

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 18 (TITLED “AVIATION”) BY AMENDING VARIOUS SECTIONS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND DIRECTING THE CITY SECRETARY TO PUBLISH THE CAPTION IN ACCORDANCE WITH THE CITY CHARTER.

WHEREAS, Section 2.02 of the City of Bay City (City) City Charter permits the City to enact and enforce ordinances, not inconsistent with the Charter and State law, upon any subject expedient for the life; general welfare; health, morals; comfort; safety; amusement; quiet; prosperity; and convenience of the City, its inhabitants, and property; and permits the assessment of penalties for the violations of any ordinance;

WHEREAS, Chapter 18 of the City’s Municipal Code of Ordinances regulates aviation within the City and the City’s Regional Airport (Airport); and

WHEREAS, various sections in Chapter 18 need to be revised to reflect current law and economic circumstances to facilitate the leasing of space at the Airport; and

WHEREAS, the City Council finds that the amendments to Chapter 18 is in the best interests of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:

Section one. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section two. Various sections of the City Code of Ordinances, Chapter 18 (titled “Aviation”), are hereby amended by adding language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

ARTICLE I. - IN GENERAL

Sec. 18-1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Acrobatic means the performance of tailspins, loop-the-loop, or any intentional and unnecessary maneuver involving an abrupt change in the altitude of any aircraft and abnormal altitude and/or altitude or abnormal speed downward, or performing what is commonly known as "stunt flying."

Aircraft means any contrivance now known or hereinafter invented, used or designed for navigation or flight in the air.

Pilot means any person who manipulates or is responsible for the manipulation of the flight controls of an aircraft while it is under way.

Sec. 18-2. - Minimum altitude generally.

It shall be unlawful for any person to pilot, fly or operate an aircraft through the air space within or over the city at an altitude of less than 1,000 feet above the highest obstacle within a radius of 2,000 feet, except when necessarily incident to taking off or landing or in cases of emergency, and except as provided in section 18-5(b).

Sec. 18-3. - Acrobatics.

It shall be unlawful for any person to fly, operate or to pilot acrobatically an aircraft at any altitude within or over the city.

Sec. 18-4. - Dropping of printed matter, objects from plane prohibited.

It shall be unlawful for any person to drop, throw, hurl or release, or cause to be dropped, thrown, hurled or released, any papers, magazines, circulars, handbills, advertising matter or any objects of any kind or description from an airplane while such airplane is flying over the city.

Sec. 18-5. - Helicopters.

- (a) No person shall operate a helicopter within the city at an altitude of less than 1,000 feet unless on routes as hereinafter provided for.
- (b) All flights of helicopters within the city wherein a landing or takeoff is made from any point within the city shall be made at a minimum altitude of 500 feet and shall be made over routes prescribed. In determining these routes the city will be guided by the provisions of Federal Air Regulation part 91, as presently promulgated by the Federal Aviation Administration of the United States Government.
- (c) Upon request stating the time, condition, location, route, landing space, reasons for request and other pertinent information, the city may grant special permits for special flights on temporary routes other than those permanently prescribed under subsection (b) of this section.

Sec. 18-6. - Advertising by loudspeaker from aircraft.

- (a) The use of loudspeakers, amplifiers, or other instruments or devices on aircraft in flight over the corporate limits of the city for the purpose of attracting attention, by the creation of noise, to any performance, show, sale of merchandise or services at any time on Sunday and at any time over or within a one-half mile radius of any hospital area, and on other days is prohibited without first obtaining a permit to do so from the mayor and paying a fee of \$15.00 for each flight. The mayor can issue such permits if the person who will operate the aircraft in carrying out any of the objects named in this section, is duly licensed, the aircraft to be used is licensed by the Federal Aviation Administration and the safety or lives of the inhabitants of the city will not be endangered by the proposed flight. However, the permit provided for in this section may be issued by the mayor for periods of not longer than seven days rather than for individual flights, if the safety or lives of the inhabitants of the city will not be endangered by such permits and a permit fee of \$25.00 is paid. A seven-day permit shall be revoked by the city council upon violation of the terms and provisions of this section.
- (b) It shall further be unlawful for any advertiser to contract for or permit any advertisement as hereinbefore set forth from any aircraft over the corporate limits of the city unless a permit has been issued covering the flight.

Sec. 18-7. - Heliports.

The city will prescribe all places of landing of helicopters within the city, such determination to consider places and facilities having the least amount of hazard to life and property and being accessible to business areas and other forms of transportation. Special attention will be given to the structural strength of roofs and other parts of buildings used as landing places. The minimum heliport landing area will be 75 feet by 75 feet and enclosed by a three-foot high fence.

Sec. 18-8. - Permits for landing places.

No person shall establish or maintain or operate any landing place for airplanes within the city, except upon permit of the city council.

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Sec. 18-36. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Bay City Regional Airport.

Airport elevation means the established elevation of the highest point on the usable landing area.

Airport hazard means a structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

Airport reference point means the point established as the approximate geographic center of the airport landing area and so designated.

Height, for the purpose of determining the height limits in all zones set forth in this article and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Joint airport zoning board means a board consisting of five members, two members appointed by the city council and two members appointed by the county commissioners' court, the four members so appointed shall elect a fifth member, the chairman.

Landing area means the surface of the airport used for the landing, take off or taxiing of aircraft.

Nonconforming use means any structure, tree or use of land which is lawfully in existence at the time the regulation is prescribed in this article or an amendment thereto becomes effective and does not then meet the requirements of such regulation.

Object of natural growth means any tree, shrub or other vegetation.

Runway means the paved surface of an airport landing strip.

Structure means an object constructed or installed by man, including, but not limited to, buildings, towers, smokestacks and overhead transmission lines.

Sec. 18-37. - Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this article and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or objects of natural growth, the use of land or any other matter, the more stringent limitation or requirement shall govern and prevail.

