



Driggs Reed Memorial Airport
City of Driggs

Airport Rules and Regulations
Adopted August 4, 2026
Ordinance No. 503-26

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1. DEFINITIONS

- 1.1. **Abandoned Aircraft and Abandoned Vehicle** is any aircraft or vehicle left unattended and stationary on the Airport property in an operable or inoperable condition under such circumstances, including the passage of time or otherwise, that evidence an intention by the owner or operator to voluntarily surrender, relinquish or disclaim the aircraft or vehicle.
- 1.2. **Aeronautical Activity** is any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.
- 1.3. **Agreement** means a written, legally enforceable contract between the City and any party concerning access to and use of the Airport.
- 1.4. **Airport** means the Driggs Reed Memorial Airport and all of the area, buildings, facilities, and improvements within the interior boundaries of such Airport as it now exists or as it may hereafter be extended or enlarged and as depicted on a current Airport Layout Plan approved by the Federal Aviation Administration.
- 1.5. **Airport Advisory Board** is the board established by the City of Driggs pursuant to section 50-210, Idaho Code, to assist the Mayor and Council in better carrying out the responsibilities of their offices concerning the management, operation, planning and development of the Airport and shall have the specific responsibilities established by ordinance and bylaws adopted by the City Council.
- 1.6. **Airport Manager** is the individual employed and designated by the City to manage the normal and daily activities and provide continuity for long range planning and development of the Airport, or his/her designee.
- 1.7. **Airport Operations Area or AOA** means the area of the Airport identified by the City that includes the aircraft movement areas, aircraft parking areas, loading ramps, safety areas, and any adjacent areas that are not separated by adequate security systems, measures or procedures.
- 1.8. **AVGAS** means aviation gasoline, 100LL or equivalent, intended for use in piston aircraft.
- 1.9. **Commercial Aeronautical Activity** means the offering for sale of products, facilities and services upon the Airport in support of Aeronautical Activities. Commercial Aeronautical Activity includes without limitation, a Fixed Base Operator, Commercial Self-Service Fueling, aircraft maintenance and repair, flight training, aircraft storage offered to the public, avionics sales and support, air charter and rental, air taxi, aircraft management, air tours, and air ambulance.
- 1.10. **Commercial Self-Service Fueling** means the fueling of aircraft by an aircraft owner or operator or their employees at a fuel storage and dispensing facility where a meter and credit card acceptance point-of-sale device is installed.
- 1.11. **Common Use Areas** include aprons, taxilanes, taxiways and runways. All aprons and taxilanes through leased areas shall be considered common use areas unless identified for exclusive use by the City.
- 1.12. **Entity** means each Person, partnership, organization or business that has a legal and separately identifiable existence.

- 1.13. **FAA** means the Federal Aviation Administration.
- 1.14. **Fixed Base Operator or FBO** means an Entity conducting a Commercial Aeronautical Activity including commercial fueling and other required and permitted services.
- 1.15. **Flying Club** means a non-profit or not-for-profit Entity organized for the express purpose of providing its members with aircraft for personal use only.
- 1.16. **Fueler** means a Person or Entity that is permitted to store, handle and dispense fuel, whether for sale to the public at large or for purposes of self-fueling.
- 1.17. **Ground Vehicle** is a non-aircraft self-propelled vehicle including, but not limited to, automobiles, trucks, vans, mobile fueling vehicles, aircraft tugs, and "Follow Me" golf carts.
- 1.18. **Jet Fuel** means aviation fuel intended for use in turbine aircraft.
- 1.19. **Lease** means a contractual agreement between the City and another party which grants a concession or otherwise authorizes the use of land or building space to conduct specified activities. A Lease is written and enforceable by law.
- 1.20. **MOGAS** means automotive gasoline approved for use in piston aircraft.
- 1.21. **Movement Area** means the runways, taxiways, and other areas of the Airport which are used for taxiing, air taxiing, takeoff, and landing of aircraft, exclusive of loading ramps and aircraft parking areas.
- 1.22. **Non-Aeronautical Activity** means any activity that does not involve, make possible or be required for the operation of aircraft or that contributes to or is required for the safety of such operations.
- 1.23. **NOTAM** means Notice to Airmen.
- 1.24. **Permit** means a written document that may be issued by the City for the conduct of Aeronautical Activities and Non-Aeronautical Activities at the Airport, including without limitation the self-fueling of aircraft, and may be terminated by the City as provided in the document and in the Rules and Regulations.
- 1.25. **Person** means any natural person.
- 1.26. **Safety Areas** means the runways and taxiways and surrounding runway safety areas and taxiway safety areas at the Airport.
- 1.27. **Self-Service** means the act of tying-down, adjusting, repairing, refueling, cleaning, and otherwise servicing an aircraft by a Person or Entity that owns the aircraft or by a Person or Entity that has exclusive use and operational control of the aircraft pursuant to a long-term lease.
- 1.28. **Self-Service Fueling or Self-Fueling** means fueling of an aircraft by a Person or Entity authorized to conduct Self-Service using fuel and equipment owned by the Person or Entity.
- 1.29. **SPCC Plan** is a Spill Prevention, Control and Countermeasure Plan.

1.30. **Special Aeronautical Event** means air shows, air races, fly-ins, skydiving, or other similar aeronautical events requiring the general use of the Airport for other than routine Airport operations.

1.31. **Tenant** is any Entity that has an agreement with the City for occupying space at the Airport.

2. PURPOSE, ADMINISTRATION AND ENFORCEMENT

2.1. Legal Authority and Purposes

2.1.1. The City's mission for the Airport is "[t]o manage, promote and improve the Driggs Reed Memorial Airport for the educational and economic benefit of the community."

2.1.2. The City adopts the Rules and Regulations pursuant to Idaho Code Section 21-401, which confers on the City the power to "prescribe rules and regulations for the maintenance, operation and management [of airports], and fix fees and rentals to be charged for the use of the same or any part thereof."

2.1.3. Driggs Municipal Code Section 2-3-6 provides, "Airport rules and regulations. Upon review by the airport advisory board and adoption by the council by ordinance at a duly noticed and convened public meeting, shall have the force and effect of law whether or not set forth in the codified ordinances of the city. All such rules and regulations shall be made available at the offices of the city and airport and published on the airport website. Unless otherwise specified in the airport rules and regulations, all violations thereof shall constitute a misdemeanor under Section 1-4A-1 of the City Code.

2.1.4. The Rules and Regulations are adopted and approved by the City to promote the safe, secure, and orderly use of the Airport.

2.1.5. The Rules and Regulations apply to all Persons entering upon the Airport, whether by foot, ground vehicle or aircraft. Without limiting the generality of the foregoing, the Rules and Regulations apply to all aircraft taxiing onto the Airport from adjacent private property. The City further may require compliance with the Rules and Regulations, or portions of it, on adjacent private property as a condition of authorizing Through-the-Fence access to the Airport.

2.1.6. In addition to the Rules and Regulations, all Entities on the Airport are subject to all applicable provisions of federal law, laws of the State of Idaho, and ordinances of the City of Driggs. It is expressly understood and intended that the Rules and Regulations supplement and provide Airport-specific direction to Tenants and Persons using the Airport; however, in the event of a direct and irreconcilable conflict between the Rules and Regulations and any federal, state or local law, the requirements of the federal, state or local law shall prevail.

2.1.7. The City recognizes the jurisdiction of the federal government, delegated to the Federal Aviation Administration, concerning the certification and regulation of pilots and aircraft, and concerning the navigable airspace. Nothing herein is intended to assert jurisdiction by the City over matters under the exclusive jurisdiction of the federal government, and the provisions hereof shall be interpreted consistent with this purpose.

2.1.8. The invalidation of any specific provision shall not affect the validity of the remainder of the Rules and Regulations.

2.1.9. References and citations in the Rules and Regulations to ordinances, laws, rules, regulations, codes, policies, standards and guidelines promulgated by the City of Driggs; County of Teton, Idaho; State of Idaho; the United States; and public and private bodies, include any amendments as may be adopted thereto after the City's adoption of the Rules and Regulations.

2.2. Effectiveness and Amendment

2.2.1. The Rules and Regulations shall be effective upon adoption.

2.2.2. The provisions of the Rules and Regulations shall apply to the greatest extent permissible under any Agreement for use of the Airport, and all Agreements executed after the adoption of the Rules and Regulations shall be made subject to the Rules and Regulations and amendments to the Rules and Regulations. In the event of a conflict between an Agreement and the Rules and Regulations, the Rules and Regulations shall control, except to the extent that the Agreement provides explicitly that it shall control.

2.2.3. The City may, at its discretion, waive all or any provision of the Rules and Regulations for the benefit of government or governmental agencies conducting Aeronautical Activities at the Airport, but only upon determining that any such waiver will not derogate safety. The City further may waive all or any provision of the Rules and Regulations in the event of a bona fide emergency, which may include for example and without limitation a natural disaster, act of terrorism, or similar occurrence.

2.2.4. The Rules and Regulations cancel and supersede all previous rules and regulations governing use of the Airport.

2.2.5. The City may amend the Rules and Regulations to further promote and advance the purposes and policies set forth herein.

2.3. Reservation of Rights

2.3.1. The privilege of using the Airport and any and all of its facilities shall be conditioned on the assumption of full responsibility and risk by the user thereof. The City reserves the right to claim immunity from liability in connection with its operation of the Airport and to assert any other defense available, including without limitation substantive or procedural defenses pursuant to the Idaho Tort Claims Act, Idaho Code Section 6-901 through 6-929.

2.3.2. The grant of a privilege to conduct Aeronautical Activities at the Airport by a Lease or Agreement shall not be considered in any manner as affording the Aeronautical operator an exclusive right to conduct an Aeronautical Activity at the Airport, other than the use of premises which may be leased or subleased exclusively to it, and then only to the extent provided in a Lease or Agreement

2.3.3. The City reserves the right to decline to execute a Lease or Agreement with any Entity wishing to conduct an Aeronautical Activity or Non-Aeronautical Activity at the Airport, without limitation and among other reasons, if the City determines upon examination that the Entity refuses or will be unable to comply with the Rules and Regulations throughout the

term of the Lease or Agreement.

2.3.4. The City reserves the right to plan and develop the Airport in the best interest of the City, Tenants and Airport users. The City may designate specific areas of the Airport in which specific Aeronautical Activities and Non-Aeronautical Activities may be conducted. The City may change these designations from time to time, and may relocate Tenants or decline to extend or renew a Lease or Agreement because of a change in designation. Relocation of existing Tenants will be subject to and conducted in the manner provided in a Lease or Agreement, by mutual agreement, or by exercise of eminent domain in accordance with Idaho Constitution Art. 1, Section 14 (Right of Eminent Domain) and Idaho Code Title 7, Article 7 (Eminent Domain).

2.3.5. The City reserves the right to inspect facilities used for Aeronautical Activities and Non-Aeronautical Activities upon reasonable notice for the purpose of ensuring compliance with the Rules and Regulations. Except in emergencies, City will provide no less than twenty-four hours advance written notice of its scheduled inspection. The City further reserves the right to audit records of Entities with a Lease or Agreement to conduct Aeronautical and Non-Aeronautical Activities at the Airport for the purpose of ensuring proper payment of rates and charges as may be imposed hereunder and/or in a Lease or Agreement.

2.3.6. The City reserves the right to install security devices on the Airport as may be deemed necessary by the City. The City shall make every attempt to balance the rights of Tenants and Airport users with security requirements and needs. Security devices installed within a Tenant's leased premises shall be located only along the Airport perimeter or in public use areas.

