

Chapter 55 - AIRPORT RULES AND REGULATIONS

Sec. 55-1. - Definitions.

When used in this chapter, the terms hereinafter set forth shall have the meanings prescribed:

Air operations areas or airport operating area. Any area of an airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft, including but not limited to runways, taxies, ramps and aprons.

Aircraft. All contrivances now or hereafter used for the navigation of or flight in air or space, including but not limited to airplanes, gliders, lighter than aircraft, helicopters, ultra light vehicles, amphibians and seaplanes.

Airport. The Polk County Airport-Cornelius-Moore Field at 500 Airport Road in Polk County, Georgia and including all of the lands and reservation contained therewith under the day to day management and supervision of the duly appointed airport manager pursuant to the ordinance of the board of commissioners of this county.

Aeronautical service or activities. Any legitimate, FAA recognized, aeronautical service or activity.

Airport manager. A person, firm, or corporation duly appointed by the county board of commissioners either by direct hire or contract to perform day-to-day administrative duties and functions as assigned.

Camping. The act of temporarily residing outdoors either on the ground, in a tent, in a camper, or in a travel trailer for one or more nights.

County. The Polk County Board of Commissioners.

FAA. The Federal Aviation Administration.

FARs. Federal aviation regulations promulgated by the Federal Aviation Administration pursuant to its authority under the Federal Aviation Act of 1958, as amended, and other applicable federal laws.

FBO. Fixed base operator, means a person, firm, or corporation subject to the provisions of a written agreement and nonexclusive license engaging in the following: the sales, service, renting, or leasing of new or used aircraft; sale of parts; providing pilots for operating planes for others; aircraft accessories and hardware; custom repair, overhauling, and modification of general aviation aircraft and/or aircraft equipment; charter flight services; fuel sales, oil, and other lubricants; and flight instruction.

Flying club. A not-for-profit membership corporation organized and/or operating for the purposes of providing flight instruction for its members only and/or providing aircraft for use by its members only.

GDOT. Georgia Department of Transportation.

Movement area. The runways, taxiways, and other areas of an airport which are utilized for taxing, takeoff, and landing of aircraft exclusive of loading ramps and parking areas.

NOTAM. Notice to airmen.

Operational problem. A situation that impedes, delays, hinders, or inhibits normal operations.

Owner. The Polk County Board of Commissioners.

SASO. Single aeronautical service operator, means a person, firm, or corporation subject to the provisions of a written agreement and nonexclusive license engaging in the following private aeronautical services: aerial photography, parachuting, crop dusting, and other similar services as may be recognized by FAA.

UNICOM. Non-government air/ground radio communication station. It may provide airport information at public use airports where there is neither a tower nor a flight service station.

USPA. The United States Parachute Association.

(Ord. of 9-14-2010, § 1)

Sec. 55-2. - General rules and regulations.

- (a) *Conditions of airport use; liability.* All users of and persons on the airport shall be governed by these rules and regulations and by any emergency directives issued by airport management pursuant to this section. These rules and regulations supersede all those previously published and are subject to be changed by the county board of commissioners. These regulations are not intended to amend, modify or supersede any federal or state provision with which they may conflict and shall insofar as possible, be interpreted so that no such conflict shall exist. If any of these regulations become invalid or unenforceable due to a revision, then all other regulations shall nevertheless remain in effect.

The owner (county board of commissioners) 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 uses as defined by FAA for which the airport facility is designed and intended to serve. The county has established these rules and regulations 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.

It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft, the weights of which are not in excess of the published strengths of the paved surfaces concerned. Operations on these surfaces, of aircraft slightly in excess of the published pavement strengths may be permitted on an infrequent basis with the permission of the airport manager.

The use of the airport or any of its facilities in any manner shall create an obligation on the part of the user to obey all regulations herein provided and otherwise adopted by the county. The right of using the airport and its facilities shall be conditioned on the assumption of full responsibility and risk by the user, and the user shall release, hold harmless and indemnify the county, its officers, employees, and/or agents from any and all responsibility, liability, loss or damage resulting from such use, as well as claims of third persons to using the airport. Approved users conducting business on airport property shall maintain full liability insurance with an endorsement naming the county as an additional insured, and with limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate.

(b) *Governed activities.* All activities, whether commercial in nature or not, shall be conducted and be governed by these rules and regulations.

The air traffic rules and aircraft operations regulations of the FAA, as in effect and all additions thereto, are made a part of these regulations as fully as if set forth herein.

(c) *Enforcement of rules and regulations.* The airport manager shall, at all times, have authority to take such reasonable action as may be necessary to enforce all airport rules and regulations and to efficiently manage the airport and its operations. In any contingency not specifically covered by these rules and regulations, the airport manager shall be authorized to make such reasonable rules, orders, and decisions as may be necessary and proper.

(d) *Amendments to rules and regulations.* Future amendments, additions deletions or corrections to these rules and regulations may be promulgated by the county board of commissioners and shall be filed with the county clerk.

(e) *Special regulations, notices or directives:* Special regulations, notices, memorandums or directives of an operational nature of interest to persons engaged in business with the airport shall be issued under the authority of these regulations.

(f) *Emergency powers of airport management.* When an emergency exist at the airport, county management or its designee is empowered to issue such direction and take such action which, within his discretion and judgment, is necessary or desirable to protect persons or property and expedite the operation of the airport. Such directives and actions of county management or its designee shall have the force of a regulation hereunder so long as said emergency exist.

(g) *Posting of rules and regulations.* The airport manager, aeronautical activity providers, and all fixed base operators at the airport shall post a copy of these rules and regulations in a conspicuous location for the use of employees, customers, and users.

(h) *Non-aviation events.* 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.

(i) *Removal of aircraft or parts.* No person shall disturb, move or remove any aircraft, parts or other equipment found on the airport or as a result of an aircraft accident, until release of the aircraft or parts thereof by the National Transportation Safety Board or the FAA and the county or its

designee.

- (j) *Fixed base operations and single aeronautical service operators.* Fixed base operations and single aeronautical service operators may operate at the airport only pursuant to the terms of a written agreement with the county.
- (k) *Flying clubs.* No flying club shall be conducted on the airport without the consent in writing of the county or its designee.
- (l) *Storage on airport property.* Unless otherwise provided in a written agreement with the county, no person shall use any area of the airport for storage of cargo or other property (aircraft and aviation related property excepted) without permission of the county or its designee. In the event of a violation of this provision, the airport manager shall have authority to order the cargo or other property removed or to cause the same to be removed and stored at the expense of the owner or consignee thereof, without liability for damage thereto arising from or out of such removal or storage on the part of the county, its officers or employees.
- (m) *Rental agreements.* All rental agreements must be in written form and have received written approval from the county or its designee prior to their execution and acceptance by any renter or their respective sub-renter.

All renters shall be responsible for the enforcement of the airport rules and regulations for their respective premises and said duty is to be included in all rental and sub-rental agreements at the airport.

It is the policy of the county to not permit fixed base operators to approve sub-leases or sub-tenancies on land leased by the county (this does not apply to persons who merely store their own private aircraft outside or in a hangar, so long as that person does not own or did not construct the hangar, hereinafter referred to as "private aircraft storage"). This policy is based upon the county's intent to comply with its Federal Aviation Administration grant covenants, as well as the county's independent desire to properly manage the airport. It is the county, and no other person or entity that should be the lessor of any persons or entity whose activities or operations involve more than private aircraft storage.

- (n) *Advertising.* No person or organization shall post, or display signs, advertisements, literature, circulars, pictures, sketches, drawings, or other forms of printed or written matter on the airport except with the prior written authorization of the county or its designee and in such manner as may be prescribe.
- (o) *Solicitation.* No person shall engage in any form of solicitation or offer merchandise or services for sale on the airport without obtaining prior written authorization from the county board of commissioners.
- (p) *Alcohol and illegal drugs.* No person shall transport, possess, or consume alcohol on airport property without express written permission of the county board of commissioners. Illegal drugs are prohibited at all times on airport property.

Persons under the influence of alcohol or illegal drugs while on airport property shall be removed from the premises and may be denied future access to, or future use of, the airport, and will be subject to prosecution as allowed for by law.