Secs. 18-40—18-66. - Reserved.

DIVISION 2. – ADMINISTRATION

Sec. 18-67. - Permits.

- (a) Except as specifically provided in subsections (a)(1), (2) and (3) of this section, no material change shall be made in the use of land and no structure or object of natural growth shall be erected, altered, planted or otherwise established in any zone hereby created unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure or tree would conform to the regulations prescribed in this section. If such determination is in the affirmative, the permit shall be granted.
- (1) In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.
 - (2) In the areas lying within the limits of the approach zones but at a horizontal distance of not less than 5,200 feet from each end of the runways, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure would extend above the height limit prescribed for such approach zone.
 - (3) In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour or topographic features would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of any of the height limits established by this chapter.

- (b) No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on February 23, 1978, or on the effective date of any amendments to this article or than it is when the application for a permit is made. Except as indicated, all applications for such permit shall be granted.
- (c) Whenever the joint airport zoning board determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from this article.

Sec. 18-68. - Variance.

Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or otherwise use his property not in accordance with the regulations prescribed in this article, may apply to the variance committee for a variance. Such variances shall be allowed where it is duly found that a literal application or enforcement of this article would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to be public interest but will do substantial justice and be in accordance with the spirit of this article.

Sec. 18-69. - Conditions for markers and lights indicating airport hazard.

Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this article and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the city at its own expense to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

Sec. 18-70. - Enforcement.

It shall be the duty of the joint airport zoning board to administer and enforce the regulations prescribed in this article. Applications for permits and variances shall be made to the joint airport zoning board through the office of the city secretary upon a form furnished by him. Applications, required by this chapter to be submitted to the joint airport zoning board, shall be promptly considered and granted or denied. Applications for action by the board of adjustment shall be forthwith transmitted by the joint airport zoning board.

Secs. 18-71—18-98. - Reserved.

ARTICLE III. - AIRPORT RULES AND REGULATIONS

DIVISION 1. - GENERALLY

Sec. 18-99. - Compliance required; liability of city.

- (a) *Application.* All aircraft, pilots, operators, companies, business organizations, government agencies, and all persons coming upon airport property for any purpose are subject to these regulations.
- (b) *Compliance.* The city council, the airport manager, and/or their representative are empowered to require compliance with these regulations. Any violation of these regulations is hereby declared a misdemeanor offense, and the violator upon conviction shall be subject to a fine not to exceed ~~\$200.00~~ **\$500.00** or as otherwise provided by law. In addition, willful violators can be removed or evicted from the airport or its facilities if such action is determined to be in the public interest.
- (c) *Revisions.* The city council reserves the right to revise and amend these procedures and regulations.
- (d) *Validity.* The voiding of any particular procedure or regulation contained in this article shall not affect the validity of the remainder of these procedures and regulations.
- (e) *Liability.* The city assumes no responsibility for loss, injury or damage to persons or property by reason of fire, theft, vandalism, wind, flood, earthquake or collision, nor does it assume any liability for injury to persons while at the airport.

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Sec. 18-100. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident means an unintentional happening which results in property damage, personal injury or death.

Airport means all lands within the legal boundaries of the Bay City Regional Airport and under the control of the city.

Airport manager means the official employed by the city to manage, control, maintain and protect the airport.

Federal Aviation Administration (FAA) means the federal agency established by the Federal Aviation Act of 1958 and reestablished in 1967 under the department of transportation.

Fixed base operator (FBO) means any person, partnership, or corporation engaged in business of an aviation nature under provisions, contracts or lease with the city and in accordance with applicable Federal Air Regulations.

Flying club means a nonprofit flying organization with a charter, bylaws and elected officials.

Motor vehicle means any self-propelled ground conveyance other than an aircraft.

Person means any individual, firm, partnership, corporation, joint stock association, or body politic, and includes any trustee, receiver, assignees or other similar representative.

Sec. 18-101. - Airport information.

- (a) *Description.* Bay City Regional Airport (3RI) is a public general aviation airport owned, administered and maintained by the city.
- (b) *Location.* Six miles east of the city at the intersection of Highways 457 and 2540. Coordinates are 28 degrees 56 minutes north and 95 degrees 5 minutes west.
- (c) *Elevation.* 45 feet MSL.
- (d) *Runways.* 13/31, 5107 feet by 75 feet; asphalt.
- (e) *Lighting.* 13/31 are lighted from dusk to dawn, MIRL. Runway 13 has REIL lighted dusk to dawn. Beacon and wind indicator are lighted from dusk to dawn.
- (f) *Communication.* Bay City UNICOM is 122.8. Houston Center is 128.0.
- (g) *Approaches.* R NAV RWY 13-31.
- (h) *Telephone.* Weather and NOTAMS (Montgomery County FSS): 1-800-WX-BRIEF. Airport manager: 979-244-5037.

Secs. 18-102—18-130. - Reserved.

Sec. 18-131. - General airport and aeronautical rules.

The following rules and regulations shall be observed in the use and operation of the airport:

Rule 131-1. Federal Air Traffic Rules of the Federal Aviation Administration (FAA) for aircraft operated within the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.

Rule 131-2. Safeguard of Persons and Property — The Airport Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport.

Rule 131-3. Through-the-Fence Operations Prohibited — No private individual, partnership, FBO, company, or corporation shall be permitted direct ground access to the Airport by their aircraft, customers' aircraft, or private vehicle from property adjacent to or in the immediate vicinity of the Airport. Furthermore, no private individual, partnership, company, corporate, or customers' aircraft or vehicle shall be permitted direct ground access to property from the Airport — a practice commonly known as a "through-the-fence operation." Under extenuating circumstances, the City of Bay City may request approval from TxDOT Aviation Division for certain through-the-fence operations on a case by case basis.

