

ORDINANCE NO. _____

**ORDINANCE AMENDING THE CITY CODE OF ORDINANCES
CHAPTER 18 "AVIATION"; ARTICLE I ("IN GENERAL") AND
ARTICLE III ("AIRPORT RULE AND REGULATIONS");
PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE,
PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING
FOR AN EFFECTIVE DATE.**

Be it Ordained by the City Council of the City of Bay City that the following amendments are adopted as Amendments to Chapter 18; Article I of the Code of Ordinances.

Section One. The City of Bay City's Municipal Code of Ordinances, Chapter 18 (entitled "Aviation"), Article I "in General", is hereby amended in its entirety.

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 device now or hereafter used for the navigation of or flight in air or space, including but not limited to airplanes, lighter-than-aircraft, helicopters, gliders, amphibians, seaplanes, ultralight vehicles, powered parachutes and weight-shift-control vehicles.

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

Runway: means an area on land prepared for landing and/or takeoff of aircraft.

Heliport: means an area or place for landing helicopters.

UAS: means an unmanned aircraft system (drone).

Sec. 18-2. Minimum altitude generally.

All pilots shall comply with the Federal Aviation Regulation *Title 14 CFR 91.119 Minimum safe altitudes; general*, as amended, while operating an aircraft through the air space within or over the City of Bay City.).

Sec. 18-3. Acrobatics.

All acrobatic flights shall comply with Federal Aviation Regulation *Title 14 CFR 91.303 – Aerobatic flight*, as amended.

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

No pilot shall allow or cause any object to be dropped, thrown and/or released from any aircraft in the air space within or over the city of Bay City and/or the Bay City Regional Airport.

Sec. 18-5. Helicopters, Powered Parachutes, Weight-Shift-Control Aircraft.

(a) All pilots of helicopters, powered parachutes, and weight-shift-control aircraft shall comply with the Federal Aviation Regulation *Title 14 CFR 91.119 Minimum safe altitudes; general (b) Over congested areas*, as amended, while operating an aircraft through the air space within or over the City of Bay City.

(b) Helicopter operations may be conducted below the minimum altitude set in *Title 14 CFR 91.119(b)* for law enforcement and emergency medical service agencies needs.

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

(a) The use of loudspeakers, amplifiers, or other instruments or devices on aircraft in the air space within or over the City of Bay City for the purpose of attracting attention, by creation of noise or speech is prohibited.

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.

Sec. 18-8. Runways, Heliports.

No person shall establish, construct, maintain or operate any runway or heliport within the City of Bay City.

Sec. 18-9.- Drones, unmanned Aircraft Systems (UAS)

Prior to operating a UAS within a five-mile radius of the Bay City Regional Airport, individuals must be in compliance with *Title 14 CFR 107*, as amended.

Sec. 18-10.- Penalties

Each violation of this Article shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) and each day a violation continues to exist shall constitute a separate offense.

Section Two. The City of Bay City's Municipal Code of Ordinances, Chapter 18 (entitled "Aviation"), Article III "Airport Rules and Regulations", Division 1 "Generally" and Division 2 "Operations" is hereby amended in its entirety.

DIVISION 1. - GENERALLY

Sec. 18-99. Proprietary Exclusive Right.

The Bay City Regional Airport is owned, managed, operated, and maintained by the City of Bay City, Texas. The city as the owner of a public-use airport elects to provide all aeronautical services needed by the public at the airport. The city recognizes that having more than one FBO providing services is unreasonably costly, burdensome, and impractical. Therefore, the city

exercises its right to proprietary exclusive rights for all aeronautical services for the Bay City Regional Airport

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.

Agriculture aircraft operations means the operation of an aircraft for the purpose of:

- (1) Dispensing any economic poison;
- (2) Dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control; or
- (3) Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation, but not including the dispensing of live insects.

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

Air Operations Area (AOA) means the areas of the airport used or intended to be used for landing, take-off, or surface maneuvering of aircraft. Within the AOA, are movement and non-movement areas.

Aircraft means any device now or hereafter used for the navigation of or flight in air or space, including but not limited to airplanes, lighter-than-aircraft, helicopters, gliders, amphibians, seaplanes, ultralight vehicles, powered parachutes, and weight-shift-control vehicles.

