



**WILLISTON BASIN**  
INTERNATIONAL AIRPORT

421 Airport Road  
P.O. Box 1306  
Williston, ND 58802  
701-774-8594

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# Rules and Regulations

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City of Williston

*Williston Basin International Airport (XWA)*

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February 24, 2017

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**1. GENERAL RULES AND REGULATIONS**

**1.1. Purpose**

1.1.1. The purpose of these Rules and Regulations is to protect the public health, safety, interest, and general welfare of the Operators, Lessees, Sublessees, Permittees, and users of the Williston Basin International Airport (Airport), and to restrict or prevent any activity or action which would interfere with the safe, orderly, and efficient use of the Airport.

**1.2. General Provisions**

1.2.1. These Rules and Regulations incorporate, by reference, the General Provisions.

**1.3. Enforcement**

1.3.1. Representatives of the City of Williston (City), as designated by the City, shall enforce these Rules and Regulations.

1.3.2. Any entity who violates these Rules and Regulations may be cited, removed from the Airport, denied use of the Airport, and/or prevented from engaging in Activities at the Airport and shall be subject to all legal, equitable, statutory, and common law rights and remedies available to the City.

1.3.3. The City and/or other affected parties may recover costs and/or damages from any entity who knowingly and/or intentionally violates these Rules and Regulations (e.g., commits an act of willful misconduct or malice) which disrupts Airport operations and/or results in the closure (and/or limits or restricts the use) of the Airport.

**1.4. Access To, Entry Upon, or Use of the Airport**

1.4.1. Access to or entry upon the Airport shall be made only at locations designated by the Airport Director.

1.4.2. Any person accessing, entering upon, or using the Airport shall be fully and completely responsible for their actions and all actions of any person to whom they provide or facilitate access to, entering upon, or use of the Airport, whether directly or indirectly, express or implied.

1.4.2.1. All actions shall be in full and complete compliance with these Rules and Regulations.

1.4.3. Any person accessing, entering upon, or using the Airport shall defend, indemnify, save, protect, and hold harmless the City, individually and collectively, and their representatives, officers, officials, employees, agents, and volunteers from and against (and reimburse the City for) any and all actual or alleged claims, demands, damages, expenses, costs fees (including, but not limited to, attorney, accountant, paralegal, expert, and escrow fees), fines, environmental costs, and/or penalties (collectively referred to as costs), which may be imposed upon, claimed against or incurred or suffered by the City and which, in whole or in part, directly or indirectly, arise from or are in any way connected with the person's activities at and use of the Airport.

**1.5. Restricted Areas and Sterile Areas**

- 1.5.1. Access to Restricted Areas is limited to persons:
  - 1.5.1.1. With a proper and current Airport Identification Badge,
  - 1.5.1.2. Under appropriate supervision or escort, or
  - 1.5.1.3. As otherwise approved by the Airport Director.
- 1.5.2. Access to or entry to Sterile Areas is limited to persons who have been screened by Transportation Security Administration (TSA) personnel and possess a valid boarding or gate pass, possess a Sterile Area Worker (SAW) badge, possess an Airport Identification Badge, or person under appropriate supervision and escort by a person with an approved Airport Identification Badge.

**1.6. Airport Identification Badge**

- 1.6.1. Persons requiring access or entry to a Restricted Area or a Sterile Area (who do not have a valid boarding or gate pass) shall complete and submit an Airport Identification Badge Application to the Airport Director.
- 1.6.2. Prior to accessing or entering a Restricted Area, persons shall possess an approved Airport Identification Badge.
- 1.6.3. Prior to obtaining an Airport Identification Badge for employees of Operators, Lessees, or Sublessees, an Authorization Signature Letter listing at least one person who is authorized to request Airport Identification Badges shall be submitted by the Operator, Lessee, or Sublessee to the Airport Director.
- 1.6.4. Prior to obtaining an approved Airport Identification Badge, a person must be fingerprinted by the Airport Director for a required background check, to the extent allowable by law including, but not limited to, references and prior employment history.
- 1.6.5. Persons desiring or in possession of an approved Airport Identification Badge shall complete all City training programs and meet all related requirements as may be amended by the City from time to time.
- 1.6.6. All fees as established and assessed by the City must be paid in advance by persons seeking to obtain or renew an Airport Identification Badge, including fees associated with training programs referenced hereinabove.

**1.7. Security**

- 1.7.1. City of Williston Police Department (Police Department) has the overall responsibility for security of the Airport.
- 1.7.2. Operators, Lessees, or Sublessees are responsible for the security of Leased Premises.
- 1.7.3. Security gates that provide access to the Air Operations Area (AOA) shall remain closed, locked, and secured except when actually in use.
  - 1.7.3.1. Vehicle Operators shall stop the Vehicle and allow the gate to fully close before proceeding. The Vehicle Operator shall also ensure that no unauthorized Vehicles or persons gain access to the Airport while the gate is in the process of opening or closing. If the Vehicle Operator cannot prevent such access, the Vehicle Operator shall immediately contact the Airport Director or "911".

- 1.7.4. Tampering with, interfering with, or disabling the lock or closing mechanism, or breaching any other security device is prohibited unless authorized by the Airport Director.
- 1.7.5. Persons who have been provided a code or device for the purpose of obtaining access to a Restricted Area shall not, under any circumstances, divulge, duplicate, or otherwise distribute or convey the code or device to any other person unless authorized in writing by the Airport Director.

**1.8. Commercial Activities**

- 1.8.1. Any entity desirous of engaging in a Commercial Aeronautical Activity (Applicant) shall complete all relevant and applicable sections of the General Aviation Operator and Lessee Application (Application) and obtain a General Aviation Operator Permit from the Airport Director prior to engaging in the desired Activity.
  - 1.8.1.1. The Permit process is described in Section 12 of the General Aviation Minimum Standards (Minimum Standards).
- 1.8.2. Any entity engaging in Commercial Aeronautical Activities must comply with the Minimum Standards.
- 1.8.3. Any entity basing an Aircraft at the Airport shall not permit said Aircraft to be used for Commercial Aeronautical Activities unless such Commercial Aeronautical Activities are expressly authorized by Agreement.
  - 1.8.3.1. Notwithstanding the foregoing, such Aircraft may be used by the Aircraft Owner for the purpose of training or otherwise maintaining or increasing the flying proficiency of the Aircraft Owner or members of the Aircraft Owner's immediate family.
- 1.8.4. Any entity desiring to engage in Commercial photography or filming at the Airport shall obtain a written permission from the Airport Director prior to engaging in such activity.

**1.9. Accidents**

- 1.9.1. Any person involved in or witnessing an Accident resulting in any injury or death to a person(s) or damage to Property shall immediately call "911". If reasonably able to do so, such person shall remain at the scene and respond to the inquiries of (and provide the information requested by) the City, Police Department, Airport Operations Department, and/or investigative personnel.
  - 1.9.1.1. No person shall tamper with an Accident scene or fail to comply with any directive issued by the Airport Director, the Police Department, or any other Agency having jurisdiction over the Accident scene.
  - 1.9.1.2. Unauthorized entry to the AOA to gain access to an Accident scene is prohibited.

**1.10. Solicitation, Picketing, and Demonstrations**

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

1.10.1.1. When approved by the Airport Director, such activities shall only be conducted in those areas identified by the Airport Director.

**1.11. Signage and Advertisements**

1.11.1. Signage must be consistent with the Development Standards.

1.11.2. Signs, advertisements, notices, circulars, and/or handbills may not be posted, displayed, or distributed without the prior written permission of the Airport Director and then, only after paying all applicable rents or fees imposed by the City.

1.11.2.1. The Airport Director has the right to remove or relocate any such sign, advertisement, notice, circular, and/or handbill posted, displayed, or distributed without authorization in writing by the Airport Director.

**1.12. General Conduct**

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

1.12.2. No person shall use or otherwise conduct themselves in any area of the Airport in any manner contrary to the directions posted in or for that area.

