



City of Battle Creek  
Battle Creek Executive Airport  
15551 S. Airport Road  
Battle Creek, MI 49015  
(269) 966-3470

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# Rules and Regulations

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City of Battle Creek

*Battle Creek Executive Airport (BTL)*

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February 20, 2018



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**1. GENERAL PROVISIONS**

**1.1. Purpose**

The purpose of these Rules and Regulations is to protect the public health, safety, interest, and general welfare of the Operators, Lessees, Sublessees, Permittees, and users of the Battle Creek Executive Airport at Kellogg Field (Airport), and to restrict or prevent any activity or action which would interfere with the safe, orderly, and efficient use of the Airport.

The General Provisions set forth in this section are common to all Airport Primary Management and Compliance Documents (PMCDs) and are incorporated into each PMCD by reference.

**1.2. Definitions**

The terms defined in Section 7 of these Rules and Regulations and identified by use of a capital letter, whenever used in the PMCDs, shall be construed as defined therein unless (from the context) a different meaning is intended or unless a different meaning is specifically defined. Words or phrases that are not defined shall be construed consistent with common meaning or as generally understood throughout the aviation industry.

**1.3. Governing Body**

The Airport is owned and operated by the City of Battle Creek (City), a municipal corporation, organized under the statutory authority of the State of Michigan, and in accordance with Section 11.1 of the Charter of the City and governed by and through the Battle Creek City Commission (Commission).

The authority to: (a) lease Airport land and/or Improvements, (b) allow the occupancy and/or development of Airport land or Improvements, (c) grant the right to engage in any activity at the Airport, and (d) implement, supplement, amend, modify, approve, or adopt any Agreement, policy, standard, rule, regulation, or directive, including the PMCDs, is expressly reserved to the City by and through the Commission.

**1.4. Authority to Adopt**

The authority to adopt any policy, standard, rule, regulation, or directive, including the PMCDs, is delegated to the City by the Aeronautics Code of the State of Michigan Act 327 of 1945, Section 259.126, which states: "Every political subdivision in this state is hereby authorized through its governing body to acquire property, real and personal, for the purpose of establishing, constructing, and enlarging airports, landing fields and other aeronautical facilities, and to acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate such airports".

**1.5. Statement of Policy**

It is the desire of the City to: (a) plan, develop, operate, and manage the Airport in such a manner so as to ensure the Airport's long-term financial health, (b) protect and promote the health, safety, security, and general welfare of the public, and (c) encourage the provision of the type, level, and quality of General Aviation products, services, and facilities desired by the public.



For situations not specifically addressed in the PMCDs, the City reserves the right to make such policies, standards, rules, regulations, and directives as may be appropriate given the situation and/or circumstances pertaining to the use of the Airport.

The Airport is required to operate for the use and benefit of the public and shall be made available to all types, kinds, and classes of Aeronautical Activity on reasonable terms and without unjust discrimination.

### **1.6. Non-Discrimination**

No person, in the use of the Airport's land and Improvements, shall discriminate against any person or class of persons by reason of his or her actual or perceived race, age, height, weight, color, religion, sex, national origin, age, physical or mental disability, sex, marital status, family status, sexual orientation, or gender identity, in providing any products or services or in the use of any of the Airport's land and Improvements provided for the public, or in any manner prohibited by applicable Legal Requirements.

### **1.7. Airport Management**

The Transportation Director is responsible for the planning, development, operation, management, maintenance, and security of the Airport and all City owned and operated land, Improvements, facilities, Vehicles, and equipment associated with the Airport. The Commission has authorized the Transportation Director to: (a) interpret, administer, and enforce Agreements and the PMCDs, (b) allow, where and when appropriate, temporary, short-term occupancy or use of Airport land or Improvements, and (c) obtain and receive copies of all licenses, permits, certifications, ratings, Certificates of Insurance, and other documents required to be provided to the City. All inquiries regarding the PMCDs and/or compliance therewith shall be directed to the Transportation Director.

During emergency situations the Transportation Director is empowered to issue such directives and to take such action that, within his/her discretion and judgement, are necessary or desirable to safeguard the safety, security, and efficiency of the Airport and the public. Such directives and actions of the Transportation Director shall have the force of a rule and regulation so long as the emergency situation exists.

### **1.8. Effective Date**

The PMCDs shall be in effect and shall remain in effect from the date of adoption by the City, unless repealed by the City.

### **1.9. Compliance with Legal Requirements and Agreements**

All entities leasing, occupying, and/or developing Airport land and/or Improvements and/or engaging in an Aeronautical Activity at the Airport shall comply, at the entity's sole cost and expense, with all applicable Legal Requirements.

No Agreement, nor any payment or performance required there under, shall excuse any entity from compliance with the PMCDs. Compliance with the PMCDs shall not excuse any responsibility or obligation an entity may have to the City under any existing Agreement.



**1.10. *Conflicting Legal Requirements and Agreements***

If any provision of the PMCDs is found to be in conflict with any other City policy, standard, rule, regulation, or directive; any provision of any applicable Legal Requirement; or any provision of an Agreement (if provided for in the Agreement), the provision that establishes the higher or stricter standard shall prevail.

**1.11. *Right to Self-Service***

An Aircraft Owner or the Aircraft Owner's Employees may perform self-services (fueling, maintenance, or repair) on the Aircraft Owner's Aircraft utilizing the Aircraft Owner's Vehicles, equipment, and resources (Self-Service). An Aircraft Owner or the Aircraft Owner's Employees are permitted to perform such self-services on the Aircraft Owner's Aircraft provided there is no attempt to perform such services for others for Compensation and further provided that such right is conditioned upon compliance with the PMCDs and all applicable Legal Requirements. If the right to Self-Service is not exercised, an Aircraft Owner is only permitted to have the Aircraft Owner's Aircraft fueled, maintained, repaired, or otherwise serviced at the Airport by those Operators authorized to engage in such Commercial Activities at the Airport. An Operator may restrict Self-Service activities on its exclusive Leased Premises.

**1.12. *Prohibited Activities***

The following activities are prohibited at the Airport: (1) Through-the-Fence activities and (2) Co-Op Self Fueling.

**1.13. *Fines or Penalties***

Entities shall have the responsibility to pay any fine or penalty levied against entity, the City, or the Commission, individually or collectively, as a result of entity's failure to comply with any applicable Legal Requirement. If the fine or penalty is contested, entity shall pay the fine or penalty if upheld by the Agency having jurisdiction.

**1.14. *Severability***

If any provision of the PMCDs shall be held to be unlawful, invalid, or unenforceable by final judgement of any Agency or court of competent jurisdiction, the judgement shall not in any way affect the validity of any other provisions of the PMCDs.

**1.15. *Subordination***

The PMCDs are subject and subordinate to the provisions of any agreements between the City and the State of Michigan or the United States Government pertaining to the planning, development, operation, and management of the Airport.

**1.16. *Notices, Requests for Approval, Applications, and Other Filings***

Any notice, request for approval, application, or other filing required or permitted to be given or filed with the City and any notice or communication required or permitted to be given or filed with any existing or prospective Operator, Lessee, or Sublessee pursuant to the PMCDs shall be in writing, signed by the party giving such notice, and shall be sent by overnight



courier, United States certified mail, facsimile (confirmed by dated return signature), email (confirmed by return email), or in person (confirmed by dated and signed receipt), and shall be deemed to have been given when delivered to the City or existing or prospective Operator, Lessee, or Sublessee at its principal place of business or such other address as may have been provided. Operator, Lessee, or Sublessee shall provide notice to the City of a change of address within fourteen calendar days.

### **1.17. Amendments**

The PMCDs may be supplemented, amended, modified, or repealed from time to time and in such a manner and to such extent as deemed appropriate or necessary by the Commission. The Commission may provide for public notification of pending supplements, amendments, or modifications to the PMCDs in order to provide the opportunity for public comment. The Commission may issue emergency policies, standards, rules, regulations, or directives from time to time.

The Transportation Director may make non-substantive changes to the PMCDs including:

- capitalization or punctuation, as needed to maintain consistency;
- typographical, spelling, or grammatical errors;
- lettering and numbering, according to style conventions in current policy; and
- cross-references to other PMCDs and Legal Requirements which have become outdated or incorrect due to subsequent supplement, amendment, modification, or repeal of the PMCD(s) or Legal Requirement(s).

### **1.18. Variance or Exemption**

The Commission may, but is not obligated, to approve variances or exemptions to the PMCDs when special conditions or unique circumstances exist. Requests for variance or exemption shall be submitted in writing to the Transportation Director and must state the specific PMCD provision(s) for which the variance or exemption is being sought, describe the proposed variance or exemption, state the reason for the proposed variance or exemption, identify the anticipated impact on the Airport (and other entities including Operators, Lessees, Sublessees, users of the Airport, and the public), and identify the duration of the proposed variance or exemption.

Prior to the Commission approving or denying a variance or exemption, the City shall conduct a review of all relevant information. Approval or denial by the Commission of a variance or exemption shall be reasonable, not unjustly discriminatory, and consistent with prior decisions involving similar conditions or circumstances at the Airport (if any) and shall be provided in writing within 90 calendar days from the receipt of the written request.

- An approval by the Commission of a variance or exemption shall not serve to amend, modify, or alter the PMCDs or any existing Agreement.
- Requests for variance or exemption can be denied in accordance with Section 1.22 of these Rules and Regulations.





### **1.19. Enforcement**

The Transportation Director is empowered by the Commission to require compliance with and enforce the PMCDs. The Battle Creek Fire Department (Fire Department) is authorized to enforce all fire and Hazardous Materials related Legal Requirements (within jurisdiction). The Battle Creek Police Department (Police Department) is authorized to enforce all Legal Requirements (within jurisdiction). The Battle Creek Planning Department (Planning Department) is authorized to enforce all zoning regulations (within jurisdiction).

Violation of the PMCDs, applicable Legal Requirements, and directives issued by the City, Transportation Director, Fire Department, Police Department, or Planning Department or jeopardizing the safety or security of entities utilizing the Airport or the land and/or Improvements located at the Airport may result in suspension, revocation, and/or prohibition of access or use privileges, engaging in activities, use of the Airport; termination of Agreement(s); and/or prosecution under the applicable Legal Requirements.

Representatives of the City, as designated by the Transportation Director, shall enforce these Rules and Regulations. Any person or entity who violates these Rules and Regulations may be cited, removed from the Airport, denied use of the Airport, and/or prevented from engaging in Activities at the Airport and shall be subject to all legal, equitable, statutory, and common law rights and remedies available to the City.

### **1.20. Disputes**

Any party aggrieved by a decision of airport management may appeal (in writing) such decision to the Transportation Director within 14 calendar days after such decision is issued. Any claim not timely submitted to the Transportation Director is waived.

The Transportation Director shall respond to such written claim within 30 calendar days of the receipt of the claim by either (a) making a written determination with respect to the claim, or (b) making a written request for additional information. If requested, the party shall provide all requested additional information within 14 calendar days of the date of the Transportation Director's request or the claim is waived. Thereafter, the Transportation Director shall make a written determination with respect to the claim within 30 calendar days after receipt of the additional information. In either case, the Transportation Director's written determination shall be final and conclusive unless within 30 calendar days from the date of the Transportation Director's written determination, the party requests, in writing, an appeal to the Commission stating specifically all grounds of appeal.

The Commission shall use its best efforts to hear any such appeal within 120 calendar days after the Commission's receipt of the written appeal. At such hearing, the party shall be afforded such opportunity to be heard and to offer relevant evidence in support of its appeal, as may be determined by the Commission in its sole discretion. The decision of the Commission shall be final and conclusive.





### **1.21. Rights and Privileges Reserved**

In this section, the term “activity” is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

In addition to the following rights and privileges, the City reserves the rights and privileges outlined under federal and/or state Airport Sponsor Assurances as such rights and privileges may be amended from time to time.

- Nothing contained within the PMCDs shall be construed to limit the use of any area of the Airport by the City (and its representatives, officers, officials, employees, agents, and volunteers) or to prevent any FAA, Department of Homeland Security, Transportation Security Administration, Police Department, or Fire Department personnel from acting in official capacities.
- The City reserves the right for the use of the Airport by others pursuant to applicable Legal Requirements pertaining to the Airport and such use.
- The City reserves the right to designate specific Airport areas for activities in accordance with the currently adopted Airport Layout Plan (ALP). Such designation shall give consideration to the nature and extent of current and/or future activities and the land and/or Improvements that may be available and/or used for specific activities and shall be consistent with the safe, secure, orderly, and efficient use of the Airport.
- It is the policy of the City that any occupancy, use, and/or development of land and/or Improvements that is inconsistent with the ALP is undesirable. Any development that is substantially different than that depicted on the ALP could adversely affect the safe, secure, orderly, or efficient use of the Airport. Nothing contained in the PMCDs shall require or obligate the City to apply to the FAA for approval of the revision of the ALP on behalf of a current or prospective Operator, Lessee, Sublessee, or user of the Airport.
- The City reserves the right to develop and make any Improvements and/or repairs at the Airport that it deems necessary. The City will provide advance notice of the date and time to impacted parties that such development, improvements, and/or repairs will be made. The City shall not be obligated to reimburse or compensate any Operator, Lessee, Sublessee, or other entity for any cost and/or expense incurred, loss of revenue, or inconvenience that may result from such development, improvement, and/or repair.
- The City (and its representatives, officers, officials, employees, agents, and volunteers) shall not be responsible for loss, injury, or damage to persons or Property at the Airport related in any way to any natural disaster or illegal activity.



- During time of war or national emergency, the City shall have the right to enter into an agreement with the United States Government for military use of part or all of the landing area, the publicly owned air navigation facilities, and/or other land and Improvements of the Airport. If any such agreement is executed, any Agreement, insofar as it is inconsistent with the agreement between the City and the United States Government, shall be suspended, without any liability on the part of the City.
- The City will not relinquish the right to take any action the City considers necessary to protect the aerial approaches of the Airport against obstruction or to prevent a person from erecting or permitting to be erected any facility or other structure which might limit the usefulness of the Airport or constitute a hazard to Aircraft.
- The City will not waive any sovereign, governmental, or other immunity to which the City may be entitled nor shall any provision of any Agreement be so construed.
- The City will not submit to the laws of any state other than those of the State of Michigan.
- The City is under no obligation to provide financing and/or make any improvements to Airport land and/or Improvements to facilitate any development or consummate any Agreement proposed by a current or prospective Operator, Lessee, or Sublessee. In addition, the City is under no obligation to: (a) pursue federal, state, or other available funds to contribute to such development or (b) provide matching funds to secure such funding.
- The City reserves the right to take such actions as it may deem necessary, appropriate, and/or in the best interest of the City including preserving the assets of the City and the Airport, protecting the safety and security of the people who work at and/or use the Airport, and maintaining the integrity of the mission, vision, values, goals and objectives for the City and the Airport.

