

ORDINANCE 2009-24

AN ORDINANCE AMENDING CHAPTER 3, AIRPORT, LAKE WALES CODE OF ORDINANCES; DELETING PROVISIONS RELATING TO TIE-DOWN LEASE AND TIE-DOWN RENTAL FEES; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED by the City Commission of the City of Lake Wales, Polk County, Florida.

SECTION 1. Chapter 3, Airport, Lake Wales Code of Ordinances is hereby amended to read as follows:

Sec. 3-33. Airport rents and leases.

(a) *Definitions.* For the purposes of this section the following terms shall have the meanings herein defined:

Tenant shall mean any individual, firm, corporation, organization, or entity of any other nature renting a facility or leasing land at the Lake Wales Municipal Airport except that this section shall not apply to a Fixed Base Operator to the extent that lease rates and other lease provisions are part of a negotiated agreement. All tenants shall comply with rules provided in section 3-30 of this chapter and such other rules as may be adopted upon the recommendation of the Airport Authority.

T-hangar lease shall mean an annual lease executed for the purpose of storing aircraft in a t-hangar facility constructed by the City of Lake Wales. The form of the lease shall be approved by the City Attorney and shall clearly identify the tenant and the leased premises.

~~*Tie-down lease* shall mean a lease executed for the purpose of storing aircraft on a paved area provided by the fixed base operator (FBO) for a period of 30 days or longer in order to qualify for payment of the monthly rate shown in paragraph (b).~~

(b) ~~*T-hangar and tie-down rental rates.*~~

(1) Rates for the rental of t-hangars ~~and tie-downs~~ at the Lake Wales Municipal Airport are established as follows:

	Per Night	Per Month
T-hangars	n/a	\$197.00 \$212.03
Tie-Downs		
Single engines & ultralights	\$10.00	\$60.00
Twin engines	\$20.00	\$75.00
Turbo engines	\$40.00	\$100.00

(2) The schedule of rates established by this paragraph shall be automatically adjusted annually beginning on October 1, ~~2008~~ 2010 to reflect an increase based on June's annual CPI or two and one-half (2.5) percent, whichever is greater, without further need for City Commission action.

(3) All rent shall be remitted to the City with the applicable sales tax.

(4) T-hangar tenants shall be required to reimburse the FBO on a monthly basis for the cost of electricity.

(c) *Due date.* Except as stipulated in an agreement executed prior to the effective date of this

ordinance, rents shall be paid monthly in advance and shall be due on the first day of the month.

- (d) *Delinquency.* Except as stipulated in an agreement executed prior to the effective date of this ordinance, rents shall be deemed to be delinquent if not paid on or before the 10th day of the month. A late fee of five percent (5%) of the amount due shall be charged on the 11th day of the month. A separate late fee shall be charged for every month that the lessee's monthly payment is past due.
- (e) *Collection agent for city-owned t-hangars ~~and tie-down spaces~~.* The FBO shall collect t-hangar ~~and tie-down~~ rental fees on behalf of the City and shall be compensated in the amount of twelve-and-one-half percent (12.5%) of the rents collected. The FBO shall remit the rental payments to the City on or before the 20th day of each calendar month. Each remittance shall be accompanied by a form approved by the Finance Director and identifying all tenants making rent payments.
- (f) *Filing of lease agreements.* The original executed copy of all leases and required insurance forms for the use of airport facilities shall be filed with the official records of the City. Within five (5) days of executing a t-hangar ~~or tie-down~~ lease, the FBO shall forward the original executed copy of the lease to the office of the City Clerk. Leases for the use of t-hangars ~~or tie-downs~~ shall be executed by the Chairman of the Airport Authority.

SECTION 2. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of said ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein.

SECTION 3. This ordinance shall become effective immediately upon adoption by the City Commission.

CERTIFIED AS TO PASSAGE this 15th day of December, 2009.

Jack Van Sickle
Mayor/Commissioner
City of Lake Wales, Polk County, Florida

ATTEST:
Clara Van Blugan
City Clerk