1.12.3. Destroying, damaging, injuring, defacing, disturbing, or tampering with Property is prohibited.

1.12.3.1. Any and all Property damaged or destroyed shall be replaced (or replacement shall be paid for) by the person(s) responsible for such damage or destruction.

1.12.4. Smoking or carrying lighted cigars, cigarettes, or pipes in any public use area of the Airport, except in areas specifically designated by the Airport Director and posted as public smoking areas, is prohibited.

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

1.12.6. Loitering at the Airport is prohibited.

1.12.7. Starting, moving, using, or interfering with the safe operation of any Aircraft, Vehicle, or equipment without the permission of the Aircraft, Vehicle, or equipment owner or by specific direction of the Airport Director is prohibited.

1.12.7.1. If requested by the Airport Director or a Law Enforcement Officer, satisfactory evidence of the right to do so shall be presented.

1.12.8. No person shall use an escalator, elevator, or wheelchair for any purpose other than the purpose for which it is designed and intended and then only in the manner specified by the manufacturer.



- 1.12.9. No person shall engage in activities that are, as determined by the Airport Director, disruptive to the Operators, Lessees, Sublessees, or users of the Airport and/or that create a hazard or risk of injury or death to a person(s) or damage to Property.
- 1.12.10. The Airport shall not be used:
  - 1.12.10.1. to camp or stay overnight, or
  - 1.12.10.2. for any improper, objectionable, or immoral purposes as determined by the Airport Director.
- 1.12.11. Leased Premises are expressly for the conduct of the Lessee's or Sublessee's activities. No person other than employees and customers of the Lessee or Sublessee shall make use of the Leased Premises or Loiter on such premises without permission of the Lessee or Sublessee.

**1.13. Abandoned, Derelict, or Lost Property**

- 1.13.1. Property shall not be Abandoned at the Airport.
- 1.13.2. Abandoned, derelict, or lost Property found in Public Areas including, without limitation, Vehicles, equipment, machinery, baggage, or parts thereof shall be reported or turned in to the Airport Director.
  - 1.13.2.1. Property unclaimed by its proper owner within 30 calendar days shall become the property of the City to be sold, used, given to the Police Department or disposed of at the discretion of the Airport Director.
  - 1.13.2.2. Property to which the finder is not entitled to lawful possession shall be forfeited to the City to be sold, used, given to the Police Department or disposed of at the sole discretion of the Airport Director and its policies.
  - 1.13.2.3. No provision in this section shall be construed to deny the right of Lessees or Sublessees to maintain a lost and found service for Property of customers, visitors, invitees, or employees.

**1.14. Use of Roadways and Walkways**

- 1.14.1. No person shall travel at the Airport other than on the roadways, walkways, or other areas provided or designated for a specific type or class of traffic.
- 1.14.2. No person shall occupy the roadways or walkways in such a manner as to hinder or obstruct their proper use.

**1.15. Animals**

- 1.15.1. No person shall bring animals, birds, reptiles, or insects, except for special assistance animals or animals used for law enforcement purposes in the Public Areas, unless destined for air transport and restrained by a leash, container, or crate.
  - 1.15.1.1. Domestic pets may be at the Airport only if kept inside Operator's, Lessee's, Sublessee's, or user's facilities, Aircraft, or Vehicles.
- 1.15.2. No person, except those authorized by the Airport Director, shall intentionally hunt, pursue, trap, catch, injure, or kill any bird, fish, or animal.

- 1.15.3. No person shall feed or perform any other act to encourage the congregation of birds or other animals on any portion of the Airport.

**1.16. Weapons and Explosives**

- 1.16.1. Weapons (including, but not limited to, firearms, tear gas, mace, pepper spray, or other similar devices, materials, or substances) or explosives may only be carried (possessed) by Law Enforcement Officers, or members of the armed forces of the United States or the State of North Dakota on official duty and those other individuals with prior written permission from the Airport Director.
- 1.16.1.1. No person shall carry a weapon inside the Passenger Terminal Building except for the sole purpose of checking an unloaded, encased weapon for shipment purposes as baggage for lawful transport on an Aircraft.
- 1.16.1.2. Weapons stored in locked containers (and not immediately accessible) for the purposes of shipping for legal uses is permitted.
- 1.16.2. Discharge of any weapon is prohibited, except in the performance of official duties, the lawful defense of persons or Property, or by authorized personnel for purposes of wildlife management.
- 1.16.3. No person shall possess or ignite Class C explosives (e.g., fireworks, firecrackers, etc.) with exception of explosives that may be used by authorized personnel for purposes of wildlife management.

**1.17. Alcoholic Beverages**

- 1.17.1. Alcoholic beverages may only be consumed in accordance with applicable Regulatory Measures.
- 1.17.2. The Airport Director reserves the right to exclude or expel any person who, in the judgment of a Law Enforcement Officer, is intoxicated or under the influence of alcoholic beverages or drugs.

**1.18. Use of Public Areas**

- 1.18.1. Marking or defacing the floors, walls, windows, ceilings, or any other surface is prohibited.
- 1.18.2. Use of the Public Area in any facility or in any area for purposes in lieu of a hotel, motel, or other accommodations is prohibited unless authorized by the Airport Director.

**1.19. Trash Receptacles**

- 1.19.1. Trash (which includes, but is not limited to, rubbish, garbage, refuse, discarded paper, boxes, crates, and litter of any kind) shall not be placed, discharged, or deposited at the Airport except in properly designated trash receptacles.
- 1.19.1.1. Such areas shall be kept clean and sanitary.
- 1.19.1.2. Trash receptacles shall be emptied with sufficient frequency to prevent overflowing and shall be cleaned with sufficient frequency to prevent the development of offensive odors.
- 1.19.1.3. Exterior trash receptacles shall be equipped with securely fastened lids.

- 1.19.2. Trash shall not be brought to the Airport.
- 1.19.3. Burning of trash is prohibited.

**1.20. Fire and Flammable Materials**

- 1.20.1. Operators, Lessees, and Sublessees shall comply with practices recommended by the National Fire Protection Association (NFPA) and all fire codes, regulations, or directives issued by the Airport Director and/or the City.
- 1.20.2. In no event shall smoking or carrying lighted cigars, cigarettes, or pipes occur within 50 feet of any Aircraft, Refueling Vehicle, or Fuel storage facility.
- 1.20.3. Open flames (i.e., candles, fixtures, or fires) are prohibited without the prior written permission of the Airport Director.
  - 1.20.3.1. This excludes open flames utilized by Operators, Lessees, or Sublessees in the performance of Aircraft Maintenance.
  - 1.20.3.2. With the prior written permission of the Airport Director, the Airport Operations Department may engage in Aircraft Rescue and Fire Fighting (ARFF) training exercises which require open flames.
- 1.20.4. Any uncontrolled fires (regardless of size or whether the fire has been extinguished) shall be reported immediately to “911”.
- 1.20.5. No person shall tamper with any fire extinguisher or related equipment or use the same for any purpose other than fire prevention or fire fighting.
  - 1.20.5.1. Such equipment may be inspected by the Airport Director at any time and units shall be fully operational and inspected annually.
    - 1.20.5.1.1. A tag showing the date of the last inspection by a certified vendor (and who performed the inspection) shall be attached to each unit and records, acceptable to fire underwriters, shall be kept documenting the status of each unit.
- 1.20.6. No person shall block or modify any self-closing fire door or do anything which would interfere or prevent closing in the event of a fire.
- 1.20.7. Flammable materials shall only be used or stored in accordance with the practices recommended by the NFPA and in compliance with the codes, regulations, and directives issued by the Airport Director and/or the City, the City’s Storm Water Pollution and Prevention Plan (SWPPP), the City’s Spill, Prevention, Control, and Countermeasures (SPCC) Plan, and Regulatory Measures.
- 1.20.8. The use of flammable, volatile liquids having a flash point of less than 100 degrees Fahrenheit is prohibited unless such operations are conducted in open air or in a room specifically approved for the purpose for which the liquid is being used. The room must be properly fireproofed and equipped with appropriate and readily accessible fire-extinguishing apparatus.