Rule 131-4. Lien for Charges — To enforce the payment of any charge for repairs, improvements, storage, or care of any personal property by the City of Bay City or its agents in connection with the operation of the Airport, the City of Bay City may place a lien upon such personal property, which shall be enforceable as provided by law.

Rule 131-5. Lien Possessory Right — To enforce the payment of any such charge, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation has been paid in full.

Rule 131-6. Unauthorized Signs, Equipment and Advertisement — No signs, non-aeronautical equipment, portable buildings, or trailers may be erected, moved-in, or installed on Airport property, except as may be specifically authorized by the Airport Manager.

Rule 131-7. Surreptitious Activities — Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport Manager, local police, officers of the Texas Department of Public Safety, and the Transportation Security Administration General Aviation Information Hotline at 1-866-GA SECUR(E) or 1-866-427-3287.

Rule 131-8. Wrecked Aircraft — Every aircraft owner, his/her pilot or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational areas of the Airport, under the direction of the Airport Manager.

Rule 131-9. Repairs to Aircraft — No aircraft shall be repaired on any part of the landing or takeoff area. All outside repairs shall be made only at places designated by the Airport Manager for such purpose. Major engine, airframe, or avionics repairs shall be conducted by a properly licensed mechanic or other person authorized by the FAA within a hangar or building rented, leased, or owned for such commercial purposes. Any preventative maintenance authorized by FAR Part 43 may be made by the owner or operator of any aircraft, but only within a hangar leased or owned by that aircraft owner or operator or at places designated by the Airport Manager for such purpose.

Rule 131-10. Damage to Airport — Any person, individual, or corporation or the owner of any aircraft causing damage of any kind to the Airport, whether through violation of any of these rules, through vandalism, or any act of negligence, shall be liable therefore in and to the City/County.

Rule 131-11. Injury to Person — Persons entering the Airport groundside property by automobile, other vehicular conveyance, or on foot (does not include persons in aircraft using approved airside facilities) do so at their own risk and with no liability incurring to the City of Bay City for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all laws, resolutions, orders, rules, and regulations promulgated and enforced by the City of Bay City or by any other Authority having jurisdiction over the operation of the Airport.

Rule 131-12. Licensed Pilots — Only aircraft with current and correct FAA Certificates of Registration and Airworthiness and persons holding valid and current airman and medical certificates issued by the FAA, for those flight operations requiring medical certificates, shall be authorized to operate aircraft upon the Airport except as provided in this ordinance. This limitation shall not apply to students-in-training under licensed instructors or to public aircraft of the Federal government or of a State, Territory, or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft. Use of the Airport by ultralight aircraft (FAR 103) and light sport aircraft in the weight shift control and powered parachute class shall be subject to approval by the City Council and shall be in accordance with FAA Order 5190.6 (latest change) and appropriate FARs Part 61 and 103 and any other rules established by the City of Bay City.

Rule 131-13. Registration — Each person owning an aircraft based at the Airport, or any person based and receiving flight instruction toward an FAA rating at the Airport shall register at the office of the Airport Manager their name, address, telephone number, aircraft model, aircraft registration "N" number, and the name, address, and telephone number of their next of kin or person to be notified in case of an accident or emergency.

Rule 131-14. Animals — No person shall enter the Airport with a dog, cat, or other animal unless the animal is, and remains, restrained by a leash or properly confined as determined by the Airport Manager.

Rule 131-15. Living Quarters — No person may make permanent living quarters on Airport.

Rule 131-16. Intoxicants and Narcotics Prohibited — No person under the influence of any intoxicant, alcohol, narcotic, or other illicit drug shall operate a motor vehicle or aircraft at the airport or fly in any aircraft to or from the Airport. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

Rule 131-17. Foreign Objects — No foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the Airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

Rule 131-18. Litter — No boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a privately owned, rented, or leased hangar/building, the Airport Manager shall notify the hangar/building owner, renter or lessee by registered letter to remove the offending litter. If within ten (10) work days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Airport Manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.

Sec. 18-132. - Ground operations.

Rule 132-1. Air, Ground & Vehicular Traffic — No person shall operate a vehicle on the Airport except in accordance with the following rules, and all federal, state, and local law:

- A. All vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- B. No vehicle except ground service and emergency vehicles shall approach so close to any aircraft with running engine(s) as to create a hazard.
- C. All vehicles entering or exiting an operating Airport access gate shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of any other vehicle.
- D. Any vehicle authorized to operate on the Airport runways or taxiways shall display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210 (latest change).
- E. All vehicles that are authorized to operate on taxiways or the runways must be equipped with a two-way aviation radio, and must receive a clearance from, and remain in continuous communications with, the Airport Traffic Control Tower (ATCT) when the ATCT is operating. When the ATCT is not operating, or at airports that do not have an ATCT, any vehicle authorized to access the taxiways or runways is required to monitor the published Common Traffic Advisory Frequency (CTAF) for the Airport, and have the ability to communicate with aircraft via a two-way aviation radio.

Rule 132-2. Speed Limits — All vehicles shall be operated within the posted speed limits at the Airport. With the permission of the Airport Manager or his designated agent for a privately owned vehicle to operate in the Aircraft Movement Area, the maximum speed limit for all vehicles in the AMA, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour, unless posted otherwise.

Sec. 18-133. - Airport security.

Rule 133-1. Security — The Transportation Security Administration publication "Security Guidelines for General Aviation Airports", Information Publication A-001 dated May 2004, is available for reference at their website — www.tsa.gov/.

This document is used by the Airport as a guideline to security on the Airport and is incorporated as a working document.

Rule 133-2. Access Codes/Devices — Persons who have been provided either a code or device for the purpose of obtaining access to the Airport shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager

Rule 133-3. Airport Entrance — The Entry Gate to the Airport Property shall remain closed and latched between the hours of 5:00 PM and 8:00 AM. Access onto Airport Property between the hours of closure will require the gate to be secured upon entry and exit of the Airport property. Failure to comply with this rule may result in fines or eviction from the Airport.

