

METROPOLITAN AIRPORTS COMMISSION

ORDINANCE NO. 60

An Ordinance regulating the use by aircraft of the public runways, taxiways, aprons and other public facilities at airports owned in whole or in part by and under the supervision and control of the Minneapolis/Saint Paul Metropolitan Airports Commission, specifically applying to aircraft other than aircraft of Scheduled Air Carrier, Freight Carrier and Military aircraft, which, through agreements with the Commission, pay fees to the Commission for their use of such public runways, taxiways, aprons and public facilities; restricting the dispensing of gasoline for use in affected aircraft to designated gasoline dispensers; prescribing, as a fee for such use, a charge upon gasoline dispensed for use in affected aircraft, and imposing the obligation upon those dispensing aircraft gasoline at Commission airports to collect such charge and to pay the same over to the Commission; and providing penalties for violation thereof.

WHEREAS, in addition to Scheduled Air Carrier and Freight Carrier aircraft and Military aircraft, for which fees are paid to the Commission for use of the public runways, taxiways, aprons and other public facilities through use fee agreements with the Commission, General Aviation aircraft likewise make use of such public runways, taxiways, aprons and public facilities at Commission airports, but without payment of fees therefor commensurate with such use;

WHEREAS, because of the character of use by such General Aviation aircraft including without limitation the transient character and irregularity of use, and, in the case of student aircraft, because of the frequency of use through practice landings and takeoffs, use by General Aviation aircraft does not lend itself to charge for such use by the Commission on a basis similar to that applied to the Scheduled Air Carrier, Freight Carrier and to Military Aircraft;

WHEREAS, equity requires that such General Aviation users pay their fair share of the cost of development, maintenance and operation of such public runways, taxiways, aprons and public facilities; and Commission deems that the dispensing of aircraft gasoline for use in aircraft of such General Aviation users is the best measure of the use by such aircraft of the aforesaid public runways, taxiways, aprons and public facilities, and that a charge of three cents per gallon on aircraft gasoline dispensed for use in such aircraft at Minneapolis/Saint Paul International Airport - Wold-Chamberlain Field and a charge of two cents per gallon on aircraft gasoline dispensed for use in such aircraft at all other Commission airports represents an equitable allocation of the charge to each such user for use of the public runways, taxiways, aprons and public facilities at said airport.

NOW, THEREFORE, The Metropolitan Airports Commission does ordain:

Section 1. DEFINITION - The following words and phrases when used in this Ordinance shall have the meanings respectively ascribed to them in this section:

1.1 AIRPORTS - All public Airports owned in whole or in part by and under the supervision and control of the Metropolitan Airports Commission, presently including Minneapolis/Saint Paul International Airport - Wold-Chamberlain Field and Flying Cloud Field and Crystal Airport, all being

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in Hennepin County, St. Paul Downtown Airport - Holman Field in Ramsey County, Anoka County Airport in Anoka County, Lake Elmo Airport in Washington County and Airlake Airport in Dakota County.

1.2 COMMISSION - The Metropolitan Airports Commission, a public corporation and agency of the State of Minnesota. Reports and payments to the Commission hereunder shall be to the Executive Director at the Commission's executive offices.

1.3 GASOLINE - Aviation Gasoline and any other fuel now or hereafter used in the propulsion of aircraft, but not including gasoline dispensed to or for the propulsion of automobiles, trucks and other ground vehicles.

1.4 GASOLINE DISPENSER or DISPENSER - Any person, persons, partnership, association, corporation or other legal entity having the right through agreement with the Commission to maintain and operate on Commission airports and/or to sell or otherwise dispense or put through gasoline for use in aircraft.

1.5 GENERAL AVIATION USERS or GENERAL AVIATION - All persons, partnerships, associations, corporations or other legal entities making use of aircraft or keeping aircraft for use to, from or on Commission airports, except for Scheduled Carriers or Components of the Military which pay for use of the public runways, taxiways, aprons, and public facilities at such airports pursuant to use fee agreements.

1.6 MILITARY USERS or MILITARY - Components or Branches of the Military forces of the United States of America or of Minnesota having and making use of aircraft to, from or on Commission Airports and who pay for use of the public runways, taxiways, aprons and other public facilities thereat pursuant to use fee agreements.

1.7 PUT THROUGH OF GASOLINE - Delivery of Gasoline into aircraft.

1.8 SCHEDULED AIR CARRIER AND FREIGHT CARRIER or CARRIER - Air carriers operating under certificate of convenience and necessity from the Civil Aeronautics Board or State regulatory agencies for the carrying of passengers and freight, who pay for use of the public runways, taxiways, aprons and other public facilities at Commission airports pursuant to use fee agreements and who provide regular scheduled air service into the Minneapolis/Saint Paul area.