### **1.22. Possible Grounds for Rejecting Application**

In this section, the term “activity” is inclusive of all Commercial Aeronautical Activities, Non-Commercial Aeronautical Activities, and non-aeronautical activities.

The City may reject any proposal, request for variances or exemption, assignment, change in majority ownership, encumbrance, or application for any one or more of the following reasons (as determined in the sole discretion of the City).

- The entity, for any reason, does not fully meet the qualifications, standards, and requirements established by the City. The burden of proof shall be on the entity and the standard of proof shall be by clear and convincing evidence.
- The proposed activities and/or Improvements will create a safety or security hazard at the Airport.
- The City would be required to expend funds and/or supply labor and/or materials in connection with the proposed activities and/or Improvements that the City is unwilling and/or unable to expend or supply.



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- The financial plan associated with the proposed activities and/or Improvements is not realistic and attainable and/or will result in a financial operating loss or hardship for the entity.
- No appropriate, adequate, or available land and/or Improvement exists at the Airport to accommodate the proposed activity of the entity at the time the proposal or application is submitted, nor is such availability contemplated within a reasonable period of time.
- The proposed activities and/or Improvements do not comply with the ALP currently in effect or anticipated to be in effect.
- The entity's occupancy, use, or development of Airport land and/or Improvements could be detrimental to the public, result in congestion of Aircraft, and/or negatively impact the safety and/or efficiency of the Airport, Operators, Lessees, Sublessees, or users of the Airport.
- The entity has intentionally or unintentionally misrepresented or omitted material fact in a proposal, in an application, and/or in supporting documentation.
- The entity has failed to make full disclosure in a proposal, in an application, and/or in supporting documentation.
- The entity or any officer, director, agent, representative, shareholder, or key employee thereof has a record of violating the Legal Requirements of the City, any other airport sponsor, the State of Michigan, the FAA, or any other Regulatory Measure applicable to the Airport and/or the entity's proposed activity.
- The entity or any officer, director, agent, representative, shareholder, or key employee thereof has defaulted in the performance of any Agreement or Sublease at the Airport or at any other airport.
- The entity does not exhibit adequate financial capability, capacity, or responsibility to undertake and sustain the proposed activity.
- The entity cannot obtain a bond or insurance in the type and amounts required by the City for the proposed activity.
- The entity seeks terms and conditions which are inconsistent with the PMCDs and/or any request for qualifications and/or proposals (or any other document) issued by the City.
- The entity's interests and/or the proposed activity or use is inconsistent with the mission, vision, values, goals, or objectives of the City or Airport; the best interest of the City; or any Airport Sponsor Assurances.



### **2. GENERAL RULES AND REGULATIONS**

#### **2.1. Access To, Entry Upon, or Use of the Airport**

Access to or entry upon the Airport shall be made only at locations designated by the Transportation Director. Any person accessing or using the Airport shall be fully and completely responsible for their actions and all actions of any person to whom they provide or facilitate access to or use of the Airport, whether directly or indirectly, express or implied. All actions shall be in full and complete compliance with these Rules and Regulations and applicable PMCDs.

Any person accessing or using the Airport shall defend, indemnify, save, protect, and hold harmless the City and the Commission, individually and collectively, and their representatives, officers, officials, employees, agents, and volunteers from and against (and reimburse the City and Commission for) any and all actual or alleged claims, demands, damages, expenses, costs fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, environmental costs, and/or penalties (collectively referred to as costs), which may be imposed upon, claimed against or incurred or suffered by the City or Commission and which, in whole or in part, directly or indirectly, arise from or are in any way connected with the person's activities at and use of the Airport.

#### **2.2. Restricted Areas and Sterile Areas**

Access to Restricted Areas is limited to persons: (1) with a valid Airport Identification Badge, (2) under appropriate supervision or escort, or (3) as otherwise approved by the Transportation Director.

#### **2.3. Airport Identification Badge**

Persons requiring access or entry to a Restricted Area shall complete and submit an Airport Identification Badge Application to the City. Prior to accessing or entering a Restricted Area, persons shall possess an approved Airport Identification Badge which authorizes such access.

Prior to obtaining an Airport Identification Badge for employees of Operators, Lessees, or Sublessees, an Authorization Signature Letter listing the person(s) authorized to request Airport Identification Badges shall be submitted to the City. Prior to obtaining an approved Airport Identification Badge, a person may be required to have a background check, to the extent allowable by law including, but not limited to, criminal, references, and prior employment history.

Persons desiring or in possession of an approved Airport Identification Badge shall complete all City training programs and meet all related requirements. All applicable fees as established and assessed by the City must be paid in advance by persons seeking to obtain or renew an Airport Identification Badge or invoiced to an existing Lessee or Operator.

No person shall make, possess, use, offer for sale, pass, or deliver any forged or falsely altered pass, permit, identification card, sign, and/or other authorization purporting to be issued by or on behalf of the City.

Any person who allows unauthorized use of an Airport Identification Badge shall lose access privileges after one warning by the Transportation Director.



### **2.4. Security**

Transportation Director has the overall responsibility for security of the Airport and may call upon the Police Department and/or other resources to assist with additional security requirements. Operators, Lessees, or Sublessees are responsible for the security of entity's Leased Premises and shall comply with the City's security requirements and/or best practices. Security gates that provide access to the Air Operations Area (AOA) shall remain closed, locked, and secured except when actually in use or attended by authorized personnel.

Tampering with, interfering with, or disabling the lock or closing mechanism, or breaching any other security device is prohibited unless authorized by the Transportation Director. Persons who have been provided an access code or device for access to a Restricted Area shall not, under any circumstances, divulge, duplicate, or otherwise distribute or convey the code or device to any other person unless authorized in writing by the Transportation Director.

### **2.5. Commercial Activities**

Any entity desirous of engaging in a Commercial Aeronautical Activity (Applicant) shall complete all relevant and applicable sections of the General Aviation Operator and Lessee Application (Application) and obtain a General Aviation Operator Permit from the City prior to engaging in the desired Activity. The Permit process is described in Section 12 of the General Aviation Minimum Standards (Minimum Standards). Any entity engaging in Commercial Aeronautical Activities shall comply with the Minimum Standards.

Any entity basing an Aircraft at the Airport shall not permit said Aircraft to be used for Commercial Aeronautical Activities unless expressly authorized by Agreement. Notwithstanding the foregoing, such Aircraft may be used for the purpose of training or increasing the flying proficiency of the Aircraft Owner or members of the Aircraft Owner's immediate family.

Any entity who is not operating under a current Agreement desiring to engage in Commercial photography or filming at the Airport shall obtain written permission from the City prior to engaging in such activity.

### **2.6. Accidents**

Any person involved in or witnessing an Accident resulting in any injury or death to a person(s) or damage to Property shall immediately call "911". If reasonably able to do so, such person shall remain at the scene and respond to the inquiries of (and provide the information requested by) the City, Police Department, Fire Department, and/or investigative personnel.

- No person shall tamper with an Accident scene or fail to comply with any directive issued by the City, Police Department, Fire Department, or any other Agency having jurisdiction over the Accident scene.
- Unauthorized entry to the AOA to gain access to an Accident scene is prohibited.



### **2.7. Solicitation, Picketing, and Demonstrations**

Conduct of or participation in solicitation, picketing, demonstrating, parading, marching, patrolling, sit-ins, sit-downs, or other similar activities and/or assembling, carrying, distributing, or displaying pamphlets, signs, placards, or other materials is prohibited without prior written permission of the City.

When approved by the City, such activities shall be conducted in those areas identified by the Transportation Director.

### **2.8. Signage and Advertisements**

Signage must be consistent with the Development Standards and applicable Legal Requirements. Signs, advertisements, notices, circulars, and/or handbills may not be posted, displayed, or distributed without the prior written permission of the Transportation Director.

The City has the right to remove or relocate any such sign, advertisement, notice, circular, and/or handbill posted, displayed, or distributed.

### **2.9. General Conduct**

No person shall use or otherwise conduct themselves in any area of the Airport in any manner contrary to the directions posted in or for that area.

Destroying, damaging, injuring, defacing, disturbing, or tampering with Property is prohibited. Any and all Property damaged or destroyed shall be replaced (or replacement shall be paid for) by the person(s) responsible for such damage or destruction.

Smoking or carrying lighted cigars, cigarettes, or pipes in any public use area of the Airport, except in areas specifically designated by the Transportation Director and posted as public smoking areas, is prohibited.

Starting, moving, using, or interfering with the safe operation of any Aircraft, Vehicle, or equipment without the permission of the owner or by specific direction of the City is prohibited. If requested by the City or a Law Enforcement Officer, satisfactory evidence of the right to do so shall be presented.

No person shall engage in activities that are disruptive and/or that create a hazard or risk of injury or death or damage to Property.

The Airport shall not be used for any improper, objectionable, or illegal purposes.

Leased Premises are expressly for the conduct of the Lessee's or Sublessee's activities. Unauthorized persons shall not make use of the Leased Premises without permission of the Lessee or Sublessee.





### **2.10. Camping**

The Airport shall not be used to camp or stay overnight, unless approved in writing by the Transportation Director.

### **2.11. Abandoned or Lost Property**

Property shall not be Abandoned at the Airport. Abandoned or Lost Property found in Public Areas shall be reported or turned in to the City.

- The City will comply with State of Michigan Act 273 of 1987 (Lost Property) upon identifying Lost or Abandoned Property.
- The City will dispose of Lost or Abandoned Property in compliance with State of Michigan Act 214 or 1979 (Stolen or Abandoned Property) and City Ordinance 208.11 (Disposition of Unclaimed Abandoned Property).

No provision in this Section shall be construed to deny the right of Lessees or Sublessees to maintain a lost and found service for Property found on Leased Premises.

### **2.12. Use of Roadways and Walkways**

No person shall travel at the Airport other than on the roadways, walkways, or other areas provided or designated for a specific type or class of traffic and no person shall occupy the roadways or walkways in such a manner as to hinder or obstruct proper use.

### **2.13. Animals**

No person shall bring animals onto the Airport, except for special assistance animals or animals used for law enforcement purposes in Public Areas, unless destined for air transport, restrained by a leash, container, or crate, or approved in writing by the Transportation Director. Domestic pets may be at the Airport only if kept inside Operator's, Lessee's, Sublessee's, or user's facilities, Aircraft, or Vehicles unless approved in writing by the Transportation Director.

No person, except those authorized by the Transportation Director, shall intentionally hunt, pursue, trap, catch, injure, or kill any animal. No person shall feed or perform any other act to encourage the congregation of animals on any portion of the Airport.

### **2.14. Weapons and Explosives**

Weapons (including, but not limited to, firearms, tear gas, mace, pepper spray, or other similar devices, materials, or substances) or explosives may only be carried (possessed) in accordance with applicable Legal Requirements.

Explosives associated with OEM Aircraft equipment must be maintained, carried (possessed) in accordance with applicable Legal Requirements and OEM recommendations.

Discharge of any weapon is prohibited, except in the performance of official duties, the lawful defense of persons or Property, or by authorized personnel for purposes of wildlife management. No person shall possess or ignite Class C explosives (e.g., fireworks, firecrackers, etc.) with exception of explosives that may be used by authorized personnel for purposes of wildlife management or during approved special events.





### **2.15. Alcoholic Beverages**

Alcoholic beverages may only be consumed in accordance with applicable Legal Requirements. The City reserves the right to exclude or expel any person who, in the judgement of a Law Enforcement Officer, is intoxicated or under the influence of alcoholic beverages or drugs.

### **2.16. Use of Public Areas**

Marking or defacing the floors, walls, windows, ceilings, or any other surface is prohibited. Use of the Public Area in any facility or in any area for purposes of sleeping in lieu of a hotel, motel, or other accommodations is prohibited unless authorized by the City.

### **2.17. Trash Receptacles**

Trash of any kind shall not be placed, discharged, or deposited at the Airport except in properly designated trash receptacles. Trash receptacles shall be kept clean and emptied on a regular basis to prevent overflowing. Exterior trash receptacles shall be equipped with securely fastened lids. Trash shall not be brought to or burned on the Airport.

### **2.18. Recycling**

Lessees and Sublessees are encouraged to utilize separate stream recycling by discarding certain recyclable materials into separate bins that shall be kept clean and emptied on a regular basis to prevent overflowing. Exterior waste recycling containers shall be equipped with securely fastened lids. Recyclable materials shall not be brought to or burned on the Airport.

### **2.19. Fire and Flammable Materials**

Operators, Lessees, and Sublessees shall comply with practices recommended by the National Fire Protection Association (NFPA) and all fire codes, regulations, or directives issued by the Fire Department and/or the City.

In no event shall smoking or carrying lighted cigars, cigarettes, or pipes occur within 50 feet of any Aircraft, Refueling Vehicle, or Fuel storage facility. Open flames (i.e., candles, fixtures, or fires) are prohibited without the prior written permission of the Transportation Director and Fire Department.

- This excludes open flames utilized by Operators, Lessees, or Sublessees in the performance of Aircraft Maintenance.
- With the prior written permission of the Transportation Director and the Fire Department, Aircraft Rescue and Fire Fighting (ARFF) personnel may engage in training exercises which require open flames.

Any uncontrolled fires (regardless of size or whether the fire has been extinguished) shall be reported immediately to "911". No person shall tamper with any fire extinguisher or related equipment or use the same for any purpose other than fire prevention or firefighting. Such equipment may be inspected by the Fire Department and/or City at any time and shall be fully operational and inspected annually.



## GENERAL RULES AND REGULATIONS

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- A tag showing the date of the last inspection by a certified vendor (and who performed the inspection) shall be attached to each unit and records, acceptable to fire underwriters, shall be kept documenting the status of each unit.

No person shall block or modify any self-closing fire door or do anything which would interfere or prevent closing in the event of a fire. Flammable materials shall only be used or stored in accordance with the practices recommended by the NFPA and in compliance with applicable Legal Requirements.

The use of flammable, volatile liquids having a flash point of less than 140 degrees Fahrenheit (e.g., kerosene, mineral spirits, gasoline, etc.) is prohibited unless such operations are conducted in open air or in a room specifically approved for the purpose for which the liquid is being used. The room must be properly fireproofed and equipped with appropriate and readily accessible fire-extinguishing apparatus.

