



**FORT WAYNE-ALLEN COUNTY
AIRPORT AUTHORITY**

FORT WAYNE INTERNATIONAL AIRPORT
SMITH FIELD AIRPORT

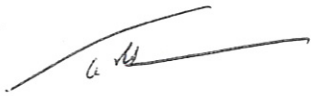
**Ordinance No. 09-03: Airport Rules and Regulations for Fort Wayne International
Airport.**

The text of the Airport Rules and Regulations for Fort Wayne International Airport is attached hereto and incorporated herewith.

Ordinance No. 09-03 supersedes Ordinance No. 01-04: Airport Regulations Ordinance.

Ordinance No. 09-03 is effective upon passage.

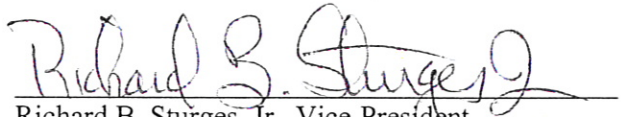
Introduced this 20th day of April, 2009 by:



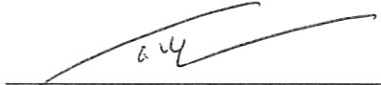
Timothy J. Haffner, Secretary

APPROVED: 18th day of May, 2009 by:

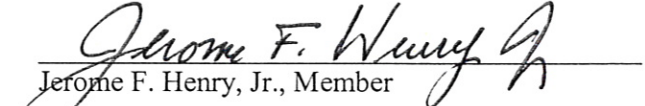
Michael S. Gouloff, President




Richard B. Sturges, Jr., Vice-President




Timothy J. Haffner, Secretary



Jerome F. Henry, Jr., Member



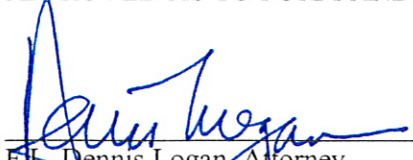
Cornelius B. (Neil) Hayes, Member



Benjamin T. Johnston, Member

(If Board Member was absent, signature line is blank.)

APPROVED AS TO FORM AND LEGALITY:



F.L. Dennis Logan, Attorney
Fort Wayne-Allen County Airport Authority

FORT WAYNE-ALLEN COUNTY AIRPORT AUTHORITY
FORT WAYNE INTERNATIONAL AIRPORT
2009 AIRPORT RULES AND REGULATIONS ORDINANCE
No. 09-03

1.01 Title

This Ordinance may be cited as the Airport Rules and Regulations Ordinance or as Chapter One (1) of the Fort Wayne-Allen County Airport Authority Code of Ordinances, and it supersedes all prior versions of the Airport Regulations Ordinance as they relate to Fort Wayne International Airport.

1.02 Authority

This Ordinance is created pursuant to authority granted by Indiana Code § 8-22-3-11.

1.03 Purpose

The provisions of this Chapter are intended to provide for the safe, orderly, and efficient operation of the Airports under Authority control, including Air Operations Areas and public areas.

1.04 Definitions

The following words and phrases, as used in this Ordinance, shall have the meanings indicated herein:

(1) "Aeronautical Activity" means any activity conducted at the Airport that involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. Note: Aeronautical Activities are further defined in the Commercial Minimum Standards.

(2) "Aircraft" means any contrivance invented, used, or designed for navigation of, or flight in, the air.

(3) "Air Operations Area" (AOA) means a restricted area of the Airport that can be used for landing, takeoff, or surface maneuvering of Aircraft, and contiguous areas delineated for the protection and security of aeronautical activities.

(4) "Airport" means Fort Wayne International Airport, together with all improvements and facilities of whatever nature located thereon.

(5) "Authority" in this document means the Fort Wayne-Allen County Airport Authority or its Board. 6) "Board" means the Fort Wayne-Allen County Airport Authority Board, owner and operator of the Fort Wayne International Airport and Smith Field Airport.

(7) "Bus" means a Motor Vehicle defined and licensed as a motor bus by the State of Indiana whose owner or lessee holds a certificate as a common motor carrier from the State of Indiana. Bus shall also include any Motor Vehicle licensed or certificated as a bus or motor bus by any other state or by the Interstate Commerce Commission. Bus also includes any Motor Vehicle which, although not licensed as a common carrier, is available for charter.

(8) "Common Fuel Farm" is the fuel storage area planned to be constructed by the Authority for use by all tenants and other users of the Airport that desire to utilize a fuel tank at the Airport.

(9) "Co-op Fueling" is a fueling operation conducted jointly or cooperatively by members of an organization formed by several aircraft owners, air carriers or flight departments or by two or more entities pursuant to contract or other arrangement between the parties.

(10) "Commercial Activity" is that relating to an operation conducted for the purpose of securing earnings, income, compensation, reimbursement (including exchange of service), and/or profit, whether or not such objectives are accomplished. Such Commercial Activities shall include but not be limited to commercial hangar operations, fueling, aircraft maintenance, Part 135 Operations, etc.

(11) "Commercial Air Carrier" means any Person who or which undertakes directly by hire, lease or other arrangement to engage in the carriage by Aircraft of Persons or property for compensation. This definition includes but is not limited to the following: all classes of air carriers as defined by the FAA, commuter and air taxi operators, and Operators of large and small Aircraft for Commercial Activities.

