

BYLAW NO. 33-2023

A BYLAW OF THE CITY OF LLOYDMINSTER IN THE PROVINCES OF ALBERTA AND SASKATCHEWAN TO ESTABLISH THE OPERATION AND MANAGEMENT OF THE LLOYDMINSTER AIRPORT

WHEREAS the Council of the City of Lloydminster deems it necessary to establish a Bylaw to deal with services provided by or on behalf of the City.

AND WHEREAS *The Lloydminster Charter* provides authority to City Council to pass bylaws for municipal purposes;

AND WHEREAS *The Lloydminster Charter* provides authority to the City to pass bylaws respecting the enforcement of bylaws.

NOW THEREFORE the Council of the City of Lloydminster deems it necessary to establish a Bylaw relating to the imposition of specific rules, regulations, prohibitions, rates, fees and charges relating to the use and operation of the Lloydminster Airport; and

NOW THEREFORE, the Council of the City of Lloydminster, pursuant to the authority granted in Section 15 of *The Lloydminster Charter*, enacts as follows:

1. SHORT TITLE

- 1.1. This Bylaw shall be cited as the Lloydminster Airport Operation and Management Bylaw.

2. DEFINITIONS

- 2.1. The definitions listed in Schedule "A" attached to this Bylaw shall apply unless context otherwise requires.

3. APPOINTMENT, AUTHORITY AND DUTIES OF THE CITY MANAGER

- 3.1. Except where specific authority is reserved to Council, in the Bylaw the administration and enforcement of this Bylaw is hereby delegated to the City Manager.
- 3.2. Without restricting any other power, duty or function granted by this Bylaw, the City Manager may carry out anything required for the administration of this Bylaw, including but not limited to the following:
 - 3.2.1. delegate any powers, duties or functions under this Bylaw to an employee of the City;
 - 3.2.2. carry out any inspections that are reasonably required to determine compliance with this Bylaw;
 - 3.2.3. establish any forms required for the administration of this Bylaw.

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4. AIRPORT LANDS

4.1. The following described real properties are set aside, held, laid out, developed, improved, used, and maintained, as the Lloydminster Airport and are dedicated for that use, and shall continue to be used, operated, and maintained for that purpose and shall not be used for any other purpose:

4.1.1. Lloydminster Airport legally described as; Lot: 1 Block: DESCR PL Plan: 892 1960; and also described as being located at the Civic Address: 7140 - 85 Avenue, Lloydminster, Alberta.

5. AIRPORT OPERATIONS AND MANAGEMENT

5.1. Lloydminster Airport Terminal Building operating hours are Monday to Friday 8:00 am to 5:00 pm, closed statutory holidays, Saturday and Sunday. Operating hours are subject to change.

5.2. The runway is open 24 hours a day, 7 days a week, 365 days a year.

5.3. Users of the Airport Terminal Building and facilities shall be subject to the applicable rates and charges for aircraft Landing Fees, aircraft parking fees, passenger fees, Terminal Fees, aviation fuel pricing, Airside Vehicle Operation, Restricted Area Access program, and public vehicle parking as prescribed in the *Fees and Charges Bylaw*, as amended from time to time.

5.4. The City Manager reserves the right to terminate the use of the Airport for any Person for any of the following reasons:

5.4.1. non-payment of any fee, rate, or charge when due;

5.4.2. use of Airport facilities contrary to this Bylaw; or

5.4.3. use contrary to Transport Canada requirements.

5.5. All Airport Occupants shall comply with the requirements of this Bylaw, all applicable legislation, and all operating procedures, agreements, rules and regulations relating to the operation of the Airport.

5.6. No Airport Occupant shall knowingly use the Airport for any purpose contrary to the conditions of approval for use of the Airport, however granted.

6. PENALTIES

6.1. Any Person who contravenes this Bylaw is guilty of an offence.

6.2. Persons having contravened certain sections of this Bylaw shall be liable for the penalties set out in such section or set out in Schedule "C" hereto.

