

Rules and Regulations Of The Driggs-Reed Memorial Airport



Our Mission: To Manage, Promote and Improve the Driggs Reed Memorial Airport for the Educational and Economic benefit of the Community

1.1. Purpose

1.1.1. These Rules and Regulations are designed to protect the public health, safety, interest, and welfare on the Driggs-Reed Memorial Airport (Airport) and to restrict (or prevent) any activity or action that would interfere with the safe, orderly, and efficient use of the Airport by its Commercial Operators, Lessees, consumers, and users.

1.2. Airport Board to Adopt

1.2.1. These Rules and Regulations specifically grants the Driggs-Reed Memorial Airport Board (Airport Board), the authority to develop, adopt, and enforce rules and regulations governing the use of the Airport.

1.3. Airport Ownership/Operation

1.3.1. The Airport is owned by the City of Driggs (City) and operated by the Airport Board.

1.3.2. The Airport Manager and Driggs-Reed Memorial Airport Board is responsible for the operation, management, maintenance, and security of the Airport and all Airport Board owned and/or operated facilities, vehicles, and equipment.

1.3.3. The Airport Manager shall at all times have the authority to take such action that is deemed necessary to enforce these Rules and Regulations. The Airport Manager will be elected by the airport board and must be a current member of the board.

1.3.4. In any contingencies not specifically covered by these Rules and Regulations, the Airport Board shall be authorized to make such rules and render such decisions as deemed proper.

1.4. Applicability and Conditional Use of Airport

1.4.1. Any permission granted directly or indirectly, expressly or by implication, to any Entity to enter upon or use the Airport (including Aircraft Operators; Vehicle Operators; Aircraft crew members and passengers; spectators and sightseers; occupants of private and commercial vehicles; officers, employees, and customers (or agents, vendors, and contractors) of Commercial Operators and Lessees; Entities doing business with the Airport Board and/or Airport Manager, its contractors, subcontractors and licensees; and all other Entities whatsoever) is conditioned upon:

1.4.1.1. Assumption of responsibility to abide by (comply fully and completely with) these Rules and Regulations by any Entity exercising or taking advantage of such permission.

1.4.1.2. Entry upon or use of the Airport by any Entity shall be deemed to constitute an agreement by such Entity to fully comply with these Rules and Regulations.

1.4.1.3. The paying of fees or the taking off or landing of Aircraft at the airport shall be deemed to constitute an agreement by such Entity to fully comply with these Rules and Regulations.

1.4.1.4. Each such Entity shall at all times release, hold harmless and indemnify the Airport Board (individually and collectively), representatives, officers, officials, employees, agents, and volunteers from any and all responsibility, liability, loss or damage that may result to any Entity, be caused by or on behalf of any Entity and/or incident to the manner in which the Airport is operated, constructed, maintained, served or used.

1.5. Responsible Party

1.5.1. Any person accessing and/or using the Airport shall be responsible for their actions and all actions of any person to whom they provide and/or facilitate access, whether directly or indirectly.

1.6. Civil Rights

1.6.1. No person shall in the use of the Airport discriminate or permit discrimination against any other person or group of persons on the grounds of race, color, creed, sex, or national origin.

1.7 Amendments

1.7.1. These Rules and Regulations may be supplemented, amended, or modified by the Airport Board from time to time and in such a manner and to such extent deemed appropriate by the Airport Board.

1.7.2. The Airport Board may issue special rules, regulations, notices, memorandums, orders, or directives from time to time.

1.8. Conflicting Regulatory Measures and Agreements

1.8.1. In any case where a provision of these Rules and Regulations is found to be in conflict with any other provision of these Rules and Regulations or in conflict with a provision of any zoning, building, fire, safety, health, or other Regulatory Measures, the provision which establishes the higher standard (the most stringent or restrictive) for the promotion and protection of the health, safety, interest, and welfare of the people shall prevail. In all cases, however, the Airport Board shall have final authority.

1.8.2. It is not the intention of these Rules and Regulations to repeal, abrogate, annul, or in any way impair or interfere with the existing provisions of any other Regulatory Measures except those specifically repealed by these regulations or to excuse any Entity from performing any obligation it may have to the Airport Board as set forth in any Agreement the Entity has with the Airport Board whether such Agreement is in existence on the date these Rules and Regulations are adopted by the Airport Board or entered into (at any time) thereafter.

1.8.3. No existing or future Agreement, nor any payment or performance thereunder, shall excuse any Entity from full and complete compliance with these Rules and Regulations.

1.8.4. Compliance with these Rules and Regulations shall not excuse any Entity from full and complete compliance with any obligation it may have to the Airport Board under any existing or future Agreement.

1.9. Severability Clause

1.9.1. The invalidity, voiding, or unenforceability of any particular rule or regulation contained herein by a government agency having jurisdiction over the Airport, the tenants located at the Airport, or the users of the Airport or by a court of competent jurisdiction shall not in any way affect the validity of the remainder of these Rules and Regulations.

1.10. Enforcement

1.10.1. Teton County Idaho Sheriff's Office is empowered to require compliance with and enforce these Rules and Regulations in accordance with City Ordinance No.245.

1.10.1.1. No authority is granted, either expressed or implied, that would permit any Entity other than the Airport Board to change, alter, or amend these Rules and Regulations.

1.11. Violations, Penalties, and Fines

1.11.1. Any Entity who violates any of these Rules and Regulations or any other rule, regulation, notice, memorandum, order, or directive issued by the Airport Manager or Teton County Idaho Sheriff's Office may be cited and/or removed from the Airport and/or denied the use of the Airport.

1.11.2. Any Entity failing to comply and/or knowingly or willfully violate these Rules and Regulations shall be guilty of a violation that may result in a conviction of a misdemeanor under City Ordinance No. 245.

1.11.2.1. Any person denied use of the Airport due to a violation of these Rules and Regulations may only use the Airport for the purpose of enplaning or deplaning (as a passenger) Aircraft using the Airport.

1.11.3. Parties aggrieved by a decision of the Airport Manager may appeal (in writing) such decision to the Airport Board within 10 days after such decision is issued.

1.11.3.1. The decision of the Airport Board on such appeal shall be final.

1.12. Other

1.12.1. Words of gender used in these Rules and Regulations shall include both genders and words in the singular shall encompass the plural unless the context requires otherwise.

2. GENERAL RULES AND REGULATIONS

2.1. Commercial Activities

2.1.1. Entities desirous of engaging in Commercial Activities at the Airport must submit an application to the Airport Board.

2.1.2. Prior to engaging in a Commercial Activity, Entities must enter into an Agreement with the Airport Board describing the terms and conditions under which the Entity can engage in the Activity.

2.1.3 Spray Plane Operation Policy. The Driggs-Reed Memorial Airport currently has no containment facility for the purpose of loading and unloading chemicals used for agricultural or mosquito control operations, and cannot at this time permit any activity that requires same.

2.2. Self-Servicing

2.2.1. Aircraft Operators (in designated areas only) are permitted to fuel, wash, repair, maintain, or otherwise service their own-based Aircraft.

2.2.2. An Aircraft Operator may hire (as an employee) an individual to provide, under the direction and supervision of the Aircraft Operator, services on the Operator's Aircraft.

2.3. Accidents or Incidents

2.3.1. Any person involved in or witnessing an Aircraft or Vehicle incident/accident on the Airport resulting in any injury (or death) to person or damage to Property shall remain at the scene and notify Teton County Idaho Sheriff's Office immediately and provide all pertinent information (as requested).

2.3.1.1. No person shall tamper with an incident/accident scene or fail to comply with any directive issued by the Airport Manager, Teton County Idaho Sheriff's Office, Driggs Fire Department, or any other governmental entity having jurisdiction over the incident/accident scene.

2.4. Solicitation, Picketing, or Demonstrations

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

2.4.1.1. Those acts approved by the Airport Manager must be conducted only in those areas identified by the Airport Manager.

2.5. Signage/Advertisements

2.5.1. Written advertisements, signs, circulars, and/or handbills may be posted or distributed only with the prior permission of the Airport Manager.

2.6. General Conduct

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

2.6.2. No person shall use or otherwise conduct himself upon any portion of the Airport in any manner contrary to the posted or otherwise visually indicated directives applicable to that area.

