

PLYMOUTH MUNICIPAL
RULES and REGULATIONS
ORDINANCE



ADOPTED: APRIL 5, 2010

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PLYMOUTH MUNICIPAL AIRPORT
RULES AND REGULATIONS ORDINANCE

April 5, 2010

ENACTMENT: This is an ordinance establishing the rules and regulations for the management, governance and effective use of the Plymouth Municipal Airport.

WHEREAS, in the opinion of the Washington County Board of Commissioners to protect the health, safety and general welfare of the residents of Washington County, it is necessary and advisable to adopt rules and regulations pertaining to the management and governance of the Plymouth Municipal Airport, and

WHEREAS, the Washington County Board of Commissioners and administration have developed this ordinance with due consideration, and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met;

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF WASHINGTON AS FOLLOWS:

Article I - Authority

The provisions of this ordinance are adopted under authority granted by North Carolina General Statute §153A-121.

Article II - Applicability

This ordinance shall be applicable to the area designated within Washington County known collectively as “the Plymouth Municipal Airport.”

Article III – Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AERONAUTICAL ACTIVITY. Any activity commonly conducted at airports which involves, makes possible, or is required for, the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, pilot

training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations, skydiving, ultra light operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, or sale of aircraft parts and aircraft storage.

AERONAUTICAL SERVICE. Any service which involves, makes possible, or is required for, the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person who has a lease from Washington County (hereinafter referred to as "the County") to provide such service.

AIRPORT. The Plymouth Municipal Airport includes all property and improvements within the boundary lines of any airport operated or controlled by Washington County, including the Plymouth Municipal Airport, except when otherwise noted.

AIRPORT MANAGER. The officer or representative of the Owner having immediate charge of the Airport, including any duly authorized representative thereof.

FAA. The Federal Aviation Administration.

FIXED BASED OPERATOR OR FBO. An individual, firm or corporation leasing space and operating at the Airport and providing more than one general aircraft service to the public, such as fueling, maintenance, storage, ground and flight instructions.

IFR. Instrument Flight Rules, which govern the procedures for conducting flight under Instrument Meteorological Conditions (IMC).

MINIMUM STANDARDS. The standards which are established by the Owner, as amended from time to time and which are the minimum requirements to be met by an FBO or SASO or proposed FBO or SASO as a condition to having the privilege of providing aeronautical services to the public at the Airport.

NOTAM. A Notice to Airmen published by the FAA (e.g., a method of notifying the flying public of conditions at the Airport that may affect flight).

OWNER. The County of Washington, North Carolina, a body politic formed and existing under the laws of the State of North Carolina, including any duly authorized representative or designee thereof, (hereinafter "Owner").

PERSON. An individual, partnership, firm, association, corporation, group or duly authorized representative thereof.

PILOT. An individual who operates an aircraft at the Airport, either based or transient.

SPECIALIZED AVIATION SERVICE OPERATOR OR SASO. Means an individual, firm or corporation leasing space and operating at the Airport and providing only one general aircraft service to

the public.

SHALL. The word “shall” is always mandatory and not merely directory.

SPECIAL EVENT. An Aeronautical Activity which does not comply with these Rules and Regulations or which, although it may comply with these Rules and Regulations may require an accommodation by other users of the Airport. Special Events include, but are not limited to, fly-ins, skydiving exhibitions, balloon operations or similar events or activities.

TENANT. A lessee of space at the Airport.

UNICOM. A nongovernmental communication facility which may provide airport information at certain airports. Locations and frequencies are shown on aeronautical charts and publications.

VFR. Visual Flight Rules, which govern procedures for conducting flight under visual meteorological conditions as described in FAR Part 91, General Operating and Flight Rules.