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6.3. A notice or form commonly called a Notice of Violation having printed wording approved by the City Manager, may be issued by a Bylaw Enforcement Officer to any Person alleged to have breached any provision of this Bylaw, and the said notice shall require the payment of the City of Lloydminster in the amount specified in Schedule "C" hereto. A Summary Offence Ticket or a Violation Ticket shall be deemed to be sufficiently served:

6.3.2. if served personally on the accused; or

6.3.3. if mailed to the address of the Person accused by regular mail.

6.4. The amounts specified in Schedule "C" hereto shall be the specified penalties for the purposes of the *Provincial Offences Procedures Act* (Alberta) or the *Summary Offences Procedure Act, 1991* (Saskatchewan).

7. NUMBER AND GENDER REFERENCES

7.1. All references in this Bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female Person, or a corporation or partnership.

8. SCHEDULES

8.1. The following Schedules form part of this Bylaw:

SCHEDULE "A" – Definitions

SCHEDULE "B" – Airport Services

SCHEDULE "C" – Penalties

9. SEVERABILITY

9.1. Every provision of this Bylaw is independent of all other provisions and if any provision of this Bylaw is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

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This Bylaw shall come into force and effect on the 1st day of January, 2024.

INTRODUCED AND READ a first time this 20th day of November, 2023, A.D.

READ a second time this __ day of ____, 2023, A.D.

READ a third time this __ day of ____, 2023, A.D.

Date Signed

MAYOR

Date Signed

CITY CLERK

DRAFT

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SCHEDULE "A"

Definitions

Administration	An employee or contract employee of the City of Lloydminster.
After Hours	Engaged in, or operating outside of regular business operating hours, 8:00 am to 5:00 pm, Monday to Friday, including statutory holidays.
Airport	The Lloydminster Airport located at 7140 85 Avenue, Lloydminster, Alberta on land legally described as: Lot 1, Block DESCR PL, Plan 892 1960.
Approved Maintenance Organization (AMO)	An AMO who may perform maintenance, preventative maintenance, or alterations on an aircraft, aircraft engine, propeller, appliance, component, or part thereof only for which it is rated and within the terms, conditions, and authorizations placed in its operations specifications.
Airside Vehicle Operator Program	Access granted by Airport Management when required to gain access to the restricted area and operate a vehicle on airside.
Bylaw Enforcement Officer	A Person appointed by the City pursuant to <i>The Lloydminster Charter</i> to enforce City Bylaws, including a member of the Royal Canadian Mounted Police and, when authorized, a Community Bylaw Enforcement Officer appointed under the Bylaw Enforcement Officer Act S.A. 2006, c. P-3.5, as amended or repealed and replaced from time to time.
Call Out	A request by an airline or individual for Airport staff to respond to the Airport after regular operating hours.
Canadian Civil Aircraft Registry (CCAR)	Contains the current mark, aircraft, and owner information of all Canadian civil registered aircraft.
Canadian Goods and Services Tax	A tax imposed on the supply of goods and services that are purchased in Canada.
Charter	Refers to <i>The Lloydminster Charter</i> .
City	The City of Lloydminster and the area contained within the corporate boundaries of the City.
City Manager	The Commissioner of the City of Lloydminster as appointed by Council or designate.
Council	The Municipal Council of the City of Lloydminster.
Electrified Parking Space	A parking space for a single vehicle that has access to an electrical outlet.
Hangar	A closed building structure used to house aircraft.