2.4. Administration

2.4.1. The Airport Manager has primary responsibility, with the guidance and recommendations of the Airport Advisory Board, for the interpretation of the Rules and Regulations and is authorized to issue directives and interpretive guidance in conformity with the Rules and Regulations. The decisions of the Airport Manager hereunder are subject to appeal, as provided in Section 2.5 (Administrative Appeal).

2.4.2. City employees, agents and consultants are authorized to assist in the application and implementation of the Rules and Regulations, principally through communications with Tenants and Airport users on the content and proper interpretation of the Rules and Regulations.

2.4.3. The Rules and Regulations and summaries of the Rules and Regulations or portions thereof shall remain on file in the office of the Airport Manager and at Driggs City Hall.

2.4.4. The Airport Manager, authorized security guards employed by the City or under contract to the City, and law enforcement officers of the Teton County, Idaho Sheriff's Office and the Idaho State Police are authorized to issue citations, summonses, or notices to appear for violations of the Rules and Regulations.

2.4.5. Law enforcement officers of the Teton County Sheriff's Office and Idaho State Police are authorized to detain and remove individuals for violation of the Rules and Regulations, the Driggs Municipal Code, or the laws of the State of Idaho.

2.5. Administrative Appeal

- 2.5.1. A Person directly and substantially affected by an action or decision of the Airport Manager or his/her designee in interpreting or enforcing the Rules and Regulations, other than the issuance of a citation or civil fine, may appeal the action or decision as provided in this subsection.
- 2.5.2. A Person may request reconsideration by the Airport Manager of the Airport Manager's decision hereunder or interpretation of the Rules and Regulations. A request for reconsideration must be set forth in writing, containing a complete description of the reasons why reconsideration is proper, along with any relevant documentary evidence. The Airport Manager shall provide a written response within thirty (30) days of receipt of a complete request for reconsideration.
- 2.5.3. A Person may appeal the Airport Manager's denial of a request for reconsideration to the Airport Advisory Board. A request for review must be made in writing and submitted to the Airport Advisory Board Chair. The item will be placed on the agenda of a regular or special Airport Advisory Board meeting. The Board Chair shall establish a procedure for each appeal, including the opportunity for a verbal presentation by the appellant and/or by the Airport Manager or his/her designee. No appeal shall be made to the Airport Advisory Board without first requesting reconsideration by the Airport Manager pursuant to the preceding paragraph.
- 2.5.4. A Person may appeal the determination of the Airport Advisory Board to the City Council, in which event the City Council shall adjudicate the matter and issue a final and binding determination of the City, pursuant to such procedural requirements as the City Council may prescribe.

2.6. Penalties

- 2.6.1. The City intends to promote voluntary compliance with the Rules and Regulations without resort to civil fines or criminal prosecution. When a violation of the Rules and Regulations is brought to the attention of the City, the Airport Manager or his/her designee may, at his/her discretion, notify the offender in writing and advise the offender to cease the violation and/or take corrective action.
- 2.6.2. Violations of the Rules and Regulations shall be punishable by the imposition of a civil fine in accordance with the City fee and fine schedule. Unless specified otherwise in the City fee and fine schedule, the amount of the civil fine shall double for each violation within a calendar year. A Person who seeks administrative review of the imposition of a civil fine shall follow the procedures set forth in Driggs Municipal Code Section 1-4A-4.
- 2.6.3. Violations of the Rules and Regulations shall be punishable as a misdemeanor in accordance with the Idaho Code and Driggs Municipal Code if the following two conditions are met: (1) the obligation is set forth in Sections 5.4, 5.5, 5.7, 9.1, 9.2, 10.2, 10.6, 10.11, 10.13, 10.14, 11.3 or 12.3; and (2) the City determines that the violation presents an imminent risk to human health, public safety, Airport property or the environment.
- 2.6.4. A Person determined to have violated the Rules and Regulations may, notwithstanding the imposition of a civil or criminal penalty, continue to access the Airport for the purpose of

conducting an Aeronautical Activity, except as explicitly provided herein.

2.6.5. These enforcement procedures are in addition to any remedies or penalties authorized by a Lease or Agreement, or pursuant to law or regulation.

2.6.6. Violation of the Rules and Regulations may constitute default under a Lease or Agreement, and the City may pursue termination and eviction in such event, in the manner prescribed in the Lease or Agreement. Unless otherwise explicit in a Lease or Agreement, five (5) separate violations of the Rules and Regulations (not a continuing violation of the same rule) in any rolling twelve-month period shall constitute an event of default.

2.6.7. The City may decline to enter into a Lease or Agreement with a Person or Entity found to have violated the Rules and Regulations constituting a misdemeanor.

2.6.8. In addition to all other rights and remedies provided in these Rules and Regulations, the City shall have any and all rights and remedies at law or in equity, including the equitable remedy of injunction, to enforce the Rules and Regulations, to obtain compliance herewith.

3. RATES AND CHARGES

3.1. General

3.1.1. The City reserves the right to impose rates, fees and charges for use of the Airport for the following purposes: to compensate the City for its costs to operate, maintain and develop the Airport; to make the Airport as financially self-sustaining as possible; to compensate the City for the privilege of conducting a Commercial Activity and deriving revenue from the Airport; and to derive a reasonable rate of return from use of Airport facilities.

3.1.2. The City may impose rates and charges, including but not limited to landing fees, fuel flowage fees, rent for City property and facilities, parking fees, access fees, concession and privilege fees, and permit and administrative fees. The City will impose the same or similar rates and charges for similarly-situated Entities conducting Aeronautical Activities at the Airport.

3.1.3. The City's imposition of any and all such rates, fees and charges shall not affect an Entity's obligation to pay any taxes as may be assessed by an authorized taxing jurisdiction, including without limitation possessory interest, sales and fuel taxes.

3.1.4. The City reserves the right to establish, review or approve the fees charged by Entities providing facilities, products and services to the public at the Airport to ensure that such fees are reasonable and not unjustly discriminatory.

3.2. Adoption and Administration

3.2.1. The City may adopt and direct publication of a schedule of rates and charges. The rates and charges may be adjusted from time to time by the adoption and publication of a new schedule. Neither the adoption nor amendment of the schedule of rates and charges shall require an amendment to the Rules and Regulations.

3.2.2. All Entities on the Airport shall be liable to pay the then-current rates, fees and charges applicable to their use of, and activities on, the Airport, except in the event that a rate or charge is established by an Agreement and such Agreement does not permit or provide for adjustment of the rates, fees and charges by the means provided herein.

3.2.3. Non-payment of rates, fees and charges in accordance with the published schedule(s) of rates and charges or an Agreement may result in termination of the Agreement; eviction from any leased premises; the suspension or revocation of the right or privilege to conduct an Aeronautical Activity at the Airport; and/or the impoundment or lien on aircraft and property, as may be authorized pursuant to federal and Idaho law.

4. COMMERCIAL ACTIVITIES

4.1. No Person or Entity may conduct a Commercial Activity upon the Airport without prior approval of the City. The City may require that a Person or Entity seeking to conduct a Commercial Activity enter into an Agreement with the City, upon such terms and conditions as the City determines are necessary and appropriate under the circumstances.

4.2. The following is a non-exclusive, illustrative list of activities that the City has determined constitute a Commercial Activity: providing commercial aeronautical products, facilities and services to the general public at the Airport as a tenant; providing air charter, air tour, flight training and similar and related business activities as a non-tenant when identifying or marketing the Airport as a base of operations; providing aircraft maintenance, detailing, washing and similar services as a non-tenant; commercial ground transportation; peer-to-peer car share and ride share providers; aircraft catering; on-Airport restaurant.

4.3. Each Commercial Activity shall be conducted in accordance with an Agreement, the Rules and Regulations, and, if adopted by the City and as applicable, Minimum Standards for Commercial Aeronautical Activities.

4.4. A Person or Entity conducting a Commercial Activity that includes providing a public accommodation shall comply with the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.).

4.5. The City may designate, and depict on the Airport Layout Plan, the location on the Airport upon which a Commercial Activity may occur.

4.6. In keeping with the City's mission for the Airport, only Commercial Activity that supports Airport tenants and aeronautical users and activities shall be permitted upon the Airport. The City may consider, but shall retain discretion to deny, a request to conduct a Commercial Activity of a non-aeronautical nature.

5. PERSONAL CONDUCT

5.1. General

5.1.1. No Person shall obstruct, impair or interfere with the safe, orderly, and efficient use of the Airport by any other Person, vehicle, or aircraft.

5.1.2.No Person shall engage in, conduct, aid in, or abet any form of gambling on the Airport, except as may be approved in writing by the Airport Manager in conformance with Idaho law.

5.1.3.No Person shall engage in the retail sale of alcoholic beverages upon the Airport without an applicable liquor license.

5.1.4.No Person shall abandon personal property, ground vehicles, or aircraft on the Airport. The City's specific authority shall be as provided in Section 9.2.6 (Abandoned Aircraft) and Section 11.1.5 (Abandoned Vehicles).

5.2. Refuse Disposal and Management

5.2.1.No Person shall throw, dump, or deposit any waste, refuse, or garbage on the Airport except in designated receptacles. All waste, refuse, or garbage shall be placed and kept in proper containers until disposed of in an appropriate and timely manner.

5.2.2.No Person shall knowingly, recklessly or negligently cause debris to be left within the AOA in such manner as may pose a risk to the operation of aircraft. All Persons with access to the AOA shall keep the same clear of Foreign Object Debris (FOD) by collecting and disposing of debris in covered containers to prevent potential engine intake, jet blast, prop wash or damage to aircraft, or by notifying the Airport Manager.

5.3. Animals

5.3.1.No Person shall enter the AOA with an animal unless the animal is restrained by a leash, harness or container at all times, except that supervised animals used in law enforcement, search and rescue, and wildlife management may be permitted in the AOA without actual physical control.

5.3.2.No Person shall feed or encourage the congregation of birds or other animals on the Airport.

5.3.3.Any domestic animal found roaming or uncontrolled on the Airport may be impounded by the Teton County, Idaho Sheriff's Office.

5.4. Firearms and Explosive Devices

5.4.1.No Person other than a duly authorized federal, state or local law enforcement officer shall fire or discharge any firearm of any description on the Airport or onto the Airport. The foregoing restrictions on discharging firearms do not apply to individuals engaged in wildlife management in accordance with a wildlife hazard management plan or as authorized by the Airport Manager.

5.4.2.Concealed and open carrying of weapons shall be in accordance with Idaho law, including without limitation Idaho Code Title 18, Chapter 33 (Firearms, Explosives and Other Deadly Weapons). Tenants may prohibit concealed and open carrying of weapons upon and within their leased premises in accordance with Idaho law.

5.4.3.No Person shall possess on the Airport any explosive device or any hoax device. The foregoing restriction on explosives does not apply to individuals engaged in wildlife

management in accordance with a wildlife hazard management plan or as authorized by the Airport Manager. The foregoing restriction also does not apply to the possession and use of explosive devices in connection with the design, manufacture, repair, refurbishment or operation of aircraft. For purposes of the Rules and Regulations, a hoax device shall include any object that would cause a Person to reasonably believe that the object is or contains a destructive, incendiary or explosive device.

5.4.4.No Person shall discharge any laser pointer on the Airport or onto the Airport directed at a law enforcement officer or aircraft. The intent of this prohibition is to supplement the requirements of federal law, 18 U.S.C. Section 39A, and FAA regulation, and to provide a mechanism for the City to penalize the improper discharge of laser pointers. This provision shall be interpreted consistent with the City's intent.