2.6.3. Destroying, damaging, injuring, defacing, disturbing, or tampering with Property on the Airport is prohibited.

2.6.3.1. Any person who causes "damage" to Property on the Airport shall be liable for such "damage".

2.6.4. Smoking or carrying lighted cigars, cigarettes, or pipes in any public building (on the Airport) or in any area designated including AOA as a "no smoking" area by the Airport Manager is prohibited.

2.6.5. No person shall illegally use, possess, sell, or distribute controlled substances (i.e., drugs, narcotics, or alcohol) on the Airport.

2.6.6. No person shall be intoxicated; commit any disorderly, obscene, lewd, indecent, or unlawful act; or commit any act of nuisance (including the use of offensive, abusive, or threatening language) on the Airport.

2.6.7. No person shall engage in, conduct, aid in, or abet any form of gambling on the Airport except for those entities who are duly authorized by the Airport Board to offer games approved by the state lottery corporation or commission.

2.6.8. Moving, tampering, starting, using, or interfering with the safe operation of any Aircraft, Vehicle, or Equipment or any Aircraft, Vehicle, or Equipment part, instrument, or tool without permission of the Aircraft, Vehicle, or Equipment Operator or by specific direction of the Airport Manager is prohibited.

2.6.8.1. If requested by the Airport Manager or Teton County Idaho Sheriff's Office, satisfactory evidence of the right to do so shall be presented.

2.7. Commercial Operator and Lessee Facilities

2.7.1. Commercial Operator and Lessee facilities are expressly for the conduct of the Operator's or Lessee's business and operations. No person other than employees and customers of the Operator or Lessee shall make use of such facilities or loiter on such premises without permission of the Operator or Lessee.

2.8. Abandoned, Derelict, or Lost Property

2.8.1. Property shall not be abandoned on the Airport.

2.8.2. Abandoned, derelict, or lost Property found in public areas at the Airport including, without limitation, Aircraft, Vehicles, trailers, RV's, Equipment, machinery, baggage, or parts thereof should be reported to the Airport Board.

2.8.2.1. Property unclaimed by their proper owner within 180 days may be turned over to the finders thereof or otherwise legally disposed of.

2.8.2.2. Property to which the owner or finder is not entitled to lawful possession shall be forfeited to the Airport Board for disposal in accordance with the provisions of federal, state, and/or local laws.

2.8.2.3. The Airport Board shall be entitled to reimbursement for all charges and expenses incurred for the storage (and/or disposal) of said Property and may retain possession of the Property until such charges and expenses are paid.

2.8.2.4. Nothing in Section 2.8.2 shall be construed to deny the right of Commercial Operators and Lessees to maintain "Lost and Found" service for Property of their patrons, invitees, and/or employees.

2.9. Environmental Clean Up

2.9.1. Should the Airport Board determine that during the course of an environmental incident the responsible party is not capable of, has not, or refuses to take the appropriate action in a timely manner to mitigate the adverse environmental incident (in the sole determination of the Airport Board), the Airport Board reserves the right to take action and/or employ those services that the Airport Board determines appropriate to control and/or clean up the site. The cost of such actions or services shall be borne by the responsible party.

2.10. Restricted Areas: Air Operations Area (AOA)

2.10.1. No person shall enter any Restricted Area (including the AOA) except those persons:

2.10.1.1. Directly engaging in work or an aviation activity that must be accomplished therein;

2.10.1.2. With the prior written permission of the Airport Manager;

2.10.1.3. Under appropriate supervision (or escort) by approved airport personnel.

2.10.1.4. Employed by or representing the FAA.

2.10.2. Any person in a Restricted Area (including the AOA) who is not authorized to be in the area (or whose status is questionable) must leave the area by the nearest established exit point when asked to do so by any other person who is authorized to be in the area.

2.10.3. Tampering with, interfering with, or disabling the lock, or closing mechanism or breaching any other securing device at the Airport is prohibited and subject to legal action by the Airport Manager.

2.10.4. Persons who have been provided either a code or device for the purpose of obtaining access to a Restricted Area shall only use Airport-issued codes/devices and shall not divulge, duplicate, or otherwise distribute the same to any other person, unless the Airport Manager provides prior written permission. Persons who fail to comply with (violate this) provision may be denied access to the Airport and/or be fined by the FAA under 14 CFR Part 107 (in addition to any fines that may be imposed under these Rules and Regulations).

2.11. Use of Roadways and Walkways

2.11.1. No person shall travel on the Airport other than on the roadways, walkways, or other places provided for the particular class of traffic.

2.11.2. No person shall occupy the roadways or walkways in such a manner as to hinder or obstruct their proper use or use by others.

2.11.3. Sidewalks along such roadways (and other portions of such roadway when designated for that purpose) may be used by pedestrians as a means of ingress and egress to, from, and between various portions of the Airport.

2.12. Animals

2.12.1. Domestic pets and animals are not permitted on the Airport unless destined for air transport or restrained by a leash or container.

2.12.2. No person except those authorized by the Airport Manager shall hunt, pursue, trap, catch, injure, or kill any bird or animal on the Airport.

2.13. Weapons, Explosives, and Flammable Materials

2.13.1. Discharge of any weapon on the Airport is prohibited, except in the performance of official duties or in the lawful defense of life or property.

2.14. Trash and Other Waste Containers

2.14.1. Garbage, trash, papers, refuse, or other waste materials shall not be placed, discharged, or deposited on the Airport except in the receptacles provided specifically for that purpose.

2.14.1.1. The burning of garbage, trash, papers, refuse, or other waste

materials on the Airport is prohibited. With the prior written permission of the Airport Manager, Aircraft rescue and fire-fighting personnel may engage in training exercises that require controlled burning.

2.14.2. The Airport Manager shall designate areas that shall be used for garbage receptacles. No other areas shall be utilized.

2.14.2.1. Such areas shall be kept clean and sanitary at all times.

2.14.2.2. Garbage receptacles shall be emptied with sufficient frequency to prevent overflowing and shall be cleaned with sufficient frequency to prevent the development of obnoxious odors.

2.14.2.3. Garbage receptacles shall be equipped with securely fastened lids.

2.14.3. No boxes, crates, rubbish, paper, or litter of any kind shall be stored in, near, or around hangars.

2.15. Fire

2.15.1. Entities engaged in any activity at the Airport, whether occupying Airport Board owned buildings or otherwise, shall comply with all applicable federal, state, or local Regulatory Measures, all fire code and practices recommended by the NFPA, Uniform Fire Code, and all Airport Fire Regulations that may be issued by the Airport Board unless otherwise directed in writing by the Airport Board.

2.15.2. Entities shall comply with all directives issued by the Airport Manager regarding the removal of fire hazards, arrangement or modification of Vehicles or Equipment, or the implementation of operating procedures that are considered unsafe from a fire prevention standpoint.

2.15.3. Entities using the Airport or the facilities located at the Airport shall exercise the utmost care to guard against fire and injury to persons or Property.

2.15.4. Smoking, matches, lighters, or any open flames are prohibited within 100 feet of any Aircraft or refueling Vehicle (or the self-fueling area when occupied) and within 100 feet of any fuel storage facility or any Aircraft being fueled or defueled.

Any hostile fires (regardless of the size of the fire or whether or not the fire has been extinguished) shall be reported immediately to the Airport Manager and the Driggs Fire Department.

2.16. Hazardous Waste and Materials

2.16.1. No Entity shall store, keep, handle, use, dispense, or transport on the Airport any Hazardous Material without the prior written permission of the Airport Manager.

2.16.1.1. Material Safety Data Sheets (MSDS) for all hazardous materials shall be maintained on site so as to be readily available to emergency responders in the event of an emergency and a copy shall be submitted periodically to the Airport Manager for review.

2.16.2. Lubricating oils and hazardous liquids shall be disposed of in a manner compatible with these Rules and Regulations, the Uniform Fire Code, and the Idaho Revised Statutes.

2.16.3. No fuels, oils, dopes, paints, solvents, acids or any other Hazardous Waste shall be disposed of or dumped in drains, on Aprons, in catch basins, or in ditches, or any other place on the Airport except for waste oil products that may be disposed of at approved waste oil stations.

2.16.4. Storage of Hazardous Waste on the Airport is prohibited without the approval of the Airport Manager unless such waste is placed in suitable receptacles with selfclosing covers that are properly secured.

