

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 3. AIRPORT

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Table of Contents

Article I. In General

Article II. Operation Of Airport

- § 3-26. Definitions.
 - § 3-27. Fixed base operators—Generally.
 - § 3-28. Same—Categories of services.
 - § 3-29. Same—Maintenance requirements.
 - § 3-30. Airport tenants.
 - § 3-31. Rules and regulations for use of the airport.
 - § 3-32. Airport licensees.
 - § 3-33. Airport rents and leases.
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LAKE WALES

CHAPTER 3. AIRPORT

Article I. In General

Article II. Operation Of Airport

§ 3-26. Definitions.

Effective: Tuesday, August 16, 2016

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport Authority. The board created pursuant to Section 4.(a) of Ordinance 2005-44 as amended by Ordinance 2005-48 with duties and responsibilities of oversight of airport operations for the purpose of providing input and advice to the city manager in his or her capacity as airport manager.

Airport Manager. In accordance with the authority granted by Sec. 4.04 of the City Charter, the City Manager shall be the airport manager with the input and advice of the Airport Authority. However, for purposes of administration of the day to day operation of the airport and the enforcement of FAA rules and regulations, the City Manger may appoint a designee to serve in the capacity of airport manager.

Airport tenant. Any person, firm or corporation leasing property at the city airport for the purposes set forth in section 3-30 of this chapter.

Fixed base operator. Any person, firm or corporation performing any of the functions or furnishing any of the services set forth in sections 3-27 and 3-28 of this chapter.

(Code 1962, § 2½-1; Ord. No. 96-02, § 2, 3-5-96; Ord. No. 2007-07, § 2, 3-20-07, Ord. No. 2016-10, § 3, 8-16-16)

NOTATION

Cross reference

Definitions and rules of construction generally, § 1-2.

§ 3-27. Fixed base operators—Generally.

(a) *Leases.* The city commission may enter into a lease with a fixed base operator. The term of a fixed base operator lease shall be for not less than five (5) years and the initial lease term and terms provided by subsequent renewal options shall not result in a total lease period which exceeds thirty (30) years.

(b) *Conformance with rules and regulations.* All fixed base operators shall conform with and abide by all rules and regulations of the Federal Aviation Administration and the City of Lake Wales.

(c) *Insurance required.* All fixed base operators shall protect the general public, the customers or clients of such fixed base operators and the city from any and all lawful damages, claims or liability, and they shall carry comprehensive general liability insurance in a company authorized to do business in the State of Florida protecting against personal injury and property damage, on a per-occurrence basis, in such amounts as may be stipulated in the fixed base operator lease agreement. The city shall be an additional named insured in any such policy and a certificate of insurance evidencing the same and the required coverage shall be delivered to the city manager at the time any lease becomes effective. The certificate of insurance shall also provide that the city manager will be notified by the insurance company, in writing, thirty (30) days in advance of any cancellation, non-renewal or adverse change to the policy.

(d) *Construction.* No construction of any kind shall be done at the Lake Wales Airport unless such construction and design is consistent with the master plan for the development of said airport. Repairs, renovations or improvements authorized by the lease agreement may be commenced without additional approval from the city provided that all applicable construction permits are obtained. Repairs, renovations or improvements not authorized by the lease agreement shall require the prior approval of the city.

(e) *Leases nonexclusive.* No fixed base operator lease shall be exclusive in nature.

(f) *Review and reevaluation of lease rental.* After the initial five (5) years of the lease agreement, base rent shall be adjusted on an annual basis in accordance with the annual change in the consumer price index, said adjustment not exceeding the Federal Aviation Administration's general aviation growth figure for the previous year.

(g) *Payment of rents and other fees.* All fixed base operator lease agreements shall state the date upon which any payments are due and shall contain provisions for assessment of penalties for late payments.

(h) *Personnel.* All fixed base operators shall have personnel on full-time duty during normal business hours of 9:00 a.m. to 5:00 p.m. every day of the week. These are normal hours of operation, and, if economically justified, these hours may be expanded at the option of the fixed base operator or reduced with the approval of the city manager following the recommendation of the airport authority. Any holidays or other deviations from this requirement must be approved by the city manager. No personnel shall consume alcoholic beverages while on duty.