Article IV – Scope, Enforcement, and Amendment

- (A) All users of and persons on the Airport shall be governed by these regulations and the directions of the Owner. These regulations are subject to change by the Owner at any time based upon experience, need, and operating conditions.
- (B) The Owner shall, at all times, have authority to take such reasonable action as may be necessary to enforce these regulations and to efficiently manage the Airport and its operations. In any contingencies not specifically covered by these rules and regulations, the Owner shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper.
 - (1) The Owner may delay or restrict any flight or other operations at the Airport, refuse takeoff clearance to any aircraft, or prohibit use of all or any part of the Airport for any purpose by an individual or group for any reason they believe is justifiable.
 - (2) In the event the Owner believes the Airport conditions are unsafe for landing or takeoff, it shall be within its authority to issue a NOTAM, closing the Airport or any part thereof.
- (C) These regulations are not intended to amend, modify or supersede any provision of federal, state, or local law, or any specific contractual agreement of the Owner with which they may conflict; provided however, that these regulations shall, insofar as possible, be interpreted so that no such conflict shall exist.
- (D) If any portion of these regulations shall be invalid or unenforceable, all other portions shall remain in effect and be construed to achieve the purposes hereof.
- (E) Any proposed changes in these regulations shall be posted by the Airport Manager in a public area at the Airport for a period of not less than 30 days and not more than 60 days. During this period,

comments on the proposed changes may be submitted by the general public in writing to the County Manager. The closing date for comments shall also be posted. After review of comments by the County Manager, recommendations shall be made and forwarded to the Owner for approval. Copies of changes will be posted at the Airport and provided to all known holders of same.

Article V – General Rules and Regulations

- (A) The Airport terminal building will be open for public use from 8:00 a.m. until 5:00 p.m. Monday through Friday, excluding county holidays, unless otherwise designated by the Owner. The Airport may be closed when either the County or the Airport Manager determines that an unsafe condition exists. The Airport may remain closed until the unsafe condition has been corrected or no longer exists. The Airport runway shall be closed to all student pilots when the surface winds create a direct crosswind component of 15 nautical miles per hour or 30 nautical miles per hour total wind velocity. Meteorological conditions at the Airport shall be determined by the official weather as reported by the FSS.
- (1) *Restricted areas.* No person shall enter upon the field area, utility rooms, service rooms or other areas as may be designated restricted except:
- (a) Persons assigned to duty therein;
 - (b) Persons authorized by the Owner; or
 - (c) Passengers, under appropriate supervision, entering the apron for the purpose of embarkation or debarkation.
- (2) *Use of roads and walks.*
- (a) No person shall travel on the Airport other than on the roads, walks, or places so provided for the particular class of traffic.
 - (b) No person shall occupy the roads or walks in such a manner as to hinder or obstruct their proper use.
 - (c) No person shall walk in a picket line as a picketer or take part in any labor or other public demonstration on any part of the Airport except those places which may be specifically assigned for use by such picket or public demonstrations by the Owner.
- (B) The Owner has the right to and does hereby regulate all commercial enterprises using the Airport as a basis of operation, whether such operation is aeronautical or non-aeronautical in nature. No commercial operation of any kind or type shall be conducted on the Airport unless specifically authorized by Owner.
- (C) A flying club is recognized as a plan for the joint ownership of aircraft and the fair distribution of the cost of maintaining and operating such aircraft. Such operation is not considered to be

commercial in nature when so operated. Neither is flight instruction by club members for other club members considered to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. In all cases, the Owner will determine if the operation of a flying club or other such organization is commercial. If determined to be commercial, the club shall conform to the requirements set forth herein for commercial FBOs.

- (1) The club shall be a non-profit entity (i.e., corporation, association or partnership) organized for the purpose of providing its members with aircraft for their personal use and enjoyment only. The ownership of aircraft must be vested in the name of the flying club (or owned ratably by all of its members). The property rights of the members of the club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (e.g., salaries, bonuses). The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance, and replacement of its aircraft.
- (2) Flying clubs may not offer or conduct charter, air taxi, or rental of aircraft operations. Except for regular members, they may not conduct aircraft flight instruction and only members of the flying club may operate the aircraft. No flying club shall permit its aircraft to be utilized for giving flight instruction to any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instructions, except when instruction is given by an FBO or SASO based on the Airport who provides flight training. Any qualified mechanic who is a registered member and part owner of the aircraft owned and operated by a flying club shall not be restricted from performing maintenance work on aircraft owned by the club, and the club does not become obligated to pay for such maintenance work except that such mechanic and instructors may be compensated by credit against payment of dues or flight time.
- (3) All flying clubs and their members are prohibited from leasing or selling any goods or services to any person or firm other than a member of such club at the Airport, except that said flying club may sell or exchange its capital equipment.
- (4) With its initial application, the flying club shall furnish the County Manager a copy of its charter and by-laws, articles of association, partnership agreement or other documentation supporting its existence; a roster, or list of members, including names of officers and directors, to be revised on a semi-annual basis; evidence of insurance, in the form of a certificate of insurance with a limit of One Hundred Thousand Dollars (\$100,000.00) per person for personal injury and property damage and a total limit of One-Half Million Dollars (\$500,000.00), with the County as an additional named insured; number and type of aircraft; evidence that aircraft are properly certificated; evidence that ownership is vested in the club; and the operating rules of the club. The books and other records of the club shall be available for review at any reasonable time by the Airport Manager or other representatives of the County. The flying club shall make annual certifications to

the County that its insurance is in force, and the County may require certificates at other times to confirm that adequate insurance is in force.

