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Underlined material is that portion being added

BILL NO. 12-15-20-1

SUMMARY An Ordinance amending Title 20, of the Clark County Code, Chapter 20.10, Sections 20.10.010 to amend rentals, fees, and charges—McCarran International Airport.

ORDINANCE NO. \_\_\_\_\_  
(of Clark County, Nevada)

AN ORDINANCE AMENDING TITLE 20, OF THE CLARK COUNTY CODE, CHAPTER 20.10, SECTION 20.10.010 TO AMEND RENTALS, FEES, AND CHARGES—MCCARRAN INTERNATIONAL AIRPORT.

WHEREAS, The County of Clark, State of Nevada is the owner and operator of the Clark County Airport System, which includes the municipal airports known as McCarran International Airport, North Las Vegas Airport, Henderson Executive Airport, Jean Airport, and Overton Municipal Airport, or other airports or similar aviation facilities which may be owned and operated by Clark County, now or at any time in the future, hereinafter both collectively and individually referred to as "Airport," and has established a policy of self-support for the Airport; and

WHEREAS, the County desires to update the rentals, fees, and charges to meet the current and projected operational demands of the Clark County Aviation System by replacing the previously approved rentals, fees, and charges, dated July 1, 2019; and

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 20.10.010 of the Clark County Code is hereby amended to read as follows:

**20.10.010 Rentals, fees, and charges—McCarran International Airport.**

Effective [July 1, 2019] January 1, 2021, each operator, as further defined in Section 20.10.005(h), operating at McCarran International Airport, shall pay the following rentals, fees, and charges and may be required to execute and deliver to county either a lease agreement or an operating permit, at the discretion of the director of aviation. Any operator which is not required to execute either a lease agreement or an operating permit will be subject to the terms of this chapter.

- (a) Terminal complex rentals:
  - (1) Each signatory airline shall pay rent at the rate of [one hundred sixty-nine dollars and eighty-eight cents] one hundred seventy-three dollars and thirty-seven cents per square foot per annum for space in the terminal complex which is occupied by a signatory airline.
  - (2) Each non-signatory airline or other operator shall pay rent at the rate of [two hundred twelve dollars and thirty-five cents] two hundred sixteen dollars and seventy-one cents per square foot per annum for space in the terminal complex which is occupied by any non-signatory airline or other operator.
- (b) Apron rentals:
  - (1) Each signatory airline shall pay rent at the rate of thirty dollars per square foot per annum for covered apron space. Each signatory airline shall pay rent at the rate of fifteen dollars per square foot per annum for uncovered apron space, excluding off-gate aircraft parking spaces.