The practices recommended in NFPA Pamphlet No. 30 (Flammable and Combustible Liquids Code), NFPA Pamphlet No. 410D (Safeguarding Aircraft Cleaning, Painting and Paint Removal), and NFPA Pamphlet No. 410F (Aircraft Cabin Cleaning and Refurbishing Operations) shall be adhered to in all cleaning, painting, refurbishing, and other operations using flammable liquids including the storage of such liquids.

### **2.20. Hazardous Materials**

No person shall store, keep, handle, use, dispense, discharge, or transport any Hazardous Materials or Hazardous Materials container in contravention of any Legal Requirements and proper permits must be obtained from the Agency having jurisdiction over such materials, copies must be maintained on file for review by the City, and prior notification must be given to the City.

If the storage of Hazardous Material is approved, such material must be placed in suitable containers designed specifically for storage of Hazardous Materials with self-closing, tight-fitting, leak-proof lids which are properly secured.

- Safety Data Sheets (SDS) for all Hazardous Materials shall be maintained on-site so as to be readily available to emergency responders in the event of an emergency and for review, at any time, by the City and the Fire Department.

Hazardous Materials shall not be stored in close proximity to operating Aircraft, Vehicles, equipment, or sources of heat nor be stored in excess of amounts needed as current inventory. All Hazardous Material shall be kept enclosed in a clearly marked and properly labeled container, the type and design of which must meet the approval of the Fire Department.

- Secondary containment is required for Hazardous Materials being stored in tanks, drums, or other similar storage receptacles.
- Fuels or deicing fluids in containers greater than 55 gallons shall not be stored without providing prior notification (and a copy of an SPCC Plan to) the City and the Fire Department.



Hazardous Materials and Hazardous Materials containers shall be disposed of in a manner consistent with the practices recommended by the NFPA and in full compliance with these Rules and Regulations, the City's SWPPP, the City's directives, and Legal Requirements.

- Used or spent engine oil shall be disposed of only at waste oil stations or approved disposal locations.
- No Hazardous Materials shall be disposed of on the ground or into the air during Aircraft preflight inspections. Any release of Hazardous Materials shall comply with this Section of these Rules and Regulations and Legal Requirements.

### **2.21. Environmental (Hazardous Materials) Clean Up**

The party responsible for an environmental incident (to include the overflowing or spilling of Fuel, oil, lubricants, grease, dope, paint, varnish, lacquer, solvent, acid, or other Hazardous Material) is responsible for: (a) the immediate mitigation and cleanup of the overflow or spill, (b) proper disposal of the substance(s) and used cleanup materials, (c) immediate notification of the emergency services (by calling 911) and the City, and (d) assumption of the risk and expense of cleanup, mitigation, and restoration efforts.

In the event the City determines the responsible party is unavailable, unable, or unwilling to take the appropriate action to mitigate the adverse environmental incident in a timely manner (at the responsibly party's risk, cost, and expense), the City may take action as necessary to control, clean up, and/or restore the site at the risk, cost, and expense of the responsible party, without liability to the City.

**Hazardous Materials Overflow or Spills** – In the event a Hazardous Materials overflow or spill occurs, regardless of the amount of the overflow or spill, the responsible party shall take appropriate action to contain the overflow or spill, notify the Fire Department and other appropriate Agencies and clean up, mitigate, and remediate the site. The following procedures shall be followed in the event of a Hazardous Materials overflow or spill unless otherwise required under an approved SPCC Plan or instructed by the City or the Fire Department.

The use of deicing fluids is exempt when such use complies with Legal Requirements pertaining to the deicing of Aircraft and/or Paved surfaces (e.g., Runways, Taxiways, Taxilanes, or Ramp).

**Minor Hazardous Materials Overflow or Spills** – Overflows or spills of less than five gallons which do not compromise public safety. The responsible party shall:

- Stop the source of the spill immediately.
- Contain the spill with appropriate absorbent material(s).
- Block all stormwater drains in the immediate area to prevent the spill from flowing into the drain(s).
- Contact the Transportation Director.



**Major Hazardous Materials Overflow or Spills** – Overflows or spills in excess of five gallons (or which compromises public safety), but less than 25 gallons or any spill causing an immediate threat to public safety. In addition to following all of the procedures in the Minor Hazardous Materials Overflow or Spill response, the responsible party shall:

- Determine the threat to the immediate public and make any arrangements to secure the safety of the immediate public (e.g., evacuation).
- Assess the damage to land and/or ground water in conjunction with the City.
- Provide a written summary of the spill to the Transportation Director within five business days of the spill.

**Serious Hazardous Materials Overflow or Spills** – Overflows or spills in excess of 25 gallons which may pose a serious threat to the public safety. In addition to following all of the procedures in the Minor and Major Hazardous Materials Overflow or Spill response, the responsible party shall:

- Provide a detailed written summary of the spill to the Transportation Director within five business days of the spill which shall also identify the measures which the responsible party will take to eliminate the potential for such a spill in the future.

Entities with Fueling capability or responsibility for maintenance of Fuel systems shall have on hand sufficient: (a) containment booms to form a barrier around the spill and (b) sufficient absorbent material(s), booms, blankets, pads, pillows, and other clean-up materials available to pick up the spilled product and store it in a sealed container(s) until proper disposal can be made. Salvage drum(s) shall be approved by the Department of Transportation (DOT) (DOT-E-10102).

### **2.22. *Painting***

Doping, painting, or paint stripping shall only be performed in those facilities specifically approved for such activities and in accordance with the practices recommended by the NFPA and in full compliance with the City's SWPPP, Lessee's or Sublessee's SPCC Plan, and applicable Legal Requirements.

### **2.23. *Emergency Conditions***

Emergency conditions shall not mitigate or cancel these Rules and Regulations. Permits issued under these Rules and Regulations shall be rendered invalid until the emergency situation has been fully and completely resolved and normal operations have resumed.

Emergency directives or procedures may be issued at the discretion of the Transportation Director who shall determine when normal operations may resume.

### **2.24. *Special Events***

Any entity desiring to conduct a Special Event at the Airport shall complete and submit the Special Event Permit Form to the City along with prior payment of all applicable fees paid to the City and any other Agency having jurisdiction. The entity shall receive a signed and approved Special Event Permit from the City prior to conducting the Special Event.



### 3. AIRCRAFT RULES AND REGULATIONS

#### 3.1. *Legal Requirements*

Aeronautical Activities shall conform to 14 Code of Federal Regulations (CFR), these Rules and Regulations, the directives of the Transportation Director, or Air Traffic Control (ATC) personnel.

#### 3.2. *Non-Airworthy Aircraft*

Only airworthy Aircraft, Aircraft with a special flight authorization by the FAA, and military Aircraft shall use the Airport for Aircraft parking, staging, or storage. Non-airworthy Aircraft may undergo long-term major renovation or restoration as long as the Aircraft is stored in a Hangar approved for such Aircraft Maintenance unless otherwise previously authorized in writing by the Transportation Director.

- Aircraft Owner or Aircraft Operator shall either remove non-airworthy Aircraft from the Airport or provide evidence of airworthiness within 30 days of written notification from or on behalf of the City.
- If Aircraft Owner or Aircraft Operator is unknown or cannot be located, the Transportation Director shall conspicuously post and affix such written notice to the Aircraft.

#### 3.3. *Disabled and Abandoned Aircraft*

Aircraft Owner/Operator shall be responsible for the safe and prompt removal of disabled Aircraft and any part thereof from a Movement Area to a designated Non-Movement Area, unless otherwise required or directed by the City, FAA, National Transportation Safety Board (NTSB), or Agency having jurisdiction.

Abandoning an Aircraft on the Airport is prohibited.

- An Aircraft shall be considered Abandoned if the Aircraft Owner/Operator (1) has not paid in full applicable rents or fees to the City or an authorized Fixed Based Operator (FBO) or Specialized Aviation Service Operator (SASO) for a period greater than 90 calendar days, (2) has not responded to written notification from or on behalf of the City, by certified or registered mail, and/or (3) Aircraft does not have a current and valid registration with the FAA (or similar agency of a foreign country). This provision does not include Aircraft being manufactured by an Operator.

In the event the City determines the Aircraft Owner/Operator is unavailable, unable, or unwilling to remove a non-airworthy, disabled, or Abandoned Aircraft in a timely manner (at Aircraft Owner/Operator's risk, cost, and expense), the Aircraft may be impounded by the City at the risk, cost, and expense of the Aircraft Owner/Operator, without liability to the City.

- Once an Aircraft is impounded by the City, the City shall charge reasonable impoundment fees and thereafter publish a notice of intent to remove the Aircraft in the "paper of record" of the county in which the Aircraft Owner/Operator was last known to reside/exist, and if such location is unknown, then in the "paper of record" of Calhoun County, Michigan.



## AIRCRAFT RULES AND REGULATIONS

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- The Aircraft Owner/Operator may claim the Aircraft by paying the impoundment fees in full, promptly removing the Aircraft from the Airport, and responding to the Transportation Director as set forth in the written or published notice.
- If the Aircraft Owner/Operator fails to remove said Aircraft within the period established in the written or published notice, the City may, without liability to the City:
  - Cause the removal of such Aircraft from the Airport at the risk, cost, and expense of the Aircraft Owner/Operator;
  - Sell the Aircraft at public auction through sealed bids to the highest bidder; or
  - In the event no bid is received, the Aircraft may be sold by negotiation, disposed of as junk, or donated to any government agency.
- The City shall retain any surplus arising from the sale of the Aircraft after expenses incurred by the City in connection with the Aircraft have been paid.
- The City may assess and recover from the Aircraft Owner/Operator all applicable rents and fees, impoundment charges, and other related expenses including reasonable attorney fees incurred by the City in connection the enforcement of these provisions.

### **3.4. Based Aircraft**

Based Aircraft must be registered with the State.

Based Aircraft Operators must have a Tiedown or Hangar agreement with either the City or an authorized FBO or SASO.

### **3.5. Hours of Operation**

The Airport is available for use 24 hours per day, 7 days per week, unless closed by Notice to Airmen (NOTAM).

### **3.6. Accidents and Incidents**

Aircraft Operators involved in an Aircraft Accident or Aircraft Incident shall make a full and complete report to the City and appropriate Agencies in a timely manner, complete any additional required forms and/or reports, and comply with NTSB Regulations Part 830 (Notification and Reporting of Aircraft Accidents or Incidents...). The report to the City shall include copies of any forms, reports, and/or documentation provided to the NTSB, FAA, or other Agencies having jurisdiction.

Aircraft involved in an Aircraft Accident or Aircraft Incident may not be removed from the scene of the Aircraft Accident until authorized by the Transportation Director who shall receive authorization from the FAA, NTSB, or other Agencies having jurisdiction, as applicable. Once authorization to remove the Aircraft has been issued, the Aircraft Owner or Aircraft Operator shall be responsible for the safe and prompt removal of the Aircraft (and any parts) to a designated area.





### **3.7. Prohibiting Use of the Airport**

The Transportation Director shall have the right at any time to close or restrict use the Airport or any portion thereof to Aircraft operations (except for an emergency operation), or deny the use of the Airport to any entity when the Transportation Director considers such actions to be necessary and desirable in the interest of safety or security.

- The Transportation Director or the FAA may issue or cancel a NOTAM to close or open the Airport (or any portion thereof) or to restrict or terminate any activity at the Airport.
- Under no circumstance shall an authorized Airport closure or restriction constitute grounds for reimbursement of any expense, cost, loss of revenue, or damage which may be incurred by any entity.

### **3.8. Maintenance**

Aircraft Maintenance, including aircraft painting or paint stripping, may only be performed within Hangars, buildings or those areas specifically designated by the City and shall be limited solely to that specifically permitted by the type rating established by Building and Fire Codes, and then, only in compliance with the instructions of the City and the orders of the Fire Department.

### **3.9. Cleaning**

Aircraft cleaning shall only be performed in full and complete compliance with the City's SWPPP. Aircraft cleaning, which creates runoff, shall be approved by the City. Requests for permission shall be submitted in writing and include the name of the Aircraft Operator, location, time and duration, entity conducting Aircraft cleaning, description of methods and materials to be used, and methods utilized to contain contaminated materials resulting from the activity. All residual fluids must flow to an oil/water separator or be removed from the Airport.

When non-biodegradable soap, solvents, and/or degreasers are used for Aircraft cleaning, these substances shall be disposed of in accordance with Legal Requirements. Aircraft, Aircraft engines, and/or parts may be dry washed without approval by the City.

### **3.10. Deicing**

Aircraft deicing (the removal of snow and/or ice with chemical substances) shall only be accomplished in the location(s) specified by the City.

- Aircraft deicing may be conducted on the southern portion of the Duncan Aviation apron.

### **3.11. Engine Operation**

Between the hours of 10:00 p.m. and 8:00 a.m. (Monday through Friday) and 5:00 p.m. and 8:00 a.m. (Saturday and Sunday), Aircraft engine Runups are not permitted except for Runups required in preparation for Aircraft departure or conducted in approved maintenance Runup facilities.

- Approved areas for WMU piston aircraft include Taxiway A1 through A4.
- Approved areas for all turbine Aircraft include Taxiway B (end of Runway 5L) and Charlie runup area.
- Engine Runups are prohibited in Non-Movement Areas.





- Aircraft engines shall not be started within any structure.
- Aircraft controls shall be attended while Aircraft engines are operating.
- Propeller, engine, and exhaust noises shall be kept to a minimum.

Any person operating an Aircraft engine in an area which is accessible to the public shall alert and take precautions to protect the public from potential hazards resulting from such operations. Starting an Aircraft engine when flammable liquid is on the ground in the immediate vicinity of the Aircraft is prohibited.

### **3.12. Parking and Storage**

Aircraft shall be parked in such a manner as to be completely contained within the parking or Tiedown space and shall not be positioned in such a manner so as to block a Runway, Taxiway, Taxilane, or obstruct access to Hangars, parked or staged Aircraft, parked or staged Vehicles, equipment, gates, or Fuel storage facilities.

Unless utilizing the Leased Premises of a Lessee or Sublessee or otherwise provided in an Agreement, no person shall use any area for the parking, staging, and storage of Aircraft, without prior written permission of the Transportation Director.

- In the event a person uses any area for Aircraft parking, staging, or storage without first obtaining the prior written permission of the Transportation Director, the City may remove and store the Aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the City.