Sec. 18-134. - Aircraft operation rules.

Rule 134-1. Aircraft Tie Downs

- A. All aircraft not hangared shall be tied down and additionally should have the wheels chocked when remaining overnight and during inclement weather.
- B. All aircraft owners or their agents are responsible for the tie down or security of their aircraft at all times and particularly during inclement weather.
- C. Aircraft parked overnight on the transient apron shall pay a tie down fee as posted for each night, except that such fee may be waived upon purchase of fuel or services.

Rule 134-2. Running Aircraft Engines

- A. Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.
- B. No aircraft will be left running without a qualified person at the controls.
- C. No aircraft engine shall be started or run inside any building or hangar.
- D. No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, and groups of people.

Rule 134-3. Damage to Airport Lighting — Any person damaging any runway, ramp, or taxiway light or fixture by operation of aircraft or otherwise, shall immediately report such damage to the Airport Manager. Persons causing damage to runway and taxiway lights as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in Section 10 of this order.

Rule 134-4. Taxiing Aircraft

- A. No person shall taxi an aircraft until it is reasonably ascertained there will be no danger of collision with any person or object in the immediate area.
- B. Aircraft will be taxied at a safe and prudent speed and in such manner as to be under the control of the pilot in command at all times.
- C. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.
- D. Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to take off or land will remain behind the runway holding position markings.
- E. Aircraft shall not be taxied by engine power into or out of any hangar.
- F. ATCT Airports — Taxi operations in the movement area will be as directed by the ATCT, when the Tower is operating. When the ATCT is not operating, and for taxiing operations in other than the movement area, these operations shall be as stated in rule 5-4, A to E.

Rule 134-5. Parking Aircraft

- A. Unoccupied aircraft shall not be parked or tied down within any protected area (object free area, runway safety area, etc.) as described in FAA AC 150/5300-13 (latest change) and all aircraft not hangared shall be parked in the areas designated by the Airport Manager for that purpose.
- B. Aircraft shall not be parked within fifty (50) feet of an aircraft fuel pump or fuel service truck parking area.
- C. Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.
- D. It is the responsibility of the pilot in command when leaving a parked aircraft unattended to see that the brakes are set and/or it is properly chocked and/or tied down.

Rule 134-6. Wash Racks — Wash racks shall be used for purposes of washing and polishing aircraft, and any other purpose approved by the Airport Manager. Washing/cleaning materials and run-off shall be used and disposed of in compliance with all applicable federal, state, county and local laws and regulations. In the absence of an approved Wash Rack System dry wash products will be used. Wet washing is strictly prohibited. Wet washing could result in fines and/or eviction from the airport.

Rule 134-7. Loading and Unloading Aircraft — Loading or unloading aircraft with the engine running is prohibited. Exception will be approved by the Airport Manager.

Rule 134-8. Authority to Suspend Operations — The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety.

Rule 134-9. Emergency Locator Transmitter (ELT) — At a safe and appropriate time after takeoff and after landing prior to engine shutdown, pilots should tune their aircraft radios to the emergency frequency (121.5 or 243.0) and listen to determine if their, or any, aircraft ELT is transmitting. If your ELT is transmitting after takeoff or landing, turn off the ELT and advise the FAA Automated Flight Service Station for the area via radio or telephone (800-WX-BRIEF or 800-992-7433) that your ELT was accidentally turned on. Provide the time and location of activation, if known, and the time and location of deactivation. 406 Mhz ELTs should be checked for normal operation as part of the preflight/post flight checks.

Rule 134-10. Standard Traffic Pattern and Altitude, Non Towered Airports — All flight activity will adhere to FAA Advisory Circular 90-66 (latest change) "Recommended Standard Traffic Patterns and Practices for Aeronautical Operations at Airports without Operating Control Towers"; also depicted in the Aeronautical Information Manual. Recommended traffic pattern altitudes are 1000 feet Above Ground Level (AGL) for piston powered airplanes and 1500 feet AGL for turbine powered airplanes. Helicopters will operate as to not obstruct the normal traffic pattern. The use of standard traffic patterns does not alter the responsibility of each pilot to see and avoid other aircraft.

Rule 134-11. Clearing Public Right of Ways — No aircraft shall takeoff or land in such manner as to clear any public street or highway at an altitude of less than fifteen (15) feet, or seventeen (17) feet over an interstate highway, twenty-three (23) feet over a railroad, or twenty-seven (27) feet over a coastal water way, or the clearance height of the tallest bridge over the waterway, nor land or take off on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators. (Ref: FAR 77).

Rule 134-12. Takeoffs on Other Than Runways — Takeoffs or landings shall not be made on the apron, parking ramp, taxiway, or any area other than designated runways by airplanes, gyroplanes, powered lift, balloons, airships, ultralight, or light sport aircraft except by prearranged permission from the Airport Manager. Helicopters may operate to and from designated helicopter landing areas.

Rule 134-13. Takeoffs

- A. Takeoffs Allowed, Non Towered Airports — Low approach, full stop, touch and go, or stop and go landings may be made at the discretion of the pilot in command. Pilots remaining in the traffic pattern making landings should broadcast on the CTAF their pattern direction of turn and their landing (low approach, full stop, touch and go, stop and go) intentions at least by the final segment leg. All aircraft departing shall clear the traffic pattern for traffic before taxiing into takeoff position. See FAR 91.113 (g).
- B. Tower Controlled Airports — In the event a control tower is constructed and put into service, the tower controller will direct traffic. When the tower is not operating, the guidelines of Rule 134-13(A) will be used. If applicable, the tower controller will establish the movement areas and other than movement areas in a diagram.

