

Summary: an ordinance amending provisions relating to Carson City Airport rules and regulations.

BILL NO. 105

ORDINANCE No. 2024 - 5

AN ORDINANCE RELATING TO CARSON CITY AIRPORT RULES AND REGULATIONS; REVISING AIRPORT RULES AND REGULATIONS TO ALLOW IMPOSITION OF FEES FOR SECURED AIRPORT ACCESS AND ESTABLISHING LIABILITY INSURANCE REQUIREMENTS FOR AIRCRAFT; REVISING VARIOUS PROVISIONS RELATING TO THROUGH-THE-FENCE OPERATIONS; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.02 (AIRPORT RULES AND REGULATIONS), Section 19.02.020.050 (PUBLIC USE) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.02.020.050 – PUBLIC USE. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The Airport shall be open for public use at all hours of the day, subject to regulation or restriction due to weather, the conditions of the landing area, the presentation of special events and like causes, as may be determined by the Airport Manager or Airport Authority and revocation of the right to use for violation of these rules and regulations as herein provided. **The Airport Authority may institute a gate card or other control system for secured access of persons, vehicles and aircraft to the Airport with fees to cover the costs of operation.**

SECTION II:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.02 (AIRPORT RULES AND REGULATIONS), Section 19.02.020.200 (GENERAL) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.02.020.200 - GENERAL. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

1. Every person operating an aircraft shall comply with and operate such aircraft in conformity with these rules and regulations, and all pertinent rules, regulations, orders and rulings of the FAA and Department of Homeland Security. **All aircraft and ultralight vehicles based at the Airport must, prior to taxiing, being towed, being pushed or otherwise being put in**

motion at the Airport, be covered by liability insurance maintained by the owner or operator of the aircraft or ultralight vehicle, as determined by the Airport Authority. The insurance shall be in a minimum amount of coverage, as determined by the Authority, and shall name the Authority as an additional insured.

2. So long as the Airport is an uncontrolled airport, all pilots of arriving and departing aircraft having radio equipment permitting two-way communications should monitor the AWOS frequency (119.925) to obtain current weather information and airport advisories, monitor UNICOM (123.00) for traffic advisories and broadcast position reports upon entering the airport traffic area.

3. A traffic pattern chart may be posted on the Airport webpage, www.flycarsoncity.com, to provide additional information to pilots.

4. The taxiing, traffic and landing rules of this chapter may be deviated from upon the authorization of a control tower when established on the Airport.

5. In the event any aircraft is wrecked or damaged to the extent that it cannot be moved under its own power, the Airport Manager shall be immediately notified. Subject to governmental investigations and inspections of the wreckage, the owner or pilot of the wrecked or damaged aircraft, or the owner's agent or legal representative shall, as soon as reasonably possible, obtain the necessary permission for removal of the aircraft and thereupon shall promptly remove such aircraft from all landing areas, taxiways, ramps, tie-down areas, and all other traffic areas and ~~[placed or stored]~~ **placed or stored** where designated by the Airport Manager. No such wrecked or damaged aircraft shall be permitted to remain exposed to the general public of the Airport. In the event the owner of the aircraft fails for any reason to remove the wrecked or damaged aircraft from the Airport as may be requested by the Airport Manager, or to remove it from the traffic areas as herein indicated, the Airport Manager may cause the removal and storage, or disposal of such wrecked or damaged aircraft at the expense of the aircraft owner.

SECTION III:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.010 (Definitions) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.010 – Definitions. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

Definitions as used in this chapter are:

1. “Authority” means the Carson City Airport Authority.

2. **“Airport” means the Carson City Airport Facility (KCXP), identified pursuant to The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989, and operated by the Authority, including all Authority owned improvements and equipment existing or to be developed.**

~~[2-]~~3. “Board” means the Carson City Board of Supervisors.

~~[3-]~~4. “City” means the city of Carson City, **Nevada**.

~~[4-]~~5. “Permittee” means the entity, be it a person, ~~[corporation or partnership]~~ **corporation, partnership, limited liability company, or Association** that applies for and is granted an ~~[access privilege permit]~~ **Access Privilege Permit** by the Authority.