1.20.8.1. The practices recommended in NFPA Pamphlet No. 30 (Flammable and Combustible Liquids Code), NFPA Pamphlet No. 410D (Safeguarding Aircraft Cleaning, Painting and Paint Removal), and NFPA Pamphlet No. 410F (Aircraft Cabin Cleaning and Refurbishing Operations) shall be adhered to in all cleaning, painting, refurbishing, and other operations using flammable liquids including the storage of such liquids.

**1.21. Hazardous Materials**

1.21.1. No person shall store, keep, handle, use, dispense, discharge, or transport any Hazardous Materials or Hazardous Materials container in contravention of any Regulatory Measures and proper permits must be obtained from the Agency having jurisdiction over such materials, copies must be maintained on file for review by the Airport Director, and prior notification must be given to the Airport Director.

1.21.1.1. If the storage of Hazardous Material is approved, such material must be placed in suitable containers designed specifically for storage of Hazardous Materials with self-closing, tight-fitting, leak-proof lids which are properly secured.

1.21.1.1.1. Safety Data Sheets (SDS) for all Hazardous Materials shall be maintained on-site so as to be readily available to emergency responders in the event of an emergency and for review, at any time, by Airport Director.

1.21.1.2. Hazardous Materials shall not be stored in close proximity to operating Aircraft, Vehicles, equipment, or sources of heat nor be stored in excess of amounts needed as current inventory. All Hazardous Material shall be kept enclosed in a clearly marked and properly labeled container, the type and design of which must meet the approval of the Airport Director.

1.21.1.2.1. Secondary containment is required for the storage of Hazardous Materials being stored in tanks, drums, or other similar storage receptacles.

1.21.1.2.2. Fuels or deicing fluids in containers greater than 55 gallons shall not be stored without providing prior notification (and a copy of an SPCC Plan to) the Airport Director.

1.21.2. Hazardous Materials (including but not limited to used or spent Fuel, oil, lubricants, grease, dope, paint, varnish, lacquer, solvent, acid, and any other hazardous liquids or fluids) and Hazardous Materials containers shall be disposed of in a manner consistent with the practices recommended by the NFPA and in full compliance with these Rules and Regulations, the City's SWPPP, the Airport Director's directives, and Regulatory Measures.

- 1.21.2.1. Hazardous Materials shall not be disposed of or dumped in drains, on Ramps, in catch basins, in ditches, or elsewhere at the Airport.
- 1.21.2.2. Used or spent engine oil shall be disposed of only at waste oil stations or approved disposal points.
- 1.21.3. No Hazardous Materials shall be disposed of on the ground or into the air during Aircraft preflight inspections.
- 1.21.4. Any person who experiences a release of Hazardous Materials shall comply with Section 1.22 of these Rules and Regulations and Regulatory Measures.

**1.22. Environmental (Hazardous Materials) Cleanup**

- 1.22.1. The party responsible for an environmental incident (to include the overflowing or spilling of Fuel, oil, lubricants, grease, dope, paint, varnish, lacquer, solvent, acid, or other Hazardous Material) is responsible for: (a) the containment, immediate mitigation, cleanup, and remediation of the overflow or spill, (b) proper disposal of the substance(s) and used cleanup materials, and (c) immediate notification of the Airport Director, and other appropriate Agencies.
  - 1.22.1.1. In the event the Airport Director determines the responsible party is unavailable or unable (or if the responsible party, after being notified by the Airport Director, refuses or fails) to take the appropriate action to mitigate the adverse environmental incident in a timely manner (at the responsibly party's risk, cost, and expense), the Airport Director may take action and/or employ those services that the Airport Director determines are required to control and/or cleanup the site at the risk, cost, and expense of the responsible party, without liability to the City.
- 1.22.2. Hazardous Materials Overflow or Spills
  - 1.22.2.1. The following procedures shall be followed in the event of a Hazardous Materials overflow or spill unless otherwise required under an approved SPCC Plan or instructed by the Airport Director.
    - 1.22.2.1.1. The use of deicing fluids is exempt when such use complies with Regulatory Measures pertaining to the deicing of Aircraft and/or Paved surfaces (e.g., Runways, Taxiways, Taxilanes, or Ramp).
  - 1.22.2.2. Minor Hazardous Materials Overflow or Spills are overflows or spills of less than five gallons which do not compromise public safety. The responsible party shall:
    - 1.22.2.2.1. Stop the source of the spill immediately.
    - 1.22.2.2.2. Contain the spill with appropriate absorbent material(s).
    - 1.22.2.2.3. Block all stormwater drains in the immediate area to prevent the spill from flowing into the drain(s).
    - 1.22.2.2.4. Contact the Airport Director immediately following completion of Section 1.22.2.2.3.

- 1.22.2.3. Major Hazardous Materials Overflow or Spills are overflows or spills in excess of five gallons (or which compromises public safety), but less than 25 gallons or any spill causing an immediate threat to public safety. In addition to following all of the procedures in the Minor Hazardous Materials Overflow or Spill response (Section 1.22.2.2), the responsible party shall:
  - 1.22.2.3.1. Determine the threat to the immediate public and make any arrangements to secure the safety of the immediate public (e.g., evacuation).
  - 1.22.2.3.2. Assess the damage to land and/or ground water in conjunction with the Airport Director.
  - 1.22.2.3.3. Provide a written summary of the spill to the Airport Director within five business days of the spill.
- 1.22.2.4. Serious Hazardous Materials Overflow or Spills are overflows or spills in excess of 25 gallons which may pose a serious threat to the public safety. In addition to following all of the procedures in the Minor (Section 1.22.2.2) and Major (Section 1.22.2.3) Hazardous Materials Overflow or Spill response, the responsible party shall:
  - 1.22.2.4.1. Contact the Airport Operations department and provide a detailed written summary of the spill to the Airport Operations Department within five business days of the spill which shall also identify the measures which the responsible party will take to eliminate the potential for such a spill in the future.
- 1.22.3. Operators, Lessees, Sublessees, or users with Fueling capability or responsibility for maintenance of Fuel systems shall have on hand sufficient:
  - (a) containment booms to form a barrier around the spill and (b) sufficient absorbent material(s), booms, blankets, pads, pillows, and other clean-up materials available to pick up the spilled product and store it in a sealed container(s) until proper disposal can be made. Salvage drum(s) shall be approved by the Department of Transportation (DOT) (DOT-E-10102).

### **1.23. Painting**

- 1.23.1. Doping, painting, or paint stripping shall only be performed in those facilities specifically approved for such activities and in accordance with the practices recommended by the NFPA and in full compliance with the City's SWPPP, the City's SPCC Plan, the Airport Director's directives, and applicable Regulatory Measures.

### **1.24. Emergency Conditions**

- 1.24.1. Emergency conditions shall not mitigate or cancel these Rules and Regulations.
- 1.24.2. Permits issued under these Rules and Regulations shall be rendered invalid until the emergency situation has been fully and completely resolved and normal operations have resumed.

1.24.3. Emergency directives or procedures may be issued at the discretion of the Airport Director or Airport Operations Department.

1.24.4. The Airport Director shall determine when normal operations may resume.

**1.25. *Special Events***

1.25.1. Any entity desiring to conduct a Special Event at the Airport shall complete and submit the Special Event Permit Form to the Airport Director along with prior payment of all applicable fees paid to the City and any other Agency having jurisdiction.

1.25.2. The entity shall receive a signed and approved Special Event Permit from the Airport Director prior to conducting the Special Event.

**1.26. *Safety Management System***

1.26.1. Operators, Lessees, or Sublessees engaged in any activity at the Airport, whether using or occupying Airport land and/or Improvements or otherwise, shall adhere to the practices recommended by the Federal Aviation Administration (FAA) and shall comply with all Safety Management Systems (SMS) regulations, or directives issued by the Airport Director.

**2. AIRCRAFT RULES AND REGULATIONS**

**2.1. Regulatory Measures**

2.1.1. Aeronautical Activities shall conform to 14 Code of Federal Regulations (CFR), these Rules and Regulations, the directives of the Airport Director, or Air Traffic Control (ATC) personnel.

