

EXHIBIT B

ORDINANCE NO. 12-10

**AN ORDINANCE OF THE COUNTY OF SISKIYOU
REPEALING AND REPLACING A PART OF
SECTION 2-1.03 THROUGH 2-1.05 AND ADDING 2-1.06 THROUGH 2-1.17
OF CHAPTER 1 OF TITLE 2
OF THE SISKIYOU COUNTY CODE
REGARDING AN ORDINANCE REGARDING
AIRPORT USER FEES, RATES AND CHARGES AND REGULATIONS REGARDING
OPERATION OF FUEL TRANSPORTATION VEHICLES ON AIRPORTS.**

THE BOARD OF SUPERVISORS OF THE COUNTY OF SISKIYOU ORDAINS
AS FOLLOWS:

SECTION I: Sections 2-1.03 through 2-1.05 of Chapter 1, of Title 2 is hereby repealed and replaced to read as follows:

Section 2-1.03 Findings and Purpose

The County finds that:

(a) The County owns and operates a system of airports which includes Siskiyou County Airport, Weed Airport, Happy Camp Airport, Scott Valley Airport, Butte Valley Airport, which are used for the taking off, landing, operation and storage of aircraft, and the conduct of businesses supporting aviation activities; and

(b) The Airports promote a strong economic base for the community, assist and encourage world trade opportunities, and are of vital importance to the health, safety, and welfare of the State of California; and

(c) It is essential that the Airports remain financially self-sufficient to perform their transportation role in the community and to provide the community with cost effective aviation facilities; and

(d) The revenues received from users of the Airports are vital to the economic

well-being of the Airports; and

(e) The County will incur substantial expenditure for capital investment, operation, maintenance, and development of the facilities at the Airports to meet the future demand for airport services to accommodate the air transport of persons and cargo; and

(f) Siskiyou County Airport, Weed Airport, Happy Camp Airport, Scott Valley Airport, Butte Valley Airport, have sustained net losses throughout their respective periods of operation by the County, and have never produced revenues sufficient to offset the County's operating and capital costs for aeronautical assets in use at such airports; and

(g) Fuel flowage fees imposed on the delivery of fuel at the Airports currently paid by certain aviation tenants have not been sufficient to offset the County's costs of providing airfield assets and services at the Airports; and

(h) As a recipient of financial assistance from the United States Government for development of the Airports, the County is required, pursuant to 49 USC § 47107, to maintain a schedule of charges for use of facilities and services at the Airports that will make the Airports as self-sustaining as possible under the circumstances existing at the Airport, including volume of traffic and economy of collection; and

(i) Pursuant to 49 USC § 47107, the County is required to make the Airports available for public use on reasonable conditions and without unjust discrimination; and

(j) The Federal Aviation Administration (FAA) has directed airports to ensure that rates, fees, rentals, landing fees, and other service charges imposed on aeronautical users of the Airports for aeronautical uses are fair and reasonable and,

unless otherwise agreed to by the affected aeronautical users, do not exceed the costs of providing airfield assets and services currently in aeronautical use at the Airports; and

(k) The FAA has further directed that airport fees should be established using a consistent methodology for comparable aeronautical users, that fees imposed on a group of aeronautical users should not exceed the costs allocated to that user group, that reasonable distinctions may be made among aeronautical users, and that differing charges may be imposed on categories of aeronautical users based on those distinctions; and

(l) The State Aeronautics Act (California Public Utilities Code §21001 et seq) (the "Act") authorizes the County to operate and maintain airports and collect charges for the use of such facilities. The Act further authorizes the County to provide by regulation for charges, fees, and tolls for the use of the Airports and civil penalties for the violations of such regulations; and

(m) In order to raise revenue for purposes of making the Airports as self-sustaining as possible under the circumstances existing at the Airport and maintaining, operating, and developing the Airports for the convenience of aviation users and the traveling public, and to preserve existing revenues, protect the public, preserve order, provide for the public health, safety and welfare, enhance the welfare of the County, and govern use of Airport property, it is necessary to adopt and implement the fees specified in this Ordinance to be paid by persons utilizing the Airports for aviation purposes; and

(n) Because Commercial Aircraft Operators and Commercial Aeronautical users derive revenues from using the Airports for commercial purposes, it is fair and reasonable that Commercial Aircraft Operators and Commercial Aeronautical users

contribute to a greater degree than non-revenue generating users toward the maintenance, operation, and continued development of the Airports and making the Airports self-sustaining, and that such greater contribution by Commercial Aircraft Operators and Commercial Aeronautical users does not unjustly discriminate against this group of Airport users; and

(o) Because large Aircraft make greater demands on runways, taxiways, and other Airport facilities, which requires greater maintenance, operating, and capital expenditures by the County to permit such continued use for the Airports by such large Aircraft, a landing fee imposed on operators of such large Aircraft does not unjustly discriminate against this group of Airport users; and

(p) It is customary for airports that charge landing fees to base the fees on landed weight of Aircraft, and to exclude from the landing fee requirement Aircraft below a minimum landed weight; and

(q) The operation of fuel transportation vehicles on the Airports without appropriate environmental and safety precautions poses a threat to the health, economic vitality, and safety of persons living in the community, the State of California, and other citizens utilizing the Airports, and exposes the County to potential liability for environmental cleanup and remediation; and

(r) In order to protect the public, to provide for public safety, and to preserve the good order of the County, it is necessary to enact and provide for implementation of standards, controls, and procedures for operation of fuel transportation vehicles on the Airports.