(12) "Commercial Hangar Operator" is an entity engaged in the lease of conventional hangars and/or T-hangars for the storage of Aircraft owned or leased by others; and as further outlined in the current Airport Regulations Ordinance and Airport Standards Ordinance.

(13) "Control Tower" means the Air Traffic Control Tower located at Fort Wayne International Airport and operated by the Federal Aviation Administration.

(14) "Courtesy Car" means any Motor Vehicle Operated by a hotel, motel, Rental Car company, or similar establishment for the transportation of its patrons or prospective patrons to and from the Airport premises.

(15) "Director" means the Authority's Executive Director of Airports or his or her designee.

(16) "FAA" means the Federal Aviation Administration.

(17) "Fixed Base Operator" (FBO) means an entity that maintains facilities at the Airport for the purpose of engaging in Commercial Activities on the Airport. This definition includes, but is not limited to the following: in-plane fueling services, flight training, aircraft rental, aircraft sales, aircraft charter or air taxi, airframe and powerplant repair, aircraft line service and certain specialized activities; and being authorized to conduct such a business through licensing by the Board. Only the Authority or an FBO may provide commercial aviation fuel services at the Airport.

(18) "Flying Club" is a non-profit organization established to promote flying, develop skills in aeronautics, including pilotage, navigation; and awareness and appreciation of aviation requirements and techniques.

(19) "Fueling Agent" means any entity, including its employees and agents, authorized by the Director to dispense aviation or Motor Vehicle fuels at the Airport.

(20) "Hazardous Substance" shall mean Hazardous Substance as defined in 42 USCA Sec. 9601 (14) or in Indiana Code 13-7-1-12 as the same are from time to time amended.

(21) "Limousine" is any Motor Vehicle licensed as such by the State of Indiana and excludes privately owned Vehicles commonly referred to as limousines that shall adhere to the same regulations as Motor Vehicles owned by members of the general public.

(22) "Motor Vehicle" means a Vehicle that is self-propelled. This definition includes, but is not limited to, the following: automobiles, trucks, buses, limousines, semi-tractors, bicycles, snowmobiles, motorcycles, and mopeds.

(23) "NFPA" means the National Fire Protection Association.

(24) "NTSB" means National Transportation Safety Board.

(25) "Non-Commercial Hangar Operator" is an entity engaged in the development of a hangar or hangars for use by that particular entity and not for the purpose of securing earnings, income, compensation, reimbursement (including exchange of service) and/or profit from the storage of Aircraft leased or owned by others.

(26) "Operate" means to physically manipulate the controls of an Aircraft or Motor Vehicle necessary to put it in motion.

(27) "Operator" in this document, means any Person exercising control of an Aircraft or Motor Vehicle.

(28) "Person" means an individual, firm, partnership, corporation, company, association, entity, and any trustee, receiver, assignee or similar representative thereof.

(29) "Rental Car" means any Motor Vehicle held out for hire to the general public.

(30) "Self-Fueling" means Aircraft refueling, performed by an Owner or his/her employees on his/her Aircraft with fuel supplied by the Owner. Joint or cooperative efforts (Co-op Fueling) are not considered self-fueling.

(31) "Taxicab" is any for-hire Vehicle licensed as such by the City of Fort Wayne or any other municipality.

(32) "Tenant" means a Person who or which occupies or rents property on the Airport, or who conducts business operations of any kind upon the Airport premises, regardless of whether there exists a written agreement with the Authority.

(33) "Vehicle" means every device on, in, or by which any person or property is or may be transported or drawn upon any roadway, paved or unpaved.

1.05 Administration and Policy Oversight

(1) Administration of the terms of this Ordinance shall be by the Director and staff of the Airport.

(2) Policy making aspects of this Ordinance shall be performed by the Director with ultimate authority residing in the Board.

1.06 Enforcement

The Director shall enforce the provisions of this Ordinance and may call upon the Authority Public Safety Department or municipal departments for such assistance as the Director may from time to time require.

(Sections 1.07 through 1.10, inclusive, are reserved for future use.)

1.11 Parking Regulations (Non-Airport Operations Areas)

It shall be unlawful and a violation of this Ordinance for any Person or Persons, whether individually or in concert with others, to do or cause to be done any of the following on the premises of the Airport:

(1) Park, stop, or leave standing any Motor Vehicle of any type except within areas designated for the particular type of Motor Vehicle involved, and then only in accordance with posted regulations relating to the area and type of Motor Vehicle.

(2) Park any Motor Vehicle within areas designated as “passenger loading and unloading zone” other than while actually boarding or discharging Persons or freight from the Motor Vehicle or leave unattended any Vehicle in any such area.

(3) Double park any Motor Vehicle in any area.

(4) Except as provided by statute, park, stop or leave standing any Vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of the Airport reserved by official traffic signs, distinct markers, or parking meters indicating the restriction for Vehicles displaying special registration plate or special identification card, or for Vehicles registered in another jurisdiction displaying a registration plate, card, or emblem issued by the other jurisdiction, which designates the Vehicle as a Vehicle used by a physically disabled Person.

(5) Park any Motor Vehicle in such a manner that the same shall not be entirely within one stall as designated by lines or marks on the pavement.

(6) Park in a parking lot designated by the Authority as an employee lot, without displaying on the Vehicle, in the location and manner prescribed by the Director, a properly issued employee parking permit.