5.5. Hunting

5.5.1.No Person shall hunt, pursue, trap, catch, injure or kill any animal on the Airport. The foregoing prohibition does not apply to individuals engaged in wildlife management in accordance with a wildlife hazard management plan or as authorized by the Airport Manager.

5.6. Smoking

5.6.1.Smoking is prohibited in all City-owned buildings and structures and any other public place upon the Airport, in accordance with Idaho Code Title 39, Chapter 55 (Clean Indoor Air).

5.6.2.Smoking is prohibited in certain exterior areas of the Airport, including (i) within fifty feet of any fuel storage facility or fuel dispensing, and (ii) in exterior areas of the AOA.

5.6.3.Tenants may designate specific areas of their leased premises in which smoking is permitted, in accordance with Idaho law.

5.6.4.Persons observed smoking in prohibited areas will be instructed by City employees to extinguish smoking material.

5.6.5.For purposes of this subsection, smoking shall include a lighted or smoldering pipe, cigar or cigarette, any other lighted smoking equipment and any form of e-cigarette.

5.7. Vandalism and Damage to Airport Property

5.7.1.No Person shall willfully destroy, injure, damage or deface in any way public property of any nature located on the Airport. 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 such office, shall reimburse the City for the full amount of the damage.

5.8. Camping and Loitering

5.8.1.No person shall camp or reside at the Airport, including within a vehicle, camper, tent or otherwise except as provided in this section. This prohibition is intended to apply to the entire Airport, including aircraft hangars and other leased property, but does not apply to adjacent private residential airparks. The City may designate portions of the Airport available for temporary and limited camping by pilots and aircraft owners. Further, this prohibition does

not preclude remaining overnight at the Airport in connection with aircraft rescue and firefighting, wildland firefighting, law enforcement, medical services, Civil Air Patrol, and such similar and related public safety and/or emergency activities as may be approved by the Airport Manager on a case-by-case basis. This prohibition also does not preclude the use of a pilot rest lounge or crew quarters. Any other person wishing to remain overnight at the Airport must obtain prior written permission of the Airport Manager, which shall be granted only upon a showing of exigent circumstances and undue hardship that would arise from denying the request.

5.8.2.No person shall remain upon the Airport for any unlawful purpose or without any valid purpose. Loitering is prohibited.

5.8.3.Consistent with FAA policy, the City considers camping and encampments by Persons experiencing homelessness to be an incompatible land use and an impermissible use of the Airport. The City reserves all rights to block access, remove, evict and prosecute such Persons residing upon the Airport and assumes no liability for personal property brought onto the Airport by such Persons.

5.9. Non-Aeronautical Property Storage

5.9.1.Hangars, T-hangars and similar structures shall be used exclusively for aeronautical activities. Non-aeronautical items owned by the tenant may be stored in hangars, T-hangars and similar structures provided the items do not interfere with the aeronautical use of the structure. The City intends to implement and administer this requirement in accordance with FAA policy, presently found at *Policy on the Non-Aeronautical Use of Airport Hangars*, 81 Fed. Reg. 38906 (June 15, 2016). Consistent with FAA policy, the storage of non-aeronautical items is prohibited if it:

- 5.9.1.1. Impedes the movement of aircraft in and out of the hangar or impedes access to aircraft or other aeronautical contents of the hangar.
- 5.9.1.2. Displaces the aeronautical contents of the hangar. A vehicle parked at the hangar while the vehicle owner is using the aircraft will not be considered to displace the aircraft.
- 5.9.1.3. Impedes access to aircraft or other aeronautical contents of the hangar.
- 5.9.1.4. Is used for the conduct of a non-aeronautical business from the hangar, including the storage of inventory.
- 5.9.1.5. Is stored in violation of building codes or City ordinances.
- 5.9.1.6. Is used in connection with residential use of the hangar as otherwise prohibited herein.

5.9.2.The Airport Manager or his/her designee shall have the right of inspection, including within the interior of aircraft hangars, to ensure compliance with this provision, upon providing no less than twenty-four hours advance written notice.

5.9.3.The storage of non-aeronautical items not in conformance with this section may constitute a default of the Lease or Agreement authorizing use and possession of the hangar, T-hangar or similar structure, and the City may pursue any and all remedies authorized thereunder.

6. USE OF AIRPORT FOR NON-COMMERCIAL USE

6.1. Freedom of Speech

- 6.1.1. No Person or Entity shall engage in expressive activity at the Airport, except pursuant to and in compliance with the Rules and Regulations and any further requirements as may be imposed by the City.
- 6.1.2. All expressive activity shall be conducted (i) in a peaceful and orderly manner, (ii) without physical harm, molestation, threat or harassment of any Person, (iii) without obscenities, violence, breach of the peace, or other unlawful conduct; (iv) without obstructing the use of the Airport by others; (v) without hindrance to or interference with the proper, safe, orderly and efficient access to/from, and the operation of, the Airport and activities conducted thereon; and (vi) in strict conformance with the Rules and Regulations and conditions prescribed by the City.
- 6.1.3. Any Person or Entity desiring to engage in expressive activity at the Airport shall provide advance written notice to the Airport Manager, to include contact information for the sponsor or organizer, the intended location, and the dates and times when the expressive activity is designed to occur.
- 6.1.4. The Airport Manager is delegated with authority to issue written direction in response to any such notification to prescribe limits on the time, place and manner of the intended expressive activity, without regard for the viewpoints intended to be expressed.
- 6.1.5. This requirement is not intended to apply to private events hosted or approved by Airport tenants within aircraft hangars or surrounding leased property, including for example political fundraisers or rallies. The congregation of more than thirty-five (35) people may require a special event permit from the City, in accordance with Section 8 hereof.

6.2. Filming, Photography and News Media

- 6.2.1. The City respects the rights of Tenants and Airport users to take still photographs, make audio recordings or record video for their personal, non-commercial use in conformance with the Rules and Regulations.
- 6.2.2. Photography, recordings and filming for commercial use shall require advance notice to and express approval by the Airport Manager. This notice requirement shall not apply to commercial photography approved by Tenants and confined to their leased property, for marketing or similar and related purposes.
- 6.2.3. No Person shall appropriate or use the photographs, recordings or video owned or held out by the City on the City or Airport websites or otherwise without attribution.
- 6.2.4. News media outlets must notify Airport Manager prior to reporting from or engaging in photography, recordings or filming at the Airport.
- 6.2.5. No Person shall take still photographs, make audio recordings, or record video in such manner as to harass or interfere with the safe, secure and efficient movement of passengers, employees and users of the Airport, commercial businesses, or City or law enforcement personnel.

6.3. Labor-Related Activity and Picketing

6.3.1. The City respects the rights of individuals to organize, conduct meetings, and communicate issues of mutual benefit, including wages, benefits or terms and conditions of employment with any other employee or employer at the Airport. It is not the City's intention to prohibit labor-related activity.

6.3.2. Individuals and organizations may use portions of leased premises at the Airport with the permission of the Tenant to engage in labor-related activities, including by example and without limitation, holding meetings, collecting signatures, taking votes, and sharing information on wages, benefits, terms and conditions of employment and similar and related matters. Individuals and labor organizations may not engage in such labor-related activities in any City-owned buildings, common use areas or any other unleased areas of the Airport without the City's prior approval.

6.4. Leafletting

6.4.1. A Person or Entity must seek and obtain the written approval of the Airport Manager to engage in leafletting. In any written approval, the Airport Manager shall identify the area to be used, which area shall be selected so as not to interfere with the safe, secure and efficient operation of the Airport.

6.4.2. Leafletting is intended to be a passive activity by which those engaged in leafletting may make themselves and associated leaflets, handbills or other literature visible, and Tenants and Airport users may approach those engaged in leafletting to request information or literature. A Person engaged in leafletting must not position or conduct themselves so as to interfere with the movement of Tenants and Airport users and further must not in any manner force, require or pressure (by physical or verbal action) an individual to stop, listen to information, or take any literature.

6.4.3. A Person or Entity engaged in leafletting must not leave any leaflets, handbills or other literature at the Airport during any period when the person or organization is not actively engaged in leafletting, including by the placement of literature upon ground vehicles in Airport parking areas.

6.5. Solicitation

6.5.1. No Person shall solicit for the immediate receipt of funds upon the Airport. This prohibition shall include, by example and without limitation, panhandling or requests by, from or on behalf of any religious, charitable or political organization.

6.5.2. Leaflets, handbills and other literature made available for distribution upon the Airport in accordance with the Rules and Regulations may include requests for donation, provided that in no event shall a Person make a request for an immediate donation or payment.

6.5.3. Nothing herein is intended to restrict the rights of Tenants within exclusive use leaseholds to solicit donations or permit others to do so.

6.6. Surveys and Signature Collection

6.6.1.No Person shall conduct surveys at the Airport without the express approval of the Airport Manager.

6.6.2.No Person shall use the Airport for the purpose of collecting signatures for a political purpose, including without limitation petitions for initiatives, referenda or candidates to appear on the ballot in any federal, state or local general or special election.

6.6.3.This Policy shall not apply to the use of surveys by the City and its agents.

7. DEVELOPMENT OF AIRPORT PROPERTY

7.1. Construction

7.1.1.Buildings, structures, pavements, or any other improvements or additions requiring a building, grading or similar permit from a local, state or federal government agency shall not be placed, constructed, altered, or removed without the prior written approval of the Airport Manager.

7.1.2.The Airport Manager may require an appropriate bond and a construction agreement to guarantee the completion of the construction consistent with the conditions and schedule required by the City.

7.1.3.Plans and construction must comply with applicable FAA design standards, the Idaho State Fire Code, and the City of Driggs Building Code, as each may be amended.

7.1.4.Plans and construction must be consistent with the then-current and approved versions of the Airport Master Plan, Airport Layout Plan, and the Rules and Regulations. These documents shall be available from the office of the Airport Manager.

7.1.5.Pavements intended to accommodate aircraft movement or storage must be designed and constructed to accommodate all aircraft within a Runway Design Code specified in a Lease or Agreement.

7.1.6.Required notices submitted pursuant to 14 C.F.R. Part 77, Objects Affecting Navigable Airspace, must be submitted through the Airport Manager.

7.1.7.No facility or structure may be constructed or placed on the Airport that has been determined by the FAA to constitute an obstruction or hazard to air navigation.

7.1.8.Windows and large areas of glass shall be oriented to avoid glint and glare which could distract pilots landing at, taking off from, or taxiing on the Airport.

7.1.9.Facilities shall be properly lighted, in accordance with the lighting standards in the City Land Development Code, and include such other security controls as may be required by the City.

7.1.10. Construction shall be in conformance with the plans and specifications approved by the City.

7.1.11. Tenants shall deliver to the Airport Manager “as built” plans upon completion of construction.

7.1.12. The City is not responsible for administrative fees and other costs for building permits and similar approvals.

7.1.13. In no event shall the City be responsible for design and construction costs associated with private improvements. In limited circumstances, City may agree to provide utilities, roads, taxilanes and other infrastructure to accommodate private improvements if funds have been budgeted for such projects and/or arrangements have been made to reimburse the City.

7.2. Signs

7.2.1. Signs and displays at the Airport are intended primarily to identify on-Airport businesses and to provide wayfinding for Airport users.

7.2.2. Signs must conform to the sign standards and procedural requirements in the City Land Development Code and any applicable requirements of a Lease or other Agreement.