- (5) A flying club must abide by, and comply with, all Federal, State and local laws, ordinances, regulations, and the Rules and Regulations.
 - (6) A flying club which violates any of the foregoing, or permits one or more of its members to do so, will be required to terminate all operations on Airport property.
- (D) **Liability.** The use of the Airport or any of its facilities in any manner shall create an obligation on the part of the user thereof to obey all the regulations herein provided and adopted by Owner. The privilege of using the Airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof and he or she shall release, hold harmless and indemnify the Owner, its officers and employees from any liability or loss resulting from such use, as well as claims of third persons using the Airport. The privilege of using the Airport shall be upon the further condition that any person desiring to use the same shall furnish a policy to indemnify the Owner against personal injury and property damage in a reasonable sum as the Owner shall require. The Owner assumes no responsibility for any loss, injury, or damage to persons or property by any reason, including but not limited to fire, theft, vandalism, wind, earthquake, collision, strikes, acts of God, or of the public enemy, nor does the Owner assume any liability for injury to persons or property while on the Airport or while using any of the Airport facilities.
- (E) **Accident and damage reports.** All persons involved in any accident or any occurrence resulting in any damage whatsoever shall make a full report of same to the Owner as soon as practicable and, in any event, within 24 hours of any such occurrence. In order to promote and maintain safety at the Airport any pilot or tenant or FBO or SASO is required to promptly report to the Airport Manager any bodily injury requiring medical attention, or any damage to property at the Airport, or any other accident, incident, occurrence or unsafe practice relating to any aircraft which any one of the above owns, leases, flies, or any Aeronautical Activity in which any are involved.
- (F) **Penalties.** Any person violating any of the Airport rules and regulations may be punished as provided by law, as provided by ordinance or in the discretion of the Owner and may be deprived of the use of the Airport facilities for such period of time as may be necessary to be effective. The Owner may remove or eject from the Airport any person who knowingly and willfully violates any of these regulations; may deny any such person the use of the Airport; and may take such other measures as may be permitted by law to enforce Airport rules and regulations as well as maintain control of the Airport.
- (G) **No person shall solicit funds for any purpose and no signs or advertisements may be posted at the Airport without written permission of the Owner.**
- (H) **Storage and disposal.**
- (1) No hazardous cargo shall be allowed long-term storage or storage at the Airport.

- (2) Gasoline, oil, solvent drums or receptacles shall not be stored on apron or ramp areas in excess of amounts actually needed as current stock. Any material of this type that is kept in subject areas will be enclosed and covered in housing of a design and type that meets the approval of the Owner.
- (3) No fuels, oils, dopes, paints, solvents or acids shall be disposed of or dumped in drains, ditches or elsewhere on the Airport.
- (4) Garbage, refuse and other waste material from the public in general shall be placed in receptacles provided for such purpose. Other persons using the Airport shall provide suitable metal receptacles with self closing covers for the storage of waste, rags, and other rubbish. All used waste, rags and rubbish shall be removed at least once per week. Persons may contract with other agencies or persons for removal of this material, subject to the approval of the Owner. If any area is not cleaned after warning from the Owner, cleaning will be done by the Owner, the expense for which will be billed to the responsible person. Payment of such expenses shall be due and payable on receipt.
- (5) No person shall abandon any personal property on the Airport.
- (I) Preservation of property. No person, without the consent of the Owner, shall destroy, injure, deface, remove or disturb in any way any building, sign, equipment, marker, other structure, tree, flower, lawn or other property on the Airport. No person shall alter, make additions to, erect any building or sign, or make any excavation on the Airport without the written consent of the Owner.
- (J) Lost articles. All lost articles shall be turned into the Owner by the finders thereof. Any such articles not claimed in 60 days shall be disposed of as determined by the Owner.
- (K) Radio equipment. The installation and operation of two-way radios is not permitted on the Airport without prior written permission from the Owner. No person shall operate any radio equipment in any aircraft when such aircraft is in a hangar except when radio maintenance is being performed on the aircraft.
- (L) Interfering or tampering with aircraft. No persons shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools, without permission of the owner thereof or by specific direction of the owner.
- (M) Loitering and refusal to comply. No person shall loiter on any part of the Airport or in any building on the Airport. Any person who shall refuse to comply with these applicable rules and regulations after proper request by the Owner, shall be regarded as a trespasser(s).
- (N) Disorderly conduct. No person shall be or become intoxicated or drunk; commit any disorderly, obscene or indecent act; commit any act of nuisance; or engage in any form of gambling on the Airport.