~~[5. “Access privilege permit”]~~ **6. “Access Privilege Permit”** is a document whereby the Authority grants a privilege to a ~~[permittee who is actually doing business on a tract of land adjoining the airport public landing area to gain access to the landing area solely for aircraft used incidental to such business. Said access privilege permit may be transferred to a successor in interest of the permittee so long as the successor in interest is also the owner of real property adjacent to the Airport and reports the transfer of the permit to the Authority. The Authority reserves the right to relocate its taxiways so long as access to the taxiway is accorded to the permittee. The permittee has the duty to maintain its accessway in accordance with Section 19.03.070 and to indemnify the city and the authority pursuant to Section 19.03.160 of this chapter.]~~ **Permittee to gain secure access from fee simple land contiguous to Airport to the landing area of the Airport.**

7. “Adjacent Hangar Association”, “AHA” or “Association” means a common-interest community association that is contiguous to the Airport and includes multiple hangars as part of its development and association.

8. “FAA” means the Federal Aviation Administration of the United States Department of Transportation.

SECTION IV:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.020 (Access privileges) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.020 – Access [~~privileges.~~] privileges; eligibility; issuance; transfer; duties. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

1. Access Privilege. Access Privilege Permits ~~[Airport access permits]~~ shall be limited to one per parcel ~~[and to the industrial zoned land adjoining the airport boundary north and east of the airport.]~~ **of real property.**

(a) Access Privilege Permits granted to an Association shall encompass and be applicable to every member of that Association that meets the requirements of this Chapter.

(b) The security gate or other method of entry and the corresponding control devices must be approved in advance by the Authority consistent with 19.02.020.050. With regard to AHAs, such control will be issued by the Authority to those members of the Association in compliance with this Chapter.

2. Eligibility. An Access Privilege Permit is eligible to be granted to a potential Permittee upon fulfilling each of the following conditions:

(a) Permittee is a landowner, including an Association and on behalf of its members, of any real property which is located to the north or east of the Airport. The Permittee’s real property must be contiguous to the Airport to allow access to the Airport or, in the circumstance of an Association, the real property of the Association, including its common area, is contiguous to the Airport. Each member of an Association is a Permittee under the Access Privilege Permit granted to that Association so long as each Association member occupies real property that is contiguous with the real property of the Association and has an ownership interest in the real property of the Association contiguous to the Airport and

over which access to the Airport is granted. Such member must construct (or have constructed) a hangar on its real property.

(b) Permittee is doing business on such real property and the business of the Permittee must not be engaged in the business of a commercial aeronautical activity to the public.

(c) Permittee's use or storage of an aircraft and access to the public landing area of the Airport is incidental to the Permittee's business.

(d) All Permittees and their access to the Airport is subject to the conditions and criteria of the FAA relative to through-the-fence access.

(e) For an Association, each of its members must individually meet and maintain the eligibility requirements stated in paragraphs (a)-(d), inclusive, of this subsection.

(f) For an Association, the Association must adopt rules and regulations that ensure compliance with and, at a minimum, are as restrictive as any rules and regulations of this Chapter 19.03 and any rules and regulations of the Airport, as they may be amended from time to time.

3. Issuance. All Access Privilege Permits shall be memorialized by a written agreement between the Permittee and Authority that complies with all FAA standards for such agreements and these regulations set forth in Chapter 19.03.

4. Transfer. An Access Privilege Permit may be transferred to a successor in interest of the Permittee so long as the successor in interest is also the successor in interest of the same real property, and reports the transfer of the Access Privilege Permit to the Authority, and obtains written consent from the Authority for such transfer, which shall not be unreasonably withheld.

5. Duties.

(a) The Authority reserves the right to relocate its taxiways so long as access to the taxiway is accorded to the Permittee.

(b) The Permittee has the duty to maintain its accessway in accordance with Section 19.03.070 and to indemnify the City and the Authority pursuant to Section 19.03.160 of this chapter.

(c) Permittee will not engage in any activity or conduct on or about the Airport or Permittee's own real property which would interfere with Airport operations or funding consistent with FAA requirements.

SECTION V:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.030 (Number of aircraft) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.030 – Number of aircraft. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The number of aircraft is limited to no more than four [(4)] resident aircraft per [parcel owned by the permittee. A permittee may apply to the Authority for more aircraft per parcel.] Access Privilege Permit which are based at the real property of the Permittee, except that if Permittee is an Association, then the number of aircraft is limited to no more than four

resident aircraft per member of the Association. A Permittee may apply to the Authority to increase the number of allowed aircraft, which increase may be granted by the Authority for good cause.