2.16.5. Any accidental spillage of a hazardous material shall be immediately reported to the Airport Manager.

2.16.6. Any person who experiences overflowing or spilling of oil, grease, fuel, or a

similar material or substance anywhere on the Airport is responsible for the immediate cleanup of the spill, proper disposal of the substance, and notification of the Airport Manager.

2.16.6.1. Failure to clean the area and properly dispose of the substance may result in the Airport Board providing cleanup and disposal at the expense of the responsible party.

2.16.7. All empty oil, paint, and varnish cans, bottles, or other containers (with exception of those containers that can be safely and appropriately re-used or recycled) shall be removed from the Airport in a timely manner and shall not remain on the floor, wall stringers, or overhead storage areas of hangars, offices, shops, or other buildings.

2.16.8. Oil and solvent drums or receptacles shall not be stored on Apron areas nor be in excess of the amounts actually needed as current stock. Any material of this type shall be kept enclosed and covered in a clearly marked and labeled housing of a design and type that meets the approval of the Airport Manager and the Driggs Fire Department.

2.17. Flammable Solids, Liquids, or Gases

2.17.1. The use and storage of all flammable materials (solid, liquids, or gases) shall be in compliance with the Idaho Revised Statutes and the Uniform Fire Code.

2.17.2. The use of flammable, volatile liquids or gases having a flash point of less than 140 degrees Fahrenheit is prohibited unless such operations are conducted in open air or in a room specifically set aside and approved for the purpose for which the liquid is being used. The room must be properly fireproofed and equipped with adequate and readily accessible fire-extinguishing apparatus.

2.17.2.1. The procedures and precautions outlined in the criteria of NFPA Pamphlet No. 410D (Safeguarding Aircraft Cleaning, Painting and Paint Removal), and NFPA Pamphlet No. 410F (Aircraft Cabin Cleaning and Refurbishing Operations) shall be adhered to in all cleaning, painting, and refurbishing operations using flammable fluids including the storage and disposal of such fluids.

2.18. Explosives and Other Dangerous Articles

2.18.1. No person shall store, keep, handle, use, dispose of or transport on the Airport any Class A or Class B explosives or Class A poison (as defined in the Interstate Commerce Commission Regulation for transportation of explosives and other dangerous articles), any other poisonous substances (solid, liquid, or gas), compressed gas, and/or radioactive article, substance, or material at such time or place or in such manner or condition that may (or may likely) unreasonably endanger persons or property.

2.18.2. No person shall possess or ignite Class C explosives (i.e., fireworks, firecrackers, etc.) on the Airport.

2.19. Effluents, Pollutant, or Air Contaminant

2.19.1. No person shall discharge any substance in or upon the Airport in contravention

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of any federal, state, or local Regulatory Measures. Proper permits must be obtained from the appropriate Agency, copies must be presented to the Airport Manager, and prior written permission must be obtained from the Airport Manager for such discharge.

2.19.2. Spills

2.19.2.1. Any hazardous material or pollutant spill on a paved surface of

the Airport which covers a surface area over 50 square feet or greater or any amount spilled on any unpaved surface area of the Airport must be immediately reported to the Driggs Fire Department and to the Airport Manager.

2.19.3. Spill Containment

2.19.3.1. When fuel spills occur, servicing shall immediately cease.

2.19.3.2. Commercial Operators with fueling capability or responsibility for maintenance of fuel systems shall have on hand at all times sufficient containment booms to form a 3-inch high barrier around the spill if the circumference of the containment circle is 16 feet. Additionally, Operators shall have sufficient cleanup absorbents, pillows, pads, etc. to pick up a minimum of 50 gallons of the product and to store the same (saturated booms, blankets, etc.) in a sealed container(s) until proper disposal can be effected. The salvage drum(s) shall be approved by the DOT (DOT-E-10102).

2.19.4. Aircraft Preflight Inspection

2.19.4.1. No hazardous substance or pollutant (including, but not limited to aviation fuels and oils) shall be disposed of on the Airport or into the air (at the Airport) during an Aircraft pre-flight inspection.

2.19.5 Aircraft Deicing

2.19.5.1. See Aircraft Deicing Section 3.8.

2.20. Emergency Conditions

2.20.1. Emergency conditions at the Airport shall not mitigate or cancel these Rules and Regulations.

2.20.2. During such conditions, the Operator of any Aircraft, Vehicle, or Equipment shall make certain that the Aircraft, Vehicle, or Equipment is not moved in any direction unless specifically cleared by the Authority in control of the emergency condition.

2.20.3. Permits issued under these Rules and Regulations shall be rendered invalid until the emergency situation has been alleviated and normal operations have resumed.

2.20.4. The Airport Manager or controlling Authority shall determine when normal operations may resume.

3. AIRCRAFT RULES AND REGULATIONS

3.1. Regulatory Measures

3.1.1. Activities at the Airport shall conform to the current applicable provisions of the FARs; applicable federal, state and local Regulatory Measures; rules and regulations issued by the Airport Board; and orders (written or verbal instructions) of the Airport Manager.

3.2. Based Aircraft Registration

3.2.1. Based Aircraft Operators must have a tie down or hangar Agreement with either the Airport Board or an authorized FBO.

3.2.2. Aircraft based at the Airport (commercial or non-commercial) must be registered with the Airport Manager or an authorized FBO. Registration information must include the following:

3.2.2.1. Aircraft Make and Model.

3.2.2.2. Aircraft Registration Number.

3.2.2.3. Aircraft Gross Takeoff Operating Weight.

3.2.2.4. Aircraft Owner Name, Address, and Phone Number.

3.2.2.4.1. If the Aircraft is owned by more than one person or a

group of people, the name, address, and phone number of all owners shall be provided to the Airport Manager.

3.3. Hours of Operation

3.3.1. The Airport is available for use 24 hours per day; however, Aircraft Operators are very strongly encouraged to participate in the Airport's "Voluntary Noise Abatement Program" and to avoid operations between the hours of 10:00 PM and 7:00 AM. In addition, Aircraft with a Gross Takeoff Operating Weight in excess of 12,500 pounds should not be operated before 7:00 AM.

3.4. Accidents or Incidents

3.4.1. Aircraft Operators involved in an accident on the Airport resulting in any injury (or death) to person or damage to Property shall make a full and prompt report of the accident to the Airport Manager or Teton County Idaho Sheriff's Office, complete any necessary reports or forms, and comply with all applicable provisions of National Transportation Safety Board Regulations (NTSB) Part 830.

3.4.1.1. Damage to Property includes damage to a Runway, Taxiway, Apron, or any navigational aid, light, fixture, fence, infield area or any other Property (regardless of ownership).

3.4.2. An Aircraft involved in an accident on the Airport may not be removed from the scene of the accident until authorized by the Flight Standards District Office (FSDO) or NTSB, when applicable.

3.4.3. Once authorization (to remove the Aircraft) has been issued, the Aircraft Operator shall make immediate arrangements to have the Aircraft removed and shall coordinate the removal with the Airport Manager.

3.4.3.1. If removal is not initiated within a reasonable period of time (so that the Airport can return to full operational status without unreasonable delay) the Airport Manager may have the Aircraft removed at the Aircraft Operator's risk and expense without liability for damage arising from or out of such removal.

3.4.3.1.1. It is essential that disabled aircraft be removed from Runway (or the Runway environment) in a timely (expeditious), but safe manner so that the operational readiness of the Airport can be maintain (closure can be minimized).

3.5. Disabled Aircraft

3.5.1. Aircraft Operators shall be responsible for the prompt removal of disabled Aircraft and parts thereof, unless required or directed by the Airport Manager, the FAA, or the NTSB to delay such action pending an investigation of an accident.

3.5.1.1. In the event of the Aircraft Operator's failure to promptly remove such disabled Aircraft, the Airport Manager may cause the Aircraft to be removed at the Aircraft Operator's risk and expense without liability for damage arising from or out of such removal.

3.6. Prohibiting Use of the Airport

3.6.1. The Airport Manager shall have the right at any time to close the Airport or any portion thereof to air traffic and/or prohibit Aircraft landing and/or taking off at any time and under any circumstances, to delay or restrict any flight or other aircraft operation, or to deny the use of the Airport to any person or group when the Airport Manager considers such actions to be necessary and desirable in the interest of safety or when the Rules and Regulations set forth herein are being violated.

