

METROPOLITAN AIRPORTS COMMISSION

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.

The Metropolitan Airports Commission does ordain:

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

1.1 AIRPORT - Minneapolis/Saint Paul International Airport - Wold-Chamberlain Field, a public airport under the supervision, operation, direction and control of the Commission, and located in the County of Hennepin and State of Minnesota.

1.2 AIRCRAFT PARKING FEES - The fees, established by the Commission or as from time to time amended, to be charged the operator of transient aircraft parking at the airport ramps adjacent to the transient service facility or the international charter terminal at the Airport, copy of the applicable fee schedule to be posted at all times within the transient service facility and international charter terminal, and to be furnished on request to the operator of transient aircraft incident to use of said facilities.

1.3 COMMISSION - The Metropolitan Airports Commission, sometimes referred to as Minneapolis/Saint Paul Metropolitan Airports Commission, a public corporation and agency of the State of Minnesota.

1.4 FIXED BASE OPERATOR - A commercial operator at the airport whose operations under agreement with the Commission at an assigned area under his control encompasses some or all of the following: The furnishing of services such as aircraft storage, aircraft repairs, aircraft flight instruction, air charter flights, and sale of aircraft, aircraft parts and equipment, aviation fuel and other petroleum products for use in aircraft.

1.5 GENERAL AVIATION AIRCRAFT OR GENERAL AVIATION - All aircraft making use of the airport, except scheduled air carrier aircraft and military aircraft, both of which pay for use of the public runways, taxiways, aprons and air navigation facilities at the airport pursuant to use fee agreements.

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1.6 MILITARY AIRCRAFT - Aircraft owned and/or operated by components of the military forces of the United States of America or of the State of Minnesota, making use of the airport and paying for use of the public runways, taxiways, aprons and air navigation facilities pursuant to use fee agreements.

1.7 SCHEDULED AIR CARRIER AIRCRAFT - Aircraft owned and/or used by air carriers operating under certificates of convenience and necessity from a regulatory agency of the federal government or from Minnesota regulatory agencies, who pay for use of the public runways, taxiways, aprons and air navigation facilities pursuant to use fee agreements and who provide regular scheduled air service into the Minneapolis/Saint Paul area.

1.8 PASSENGER GATE LOBBY FEES - The fees, established by the Commission, or as from time to time amended, to be charged the operator of transient aircraft enplaning or deplaning or otherwise processing passengers, incident to operation of transient aircraft to, at or from the transient service facility in the Terminal Building, or international charter terminal facility, copy of the applicable schedule to be posted at all times within these facilities and to be furnished on request to the operator of transient aircraft incident to use of said facility.

1.9 TRANSIENT AIRCRAFT - Aircraft making use of the airport for charter, air taxi or other personal or business use, not based at the airport, but not including scheduled air carriers operating under certificate of convenience and necessity from a regulatory agency of the federal government or Minnesota regulatory agency on regularly scheduled flights, or otherwise incident to such air carriers' permitted use of the airport pursuant to operating and leasing agreements with the Commission.

1.10 TRANSIENT SERVICE FACILITY (IES) - That portion of the passenger terminal building at the airport and the aircraft loading ramp adjacent thereto constructed by the Commission for accommodation and use of transient aircraft carrying passengers and/or mail and cargo or freight carried in combination with passengers by such aircraft and the international charter terminal and the aircraft loading ramps adjacent thereto, said area(s) being designated on a master plan of the airport on file in the office of the Airport Director.

1.11 TRANSIENT SERVICE FACILITY OPERATOR - The fixed base operator or operators from time to time designated by the Commission who, under agreement with the Commission, have the responsibility to manage, direct, supervise and otherwise control all transient aircraft operations to, at or from the transient service facility and/or the international charter terminal, and who shall conduct such operations from offices therein.

1.12 USE FEE AGREEMENTS - Agreements between the Commission and scheduled air carriers and the military by which the carriers and the military are charged fees for the use of public runways, taxiways, aprons and air navigation facilities to defray in part the cost of development, maintenance and operation thereof.

Section 2. - USE OF THE AIRPORT BY AIRCRAFT CARRYING CARGO OR FREIGHT.

2.1 No aircraft operator carrying cargo or freight not incidental to the carrying of passengers, except air taxi mail flights, shall use the transient service facilities at the airport for the parking of aircraft incident to the on-loading or off-loading of freight and cargo.

2.2 The loading or unloading of air freight, not incidental to the carrying of passengers, shall be carried on at the operations area of any one of the fixed base operators located elsewhere on the airport. This provision shall not apply to scheduled air carriers and military aircraft, who may be loaded and unloaded at their respective assigned apron areas, and to air taxi mail carriers which may load or unload at the transient service facility within the terminal building.

2.3 No class "A" explosives shall be loaded or unloaded at the airport. The loading or unloading of class "B" or "C" explosives at the airport shall only be through prior arrangement with the Airport Director, and then at such location on the airport and subject to such special requirements, directions and safeguards as he may reasonably require.