**2.2. Non-Airworthy, Disabled, or Abandoned Aircraft**

2.2.1. Only Aircraft considered airworthy or with a special flight authorization by the FAA and military Aircraft shall use the Airport and Leased Premises for Aircraft parking, staging, or storage.

2.2.1.1. Non-airworthy Aircraft may undergo long-term major renovation or restoration as long as the Aircraft is stored in a Hangar approved for such Aircraft Maintenance unless otherwise previously authorized in writing by the Airport Director.

2.2.1.2. Aircraft Owner or Aircraft Operator shall remove non-airworthy Aircraft from the Airport within 90 days of becoming non-airworthy unless otherwise previously authorized in writing by the Airport Director.

2.2.1.2.1. Aircraft Owner or Aircraft Operator shall either remove non-airworthy Aircraft or provide evidence of airworthiness within 30 days of written notification from the Airport Director.

2.2.1.2.2. If Aircraft Owner or Aircraft Operator is unknown or cannot be located, the Airport Director shall conspicuously post and affix such written notice to the Aircraft.

2.2.2. Aircraft Owner or Aircraft Operator shall be responsible for the safe and prompt removal of disabled Aircraft and any part thereof from a Movement Area to a designated Non-Movement Area, unless otherwise required or directed by the Airport Director, FAA, National Transportation Safety Board (NTSB), or Agency having jurisdiction.

2.2.3. Abandoning an Aircraft on the Airport, including on Leased Premises, is prohibited.

2.2.3.1. An Aircraft shall be considered abandoned if the Aircraft Owner or Aircraft Operator (1) has not paid in full applicable rents or fees to the City or an authorized Fixed Based Operator (FBO) or Specialized Aviation Service Operator (SASO) for a period greater than 90 calendar days, has not responded to written notification from or on behalf of the City, by certified or registered mail, and/or (3) Aircraft does not have a current and valid Aircraft registration with the FAA (or similar agency of a foreign country).



- 2.2.4. In the event the Airport Director determines the Aircraft Owner or Aircraft Operator is unavailable or unable (or if Aircraft Owner or Aircraft Operator, after being notified by the Airport Director, refuses or fails) to remove a non-airworthy, disabled, or abandoned Aircraft in a timely manner (at Aircraft Operator's risk, cost, and expense), the Aircraft may be impounded by the City at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator, without liability to the City.
- 2.2.4.1. Once an Aircraft is impounded by the City, the City shall charge reasonable impoundment fees and thereafter publish a notice of intent to remove the Aircraft in the legal organ of the county in which the Aircraft Owner or Aircraft Operator was last known to reside/exist, and if such location is unknown, then in the legal organ of Williams County, North Dakota.
- 2.2.4.2. The Aircraft Owner or Aircraft Operator may claim the Aircraft by paying the impoundment fees in full, promptly removing the Aircraft from the Airport, and responding to the City as set forth in the published notice.
- 2.2.4.3. If the Aircraft Owner or Aircraft Operator fail to remove said Aircraft within the period established in the written or published notice, the City may, without liability to the City:
- 2.2.4.3.1. Cause the removal of such Aircraft from the Airport at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator;
- 2.2.4.3.2. Sell the Aircraft at public auction through sealed bids to the highest bidder;
- 2.2.4.3.3. Or in the event no bid is received, the Aircraft may be sold by negotiation, disposed of as junk, or donated to any government agency.
- 2.2.4.4. The City shall retain any surplus arising from the sale of the Aircraft after expenses incurred by the City in connection with the Aircraft have been paid.
- 2.2.4.5. The City may assess and recover from the Aircraft Owner or Aircraft Operator all applicable rents and fees, impoundment charges, and other related expenses including reasonable attorney fees incurred by the City in connection the enforcement of these provisions.

**2.3. Based Aircraft Registration**

- 2.3.1. Based Aircraft must be registered with the Airport Director or through an authorized FBO or SASO where the Aircraft is based.
- 2.3.2. Registration information shall include the following:
- 2.3.2.1. Aircraft make, model, registration number, and maximum gross landing weight.
- 2.3.2.2. Aircraft Owner's and Aircraft Operator's (if different) name, address, and phone number.

- 2.3.2.2.1. If more than one person or entity owns and/or operates the Aircraft, the name, address, and phone number of all Owners and Operators shall be provided.
- 2.3.2.3. A Certificate of Insurance identifying industry standard liability coverages for the Non-Commercial Aircraft.
  - 2.3.2.3.1. Aircraft Owner and/or Aircraft Operator shall procure, maintain, and pay all premiums and carry and keep policy in full force and effect throughout the registration period for the applicable insurance coverages.
  - 2.3.2.3.2. The insurance company or companies underwriting the required policy shall be authorized to write such insurance in the State of North Dakota (with a Best rating of A or above) or be approved in writing by the Airport Director.
  - 2.3.2.3.3. The Airport Director reserves the right to require more or different types of insurance coverage based on entity's individual risks or exposures.
- 2.3.3. Based Aircraft Operators must have a Tiedown or Hangar agreement with either the Airport Director or an authorized FBO or SASO.

## **2.4. Hours of Operation**

- 2.4.1. The Airport is available for use 24 hours per day, 7 days per week, unless closed by Notice to Airmen (NOTAM).

## **2.5. Accidents**

- 2.5.1. Aircraft Operators involved in an Aircraft Accident shall make a full and complete report of the Aircraft Accident to the Airport Director and appropriate Agencies in a timely manner, complete any additional required forms and/or reports, and comply with NTSB Regulations Part 830.
  - 2.5.1.1. The report to Airport Director shall include copies of any forms, reports, and/or documentation provided to the NTSB, FAA, or other Agencies having jurisdiction.
- 2.5.2. Aircraft involved in an Aircraft Accident may not be removed from the scene of the Aircraft Accident until authorized by the Airport Director who shall receive authorization (to remove the Aircraft) from the FAA, NTSB, or other Agencies having jurisdiction, as applicable.
- 2.5.3. Once authorization to remove the Aircraft has been issued, the Aircraft Owner or Aircraft Operator shall be responsible for the safe and prompt removal of the Aircraft and any parts thereof from a Movement Area to a designated Non-Movement Area in accordance with Sections 2.2.2 of these Rules and Regulations.

**2.6. Prohibiting Use of the Airport**

2.6.1. The Airport Director shall have the right at any time to close the Airport or any portion thereof to air traffic, to prohibit Aircraft arrivals (except for emergency arrivals), departures, or movement at the Airport, to delay or restrict any flight or other Aircraft operation, or to deny the use of the Airport to any person(s) when the Airport Director considers such actions to be necessary and desirable in the interest of safety or security or when it is determined the operation of an Aircraft would likely endanger persons or Property, or when these Rules and Regulations are being violated or it can be reasonably anticipated these Rules and Regulations will be violated.

2.6.1.1. The Airport Director, the FAA, or ATC may issue or cancel a NOTAM to close or open the Airport (or any portion thereof) or to restrict or terminate any activity at the Airport.

2.6.1.2. Under no circumstance shall an authorized Airport closure or restriction constitute grounds for reimbursement of any expense, cost, loss of revenue, or damage which may be incurred by any Operator, Lessee, Sublessee, user, or any other entity.

**2.7. Maintenance**

2.7.1. Aircraft Maintenance may only be performed within Hangars or those areas identified by the Airport Director and shall be limited solely to that specifically permitted by the type rating established by Building and Fire Codes, and then, only in compliance with the instructions of the Airport Director and the orders of the Airport Operations Department.

2.7.2. Aircraft painting or paint stripping shall be performed only in Hangars or buildings specifically approved for these activities by an Agency having jurisdiction.

2.7.3. Aircraft Line Maintenance may be performed on Aircraft owned or operated by passenger or cargo Air Carriers on the Air Carrier Ramp if the Aircraft is disabled and cannot be moved into a Hangar or if a Hangar of sufficient size to accommodate the Aircraft does not exist at the Airport.

