

Tupelo Regional Airport Ordinance Rules, Regulations & Fees



Tupelo Airport Authority
2704 West Jackson
Tupelo, MS 38801
662-841-6570

TABLE OF CONTENTS

<u>SECTION</u>		<u>PAGE #</u>
1	Definitions	3
2	General Provisions	10
3	Vehicles	15
4	Public Conduct	19
5	Aeronautical Provisions	33
6	Fire Protection	43
7	Fuel, Hazardous, and Toxic Materials	47
8	Fuel Handling	51
9	Minimum Standards for Fixed Base Operators	53
10	Minimum Standards for Aircraft Charter and Taxi Service	57
11	Rates and Charges	59
12	General Provisions	63

ORDINANCE

AN ORDINANCE OF THE TUPELO AIRPORT AUTHORITY ESTABLISHING RULES, REGULATIONS AND FEES

WHEREAS the Tupelo Airport Authority is authorized by Section 61-3-15 in the Mississippi Code of 1972 to establish, enact and enforce ordinances, rules, regulations and standards for public safety, aviation safety, airport operations and the preservation of good order and peace, and

WHEREAS the Tupelo Airport Authority is responsible for providing a safe, secure, and efficient airport for the benefit of the public welfare; and

WHEREAS, the Tupelo Airport Authority and the City of Tupelo have made the following findings:

(a) that the amount of commercial and general aviation traffic with the Tupelo Regional Airport has risen to the level requiring more specific guidelines and regulations for safe air navigation, safe and efficient ground operations and for the reduction of safety and security hazards.

(b) The trends in the usage of the Tupelo Regional Airport indicate continued growth in commercial passenger traffic,

(c) Several airport tenants, including the Mississippi Air National Guard, have recently expanded operations at the Tupelo Regional Airport, requiring increased supervision to both ground and air traffic safety, and disaster procedures,

(d) Tupelo Airport Authority and the City of Tupelo have observed safety and security problems which adversely affect the operation of the Airport and could involve personal injury and property damage if not otherwise addressed,

(e) The adoption of comprehensive rules and regulations for airport operations and establishment of such fees for services are necessary and proper for the public health, welfare, and safety; and

WHEREAS, the Tupelo Airport Authority has reviewed the rules and regulations adopted by other airports: and

WHEREAS, the Tupelo Airport Authority and the City of Tupelo have conducted public hearings to which fixed base operators and other affected tenants of the Tupelo Regional Airport were notified and invited to appear to comment on the proposed rules and regulations.

THEREFORE, BE IT ORDAINED by the Tupelo Airport Authority and the Mayor and Tupelo City Council, respectively, as follows:

SECTION 1

DEFINITIONS

1.1 **DEFINITIONS.** The following words and phrases, when used in these regulations, shall have the meanings assigned to them in this section for the purposes of these regulations:

A. ACM. "ACM" shall mean the then current FAA approved Airport Certification Manual for Tupelo Regional Airport in compliance with FAR Part 139.

B. Aerobatic. "Aerobatic" shall mean intentional aircraft maneuvers involving abrupt change in altitude, abnormal attitude, or abnormal acceleration.

C. Aeronautical activity. "Aeronautical activity" shall mean any activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations, to include, but not limited to: air taxi and charter operation, scheduled or non-scheduled air carrier services, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, aerial advertising and surveying, aircraft sales, aircraft maintenance, aircraft servicing, aircraft parking and storage, sales of aviation petroleum products, and sale of aircraft parts.

D. AIM. "AIM" shall mean the then current FAA Airman's Information Manual.

E. Aircraft. "Aircraft" shall mean any apparatus now known or invented in the future for flight.

F. Aircraft operation. "Aircraft operation" shall mean an aircraft arrival or departure from the airport.

G. Aircraft owner. "Aircraft owner" shall mean a person to whom the aircraft is registered, or a person who exercises the full incidents of ownership under a long-term lease agreement.

H. Airport. "Airport" shall mean and have reference to all areas comprising Tupelo Regional Airport that now exist or may hereafter be expanded, together with their appurtenant facilities.

I. Airport Authority. "Airport Authority", also "Authority" shall mean the five commissioners appointed by the City of Tupelo to exercise its functions under the provisions of Mississippi Airport Authorities Law, Title 61 of the Mississippi Code 1972, as amended, with regard to Tupelo Regional Airport.

J. Airport Layout Plan (ALP). "Airport Layout Plan" shall mean the FAA-approved chart identifying the location for various uses and facilities on the airport.

K. Air Traffic Control Tower (ATCT). "Air Traffic Control Tower (ATCT)" shall mean an elevated structure for the visual observation and control of the air and ground traffic at an airport.

L. Air Traffic Control Tower Manager (ATCTM) "Air Traffic Control Tower Manager (ATCTM)" shall mean the overseer of the day-to-day operations of airfields and the control tower.

M. Airport Director. "Airport Director" shall mean the director or other person appointed by the Tupelo Airport Authority, to be responsible for the operation, management, and maintenance of the airport and all facilities and equipment in connection therewith, and for the enforcement of airport leases, rules, policies, and ordinances.

N. Airport Operating Area (AOA). "Airport Operating Area" and "AOA" shall mean that area of the airport inside security fencing encompassing aircraft and aircraft support operations.

O. Airport Security Program (ASP). "Airport Security Program ASP" shall mean procedures, programs and rules established, implemented, and maintained for security purposes of the Airport pursuant to rules and regulations of the AACM and Airport Director, including, without limitation, the Airport's security program.

P. Apron. "Apron" shall mean the paved areas surrounding buildings to which aircraft have access.

Q. City. "City" shall mean and have reference to the City of Tupelo, an incorporated Mississippi municipality.

R. City Fire Marshall. "City Fire Marshall" shall mean any City official assigned to identify and correct fire code violations.

S. Commercial activities. "Commercial activities" shall mean any nonaeronautical activity or business engaged in for compensation or hire.

T. Commercial fuel sales. "Commercial fuel sales" shall mean all fuel dispensed by anyone other than an aircraft owner or his or her employees into the aircraft owner's own aircraft.