SECTION VI:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.040 (Method of access) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.040 – Method of access. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

In order to promote [~~airport~~] **Airport** safety and security the Authority shall not allow an excessive number of through-the-fence accessways entering onto a taxiway. The access points to a taxiway shall be located and coordinated by [~~permittees~~] **Permittees** and the Authority in such a way as to allow joint use of [~~one (1) accessway~~] **accessways** between adjoining parcels or [~~owners~~] **owners in order to avoid an excessive number of accessways.** The Authority shall have discretion to limit a [~~permittee~~] **Permittee** access through an existing [~~access way~~] **accessway** if the Authority finds that [~~airport~~] **Airport** safety and security so requires.

In addition, except through existing taxiways, there shall be no midfield access permitted to the runway unless [~~and until the northside parallel taxiways are constructed and until~~] said access is approved by the **Authority and the** FAA.

SECTION VII:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.050 (Revocation for cause—Procedures) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.050 – Revocation for cause—Procedures. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

1. An [~~access privilege permit~~] **Access Privilege Permit** may be revoked for good cause by the Authority. Good cause for such revocation shall include, but is not limited to any act committed by [~~permittee~~] **Permittee**, or permitted or caused by a [~~permittee~~] **Permittee** in conjunction with the access privilege which act is in violation of any law, ordinance or FAA regulation. **Good cause also includes a Permittee failing to pay an access fee within fifteen days of notification that such fee has not been paid.**

2. Any [~~permit~~] **Access Privilege Permit** issued pursuant to the provisions of this [~~chapter~~] **Chapter** may be revoked in the following manner:

[~~a. The Airport Manager may revoke the permit if the permittee fails to pay the permit fee within fifteen (15) days of notification that such fee has not been paid.~~]

(a) In the situation of an immediate emergency, security or safety issue, the Airport Manager can temporarily suspend any Access Privilege Permits for such time as reasonably necessary to protect the safety of the Airport. As soon as reasonably practical the Airport Manager must declare in writing to all Permittees the nature and description of the immediate emergency, security or safety issue and a good faith estimate of the time period that the Access Privilege Permits will be temporarily suspended.

~~[b.](b)~~ The Authority may, on its own motion or initiative, or upon **verified** complaint of any person, institute proceedings to revoke ~~[a permit]~~ **an Access Privilege Permit** by mailing **or delivering** a complaint setting forth the alleged ~~[reason for such permittee as shown by his application or by a supplemental application filed pursuant to the provisions hereof.]~~ **reasons for revocation to such Permittee.**

~~[e.](c)~~ The ~~[permittee]~~ **Permittee** shall, within ten (10) days of the date of **service of** such ~~[mailing]~~ **complaint**, file with the secretary of the Authority a written answer to such complaint, under oath.

~~[d.](d)~~ The Authority shall fix a day and time for a hearing at which the ~~[permittee]~~ **Permittee** will be given an opportunity to be heard. **To the extent the Permittee resolves the issues of the complaint to the satisfaction of the Authority, the Authority may dismiss the complaint.**

~~[e.](e)~~ If the ~~[permittee]~~ **Permittee** fails to file a written answer within the time required, or if the ~~[permittee]~~ **Permittee** fails to appear at the place and time designated for the hearing, the Authority may order the ~~[privilege permit]~~ **Access Privilege Permit** revoked **or suspended**.

~~[f. The Authority shall,]~~ **(f) If the complaint is not otherwise resolved, satisfied or dismissed, the Authority may,** within fifteen ~~[(15)]~~ days after the date of such hearing, enter its order to ~~[refuse or]~~ revoke **or suspend** the ~~[permit]~~ **Access Privilege Permit**. The ~~[permittee]~~ **Permittee** shall be allowed to operate until the order is entered and ~~[mailed]~~ **delivered** to the ~~[permittee]~~ **Permittee** at ~~[his]~~ **its** last known address **or contact information**.