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

City means the City of Bay City, Texas and includes employees, agents, and representatives. *Commercial Aeronautical Activity* means the buying, selling, or leasing of any goods, products, or services.

Economic poison is any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, viruses, other forms of plant or animal life, and anything declared by the secretary of agriculture to be a pest. Viruses on or in living man or other animals are excepted. Also, an economic poison is any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

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.

Federal Aviation Regulations (FAR) are rules prescribed by the Federal Aviation Administration (FAA) governing all aviation activities in the United States.

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 (FAR).

Flying club means any person, firm, or cooperation, with a charter, bylaws, and elected officials, engaged in ownership, or lease of aircraft that provide flying services only to its members. Flying clubs can be operated as either a non-profit or commercial operation.

Fuel Handling means the transporting, delivering, dispensing, or draining of fuel and/or fuel

waste products.

National Transportation Safety Board (NTSB) is an independent U.S. government investigative agency responsible for civil transportation accident investigation.

Operator means any person in legal or actual control of an aircraft or vehicle on or in the vicinity of Bay City Regional Airport.

Person means any individual, firm, co-partnership, corporation, association, or company (including but not limited to, any assignee, receiver, trustee, or similar representative thereof), or the United States of America, or any foreign government, or any state or political subdivision thereof..

Vehicles means and includes automobiles, trucks, buses, motorcycles, horse-drawn vehicles, bicycles, pushcarts, and any other device in or upon which any person or property is or may be transported, carried, or drawn upon land, except aircraft.

Sec. 18-101. Airport information.

- (a) *Description.* Bay City Regional Airport (BYY / BBC) is a public airport owned, administered, and maintained by the city with partial funding provided by funds from Federal Government Grants and Programs.
- (b) *Location.* Bay City Regional Airport is located six (6) miles east of the City of Bay City at 3598 Farm to Market (FM) 2540 North. Coordinates are 28 degrees 58 minutes North and 95 degrees 51 minutes West.
- (c) *Elevation.* Bay City Regional Airport is 45 feet MSL in elevation.
- (d) *Runways.* Bay City Regional Airport has one runway 13/31, which is 5107 feet in length and 75 feet in width. The runway has parallel and lateral taxiways, navigational aids, approach lighting, and airport lights. The airport is suitable for general, public, and commercial use.
- (e) *Lighting.* Runway 13/31 is lighted from dusk to dawn, MIRL. Lighting intensity is controlled by keying the aviation radio microphone, on Unicom 122.8, five (5) times for medium intensity and seven (7) times for high intensity. Runway 13 has REIL lighting which is activated once the runway lights are in the high intensity setting. All runway signs, windsocks and beacon lights are lighted dusk to dawn.
- (f) *Radio Frequencies:* Traffic at the Bay City Regional Airport is not controlled, however arriving, and departing aircraft should provide a statement of intent on the aviation radio using the Unicom frequency 122.8. All aircraft moving in the AOA should announce their movements on the airport. The purpose for such is for the safety and benefit of everyone using the airport.

Bay City Regional Airport Unicom:	122.8
Bay City Regional Airport AWOS:	118.075
Houston Center:	128.6

- (g) *Approaches.* R NAV RWY 13-31.
- (h) *Telephone Numbers.* Bay City Regional Airport main number is (979) 244-5037. Weather information is provided by our AWOS, the number is (979) 323-1801. Houston Center number is (281) 230-5600. Lockheed Martin Flight Services number is (877) 487-6867.

SEC. 18-102. – COMPLIANCE REQUIRED, LIABILITY OF CITY.

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.

Compliance: The city council, the airport manager, and/or their representative are empowered to require compliance with these regulations. The airport manager shall always have the authority to enforce and take such action as may be necessary to safeguard any person, aircraft, equipment, or property at the airport. The airport manager has the authority to file criminal charges and/or enforce the rules and regulations or airport minimum standards or lease provisions on behalf of the City of Bay City and to act as its agent in signing leases and enforcing remedies for violations of civil law and to enforce the provisions hereof through the usual court processes, and to file criminal charges were authorized herein. In addition, the airport manager has the authority to remove or evict willful violators from the airport or its facilities if such action is determined to be in the public interest.