Aircraft Operators shall ensure Aircraft are properly secured, as set forth in Advisory Circular (AC) 20-35C, when parked and/or stored.

- Moored lighter-than-air Aircraft shall have at least one person monitoring the safety of the mooring for the duration of the mooring.

Upon request of the City for the purpose of safe, orderly, and efficient operation and use of the Airport, the Aircraft Owner or Aircraft Operator shall move the Aircraft to a location and/or position identified by the Transportation Director. In the event the Aircraft Owner or Aircraft Operator unavailable, unable, or unwilling, the Transportation Director may move the Aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the City.

### **3.13. Security**

In the event the type, use, or condition of an Aircraft requires that security be obtained, provided, and/or maintained, the Aircraft Owner or Aircraft Operator shall be responsible for such security and may only provide (and/or arrange for) such security after notifying the Transportation Director. Security measures shall not hinder, delay, or prevent relocation or removal of Aircraft at the direction of the City.

No person shall interfere or tamper with any Aircraft in contradiction to these Rules and Regulations without the Aircraft Owner's or Aircraft Operator's permission.



### **3.14. Operations**

Operating an Aircraft in a careless, negligent, or reckless manner which endangers or is likely to endanger persons or Property is prohibited.

Aircraft Operators shall obey all pavement markings, signage, and lighted signals unless instructed otherwise by ATC or by written notification of the City or NOTAM.

Airborne radar equipment shall not be operated or ground-tested in an area where the directional beam of such radar, if high intensity (50KW or greater output), is within 300 feet or if low intensity (less than 50 KW output), is within 100 feet of another Aircraft, an Aircraft Refueling Vehicle, or a Fuel storage facility. Aircraft radio transmissions, if not for maintenance purposes, are prohibited while an Aircraft is inside a Hangar.

The starting, positioning, or taxiing of Aircraft shall be done in such a manner so as to avoid generating propeller or engine blast which may endanger persons or damage Property. It may be necessary to tow the Aircraft to a location or position at the Airport where the propeller or engine blast will not endanger persons or damage Property when the engines are started or operated.

Aircraft shall not land, takeoff, taxi, park, or be staged in any area that has been restricted to a maximum weight bearing capacity of less than the maximum weight of the Aircraft or on any closed runway or taxiway. It shall be the Aircraft Operator's responsibility to repair any damage caused by excessive weight and/or other operations.

### **3.15. Taxiing and Towing Operations**

Aircraft shall not be taxied until the Aircraft Operator has determined (by visually inspecting the area) there shall be no danger of collision with any person or Property. Aircraft shall not be taxied into, out of, or within any structure.

Aircraft being taxied shall have a person at the controls of the Aircraft who shall monitor the radio transmitting frequency in use by ATC if the Aircraft is equipped with a radio and the radio is functional.

Taxiing Aircraft shall yield the right-of-way to Emergency Vehicles or Aircraft unless otherwise directed by ATC or by written notice of the City or NOTAM. Aircraft shall not be taxied at a speed greater than is reasonable and prudent under the conditions that exist with regard for actual and potential hazards and other Aircraft so as not to endanger persons or Property.

Aircraft shall only be taxied or towed in areas normally used for operation of Aircraft unless prior written approval has been provided by the Transportation Director.

### **3.16. Rotorcraft Operations**

Rotorcraft shall park or operate only in Movement Areas, Aircraft parking areas, or areas designated by the Transportation Director for rotorcraft operations. Rotorcraft shall not be operated within 50 feet of any structure or Fuel storage facility. Rotorcraft shall not be operated within 100 feet of any area where Light Aircraft are parked or operating.



### **3.17. Noise Abatement Measures**

Consistent with the Aircraft Operator's responsibility for complying with 14 CFR, the instructions of ATC personnel, and the operating parameters of the Aircraft as set forth by the Aircraft manufacturer, Aircraft Operators are requested to use procedures which minimize the noise impact on surrounding areas. Whenever safely possible, Aircraft Operators are requested to conform to the following voluntary noise abatement measures (also known as the BTL Fly Quiet Program):

- Adhere to a 1,000 foot traffic pattern altitude at the Airport.
- Unless engine cooling dictates otherwise, utilize a maximum angle or maximum rate of climb speed for the first 1,000 feet of altitude to distance the Aircraft from residential areas.
- When approaching to land, do best to maintain an approach profile not below VASI, PAPI or electronic glideslope (recommended glide path), if such is available.
- Avoid the use of the short parallel runway (Runways 05R and 23L) when the control tower is closed.
- Avoid conducting extended engine run-ups on the south portion of the WMU apron prior to 8:00 a.m. and after 5:00 p.m. (Monday through Friday) and all hours on Saturday and Sunday.
- When using the Northeast/Southwest runways, utilize the long parallel Runways 05L and 23R) to the greatest extent possible consistent with safety and operational needs.
- Unless an operational need exists, avoid using the short parallel Runway 05R and 23L prior to 8:00 a.m. and after 8:00 p.m.

### **3.18. Restricted Activities**

Unless otherwise approved by Agreement, Aircraft Operators shall provide advance notification to the Transportation Director before engaging in any of the following activities and shall conduct these activities in accordance with the specific requirements stipulated by the City:

- Use of motorless Aircraft – the landing upon or towing of gliders and other certificated motorless Aircraft.
- Use of Ultralight Vehicles – the landing upon or taking off of Ultralight Vehicles.
- Use of lighter-than-air Aircraft – the landing upon or taking off of airships, dirigibles, blimps, balloons, and other certificated lighter-than-air Aircraft which utilize gasses or hot air to provide lift.
- Banner or glider towing – the landing upon or taking off of Aircraft which tow banners, gliders, or other devices.
- Sky diving, parachuting, or powered parachute operations.
- Operation of unmanned aerial vehicle (UAV) or unmanned aircraft system (UAS)
- Operation of Aircraft with a maximum certificated takeoff weight in excess of the published weight bearing capacity for the Runway(s) and/or Taxiway(s).



## AIRCRAFT RULES AND REGULATIONS

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- Transportation of Hazardous Materials – landing or taking off with flammable, explosive, or corrosive materials, except those which are carried aboard (and necessary) for the operation of the Aircraft or use by crewmembers or passengers. All shipments of Hazardous Material shall comply with regulations established in 49 CFR Parts 100-199 and Legal Requirements governing such shipments. Hazmat and ARFF equipment and trained personnel will be required for this type of operation as a precautionary measure. Costs associated with trained hazmat personnel and related equipment shall be borne solely and completely by the Aircraft Operator.

### **3.19. Fees**

Aircraft shall not land or takeoff unless the Aircraft Owner or Aircraft Operator is current with the payment of fees which may be established and assessed by the City unless exempt by Agreement.

Aircraft that may be exempt from City fees include Aircraft owned and/or operated by the United States of America, owned and/or operated by military forces of the United States of America, and operated by foreign military forces in support of allied military operations that do not utilize the Airport significantly (as defined by the FAA).

The City shall have the authority to detain any Aircraft for non-payment of any fees.



### **4. VEHICLE RULES AND REGULATIONS**

#### **4.1. *Legal Requirements***

All Vehicle Operators shall comply with the State of Michigan Vehicle Code; the Uniform Traffic Code for Cities, Townships, and Villages; Chapter 410 of the City's Code of Ordinances; these Rules and Regulations; directives issued by the Transportation Director; and the orders of the Police Department.

#### **4.2. *Insurance Requirements***

All Vehicles, including those used exclusively on the AOA, must have Vehicle liability insurance, as required by the City.

#### **4.3. *Vehicle Licensing and Permit***

Except for Vehicles which are exclusively used on the AOA, all Vehicles shall meet the State of Michigan licensing and registration requirements.

Vehicles used exclusively on the AOA must display a Battle Creek Executive Airport at Kellogg Field Authorized Vehicle Permit, which must be hung on the rear view mirror, or a City approved company logo that is at least 12" in height on the passenger and drivers doors.

#### **4.4. *Vehicle Operator Licensing and Permit***

Vehicle Operators must have a valid Vehicle Operator's license and evidence of insurance as required by State of Michigan law, including those Vehicles operated exclusively on the AOA.

Vehicle Operators operating Vehicles exclusively in the non-movement areas of the AOA are required to possess a Class I Authorization and receive the required training.

Vehicle Operators operating Vehicles in the Movement Area are required to possess a Class II Authorization and receive the required training.

#### **4.5. *Equipment***

Vehicles shall not be operated at the Airport unless the Vehicle is in sound mechanical order, has adequate lights, horn, and brakes, and provides clear and unobstructed visibility from the driver's position. Trailers and semi-trailers are not permitted at the Airport unless equipped with lights (or reflectors) on all sides and proper brakes/braking system. Trailers and semi-trailers shall not be disengaged from towing Vehicles, unless approved in writing by the Transportation Director.

#### **4.6. *Operations***

Vehicles are not permitted to be operated in a careless, negligent, unsafe, or reckless manner; in disregard of the rights, safety, and security of others; and without due caution and circumspection; or at a speed or in a manner which endangers, or is likely to endanger, persons or Property. Vehicles constructed, equipped, loaded, or maintained (or having attached thereto any object or equipment which drags, swings, or projects) so as to endanger or be likely to endanger persons or Property is prohibited.



## VEHICLE RULES AND REGULATIONS

Vehicles shall not be operated in any Hangar for a prolonged period of time unless the Vehicle exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame and a vent system exists to prevent buildup of exhaust fumes.

### Airside and Landside Speed Limits:

**Safe Speed** – Vehicles shall not be operated at a speed greater than is reasonable and prudent under prevailing conditions and/or in a manner that endangers persons or Property.

**Minimum Speed** – Vehicles shall not be operated at such a slow speed as to impede or block traffic, except necessary for safety or in compliance with Legal Requirements.

**Maximum Speed** – Vehicles, except Emergency Vehicles or equipment responding to an emergency, shall not be operated in excess of the posted speed limits or in excess of any speed stipulated in these Rules and Regulations. In areas where signs, markers, or devices are not used or posted, the speed limit shall be:

Maximum Speed (miles per hour)	BTL
Airside (on the AOA)	20
Landside (off the AOA)	30
Within 50 feet of an Aircraft	10

Vehicle Operators shall not, after receiving a visual or audible signal from a City employee or Law Enforcement Officer fail to stop the Vehicle being operated, operate the Vehicle in disregard of the signal, or interfere with or endanger persons or Property. Vehicle Operators shall provide proper signals and obey all traffic lights, signs, mechanical or electrical signals, and pavement markings unless directed otherwise by a City employee or Law Enforcement Officer.

The Airside perimeter road shall be used only by City designated Vehicles including City Vehicles, Refueling Vehicles, and other Vehicles approved previously in writing by the City to be on the Movement Area as described in these Rules and Regulations.

The operation of Vehicles which are overloaded (as designated in the Vehicle operation manual) are prohibited. Persons shall not ride on the running board, ride on the outside of a Vehicle, or allow arms or legs to protrude from a Vehicle with the exception of Emergency Vehicles that are designed specifically for such operations. Vehicle Operators shall yield the right of way to Aircraft, Emergency Vehicles or equipment, and pedestrians. Vehicles used for hauling trash, dirt, or any loose material(s) shall be operated in such a fashion as to prevent the contents from dropping, leaking, or otherwise escaping including, at a minimum, covering the load.

### Tugs (Towing Vehicles and Related Equipment):

- Positive locking couplings are required for all towing Vehicles and related equipment.
- Aircraft towing Vehicles and related equipment shall be returned to designated parking or staging areas immediately following unloading.





### **4.7. Security**

Vehicle Operators shall stop and allow the gate to fully close before proceeding. The Vehicle Operator shall also ensure that no unauthorized Vehicles or persons gain access to the Airport while the gate is in operation. If the Vehicle Operator cannot prevent such access, the Vehicle Operator shall immediately contact the City at (269) 966-3470 or “911”.

### **4.8. Air Operations Area**

Vehicles on the AOA may only be operated by persons with a proper and current Class I or Class II Authorization.

Vehicle Operators using the AOA on an irregular basis must be escorted by an authorized Vehicle Operator or obtain permission from the City in writing and shall proceed directly to the Vehicle Operator’s destination on the Airport without entering the Movement Area. The City may restrict Vehicles to a certain area(s) of the AOA. Such restrictions may prohibit Vehicle operations outside the designated area(s).

Use of motorhomes, mini-bikes, dirt bikes, all-terrain Vehicles, go-carts, roller blades, skate boards, bicycles, or unicycles or other similar devices for recreational purposes are not permitted without the prior written permission from the Transportation Director.

No tank Vehicle, truck, or semi-trailer used for the transportation of flammable liquids, Fueling, or defueling of Aircraft shall be operated on the AOA unless approved in writing by the Transportation Director.

Vehicles shall not be operated in such a manner or within such proximity of an Aircraft as to create a hazard or interfere with the safe and secure operation of the Aircraft.

- Vehicles, except Emergency Vehicles or equipment responding to an emergency, shall not overtake or pass in front of a moving Aircraft.
- Vehicles shall come no closer than 50 feet to a taxiing Aircraft and shall pass to the rear of taxiing Aircraft.
- Vehicles shall not pass closer than 20 feet from any wing or tail section of a parked or staged Aircraft where practical.

### **4.9. Movement Area**

Vehicles operated on the Movement Area shall be painted and/or properly marked in a manner approved by the City. No person shall take or drive any Vehicle on the Movement Area unless permission has been granted in an Agreement, escorted by authorized personnel, obtained in writing, in advance, from the Transportation Director.

Vehicle Operators must first obtain clearance from ATC and ensure that no Aircraft is approaching prior to entering the Movement Area.

All Vehicles operating on the Movement Area on a regular basis shall be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies (ranging from 108.00 MHz to 136.00 MHz). In the event a Vehicle in the Movement Area





## VEHICLE RULES AND REGULATIONS

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experiences radio failure, the Vehicle must vacate the area utilizing perimeter roadways or other non-controlled routes. If exit via non-controlled route is not possible, the Vehicle Operator shall indicate radio failure by facing the Vehicle towards the control tower and flashing the Vehicle's headlights. Thereafter, the Vehicle Operator shall operate the Vehicle based upon (in accordance with) the standard colored light signal directions given by ATC.