Rule 134-14. Preferred Runway, Non Towered Airport or Towered Airports, Tower Not Operating — If the winds are calm or at a ninety (90) degree crosswind to Runway 13-31, the preferred take off and landing runway is 13.

Rule 134-15. Student Training, Local Operations

- A. Flight instructors shall avail themselves and their students of all rules and regulations, including local rules and FARs in effect at the Airport.

- B. The Airport Manager may designate and advise airport users via public posting and electronic transmission of limited areas of the Airport and local areas sanctioned by the FAA for practice flying and student training.
- C. No commercial flight schools shall operate on or from the airport except under contract with the city.

Rule 134-16. Agricultural Spraying Operations — Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the Airport Manager and made known to all persons conducting agricultural spraying operations. Ag operations shall be accomplished in accordance with the standards of the Environmental Protection Agency and the Texas Commission on Environmental Quality in an area so designated by the Airport Manager. Each Ag operator shall carry liability insurance in the amount of \$1,000,000.00 dollars, payable to the City of Bay City for the cleanup of any hazardous chemical spills on Airport property caused by the Ag operator.

Rule 134-17. Special Procedures, Parachuting

- A. The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows or aviation fly-ins, agricultural operations, gyroplanes, powered lift, gliders, balloons, airships, ultralights, and light sport aircraft in the weight shift control or powered parachute class. Any such change from standard procedures shall be published in the FAA's Airport/Facility Directory if of a permanent nature or the Airport Manager shall issue a NOTAM if such change is if a temporary nature. Permanent changes require filing through TxDOT Aviation Division to the FAA. Temporary closing of a portion of the airport for special events will be approved by the FAA, through TxDOT Aviation Division. See FAA Order 5190.6 (latest change).
- B. Parachute descent onto the Airport property shall not be permitted without the recommendations of the City of Bay City and the written approval of the City Council. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

Rule 134-18. Model Aircraft — Model aircraft not capable of carrying a person shall not be permitted to operate, take off or be launched from, flown over or land at the Airport. Model A/C operations for specific aeronautical events such as fly-ins or air shows may be approved for specific times by the City Council.

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Sec. 18-135. – Fueling, flammable fluids, and fire safety.

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Rule 135-1. Fueling Aircraft

- A. All aircraft fueling, fuel equipment, and procedures shall comply with Manual 407 — "Standard for Aircraft Fuel Servicing, 2017 edition," as amended, published by the National Fire Protection Association. A copy can be obtained at <http://catalog.nfpa.org>
- B. All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the International Fire Code, 2000 Edition as amended as published by the International Code Council, Inc. and FAA Advisory Circular 150/5230-4, as amended.
- C. All aircraft shall be fueled at least fifty (50) feet from all hangars and buildings.
- D. Fueling trucks shall not be parked within any building or hangar or within 50 feet of any building, or hangar.

- E. Aircraft fuel storage tanks for below-ground or above-ground use shall be constructed, installed, registered as required, monitored for leakage, operated, and maintained in accordance with federal and state statutes, rules, and regulations promulgated by the Environmental Protection Agency and the Texas Commission on Environmental Quality.
- F. Aviation or auto fuels shall not be stored within a hangar or building except in approved five gallon or smaller containers manufactured and marked for such purpose and only within an approved fire rated cabinet.
- G. Persons or businesses wishing to dispense fuel into their aircraft shall not be denied; however, they shall meet all requirements the city places on other fuel suppliers, public or private. Private fueling facilities located on leased or private property shall be installed and the fuel dispensed in accordance with all rules applicable to aircraft fueling and fire safety contained herein.
- H. Public sale of automobile gasoline for use in aircraft is prohibited at the Airport without written approval of the Airport Manager. Aircraft authorized by the FAA to use auto gasoline may be privately fueled by the owner in a location designated by the Airport Manager in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.
- I. All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, and aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane level, if aviation gasoline, plus the fuel I.D. number, and "NO SMOKING" signs. This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction on the ground.
- J. Fuel spills in excess of one gallon shall be reported to the Airport Manager and immediate action taken to clean up the spill in accordance with all local, state, and federal regulations.
- K. Other than in exigent circumstances, no aircraft shall be fueled or defueled while the engine is running.
- L. No aircraft shall be fueled or defueled during an electrical storm.
- M. No person shall smoke within 100 feet of an aircraft being fueled or defueled.
- N. During fueling or defueling, the aircraft and dispensing apparatus shall both be properly grounded.
- O. No person shall operate a radio transmitter or electrical system in an aircraft while it is being fueled or defueled.
- P. Fueling hoses and equipment shall be maintained in a safe, operational, and nonleaking condition and shall meet the National Board of Fire Underwriters, or equivalent, standard.
- Q. No person shall start any engine where there is fuel spillage in the vicinity of the aircraft.
- R. Adequate fire extinguishers shall be within reach of all persons engaged in fueling or defueling operations. All extinguishers shall be inspected and recertified as required by law. All persons engaged in fueling of an aircraft shall be familiar with the proper use of fire extinguishers.
- S. No aircraft shall be fueled while parked in a closed hangar.

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Rule 135-2. Fuel Flowage Fee — Any person, corporation, partnership, association, or business entity of any kind, or any person acting for or through them, including, but not limited to, any wholesale fuel

distribution company, who delivers fuel to a fuel storage tank or who delivers fuel obtained from a source not on the Airport directly into any aircraft on the Airport must pay the amount of \$0.15 per gallon of fuel delivered.

Payment to the City of Bay City of all fuel flowage fees due must be made not later than the fifteenth (15th) day of the month following the date of the fuel delivery.

Payment of fuel flowage fees shall be accompanied by a report in a form approved by the Airport Manager that indicates the amount of fuel delivered to the airport during the preceding month.

Military aircraft conducting operations which require fueling from U.S. Government facilities are exempt from fuel flowage fees.

