



Ordinance No. 13-02: Airport Rules and Regulations Ordinance for Smith Field Airport.

The text of the Airport Rules and Regulations for Smith Field Airport is attached hereto and incorporated herewith.

Ordinance No. 13-02 supersedes Ordinance No. 06-12 the 2006 Airport Regulations Ordinance.

Ordinance No. 13-02 is effective upon passage.

Introduced this 17th day of June, 2013 by: [Signature]
Timothy J. Haffner, Secretary

APPROVED: 15th day of July, 2013 by:

[Signature]
Michael S. Goulouff, President

[Signature]
Richard B. Sturges, Jr., Vice-President

[Signature]
Timothy J. Haffner, Secretary

[Signature]
Jerome F. Henry, Jr., Member
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Benjamin T. Johnston, Member

[Signature]
Cornelius B. (Neil) Hayes, Member

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

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Michael T. Deam, Attorney
Fort Wayne-AlLEN County Airport Authority

FORT WAYNE-ALLEN COUNTY AIRPORT AUTHORITY

SMITH FIELD

AIRPORT RULES AND REGULATIONS ORDINANCE

No. 13-02

1.01 Title

This Ordinance may be cited as the Smith Field 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 Smith Field.

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 Movement Areas, Non-movement 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.

(2) "Aircraft" means a device that is used or intended to be used for flight in the air.

(3) "Airport" means Smith Field, together with all improvements and facilities of whatever nature located thereon.

(4) "Air Operations Area" 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.

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

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

(7) "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.

(8) "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.

(9) "Director" means the Executive Director of Airports of the Fort Wayne Allen County Airport Authority or his/her duly authorized representative.

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

(11) "Fixed Base Operator" (FBO) means an entity which maintains facilities and provides in-plane fueling services at the Airport for the purpose of engaging in Commercial Activities on the Airport. This definition also includes, but is not limited to the following: flight training, aircraft rental, aircraft sales, aircraft charter or air taxi, airframe and power plant 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 aviation fuel services at the Airport.

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

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

(14) "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.

(15) "Motor Vehicle" means a Vehicle which is self-propelled. This definition includes, but is not limited to, the following: automobiles, trucks, semi-tractors, bicycles, snowmobiles, motorcycles, and mopeds, but excludes Aircraft as defined herein.

(16) "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.

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

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

(19) "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.

(20) "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.

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

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

(23) "Owner" is any individual, firm, partnership, corporation, company, association, entity, and any trustee, receiver, assignee or similar representative thereof that owns or leases an aircraft.

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

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

(26) "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.

(27) "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 Authority.

(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).

1.70 Deviation

The pilot in command of an Aircraft is directly responsible for, and is the final authority as to, the operation of that Aircraft. In an emergency requiring immediate action, the pilot in command may deviate from any rule of this Ordinance to the extent required to meet that emergency. Any person deviating from any part of this Ordinance, regardless of cause, shall report the deviation as soon as practical and without solicitation.

1.71 Parking Regulations (Non-Airport Operations Areas)

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

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

(2) Double park any Motor Vehicle in any area;

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

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

1.72 Towing of Motor Vehicles

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

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

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

1.73 Motor Vehicle Traffic Control

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

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

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

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

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

(5) Operate a Motor Vehicle on any portion of the airport property without a proper and/or valid operators' license issued by a state or territory of the United States or by the U.S. Federal Government;

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

(7) Operate a Motor Vehicle while the Operator is 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 the degree which renders him or her incapable of safely Operating the Vehicle, 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 Vehicle; and

(8) As Operator of a Motor Vehicle, fail to yield the right of way to all Aircraft under all conditions.

(Section 1.74 is reserved for future use.)

1.75 Prohibited Activities; Commercial Activities

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

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

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

(3) To solicit for any purpose at the Airport in any manner unless such solicitation is approved pursuant to a written lease or other written agreement with the Authority;

(4) To post, distribute, or display signs, advertisements or distribute circulars without Director's approval;

(5) To use any land, conduct any Commercial Activity or solicit business in connection therewith unless such activity is conducted in accord with the Commercial Minimum Standards and these Ordinances; and

(6) 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.

1.76 Prohibited Activities; Tenants

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

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

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

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

(4) Install any device or equipment which provides a communication network within the Airport premises between users or tenants of the Airport, without first making written application for review and approval by the Authority and entering into a written agreement with the Authority with respect to such device or equipment;

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

(6) Conduct commercial aviation or related activity in or within thirty feet (30') of a non-commercial hangar on the Airport.