- (O) Weapons, explosives, and inflammable materials. No person, except law enforcement officers, duly authorized postal inspectors, Airport and air carrier employees or members of the Armed Forces of the United States on official duty shall carry any weapons, explosives, or inflammable material on the Airport, except cased sporting guns for transshipment. Notwithstanding the foregoing, the Owner may, from time to time, authorize a person or persons to control wildlife by virtue of a state permit and to possess and utilize the necessary weapon(s) therefore.
- (P) Animals. No person shall enter the terminal building or the Airport with a dog or other animal except seeing eye dogs, other such service animals or dogs or other animals which are to be transported by air and are restrained by leash and properly confined.
- (Q) Use of other law enforcement agencies. In the event that occasions arise that are beyond the capability of the Owner to deal with in any manner, the County Sheriff, the Highway Patrol, the Fire Department and/or any other appropriate law enforcement agency shall be called upon by the Owner for assistance and action as may be necessary. The need for such assistance shall be at the sole discretion of the Owner.
- (R) Emergency. In the event of any emergency on the Airport, notification should be given to the Owner, if practical, and the Highway Patrol, the Fire Department, EMS and/or the County Sheriff. The same agency or agencies shall be called upon, as appropriate, in the event that emergency medical assistance is required.
- (S) Payment of charges.
 - (1) All bills are payable upon presentation unless otherwise noted thereon. All percentages or income charges are payable within ten days of the end of the period in which the income was received unless otherwise agreed in writing.
 - (2) Default of obligations. When any obligee is formally notified of their default on any written or implied obligation to the Owner, whether it be for breach of performance or service covenants or other non-payment, the obligee shall thereafter be billed for all losses of revenue, expenses incurred to re-establish performance or service, and other costs, including costs of collection, unless the obligee files with the Owner within ten days of receipt of the formal notification a statement that corrective or preventative measures have been initiated and will diligently be carried to completion. If the promises contained in the statement are not fulfilled, the obligee will be considered in absolute default and appropriate, lawful steps will be taken by the Owner.

Article VI – Motor Vehicle Regulations

- (A) No person shall operate motorized equipment of any kind on the Airport unless they possess a valid operator's license for such equipment.
- (B) Unless authorized by the Owner, no highway or automotive vehicle shall be operated on the Airport except on roadways and in parking areas that are specifically designated for such vehicles.

- (C) Parking. No person shall park a motor vehicle for loading, unloading or any other purpose on the Airport other than in the areas specifically established for parking and in the manner prescribed by signs, lines or other means.
- (1) No person shall abandon any motor vehicle on the Airport.
 - (2) No person shall park a motor vehicle in the area requiring payment for parking thereon without payment therefore, in a manner so as to obstruct roadways, in aircraft parking areas, or on grass areas.
 - (3) The Owner shall have the authority to tow or otherwise move motor vehicles which are parked by their owners or operators on the Airport in violation of these regulations, at the owner or operator's expense and without liability for any damage which may result in the course of such removal or subsequent storage.
- (D) No surface vehicle shall be driven between the loading gate or fence and an aircraft parked and in the process of loading or unloading.
- (E) No person shall operate any vehicle on the Airport in a careless, reckless or negligent manner; in disregard for the safety of others; or in excess of the speed limits prescribed or posted by the Owner and in no event in excess of ten miles per hour in the ramp, apron, aircraft parking, and hangar areas. No persons operating a motor vehicle on the Airport shall fail to give proper signals or fail to observe the direction of posted traffic signs.
- (F) All pedestrians and aircraft shall at all times have right-of-way over all surface vehicles. All vehicles shall pass to the rear of taxiing aircraft.
- (G) No persons under the influence of alcohol or narcotic drugs shall operate a motor vehicle or aircraft on the Airport.
- (H) No persons shall operate any motor vehicle on the Airport overloaded or carrying more passengers than that for which the vehicle was designed. No vehicle shall be operated on the Airport if it is constructed, equipped or loaded so as to endanger persons or property. No person shall ride on the running board, stand up in the body of a moving vehicle or ride on the outside of the body of a vehicle or with arms or legs protruding from the body of the motor vehicle.
- (I) No person shall operate any type of motor vehicle without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flame. Gasoline tenders will at no time be blocked or so positioned as to prevent a rapid removal of such tender.
- (J) All vehicles operating within the landing area shall be painted a bright yellow or international orange, or display an international orange and white checkered flag of not less than three feet square, with one-foot squares.