2-1.04 Purpose

The purpose of this Ordinance is to enact landing and fuel flowage fees and to establish environmental and safety requirements for Fuel Transportation Vehicles consistent with the above findings and this Ordinance shall be liberally construed to effectuate this purpose.

2-1.05 Definitions

As used in this Ordinance:

(a) "Airports" and "Airport"

"Airports" shall mean, collectively, those certain airports located in Siskiyou County, California, known as Siskiyou County Airport, Weed Airport, Happy Camp Airport, Scott Valley Airport, Butte Valley Airport, including all facilities and road located at or on such airports. "Airport" shall mean any one of the Airports.

(b) "Aircraft"

"Aircraft" shall mean every contrivance invented, used, or designed to navigate, or fly in, the air.

(c) "Commercial Aircraft Operator"

"Commercial Aircraft Operator" shall mean any person engaged in the carriage in air commerce of persons or property for compensation or hire including but not limited to any person whose operations are governed by Parts 121 or 135 of the Code of Federal Regulations, Title 14, Chapter I, Subchapter G, promulgated by the United States Federal Aviation Administration, Department of Transportation, as in effect on the effective date of this Ordinance, and as amended, supplemented, and replaced from time to time.

(d) “Excluded Commercial Aircraft Operator”

“Excluded Commercial Aircraft Operator” shall mean a person described in Section 2-1.07(a) of this Ordinance.

(e) “Airport Director”

“Airport Director” shall mean the County’s Airport Director or his/her designee.

(f) “Fee”

“Fee” shall mean the Landing Fee and Fuel Flowage Fee authorized by this Ordinance.

(g) “Fuel”

“Fuel” shall mean any gasoline and any other inflammable or combustible gas or liquid usable as fuel for the operation of Aircraft.

(h) “Fuel Flowage Fee”

“Fuel Flowage Fee” shall mean the Fuel Flowage Fee authorized in Section 2-1.09 of this Ordinance.

(i) “Fuel Operator”

“Fuel Operator” shall mean any person who operates any system, devise, or container used to store or dispense Fuel at the Airports, including but not limited to a fuel storage tank, Fuel Transportation Vehicle, or similar system or devise.

(j) “Fuel Transportation Vehicle”

“Fuel Transportation Vehicle” shall mean any form of transportation that is used in and capable of transporting Fuel on Airport roads, parking areas, ramp areas, taxiways, runways, or elsewhere on the Airport.

(k) “Government Aircraft”

“Government Aircraft” shall mean any Aircraft owned or operated by the United States

government or any of its agencies.

(l) “Landed Weight”

“Landed Weight” shall mean the maximum permissible gross weight which an Aircraft may lawfully have at the time of landing at any airport in the United State as set forth in Federal Aviation Administration specifications for such Aircraft.

(m) “Landing Fee”

“Landing Fee” shall mean the Landing Fee authorized in Section 2-1.06 of this Ordinance.

(n) “Large Aircraft”

“Large Aircraft” shall mean any Aircraft having a Landed Weight that exceeds 10,000 pounds.

(o) “Large Aircraft Operator”

“Large Aircraft Operator” shall mean a person operating any Large Aircraft.

(p) “Mobile Storage Tank Use Agreement”

“Mobile Storage Tank Use Agreement: shall mean an agreement in force between the County and a person which expressly authorizes the person to operate a Fuel Transportation Vehicle on an Airport in accordance with prescribed terms and conditions.

(q) “Permit”

“Permit” shall mean the Permit required pursuant to Section 2-1.11.

(r) “Permittee”

“Permittee” shall mean any Person required by this Ordinance to have a Permit for

operation of a Fuel Transportation Vehicle on an Airport.

(s) "Person"

"Person" shall mean an individual, sole proprietorship, association, corporation, partnership, limited liability company, joint venture, or any other business arrangement or organization.

(t) "The County"

"The County" shall mean the County of Siskiyou.