Vehicles used exclusively on the Movement Area shall be equipped with an approved and fully operational amber (or red for Emergency Vehicles only) rotating, flashing, or steady beacon on the roof or uppermost point of the Vehicle providing 360 degree view and in compliance with AC 150/5210-5B. The beacon shall be activated and shall remain in operation while the Vehicle is in the Movement Area

When construction-related Vehicles are required to enter or work within the Movement Area, such Vehicles will be marked with an approved orange and white checkered flag (for daytime operations) or an amber beacon (for nighttime operations). If the construction Vehicle is not equipped with a two way radio capable of communicating on the proper aeronautical frequencies, the Vehicle shall be escorted at all times (while in the Movement Area) by a City authorized Vehicle and authorized personnel having radio contact with ATC or have a flagman (with a two-way radio capable of communicating on the proper aeronautical frequencies) stationed at the area(s) designated by the City to give instructions to the Vehicle.

Vehicle Operators operating in the Movement Area must be conversant with standard colored light signals, regardless of whether or not the Vehicle is radio equipped.

- Steady Green – Cleared to cross, proceed, or go
- Steady Red – Stop
- Flashing Red – Clear the Runway/Taxiway
- Flashing White – Return to starting point on the Airport
- Alternating Red and Green – Exercise extreme caution

### **4.10. Accidents**

A Vehicle Operator involved in an Accident resulting in any injury or death to a person(s) or damage to Property shall stop at the scene (or as close as possible to the scene without creating a safety hazard) and immediately call "911". The Vehicle Operator (and the Vehicle) must remain at the scene until the Police Department and/or the Fire Department take a full report.

### **4.11. Cleaning and Maintenance**

Vehicles shall not be cleaned and/or maintained on the Airport, except for minor repairs which are necessary to remove such Vehicles from the Airport.

- Vehicles shall be cleaned and/or maintained only in designated areas unless otherwise approved in writing by the Transportation Director.



### **4.12. Parking or Stopping**

Vehicles shall be parked only in designated areas unless otherwise approved in writing by the Transportation Director. Vehicles shall not be parked or stopped so as to obstruct Aircraft, Vehicles, or pedestrians; within 15 feet of a fire hydrant or within a fire lane within 3 feet of either side of a security fence; and in violation with applicable signage and postings.

Vehicles, other than those loading and unloading Aircraft, shall not stop for any purpose other than in the areas specifically designated for loading, unloading, parking, and/or staging and only in the manner prescribed by signs, painted markings, or other means. Displaying Vehicles and/or equipment for sale, lease, or rent at the Airport is prohibited unless previously authorized in writing by the Transportation Director.

- Parking in designated public parking areas is open to any person using the Airport.

Aircraft Operators may park Vehicles which are fully operational, completely functional and properly permitted by the City inside the Hangar or outside the Hangar (but only in designated parking areas) while the Based Aircraft in the Hangar is gone.

- Vehicles parked outside of a Hangar more than 30 calendar days without prior written notification to the Transportation Director shall be considered abandoned and the City may take whatever action is deemed appropriate to remove and/or dispose of the Vehicle. Such action shall be at the Vehicle Operator's risk, cost, and expense and without any liability to the City.
- Vehicles may not be parked on Tiedown areas.
- Abandoning a Vehicle on the Airport, including on Leased Premises, is prohibited.

Boats, rafts, jet skis, snow mobiles, dune buggies, dirt bikes, all-terrain Vehicles, race cars, recreational Vehicles, trailers, and other similar Vehicles may not be parked or stored in a Hangar or anywhere else on the Airport unless authorized in writing by the Transportation Director.

The City may tow or otherwise remove any Vehicle which is disabled or parked in violation of these Rules and Regulations (or if the Vehicle creates a safety or security hazard or interferes with Airport operations) at the Vehicle Owner or Operator's risk, cost, and expense and without any liability to the City.

### **4.13. Fees**

Vehicles shall not be parked in any public parking area unless the Vehicle Owner or Operator pays the fees which may be established and assessed from time to time by the City unless the Vehicle Owner or Operator is exempt from payment as may be stipulated in an Agreement with the City.



### **5. OPERATOR, LESSEE, AND SUBLESSEE RULES AND REGULATIONS**

#### **5.1. Security**

All gates, chains, doors, fences, lighting, locks and all other safeguards which are part of the Leased Premises or have been installed by the Operator must be continually and conscientiously maintained by the Operator and kept in working conditions at all times. Gates or doors which provide access to a Restricted Area through Leased Premises must remain closed, locked, and secured except when actually in use. Perimeter fencing and associated doors, gates, lighting, and locks will be maintained by the City.

Active logs of keys, access cards, and other media issued (and to whom issued) which allow access to the Leased Premises must be maintained. The log shall be made available to the City upon request. Any lost or stolen keys, access cards, or other media shall be reported to the City immediately. All applicable reporting requirements must be fully complied with as established by the City, FAA, Department of Homeland Security (DHS), TSA (if applicable), and any other Agency having jurisdiction. Objects which could facilitate unauthorized access to a Restricted Area shall not be located within three feet of the Airport perimeter fence or any other distance which may facilitate unauthorized access.

#### **5.2. Construction or Alteration of Improvements**

Any construction or alteration of an Improvement must receive prior written permission of City and shall be performed in compliance with the Development Standards.

#### **5.3. Maintenance of Premises**

Leased Premises (including all related and associated appurtenances, landscaping, Paved areas, installed equipment and utility services, oil/water separators, and security improvements) shall be:

- Kept free from all fire, safety, and security hazards,
- Maintained in a clean, neat, orderly, and fully operational condition consistent with best practices and equal or better in appearance and character to other similar Improvements at the Airport, normal wear and tear expected, and
- Maintained in a condition of repair and general maintenance in accordance with the Agreement.

Operators, Lessees, and Sublessees shall be fully responsible for and replace, or in the City's sole discretion, reimburse the City for all damage to facilities, equipment, Property, related appurtenances, and all other Improvements at the Airport caused by Operator, Lessee, or Sublessee or its employees, agents, customers, visitors, suppliers or persons with whom they do business.

Operators, Lessees, and Sublessees shall provide all necessary cleaning services for the Leased Premises, including janitorial and custodial services, trash removal services, removal of foreign objects/debris, removal of spent oils or other fluids, cleaning of oil/water separators, and any related services necessary to maintain the Improvements in a good, clean, neat,



## OPERATOR, LESSEE, AND SUBLESSEE RULES AND REGULATIONS

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orderly, and fully operational condition consistent with best practices, normal wear and tear expected. Facilities (including Hangar floors) shall be kept clean and clear of the accumulation of Fuel, oil, grease, flammable liquids, rags, trash, or other waste materials. The use of volatile or flammable solvents for cleaning floors is prohibited.

Facades of all buildings and structures shall be kept in good repair, condition, and appearance at all times. Failure to properly maintain the Leased Premises (including failure to maintain the Leased Premises within the period stipulated in the Agreement or failure to maintain the Leased Premises within the timeframe stated in any written notice provided by the City) may result in the City conducting or contracting the maintenance at Operator's, Lessee's, or Sublessee's sole cost and expense without liability to the City.

### **5.4. Fire Prevention**

Operator, Lessees, and Sublessees shall be responsible for ensuring that fire prevention practices and/or procedures are followed.

Employees conducting Fuel Handling must receive fire prevention training and instruction in accordance with an FAA Approved Part 139 Fuel Handling Training course immediately upon employment and that employees receive such fire prevention training and instruction annually thereafter.

Fire prevention training and instruction shall include the use of fire extinguishers, responding to Fuel and oil spills, handling flammable materials, and any other items deemed necessary and/or appropriate (for the Activity) by the Fire Department and the training and instruction provided to each employee shall be documented and kept on file.

Proper, appropriate, inspected, certified, and readily accessible fire extinguishers (which are approved by fire underwriters) for the particular hazard involved or associated with the activity shall be provided by Operators, Lessees, or Sublessees.

- At all times, fire extinguishers shall be maintained in accordance with the practices recommended by the NFPA.
- A tag showing the date of last inspection (and who performed the inspection) shall be attached to each unit and records, acceptable by fire underwriters, shall be kept documenting the status of each unit.

A responsible person shall be designated and point-of-contact information shall be provided to the Fire Department including the name of the primary and secondary contacts and day time and after-hours telephone numbers for both individuals.

### **5.5. Heating Equipment**

All heating equipment and Fuel burning appliances installed or used at the Airport shall comply with all Legal Requirements (as applicable) of the City, the State of Michigan, the NFPA, and the Fire Department.

### **5.6. Aircraft Hangars**

Aircraft Hangars shall only be used for the parking and storage of Aircraft and associated Aircraft equipment and supplies as approved by the City and the Fire Department or as otherwise stipulated in an Agreement. Aircraft parked in Hangars shall be parked in a manner so as to be completely contained in the Hangar and shall not be positioned in such a manner so as to block a Runway, Taxiway, Taxilane, or obstruct access to Hangars, parked or staged Aircraft, parked or staged Vehicles, doors, gates, or Fuel storage facilities except for temporary staging and/or Fuel Handling of such Aircraft.

Use of Aircraft Hangars shall be subject to the following restrictions:

- Unless permission is granted by Agreement, no Aircraft Maintenance, alterations, or repairs shall be performed in a Hangar without the prior written permission of the Transportation Director.
- While Aircraft engine block heaters may be used, space heaters may not be utilized in Hangars..
- Oily rags, waste oil, or other materials soiled with petroleum-based products may only be stored in containers with self-closing, tight-fitting lids in accordance with applicable Legal Requirements.

### **5.7. Aircraft Tiedowns**

Aircraft parked in a Tiedown space shall be parked in a manner so as to be completely contained in the Tiedown space and shall not be positioned in such a manner so as to block a Runway, Taxiway, Taxilane, or obstruct access to Hangars, parked or staged Aircraft, parked or staged Vehicles, doors, gates, or Fuel storage facilities except for staging and/or Fuel Handling of such Aircraft.

If performed in full compliance with Legal Requirements, preventative Aircraft Maintenance, as defined in 14 CFR Part 43, may be performed on the Aircraft listed in the Agreement for the Tiedown space.

### **5.8. Storage of Materials and Equipment**

Materials and equipment shall be stored in such manner as to preclude creating any hazard, obstructing any operation, or littering.

- Storage of materials or equipment, excluding Refueling Vehicles, shall not be permitted outdoors, unless approved in writing by the Transportation Director.
- Non-hazardous items can be stored in a fully-enclosed and secured container on the Leased Premises as long as such storage fully complies with Legal Requirements.
- Unless expressly permitted in an existing Agreement or approved in writing by Transportation Director, the Leased Premises shall not be used to store non-aviation merchandise, supplies, or equipment excluding those items utilized to fulfill the obligations of an Agreement.



## OPERATOR, LESSEE, AND SUBLESSEE RULES AND REGULATIONS

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Railroad (box or tanker) cars, intermodal containers, or tanker, truck, or flatbed trailers, etc. shall not be stored or used to store any type of materials, Vehicles, or equipment without the prior written permission of the Transportation Director.

### **5.9. Compressed Gases**

Oxygen or any compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed and approved specifically for the cylinder(s) or tank(s) being secured.

- Compressed gas cylinders or tanks must have approved and fully operational pressure relief devices installed.
- Cylinders or tanks not in use shall have an approved transportation safety cap installed.
- Cylinders or tanks shall be stored and maintained in accordance with the practices recommended by the NFPA.

### **5.10. Lubricating Oils**

Lubricating oils having a flash point at or above 150 degrees may be stored in Hangars provided the product is stored in the original container and the capacity of the container is less than 55 gallons and the original manufacturer's labeling or marking is on the container (or the product is stored in other suitable containers approved by the City and the Fire Department).

Storage of more than 55 gallons of lubricating oil or containers having a capacity of more than 55 gallons require a SPCC Plan be provided to the City. Such containers may only be stored in compliance with Legal Requirements and consistent with the City's SWPPP.

### **5.11. Right of Entry**

The City shall have the right of entry at reasonable times for repairs, maintenance, modification, or inspection of all Improvements whether the right of entry is provided for in any Agreement.

- For Improvements owned by the City, the City shall be provided with a key capable of gaining access to the facilities, buildings, and Improvements.
- For Improvements owned by the Lessee or Sublessee, the City shall provide advanced notification.

The City and the Fire Department shall have the right of entry to Improvements without advanced notification during emergencies. Emergencies may include, but shall not be limited to, fire, acts of nature, or Hazardous Materials spill or leak, or for the protection of persons or Property.





**5.12. Non-Commercial Flying Club**

A Non-Commercial Flying Club (Flying Club) is an entity that is legally formed as a non-profit entity with the State of Michigan, operates on a non-profit basis, and restricts membership from the public.

- Each Flying Club member (Member) must have an ownership interest in the Flying Club. The property rights of the Flying Club Owners shall be equal.
- Flying Club shall keep on file and available for review by the City, a complete membership list and investment (ownership) share held by each member including a record of all members (past and present) with full names, addresses, and the date the membership began and ended.

Flying Club shall file and keep the following current with the City:

- articles of incorporation, copies of bylaws, operating membership agreements, and the location and address of the club’s registered office,
- roster of all officers and directors including home and business addresses and telephone numbers, and
- designee responsible for compliance with applicable Legal Requirements.
- Flying Clubs shall not conduct any Commercial Activity.

If Flying Club is operated for Commercial purposes, Flying Club shall be required to meet the applicable Minimum Standards for a Commercial Activity. Members may conduct flight instruction relating to Aircraft checkout and/or currency (e.g., flight reviews, instrument proficiency checks, etc.) for other Members. The Flying Club shall not permit its Aircraft to be utilized for flight instruction to any person, including Members, when such person pays or becomes obligated to pay for such flight instruction, except when flight instruction provided by an approved Flight Training Operator on the Airport.

- Flying Club Aircraft shall only be used by Members.

No Member shall use Flying Club Aircraft in exchange for Compensation. This does not include reimbursement for expenses associated with the use of Flying Club Aircraft.

If the Flying Club is performing Aircraft Maintenance on Aircraft owned by the Flying Club, Maintenance area and Hangar are required as follows:

Maintenance area and Hangar (square feet)	BTL
Maintenance area <sup>1</sup>	500
Hangar <sup>2</sup>	3,600

<sup>1</sup> Maintenance area shall include adequate and dedicated space for employee work areas, shop areas, and storage for Aircraft parts, accessories, related components, and Equipment.

<sup>2</sup> Hangar area shall be at least equal to the square footage stipulated above or large enough to accommodate the largest Aircraft being serviced, whichever is greater.