- (K) Repair of motor vehicles. No persons shall clean or make any repairs to motor vehicles anywhere on the Airport other than in designated shop areas, except those minor repairs necessary to remove such motor vehicles from the Airport. No person shall move, interfere, or tamper with any motor vehicle; put in motion the engine; or take or use any motor vehicle part, instrument, or tool thereof without the permission of the owner of such vehicle or satisfactory evidence of the right to do so duly presented to the Owner.

Article VII – Aircraft Operations Regulations

- (A) The FAA air traffic rules and regulations governing the operation of aircraft in effect as of this date, as well as all additions, deletions or amendments thereto, are made a part of these Airport rules and regulations as fully as if set forth herein. All aeronautical activities at this Airport and all flying of aircraft departing from or arriving in the air space above this Airport shall be conducted in conformity with the current, pertinent regulations and directives of the FAA and Civil Aeronautics Board and, to the extent applicable, the orders and directives issued by the Owner.
- (B) No fixed wing or rotary wing aircraft shall be allowed to operate at the Airport unless said aircraft has a current FAA airworthiness certificate and is operated by a licensed pilot or student pilot holding a valid medical certificate.
- (C) The owners of all aircraft based on the Airport will register their aircraft with the Owner. Any change in ownership will require a change in registration.
- (D) Any payment required for the use of Airport facilities, storage, repairs, supplies, or other services rendered at the Airport shall be made before flight clearance is granted unless satisfactory credit arrangements have been made with the Owner. The Owner shall have the authority to detain any aircraft for nonpayment of any charges due.
- (E) Aircraft shall perform run-up or prolonged engine test operations only in the places designated for such purposes and, in no event, shall such operations be performed in an area that would result in a hazard or nuisance to other aircraft, persons, or property. At no time shall engines be run up when hangars, shops, airplanes, or any buildings or persons are in the path of the propeller stream and/or jet exhaust.
- (F) No person shall park or store aircraft in any area on the Airport other than that area specifically designated for such use. At the direction of the Owner, the operator, owner, or pilot of any illegally parked aircraft on the Airport shall move the aircraft to a legally designated parking area on the Airport. If the operator refuses to comply with the directions, the Owner may tow the aircraft to such place, at the operator's expense and without liability for damage that may result from such moving or subsequent storage.
- (G) The performance of aircraft and engine repair and maintenance is considered an aeronautical service regulated by the Owner except where such services or repairs are performed by the aircraft owner or his or her employees. The Owner reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the

Owner may prohibit the performance of such services in tie-down areas and prescribe rules for the use of such owner type aircraft maintenance areas.