- (q) *Overnight lodging.* Single aeronautical service operators and fixed base operators with rented or leased space shall be limited to only two persons staying at any time overnight. There shall be no other overnight lodging of any kind permitted on airport property at any time except for the airport manager or his designee, whom shall be allowed to remain at the airport at all times for security purposes.
- (r) *Disorderly conduct.* No person shall commit any disorderly, obscene or indecent act, or commit any act of nuisance on airport property.
- (s) *Gambling.* No person shall engage in any form of gambling on airport property.
- (t) *Sanitation.* No person shall dispose of garbage, papers, refuse or other materials on the airport except in the receptacles provided for that purpose; nor use a comfort station other than in a clean and sanitary manner.
- (u) *Bicycles, scooters, and miscellaneous vehicles.* No person shall use any bicycle, scooter, go cart, skate board, moped, roller blade, golf cart, ATV, or other similar recreational vehicle on airport property at any time without written permission from the county or its designee.
- (v) *Motor homes, recreational vehicles, and camping.* Motor homes and/or mobile homes shall not be placed on airport property without written authorization from the board of commissioners.

Recreational vehicles, campers, RVs, etc., are not permitted on airport property without written authorization from the board of commissioners.

Camping is not permitted at any time or anywhere on airport property.

- (w) *Property damage.* No person shall destroy, injure, deface or disturb in any way any surface, building, sign, equipment, marker, runway fixture or other structure, trees, flowers, lawn or other property on the airport. In addition to any other penalty provided in these rules, Georgia law provides that any such willful action be considered as a misdemeanor. Any person causing or liable for damage of any nature shall report such damage to the office of the airport manager and upon demand by the county, shall reimburse the county for the full amount of the damage. Any one failing to comply with this regulation may be refused admittance to the airport until the county has been fully reimbursed for the damage done or the offender has been prosecuted under Georgia law as necessary.
- (x) *Deadly weapons.* No persons, except peace officers or members of the Armed Forces of the United States on official duty, shall carry loaded or unloaded weapons on the airport property without permission from the county or its designee. Nor shall any person store, keep, handle, use, dispense or transport at, in or upon the airport any hazardous or dangerous articles (as

defined by the United States Department of Transportation Regulations for Transportation of Explosives or Other Dangerous Articles), at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property. The only exception to this policy shall be for persons transporting unloaded hunting/sporting guns in FAA approved cases. The airport manager shall inspect all such weapons upon entry onto airport property.

- (y) *Interfering or tampering with aircraft:* No person shall interfere or tamper with any aircraft he/she does not own or have expressed permission to use, or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission from appropriate authorities.
- (z) *Restricted areas.* No persons shall enter any restricted area of the airport posted as being closed to the public without permission except:
 - (1) Persons assigned to duty therein;
 - (2) Persons authorized by the airport manager or county management;
 - (3) Business representatives in the conduct of their affairs with the FBO or other tenants.
- (aa) *Use of roads and walks.* No person shall travel on the airport other than on the roads, walks, or places provided for the particular class of traffic. No person shall occupy the roads or walks in such a manner as to hinder or obstruct their proper use.
- (bb) *Use of shop areas.* All shops, garages, equipment and facilities are expressly for the conduct of the occupant/renter's business and operations. No persons other than the employees of the occupant/renter shall make use of these facilities or loiter around such premises without individual and specific permission of the occupant/renter.
- (cc) *Open flame operations.* No person shall conduct any open-flame operations in any hanger or on the airport, excluding hot air balloons as defined in FAR 1-1 (General Definition). Lighting of an open flame is prohibited within 50 feet of any aircraft on the airport apron, in any hanger, or shop; within 200 feet of service station areas and fuel storage areas; or in any building, room or place on the airport where open flames are specifically prohibited by appropriate signage. No person shall start any open fires of any type, including flare pots, torches or fires in containers formerly used for oil, paint and similar materials on any part of the airport without permission.
- (dd) *Tobacco.* No person shall smoke within 50 feet of any aircraft on the airport apron, in any hanger, or shop; within 200 feet of service station areas and fuel storage areas; or in any building, room or place on the airport where tobacco is specifically prohibited by appropriate signage.
- (ee) *Accidents.* All persons involved in any accident; personal, aircraft, or automotive, occurring on the premises of the county airport shall advise the airport manager, make a report to the police department as soon as possible, giving all pertinent information as requested by the officer in charge, and comply with appropriate FAA and Georgia DOT reporting requirements. The pilot or operator of any aircraft involved in any accident shall be responsible for the prompt disposal of

aircraft wrecked or disabled at the airport and parts of such aircraft as directed by the airport manager; in the event of failure to comply with such directions, such wrecked or disabled aircraft and parts may be removed by the airport manager at the operator's expense and without liability for damage which may result in the course of such removal.

- (ff) *Picketing, marching, demonstrations.* No person may walk in a picket line as a picket or take part in a labor or other public demonstration on any part of the airport except in or at a place specifically assigned by county management for picket line or other permitted public demonstrations. Any such picketing shall be conducted in a peaceful and orderly manner, without physical harm, molestation, threat or harassment of persons, without violence, breach of the peace or any other unlawful conduct, without obstructing the use of the airport by others and without hindrance to or interference with the proper, safe and efficient operation of the airport, and the activities conducted thereon. All permits required by law for public demonstration shall be required for such demonstration on airport property.
- (gg) *Use of sound-amplifying devices.* Sound trucks and amplified audio equipment shall be prohibited on the airport, except when required for special occasions and approved by the county or its designee.
- (hh) *Trash containers.* No person shall keep unsafe trash containers in any area. No vehicle used for hauling trash, dirt, or any other material shall be operated on the airport unless such vehicle is constructed so as to prevent the contents thereof from dropping, blowing, sifting, leaking or otherwise escaping there from. Areas to be used for trash or garbage containers shall be designated by county management and no other areas shall be used for this purpose. Tenants and other 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 county management, the area is not cleaned, cleaning will be done by the county and billed to the tenant or other persons.
- (ii) *Storage of inflammable substances or equipment; violation of fire codes.* No person on the airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property. No person shall store material or equipment, use inflammable liquids or gases or allow their premises to become in such a condition so as to violate, in any manner, the fire code in force in the area of the airport.
- (jj) *Maintenance.* All tenants shall be required to maintain their rented/leased property in a good condition of repair, cleanliness and general maintenance in a manner agreeable to county management and in accordance with their individual rental/lease agreements and free from all fire hazards.
- (kk) *Fire equipment.* All FBOs, SASOs, and private tenants shall supply and maintain such adequate and readily accessible fire extinguishers as are provided for fire underwriters and in accordance with NFPA minimum standards for the particular hazard involved. Tenants of all hangers and buildings shall provide suitable fire extinguishers and equipment and they shall be kept in good

condition as recommended by the fire chief and inspected at least every 12 months by trained personnel. Fire equipment on the airport shall not be tampered with at any time or used for any purpose other than fire-fighting and fire protection.

- (ll) *Structural and decorative changes.* No tenant will be permitted to effect structural or decorative changes or additions of any type without prior permission and approval of the county board of commissioners.
- (mm) *Tenant utilities.* Tenants erecting buildings on leased airport property shall acquire meters for the purpose of accurately measuring gas, water and electrical power used by the tenant, as applicable, otherwise the tenant will be charged the flat rate fees for these utilities as prescribed by the county unless otherwise included with lease fee.
- (nn) *Payment of charges.*
 - (1) All billings are payable upon presentation unless otherwise noted thereon.
 - (2) All percentages or income charges are payable within 30 days of the end of the accounting period or the usual and normal late charges and collectable fees will be assessed.
- (oo) *Animals.* No person shall enter the movement area of the airport with a dog or other animal except service dogs on duty, or dogs or other domesticated animals to be property transported by air and restrained by leash or properly confined, nor shall any person owning or in charge of such dogs or animals permit same to wander upon airport unrestrained.
- (pp) *Excavations.* No person shall dig holes, trenches or do other excavation work on the airport or airport property, unless prior approval is granted by the county manager.
- (qq) *Lost articles.* Any person finding lost articles at the airport shall turn them over to the office of the airport manager.
- (rr) *Transporting explosives, etc.* No person shall transport on airport property any explosives, flammable or combustible materials or liquids, or readily flammable solids or oxidizing materials or any radioactive substances or materials, at any time, place or condition, so far as to endanger unreasonably persons or property without first coordinating and obtaining the county manager's permission in each instance.