**2.8. Cleaning**

2.8.1. Aircraft cleaning shall only be performed in full and complete compliance with the City's SWMP.

2.8.2. Aircraft cleaning, which creates runoff, shall be approved by the Airport Director.

2.8.2.1. Requests for permission shall be submitted in writing and include the name of the Aircraft Operator, location, time and duration, entity conducting Aircraft cleaning, description of methods and materials to be used, and methods utilized to contain contaminated materials resulting from the activity.

2.8.3. It is recommended that all Aircraft cleaning be accomplished with biodegradable soap and without the use of solvents and/or degreasers. When non-biodegradable soap, solvents, and/or degreasers are used for Aircraft cleaning, these substances shall be disposed of in accordance with Regulatory Measures.

2.8.4. Aircraft, Aircraft engines, and/or parts may be dry washed without approval by the Airport Director.

**2.9. Deicing**

2.9.1. Aircraft deicing (the removal of snow and/or ice with chemical substances) shall only be accomplished in the location(s) specified by the Manager.

**2.10. Engine Operation**

2.10.1. Between the hours of 10:00 p.m. and 6:00 a.m., Aircraft engine Runups are not permitted except for Runups required in preparation for Aircraft departure.

2.10.2. Engine Runups are prohibited in Non-Movement and on the Air Carrier Ramp(s).

2.10.3. Aircraft engines shall not be started within any structure.

2.10.4. Any person operating an Aircraft engine in an area which is accessible to the public shall alert and take precautions to protect the public from potential hazards resulting from such operations.

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

2.10.6. Aircraft controls shall be attended while Aircraft engines are operating.

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

**2.11. Parking and Storage**

2.11.1. Aircraft shall be parked in such a manner as to be completely contained within the parking or Tiedown space and shall not be positioned in such a manner so as to block a Runway, Taxiway, Taxilane, or obstruct access to Hangars, parked or staged Aircraft, parked or staged Vehicles, equipment, gates, or Fuel storage facilities.

2.11.2. Unless utilizing the Leased Premises of a Lessee or Sublessee or otherwise provided in an Agreement, no person shall use any area for the parking, staging, and storage of Aircraft, without prior written permission of the Airport Director.

2.11.2.1. In the event a person uses any area for Aircraft parking, staging, or storage without first obtaining the prior written permission of the Airport Director, the Airport Director may remove and store the Aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the City.

2.11.3. Aircraft Operators shall ensure Aircraft are properly secured, as set forth in Advisory Circular (AC) 20-35C, when parked and/or stored.

2.11.3.1. Moored lighter-than-air Aircraft shall have at least one person monitoring the safety of the mooring for the duration of the mooring.

- 2.11.4. Upon request of the Airport Director for the purpose of safe, orderly, and efficient operation and use of the Airport, the Aircraft Owner or Aircraft Operator of any Aircraft parked, staged, or stored shall move the Aircraft to the location and/or position identified by the Airport Director. In the event the Aircraft Owner or Aircraft Operator refuses, is unable, or unavailable, the Manager may move the Aircraft at the risk, cost, and expense of the Aircraft Owner or Aircraft Operator without liability to the City.

**2.12. Security**

- 2.12.1. In the event the type, use, or condition of an Aircraft requires that security be obtained, provided, and/or maintained for the Aircraft, the Aircraft Owner or Aircraft Operator shall be responsible for such security and may only provide (and/or arrange for) such security after notifying the Airport Director.
- 2.12.1.1. Security measures shall not be employed as a means to hinder, delay, or prevent relocation or removal of Aircraft at the direction of the Airport Director.
- 2.12.2. No person shall interfere or tamper with any parked, staged, or stored Aircraft in contradiction to these Rules and Regulations without the Aircraft Owner's or Aircraft Operator's permission.

**2.13. Operations**

- 2.13.1. Operating an Aircraft in a careless, negligent, or reckless manner; in disregard of the rights, safety, or security of others; without due caution and circumspection; or at a speed or in a manner which endangers or is likely to endanger persons or Property is prohibited.
- 2.13.2. Aircraft Operators shall obey all pavement markings, signage, and lighted signals unless instructed otherwise by ATC or by written notification of the Airport Director or NOTAM.
- 2.13.3. Airborne radar equipment shall not be operated or ground-tested in an area where the directional beam of such radar, if high intensity (50KW or greater output), is within 300 feet or if low intensity (less than 50 KW output), is within 100 feet of another Aircraft, an Aircraft Refueling Vehicle, or a Fuel storage facility.
- 2.13.4. Aircraft radio transmissions, if not for maintenance purposes, are prohibited while an Aircraft is inside a Hangar.
- 2.13.5. The starting, positioning, or taxiing of Aircraft shall be done in such a manner so as to avoid generating or directing any propeller slipstream or engine blast which may endanger persons or damage Property.
- 2.13.5.1. It may be necessary to tow the Aircraft to a location or position at the Airport where the propeller slipstream or engine blast will not endanger persons or damage Property when the engines are started or operated.
- 2.13.6. Aircraft shall not land, takeoff, taxi, park, or be staged in any area that has been restricted to a maximum weight bearing capacity of less than the maximum weight of the Aircraft or on any closed runway or taxiway.

2.13.6.1. It shall be the Aircraft Operator's responsibility to repair any damage to the Airport's Runways, Taxiways, Taxilanes, or Ramps caused by excessive Aircraft weight loading and/or other operations.

**2.14. Taxiing and Towing Operations**

2.14.1. Aircraft shall not be taxied until the Aircraft Operator has determined (by visually inspecting the area) there shall be no danger of collision with any person, structure, object, or Property.

2.14.2. Aircraft shall not be taxied into, out of, or within any structure.

2.14.3. If the Aircraft is equipped with a radio and the radio is functional, Aircraft being taxied shall have a person at the controls of the Aircraft who shall monitor the radio transmitting frequency in use by ATC (when operational) or the Common Traffic Advisory Frequency (CTAF) in use at the Airport.

2.14.4. Taxiing Aircraft shall yield the right-of-way to Emergency Vehicles, equipment, or Aircraft unless otherwise directed by written notice of the Airport Director or NOTAM.

2.14.5. Aircraft Operators shall not taxi an Aircraft at a speed greater than is reasonable and prudent under the conditions that exist with regard for actual and potential hazards and other Aircraft so as not to endanger persons or Property.

2.14.5.1. Aircraft taxiing speeds shall be reduced during periods of inclement weather including, but not limited to, periods when visibility is reduced.

2.14.6. Aircraft shall only be taxied or towed in areas normally used for operation of Aircraft unless prior written approval has been provided by the Airport Director.

**2.15. Rotorcraft Operations**

2.15.1. Rotorcraft shall park or operate only in Movement Areas, Aircraft parking areas, or areas designated by the Airport Director for rotorcraft operations.

2.15.2. Rotorcraft shall not be operated within 50 feet of any structure or Fuel storage facility.

2.15.3. Rotorcraft shall not be operated within 100 feet of any area where Light Aircraft are parked or operating.

**2.16. Noise Abatement Procedures**

2.16.1. Consistent with the Aircraft Operator's responsibility for complying with 14 CFR, the instructions of ATC personnel, and the operating parameters of the Aircraft as set forth by the Aircraft manufacturer, Aircraft Operators shall use procedures which minimize the noise impact on surrounding areas.