- (H) The pilot of any aircraft and the persons involved in any aircraft accident on or near the Airport causing personal injury or property damage, shall make a full report to the Owner as soon as practicable, which report shall include each individual's name and address. In the event the pilot involved in any such accident is unable to make said report, the owner of the aircraft involved or his or her agent shall make said report. In addition, all aircraft accidents shall be reported to the FAA General Aviation District Office by telephone. When a written report of an accident is required by federal air regulations, a copy of such report shall be submitted to the Owner.
- (1) In the event of an accident, the Owner may, in compliance with FAA and other governmental regulations, move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the aircraft owner and without liability for damage resulting from such moving or subsequent storage.
 - (2) Airport property damaged or destroyed by an accident or otherwise shall be paid for by the parties responsible. Any person damaging any light or fixture by operation of an aircraft or otherwise shall report such damage to the Owner immediately and shall be responsible for any costs required to repair or replace the damage caused.
- (I) Starting, running, taxiing, takeoff and landing.
- (1) No person shall start or run any aircraft engine unless a competent person is in the aircraft attending the engine controls.
 - (2) Blocks shall always be placed in front of the wheels before starting the engine or engines unless the aircraft is provided with adequate parking brakes.
 - (3) No person shall taxi an aircraft until he or she has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area. Aircraft not equipped with brakes shall have an attendant at a wing when the aircraft is taxied near buildings or other aircraft. Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property. Aircraft taxiing shall conform to the designated taxi patterns. Taxiing aircraft, when instructed to hold clear of the active runway, will hold clear at the taxiway hold line.
 - (4) All takeoffs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas. No landing or takeoff will be permitted on the taxiways. Aircraft awaiting takeoff shall stop at the taxiway hold lines for the runway in use and in a position so as to have a direct view of aircraft approaching and landing. Engine checks and run-ups prior to takeoff will be performed behind taxiway hold lines.

- (5) Prior authorization is required before air ships, dirigibles, motor-less aircraft or aircraft with total gross weight in excess of 25,000 pounds single wheel or 40,000 pounds dual wheels land or takeoff at the Airport.
- (6) Landing and takeoff should be made on the runway subject to the wind direction. No landing or takeoff shall be made except at a safe distance from other aircraft. All aircraft should use a recommended traffic pattern altitude.
- (J) No experimental flight or ground demonstrations shall be conducted on the Airport without the express written approval of the Owner.
- (K) No person, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by Airport attendants, shall be permitted to enter the landing area proper, taxi space, or aprons. However, this does not give any person or persons so accepted the privilege of unrestricted use of the Airport. These privileges are confined to the necessary use of these spaces in connection with flights, inspections, and routine duties.
- (L) All non-airworthy and/or otherwise disabled aircraft and parts thereof on the Airport shall be removed promptly from the Airport operations areas by the owners of said aircraft. If any person refuses to move said aircraft or parts thereof as directed by the Owner, said aircraft or parts thereof may be removed by the Owner at the aircraft owner or operator's expense and without any liability for damage which may result in the course of such moving or subsequent storage.
- (M) Aircraft carrying or suspected of carrying explosives.
 - (1) Landing or taxiing aircraft.
 - (a) Persons having knowledge of an aircraft carrying or suspected of carrying explosive materials will immediately so advise the Owner.
 - (b) Aircraft having passengers aboard will unload passengers on the outer extremities of the Airport terminal ramp and then immediately be moved to the taxiway hold line. Only engines affecting unloading of passengers should be shut off to enable subsequent moving of aircraft with a minimum of delay.
 - (2) Inspection of the aircraft and subsequent declaration of safety or contamination shall be the responsibility of the aircraft owner or his or her authorized agent and shall be accomplished immediately after parking and evacuation.

Article VIII – Rules for Aircraft Fueling Operations

- (A) No fuel storage or dispensing equipment shall be installed or used at the Airport without the prior written approval of the Owner. All such equipment, including fueling hoses, shall be of a modern design, kept in a safe and non-leaking condition, equipped with a grounding device to prevent ignition of volatile liquids and approved by the National Board of Fire Underwriters in all respects

and parts. The use of skid tanks and other such devices is prohibited.

- (B) No aircraft shall be fueled or drained while the aircraft engine is running or being warmed by applications of exterior heat or while the aircraft is in a hangar or an enclosed space. No aircraft shall be fueled or drained while passengers are on board the aircraft, the aircraft door is in open position, and a cabin attendant is present at or near the cabin door.
- (C) During all fuel operations, the aircraft and fuel dispensing apparatus shall be grounded to a point or points of zero electrical potential. No person shall operate any radio transmitter or receiver, or switch electrical appliances off or on in an aircraft during fueling or draining of aircraft. No person shall use any material during fueling or draining of aircraft that is likely to cause a spark or be a source of ignition.
- (D) Adequate fire extinguishers shall be within ready reach of all persons engaged in fueling or draining aircraft.
- (E) Smoking or lighting of an open flame shall be prohibited within 100 feet of any fueling operation.
- (F) Fueling operations shall be conducted and fuel trucks shall be parked at least 50 feet from any hangar, another aircraft or building.
- (G) When filling a tender from storage, two persons shall be in active attendance, except that only one person shall be required if a non-locking valve is in use on the fill pipe and control for said valve must be continuously in the attendant's hand in order to maintain fuel flow.
- (H) Persons engaged in the fueling and draining of aircraft shall exercise care to prevent overflow of fuel. Persons responsible will take proper measures to remove any volatile liquid when spilled.