U. Commercial Operations. "Commercial operations" shall mean aeronautical operations performed for compensation or hire.

V. Concession. "Concession" shall mean a commercial activity operated at the airport with a negotiated fee schedule.

W. FAA. "FAA" shall mean the Federal Aviation Administration.

X. FAR. "FAR" shall mean Federal Aviation Regulations.

Y. Fixed base operator (FBO). "Fixed base operator" shall mean any person who performs aviation services, including, but not limited to, any two or more of the following: aviation fuel and oil sales: ramp parking, aircraft tiedown and storage; aircraft avionics sale, maintenance, service or repairs, flight instruction: and aircraft rental, charter or taxi service.

(See also Section 9).

Z. Flammables. "Flammables" shall mean any material that has a flash point at or below one hundred degrees Fahrenheit.

AA. Flying club. "Flying club" shall mean three or more people jointly owning or leasing one or more aircraft where payment is made to the club for the operating time of the aircraft.

BB. Fuel farm. "Fuel farm" shall mean one or more fuel storage tanks and associated pumps, piping, and dispensing equipment.

CC. Fuel handling. "Fuel handling" shall mean the transportation, delivery, fueling, defueling, draining, or transfer of any aircraft fuel.

DD. Fuel handling equipment. "Fuel handling equipment" shall mean vehicles and equipment used for fueling or defueling aircraft or vehicles, including that which is attached to the basic equipment unit.

EE. General aviation. "General aviation" shall include all types of aviation other than military aviation and air carrier operations.

FF. Ground transportation. "Ground transportation" shall mean transportation for hire or compensation to or from the airport.

GG. Hazardous and toxic materials. "Hazardous and toxic materials" shall include petroleum products, pesticides, solvents, paint, explosives, flammables, and any other substance that requires special handling under any federal, state, or local environmental safety and health regulations.

HH. NFPA. "NFPA" shall mean National Fire Protection Association.

II. National Testing Laboratory. "National Testing Laboratory" shall include National Fire Protection Association, Underwriter's Laboratory, and similar organizations that develop professional standards for fueling equipment.

JJ. Person. "Person" shall mean and include a natural person, partnership, firm, association, or corporation or any other form of business or other entity.

KK. Public Safety Officer. "Public Safety Officer" shall mean those uniformed Authority employees acting as the Airport Director's representative for monitoring and enforcing airport safety and regulations.

LL. Professional skills. "Professional skills" shall mean any skill obtained after special study, or the use of which requires a license under FAA regulations or federal, state, or local law.

MM. Ramp. "Ramp" shall mean the paved area of the airport normally used for aircraft parking, loading, refueling, and maintenance.

NN. Run-up. "Run-up" shall mean engine acceleration above idle or taxi speed to evaluate its functions while the aircraft is stationary.

OO. Runway. "Runway" shall mean the paved area designated for the landing and takeoff of aircraft.

PP. Service Equipment. "Service equipment" shall mean devices designed for aircraft servicing or other airport functions, or devices regularly used at the airport.

QQ. Taxiway. "Taxiway" shall mean paved paths designated for taxiing of aircraft from one part of the airport to another.

SECTION 2

GENERAL PROVISIONS

- 2.1 **SCOPE.** All persons at the Airport shall be governed by these rules and regulations. For any emergency contingencies not covered by these regulations, the Airport Director is authorized to establish such additional temporary provisions as may be necessary to ensure safety at the Airport, such temporary provisions to be considered by the next regular meeting of the Authority.
- 2.2 **ALL ORDINANCES APPLICABLE.** All City of Tupelo Ordinances apply at the Airport except wherein said ordinances contradict this Ordinance.
- 2.3 **USE OF THE AIRPORT.** Any permission granted by the Airport Director or his representative directly or indirectly, expressly or by implication, to any person or persons to enter or use the Airport or any portion thereof is conditioned upon compliance with this Ordinance and other applicable regulations. This applies to aircraft operators, crew members and passengers, spectators, sightseers, pleasure and commercial vehicles, officers and employees of lessee and other persons occupying space at the Airport, people doing business with the Airport, its lessees, sublessees and permittees, and the use of the Airport by all other persons whatsoever entering upon the Airport. Entry upon or into the Airport by a person shall be deemed to constitute an agreement to comply with said rules and regulations.

2.4 **AIRPORT LIABILITY.** Any person using the Airport and its facilities shall so do at his or her own risk. The Tupelo Regional Airport, the officers, commissioners, employees, and agents therein, including the governing Authority of the City of Tupelo, assume no responsibility for loss, injury, damage, personal injury, or death to the person or property however caused or from fire, theft, vandalism, flood, earthquakes, or any acts of God, of the public enemy, or for any other reason.

2.5 **REPORTING OF ACCIDENTS.** Any person involved in an accident that causes damage to property or injury to persons or both at the Airport shall report the accident immediately to the applicable emergency services, and to the Airport Director, and comply with all other reporting requirements under local, state or federal law. Any person involved shall remain at the scene of the accident without moving any debris or evidence until it has been investigated by an appropriate agency.

2.6 **PUBLIC LIABILITY FOR DAMAGE.** Any person causing damage of any kind to Airport property or fixtures shall promptly pay the Authority for all repairs and replacements necessary. If the Authority prevails in a legal action to collect damages, the Authority also may collect reasonable attorney's fees.

2.7 **POLICE POWER.** The Tupelo Police Department and Tupelo Airport Police shall be responsible for enforcing this Ordinance under the direction and guidance of the Airport Director. The Airport Director shall have the power to enforce the provisions of this Ordinance, and to make necessary and appropriate arrangements with other public law enforcement agencies for the safety and security of the Airport.

2.8 **VIOLATIONS.**

2.8.1 **PENALTY.** Any person found guilty in Lee County Justice Court or other court of competent jurisdiction, of violating any of the provisions of this Ordinance shall be punished and sentenced to a fine not exceeding One Thousand Dollars (\$1,000.00) or imprisonment, not to exceed ninety (90) days, or both.

2.8.2 **REMOVAL**. Any person who violates any provision of this Ordinance, creating a serious risk of injury to himself or others, or of damage to property may be immediately removed or ejected from the Airport.