(i) *Assignment of lease.* Property within the fixed base operator's use area may be sublet for aeronautical uses authorized by the fixed base operator's lease agreement without additional approval by the city. Any subuser shall meet all the requirements applicable to the fixed base operator and the granting of the subuse agreement shall not release the fixed base operator from any liability or responsibility under the terms of the fixed base operator's lease agreement. The fixed base operator shall be responsible for the performance of the subuser. Property within the fixed base operator's use area may not be sublet for non-aeronautical uses or for aeronautical uses not authorized by the fixed base operator's lease agreement without the prior approval of the city and compliance with section 3-32

(j) *Records.* All business records upon which the lease rental payment is based shall be opened to the inspection and audit by the city's finance director.

(k) *Concessions, sales and services.* Any concessions or other sales or services not stipulated in the lease agreement or the terms of this chapter shall be subject to the written approval of the city manager.

(l) *Application for operation; required information.* Any person, firm or corporation desiring to have a fixed base operation at the city airport must file an application with the city manager. The application must contain a financial statement of each individual affiliated with the proposed operation, a record of any insolvency or bankruptcy proceedings in past business dealings, a statement of years experience as a fixed base operator, at least four (4) personal references and specific aeronautical qualifications.

(m) *Insolvency and bankruptcy.* In the event of insolvency, voluntary or involuntary bankruptcy, or an arrangement for creditors of any fixed base operator, any lease entered into between the city and such operator shall be null and void immediately upon the occurrence of such insolvency, bankruptcy or arrangement.

(n) *Charges for sales and services.* All charges for sales and services shall be reasonable.

(o) *Termination of lease.* In the event any fixed base operator, or a principal or agent of a corporate fixed base operator, engages in illegal activity relating to his association with the airport, said conduct shall be grounds for immediate termination of the fixed base operator's lease with the city.

(p) *Transfer of ownership.* The majority ownership of a fixed base operation may not be transferred without the written consent of the city, and such consent shall not be unreasonably withheld.

(Code 1962, § 2½-4; Ord. No. 95-43, § 1, 12-8-95; Ord. No. 96-02, § 2, 3-5-96; Ord. No. 2010-29, § 1, 11-16-10)

CROSS REFERENCE

Airport advisory committee, § 2-41 et seq.

§ 3-28. Same—Categories of services.

Every fixed base operator's lease must contain a reference to this section and a statement as to which categories of service the fixed base operator agrees to provide. The categories of service are as follows:

CATEGORY A

Sale of aviation petroleum products and ramp service

A fixed base operator providing the services in this category shall:

- (1) Lease from the city, or provide at his own expense after site and design approval by the city, a pavement area or service ramp of not less than fifteen thousand (15,000) square feet having access to taxiways.
- (2) Provide and maintain a minimum of three thousand (3,000) gallons' tank storage capacity above ground for each grade of aviation fuel usually required for aircraft using the airport. Unless determined otherwise by the city, eighty (80) octane and one hundred (100) octane aviation gasolines shall always be available, if available from supplier.
- (3) Maintain pumping equipment meeting all applicable safety requirements with reliable metering devices subject to independent inspection and with a pumping efficiency capable of servicing all aircraft normally using the airport.
- (4) Have service personnel on duty during the business hours listed under the general requirements for fixed base operators.
- (5) Install at all fixed fueling locations adequate grounding rods to reduce the hazards of static electricity.
- (6) Lease from the city a minimum of four (4) acres of land. The following improvements shall be placed and maintained in good condition upon the leased property:
 - a. A building with a minimum of twenty thousand (20,000) square feet, inclusive of all hanger space. Included in this facility shall be a comfortable and air conditioned waiting room for passengers and crew of itinerant aircraft. The building shall contain sanitary restrooms and a public telephone.
 - b. Required improvements for aircraft parking, including adequate tie-down facilities for a minimum of ten (10) aircraft.
- (7) Have full-time personnel capable of performing minor aircraft repairs.
- (8) A fixed base operator in this category may engage in the buying and selling of new and used aircraft, aircraft parts and equipment without meeting the requirements of Category D.

CATEGORY B

Flight instruction and aircraft rental

A fixed base operator providing the services of this category shall:

- (1) Have available on a full-time employment basis a minimum of one (1) instructor/pilot with appropriate and current Federal Aviation Administration pilot and Federal Aviation Administration approved medical certificates.
 - (2) Provide and at all times maintain a minimum of two (2) aircraft which are FAA-certified for flight instruction and rental.
 - (3) Be responsible that personnel operating rental equipment have appropriate and current FAA pilot and FAA-approved medical certificates.
 - (4) A fixed base operator in this category may engage in the buying and selling of new and used aircraft, aircraft parts and equipment without meeting the requirements of Category D.
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(5) Lease from the city the land sufficient to provide this service and also to provide the adequate classroom and/or office space to provide this service.