**2.17. Restricted Activities**

2.17.1. Aircraft Operators shall provide advance notification to the Airport Director before engaging in any of the following activities and shall conduct these activities in accordance with the specific requirements stipulated by the Airport Director:

- 2.17.1.1. Use of motorless Aircraft – the landing upon or towing of gliders and other certificated motorless Aircraft.
- 2.17.1.2. Use of Ultralight Vehicles – the landing upon or taking off of Ultralight Vehicles.
- 2.17.1.3. First flight or test flights after major airframe and/or powerplant modifications.
- 2.17.1.4. Use of lighter-than-air Aircraft – the landing upon or taking off of airships, dirigibles, blimps, balloons, and other certificated lighter-than-air Aircraft which utilize gasses or hot air to provide lift.
- 2.17.1.5. Banner or glider towing – the landing upon or taking off of Aircraft which tow banners, gliders, or other devices.
- 2.17.1.6. Skydiving, parachuting, or powered parachute operations.
- 2.17.1.7. Operation of Aircraft with a maximum certificated takeoff weight in excess of the published weight bearing capacity for the Runway(s) and/or Taxiway(s).
- 2.17.1.8. Transportation of Hazardous Materials – landing or taking off with flammable, explosive, or corrosive materials, except those which are carried aboard (and necessary) for the operation of the Aircraft or use by crewmembers or passengers. All shipments of Hazardous Material shall comply with regulations established in 49 CFR Parts 100-199 and Regulatory Measures governing such shipments. Hazmat and ARFF equipment and trained personnel will be required for this type of operation as a precautionary measure. Costs associated with trained hazmat personnel and related equipment shall be borne solely and completely by the Aircraft Operator.

## **2.18. Fees**

- 2.18.1. Aircraft shall not land or takeoff unless the Aircraft Owner or Aircraft Operator has paid the fees which may be established and assessed by the City unless the Aircraft Owner or Aircraft Operator is exempt from payment of certain fees as may be stipulated in an Agreement.
  - 2.18.1.1. Aircraft that may be exempt from City fees include Aircraft owned and/or operated by the United States of America, owned and/or operated by military forces of the United States of America, and operated by foreign military forces in support of allied military operations that do not utilize the Airport significantly (as defined by the FAA).
- 2.18.2. The Airport Director shall have the authority to detain any Aircraft for non-payment of any fees which are properly due to the City.

**3. PASSENGER TERMINAL BUILDING RULES AND REGULATIONS**

**3.1. *Baggage Carts***

- 3.1.1. Baggage carts may not be removed from the Airport.
- 3.1.2. City employees, Lessees, Sublessees, and contractors may not keep or stow baggage carts. Lessees, Sublessees, or contractors will be charged a fee if baggage carts are found in their exclusive Leased Premises.
- 3.1.3. No person other than persons authorized by the Airport Director shall dispense baggage carts. It shall be prohibited for any person to come to the Airport for the express purpose of returning or otherwise using baggage carts for financial benefit.
- 3.1.4. The Airport Director or assignee is responsible to collect baggage carts.

**3.2. *Public Address System***

- 3.2.1. Only those types of public address systems that are commonly employed to announce the arrival and departure of scheduled Aircraft or other information relevant to the operation of the Airport shall be permitted for use in the Passenger Terminal Building.
  - 3.2.1.1. No person shall use or cause to be used the public address system for the solicitation of business.
  - 3.2.1.2. The public address system shall only be used in accordance with individual Lessee or Sublessee Agreements.

**3.3. *Vending Machines***

- 3.3.1. No vending machines for the sale of goods shall be permitted in the Public Areas of the Passenger Terminal Building, which are not occupied by a Lessee or Sublessee.
  - 3.3.1.1. This does not apply to vending machines in restrooms for selling personal hygiene items which shall be approved by the Airport Director.

**3.4. *Locks and Keys***

- 3.4.1. The Airport Director will provide all initial door locks (and keys) for each Leased Premises owned by the City, at the expense of the City. All subsequent lock changes or lost key replacements requested by the Lessee or Sublessee, if approved by the Airport Director, shall be completed by the Airport Director at the Lessee's or Sublessee's sole cost and expense.
  - 3.4.1.1. Duplicate keys shall not be made and additional locks shall not be placed in or on the Leased Premises without prior written authorization by the Airport Director.

**3.5. *Leased Premises***

- 3.5.1. Leased Premises and adjacent areas shall be kept clean and free from rubbish. Corridor doors when not in use shall be closed. No debris, trash, dirt, dust or other like material shall be swept or thrown into corridors, hallways, or stairwells.



- 3.5.1.1. In the event infestation occurs of insects or animals, Lessee or Sublessee shall take immediate action utilizing licensed eradication methods (in the event this is the responsibility of the Lessee or Sublessee through Agreement).
- 3.5.1.2. In the event the Lessee or Sublessee is unable to take immediate action, the Airport Director may take appropriate action and shall have the right to collect the expense of such action for the Lessee or Sublessee.
- 3.5.2. No area of the Passenger Terminal Building shall be used for storage of equipment, fixtures, or cargo without prior authorization of the Airport Director.
- 3.5.3. All decorations at ticket counters and gate areas are prohibited without prior written authorization from the Airport Director. Any damage to Airport facilities as a result of the application of decorations may be charged to the Lessee or Sublessee as additional rent or cost recovery.
- 3.5.4. Lessees and Sublessees shall not erect, install, or otherwise maintain any aerials, transmitters, or antenna without prior written authorization from the Airport Director.
- 3.6. *Baggage Conveyor System and Unclaimed Baggage***
  - 3.6.1. No person shall ride, walk, sit, or stand on the baggage conveyor system (or any portion thereof) and no unauthorized items shall be placed on the baggage conveyor system.
  - 3.6.2. Entities responsible for operating and loading the baggage conveyor system shall be responsible for unloading all unclaimed baggage.
- 3.7. *Airline Operations***
  - 3.7.1. Passengers shall not be permitted to enplane or deplane an Aircraft except in the presence of and only after receiving express permission from authorized personnel.
  - 3.7.2. No Aircraft may be enplaned or deplaned without prior permission by the Airport Director except in designated areas.
    - 3.7.2.1. Authorized personnel must escort and safely channel passengers through established routes to and from the Aircraft.
  - 3.7.3. Gate Usage and Assignments
    - 3.7.3.1. No person shall park an Aircraft or leave an Aircraft parked and unattended on the Movement Area or Non-Movement Area, except at such places permitted and properly designated by the Airport Director.
    - 3.7.3.2. All Aircraft gates are pre-assigned and reserved for scheduled commercial, commuter, and approved contract air carrier Aircraft only.
    - 3.7.3.3. Gates may only be used by the entity with an Agreement. An entity authorizing use of a gate to another entity assumes full responsibility and must ensure usage is in accordance with the Agreement.

- 3.7.4. It is the responsibility of flight and ground employees to ensure Aircraft are taxied to and from gate positions or parking locations without injuring or damaging any persons, equipment, building, other Aircraft, or any property.
- 3.7.5. All ground handling entities shall submit a Charter Flight Advisory form to the Airport Director at least 24 hours prior to the operation.
- 3.7.6. All arriving international flight operations requiring the Federal Inspection Service Facilities (Customs, Border Protection, U.S. Department of Agriculture, etc.) will be scheduled and approved through the U.S. Customs and Border Protection and the Airport Director.
- 3.7.7. The assignment of Remain Overnight (RON) Air Carrier Aircraft parking positions will be conducted by the Airport Director.

**3.8. Engine Operation**

- 3.8.1. Power back and power out procedures are prohibited without prior authorization from the Airport Director.
- 3.8.2. Engine cross bleed starts shall only be accomplished as follows:
  - 3.8.2.1. Advise ATC of request to push back onto the Air Carrier Ramp and intent to conduct an engine cross bleed start.
  - 3.8.2.2. After receipt of clearance from ACT, Aircraft shall be pushed back until lined up on the Taxiway centerline.
  - 3.8.2.3. Cross bleed shall not be started until the Aircraft is positioned on the Taxiway centerline and the ground crew confirms procedure can be initiated without adverse impact on other Aircraft, Vehicles, or personnel.

**3.9. Ground Support Equipment**

- 3.9.1. Ground support equipment (including, but not limited to, chocks, air stairs, etc.) shall not be stored outside the boundaries of the Leased Premises or designated area by the Airport Director.
- 3.9.2. Lavatory service equipment shall be well maintained and compatible with the waste receptacles provided by the City.
  - 3.9.2.1. All spillage of lavatory waste shall be immediately cleaned by the responsible party.
- 3.9.3. All Ramp scrubbing shall be accomplished through use of approved vacuum type scrubbers and the waste water shall be disposed of in compliance with Regulatory Measures.