- (2) Each non-signatory airline or other operator shall pay rent at the rate of thirty-seven dollars and fifty cents per square foot per annum for covered apron space. Each non-signatory airline or other operator shall pay rent at the rate of eighteen dollars and seventy-five cents per square foot per annum for uncovered apron space, excluding off-gate aircraft parking spaces.
- (c) Joint use fees shall be calculated in accordance with the formula defined in Section 20.10.005(e), using the terminal complex rental rate of [one hundred sixty-nine dollars and eighty-eight cents] one hundred seventy-three dollars and thirty-seven cents per square foot per annum, for space jointly used by all air transportation companies.
  - (1) Each signatory airline shall pay its pro-rata share of the joint use fees, as calculated under Section 20.10.005(e).
  - (2) Each non-signatory airline shall pay its pro-rata share of the joint use fees, as calculated under Section 20.10.005(e), multiplied by one hundred twenty-five percent.
- (d) Aircraft gate use fee:
  - (1) Each signatory airline shall pay an aircraft gate use fee of [one hundred ninety-five thousand eight hundred twenty-one dollars] two hundred three thousand eighty-two dollars per annum for each preferential use gate which is leased to such signatory airline.
  - (2) Each non-signatory airline shall pay an aircraft gate use fee of [two hundred forty-four thousand seven hundred seventy-six dollars and twenty-five cents] two hundred fifty-three thousand eight hundred fifty-two dollars and fifty cents per annum for each preferential use gate which is leased to such non-signatory airline.
- (e) Aircraft per turn fee:
  - (1) Each signatory airline shall pay an aircraft per turn fee of [five hundred forty-five dollars] seven hundred forty-one dollars for each wide-body aircraft and [three hundred sixty-four dollars] four hundred ninety-four dollars for each narrow body aircraft, per turn, for use of a gate which is not leased to such signatory airline.
  - (2) Each non-signatory airline shall pay an aircraft per turn fee of [six hundred eighty-one dollars and twenty-five cents] nine hundred twenty-six dollars and twenty-five cents for each wide-body aircraft and [four hundred fifty-five dollars] six hundred seventeen dollars and fifty cents for each narrow body aircraft, per turn, for use of a gate which is not leased to such non-signatory airline.
- (f) Landing fee: Each signatory airline, non-signatory airline, or other operator shall pay a landing fee of [one dollar and sixty-eight cents] one dollar and eighty-eight cents for each one thousand pounds, or fraction thereof, of maximum gross landing weight.
- (g) Air cargo apron use fee: Each air transportation company conducting cargo operations or otherwise using the designated cargo apron facilities shall pay an additional one dollar and ten cents for each one thousand pounds, or fraction thereof, of maximum gross landing weight for each use.
- (h) Common-use ticket counter fee:
  - (1) Each signatory airline shall pay a fee of [one dollar and fifty cents] three dollars and one cents per enplaned passenger, for use of the common-use ticketing areas, which includes use of ticket counter, queuing space, common-use baggage handling system, skycap positions, and skycap tunnels.
  - (2) Each non-signatory airline shall pay a fee of [one dollar and eighty-eight cents] three dollars and seventy-six cents per enplaned passenger, for use of the common-use ticketing areas, which includes use of ticket counter, queuing space, common-use baggage handling system, skycap positions, and skycap tunnels.

- (i) Common-use baggage service office fee:
  - (1) Each signatory airline shall pay a fee of [four cents] six cents per enplaned passenger, for use of the common-use baggage service office and equipment.
  - (2) Each non-signatory airline shall pay a fee of [five cents] eight cents per enplaned passenger, for use of the common-use baggage service office and equipment.
- (j) Passenger facility charges: Each operator shall pay the passenger facility charges (PFCs), as approved by the Federal Aviation Administration (FAA), for each enplaned passenger, in accordance with federal regulations, as described further in Section 20.11.020
- (k) Off-gate aircraft parking fees:
  - (1) Off-gate aircraft parking positions will be made available to each air transportation company, based on a formula of 0.4 off-gate aircraft parking positions (rounded up or down to the nearest integer), for each gate that is leased by the air transportation company. Such off-gate aircraft parking positions (assigned using this formula) will be made available for use by such air transportation company without charge. Each air transportation company operating in the terminal complex will be allowed to use at least one off-gate aircraft parking position without charge. Use of any additional off-gate aircraft parking positions by an air transportation company that exceeds the number of positions made available using the formula described herein, will be subject to the off-gate aircraft parking fees outlined below:
    - (A) Tier 1 off-gate aircraft parking fees:
      - (i) Less than six consecutive hours: Signatory airline shall pay one hundred dollars; non signatory airline shall pay one hundred twenty-five dollars;
      - (ii) More than six, but less than twelve consecutive hours: Signatory airline shall pay two hundred dollars; non-signatory airline shall pay two hundred fifty dollars;
      - (iii) More than twelve, but less than twenty-four consecutive hours: Signatory airline shall pay four hundred dollars; non-signatory airline shall pay five hundred dollars;
      - (iv) More than twenty-four, but less than forty-eight consecutive hours: Signatory airline shall pay five hundred dollars; non-signatory airline shall pay six hundred twenty-five dollars;
      - (v) More than forty-eight hours: Signatory airline shall pay five hundred dollars for each subsequent twenty-four-hour period or portion thereof; non-signatory airline shall pay six hundred twenty-five dollars for each subsequent twenty-four-hour period or portion thereof.
    - (B) Tier 2 off-gate aircraft parking fees:
      - (i) Less than six consecutive hours: Signatory airline shall pay one hundred dollars; non-signatory airline shall pay one hundred twenty-five dollars;
      - (ii) More than six, but less than twelve consecutive hours: Signatory airline shall pay two hundred dollars; non-signatory airline shall pay two hundred fifty dollars;
      - (iii) More than twelve, but less than twenty-four consecutive hours: Signatory airline shall pay two hundred fifty dollars; non-signatory airline shall pay three hundred twelve dollars and fifty cents;
      - (iv) More than twenty-four, but less than forty-eight consecutive hours: Signatory airline shall pay three hundred dollars; non-signatory airline shall pay three hundred seventy-five dollars;
      - (v) More than forty-eight hours; Signatory airline shall pay three hundred dollars for each subsequent twenty-four-hour period or portion thereof; non-signatory airline shall pay three hundred