2.8.3 **INJUNCTION**. In the event any person has violated any provision of this Ordinance, creating a serious risk of injury to himself or others, or of damage to property, and whose continued use of the Airport creates a significant and continuing risk of injury to persons or damage to property, then the Airport Director shall have the authority, but not the obligation, seek an injunction, temporary restraining order, or other court order prohibiting or limiting the use of the Airport by said person.

2.8.4 **BADGE SUSPENSION OR TEMINATION**. Any person who violates any provision of this Ordinance, creating a serious risk of injury to himself or others, or of damage to property may have his or her badge suspended or terminated at the badge holders' expense and must be approved by Airport Director for purchase of new badge. First Offense \$200.00, Second Offense \$300.00 and Thid Offense of subsequent \$400.00.

2.8.5 **IMPOUNDING OF AIRCRAFT.** Any aircraft parked or being operated in violation of this Ordinance may be impounded by the Airport Director or relocated to a proper area at the Airport. Such aircraft shall be released upon payment by the aircraft owner, operator, or pilot of a fee of \$50.00 for the cost of the impound, together with the parking fee then due and all storage and towing charges resulting from the impound. The Airport Director or the Authority shall not be liable for any damage or property loss resulting from the impound. The Airport Director shall attempt to identify the aircraft owner or operator and notify him or her of the impoundment or relocation within seventy-two (72) hours.

SECTION 3

VEHICLES

- 3.1 **OPERATOR'S LICENSE.** No person shall operate a motor vehicle on Airport premises unless that person has a valid operator's license.
- 3.2 **VEHICLE LICENSE.** No person shall operate a motor vehicle on Airport premises unless that vehicle has a valid license plate displayed; provided, however, that specialized Airport airline, FBO or tenant service vehicle that pay's the \$50.00 permit fees and is then awarded the permit by Airport Director or by Administration unless fees waived by The Airport Director. Once permit is granted by the Airport Director then those that have the permit can operate on the Airport Property.
- 3.3 **OPERATION ON THE AOA.** No person shall have or operate any motorized or any other vehicle, including bicycles, in the Airport Operating Area unless in compliance with the ACM.
- 3.4 **SAFE OPERATING CONDITION.** No person shall operate a vehicle on Airport premises unless it is in safe operating condition as prescribed by the state in which said vehicle is registered.
- 3.5 **SAFE OPERATING PROCEDURES.** No person shall operate a vehicle in a careless, reckless, or negligent manner, or in a manner which unreasonably endangers or is likely to unreasonably endanger persons or property.

3.6 **POSTED TRAFFIC SIGNAL.** No person shall fail to obey the directions posted on traffic signs, signals, or pavement markings at the Airport.

3.7 **RIGHT-OF-WAY.** Drivers of vehicles shall yield the right-of-way to pedestrians and moving aircraft at the Airport.

3.8 **SPEED LIMITS.** No person shall drive a vehicle in excess of the posted speed limit, or anywhere else at the Airport, in excess of twenty (20) mph.

3.9 **PARKING.**

3.9.1 No person shall park a vehicle at the Airport other than in the manner and at locations indicated by posted traffic signs or pavement markings as may be designated by the Authority from time to time.

3.9.2 No person shall park a vehicle in any unmarked place in front of any hangar or building, except for delivery and service vehicles making a delivery, and then only long enough to complete the delivery.

- 3.10 **PAYMENT OF PARKING FEES.** No person shall fail to pay to the Authority fees and charges for the use of pay parking areas established by the Authority.
- 3.10 **OPERATION ON PAVEMENT.** No person shall operate a vehicle at the Airport except on paved roadways intended for vehicular use, unless necessary to yield right of way to operating aircraft.
- 3.11 **UNLAWFUL DRUGS AND SUBSTANCES.** No person shall operate a vehicle while using or under the influence of alcohol, narcotics, or any other mood or performance altering substance that is unlawful to possess or use in the State of Mississippi.
- 3.12 **INOPERABLE VEHICLES.** No person shall store or keep any inoperable vehicle at the Airport for a period greater than forty-eight (48) hours (after which it may be deemed abandoned), unless it is not a safety hazard, presents no impediment to Airport operations, and is neither visible nor accessible to the public.

3.13 **CONTAINMENT OF LOADS.** No person shall operate a vehicle for hauling trash, dirt, or any other material at the Airport unless such vehicle is constructed to prevent the contents thereof from blowing, dropping, sifting, leaking, or otherwise escaping therefrom.

SECTION 4

PUBLIC CONDUCT

- 4.1 **BUSINESS OR COMMERCIAL ACTIVITY.** No person shall engage in any business or commercial activity of any nature without a (1) City of Tupelo privilege license, and (2) a lease and/or consent of the Authority. The lease of a privately-owned aircraft by a second party under the provisions of FAR Part 91 is not a business or commercial activity of the owner.
- 4.2 **SOLICITING.** No soliciting of any nature shall be conducted without permission of the Authority.
- 4.3 **ADVERTISING.** No person shall post, distribute, or display signs or advertisements at the Airport unless a franchise fee is paid or unless space is duly leased, and in either case, such signs or advertisements shall be placed only in areas designated by the Authority.
- 4.4 **CONDUCT.** No person shall consume unlawful substances, nor be or become intoxicated, commit any disorderly act, conduct, or engage in any form of gambling nor breach the peace on the Airport premises.

- 4.5 **ALCOHOLIC BEVERAGES.** No person shall sell or distribute alcoholic beverages for economic advantages at the Airport without the express written consent or franchise of the Authority. No person shall consume alcoholic beverages at the Airport except in areas designated by lease, contract or by permission of the Authority for special events.
- 4.6 **SMOKING.** No person shall have or use any lighted tobacco product in any interior or exterior area of the Airport prohibited by posted signage established by the Authority or other public law.
- 4.7 **LITTERING.** No person shall throw, drop, or otherwise deposit, release, or permit to be released upon the Airport premises any papers, refuse, garbage, gravel, or other substance except in proper receptacles. Each person shall pick up any material that is accidentally or purposely released in violation of the above and dispose of it properly.

4.8 **PET CONTROL.**

4.8.1 No person shall bring a dog or other animal into the Airport terminal unless it is a service animal, or unless it is properly crated for air shipment in accordance with standards applicable to air carriers.