Revisions: The city council reserves the right to revise and amend these procedures and regulations, based on legislative updates, rules, laws, and/or regulation changes.

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.

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.

SEC. 18-103. – AIRPORT MANAGEMENT.

Purpose: The Bay City Regional Airport is owned, managed, operated, and maintained by the City of Bay City, Texas. The requirements for policing the airport are necessarily distinct and different from those for other city-owned property. Strict control, particularly of the air operations areas (AOA), and other working areas, must be exercised and must be based on a city ordinance to be enforceable. It is the purpose of this article to create such rules and regulations as are necessary to provide this control.

The management and administration of those portions of the airport, to which access by the public is limited, must necessarily be the responsibility of the airport manager. The airport manager must have assistance available from the city police department to process complaints of violations thereof.

Closing Airport: The airport manager may suspend or restrict any or all operations at the airport whenever such action is deemed necessary in the interest of safety.

Circulation of Rules: Copies of these rules and regulations shall be made available to all airport tenants. Copies will be retained in the office of the airport manager for review by anyone during normal business hours.

Enforcement of Rules: The enforcement of these rules and regulations is the responsibility of the airport manager.

Enforcement: Each violation of this Article shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than \$500.00 and each day a violation continues to exist shall constitute a separate offense. A violation of these rules and regulations may be cause for suspension of operating privileges at the airport or eviction from the airport.

SEC. 18-104. – MISCELLANEOUS PROVISIONS.

(1) GENERAL RULES: No person in or upon the airport shall do or omit to do any act that endangers or is likely to endanger any person or property.

(2) INJURY AND DAMAGE REPORTS: The operator of any aircraft or vehicle involved in any accident-causing personal injury or property damage to airport property, or to property of others regardless of the amount of damages, shall make a prompt report of the accident to the airport manager.

- (a) Any person 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.
- (b) Any person entering the airport whether by vehicle or on foot, does so at their own risk and with no liability incurring to the city for any injury or damage to person or property.

(3) COMPLIANCE WITH FEDERAL AVIATION REGULATIONS: No person shall fail to comply with the Federal Aviation Regulations promulgated by the FAA for observance by aircraft operated anywhere in 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.

(4) RESTRICTED AREAS: No person shall enter areas that are marked or posted as being “restricted”, “private” “employees only”, or “authorized personnel / vehicles only” except as authorized by the airport manager.

- (a) Persons specifically authorized by the airport manager.
- (b) Passengers under appropriate supervision by airport staff and/or aircraft crew, who are entering the ramp and apron for enplaning or departing.
- (c) Persons under supervision and being escorted by a tenant of the airport.

(5) THROUGH-THE-FENCE OPERATIONS PROHIBITED: No person 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 person 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 the FAA through TxDOT Aviation Division for certain through-the-fence operations on a case-by-case basis.

(6) LIEN FOR CHARGES: In order to enforce the payment of any charge for repairs, improvements, storage, or care of any personal property by the airport 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.

(7) LIEN POSSESSORY RIGHT: To enforce the payment of any such charges, the airport manager may retain possession of such personal property until all reasonable, customary, and usual compensation has been paid in full.

(8) UNAUTHORIZED SIGNS, EQUIPMENT OR ADVERTISEMENT: No signs, equipment, portable buildings, or trailers may be erected, moved-in, or installed on the airport without written approval by the airport manager.

(9) SURREPTITIOUS ACTIVITIES: Any person observing suspicious, unauthorized, or criminal activities on the airport shall report such activities to the airport manager or the bay city police department. Persons may also report such activities to the Transportation Security Administration General Aviation Information Hotline at 1-866-GA SECUR(E) / 1-866-427-3287.

(10) WRECKED AIRCRAFT: Every aircraft owner, pilot, or agent, shall be responsible for notifying the airport manager and FAA promptly of all aircraft damaged while in operation. Damage to aircraft includes prop strike, bird strike, and any other damage caused during landing, take off and/or taxiing.