(7) Drive away from any pay lot without payment.

(8) Falsify or misrepresent any media for parking purposes, to include, but not limited to: falsifying a validated parking ticket, using another individual’s parking pass, etc.

1.12 Towing of Vehicles

(1) The Director may authorize the immediate towing of any Vehicle parked in such a manner that obstructs Airport vehicular traffic and/or any Vehicle parked in the Airport Operations Area not authorized for such parking of Vehicles.

(2) A Vehicle towed under this section shall be transported to a location for subsequent retrieval by the owner(s) thereof.

(3) The owner of any Vehicle parked at the Airport shall be deemed to have consented to pay the costs of removal and storage of the Vehicle when the same is parked in contravention of the provisions of this Ordinance.

1.13 Motor Vehicle Traffic Control

It shall be unlawful and in violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Fail to observe and to obey all traffic control devices on the premises of the Airport including signals, signs, and warnings and any and all directions, signs, or warning devices that may be given or displayed by law enforcement officers or Airport personnel for the purpose of safely controlling traffic movement and generally promoting safety.

(2) Knowingly fail to comply with any lawful order or direction of any law enforcement officer vested by law with authority to direct, control or regulate traffic.

(3) Operate a Motor Vehicle in a reckless manner.

(4) Operate a Motor Vehicle at speeds in excess of posted speed limits.

(5) Operate on the public streets of the Airport a Motor Vehicle without a proper and/or valid operators' license issued by a state or territory of the United States or by the U.S. Federal Government.

(Sections 1.14 through 1.20, inclusive, are reserved for future use.)

1.21 Prohibited Activities; Commercial Activities

It shall be unlawful and a violation of this Ordinance for any Person:

(1) To engage in any Commercial Activity or service on the premises of the Airport, or off the premises of the Airport, which derives revenue from operations of the Airport, or any activity that provides a communication network between users or tenants of the Airport, between or among computers, whether wired or un-wired, or any methodology of communication among computers, communication devices, or telephonic devices, being utilized by users or tenants of the Airport, without first entering into a written lease or other written agreement with the Board in accordance with specifications established by the Authority.

(2) While under a lease or other agreement with the Board, to engage in any Commercial Activity not specifically authorized by the lease or agreement.

- (3) As a driver of any Courtesy Car, Limousine, Bus or Taxicab to use any loudspeaker, bullhorn, megaphone or similar voice amplification device.
- (4) To solicit for any purpose at the Airport in any manner unless such solicitation is approved pursuant to a written lease or other written agreement with the Authority.
- (5) As a driver of any Courtesy Car, Limousine, Bus or Taxicab to solicit customers in the terminal building or on sidewalk areas and roadways adjacent thereto.
- (6) As a driver of any Courtesy Car, Limousine, Bus or Taxicab to leave his or her Vehicle unattended while the Vehicle is in the area marked, "Taxi and Limo ready stand".
- (7) To post, distribute, or display signs, advertisements or distribute circulars except pursuant to the terms of a written lease or other written agreement with the Authority.
- (8) For any Operator to use any land, conduct any Commercial Activity or solicit business in connection therewith unless such activity is conducted in accord with the Minimum Standards and these Ordinances.
- (9) Any conduct of specifically authorized activities without a proper operating agreement, permit or a valid property lease agreement that has been executed by all parties and approved by the Board.
- (10) All departing fares from FWA in a "taxi or limousine" as described in the Airport Authority Regulations and Ordinance 1.04 & 1.21 will be placed into the first taxi or limousine waiting inside the chute. (This is the first in line to exit.)
- (11) Any suggested "pre-arranged fares" with one of our ground transportation providers as described in the Airport Authority Regulations and Ordinance 1.04 & 1.21 will be placed in the first "taxi or limousine" operated by that provider located in the taxi chute.
- (12) Any customer seeking ground transportation has the option to choose, at their discretion, which provider they wish to hire.

1.22 Prohibited Activities; Tenants

It shall be unlawful and a violation of this Ordinance for any Tenant of buildings, hangars, or shop facilities to do or permit or cause to be done, any of the following:

- (1) Fail to maintain and keep readily accessible fire extinguishers or other fire equipment meeting Federal, State, and Local fire codes.

(2) Stack or store material or equipment in such a manner as to constitute a hazard to persons or property as determined by the Director.

(3) Fail to obtain an Authority building permit prior to any construction or remodeling on the Airport premises.

(4) Install any device or equipment that provides a communication network within the Airport premises between users or tenants of the Airport, between or among computers, whether wired or un-wired, digital or non-digital, whether or not controlled or regulated by the Federal Communication Commission, or any methodology of communication among computers, communication devices, or telephonic devices, being utilized by users or tenants of the Airport, without first making written application for review and approval by the Authority and entering into a written agreement with the Authority with respect to such device or equipment.

(5) Sell, barter, trade, share, sublease or in any other manner provide hangar space to any other Airport tenant or user or any other aircraft except that leased or owned by the non-commercial hangar operator unless authorized by the Board through a written agreement.

(6) No Commercial Activity shall be conducted in or around a non-commercial hangar on the Airport, without first entering into a written lease or other written agreement with the Board in accordance with specifications established by the Authority.

