




Ordinance No.23-04: Airport Rules and Regulations Ordinance for Fort Wayne International Airport.

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

Ordinance No. 23-04 supersedes Ordinance No. 23-02 Airport Rules and Regulations Ordinance.

Ordinance No. 23-04 is effective upon passage.


INTRODUCED this 16th day of October, 2023 by:




Gregg C. Sengstack, Vice-President

APPROVED: 13th Day of November, 2023

Richard B. Sturges, Jr., President



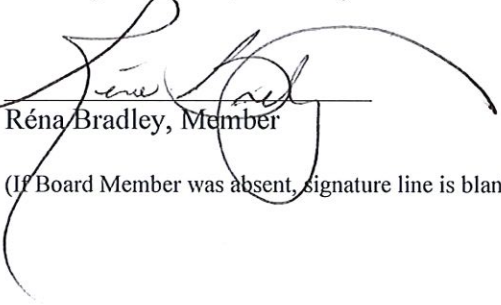
Gregg C. Sengstack, Vice-President



Timothy J. Haffner, Secretary



Jerome F. Henry, Jr., Member

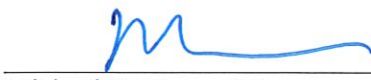


Rena Bradley, Member

Kimberly M. Grannan, Member

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

APPROVED AS TO FORM AND LEGALITY:



Michael T. Deam, Attorney
Fort Wayne-Alten County Airport Authority

FORT WAYNE-ALLEN COUNTY AIRPORT AUTHORITY

FORT WAYNE INTERNATIONAL AIRPORT

2024 AIRPORT RULES AND REGULATIONS ORDINANCE

No. 23-04

1.01 Title

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

1.02 Authority

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

1.03 Purpose

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

1.04 Definitions

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

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

(2) "Affiliate" shall mean any Airline, ground handling company or other entity designated in writing by an Airline as an Affiliate that is operating under the same flight code designator and is: (1) a parent or subsidiary of an Airline or is under common ownership and control with Airline; (2) operates under essentially the same trade name as an Airline at the Airport and uses essentially the same livery as the Airline; or (3) is a contracting ground handling company on behalf of the Airline at Airport.

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

(4) "Airline" shall mean each airline providing commercial passenger service to and from the Airport and using the Airport Terminal Building to enplane and deplane passengers or cargo service to and from the Airport.

(5) "Air Operations Area" (AOA) means an area where security measures are enforced as specified in the Airport security program. This area includes Movement Areas, aircraft parking areas, loading ramps and safety areas, and any adjacent areas not separated by adequate security systems, measures or procedures.

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

(7) "Authority" means the Fort Wayne-Allen County Airport Authority or its Board.

(8) "Bag Jam" is a stoppage of the baggage handling system (BHS) that is caused by a bag that was placed on the belt system to travel through the security devices with the intent of ultimately being put on a commercial aircraft.

(9) "Board" means the Fort Wayne-Allen County Airport Authority Board, owner and operator of the Fort Wayne International Airport and Smith Field Airport.

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

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

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

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

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

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

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

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

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

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

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

(21) "GSE" stands for Ground Support Equipment. Ground support equipment means service and maintenance equipment used at an airport to support aeronautical operations and related activities. Baggage tugs, belt loaders, cargo loaders, forklifts, fuel trucks, lavatory trucks, and pushback tractors are among the types of vehicles that fit this definition.

(22) "Hazardous Substance" shall mean Hazardous Substance as defined in 42 USCA Sec. 9601 (14) or in Indiana Code IC 13-11-2-98 as the same are from time to time amended.

(23) "Maintenance" the process of keeping or maintaining something in good condition.

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

(25) "Movement Area" means the runways, taxiways, and other areas of the Airport that are used for taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and aircraft parking areas.

(26) "Non-Movement Area" means taxiways, aprons, and other areas not under the control of air traffic or at Airports without an operating airport traffic control tower.

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

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

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

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

(31) "Operator" means any Person exercising control of an Aircraft or Motor Vehicle.

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

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

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

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

1.05 Administration and Policy Oversight

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

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

1.06 Enforcement

The Director or his or her designee(s) will enforce the provisions of this Ordinance and may call upon Authority Public Safety Department law enforcement for such assistance as the Director may from time to time require. Such enforcement may originate from random video reviews as well as complaints and direct observation by the Director or his or her designee(s).