3.6.2. The Airport Manager may prohibit Aircraft operations (except for emergency landings) when it is determined that conditions are unsafe or the Aircraft

operation would likely endanger persons or Property.

3.6.2.1. The Airport Manager or his designees may issue a Notice to Airmen (NOTAM) to close or open the Airport (or any portion thereof) or to terminate or restrict any activity on or at the Airport.

3.6.2.2. Only the Airport Manager or his designees may cancel a NOTAM.

3.7. Aircraft Maintenance

3.7.1 Aircraft Maintenance within hangars shall be limited to that specifically permitted by the type rating established in the Uniform Building Code and in compliance with the directives of the City Fire Chief (or his designated representative).

3.8. Aircraft Deicing

3.8.1. Aircraft deicing (the removal of snow and/or ice with chemical substances) shall only be accomplished at a location(s) specified by the Airport Manager and only with the prior written permission of the Airport Manager.

3.8.1.1. The use of chemical substances for the purpose of snow and/or ice is limited to the designated Aircraft parking and tiedown areas only.

3.8.2. Use of chemical substances for the purpose of removing snow or ice shall comply with all federal, state, and local Regulatory Measures.

3.8.3. Before granting written permission for Aircraft deicing on the Airport, the Airport Manager shall inspect the containment system or mechanism (and approve the containment plan) that will be used by the Commercial Operator or Lessee for Aircraft deicing.

3.9. Aircraft Engine Operation

3.9.1. Only qualified persons shall start or operate an Aircraft engine at the Airport or taxi an Aircraft on the Airport.

3.9.1.1. Qualified persons include a pilot, an airframe and powerplant mechanic, or a qualified technician licensed by the FAA and qualified to start or operate the engine(s) or taxi that particular class and type of Aircraft.

3.9.2. Starting engines shall be prohibited until ground personnel have given proper clearance (if appropriate) and until all standard safety procedures have been followed.

3.9.3. Starting an Aircraft engine when there is any flammable liquid on the ground in the immediate vicinity of the Aircraft is prohibited.

3.9.4. Aircraft with engines that are operating shall not be left unattended.

3.9.5. Propeller, engine, and exhaust noises shall be kept to a minimum.

3.9.6. Normal and customary aircraft engine runups shall be performed only in the areas designated for this purpose by the Airport Manager.

3.10. Aircraft Equipment

3.10.1. Aircraft Operators are encouraged to communicate by radio. (See 3.13.15)

3.11. Aircraft Parking and Storage

3.11.1. Aircraft shall be parked only in those areas designated for such purpose by the Airport Manager.

3.11.2. Unless otherwise provided in an Agreement with the Airport Board or authorized FBO, no person shall use any area of the Airport for the parking and storage of Aircraft (other than Transient Parking) without the prior written permission of the Airport Manager.

3.11.2.1. Should a person use such areas for Aircraft parking or storage without first obtaining the written permission of the

Airport Manager, the Airport Manager may remove and store the Aircraft at the expense of the Aircraft Operator without liability for damage that may arise from or out of such removal or storage.

3.11.3. Aircraft Operators shall ensure parked and stored Aircraft are properly secured as set forth in FAA AC 20-35C.

3.11.3.1. Parked or stored rotorcraft shall have braking devices or rotor mooring blocks applied to the rotor blades.

3.11.3.2. Moored lighter-than-air Aircraft shall have at least one person monitoring the safety of the mooring at all times.

3.11.4. Upon request of the Airport Manager (or designated representative), the Operator of any Aircraft parked or stored at the Airport shall move the Aircraft to the location or position on the Airport identified by the Airport Manager. In the event the Aircraft Operator refuses, is unable, or is unavailable, the Airport Manager may move the Aircraft to the area at the risk and expense of the Aircraft Operator without liability for damage that may arise from or out of such movement.

3.12. Aircraft Security

3.12.1. If the kind, type, mission, or condition of an Aircraft makes it necessary for an Aircraft Operator to obtain, provide, or maintain security for an Aircraft, the Operator shall be responsible for such security and may only provide (or arrange for) such security after obtaining prior written permission from the Airport Manager and Teton County Idaho Sheriff's Office.

3.12.1.1. Aircraft Operators shall not employ security measures as a means to hinder, delay, or prevent the removal of an Aircraft as directed by the Airport Manager.

3.13. Aircraft Operations

3.13.1. Aircraft shall conform to the traffic patterns promulgated jointly by the FAA and the Airport Manager.

3.13.2. Operating an Aircraft in a careless, negligent, or reckless manner; in disregard of the rights and safety of others; without due caution and circumspection; or at a speed or in a manner which endangers, or is likely to endanger persons or Property is prohibited.

3.13.3. Operating an Aircraft that is constructed, modified, equipped, or loaded as to endanger, or be likely to endanger persons or Property is prohibited.

3.13.4. Aircraft Operators shall obey all pavement markings, signage, and lighted signals unless the Airport Manager directs otherwise.

3.13.5. The starting, positioning, or taxiing of any Aircraft shall be done in such a manner so as to avoid generating (or directing) any propeller slipstream or engine blast that may endanger or result in injury to persons or damage to Property.

3.13.5.1. To avoid this situation, it may be necessary to tow the Aircraft to a location or position on the Airport where the propeller slipstream or engine blast will not endanger or cause injury to persons or damage to Property when the engines are started or operated.

3.13.6. Aircraft engines shall not be started in any structure, nor shall Aircraft be taxied into, out of, or within any structure on the Airport.

3.13.7. Aircraft shall not be taxied until the Aircraft Operator has ascertained (by visually inspecting the area) that there shall be no danger of collision with any person or object in the area.

3.13.8. Taxiing Aircraft shall yield the right-of-way to any emergency vehicle.

3.13.9. Aircraft being taxied, towed, or otherwise moved at the Airport shall proceed with running lights and anti-collision lights illuminated during the time between official sunset and official sunrise.

3.13.10. Aircraft Operators shall not taxi an Aircraft on the Airport at a speed greater than

is reasonable and prudent under the conditions with regard for actual and potential hazards and other Aircraft so as not to endanger persons or Property.

3.13.10.1. Aircraft taxiing speeds shall be reduced during periods of low visibility or inclement weather.

3.13.11. Fixed wing Aircraft taking off or landing at the Airport shall do so only from designated Runways.

3.13.11.1. Landings in safety areas are prohibited unless approved by the Airport Manager.

3.13.12. Airshows and aerobatic operations of Aircraft over the airport are not permitted unless prior written permission of the Airport Manager has been obtained.

3.13.13. Operation of Aircraft radio Equipment while the Aircraft is in a hangar, other than when radio Equipment maintenance is being performed on the Aircraft, is prohibited.

3.13.14. Airborne radar Equipment shall not be operated or ground-tested in an area where the directional beam of such radar if high intensity (50KW or greater output) is within 300 feet or if low intensity (less than 50 KW output) is within 100 feet of another Aircraft, an Aircraft refueling operation, an Aircraft refueling Vehicle, or a fuel storage facility.

3.13.15 'Through the Fence' Aircraft Operations. All aircraft entering the Driggs Airport from outside the airport premises, i.e. 'Through the Fence', must use an aircraft communication radio to ascertain position of other aircraft operating on and around the Driggs Airport.

3.14. Noise Abatement Procedures

3.14.1. Aircraft Operators should familiarize themselves and follow the recommended noise abatement procedures established for the Airport.

3.14.2. Aircraft Operators should use the procedures that will minimize noise to surrounding areas. This includes, but is not limited to, avoiding low altitude maneuvers. Optimum power settings and operating altitudes shall be maintained consistent with safety.

3.14.2.1. Preferred hours of operations are 7:00 a.m. to 10:00 p.m. Mountain Time.

3.14.3. The Airport Board shall be authorized to provide appropriate guidance to Aircraft Operators that operate Aircraft in such a manner as to create conditions detrimental to good community relations.

3.14.3.1. The Airport Board may temporarily or permanently prohibit the use of the Airport by Aircraft Operators who have repeatedly created conditions that are detrimental to good community relations.

3.15. Rotorcraft Operations

3.15.1. Rotorcraft shall park on the paved areas approved by the Airport Manager.

3.15.2. Rotorcraft shall taxi and/or hover over paved areas only.

3.15.3. Rotorcraft shall not be operated within 50 feet of any building.

3.15.4. Rotorcraft shall not operate within 100 feet of any area where light Aircraft are parked or operating except in the case of an emergency or unless otherwise directed by the Airport Manager.

