

Introduced: March 10, 2008  
Adopted: March 24, 2008  
Effective: April 13, 2008

**CITY OF CHARLOTTE**

**ORDINANCE NO. \_\_\_\_**

AN ORDINANCE TO AMEND THE CITY CODE OF THE CITY OF CHARLOTTE BY AMENDING CHAPTER 2, ARTICLE IV, BOARDS AND COMMISSIONS, BY ADDING DIVISION 4, FITCH H. BEACH MUNICIPAL AIRPORT ADVISORY BOARD, SECTIONS 2-131 THROUGH 2-134, TO ESTABLISH A BOARD TO ADVISE THE CITY MANAGER AND CITY COUNCIL REGARDING THE OPERATION OF THE FITCH H. BEACH MUNICIPAL AIRPORT, AND TO ADD A NEW CHAPTER 72, MUNICIPAL AIRPORT, TO PROVIDE FOR THE PROMULGATION OF POLICIES, RULES, REGULATIONS AND STANDARDS FOR THE OPERATION OF THE FITCH H. BEACH MUNICIPAL AIRPORT WITHIN CHARLOTTE, MICHIGAN.

Councilmember Spielmaker moved the following:

THE CITY OF CHARLOTTE ORDAINS:

Section 1. **CHAPTER 2, ADMINISTRATION, ARTICLE IV, BOARDS AND COMMISSIONS**, is hereby amended to read as follows:

**DIVISION 4. FITCH H. BEACH MUNICIPAL AIRPORT ADVISORY BOARD.**

**§ 2-131. CREATED; PURPOSE.**

The Fitch H. Beach Municipal Airport Advisory Board, established under the authority of the Aeronautics Code of the State of Michigan, Act 327 of the Public Acts of 1945, as amended, MCL 259.1, *et seq.*, is hereby established and shall provide advice and recommendations to the City Council, the City Manager, and the Airport Manager on the maintenance, procedures and policies concerning the operation of the Fitch H. Beach Municipal Airport. The Board shall function in an advisory capacity only and shall have no authority to adopt, amend, modify, alter or rescind any rule, regulation or ordinance for the management, governance or use of the Fitch H. Beach Municipal Airport.

**§ 2-132. MEMBERSHIP: TERMS, VACANCIES, REMOVAL.**

(A) The Board shall be comprised of five members appointed by the Mayor, with approval of the City Council. In addition, one Council member, a representative of Eaton Township appointed by the Mayor, and the Airport Manager (or City Manager if none appointed) will serve as nonvoting, *ex officio* members.

(B) The term of appointment shall be three years. One member's term shall end on April 1, 2009. Two other members' terms shall end on April 1, 2010. The remaining two members' terms shall end on April 1, 2011. These staggered appointments shall continue in future years.

(C) If any member, for any reason, resigns or relinquishes his or her membership on the Board, the replacement shall be appointed by the Mayor, with approval of the Council, to fill the vacancy for the remainder of that unexpired term.

(D) Members of the Board serve at the pleasure of Council and may be removed, with or without cause, at any time. In addition, if any member misses three consecutive meetings without a valid excuse, he or she shall be removed. The Chairperson of the Board shall notify the Mayor, who shall appoint a replacement, with the approval of Council.

**§2-133. REGULAR AND SPECIAL MEETINGS; MINUTES.**

(A) The Board shall hold regular quarterly meetings at a date, place and time to be set by the Board. A schedule of meetings adopted by the Board shall be provided to the City Council, posted at City Hall, and available to the general public through the office of the clerk.

(B) The chairperson of the Board or a majority of the members of the Board may call a special meeting of the Board whenever, in their opinion, the business of the Board may require it. Notice of special meetings shall be made in conformance with the Michigan Open Meetings Act.

(C) At the first meeting following April 1 of each year, the Board shall select a chairperson, vice chairperson and secretary. The chairperson shall assume the duties of the presiding officer immediately following his or her election.

(D) A majority of the members of the Board shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and the meeting shall be adjourned.

(E) The meetings of the Board shall be conducted pursuant to the provisions of the Michigan Open Meetings Act. The procedure for conducting the meetings shall be controlled by Roberts Rules of Order.

**§2-134. COMPENSATION.**

The members of the Board shall receive no compensation for their services to the City, but shall be allowed reasonable and actual expenses when incurred on behalf of the City and approved by the City Council.

Section 2. **CHAPTER 72, MUNICIPAL AIRPORT**, is hereby added to read as follows:

**ARTICLE I. GENERAL.**

**§72-1. NAME.**

The municipal airport shall be known as the Fitch H. Beach Municipal Airport.

