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**Enactment date:** 9/30/2008      **Enactment #:** 16244

**Title:** AN ORDINANCE relating to King County International Airport fees and penalties; amending Ordinance 1159, Article IX Section 10, and K.C.C. 15.36.100, Ordinance 1159, Article XX Section 1, and K.C.C. 15.48.040, Ordinance 10500, Section 1, as amended, and K.C.C. 15.52.060, Ordinance 1159, Article XIII Section 9, and K.C.C. 15.52.090, Ordinance 1159, Article XIV Section 1, as amended, and K.C.C. 15.56.010, Ordinance 1159, Article XV Section 1, as amended, and K.C.C. 15.60.010, Ordinance 1159, Article XVI Section 2, as amended, and K.C.C. 15.64.020, Ordinance 3382, Section 21, and K.C.C. 15.64.060, Ordinance 3382, Section 22, and K.C.C. 15.64.070 and Ordinance 1159, Article XIX Section 1, and K.C.C. 15.76.010, repealing Ordinance 16217, Section 41, Ordinance 16217, Section 49, Ordinance 16217, Section 50, Ordinance 16217, Section 53, Ordinance 16217, Section 54, Ordinance 16217, Section 55, Ordinance 16217, Section 57, Ordinance 16217, Section 58, Ordinance 16217, Section 59, and Ordinance 16217, Section 61, and prescribing penalties.

**Sponsors:** Larry Gossett

**Indexes:** Airport, Fees

**Code sections:**

**Attachments:** 1. 16244.pdf, 2. 2008-0488 Hearing Notice.doc, 3. 2008-0488 staffreport(MA\_GM\_MA)9\_8.doc

Date	Ver.	Action By	Action	Result
9/22/2008	1	Metropolitan King County Council	Hearing Held	
9/22/2008	1	Metropolitan King County Council	Passed	Pass
9/9/2008	1	General Government and Labor Relations Committee		
9/8/2008	1	Metropolitan King County Council	Introduced and Referred	

Clerk 09/04/2008

AN ORDINANCE relating to King County International Airport fees and penalties; amending Ordinance 1159, Article IX Section 10, and K.C.C. 15.36.100, Ordinance 1159, Article XX Section 1, and K.C.C. 15.48.040, Ordinance 10500, Section 1, as amended, and K.C.C. 15.52.060, Ordinance 1159, Article XIII Section 9, and K.C.C. 15.52.090, Ordinance 1159, Article XIV Section 1, as amended, and K.C.C. 15.56.010, Ordinance 1159, Article XV

Section 1, as amended, and K.C.C. 15.60.010, Ordinance 1159, Article XVI  
Section 2, as amended, and K.C.C. 15.64.020, Ordinance 3382, Section 21, and  
K.C.C. 15.64.060, Ordinance 3382, Section 22, and K.C.C. 15.64.070 and  
Ordinance 1159, Article XIX Section 1, and K.C.C. 15.76.010, repealing  
Ordinance 16217, Section 41, Ordinance 16217, Section 49, Ordinance 16217,  
Section 50, Ordinance 16217, Section 53, Ordinance 16217, Section 54,  
Ordinance 16217, Section 55, Ordinance 16217, Section 57, Ordinance 16217,  
Section 58, Ordinance 16217, Section 59, and Ordinance 16217, Section 61, and  
prescribing penalties.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

- A. All legislative matters related to changes in fees and penalties must be publicly advertised before council consideration, in accordance with RCW 36.32.120(7).
- B. Ordinance 16217 relating to the King County International Airport included several fee and penalty changes.
- C. Due to an error, advertisement did not occur for Ordinance 16217 before its adoption by a unanimous vote of the full council on July 21, 2008.
- D. It is the intent of the council to repeal those sections of Ordinance 16217 relating to fees and penalties and reconsider those sections after proper advertisement has occurred.
- E. It is the intent of the council to correct an error in Ordinance 16217, Section 59, which includes an incorrect weight category for aircraft.

**SECTION 2.** Ordinance 1159, Article IX Section 10, and K.C.C. 15.36.100 are each hereby amended to read as follows:

~~((The county, from time to time, shall establish automobile parking rates for the public parking lot~~

~~servicing the terminal area.))~~ Vehicle parking rates may be implemented at King County International Airport at such a time when annual passenger enplanements exceed one hundred thousand or market conditions warrant. Vehicle parking rates shall be set by the airport manager to reflect fair market value. The airport may also contract for parking services with a parking service provider. All parking rates shall include applicable sales and use tax. These rates are subject to change without notice.