(Ord. of 9-14-2010, § 2; Ord. No. 2020-16, § 1, 4-7-2020)

Sec. 55-3. - Regulations governing fixed base operators and aeronautical service providers.

- (a) *Agreement required.* All fixed base operations and single aeronautical service operators at the airport shall require a fully executed agreement between the county and the person or entity providing such operations and/or services. All operations and services shall function as full time progressive businesses with manned office facilities at all times during business hours. All operations and services shall be required to adhere to the specifications and standards outlined within their executed agreements with the county and these rules and regulations, regardless of

the service being provided. The minimum length of agreements for operators desiring to erect buildings upon leased airport property shall be 25 years. Hangar rentals for all other operators shall be on a yearly basis.

(b) *Application, approval, standards, and compliance.*

- (1) *Application.* Any applicant wishing to establish a fixed base operation or single aeronautical service operation on the airport shall be furnished a copy of these rules and regulations, as amended, and shall make application in writing to Polk County, setting forth in detail the following:
 - a. The name and address of the applicant.
 - b. The proposed land use, facility, and/or activity sought.
 - c. The names and qualifications of the personnel to be involved in conducting such activity.
 - d. The financial responsibility and technical ability of the applicant and operator to carry out the activity sought.
 - e. The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.
 - f. The requested or proposed date for commencement of the activity and the term of conducting the same.
 - g. The estimated cost of any structure or facility to be furnished, the proposed specifications for same and the means or method of financing such construction or acquisition or facilities.
- (2) *Consideration.* Upon the filing of an application with the county, it shall be immediately referred to the appropriate committee and considered at the next regularly scheduled commission meeting. Applications shall be reviewed to determine substantial conformance to the standards established for fixed base operations and/or aeronautical services. Upon consideration of the application, the county shall determine whether or not the applicant meets the standards and qualifications as herein established and whether or not such application should be granted in whole or in part.
- (3) *Preparation of business agreement.* Upon approval of any such application in principal, the county shall cause to be prepared an agreement or contract setting forth the terms and conditions under which the activity shall be conducted.
- (4) *Lease rates for hangars and unimproved land.* The county board of commissioners shall from time to time set rental and lease rates for "T" hangars, corporate hangars, and unimproved airport property. See rental rates as referenced in Subpart A, Chapter 1, Section 1-17 - Fee Schedule.
- (5)

Return of rejected application. Any rejected application shall be returned to the applicant within ten days of rejection with a written explanation of the reason for rejection. the decision of the board of commissioners is final. There is no appeals process.

- (c) *Public liability insurance.* All fixed based operations and single aeronautical service operators at the airport shall be required to obtain and keep in force at all times, during the conduct of such operation or service at the airport, full public liability insurance with minimum limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and an endorsement naming the county as an additional insured. Insurance policies shall be reviewed and approved by the county attorney as to legal form and content before being filed, and shall contain a provision that the same may not be canceled before the expiration of its term except upon 30 days' written notice. Proof of such insurance shall be provided annually to the county and at any other time upon request. Failure to keep proper liability insurance shall be considered a breach of any lease or agreement.
- (d) *Through the fence operations.* Business operations located off of airport property, on private property, that utilize airport facilities for personal gain and profit shall be considered as through the fence (TTF) operations and shall not normally be authorized. If a unique situation warrants consideration by the county board of commissioners to allow TTF access to the airport, an agreement with the TTF operator shall be coordinated with the state department of transportation and FAA to insure no violations of FAA grant assurances occur. Such operations shall be subject to all of the rules and regulations herein.

Such operations shall be subject to user fees as determined by the county board of commissioners.

- (e) *Taxes, certifications, licenses, and other requirements.* All fixed base operators and single aeronautical service operators using the airport shall meet the following requirements:
 - (1) Have appropriate certifications required or applicable for their activity.
 - (2) Hold applicable licenses for their activity.
 - (3) Not be in arrears on county occupational tax.
 - (4) Not be in arrears on county property taxes.
 - (5) Hold a state sales tax number if applicable.
 - (6) Not have any felony convictions.
 - (7) Maintain good standing with the Office of the Georgia Secretary of State.
- (f) *Log to be kept; information to be shown.* Each fixed base operator shall keep a log of the visiting or itinerant aircraft serviced by him or using his facilities on the airport during the hours of operation. The log shall contain the following information and shall be made available for inspection by the county at any time upon request:
 - (1) Date and time of arrival, delivery, or service.

- (2) Make and model of plane, and the registration number.
- (3) Type and quantity of fuel purchased, maintenance performed, charter flight data, and flight training data.

Note: Failure to keep proper logs shall be considered a breach of any lease or agreement.

- (g) *Financial solvency.* Fixed base operators must show business means and ability to the satisfaction of the county. They may also be required to furnish the county a performance bond commensurate with any construction required under the minimum standards of the aviation service to be performed.
- (h) *New facilities.* Any person or entity desiring to erect or construct any building upon airport property shall be required to submit plans and specifications for the same to the county board of commissioners. All plans and specifications shall be designed by Georgia Registered Professional Engineers and Architects and shall include site plans and building layouts, drawn to scale, showing the desired amount of ground actually required for the operation of such building (including parking and other areas) in addition to the portion occupied by the building proper. Doors on all buildings shall not protrude or extend beyond the building line as established by the county and/or the county board of commissioners.

All buildings erected upon the airport shall conform to the building code requirements of the county and be approved by the bureau of fire prevention in accordance and meeting NFPA minimum standards. Buildings must be fixed permanent structures constructed on site and made of steel, concrete, masonry and/or other fireproof construction. Temporary permits may be granted for a period not to exceed one year, to construct temporary shelter in a space to be designated by county management. Such temporary buildings must be removed at the expense of the owner with ten days notice in writing by the county manager. Waivers of this section may be granted only by approval of the county board of commissioners. State approval should be acquired on all airport construction and FAR Part 77 requires that the FAA be notified and Form 7460-1, as amended or superseded, must be completed and forwarded to the FAA Airports District Office, as described in FAA AC 70/7460-1 as amended or superseded. No crane shall be erected on airport property or within a four-mile radius from the center of the airport without approval of county management and an approved FAA form 7460-1 as amended or superseded. When plans have been approved by the county board of commissioners, the lease may be entered into at the rate prescribed.

Buildings erected upon leased airport property shall be titled to the lessee for a period of 25 years, after which time, the free and clear title to such buildings shall be transferred to the county. Leases shall then be converted to yearly rental agreements. Rent for the buildings shall then be assessed based upon the following:

- (1) The buildings shall be appraised to establish their fair market value.
- (2) Yearly rent shall be based upon ten percent of the established fair market value.

- (3) The county shall have the right to have the buildings re-appraised every three years.
- (i) *Land availability.* Land available for fixed base operators and single aeronautical service operators is a valuable and limited commodity. It is the policy of the county that no land areas or building space in excess of present and foreseeable requirements will be leased. Additional areas will be made available to operators on the basis of need and availability. A current airport master plan that outlines land uses and availability will be maintained in the county managers office and in the airport managers office for public viewing.
- (j) *Requirements of an FBO.* A person, firm, or organization proposing to operate as an FBO, must offer at a minimum, two of the following services:

The sales, service, renting, or leasing of new or used aircraft; sale of parts; providing pilots for operating planes for others; aircraft accessories and hardware; custom repair, overhauling, and modification of general aviation aircraft and/or aircraft equipment; charter flight services; fuel sales, oil, and other lubricants; aerial photography, and flight instruction.

- (k) *Sale of petroleum products.* Fixed base operators approved by the county for the sale of aviation petroleum products shall meet the following specifications:
- (1) Provide a hard surface fueling area and the necessary equipment, accessible by taxiway, capable of containing fuel spills equal to the maximum capacity of the largest fuel storage tank. The design of all fuel containment areas and equipment used shall be reviewed and approved by the county's airport engineer. Fees for such reviews shall be paid by the prospective FBO.
 - (2) Provide a hard surface off loading area and necessary equipment for fuel delivery trucks capable of containing the maximum quantity of fuel in a tanker truck, if spilled.
 - (3) Provide double walled fuel storage tanks with electric pumps and up to date safety equipment to include emergency shutoffs, grounding equipment, and fire extinguishers. Plans and specifications for such tanks shall be reviewed and approved by the airport engineer with fees for such reviews to be paid by the prospective FBO.
 - (4) Provide properly trained line personnel on duty at least eight hours of every calendar day, seven days a week, and on call by readily accessible telephone at other hours during the day or night.
 - (5) Provide proper equipment for repairing and inflating aircraft tires, servicing oleo struts, changing engine oil, washing aircraft and aircraft windows and windshields, and for recharging or energizing discharged aircraft batteries and starters.
 - (6) Provide conveniently located (air conditioned) lounge or waiting rooms for passengers, and airplane crews of itinerant aircraft, together with sanitary restrooms and public telephones.
 - (7)

Provide adequate towing equipment and parking tie-down area to safely and efficiently move aircraft and store them in all reasonably expected weather conditions.