Article IX – Fire Regulations

- (A) Smoking or lighting of an open flame is prohibited at places with posted signs, within 100 feet of any aircraft and within 100 feet of hangars, fuel trucks, or fuel loading stations, and tank farms.
- (B) No person shall start an open fire any place on the Airport without permission of the Owner.
- (C) No person shall use flammable volatile liquids having a flash point of less than 1100° F in the cleaning of aircraft, aircraft engines, propellers, appliances, or for any other purpose, unless such operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fire proofed and equipped with adequate and readily accessible fire extinguishing apparatus.
- (D) No person shall store material or equipment, use inflammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the Airport; provided however, that such materials may be kept in an aircraft in the proper

receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Owner, or in the underwriter's approved safety cans. The storage of paint thinners, fuels or other such volatile materials in hangars is prohibited.

- (E) Tenants of all hangars and buildings shall provide suitable fire extinguishers and equipment, and they shall be kept in good condition as recommended by the Washington County Fire Marshall and inspected at least every 12 months by trained personnel.
- (F) Tenants and persons are required to keep their premises clean and clear of all rubbish, junk, debris, old aircraft and vehicles, and unsightly objects. If, after warning by the Owner, the area is not cleaned within ten days of said warning, cleaning will be performed by the Owner and billed to the tenant or person.

Article X – Communications

The Airport is served by a Unicom radio which is periodically manned by Airport personnel. All pilots of aircraft having radio equipment permitting two-way communications should, as recommended by the FAA, contact the Airport Unicom to obtain Airport advisory information and announce their intentions when operating within 10 miles of the Airport. The pilots are also encouraged to maintain a listening watch on the Unicom frequency 122.800 at the Airport when operating within a 10-mile radius of the Airport. All departing aircraft should, as recommended by the FAA, announce on the Unicom their intentions and the runway to be used for takeoff and landing.

Article XI - Special Airport Uses

- (A) The Owner obligates itself to operate the Airport for the use and benefit of the public and to keep the Airport open to the various types, kinds, and classes of aeronautical use for which the Airport facility is designed and intended to serve.
- (B) The Owner has established these rules to be met by all users so as to provide for the safe and efficient use of the Airport and to otherwise protect the safety of persons and property both on the ground and in the air.
- (C) It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft whose weights are not in excess of the published strengths of the paved surfaces concerned. Operations on these surfaces by aircraft slightly in excess of the published pavement strengths may be permitted on an infrequent basis with the permission of the Owner.
- (D) No operations involving non-powered aircraft, including gliders, balloons, parachuting and other unusual and special classes of aeronautical activities, will be permitted on the Airport without the prior written approval of the Owner. No operations involving ultra light aircraft will be permitted without the approval of the Owner.

- (E) Considering the Owner's obligation to keep the Airport open to the public for aeronautical purposes, the Airport facilities will not be used for non-aviation events which would conflict with its aeronautical use without prior written approval of the County Manager.

Article XII – Categories of Aircraft

- (A) Final determination as to the proper category of any aircraft shall rest with the Owner. Charges as shown in Article XV shall be determined according to the following classifications:

- (1) *Private.*

- (a) Privately owned aircraft operated non-commercially by owner or owners.
- (b) Private aircraft may be used by persons other than the owner provided that it is not rented or leased by the aircraft owner for a profit.
- (c) Company and corporation-owned aircraft that are operated for the free transportation of their and other personnel and/or products, subject to the restrictions as listed under division (A)(1)(b) above.
- (d) Club aircraft owned and operated by a nonprofit partnership or nonprofit North Carolina corporation, with each club member being a bona fide owner of a part of the aircraft or a share in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance, and replacement of its aircraft and will file and keep up to date with the Owner a list of membership. If, at any time, the Owner has a reason to believe the club or club aircraft is being operated so that it falls under the "commercial" classification hereunder, it shall so notify such club, and, if they fail to remedy the conditions complained of, the Owner shall reclassify the aircraft or order specific conditions remedied. The Owner shall have the authority to deny the use of a club classification to any group.