7.2.3. The Airport Manager is authorized to prescribe additional standards and guidelines for signs as may be needed for the safety and efficiency of Airport operations, to reduce the visual impact of signs, and to preserve the aesthetic qualities of the Airport.

7.2.4. Signs shall not be placed or constructed upon the Airport property or on any building, structure, or improvement thereon without first having obtained written approval from the Airport Manager. The Airport Manager will be provided a concept drawing or written proposal for review of any proposed sign.

7.2.5. The Airport Manager may refuse permission for installation or construction of a sign if inconsistent with the standards and guidelines prescribed by the Airport Manager or if the Airport Manager determines that the sign may impede the safety and efficiency of the Airport, the sign would have a significant negative visual impact, or the sign would impair the aesthetic qualities of the Airport.

7.2.6. In no event shall signs and public displays at the Airport be used for any commercial or non-commercial purpose that includes any profane language; portrays images or descriptions of violence; promotes hatred, bigotry, disparagement or violence towards individuals, groups, businesses, organizations or government entities; or contains obscenity or nudity.

7.2.7. The Rules and Regulations shall not apply to the use of signs and public displays at the Airport by the City.

7.3. Utilities, Landscaping and Design

7.3.1. All buildings requiring sanitary and/or water service shall connect to the public water system. All tap fees and connection fees shall be paid by the Tenant.

7.3.2. All electrical and telephone service shall be underground.

7.3.3. Landscaping plans shall preclude growth of natural objects that would constitute an

obstruction or hazard to air navigation, interfere with aircraft and Airport operations, or attract potentially hazardous wildlife.

7.3.4. All new construction shall be of high quality and utilize materials and finishes which will maintain their appearance with low maintenance.

7.3.5. Exterior design, materials and colors shall conform to the City Land Development Code and be consistent with like structures upon the Airport.

7.3.6. Pedestrian and vehicular access to buildings normally open to the public shall avoid crossing the AOA.

7.3.7. All customer facilities and accommodations for passengers and crews of transient aircraft must include ramp or other convenient access for the disabled and sanitary restrooms available for use by the disabled.

7.3.8. Vehicular access to aircraft storage hangars shall minimize crossing of the AOA. Automobile parking in locations which do not interfere with aircraft operations shall be provided near aircraft storage hangars. All aircraft storage hangars shall provide a personnel entrance door.

7.3.9. Sliding doors may not be used in hangar configurations where the open door of one hangar will adversely interfere with access to another hangar.

7.3.10. The Tenant shall provide adequate, paved and lighted parking spaces sufficient to accommodate all activities including employee and customer parking. Parking lots shall be configured for ease of ingress and egress and parking spaces shall be clearly marked in addition to loading zones, handicapped parking, and fire lanes.

7.3.11. All construction or alteration on the Airport shall be designed so as to conform to the Americans with Disabilities Act (42 U.S.C. § 12101 et seq.) and implementing regulations and guidelines, as applicable. No Person shall be denied access to the Airport on the basis of handicap or disability. Any Person who believes that they were denied access or discriminated against on the basis of a handicap or disability may file a complaint with the City.

8. SPECIAL EVENTS

8.1. General

8.1.1. Special events involving the congregation of thirty-five (35) or more people require coordination, regulation, and authorization of the City. A Person or Entity wishing to hold a special event must submit a written request to the Airport Manager not less than ninety (90) days prior to the intended first day of the special event. The written request must include date and time of the event, name of the event, type of event, expected number of participants and spectators, and sponsor name and contact information. The City reserves the right to decline events or activities that will interfere with Airport operations.

8.1.2. All special events, whether an entrance fee applies or not, must be officially approved by the Airport Manager in the form of a Special Event Permit or License. The special event sponsor will be required to obtain liability insurance for the event. The insurance policy will identify

the City as a "named insured" for the event.

- 8.1.3. If the special event is expected to attract an attendance of 100 persons or more, the sponsor must coordinate road and/or highway impact with local law enforcement. The sponsor must prepare and present to the Airport Manager an adverse weather plan for an event planned to be held outdoors. The sponsor must make arrangements for, as applicable, ambulance, auto towing, garbage pick-up, lavatories, law enforcement or security presence, and firefighting support.
- 8.1.4. Any special event involving an Aeronautical Activity, including without limitation aerobatic maneuvers by aircraft, must be coordinated with the Airport Manager and the local Flight Standards District Office of the FAA.
- 8.1.5. In case the sponsor fails to coordinate the event according to the agreement, the Airport Manager will be allowed to terminate or suspend the event at any time after the final approval. Failure of the sponsor to adequately perform trash and litter clean-up of the Airport and repair or compensate for damaged property as a result of the special event will be billed for extra overhead expense and damages by the City. The City reserves the right to decline to approve special events sponsored by a Person or Entity previously found to have violated the terms of a Special Event Permit or License.

9. AIRCRAFT OPERATIONS

9.1. General Responsibilities

- 9.1.1. The Airport is open for Aeronautical Activities 24 hours per day, 7 days per week, unless closed by a NOTAM. The City may post hours of operation during which the Airport is attended by City personnel, which hours of operation shall be posted on the Airport website and submitted for publication in the FAA Chart Supplement.
- 9.1.2. The operation of aircraft on the Airport shall be conducted in conformity with FAA regulations, Idaho law, and with the Rules and Regulations. Persons operating aircraft are responsible for the safe operation of their aircraft and the safety of others exposed to such operation.
- 9.1.3. All aircraft operating at the Airport shall display on board the aircraft a valid airworthiness certificate to the extent required and issued by the FAA or appropriate foreign government, and further shall display on the exterior of the aircraft a valid registration number as may be issued by the FAA or appropriate foreign government.
- 9.1.4. Upon request of the Airport Manager or designee, the aircraft operator shall produce an operator's license and airworthiness certificate, to the extent an operator's license or airworthiness certificate is required by the FAA or appropriate foreign government.
- 9.1.5. Any Aircraft utilizing the Airport as a base of operation (other than occasional transient purposes) and/or registered with a Fixed Base Operator with an assigned tie-down or hangar space on the Airport is considered a based Aircraft. Once a year, or upon request of the City, the Fixed Base Operators and any other tenants with based Aircraft must provide the City with an itemized listing of the tail numbers and types of Aircraft based at their facility.

9.1.6. The Airport Manager shall at all times have the authority to take such action as may be necessary to safeguard the public. NOTAMs will be published to alert users in accordance with FAA regulations of any changes affecting air operations.

9.1.7. No Person may operate aircraft at the Airport in a reckless or negligent 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. No Person shall operate aircraft constructed, equipped or loaded in such a manner as to endanger, or to be likely to endanger, persons or property.

9.1.8. In addition to any other penalties prescribed by these Rules and Regulations or that may be imposed by FAA for the same conduct, the Airport Manager is authorized to restrict access to the Airport by (i) any Person who has been found by the FAA to have violated applicable FAA regulations concerning the operation of aircraft, where such violation would, in the view of the Airport Manager, present a real and immediate danger to the safety of persons or property on the Airport; or (ii) who has been found by the City to have violated the preceding provision of the Rules and Regulations concerning the safe operation of aircraft on the Airport.

9.1.9. As provided in FAA regulations and Idaho law, no Person shall operate or have actual physical control of any aircraft while under the influence of alcohol, drugs or other intoxicating substances. This provision is intended to provide an additional mechanism to ensure safe aircraft operations by requiring compliance with FAA regulations, currently found at 14 C.F.R. § 91.17, and Idaho law, currently found at Idaho Code Section 21-112A (Operating Aircraft While Under the Influence of Alcohol, Drugs or Any Other Intoxicating Substances). This provision is not intended to create new or different standards than provided in FAA regulations or Idaho law.

9.1.10. No Person shall have in his possession while in the cockpit of any aircraft any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed.

9.1.11. Consistent with FAA policy, the City recommends that all aircraft landing at, taking off from, and taxiing on the Movement Area of the Airport be equipped with a functioning radio transmitter and receiver and that pilots use such radios when operating upon the Airport for situational awareness and collision avoidance.

9.1.12. Any aircraft owner or operator causing damage to Airport property shall be fully liable to the City for repair of any such damage, in addition to any other penalties prescribed herein.

9.1.13. Tenants may be responsible for snow removal in leased areas if required in a Lease or Agreement. Snow removal by Tenants shall not impede the ground movement of aircraft, create a hazard to air navigation, cause a risk of engine ingestion, or otherwise present a risk to Persons or property.

9.1.14. No Person shall operate an auxiliary power unit for more than thirty (30) minutes.

9.2. Parking, Ground Movement and Engine Run-Up

9.2.1. No aircraft shall be parked or stored at the Airport except in areas designated by the City or

Airport Manager for such purposes. Aircraft operators are solely responsible for properly securing the aircraft while parked or stored to avoid damage to other aircraft or buildings and for maintaining the aircraft in a safe and mobile condition.

- 9.2.2. No aircraft shall be left unattended on the Airport unless it is in a hangar or adequately secured.
- 9.2.3. All Airport users shall have the right in common with others so authorized to use Common Use Areas of the Airport. Common Use Areas shall be kept clear and available for aircraft traffic. No one shall use any Common Use Area for parking or storing of aircraft or vehicles. Common use designations may be changed from time to time by the City or Airport Manager.
- 9.2.4. Aircraft shall not be parked so as to block movement on taxiways, public ramps, or in Common Use Areas. At the direction of the Airport Manager, the operator, owner, or pilot of any illegally parked aircraft on the Airport shall move the aircraft to a legally designated parking area on the Airport. If the operator refuses to comply with such direction, the City, through the Airport Manager, may tow said aircraft to such designated area at the owner's or operator's expense.
- 9.2.5. Tenants shall park and store all aircraft and equipment used for their operations within their leased area only, unless arrangements for such parking or storage are made in writing with the Airport Manager.
- 9.2.6. Abandoned Aircraft are prohibited on the Airport. After thirty (30) days, or earlier if circumstances warrant, the Airport Manager may (i) direct the aircraft owner or operator, if known, to remove the aircraft from the Airport; (ii) move the aircraft to an alternate location on the Airport, at the sole risk and expense of the aircraft owner or operator; and/or (iii) place a lien upon the aircraft for any amounts due the City and, if not paid, sell the aircraft at public auction, in accordance with Idaho Code Section 45-805. Aircraft in any stage of manufacture, repair or refurbishment will not be considered abandoned provided that the aircraft is under the care, custody and control of an Entity and the Entity has the present intention of completing or restoring the aircraft to an airworthy condition. The Airport Manager may request evidence to demonstrate the Entity's intention to complete or restore an aircraft to an airworthy condition, such as, by way of example and without limitation, a parts receipt, sales invoice, order book, or similar document.
- 9.2.7. Non-airworthy aircraft shall not be permitted within the tie-down or ramp areas. Aircraft in any stage of manufacture, repair or refurbishment may be parked within the tie-down or ramp areas provided that the aircraft is under the care, custody and control of an Entity and the Entity has the present intention of completing or restoring the aircraft to an airworthy condition.
- 9.2.8. Aircraft operators shall obey all pavement markings, signage, and lighted signals.
- 9.2.9. No Person shall taxi an aircraft until he/she has ascertained by visual inspection of the area that there will be no danger of collision with any Person or object in the immediate area.
- 9.2.10. Fixed wing aircraft taking off or landing at the Airport shall do so only from designated runways and in full compliance with FAA regulations.