3.16. Limitations

3.16.1. Aircraft Operators shall obtain the prior written permission of the Airport Manager before conducting any of the following activities at the Airport.

3.16.1.1. Use of Lighter-than-Air Aircraft: The landing upon or taking off from the Airport of airships, dirigibles, blimps, balloons, and other certificated lighter-than-air Aircraft that utilize gasses or hot air to provide lift.

3.16.1.2. Hazardous Cargo: The landing upon or taking off from the

Airport of Aircraft loaded with flammable, explosive, or corrosive material that does not meet all applicable guidelines for Hazardous Materials air freight. Hazardous materials, fuel, oil, lubricants, hydraulic fluid, or breathing oxygen carried aboard an Aircraft for Aircraft, crewmember, or passenger use are exempt.

3.16.1.3. Radioactive Cargo: The landing upon or taking off from the Airport of Aircraft loaded with radioactive materials that do not meet all applicable guidelines for Hazardous Materials air freight. Radioactive materials used for Aircraft propulsion that are permanently loaded/stored aboard the Aircraft are exempt

3.17. Fees and Charges

3.17.1 Common Services: In addition to the rent Tenant is to pay hereunder, Tenant shall pay or cause to be paid before delinquent, Tenant's pro-rata share of all costs of Common Services, including the cost of snow removal. Notwithstanding the foregoing, the City shall have no responsibility or liability with respect to the furnishing of such services and/or snow removal. Tenant recognizes that the Airport is a small airport, that it is located in a geographic area where the weather is unpredictable and often harsh or severe, and that although City presently intends to and has in the past made efforts to keep the Airport open and accessible with reasonable snow removal, City can in no way guarantee that it will provide snow removal, or any other services not required by the FAA or other applicable governmental body, whether in a timely manner or at all.

4. VEHICLE RULES AND REGULATIONS

4.1. Regulatory Measures

4.1.1. All Vehicle Operators on the Airport shall comply fully with Title 49 of the Idaho Motor Vehicle Code (as may be amended from time to time), these Rules and Regulations, and instructions issued by the Airport Manager or Teton County Idaho Sheriff's Office.

4.1.2. Jurisdiction shall lie (as with all other traffic offenses) with the City.

4.2. Vehicle Operator Licensing

4.2.1. Vehicle Operators must have a valid state Vehicle Operator's license and evidence of insurance (as required by state law) to operate a Vehicle (that requires such licensing) on the Airport.

4.3. Vehicle Licensing and Equipment

4.3.1. Except for Vehicles that are exclusively used on the AOA, all Vehicles shall meet the State of Idaho licensing, registration, and inspection requirements.

4.3.2. Vehicles shall not be operated on the Airport unless the Vehicle is in sound mechanical order; has adequate lights, horn, and brakes; and clear (unobstructed) vision is provided from the driver's position.

4.3.3. Vehicles shall not be operated in any hangar on the Airport unless the Vehicle exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame and a vent system exists to prevent exhaust fumes from building up in the Hangar.

4.3.4. Trailers and semi-trailers are not permitted on the Airport unless they are equipped with lights (or reflectorized devices on all sides) and proper brakes/braking system or secured so that, when disengaged from the towing Vehicle, neither Aircraft propeller slipstream, engine blast, wind, nor other natural force shall cause them to become free rolling.

4.3.5. Since the presence on the Airport of a tank Vehicle, truck, or semi-trailer used for the transportation of flammable liquids or fueling and defueling of Aircraft could

endanger persons or Property, no tank Vehicle, truck, or semi-trailer shall be operated on the Airport unless approved by the Airport Manager.

4.4. Vehicle Operations

4.4.1. Vehicle operations on the Airport in a careless, negligent, unsafe, or reckless manner; in disregard of the rights and safety of others; without due caution and circumspection; or at a speed or in a manner which endangers, or is likely to endanger, persons or Property is prohibited.

4.4.2. Vehicles constructed, equipped, loaded, or maintained (or having attached thereto any object or Equipment which drags, swings, or projects) so as to endanger, or be likely to endanger, person or Property is prohibited on the Airport.

4.4.3. Landside Speed Limits

4.4.3.1. Safe Speed — Vehicles shall not be operated at a speed greater than is reasonable and prudent under the conditions and having regard for actual and potential hazards, traffic, use of the street or roadway, or so as not to endanger persons or Property.

4.4.3.2. Minimum Speed — Vehicles shall not be operated at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with the law.

4.4.3.3. Maximum Speed — Vehicles, except Emergency Vehicles responding to an emergency, shall not be operated on the Airport in excess of the posted speed limits or in excess of any speed stipulated in these Rules and Regulations. In areas where signs, markers, or other devices are not used or posted, the speed limit shall be 15 miles per hour.

4.4.4. Airside Speed Limits

4.4.4.1. Vehicles, except Emergency Vehicles responding to an emergency, shall not be operated on the AOA at speeds in excess of 15 miles per hour.

4.4.5. Vehicle Operators shall yield the right of way to pedestrians, emergency Vehicles (or Equipment), snowplows, and Aircraft.

4.4.6. Vehicle Operators shall comply with any order, signal, or directive of the Airport Manager.

4.4.7. Vehicle Operators shall provide proper signals and obey all traffic lights, signs, mechanical or electrical signals, and pavement markings unless directed otherwise by a Police Officer or Airport Manager.

4.4.8. Airport roadways may be used for Vehicle operations as a means of ingress and egress to and from the roadways serving the Airport and between various land areas on the Airport abutting Airport roadways.

4.4.9. Vehicle Operators shall utilize designated Vehicle service roadways where available.

4.4.10. Vehicles that are overloaded or carrying more passengers or cargo than the amount that the Vehicle is designed to carry are prohibited on the Airport.

4.4.11. Persons shall not sit (or ride) anywhere in (or on) a Vehicle other than in the seat (or seating) designed for the Vehicle.

4.4.11.1. Persons shall not ride on the running board, stand up in a moving Vehicle, ride on the outside of a Vehicle, in the bed of a pick-up truck, or allow arms or legs to protrude from a Vehicle.

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

- 4.4.12.1. Vehicles shall not overtake or pass in front of a moving Aircraft.
- 4.4.12.2. Vehicles shall pass to the rear of taxiing Aircraft and come no closer than 50 feet to a taxiing Aircraft.
- 4.4.13. Vehicles shall not be operated within 500 feet of an emergency Vehicle that is engaged in (providing) emergency services without permission from the Airport Manager or Incident Commander.
- 4.4.14. Vehicles used for hauling trash, dirt, or any loose material shall be operated in such a fashion as to prevent the contents of the Vehicle from dropping, sifting, leaking, or otherwise escaping.
- 4.4.15. Tugs and Trailers
 - 4.4.15.1. Vehicles towing a train of baggage or cargo carts in excess of three carts are prohibited unless specifically authorized in writing by the Airport Manager.
 - 4.4.15.2. Positive locking couplings shall be required for all towed Equipment on the AOA.
 - 4.4.15.3. Tugs and baggage carts shall be returned to designated storage areas immediately following unloading.