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Rule 135-3. Fire Safety

- A. Every person using the Airport in any manner shall exercise the greatest care and caution to avoid and prevent fire.
- B. Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.
- C. Compressed flammable gas shall not be kept or stored at the Airport, except at such place as may be designated by the Airport Manager.
- D. No flammable substance shall be used for the cleaning of any aircraft part or anything inside a hangar, T-hangar, or other building at the Airport.
- E. No one shall smoke or ignite a match or lighter in any building, hangar, or public ramp area except in posted "Designated Smoking Areas" identified by the Airport Manager.
- F. Hangar entrances shall be identified in such a manner so that emergency or fire/rescue personnel and equipment can immediately access the hangar without hindrance.
- G. The floors in all buildings shall be kept clean and free of oil, and drip pans shall be used on all aircraft that are having maintenance performed on them. Volatile or flammable substances shall not be used to clean floors, walls or any portion of a hangar structure.
- H. All Airport tenants and lessees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by applicable fire codes and regulations. Each fire extinguisher shall carry a suitable tag showing the date of its most recent inspection.
- I. No person shall keep or store waste oils in or about the hangars. Waste oils shall be disposed of in the approved waste oil container provided by the Airport.
- J. No person shall keep or store more than one (1) case of oil in or about the hangars. All oil shall be stored in an approved fire rated cabinet.
- K. No boxes, crates, cans bottles, paper, tall grass/weeds or other litter shall be permitted to accumulate in or about a hangar.
- L. The process of "doping" shall be accomplished only in properly designated, fireproof and ventilated facilities or open areas of the ramp as designated by the Airport Manager.
- M. All empty oil, paint and varnish cans, bottles or other containers shall be removed immediately from the premises and not allowed to remain in or about hangars, shops and

other buildings, and shall be disposed of in accordance with all applicable state and federal laws and city ordinances.

- N. All containers holding flammable liquids shall be manufactured and marked for such purpose and only stored within an approved fire rated cabinet.
- O. No explosive, toxic or corrosive substances shall be stored at the Airport unless approved by the Airport Manager and stored in accordance with the manufacturers recommendations and specifications as well as in a fire rated cabinet.
- P. No open flame, flame-producing device or other source of ignition shall be permitted in any hangar, building or shop.
- Q. All repairing of aircraft requiring the use of open flame, spark-producing devices or the heating of parts above 500 degrees Fahrenheit shall be done in the open or in an area conforming to the provisions of the building code for hazardous occupancy.
- R. All applied provisions or regulations of the city fire prevention code and referenced National Fire Protection Association standards shall be complied with.

Secs. 18-136—18-165. - Reserved.

DIVISION 3. - PUBLIC AND TENANT USAGE

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Sec. 18-166. - Leases.

Hangars and other buildings or structures owned by the city may be leased to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary equipment or to conduct a commercial fixed base operation (FBO).

The city may lease property within the building area or other portions of the airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with an approved airport master plan/airport layout plan and design guidelines. Aviation related use must be given priority in the use of all leased or privately owned property, buildings or structures. If the aviation needs of the airport are sufficiently met, the city council may authorize non-aviation use of any portion of the airport or any building on the airport on a case-by-case basis. Application of such non-aviation use shall be made to the city; and approval from Texas Department of Transportation Aviation Division must be received prior to granting authorization for non-aviation use. The Airport Manager is authorized to execute all General Lease Agreements on behalf of the City. All Commercial Lease Agreements require City Council approval.

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Rule 166-3. Assignment and Sub-letting — Subletting or assignment of any leased premises, all or part, is prohibited. Any sublet or assignment of all or any part of any leased premises shall void the lease. In addition, the tenant/lessee shall not allow any aircraft not registered to the tenant/lessee for the leased premises to occupy or remain within the leased premises. Such occupation in the leased premises of an aircraft not registered to tenant/lessee for the leased premises shall void the lease.

Rule 166-4. Flying Clubs — A Flying Club ("Club") shall meet the following standards:

- A. At the time of applying for a lease, license, permit or agreement to operate at the Airport, the Club shall furnish the Airport Manager with a copy of its documents of organization; the Club's list of members, including names of officers and managers; evidence of required insurance; a description of all aircraft used; evidence that such aircraft are properly certificated; evidence of ownership of such aircraft; and any operating rules of the Club.
- B. All aircraft used by the Club shall be owned by the Club or leased exclusively by written agreement to the Club, and all ownership or lease rights to such aircraft must be vested on a pro-rata basis in all of the Club's members. The property rights of the Club members shall be equal, and no part of any revenues received by the Club shall inure to the direct benefit of any member (e.g., by salary or bonus). The Club shall not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of its aircraft and facilities.
- C. The Club's aircraft shall not be used by any person other than the Club's members and shall not be used by any person for hire, charter, or air taxi. Flight instruction may be given in Club aircraft.

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Rule 166-5. Environmental Issues and Indemnification — Any tenant/lessee of the Airport, including its agents, employees, independent contractors, or sub lessee, shall not install, store, use, treat, transport or dispose of any:

- A. Asbestos in any form.
- B. Urea formaldehyde foam insulation.
- C. Transformers or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of 50 parts per million; or
- D. Any other chemical, material, air pollutant, toxic pollutant, waste, or substance which is regulated as toxic or hazardous or exposure to which is prohibited, limited or regulated by the Resource Conservation Recovery Act, the Comprehensive and Environmental Response Compensation and Liability Act, the Hazardous Materials Transportation Act, the Toxic Substances Control Act, the Clean Air Act, and/or the Clean Water Act or any other federal, state, county, regional, local or other governmental authority or which, even if not so regulated, may or could pose a hazard to the health and safety of the occupants of the Leased Premises, and which is either:
 - 1. In amounts in excess of that permitted or deemed safe under applicable law;
 - 2. Or in any manner which is prohibited or deemed unsafe under applicable law. (The substances referred to in (A), (B), (C) or (D) are collectively referred to hereinafter as "Hazardous Materials").
- E. No fuels, oils, dopes, paints, solvents or acids shall be disposed of or dumped on the ramp area, agricultural lands or elsewhere at the Airport. All disposal shall be in accordance with city ordinances, Environmental Protection Agency, Texas Commission on Environmental Quality and Federal Aviation Administration standards.