~~[g. As]~~ **(g) In the situation of an immediate emergency, security or safety issue, the Authority may, as** an alternative to the procedure outlined in the foregoing subsections, ~~[the Authority may,]~~ on its own initiative or upon the **verified** complaint of any person, require the ~~[permittee]~~ **Permittee** to appear before the Authority at a time and place fixed by the Authority to show cause, why ~~[his privilege permit]~~ **its Access Privilege Permit** should not be revoked. The hearing shall not be less than five ~~[(5)]~~ days from the date of service upon the ~~[permittee]~~ **Permittee** of the order by mailing a copy of the order to ~~[him]~~ **the Permittee** at ~~[his]~~ **its** last known address or place of business, or by making personal service upon ~~[him]~~ **the Permittee** thereof. The failure by the ~~[permittee]~~ **Permittee** to appear at the time and place designated by the Authority shall, in and of itself, constitute sufficient grounds for revocation **or suspension** of the ~~[permit]~~ **Access Privilege Permit**.

~~[h.](h)~~ There shall be no reopening or review of the proceedings whatsoever by the ~~[authority]~~ **Authority** except when it subsequently appears to the satisfaction of the Authority that the ~~[permittee's]~~ **Permittee's** failure to answer or appear was due to matters beyond ~~[his]~~ **its** control, and not through negligence on the part of the ~~[permittee]~~ **Permittee**.

~~[i.](i)~~ In all proceedings under this ~~[chapter]~~ **Chapter** the Authority shall have the right to subpoena witnesses and documents, and all witnesses thus subpoenaed shall attend at the time and place appointed therein, and failure to attend at the time and place appointed in the subpoena may be regarded by the Authority as contempt thereof, and a finding by the Authority to such effect shall be duly reported to the ~~[sheriff for immediate disposition thereon, and shall constitute prima~~

~~facie evidence of contempt in any municipal court of the City;~~ **District Attorney's Office for pursuit of any applicable remedies. Upon a proper judicial determination,** the penalty for each such offense shall be a fine of not less than ~~[ten dollars (\$10.00)]~~ **one hundred dollars (\$100.00)** nor more than five ~~[hundred dollars (\$500.00) and shall be accompanied by incarceration of not less than two (2) days nor more than thirty (30) days.]~~ **thousand dollars (\$5,000.00).**

(i) For revocation proceedings against an Association, as the Permittee, that is premised upon the actions or inactions of a member of that Association and not the Association itself, the Authority will first provide written notice to the Association and permit the Association thirty (30) days to resolve the complaint with its member or take all other remedies available to the Association under the rules and regulations of the Association as against that member. If the complaint or issue remains unresolved to the satisfaction of the Authority within the thirty (30) day time period, the Authority may initiate revocation actions against the Association following the procedural steps outlined above in this Section.

3. In addition to the other remedies provided in this ~~[chapter,]~~ **Chapter** the Carson City ~~[district attorney's office]~~ **District Attorney's Office** is authorized to petition the district court for an injunction restraining any ~~[permittee]~~ **Permittee** from conducting through-the-fence access without a valid ~~[permit]~~ **Access Privilege Permit** or written agreement with the Authority.

SECTION VIII:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.060 (Fees) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.060 – Fees. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

~~[The following]~~ **1. An annual** access fee shall be assessed against the ~~[permittee. An annual fee in the amount of:]~~ **Permittee. The Airport Authority shall assess annual fees following the method approved by the FAA based on Airport operational and maintenance costs divided by square footage of hangar space:**

~~[I. For properties with hangars, the greater of a fee of seven hundred fifty dollars (\$750.00) or thirty six cents (\$0.36) per square foot times the square footage of the hangar space located on the permittee's property.~~

~~—— II. — For properties with hangars and aircraft parked outside of the hangar, one hundred twenty five dollars (125.00) per aircraft so parked, in addition to the fee in subsection 1 above.~~

~~—— III. — For each property with a hangar, the fee shall be offset by the amount of real property taxes received by the Airport Authority on said hangar. In the event that the property taxes so received exceed the fees in subsection 1 and 2 above, the property tax will be considered full payment for the annual fee.~~

~~—— IV. — For properties without hangars and with an access permit and no access being presently used, six hundred twenty five dollars (\$625.00).~~

~~—— V. — For properties without hangars and with aircraft parked on said properties, seven hundred fifty dollars (\$750.00), plus one hundred twenty five dollars (\$125.00) per each aircraft beyond the first aircraft.~~

~~_____ The annual fee for the easement may be adjusted from time to time, to reflect the cost of airport maintenance and the amount of hangar space and aircraft parking.]~~

(a) For single permittees who are manufacturers with corporate aircraft the fee will be based on the square footage of the hangar and offset by the amount of real property taxes received by the Airport Authority on said hangar.