- (8) Conform to current environmental and fire code regulations. Such FBOs shall be responsible for updating the spill prevention control and containment plan (SPCC) maintained in the airport managers office, at his/her expense.
- (9) Meet all requirements with respect to maintenance, inspection, and precautionary measures specified in the most current edition of the SPCC plan maintained in the airport managers office.
- (l) *Aircraft maintenance.* All persons operating aircraft engine and accessory maintenance facilities shall provide:
 - (1) Sufficient hangar space to house any aircraft upon which such service is being performed.
 - (2) Suitable storage space for aircraft prior to and following maintenance.
 - (3) Adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts and testing equipment to perform top overhauls as required for FAA certification and repair or parts not needing replacement on all single engine land and light multi-engine land general aviation aircraft.
 - (4) At least one FAA certified airframe and engine mechanic available during eight hours of the day, five days per week.
 - (5) Non-airworthy aircraft shall be screened from public view.
 - (6) Separately partitioned space with adequate exhaust fans and fire protection for spray painting if this type work is performed.
- (m) *Flight training.* All persons conducting flight-training activities shall provide:
 - (1) At least one properly certified flight instructor who is either an employee or independent contractor of the FBO, for single engine land airplanes.
 - (2) At least one dual equipped single engine land aircraft, properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised.
 - (3) Continuing ability to meet any applicable certification requirements for the FAA for the flight training proposed.
- (n) *Charter or taxi services.* Persons operating aircraft charter and taxi service shall provide:
 - (1) Passenger lounge, restroom and telephone facilities, as required of an operator for fuel and oil sales.
 - (2) Adequate table, desk or counter for checking in passengers, handling ticketing or fare collection, and handling of luggage.
 - (3)

Shall have properly certificated suitable aircraft with properly certificated and qualified operating crew available for service when not otherwise engaged in such service. Such crew and aircraft shall be available upon call within two hours notice.

- (o) *Aircraft sales and rental.* Persons conducting aircraft rental and sales activity shall provide:
 - (1) Suitable office space for consummating sales and/or rentals and the keeping of the proper records in connection thereof.
 - (2) Adequate facilities for servicing and repairing the aircraft or satisfactory arrangements with other operators on the airport for such service and repair.
 - (3) There shall be available, at least during eight hours of the working day, a properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft.
 - (4) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.
 - (5) Current up-to-date specifications and price lists for types and models of new aircraft sold.
 - (6) Proper checklists and operating manuals on all aircraft rented and adequate parts catalogue and service manual on new aircraft sold.
- (p) *Agricultural services.* Persons seeking to provide services other than FBO services such as crop dusting or spraying of agricultural chemicals shall be required to satisfy the county that:
 - (1) Suitable arrangements have been provided for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored in close proximity to other facility installations at the Airport.
 - (2) The operator shall have available properly certificated aircraft suitably equipped for the agricultural operation undertaken.
 - (3) No crop dusting operation shall be conducted on any public use area of the airport except as designated by the county.
- (q) *Parachuting services.* The FAA has defined "parachuting" as an aeronautical service and thus will be considered by the county to be single aeronautical service operators. Consequently, requests of clubs, organizations and individuals to establish such organizations within the boundaries or reservation for the airport shall be evaluated by the county board of commissioners on the same basis as other aeronautical uses at the airport. In addition to the standard information required in an application to establish an aeronautical activity at the airport, the following information is required for parachuting services:
 - (1) The names and addresses of all individuals who will either fly aircraft or participate in any way in the parachute jumping activity.

All parachuting services approved by the county board of commissioners shall be conducted within the conditions and limitations set forth by the board of commissioners in a written agreement between the county and the person, club or organization requesting to establish a parachuting service. The persons engaging or participating in any manner in a parachuting service shall execute a personal waiver and release of liability form in favor of the board of commissioners and the airport manager, their respective officers, agents, attorneys and employees. Such waiver forms shall be maintained by each respective parachuting service and made available to the airport manager or county representatives immediately upon request.

Upon approval by the county board of commissioners to establish a parachuting service within the boundaries of the airport, the following minimum requirements shall apply:

- (1) Parachute jumping shall only be allowed from sunrise until sunset. Night parachuting activities shall be allowed on a day to day basis provided a request is made to the county no less than 24 hours prior to the planned night parachuting event which shall be subject to approval by the county.
- (2) There shall be a USPA certified jumpmaster, instructor, instructor examiner, or safety and training advisor directing all parachute jumping activity.
- (3) Each parachute organization shall keep a written record of each jump including aircraft used; the name(s) and telephone number(s), current address(es) and certificate number(s) of the pilot in command of the aircraft, and the name(s) and address(es) of all parachute jumpers on each lift. Such records shall be made available to the county upon request.
- (4) The pilot-in-command of the aircraft shall, announce a parachute jump at two minutes prior to jumping, then, announce "jumpers away" at time of jump. Jump pilot shall announce "all jumpers are on the ground" at such time as all jumpers are on the ground.
- (5) Aircraft and equipment used in parachuting shall meet all FAA and USPA regulations and standards.

Two-way radio communication shall be maintained at all times with the airport UNICOM. In the event radio communications is ever lost, there shall be no parachute drop until communication is re-established.

The jumper, jumpmaster, and the pilot-in-command of the aircraft shall be responsible, jointly and severally, to comply with the provisions of FAA regulations. All ground loading and unloading shall be conducted in approved areas, well off the runways and taxiways.

Any club applying to engage in parachute jumping activity within the boundaries of the airport must show that the club is an official United States Parachute Association (USPA) affiliated club in good standing; that all jumpers listed to participate in the parachute jumping activities have subscribed to all rules, policies and regulations of the United States Association (USPA). It shall be the responsibility of the jumpmaster to insure that all United States Parachute Association rules and regulations are complied with throughout the carrying-on of the parachute jumping activity.

Parachuting operations shall cease at the request of public safety or emergency medical personnel for the purpose of conducting public safety and emergency medical operations on airport property. Parachuting operations shall not resume until authorized by such personnel once operations have concluded. Any skydiver still on board an airplane at the time a cease order is issued, shall not jump until authorized.

The county board of commissioners shall designate only one drop zone to be located on airport property. All clubs, organizations, and persons parachuting at the airport shall use this drop zone, and use of this drop zone shall be coordinated through the airport manager for scheduling. The location of this drop zone may be relocated from time to time as deemed necessary by the board.

The decision of the county board of commissioners to allow, permit or disallow an application of parachute jumping activities shall be final and there shall be no appeal through the county of the decision.

Parachuting operations shall comply with all USPA and FAA rules and regulations pertaining to parachuting.

(r) *Miscellaneous services.* such as radio and instrument repairs, aerial advertising, and other aeronautical services not hereinbefore provided for may be conducted by any person, firm, or corporation upon application to and approval of the county. Reasonable terms and conditions for the privilege of engaging in these various services will be established by the county commensurate with the nature and scope of the activities involved.

(s) *Offering of services.* All services shall be provided on a fair, equal, and nondiscriminatory basis to all users of the airport. The prices charged for each unit of service shall be fair, reasonable, and nondiscriminatory; provided, that the operator may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar type price reductions to volume purchasers.

All operators shall provide services in accordance with the provisions of Title VII of the Civil Rights Act of 1964 (P.L. 88-352). Accordingly, no person shall be denied equal services on the ground of race, color, or national origin.

(t) *Sub-tenancies.* Fixed base operators are not permitted to enter into or maintain any sub-tenancies without the prior written agreement or written permission of the county (other tenants of the county will not be permitted to have subtenants of any type or any time).

(Ord. of 9-14-2010, § 3; Ord. No. 2019-04, § 1, 2-5-2019)

Sec. 55-4. - Regulations governing private individuals and airport property leases.