- (a) Owners and their agents shall follow all instructions from the FAA, NTSB, and airport manager on moving, storage and handling of the damaged aircraft.
- (b) Owner or their agent are responsible for promptly removing disabled or wrecked aircraft from the AOA of the airport, under the direction of the airport manager.
- (c) Airport manager may at the request of the FAA and/or NTSB take possession of the damaged aircraft.
- (d) In instances where the owner or their agent is unable to promptly remove disabled or wrecked aircraft, the airport manager may do so and the cost for such removal shall be the responsibility of the aircraft owner.

(11) REPAIRS TO AIRCRAFT: No aircraft shall be repaired on any part of the AOA. 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. This maintenance must not be done in a manner that is unsafe, unsightly, or detrimental to the efficient use of the airport facilities by others.

(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 Airport Manager 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.

(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.

(14) ANIMALS: No person shall enter the airport with any animal unless the animal is, and remains, restrained by a leash, or properly confined as determined by the airport manager, excluding law enforcement, military, or working animals.

(15) LIVING QUARTERS: No person shall make permanent living quarters on the airport.

(16) INTOXICANTS AND NARCOTICS PROHIBITED: No person under the influence of any intoxicant, alcohol, narcotic, or other illicit drug shall operate a vehicle or aircraft at the airport or fly in any aircraft to or from the airport. Persons under the influence of an intoxicant, alcohol, narcotic, or other illicit drug shall be removed from the airport by the bay city police department and shall be subject to prosecution as provided under the laws of the State of Texas and the United

States. This shall not apply to passengers under the care of a medical doctor and accompanied by a doctor, nurse, or licensed health care provider.

(17) FOREIGN OBJECTS: No person shall allow or cause any foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft, to be left upon the floor of any building or upon any part of the surface area of the airport. All persons shall upon observing such foreign objects, pick them up and place them in a trash receptacle.

(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/or 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 to remove the offending trash and/or litter. If within ten (10) working days after notification the hangar/building owner, renter, or lessee has not removed the trash and/or litter as directed, the airport manager may have the area cleaned and the cost for such cleaning shall be responsibility of the hangar/building owner, renter, or lessee.

(19) GARBAGE DISPOSAL: No person shall place, discharge, or deposit in any manner, garbage, or any refuse in or upon any part of the airport, except at such places and in such containers specifically designated and marked for such purpose and under such conditions as the airport manager may from time to time prescribe.

(20) ENTRY UPON AIRPORT: All persons entering upon the airport property shall comply with the rules and regulations set forth herein. Unless specifically stated, no culpable mental state shall be required as an element of a violation of these rules and regulations.

(21) COMMERCIAL ACTIVITY: No person shall conduct any commercial activity on the airport without permission from the airport manager.

(22) PHOTOGRAPHY: No commercial photography shall be permitted on the airport without permission from the airport manager.

(23) WASHING OF AIRCRAFT OR VEHICLES: No person shall wash any aircraft or vehicle in violation of these rules:

- (a) Waterless aircraft washing is the only allowable means of cleaning aircraft anywhere on the airport other than the approved airport wash-rack.
- (b) The airport wash-rack is for aircraft washing only. NO privately owned cars, trucks, vehicles, or equipment shall be washed at the airport wash-rack or on airport property. The only exception is for airport vehicles and equipment.
- (c) All wash products shall be phosphate-free and biodegradable.
- (d) All persons shall have a Safety Data Sheet (SDS) readily available for the products used in washing the aircraft.
- (e) The use of the wash rack is restricted to one aircraft at a time. In the instance of an aircraft waiting to use the wash-rack while its in use, the waiting aircraft must park in a tie down on the RAMP. Persons washing an aircraft, once the aircraft is finished being washed and another aircraft is waiting, you must move your aircraft to a tie down on the RAMP to finish drying or polishing your aircraft.

