"Menominee – Where the best of Michigan Begins"

MENOMINEE COUNTY BOARD OF COMMISSIONERS

Menominee County Courthouse
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Menominee, MI 49858

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MENOMINEE COUNTY BOARD OF COMMISSIONERS

RESOLUTION 2017-08

TO ADOPT THE
MENOMINEE COUNTY AIRPORT USE ORDINANCE
AND TO REPEAL THE
MENOMINEE-MARINETTE TWIN COUNTY AIRPORT USE ORDINANCE

WHEREAS, the Menominee County Board of Commissioners previously adopted and amended the Menominee-Marinette Twin County Airport Use Ordinance; and

WHEREAS, Marinette County has terminated its involvement in the Airport; and

WHEREAS, it is necessary to repeal the Menominee-Marinette Twin County Airport Use Ordinance, as amended, and replace it with a new Menominee County Airport Use Ordinance.

THEREFORE, BE IT RESOLVED, that the Menominee County Board of Commissioners adopts the Menominee County Airport Use Ordinance, attached and incorporated by reference as Exhibit 1 to this Resolution.

BE IT FURTHER RESOLVED, that the Menominee County Airport Use Ordinance shall be published in hard copy and posted on the County's internet website.

BE IT FURTHER RESOLVED, that the Menominee County Airport Use Ordinance shall take effect when notice of its adoption is published in a newspaper of general circulation in the County.

BE IT FINALLY RESOLVED, that the Menominee-Marinette Twin County Airport Use Ordinance, as amended, is repealed.

A ROLL CALL VOTE WAS TAKEN AS FOLLOWS

AYES: 9 **NAYS:** 0

RESOLUTION DECALRED ADOPTED.

Charlie Meintz
Chairman, Menominee County Board of Commissioners

I hereby certify that the foregoing is a true and complete copy of Resolution 2017-08 adopted by the County Board of Commissioners at a regular meeting held on April 11, 2017, and I further certify that the public notice of such meeting was given as provided by law.

Marc Kleiman
Marc Kleiman, Menominee County Clerk

Steven Gromala *Charlie Meintz – Chairperson* *William Cech – Vice Chairman* *Larry Phelps*

John Nelson *Jan Hafeman* *Gerald Piche* *Bernie Lang* *Larry Schei*

MENOMINEE COUNTY AIRPORT USE ORDINANCE

An ordinance providing regulations pertaining to the use of the Menominee County Airport

Temporary airport closing; Procedures for operating aircraft; Designating airport tie-down areas; regulation of flying clubs; dispensing of aviation fuel; fire regulations, private hangars; rendering of commercial service; repealing prior ordinances, and providing penalties for the violation of ordinance requirements.

WHEREAS, Menominee County, by authority of Act 327 of Public Acts of 1945, as amended, is empowered to enact ordinances for the management, governance and use of the Menominee County Airport; and

WHEREAS, the Board of County Commissioners for the County of Menominee has determined that it is necessary that it adopt an ordinance providing legal regulations pertaining to the use of the Menominee County Airport so as to provide for the health, welfare and safety of all persons using the Airport and for the protection of the facilities and personal property located thereon;

NOW, THEREFORE, the Board of County Commissioners for the County of Menominee ordains:

DEFINITIONS

Section 1. **AIRCRAFT** - Any contrivance now known, or hereafter invented, used, or designated for navigation of or flight in the air.

Section 2. **AIRPORT** - The Menominee County Airport, including all the lands within its boundaries and all the physical facilities located thereon.

Section 3. **AIRPORT COMMITTEE**- The advisory Committee appointed by the Board of County Commissioners for the County of Menominee.

Section 4. **AIRPORT MANAGER** - The Menominee County Airport Manager and his or her designated assistant when acting in his or her absence.

Section 5. **CERTIFICATED AIRCRAFT** - Aircraft certified and/or licensed and/or registered by the State of Michigan or the federal government when so required by the laws of either government or the rules and/or regulations of aeronautic agency or agencies of either government.

Section 6. **CERTIFICATED PERSON** - A person certified and/or licensed and/or registered by the State of Michigan or the federal government with respect to services performed when so required by the laws of either government or the rules and/or regulations of the aeronautic agency or agencies of either government.

Section 7. **COMMERCIAL AIR CARRIER** - Any governmentally approved scheduled air carrier engaged in the carrying of passengers and/or freight, the services of which constitute an act of interstate or foreign commerce, or in the part of such commerce which is interstate in character, and the personnel of such aircraft.

Section 8. **COUNTY BOARD** - The Board of Commissioners for the County of Menominee.

Section 9. **FIXED BASED OPERATION** -The conduct of any activity involving the services of a Fixed Based Operator.