4.5. Air Operations Area

- 4.5.1. Vehicles used on a regular basis on the AOA shall be painted and marked in a manner approved by the Airport Manager and be equipped with an approved and fully operational amber or red (emergency Vehicles only) rotating, flashing, or steady beacon on the roof or uppermost point of the Vehicle in compliance with FAA Advisory Circular 150/5210-5B. A 2-way radio monitoring the airports air and ground frequency is also required.
 - 4.5.1.1. The beacon shall be activated by the Vehicle Operator prior to entering the AOA and shall remain in operation while the Vehicle is on the AOA.
 - 4.5.1.2. Vehicle Operators using the AOA on an irregular basis must first obtain permission of the Airport Manager before operating any Vehicle on the AOA. After the Vehicle Operator has obtained permission from the Airport Manager, the Vehicle shall be escorted to the Operator's final destination on the Airport with the Vehicle's parking lights flashing at all times while the Vehicle is moving.
- 4.5.2. The Airport Manager may restrict Vehicles to a certain portion(s) or segment(s) of the AOA. Such restrictions shall prohibit Vehicle operations outside designated area(s).
- 4.5.3. Motorhomes, mini-bikes, go-carts, roller blading, ice skating, skate boarding, and the recreational use of bicycles or unicycles is not permitted on the AOA.
- 4.5.4. Manually controlled gates that provide access to the AOA shall be kept closed and locked at all times except when actually in use.
- 4.5.5. When automatic gates are used, Vehicle Operators must stop the Vehicle and allow the gate to fully close before proceeding. The Vehicle Operator must also ensure that no other Vehicles or persons gain access to the Airport while the gate is in the process of closing or not fully closed. Failure to comply with this regulation is a violation of Federal Aviation Regulation 107 and violators may be fined up to \$10,000.
 - 4.5.5.1. If the Vehicle Operator cannot prevent such access, the Vehicle Operator must immediately notify the Airport Manager (or designated representative) or Teton County Idaho Sheriff's Office.
 - 4.5.5.2. Gate Card Pass Keys for Gate 1, 2, or 3 are issued to hangar owners (2 Cards per hangar); additional cards may be authorized for a \$25 per card fee. Cards lost or stolen may be

replaced for a \$25 per card fee. Unauthorized use may cause revocation/deactivation of gate card.

4.5.5.2.1 Aircraft owners renting from hangar owners may purchase an additional card for that hangar at \$25 per card with refund of fee upon surrender of card.

Unauthorized use may cause revocation/deactivation of gate card.

4.5.5.2.2 Authorized FBO employees will be issued gate cards. Lost card will be replaced for a \$25 per card fee. FBO is responsible for keeping employee card records updated and providing copy to Airport Board.

4.5.5.2.3 Emergency Responders will be issued gate cards on request.

4.5.5.3. Authorized FBO operator will be responsible for the Main Gate security and operations.

4.6. Movement Area.

4.6.1. Vehicles operating in the Movement Area shall also be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies before entering any Movement Area.

4.6.1.1. Vehicle Operators shall ensure by visual observation (and confirmation) that no Aircraft is approaching before entering the Movement Area.

4.6.1.2. After obtaining permission of the Airport Manager, a Vehicle that is not operated on the Airport on a regular basis may enter the Movement Area provided that such Vehicle is escorted at all times (while in the Movement Area) by an authorized airport vehicle having radio contact.

4.6.1.2.1. When construction-related Vehicles are required to enter or work within the Movement Area, such Vehicles will be marked with an approved orange and white-checkered flag or an amber beacon.

4.6.1.2.2. If the construction Vehicle is not equipped with a two way radio capable of communicating on the proper aeronautical frequencies, the Vehicle must be escorted at all times (while in the Movement Area) by an airport authorized vehicle having radio contact or must have a flagman (with a two way radio capable of communicating on the proper aeronautical frequencies) stationed at the area(s) designated by the Airport Manager to give instructions to the Vehicle.

4.6.1.3. In the event a Vehicle in the Movement Area experiences radio failure, the Vehicle must vacate the area utilizing perimeter roadways or other non-controlled routes.

4.7. Accidents or Incidents

4.7.1. A Vehicle Operator involved in an accident on the Airport resulting in any injury (or death) to person or damage to Property shall stop the Vehicle at the scene (or as close as possible to the scene without unnecessarily obstructing traffic or creating a safety hazard) and notify the Airport Manager (or designated representative) and Teton County Idaho Sheriff's Office immediately.

4.7.2. The Vehicle Operator (and the Vehicle) must remain at the scene until Teton County Idaho Sheriff's Office takes a full report.

4.8. Commercial Ground Transportation (General Aviation)

4.8.1. Taxicabs, limousines, or hotel buses may deliver customers to the Airport or may pick up customers from the Airport (in any area designated for such purposes by the Airport Manager) if specifically requested to do so by a Commercial Operator, Lessee, or the customer.

4.8.2. Taxicabs, limousines, or hotel buses may not solicit customers on the Airport unless authorized to do so by the Airport Board.

4.8.3. Only those rental car companies that have received authorization from the Airport Board may conduct business on the Airport.

4.9. Vehicle Maintenance

4.9.1. With the exception of minor repairs that are necessary to move a Vehicle from the Airport, Vehicles shall not be cleaned or maintained anywhere on the Airport unless approved by the Airport Manager (and/or only in such areas designated for such purpose by the Airport Manager).

4.10. Parking (or Stopping)

4.10.1. Vehicles shall be parked only in those areas designated for such purpose by the Airport Manager.

4.10.2. Vehicles shall not be parked or stopped in the following manner or areas:

4.10.2.1. In such a manner so as to obstruct a parking lot lane, driveway, roadway, walkway, crosswalk, fire lane, Runway, Taxiway, Taxilane, or obstruct access to hangars, parked Aircraft, or parked Vehicles.

4.10.2.2. Within a bus stop or taxicab zone (except for Vehicles authorized by the Airport Board to use such areas).

4.10.2.3. On the roadway side of any stopped or parked Vehicle (double parking).

4.10.2.4. Within 15 feet of a fire hydrant.

4.10.2.5. On unpaved or grass areas (unless specifically designated for parking).

4.10.2.6. In any manner other than that posted on authorized signs.

4.10.3. Vehicles, other than those loading and unloading Aircraft, shall not stop for loading, unloading, or any other purpose on the Airport other than in the areas specifically established for loading, unloading, or parking and only in the manner prescribed by posted signs, lines, markings, or other means.

4.10.4. Limousine, bus, and taxi waiting and standing areas are specifically reserved and designated for this purpose only.

4.10.5. Hangar tenants may park Vehicles inside the hangar or in a designated parking area.

4.10.5.1. The airport is not considered as a "storage area." Vehicles parked more than 6 months shall be considered abandoned and the Airport Manager may take whatever action is deemed appropriate to remove and/or dispose of the Vehicle. Such action shall be at the Vehicle Operator's risk and expense and without liability for damage that may result from such removal and/or disposal.

4.11. Disabled, Abandoned, or Illegally Parked Vehicles

4.11.1. Vehicles may not be abandoned on the Airport.

4.11.2. The Airport Manager may tow or otherwise remove from the Airport any Vehicle that is disabled, abandoned, or parked in violation of these Rules and Regulations (or if the Vehicle creates a safety hazard or interferes with Airport operations), at the Vehicle Operator's risk and expense and without liability for damage that may result from such removal, in accordance with Idaho Statutes.

4.12. Fees and Charges

4.12.1. Vehicles shall not be parked in any public parking area of the Airport unless the Vehicle Operator has paid the fees or charges that may be assessed from time to time by the Airport Board for such use unless the Operator is exempt from payment or unless the Operator is entitled to such use without making such payment as stipulated in an Agreement with the Airport Board.

5. COMMERCIAL OPERATOR AND LESSEE RULES AND REGULATIONS

5.1. Construction or Alteration of Improvements

5.1.1. Any construction or alteration of an improvement located on the Airport shall be performed in compliance with all applicable federal, state, and local Regulatory Measures and in accordance with the directives established by the Airport Manager and must be approved in advance by the Airport Board.

5.1.2 Permitted Use/ Purpose of Lease; Tenant hereby represents that it shall cause to be completed, on the Leased Premises, at Tenant's sole cost and expense the "Required Improvements to be Completed by Tenant" which Improvements shall be substantially completed on or before the "Outside Date for Completion of Required Improvements". Substantial completion shall be defined as completion of the Required Improvements to such a degree that a certificate of occupancy has been applied for in good faith by the Outside Date for Completion of the Required Improvements. The Outside Date for Completion of Required Improvements shall be extended by such additional time as Tenant has been delayed by events, facts, or circumstances beyond the reasonable control of Tenant such as strikes, acts of God (including materially unusual weather for the Driggs, Idaho area). Further, Tenant shall not be deemed to be in default should the certificate of occupancy be denied or delayed pending completion of minor "Punch list" items provided that Tenant diligently completes or corrects such punch list items. Tenant shall use the Leased Premises and "Improvements" constructed thereon solely for aviation related purposes and in no event shall the Leased Premises or the Improvements thereon be utilized as full or part-time living quarters or for non-aviation related activities nor for any illegal activity or other activity or purpose that would constitute a public nuisance, be offensive to the standards of the community in which the Leased Premises are located, be inconsistent with the aviation related activities permitted at the Airport, nor in violation of or contrary to or in interference with any easement, covenant, condition, restriction or agreement to which the Airport or any part thereof or City or Tenant are subject. Utilization of part of the Improvements for the personal storage needs of Tenant shall not be deemed a breach of the use restrictions provided that (i) such storage is inside of the Improvements, (ii) does not create a fire hazard, environmental hazard, or public nuisance, and (iii) does not materially interfere with the quiet enjoyment of other tenants and users of the Airport. Driggs Airport Board must approve all activities.