- (f) No person shall block the Jet-A self-serve terminal, fuel system, or fuel truck.
- (g) To start the use of the wash-rack the following steps must be followed:
 - 1. Place the diversion board into the slot which stops the flow of water into the grass area.
 - 2. Remove the watertight plug in the drain.
 - 3. Turn on the water at the faucet and unroll the water hose. The water faucet is located at the backside of the shop building. The water hose is already attached to it.
- (h) Upon completion of washing, persons shall ensure that the wash-rack is clean, and no debris is left behind. Once this is complete the following steps must be followed:
 - 1. Reinstall the watertight plug
 - 2. Remove the water diversion board and place on the concrete box. This allows rainwater to be diverted into the grass area.
 - 3. Roll up the water hose and shut off the water.

Violations by any person of this Section shall result in future use of the wash-rack permanently. Each violation of this Section shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) and each day a violation continues to exist shall constitute a separate offense.

Secs. 18-105—18-130. Reserved.

DIVISION 2. OPERATIONS

Sec. 18-131. Ground operations.

Rule 131-1. 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, emergency vehicles and airfield equipment/service vehicles.
- B.** No vehicle shall approach so close to any aircraft with running engine(s) as to create a hazard. This shall not apply to emergency and/or ground service vehicles.
- C.** All vehicles entering or exiting the security gates shall stop to ensure the gate properly closes before proceeding. When escorting another vehicle through the security gate, operators must wait for the gate to close behind the last vehicle.
- D.** No vehicle or person shall enter the AOA without permission from the airport manager.
- E.** Any vehicle authorized to access the AOA of the airport shall display a flashing, rotating, or steady. Emergency and airport vehicles shall use the emergency lighting installed on the vehicle.
- F.** No person shall park or stop a vehicle in front of a driveway, access gate, designated fire, or emergency lane.
- G.** No person shall park a vehicle in any manner that blocks the aircraft movement area, taxiway, or taxiway lane.
- H.** All persons shall obey all stop signs, or other traffic control signs posted on the airport.
- I.** 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 Unicom Frequency for the Airport and have the ability to communicate with aircraft via a two-way aviation radio.

Rule 131-2. Speed Limits — All vehicles shall be operated at fifteen (15) miles per hour (MPH), unless posted otherwise on all areas of the airport. This shall not apply to authorized emergency or city vehicles while engaged in emergency or airport operations.

Rule 131-3. Parking - No person shall park any vehicle or aircraft in any grass area of the airport without written permission from the airport manager. The airport manager shall have the authority to tow or otherwise remove motor vehicles or aircraft which are parked on the airport in violation of these rules. The vehicle or aircraft will be towed at the owner's expense and without liability for damage which may result in the course of such moving.

Rule 131-4. Vehicle Repairs - No person shall clean or make any repairs to motor vehicles on the airport, except emergency repairs. The rules do not apply to airport vehicles.

Sec. 18-132. T-Hanger Vehicle Access

No person shall operate a vehicle near or around any t-hanger on the airport except in accordance with the following rules, and all federal, state, and local laws:

- (a) All vehicles shall yield right of way to aircraft in motion, emergency vehicles and airfield equipment / service vehicles.
- (b) All leaseholders and authorized T-Hangar Vehicle Access Card holders are responsible for their actions, the actions of their guests, and to ensure airport rules and regulations are followed while inside the T-Hangar area. All authorized gate card holders are responsible to stay in compliance with the City of Bay City Code of Municipal Ordinances, Chapter 118, Article III, Airport Rules and Regulations.
- (c) No person shall park a vehicle or aircraft in any manner which causes a safety issue, blocks, or obstructs a taxi-lane.
- (d) A maximum of two (2) passenger vehicles may be parked inside a T-Hangar while the aircraft is in operation. In such situations where an aircraft will not be pulled out of a T-Hangar, you must park parallel and as close to the side of the leased T-Hangar as possible.
- (e) Additional vehicles shall be parked in the public parking lot near the main terminal building entrance.
- (f) No parking is allowed near any aircraft movement area to include the grass areas.
- (g) No parking is allowed in any grass areas of the airport without written permission from the airport manager.
- (h) Personal vehicles are not allowed on any secured areas of the airport (i.e. RAMP, fueling areas, tiedown areas, taxiway) except at the T-Hangar area, without permission from the airport manager.
- (i) Vehicles shall not exceed 15 mph while inside the T-Hangar area.
- (j) T-Hangar guests shall be personally escorted by an authorized card holder to the intended destination within the complex. Tenants are responsible for the safety, conduct and actions of their guests.
- (k) 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. 18-133. Airport security.