Section 10. **FIXED BASE OPERATOR** - Any person who provides one or more of the following services:

(a) Sale of new and used aircraft.

(b) Sale and/or installation and/or maintenance of parts, equipment and other accessories for aircraft, including sale, and/or installation, and/or maintenance of aviation associated electronic equipment.

(c) Maintenance, and/or inspection of aircraft and aircraft engines.

(d) Air ambulance service, and/or air taxi service, and/or air freight service.

(e) Air crop spraying or pest control service.

(f) Aviation instruction service.

(g) Any other type of aviation and ground services.

Section 11. **FLYING CLUB** - Any group of persons owning, leasing or operating one or more aircraft, not for profit or reward, and using such aircraft for the purpose of giving flight instruction to its members.

Section 12. **FUEL** - Any or all gasoline, distillates, benzene, naphtha, benzoyl, and other volatile and flammable liquids produced or which may hereafter be invented, produced, compounded and used for propelling aircraft.

Section 13. **PERSON** - Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver, assignee, or similar representative thereof.

Section 14. **TENANT** - The owner or lessee of a hangar or other physical facility located on the Airport.

Section 15. **OTHER DEFINITIONS** - If any terms used in this ordinance are not defined but are defined by any law of the State of Michigan, such statutory definition shall apply, and if there be none, then their commonly accepted aeronautical definition shall apply.

CLOSING AIRPORT

Section 16. The Airport Manager or his or her representative shall have the authority to close one or more runways to aircraft flights, when, in his or her opinion, the condition of the landing area is such as to make flying operations unsafe. Upon closing any one or more such facility, the Airport Manager, or his or her representative, shall promptly notify the Flight Service Station at Green Bay, Wisconsin.

Section 17. Aircraft engines shall not be started unless a pilot or a competent mechanic remains at the controls.

Section 18. Aircraft engines shall not be started when the air stream may blow loose debris at buildings, parking areas, or spectators.

Section 19. When starting engines, if the aircraft is not equipped with adequate brakes, blocks and ropes or other suitable device shall be placed in the front of the wheels. Such blocks or devices shall be removed from the path of other aircraft after use.

Section 20. Aircraft shall be taxied at a moderate rate of speed and with caution. Extra caution shall be taken while in the vicinity of other aircraft.

Section 21. Parked aircraft shall be appropriately secured by proper tie-down or chocks. The aircraft owner and/or pilot shall be responsible for tying down and chocking his own aircraft.

AIRCRAFT PARKING AND TIE-DOWN AREAS

Section 22. Neither the County of Menominee nor the Airport Committee shall be responsible for any damage or theft to any aircraft parked or tied down at the Airport.

Section 23. Transient aircraft using the terminal parking aprons shall park in areas designated by signs.

Section 24. The terminal gate areas shall only be used for aircraft loading and unloading, not to exceed a period of twenty (20) minutes.

Section 25. All based aircraft shall use the tie-down area on the south end of the Airport unless otherwise authorized by the Airport Manager.

Section 26. Aircraft that is not certified shall not be stored on any tie-down area or parking ramp.

FLYING CLUBS

Section 27. The President of every flying club shall (a) register each flying club with the Airport Manager's office, (b) secure a copy of this Ordinance and (c) familiarize all members with same. All flying clubs must operate according to the Michigan Aeronautics Commission Flying Club Rules and Regulations.

Section 28. Aircraft owned and/or operated by a flying club shall be registered with the Airport Manager's office and must be certified.

Section 29. All instructors, both ground and flight, acting as such, belonging to a flying club shall be properly certificated and shall register with the Airport Manager's office.

AVIATION FUEL REGULATIONS

Section 30. Only fixed base operators whose basic lease provides the right to dispense aviation

fuel to the general public shall be permitted to dispense fuel at the Airport and they shall:

(a) Secure written approval from the Airport Committee for the installation of storage and fixed dispensing units.

(b) Submit to the Airport Manager a letter which shall specify hours and types of services, types of fuels offered, lubricants, associated products, fees and charges.

(c) Establish and file with the Airport Manager a schedule of retail prices of all grades of aviation fuel, which prices shall be comparable to fuel prices charged to other airports in the State of Michigan.

(d) Utilize only fuel storage and dispensing facilities which meet all safety requirements of appropriate local, State and Federal authorities.

(e) Furnish evidence of sufficient insurance coverage for public liability, property damage and products liability as determined by the Airport Committee. This insurance shall be carried with an insurance company licensed to do business in the State of Michigan and such company shall furnish the Michigan Department 0f Aeronautics with a certificate indicating the coverage and expiration date of any policy.

(f) Not operate aviation fuel tenders on taxi-ways or runways.