## OPERATOR, LESSEE, AND SUBLESSEE RULES AND REGULATIONS

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**Insurance** – Except as otherwise provided for herein, Flying Club shall maintain, at a minimum, the coverage and limits of insurance set forth below:

- General Liability (Combined Single Limit):
  - Each occurrence – \$1,000,000
  - Unlicensed Vehicles – \$1,000,000
- Vehicular Liability (Combined Single Limit):
  - Each occurrence – \$1,000,000
- Hangar Keeper's Liability (Largest Aircraft Accommodated):
  - Single Engine Piston Group I – \$250,000 (each aircraft) and \$500,000 (each occurrence)
  - Multi Engine Piston Group I – \$500,000 (each aircraft) and \$1,000,000 (each occurrence)
  - Turboprop Group I – \$1,000,000 (each aircraft) and \$2,500,000 (each occurrence)
- Aircraft and Passenger Liability (Each Occurrence):
  - Each occurrence – \$1,000,000 Club and \$100,000 sub limit per person



### 6. AVIATION FUELING RULES AND REGULATIONS

#### 6.1. General

**Legal Requirements** – Fuel Handling, Refueling Vehicles, and Fuel storage facilities at the Airport shall conform to the Legal Requirements including without limitation, those prescribed by the State of Michigan and City and provisions of 14 CFR; NFPA recommendations; ATA 103; Applicable ACs including AC 150/5230-4B “Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports”, AC 00-34 "Aircraft Ground Handling and Servicing", and AC 150/5210-5 "Painting, Marking and Lighting of Vehicles Used on an Airport".; the City’s SWPPP; Lessee’s or Sublessee’s SPCC Plan; Legal Requirements established by the Environmental Protection Agency, Michigan Department of Environmental Quality, and any other Agency having jurisdiction.

**Fuel Quality Control** – Fuel shall comply with the quality specifications outlined in American Society for Testing and Materials (ASTM) D1655 (Jet Fuel), ASTM D1910 (Avgas), or ASTM D4814 without ethanol. Ensuring the quality of the Fuel is the sole responsibility of entity engaged in Fuel Handling.

**Training** – Standard Operating Procedures (SOPs) shall be developed and maintained for Fuel Handling to include compliance with standards set forth in AC 00-34A “Aircraft Ground Handling and Servicing.” The SOP shall include a training plan, Fuel quality assurance procedures, record keeping, and emergency response procedures related to Fuel spills and fires. The SOP shall also address regular safety and security inspections, bonding and fire protection, public protection, marking and labeling of (and controlling access to) Refueling Vehicles and Fuel storage facilities. The SOP shall be made available to the City for review upon request no later than 30 calendar days before any Fuel Handling is scheduled to commence and it shall be made available for review upon request any time changes are planned.

No person shall engage in Fuel Handling until that person is properly trained. Training records documenting the qualifications of (and the training provided to) each person shall be maintained and kept on file.

- Records shall indicate the initial and recurrent training provided (and the date such training was provided and by whom).
- Recurrent training shall be provided on a regularly scheduled basis, but not less than every year.
- Records shall be subject to review of and/or inspection by the City or other designated representative(s).
- Training shall be performed in accordance with 14 CFR Part 139.



## AVIATION FUELING RULES AND REGULATIONS

**Fuel Handling** – Aircraft shall not be engaged in Fuel Handling in an area where Aircraft engines are operating, Aircraft or engines are being warmed by application of heat, or while the Aircraft is located in a congested area.

Prior to engaging in Fuel Handling, entity shall provide the City with a written SPCC Plan that meets all applicable Legal Requirements. An updated copy of the SPCC Plan shall be filed with the City at least 30 calendar days prior to any planned change in operations. A properly trained person shall be present and responsive while Fuel is being transferred into or out of any Fuel storage facility (from or into Refueling Vehicle).

- The person shall remain within the immediate vicinity, in close proximity to, and in direct view of all operating controls and Refueling Vehicles.
- The person shall not leave the discharge end of any hose(s) unattended at any time while the transfer of Fuel is in progress.
- The person shall not block open, disengage, or deactivate the deadman or any related controls while Fuel Handling.

All Fuel Handling shall be treated with due caution and circumspection with regard to the rights, safety, and security of others so as not to endanger, or be likely to endanger, persons or Property. If any malfunction or irregularity is detected on or within the Aircraft, Fuel Handling shall cease immediately and the malfunction or irregularity shall be brought to the attention of the Aircraft Owner or Aircraft Operator immediately. Persons engaged in Fuel Handling shall exercise care and extreme caution to prevent overflow or spills of Fuel or oils. Should a Fuel or oil spill occur at the Airport, the party responsible shall comply with Section 2.20 of these Rules and Regulations.

Refueling Vehicles shall be positioned so the Vehicle can be safely driven away in the event of spill or fire. Fuel Handling shall be conducted outdoors and at least 25 feet from any Hangar or building and 50 feet from any combustion and ventilation air-intake to any boiler, heater, or incinerator room or as approved by the City and the Fire Department.

Vehicles shall be refueled only at refueling stations approved by the City and the Fire Department. In the absence of suitable ground support equipment, a turbine-powered auxiliary power unit mounted at the rear of the Aircraft or on the wing on the side opposite from the fueling point may be operated during Fuel Handling. A turbine-powered auxiliary power unit may be operated during Fuel Handling provided its design, installation, location, and combustion air source do not constitute a Fuel vapor ignition source.

Fuel Handling shall be conducted in accordance with the procedures stipulated in the Aircraft Operator's Manual. Fuel Handling shall not occur if an electrical storm is in progress within 5 miles of the Airport and may resume 15 minutes following any reported or observed lightning flash within 5 miles of the Airport. The Refueling Vehicle shall be bonded to the Aircraft or Fuel storage facility to equalize the voltage potential. All hoses, nozzles, spouts, funnels, and appurtenances used in Fuel Handling shall be FM or UL approved and shall be equipped with a bonding device to prevent ignition of volatile liquids.



## AVIATION FUELING RULES AND REGULATIONS

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Fuel Handling shall not occur while passengers are on board the Aircraft unless a passenger-loading ramp is in place at the Aircraft's cabin door, the door is in the open position, and a qualified attendant is present at the door. No person shall operate any radio transmitter or receiver or switch the transmitter or receiver on or off during Fuel Handling unless said radio transmitter or receiver is designed specifically for such environment.

No person shall operate Aircraft electrical systems or switch Aircraft electrical appliances on or off during Fuel Handling.

Hold down or hold open devices on Refueling Vehicle nozzles are prohibited. For single point Fueling, deadman controls or mechanisms shall be utilized and shall remain in safe operating condition and good working order. No person shall deactivate or bypass a deadman control or mechanism at any time. During Fuel Handling, no person shall use any material or equipment which is likely to cause a spark or ignition within 50 feet.

- Smoking, matches, lighters, and open flames (e.g., candles, fixtures, or fires) are prohibited within 50 feet of any Aircraft, Refueling Vehicle, Fuel storage facility.

Refueling Vehicles (including Fuel tankers) shall only use the entrance, exit, and route designated by the City during the transportation and delivery of Fuel. Refueling Vehicles (including Fuel tankers) shall be subject to inspection at any time to determine compliance with these Rules and Regulations. Fire extinguishers shall be immediately available during Fuel Handling to comply with practices recommended by the NFPA and all fire codes, regulations, or directives issued by the Fire Department and/or City.

- All extinguishers shall be inspected and certified, as required by law, and all personnel involved with Fueling or defueling operations shall be qualified and properly trained to use all fire extinguishers.

Appropriate and proper absorbent material(s) and Fuel spill containment capable of damming/diking a Fuel spill shall be immediately available or as defined in the entity's approved SPCC Plan. The City assumes no liability or responsibility for any violation of any Aircraft, Refueling Vehicle or refueling requirement or procedure, any error, omission, negligence, or any violation of any Legal Requirement relating to Fuel Handling.

- Entities engaged in Fuel Handling shall be solely, fully, and completely responsible for any such violation, error, omission, or negligence incident to or in connection with the entities Fuel storage facilities, Refueling Vehicles, Fuel Handling, and training.
- Entities engaged in Fuel Handling shall fully reimburse the City for any fines, legal or court costs, incurred by the City for any such violation, error, omission, or negligence.



## AVIATION FUELING RULES AND REGULATIONS

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**Rotorcraft Rapid Refueling** – In the event Rotorcraft Fueling occurs while an onboard engine is operating, entity must comply with all Legal Requirements. Only turbine engine Rotorcraft fueled with Jet Fuel shall be permitted to be fueled while an onboard engine is operating. All sources of ignition must be located above the Fuel inlet port(s), vents or tank openings. An FAA licensed Rotorcraft pilot shall be at the Rotorcraft controls during the entire Fuel Handling process. If applicable, medical crew members shall be ready to remove the patient from the Rotorcraft to a safe area if needed.

Only designated personnel, properly trained in rapid refueling operations, shall operate the Refueling Vehicle. All doors, windows, and access points allowing entry to the interior of the Rotorcraft which are adjacent to, or in the immediate vicinity of, the Fuel inlet ports shall be closed and shall remain closed during Fuel Handling. Fuel shall be dispensed into an open port from approved dead-man type nozzles, with a flow rate not to exceed 60 gallons per minute or it shall be dispensed through close-coupled pressure fueling ports.

When Fuel is dispensed from fixed piping systems the hose cabinet shall not extend into the rotor space. The Refueling Vehicle shall be pre-positioned in a designated area and the Rotorcraft will land after the Refueling Vehicle has been parked and the wheels chocked (maintaining no less than 20 feet between any Rotorcraft rotating component and the Refueling Vehicle). The Refueling Vehicle shall not be moved or relocated while the Rotorcraft is on the ground or hovering in the vicinity.

**Refueling Vehicles** – Refueling Vehicles shall be equipped and maintained to comply with all applicable Legal Requirements including, without limitation, those prescribed by:

- National Fire Protection Association (NFPA) Codes;
- 14 CFR Part 139, Airport Certification, Section 139.321 “Handling/Storing of Hazardous Substances and Materials”; and
- Applicable ACs including AC 00-34 "Aircraft Ground Handling and Servicing" and AC 150/5210-5 "Painting, Marking and Lighting of Vehicles Used on an Airport".

Refueling Vehicles shall be equipped with metering devices that meet all applicable Legal Requirements and shall be bottom loaded.

Only those Fuel storage facilities and Refueling Vehicles which are approved by the City and the Fire Department shall be used for Fuel Handling. Refueling Vehicles, pumps, meters, hoses, nozzles, funnels, fire extinguishers, and bonding devices used during Fuel Handling shall be maintained in a safe operating condition. All hoses, funnels, and appurtenances used in Fuel Handling shall be equipped with a bonding device to prevent ignition of volatile liquids.

- When Refueling Vehicles are found in a state of disrepair, malfunction, or their use constitutes an undue fire or safety hazard, or the operation of Refueling Vehicles would violate these Rules and Regulations, the entity shall immediately discontinue the use of such Refueling Vehicles until repairs, replacements, or changes are made to render the same safe for continued use.



## AVIATION FUELING RULES AND REGULATIONS

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- Hoses or piping connections shall be secured and capable of holding under the pump's rated PSI discharge.
- Hoses or nozzles shall be FM or UL approved with self-closing valve and no hold-down or hold-open devices. All pumps shall be UL or FM approved.
- All storage tanks shall be rated in accordance with UFC Article 24, Division II and Article 79, Division XII.

Refueling Vehicles shall not be operated in reverse unless another person is present to safely monitor and direct the movement of the Refueling Vehicle. Refueling Vehicles and Fuel storage facilities shall be placarded, marked, or color coded in accordance with NFPA Publication 407 and applicable FAA ACs.

- A copy of all applicable permits, registrations, and certificates shall be maintained in each Refueling Vehicle.

**Storage of Refueling Vehicles** – Refueling Vehicles shall be stored outdoors at a distance of at least 50 feet from a building or at the distance approved by the Fire Department unless the building is designed, constructed, and used exclusively, and approved by the Fire Department specifically for this purpose. Refueling Vehicles shall be parked in a manner that provides a minimum of 10 feet of separation between Vehicles and any other Vehicle or Aircraft and a minimum of 20 feet from a storm water inlet.

**Maintenance of Refueling Vehicles** – Maintenance of Refueling Vehicles shall be performed outdoors or in a building which is approved by the Fire Department specifically for this purpose. Entities engaged in Fuel Handling shall document and maintain and keep on file Refueling Vehicle maintenance records. These records shall be made available to the City upon request.

**Fuel Storage Facilities** – Entities shall be liable and shall defend, indemnify, save, protect, and hold harmless the City for all leaks, spills, or other damage that may result from Fuel Handling. Fuel storage facilities shall be operated and maintained in accordance with practices recommended by the NFPA (Pamphlet No. 30 and NFPA 407) and in full compliance with Legal Requirements and shall be approved by all Agencies having jurisdiction.

Fuel storage facilities that have gone unused or remain empty for a period greater than twelve months shall be removed from the Airport unless written permission is provided by the Airport Director.

Fuel storage facilities shall be constructed and/or tanks shall be installed in accordance with the practices recommended by the NFPA (Pamphlet No. 30) and in full compliance with Legal Requirements. Plans for installation and operation of Fuel storage facilities shall be submitted to the City and the Fire Department and approval shall be received from the City and the Fire Department prior to installation and operation.

- All security gates leading into Fuel storage facilities shall remain (be kept) closed, locked, and secured except when actually in use.





## AVIATION FUELING RULES AND REGULATIONS

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### 6.2. *Non-Commercial Self-Fueling*

**Introduction** – Any entity engaged in Non-Commercial Self-Fueling shall also comply with Section 6.1 of these Rules and Regulations. Non-Commercial Self-Fueling is defined as fueling of an Aircraft by the Aircraft Owner or the Owner’s Employee(s) using the Aircraft Owner’s Vehicles, Equipment, and resources.

**Permit** – No Aircraft Owner or Aircraft Operator shall engage in Self-Fueling unless a valid General Aviation Self-Fueling Permit authorizing such activity has been issued by the City (herein after referred to as Self-Fueling Permittee).

The Self-Fueling Permit shall not reduce or limit Self-Fueling Permittee’s obligations with respect to these Non-Commercial Self-Fueling rules and regulations, which shall be included in the Self-Fueling Permit by reference. Self-Fueling Permittee shall provide evidence of Aircraft ownership, lease, or operation (full and exclusive control).

- If the Aircraft is being leased or operated by (and under the full and exclusive control of) and Fueled by Self-Fueling Permittee, Self-Fueling Permittee shall provide the City with a copy of the lease or operating agreement.
- The City will determine if the lease or operating agreement demonstrates that the Self-Fueling Permittee has the full and exclusive control of the Aircraft.