1.23 Rental Car Operations

(1) No Person shall, on the premises of the Airport, carry on, conduct, or engage in the business of providing or offering to provide Rental Cars to the public except in accordance with the terms of a written agreement between such Person and the Authority.

(2) No Person shall conduct a Rental Car operation off Airport premises that derives revenue from the rental of automobiles to passengers picked up at the Airport without first entering into a written agreement with the Board in accordance with specifications established by the Authority.

1.24 Rental Car Parking

(1) Parking stalls in the rent-a-car lot and the rent-a-car ready lot shall be utilized only by Rental Car companies authorized to do so pursuant to the terms of a written agreement with the Authority.

(2) Rental Cars owned by Rental Car companies that do not lease real estate from the Authority shall be parked in areas designated for public parking and shall conform to all regulations applicable to privately owned Motor Vehicles.

(3) Any Motor Vehicle, including any Rental Car, that is parked in a public parking area of the Airport shall be treated as a privately owned Vehicle for purposes of determining the applicable parking fee.

1.25 Parking Operations

(1) No Person shall, on the premises of the Airport, carry on, conduct, or engage in the business of providing, or offering to provide, parking accommodations to the public without first entering into a written lease or other written agreement with the Board in accordance with specifications established by the Authority.

(2) No Person shall conduct a parking operation off Airport premises that derives revenue from the provision of parking facilities to users of the Airport without first entering into a lease or other agreement with the Board in accordance with specifications established by the Authority.

(Sections 1.26 through 1.30, inclusive, are reserved for future use.)

1.31 General

It shall be unlawful and a violation of this Ordinance for any Person:

(1) To bring into the Airport terminal building any animal that is not caged, with the exception of service animals.

(2) To hunt, trap, or discharge firearms on Airport property without the approval of the Director.

(3) To smoke any cigarette, cigar, pipe, or other smoking material in any public area unless the same is clearly marked, "Smoking Permitted."

(Sections 1.32 through 1.40, inclusive, are reserved for future use.)

1.41 Air Operations Area; Aeronautical Activities Regulated

(1) Aeronautical Activities at the Airport shall be conducted in conformance with all applicable regulations of the FAA, State of Indiana, and the Airport.

(2) Whenever the Director believes the condition of the Airport or any part of the Airport to be unsafe for Aeronautical Activity, the Director is authorized to close the Airport or any part thereof.

(3) The Director may delay or otherwise restrict any flight activity or other Operations of any Aircraft at the Airport for reasons related to the public health, safety, or welfare. This includes, but is not limited to, the following types of specialized Aeronautical Activity: ultra-lights, balloons, gliders, skydiving, and banner towing.

(4) No air meets, air shows, aerial demonstrations, or other special activities shall be held at the Airport unless prior written permission is obtained from the Director.

1.42 Air Operations Area; Towing and Removal of Aircraft; Accidents

(1) The Director is authorized to tow or otherwise move Aircraft parked in violation of Airport regulations, at the Owner or Operator's expenses, and without liability on the part of the Authority, its Board, directors, officers, employees, or agents for damage which may result in the course of or by reason of such moving.

(2) It shall be the responsibility of the Aircraft Owner or Operator to promptly remove disabled Aircraft and parts thereof upon approval of the State Police, FAA and/or NTSB. If any Person refuses to move an Aircraft or part(s) thereof as directed by the Director, the Aircraft or part(s) may be moved by the Director at the Owner or Operator's expense and without liability on the part of the Authority for damage which may result in the course of or by reason of such moving. The same shall apply to removal of wrecked or damaged Aircraft and parts.

(3) Persons involved in Aircraft accidents which occur on the Airport and which involve substantial damage shall make a full report thereof to the Director as soon after an accident as possible but no more than 24 hours after the accident. Said report shall include names and addresses of all people involved in the accident. "Substantial damage" is as defined by the NTSB.

(4) Any Person damaging any airfield light fixture, signage components or other Airport facility shall report such damage to the Director's office immediately and shall be responsible for his or her share of any costs required to repair or replace the damaged fixture or facility.

1.43 Air Operations Area; Prohibited Activities; Aircraft Operations

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Operate any Aircraft weighing more than the designated load-bearing capacity of that part of the Airport premises on which the Aircraft is operated.

(2) Operate any Aircraft contrary to Airport issued Notice to Airmen (NOTAM) published by the FAA.

- (3) Park, or cause to be parked, any Aircraft in any area on the Airport other than parking areas designated by the Director.
- (4) Fail to secure an unattended Aircraft.
- (5) Be present on any portion of the Air Operations Area, unless specifically authorized by the Director.
- (6) Fail to display or have in ones possession a valid I.D. media as required by the Airport while present on any portion of the Air Operations Area.
- (7) Unlock or leave unlocked any controlled security gate at the Airport except when the gate is actually in use and attended by the user.
- (8) Tamper with, disable or cause to be disabled any controlled security gate except when authorized to do so by the Director.
- (9) Endanger the safety of his or her own person or property or the safety of another's person or property by the negligent Operation of an Aircraft.
- (10) Operate any Aircraft on the grounds of the Airport while under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance, under the influence of any other drug to a degree that renders such Person incapable of safely Operating the Aircraft, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely Operating the Aircraft.
- (11) Interfere or tamper with any Aircraft without permission of the Owner thereof.
- (12) Put in motion any Aircraft without permission of the Owner thereof.
- (13) Use or remove any Aircraft, Aircraft parts, instruments, or tools without permission of the Owner thereof.
- (14) Taxi an Aircraft into or out of a hangar.
- (15) Operate an Aircraft engine in any hangar or building on the Airport, except in approved test facilities.
- (16) Perform any engine run ups for maintenance purposes except in areas designated by the Director.