Section 3. - USE OF THE AIRPORT BY TRANSIENT AIRCRAFT.

3.1 Subject to the provisions of Section 2 hereof as it relates to the loading and unloading of cargo and freight, the parking of transient aircraft incident to operations to, at or from the airport shall be limited to ramp areas adjacent to fixed base operator locations at the airport, including the ramp area adjacent to the transient service facility in the terminal building, the ramp areas adjacent to the international charter terminal, or incident to business with the Federal Aviation Administration at the ramp adjacent to its offices on the west side of the airport. Such parking shall be controlled by and subject to the direction of the operator in charge of the ramp area so used.

3.2 The loading or unloading of passengers to or from aircraft using the transient service facilities shall be through the transient lounge or the second floor passenger gate lobby, a part of said transient service facility in the terminal building or through the transient lounge at the international charter terminal, and through the gate(s) giving access from such transient service facilities to the ramp(s) adjacent thereto. All loading or unloading of passengers to or from aircraft shall be conducted by and subject to the direction and control of the fixed base operator in charge of the ramp area used.

Section 4. - PAYMENT OF FEES FOR AIRCRAFT USE OF THE AIRPORT.

4.1 The operators of scheduled air carrier and military aircraft making use of the airport pay charges for use of the public runways, taxiways, aprons and air navigation facilities pursuant to use fee agreements.

4.2 Except as provided in subsection 4.2(a) of this Section 4 for the use of the public runway, taxiway and aprons and air navigation facilities at the airport, the operators of all aircraft other than operators of scheduled air carrier and military aircraft, including without limiting the foregoing, general aviation aircraft whether transient aircraft or aircraft based at the Commission's airports, shall pay a landing use fee charge for each landing of such aircraft at the airport in an amount equal to the then - current estimated compensatory field and runway use fee charged to scheduled air carriers, plus an additional charge of five (5¢) cents for each one thousand pounds (1000 lbs.) Federal Aviation Administration approved gross certified maximum landing weight of such aircraft; provided that the use fee charged hereunder shall be subject to a base charge of five dollars (\$5).

- (a) The landing use fee charge set forth in this section shall not be charged against general aviation aircraft, home based at airports operated and under the control of the Commission and operating therefrom pursuant to lease agreements with the Commission, when such aircraft makes use of the airport for the required Federal Inspection Service including without limiting the foregoing, U. S. Customs, Immigration, agriculture and public health and for business with the FAA General Aviation District Office and Flight Service Station at the airport.

4.3 In addition to the landing use fee charges hereunder, the operator of aircraft using transient service facilities at the airport shall pay (1) the applicable aircraft parking fees, (2) second floor passenger gate lobby fees arising from its operations to, at or from the transient service facility in the terminal building and gate lobby fees applicable at the International Charter Terminal in the amount of two dollars (\$2) per international or domestic enplaning passenger, two dollars and fifty cents (\$2.50) per international deplaning passenger, ninety cents (90¢) per domestic deplaning passenger, and ninety cents (90¢) per through passenger utilizing terminal building facilities; provided that any operator of aircraft paying gate lobby fees in excess of one hundred thousand dollars (\$100,000) in any calendar year shall be entitled at year end to a 25% rebate on all gate lobby fees paid to the Commission.

4.4 Payment of the landing use fee charges shall be made prior to release and clearance of such aircraft for departure from the airport to the fixed base operator having under his control the apron area at the airport used by the landing aircraft, including, in the case of aircraft landing and making use of the transient service facilities, the transient service facility operator in charge of such facility. Aircraft parking fees, second floor passenger and other gate lobby fees for operation to, at or from transient service facilities shall be paid at the office of the transient service facility prior to release and clearance of such aircraft for departure from the airport.

4.5 The transient service facility operator shall prescribe conditions for use of the incinerator, such as the size of bags or hours of operation.

Section 5. - REPORTS AND PAYMENTS TO THE COMMISSION.

5.1 Fixed base operators, including the transient service facility operator(s), shall within ten (10) days after the end of each calendar month, report to the Commission covering the previous calendar month as to the general aviation aircraft which have landed and parked at the apron area(s) assigned to and under the control of such fixed base operator. Reports shall include the type of aircraft by Federal Aviation Administration approved gross certificated maximum landing weights, the number of landings made by such aircraft during the month of reporting, the landing use fee charge due and owing in respect to such aircraft with credit for gasoline fuel flowage fee for put through of gasoline into such aircraft; and, in the case of the transient service facility operator(s) the report shall in addition include airport parking fees and second floor passenger and other gate lobby fees arising from the operation of such aircraft to, at and from the transient service facilities at the airport.

5.2 Together with such report the fixed base operator shall remit to the Commission payment of the landing use fee charges, airport parking fees and

second floor passenger and other gate lobby fees reported and to be paid pursuant to this Ordinance, whether or not collected from the aircraft operator.