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Landing Fees	The fees levied for the use of the Airport for landings of aircraft.
Local Registered	Aircraft that are registered with Lloydminster as the Owner's home City, within the Canadian Civil Aircraft Registry.
NavCanada Aircraft Movement (NavCanada)	A privately run, not for profit corporation that owns and operates Canada's civil air navigation.
Occupant	Lessee or user of the Airport.
Passenger Fees	Passenger fees are levied and charged to all scheduled flights in lieu of Landing Fees and Terminal Fees.
Person	Any individual, a group of individuals, a corporation, firm, partnership, proprietorship, association, society, or co-operative organization.
Rack	A mechanism for delivering fuel from a refinery or terminal into a truck, or other means of non-bulk transfer.
Restricted Area Access	A defined area that falls under Transport Canada security protocols for the purpose of prohibiting or limiting public access.
Terminal Building	A building located at the Airport where passengers depart on a flight or arrive from a flight upon landing.
Terminal Fees	The amount of the Terminal Fee levied is related to the number of seats indicated on the aircraft's model and manufacturer's specifications.
Tie Down	A designated area at the Airport for parking of aircraft.
Transport Canada	The department within the Government of Canada responsible for developing regulations, policies and services of road, rail, and air transportation in Canada.
Transport Canada Civil Aircraft Registry	An aircraft registration code that is unique to a single aircraft, required by convention to be marked on the exterior of every civil aircraft, of which Transport Canada is responsible for Canada's aircraft registration program.

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SCHEDULE "B"

Airport Services

1. AIRCRAFT LANDING FEES:

- 1.1. Aircraft are subject to a minimum Landing Fee as per the *Fees and Charges Bylaw*, as amended from time to time.
 - 1.1.1. Aircraft movements are captured through NavCanada;
 - 1.1.2. Aircraft ownership is determined through the Canadian Civil Aircraft Registry (CCAR); and
 - 1.1.3. Weights and seating capacities are determined by the aircraft manufacturer's specifications of the aircraft in its original configuration.
- 1.2. Scheduled flights are exempt from Landing Fees; Passenger Fees will apply.

2. AIRCRAFT PARKING FEES:

- 2.1. The City Manager may establish designated parking areas for aircraft, together with the rate and charges payable for such parking within such designated areas.
- 2.2. No Person shall park an aircraft at the Airport except within designated parking areas.
- 2.3. Any aircraft parked contrary to provisions of this Bylaw or in any area where aircraft parking is prohibited may be disabled from take off and subject to a penalty as outlined in Schedule "C".
- 2.4. Aircraft parking fees shall apply to all aircraft parking in Lloydminster Airport airside parking areas and/or Tie Down areas for forty-eight (48) hours or more.
- 2.5. After forty-eight (48) hours, parked aircraft shall be charged by the day up to the monthly maximum fee.
- 2.6. An aircraft owner having Lloydminster as their home City within the CCAR may pre-pay a discounted yearly parking fee.
- 2.7. Aircraft parking fees may be waived for Airport Land Lease Agreement leasees.
- 2.8. Owners of aircraft in for maintenance servicing by an approved Transport Canada maintenance organization parked on the Lloydminster Airport airside may request to waive aircraft parking fees up to a maximum of thirty (30) days by submitting in writing proof of maintenance servicing invoice specifying the time of aircraft parking to the City Manager or designate within thirty (30) days of issuance of the Lloydminster Airport invoice.

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3. SCHEDULED FLIGHT PASSENGER FEES:

- 3.1. Scheduled flight Passenger fees are charged to all scheduled flights in lieu of Landing Fees and Terminal Fees. They are charged at an established fee per enplaning or deplaning passenger and are billed monthly.

4. TERMINAL FEES:

- 4.1. The Terminal Fee is structured so that only one charge applies for the use of the Terminal Building whether passengers are processed upon disembarkation, embarkation, or both.
- 4.2. The amount of the Terminal Fee is proportionate to the number of seats indicated on the aircraft's model and manufacturer's specifications.
- 4.3. Scheduled flights are exempt from Terminal Fees. All other flights will be assumed to have used the Terminal unless the aircraft is registered as Local Registered in the Transport Canada Civil Aircraft Register.

5. AVIATION FUEL PRICING:

- 5.1. The following shall be used to establish aviation fuel prices:
 - 5.1.1. Retail Jet-A aviation fuel prices shall be based on Rack delivered, plus percentage committed to:
 - a. capital expense;
 - b. overhead/administration expense;
 - c. profit; and
 - d. applicable taxes.
 - 5.1.2. Retail Avgas 100LL aviation fuel prices shall be based on Rack delivered, plus percentage committed to:
 - a. capital expense;
 - b. overhead/administration expense;
 - c. profit; and
 - d. applicable taxes.
- 5.2. Emergency fueling services assistance surcharge fee is applied when Airport staff are required to assist with fueling services during regular operating business hours and After Hours.