(b) For AHA developments the fee will be based on the square footage of the hangar and will not be offset by the real property taxes received by the Airport Authority on such hangars.

(c) For permittees who either have no hangar or park aircraft that cannot be regularly parked inside the hangar, the Authority may use a flat fee for the outside stored aircraft.

2. The annual fee for the Access Privilege Permit may be adjusted from time to time, pursuant to the methodology approved by the FAA that reflects the costs of usage of the Airport, and may be calculated by dividing the Airport operational and maintenance costs by the amount of hangar space. Alternatively, adjustments may be made, but no more than annually, and any increase to the rates of the annual fee may be set to reflect the percentage change reflected by the Consumer Price Index for the preceding one-year period. The annual fee will be based on a snapshot of the Permittee's status, hangars on the properties and the resident aircraft based at the property as of January 15 of each year, or if hangars are constructed midyear, then beginning on the 3-month anniversary of completion of the hangar construction.

SECTION IX:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.070 (Accessway construction) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.070 – Accessway construction. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The ~~[permittee]~~ **Permittee** shall be required to construct, **if non-existing**, and maintain the accessway ~~[on airport]~~ **to the Airport** property in a safe, secure condition and in a state equal to the taxiway the access adjoins.

~~[Upon application for a permit, the permittee]~~ **In the event the Permittee is required to construct an accessway that adjoins to the Airport's taxiway, the Permittee** shall submit engineering and design plans to the **Authority and the** City for review and approval **as part of the construction permitting process**. All taxiways will be designed in accordance with FAA design standards and construction specifications, including centerline marking.

SECTION X:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.080 (Accessway completion date) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.080 – Accessway completion date. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

Upon entering an agreement for ~~[access permits, permittees]~~ **an Access Privilege Permit, Permittees** shall complete the accessway and all amenities pertinent to the ~~[permit within six (6) months of approval of the agreement]~~ **Access Privilege Permit within a reasonable timeline agreed upon** by the Authority **and the Permittee and in accordance with any phased construction schedule. The Authority may extend any construction completion deadline of an accessway for good cause.**

SECTION X:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.090 (Security) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.090 – Security. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

Each ~~[permittee]~~ **Permittee** shall provide security of the accessway to prevent vehicular and pedestrian access to the ~~[airport lands]~~ **Airport**. The ~~[airport manager]~~ **Airport Manager**, or any other officer designated by the Authority is authorized and empowered to determine the existence of a breach of security of the accessway ~~[permit.]~~ **Access Privilege Permit**. Whenever the Airport Manager, or any other officer designated by the Authority shall determine that a breach of security exists, he shall give notice of said breach to the ~~[permittee]~~ **Permittee**. In the event that the Airport Manager, or any other officer designated by the Authority is required to give a second notice of breach to the ~~[permittee]~~ **Permittee**, then in that event the notice shall direct the ~~[permittee]~~ **Permittee** to appear before the Authority at its next regularly scheduled meeting to show cause why the ~~[access permit]~~ **Access Privilege Permit** should not be revoked **pursuant to Section 19.03.050.**

SECTION XI:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.100 (Prohibition of certain aeronautical uses and fuel facilities) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.100 – Prohibition of certain aeronautical uses and fuel facilities. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

No ~~[property with access]~~ **Permittee with an Access Privilege Permit** shall be allowed to carry on any of the aeronautical uses specified in the Carson City Airport Rules and Regulations contained in Title 19, Chapter 19.02 of this code, ~~[regarding sale of fuel, parts, service or maintenance of aircraft. Private fuel facilities shall be allowed to permittees for their own private~~

consumption as long as said facilities are installed and maintained in accordance with all applicable federal, state, city laws, ordinances and codes. For all fuel consumed by permittees, they shall pay a gallonage fee to the Authority at the same rates the fixed base operators pay to the Authority for fuel sold by their facilities.] **including but not limited to, sale of fuel, parts, service or maintenance for aircraft.**

SECTION XII:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.110 (Further development) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.110 – Further development. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The Authority reserves the right to further develop or improve the landing areas of the [~~airport~~] **Airport** as it sees fit, regardless of the desires and views of the [~~permittee~~] **Permittee**, without interference or hindrance.