SECTION 3. Ordinance 1159, Article XX Section 1, and K.C.C. 15.48.040 are hereby amended to read as follows:

All taxicab((s)), limousine or for hire automobile service companies providing service from B.F.I. pursuant to the terms and conditions stated in K.C.C. ((C))chapter 15.48 ((of this title)) shall pay to the airport ~~((five))~~ five hundred dollars per calendar year for ~~((each taxicab issued a taxicab))~~ an operating agreement by the airport. Such operating agreements shall be required when annual airport passenger enplanements exceed one hundred thousand or F.A.A Part 121 commercial air service is approved. No fee shall be charged by the airport for the delivery of passengers to the airport.

SECTION 4. Ordinance 10500, Section 1, as amended, and K.C.C. 15.52.060 are each hereby amended to read as follows:

The following charges will be made for storage of aircraft on county property ~~((Note: Gross weight shall be that weight for the aircraft as published in leading aviation journals))~~:

<del>((Pounds</del>	Rates		
	1st 12 hrs.	Subsequent 12 hrs	Monthly
0-12,500	\$5.00	\$5.00	\$85.00
12,501-20,000	\$15.00	\$6.00	\$137.00
20,001-80,000	\$25.00	\$10.00	\$229.00
80,001-275,000	\$35.00	\$14.00	\$314.00
275,001 and above	\$61.00	\$25.00	\$544.00))

Short-term transient aircraft parking shall be provided adjacent to the terminal building. The use of this space shall be free for one hour. The pilot shall notify the airport operations office upon arrival. Aircraft parking in excess of one hour shall have the following rates apply:

**B.F.I Aircraft Parking/Storage Fees**

<u>Aircraft Weight</u> <u>(weight in pounds)</u>	<u>1-12</u> <u>Hours</u>	<u>Each Additional</u> <u>12 Hours</u>	<u>Monthly Rate</u>	<u>Aircraft</u> <u>Model</u> <u>Category</u> <u>(most</u> <u>common</u> <u>models</u> <u>listed)</u>
<u>0 - 12,500 lbs.</u>	<u>\$5.00</u>	<u>\$5.00</u>	<u>\$90.00</u>	<u>Light GA</u> <u>Aircraft</u>
<u>12,501 - 20,000 lbs.</u>	<u>\$15.00</u>	<u>\$6.00</u>	<u>\$137.00</u>	<u>GA Aircraft</u>
<u>20,001 - 80,000 lbs.</u>	<u>\$25.00</u>	<u>\$10.00</u>	<u>\$229.00</u>	<u>Corporate</u> <u>Aircraft</u>
<u>80,001 - 275,000 lbs.</u>	<u>\$35.00</u>	<u>\$14.00</u>	<u>\$314.00</u>	<u>Narrow Body</u> <u>Jets</u>
<u>275,001 lbs and above</u>	<u>\$61.00</u>	<u>\$25.00</u>	<u>\$544.00</u>	<u>Wide Body</u> <u>Jets</u>

SECTION 5. Ordinance 1159, Article XIII Section 9, and K.C.C. 15.52.090 are each hereby amended to read as follows:

Payment of monthly fees is due and payable in advance on the first day of each calendar month.

Payment of daily parking fees shall be made prior to departure of aircraft, unless arrangements have been

approved by the airport manager. Airport late fees and penalties shall be assessed in the amount of one and one-half percent per month for unpaid rates, charges or fees. Failure to pay airport rates, charges and fees or rents may, at the sole discretion of the airport manager, result in a loss of use of airport facilities and legal action to recover unpaid rates, charges or fees.

SECTION 6. Ordinance 1159, Article XIV Section 1, as amended, and K.C.C. 15.56.010 are each hereby amended to read as follows:

Oil companies or fuel distributor companies, or both, engaged in the business of selling or delivering aviation fuel to any individual, business firm, United ((s))States government or organization on B.F.I., or selling aviation fuel to any individual, business firm, United States government or organization to be used in aircraft located on or being serviced to take off from B.F.I., shall pay a fuel field use fee charge of seven and one-half cents for JetA type fuel and five cents per gallon for AVGas type fuel. This charge shall be collected by the oil companies or fuel distributor companies, or both, making the sale or delivery and reported in a form prescribed by and acceptable to the airport manager with remittance made to the airport on or before the twentieth of each month. Airport late fees and penalties shall be assessed in the amount of one and one-half percent per month for unpaid rates, charges or fees. Failure to pay airport rates, charges and fees or rents may, at the sole discretion of the airport manager, result in a loss of use of airport facilities and legal action to recover unpaid rates, charges or fees.