2-1.06 Landing Fees – Fees Required

Except as provided in Section 2-1.07, every Commercial Aircraft Operator and every Large Aircraft Operator shall pay a fee ("Landing Fee") on each landing of an Aircraft at any Airport. The Airport Director shall establish Landing Fee rates for each Airport assessed per 1,000 pounds of Takeoff Weight; provided that such rates shall be fair and reasonable for the affected Person and shall not exceed the County's costs of providing airfield assets and services currently in aeronautical use at the Airports. The Airport Director may adjust Landing Fee rates from time to time consistent with this section.

a) The following rates are hereby established for each landing except those included in Section 2-1.07.

- Gross Takeoff Weight 10,000 to 12,499 - \$ 100.00
- Gross Takeoff Weight 12,500 to 14,999 - \$ 130.00
- Gross Takeoff Weight 15,000 and above - \$ 160.00

2-1.07 Exceptions

No Landing Fee shall be imposed pursuant to Section 2-1.06 on the following landing:

(a) Excluded Commercial Aircraft Operator. A landing by a Commercial

Aircraft Operator who is required to pay a fee to the County for such landing pursuant to the terms of an agreement between the County and the Commercial Aircraft Operator (an "Excluded Commercial Aircraft Operator").

(b) Emergency or Precautionary Landings. A landing of an Aircraft which departs from a Airport for another destination and if forced to return and land at the same Airport because of meteorological conditions, mechanical or operating causes, or for any similar emergency or precautionary reason.

(c) Helicopter Landings on Leased Areas. A landing by a commercial Aircraft Operator or Large Aircraft Operator of a helicopter on an area leased by the Commercial Aircraft Operator or Large Aircraft Operator from the County pursuant to a lease which permits the landing of helicopters on such area.

2-1.08 Collection of Landing Fees

Landing Fees shall be collected by the County in accordance with procedures established by the Airport Director. Unless the Airport Director has established other payment procedures, or credit arrangements satisfactory to the Airport Director that have been made in advance, every Commercial Aircraft Operator and Large Aircraft shall promptly pay applicable landing fees by cash or check to be deposited into fee collection box or complete a form provided by the County which contains information necessary to calculate the Landing Fee and deposit said form into the collection box. The County will bill all Commercial Aircraft Operator and Large Aircraft within thirty days of landing. Payments are due upon receipt of invoice. A delinquency charge in an amount established by the Airport Director shall be imposed on all Landing Fees not

paid when due.

2-1.09 Tiedown and Overnight Fees

Aircraft parked for a period that extends from one day to the next (through midnight), will be charged an overnight fee. Tiedown fees for aircraft at all Siskiyou County-owned airports are established as follows:

Transient Aircraft*:

Overnight	\$ 3.00
Weekly	\$ 10.00
Monthly	\$ 30.00
Yearly	\$ 100.00

*Includes Gliders w/Trailers

2-1.10 Parking Fees

a) Vehicle Parking:

Daily Parking	\$ 2.00
Parking in Excess of 30 days	\$ 40.00 Annual Fee

- Vehicles must be registered with the County Airport Director's Office.
- Cars with expired licenses and/or parked after more than 30 days without an annual parking sticker will be towed away.

b) Special Event Parking:

1. Designated areas only with prior authorization by Airport Director's Office.
2. RV parking is authorized only during permitted special events at a rate of \$10.00 per day.

If applicable fees are not paid within thirty days of airport use a late fee of 10% of the total charge owed will be applied per month.

2-1.11 Fuel Flowage Fees Required

Every Fuel Operator shall pay a fuel flowage fee ("Fuel Flowage Fee") on all Fuel transported onto the Airports; provided that no Fuel Flowage Fee shall be imposed on Fuel which is sold to an Excluded Commercial Aircraft Operator. The Fuel Flowage Fee shall be assessed at the time Fuel is transported onto an Airport by a Fuel Operator, and a credit or other appropriate adjustment shall be given to the Fuel Operator with respect to Fuel which is subsequently sold to an Excluded Commercial Aircraft Operator. The Fuel Flowage Fee shall be an amount payable on each gallon of fuel and may be adjusted by the Airport Director from time to time.

Fees per Gallon \$ 0.12

Fees will be collected for the total capacity of any fueling vehicle or container brought onto the Airport regardless of actual quantity in the vehicle.

2-1.12 Collection of Fuel Flowage Fees

Fuel Flowage Fees shall be collected by the County in accordance with procedures established by the Airport Director. Unless the Airport Director has established other payment procedures, or credit arrangements satisfactory to the Airport Director have been made in advance, all Fuel Flowage Fees shall be paid by a Fuel Operator no later than 20 days after the end of the calendar month in which Fuel is transported onto an Airport. A delinquency charge in an amount established by the Airport Director shall be imposed on all Fuel Flowage Fees not paid when due. All Fuel Operators shall promptly provide the County reports containing information specified by the County which is necessary to calculate the Fuel Flowage Fee.

