

**AGENDA
LEBANON CITY COUNCIL
JULY 24, 2019**

9. NEW BUSINESS:

**9.C – DISCUSSION & SET PUBLIC HEARING FOR AUGUST 21, 2019:
ORDINANCE #2019-05 TO AMEND CITY CODE CHAPTER 8,
AIRPORT OPERATIONS, §8-4, AIRPORT RULES & REGULATIONS**

BACKGROUND

The Rules and Regulations for Operation of the Airport were adopted in 1993, and other than an amendment to the Landing Fees in 2018, have not been revised since.

Attached is a fully revised version based on staff review and input from existing airport tenants. Please see attached memo from Interim Airport Manager, Chris Christopoulos, Jr. for explanation.

This item was originally presented to the Council on April 3, 2019, but action was postponed in order to provide more time for the Interim Airport Manager to work out details with existing airport tenants. Administration is ready to move forward with the amendments as proposed.

ACTION

If the Council decides to move forward with proposed Ordinance #2019-05, the following motion is offered for consideration:

MOVED, that the Lebanon City Council hereby schedules a public hearing for Wednesday, August 21, 2019, beginning at 7:00pm in Council Chambers, City Hall, for the purpose of receiving public input and taking action on proposed Ordinance #2019-05, to amend City Code Chapter 8, Airport Operations, §8-4, Airport Rules & Regulations.

Included in this Section:

1. Proposed Ordinance #2019-05
2. July 15, 2019 Memo from Chris Christopoulos, Jr., Interim Airport Manager, re: Proposed Amendment to the 1993 Airport Rules and Regulations

Information Available but not Included:

1. Draft Rules and Regulations for Operation of the Municipal Airport
<https://lebanonnh.gov/DocumentCenter/View/10180/2019-Airport-Rules-and-Regulations>

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**CITY OF LEBANON
ORDINANCE #2019-05**

AN ORDINANCE TO AMEND the Code of the City of Lebanon, Chapter 8, Airport Operations, Section 8.4, Airport Rules and Regulations.

BE IT ORDAINED, by the City Council of the City of Lebanon, as follows:

Section 1:

Amend in its entirety, Lebanon Municipal Airport, Rules & Regulations for the Operation of the Airport (Originally Adopted September 1, 1993).

Section 2: Severability

The provisions of this ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses or part of this ordinance.

Section 3:

Effective date: This Ordinance shall become effective upon passage.

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MEMORANDUM

Date: July 15, 2019

To: Lebanon City Council

From: Chris Christopoulos, Jr., Fire Chief-Interim Airport Manager *Chris C*

cc: Shaun Mulholland, City Manager
Paula Maville, Deputy City Manager

Reference: Proposed Amendment to the 1993 Airport Rules and Regulations

Enclosed for the Council's review and approval is a proposed amendment to the existing Airport Rules and Regulations dated September 1, 1993. The 1st version was presented by City Council agenda packet on April 3, 2019. At the April 3rd meeting, I requested additional time to review and amend the proposed rules due to my concerns about the administration of the new rules and regulations.

Portions of the 1993 Regulations are still intact and, in some cases, only lightly edited for updating or clarifying them (such as sections addressing General Conduct, Safety, Private Motor and Airport Ground Vehicles or Parking Rules). However, most of the Regulations were significantly revised and, as a result, the enclosed document represents the entire set of Airport Regulations in its proposed amended form.

Background: Prior to submitting this amendment to the Council, a first draft was distributed to tenants of the Airport in 2017. A revised draft that took many of their comments and suggestions into account was distributed to all tenants in the fall of 2018 for further review and comment. All subsequent comments and suggestions received from tenants were again carefully reviewed and considered and many more revisions were made in response. The proposed amendment therefore reflects both substantial public input from those who would be most affected by it and significant revisions made because of that input.

Overview of Proposed Amendment:

- Parts 1 and 2 of the proposed Regulations apply to all persons that enter onto Airport property for any reason.
- Part 3 addresses all persons who own or operate Aircraft on the Airport or conduct any form of aeronautical activity, including those who only own or operate private aircraft

or private hangars on the Airport and do not get involved with offering or providing any services to the public.

- Part 4 addresses all persons who engage in any commercial or non-commercial aeronautical activities (including those activities that only support or contribute to the aviation operations of the Airport) that also offer or provide services to the public.
- Part 5 lists all fees to be collected at the Airport and authorizes the Airport Manager to collect them. The fee schedule is a separate exhibit at the very end of the Regulations, so it may be amended or replaced without affecting the remaining Regulations.
- Part 6 addresses enforcement of the Regulations and Part 7 covers procedural issues for adoption of the Regulations or any amendments to them.

Summary of major changes compared to the existing Regulations:

1. The existing Regulations were completely reorganized to make them more logical and user-friendly. The Table of Contents should also help the public more easily find the regulations that might apply to their circumstances.
2. The list of commercial aeronautical activities and the associated required minimum standards to operate on the Airport was expanded-upon.
 - Meeting minimum dimensional requirements: The Regulations clarify that a person seeking to conduct an aeronautical activity may meet the minimum dimensional requirements for land or floor area by, at least in part, obtaining a license from the City for shared use of Ramp area (if such Ramp area is available) or by leasing or owning improvements that may not be contiguous or within the same building, including shared use of interior common areas. For instance, hangar space to store an aircraft may not be in the same building as the office space also required for the commercial use, but the combined total of that square footage may be used to comply with the minimum dimensional standards for the activity. Existing tenants have been grandfathered from compliance with these requirements.
 - Operating agreements required: Persons seeking to conduct commercial or non-commercial aeronautical activities must obtain operating agreements from the City before they may conduct such activities. A lease from the City grants a person the right to use and occupy the City's land or Terminal subject to the person also obtaining an operating agreement, which specifically addresses how the person will meet the

operating standards in the Regulations. Both the lease and the operating agreement must be in effect at the same time.

- Annual submission of insurance documents: The operating agreements require annual submissions of insurance certificates and endorsements naming the City as additional insured, so the City may enforce insurance requirements, and update coverage requirements as conditions or risk factors change, more effectively than now found only in leases.
 - Transient service providers: A new category of commercial operator would now be required to obtain approval from the Airport Manager before conducting business on the Airport—the Transient Aviation Services Operator. Transient vendors currently may come onto the Airport to service or repair aircraft or engage in other activities and the Airport Manager may not know of their presence. This change is intended to begin a process where they seek and obtain a permit from the Airport Manager before engaging in commercial activities, including submitting evidence of insurance.
3. Part 5 and the fee schedule incorporate the same landing and other fees that currently exist (with no increases proposed) but also introduce three new fees:
- Monthly licensed property (e.g., ramp) fees: Commercial operators who obtain a license from the City to use and occupy ramp areas for their private use would be required to pay an annual fee.
 - Transient service providers: Transient commercial operators would be expected to pay a permit fee to the Airport Manager each time they seek and obtain a permit prior to any work being done. The proposed fee would be based on the type of aircraft being serviced/repared or used for flight training as follows: Piston Engine = \$250 per occurrence; Turbo Prop Engine = \$500 per occurrence; and Turbine Engine = \$750 per occurrence.

The proposed amendment of the existing Airport Rules and Regulations should assist the City in managing the Airport and provide better clarity of requirements and equity among persons who use the Airport, including those using it for commercial purposes.

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