CATEGORY C

Aircraft charter and taxi

A fixed base operator providing the services of this category shall:

- (1) Have available on a full-time employment basis a minimum of one (1) FAA-certified pilot with current commercial and instrument ratings and appropriate and current FAA-approved medical certificate.
- (2) Provide the necessary building and other arrangements for the checking in of passengers, handling of luggage, ticketing, and ground transportation.
- (3) Provide and at all times maintain a minimum of two (2) FAA-certified and continuously airworthy aircraft for air charter or air taxi service.
- (4) A fixed base operator in this category may engage in the buying and selling of new and used aircraft, aircraft parts and equipment without meeting the requirements of Category D.

CATEGORY D

Aircraft sales

A fixed base operator providing the services under this category, while not providing any of the services contained in Categories A, B and C, shall:

- (1) Have a sales or distributorship franchise from a recognized aircraft manufacturer. In this regard, the airport authority shall determine whether or not an aircraft manufacturer is recognized.
- (2) Have available during the normal business hours described in the general rules a minimum of three (3) FAA-certified and currently airworthy aircraft for sale.
- (3) Have a minimum of one (1) fully qualified demonstrator airplane available.
- (4) Lease from the city a minimum of two (2) acres of land on which will be located a building having a minimum square footage of one thousand (1,000) square feet for office space.

CATEGORY E

Crop dusting and spraying

A fixed base operator providing service in this category shall:

- (1) Furnish suitable arrangements for the safe loading, unloading, storage and containment of noxious chemical materials.
 - (2) Furnish at least one (1) aircraft with pilot for the purpose of crop dusting and spraying. The pilot must have the appropriate and current FAA pilot and FAA-approved medical certificates.
 - (3) Maintain adequate safeguards against spillage of chemical spray mixtures or materials on runways or taxiways or dispersal by wind force to other operational areas of the airport.
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(4) Lease from the city a minimum of four (4) acres of land which will contain a building having a minimum square footage of one thousand (1,000) square feet for office, shop and storage space.

CATEGORY F

Aircraft, engine, propeller and accessory maintenance

A fixed base operator providing the service in this category shall:

- (1) Lease from the city an area sufficient to provide the following improvement: A hangar, shop and storage space of a minimum of five thousand (5,000) square feet.
- (2) Employ at least one (1) full-time, FAA-certified A&P mechanic and such other personnel as may be necessary.
- (3) Provide adequate facilities and equipment for airframe and power plant repairs.
- (4) Demonstrate the ability to and assume responsibility for promptly removing from the public landing area as soon as permitted by the FAA any disabled aircraft.
- (5) A fixed base operator in this category may engage in the buying and selling of new and used aircraft, aircraft parts and equipment without meeting the requirements of Category D.

CATEGORY G

Radio and instrument sales and repair

A fixed base operator offering the service of this category shall:

- (1) Lease from the city an area sufficient to provide the following improvement: A building having a minimum square footage of one thousand (1,000) square feet for a shop and storage space.
- (2) Employ a full-time, FAA-certified technician in the field of aircraft electronics and aircraft instrumentation.
- (3) Provide satisfactory arrangements for access to and storage of aircraft being worked on.

(Code 1962, § 2½-5; Ord. No. 89-12, § 1, 6-6-89; Ord. No. 91-04, § 1, 7-16-91; Ord. No. 96-02, § 2, 3-5-96)

§ 3-29. Same—Maintenance requirements.

(a) All fixed base operators shall maintain in good and reasonable condition all property leased by them and all improvements thereon.

(b) Fixed base operator leases may provide that the fixed base operators provide certain maintenance of airport facilities such as the regular mowing of the grassy areas, maintenance of the runway lights and beacons and other maintenance requirements of a general nature. Lease agreements may include provisions for adjustment of base rent as compensation for such maintenance services.

(Code 1962, § 2½-6; Ord. No. 96-02, § 2, 3-5-96)

§ 3-30. Airport tenants.