(g) The Airport Manager, as a condition of approving fuel dispensing services under this section, may require an applicant to provide such service during certain hours, either on an "attendant on duty" or "on call" basis. "On call" service shall be provided within an hour at a rate not to exceed $10.00 per call unless the Airport Manager approves a different rate. If a fixed base operator does not desire to provide service on a 24 hour basis, and there be more than one such operator, the Airport Manager may pro-rate on a weekly basis the hours of duty service to be provided by each so as to provide total duty service for 24 hours;. provided, however, that this section shall not prohibit a fixed base operator authorized hereunder to offer fuel service at any time.

(h) Fixed base operators shall be required to pay a flowage fee for each gallon of fuel delivered to the premises as may be established by the Airport Committee and shall submit monthly supporting invoices and payment to the Airport Committee.

(i) Specified fuel service or increase charges or fees without approval of the Airport Manager, who shall have the right to reject any change of hours, or increase of charges or fees if such increase be more than similar comparable charges being made at other airports in the State of Michigan.

(j) The Airport Manager shall prepare appropriate notices detailing the type and hours of services offered by each operator and designating the 24 hour service responsibilities. Such notices shall be posted by each operator in a conspicuous manner in their place of business and further shall be posted by the Airport Manager in the Manager's office.

(k) Any violation of these provisions shall constitute grounds for revocation of fuel sales privileges in addition to the penalties hereinafter provided.

FIRE REGULATIONS

Section 31. All persons using the Airport area or facilities of the Airport shall exercise the utmost care to guard against fire or injury to persons or property and shall comply with "No Smoking", "Fire Lane", and other signs.

Section 32. No aircraft shall be fueled or drained while the engine is running or while in a hangar or other enclosed space.

Section 33. The cleaning of engine parts or other parts of the aircraft shall preferably be with non-flammable liquids. If volatile flammable liquids are employed for this purpose, cleaning operations shall be carried on in the open air.

Section 34. Aircraft maintenance in hangars shall be limited to inspection and replacement of parts and repairs incident thereto, and the final assembly of aircraft under construction, provided such repairs do not involve appliances using open flames or highly heated parts other than an electric soldering iron. The use of open flame or highly heated parts shall not be allowed in hangars until all other aircraft and flammable materials have been removed.

Section 35. Hangar tenants shall provide suitable metal receptacles with air-tight covers for the storage of oily waste, rags, and other rubbish. The contents of these receptacles shall be removed at reasonable intervals.

Section 36. Empty oil paint and varnish cans, bottles, or other containers shall be immediately removed from the hangars and shall not be allowed to remain on floors or wall stringers.

Section 37. No rubbish, paper, or debris of any kind shall be permitted to be stored in or about the hangars, or other structures.

Section 38. Gasoline, kerosene, ethyl, ether, or other flammable liquids, including those used in connection with the process of doping shall not be stored in the hangars. Such liquids shall only be stored in structures which comply with the regulations of the National Board of Fire Underwriters. Use of flammable liquids shall also comply with local and State Fire Regulations.

Section 39. Persons maintaining and repairing aircraft outside of hangars shall do so in a manner so as not to endanger structures or other parked aircraft, and shall promptly dispose of and keep the premises free of flammable items as described in Sections 36 through 38 thereof.

PRIVATE HANGARS

Section 40. No private hangars shall be constructed on Airport lands excepting as may be leased by the Airport Committee for such purpose, and the lessee shall comply with all the terms and conditions of the leases.

Section 41. The type and construction of hangars shall be subject to approval of the Airport Committee.

Section 42. All future leases shall require that rentals include rental of hangar space, adequate parking space for the lessee and the employees or guests of lessee, ramp space in front of or adjacent to the hangar of not less than 15,000 square feet, and providing sufficient liability insurance to protect the County, the Airport Committee and other Airport users in the event of property damage or personal injuries.

Section 43. Unless existing leases otherwise provide, upon this ordinance becoming effective rentals will be charged for parking and ramp space as well as building space.

Section 44. It shall be the responsibility of the lessor to provide, at its expense, paved taxi-ways from ramps to runways. Utility hook-ups from the closest source will be the responsibility of the lessee.

Section 45. No private hangars shall be used for commercial activities of any nature.

COMMERCIAL SERVICES

Section 46. No commercial air carrier shall carry on any activities on the Airport excepting those for which it has been certified.

Section 47. No other person shall, without the written consent of the Airport Committee, use the lands or facilities of the Airport for the purpose of fixed base operations.

Section 48. As a condition of approval by the Airport Committee for the providing of any of the services provided by fixed based operators, an applicant shall be required to comply with the following minimum requirements:

(a) Provide a hangar type structure no less than 100 x 100 feet and an adjoining office of at least 40 x 24 feet, to be constructed on Airport land leased from the Airport Committee. However, if only a single phase of fixed based operations is to be provided, such fixed based operator shall provide a hangar of a size no less than 40 x 60 feet with suitable adjoining office space.