1.44 Air Operations Area; Prohibited Activities; Motor Vehicle Operations

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following in the Air Operations Area and other areas of the Airport as specified herein:

(1) Operate a Motor Vehicle on the Aircraft parking aprons at a speed in excess of ten (10) mph.

(2) Operate a Motor Vehicle if it is so constructed, equipped, or loaded as to endanger Persons or property.

(3) Operate any Motor Vehicle unless equipped with two headlights and one or more red taillights. The headlights shall be of sufficient brilliance to ensure safety in driving at night, and all lights shall be kept lighted at all times from sunset to sunrise unless the Vehicle is in a designated parking area or during fueling operations.

(4) Operate any Motor Vehicle of any type across any passenger loading areas during any loading or unloading Operations.

(5) Operate a Motor Vehicle in a reckless manner.

(6) Operate a Motor Vehicle at a speed that endangers property or Persons in the area.

(7) As Operator of a Motor Vehicle, fail to yield the right of way in the Air Operations Area to all Aircraft under all conditions.

(8) Park a Motor Vehicle, for loading, unloading, or any other purpose, on the Airport other than on the areas specifically established for parking and in the manner prescribed by signs, lines, or other means. This subsection shall not apply to those Vehicles authorized by the Director to be parked contrary to posted signs or other regulations while the driver thereof is actually engaged in an authorized activity.

(9) Leave parked any unattended Motor Vehicle on any active part of the Air Operations Area except in approved designated areas.

(10) Operate a Motor Vehicle (other than an Aircraft) within the Air Operations Area (AOA) unless the Vehicle and driver are registered with the Director to do so or unless there exists an agreement with the Airport for such Operation, and the driver is in possession of a valid Motor Vehicle Operator's license issued by this or another state.

(11) Walk or Operate a Motor Vehicle on the movement areas of the Airport without proper authorization of Airport personnel (airfield incursion).

(12) During the hours between one-half (1/2) hour before sunset and one-half (1/2) hour after sunrise and during other times when visibility is less than three (3) miles, Operate any Motor Vehicle (other than an Aircraft) on controlled movement areas of the

Airport unless equipped with a functioning and in use amber light beacon. Motor Vehicles accompanied by an approved escort Vehicle with the approved amber beacon in use shall be exempt from application of this subsection.

(13) Clean or make repairs to Motor Vehicles anywhere on the Airport, except those Motor Vehicles owned or Operated by a tenant or lessee. All approved cleaning and repair of Motor Vehicles shall be performed in areas designated by the Director meeting Federal, State, and Local laws and regulations covering Motor Vehicle cleaning and repair activities.

(Sections 1.45 through 1.60, inclusive, are reserved for future use.)

1.61 Prohibited Activities; Safety Related; General

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Dispose of garbage, trash, scrap, or other materials on the Airport except in approved locations. Areas to be used for trash, garbage, or scrap collection shall be designated by the Director, and no other areas shall be used. Such areas shall be kept clean and sanitary at all times.

(2) Smoke or carry lighted smoking materials, or any open flame within one hundred (100) feet of an Aircraft being fueled or drained, or in any hangar or shop, service area, fuel storage area, or in any building, place, or room on the Airport where specifically prohibited by signs and ordinances. Smoking is prohibited within the Air Operations Area. Smoking is only permitted in designated smoking areas.

(3) Repair or clean any Aircraft, Aircraft engine, propeller, or apparatus in any area other than that designated for such purpose by the Director and that meets Federal, State and Local laws and regulations.

(4) Unlock or leave unlocked any controlled security gate at the Airport except when the gate is actually in use or attended by an authorized person.

(5) Enter secured doors, gates, or other secured entrances without utilizing proper media or access codes. Piggybacking is prohibited.

(6) Tamper with, disable or cause to be disabled any controlled security gate or door at the Airport except when authorized to do so by the Director.

(7) Falsify information contained or included on any Airport Authority application form for use in issuing A.O.A. access identification media or for the issuance of a required operator's permit for use on the Air Operations Areas of the Airport.

(8) Possess, alter or use in any way a falsified Airport Authority access or identification media which permits access onto any area of A.O.A. of the Airport.

(9) Possess, alter or use in any way a falsified Airport Authority driver's permit which permits access onto any area of A.O.A. of the Airport.

1.62 Safety Regulations; Fueling Procedures

The following rules shall govern and control the fueling and defueling of Aircraft and Motor Vehicles at the Airport:

(1) All aviation fuels dispensed into Aircraft at the Airport shall be done in accordance with NFPA standards and all applicable Federal, State and Local codes.

(2) All fueling equipment Operating at the Airport shall meet the standards for dispensing equipment, safety equipment, and markings in accordance with NFPA standards, and all applicable Federal, State and Local codes. No new fuel tanks, either above or below ground, shall be installed nor shall any existing tanks be replaced without the expressed written consent of the Director.

(3) All fueling and defueling will be in areas approved by the Director or at the Common Fuel Farm once it is operational.