4.8.2 No person shall bring a dog or other animal onto other Airport premises unless the animal is controlled by a leash at all times.

4.8.3 Any person bringing a dog or other animal onto the Airport shall clean up any stools or messes it causes immediately and shall be responsible for any damage or injury it causes.

4.9 **ABANDONMENT OF PROPERTY.** No person shall abandon any property at the Airport. Any property unmoved, unattended, unclaimed and for whom no owner can be contacted for a period of two (2) consecutive weeks shall be deemed conclusively abandoned. The Airport Director may remove and dispose of abandoned property as provided by law.

4.10 **PRESERVATION OF PROPERTY.** No person shall destroy, damage, deface, or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other public or private property on the Airport.

4.11 **LOITERING.** No person shall occupy Airport parking, terminal, or other facilities except for purposes of doing business with authorized airport agencies and tenants or to otherwise use airport facilities for lawful and peaceable purposes.

4.12 **TRESPASSING.** No person shall trespass on any Airport property or within any building on Airport property or within any building on Airport property, or enter or remain in a building without authorization, or enter or remain on the Airport premises except during hours of normal operation. No person shall enter or remain on Airport premises if he or she has been given a verbal and or written trespass.

4.13 **RESTRICTED AREAS.** No person shall enter upon the Airport Operations Area, or any area designated as restricted except persons assigned to duty therein, persons authorized by the Airport Director, or otherwise authorized and in compliance with the ACM and ASP.

4.13.1 No person at any time shall give his or her badge to another to allow them access to Airport property or Airport restricted areas.

4.13.2 No person at any time shall use a badge not belonging to him or her to gain access to Airport property or restricted areas.

- 4.14 **INTERFERING OR TAMPERING WITH AIRCRAFT.** No person shall interfere or tamper with, or enter, or climb upon any aircraft, or put into motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools, without specific permission of the aircraft owner or, in emergencies, the Airport Director.
- 4.15 **INTERFERING OR TAMPERING WITH AIRPORT FACILITIES.** No person shall interfere or tamper with any Airport equipment or properties used in connection with the operation, security, safety, or maintenance of Airport aeronautical and general operations.
- 4.16 **WEAPONS, EXPLOSIVES AND FLAMMABLE MATERIALS.** No person, except those duly authorized by law and in compliance with the ACM, ASP, and FAA security regulations, shall carry any weapons, firearms, explosives, or flammable material on the Airport.

4.17 **DEMONSTRATION AND PICKETING.**

The right to free expression of ideas in a peaceable, reasonable manner shall be preserved. All picket lines, public demonstrations, and persons expressing themselves shall remain outside the Airport terminal building and other Airport buildings, shall not approach within twenty-five (25) feet of any entrance to said terminal and buildings, shall not impede the ingress and egress of passengers, employees, pedestrians, and vehicles and shall not interrupt any aircraft operation. Any person violating this section shall be removed from the Airport in accordance with Section 2.8.2.

4.18 **STORAGE.** No person shall store materials, supplies, or equipment outside buildings except in properly maintained containers or behind screened fences or landscaping, to block such materials, supplies, or equipment from public view.

4.19 **OBSTRUCTION OF ROADS AND WALKS.** No person shall occupy or use the roads or walks in such a manner as to obstruct ingress, egress, airport operations and aeronautical activity.

4.20 **MODEL AIRCRAFT, KITES, OTHER DEVICES.** No person shall operate or release any kite, balloon, model aircraft, drones, or rocket anywhere at the Airport, or in the clear zones or other restricted areas, or in such proximity to the Airport to enter the Airport's airspace without permission of the Airport Director.

4.21 **CONSTRUCTION AND ALTERATIONS.** No person, including contractors or other persons for hire, shall construct, install, or materially alter any building, facility, utility, pavement, or other object without the express prior written permission of the Authority, except as may be authorized by contract or lease.

SECTION 5

AERONAUTICAL PROVISIONS

- 5.1 **BASED AIRCRAFT.** The owner of each aircraft based at the Airport shall notify the Airport Director in writing within twenty (20) days of its basing of the description and registration number of the aircraft and the person(s) responsible for it, location at the Airport, and telephone numbers for 24 hours per day contact. It is the responsibility of the FBO to notify owners of any aircraft paying hangar or tie down fees to that FBO of this requirement and to notify the Airport Director of newly based aircraft. The FBO is also responsible for advising the Airport Director when an aircraft ceases to be based at the Airport.
- 5.2 **AIRMANSHIP.** No person shall conduct any aircraft operation at the Airport, including departures and arrivals in the airspace above the Airport, and all ground operations, except in accordance with current FAR, ACM and good airmanship as described in the AIM.

5.3 **AIRCRAFT OPERATION.**

No person shall operate an aircraft on the Airport unless he or she is in possession of a valid FAA pilot certificate, medical certificate, and any additional FAA licenses required for the activity being performed. Aircraft maintenance personnel may taxi and run-up aircraft if they have: **(a)** specific written permission from the aircraft owner or servicing FBO, **(b)** certification from an instructor pilot qualified to operate the aircraft that they have a working knowledge of aircraft operating and emergency procedures, FAA taxiing procedures, use of aircraft radio, and airport regulations.

- 5.4 **CARELESS OR NEGLIGENT OPERATION.** No aircraft shall be operated in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution, or at a speed or in a manner which endangers, or is likely to endanger persons or property, or while the pilot, or other persons aboard controlling any part of the operation thereof, is under the influence of intoxicating liquor, or any narcotic or illegal drug, or if such aircraft is in such general condition, equipped or loaded as to endanger or to be likely to endanger persons or property.

5.5 **AEROBATIC DEMONSTRATIONS.** No person shall conduct demonstrations or aerobatic flight at or over the Airport unless he has notified the Airport Director in writing of the proposed activity, provided proof of not less than One Million Dollars (\$1,000,000.00) of general public liability insurance, submitted proof of FAA approval and, upon recommendation of the Airport Director, submitted to a hearing before the Authority to determine the safety of the aerobatic demonstrations or flight based on training, experience, and equipment specifications. Approval by the Authority is not an endorsement, the Authority assumes no liability thereby. The Authority may require an indemnity agreement as part of the conditions for approval.