9.2.11. Passengers and cargo shall be enplaned/deplaned only in areas designated by the City or Airport Manager.

9.2.12. Run-up of jet, turboprop or piston engines shall be performed only in the areas designated for such purpose by the City and Airport Manager or, if no such area is designated, only in such location and manner as to avoid jet blast and prop wash from damaging other aircraft, property or structures or otherwise jeopardizing the safety of other users of the Airport.

9.2.13. No Person owning, controlling or operating any aircraft shall start, operate, or allow the aircraft's engine to run, or allow the same to be started, operated, or run unless a licensed operator is in the aircraft attending the aircraft's controls. A portion of aircraft run-up for testing, maintenance and pre-flight checks may be conducted without an operator at the controls so long as the run-up occurs in a designated area, all safety precautions prescribed by FAA regulations and best industry practices are employed, and the aircraft is incapable of moving during the period an operator is not at the controls.

9.2.14. Aircraft shall not be started within any structure on the Airport, provided that aircraft and aircraft engines may be started in structures on the Airport during research and development, manufacture and repair.

9.2.15. No Person shall start the engine of any aircraft unless the wheels of said aircraft are then blocked or unless adequate brakes thereon have been actuated.

9.2.16. Positioning, starting, or taxiing of aircraft shall be done in such a manner so as not to cause jet blast or prop wash that may result in injury to Persons or damage to property.

9.2.17. No helicopter shall be operated within thirty-five (35) feet of any building and shall operate only from areas designated in writing by the City.

9.2.18. No Person shall operate an aircraft on pavement designed solely for ground vehicle or pedestrian traffic.

9.3. Aircraft Accidents and Incidents

9.3.1. The pilot of an aircraft involved in an "aircraft accident" or "serious incident", as those terms are defined at 14 C.F.R. Part 830, on the Airport shall report the accident or serious incident to the Airport Manager immediately, in addition to any and all other notifications and reports required to be made to other federal, state and local authorities. In the event said pilot is not able to make such report to the Airport Manager, the owner of the aircraft or his agent shall make such report.

9.3.2. In the event of an accident or serious incident on the Airport, the City, through the Airport Manager or his/her designee may, upon receipt of removal authority from the FAA Regional Operations Center or National Transportation Safety Board, direct the owner, pilot or authorized insurance company to make arrangements to have the aircraft moved and, if not completed within a reasonable period of time, move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the owner and without liability to the City for damage resulting from such moving.

9.3.3. Airport property damaged or destroyed by accident, serious incident or otherwise shall be

repaired or replaced at the expense of the responsible parties.

9.3.4. The pilot or owner of any aircraft that sustains material damage affecting the airworthiness of the aircraft while conducting operations on the Airport shall immediately notify the Airport Manager.

9.4. Airport Closure

9.4.1. The Airport Manager or his/her designee has the right at any time to close the Airport, or any portion thereof, to air traffic; to delay or restrict any flight or other aircraft operation; and to deny the use of the Airport or any portion thereof when necessary in the interest of safety and security, including without limitation in the event of aircraft incidents and accidents and certain airfield surface conditions. Upon approval by the FAA, the Airport Manager shall have the right to temporarily close the Airport for Special Events. In the event the Airport Manager or his/her designee believes the condition of the Airport to be unsafe for landings or take offs, he or she may issue, or cause to be issued, a NOTAM closing the Airport or any portion thereof.

9.5. Self-Service

9.5.1. An Entity has the right to service an aircraft that the Entity owns; aircraft that the Entity has under its exclusive use and operational control pursuant to a long-term lease or other agreement; or aircraft that are under the care, custody and control of an Entity during manufacturing and warranty work. The right to Self-Service includes the right to tie down, adjust, repair, refuel, clean and otherwise service an aircraft.

9.5.2. Each Entity engaged in Self-Service shall have the requisite training and/or certification as may be required by the Rules and Regulations and FAA regulations. Licensed pilots are permitted to perform preventive maintenance in accordance with 14 C.F.R. Part 43.

9.5.3. The City does not recognize aircraft managers or hangar associations to be the owner or lessee of an aircraft, and each such Entity is not permitted to Self-Service. Flying Clubs, fueling cooperatives (or CO-OPs), and fractional aircraft owners pursuant to 14 CFR Part 91 are permitted to Self-Service aircraft based at the Airport. Aircraft manufacturers are permitted to Self-Service aircraft under their care, custody and control prior to delivery to customers and during warranty work.

9.5.4. Self-Service may be conducted only by the aircraft owner or operator, including an employee of an Entity. The Airport Manager may require evidence of employment.

9.5.5. The City reserves the right to designate areas on the Airport where aircraft owners and operators may engage in Self-Service.

9.6. Cleaning, Painting and Maintenance of Aircraft

9.6.1. Aircraft maintenance shall be performed within hangars, provided such activity does not pose a fire or safety hazard.

9.6.2. Aircraft painting shall be performed only in designated areas approved for that activity by the City.

9.6.3. Aircraft painting and associated processes shall only be conducted in properly designated, fireproof, and ventilated rooms or buildings in which all illumination, wiring, heating, ventilating equipment, outlets, and fixtures are spark free and vapor proof. No painting operations shall be conducted in T-hangars.

9.6.4. Aircraft cleaning shall be performed only in the areas and in the manner prescribed by the City.

9.7. Weight Limits

9.7.1. No aircraft having a maximum gross takeoff weight, as certified by the aircraft manufacturer and including passengers, cargo, fuel, and equipment, in excess of the weight-bearing capacity of the airfield pavements, as identified in the Chart Supplement, shall land, take off, or taxi at the Airport without prior permission of the Airport Manager.

9.7.2. Any Person constructing pavements on the Airport intended to accommodate aircraft shall build and maintain the pavements to support aircraft at the weights identified in the Chart Supplement or such other pavement strength as may be approved by the Airport Manager.

9.8. Limits on Aeronautical Activities

9.8.1. The City does not maintain an Airport Operating Certificate in accordance with 14 C.F.R. Part 139 and, as a result, the Airport cannot accommodate scheduled passenger-carrying operations of an air carrier operating aircraft configured for more than nine passenger seats or unscheduled passenger-carrying operations of an air carrier operating aircraft configured for at least thirty-one passenger seats.

9.8.2. The following types of aircraft and other aerial devices may not be operated on the Airport without the prior written authorization from the Airport Manager and, if requested by the Airport Manager, recommendation of the Airport Advisory Board:

- 9.8.2.1. Ultralight aircraft
- 9.8.2.2. Banner towing
- 9.8.2.3. Unmanned aerial vehicles
- 9.8.2.4. Kites, model airplanes, tethered or non-tethered balloons (including hot air balloons), rockets and similar aerial devices
- 9.8.2.5. Agricultural spraying and mosquito control

9.8.3. Use of any portion of the Airport as a designated drop zone for parachute jumping or skydiving shall be prohibited without the prior written approval of the Airport Manager and recommendation of the Airport Advisory Board and further shall require a Lease or Agreement authorizing use of the designated portion of the Airport for a drop zone.

9.8.4. The Airport Manager may seek review by the FAA upon receipt of an application to conduct one of the foregoing Aeronautical Activities or another Aeronautical Activity not then occurring on the Airport. In the event that the Airport Manager grants approval to conduct an Aeronautical Activity, the Manager's approval shall be in the form of a directive authorizing the applicant and other similarly-situated Entities the right to conduct the Aeronautical

Activity and prescribing specific conditions on use of the Airport for the Aeronautical Activity. The authorized Aeronautical Activity shall be conducted in conformity with such directive, all applicable requirements contained in FAA regulations.

9.9. Hours of Operation and Voluntary Noise Abatement

9.9.1. The Airport is available for Aeronautical Activities at all times, except when closed by issuance of a NOTAM.

9.9.2. The City attends the Airport during normal business hours.

9.9.3. The City encourages aeronautical users to limit aircraft operations to the hours of 7:00 AM to 10:00 PM local time.

9.9.4. Aeronautical users of the Airport shall be required to educate and familiarize themselves with the voluntary noise abatement procedures adopted by the City and published on the Airport website.

9.10. Flying Clubs

9.10.1. Each member of a Flying Club must be a bona fide owner of an equal share of the Flying Club's aircraft or an equal stockholder of the Flying Club.

9.10.2. Each Flying Club shall comply with applicable requirements of federal and state law, including without limitation Idaho Administrative Code, Rule 35.01.02, Idaho Sales and Use Tax Administrative Rules, Rule 38 (Flying Clubs).

9.10.3. Each Flying Club shall file and keep current with the Airport Manager the following:

9.10.3.1. A current list of members, along with a demonstration that each member owns an equal property interest in the assets of the Flying Club.

9.10.3.2. Copies of aircraft registration, or alternate evidence that club aircraft ownership is vested in the name of the Flying Club or all of its members.

9.10.3.3. A copy of the prior year's tax return, or alternate evidence of the nonprofit or not-for-profit status of the Flying Club.

9.10.3.4. Copies of bylaws, articles of incorporation, operating rules, membership agreements, and the location and address of the Flying Club's registered office.

9.10.3.5. A roster of officers and directors, including addresses and telephone numbers.

9.11. Limits on Flying Clubs

9.11.1. Flying Club aircraft shall not be operated by other than members and shall not be used by anyone for any Commercial Activity.

9.11.2. A Flying Club shall not hold itself out to the public as a fixed base operator, specialized aviation service operation, maintenance facility or flight school.

- 9.11.3. A Flying Club and its members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the Airport; except that a Flying Club may sell or exchange its capital equipment.
- 9.11.4. A Flying Club operating at the Airport shall have the right to self-fuel Flying Club aircraft in accordance with the Rules and Regulations.
- 9.11.5. A Flying Club may permit its aircraft to be used for flight instruction (i) in a club-owned aircraft as long as both the instructor providing instruction and person receiving instruction are members of the club owning the aircraft, or (ii) when the instruction is given by a lessee based on the Airport who is authorized by the City to provide flight instruction and the person receiving training is a member of the Flying Club. In either circumstance, a flight instructor may receive monetary compensation for instruction or may be compensated by credit against payment of dues or flight time; however that individual may not receive both compensation and waived or discounted dues or flight time concurrently.
- 9.11.6. A Flying Club shall have the right to self-service Flying Club aircraft in accordance with the Rules and Regulations. Any qualified mechanic who is a registered member and part owner of the aircraft owned and operated by a Flying Club may perform maintenance work on aircraft owned by the Flying Club. The mechanic may receive monetary compensation for such maintenance work or may be compensated by credit against payment of dues or flight time; however that individual may not receive both compensation and waived or discounted dues or flight time concurrently.

10. FUELING, DEICING AND ENVIRONMENTAL PROTECTION

10.1. Fueling Generally

- 10.1.1. All aviation fuels and oils for sale on Airport property shall be dispensed only by Entities so authorized in a Lease or other Agreement. No other Entities shall sell, transport, store, dispense, or otherwise introduce fuels and oils onto Airport property without the express prior written permission of the Airport Manager.
- 10.1.2. For purposes of this section, "Permittee" shall refer to the owner or exclusive operator of an aircraft authorized to self-fuel pursuant to a self-fueling Permit or Agreement.