(4) Staging or parking of fueling Vehicles at the Airport must be in areas approved by the Director.

(5) Fueling Vehicle drivers will remain with their Vehicles at all times on the Air Operations Area unless the Vehicle is in an authorized parking area.

(6) No Aircraft shall be fueled or defueled while the engine is running or being warmed by application of exterior heat or while such Aircraft is in a hangar or enclosed space.

(7) During fueling or defueling, Aircraft and fuel dispensing equipment shall both be electrically grounded to a point or points of zero electrical potentials except as specifically provided by NFPA Standard 407.

(8) Persons engaged in fueling and defueling of Aircraft shall exercise the greatest degree of care to prevent overflow or spillage of fuel. Any Person causing any overflow or spill of fuel on the Airport shall notify the Airport Public Safety Department or Director immediately.

(9) When fuel sumps are discharged during pre-flight inspections, the discharge shall be deposited in designated containers. The discharge shall not be spilled onto the pavement or ground.

(10) No Person shall fuel or defuel an Aircraft with fueling hoses and other equipment or apparatus that are not in a safe, sound, and non-leaking condition in accordance with NFPA standards.

(11) Motor Vehicles shall be fueled on the Airport only from locations and equipment approved by the Director.

(12) A Fueling Agent shall not permit any employee or agent to dispense fuel unsupervised unless he or she has first completed an industry-endorsed training program in applicable fueling procedures, fire extinguishing procedures, and procedures to summon the Airport Public Safety Department or municipal fire departments. Certification that each fueler has received this training shall be submitted to the Director prior to any such dispensing.

(13) No Person shall store or dispense fuel except in accordance with the Standards and Recommendations of the NFPA applicable to fuel loading areas (NFPA Standard 407).

(14) Fueling and defueling of Aircraft shall be conducted at a distance of at least twenty-five feet (25') from any hangar or building or a distance of fifty feet (50') from any building air intake used for heating apparatus.

(15) An Operator that is a Self-Fueler may hangar, tie-down, adjust, repair, refuel, clean and otherwise service its own Aircraft, provided it does so with its own employees in accordance with the established policies and standards of the FAA. In the interest of safety and environmental protection, Board has the right to designate the locations of Self-Fueler storage facilities.

(16) An Operator that is a Self-Fueler shall have a fixed fuel storage system, containing safety fixtures, and filtration systems to ensure quality in accordance with applicable Federal, State and Local standards and ordinances. Above ground storage tanks shall be built, installed, operated and maintained in accordance with all Federal, State and Local regulations after receiving prior written consent from the Board.

1.63 Prohibited Activities; Co-op Fueling

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following at a Hangar at the Airport:

(1) Owner, tenant, or user of a fuel farm to participate in Co-operative Fueling arrangements of any kind on the Airport.

(2) Form an organization with multiple Aircraft Owners for the purposes of being considered a single Aircraft owner for Self-Fueling purposes.

(3) Joint venture arrangements where title to Aircraft and/or Aircraft lease are in the name of the joint venture are not considered Co-op Fueling under this section.

(Section 1.64 Is reserved for future use.)

1.65 Restricted Activities; Self-fueling

The following rules shall govern and control the Aircraft Self-Fueling activities at the Airport:

(1) Self-Fueling is only permitted if the Aircraft Owner has a valid lease with the Authority.

(2) Self-Fueling is only permitted if Tenant leases building space equal to or in excess of the square footage as specified in the Minimum Standards.

(3) Self-Fueling is only permitted if Tenant has a specific provision in the lease permitting this activity and outlining responsibilities regarding this activity.

(4) Self-Fueling is only permitted if Tenant is the Aircraft Owner or has a current lease documenting exclusive use and control of the Aircraft.

(5) Self-Fueling is only permitted for Aircraft owned and/or controlled by Operator.

(6) Copy of the Aircraft Registration must be on file with the Authority for each Aircraft that will be Self-Fueled.

(7) Self-Fueling will only be allowed in areas designated by the Authority.

(8) No retailing or wholesaling of fuel of any kind is permitted.

(9) Self-Fuelers shall have a Self-Fueling Permit or a written agreement with the Board for any aviation fuel storage facility and/or fueling vehicle.

1.66 Prohibited Activities; Safety Regulations; Hazardous Materials

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Use flammable liquids in the cleaning of Aircraft or Aircraft engines, propellers, or other appliances, equipment, or parts of Aircraft unless such cleaning operations are conducted in accordance with NFPA standards and all applicable Federal, State and Local codes.

(2) Dump or otherwise introduce any petroleum products, agricultural chemicals, or other industrial waste matter into drains, or any other area or receptacle other than a receptacle approved for such use in accordance with NFPA standards and all applicable Federal, State and Local codes.

(3) Perform doping processes, spray painting, or paint stripping, except in areas or facilities approved for such purposes, in accordance with NFPA standards and all applicable Federal, State and Local codes.

(4) Keep or store any flammable and/or volatile liquids, gases, or other similar material in hangars, shops, or any building on the Airport, except that such materials may be kept in receptacles and in rooms or areas specifically approved for such storage, in compliance with NFPA standards and all applicable Federal, State and Local codes.

