of city facilities per the terms and conditions of a lease agreement with the City.

B. Operational Fees (FBO):

- (1) **Percentage of Gross Receipts**. The FBO will remit a percentage of gross receipts received each month to the City per the terms and conditions of the approved FBO Agreement.
- (2) **Overnight Transient Parking Fees**. The FBO will remit a percentage of transient overnight parking fees collected each month to the City per the terms and conditions of the approved FBO Agreement.
- (3) **Fuel Flowage Fee**. Fee assessed per gallon of aviation fuel sold by the FBO each month per the terms and conditions of the approved FBO Agreement.

- (4) **Fuel Permit Administration Fee.** An initial and/or annual permit fee for the administration of the fuel permit documentation and inspection of aviation fuel facility/vehicles/equipment by Airport and Fire Marshal staff.

C. Operational Fees (Non-FBO):

- (1) **Fuel Flowage Fee.** Fee assessed per gallon of fuel delivered into a permittee's aircraft each quarter per the terms and conditions of the Fuel Storage Permit. Non-FBO indicates an individual or organization issued a Fuel Storage Permit by the Airport for non-retail fuel delivery to an individual permit holders' aircraft.
- (2) **Fuel Permit Administration Fee.** An initial and/or annual permit fee for the administration of the self-fuel permit documentation and inspection of aviation fuel facility/vehicles/equipment by Airport and Fire Marshal staff.

SPECIALIZED AVIATION SERVICE ORGANIZATION (SASO)

Any Person, who desires to conduct a Commercial Activity on the Airport (within the fence area and/or conduct a through the fence operation), shall submit a written proposal/application to the Airport Manager and receive a lease, license, permit, and/or agreement with or from the City authorizing such conduct prior to conducting such activities.

- a. **Lease based fees:** This fee shall be based on the space/facility leased by the operator and will be dependent on a negotiated lease. Non-tenant commercial operators (NCO) shall not be obligated to pay this fee.
- b. **Outside Consultant Fees:** The Operator shall reimburse the City for any costs associate with the review, approval or processing of the Operator's permit, plans, lease, license, etc. Fees may include, but shall not be limited to attorney's fees, engineering fees, appraisals, Airport Planners fees, etc. The applicant shall have the right to review the consultants cost estimate prior to the work beginning.
- c. **Application Fee:** The applicant shall pay a fee of \$100 for the processing of the application which shall be due at the time of the application.
- d. **Revenue Fee:** All operators shall submit an annual report to the City of Cottonwood detailing all the revenue and revenue generating activity at the Cottonwood airport. The operator shall be obligated to pay a percentage of the revenue generated at the airport to the City based on Commercial Minimum Operating Standards Table 2.1. The annual report and payment shall be due by April 15th of the following calendar year.

NON-TENANT COMMERCIAL OPERATOR (NCO)

A Non-Tenant Commercial Operator (NCO) is an individual or entity who is not a Tenant, but who conducts a Commercial Activity on the Airport. The term Non-Tenant Commercial Operator includes, but is not limited to, rental car concessionaires, mobile certified mechanics, independent flight

instructors, aircraft detailers, mobile oil recyclers, mobile caterers, and others who perform commercial operations without permanent facilities on the Airport.

A Non-Tenant Commercial Operator does not include any commercial transport provider engaged in providing goods, commodities, or services to the Airport, any Federal, State, or Local Government agency operating at the Airport, or any FBO.

All Non-Tenant Commercial Operators shall obtain, prior to conducting any commercial activity on the Airport, a Commercial Operating Permit authorizing the conduct of such Commercial Activity.

- a. **Application Fee:** The applicant shall pay a fee of \$100 for the processing of the application which shall be due at the time of the application.
- b. **Outside Consultant Fees:** The Operator shall reimburse the City for any costs associated with the review, approval or processing of the Operator's permit, plans, lease, license, etc. Fees may include, but shall not be limited to attorney's fees, engineering fees, appraisals, Airport Planners fees, etc. The applicant shall have the right to review the consultants cost estimate prior to the work beginning.

ADMINISTRATION FEES

- A. **Non-Aeronautical Parking Permit.** Fee assessed to allow the storage of vehicles, trailers, and other authorized items on the airport. Permittee agrees to pay rent quarterly for the agreed upon designated parking space. In addition, Permittee shall pay a deposit equal to one quarter's rent plus rental tax prior to occupying any parking space.
- B. **Airport Access Card & Parking Sticker.** An electronic card key to the gate will be issued to owners/pilots of aircraft based at the Airport. Card keys will also be issued to emergency service providers, airport businesses and others with a need to access the airport as determined by the Airport Manager. This fee is per card/sticker issued.
- C. **City Hangar and Covered Tiedown Wait Lists.** Deposit(s) required to be placed on one or both wait lists for the city-operated N Hangar and covered tiedowns.
- D. **Transient Overnight Parking Fees.** Fee charged for transient aircraft parking overnight on the transient ramp, transient tiedowns or other approved location. The first night's parking may be waived at the discretion of the airport or FBO with the purchase of aviation fuel.
- E. **Transient Overnight Parking Fees – Non-Aeronautical.** Fee charged for transient overnight parking overnight on the airport of vehicles and equipment associated with the operation of an aircraft or helicopter. Typically, this fee is intended for aviation-use operators such as those supporting aerial firefighting operations or other uses requiring parking large support vehicles and equipment on the airport. This fee is not intended for cars and small trucks.
- F. **Transient Overnight Storage – B Hangar.** Fee charged for transient aircraft overnight storage in the city-operated B Hangar. This fee will not apply if the B Hangar is leased to the FBO who may charge their own rate.

- G. **Open Tiedowns**. Rent charged per quarter for storage of an aircraft on a city-operated open tie down. Aircraft with wingspans exceeding normal open tie-down dimensions must rent two or more spaces to accommodate aircraft size.
- H. **Covered Tiedowns**. Rent charged per quarter for storage of an aircraft on a city-operated covered tie down.
- I. **City T-Hangar**. Cost per quarter to rent a City-operated N-Hangar unit per the annual lease rate in Lease Exhibit E.
- J. **Signage**. Cost per year for company sign on airport-provided monument signs.
- K. **Runway/Taxiway Incursion Fine**. Potential fine assessed when a vehicle or pedestrian enters the movement area, as described in FAA airport design standards and the Airport Operations Manual, without permission from the Airport Manager. *Note: this does not apply to aircraft.*

The Airport has implemented a vehicle access control program and this policy is intended to reinforce the need for tenants to prevent unauthorized individuals access onto the airport, to limit access to the movement area (runway/taxiway) by vehicles and pedestrians, and establish consequences for noncompliance. The issuance of this fine, to include the amount ultimately issued, is at the sole discretion of the Airport Manager.

- L. **Document Transaction Fee**. A fee shall be paid to City in advance for "Tenant-initiated" and/or public requested drafting and/or processing of including, but not limited to, each Amendment, Assignment, Approval of Sublease, Extension of Terms, Option to Lease, or other modifications of month-to-month or long-term leases or research of public documents. This processing fee shall be deemed earned by City when paid and shall not be refundable. Fee is construed as reimbursement of administrative costs pursuant to transaction or research and determined by level of authority needed to execute (Airport Manager, City Manager, or City Council). City initiated documents are exempted.

All rates, charges, and fees are subject to the applicable city tax.