10.2. Aircraft Fueling Operations

- 10.2.1. All fuel handling and dispensing on the Airport shall be done in compliance with the following:
- 10.2.1.1. FAA Advisory Circular 150/5230-4 (Aircraft Fuel Storage, Handling and Dispensing on Airports)
 - 10.2.1.2. FAA Advisory Circular 00-34 (Aircraft Ground Handling and Servicing)
 - 10.2.1.3. National Fire Prevention Association (NFPA)'s Code No. 407 (Standard for Aircraft Fuel Servicing); and Code No. 30 (Flammable and Combustible Liquids Code)
 - 10.2.1.4. Air Transport Association Specification 103 (Standards for Jet Fuel Quality)
 - 10.2.1.5. Underwriters Laboratories 2085 (Protected Aboveground Tanks for Flammable and Combustible Liquids)

- 10.2.2. Only an authorized Fueler shall be permitted to engage in the sale of aviation fuel and other petroleum products to the public at large at the Airport, including both attended and unattended retail fuel sales.
- 10.2.3. Each Fueler shall provide the City with a comprehensive quality control and management plan identifying quality control procedures and qualification of personnel to be used in the aircraft fueling operations.
- 10.2.4. Each Fueler will provide all applicable insurance required by the Airport Manager and shall indemnify and hold the City harmless from occurrences resulting in environmental contamination, injury to Persons, or damage to property.
- 10.2.5. The right to Self-Service includes the right to self-fuel. In order to engage in self-fueling, the aircraft owner or operator must seek and obtain a self-fueling Permit or other Agreement from the City. Self-fueling shall be subject to the self-fueling Permit or Agreement and the Rules and Regulations. No Person shall be required to self-fuel; the purchase of fuel from an authorized Fueler shall remain available.
- 10.2.6. The transportation of fuel onto the Airport, via truck or otherwise, for the purpose of direct aircraft fueling is prohibited. This provision shall not apply to the various fuel companies that make aviation fuel deliveries at the Airport into storage tanks approved in accordance herewith, nor shall this provision preclude the transfer of fuel between mobile refuelers or self-fueling in accordance with the terms and conditions of a self-fueling Permit.
- 10.2.7. No aircraft shall be fueled while one or more of its engines are running, except under procedures approved by the FAA and consistent with proper safety procedures.
- 10.2.8. No aircraft shall be fueled or de-fueled while passengers are on board the aircraft unless a properly trained crew member is on board.
- 10.2.9. Smoking or lighting of an open flame shall be prohibited within fifty (50) feet of any fueling operation. No Person shall use any material during fueling or de-fueling of aircraft which is likely to cause a spark or be a source of ignition.
- 10.2.10. No Person shall operate any radio transmitter or receiver or switch electrical components on or off in an aircraft during fueling or de-fueling except those systems that may need to be operated by a crew member during fueling operations.
- 10.2.11. During fueling operations of any kind, dispensing equipment and receiving equipment such as fuel trucks, fuel farms, and aircraft shall be bonded at all times to neutralize electrical discharge potential.
- 10.2.12. Fueling and defueling operations shall be conducted with adequate fire extinguishers immediately available. All extinguishers shall be inspected and certified, as required by law, and all Fuelers shall be properly trained on the use of fire extinguishers.
- 10.2.13. All fuel dispensing equipment, hoses, funnels or apparatus used in fueling or defueling shall be maintained in good condition and be properly bonded in accordance with FAA and NFPA guidelines, and in compliance with the Federal Water Pollution Control Act.

10.2.14. Fuel hoses and equipment shall be maintained in a safe, sound, and non-leaking condition.

10.2.15. Trained personnel shall be present during the entire fueling operation.

10.2.16. MOGAS shall be dispensed into aircraft on the Airport only into aircraft certified for its use and further shall be in accordance with all applicable FAA and industry guidelines as well as federal, state, and local laws and regulations relating to fuel handling and storage.

10.2.17. No diesel exhaust fluid (DEF) shall be stored in proximity to aviation fuel, dispensed into aircraft, or labeled in such manner that it might be confused for an approved icing inhibitor or other product appropriate for use in aircraft.

10.3. Training

10.3.1. Employees of all Fuelers and agents handling aviation fuels at the Airport must be properly trained. Separate fuel safety training programs are required for supervisors and line service personnel.

10.3.2. At least one supervisor with each fueling agent must have completed an FAA authorized aviation fuel training course in fire safety. The individual must be trained prior to initial performance of duties, or enrolled in an authorized aviation fuel training course that will be completed within ninety (90) days of initiating duties, and receive recurrent instruction at least every twenty-four (24) consecutive calendar months.

10.3.3. All other employees who fuel aircraft, accept fuel shipments, or otherwise handle fuel must receive at least initial on-the-job training and recurrent instruction every twenty-four (24) consecutive calendar months in fire safety from a trained supervisor.

10.3.4. Line service fuel safety training may be provided by a supervisor who has completed an FAA-authorized supervisory fuel safety training course or an authorized fuel safety training program. Training for employees may also be completed through the use of an approved line service fuel safety course.

10.3.5. Fuelers must maintain a copy of the certificate of completion for any supervisors or employees completing the required fuel safety training for twelve (12) consecutive calendar months. Certificates shall comply with the requirements presently found in FAA Advisory Circular 150/5230-4B at Chapter 4, Section 3.

10.4. Fuel Storage

10.4.1. No fuel storage or dispensing equipment shall be installed or used at the Airport without the prior written approval of the City. Only those Tenants having fuel storage rights specified in their Lease or other Agreement shall be considered eligible for fuel storage.

10.4.2. All fuel storage or dispensing equipment shall be in compliance with FAA and NFPA requirements, shall be maintained in a safe and non-leaking condition, and shall be installed and maintained at the sole expense of the Fueler.

10.4.3. Unless otherwise approved by the City, all storage tanks shall be located above ground (i.e., less than 10% of the total volume of the storage and delivery system to be underground)

and made to comply with current requirements, and adapted to meet future requirements, of federal, state, and local laws and regulations relating to fuel storage, and shall be operated in accordance with FAA Advisory Circular 150/5230-4, NFPA 407, and the National Air Transportation Association's Refueling and Quality Control Procedures for Airport Service and Support Operations, as each may be amended or superseded.

10.4.4. Existing private storage and distribution systems shall be permitted to remain until the Agreement with the City to operate such facilities expires or the owner removes or abandons the facility. The owner shall not expand the product capacity or number of storage tanks in existing facilities without approval of the City and compliance with all applicable federal, state and local requirements. The City must approve the location, design, and construction of any new fuel storage or fuel dispensing facility. Establishment of any new fuel storage facilities at the Airport must be in accordance with current federal, state, and local environmental and safety regulations and policy.

10.4.5. All fuel shall be stored in and dispensed from facilities located in areas designated by the City. Proposals for additional or new fuel storage or dispensing facility locations not shown on the FAA-approved Airport Layout Plan will not be approved until such time as a change can be submitted to and approved by the FAA. The cost of updating the Airport Layout Plan shall be borne by the Entity desiring to construct a new fuel storage or dispensing facility.

10.4.6. New fuel storage facilities shall comply with the requirements for secondary containment as prescribed in federal and Idaho law.

10.4.7. Fuel storage equipment installed, upgraded or replaced after initial adoption of the Rules and Regulations shall be provided with automatic metering, recording, and ticket printing devices or electronic conveyance system that maintain and produce accurate receipts of fuel dispensed from the facility and that are properly calibrated. Specifications for metering equipment shall be submitted to the City for review and approval. All approved systems will provide an accurate and reliable audit trail for administrative requirements and leak detection purposes.

10.4.8. Distribution of fuel into aircraft shall be via mobile or stationary pumping equipment. Over the road tankers are prohibited on the AOA. Storage sites shall provide adequate access and circulation pavements to accommodate both the fuel delivery tanker and the aircraft refueling vehicles. All pavements subject to heavy tanker delivery truck traffic and fuel spill potential must be appropriately designed and constructed by the Fueler.

10.4.9. Security for each fuel storage facility shall be provided by a minimum of an eight-foot chain link fence around the perimeter and adequate lighting as required by the Airport Manager.

10.4.10. Fuel storage is not permitted in aircraft storage or maintenance hangars. This prohibition includes the parking of mobile refuelers in aircraft storage or maintenance hangars.

10.5. Commercial Self-Service Fueling Facilities

10.5.1. A Fueler may be permitted to install and maintain a fuel storage and dispensing facility for use by an aircraft owner or operator or their employees with a connected point-of-sale device, known as Commercial Self-Service Fueling.

10.5.2. The facility shall be constructed on concrete rigid pavement or flexible asphalt surface, and include above ground double wall tank(s), fueling terminal, metering system, emergency shut-off, lighting and protective enclosures, using pipe bollards or other suitable protection.

10.5.3. The facility shall include a control device that prevents unauthorized fuel dispensing.

10.5.4. The responsible Entity shall provide ladders to service aircraft, a properly serviced fire extinguisher, meeting NFPA 407 standards; easily recognizable markings to indicate the type of fuel; and placard instructions on the use of the facility, emergency telephone numbers and emergency procedures.

10.6. Fuel Spills

10.6.1. Fuelers shall prepare, maintain and implement an SPCC Plan.

10.6.2. Cleanup methods shall be consistent with the applicable SPCC Plan and must be approved by the Airport Manager.

10.6.3. Fuelers shall provide adequate procedures to prevent and limit fuel spills and shall develop fuel spill contingency plans including notification and clean-up procedures.

10.6.4. Fuelers shall maintain an adequate supply of fuel absorbent materials readily available to respond in the event of a fuel spill. Fuelers shall have, at a minimum, enough fuel absorbent materials to respond to a fuel spill of up to ten (10) gallons.

10.6.5. Each Fueler will be fully responsible for the cost of whatever cleanup and/or monitoring is required due to fuel spillage or leakage from their facilities and equipment.

10.6.6. In the event of a fuel spill of five (5) gallons or more, the following safety procedures shall be followed:

10.6.6.1. Fueler shall immediately notify 911.

10.6.6.2. Fueler shall immediately notify the Airport Manager, or other City or Airport employee if the Airport Manager is unavailable, during normal business hours.

10.6.6.3. Fueler shall take immediate action to begin containment and clean-up operations, which shall include the prevention of fuel from entering any storm or silt trench drain.

10.6.6.4. Fuel delivery devices and other vehicles shall not be moved or operated in the vicinity of the spill until the spillage is removed. A fireguard shall be promptly posted at any such spillage site and shall remain until relieved by the Airport Manager.

10.6.6.5. All contaminated absorbent material shall be placed in DOT-approved metal containers and disposed of by the Fueler in compliance with all applicable federal, state and local laws.

10.6.7. Where spills occur that are larger than Fueler can adequately handle, Fueler must obtain the clean-up services of an approved hazardous material contractor.

10.6.8. Notification of fuel spills to the National Response Center and Idaho Department of Environmental Quality shall be coordinated with the Airport Manager.

10.6.9. Fueler shall be liable for all costs associated with the control, containment, clean-up, disposal and any damages that result from the spill or clean-up operations. If Fueler fails to promptly undertake remediation activities in response to a spill or discharge, the City may, but is not obligated to, perform such remediation. Any costs incurred by the City associated with assessment and cleanup of the spill shall be paid promptly by Fueler.

10.6.10. Copies of all reports submitted to any federal, state, or local agency relating to such spill shall be provided to the Airport Manager at the time submitted to such agency.

10.7. Fuel Servicing Vehicles

10.7.1. Mobile fueling vehicles and their systems shall be maintained and operated on the Airport in accordance with Environmental Protection Agency (EPA), federal, state, and local regulations, codes and ordinances covering fuel dispensing on airports; FAA Advisory Circular 150/5230-4; and NFPA 407.