1.77 Flying Clubs

(1) Flying Clubs operating at the Airport must comply with Ordinances of the Authority.

(2) All Clubs must be non-profit entities organized for the express purpose of providing its members with an Aircraft for only their personal use and enjoyment. No part of the net earnings of the Club will inure to the benefit of any member in any form (salaries, bonuses, etc). The Club may not receive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of the Aircraft.

(3) Ownership of the Aircraft must vest in the name of the Flying Club (or owned proportionately by all of its members). Property rights of the members shall be equal. Proof of ownership of the Aircraft by the Club or proportionately owned by the members shall be provided to the Authority.

(4) Clubs may not offer or conduct charter, air taxi or rental aircraft operations to entities not a member of the Club.

(5) Clubs may not conduct Aircraft flight instruction except for members. Only members of the Club may operate the aircraft except for ferrying operations or maintenance checks.

(6) The Club shall furnish the Authority upon request a copy of its organizational documents such as charter, by laws, articles of associations, partnership agreement(s) and/or other documents supporting its existence; a roster or list of members including names of officers and directors (revised annually); evidence of insurance meeting the minimums in accordance with the insurance guidelines established by the Authority in consultation with its risk management agent(s) as amended from time to time in the lease agreement; number and type of Aircraft; and evidence that Aircraft are properly certificated. The books and other records of the Club shall be available for review at any reasonable time by the Authority or its authorized agent.

(Sections 1.78 and 1.79 are reserved for future use.)

1.80 Movement 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 Authority.

(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 shows, aerial demonstrations, or other special activities shall be held at the Airport unless prior written permission is obtained from the Director.

1.81 Movement Area; Towing and Removal of Aircraft; Accidents

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

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

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

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

1.82 Air Operations; 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 weight bearing capacity of that part of the Airport premises on which the Aircraft is operated without a PPR (prior permission required) from the Director.;
- (2) Operate any Aircraft contrary to Airport issued Notice to Airmen (NOTAM) published by the FAA.;
- (3) Park, or cause to be parked, any Aircraft in any area on the Airport other than parking areas designated by the Director;
- (4) Fail to secure an unattended Aircraft, for example, locking the doors, locking the controls, use of prop locks, chocking the aircraft, tie down the aircraft or whatever other means necessary to discourage or prevent unauthorized access to the aircraft, or movement of the aircraft;
- (5) Be present on any portion of the Movement Area that is not in accordance with all airport, local, state, federal regulations;
- (6) 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;
- (7) Operate any Aircraft on the grounds of the Airport while under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance, under the influence of any other drug to a degree which 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;
- (8) Interfere or tamper with any Aircraft without permission of the Owner or Operator thereof;
- (9) Put in motion any Aircraft without permission of the Owner or Operator thereof;
- (10) Use or remove any Aircraft, Aircraft parts, instruments, or tools without permission of the Owner or Operator thereof;
- (11) Taxi an Aircraft into or out of a hangar;
- (12) Operate any Aircraft engine in any hangar or building on the Airport, except in approved test facilities;
- (13) Perform any engine run ups for maintenance purposes except in areas designated by the Director; and

(14) 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.

1.83 Movement 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 Movement Area and other areas of the Airport as specified herein:

(1) Operate any Motor Vehicle unless equipped with two headlights and factory installed red taillights. The headlights shall be of sufficient brilliance to assure 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;

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

(3) Operate a Motor Vehicle on Movement Areas unless the Vehicle and driver are registered with the Director to do so or unless there exists an agreement with the Authority for such Operation, and the driver is in possession of a proper and/or valid operators' license issued by a state or territory of the United States or by the U.S. Federal Government;

(4) Walk or Operate a Motor Vehicle on the Movement Areas without proper authorization of Airport personnel;

(5) Operate any Motor Vehicle on the Movement Areas unless equipped with a functioning and operating amber light beacon. Motor Vehicles accompanied by an approved escort Vehicle with the approved amber beacon in use shall be exempt from application of this subsection;

(6) Operate a Motor Vehicle at a speed that could endanger property or Persons;

(7) Operate a Motor Vehicle in a reckless manner; and

(8) As Operator of a Motor Vehicle, fail to yield the right of way to all Aircraft under all conditions.

(Sections 1.84 and 1.85 are reserved for future use.)