If applicable flowage fees are not paid within thirty days of use of fuel a late fee of 10% of the total charge owed will be applied per month.

2-1.13 Use of Airports by Fuel Transportation Vehicles – Permit Required

No Person shall operate a Fuel Transportation Vehicle on any portion of an Airport except pursuant to a valid permit ("Permit") issued by the County or pursuant to a Mobile Storage Tank Use Agreement expressly allowing such operation. The Permit shall contain, at a minimum, the terms and conditions contained in this Ordinance, and such other terms and conditions as the Airport Director deems necessary or appropriate. Use of the Airports or any of the Airport facilities by tank operator of a Fuel Transportation Vehicle shall be deemed acceptance of the terms and condition of the Permit.

2-1.14 Permit Terms

At a minimum, all Permittees shall be required by the terms of the Permit to:

(a) **Insurance.** Provide the County written certificates of insurance evidencing insurance coverage of types and in amounts established by the Airport Director.

(b) **Indemnity.** Indemnify the County and its commissioners and employees against any claim of any type whatsoever arising out of the presence of the Permittee or the Permittee's Fuel Transportation Vehicle at the Airport.

(c) **Fuel Transportation Vehicle Identification.** Provide the County the make, model, color, license number, identification number, and motor vehicle

registration number of all Fuel Transportation Vehicles to be operated on the Airports.

(d) Business Permits. Provide the County written proof, upon request by the County, of all business and motor vehicle permits required by local, state, and federal regulations.

(e) Other Standards. Comply with all environmental and safety laws applicable to operation of Fuel Transportation Vehicles at the Airports, and such other standards as the Airport Director deems necessary or appropriate to protect the environment, the County, and the public health, safety, and welfare from the potential harmful effects of spills and releases from Fuel Transportation Vehicles.

2-1.15 Use of Airports - Permit Required

(a) Permit Required

No Person shall hold any operations on any portion of an Airport without obtaining a Use Permit expressly allowing such operation. The Permit shall contain, at a minimum, the terms and conditions contained in this Ordinance, and such other terms and conditions as the Airport Director deems necessary or appropriate.

(b) Use Fees

Use of any County owned airport requires a fee to be paid for said use. Fees to be established by Director of Airports based on length of use, type of use and liability to the County Airport.

(c) Permit Terms

At a minimum, all Permittees shall be required by the terms of the Permit to:

(d) Insurance. Provide the County written certificates of insurance

evidencing insurance coverage of types and in amounts established by the Airport Director.

(e) **Indemnity.** Indemnify the County and its commissioners and employees against any claim of any type whatsoever arising out of the presence of the Permittee at the Airport.

(f) **Other Standards.** Comply with all laws applicable to use of Airport property, and such other standards as the Airport Director deems necessary or appropriate to protect the environment, the County, and the public health, safety, and welfare of the public.

2-1.16 Penalties

(a) Civil Sanctions

In the event any person violates any term or condition of this Ordinance, the County may exercise any rights or remedies allowed by law or equity, including without limitation, imposition of a civil penalty pursuant to Siskiyou County Code of Ordinances Title I Chapter 2 Section 2-1.03 through Title I Chapter 2 Section 2-1.15 - of not more than \$500 per violation, and, in the case of a violation of any term or condition of any Permit granted pursuant to this Ordinance, after reasonable notice and hearing, suspension or termination of the rights granted pursuant to the Permit. In the event that any Permit is so suspended or terminated, any covenant or condition (including, but not limited to, indemnification covenants), set forth in the Permit, the full performance of which is not specifically required prior to the suspension or termination to that Permit, and any covenant or condition which by its terms is to survive, shall survive the

suspension or termination of the Permit and shall remain fully enforceable thereafter.

(b) Criminal Sanctions

Any Person violating this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more that \$250 per violation.

2-1.17 Severability

In the event any phrase, clause, sentence, paragraph, or paragraphs of this Ordinance is declared invalid for any reason, the remainder of the Ordinance shall not be thereby invalidated, but shall remain in full force and effect, all parts being declared separable and independent of all others.

SECTION II: Constitutionality: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION III: This ordinance shall become effective 30 days after its passage and shall, within 15 days of adoption, be published once in a newspaper of general circulation, printed and published in the County of Siskiyou.

PASSED AND ADOPTED this 5th day of June, 2012, at a regular meeting of the Board of Supervisors by the following vote:

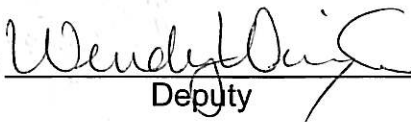
AYES: Supervisors Bennett, Valenzuela, Armstrong, Kobseff and Cook
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Grace Bennett, Chair
Siskiyou County Board of Supervisors

ATTEST:

COLLEEN SETZER, CLERK,
Board of Supervisors

By 

Deputy