## **4. VEHICLE RULES AND REGULATIONS**

### **4.1. Regulatory Measures**

4.1.1. All Vehicle Operators shall comply with the State of North Dakota Vehicle Code (as may be amended from time to time), these Rules and Regulations, directives issued by the Airport Director, and the orders of the Police Department.

### **4.2. Licensing and Permit**

4.2.1. Except for Vehicles which are exclusively used on the AOA, all Vehicles shall meet the State of North Dakota licensing and registration requirements.

4.2.2. Vehicle Operators must have a valid Vehicle Operator's license and evidence of insurance as required by State of North Dakota law, including those vehicles operated exclusively on the AOA.

4.2.3. Vehicle Operators on the AOA are required to complete a Vehicle Operators training program and shall possess an approved Airport Identification Badge.

4.2.4. Prior to operating Vehicles on the AOA, Vehicle Operators shall complete and submit an AOA Vehicle Permit request form to the Airport Director. Operators, Lessees, Sublessees, or Airport users may request "Escort Required" AOA Vehicle Permits which can be used for Vehicles that the Operators, Lessees, Sublessees, or users will be escorting in the Restricted Areas of the Airport.

4.2.4.1. If approved for an "Escort Required" AOA Vehicle Permit, the Operator, Lessee, or Sublessee must escort each approved Vehicle with an employee who has an approved Airport Identification Badge and in a Vehicle that is owned by the Operator, Lessee, or Sublessee and displays an approved AOA Vehicle Permit.

4.2.4.2. Prior to obtaining AOA Vehicle Permits, an Authorization Signature Letter listing at least one person who is authorized to request AOA Vehicle Permits shall be completed and submitted to the Airport Director.

4.2.5. Vehicles on the AOA, with the exception of Emergency Vehicles, are required to have an approved AOA Vehicle Permit displayed at all times on the Vehicle, unless otherwise authorized by the Airport Director.

### **4.3. Equipment**

4.3.1. Vehicles shall not be operated at the Airport unless the Vehicle is in sound mechanical order, has adequate lights, horn, and brakes, and provides clear and unobstructed visibility from the driver's position.

4.3.2. Trailers and semi-trailers are not permitted at the Airport unless equipped with lights (or reflectors) on all sides and proper brakes/braking system. Trailers and semi-trailers shall not be disengaged from towing Vehicles.

**4.4. Operations**

- 4.4.1. Vehicles are not permitted to be operated in a careless, negligent, unsafe, or reckless manner; in disregard of the rights, safety, and security of others; and without due caution and circumspection; or at a speed or in a manner which endangers, or is likely to endanger, persons or Property.
- 4.4.2. Vehicles constructed, equipped, loaded, or maintained (or having attached thereto any object or equipment which drags, swings, or projects) so as to endanger or be likely to endanger persons or Property is prohibited.
- 4.4.3. No tank Vehicle, truck, or semi-trailer used for the transportation of flammable liquids, Fueling, or defueling of Aircraft shall be operated on the AOA unless approved in writing by the Airport Director.
- 4.4.4. Vehicles shall not be operated in any Hangar for a prolonged period of time unless the Vehicle exhaust is protected by screens or baffles to prevent the escape of sparks or the propagation of flame and a vent system exists to prevent exhaust fumes from building up in the Hangar.
- 4.4.5. Airside and Landside Speed Limits:
  - 4.4.5.1. Safe Speed – Vehicles shall not be operated at a speed greater than is reasonable and prudent under the conditions which exist and/or without regard for actual and potential hazards, traffic, use of the street or roadway, and/or in a manner that endangers persons or Property.
  - 4.4.5.2. Minimum Speed – Vehicles shall not be operated at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with Regulatory Measures.
  - 4.4.5.3. Maximum Speed – Vehicles, except Emergency Vehicles or equipment responding to an emergency, shall not be operated in excess of the posted speed limits or in excess of any speed stipulated in these Rules and Regulations. In areas where signs, markers, or devices are not used or posted, the speed limit shall be:

Maximum Speed (miles per hour)	
Airside	15
Landside	25

- 4.4.6. Vehicle Operators shall not, after receiving a visual or audible signal from the City employee or a Law Enforcement Officer fail to stop the Vehicle being operated, operate the Vehicle in disregard of the signal, or interfere with or endanger persons or Property.
- 4.4.7. Vehicle Operators shall provide proper signals and obey all traffic lights, signs, mechanical or electrical signals, and pavement markings unless directed otherwise by the Airport Director or a Law Enforcement Officer.

- 4.4.8. The Airside perimeter road shall be used only by Airport Director designated Vehicles including City Vehicles, Refueling Vehicles, and other Vehicles approved previously in writing by the Airport Director to be on the Movement Area as described in these Rules and Regulations.
- 4.4.9. Vehicles which are overloaded or carrying excessive passengers or cargo (as designated in the vehicle operation manual) than the Vehicle is designed to carry are prohibited.
- 4.4.10. Persons shall not ride on the running board, in the beds of pickup trucks, ride on the outside of a Vehicle, or allow arms or legs to protrude from a Vehicle with the exception of Emergency Vehicles that are designed specifically for such operations.
- 4.4.11. Vehicle Operators shall yield the right of way to Aircraft, Emergency Vehicles or equipment, and pedestrians.
- 4.4.12. Vehicles shall not be operated in such a manner or within such proximity of an Aircraft as to create a hazard or interfere with the safe and secure operation of the Aircraft.
  - 4.4.12.1. Vehicles, except Emergency Vehicles or equipment responding to an emergency, shall not overtake or pass in front of a moving Aircraft.
  - 4.4.12.2. Vehicles shall come no closer than 50 feet to a taxiing Aircraft and shall pass to the rear of taxiing Aircraft.
  - 4.4.12.3. Vehicles shall not pass closer than 20 feet from any wing or tail section of a parked or staged Aircraft where practical.
- 4.4.13. Vehicles used for hauling trash, dirt, or any loose material(s) shall be operated in such a fashion as to prevent the contents of the Vehicle from dropping, leaking, or otherwise escaping including, at a minimum, covering Vehicle's load.
- 4.4.14. Tugs (Towing Vehicles and Related Equipment):
  - 4.4.14.1. Positive locking couplings are required for all towing Vehicles and related equipment.
  - 4.4.14.2. Aircraft towing Vehicles and related equipment shall be returned to designated parking or staging areas immediately following unloading.

**4.5. Air Operations Area**

- 4.5.1. Vehicles on the AOA may only be operated by persons with a proper and current Airport Identification Badge.
- 4.5.2. Vehicles used exclusively on the AOA shall be equipped with an approved and fully operational amber or red (Emergency Vehicles only) rotating, flashing, or steady beacon on the roof or uppermost point of the Vehicle providing 360 degree view and in compliance with AC 150/5210-5B. The beacon shall be activated by the Vehicle Operator prior to entering the AOA and shall remain in operation while the Vehicle is on the AOA.

- 4.5.3. Vehicle Operators using the AOA on an irregular basis must be escorted by an authorized Vehicle Operator or obtain permission from the Airport Director in writing and shall proceed directly to the Vehicle Operator's destination on the Airport without entering the Movement Area.
- 4.5.4. The Airport Director may restrict Vehicles to a certain area(s) of the AOA. Such restrictions may prohibit Vehicle operations outside the designated area(s).
- 4.5.5. Use of motorhomes, mini-bikes, dirt bikes, all terrain Vehicles, go-carts, roller blades, skate boards, bicycles, or unicycles or other similar devices for recreational purposes are not permitted without the prior written permission from the Airport Director.