10.7.2. Each fueling vehicle operating on the Airport shall be conspicuously marked, per NFPA 407, in letters of contrasting color, with the word "flammable" on both sides and rear of the cargo tank in letters of at least six (6) inches high, and with the wording "emergency fuel shut off" and other appropriate operating instructions required at the emergency operating devices in letters at least two (2) inches high.

10.7.3. Each fueling vehicle operating on the Airport will also be conspicuously marked on both sides and rear with the type and grade of fuel it contains in appropriate color schemes.

10.7.4. Fueling vehicles shall use only the entrance, exit, and route designated by the Airport Manager during the transportation and delivery of fuel to, from, and on the Airport.

10.7.5. Fueling vehicles may be stored only in designated parking locations and may not be stored in aircraft storage or maintenance hangars.

10.7.6. A fueling vehicle cargo tank shall be supported by and attached to, or be a part of, the vehicle upon which it is carried.

10.7.7. Trained fueling personnel shall be of sufficient number to safely operate the fuel storage and dispensing systems and perform periodic checks and inspections essential to their proper functioning. All fueling facilities and fueling vehicles will be inspected on a quarterly basis by the Airport Manager or authorized personnel. Fuelers shall address any and all deficiencies reported in the quarterly inspection.

10.8. Self-Service Fueling

10.8.1. No Person shall engage in self-service fueling unless and until a self-fueling Permit authorizing such activity has been obtained from the City. The requirement to seek and obtain a self-fueling Permit shall not apply in the event that self-fueling operations are authorized and addressed fully in a Lease or other Agreement.

10.8.2. To obtain a self-fueling Permit, an applicant must provide evidence of ownership or lease for every aircraft for which self-fueling privileges are requested.

- 10.8.3. Aircraft manufacturers are permitted to self-service fuel aircraft under their care, custody and control prior to delivery to customers and during repair and warranty work. The City may recognize this right in a self-fueling Permit without requiring identification of individual aircraft.
- 10.8.4. Applicants for a self-fueling Permit shall pay a Permit fee as may be required by the City.
- 10.8.5. Permittees engaged in self-fueling shall provide the Airport Manager with a current list of owned or leased aircraft verifying sole ownership by the owner, or that the lessee is the sole lessee of said aircraft.
- 10.8.6. Permittees may not sell or otherwise transfer fuel, oil or other petroleum products to any other aeronautical user on the Airport.
- 10.8.7. To obtain a self-fueling Permit, an applicant must provide evidence that it is a Tenant at the Airport pursuant to a Lease or sub-lease and, in the event the applicant is a sub-lessee, must further provide evidence that the lessee expressly has authorized the applicant to self-fuel on the leasehold. The City may waive this and related requirements of this Section 10.8 for government entities engaged in public safety services, including without limitation wildland firefighting.
- 10.8.8. An Applicant shall procure and deliver to the Airport Manager, with the application for a self-fueling Permit, a current, original Certificate of Insurance acceptable to the Airport Manager showing insurance coverage for the duration of the Permit.
- 10.8.9. The term of a self-fueling Permit shall be no longer than the term of Permittee's lease or sublease at the Airport.
- 10.8.10. Permittee may only fuel aircraft identified on the self-fueling Permit. No other aircraft may be fueled by Permittee.
- 10.8.11. Permittee shall ensure that only Persons employed by Permittee are involved in self-fueling and that all employees handling fuel are trained in accordance with Section 10.3. Permittee may be required to show proof that the Person fueling an aircraft is an employee of Permittee, such as by providing a copy of the employee's W-2 Statement. Permittee shall submit to the Airport Manager evidence of training in safety procedures received by each Person who will conduct aviation self-fueling operations and shall provide to the Airport Manager documentation verifying all required certifications and required recurrent training before self-fueling activities may take place.
- 10.8.12. Permittee shall dispense aviation fuel only on Permittee's leasehold.
- 10.8.13. Permittee shall not park fueling vehicles overnight at the Airport without prior written authorization by the Airport Manager.
- 10.8.14. Permittee may terminate the self-fueling Permit upon written notice to the City.
- 10.8.15. The City may revoke the self-fueling Permit upon ten (10) days' written notice to the Permittee, and the Airport Manager may revoke the self-fueling Permit immediately in the event of an emergency, for any of the following reasons:

- 10.8.15.1. Non-compliance with the Rules and Regulations
 - 10.8.15.2. Failure to maintain the required insurance
 - 10.8.15.3. Failure to pay any part of the fuel flowage fees due after such payments become due and payable to the City
 - 10.8.15.4. Failure to repair any damage to the fuel storage facility within the time specified by the City
 - 10.8.15.5. Fueling an aircraft that is not listed on the self-fueling Permit
 - 10.8.15.6. Aircraft fueling by individuals who are not employees of Permittee
 - 10.8.15.7. Discontinuation of fueling operations by Permittee for a period of one hundred eighty (180) days
 - 10.8.15.8. Failing to report a fuel spill as required and in the manner required by the Idaho Department of Environmental Quality
 - 10.8.15.9. Any violation of Idaho environmental law or regulation concerning fuel storage and dispensing
- 10.8.16. Permittee shall have the opportunity to appeal the revocation of a self-fueling Permit in accordance with Section 2.5. Upon revocation, Permittee may not reapply for a self-fueling Permit for a period of one year.
- 10.8.17. Permittee shall agree to assume liability in connection with fuel storage, handling and dispensing, and to indemnify, hold harmless and defend the City, on terms prescribed by the self-fueling Permit.
- 10.8.18. A self-fueling Permit is not assignable or transferable. Permittee shall not enter into any Agreement to transfer any of Permittee's privileges under the self-fueling Permit whereby other Persons share in the privileges or services authorized by the self-fueling Permit.
- 10.9. Fuel Flowage Fee
- 10.9.1. A fuel flowage fee at the rates established and subject to change by the City shall be assessed on all fueling operations on the Airport. All Fuelers shall be required to pay the then-current fuel flowage fee, as established by the City, for each gallon of aviation fuel dispensed, except in the event that the amount of the fuel flowage fee shall be designated in a Lease, self-fueling Permit or Agreement.
- 10.9.2. Each Fueler shall submit payment to the City for all fuel dispensed, according to the schedule established in a Lease, Permit or Agreement. Each Fueler shall submit a statement signed by an officer or employee of the Fueler, which sets forth the total number of gallons of fuel dispensed, by category, during the relevant time period.
- 10.9.3. The City shall have the right to increase the fuel flowage fee rate from time to time and/or to change the method by which the fuel flowage fee is calculated (e.g., price per gallon or percentage of fuel price). The City shall notify each Fueler in writing of the City's intent to increase the then prevailing fuel flowage fee rate, indicating the new rate proposed and the date such rate is scheduled to go into effect, at least thirty (30) days prior to the proposed effective date.
- 10.9.4. The obligation to pay a fuel flowage fee may be in addition to any other rates and charges established by the City or any fuel tax imposed by an authorized taxing authority.

10.10. Aircraft Deicing and Anti-Icing

10.10.1. Aircraft deicing and anti-icing, considered for purposes of the Rules and Regulations to be the removal of snow and/or ice with chemical substances or the pretreatment of aircraft for the same purpose, shall only be accomplished at locations designated by the Airport Manager and only with the prior written approval of the Airport Manager.

10.10.2. Only those Entities and Persons with the requisite skill and training shall be authorized to conduct aircraft deicing and anti-icing upon the Airport, including maintaining any permits or licenses as may be required by the Idaho Department of Environmental Quality for the application of chemical substances or the control of associated effluent.

10.10.3. Aircraft deicing and anti-icing materials applied to aircraft at the Airport shall conform to USEPA and FAA standards.

10.10.4. Aircraft deicing and anti-icing materials may be stored only in storage tanks designed and intended for this purpose and include such secondary containment as necessary to control for the uncontrolled release of chemical substances stored therein.

10.11. Flammable and Volatile Liquids

10.11.1. Persons who intend to use flammable or volatile liquids on the Airport and/or fuel aircraft shall comply with the standards and requirements of the National Fire Protection Association (NFPA) 407 (Standard for Aircraft Fuel Servicing) and FAA Advisory Circular 150/5230-4 (Aircraft Fuel Storage, Handling, Training and Dispensing on Airports), as each may be amended or superseded.

10.11.2. The procedures and precautions outlined in this subsection shall be adhered to in all cleaning, painting, and refurbishing operations using flammable and volatile fluids, including the storage of such fluids.

10.11.3. Entities conducting aircraft fuel system maintenance shall comply with the standards and requirements of NFPA 410 (Standard on Aircraft Maintenance), as the same may be amended or superseded.

10.11.4. No Entity shall use flammable or volatile liquids having a flash point of less than 100 degrees Fahrenheit for any purpose other than fueling.

10.12. Fire Extinguishers, Detection and Suppression

10.12.1. Fire extinguisher equipment at the Airport shall not be tampered with at any time, nor used for any purpose other than firefighting or fire prevention. All such equipment shall be regularly inspected to ensure that it conforms to the National Fire Protection Association's Regulations. Tags showing the date of the last such inspection shall be left attached to each inspected unit.

10.12.2. Fully charged and currently inspected fire extinguishers, of the type recommended by the National Fire Protection Association Codes for specific materials are required at all locations on the Airport where flammable materials are present or handled.

10.12.3. Airport fire protection systems, alarms and equipment shall not be tampered with at any time.

10.12.4. Vehicles shall not be parked within three (3) feet of any fire hydrant, nor shall any tenant or operator allow any equipment to block any fire hydrant or prevent its use. All fire doors and other fire prevention apparatus shall be accessible and kept unobstructed at all times.

10.12.5. To assure prompt and effective rescue and fire suppression operations, it shall be the responsibility of all tenants and lessees to provide emergency contact information to the Airport Manager for all buildings or facilities located on the Airport.

10.13. Toxic Substance Disposal

10.13.1. Fuels, oils, dopes, paints, solvents, acids, and other hazardous materials shall not be disposed of or dumped into drains, on the ramps, catch basins, ditches (on or adjacent to the Airport), or elsewhere on the Airport. Used engine oil shall be disposed of at USEPA and Idaho Department of Environmental Quality designated or approved off-Airport receivers or as approved by the Airport Manager.

10.13.2. Floors, walkways, and paved surface areas in buildings shall be kept free of oil solvents or other fluids that may cause injury. The use of volatile, flammable solvents for cleaning floors is prohibited. Drip pans and other appropriate fluid catchment/holding devices or utensils shall be used when necessary.

10.13.3. Cylinders or flasks of compressed flammable gases shall be stored external to occupied buildings and hangars in facilities approved in writing by the Airport Manager. Cylinders and flasks may be stored inside hangars or occupied buildings only if they are secured in a designated area approved in writing in advance by the Airport Manager. Aircraft oxygen bottles and FAA approved aircraft heaters are exempt.

10.14. Sanitation and Hazardous Waste Management

10.14.1. No Entity shall use, handle, treat, store, or transport hazardous materials on or at the Airport except as reasonably necessary in the ordinary course of the Entity's authorized activities on the Airport and only if such hazardous materials are properly labeled and contained, and notice of and a copy of the Material Safety Data Sheet is provided to Airport Manager for each such hazardous material.

10.14.2. No Person shall use, handle, treat, store, or transport hazardous materials at, in or on the Airport at such time or place or in such manner or condition as to create an unreasonable risk of harm to persons, property or the environment.

10.14.3. All personnel whose duties and responsibilities involve the handling and storing of hazardous substances and materials must have received proper training, in accordance with Occupational Health and Safety Administration regulations.