(b) Provide proof of sufficient financial and technical ability which in the opinion of the Airport Committee will be adequate to permit acquisition, construction, and operation of the required facility.

(c) Qualified, and where required, certificated personnel for the type of services offered shall be available during regular hours of operation.

PENALTY PROVISIONS

Section 49. Violation of this ordinance shall constitute a misdemeanor punishable by a fine not exceeding Five Hundred Dollars ($500.00), or imprisonment in the County jail for a period not exceeding ninety (90) days, or both. Each day a violation continues after notice shall constitute a separate offense.

Section 50. A violation of this Ordinance shall also be deemed to be good and sufficient cause for the Airport Manager to deny use of the Airport to the offending person; provided, however, that any person denied use of the Airport hereunder shall be given written notice of the reasons for any such denial, and shall have ten (10) days from date of serving or mailing such notice to appeal to the Airport Committee. The appeal shall be made in writing, and shall be heard by the Committee within ten (10) days after receipt thereof. Upon hearing an appeal, the Committee may affirm, reverse, or modify the decision of the Airport Manager.

SEVERABILITY AND REPEALER

Section 52. If any provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 53. The Menominee-Marinette Twin County Airport Use Ordinance, as amended, is hereby repealed. Any other ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

EFFECTIVE DATE

Section 54. This Ordinance shall take effect upon publication of notice of its adoption in a newspaper of general circulation in the County. The County Clerk shall cause a notice of the adoption of this Ordinance to be published at least once in a newspaper of general circulation in the County, and shall furnish the Airport Manager with sufficient copies which shall be available to all persons affected by this Ordinance. One copy shall be posted in a conspicuous place in the Airport Manager's office.

Dated: April 18, 2017

Chairman, County Board of Commissioners

Attest:

Marc Kleiman, County Clerk

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AFFIDAVIT OF PUBLICATION

STATE OF WISCONSIN
COUNTY OF MARINETTE } ss

..... Amanda McCavitt ..... being duly sworn, says that he/she is the principal clerk of EagleHerald Publishing, LLC, a corporation under and by virtue of the laws of Wisconsin, whose principal place of business is at Marinette, Wisconsin, and that, as such principal clerk he/she makes this affidavit in its behalf and is authorized to do so:

That the said corporation is the publisher and printer of the EagleHerald, a daily newspaper published and printed in the City of Marinette, Marinette County, State of Wisconsin, and that the notice of which the annexed is a copy and which is taken from the paper in which it was published, was published in the said newspaper .....one..... time, ~~once in each week for ..... successive weeks~~: that the first publication of said notice therein was on the .....18th..... day of .....April..... A.D., 2017, ~~and that the last publication of said notice therein was on the ..... day of ..... A.D., 2017~~.

Affiant further says that said newspaper has a bona fide circulation to actual subscribers of more than seven thousand seven hundred copies per day, and is regularly and continuously published in said city of Marinette, Marinette County, State of Wisconsin, at least six days in each calendar week, holidays excepted, and that all facts set forth in the affidavit are true, to his/her personal knowledge.

Amanda McCavitt

Amanda McCavitt

Subscribed and sworn to before me this 18th

day of April, 20 17

Clara L. Marcoe

Clara L. Marcoe, Notary Public, Marinette County, Wisconsin

My Commission Expires 3/19/2018

2 Columns x 2½ inches = 5 inches

Publisher's Fees ..... Lines ...1..... Insertions $ 101.35

Affidavit $1.00

Received Payment ..... (total) $ 102.35

Date .....

CLARA L. MARCOE NOTARY PUBLIC STATE OF WISCONSIN

COUNTY OF MENOMINEE
COUNTY BOARD OF COMMISSIONERS
NOTICE OF ADOPTION OF ORDINANCE

PLEASE TAKE NOTICE THAT on April 11, 2017, pursuant to MCL 46.11(j), the Menominee County Board of Commissioners adopted an Airport Use Ordinance, to regulate the management, governance and use of the Menominee County Airport; to provide for the health, welfare and safety of all persons using the Airport and for the protection of the facilities and personal property located thereon; to designate authorized local officials responsible to administer the Ordinance and to enforce violations; to designate violations as misdemeanors and to provide for criminal penalties; to repeal prior ordinances; and to provide an effective date.

The Airport Use Ordinance is effective upon publication of this Notice of Adoption of Ordinance. A complete copy of the Airport Use Ordinance is available for inspection and copying at the office of the Menominee County Clerk, 839 10th Ave., Menominee, MI 49858.