seventy-five dollars for each subsequent twenty-four-hour period or portion thereof.

- (l) Unauthorized off-gate aircraft parking fee: Each operator shall make prior arrangements with the department of aviation (no less than forty-eight hours) for use of an off-gate aircraft parking position. If operator uses an off-gate aircraft parking position which it has not received prior authorization from the department of aviation, such operator shall pay an unauthorized off-gate aircraft parking fee of one thousand dollars per occurrence, in addition to the off-gate aircraft parking fee as referenced in Section 20.10.010(k).
- (m) Unauthorized gate use fee: Each operator shall make prior arrangement with the department of aviation (no less than forty-eight hours) for the use of an aircraft gate. If operator uses a gate which it has not received prior authorization from the department of aviation, such operator shall pay an unauthorized gate use fee of one thousand dollars per occurrence.
- (n) Unauthorized ticket counter area use fee: Each operator shall make prior arrangement with the department of aviation (no less than forty-eight hours) for the use of ticket counter areas, including applicable queuing, common-use baggage handling system, skycap positions, and skycap tunnels. If operator uses such ticket counter areas, as described herein, without prior authorization from the department of aviation, such operator shall pay an unauthorized ticket counter area use fee of five hundred dollars per position per occurrence.
- (o) Fuel flowage fee: Each operator, as directed by the department of aviation, shall submit a report of its fuel usage at the airport on or before the fifteenth of the month for the preceding month's fuel usage along with a check in payment of fuel flowage fees of ten cents per gallon of fuel for operator's fuel usage.
- (p) Off-airport fuel storage fee: In addition to the fuel flowage fee in Section 20.10.010(o), each operator shall pay the department of aviation three cents per gallon for all fuel that is stored in any existing and future fuel farm facilities at the airport and is transported to a location other than the airport.
- (q) International passenger processing facility use fee:
  - (1) Each signatory airline that requires use of the international passenger processing facility, located in the terminal complex and as may be required under applicable regulations, shall pay an international passenger facility use fee of eight dollars and fifty cents per deplaned passenger.
  - (2) Each non-signatory airline that requires use of the international passenger processing facility, located in the terminal complex and as may be required under applicable regulations, shall pay an international passenger facility use fee of ten dollars and sixty-three cents per deplaned passenger.
- (r) West side international aircraft facility use fee: Each operator that requires use of the west side international aircraft facilities under applicable regulations and has twenty (20) souls on board or less, shall pay a west side international aircraft facility use fee of two hundred fifty dollars per occurrence. The term souls on board shall mean the total number of passengers and crew on the aircraft. An operator with more than twenty (20) souls on board is required to use the international passenger processing facility, located in the terminal complex.
  - (1) Off-hours reservation with twenty (20) souls on board or less: each operator that requests use of the west side international aircraft facility outside of the published operating hours shall pay eight hundred dollars per occurrence, in addition to the west side international aircraft facility use fee.
  - (2) Off-hours reservation with more than twenty (20) souls on board: each operator that requests use of the international passenger processing facility, located in the terminal complex, outside of the published operating hours shall pay one thousand

six hundred dollars per occurrence, in addition to the international passenger processing facility use fee and aircraft per turn fee as referenced in Section 20.10.010(e).