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6. TRAINING FLIGHTS:

- 6.1. Training flight landings are eligible to a discounted Landing Fee provided the flight has been pre-declared and reported with a minimum twenty-four (24) hour advance notice provided to Lloydminster Airport Administration by email to: admin.airport@lloydminster.ca.
- 6.2. If notice is not provided as outlined in 6.1., the minimum Landing Fee shall be applied.

7. PUBLIC VEHICLE PARKING FEES:

- 7.1. The provisions of the City’s Traffic Bylaw, as amended by Council from time to time, apply to the Lloydminster Airport motor vehicle parking lot and can be enforced by a Bylaw Enforcement Officer.
- 7.2. Public vehicle parking in designated public parking area is free for customers for a maximum of thirty (30) days unless prior arrangements are made with Lloydminster Airport Administration.
- 7.3. No Person shall plug a motor vehicle into an electrical outlet for which they are not authorized to do so, or for which they have not paid the fee, nor shall they plug in any device with a greater wattage than authorized:
 - 7.2.1. parking in a stall with an electrical outlet is on a first come, first serve basis;
 - 7.2.2. no Person shall run an extension cord to another stall plug in (whether currently in use or not) or to the building;
 - 7.2.3. each outlet will provide sufficient power for one block heater only. Overloading a circuit may leave all outlets on that circuit without electricity.

8. LEASES, SIGNAGE AND ADVERTISING SPACE (AIRSIDE AND NON-AIRSIDE)

- 8.1 Airside and non-airside agreements for commercial leases, hangar leases, sponsorship signage, and advertising space are negotiated separately with the City of Lloydminster.

9. OTHER SERVICE REQUESTS:

- 9.1. Other service requests, including and not limited to requests involving labour, equipment, and material costs, provided by Lloydminster Airport Administration shall be assessed a fee based on a cost recovery plus a 15% administration charge. These services include, and are not limited to snow removal and ice clearing, pavement sweeping, After Hours runway surface condition report, airside escort services, and security, etc.



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10. INVOICING AND PAYMENTS:

- 10.1. The primary source of information for calculation of charges is based on the traffic sheets provided by NavCanada Aircraft Movement Statistics.
- 10.2. Fees and charges described in the City of Lloydminster's Fees and Charges Bylaw, as amended by Council from time to time, do not include Canadian Goods and Services Tax, which must be paid by the customer in addition to any fee, or charge, unless noted otherwise and are to be paid in Canadian currency.
- 10.3. All fees and charges payable to the City of Lloydminster applicable under the Fees and Charges Bylaw, as amended by Council from time to time, shall be paid within thirty (30) days after the date of invoice of the same.
- 10.4. Invoicing or finance charge errors resulting from the City, and requests to waive fees or charges shall be submitted to Administration in writing with all supporting documentation within thirty (30) days of issuance of Lloydminster Airport invoice.
 - 10.4.1 Fees and charges that are to be reversed and reprocessed shall be submitted to the appropriate designate for approval prior to processing.
- 10.5. Accounts receivable by the City shall be considered due and payable upon issuance and finance charges will be applied to an invoice in excess of thirty (30) days in accordance with the Finance Charge Policy, as amended by Council from time to time.
- 10.6. Once it has been determined that all collection methods have been exhausted, accounts deemed uncollectable shall be submitted to the City Manager or designate, with all supporting documentation, on an annual basis, or more frequently as required, for approval prior to write off.

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SCHEDULE "C"

Penalties

OFFENCE	SECTION	FINE
Parking or storage of aircraft materials outside of lease boundary and/or in a prohibited area	2	\$50.00
Parking of motor vehicle over thirty (30) days	7	\$50.00