SECTION XIII:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.120 (Repair of airport) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.120 – Repair of airport. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The Authority reserves the right to maintain and repair the [~~airport~~] **Airport** as it feels best suited for the public.

SECTION XIV:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.130 (Permits subordinate to other agreements) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.130 – Permits subordinate to other agreements. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

Access Privilege Permits shall be subordinate to the provisions of any agreement between the Authority and the United States, relative to the development, operation or maintenance of the [~~Carson City~~] Airport.

SECTION XV:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.140 (Compliance with federal aviation regulations) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.140 – Compliance with federal aviation regulations. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The [~~permittee~~] **Permittee** shall comply with Part 77 of the Federal Aviation Regulations regarding structure and height of facilities incident to the [~~permit.~~] **Access Privilege Permit.**

SECTION XVI:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.150 (Right to flight) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.150 – Right to flight. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The Authority reserves the right of its successors and assigns for the use or benefit of the public's right to flight and aircraft passage in the air space above the [~~permittee's~~] **Permittee's** property.

SECTION XVII:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.160 (Hold harmless and indemnification) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.160 – Hold harmless and indemnification. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

Permittee shall indemnify and hold the City and the Authority harmless against any damage, loss or liability that may occur due to [~~permittee's~~] **Permittee's** negligence to maintain the **Permittee's** accessway [~~permits as required.~~] **which is subject to the Access Privilege Permit.**

SECTION XVIII:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.170 (Repair of accessway) is hereby

amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.170 – Repair of accessway. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

The [~~permittee~~] **Permittee** shall repair or perform maintenance on the accessway [~~permit~~] **utilized by Permittee** upon written notice from the Authority to proceed at the [~~permittee's~~] **Permittee's** sole expense.

SECTION XIX:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.180 (Assurances by permittee) is hereby amended (**bold, underlined text** is added, [~~stricken~~] text is deleted) as follows:

19.03.180 – Assurances by [~~permittee~~] **Permittee. (Art. 2, § 2.090 of the Carson City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)**

Every [~~permit~~] **Access Privilege Permit** issued pursuant to this [~~chapter~~] **Chapter** shall contain the following assurances by the [~~permittee~~] **Permittee**:

1. The [~~permittee~~] **Permittee** for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does covenant and agree (in the case of lease add "as a covenant running with the land") that in the event facilities are constructed, maintained or otherwise operated on the said property described in the [~~permit~~] **Access Privilege Permit** for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the [~~permittee~~] **Permittee** shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

2. The [~~permittees~~] **Permittee**, for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does covenant and agree (in the case of leases add "as a covenant running with the land") that: (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land and the furnishing of services thereon, no person on the grounds of race, color, or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination, (3) that the [~~permittee~~] **Permittee** shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act of 1964, and as said regulations may be amended.

3. That in the event of breach of any of the above nondiscrimination covenants, the Authority shall have the right to terminate the [~~permit~~] **Access Privilege Permit** and hold the same as if said [~~permit~~] **Access Privilege Permit** had never been made or issued. This provision does

not become effective until the procedures of 49 CFR Part 21 are followed and completed including expiration of appeal rights.

4. Permittee shall furnish its accommodations and/or services on a fair, equal and not unjustly discriminatory basis to all users thereof and it shall charge fair, reasonable and not unjustly discriminatory prices for each unit or service; provided, that the ~~[permittee]~~ **Permittee** may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar type of price reductions to volume purchasers.

5. Non-compliance with ~~[Provision]~~ **Subsection** 4 above shall constitute a material breach thereof and in the event of such noncompliance the ~~[City]~~ **Authority** shall have the right to terminate the ~~[permit]~~ **Access Privilege Permit** without liability therefore or at the election of the Authority or the United States either or both said governments shall have the right to judicially enforce provisions.