(a) Land available for private leases is a valuable and limited commodity. It is the policy of the county that no land areas or building space in excess of present and foreseeable requirements will be leased. Additional areas will be made available for private leases on the basis of need and

availability. A current airport master plan that outlines land uses and availability will be maintained by the county and in the airport managers office for public viewing.

All private individuals seeking to lease airport property are required to enter into a fully executed agreement with the county. The minimum length of agreements for individuals desiring to erect buildings upon leased airport property shall be 25 years. Any individual leasing airport property must comply with all airport rules, regulations, and policies. Leases shall then be converted to yearly rental agreements. Rent for the buildings shall then be assessed based upon the following:

- (1) The buildings shall be appraised to establish their fair market value.
- (2) Yearly rent shall be based upon ten percent of the established fair market value.
- (3) The county shall have the right to have the buildings re-appraised every three years.

In the event of early termination of the agreement, the building will be converted to the county with the clear title.

The following additional requirements shall also apply to private leases:

- (1) The property and structure cannot be sublease without written consent of the Polk County Board of Commissioners;
 - (2) Insurance on the structure must be maintained at all times and proof of coverage provided to the county on an annual basis;
 - (3) Full public liability insurance with minimum limits of not less than \$1,000,000.00 per occurrence and \$2,000,000.00 aggregate and an endorsement naming the county as an additional insured. Insurance policies shall be reviewed and approved by the county attorney as to legal form and content before being filed, and shall contain a provision that the same may not be canceled before the expiration of its term except upon 30 days' written notice. Proof of such insurance shall be provided annually to the county and at any other time upon request. Failure to keep proper liability insurance shall be considered a breach of any lease or agreement;
 - (4) Individual shall be responsible for all utilities;
 - (5) Individual shall be responsible for taxes on the building during the 25 year term; and
 6. Individual shall not conduct any business out of erected building without being approved as a FBO or SASO by the board of commissioners.
- (b) Application, approval, standards, and compliance.
1. *Application.* Any private individual wishing to lease airport property shall be furnished a copy of these rules and regulations, as amended, and shall make application in writing to Polk County, setting forth in detail the following:
 - a. The name and address of the applicant;

- b. The proposed dimensions of property being sought for lease;
 - c. The names and qualifications of anyone that will be involved in the lease agreement;
 - d. The requested or proposed date for commencement of the activity and the term of conducting the same; and
 - e. The estimated cost of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition or facilities.
2. *Consideration.* Upon the filing of an application with the county, it shall be immediately referred to the appropriate committee and considered at the next regularly scheduled commission meeting. Applications shall be reviewed to determine conformance with the Airport Layout Plan (ALP). Upon consideration of the application, the county shall determine whether or not the applicant meets the standards and qualifications as herein established and whether or not such application should be granted in whole or in part.
 3. *Preparation of agreement.* Upon approval of any such application in principal, the county shall cause to be prepared an agreement or contract setting forth the terms and conditions under which the activity shall be conducted.
 4. *Lease rates for unimproved land.* The county board of commissioners shall from time to time set rental and lease rates for unimproved airport property. See rental rates as referenced in Subpart A, Chapter 1, Section 1-17 - Fee Schedule.
 5. *Return of rejected application.* Any rejected application shall be returned to the applicant within ten days of rejection with a written explanation of the reason for rejection. The decision of the board of commissioners is final. There is no appeal process.
- (c) *New facilities.* Any person or entity desiring to erect or construct any building upon airport property shall be required to submit plans and specifications for the same to the county board of commissioners. All plans and specifications shall be designed by Georgia Registered Professional Engineers and Architects and shall include site plans and building layouts, drawn to scale, showing the desired amount of ground actually required for the operation of such building (including parking and other areas) in addition to the portion occupied by the building proper. Doors on all buildings shall not protrude or extend beyond the building line as established by the county and/or the county board of commissioners.

All buildings erected upon the airport shall conform to the building code requirements of the county and be approved by the bureau of fire prevention in accordance and meeting NFPA minimum standards. Buildings must be fixed permanent structures constructed on site and made of steel, concrete, masonry and/or other fireproof construction. Temporary permits may be granted for a period not to exceed one year, to construct temporary shelter in a space to be designated by county management if available. Such temporary buildings must be removed at the expense of the owner with ten day notice in writing by the

county manager. Waivers of this section may be granted only by approval of the county board of commissioners. State approval should be acquired on all airport construction and FAR Part 77 requires that the FAA be notified and Form 7460-1, as amended or superseded, must be completed and forwarded to the FAA Airports District Office, as described in FAA AC 70/7460-1 as amended or superseded. No crane shall be erected on airport property or within a four-mile radius from the center of the airport without approval of county management and an approved FAA form 7460-1 as amended or superseded. When plans have been approved by the county board of commissioners, the lease may be entered into at the rate prescribed.

(Ord. No. 2020-16, § 2, 4-7-2020)

Editor's note— Ord. No. 2020-16, § 2, adopted April 7, 2020 added § 55-4 which pertains to regulations governing private individuals and airport property leases, as set out herein. Former §§ 55-4—55-11 have been renumbered as 55-5—55-12, to read as herein set out.

Sec. 55-5. - Airfield operations.

- (a) *Deviation from rules.* The rules set forth in this section may be deviated from when an immediate emergency presents itself that requires such deviation in the interest of safety
- (b) *Generally.* All aircraft in flight within the airport traffic area or in motion or parked on the county airport shall operate in accord with the following rules and regulations and be governed by the current federal aviation regulations and other federal and state aeronautical regulations as may apply
 - (1) Except for emergency landings, the airport manager may prohibit aircraft landing and taking off at any time and under any circumstances when he deems such landings and takeoffs are likely to endanger persons or property.
 - (2) In the event the airport manager believes the conditions of the airport to be unsafe or safe for landings or takeoffs, it shall be within his authority to issue a NOTAM to close or open the airport, or any portion thereof.
 - (3) All users engaging in known aeronautical activities will comply with the instructions and regulations contained herein.
 - (4) No aircraft engine shall be started or run unless a competent operator is in the aircraft attending the engine controls. Chocks will be used unless the aircraft is provided with adequate parking brakes which are fully engaged.
 - (5) No person shall run the engines of any aircraft at any location on the airport in such manner as to cause damage to other aircraft or property or in such a manner as to blow paper, dirt, or other materials across taxiways or runways in such manner as to endanger the safety or operations on the airport.
 - (6)

Aircraft engines will be warmed up at RPMs above normal idle only in places approved for such purposes by the airport manager. At no time will aircraft with engines running or engines being tested be left unattended by any person. At no time shall engines be warmed up at RPMs above normal idle or operated when hangars, shops, offices, buildings, persons, equipment, passengers or aircraft landing, parked or taking off are in the path of the propeller stream or jet engine exhaust. Starting of engines shall be prohibited until proper clearance has been ascertained and until all standard safety procedures have been met.

- (7) No aircraft shall be operated on the surface of the county airport in a careless or negligent manner or in disregard of the rights and safety of others.
- (8) No person shall park an aircraft or leave the same standing on the public landing area, public aircraft ramp and apron area, public aircraft parking and storage area, except at such places as may be prescribed or permitted by the airport manager. When in such an area, every aircraft shall be adequately tied down, as applicable. The landing gear of every such aircraft shall be chocked with at least two wheel blocks or other approved devices, except in cases where, in the opinion of the airport manager, proven procedures such as those followed by the scheduled airlines are equally safe. Upon direction from the airport manager, the operator of any aircraft shall move said aircraft from the place where it is parked or stored to any other designated place; if the operator refuses to comply with such direction, the airport manager may tow said aircraft to such designated place at the operator's expense, and without liability for damage which may result in the course of such moving.
- (9) No person or firm shall do major repair on aircraft, in any area of the airport other than that specifically designated for such purposes by county management, except that minor adjustments may be made while the aircraft is on the loading ramp preparatory to departure. No fuel shall be placed in any aircraft by any person or company except by authorized vendors of aviation fuel so authorized for this operation by the county board of commissioners.
- (10) Any use of county owned fire extinguishers must be promptly reported to the airport manager so that extinguishers and other items can be serviced without delay.