5.2. Maintenance of Premises

5.2.1. All Commercial Operators and Lessees are required to keep the land and/or improvements under lease (or being occupied or used) free from all fire hazards and maintain same in a condition of repair, cleanliness, and general maintenance that is acceptable to the Airport Manager and in accordance with the Operator's or Lessee's Agreement with the Airport Board.

5.2.2. All Commercial Operators and Lessees shall be fully responsible for all damage to buildings, Equipment, real property, related appurtenances, and all other improvements in the ownership, care, custody, or control of the Airport Board caused by the negligence, abuse, or carelessness of the Operator or Lessee or by the employees, agents, customers, visitors, suppliers or persons with whom they do business.

5.2.3. Facilities (including hangar floors) shall be kept free from the accumulation of oil,

grease, flammable liquids, rags, or waste materials.

5.2.3.1. The use of volatile or flammable solvents for cleaning floors is prohibited.

5.2.4 Maintenance of premises; All structures on the Leased Premises shall be painted, finished, or covered with a permanent exterior surface, at Tenant's sole cost and expense, in a color(s) acceptable to the City.

5.2.5 Restrictions on Signs, Art, and External displays; Tenant covenants and agrees that no window or door lettering, advertising devices of any nature, art, or other outward displays of any nature which are visible from the exterior of the Leased Premises shall be erected or maintained by Tenant except to the extent the prior written approval of the City is obtained. Any such non-approved signs, door lettering, advertising devices, art or external displays may be removed without notice at Tenant's expense or, at City's option, brought into compliance at Tenant's expense.

5.3. Fire Prevention

5.3.1. Commercial Operators and Lessees shall be responsible for ensuring that established fire prevention practices and procedures are followed at all times.

5.3.2. Commercial Operators and Lessees shall provide proper, adequate, inspected, certified, and readily accessible fire extinguishers (that are approved by fire underwriters) for the particular hazard involved (or associated with the Activity).

5.3.2.1. Fire extinguishers shall be maintained in accordance with the Uniform Fire Code.

5.3.2.2. Fire extinguishers shall be visually inspected monthly and serviced annually by a qualified person (in accordance with state requirements).

5.3.2.2.1. Logs showing the date of last inspection shall be attached to each unit and records acceptable by fire underwriters shall be kept showing the status of such Equipment.

5.4. Heating Equipment

5.4.1. All heating equipment and fuel burning appliances installed or used on the Airport shall comply with the requirements of the City of Driggs, the State of Idaho, the Uniform Fire Code, and National Board of Fire Underwriters.

5.5. Aircraft Hangars

5.5.1. Aircraft hangars shall only be used for the following purposes:

5.5.1.1. Storage and parking of Aircraft and associated Aircraft Equipment and supplies as approved by the Airport Manager and the Driggs Fire Department. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the hangar and not obstruct adjacent Aircraft parking or storage areas, Taxiways, or Taxi lanes except for temporary staging or fueling of such Aircraft.

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5.5.1.2. Parking of authorized tenant Vehicles. Parking of vehicles in clearway in front of hangar is prohibited.

5.5.2. Use of Aircraft hangars shall be subject to the following restrictions.

5.5.2.1. Oily rags, waste oil, or other materials soiled with petroleum based products may only be stored in containers with self-closing, tight-fitting lids as approved by the Airport Manager and the Driggs Fire Department.

5.5.2.2 Assignment or Subletting; Tenant covenants and agrees not to

make or permit a Transfer by Tenant, as hereinafter defined, without City's prior written consent, which shall not be unreasonably withheld. A "Transfer by Tenant" shall include an assignment of this Lease, a sublease of all or any part of the Leased Premises or any assignment, sublease, transfer, mortgage, pledge or encumbrance of all or any part of Tenant's interest under this Lease or in the Leased Premises, by operation of law or otherwise, or the use of occupancy of all or any part of the Leased Premises by anyone other than Tenant. Any transfer of 50% or more of the outstanding voting stock of Tenant (if Tenant is a corporation) or of 50% or more of the equity interest in tenant, including transfer by merger, consolidation or liquidation or other change in ownership of Tenant, shall constitute a Transfer by Tenant under this Section. Any such Transfer by Tenant without City's written consent shall be void and shall constitute a default under this Lease. In the event City consents to any Transfer by Tenant, Tenant shall not be relieved of its obligations under this Lease and Tenant shall remain liable, jointly and severally and as a principal, and not as a guarantor or surety, under this Lease, to the same extent as though no Transfer by Tenant had been made, unless specifically provided to the contrary in City's prior written consent. The acceptance of rent by City from any person other than Tenant shall not be deemed to be a waiver by City of the provisions of this Section or of any other provision of this Lease and any consent by City to Transfer by Tenant shall not be deemed consent to any subsequent Transfer by Tenant. Notwithstanding the foregoing, City shall, at City's option, have the right, in lieu of consenting to a Transfer by Tenant, to terminate this Lease as to the portion of the Leased Premises as is subject to the proposed Transfer by Tenant and to enter into a new ground lease with the proposed transferee, provided that such right shall not in any way be construed as precluding Tenant from receiving from the transferee fair and adequate consideration, on whatever terms are acceptable to Tenant, for the Improvements made to and on the Leased Premises by Tenant. Tenant covenants and agrees to pay to City, within 10 days after demand by City, the reasonable costs and expenses of City in connection with any request by Tenant for consent to a Transfer by Tenant, including reasonable attorneys' fees, whether or not consent of City is given to the Transfer by Tenant.

5.6. Storage of Materials and Equipment

5.6.1. Commercial Operators or Lessees shall store, stack, box, or bag material (or Equipment) in such manner as to preclude creating any hazard, obstructing any operation, or resulting in a littering (or displeasing visual) effect.

5.7. Compressed Gases

5.7.1. Oxygen or any combustible compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart that is designed and approved specifically for the cylinder or tank being secured.

5.7.1.1. Compressed gas cylinders or tanks must have approved and fully operational pressure relief devices.

5.7.1.2. Cylinders or tanks not in use shall have an approved transportation safety cap installed.

5.7.1.3. Shall be maintained in compliance with all applicable rules and regulations.

5.8. Lubricating Oils

5.8.1. A total of 60 gallons of lubricating oils having a flash point at or above 140 degrees may be stored in hangars provided that the product is stored in the original container and has the original manufacturer's labeling (or that the product is stored in other suitable containers approved by the Airport Manager) and used for non-commercial preventative Aircraft maintenance purposes only.

6. REFUELING, DEFUELING, AND FUEL STORAGE

6.1. Regulatory Measures

6.1.1. Refueling, defueling, and fuel storage on the Airport shall conform to all applicable provision of the FARs; all applicable federal, state and local Regulatory Measures (including FAA Advisory Circulars, the Uniform Fire Code, and all applicable ordinances of the City of Driggs); these Rules and Regulations; and all appropriate NFPA guidelines.

6.2. Permit

6.2.1. Fuels shall only be dispensed on the Airport by those Entities having an Agreement with the Airport Board.

6.3. Refueling, Defueling, and Fuel Storage Operations

6.3.1. A qualified fuel system operator shall be present (and responsive) at all times while fuel delivery Vehicles transfer fuel into or out of any fuel storage facility.

6.3.1.1. The fuel system operator shall remain within the immediate vicinity (in close proximity to) and in direct view of all operating controls and Equipment.

6.3.1.2. The fuel system operator shall not leave the discharge end of any hose or hoses unattended at any time while the transfer of fuel is in progress.

6.3.2. Aircraft shall not be refueled or defueled in an area where Aircraft engines are operating, Aircraft (or engines) are being warmed by application of heat, or while the Aircraft is located in a congested or enclosed space.

6.3.2.1. Pouring or gravity transfer of fuel from containers larger than 5 gallons is prohibited.

6.3.2.1.1. All containers must be approved.

6.3.2.2. A manual hand pump or approved electric pump shall be utilized to transfer fuel from containers larger than 5 gallons.