The city may lease hangars, pasture lands and other airport property not included in a fixed base operator's leased use area to individuals, firms or corporations which will not be providing any of the services described in categories A through G of section 3-28. Said tenants shall be subject to the following:

(1) Any prospective tenant of airport property other than a t-hangar must submit to the city a written application. This application shall contain the following:

- a. A specific description of the area the applicant desires to lease;
- b. A detailed description of the nature of the use;
- c. Detailed plans of the improvements, if any, the applicant desires to place upon the leased property. In this regard, any prospective airport tenant desiring to lease property for the purpose of constructing and maintaining a private hangar shall submit plans for the hangar to the city for approval.

(2) In no event shall an airport tenant engage in any of the activities of fixed base operators described in section 3-28. Prior to engaging in any activity of a commercial nature, the tenant must comply with the provisions of section 3-32

(3) All airport tenants shall be required to execute a written lease which shall be filed by the city clerk in the official records of the city.

(4) The airport tenant shall save, hold harmless, and indemnify the city from and against any damages or loss occasioned by its use of the leased premises.

(5) The airport tenant shall comply with all rules and regulations on maintenance, appearance, traffic control and motor vehicle parking as promulgated by the city.

(6) The airport tenant shall not add to, alter or modify the leased premises without the written consent of the city.

(7) The airport tenant shall not store hazardous materials (including fuel and combustible agents) in the leased premises. Hazardous materials shall include all such materials as defined by the city and the city's fire marshal.

(8) The city, or the city's agent, shall have reasonable access to the leased premises for the purpose of inspection, emergency or safety reasons, and for service requested by the tenant. Said access shall not require prior notice to the tenant.

(9) Any lease or rental payments due from airport tenants shall be subject to the same review and reevaluation required in section 3-27(f).

(10) The right to use the leased premises is not an assignable right, and no airport tenant shall rent or sublease any part of the premises without the written consent of the city.

(Code 1962, § 2½-7; Ord. No. 96-02, § 2, 3-5-96)

§ 3-31. Rules and regulations for use of the airport.

(a) *Creation of rules* All users or visitors at the facilities of the Lake Wales Airport shall be subject to the following rules:

(1) *Ground rules.*

a. *Runways.*

1. No vehicle shall be allowed within one hundred twenty-five (125) feet of a runway with the following exceptions:

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- i. Emergency vehicles responding to an emergency;
 - ii. Law enforcement vehicles in the performance of necessary duties;
 - iii. Maintenance vehicles in performance of necessary duties;
 - iv. One (1) tow vehicle at any one (1) time to remove sailplanes or disabled aircraft from the runway;
 - v. A maximum of three (3) vehicles may be used in sailplane operation, of which, one (1) at a time may be used within one hundred twenty-five (125) feet of a runway.
2. All aircraft shall remain at least fifty (50) feet from the runway edge unless immediately departing the runway.
3. Aircraft operating on an approved (F.A.A.) taxiway should use the hold line painted on the taxiway as the divider between the taxiway and runway.
- b. *Taxiways.* Vehicle traffic on taxiways is prohibited, with the following exceptions:
1. Vehicles authorized to operate on a runway as stated in subsection (a)(1)a. of this section;
 2. Authorized vehicles shall maintain a speed of not more than ten (10) miles per hour, unless responding to an emergency situation.
- c. *Vehicle identification.* Vehicles authorized to operate on a runway or taxiway shall display an operating yellow or amber flashing strobe or revolving light of not less than thirty thousand (30,000) candlepower. Emergency vehicles shall operate the appropriate emergency lights used by that agency.
- d. *T-hangar area.* Aircraft owners, maintenance personnel and pilots shall be allowed to operate in the aircraft hangar area for the purpose of aircraft maintenance, or the loading or unloading of aircraft, providing:
1. Only one (1) vehicle shall be allowed per hangar at any one (1) time.
 2. No vehicle shall be parked on a taxiway, or otherwise block a taxiway, or impede aircraft operations.
 3. No vehicle shall remain outside a hangar, unattended.
- e. *Tie-down and ramp areas.* Vehicles are prohibited in the tie-down and ramp areas of the airport except in the following instances:
1. Aircraft owners and pilots may operate a vehicle in these areas to load, unload, or provide maintenance for an aircraft.
 2. No vehicle shall remain in the tie-down or ramp area unattended. All vehicles shall operate at a speed not to exceed ten (10) miles per hour.
- f. *Security area.* No vehicle shall remain inside the fenced security area of the airport, unattended, with the following exceptions: Vehicle parking areas designated by the city.
- g. *Generally.*
1. All authorized vehicles operating within the fenced security area of the airport shall not exceed a speed of ten (10) miles per hour, with extreme emergencies being the exception.
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2. All vehicle security gates shall remain closed and locked at all times except for the immediate ingress and egress of authorized vehicles.
3. Vehicles authorized to operate within the security (fenced) area of the airport must ingress and egress through the nearest vehicle access gate. Vehicles must not be driven from one (1) side of the airport to the other inside the security area, except in extreme emergencies. Vehicles should leave the security area through the nearest gate and re-enter the nearest gate to their destination.
4. All aircraft using the Lake Wales Airport are to be operated in accordance with the applicable Federal Aviation Agency's rules and regulations.