(c) *Taxiing rules.*

- (1) No person shall taxi an aircraft until he 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.
- (2) No fixed wing aircraft shall be operated on the airport paved or turf surfaces unless it is equipped with a tail wheel or nose wheel, wheel breaks, or tailskid, except with the permission of the airport manager. When any pilot of an aircraft that is not equipped with adequate brakes receives permission from the airport manager to taxi such aircraft, such pilot shall not taxi such aircraft near buildings or parked aircraft unless an attendant is at the

wing of the aircraft to assist the pilot; provided, that an aircraft with wings and tail higher than five feet from the ground, and without adequate brakes, shall not be taxied on the airport, but shall be towed if it is necessary to move such an aircraft.

(3) Aircraft awaiting takeoff shall remain clear of the runway in use and in a position so as to have a direct view of aircraft approaching for landing.

(d) *Landings and take-offs.*

(1) All activities, which are aeronautical in nature and all airborne aircraft departing from or arriving at the airport, shall be conducted in conformity with FAA regulations.

(2) All aircraft ground movements at the county airport will conform to the traffic patterns promulgated by the airport manager.

(3) Taking into consideration the wind direction, traffic patterns and landing directions shall be in such a manner as not to endanger other aircraft landing or taking off. During calm or zero wind conditions; pilots are encouraged to land to the west.

(4) Simulated forced landings within the airport traffic area must be done with great care and under the direction of qualified flight instructors.

(5) Operators of aircraft so equipped are recommended to transmit their intentions on the UNICOM or the common traffic advisory frequency of 122.8 when operating on the airport or in its airspace.

(e) *Disabled, derelict aircraft.* Upon demand made by the airport manager or county management to the owner or operator of any abandoned, disabled or derelict aircraft or parts thereof, wrongfully or improperly left upon airport property, it shall be the duty of said owner or operator to remove the same at his own expense. If after such demand said owner or operator fails or refuses to remove such aircraft within a reasonable time as determined by said manager from the circumstances and conditions of hazard created by reason of the presence of such aircraft at such place, the said manager shall cause the same to be impounded, stored, or donated to the county. The cost of such removal and storage shall be a charge against the owner or operator of such aircraft, and upon the payment of said charge, the impoundment herein provided shall be released and possession of said aircraft shall be restored to said owner or operator.

(f) *Security of aircraft.* The county police department makes regular patrol checks of the airport and aircraft tie-down areas. However, when, in the opinion of the owner, the kind, type, mission and donation of an aircraft make it necessary to provide security guards or policemen whenever the aircraft is located on the airport, the owner of the aircraft shall be responsible for obtaining, providing and maintaining its own security guards or policemen after permission to establish such security has been obtained from the county manager or his duly authorized representative. Security requirements shall not be used as a means to hinder or delay removal of aircraft at the direction of the airport manager.

- (g) *Stunt flying; acrobatics.* Except for the public displays of aviation flight specifically authorized by the county board of commissioners to be conducted under responsible auspices and control, violations of any of the following provisions shall be illegal and an offense:
- (1) No person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others by buzzing, diving or low-altitude flying.
 - (2) No person shall engage in acrobatic or stunt flying over congested areas or over an open-air assembly of persons or below an altitude of 500 feet above the surface unless appropriate waivers from the FAA have been obtained.
- (h) *Categories of aircraft.* Final determination as to the proper category designation of any aircraft shall rest with the county board of commissioners, in accordance with the following:
- (1) *Private.*
 - a. Privately owned aircraft will be operated noncommercially by the owner or owners. The aircraft can be used in connection with the owner's business in a manner comparable to the owner's use of his private automobile. Company and corporation owned aircraft that are operated for the transportation of their and other personnel and/or products are classified as private aircraft.
 - b. Flying clubs. 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 those 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 to be commercial in nature so long as there is no profit or for-hire motive involved in the operation. Club aircraft must be owned and operated by a non-profit partnership or non-profit Georgia corporation, and each club member must be 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 operation, maintenance and replacement of its aircraft and it will file and keep up to date with the airport manager a list of membership. At any time the airport manager has reason to believe that a club aircraft is being so operated that it falls under the "commercial" classification hereunder, he shall so notify the club and if they fail to take corrective action, the county or its designee shall reclassify the aircraft and levy fees necessary to the pertinent type of operation.
 - c. Aircraft of sale. New or old aircraft held for sale may be demonstrated to prospective purchasers, or, when sold, may be used to instruct the new owner in their operation.
 - (2) *Commercial.* Aircraft used:
 - a. To carry passengers for hire.
 - b. For rental, hire or charter.
 - c. Flight instruction and its kindred occupations.

d. Any aircraft used for commercial purpose including aerial application and not otherwise covered in these regulations.

- (i) *Liability insurance.* All owners of certificated aircraft stored or based at the county airport are strongly encouraged to maintain full liability insurance on their aircraft. Owners of itinerant, stored, or based aircraft shall at all times be fully liable for all damages resulting from the operation of their aircraft and for all damages occurring to their aircraft.
- (j) *Balloons and model aircraft.* No person shall operate or release any model aircraft, rocket, kite, balloon or similar contrivance at or upon the airport except hot air balloons as defined by FAA regulations.
- (k) *Air shows.* No air meets, aerial demonstrations, parachute jumping or other special activities shall be held at the airport unless prior permission and an air show waiver is obtained from the FAA and the county board of commissioners, and no such permission shall be granted unless the applicant has deposited with the airport management proof of the FAA authorization and either a policy or a certificate of insurance protecting the county and any third party against loss or damage due to such event and indemnifying the county against liability to any third persons resulting there from. This insurance shall be in amounts deemed satisfactory by the county board of commissioners.
- (l) *Gliders and glider tow aircraft.* No person shall operate a tow aircraft at or upon the airport without prior written approval of the airport manager; and while so doing must:
 - (1) Maintain and use an operating aircraft communication radio in the tow aircraft prior to each operation such as taking off the runway, beginning the tow, departing the airport traffic pattern releasing the glider, entering the traffic pattern and landing.
 - (2) Broadcast the above information on the designated common traffic advisory frequency.
 - (3) Advise other aircraft in the vicinity of the airport that glide operations are being conducted if not so done by the UNICOM or common traffic advisory frequency operator.
 - (4) Maintain types of insurance for commercial or rental operations and for corporate or personal operations.
 - (5) Each glider operator/pilot operating a glider at or upon the airport will:
 - a. Adhere to the glider traffic pattern.
 - b. Move glider clear of the runway by 50 feet immediately after landing.

All personal vehicles, equipment and objects will be so controlled by the glider operators as not to interfere with other operations at the airport.

Glider operators will advise the airport UNICOM operator prior to beginning operations and at the conclusion of operations of their intentions. The UNICOM operator will be requested to include this information in all traffic advisory transmission.

- (m) *Ultralights/gyrocopters.* All traplight vehicles shall be operated in accordance with FAA regulations. All gyrocopters shall follow the same rules as ultra lights as set forth by FAA regulations.
- (1) If possible, each and every ultra light operator shall be equipped with a UNICOM radio in order to transmit and receive traffic advisories. If one is not available a knowledgeable observer will be located at the ultra light entry point to the runway in use to assist ultra light pilots in timing operations safely with respect to other operations.
 - (2) The observer will have and use a portable transceiver set to the applicable UNICOM frequency.
 - (3) FAA regulations shall be followed in determining ultra light traffic patterns. Prior written approval from the airport manager is required before operations are commenced.
 - (4) Ultra light traffic patterns should be maintained well inside the normal traffic patterns for conventional aircraft operations on the cross wind, down wind, and base legs of the pattern unless otherwise modified by written directive as set forth by the airport manager.
 - (5) Ultra light operators will advise the airport manager prior to beginning operation and at the conclusion of operations of their intentions.
 - (6) Ultra light pilots will demonstrate to airport management, a knowledge of airspace regulations and the airport operating regulations as applicable to the county airport. Satisfactory demonstration of knowledge will include one of the following: FAA pilot license, U.S.U.A., pilot rating, A.S.C. pilot rating or E.A.A. pilot rating. Any one of these should be proof of competency. Also, the above organization's students licenses with a solo endorsement by an authorized instructor should be acceptable.
 - (7) Each ultra light operator will maintain an aviation insurance policy of the types of insurance in the limits specified as follows:
 - a. Commercial (rental) ultra light operators.
 - b. Corporate or personal ultra light operators.
- (n) *Two-seat ultra light training operations.* Two-seat training operations are authorized at the county airport, provided:
- (1) The two-seat trainer used is registered as a two-seat ultra light trainer with the proper authority and must display the proper registration numbers and placards as required by the FAA exemption under which it operates.
 - (2) Two-seat ultra light instructors operating at Cornelius-Moore Airport show proof of a current exemption from the FAA.
 - (3)

All ultra light aircraft shall be maintained in safe and airworthy condition (not certificated) and may be grounded by the airport manager or his designated representative for unsafe conditions until such time as the unsafe condition has been corrected to the satisfaction of the airport manager or his representative.