Rule 166-6. Environmental Cleanup Laws — An Airport tenant will, at their own expense, comply with all existing or hereafter enacted laws relating to Hazardous Materials (collectively, "Cleanup Laws") in effect at the time of the lease, and all future laws thereafter. An Airport tenant will, at their own expense, make all submissions to provide all information to, and comply with all requirements of

the appropriate governmental authority (the "Authority") under the Cleanup Laws. Should any Authority require that a cleanup plan be prepared and that a cleanup be undertaken because of the existence of Hazardous Materials which were installed, stored, used, treated, transported, disposed of or discharged on the leased premises, by an airport tenant, its agents, employees, independent contractors or sub lessees during the term of a lease, the Airport tenant will prepare and submit the required plans and financial assurances in accordance with such Cleanup Laws. The Airport shall be indemnified and held harmless from and against all obligations, damages, injunctions, fines, penalties, demands, claims, costs, expenses, actions, liabilities, suits, proceedings and losses of whatever nature (including, without limitation, attorneys' fees and court costs), and all cleanup or removal costs and all actions of any kind arising out of or in any way connected with the installation, storage, use, treatment, transporting, disposal or discharge of Hazardous Materials in or on the leased premises by an Airport tenant.

Rule 166-7. Environmental Notices — An Airport tenant shall promptly supply the City Council with copies of any notices, correspondence and submissions made or received from any governmental authorities of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, or any other local, state or federal authority that requires submission of any information concerning environmental matters or Hazardous Materials.

Rule 166-8. Environmental Survival — An Airport tenant's liability pursuant to any environmental issue shall survive the expiration or earlier termination of their lease.

Rule 166-9. Storm Water Compliance

- A. The Airport is subject to federal storm water regulations, 40 C.F.R. Part 122 for "vehicle maintenance shops" (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations and/or deicing operations that occur at the Airport as defined in these regulations and, if applicable, state storm water regulations. Each Airport tenant shall become familiar with these storm water regulations if it conducts "vehicle maintenance" or operates equipment cleaning operations and/or deicing activities as defined in the federal storm water regulations.
- B. The City shall take steps necessary to apply for or obtain a storm water discharge permit as required by the applicable federal and/or state regulations, including the leased property occupied or operated by an Airport tenant. A storm water discharge permit issued to the City may name an Airport tenant as a co-permittee.
- C. An Airport tenant's close cooperation is necessary to ensure compliance with any storm water discharge permit terms and conditions, as well as to ensure safety and to minimize costs. An Airport tenant may have to implement and maintain "Best Management Practices" to minimize the exposure of storm water (and snow melt) to "significant materials" generated, stored, handled or otherwise used as defined in the federal storm water regulations.
- D. The City's storm water discharge permit is incorporated by reference into each lease and any subsequent renewals.
- E. The City or County will provide an Airport tenant with a written notice of those storm water discharge permit requirements that are in the City's storm water permit, that a tenant will be obligated to perform from time to time, including, but not limited to:
 - 1. Certification of non-storm water discharges.
 - 2. Collection of storm water samples.
 - 3. Preparation of storm water pollution prevention or similar plans.
 - 4. Implementation of "good housekeeping" measures or best management practices; and maintenance of necessary records.

Such written notice shall include applicable deadlines and an opportunity to dispute any of the storm water discharge permit requirements.

- F. Each Airport tenant shall participate in any organized task force or other work group established to coordinate storm water activities of the Airport.

Rule 166-10. Non Discrimination Covenants

- A. Each lease will include as a covenant running with the land to insure that:
 - 1. No person on the grounds of race, color, sex, or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the leased property;
 - 2. That in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex or national origin, shall be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination.
- B. The right to conduct aeronautical activities for furnishing services to the public is granted to an Airport tenant subject to the agreement:
 - 1. To furnish said services on a fair, equal and not unjustly discriminatory basis to all users.
 - 2. To charge fair, reasonable, and not unjustly discriminatory prices for each unit or service provided an allowance may be made to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.

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Rule 166-11. Insurance —Airport tenants/lessees shall continuously maintain in effect during the term of a lease, at their sole expense, the following insurance coverage:

A. Insurance against claims for bodily injury, death or property damage occurring on, in, or about the Airport and leased premises, such insurance to afford protection to the City of not less than \$1,000,000.00. The insurance policy shall include aircraft liability to include \$1,000,000.00 single limit liability.

B. All such policies of insurance shall be issued by insurance companies acceptable to the City, shall name the City of Bay City as an additional insured or loss payee, as the case may be, and shall provide for at least ten (10) days written notice prior to cancellation, material changes, or lapse of such policies. The Airport Manager may cancel any lease with no less than ten (10) days' written notice should a tenant/lessee fail to comply with this rule.

Rule 166-12. Hold Harmless — The City of Bay City shall not be liable to an Airport tenant's employees, agents, servants, customers, invitees, or to any other person whomsoever, for any injury to persons or damages to property on or about the leased premises or any adjacent area owned by the City or County.