5.6 **OPERATION OF GLIDERS, BALLOONS, AND ULTRALIGHTS.**

No person shall operate a glider, hang glider, heliglider, hot air balloon, ultralight vehicle or similar vehicle at the Airport unless he or she has complied with the same requirements set forth in **Section 5.5.**

5.7 **SKYDIVING.** No person shall conduct or participate in skydiving activity at the Airport unless he or she has complied with the same requirements set forth in **Section 5.5.**

- 5.8 **TAXIING WITH CARE.** No person shall taxi any aircraft carelessly or without due regard for the safety of other aircraft, vehicles and persons.
- 5.9 **OPERATING IN HANGARS.** No person shall start or operate any aircraft engine in any hangar or move any aircraft into or out of any hangar while the engine is running.
- 5.10 **PROP AND JET BLAST.** No person shall taxi any aircraft on the Airport where the propeller or jet blast may cause injury to persons or damage to property. If necessary, the aircraft operator shall shut down the engine and have the aircraft towed to its destination.
- 5.11 **RUN-UP PROCEDURE.** No person shall run-up any aircraft except in the run-up areas at the extreme ends of the parallel taxiway or in other areas designated by the Airport Director.
- 5.12 **TAKEOFFS AND LANDINGS.** No person shall takeoff or land except on an open runway or a designated helipad or with ATCT approval during ATCT operations.

- 5.13 **HOLDING ON RUNWAYS.** No person shall hold any aircraft on the runway in a pre-takeoff position so as to obstruct the traffic of other aircraft. Specifically prohibited is holding on the active runway to await air traffic control clearances, to do aircraft performance checks, to await air traffic control release times, and to instruct students.
- 5.14 **AIRPLANE TRAFFIC PATTERNS.** No person operating an aircraft not under instrument flight rules, under instrument meteorological conditions or air traffic control instructions, or flying simulated instrument approaches shall enter the Airport traffic pattern or land unless in accordance with AIM flight and radio procedures for uncontrolled airports.
- 5.15 **AIRCRAFT IN WORKING CONDITION.** No person shall keep or store any aircraft at the Airport unless it is in operating condition, is actively being repaired, awaiting ordered parts or is enclosed in a hangar. The Authority may give permission to keep an inoperable aircraft for periods not exceeding four (4) weeks for good cause shown.
- 5.16 **SECURING UNATTENDED AIRCRAFT.** No person shall leave any light aircraft unattended during inclement weather or after normal FBO business hours unless it is within a hangar or otherwise properly secured by ground tie-downs.

The aircraft owner shall be responsible for all damages caused by failure to secure the aircraft.

5.17 **PASSENGER CARRYING OPERATIONS.** No person shall conduct air taxi, commuter, charter or scheduled air carrier operations at the Airport, unless such operations transpire through the main terminal building or such other building as may be designated by the Authority, and a monthly written report of the volume of their passengers, mail and freight activity is submitted to the Airport Director.

5.18 **PARKING.** No person shall park an aircraft at the Airport other than on FBO leased ramp or apron areas or on other parking spots designated and marked for that use.

5.19 **PAYMENT OF FEES.** No person shall land or park an aircraft at the Airport without paying the prescribed charges for use of the Airport facilities. It is the responsibility of the FBOs to collect such fees and to pay them to the Airport Authority.

- 5.20 **REMOVAL OF DAMAGED AIRCRAFT.** Every aircraft owner, operator, and pilot, jointly and severally, shall be responsible for the prompt removal of damaged or disabled aircraft, together with the debris that may have resulted therefrom as soon as FAA or NTSB regulations permit. Care shall be exercised to avoid damaging Airport property.
- 5.21 **STARTING ENGINES.** No aircraft engine shall be started except by an FAA certificated pilot or mechanic at the controls, and the brake fully applied, or the wheels securely choked.
- 5.22 **AIRCRAFT REPAIR SERVICES.** No person shall repair, maintain, service, or test the aircraft of others in any public areas of the Airport, unless they have a valid license or lease from the Authority authorizing the repair, maintenance, conditioning, servicing, or testing of aircraft.
- 5.23 **AIRCRAFT REPAIR AREA.** No person shall repair or allow to be repaired any aircraft or aircraft part except in areas built for, or designated for, aircraft repair by the Authority. Any person can perform or have performed items of preventive maintenance on his or her own aircraft in the hangar or tiedown to which it is normally assigned.

5.24 **MAXIMUM PAVEMENT WEIGHTS.** No person shall operate an aircraft weighing in excess of ACN published structural limitations on any runway, taxiway, ramp or apron on the Airport except with prior permission from the Airport Director.

5.25 **CLOSED AIRPORT OPERATING AREAS.** No person shall operate an aircraft on any portion of the AOA which is permanently closed by markings or temporarily closed by the Airport Director.

5.26 **AIRCRAFT SERVICING AREAS.** No person shall fuel or otherwise service any aircraft except in an area authorized for parking and servicing by the Authority.

5.27 **HELICOPTER HOVERING AND PARKING.** No person shall:

5.27.1 Overfly or hover over any building, assembly of persons or vehicles, or aircraft on the ground, at less than 500 feet above the surface object except when flying an actual or simulated instrument approach to the active runway, or when making normal approaches to landing on the marked helipad on closed Runway 04-22.

5.27.2 Hover or ground taxi in such a manner and proximity to surface persons or objects so as to risk injury to persons or damage to aircraft and other property.

5.28 **SKID LANDING GEAR RESTRICTIONS.** No person shall:

5.28.1 Park any helicopter equipped with skid-type landing gear on any asphalt surface except at specifically marked points on closed Runway 04-22.

5.28.2 Conduct running landings or takeoffs on any paved surface of the Airport, or on any sod area of the Airport with any helicopter equipped with skid-type landing gear in such a manner as to damage or cause risk of damage to the paved surface or sod without the prior approval of the Airport Authority.

5.29 **PHYSICAL SECURITY.**

5.29.1 No person shall leave any AOA door, gate, or other access point open, unlocked, or otherwise unsecured by authorized means except when transiting such AOA access point.

5.29.2 No person shall provide AOA access control device keys, combinations, or other means of AOA entrance to persons not authorized AOA access by current FAR, ACM, and the Airport Director.