**§§72-2 – 72-9 RESERVED.**

**ARTICLE II. MANAGEMENT AND CONTROL.**

**§72-10. CITY MANAGER DUTIES RELATING TO THE AIRPORT.**

The airport shall be managed and supervised by the City Manager, or his designee. The City Manager shall be charged with the care and preservation of all the property and equipment belonging to the airport, whether located within or without the limits of the City, and shall cause the airport to be inspected on a regular basis relative to the storage of equipment and planes, fire hazards, conditions of grounds, and such other matters as may be deemed advisable. Fitch H. Beach Municipal Airport shall be operated, and the business of the airport conducted, in conformity with applicable state and federal laws and such rules and regulations as promulgated pursuant to this chapter.

**§72-11. AIRPORT DIRECTOR.**

The City Manager shall appoint an Airport Director, with the approval of Council, who shall perform such duties as may be assigned to him by the City Manager.

**§72-12. EMPLOYMENT AND DISCHARGE OF PERSONNEL.**

The City Manager shall have the power to employ and discharge all personnel he or she may deem necessary for operating, managing and regulating the airport.

**§§72-13 – 72-19 RESERVED.**

**ARTICLE III. GENERAL REGULATIONS AND FEES.**

**§72-20. PROMULGATION OF REGULATIONS.**

(A) Subject to the approval of the City Council, the City Manager shall make such regulations relative to the general control, supervision and use of the airport as he or she shall deem necessary or advisable. Such regulations shall comply with all rules and regulations made by the Michigan Department of Transportation and the United States Department of Transportation pertaining to air traffic and airports. Such regulations shall become effective upon filing with the City Clerk and posting at the Fitch H. Beach Municipal Airport.

(B) It shall be unlawful to violate or refuse to obey any rule or regulation promulgated pursuant to this section. Violation of any of the rules or regulations shall constitute a violation of this section, which violation shall be a municipal civil infraction. In addition to the penalties for municipal civil infractions, any person operating or handling any aircraft or any airport property in violation of such rules or regulations, or refusing to comply herewith, may be properly removed from the airport property or temporarily “grounded” upon the order of the Airport Director or the City Manager, and may be deprived of such further use of the airport and its facilities for such time as may be required, in the sole discretion of the Airport Director or the City Manager, to ensure the safeguarding of the airport and all persons and property located thereon, and the safeguarding of the public at large.

**§72-21. FEES FOR USE OF FACILITIES.**

All rates or charges for use of airport property or equipment shall be those fees or rates which have been prepared by the City Manager and filed with the City Clerk.

**§§72-22 – 72-29 RESERVED.**

**ARTICLE IV. COMMERCIAL OPERATIONS.**

**§72-30. FIXED BASED OPERATORS; COMMERCIAL SERVICES.**

(A) The City Council is hereby authorized to enter into an agreement with a fixed based operator (FBO) who will provide one or more aviation-related commercial services and whose primary base of operations is the Fitch H. Beach Municipal Airport. The terms of the fixed operator agreement shall be as mutually agreed by the parties and, consistent with 29 USC §40103, may provide for some or all of the commercial services at the Fitch H. Beach Municipal Airport, as the term “commercial services” is defined below.

(B) No persons or entities shall engage in commercial services at the Fitch H. Beach Municipal Airport without prior written agreement with the City. “Commercial Services” offered to the public is defined as follows:

- (1) Aircraft sales; new and/or used aircraft;
- (2) Aircraft services:
  - (a) Maintenance, inspection and licensing of aircraft and aircraft engines;
  - (b) Purchase and sale of parts, equipment and other accessories;
  - (c) Renovation and rebuilding of aircraft and aircraft engines;
- (3) Radio sales and services; sale, installation and maintenance of aviation associated electronic equipment;
- (4) Charter operations and related services:
  - (a) Flight ambulance services;
  - (b) Crop spraying;
  - (c) Pest control;
  - (d) Air taxi;
  - (e) Freight hauling;
  - (f) Other aviation flight and ground services;
- (5) Aviation flight and ground schools and corresponding ratings instruction; instruction of persons toward a license of rating as provided by the Federal Aviation Agency;
- (6) The furnishing of fuel and aviation lubricants.

Section 3. This ordinance shall become effective 20 days after adoption and that the above ordinance be passed to a second reading.

Second, Arnold 6 Yeas. 0 Nays.

Dated: March 25, 2008.

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Deb Shaughnessy, Mayor

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Ginger Terpstra, Clerk