Airport Users and Tenant shall indemnify, save harmless and defend the City, its officers, agents, and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses, attorney's fees and any and all other costs or fees (whether grounded in Constitutional law, Tort, Contract, or Property Law, or raised pursuant to local, state or federal statutory provision), arising out of the performance of the resulting agreement and/or arising out of a willful or negligent act or omission of the Airport Tenant, its officers, agents, and employees. It is understood and agreed that the Airport Tenant and any employee or sub- contractor of contractor shall not be

considered an employee of the City. The Airport Tenant shall not be within protection or coverage of the City's workers' compensation insurance, health insurance, liability insurance or any other insurance that the City from time to time may have in force and effect. City specifically reserves the right to reject any and all Airport Tenant's employees, representatives or sub-contractors and/or their employees for any cause, should the presence of any such person on City property or their interaction with City employees be found not in the best interest of the City, harassing, or is found to interfere with the effective and efficient operation of the City's workplace.

DIVISION 4. - FIRE REGULATIONS

Sec. 18-201. - Application and compliance.

All persons, companies and agencies engaged in any activity at the airport, whether occupying airport-owned facilities or otherwise, shall comply with fire regulations as issued by the city and shall comply with all applicable county, state and federal laws and regulations.

Sec. 18-202. - Enforcement.

The airport manager or other duly authorized officials may direct the removal of fire hazards, arrangement and modification of equipment, or alter operating procedures in the interest of fire prevention.

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Secs. 18-203—18-259. - Reserved.

Secs. 18-204—18-229. - Reserved.

DIVISION 6. - MOTOR VEHICLES

Sec. 18-260. - Compliance with division and state laws.

Persons shall operate motor vehicles on the airport in accordance with these procedures and regulations and in full compliance with all state licensing, registration and operating requirements.

Sec. 18-261. - Speed.

No person shall operate a motor vehicle on the airport in a reckless or negligent manner, or in excess of a safe and prudent speed. Posted speed limits will not be exceeded. Speeds shall not exceed 15 miles per hour in aircraft parking and hangar areas.

Sec. 18-262. - Parking.

- (a) No person shall park a motor vehicle on the airport other than in areas specifically established for public and tenant parking. No persons shall park a motor vehicle in aircraft parking areas.
- (b) The airport manager shall have the authority to tow or otherwise remove motor vehicles which are parked on the airport in violation of these rules. The vehicle will be towed at the owner's expense and without liability for damage which may result in the course of such moving.

Sec. 18-263. - Vehicle repair.

No person shall clean or make any repairs to motor vehicles on the airport, except for airport support vehicles and minor emergency repairs.

Sec. 18-264. - Operating regulations.

- (a) No motor vehicles, other than support vehicles, shall be permitted to operate on the airport parking ramp (except for the loading and unloading of aircraft occupants or cargo) without the approval of the airport manager.
- (b) No person or motor vehicle shall be permitted on the airport runways or taxiway except as specifically authorized by the airport manager.
- (c) All motor vehicles shall pass to the rear of taxiing aircraft. No vehicle shall approach closer than 100 feet to any aircraft whose engine is operating.

Secs. 18-265—18-291. - Reserved.

DIVISION 7. - EMERGENCY PROCEDURES

Sec. 18-292. - Emergency notification and response.

- (a) The city provides emergency services of fire, police and medical response to the airport. However, because of the distance involved, response time to the airport may be extended in some emergency situations.
- (b) In addition to standard Federal Aviation Administration (FAA) emergency notification procedures, local emergency response may be initiated by calling 911. When initiating emergency notification, identify yourself and give the nature of the emergency, location and requested response (i.e., fire, ambulance, security or all three). Please stay on the telephone until released by the emergency service dispatcher

Sec. 18-293. - Volunteer assistance.

Volunteer assistance and/or access to the scene of any aircraft accident will be approved and controlled by the authorized emergency response personnel and the appropriate law enforcement authorities.

Sec. 18-294. - Accident reporting.

In addition to required Federal Aviation Administration (FAA) notification and reporting actions, the operating of any aircraft involved in an accident at the airport shall immediately notify the airport manager and, within 24 hours, submit a full written report of the accident. When a written report is required by the Federal Aviation Administration (FAA), a copy of such report will suffice for the airport requirement.

Secs. 18-295—18-321. - Reserved.

DIVISION 8. - SAFETY

Sec. 18-322. - Policy.

The policy of the airport is that safety is of primary and overriding priority. All persons on the airport, for any reason, are required to comply with this policy. These standard operating procedures and regulations are intended to promote safety as well as good operating practices. If any deviation is required in the interest of safety, such deviation is both authorized and encouraged. However, any such deviation shall be reported to the airport manager as soon as possible after the occurrence.

Sec. 18-323. - Hazard identification.

Hazard identification and abatement are continuing programs at this airport. Any person with knowledge of a hazard at the airport should immediately report this information to the airport manager.

Secs. 18-324—18-349. - Reserved.

DIVISION 9. - RULES AND PENALTIES

Sec. 18-350. - Knowledge of rules implied.

By publication of this article as required by law, all persons will be deemed to have knowledge of its content. However, the airport manager is directed to have copies of the article printed and posted where appropriate. Copies will be available at all times in the office of the airport manager and will be furnished to owners and operator of aircraft based at the airport.

Sec. 18-351. - Conflict in rules.

If and where there is a conflict in these rules and the Federal Aviation Rules (FARs), the latter shall prevail.

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Sec. 18-352. - Penalty for violation.

- (a) Any person operating or handling an aircraft in violation of any of these rules or refusing to comply herewith, may be ejected immediately from the airport, and upon a hearing by the city council, may be deprived of the further use of the airport and its facilities for such period of time as may appear necessary for the protection of life and property. The Airport Manager may terminate any General Lease or Commercial Lease for any violation of this ordinance.
- (b) Any violation of this chapter shall be a misdemeanor, punishable by a fine up to \$500.00.

Section three. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section four. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

Section five. Directive to City Secretary. The City Secretary is hereby authorized and directed to provide all documents and notices required by state law to effect this Ordinance.

Section six. Effective Date. This Ordinance shall become effective upon its adoption by the City Council and publication of the caption hereof in accordance with Section 5.01(i) of the City Charter.