1.86 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. Only airport/aviation related trash shall be disposed on the Airport;

(2) Smoke or carry lighted smoking materials, or any open flame within one hundred (100) feet of an Aircraft being fueled or drained, or in any hangar or shop, service area, fuel storage area, apron area, or in any building, place, or room on the Airport where specifically prohibited by signs and ordinances;

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

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

(5) Falsify information contained or included on any Airport Authority application form for use in issuing Airport access identification media or for the issuance of a required operator's permit for use on the Movement Areas;

(6) Possess, alter or use in any way a falsified Airport Authority access or identification media which permits access onto any area inside of the security fence line of the Airport;

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

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

(9) Have lighted smoking material in any public area unless the same is clearly marked, "Smoking Permitted."

1.87 Safety Regulations; Fueling Procedures

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

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

(2) All fueling equipment Operating at the Airport shall meet the standards for dispensing equipment, safety equipment, and markings in accordance with NFPA standards, and all applicable Federal, State and Local codes;

(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. 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 Movement Area unless the Vehicle is in an authorized parking area;

(6) No Person shall fuel or defuel an Aircraft 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 Personnel or Airport Authority Public Safety Department 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 which are not in a safe, sound, and non-leaking condition in accordance with NFPA standards;

(11) No Person shall fuel Motor Vehicles on the Airport except from locations and equipment approved by the Director;

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

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

(14) Fueling and defueling of Aircraft shall be conducted in areas approved by the Director and at a distance of at least fifty feet (50') from any building;

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

(16) 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. Underground and 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; and

(17) No Person shall light or permit 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.

1.88 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 dated September 1992 as amended from time to time.

1.89 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 at a hangar facility or apron area 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 entity are not considered Co-op Fueling under this section.

1.90 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 Commercial 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 based at the Airport;
- (6) Self-Fueling is only permitted if Tenant has an above ground storage tank in accordance with all laws and regulations;
- (7) Self-Fueling will only be allowed in areas designated by the Authority;
- (8) No retailing or wholesaling of fuel of any kind is permitted; and
- (9) Self-Fuelers shall have all applicable State and local permits and a written agreement with the Board for any aviation fuel storage facility.

1.91 Penalties

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

<u>VIOLATION OF SECTION</u>	<u>FINE/PENALTY</u>
1.71 (1) Unlawful parking of Vehicle	\$ 10.00
1.71 (2) Double parking	\$ 10.00
1.71 (3) Parking in disabled stall	\$ 50.00
1.71 (4) Parking outside of stall marks	\$ 5.00
1.73 (1) Failure to obey traffic control devices	\$ 25.00
1.73 (2) Failure to comply with lawful order	\$ 25.00
1.73 (3) Reckless Operation of Motor Vehicle	\$ 50.00
1.73 (4) Excessive Vehicle speed on Airport Apron	\$ 25.00
1.73 (5) Invalid Vehicle Operator License	\$ 25.00
1.73 (6) Operation of unsafe Motor Vehicle	\$ 25.00
1.73 (7) Operation of Motor Vehicle while under influence of alcohol or drugs	\$150.00
1.73 (8) Failure to yield right of way to Aircraft	\$ 50.00
1.75 (1) Unauthorized Commercial Activity	\$ 350.00
1.75 (2) Unauthorized lease activity	\$ 350.00
1.75 (3) Unauthorized solicitation	\$ 50.00
1.75 (4) Unauthorized distribution or advertising	\$ 50.00
1.75 (5) Activity not in compliance with Commercial Min. Standards	\$ 350.00
1.75 (6) Activity not authorized by a Board approved written agreement	\$ 350.00
1.76 (1) Failure to meet fire regulations	\$ 30.00
1.76 (2) Storing material in hazardous manner	\$ 50.00
1.76 (3) Failure to obtain building permit	\$ 100.00
1.76 (4) Failure to obtain communications permit	\$ 100.00
1.76 (5) Unauthorized use of hangar space by others	\$ 100.00
1.76 (6) Unauthorized Commercial Activity	\$ 350.00
1.80 (3) Failure to obtain written permission for special activities	\$ 100.00
1.81 (3) Failure to report accident	\$ 50.00

