

ORDINANCE NO. 2024 - 37

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING CHAPTER 2A “AIRPORTS” OF THE CODE OF ORDINANCES OF THE CITY OF DELAND BY ADOPTING A NEW SECTION 2A-4, TO ESTABLISH THE IMPLEMENTATION OF FEES FOR USE OF THE PUBLIC AIRPORT; AND BY PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the current Code of Ordinances of the City of DeLand contains no provision for the imposition of fees for aircraft at the DeLand Municipal Airport; and

WHEREAS, the current ordinances in place for Chapter 2A – Airports only provides for the airport manager’s responsibilities, a procedure for adoption of rules and regulations, and an economic development committee for operations of the DeLand Municipal Airport; and

WHEREAS, Section 329.40, *Florida Statutes*, supports the authority of municipalities to impose fees for publicly owned and operated airports for its operations by delegating that the governing body of such airport shall have liens for all unpaid fees for aircraft landing at the airport; and

WHEREAS, the Federal Aviation Administration’s Airport Convenience Manual instructs airports who receive federal dollars to maintain fee and rental structure to be as self-sustaining as possible; and

WHEREAS, federal law also supports the notion that public airports fund their operations through fees to be self-sustaining under the Airport and Airway Improvement Act of 1982 and Federal Aviation Administration Authorization Act of 1994; and

WHEREAS, it is necessary to establish fees to support the operations of the DeLand Municipal Airport as an act of its commitment to the self-sustaining principle established by the Federal Aviation Administration as supported by federal law; and

WHEREAS, the City Commission finds that adoption of the implementation of fees for aircraft utilizing the DeLand Municipal Airport is in the best interest of the health and welfare of the citizens of the City of DeLand.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF DELAND, FLORIDA:

Section 1. Legislative Findings and Intent. The City Commission of the City of DeLand hereby adopts and incorporates into this Ordinance the recital (whereas clause) to this Ordinance and the City staff report relating to this Ordinance.

Section 2. Amendment to Chapter 2A, Airports. A new Section 2A of the *Code of Ordinances of the City of DeLand, Florida*, is hereby adopted to read, in full, as follows:

Sec. 2A-4 – Airport fees.

The City may charge fees to recover the costs incurred by the City that are not being covered by federal or state airport improvement programs and are associated with the planning, development, operation, management and marketing of the airport. Recoverable costs include, but are not limited to: (a) all airport planning, engineering, design and development cost; (b) all airport operating, management, maintenance and repair costs; and (c) all airport debt service, capital outlays, reserves and amortization.

Collectible fees may include, but are not limited to, fuel flowage fees, aircraft parking and tie-down fees (on those portions of the airport under the direct control of the City and not leased to a fixed base operator), aircraft landing fees, operator permit fees. All fees shall be imposed as determined and published by the City Commission by resolution. All such fees shall be collected by the airport manager, his designee, or the city's authorized agent.

Section 3. Savings. The prior actions of the City of DeLand relating to enforcing the prohibition against video and audio recording in the Police Department lobby, as well as any and all related matters, are hereby ratified and affirmed.

Section 4. Implementing Administrative Actions. The City Manager, or his designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions including, but not limited to, the adoption of administrative rules.

Section 5. Conflicts. All Ordinances or parts of Ordinances and other actions of the City Commission in conflict with this Ordinance are hereby repealed.

Section 6. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 7. Codification; Direction to Code Codifier and City Staff; Correction of Scrivener's Errors.

(a). The provisions of Section 2 of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of DeLand* and the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that the text of Section 1 and Sections 3 through 7 shall not be codified.

(b). The Code codifier is granted liberal authority to codify the provisions of this Ordinance in such manner and in such places as deemed advisable.

(c). In accordance with the City's ongoing codification program; the City Clerk, in conjunction with the City Attorney, may make corrections to the provisions of this Ordinance relative to Scrivener's errors of whatever type or nature.

PASSED AND DULY ADOPTED this __ day of August, 2024.

Christopher M. Cloudman
Mayor - Commissioner

ATTEST:

Julie A. Hennessy, City Clerk - Auditor

Passed on first reading: August 05, 2024

Adopted on second reading: August 19, 2024

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind, City Attorney