5.29.3 No person having authorized access to the AOA who is escorting a person without unaccompanied AOA access privileges shall leave such unauthorized person unaccompanied.

5.30 **USE OF AIR CARRIER APRON.** No person not operating a scheduled air carrier aircraft shall taxi or park upon, or otherwise use the air carrier apron and passenger terminal apron entrances without prior approval of the Airport Director; provided, however, that aircraft may taxi across the air carrier apron when necessitated by operational safety.

SECTION 6

FIRE PROTECTION

- 6.1 **RESPONSIBILITY OF AIRPORT USER.** Each FBO, Airport tenant and Airport users shall take whatever steps are reasonable and necessary to prevent fire. If a fire occurs, the person observing it shall notify the Tupelo Fire Department and the Airport Fire Public Safety Officer on duty if available and the Airport Director immediately.
- 6.2 **FIRE CODE COMPLIANCE.** Persons occupying Airport premises shall comply with any and all regulations contained in the City of Tupelo Fire Code and NFPA Publication 407 as they may apply.
- 6.3 **AIRCRAFT CLEANING.** No person shall use flammable or volatile materials in the cleaning of any aircraft, aircraft engine or propeller, or any other appliance unless the cleaning operations are conducted in open areas outside buildings, and at not less than fifty (50) feet from other aircraft, buildings or hangars, or in a room specifically approved in the City Fire Marshall for that purpose, which is fireproofed and equipped with readily accessible fire extinguishing apparatus.

- 6.4 **PAINTING AND DOPING.** No person shall paint or dope an aircraft or vehicle except in a room adequately ventilated and specifically approved for painting and doping in accordance with the City Fire Code by the City Fire Marshall and the Airport Director.
- 6.5 **HEATING EQUIPMENT.** All heating equipment and fuel-burning appliances installed or used in any structure shall be in accordance with state and local building codes, fire codes, and be approved by the City Fire Marshall.
- 6.6 **WELDING AND OPEN-FLARE OPERATIONS.** No person shall weld or use open flame in any operation except outdoors or in shop space designated for that purpose in accordance with the City Fire Code and specifically approved by the City Fire Marshall.
- 6.7 **FLOOR CARE.** Each building owner and lessee shall keep their hangar floors, shop floors, storeroom floors, aprons, and areas adjacent thereto free of all grease, waste or other flammable material.

- 6.8 **WASTE RECEPTACLES.** Each building owner and lessee shall provide metal receptacles with self-closing covers for the storage of waste, rags and other rubbish, and the contents thereof shall be removed as often as necessary, but at least weekly.
- 6.9 **ACCUMULATION OF LITTER.** No boxes, crates, rubbish, paper or other litter shall be permitted to accumulate in, about or around any hangar or other building. All oil, paint, and other empty flammable containers shall be removed from buildings immediately upon being emptied.
- 6.10 **FIRE EXTINGUISHERS.** The owner, lessee, and/or user of each hangar, building, repair shop, painting and doping, or welding room at the Airport shall provide adequate fire extinguishers in accordance with the City Fire Code approved by the City Fire Marshall, which shall be maintained in always working condition. All fire extinguishers provided by Tupelo Regional Airport must remain clear of any obstructions with a minimum of three (3) feet in all directions.
- 6.11 **STORAGE.** No person shall store or stock any material or equipment in such a manner as to constitute a fire hazard or in violation of the City Fire Code.

- 6.12 **LEAKING FUEL OR OIL.** No person shall keep any aircraft or vehicle at the Airport without providing for the containment of leaking oil or fuel. Repairs or clean up necessitated by failure to contain leaks shall be made at the expense of the aircraft or vehicle owner.
- 6.13 **SMOKING AND IGNITION SOURCES.** No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or any open flame, or start any engine or create any other source of ignition, in or upon any area of the Airport within fifty (50) feet of hangars, fuel storage areas, fuel loading situations, fuel handling vehicles, or aircraft being fueled or having fuel drained, or upon any ramp or apron, or in any other place where smoking is specifically prohibited by signs.
- 6.14 **OPEN FLAMES.** No person shall start an open fire any place at the Airport without the prior written permission of the Airport Director.

SECTION 7

FUEL, HAZARDOUS, AND TOXIC MATERIALS

- 7.1 **NOTIFICATION TO AIRPORT DIRECTOR.** Prior to bringing onto the Airport, storing, or using hazardous or toxic materials at the Airport except that permitted under Section 7.3, the responsible party must advise the Airport Director in writing within forty-eight (48) hours prior to delivery or use and comply with all applicable laws, unless otherwise specified by lease or written agreement.
- 7.2 **CLEANUP PROTECTION.** Each person storing or using hazardous or toxic materials at the Airport (except that permitted under Section 7.3) shall maintain an escrow account or provide insurance naming Authority as an additional-named insured; or post a performance bond with Authority or provide the personal guaranty of an individual with sufficient assets; or have sufficient assets to assure that any spill is completely cleaned-up in accordance with federal, state and local standards. The amount required will vary depending on the type and amount of material stored and the method of storage. The Airport Director shall determine the amount in each case, which shall be binding unless the affected party provides

evidence in writing from an authoritative source (the EPA, a licensed commercial clean-up provider, etc.) that potential clean-up costs are less than the amount named, in which case the lesser amount will be required. If failure to properly clean up any spill could result in a fine up to One Thousand Dollars (\$1000.00) per day paid to Tupelo Regional Airport and cost of the cleanup.

7.3 **STORAGE OF FLAMMABLES.** No person shall store or allow to be stored flammable liquids or gases, in hangars or buildings at the Airport, except for five gallons in National Testing Laboratory approved container(s), or any amount in aircraft fuel tanks.

7.4 **FUEL FARMS.** No person shall operate or maintain a fuel farm at the Airport unless he has entered into a valid contract or written lease agreement for each specific fuel handling activity and facility.

7.5 **STORAGE TANKS.** Any owner of a storage tank located on the Airport presently or formerly containing hazardous or toxic material shall register it with the Airport Director, maintain it in a safe condition so that leaks are prevented, clean-up any leaks immediately, and otherwise comply with federal and state environmental protection laws.