(2) *Air safety rules.*

a. *Taxiing rules.*

1. No person shall taxi an aircraft until he has ascertained there will be no danger of collision with any person or object in the immediate area.
2. Aircraft not equipped with brakes shall have an attendant at a wing when the aircraft is taxied near buildings or other aircraft.
3. All aircraft shall be taxied at a safe and reasonable speed with due regard for other aircraft, persons, and property.
4. Aircraft awaiting takeoff shall stop at least fifty (50) feet from the runway in use and in a position so as to have a direct view of aircraft approaching for landing.
5. Aircraft taxiing shall conform to the attached taxi patterns, which are made a supplement to these rules.

b. *Traffic rules.*

1. Landings and takeoffs shall be made directly into the wind or on the runway or landing strip most nearly aligned with the wind, or when the wind is light or calm, in a direction designated by the pilot on the unicom frequency.
2. No landing or takeoff shall be made except at a safe distance from buildings and other aircraft.
3. No turn shall be made after takeoff until the airport boundary has been reached and the aircraft has attained an altitude of at least four hundred (400) feet and it has been ascertained there will be no danger of collision with other aircraft.
4. Aircraft intending to remain in the traffic pattern shall continue to climb to traffic altitude of eight hundred (800) feet AGL (above ground level) after the first ninety (90) degree turn and shall thereafter follow the pattern as set forth on the traffic pattern chart. A copy of such chart may be found on file in the office of the city clerk.
5. Aircraft entering the traffic pattern shall exercise caution and courtesy so as not to cause aircraft already in the pattern to deviate from their course.
6. Aircraft landing or taking off shall conform to the air traffic patterns posted in the pilot's lounge at the airport.

(b) *Penalty for violation.* It shall be unlawful for any person to violate any of the rules listed in this section. The penalty for such violation shall be as provided in section 1-15 of this Code.

(Code 1962, § 2½-8; Ord. No. 89-12, § 2, 6-6-89; Ord. No. 96-02, § 2, 3-5-96)

§ 3-32. Airport licensees.

The city may allow a person or persons to operate a business upon airport property leased from the city or from a fixed base operator, even if such business is not described in categories A through G of section 3-28. Persons under this circumstance shall be known as airport licensees and shall be subject to the following procedures:

- (1) Any prospective airport licensee must submit to the city a written application for an a local business tax receipt. This application shall contain the following:
 - a. A specific description of the area in which the applicant intends to operate his business;
 - b. A detailed description of the type business the applicant intends to operate.
- (2) In no event shall an airport licensee engage in any of the activities of a fixed base operator.
- (3) The airport licensee shall comply with all rules and regulations on maintenance, appearance, traffic control and motor vehicle parking as promulgated by the city.
- (4) The airport licensee shall pay an annual business tax as required by section 19-130
- (5) No license to do business on airport property may be transferred except in accordance with provisions of chapter 14

(Code 1962, § 2½-9; Ord. No. 96-02, § 2, 3-5-96; Ord. No. 2006-47, § 3, 12-5-06)

§ 3-33. Airport rents and leases.

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

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.

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.

(b) *T-hangar rental rates.*

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

	Per Month
T-hangars	\$212.03
Tie-downs	

(2) The schedule of rates established by this paragraph shall be automatically adjusted annually beginning on October 1, 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 section, 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 section, rents shall be deemed to be delinquent if not paid on or before the tenth day of the month. A late fee of five (5) percent 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.* The FBO shall collect t-hangar rental fees on behalf of the city and shall be compensated in the amount of twelve-and-one-half (12.5) percent 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 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 shall be executed by the chairman of the airport authority.

(Ord. No. 2007-55, § 1, 12-18-07; Ord. No. 2009-24, § 1, 12-15-09)