1.9 USE FEE AGREEMENTS - Agreements between the Commission and Carriers and the Military by which the Carriers and the Military are charged fees for the use of public runways, taxiways, aprons and other public facilities to defray in part the cost of development, maintenance and operation thereof.

Section 2. LIMITATION ON DISPENSING OF GASOLINE. No gasoline shall be dispensed for General Aviation aircraft at Commission's airports except by Gasoline Dispensers having the right under agreements with the Commission to dispense the same through gasoline pumps located on premises under lease to such Gasoline Dispensers or from gasoline trucks used by such Gasoline Dispensers for the put through of gasoline in aircraft parked at such airports in areas set aside for the purpose of fueling.

Section 3. CHARGE FOR GASOLINE DISPENSED. Gasoline Dispenser shall charge to and collect from the owners or users of General Aviation aircraft a fee of two cents at all Commission airports other than Minneapolis/Saint Paul International Airport - Wold-Chamberlain Field, the fee in each case to be based on each gallon of gasoline dispensed for use in or put through to such General Aviation aircraft, whether or not a charge is otherwise made by the Dispenser for the gasoline dispensed to or for such aircraft.

Section 4. REPORTS. Gasoline Dispensers shall within ten days after the end of each month report to the Commission on the quantity of gasoline dispensed from the Dispenser's gasoline pumps, which report shall include the meter readings on each of such Dispenser's pumps both for the commencement of each such month and for the end of each such month, and gasoline dispensed therefrom shall be arrived at by deducting from the meter reading at the end of each such month the meter reading at the commencement of each such month. If Dispenser dispenses gasoline other than through its pumps, including the dispensing of gasoline through gasoline trucks not loaded from Dispenser's pumps, Dispenser shall also furnish monthly to the Commission duplicate signed receipts in form as required by the Commission from the owner or user of the aircraft to or for which gasoline was so dispensed.

4.1 Commission through its representatives shall have the right at any time during the business day to inspect Dispenser's Gasoline pumps and Dispenser's business records to check on sale, dispensing and put through of Gasoline to ascertain the veracity of Dispenser's Reports.

4.2 Commission may at any time require an inventory and audit of Dispenser's dealings in Gasoline to be made by an independent auditor designated by the Commission. If, as a result of such inventory and audit, a deficiency of 5% or more is disclosed in Dispenser's Reports of Gasoline dispensed or in payments to be made hereunder, the cost of such audit shall be borne by the affected Dispenser. Otherwise the cost of such inventory and audit shall be borne by the Commission.

Section 5. PAYMENT TO THE COMMISSION. Each Gasoline Dispenser with its monthly reports required by Section 4 hereof shall remit payment to the Commission on the basis of the fee as specified in Section 3 hereof as shown by such monthly report, whether or not it has collected such charge from the owner or user of the aircraft to or for which it is dispensed, including, but not by way of limitation, the fee per gallon specified in Section 3 hereof on gasoline dispensed for use in Gasoline Dispenser's aircraft subject, however, to the following credits:

5.1 Credit shall be given and no payment shall be made for gasoline dispensed by Dispenser to or for aircraft of Carriers or of the Military as substantiated by invoices for gasoline so dispensed duly signed by an authorized representative of each such carrier or of the Military.

5.2 Where Dispenser operates at a Commission airport under a lease or agreement under which it is required to pay as a rental a charge on each gallon of gasoline dispensed, Dispenser shall have a credit against payments made hereunder in the amount so charged to and paid by Dispenser under such lease or agreement.

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Section 6. PENALTY. Violation of this Ordinance, including, without limiting the foregoing, failure to pay the specified fee per gallon on gasoline dispensed, and/or failure of the Dispenser to correctly report, remit and pay over to the Commission as by this Ordinance required, shall upon proof and conviction subject the violator to punishment by imprisonment in jail or workhouse for not more than one (1) year or by fine of not more than Five Hundred Dollars (\$500), or both.

Section 7. COMMISSION RIGHT OF ACTION. Prosecution and conviction of violators of this Ordinance shall be without prejudice to and Commission shall in addition have the right to collect through civil action the charges herein prescribed from the Dispenser.

Section 8. REPEALER. Commission Ordinance No. 31 is hereby repealed.

Section 9. EFFECTIVE DATE. This Ordinance shall be in force and effect upon the filing of the same with proof of publication with the Secretary of State of the State of Minnesota.

