

ORDINANCE NO. 3190

AN ORDINANCE AMENDING LEASE RATES AND PENALTY CHARGES RELATED TO THE ABILENE MUNICIPAL AIRPORT IN THE CITY OF ABILENE, KANSAS.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ABILENE, KANSAS, AS FOLLOWS:

SECTION ONE: Statement of Purpose, Review. It is the purpose of this Ordinance to establish reasonable Lease Rates applicable to Leases pertaining to the Abilene Municipal Airport. Such Lease Rates shall seek to minimize the necessity of using General Fund monies of the City to subsidize services and benefits of those using the Airport. The City Manager shall periodically recommend to the Governing Body such charges in this Ordinance as may be necessary to secure this purpose.

SECTION TWO: Lease Rates. The City shall require the payment of the following Lease Rates as herein provided:

- a. City-owned T-Hangar Lease Payments shall be in the amount of \$90.00 per month; and
- b. Annual Ground Lease Payments for the development of public land at the Abilene Municipal Airport for private hangars shall be in the amount of \$0.10 per square foot of developed structural space.

SECTION THREE: Payment of Lease Rates. All fees charged under this Ordinance shall be paid to the Community Development Department. T-Hangar Lease Rates shall be payable by the tenth day of each month, except when the tenth day of the month falls on a weekend or holiday and then the Lease Payment shall be payable on the next business day. Annual Ground Lease Payments shall be payable by the tenth day of February, except when the tenth day of February falls on a weekend or holiday and then the Lease Payment shall be payable on the next business day. All proceeds from said Lease Rates shall be placed in the Airport Fund.

SECTION FOUR: Penalty Charges. The City is hereby authorized to charge and collect reasonable Penalty Charges when the aforementioned Lease Payments are not paid as herein provided:

- a. The Penalty Charge for City-owned T-Hangar Lease Payments shall be equal to Twelve Percent (12%) of the Lease Payment and payable by the fifteenth day of the month;
- b. The Penalty Charge for the annual Ground Lease Payment shall be equal to Twelve Percent (12%) of the Ground Lease Payment. Such Penalty Charge shall be payable by the fifteenth day of February; and
- c. A Daily Penalty Charge equal to Five Dollars (\$5.00) per day shall be charged to any Tenant having an outstanding balance as of the fifteenth of the month, or in the case of Ground Leases, by the fifteenth of February. Such Daily Penalty Charge shall be charged until all Payments and Charges have been remitted to the City or the Lease Agreement has been terminated. Failure by any Tenants to remit payment to the City of all outstanding Lease Payments and Penalty Charges by the fifteenth of the month, or in the case of Ground Leases, by the fifteenth of February, shall require the City Manager to terminate the applicable Lease Agreement as provided therein.

SECTION FIVE: Setoff Program. The City Manager is hereby authorized to submit any Lease Payments or Penalty Charges owed to the City to the State Setoff Program, as provided in K.S.A. 75-6201 *et seq.*, for collection following the termination of a Lease Agreement.

SECTION SIX: Fee Schedule. All charges and fees contained herein shall be published and maintained in the Comprehensive Fee Schedule for the City of Abilene, Kansas.

SECTION SEVEN: Repeal. All ordinances or parts of ordinances in conflict therewith are hereby repealed.

SECTION EIGHT: Effective Date. This Ordinance shall become effective on January 1, 2012, following approval by the City Commission and its publication once in the official City newspaper.

PASSED AND APPROVED by the Governing Body of the City of Abilene, Kansas on November 28, 2011.

CITY OF ABILENE, KANSAS

[seal]

By _____
Lynn Peterson, Mayor

ATTEST:

By _____
Penny Soukup, City Clerk