1.81	(4) Failure to report damage	\$ 100.00
1.82	(1) Operation of Aircraft weighing over pavement capacity	\$ 150.00
1.82	(2) Operation of Aircraft contrary to NOTAM	\$ 150.00
1.82	(3) Unlawful parking of Aircraft	\$ 25.00
1.82	(4) Failure to secure Aircraft	\$ 25.00
1.82	(5) Unauthorized presence in Movement Area	\$ 250.00
1.82	(6) Negligence in Operation of Aircraft	\$ 100.00
1.82	(7) Operating Aircraft under influence of alcohol/drugs	\$ 150.00
1.82	(8) Unauthorized tampering with Aircraft	\$ 25.00
1.82	(9) Unauthorized Operation of Aircraft	\$ 25.00
1.82	(10) Unauthorized removal of Aircraft and/or components	\$ 25.00
1.82	(11) Unauthorized Aircraft Taxi	\$ 25.00
1.82	(12) Unauthorized Aircraft engine operation	\$ 100.00
1.82	(13) Unauthorized Aircraft engine run-up	\$ 100.00
1.82	(14) Repair or clean an Aircraft/parts in non-designated	\$ 30.00
1.83	(1) Operation of improperly equipped Motor Vehicle	\$ 25.00
1.83	(2) Unlawful parking of Motor Vehicle in Movement Area	\$ 25.00
1.83	(3) Unlawful Operation of Motor Vehicle on Movement Area	\$ 100.00
1.83	(4) Unauthorized personnel or Motor Vehicle on Movement Area	\$ 100.00
1.83	(5) Operation of unlighted Motor Vehicle	\$ 25.00
1.83	(6) Operation of Motor Vehicle at excessive speed	\$ 50.00
1.83	(7) Reckless Operation of Motor Vehicle	\$ 50.00
1.83	(8) Failure to yield right of way to Aircraft	\$ 50.00
1.86	(1) Improper disposal of refuse	\$ 50.00
1.86	(2) Smoking within 100 Feet of fueling operation	\$ 50.00
1.86	(3) Failure to lock secure area	\$ 250.00
1.86	(4) Tamper/destroy/damage access control devices	\$ 250.00
1.86	(5) Falsification of information for access media and I.D. or driving permit applications	\$ 100.00
1.86	(6) Alteration of access and I.D. media.	\$ 100.00
1.86	(7) Animal in terminal building	\$ 25.00
1.86	(8) Unauthorized hunting, trapping or firearms	\$ 100.00
1.86	(9) Unauthorized smoking	\$ 10.00
1.87	(1) Failure to dispense fuels per standards	\$ 30.00
1.87	(2) Use of substandard fueling equipment	\$ 50.00
1.87	(3) Fueling in restricted areas	\$ 30.00
1.87	(4) Parking fueling Vehicles in restricted areas	\$ 25.00
1.87	(5) Leaving fueling Vehicle unattended	\$ 30.00
1.87	(6) Fueling Aircraft in restricted manner	\$ 50.00
1.87	(7) Failure to ground Aircraft and fueling equipment	\$ 50.00
1.87	(8) Failure to exercise care in fueling operations	\$ 50.00
1.87	(9) Failure to properly dispose fuel sump discharge	\$ 250.00
1.87	(10) Use of substandard fueling devices	\$ 50.00
1.87	(11) Fueling of Motor Vehicle at unauthorized location	\$ 30.00
1.87	(12) Allowing unauthorized Person to dispense fuel	\$ 50.00
1.87	(13) Improper storage or dispensing of fuels	\$ 50.00

1.87	(14) Fueling near buildings	\$ 30.00
1.87	(17) Open flame within Aircraft while fueling/draining or fuel storage area.	\$ 300.00
1.88	(1) Unlawful use of flammables in cleaning Aircraft	\$ 50.00
1.88	(2) Dumping of waste	\$ 250.00
1.88	(3) Doping/painting in restricted area	\$ 50.00
1.88	(4) Improper storage of flammables	\$ 50.00
1.88	(5) Improper storage of oils	\$ 50.00
1.88	(6) Failure to comply with environmental regulations	\$ 250.00
1.88	(7) Failure to comply with Spill Prevention/Countermeasure Plan	\$ 250.00
1.89	(1) Having or participating in a co-op fueling arrangement	\$ 750.00
1.90	(1) Self-fueling aircraft without appropriate lease with Authority	\$ 750.00
1.90	(2) Self-fueling without sufficient building space leased	\$ 750.00
1.90	(3) Self-fueling aircraft without appropriate lease provisions	\$ 750.00
1.90	(4) Self-fueling without being aircraft owner or having valid lease	\$ 750.00
1.90	(5) Self-fueling a non based aircraft	\$ 750.00
1.90	(6) Failure to have approved above ground fuel tank	\$ 750.00
1.90	(7) Self-fueling in non-designated areas	\$ 750.00
1.90	(8) Illegal wholesaling or retailing of aviation fuels	\$ 750.00
1.90	(9) Failure to have valid Self-Fueling Permit or written agreement for fuel storage	\$ 750.00

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.

1.93 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.