10.14.4. No Entity shall discharge, dispose or release any hazardous materials, wastes or substances on the Airport or surrounding air, lands or waters. In the event of a release, the responsible

party promptly shall notify the Airport Manager and any federal or state agency, as applicable.

10.14.5. The storage of waste materials and trash at the Airport is prohibited unless placed in receptacles provided for such purposes.

10.14.6. All outdoor trash or garbage containers shall be covered. Such containers shall be located only in those areas approved for such use by the City.

10.14.7. No Person may burn refuse at the Airport, except as may be authorized in writing by the Airport Manager.

10.14.8. All operators using commercial trash receptacles shall be responsible for the cleanliness of the trash collection site.

10.14.9. All vehicles used for hauling trash, dirt, or other refuse materials on the Airport shall be constructed so as to prevent their contents from dropping, shifting, leaking or escaping.

10.14.10. No Entity shall dispose of any fill or building materials or any other discarded or waste materials on the Airport except as approved in writing by the Airport Manager.

10.14.11. Lubricating oils and hazardous liquids shall be disposed of in compliance with federal, state, and local law.

10.14.12. No fuels, oils, dopes, paints, solvents, acids, or any other hazardous liquids shall be disposed of or dumped in drains, on ramp areas, catch basins or ditches or elsewhere on the Airport.

10.14.13. Responsible Entities shall be liable for the cost to remediate the release of any hazardous substances on the Airport. If the responsible Entity fails to promptly undertake remediation activities in response to the release of any hazardous substance, the City may, but is not obligated to, perform such remediation. Any costs incurred by the City associated with assessment and cleanup of the release shall be paid promptly by the responsible Entity.

10.14.14. The City shall have the right at any time to access any portion of the Airport for the purpose of conducting inspections, sampling and other testing to determine the nature and extent of contamination on or under the property.

10.14.15. The City sanitary sewer system is not designed or intended to accommodate untreated human waste, sanitizing fluid, rinse water and related materials from aircraft. Aircraft holding tanks shall be serviced using lavatory service carts or vacuum trucks by qualified operators and the resulting waste processed through a pretreatment method approved by the City Public Works Director before discharge to the City sanitary sewer system, or the waste must be transported off-Airport and disposed in a facility certified to accept the waste. A Person must notify the Airport Manager of a release of lavatory waste in the manner provided herein for hazardous wastes.

11. GROUND VEHICLES AND PEDESTRIANS

11.1. Ground Vehicle Operations Generally

- 11.1.1. Traffic laws of the State of Idaho and the City of Driggs, including without limitation Driggs Municipal Code Title 6 (Motor Vehicles and Traffic), shall apply to the streets, roads, and vehicular parking areas on the Airport. All traffic, informational, and warning signs shall be obeyed.
- 11.1.2. The operation of any vehicle on the Airport shall be in accordance with the procedures and policies outlined in the City-approved or administered drivers and security training programs.
- 11.1.3. No Person shall operate any motor vehicle on the Airport in a manner that would endanger his or her person or property or the safety of another's person or property.
- 11.1.4. No Person shall operate a motor vehicle on the Airport while under the influence of alcohol, drugs or other intoxicating substance.
- 11.1.5. Abandoned Vehicles are prohibited on the Airport and may be removed at the request of the Airport Manager at the sole risk and expense of the vehicle owner and in accordance with Idaho Code Title 49, Chapter 18 (Towing and Storage of Motor Vehicles).
- 11.1.6. The Airport Manager may cause vehicles in violation of the Rules and Regulations to be ticketed or towed. In addition, the Airport Manager may deny access to any ground vehicle if the owner or operator of the vehicle operates the vehicle in a reckless or negligent manner.

11.2. Ground Vehicle Parking

- 11.2.1. No Person shall park or leave standing any vehicle, whether occupied or not, on the Airport except within designated parking areas or loading areas.
- 11.2.2. The Airport Manager shall cause signs to be placed and maintained that designate all general and reserved loading zones, reserved parking areas and public parking areas. No parking areas shall be designated in areas on and along drives and roadways or in such other areas on Airport property as deemed necessary by the Airport Manager for the safe, efficient and convenient operation of the Airport. All Tenant employees must park in their assigned areas.
- 11.2.3. Vehicles shall not be parked or stopped in such a manner as to obstruct:
 - 11.2.3.1. A parking lot lane, driveway, roadway, walkway, crosswalk, fire lane, runway, taxiway, taxilane, hangars, tiedowns, parked or staged aircraft, and/or parked or staged vehicles.
 - 11.2.3.2. In the middle of or on the left side of a road
 - 11.2.3.3. On the roadway side of any stopped or parked vehicle (double parking)
 - 11.2.3.4. Within 15 feet of a fire hydrant
 - 11.2.3.5. Within 5 feet of either side of a security fence
- 11.2.4. Employee parking lots are to be utilized for employee parking of personal vehicles only. Employees are strictly prohibited from utilizing their employee parking lot privileges for anything other than their own use, unless otherwise approved by the Airport Manager. Employees are only permitted to park in marked parking spaces.
- 11.2.5. The Airport Manager may remove or cause to be removed any vehicle that is illegally

parked, disabled or abandoned; that impedes Airport operations or the orderly flow of traffic; or that creates a potential security threat.

11.2.6. The owner or operator of any such vehicle removed under this section shall be liable for payment of towing and storage and other applicable charges and any such vehicle shall be released to the owner or operator thereof only upon proper identification of the person making claim and payment of towing and storage and other applicable charges. Neither the City nor any of its agents shall be liable for damage to any vehicle resulting from the act of removal.

11.2.7. Any vehicle that is parked in a designated parking area shall be parked at the owner's sole risk. The owner or operator of any such parked vehicle shall be granted only a license to park in a designated parking area and no bailment shall be created.

11.3. Ground Vehicles in the AOA, Movement Area and Safety Areas

11.3.1. Ground vehicles are permitted in the Movement Area and Safety Areas only if necessary for Airport operations and only if authorized by the Airport Manager. Without limiting the generality of the foregoing, ground vehicles are specifically prohibited from traveling on the taxiways unless authorized by the Airport Manager.

11.3.2. Ground vehicles are prohibited from traveling between adjacent private property and the runway or taxiways using through-the-fence access points or otherwise.

11.3.3. Ground vehicles operating in the Movement Area and Safety Areas must be equipped with an amber, flashing or rotating strobe or beacon and/or approved orange and white checkered flag and a two-way radio capable of transmitting and receiving communications on the Common Traffic Advisory Frequency (CTAF), unless the motor vehicle is being escorted by an authorized motor vehicle.

11.3.4. Operators of ground vehicles in the Movement Area and Safety Areas shall carry a radio tuned to the Airport's Universal Communication (UNICOM) or CTAF, and shall make an announcement on the radio before entering runways or taxiways.

11.3.5. After sunset and before sunrise, all ground vehicles operating in the Movement Area and Safety Areas shall turn on their rotating beacon. During daylight hours, ground vehicles must either turn on their rotating beacon or, alternatively, be marked or flagged for high daytime visibility.

11.3.6. No Vehicle shall operate in close proximity to an aircraft so as to create a hazard or interfere with the safe operation of the aircraft.

11.3.7. No vehicle parking is permitted within the tie-down areas.

11.3.8. All drivers of ground vehicles within the AOA, Movement Area and Safety Area shall comply with applicable FAA standards and guidance including without limitation *FAA Guide to Ground Vehicle Operations* as the same may be amended or superseded.

11.3.9. Ground vehicles operating the AOA shall yield, in order, to aircraft, emergency vehicles and equipment, snow removal vehicles and equipment, and pedestrians.

- 11.3.10. Ground vehicles shall always yield the right-of-way to aircraft.
- 11.3.11. When approaching taxiing aircraft, ground vehicles shall maintain a distance of at least 100 feet from the aircraft and shall stay to the rear of the aircraft.
- 11.3.12. No Person may operate a Vehicle while on the AOA without a valid driver's license.
- 11.3.13. Except for authorized emergency vehicles, the maximum allowable speed on the AOA is 15 miles per hour. Factors, including but not limited to, weather and visibility should be taken into consideration when determining safe operating speed.
- 11.3.14. No person shall use personal listening devices while driving on the AOA. Personnel authorized to operate vehicles on the AOA may use personal cell phones and/or any other type of handheld or hands-free device, only after stopping (whether in or out of a vehicle) in a safe manner and in a safe location.
- 11.3.15. Ground vehicles traveling to or from aircraft storage hangars shall minimize crossing of the AOA.
- 11.3.16. Use of recreational vehicles of any type (including campers, recreational vehicles, trailers, bicycles, scooters, motorcycles, and ATVs) is prohibited in the AOA

11.4. Pedestrian Access

- 11.4.1. No Person may travel on the Airport other than on roads, sidewalks or other marked rights-of-way provided for such purpose; provided however, that nothing herein shall restrict the right of an owner or operator of an aircraft from safely traveling to and from the Person's aircraft.
- 11.4.2. No Person shall prevent or restrict any other person's passage to, from and within the Airport, except for authorized conduct of federal, state and local law enforcement officers, and City employees.
- 11.4.3. No Person shall loiter on the Airport or in any building on the Airport for a period of time longer than reasonably necessary to transact such business as the Person may have on the Airport.
- 11.4.4. Access to secured and restricted areas of the Airport must conform to the requirements of Section 12 (Security) and any such additional security measures as may be prescribed by the City, FBO or other Tenant. Any Person who, without authority, enters a secured or restricted area shall, in addition to other penalties, be considered to be trespassing.
- 11.4.5. Pedestrians are permitted in the Movement Area and Safety Areas only if necessary for Airport operations and only if authorized by the Airport Manager or his/her designee or escorted by an authorized person.
- 11.4.6. Pedestrians in the Movement Area and Safety Areas must comply with signs, signals, and other information provided to guide movement of pedestrians in the Movement Area and Safety Areas.

- 11.4.7. Any Person working in the Movement Area or Safety Area must wear high visibility clothing, including a safety vest with reflective striping or other American National Standards Institute Class II high visibility garment, throughout the period working in the area.

12. SECURITY

12.1. General

- 12.1.1. All Persons on the Airport shall follow security-related federal laws and regulations as may be applicable to their activities on, and use of, the Airport.
- 12.1.2. All Persons on the Airport shall follow the direction of on-duty federal, state and local law enforcement officers assigned to the Airport.
- 12.1.3. The Airport Manager may issue directives and orders to safeguard the security of the Airport.
- 12.1.4. No Person shall enter a secured or restricted area in violation of posted signs without the permission of the Airport Manager.

12.2. Security Badging

- 12.2.1. City reserves the right to require Persons with access to secured and restricted areas of the Airport to seek, obtain and maintain security badges and/or access cards. City further reserves the right to conduct criminal history records checks and to deny, suspend or revoke the badge or access card of a Person with a disqualifying criminal offense.

12.3. Tampering

- 12.3.1. No Person shall willfully tamper, alter, move or otherwise affect any security device, sign, closed-circuit camera, personal identification pad, electromagnetic locking device or other such implement, or perimeter fence gate or gate tracking device.
- 12.3.2. No Person may place any object within 10 feet of the Airport perimeter fence or at any location that would aid in climbing or obscuring visibility of the fence line.
- 12.3.3. No Person shall willfully activate any security device or security alarm, when no threat to security or emergency condition exists.
- 12.3.4. No Person shall block or damage doors, gates or card readers or leave doors or gates open that could permit access to a secured or restricted area by unauthorized persons.