SECTION 7. Ordinance 1159, Article XV Section 1, as amended, and K.C.C. 15.60.010 are each hereby amended to read as follows:

No person shall allow any aircraft owned by ((him)) the person or under ((his)) the person's control to land, take off, use B.F.I. facilities or be parked or tied down on B.F.I. without causing all applicable landing, tie-down or other fees respecting such aircraft or use of B.F.I. facilities to be paid. Any such fees that become due and owing shall constitute a lien on such aircraft. Airport late fees and penalties shall be assessed in the amount of one and one-half percent per month for unpaid rates, charges or fees. Failure to pay airport rates,

charges and fees or rents may, at the sole discretion of the airport manager, result in either a loss of use of airport facilities or legal action to recover unpaid rates, charges or fees, or both the loss of use and legal action.

SECTION 8. Ordinance 1159, Article XVI Section 2, as amended, and K.C.C. 15.64.020 are each hereby amended to read as follows:

Aircraft operating in accordance with this chapter are subject to a landing fee of one dollar and twenty-five cents per thousand pounds of the aircraft's certificated maximum gross landing weight as published in (~~leading aviation journals~~) the manufacturer's aircraft operating manual, computed to the nearest five cents, with a minimum of (~~two dollars and fifty cents~~) five dollars per landing plus outside storage charge on all aircraft parked on county property (~~in accordance with K.C.C. 15.52.060~~). Airport late fees and penalties shall be assessed in the amount of one and one-half percent per month for unpaid rates, charges or fees. Failure to pay airport rates, charges and fees or rents shall result in a loss of use of airport facilities.

SECTION 9. Ordinance 3382, Section 21, and K.C.C. 15.64.060 are each hereby amended to read as follows:

A passenger terminal user fee in the amount of (~~fifty cents~~) one dollar per deplaning passenger shall be charged to the owner or operator of aircraft with a passenger seating capacity of ten or greater operating pursuant to this chapter. This fee shall apply to passenger deplanement made through or into the (~~main~~) passenger terminal building or buildings on B.F.I.

SECTION 10. Ordinance 3382, Section 22, and K.C.C. 15.64.070 are each hereby amended to read as follows:

~~((Aircraft not permanently based on B.F.I. will be charged for the testing, ferrying and nonrevenue flights in accordance with this chapter. Aircraft based and operating permanently from B.F.I. in accordance with an appropriate lease, agreement or permit will not be charged for testing, ferrying or nonrevenue flights in accordance with this chapter.))~~

A. Aircraft, based or not based at the airport, and operated for hire or compensation or engaged in

commercial business activity, regardless of weight, shall pay a landing fee based on the aircraft certificated maximum gross landing weight as published in the manufacturer's aircraft operating manual.

B. The following exemptions to the landing fee apply:

1. General aviation aircraft based at the airport, regardless of weight and with a King County airport lease, agreement or permit are exempt from the landing fee;

2. General aviation aircraft that are not airport based but are using the airport, and that are twelve thousand five hundred pounds and under as published in the manufacturer's aircraft operating manual and are not for hire or provided compensation or engaged in commercial business activity, such as scheduled and other certificated air carriers, aircraft charters, air-taxi, air cargo, air courier, air travel clubs and air ambulance are exempt from the landing fee;

3. Aircraft based at the airport and operated by flight schools or operated for the purpose of flight instruction and performing "touch and go landings" by which an aircraft lands and departs on a runway without stopping or exiting the runway shall be charged a landing fee only if the aircraft exits the runway;

4. Humanitarian flights, also known as angel flights, which are operated as not-for-profit or nonrevenue generating flights for humanitarian, medical or disaster relief purposes are exempt from the landing fee; and

5. Any aircraft exempt under state or federal statute or regulatory code is exempt from the landing fee.

SECTION 11. Ordinance 1159, Article XIX Section 1, and K.C.C. 15.76.010 are each hereby amended to read as follows:

Hangar space and office space in county-owned facilities will be leased or rented based upon the rental rate and terms established from time to time by King County. Airport property rental rate shall be based upon fair market rental value as required by K.C.C. chapter 4.56. A hangar wait list shall be maintained by the airport and a one time wait list application fee of one-hundred dollars shall be charged. The wait list application fee shall be applied to the first monthly rental charge. A nonrefundable annual fee of ten dollars

shall be charged hangar wait list applicants to cover list administrative costs.

SECTION 12. Ordinance 16217, Section 41, Ordinance 16217, Section 49, Ordinance 16217, Section 50, Ordinance 16217, Section 53, Ordinance 16217, Section 54, Ordinance 16217, Section 55, Ordinance 16217, Section 57, Ordinance 16217, Section 58, Ordinance 16217, Section 59, and Ordinance 16217, Section 61, are each hereby repealed.