(Ord. of 9-14-2010, § 4; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-6. - Ground vehicles.

(a) *Generally.*

- (1) No person shall operate any motor vehicle within the airport operating area without permission of the airport manager.
- (2) No person shall operate any motor vehicle on any other portion of the airport in any manner other than in strict accordance with the applicable provisions of these regulations and applicable federal, state and county laws, codes and other similar regulatory measures, now in existence or as may hereafter be modified or amended.
- (3) It shall be unlawful for the operator of any vehicle to ignore the instructions of any official traffic sign placed in accordance with these regulations unless otherwise directed by a traffic officer.
- (4) Any person driving a motor vehicle on the airport shall operate it in such manner that it is under safe and proper control at all times, weather and traffic conditions considered.
- (5) No person shall operate a motor vehicle of any kind on the airport in a reckless or negligent manner, or in excess of the speed limits posted or as prescribed by the County or its designee.
- (6) Unless otherwise posted, no person shall operate any vehicle other than authorized emergency and maintenance vehicles on the airport at a speed in excess of 25 miles per hour.
- (7) Pedestrians and aircraft shall at all times have right-of-way over vehicular traffic. All vehicles shall pass to the rear of taxing aircraft.
- (8) No persons operating a motor vehicle on the airport shall fail to give proper signals, or fail to observe the directions of posted traffic signs. No person under the influence of alcohol or other drug substances shall operate a motor vehicle or aircraft on the airport.
- (9) No person shall ride on the running board, stand up in the body of moving vehicles, ride on the outside of the body of a vehicle, or with arms or legs protruding from the body of motor vehicles, other than crash, fire and rescue vehicles designed for standing personnel.
- (10) No person shall operate motor vehicle upon the airport which is so constructed, equipped or loaded or in such physical or mechanical condition as to endanger persons or property, or which has attached thereto any object or equipment which is being towed, or drags, or swings, or projects so as to be hazardous to persons or property.

(11)

No person shall operate a motor scooter, truck or other motor vehicle in any hangar on the airport without exhausts protected by screens or baffles to prevent the escape or sparks or the propagation of flames.

- (12) When parking or driving in the proximity of an active runway all vehicles must maintain a distance of at least 200 feet from the centerline of the runway at all times.
- (13) Before crossing runways or taxiways, drivers must insure by personal observation that no aircraft is approaching his position.
- (14) Emergency conditions existing at any time on the airport air operations area will not mitigate or cancel these regulations. During such conditions, the driver of any vehicle, civilian or military, will make certain that he does not move his vehicle in any direction unless specifically cleared to do so by the appropriate authorities. The airport manager or officer-in-charge shall determine when normal operations may be resumed.
- (15) The county or its designee is authorized to install such traffic control signs on the airport as may be necessary in order to properly control and regulate vehicular traffic with approval of the county airport commission.
- (16) Any person found to be in violation of vehicular traffic or parking regulations as specified herein may be denied permission by the county or its designee to operate a vehicle upon the airport premises.
- (17) No person shall clean or make any repairs to vehicles anywhere within the airport boundary other than in shop or other areas designated for such purposes, except minor repairs necessary to remove such vehicles from the airport, nor shall any person move, interfere or tamper with any vehicle or put in motion the engine or take or use any vehicle part, instrument or tool thereof without permission of the owner or satisfactory evidence of the right to do so presented to the airport manager.
- (18) Heavy vehicles in excess of 12,500 pounds single axle load will not be permitted on runways or taxiways without the airport managers approval. Violators will be responsible for the cost of repairing any damage caused by such vehicles.
- (19) All ground vehicles operating on active air operations surfaces must display a checkered flag in accordance with FAA AC 150/5210-5 as amended or superseded.
- (20) Individuals, partnerships and corporations basing their aircraft at the airport may drive ground vehicles to and from their aircraft as necessary as long as the privilege is exercised with reasonable care and caution.

(b) *Public parking.*

- (1) 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. No person shall abandon any motor vehicle on the

airport. No person shall park a motor vehicle in a manner, which would obstruct roadways, not in aircraft parking areas.

- (2) No person shall park a vehicle in any space marked for parking in such a manner as to occupy part of another marked space, nor shall any person park or stand any vehicle in any reserved or restricted areas so marked.
- (3) Person or persons found in violation of these regulations pertaining to parking shall be cited for traffic violations under the applicable provisions of county ordinances.
- (4) Parking in designated public parking areas is open to all members of the public using the airport.
- (5) All employees of organizations and agencies having tenancy in the airport's building areas shall park private vehicles in the employees' parking lots, if provided, or in areas so designated by the airport manager or organization/agency.
- (6) All individuals, partnerships and corporations operating taxicabs, Limousines or buses on the airport for the purpose of transporting persons or passengers for hire shall comply with the following:
 - a. All taxicabs, limousines and buses shall be parked in such manner and in such areas as may be designated from time to time by the airport manager or the county airport commission.
 - b. The airport manager may designate airport areas for the parking, loading, and unloading of courtesy cars. Operators or courtesy cars shall be required to use said areas, and for said purposes only.
- (c) *Impounding of vehicles:* The airport shall have the right to move and to impound any vehicle parked on airport premises in violation of applicable rules and regulations. Any such vehicle may be released to the owner or operator thereof upon proper identification of the person claiming it and upon payment of all towing, storage, and parking fees. Neither the county nor its employees will be liable for damage or theft to the vehicle which might result during the act of removal or subsequent impounding.

(Ord. of 9-14-2010, § 5; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-7. - Marking and lighting unserviceable areas including closed runways and taxiways.

- (a) *Generally.* Applications of the standards and practices contained in the appropriate FAA Advisory Circular, "Marking of Paved Areas on Airports," as amended or superseded, apply when there is a closed or hazardous area on the airport or when a deceptive area exists and the airport manager determines that an operational need exists to mark same. Replace or modify as soon as possible existing markings that are not in the advisory circular.
- (b) *Hazardous and unserviceable parts of the air operations area.*

- (1) Where a relatively small paved area has failed or for any other reason becomes hazardous for aircraft operation and it is not intended to close the entire area to operations, use red flags not less than 18 inches square for day marking and use red lights or lighted barricades with flags for night marking to delineate the hazardous area. When flags are made of fabric, use a wire stiffener to hold the flag in an extended position. Mount flags so they are not a hazard.
 - (2) Where large apron areas are unserviceable, place a cross, as shown by the appropriate FAA advisory circular, in the center of the unserviceable area. If this type movement area is used at night, place red lights to delineate the unserviceable parts of the area.
 - (3) On runways or taxiways where the unserviceable area is such as to render the runway or taxiway or portion thereof unusable, place red lights at the entrance to such areas and disconnect controls to the runway or taxiway lights in the section rendered unusable.
 - (4) Use red lights of at least ten candlepower for night marking of unserviceable parts of the movement areas. Red lights with a light distribution equivalent to a fixture meeting the requirements in AC 150/5345-2, Specification for L-180 Obstruction Light, are acceptable.
- (c) *Closed airports.* When the entire air operations area is rendered unsafe by a hazardous condition, declare the field closed and mark as follows:
- (1) *Day marking.* Place a cross over runway numbers readily visible from the air. Make all crosses in accordance with the current FAA Advisory Circular AC 150/5340-1 as amended or superseded, Marking of Paved Areas on Airports, as amended or superseded.
 - (2) *Night marking.* Disconnect controls to runway, taxiway, lighted wind cone and rotating beacon lights.
- (d) *Color.* Use aviation yellow for all deceptive, closed, and hazardous area markings.
- (e) *Notification.* Immediately report closed runways and taxiways, airport hazardous areas and closed airports to the Atlanta Flight Service Station (404-691-1474).
- (f) *Safety during construction.* These guidelines apply to all construction work, which may affect the movement of aircraft.
- (1) Prior to the development of contract specifications for construction activity affecting aircraft movement areas, safety requirements relating thereto should be coordinated between the airport management and appropriate representatives of the FAA to determine the restrictions required for the project's special provisions, which should result in a minimum of interference to aircraft operations.
 - (2) For construction activity to be performed in other than active operational areas, the storage and parking of equipment and materials when not in use or about to be installed should not encroach upon active operational areas. The protection of operational areas shall be in accordance with the current FAA AC 150/5300-13, Airport Design, as amended or superseded.
 - (3)

Open-flame, welding, or torch cutting operations are to be prohibited, unless adequate fire and safety precautions have been made and approved by the county or its designee.