6. Permittee agrees that it shall insert the above given provisions in any ~~[permit]~~ **Access Privilege Permit** by which ~~[permittee]~~ **Permittee** grants a right or privilege to any person, firm, or corporation to render accommodations and/or services to the public on the premises subject to the ~~[permit.]~~ **Access Privilege Permit.**

7. The ~~[permittee]~~ **Permittee** assures that it will undertake an affirmative action program as required by 14 CFR Part 152, Subpart E, to ~~[insure]~~ **ensure** that no person shall on the grounds of race, creed, color, national origin, or sex be excluded from participating in any employment activities covered in 14 CFR Part 152, Subpart E. The ~~[permittee]~~ **Permittee** assures that no person shall be excluded on these grounds from participating in or receiving the services or benefits of any program or activity covered by this subpart. The ~~[permittee]~~ **Permittee** assures that it will require that its covered suborganizations provide assurance to the ~~[permittee]~~ **Permittee** that they similarly will undertake affirmative action programs and that they will require assurances from their suborganizations, as required by 14 CFR 152, Subpart E, to the same effort.

8. The ~~[permittee]~~ **Permittee** by accepting ~~[a permit]~~ **an Access Privilege Permit** agrees for itself, its successors and assigns that it will not make use of the premises in any manner which might interfere with the landing and taking off of the aircraft from ~~[Carson City]~~ **the** Airport or otherwise constitute a hazard. In the event the aforesaid covenant is breached, the City ~~[reserves]~~ **and the Authority reserve** the right to enter upon the premises and cause the abatement of such interference at the expense of the ~~[permittee]~~ **Permittee.**

9. The ~~[permittee]~~ **Permittee** by accepting ~~[a permit]~~ **an Access Privilege Permit** agrees for itself, its successors and assigns that it will not make use of the premises in any manner which might interfere with the landing and taking off of the aircraft from ~~[Carson City]~~ **the** Airport or otherwise constitute a hazard. In the event the aforesaid covenant is breached, the City ~~[reserves]~~ **and the Authority reserve** the right to enter upon the premises and cause the abatement of such interference at the expense of the ~~[permittee]~~ **Permittee.**

SECTION XX:

That Title 19 (AIRPORT RULES AND REGULATIONS), Chapter 19.03 (THROUGH-THE-FENCE AIRCRAFT OPERATION), Section 19.03.190 (Severability) is hereby amended (**bold, underlined text** is added, ~~[stricken]~~ text is deleted) as follows:

19.03.190 – ~~[Severability.]~~ Controlling authority; severability. (Art. 2, § 2.090 of the Carson

City Charter; The Airport Authority Act for Carson City, Chapter 844 Statutes of Nevada 1989)

1. The regulations set forth in this Chapter 19.03 shall be the controlling and exclusive regulations of all prospective Access Privilege Permits applied for and granted following the adoption of these regulations for through-the-fence access to the Airport and hereby supersedes and replaces all prior regulations adopted by the City or Authority controlling such through-the-fence access rights, including any regulations, "Through-The-Fence Regulations" or the "Through-The-Fence Aircraft Operation Permit Policy dated April 8, 1982" referenced in certain land property records relating to the John D Winter's Trust for property in proximity to the Airport.

2. Nothing in this [chapter] Chapter shall impair the rights of existing [permittees] Permittees who have written contracts or Access Privilege Permits or equivalent with the [City.] City or Authority. However, to the extent existing [permittees] Permittees wish to obtain the benefits of this [chapter,] Chapter, they must in writing agree to accept all the provisions [hereof.] hereof and confirm adoption hereto.

3. In case any one [(1)] or more of the sections, subsections, clauses, or provisions of this [chapter] Chapter or the application thereof to any circumstances, shall for any reason be held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other sections or provisions of this [chapter.] Chapter.

SECTION XXI:

That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on October 3, 2024.

PROPOSED by Supervisor Curtis Horton.

PASSED on October 17, 2024.

VOTE: AYES: Supervisor Stacey Giomi
 Supervisor Maurice White
 Supervisor Curtis Horton
 Supervisor Lisa Schuette
 Mayor Lori Bagwell

NAYS: None


Lori Bagwell
Mayor

ATTEST:


William Scott Hoen
Carson City Clerk-Recorder

This ordinance shall be in force and effect from the 17th day of the month of October of the year 2024.