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

1.31 Prohibited Activities; Commercial Activities

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

(1) To engage in any Commercial Activity, provide service or conduct any activities on the premises of the Airport, or off the premises of the Airport, which derives revenue from operations of the Airport, without first entering into a written lease or other written agreement with the Board in accordance with specifications established by the Authority;

(2) To solicit in any manner (verbally or by posting, distributing, or displaying signs, advertisements or distributing circulars) for any purpose at the Airport unless such solicitation is approved pursuant to a written lease or other written agreement with the Authority;

(3) To use any Authority land or engage in any Commercial Activity unless such activity is conducted in accord with the Commercial Minimum Standards Ordinance and all applicable Ordinances; and

(4) To conduct activities without a proper operating agreement, permit or a valid property lease agreement that specifically authorizes such activities and has been executed by all parties and approved by the Board.

1.32 Prohibited Activities; Tenants

In addition to the above Section 1.21 Prohibited Activities; Commercial Activities, it shall be unlawful and a violation of this Ordinance for any Tenant its subtenants, employees, invitees, contractors, etc. to do or permit or cause to be done, any of the following:

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

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

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

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

(Section 1.33 through 1.40, inclusive, are reserved for future use.)

1.41 Air Operations Area; Aeronautical Activities Regulated

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

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

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

(4) Smoking is prohibited within the Air Operations Area.

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

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

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

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

(4) Any Person damaging an airfield light fixture, signage components or other Airport facility shall report such damage to the Director's office and/or Airport Public Safety Department immediately and shall be responsible for any costs incurred by the Authority to repair or replace the damaged fixture or facility.

1.43 Air Operations Area; Prohibited Activities; Aircraft Operations

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

- (1) Operate any Aircraft weighing more than the designated load-bearing capacity of that part of the Airport on which the Aircraft is operated;
- (2) Operate any Aircraft contrary to Airport issued Notice to Airmen (NOTAM) published by the FAA;
- (3) Park, or cause to be parked, an Aircraft in any area on the Airport other than parking areas designated by the Director;
- (4) Fail to secure an unattended Aircraft;
- (5) Be present on any portion of the Air Operations Area, unless specifically authorized by the Director;
- (6) Fail to display or have in ones' possession a valid identification media as required by the Airport while present on any portion of the Air Operations Area;
- (7) Endanger the safety of his or her own person or property or the safety of another's person or property by the negligent Operation of an Aircraft;
- (8) Operate any Aircraft on the Airport while under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance, under the influence of any other drug to a degree that renders such Person incapable of safely Operating the Aircraft, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely Operating the Aircraft;
- (9) Interfere or tamper with an Aircraft without permission of the Owner thereof;
- (10) Put in motion an Aircraft without permission of the Owner thereof;
- (11) Use or remove an Aircraft, Aircraft parts, instruments, or tools without permission of the Owner thereof;

(12) Taxi an Aircraft into or out of a hangar;

(13) Operate an Aircraft engine in any hangar or building on the Airport, except in approved test facilities;

(14) Perform Aircraft engine run ups for maintenance purposes except in areas designated by the Director; and

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

(16) Except for immediate minimum repairs required to remove an aircraft from passenger boarding gate (Gate) in the event of breakdown, the servicing, cleaning, repairing, maintaining, or overhauling of any aircraft at a Gate is prohibited, unless otherwise authorized by a lease, license, permit, or operational directive of the Director. All work needing to be done to the aircraft at a Gate must not take more than 1 hour or they need to be relocated to the approved area for maintenance.

(17) Disabled aircraft may not be left at a jetbridge after passengers have deplaned. Disabled aircraft should be immediately reported to Airport Operations and moved to remote parking locations.

(18) Adequate Personnel - Passengers shall not be permitted to enplane or deplane Aircraft outside of the presence of authorized Airline personnel. Airlines and Affiliates shall not enplane an Aircraft until there is sufficient personnel (including, but not limited to, ground support personnel, and other personnel necessary to meet FAA, TSA and Airport security program requirements) is available to operate the Aircraft without delay. Likewise, Airlines and Affiliates shall ensure that sufficient personnel (including, but not limited to, ground support personnel, and other personnel necessary to meet FAA, TSA, and Airport security program requirements) is available to deplane an Aircraft without delay. An Airline or an Affiliate that, solely due to a lack of available personnel, leaves passengers on an Aircraft for more than 30 minutes after enplaning, but before departing (either at the gate or ramp), or after arriving, but before deplaning (either on the ramp or the gate).