- 7.6 **OIL.** No person shall keep or store lubricating oils in or about the hangars unless stored in closed containers which meet National Testing Laboratory standards, or in unopened and unbroken manufacturer's containers.
- 7.7 **HAZARDOUS AND TOXIC MATERIAL STORAGE.** Hazardous and toxic materials shall be stored in a safe manner as determined by federal, state and local environmental and safety standards. Each tank owner and tank lessee shall submit to the Authority initially and annually a copy of all compliance forms required by federal, state and local storage and use regulations.
- 7.8 **CONTAMINATION PROHIBITED.** No person shall store, use or dispose of oil, fuel, cleaning solvents, paints, strippers, pesticides, herbicides, fertilizers, or other hazardous or toxic materials, or washings or residue of such materials, in any manner that will allow them to contaminate the air, ground, water supply, sewers, or storm drains at the Airport.

7.9 SPILL / CONTAMINATION NOTIFICATION TO THE AIRPORT DIRECTOR:

The responsible party shall notify the Airport Director immediately if a spill or contamination occurs, and when any immediate hazard exists. The responsible party shall also notify the appropriate emergency or decontamination services when any immediate hazard exists and ensure clean-up to meet state and federal standards.

SECTION 8

FUEL AND FUEL OPERATIONS

- 8.1 **FUEL HANDLING PERMIT.** No person shall conduct fuel handling operations at the Airport unless authorized to do so by specific contractual agreement with Authority or by authority of a general fuel handling permit or self-fueling permit issued by the Airport Director.
- 8.2 **FUEL HANDLING OPERATIONS.** No person shall conduct fuel handling operations at the Airport unless in accordance with the ACM and the technical standards of NFPA Publication 407.
- 8.3 **FUEL HANDLING LOCATIONS.** No person shall conduct fuel handling operations at the Airport except in areas designated by the Authority.
- 8.4 **FUEL FLOWAGE REPORTING.** No person conducting fueling operations at the Airport shall fail to make accurate reports to the Airport Director of fuel type, grade, and quantities stored, used, or distributed during each calendar month, or other reporting period as established by the Authority, except as otherwise provided by lease or contract.

8.5 **FUEL FLOWAGE FEES.** No person conducting fueling operations at the Airport shall fail to pay to the Authority fuel flowage fees and charges, except as otherwise provided by any contract or lease executed prior to the effective date of Ordinance. (See also Section 11.3.)

SECTION 9

MINIMUM STANDARDS FOR FIXED BASE OPERATORS

9.1 **COMPLIANCE WITH THE ARTICLE.** Any FBO who proposes to engage in the business of providing aviation services at the Airport, in addition to complying with the other sections of this chapter and other local, state and federal laws and regulations, shall comply with the standards, requirements and procedures established by this Section.

9.2 **APPLICATION TO DO BUSINESS - FILING AND CONTENTS.**

Any person proposing to do business at the Airport as a FBO shall make a written application to the Authority. The application shall include the following:

- 1)** The name, address and telephone number of the applicant.
- 2)** A detailed description of the proposed fixed base operation, including the proposed date of commencement.
- 3)** The professional qualifications of the personnel who will manage or operate the proposed fixed base operation.
- 4)** Evidence of financial responsibility, to include, but not limited to, a minimum of three references from principal creditors or financial institutions and a certified statement prepared by a certified public accountant of the applicant's financial condition.

5) Any proposed capital improvements on the fixed base operation site.

6) Any additional information relevant to the application, which the Authority may require, and a signed statement authorizing the Airport Director to verify the information contained in the application.

9.3 **FIXED BASE OPERATOR.** No person shall engage in fixed base operator services without complying with the following minimum standards and requirements:

1) Shall maintain an adequate inventory of at least two grades and brands of commonly used aviation engine oil, appropriate types of other hydraulic and deicing fluids, one type of jet fuel, and at least one grade of aviation gasoline.

2) Shall maintain mobile fuel dispensing equipment meeting all applicable federal, state and local standards, including applicable provisions of NFPA 407 and the ACM.

3) The ability to perform minor repairs, servicing, and cleaning on general aviation aircraft, including the skills and equipment to expeditiously remove disabled aircraft of similar types to those based at the FBO from runways and taxiways.

- 4) An adequate number of qualified and readily identifiable personnel to render competent service to general aviation customers between the hours of 7:00 a.m. and 7:00 p.m. daily, or a continuous 12-hour span predicated on the specialized need of the operator, and on-call by readily accessible means at other than normal business hours.
- 5) Adequate ground support equipment, to include, but not be limited to, ground power units, battery chargers, portable compressed air, tools, jacks, dollies, and towing equipment as necessary for servicing of general aviation aircraft.
- 6) Adequate facilities for general aviation customers, to include, but not be limited to automobile parking space, snack bar or food vending area, restrooms, public telephone facilities, a flight service information telephone, and flight planning facilities.
- 7) Fuel storage and handling facilities meeting all applicable federal, state, and local fire safety and pollution control standards for underground utilities.

8) Parking, tie-down and storage facilities sufficient for a minimum of ten (10) single engine transient aircraft being served or waiting to be served.

9) Shall provide for the adequate and sanitary handling and disposal, in accordance with the state and federal standards, away from the Airport, of all trash, waste, and other materials, including but not limited to used oils, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises.

10) Shall maintain all leased interior and exterior premises in clean, mowed, well-groomed and well-maintained condition.

11) The operator must comply with all security and safety requirements of FAR Parts 107 and 108, and of the ACM.

SECTION 10
MINIMUM STANDARDS FOR AIRCRAFT CHARTER
AND TAXI SERVICE

10. AIRCRAFT CHARTER AND TAXI SERVICE. No FBO or person shall offer aircraft charter and taxi service without complying with the following minimum standards:

- 10.1** The operator must possess an FAR part 135 air taxi operator's certificate.
- 10.2** Shall have available a minimum of one multi-engine airplane and one four-seat single engine airplane or one four-seat helicopter, all airworthy and property certificated for FAR Part 135 operations.
- 10.3** Shall have available sufficient certificated and qualified crew to operate available aircraft, one of which crews must be available for business at the Airport during normal business hours unless dispatched, and standby crews for other aircraft must be available with three (3) hours notice.