5.3 The Commission, through its representatives, shall have the right at any time during the business day to inspect the records of the fixed base operators as to operations from the apron area assigned to and under the control of each such fixed base operator, to ascertain the veracity of the fixed base operator's reports hereunder. If as a result of such inspection and upon audit deficiency in payments made to the Commission hereunder of more than ten percent (10%) is disclosed, the cost of audit shall be borne by the fixed base operator. Otherwise the cost of inspection and audit shall be borne by the Commission.

Section 6. - MISCELLANEOUS PROVISION. The Airport Director shall have the right to impound, tow away and cause to be stored with any fixed base operator at the airport, any aircraft parked or left unattended in violation hereof, or whose operator fails to pay aircraft landing use fee charges and/or aircraft parking fees, or passenger gate lobby fees arising from transient aircraft operation at or from the transient service facilities at the airport, and the operator of the aircraft so impounded, in addition to payment of the fees due and owing, shall, prior to release of the same, pay all costs incident to such impounding, including charges for towing and storage of such aircraft.

Section 7. - PENALTY. Any person, including any person operating or in control of aircraft, who violates any of the provisions of this Ordinance, shall be punished by imprisonment in jail or workhouse for no more than ninety (90) days or by fine of no more than five hundred (\$500) dollars, or both.

Section 8. - SAVING CLAUSE. If any part of this Ordinance shall be held to be unconstitutional or otherwise illegal, such unconstitutionality or illegality shall not affect the validity of remaining parts of the Ordinance, and the Commission hereby declares it would have passed the remaining parts of this Ordinance if it would have known that such part or parts thereof might be unenforceable because unconstitutional or illegal.

Section 9. - REPEALER. As of the effective date of this Ordinance the Metropolitan Airports Commission's Ordinance No. 55 is hereby revoked.

Section 10. - EFFECTIVE DATE. This Ordinance shall be in full force and effect as of June 1, 1983.

SCHEDULE

AIRCRAFT ICT RAMP PARKING FEES

<u>TYPE OF AIRCRAFT</u>	<u>0 - 2 HOURS</u>	<u>EACH ADDITIONAL HOUR</u>
Category I - Single Engine	-0-	\$ 1.00
Category II - Light Twin	-0-	2.00
Category III - Medium Twin	-0-	4.00
Category IV - Light Transport	-0-	5.00
Category V - Medium Transport	-0-	6.00
Category VI - Heavy Transport	-0-	7.00
Category VII - Heavy Transport (over 100,000 lbs.)	-0-	15.00
Category VIII - Wide-Bodied Aircraft	-0-	20.00

GATE 73 RAMP PARKING FEE

0 - 15 Minutes = No Charge
 Each Additional 30 Minutes = \$5.00

STATE OF MINNESOTA
 DEPARTMENT OF STATE
 FILED
 MAY 26 1983
Jean Anderson Howe
 Secretary of State

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AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
(COUNTY OF HENNEPIN)

..... Donald M. Wurst, being duly sworn on oath says he is and

during all the times herein stated has been the printer of the newspaper known as

FINANCE AND COMMERCE

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 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.

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 Avenue South
Minneapolis, MN 55450
(Published in Finance and Commerce
May 24, 1983)

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 1,200 square inches. (2) Said newspaper is a daily and is distributed at least five (5) days each week, or four (4) days in a week in which a legal holiday is included. (3) In at least half of its issues each year, said newspaper has no more than 75 percent of its printed space comprised of advertising material and paid legal notices; and in all of its issues each year, has 25 percent of its news columns devoted to news of local interest to the community which it purports to serve, but not more than 25 percent of its total nonadvertising column inches in any issue may wholly duplicate any other publication unless the duplicated material is from recognized general news services. (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 and has entry as second-class matter in its local post-office. (5) Said newspaper purports to serve the City of Minneapolis in the County of Hennepin, and has its known office of issue in the City of Minneapolis in said county, established and opened 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 is available at single or subscription prices to any person, corporation, partnership or other unincorporated association requesting the newspaper and making applicable payment. (8) Said newspaper has complied with all the foregoing conditions for at least two years preceding the date or dates of publication mentioned below. (9) Said newspaper has annually published and submitted to the Secretary of State of Minnesota a sworn United States Post Office second-class statement of ownership and circulation.

He further states on oath that the printed

NOTICE OF ADOPTION

hereto attached as a part hereof was cut from the columns of said newspaper, and was printed and published therein in the English language, for one day; 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 same and kind of type used in the composition and publication of said notice, to wit:

... abcdefghijklmnopqrstuvwxyz

.X. abcdefghijklmnopqrstuvwxyz

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

(Notarial Seal)

Notary Public, Hennepin County, Minnesota

DOROTHY V. WOLF
NOTARY PUBLIC-MINNESOTA
HENNEPIN COUNTY
My Commission Expires Sept. 23, 1984