1.44 Air Operations Area; Prohibited Activities; Motor Vehicle Operations

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

(1) Operate a Motor Vehicle on the terminal apron at a speed in excess of ten (10) mph;

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

(3) Operate any Motor Vehicle unless equipped with two (2) headlights and factory installed red taillights. The headlights shall be of sufficient brilliance to ensure safety in driving at night, and all lights shall be kept lighted at all times unless the Vehicle is in a designated parking area or during fueling operations;

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

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

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

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

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

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

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

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

(12) Operate a Motor Vehicle (other than an Aircraft) on controlled Movement Areas and Non-Movement Areas unless equipped with a functioning and in use amber 360 degree viewable light beacon. Motor Vehicles accompanied by an approved escort Vehicle with the approved amber beacon in use shall be exempt from application of this subsection; and

(13) Clean or make repairs to Motor Vehicles or GSE in the Air Operations Area. All approved cleaning and repair of Motor Vehicles or GSE shall be performed in areas designated by the Director. Such areas will meet Federal, State, and Local laws and regulations covering Motor Vehicle or GSE cleaning and repair activities.

(14) The parking or storing of any motor vehicle or any ground support equipment on the AOA is prohibited other than in areas designated or authorized by the Director. Such parking or storing contrary to any posted regulatory signs, traffic control devices, pavement markings, or in any manner that creates an unsafe condition or unsightly appearance is prohibited.

(15) Ground support equipment shall not be parked near any aircraft or other ground support equipment in a manner that prevents such equipment from being readily driven or towed away from the aircraft in case of an emergency.

(16) Vehicles and GSE's shall not be parked within fifteen (15) feet of, or in any manner that blocks or interferes with access to, a fire hydrant, fire department connection, fire lane, or any other fire protection device or equipment.

(17) Vehicles and GSE's shall not be parked within ten (10) feet of, or in any manner that blocks or interferes with access to a perimeter fence.

(18) Except for immediate minimum repairs required to remove a vehicle or any GSE from the AOA in the event of breakdown, the servicing, cleaning, repairing, maintaining, or overhauling of any vehicle or other GSE on the AOA is prohibited, unless otherwise authorized by a lease, license, permit, or operational directive of the Director.

i. All work needing to be done to the GSE's and vehicles must not take more than 4 hours or they need to be relocated to the approved areas of maintenance.

ii. All disabled vehicles and/or GSE's must be moved to a proper parking location, or removed from the airfield as soon as possible. The Authority reserves the right to relocate a disabled vehicle at the expense of the owner if the owner is provided 72 hour notice and arrangements to have the vehicle removed have not been made, or immediately if the vehicle presents an unsafe condition or undue hardship for other Airfield operators.

(19) The fueling of motor vehicles or other motorized GSE's on the AOA shall be conducted only in those areas established for such purpose by the Director.

i. Only those Persons who have then been authorized by the Director or those Persons, tenants or companies who have authority through the issuance of a permit or lease by the Authority, may dispense fuel into any vehicle or motorized ground support equipment on the Airport.

(20) The regeneration of vehicles due to diesel particulate filter in locations other than posted areas in the AOA is prohibited.

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

1.61 Prohibited Activities; Safety Related; General

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

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

(2) Use of any lit smoking materials in any area unless the same is clearly marked, "Smoking Permitted.";

(3) Unlock or leave unlocked any controlled security gate or door at the Airport except when the gate or door is actively in use and attended by an authorized person;

(4) Enter secured doors, gates, or other secured entrances without utilizing proper media or access codes assigned to that person. Tailgating (following another person through a secured door, gate, etc.) and using another's access media is prohibited;

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

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

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

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

(9) Bring into the Airport terminal building any animal that is not caged, with the exception of service animals;

(10) Hunt, trap, or discharge firearms on Airport property without the approval of the Director;

(11) When escorting individuals that do not have airport issued identification media that permits access to secured area, fail to keep such individuals within speaking distance of the assigned escort or fail to have direct control over such escorted individuals; and

(12) Escort in secured areas at any given time, more than six (6) individuals that do not have airport issued identification media in the SIDA and Sterile areas or, Escort on the AOA more than 10 individuals, unless a variance to this ratio has been approved by Airport Security Coordinator.

- (13) Place baggage on the BHS belt system in such a manner that:
- i. It causes a bag jam and
 - ii. Violates training procedures and/or
 - iii. Violates posted bag hygiene procedures

(14) Refusal to aviation worker screening in the secured areas. This screening includes and possessions as well as the person.