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. Security Gates - Persons entering or exiting any security gate upon the airport shall ensure the gate properly closes before proceeding. If the security gate fails to close properly, the person is required to remain at the gate and contact the airport immediately at (979) 244-5037. Once airport staff are advised all persons shall follow the instructions given before leaving the security gate.

Rule 133-4. Terminal Building and Security Gates - Tenants will be issued a personal security code. This code will be used to enter the security gates (man gates) located next to the terminal building entering the AOA/RAMP and T-Hangar area. Tenants will use their t-hangar access card to enter the terminal building after business hours, using the after-hours door. Tenants shall not give out their personal security code or access card to anyone. If family and/or friends need access through these areas, they shall be escorted by a tenant.

Rule 133-5. Temporary Security Gate Access - Temporary security gate codes will be issued for persons coming out to work on aircraft on a non-regular basis, as well as flight instructors, AMP's and Inspection authorized mechanics (IA). Tenants shall contact the airport and inform airport staff of the day, approximate time and the name of the person authorized access to their T-Hangar. The authorized person

shall physically come into the terminal and provide airport staff with a valid governmental photo ID. A temporary access code will only be issued after a tenant has contacted airport staff authorizing the person.

Rule 133-6. T-Hanger Vehicle Access Card Issuance and Use:

- (a) Each T-Hanger lease will be issued up to two (2) access cards at no charge for entrance into GATE #2 (T-Hanger access gate) and the Main Terminal after hours entrance door (by the parking lot). (These cards will be for the tenant, their spouse, or a business partner, (business partner must be listed on the aircraft title or LLC). A T-Hanger Vehicle Gate Access Authorization form must be signed by each individual obtaining the access card. Each individual must present a valid government issued photo ID; a copy of that ID will be maintained on file along with the form. Gate access cards may not be shared or loaned to any other person.
- (b) Possession of an access card is not proof of authorized access. Any person NOT having a T-Hanger Vehicle Gate Access Authorization form and photo ID on file will be cited for trespassing in a secure area of the airport.
- (c) Gate access cards are the property of the Bay City Regional Airport and can be confiscated or deactivated at any time.
- (d) Access may be limited during special events or in the event of an emergency.
- (e) Lost or stolen cards shall be reported immediately. The original card will be deactivated prior to issuing a replacement card. Replacement cards are \$10 per card (non-refundable).
- (f) Additional access cards may be purchased at \$10.00 (non-refundable) per card. Additional cards will only be issued for licensed aircraft mechanics, maintenance, or avionics businesses that service your aircraft on a regular basis and are registered with the Airport. A T-Hanger Vehicle Gate Access Authorization form signed by the lease holder, as well as the business owner, along with a copy of a valid governmental issued photo ID is required. If the Business owner of the mechanics, maintenance, or avionics business will be allowing an employee the use of the access card on behalf of the business, a copy of a valid governmental issued ID is required to be on file, in order for that employee to be allowed authorized access.
- (g) Violations by any individual of this policy shall result in the deactivation of the access card and the revocation of privileges to operate a motor vehicle in the T-Hanger area of the Airport permanently. It will be the responsibility of the lease holders to return the deactivated card to the Airport within two (2) weeks of notice of deactivation. If the access card is not returned within the two (2) weeks a non-return fee will be charged to your account.
- (h) All access cards must be turned in within two (2) weeks of lease termination. The leaseholder is responsible for the collection and return of all cards associated with the account. A non-return fee of \$20 per card will be deducted from the leaseholder's security deposit if card(s) are not returned as required.

Rule 133-7. Penalties - Violations by any person of Sections 18-131, 18-132, 18-133, 18-134 and/or 18-135 shall result in the deactivation of their access codes / devices and the revocation of privileges to operate a motor vehicle in the secure areas of the airport permanently. Each violation of this Section shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) and each day a violation continues to exist shall constitute a separate offense.

Sec. 18-134. Aircraft operation rules.