STATE OF MINNESOTA
DEPARTMENT OF STATE

FILED

MAY 26 1983

Joan Andrews Howe
Secretary of State

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NOTICE OF ADOPTION
METROPOLITAN AIRPORTS COMMISSION
ORDINANCE NOS. 60 & 61

Please take notice that on the 16th of May, 1983 at a regularly scheduled meeting, the Metropolitan Airports Commission adopted Ordinance No. 60:

An Ordinance regulating the use by aircraft of the public runways, taxiways, aprons and other public facilities at airports owned in whole or in part by and under the supervision and control of the Minneapolis/Saint Paul Metropolitan Airports Commission, specifically applying to aircraft other than aircraft of Scheduled Air Carrier, Freight Carrier and Military aircraft, which, through agreements with the Commission, pay fees to the Commission for the use of such public runways, taxiways, aprons and other public facilities; restricting the dispensing of gasoline for use in affected aircraft to designated gasoline dispensers; prescribing, as a fee for such use, a charge upon gasoline dispensed for use in affected aircraft, and imposing the obligation upon those dispensing aircraft gasoline at Commission airports to collect such charge and to pay the same over to the Commission; and providing penalties for violation thereof.

and Ordinance No. 61:

An Ordinance to promote and conserve the public safety, health, peace, convenience and welfare, to provide regulation on use of the Minneapolis/Saint Paul International - Wold-Chamberlain Field and to control the loading and unloading of passengers and freight thereat by transient and general aviation aircraft, but not including scheduled air carrier and military aircraft; to provide for payment of use fees by aircraft other than scheduled air carrier and military aircraft; to provide for payment of ramp charges, lobby fees and international incinerator fees at the transient service facilities; prescribing the penalty for violation thereof; and to repeal Commission Ordinance No. 55.

Copies of Ordinance Nos. 60 & 61 as adopted are on file with the Secretary of State or may be obtained at the Metropolitan Airports Commission Offices.

RAYMOND G. GLUMACK
 Executive Director,
 Metropolitan Airports Commission,
 6040-28th Ave. S.,
 Minneapolis, MN 55450

(May 24)

PRINTER'S AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA, ss.
 COUNTY OF RAMSEY,

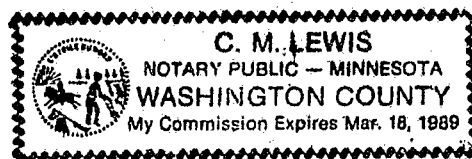
Samuel E. Lewis, Jr., being duly sworn, on oath says he is and during all the times herein stated has been the editor and publisher of the newspaper known as The Saint Paul Legal Ledger and has full knowledge of the facts herein stated as follows: (1) Said newspaper is printed in the English language in newspaper format and in column and sheet form equivalent in printed space to at least 1200 square inches; (2) Said newspaper is a daily and is distributed daily except Sunday, Monday and Holidays; (3) Said newspaper has 25% of its news columns devoted to news of local interest to the community which it purports to serve and does not wholly duplicate any other publication and is not made up entirely of patents, plate matter and advertisements; (4) Said newspaper is circulated in and near the municipality which it purports to serve, has at least 500 copies regularly delivered to paying subscribers, has an average of at least 75% of its total circulation currently paid or no more than three months in arrears and has entry as second-class matter in its local post-office; (5) Said newspaper purports to serve the City of St. Paul in the County of Ramsey and it has its known office of issue in the City of St. Paul in said county, established and open during its regular business hours for the gathering of news, sale of advertisements and sale of subscriptions and maintained by the managing officer of said newspaper or persons in its employ and subject to his direction and control during all such regular business hours and at which said newspaper is printed; (6) Said newspaper files a copy of each issue immediately with the State Historical Society; (7) Said newspaper has complied with all the foregoing conditions for at least two years preceding the day or dates of publication mentioned below; (8) Said newspaper has filed with the Secretary of State of Minnesota prior to January 1, 1966 and each January 1 thereafter an affidavit in the form prescribed by the Secretary of State and signed by the managing officer of said newspaper and sworn to before a notary public stating that the newspaper is a legal newspaper.

He further states on oath that the printednotice..... hereto attached as a part hereof was cut from the columns of said newspaper and was printed and published therein in the English language, once; that it was so published on Tuesday, the 24th day of May, 1983; and that the following is a printed copy of the lower case alphabet from A to Z, both inclusive, and is hereby acknowledged as being the size and kind of type used in the composition and publication of said notice, to wit:

abcdefghijklmnopqrstuvwxy

Samuel E. Lewis, Jr.

Subscribed and sworn to before me this 24th day of May, 1983



C. M. Lewis

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STATE OF MINNESOTA

County of Ramsey

IN THE MATTER OF

Ordinance Nos. 60 & 61

AFFIDAVIT OF PUBLICATION OF

Notice

Attorney

The Saint Paul Legal Ledger

ST. PAUL LEGAL LEDGER