- (4) Open trenches, excavations, and stockpiled material at the construction-site will be prominently marked with red flags and lighted by red light units (acceptable to the airport manager) during hours of restricted visibility and/or darkness.
- (5) All vehicles will be clearly identified for control purposes, by assigned number prominently displayed on each side. The identifying symbols should be eight-inch minimum, block-type characters of a color easily read on a contrasting background. They may be applied by use of tape or water-soluble paint to facilitate removal.
- (6) All vehicles will follow routes and roadways selected by the airport manager or his representative and stay clear of areas adjacent to NAVAIDS that if traversed could cause emission of false signals or failure of NAVAIDS. These sensitive areas will be identified and clearly marked by the airport engineer.
- (7) The airport engineer will identify and mark with yellow flags the location of all utilities in the construction areas that if interrupted, could cause failure of a facility or NAVAID.
- (8) The airport manager will issue the necessary notices to airmen, (NOTAMs), to reflect hazardous conditions. NOTAMs will be kept current and reflect the actual condition with respect to construction situations, active NOTAMs will be reviewed periodically.
- (9) Frequent inspections will be made by the airport manager during critical phases of the work to insure that the contractor is following the recommended safety procedures.

(Ord. of 9-14-2010, § 6; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-8. - Bird hazard reduction.

- (a) *Periodic checks.* Birds are not a current hazard, however, trees located around the county airport are potential bird nesting sites. Periodic checks of the trees in the immediate area will be conducted by the airport manager or his representative to help prevent these areas from becoming nesting areas.
- (b) *Visual surveillance.* for birds will be maintained by airport personnel. All operating aircraft will be notified on the common traffic advisory frequency, of any flocks of birds detected.
 - (1) Quantities of FAA Form 3830 as amended or superseded, Bird Strike/Incident, will be maintained in the airport managers office and strikes reported in accordance with FAA regulations.
 - (2) During the migratory season a special watch will be maintained to detect birds in the airport surveillance area with assistance from the U.S. Department of Interior, Fish and Wildlife Service and/or the Georgia Department of Transportation, Bureau of Aeronautics and the Georgia Department of Natural Resources.

(Ord. of 9-14-2010, § 7; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-9. - Violation of rules and regulations.

- (a) *Default of obligations.* When any tenant, user, or grantee, if formally notified that he is held in default of any written or implied obligation to the county airport, whether it be for breach or performance of service covenants or non-payment, he shall thereafter be billed for all losses of revenue, expenses incurred to re-establish performance or service, and other costs unless the tenant, user or grantee files with the county board of commissioners within ten days 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 tenant, user or grantee will be considered in absolute default and appropriate legal steps shall be taken.
- (b) *Violation.* Violation of these rules and regulations shall subject the offender to administrative action as provided below and to legal action in Superior Court or punishment as provided under Georgia Criminal Law. A violation of each and every rule, regulation or order shall be considered a separate offense.

Any person who fails or refuses to comply promptly with the rules and regulations contained herein following notices of violation by airport authorities, where such noncompliance interferes with the management, regulation or operation of the airport and its facilities or creates any hazard or condition which endangers the public or airport personnel, may be promptly directed to leave the premises of the airport by the county or its designee. Failure to comply may be considered as either criminal mischief punishable under criminal law or criminal trespass.

Any person, firm or corporation found to be in violation of any of these rules and regulations shall be punished as follows:

First violation: Verbal warning.

Second violation: Written warning with notice provided that future violations will result in a fine and/or imprisonment.

Third violation: A maximum fine as referenced in Subpart A; Chapter 1, Section 1-18, Fine Schedule.

Fourth violation: Shall be grounds for permanent eviction from the airport.

Such person may also be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the public interest. Any person deprived of the use of airport facilities must apply to the county board of commissioners for reinstatement of the privileges of use.

(c)

Enforcement. County management, county, and state uniformed police officers or other representatives as designated by the county board of commissioners or the state department of transportation, aviation programs are empowered to require compliance with these rules and regulations. No authority is either hereby expressed or implied, however, that would permit any individual other than the county board of commissioners to change, alter or amend these rules and regulations, except as provided in subsection "emergency powers of the airport management."

(d) *Use of other law enforcement agencies.* In the event that situations arise that are beyond the capability of regular airport personnel, outside law enforcement agencies shall be called for assistance.

(Ord. of 9-14-2010, § 8; Ord. No. 2019-01, § 1, 2-5-2019; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-10. - Airport manager—Employment and qualifications.

It shall be the duty of the county board of commissioners to appoint an individual or a company who under the direction of the board of commissioners or its designee shall be responsible for conducting the day-to-day administrative operations and affairs of the airport. The airport manager, whether an individual or an employee of a company, shall be qualified by either education, training and/or experience to perform the duties of airport manager. The airport manager shall either work under a contract or as a permanent county employee. Although the airport manager shall have all of the powers and duties as set out herein, including but not limited to the enforcement of all rules and regulations, the airport manager becomes the equivalent of a department head upon his or her appointment and as such reports directly to, and is evaluated by, the county manager. The airport manager shall be allowed to reside on airport property to promote airport security.

(Ord. of 9-14-2010, § 9; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-11. - Same—Responsibilities and duties.

(a) *Generally.* The responsibilities, powers and duties of the airport manager shall be:

- (1) To see that these rules, regulations and policies of the county board of commissioners are enforced.
- (2) To attend all meetings of the airport committee with the right to take part in the discussion, but having no vote.
- (3) To recommend to the county board of commissioners for adoption, such measures as he or she may deem necessary or expedient.
- (4) To keep the county board of commissioners fully advised as to the financial condition and needs of the airport.
- (5)

To supervise other airport employees and to remove any airport employees when such manager deems such removal necessary or advisable for the public good. These powers and duties shall be subject to the approval of the county board of commissioners.

- (b) *Enforcing rules; promulgation of rules in certain contingencies.* The airport manager 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 contingency not specifically covered by these rules and regulations, the airport manager shall be authorized to make such reasonable rules, orders and decisions as may be necessary and proper. In the absence of the airport manager, the authority hereby given shall be in the person designated by the airport manager to act during the absence of the airport manager.
- (c) *Specific duties.* The airport manager shall have the general supervision of all airport lands, buildings, equipment, facilities, including navigational aids and instruments, electronics, radio transmitters, lighting, runways, taxiways, vehicles and other fixed assets of the airport, located both on and off the airport.
- (d) *Reports.* The county board of commissioners may require the airport manager to come before it at any regular, special or called meeting and answer questions either orally or in writing; and it may require at any time from said manager written reports upon any matter involving the airport that it may deem proper, and said manager shall report regularly and at intervals, at least quarterly, such manager's general acts and doings on behalf of the county board of commissioners and the airport.

(Ord. of 9-14-2010, § 10; Ord. No. 2020-16, § 2, 4-7-2020)

Sec. 55-12. - Airport committee.

The chairman of the county board of commissioners may appoint an airport committee from year to year that may also include a citizen advisory component. The airport committee shall be comprised of two county commissioners, one of which shall be the committee chairman. The citizen advisory component, appointed by the committee chairman, shall be comprised of no more than six county residents who have a genuine interest in the county airport. The airport committee shall meet no less than twice a year to consider recommendations made by the citizen advisory members regarding the upkeep and development of the county airport. The airport committee may schedule additional meetings as necessary throughout the year to discuss other airport business. The airport committee shall also be responsible for making recommendations to the full board regarding grant opportunities, mandated GDOT and FAA projects, contract awards, etc.

(Ord. of 9-14-2010, § 11; Ord. No. 2020-16, § 2, 4-7-2020)