Self-Fueling Permittee shall comply with State of Michigan Department of Treasury regulations pertaining to aviation use fuel tax and Internal Revenue Service Publication 510 (Excise Taxes – Including Fuel Tax Credits and Refunds) when remitting payment in compliance with Publication 510. Self-Fueling Permittee shall maintain written records of compliance with all Legal Requirements (including tax or fee payments) for the use of Fuel utilized in Aircraft and provide records upon request by the City.

**Reporting** – On or before the 10th day of the subsequent month, Self-Fueling Permittee shall: (a) provide a summary report to the City identifying the number of gallons of: (i) aviation Fuel purchased by Self-Fueling Permittee (by Fuel type), (ii) delivered to Self-Fueling Permittee’s Fuel storage facility (by Fuel type), and (iii) dispensed to Self-Fueling Permittee’s Aircraft at the Airport and (b) pay the appropriate fees due to the City at the City administrative office.

Records and meters shall be made available for review by the City or its designated representative. In the case of a discrepancy between the amount of Fuel purchased by and/or delivered to Self-Fueling Permittee and the amount of Fuel delivered to Self-Fueling Permittee’s Aircraft and/or dispensed by Self-Fueling Permittee at the Airport, the greater amount shall prevail and the Self-Fueling Permittee shall promptly pay all additional fees due the City at the City administrative offices, plus annual interest on the unpaid balance at the maximum rate allowable by law from the date originally due.



## AVIATION FUELING RULES AND REGULATIONS

**Fueling Operations** – Self-Fueling shall be conducted only in those areas designated by the City as identified in the Self-Fueling Permit.

- Self-Fueling at any other location at the Airport is prohibited.
- Pouring or gravity transfer of Fuel and Fueling from containers having a capacity of more than 5 gallons is prohibited.

**Fueling Equipment** – Self-Fueling Permittee shall utilize a Refueling Vehicle for dispensing Fuel into Self-Fueling Permittee’s Aircraft. Refueling Vehicle shall be solely owned, leased, and/or operated by (and under the full and exclusive control of) the Self-Fueling Permittee.

Self-Fueling Permittee shall utilize a single Refueling Vehicle for each type of Fuel to be dispensed as follows:

Refueling Vehicles	BTL
Jet Fuel	
Minimum capacity (gallons)	1,000
Maximum capacity (gallons)	2,000
Avgas	
Minimum capacity (gallons)	500
Maximum capacity (gallons)	1,000

- Self-Fueling Permittee’s utilizing an FBO Fuel storage facility must park the Refueling Vehicle on the FBO’s Leased Premises when not in use.
- Self-Fueling Permittee’s utilizing off Airport Fuel storage must park the Refueling Vehicle off Airport when not in use.

Self-Fueling Permittee’s that have a Fuel storage facility on Permittee’s Leased Premises at the time of adoption of these Rules and Regulations will be permitted to utilize the Fuel storage facility to Fuel Permittee’s Aircraft without using a Refueling Vehicle.

**Fuel Storage Facilities** – Self-Fueling Permittee shall demonstrate that satisfactory arrangements have been made for the storage of Fuel, as follows:

- through an authorized FBO at the Airport;
- off Airport; or
- through Self-Fueling Permittee’s Fuel storage facility at the Airport in a location consistent with the Master Plan, Airport Layout Plan, and/or Land Use Plan and approved by the City.

Self-Fueling Permittee’s authorized by the City shall lease land and own or lease an above ground Fuel storage facility in the designated Fuel storage area as follows:

Fuel Storage Facility	BTL
Jet Fuel – Minimum total capacity (gallons)	20,000
Avgas – Minimum total capacity (gallons)	10,000



## AVIATION FUELING RULES AND REGULATIONS

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A Fuel storage facility in the designated Fuel storage area shall denote the Aircraft FAA N-Number(s) identified on the Self-fueling Permittee's Self-Fueling Permit with 12 inch characters on each side of the Fuel storage facility.

**Limitations** – Self-Fueling Permittee shall not sell and/or dispense Fuels to Aircraft that are not owned, leased, and/or operated by (and under the full and exclusive control of) Self-Fueling Permittee and identified to the City. Any such selling or dispensing shall be grounds for revocation of the Permit by the City as well as the collection of all applicable fines or other charges.

- Revocation upon first violation will be for a period of one year.
- Revocation upon a second violation shall be permanent.

**Public Agency** – Entities providing an Emergency Public Service are not required to meet the fueling equipment and storage facility requirements identified in this Section unless Fuel is being delivered to Aircraft by Refueling Vehicles or through a Fixed Fueling Station.

Fuel storage facilities and delivery of Fuel for Aircraft operated by Public Service Agency must be approved in writing, in advance by the City.

**Insurance** – Except as otherwise provided for herein, Non-Commercial Self-Fueling Permittee shall maintain, at a minimum, the coverage and limits of insurance set forth in below:

- General Liability (Combined Single Limit)
  - Each occurrence – \$1,000,000
  - Unlicensed Vehicles – \$2,000,000/\$5,000,000
- Business Automobile Liability (Combined Single Limit)
  - Non-Movement Area – \$1,000,000
  - Movement Area – \$2,000,000
- Environmental Liability – \$2,000,000



## **7. APPENDIX**

### **7.1. Definitions**

Abandoned – Property, other than Aircraft or Vehicles, that has been voluntarily given up by the owner and left at the Airport for 48 hours without the owner moving or claiming it.

Accident – A collision or other contact between any part of an Aircraft, Vehicle, equipment, person, stationary object and/or other thing which results in Property damage, personal injury, or death; or an entry into or emergence from a moving Aircraft, Vehicle, or equipment by a person which results in personal injury or death to such person or some other person or which results in Property damage.

Advisory Circular (AC) – A document published by the FAA providing guidance on aviation/airport issues/matters.

Aeronautical Activity (or Activity) – Any activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft. Any activity which contributes to, or is required for, the safety of such operations. Any activities which have a direct relationship to the operation of Aircraft or the operation of the Airport.

Affiliate – Any entity that shall directly or indirectly control, be under the control of, or be under common control with Operator. “Control” for these purposes shall mean the direct and indirect ownership of 50% or more of the outstanding voting stock of a corporation or 50% or more equity or controlling interest if not a corporation.

Agency – Any federal, state, or local governmental entity, unit, organization, or authority.

Agreement – A written contract (e.g., lease agreement, permit, etc.), enforceable by law, executed by both parties, between the City and entity transferring rights or interest in land and/or Improvements and/or otherwise authorizing the conduct of certain activities.

Air Carrier – An entity engaged in the operation of an Aircraft for the purpose of transporting passengers, mail, express, freight, or cargo, on a scheduled or non-scheduled basis, whose operation is either intrastate or interstate.

Air Operations Area (or AOA) – A portion of an airport which includes Aircraft Movement Areas, Ramps, and safety areas, and any adjacent areas that are not separated by adequate security systems, measures, or procedures.

Air Traffic Control (or ATC) – A service operated by an appropriate authority sanctioned and certified by the FAA for the control, separation, and movement of Aircraft in the air or on the ground.

Aircraft – A device that is used or intended to be used for flight in the air.

Aircraft Accident – An occurrence associated with the operation of an Aircraft that takes place between the time any person boards the Aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the Aircraft receives substantial damage (as described in 49 CFR 830).



Aircraft and Passenger Liability – To include bodily injury, Property damage, and passenger injury for all owned, leased, or operated Aircraft.

Aircraft Design Group – A FAA designated grouping of Aircraft based upon wingspan. The groups are as follows:

- Group I: Up to but not including 49 feet
- Group II: 49 feet up to but not including 79 feet
- Group III: 79 feet up to but not including 118 feet
- Group IV: 118 feet up to but not including 171 feet
- Group V: 171 feet up to but not including 214 feet
- Group VI: 214 feet up to but not including 262 feet

Aircraft Incident – An occurrence other than an Aircraft Accident that affects or could affect the safety of operations (as described in 49 CFR 830).

Aircraft Line Maintenance – Aircraft Maintenance typically required to return an Aircraft to service within a short period of time. Examples include, but are not limited to: replenishing lubricants, fluids, nitrogen, and oxygen; servicing of landing gear, tires, and struts; lubricating Aircraft components; and, avionics/instrument removal and/or replacement.

Aircraft Maintenance – The repair, maintenance, alteration, calibration, adjustment, preservation, or inspection of Aircraft airframe, powerplant, propeller, and accessories (including the replacement of parts) as described in 14 CFR Part 43.

Aircraft Operator – A person who uses, causes to be used, or authorizes to be used an Aircraft, with or without the right of legal control (as Owner, Lessee, or otherwise) for the purpose of air navigation including the piloting of Aircraft or the operation of Aircraft on any part of the surface of an airport.

Aircraft Rescue and Fire Fighting (or ARFF) – Personnel, equipment, and facilities located on or off an airport dedicated to dealing with Aircraft Accidents/incidents and all rescue and firefighting tasks, structural fires, and other firefighting or rescue emergency activities at an airport.

Airframe and Powerplant Mechanic (or A & P Mechanic) – A person who holds an Aircraft mechanic certificate with both airframe and powerplant ratings. This certification is issued by the FAA under the provisions of 14 CFR Part 65.

Airport – All land, Improvements, and appurtenances within the legal boundaries as it now exists on the Battle Creek Executive Airport at Kellogg Field’s Layout Plan (or Exhibit A of the most recent FAA grant) and as it may hereinafter be modified.

Airport Certification Manual (or ACM) – A manual developed by an airport that establishes responsibility, authority, and procedures for FAR Part 139 compliance.

Airport Identification Badge – A media allowing access to certain parts of the Airport.



Airport Improvement Programs – An FAA program that provides grants to public agencies, and in some cases to private owners and entities, for the planning and development of public-use airports that are included in the National Plan of Integrated Airport Systems (NPIAS).

Airport Layout Plan (or ALP) – The FAA approved and City adopted drawing, as may be amended from time to time, which reflects an agreement between the FAA and City depicting the physical layout of an airport and identifying the location and configuration of current and proposed Runways, Taxiways, buildings, roadways, utilities, nav aids, etc.

Airport Security Coordinator – An airport’s primary security representative and point-of-contact for the Transportation Security Administration.

Airport Security Program (or ASP) – The current Airport Security Program, as may be amended from time to time, approved by the Transportation Security Administration (if necessary), that specifies the systems, measures, and procedures that are used to meet an airport’s regulatory and statutory responsibilities relating to airport security.

Airport Sponsor Assurances – Those contractual obligations that are described by law in 49 U.S.C. 47107 and are undertaken by a public airport sponsor as a condition of receipt of federal airport development grants or federal surplus Property.

Airside – The Runways for landing and taking off of Aircraft, designated helipads, Taxiways and Taxilanes for ground movement of Aircraft, and Ramp for parking, loading, unloading, fueling, and servicing of Aircraft.

Applicant – An entity desiring to use land and/or Improvements at the Airport to engage in an Aeronautical Activity and who shall apply in writing and in the manner or form prescribed herein for authorization to engage in such Activities at the Airport.

Appraiser – A person who possesses the education, training, experience, and professional qualifications necessary to render a properly informed opinion regarding the value of real estate.

Association – An entity legally formed and recognized under the laws of the State of Michigan having an existence separate and apart from its members or shareholders (e.g., Limited Liability Company, Corporation, Partnership, Limited Partnership, etc.).

Avgas (or “Aviation Gasoline”) – Fuel commonly utilized to power piston-engine Aircraft.

Based Aircraft – An Aircraft which has been or will be stored at the Airport for more than 183 calendar days over a one year period (including days that the Aircraft is operating off the Airport and not paying Based Aircraft storage rents or fees at another airport).

Battle Creek Fire Department (or Fire Department) – The City Fire Department provides fire services as well as several community services to the City.

Battle Creek Police Department (or Police Department) – The City’s Police Department provides law enforcement services as well as several other community services to the City.





Business Automobile Liability – To include bodily injury and Property damage for all licensed Vehicles arising out of (or relating to) the use, loading, and unloading of owned, non-owned, or hired Vehicles.

Capital Investment – Any City approved expenditure made by an Operator or Lessee to: (a) the Operator's or Lessee's Leased Premises which will, at the end of the term of the Agreement, revert to the City and/or (b) Airport Infrastructure which will immediately revert to the City.

Certified Flight Instructor (CFI) Professional Liability – To include bodily injury and property damage not only during dual flight instruction, but also after instruction has been given.

Certificates of Insurance – A certificate provided by and executed by an Operator's, Lessee's, or Sublessee's insurance company providing evidence of the insurance coverages and policy limits of the Operator, Lessee, or Sublessee.

Co-Op Fueling – The Fueling of an Aircraft by the Owner of the Aircraft or the Owner's Employee using Vehicles, Equipment, and resources owned by an approved Association.

Code of Federal Regulation (or CFR) – The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government, divided into 50 titles that represent broad areas subject to federal regulation, updated once each calendar year and issued quarterly, as may be amended from time to time.

Commercial – For the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Commercial General Liability – For damages due to bodily injury, personal injury, Property damage, contractual liability, products and completed operations and, if applicable, use of unlicensed Vehicles that in any way arise from the use of the Leased Premises and operations or Activities of the entity. Unlicensed Vehicles operated on the Movement Area will require coverage in an amount not less than that identified for combined single limit per occurrence for bodily injury, personal injury, and Property damage.

Compensation – Any form of reimbursement for goods or services such as monetary, exchange, barter, favors, gratuity, etc.

Competitive Proposal Process – A process that is used to seek competitive proposals from qualified entities when land and/or Improvements are or become available at the Airport for occupancy or use.

Condemnation – The taking of land and/or Improvements for any public or quasi-public use under any Regulatory Measure or by the right of eminent domain.

Contiguous Land – Land that shares an edge or boundary or is separated by no more than a Taxilane.

Cost Approach – One of the three approaches to value that considers the current cost of replacing the Improvements located on the Leased Premises, depreciation, and the market value of land.



Courtesy Vehicle – A Vehicle used to transport persons, baggage, or goods, or any combination thereof, on the Airport or between the Airport and an off-airport locations such as hotels, motels, or other attractions for which no charge is levied (no Compensation is paid).

Current – All rents, fees, and other charges required to be paid under any and all Agreements are paid in full.

Department of Homeland Security (or DHS) – A single, integrated executive department of the United States Government focused on protecting the American people and the homeland.

Department of Transportation (or DOT) – The Cabinet department of the United States Government concerned with transportation.