Rule 134-1. Aircraft Tie Downs

- (a) All aircraft not hangered 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 APRON shall pay a tie down fee as posted for each night, except that such fee may be waived upon purchase of fuel.

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 airport lighting 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 and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00).

Rule 134-4. 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 hangered 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 134-5. Loading and Unloading Aircraft — Loading or unloading aircraft with the engine running is prohibited. Exception will be approved by the Airport Manager.

Rule 134-6. 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 134-7. 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 always under the control of the pilot in command.
- (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 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) Aircraft equipped with aviation band radios, whether handheld or installed, shall announce their intention during all aircraft movement, this includes taxiing from hangars, fuel points, tiedowns and all AOA. Announcements shall begin at the aircrafts starting point and end where the aircrafts engine is shut off.

Rule 134-8. 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 134-9. 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 134-10. 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 134-11. Takeoffs - 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 UNCOM 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).

Rule 134-12. Preferred Runway— If the winds are calm or at a ninety (90) degree crosswind to Runway 13-31, the preferred takeoff and landing runway is 13.

Rule 134-13. 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 134-14. Special Procedures

- (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).

Rule 134-15. Parachuting. 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 Airport Manager. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

Rule 134-16. 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 Airport Manager.

Sec. 18-135. 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.

(1) PERMITS FOR AGRICULTURE AERIAL OPERATIONS, (Crop Dusting).

- (a) No person shall conduct an agriculture aircraft operation from the airport, except upon a permit issued by the airport manager.
- (b) City council shall approve, by resolution, the form of an aerial applicator operation permit for agriculture aerial operations at the airport.
- (c) The fee for an aerial applicator operating permit shall be \$500.00 for two aircraft for a 30-day period. Any additional aircraft is an additional fee of \$250.00 per aircraft, per 30-day period.

(2) APPEALS. An appeal of the airport manager's denial or revocation of an aerial applicator operation permit shall be made to city council. A decision made by the city council is not subject to appeal.

Sec. 18-136. Fueling, flammable fluids, and fire safety.

Rule 136-1. 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 bonded.
- (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 an aircraft shall be familiar with the proper use of fire extinguishers.
- (s) No aircraft shall be fueled while parked in a closed hangar.
- (t) All aviation fuel nozzles will have deadman controls which will shut off the fuel flow when the nozzle hand control is released.
- (u) The use of any means that defeats the deadman control of any fuel nozzle shall be prohibited.

Rule 136-2. 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.

- (a) 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.
- (b) 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.
- (c) Military aircraft conducting operations which require fueling from U.S. Government facilities are exempt from fuel flowage fees.

Rule 136-3. 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 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.

Rule 136-4. 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 city, county, state and federal laws and regulations.

Rule 136-5. ENFORCEMENT. The airport manager may direct the removal of fire hazards, arrangement and modification of equipment, or alter operating procedures in the interest of fire prevention.

Rule 136-6. PENALTIES. Each violation of this Section shall constitute a misdemeanor and upon conviction shall be punishable by a fine of not more than five hundred dollars (\$500.00) and each day a violation continues to exist shall constitute a separate offense.

Section Three. The City of Bay City's Municipal Code of Ordinances, Chapter 18 (entitled "Aviation"), Article III "Airport Rules and Regulations", Division 4 "Fire Regulations", Division 6 "Motor Vehicles", Division 7 "Emergency Procedures", and Division 8 "Safety" is hereby deleted in its entirety.

Section Four. 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 Five. Severability. If for any reason any section, subsection, sentence, clause or phrase of this Ordinance, shall be held invalid, it shall not effect any valid provisions of this or any other ordinance of the City of Bay City, Texas.

Section Six. Effective Date. This Ordinance shall become effective on the _____ of _____, 2023.

PASSED AND APPROVED on this _____ day of _____, 2023.

Robert K. Nelson, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson,
City Secretary
City of Bay City, Texas

Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Robert K. Nelson, Mayor	_____	_____	_____
Benjamin Flores	_____	_____	_____
James Folse Mayor Pro Tem	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Blayne Finlay	_____	_____	_____

Robert K. Nelson, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson,
City Secretary
City of Bay City, Texas

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