(15) Possess an explosive, incendiary device, or firearm in the secured areas.

(16) Possess any other prohibited item not addressed in 1.61.15 to include but not limited to knives, box cutters, or any other type of weapon that isn't a tool of the trade.

1.62 Safety Regulations; Fueling Procedures

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

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

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

(3) All fueling and defueling will be in areas approved by the Director;

(4) Staging or parking of fueling Vehicles at the Airport must be in areas approved by the Director and at least fifty (50) feet from any building. Fueling Vehicles must be parked at least ten (10) feet away from another fueling Vehicle;

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

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

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

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

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

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

(11) Fueling and defueling of Aircraft shall be conducted at a distance of at least fifty feet (50') from any building;

(12) No person shall light or permit any open flames within one hundred (100) feet of an Aircraft being fueled or drained nor within one hundred (100) feet of a fuel storage area;

(13) No person shall fuel a Motor Vehicle on the Airport except from locations and equipment approved by the Director;

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

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

(16) An Operator that is a Self-Fueler may hangar, tie-down, adjust, repair, refuel, clean and otherwise service its own Aircraft, provided it does so with its own employees in accordance with the established policies and standards of the FAA. In the

interest of safety and environmental protection, Board has the right to designate the locations of Self-Fueler storage facilities; and

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

1.63 Prohibited Activities; Co-op Fueling

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

- (1) Owner, tenant, or user of a fuel farm to participate in Co-operative Fueling arrangements of any kind on the Airport;
- (2) Form an organization with multiple Aircraft Owners for the purposes of being considered a single Aircraft owner for Self-Fueling purposes; and
- (3) Joint venture arrangements where title to Aircraft and/or Aircraft lease are in the name of the joint venture are not considered Co-op Fueling under this section.

(Section 1.64 Is reserved for future use.)

1.65 Restricted Activities; Self-fueling

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

- (1) Self-Fueling is only permitted if the Aircraft Owner has a valid lease with the Authority;
- (2) Self-Fueling is only permitted if Tenant leases building space equal to or in excess of the square footage as specified in the Minimum Standards;
- (3) Self-Fueling is only permitted if Tenant has a specific provision in the lease permitting this activity and outlining responsibilities regarding this activity;
- (4) Self-Fueling is only permitted if Tenant is the Aircraft Owner or has a current lease documenting exclusive use and control of the Aircraft;
- (5) Self-Fueling is only permitted for Aircraft owned and/or controlled by Operator;

- (6) Self-Fueling will only be allowed in areas designated by the Authority; and
- (7) No retailing or wholesaling of fuel of any kind is permitted.

1.66 Prohibited Activities; Safety Regulations; Hazardous Materials

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

- (1) Use flammable liquids in the cleaning of Aircraft or Aircraft engines, propellers, or other appliances, equipment, or parts of Aircraft unless such cleaning operations are conducted in accordance with NFPA standards and all applicable Federal, State and Local codes;
- (2) Dump or otherwise introduce any petroleum products, agricultural chemicals, or other industrial waste matter into drains, or any other area or receptacle other than a receptacle approved for such use in accordance with NFPA standards and all applicable Federal, State and Local codes;
- (3) Perform doping processes, spray painting, or paint stripping, except in areas or facilities approved for such purposes, in accordance with NFPA standards and all applicable Federal, State and Local codes;
- (4) Keep or store any flammable and/or volatile liquids, gases, or other similar material in hangars, shops, or any building on the Airport, except that such materials may be kept in receptacles and in rooms or areas specifically approved for such storage, in compliance with NFPA standards and all applicable Federal, State and Local codes;
- (5) Keep or store lubricating oils on the Airport, except in containers and receptacles designed for such purpose and in structures or areas specifically approved for such storage, in compliance with NFPA standards and all applicable Federal, State and Local codes;
- (6) Fail to comply with all applicable Federal, State and Local statutes and regulations relating to the protection of the environment including, without limitation, 42 USCA Sec. 6991-6991k and those contained in Title 13 of the Indiana Code; and
- (7) Fail to comply with all requirements and provisions contained in the Fort Wayne-Allen County Airport Authority's Spill Prevention and Countermeasure Plan, as amended from time to time.

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

1.91 Penalties

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

Exceptions:

1.43 (16) and 1.43 (17) will be a per hour offenses

1.43 (18) will be a progressive penalty. The Authority shall impose a second violation charge when a second violation of the same rule occurs within a twelve month period from the date of the first violation. The Authority shall impose a third violation charge when a third violation of the same rule occurs within a twelve month period from the date of the first violation.