- (s) Ground service equipment building rent: Each operator that requires use of any ground service equipment building shall pay rent in the amount of sixteen dollars per square foot per annum.
- (t) Security deposit: In order to guarantee the timely payment of all rentals, fees, and charges provided for in this chapter, each operator shall provide a security deposit in the total amount of three months estimated rentals, fees, and charges, including those listed above or included in a lease agreement or operating permit. The security deposit amount may be adjusted by the director of aviation as the operator's activity increases or decreases. The security deposit shall be in the form of an irrevocable letter of credit, or other satisfactory security in a form approved by the director of aviation. If the operator fails to make any payment in accordance with the requirements of this chapter, the county shall have the right to take and use so much of such security deposit as may be necessary to make such payment in full and to exercise any other legal remedies to which it may be entitled.
- (u) Additional fees: The county may, but is not obligated to, make payments or incur costs to cure any violation by that operator of any applicable law, rule, or regulation. Any amounts paid or costs incurred by the county to cure any such violation shall, after due notice to any operator, constitute additional rent owed by that operator, and shall be due and payable with the next succeeding payment of monthly rent due under this chapter, plus a twenty percent administrative fee.
- (v) Surcharge by operator: If an operator imposed a surcharge in addition to normal airfare and tax on its air transportation to recover all or a portion of the amount payable by the operator as rentals, fees, and charges hereunder, except for passenger facility charges, and if the operator expressly identifies the surcharges as such to the public, the total amount of the surcharge up to the maximum amount that may be charged under the Nevada Municipal Airports Act shall be additional rent owed by that operator and shall be due and payable with the next succeeding payment of monthly rent under this chapter.
- (w) Late fees: Any payment due pursuant to this chapter or other lease, agreement, or operating permit that is not received within thirty days after the due date shall accrue interest at the rate of not less than twelve percent per annum, unless otherwise stated in the lease agreement.
- (x) Activity report submission: Each operator shall submit a report of its passenger, cargo, mail, freight, and aircraft activities at the airport on or before the fifteenth day of each month for the preceding month's activities together with a check in payment of all activity based fees, including but not limited to landing fees, per enplaned passenger fees, or other fees as identified in this chapter, and passenger facility charges (PFCs) for operator's operations at the airport during the preceding month, except that each governmental service contractor may claim an exemption from reporting its passengers, cargo, mail, and freight activities based on federal requirements for confidentiality. Such reports shall be on forms prescribed by the department of aviation.
  - (1) On or before January 1st each year, each operator shall submit to the director of aviation a written estimate of the total of the maximum certificated weights of the operator's expected aircraft arrivals at the airport during the twelve months beginning the following July 1st.
- (y) Flight schedules: Every thirty days, each air transportation company shall be required to submit its flight schedule for the next ninety-day period in an electronic form as provided by the department of aviation.

SECTION 2. If any section of this Ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this Ordinance.

SECTION 3. All Ordinances, parts of Ordinances, chapters, sections, subsections, clauses, phrases, or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 6. This Ordinance shall take effect and be in force from and after January 1, 2021, following its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

PROPOSED BY: Commissioner \_\_\_\_\_

PASSED on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

VOTE: AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAYS: \_\_\_\_\_  
\_\_\_\_\_

ABSTAINING: \_\_\_\_\_

ABSENT: \_\_\_\_\_  
\_\_\_\_\_

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

\_\_\_\_\_  
LYNN GOYA  
County Clerk

By \_\_\_\_\_  
Chair

APPROVED AS TO FORM:  
STEVEN B. WOLFSON, District Attorney

BY:   
Tim Baldwin, Deputy District Attorney

This ordinance shall be in force and effect from and after the 1st day of January 2021.