(5) Keep or store lubricating oils on the Airport, except in containers and receptacles designed for such purpose and in structures or areas specifically approved for such storage, in compliance with NFPA standards and all applicable Federal, State and Local codes.

(6) Fail to comply with all applicable Federal, State and Local statutes and regulations relating to the protection of the environment including, without limitation, 42 USCA Sec. 6991-6991 (i) and Indiana Code 13-7-1 through 13-7-32.

(7) Fail to comply with all requirements and provisions contained in the Fort Wayne-Allen County Airport Authority's Spill Prevention and Countermeasure Plan, as amended from time to time.

(Section 1.67 through 1.90, inclusive, are reserved for future use.)

1.91 Penalties

Persons violating this ordinance shall pay fines according to the following schedule:

<u>VIOLATION OF SECTION</u>	<u>FINE/PENALTY</u>
1.11 (1) Unlawful parking of Vehicle	\$ 20.00
1.11 (2) Unlawful parking of Vehicle	\$ 20.00
1.11 (3) Double parking	\$ 20.00
1.11 (4) Parking in handicap stall	\$ 50.00
1.11 (5) Parking outside of stall marks	\$ 10.00
1.11 (6) Parking in unauthorized lot	\$ 100.00
1.11 (7) Failure to pay parking fees	\$ 100.00
1.11 (8) Falsify parking ticket or pass	\$ 100.00
1.13 (1) Failure to obey traffic control devices	\$ 50.00

1.13 (2) Failure to comply with lawful order	\$ 50.00
1.13 (3) Reckless Operation of Motor Vehicle	\$ 100.00
1.13 (4) Excessive Vehicle speed	\$ 50.00
1.13 (5) Invalid Vehicle Operator License	\$ 100.00
1.21 (1) Unauthorized Commercial Activity	\$ 350.00
1.21 (2) Unauthorized lease activity	\$ 350.00
1.21 (3) Unauthorized use of amplifier	\$ 50.00
1.21 (4) Unauthorized solicitation	\$ 50.00
1.21 (5) Unauthorized solicitation by cab, limo, bus, etc.	\$ 100.00
1.21 (6) Unattended Vehicle in taxi/limo ready stand	\$ 50.00
1.21 (7) Unauthorized distribution or advertising	\$ 50.00
1.21 (8) Unauthorized Commercial Activity	\$ 350.00
1.21 (9) Activity without a valid Airport agreement	\$ 350.00
1.22 (1) Failure to meet fire regulations	\$ 50.00
1.22 (2) Storing material in hazardous manner	\$ 50.00
1.22 (3) Failure to obtain building permit	\$ 100.00
1.22 (4) Failure to obtain communications permit	\$ 100.00
1.22 (5) Unauthorized use of hangar space by others	\$ 100.00
1.22 (6) Unauthorized Commercial Activity	\$ 350.00
1.23 (1) Unauthorized on-Airport Rental Car Operation	\$ 350.00
1.23 (2) Unauthorized off-Airport Rental Car Operation	\$ 350.00
1.31 (1) Animal in terminal building	\$ 25.00
1.31 (2) Unauthorized hunting, trapping or firearms	\$ 100.00
1.31 (3) Unauthorized smoking	\$ 10.00
1.41 (4) Failure to obtain written permission for special aeronautical activities or events	\$ 100.00
1.42 (3) Failure to report accident	\$ 250.00
1.42 (4) Failure to report damage	\$ 250.00
1.43 (1) Operation of Aircraft at weights in excess of pavement capacity	\$ 150.00
1.43 (2) Operation of Aircraft contrary to NOTAM	\$ 150.00
1.43 (3) Unlawful parking of Aircraft	\$ 25.00
1.43 (4) Failure to secure unattended Aircraft	\$ 100.00
1.43 (5) Unauthorized presence in Air Operations Area	\$ 250.00
1.43 (6) Failure to properly display or have in ones possession required Air Operations Area I.D. media	\$ 100.00
1.43 (7) Failure to lock secure area	\$ 250.00
1.43 (8) Tamper with/disable controlled security gate/door	\$ 250.00
1.43 (9) Negligence in Operation of Aircraft	\$ 100.00
1.43 (10) Operating Aircraft while under influence of alcohol or drugs	\$ 150.00
1.43 (11) Unauthorized tampering with Aircraft	\$ 100.00
1.43 (12) Unauthorized Operation of Aircraft	\$ 100.00
1.43 (13) Unauthorized removal of Aircraft and/or components	\$ 100.00
1.43 (14) Unauthorized Aircraft Taxi in/out hangar	\$ 25.00
1.43 (15) Unauthorized Aircraft engine operation	\$ 100.00