1.61 (13) will be issued to the ground handler per offense.

<u>VIOLATION OF SECTION</u>	<u>FINE/PENALTY</u>
1.31 (1) Unauthorized Commercial Activity (non-aviation)	\$ 350.00
1.31 (2) Unauthorized solicitation/distribution or advertising	\$ 50.00
1.31 (3) Unauthorized Commercial Activity (aviation)	\$ 350.00
1.31 (4) Activity without a valid Airport agreement	\$ 350.00
1.32 (1) Failure to meet fire regulations	\$ 50.00
1.32 (2) Storing material in hazardous manner	\$ 50.00
1.32 (3) Failure to obtain building permit	\$ 100.00
1.32 (4) Unauthorized use of hangar space by others	\$ 100.00
1.41 (3) Failure to obtain written permission for special events	\$ 100.00
1.41 (4) Unauthorized smoking	\$ 10.00
1.42 (3) Failure to report accident	\$ 250.00
1.42 (4) Failure to report damage	\$ 250.00
1.43 (1) Operation of Aircraft exceeding pavement weight capacity	\$ 150.00
1.43 (2) Operation of Aircraft contrary to NOTAM	\$ 150.00
1.43 (3) Unlawful parking of Aircraft	\$ 25.00
1.43 (4) Failure to secure unattended Aircraft	\$ 100.00
1.43 (5) Unauthorized presence in Air Operations Area	\$ 250.00
1.43 (6) Failure to properly display or have in ones possession required Air Operations Area I.D. media	\$ 100.00
1.43 (7) Negligence in Operation of Aircraft	\$ 100.00
1.43 (8) Operating Aircraft under influence of alcohol/drugs	\$ 150.00
1.43 (9) Unauthorized tampering with Aircraft	\$ 100.00
1.43 (10) Unauthorized Operation of Aircraft	\$ 100.00
1.43 (11) Unauthorized removal of Aircraft and/or components	\$ 100.00
1.43 (12) Unauthorized Aircraft Taxi in/out hangar	\$ 25.00
1.43 (13) Unauthorized Aircraft engine operation	\$ 100.00
1.43 (14) Unauthorized Aircraft engine run-up	\$ 100.00

1.43 (15) Clean or Repair of Aircraft in unauthorized area	\$ 100.00
1.43 (16) Unauthorized repair at Passenger Boarding Gate	\$ 100.00
1.43 (17) Unauthorized Parking at Passenger Boarding Gate	\$ 100.00
1.43 (18) Inadequate Personnel	\$1,000.00
2 nd violation	\$3,000.00
3 rd violation	\$5,000.00
1.44 (1) Operate Motor Vehicle on Apron over 10 mph	\$ 50.00
1.44 (2) Operation of unsafe Motor Vehicle	\$ 50.00
1.44 (3) Operation of improperly equipped Motor Vehicle	\$ 50.00
1.44 (4) Operation of Motor Vehicle in passenger loading areas	\$ 100.00
1.44 (5) Reckless Operation of Motor Vehicle	\$ 100.00
1.44 (6) Operation of Motor Vehicle that endangers property/people	\$ 100.00
1.44 (7) Failure to yield right of way to Aircraft	\$ 50.00
1.44 (8) Unlawful vehicle parking	\$ 20.00
1.44 (9) Unattended Motor Vehicle in AOA	\$ 75.00
1.44 (10) Unauthorized operation of Motor Vehicle on Movement Area	\$ 100.00
1.44 (11) Unauthorized personnel or Motor Vehicle in Movement Area	\$ 250.00
1.44 (12) Operation of Motor Vehicle without amber light	\$ 25.00
1.44 (13) Clean or Repair of Motor Vehicle in prohibited area	\$ 100.00
1.44 (14) Unauthorized Parking of Motor Vehicles or GSE	\$ 30.00
1.44 (15) Unauthorized Parking of Motor Vehicles or GSE near Aircraft	\$ 100.00
1.44 (16) Unauthorized Parking in Fire Lane	\$ 100.00
1.44 (17) Unauthorized Cleaning, Maintenance, or Repairing of Motor Vehicles or GSE in an Unapproved Area	\$ 100.00
1.44 (18) Unauthorized Fueling of Motor Vehicle or GSE	\$ 50.00
1.44 (20) Regeneration of diesel vehicles in non-posted areas	\$ 50.00
1.61 (1) Improper disposal of refuse	\$ 50.00
1.61 (2) Smoking in unauthorized areas	\$ 50.00
1.61 (3) Failure to lock secure area	\$ 100.00
1.61 (4) Accessing controlled areas without using access code or badge, or tailgating using another's access medium	\$ 100.00
1.61 (5) Tampering or disabling a security gate or door	\$ 250.00
1.61 (6) Falsification of information on applications to obtain A.O.A. access media or driving permit	\$ 250.00
1.61 (7) Possess, alter or use falsified I.D. media for A.O.A. access	\$ 250.00
1.61 (8) Possess, alter or use falsified driving permit for A.O.A. access	\$ 250.00
1.61 (9) Uncaged animal in terminal building	\$ 25.00
1.61 (10) Unauthorized hunting, trapping or firearms	\$ 100.00
1.61 (11) Failure to control escorted personnel	\$ 100.00
1.61 (12) Escorting more individuals than authorized	\$ 100.00
1.61 (13) Baggage jam	\$ 25.00
1.61 (14) Refusal aviation worker screening	\$ 50.00
1.61 (15) Explosive, incendiary device, or firearm in secured area	\$ 250.00
1.61 (16) Weapon or other prohibited item in secured area	\$ 100.00
1.62 (1) Failure to dispense fuels in accordance with standards	\$ 300.00