6.3.3. All fuel handled on the Airport shall be treated with due caution and circumspection with regard to the rights and safety of others so as not to endanger, or likely to endanger, persons or Property.

6.3.4. Persons engaged in the fueling, defueling, and oil servicing of Aircraft (or Vehicles), the filling of Refueling Vehicles or dispensing Equipment, or the dumping or pumping or loading of aviation fuels (or oils) into or from fuel (or oil) storage facilities shall exercise care and extreme caution to prevent the overflow or spillage of fuel (or oils).

6.3.4.1. When a spill occurs, associated activities shall cease and the

spill shall immediately be washed down, removed, or absorbed (as appropriate) with suitable material.

6.3.4.2. In the event of a spill, sections 2.19.2 and 2.19.3 of these Rules and Regulations shall also be followed.

6.3.5. Refueling Vehicles shall be positioned so that the Vehicle can be directly driven
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away from the loading or fueling position in the event of fire or spill.

6.3.6. Not more than one Refueling Vehicle shall be positioned to refuel each wing of an Aircraft and not more than two Refueling Vehicles shall be positioned to service the same Aircraft.

6.3.7. When high-capacity Aircraft are refueled, additional Refueling Vehicles shall not be parked or positioned within 100 feet of the Aircraft.

6.3.8. Aircraft fuel handling shall be conducted outdoors.

6.3.9. Aircraft (or Vehicles) shall not be fueled or defueled while an engine is operating unless the Airport Manager has granted prior written permission.

6.3.9.1. In an emergency resulting from the failure of an onboard auxiliary power unit on a jet aircraft and in the absence of suitable ground support equipment, a jet engine mounted at the rear of the aircraft or on the wing on the side opposite from the fueling point may be operated during fueling to provide power as long as the operation follows the safety procedures published by the aircraft operator.

6.3.9.2. A turbine-powered auxiliary power unit installed aboard an aircraft may be operated during fueling provided its design, installation, location, and combustion air source do not constitute a fuel vapor ignition source.

6.3.9.2.1. In both cases (6.3.9.1. and 6.3.9.2), the fueling shall conform to the procedures contained in the operator's manual for the Aircraft.

6.3.10 Aircraft (or Vehicles) shall not be fueled or defueled if an electrical storm is in progress within three miles of the Airport or lightning is visible from the Airport.

6.3.11. When Aircraft are being fueled or defueled, the Refueling Vehicle shall be bonded to the Aircraft to equalize the voltage potential between the Refueling Vehicle and the Aircraft.

6.3.11.1. All hoses, nozzles, spouts, funnels, and appurtenances used in fueling and defueling operations must be FM or UL approved and shall be equipped with a bonding device to prevent ignition of volatile liquids.

6.3.12. For single point fueling, deadman controls or mechanism shall be utilized and shall remain in good working order at all times.

6.3.12.1. No person shall deactivate a deadman control or mechanism at any time.

6.3.13. No person shall operate any radio transmitter or receiver or switch electrical appliances on or off in an Aircraft during fueling or defueling.

6.3.14. During fueling operations, no person shall use any material or Equipment that is likely to cause a spark or ignition.

6.3.14.1. Smoking, matches, lighters, or any open flames are prohibited within 50 feet of any Aircraft or refueling Vehicle (or the self-fueling area when the area is occupied) and within 100 feet of any fuel storage facility or any Aircraft being fueled or defueled.

6.3.15. The Airport Board assumes no liability or responsibility for violations of any applicable fueling requirements and procedures.

6.3.15.1. The Commercial Operator or Lessee shall be solely

responsible for any violation incident to or in connection with the Operator's or Lessee's fueling storage facilities, Equipment, operations, and training.

6.3.15.2. The Commercial Operator or Lessee shall reimburse the Airport Board for any fines, legal or court costs incurred by the Airport Board for such violations.

6.4. Storage of Refueling Vehicles

6.4.1. Refueling Vehicles shall be stored outside and not less than 50 feet from a building (or at the distance approved by the Airport Manager and the Driggs Fire Department).

6.4.2. Refueling Vehicles shall be parked in a manner that provides a minimum of 10 feet of separation between Vehicles and any other Vehicle or Aircraft.

6.4.3. No Refueling Vehicle shall be brought into, kept, or stored within any building on the Airport unless the building is designed, constructed, and approved for this purpose.

6.5. Equipment

6.5.1. Only those fuel storage facilities and Refueling Vehicles (and Equipment) that are approved by the Airport Manager shall be used for the storage and delivery of fuel.

6.5.1.1. Hoses and/or piping connections shall be secured and capable of holding under pump's rated PSI discharge.

6.5.1.2. Hoses and/or nozzles shall be FM or UL approved with selfclosing valve and no "hold-open devices".

6.5.1.3. All pumps must be UL or FM approved.

6.5.1.4. All storage tanks shall be rated in accordance with UFC Article 24, Division II and Article 79, Division XII.

6.5.2. Refueling Vehicles, fueling pumps, meters, hoses, nozzles, spouts, funnels, fire extinguishers, and bonding devices used during fueling operations shall be maintained in a safe operating condition and in good working order and repair at all times.

6.5.2.1. When a Refueling Vehicle or Equipment is found in a state of disrepair, malfunction, or the use of such Vehicle or Equipment constitutes an undue fire or safety hazard, or is in violation of any federal, state, or local Regulatory Measures or these Rules and Regulations, the Commercial Operator shall discontinue the use of such Vehicles or Equipment until repairs, replacements, or changes are made to render the same safe for continued use.

6.5.3. Any malfunction or irregularity detected on or within the Aircraft being refueled or defueled shall be brought to the attention of the Aircraft Operator immediately.

6.5.3.1. Refueling Vehicles, Equipment, and fuel storage facilities shall be placarded, marked, and color-coded in accordance with NFPA Publication 407 and applicable FAA Advisory Circulars.

6.5.4. Adequate and proper fire extinguishers shall be immediately available during all fueling and defueling operations.

6.5.4.1. At least 2 dry chemical fire extinguishers (15 pounds or larger) or the types of fire extinguishers that are capable of extinguishing Category B and Category C fires shall be immediately available.

6.5.4.2. All extinguishers shall be inspected and certified as required by law and all personnel involved with fueling or defueling operations shall be properly trained on the use of fire

extinguishers.

6.6. Fuel Storage Facilities

6.6.1. Unless permitted by written Agreement with the Airport Board, the storage of fuel at the Airport is prohibited.

6.6.2. The maintenance and operation of fuel storage tanks or facilities must meet NFPA 30, NFPA 407, Uniform Fire Code, Department of Environmental Quality, and FAA requirements and shall be approved by all Agencies who regulate the maintenance and operation of fuel storage tanks or facilities. Further, the installation of all fuel storage tanks or facilities must meet the requirements of State of Idaho, Teton County, and the City of Driggs as presently promulgated.

6.6.3. Plans for fuel storage and installation shall be submitted to the Airport Board for approval prior to any installation.

6.6.4. All security gates leading into fuel storage areas shall be kept closed and locked at all times except when actually in use.

7. SCHEDULE OF CHARGES

7.1. Establishment

7.1.1. A schedule of rates and charges shall be established by the Airport Board for use of the Airport.

7.1.2. The rates and charges schedule shall be subject to periodic review or revision (as deemed necessary by the Airport Board).

7.1.3. All charges shall be uniformly applied.

7.2. Payment of Charges

7.2.1. All charges are payable upon presentation unless otherwise noted.

7.2.2. The Airport Board shall have the right to have a lien upon all Aircraft or Vehicles using the Airport (or the Facilities and Equipment located at the Airport) for all charges associated with use of Airport, in accordance with Idaho Statutes.

7.2.3. If the Aircraft, Vehicle, Facility, or Equipment Operator shall fail or refuse to pay any charges due to the Airport Board, then the Airport Manager is authorized to serve such Operator with notice that the Airport Board claims a lien upon the Aircraft, Vehicle, Facility, or Equipment for such charges. After the service of such notice or the posting of the notice of lien upon such Aircraft, Vehicle, Facility, or Equipment, it shall be unlawful and an offense against the Airport Board for the Operator to remove or attempt to remove such Aircraft, Vehicle, Facility, or Equipment, before payment of the amount due to the Airport.