1.43 (16) Unauthorized Aircraft engine run-up	\$ 100.00
1.44 (1) Operate Motor Vehicle at excessive speeds	\$ 50.00
1.44 (2) Operation of unsafe Motor Vehicle	\$ 50.00
1.44 (3) Operation of improperly equipped Motor Vehicle	\$ 50.00
1.44 (4) Operation of Motor Vehicle in passenger loading areas	\$ 100.00
1.44 (5) Reckless Operation of Motor Vehicle	\$ 100.00
1.44 (6) Operation of Motor Vehicle at excessive speed endangering property or persons	\$ 100.00
1.44 (7) Failure to yield right of way to Aircraft	\$ 50.00
1.44 (8) Unlawful vehicle parking	\$ 20.00
1.44 (9) Unlawful parking of Motor Vehicle in AOA	\$ 25.00
1.44 (10) Unauthorized operation of Motor Vehicle on AOA	\$ 100.00
1.44 (10) Unattended Motor Vehicle in Air Operations Area	\$ 75.00
1.44 (11) Unauthorized personnel or Motor Vehicle incursion onto Air Operations Area	\$ 250.00
1.44 (12) Operation of unlighted Motor Vehicle	\$ 25.00
1.44 (13) Repair of Motor Vehicle in prohibited area	\$ 30.00
1.61 (1) Improper disposal of refuse	\$ 50.00
1.61 (2) Smoking within 100 Feet of fueling operation, within AOA or other specifically prohibited locations	\$ 50.00
1.61 (3) Repair of Aircraft in restricted area	\$ 30.00
1.61 (4) Failure to lock secure area	\$ 250.00
1.61 (5) Accessing controlled areas without using access code or badge, or tailgating using another's access medium	\$ 250.00
1.61 (6) Tampering or disabling a security gate or door	\$ 250.00
1.61 (7) Falsification of information on applications to obtain A.O.A. access media or driving permit	\$ 250.00
1.61 (8) Possess, alter or use falsified I.D. media for A.O.A. access	\$ 250.00
1.61 (9) Possess, alter or use falsified driving permit for A.O.A. access	\$ 250.00
1.62 (1) Failure to dispense fuels in accordance with standards	\$ 300.00
1.62 (2) Use of substandard or unauthorized fueling equipment	\$ 300.00
1.62 (3) Fueling/defueling in restricted areas	\$ 300.00
1.62 (4) Parking of fueling Vehicles in non-designated area	\$ 50.00
1.62 (5) Leaving fueling Vehicle unattended	\$ 30.00
1.62 (6) Fueling/defueling while engine is running	\$ 50.00
1.62 (7) Failure to ground Aircraft and fueling equipment	\$ 50.00
1.62 (8) Failure to exercise care in fueling operations	\$ 50.00
1.62 (9) Failure to properly dispose fuel sump discharge	\$ 250.00
1.62 (10) Use of substandard fueling devices	\$ 50.00
1.62 (11) Fueling of Motor Vehicle at unauthorized location	\$ 30.00
1.62 (12) Allowing unauthorized Person to dispense fuel	\$ 50.00
1.62 (13) Improper storage or dispensing of fuels	\$ 50.00
1.62 (14) Fueling too close to buildings	\$ 50.00
1.62 (15) Self-fueling in a non-designated area	\$ 50.00
1.62 (16) Self-fueler not having the required equipment	\$ 300.00
1.63 (1) Having or participating in any type of co-op fueling arrangement	\$ 750.00

1.65 (1) Self-fueling aircraft without appropriate lease with Authority	\$ 750.00
1.65 (2) Self-fueling without sufficient building spaced leased	\$ 750.00
1.65 (3) Self-fueling aircraft without lease with appropriate lease provisions	\$ 750.00
1.65 (4) Self-fueling without being aircraft owner or having a valid aircraft lease	\$ 750.00
1.65 (5) Self-fueling an aircraft not self owned and/or controlled	\$ 750.00
1.65 (6) Failure to provide valid Aircraft Registration form for aircraft being self-fueled	\$ 750.00
1.65 (7) Self-fueling in non-designated areas	\$ 750.00
1.65 (8) Illegal wholesaling or retailing of aviation fuels	\$ 750.00
1.65 (9) Failure to possess valid Self-Fueling Permit or written agreement for fuel storage and fueling	\$ 750.00
1.66 (1) Unlawful use of flammables in cleaning Aircraft and parts	\$ 150.00
1.66 (2) Dumping of controlled or regulated waste	\$ 250.00
1.66 (3) Performing doping and painting operation in restricted area	\$ 50.00
1.66 (4) Improper storage of flammables	\$ 50.00
1.66 (5) Improper storage of oils	\$ 50.00
1.66 (6) Failure to comply with environmental regulations	\$250.00
1.66 (7) Failure to comply with Spill Prevention and Countermeasure Plan	\$250.00

NOTE: Each day that an offense occurs or continues shall be considered a separate offense.

1.92 Indemnity

In addition to the penalties provided in the foregoing Section 1.91, any Person violating this Ordinance shall indemnify and save harmless the Authority, its Board, Officers, Directors and employees of, from and against any and all liabilities, damages, suits, penalties, judgments, and environmental clean-up, removal, response, assessment, or remediation cost arising from contamination of the premises or the release of any Hazardous Substance, pollutant, contaminant or petroleum in, on, about or under the Airport, and shall indemnify and save the Authority, its Board, Officers, Directors, and employees harmless from and against any and all loss of rentals or decrease in property values arising out of such violation.

1.99 Civil Responsibility

The imposition or payment of any forfeiture imposed by this Ordinance shall not relieve any Person from the civil consequences of his or her acts in any manner or form whatsoever.

Any and all violations requiring fines and/or civil penalties to be issued under this Ordinance and requiring legal action to be taken by the Authority to collect on said fines and/or civil penalties shall include the payment by the violator of any and all legal costs

incurred by the Authority, including attorney fees, court costs and any other such costs which may be assessed by a court of competent jurisdiction against the violator in addition to the fines or penalty.