Development Standards – The parameters governing the design, construction, and/or modification of Operator, Lessee, and Sublessee land and/or Improvements at the Airport, as may be amended from time to time.

Emergency Public Service – Services provided to the general public including law enforcement (police), fire, rescue, and emergency medical or ambulatory transportation.

Emergency Vehicle – Vehicle of any Agency providing law enforcement, fire protection, rescue, emergency medical or ambulatory transportation, or any Vehicle conveying an Airport official or an Airport employee in response to an emergency call.

Employee – Any individual employed by an entity whereby said entity collects and pays all associated taxes on behalf of Employee. The determination of status between an Employee and an independent contractor shall be made according to current IRS codes.

Environmental Liability – To include liability for bodily injury, Property damage, and environmental damage resulting from sudden and accidental releases of pollution and covering related or resultant cleanup and/or remediation costs arising out of the occupancy and use of the Leased Premises.

Environmental Protection Agency (or EPA) – The Agency within the U.S. Government having responsibility for enforcing the environmental regulations or laws enacted by Congress.

Equipment – All Property and machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the Activity being performed.

Exclusive Right – A power, privilege, or other right excluding or preventing another from enjoying or exercising a like power, privilege, or right. An Exclusive Right may be conferred either by express Agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights, would be an Exclusive Right. An Exclusive Right to conduct an Aeronautical Activity, which is forbidden by federal regulation, is distinguished from an Exclusive Right to occupy real estate, which is permitted by federal regulation under certain conditions.



Federal Aviation Administration (or FAA) – The Agency within the Department of Transportation of the United States Government that has the responsibility of regulating Aeronautical Activities.

Federal Aviation Regulation (or FAR) – Regulations prescribed by the FAA governing all aviation activities in the United States, which are written, approved, and published by the FAA. Compliance with FARs is mandatory. In 1996, all references to the FARs were changed to Title 14 of the Code of Federal Regulations (14 CFR).

Fiscal Year (or FY) – The accounting period of the City beginning July 1<sup>st</sup> and ending June 30<sup>th</sup> established for accounting purposes.

Fixed Based Operator (or FBO) – A Commercial Operator engaged in the sale of products and services and the renting or subleasing of facilities consistent with the City’s General Aviation Minimum Standards.

Flight Training – The training, other than ground training, received from an authorized instructor in an Aircraft.

Fuel – Any substance (solid, liquid, or gaseous) used to operate any engine or motor in Aircraft, Vehicles, or equipment.

Fuel Handling – The transporting, delivering, fueling, dispensing, or draining of Fuel or Fuel waste products.

General Aviation – All aviation with exception of Air Carriers and the military.

Leasing/Rents and Fees Policy – Sets forth the parameters for leasing Airport land and Improvements (for general aviation purposes) and outlines the process for establishing and adjusting rents and fees at the Airport, as may be amended from time to time.

General Aviation Minimum Standards (or Minimum Standards) – Those qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Activities at the Airport, as may be amended from time to time.

Good Standing – Full compliance with all applicable Legal Requirements and not in default of any Agreement with the City.

Hangar – Any fully or partially enclosed storage facility for an Aircraft.

Hangar Keeper’s Legal Liability – To include Property damage for all non-owned Aircraft under the care, custody, and control of the Operator.

Hazardous Materials – A substance, item, or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.



**Immediately** – The ability to occupy Leased Premises and offer products, services, and/or facilities (to the public) on the effective date of the Agreement. When construction and/or alteration of facilities are involved, immediately shall mean the ability to obtain a certificate of occupancy from the authorizing Agency for the proposed facilities within 18 months following the possession of the Leased Premises.

**Improvements** – All buildings, structures, additions, and facilities including pavement, fencing, and landscaping constructed, installed, or placed on, under, or above any land on the Airport.

**Independent Operator** – An entity offering aeronautical service(s) but without an established place of business on the Airport.

**Infrastructure** – Runways, Taxiways, Taxilanes, Ramps, nav aids, airport roadways, utilities, etc.

**Jet Fuel** – Fuel commonly utilized to power turbine-engine (Turboshaft, Turboprop, and Turbojet) Aircraft.

**Landside** – The portion of the Airport used for activities other than the movement of Aircraft, such as Vehicle access roads and parking.

**Land Use Plan** – A document approved by the FAA as part of the Airport Layout Plan used to guide land use surrounding the Airport.

**Law Enforcement Officer** – A public-sector employee or agent charged with upholding the peace who is empowered to effect an arrest with or without warrant and who is authorized to carry a firearm in the performance of that person's duties.

**Leased Premises** – The land and/or Improvements used exclusively under Agreement by an Operator, Lessee, or Sublessee.

**Lessee** – An entity (other than a Licensee) that has entered into an Agreement to occupy, use, and/or develop land and/or Improvements.

**Licensee** – An entity that has entered into a Non-Commercial Aircraft Hangar License Agreement, Non-Commercial Shade Port License Agreement, or Non-Commercial Tiedown License Agreement with the City.

**Light Aircraft** – Aircraft having a maximum takeoff weight of 12,500 pounds or less.

**Light Sport Aircraft** – An Aircraft certificated by the FAA which is restricted by maximum takeoff weight, maximum operating airspeeds, maximum seating capacity, engine and related controls type (if powered), and type of landing gear.

**Limousine** – A Vehicle, for hire, that is not configured with a taximeter. Transportation services using limousines are provided for unmetered predetermined rates.

**Loitering** – Remaining in an area for no obvious reason or not being able to give a satisfactory explanation of one's presence in an area.



Market Rent – The rent that land or Improvements would command in the open market as indicated by rents asked and paid for at comparable land or improvements as of the date of determination.

Master Plan – An assembly of documents and drawings (which have been approved by the FAA and adopted by the City) covering the development of the Airport from a physical, economic, social, and political jurisdictional perspective. The Airport Layout Plan is part of the Master Plan.

Movement Area – The Runways, Taxiways, and other areas of the Airport which are utilized for taxiing, hover taxiing, takeoff, and landing of Aircraft (exclusive of Aircraft parking, loading, unloading, fueling, and servicing areas) where Aircraft are moved with radio contact with ATC or other Aircraft. The Movement Area includes all areas under the direct and positive control of ATC. Specific approval for entry onto the movement area must be obtained from ATC.

National Fire Protection Association (or NFPA) – All codes and standards contained in the Standards of the National Fire Protection Association, as may be amended from time to time.

Non-Commercial – Not for the purpose of securing earnings, income, Compensation (including exchange or barter of goods and services), and/or profit.

Non-Movement Area – Those portions of the Airport where Aircraft taxi or are moved without radio contact with ATC or other Aircraft.

Notice To Airmen (or NOTAM) – Guidelines regarding aeronautical operations issued by a representative of the FAA, the Transportation Director, ATC, or other authorized Agency.

Object Free Area – An area on the ground centered on a Runway, Taxiway, or Taxilane centerline provided to enhance the safety of aircraft operations by having the area free of object, except for objects that need to be located in the Object Free Area for air navigation or aircraft ground maneuvering purposes.

Operator – An entity that has entered into an Agreement with the City to engage in Commercial Aeronautical Activities at the Airport.

Owner – The registered legal Owner of an Aircraft according to FAA records or a Vehicle according to the applicable state Department of Motor Vehicle records.

Paved – Covered with asphalt or concrete that forms a firm level surface.

Permittee – An entity who has written permission from the City to conduct an Activity at the Airport according to the parameters established by a permit.

Piston Aircraft – An Aircraft that utilizes a reciprocating engine for propulsion.



Primary Management and Compliance Documents (or PMCDs) – A compendium of rules, regulations, standards, and policies that govern the development, operation, and management of the Airport, adopted by resolution of the Commission, as may be amended from time to time, including Rules and Regulations, Leasing/Rents and Fees Policy, General Aviation Minimum Standards, and Development Standards.

Private Vehicle – Any Vehicle operated for transportation of persons or baggage for which no revenue is being derived either directly or indirectly.

Property – Any tangible or intangible possession that is owned by an entity or a person.

Public Area – Those areas normally used by the general public. Such areas include restrooms, lobbies, hallways, passage ways, public transportation waiting areas, viewing areas, roadways, walkways, sidewalks, and Vehicle parking lots. Public areas do not include the areas owned and/or leased by Commercial businesses unless such businesses so designate certain areas as public use areas. Public Areas do not include the AOA, Restricted Areas, and employee parking lots.

Ramp – Those Paved areas of the Airport within the AOA designated by the City for parking, loading, unloading, fueling, or servicing of Aircraft.

Readily Available – Conveniently located (in close proximity) and accessible, but not necessarily located on the Leased Premises.

Refueling Vehicle – Any Vehicle used for transporting, handling, or dispensing of Fuels and lubricants.

Legal Requirements – All applicable federal, state, county, and local laws, codes, ordinances, policies, and regulations.

Repair Station – A certificated Aircraft Maintenance facility approved by the FAA to perform specific maintenance functions. Repair Stations are certificated under 14 CFR Part 145.

Rent Study – A streamlined approach that is used to derive an opinion of market rent for airport properties that are being used for general aviation purposes without conducting an appraisal.

Restricted Area – Areas of the Airport, other than Public Areas, wherein entry or use thereof is restricted to authorized personnel (pursuant to applicable Legal Requirements) including, but not limited to the AOA, Runways, Taxiways, Taxilanes, and fire lanes, airport maintenance facilities, mechanical rooms, electrical vaults, fire breaks and any other areas marked as such with signage.

Rules and Regulations – The rules and regulations set forth by the City for the safe, secure, orderly, and efficient use of the Airport, as may be amended from time to time.

Runup – Aircraft engine operation above normal idle power for purposes other than initiating or sustaining taxiing or takeoff.





Runway – An area of the Airport developed and improved for the purpose of accommodating the landing and takeoff of Aircraft.

Security Plan – A document developed by Operators to ensure the safety and security of people and property at the Airport.

Self-Fueling – The Non-Commercial Fueling of an Aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's Vehicles, Equipment, and resources.

Self-Service – The servicing of an Aircraft (i.e., maintaining, repairing, fueling, etc.) by the Aircraft Owner or the Aircraft Owner's Employees using the Aircraft Owner's Vehicles, Equipment, and resources.

Special Event – Any event at the Airport whereby individuals have unescorted access to the AOA or any event that may or will require: the assistance of City staff (outside the realm of typical duties); the closure of any portion of any roadway, walkway, Vehicle parking area, Ramp, Taxilane, Taxiway, or Runway; and/or the issuance of an airspace waiver or NOTAM.

Specialized Aviation Service Operator (or SASO) – A Commercial Operator that provides any one or a combination of the following Activities: Aircraft Maintenance, avionics or instrument maintenance, Aircraft rental or Flight Training, Aircraft charter or Aircraft management, Aircraft sales, and other Commercial Aeronautical Activities.

Spill Prevention, Control, and Countermeasures Plan (or SPCC Plan) – A contingency plan defined by the EPA that covers procedures for spill prevention, control, and countermeasures, points of contact, the chain of command, and individual responsibilities.

Storm Water Pollution Prevention Plan (or SWPPP) – A plan that identifies the controls that have been put in place to minimize the impact of storm water discharges on the environment.

Student and Renter Liability – To include bodily injury, personal injury, and Property damage (excluding Aircraft hull) for students and renters of Aircraft.

Sublease – An agreement entered into by an entity with an Operator or Lessee that transfers rights or interests in the Operator's or Lessee's Leased Premises and for which, the City has given proper consent.

Sublessee – An entity that has entered into a Sublease with an Operator or Lessee who is authorized (by the City) to engage in Commercial Aeronautical Activities at the Airport.

Taxilane – The portion of the Ramp used for access between Taxiways and Ramps. Taxilanes are always outside the Movement Area and differentiated from a Taxiway by the required Object Free Area requirements stipulated by the FAA.

Taxiway – A defined path, usually Paved, over which Aircraft can taxi from one part of an airport to another (excluding the Runway).



Through-the-Fence – When an airport sponsor grants an entity ground access by an aircraft across the airport’s property boundary to the airport’s airside infrastructure (commonly through-the-fence) and permission to engage in associated activities from property adjacent to the airport.

Tiedown – An area Paved or unpaved suitable for parking and mooring of Aircraft wherein suitable anchoring points and related equipment are located.

Transient Aircraft – Any Aircraft utilizing the Airport for occasional or temporary purposes which is not stationed at the Airport.

Transportation Director – That person (or designated representative thereof), appointed by the City, responsible for the administration and day-to-day operation and management of the Airport, all City owned Property, Vehicles, equipment, material, financial assets, and Employees at the Airport, and all employees assigned to the Airport.

Transportation Security Administration (or TSA) – The Agency within the Department of Homeland Security of the United States Government responsible to safeguard United States transportation systems and ensure secure travel.

Turbojet Aircraft (or Turbofan Aircraft) – An Aircraft utilizing one or more gas-turbine engines and develops thrust from the exhaust of gases.

Turboprop Aircraft (or Turboshaft Aircraft) – An Aircraft utilizing a gas-turbine engine to drive a set of reduction gears, which, in turn, drives a propeller or rotor blades for propulsion.

Ultralight Vehicle – Any contrivance used or intended to be used for manned operation in the air by a single occupant; does not have any U.S. or foreign airworthiness certificate; and if unpowered, weighs less than 155 pounds; or if powered, weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; has a Fuel capacity not exceeding 5 U.S. gallons; is not capable of more than 55 knots calibrated airspeed at full power in level flight; and has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

Vehicle – Any device that is capable of moving itself, or being moved, from place to place upon wheels; but does not include any device designed to be moved by human muscular power or designed to move primarily through the air.

Vehicle Operator – Any person who is in actual physical control of a Vehicle.



**Acronyms**

A&P Mechanic	Airframe and Powerplant Mechanic
AC	Advisory Circular
ACM	Airport Certification Manual
ALP	Airport Layout Plan
AOA	Air Operations Area
ARFF	Aircraft Rescue and Fire Fighting
ASP	Airport Security Program
ATC	Air Traffic Control
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
DOT	Department of Transportation
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
FY	Fiscal Year
FBO	Fixed Base Operator
ME	Multi-Engine Aircraft
NFPA	National Fire Protection Association
NOTAM	Notice To Airmen
SASO	Specialized Aviation Service Operator
SE	Single-Engine Aircraft
SIDA	Security Identification Display Area
SMS	Safety Management System
SPCC Plan	Spill Prevention, Control, and Countermeasures Plan
SWPPP	Storm Water Pollution Prevention Plan
TSA	Transportation Security Administration