- (2) *Commercial.*

- (a) Aircraft used for rental, hire or charter.
- (b) Aircraft used for student instruction and its kindred occupations.
- (c) Aircraft used for a commercial purpose and not otherwise covered in these regulations.

- (3) *Certified air carriers.*

- (a) *Contract.* All federally certified air carriers holding a contract with the Owner for Airport usage.

(b) *No contract.* All federally certified air carriers not covered in division (A)(3)(a) above.

Article XIII – Schedule of Charges by Aircraft

(A) Commercial activity.

- (1) No aircraft or aviation organization shall engage in any commercial activity of any type at the Airport unless prior permission is obtained from, and assessed fees are paid to, the Owner. Such permission and fees, in lieu of a contract as provided for in division (A)(2) of this section, shall be applicable for each and every such activity, with the fee being as determined by the Owner and in addition to the landing fees then in effect under division (A)(3) of this section.
- (2) The Owner, at its discretion, may enter into separate contracts with any certificated air carrier or commercial operation.
- (3) By resolution, the Owner may, from time to time, adopt a fee schedule to be applied for landings by certificated air carriers or commercial operations not having a contract with the Owner as provided above, which fee schedule shall be posted in a conspicuous place at the Airport terminal building and also at the office of the Owner. Certificated air carriers or commercial operators shall pay a fee for each landing at the Airport in accordance with any such fee schedule then in effect.
- (4) The Owner shall have the authority to detain any aircraft for non-payment of any charges due.

(B) *Government (public aircraft).* The following types of aircraft are granted the following exemptions: Aircraft owned by federal, state, or municipal government are exempt from both landing and parking fees. This shall not, however, obviate the payment of field use charges by the military, if in effect.

Article XIV – Infractions and Enforcement

Infraction means any of the following:

- (A) A violation of these Rules and Regulations.
- (B) In the case of an FBO or SASO, a violation of the FBO or SASO lease or giving false or inaccurate information to the Owner, County Manager or the Airport Manager in connection with the FBO or SASO lease.

Article XV – Effect of Infraction

Any infraction by any person, FBO, SASO, or tenant may result in termination of the contract, agreement or permit under which such person is operating. Upon termination, such person shall not be eligible for a new contract or agreement for a minimum period of six (6) months.

Article XVI – Notice of Infraction and Termination

The Owner, acting through the County Manager or another whom it may from time to time designate, shall give notice of termination by sending a certified letter to the person at the address listed upon the relevant permit, contract or agreement or, at the option of the Owner, at the person's last known address.

Article XVII - Hearing

Any person whose contract or agreement shall hereafter terminate may request a hearing thereon before the Washington County Board of Commissioners (the "Board"), provided such request is made in writing and received by the County Manager within 15 calendar days of the date of the Owner's notice of termination to such person. The Owner shall mail notice of the date, time and location of such hearing to the person requesting same and such notice shall be mailed at least 15 days in advance of such hearing date. At the hearing, the party requesting the hearing may appear, may be represented by counsel, and may present evidence. Upon completion of the hearing, the Board shall affirm, revoke or modify the termination and shall give prompt written notice of its action to the person requesting the hearing. Any adverse determination of the Board to the person requesting the hearing shall be subject to appeal in accordance with the applicable laws of the State of North Carolina.

Article XVIII – Severability

In the event that any provision of these Rules and Regulations shall for any reason be determined to be invalid, illegal or unenforceable in any respect, the other provisions of these Rules and Regulations shall remain in full force and effect.

Article XIX - Revisions

The County shall reserve the right to modify, alter, change or add to these Airport Rules & Regulations as needed.

Article XX – Liability

The County provides the Airport as a public service. However, neither the County nor its employees shall be liable for any damages to neither personal property nor personal injury resulting from the use of these facilities.

Article XXI – Effective Date

This ordinance shall become effective and be in full force from and after the 3rd day of May, 2010. Adopted by the Washington County Board of Commissioners this the 5th day of April, 2010.

Tracey A. Johnson

Tracey A. Johnson, Chair
Washington County Board of Commissioners

ATTEST:

Julie J. Bennett

Julie J. Bennett
Clerk to the Board