10.4 Shall provide adequate customer and employee automobile parking, passenger lounge, restrooms, telephone, and dispatching facilities.

10.5 Shall provide minimum insurance coverage as follows:

10.5.1 General Liability:

➤ (excluding flight operations: \$1,000,000 per occurrence).

10.5.2 Aircraft Property Damage Liability:

➤ \$1,000,000 per occurrence.

10.5.3 Aircraft Bodily Injury Liability:

➤ \$1,000,000 per occurrence per passenger seat for the largest aircraft operated.

SECTION 11

RATES AND CHARGES

- 11.1 **AIRCRAFT LANDING FEES.** Aircraft engaged in any aeronautical activity for hire or commercial gain, and not based at this Airport, shall pay Authority either a flat rate of Four Dollars (\$4.00), or thirty-one cents (\$0.31) per thousand pounds of maximum certified gross landing weight (MCGLW), whichever is greater for each landing, except as provided in any lease or contract executed prior to the enactment of this Ordinance.
- 11.2 **AIRCRAFT PARKING FEES.** Any aircraft remaining on the air carrier apron more than eight (8) hours in any twenty-four (24) hour period, and any aircraft remaining on any other airport owned and public use space overnight shall pay a flat rate of Four Dollars (\$4.00) per chargeable period or one-half of the aircraft's landing fee per chargeable period, whichever is greater. These fees shall be collected by the FBO servicing the aircraft and paid monthly to the Authority.
- 11.3 **FUEL FLOWAGE FEES.** The fuel pumpage fee referred to in Section 8.5 shall not be less than four and one-half cents (\$0.045) per gallon dispensed, unless otherwise provided by contract or lease.

- 11.4 **TAXI AND LIMOUSINE ACCESS FEES.** Any person operating a taxi or limousine to make on-call passenger pick-ups on any portion of the Airport as an incidental part of that taxi or limousine service shall pay a fee of Sixty Dollars (\$60.00) per year for the pick-up privilege. No fee is required to drop passengers at the Airport. This access fee does not grant taxi or limousine standing or parking privileges, which may be negotiated separately with the Authority.
- 11.5 **AIRPORT LIMOUSINE AND SHUTTLE FEE.** Any person operating a limousine or shuttle service, a significant portion of whose business is the carriage of passengers or baggage to or from the Airport as a principal advertised or commonly known origin or destination, shall pay to Authority a fee of One Dollar and Forty Cents (\$1.40) per passenger picked up or discharged at Airport.
- 11.6 **OFF-AIRPORT RENTAL CAR ACCESS FEE.** Any person operating a rental car agency which does not maintain a place of business on the Airport, and which, directly or by agent, picks up and delivers rental car customers at Airport, shall pay to Authority seven percent (7%) of the gross receipts of such business done at Airport. Calculating of gross receipts, reporting, and billing procedures shall be consistent with current on-airport rental car agency contracts.

- 11.7 **VEHICLE RELOCATION FEE.** Any person who leaves a vehicle in any unauthorized place on the Airport, and whose vehicle is towed or driven to an impound lot or other designated location by airport employees or other designated persons at the direction of the Airport Director, shall be assessed a charge of Ten Dollars (510.00) plus the direct costs of towing to the designated impound point.
- 11.8 **AUTOMOBILE UNLOCKING FEE.** Any person who requests Authority employee assistance to unlock doors of a vehicle when locked out, shall complete TAA Form 42 and pay a fee of Forty- Five Dollars (\$45.00).
- 11.9 **AUTOMOBILE JUMP-STARTING FEE:** Any person who requests Authority employee assistance to jump-start a vehicle at the Airport, shall complete TAA Form 42 and pay a fee of Five Dollars (\$5.00).
- 11.10 **AIRCRAFT SELF-FUELING PERMIT FEE.** Any person applying for a self-fueling permit shall be assessed a fee of Twenty-Five Dollars (\$25.00) per year.

- 11.11 **BILLING PROCEDURES AND LATE CHARGES.** Unless altered by written agreement, all amounts payable will be due on the fifth (5th) day of the month following the month when the debt was incurred, and late charges in the amount of one and one-half percent (1.5%) per month or a minimum of Five Dollars (\$5.00) shall accrue if the amount is not paid within thirty (30) days of the due date. If legal action is required to collect any amount, the Authority shall be entitled to attorney's fees, also.
- 11.12 **INCREASES AND DECREASES.** Any fee or charge listed in this Section may be increased or decreased by resolution or order of the Authority without amendment to this ordinance.

SECTION 12

GENERAL

PROVISIONS

- 12.1 **SEVERABILITY**. In the event any portion of this Ordinance is invalid, unconstitutional, or void, the remainder shall remain in full force and effect.
- 12.2 **TIME LIMITS**. In any provision of this Ordinance which requires the approval, consent or permission of the Authority, the approval, consent or permission shall be granted or denied not later than the next regularly scheduled meeting of the Authority after written application or request has been received. The Airport Director shall provide written notification of the decision to the applicant or requestee within five (5) working days after the meeting with the Authority. If any portion of this Ordinance requires the approval, consent or permission or other action of the Airport Director, the same shall be provided not later than fifteen (15) working days after receipt of the application or request: provided, however, that upon written notice to the applicant or requestee, the Airport Director may refer the matter to the next regularly scheduled meeting of the Authority.

12.3 **APPEALS.** In the event that any person is aggrieved by any action or inaction of the Authority, its employees, commissioners and agents, or the Airport Director, pursuant to this Ordinance, then such person may appeal the action or inaction to the Authority by filing with the Airport Director a written complaint and a reasonably detailed description of how the person is aggrieved. A copy of the complaint shall be provided to each commissioner a-----of the Authority and the matter shall be set for hearing upon seven (7) days written notice to said person to be delivered by certified mail, but in no event shall the hearing be more than forty-five (45) days after receipt of the complaint by the Airport Director, unless agreed to by said person. At the hearing, the person shall be allowed to present witnesses and such evidence as pertains to the complaint. Within fourteen (14) days after the hearing, the Authority shall provide written notice of its determinations.

12.4 **LEE COUNTY JUSTICE COURT.** The Lee County Justice Court shall have original jurisdiction for the prosecution of all violations of this Ordinance.