1.62 (2) Use of substandard or unauthorized fueling equipment	\$ 300.00
1.62 (3) Fueling/defueling in restricted areas	\$ 300.00
1.62 (4) Parking fueling Vehicles too close to buildings or other fueling Vehicles	\$ 50.00
1.62 (5) Leaving fueling Vehicle unattended	\$ 30.00
1.62 (6) Fueling/defueling while engine is running	\$ 50.00
1.62 (7) Failure to ground Aircraft and fueling equipment	\$ 50.00
1.62 (8) Failure to exercise care in fueling operations	\$ 50.00
1.62 (9) Failure to properly dispose fuel sump discharge	\$ 250.00
1.62 (10) Use of substandard fueling devices	\$ 50.00
1.62 (11) Fuel/defueling Aircraft in unauthorized location	\$ 50.00
1.62 (12) Open flame while fuel/defuel Aircraft	\$ 300.00
1.62 (13) Fuel Motor Vehicle in unauthorized location	\$ 30.00
1.62 (14) Allowing unauthorized Person to dispense fuel	\$ 50.00
1.62 (15) Improper storage or dispensing of fuels	\$ 50.00
1.62 (14) Fueling too close to buildings	\$ 50.00
1.62 (16) Self-fueling in a non-designated area	\$ 50.00
1.62 (17) Self-fueler not having the required equipment	\$ 300.00
1.63 (1) Having or participating in any type of co-op fueling arrangement	\$ 750.00
1.65 (1) Self-fueling aircraft without appropriate lease with Authority	\$ 750.00
1.65 (2) Self-fueling without sufficient building space leased	\$ 750.00
1.65 (3) Self-fueling aircraft without lease with appropriate lease provisions	\$ 750.00
1.65 (4) Self-fueling without being aircraft owner or having a valid aircraft lease	\$ 750.00
1.65 (5) Self-fueling an aircraft not self-owned and/or controlled	\$ 750.00
1.65 (6) Self-fueling in non-designated areas	\$ 750.00
1.65 (7) Illegal wholesaling or retailing of aviation fuels	\$ 750.00
1.66 (1) Unlawful use of flammables in cleaning Aircraft and parts	\$ 150.00
1.66 (2) Dumping of controlled or regulated waste	\$ 250.00
1.66 (3) Performing doping and painting operation in restricted area	\$ 50.00
1.66 (4) Improper storage of flammables	\$ 50.00
1.66 (5) Improper storage of oils	\$ 50.00
1.66 (6) Failure to comply with environmental regulations	\$250.00
1.66 (7) Failure to comply with Spill Prevention and Countermeasure Plan	\$250.00

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

1.92 Indemnity

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

1.99 Civil Responsibility

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

Any and all violations requiring fines and/or civil penalties to be issued under this Ordinance and requiring legal action to be taken by the Authority to collect on said fines and/or civil penalties shall include the payment by the violator of any and all legal costs incurred by the Authority, including attorney fees, court costs and any other such costs which may be assessed by a court of competent jurisdiction against the violator in addition to the fines or penalty.