**4.6. Movement Area**

- 4.6.1. Vehicles on the Movement Area shall be painted and/or properly marked in a manner approved by the Airport Director.
- 4.6.2. No person shall take or drive any Vehicle on the Movement Area unless permission has been granted in an Agreement or obtained in writing, in advance, from the Airport Director.
  - 4.6.2.1. Vehicle Operators having access to the Movement Area shall comply with the Letter of Agreement between the City and ATC regarding Airport Surface Traffic Procedures. Vehicle Operators shall obtain clearance from ATC and ensure that no Aircraft is approaching prior to entering the Movement Area.
- 4.6.3. All Vehicles operating in the Movement Area on a regular basis shall be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies (ranging from 108.00 MHz to 136.00 MHz). In the event a Vehicle in the Movement Area experiences radio failure, the Vehicle must vacate the area utilizing perimeter roadways or other non-controlled routes. If exit via non-controlled route is not possible, the Vehicle Operator shall indicate radio failure by facing the Vehicle towards the control tower and flashing the Vehicle's headlights. Thereafter, the Vehicle Operator shall operate the Vehicle based upon (in accordance with) the standard colored light signal directions given by ATC immediately.
- 4.6.4. When construction-related Vehicles are required to enter or work within the Movement Area, such Vehicles will be marked with an approved orange and white checkered flag (for daytime operations) or an amber beacon (for nighttime operations). If the construction Vehicle is not equipped with a two way radio capable of communicating on the proper aeronautical frequencies, the Vehicle shall be escorted at all times (while in the Movement Area) by an Airport Director authorized Vehicle and authorized personnel having radio contact with ATC (when operational) or monitoring CTAF or have a flagman (with a two-way radio capable of communicating on the proper aeronautical frequencies) stationed at the area(s) designated by the Airport Director to give instructions to the Vehicle.

- 4.6.5. Vehicle Operators operating in the Movement Area must be conversant with standard colored light signals, regardless of whether or not the Vehicle is radio equipped.
  - 4.6.5.1. Steady Green – Cleared to cross, proceed, or go
  - 4.6.5.2. Steady Red – Stop
  - 4.6.5.3. Flashing Red – Clear the Runway/Taxiway
  - 4.6.5.4. Flashing White – Return to starting point on the Airport
  - 4.6.5.5. Alternating Red and Green – Exercise extreme caution

**4.7. Accidents**

- 4.7.1. A Vehicle Operator involved in an Accident resulting in any injury or death to a person(s) or damage to Property shall stop the Vehicle at the scene (or as close as possible to the scene without unnecessarily obstructing traffic or creating a safety hazard) and immediately call “911”.
- 4.7.2. The Vehicle Operator (and the Vehicle) must remain at the scene until the Police Department and/or the Airport Operations Department take a full report.

**4.8. Cleaning and Maintenance**

- 4.8.1. Vehicles shall not be cleaned and/or maintained on the Airport, except for minor repairs which are necessary to remove such Vehicles from the Airport.
  - 4.8.1.1. Vehicles operated by Operators, Lessees, or Sublessees shall be cleaned and/or maintained only in areas (and in such a manner which is) fully compliant with the City’s SWMP.

**4.9. Parking or Stopping**

- 4.9.1. Vehicles shall be parked only in those areas specifically designated for such purpose.
- 4.9.2. Vehicles shall not be parked or stopped in such a manner so as to obstruct a parking area lane, driveway, roadway, walkway, crosswalk, fire lane, Runway, Taxiway, Taxilane, and/or obstruct access to Hangars, parked or staged Aircraft, and/or parked or staged Vehicles; on the left side of a road; on the roadway side of any stopped or parked Vehicle (double parking); within 15 feet of a fire hydrant or within a fire lane or restricting access to or from a fire lane; within 3 feet of either side of a security fence; on unpaved or grassed areas (unless specifically designated for Vehicle parking) other than in accordance with restrictions posted on authorized signs.
- 4.9.3. Vehicles, other than those loading and unloading Aircraft, shall not stop for loading, unloading, or any other purpose other than in the areas specifically designated for loading, unloading, parking, and/or staging and only in the manner prescribed by signs, painted markings, or other means.
- 4.9.4. Displaying Vehicles and/or equipment for sale, lease, or rent at the Airport is prohibited unless previously authorized in writing by the Airport Director.
- 4.9.5. Parking in designated public parking areas is open to any person using the Airport.

- 4.9.6. Employees of Operators, Lessees, or Sublessees may park Private Vehicles in the employee parking areas designated by the Airport Director.
  - 4.9.6.1. Vehicles parked in a designated employee parking area must have a valid parking permit or pass, if so required, attached to the front windshield or mirror of the registered Vehicle.
- 4.9.7. All service Vehicles or equipment (including utility companies, delivery companies, government owned/operated, etc.) shall park in specially reserved and marked areas or other areas designated by the Airport Director.
- 4.9.8. Aircraft Operators may park Vehicles which are fully operational, completely functional and properly permitted by the Airport Director inside the Hangar or outside the Hangar (but only in designated parking areas) while the Based Aircraft in the Hangar is gone.
  - 4.9.8.1. Vehicles parked outside of a Hangar more than 30 calendar days without prior written notification to the Airport Director shall be considered abandoned and the Airport Director may take whatever action is deemed appropriate to remove and/or dispose of the Vehicle. Such action shall be at the Vehicle Operator's risk, cost, and expense and without any liability to the City.
- 4.9.9. Vehicles may not be parked on Tiedown areas.
- 4.9.10. Boats, rafts, jet skis, snow mobiles, dune buggies, dirt bikes, all terrain Vehicles, race cars, recreational Vehicles, trailers, and other similar Vehicles may not be parked or stored in a Hangar or anywhere else on the Airport.
- 4.9.11. Abandoning a Vehicle on the Airport, including on Leased Premises, is prohibited
- 4.9.12. The Airport Director may tow or otherwise remove any Vehicle which is disabled or parked in violation of these Rules and Regulations (or if the Vehicle creates a safety or security hazard or interferes with Airport operations) at the Vehicle Owner or Operator's risk, cost, and expense and without any liability to the City.

**4.10. Fees**

- 4.10.1. Vehicles shall not be parked in any public parking area unless the Vehicle Owner or Operator pays the fees which may be established and assessed from time to time by the City unless the Vehicle Owner or Operator is exempt from payment as may be stipulated in an Agreement with the City.



**5. COMMERCIAL VEHICLE RULES AND REGULATIONS**

**5.1. *Regulatory Measures***

5.1.1. All Commercial ground transportation companies and car rental companies shall comply with Section 1, Section 3, and Section 4 of these Rules and Regulations and other applicable Regulatory Measures.

**5.2. *Commercial Vehicle and Operator Licensing***

5.2.1. Prior to providing Commercial ground transportation services, all Commercial Vehicle Operators (e.g., taxi, Limousines, charter party carrier/passenger stage carrier, and Courtesy Vehicle operators) providing Commercial ground transportation services must apply for (complete and submit a Commercial Vehicle Permit Application to the Airport Director) and receive an approved Commercial Vehicle Permit from the Airport Director.

5.2.2. Commercial Vehicle Operator shall (at its own cost and expense) obtain from all applicable Agencies having jurisdiction, all licenses, permits, consents, approvals, authorizations, and insurance (in a form and amount stipulated by the City) that may be required for the provision of Commercial ground transportation services at the Airport. Such documentation shall be produced for examination immediately upon request by the Airport Director.

5.2.2.1. All required identification cards shall be affixed to the bottom right corner of the windshield or other location as directed by the Airport Director.

5.2.2.2. Commercial Vehicle Operators shall display a Vehicle identification decal and/or automated vehicle identification transponder.

5.2.2.2.1. No person shall remove, damage, or tamper with a Vehicle identification decal or transponder.

5.2.2.2.2. No person shall evade or attempt to evade an Airport automated identification reader.

5.2.3. Commercial Vehicle shall be clearly identified with the name of the Commercial Vehicle Operator on the outside of the Vehicle visible to passengers.

5.2.4. Commercial Vehicle Operator shall maintain financial records in accordance with accepted accounting practices, ownership records (e.g., articles of incorporate, identification of corporate officers, and registration with the State of North Dakota), and operating records (e.g., radio dispatch records and activity log beginning and terminating at the Airport) which shall be made available to the Airport Director upon request.

5.2.4.1. Records shall be maintained for at least three years.

**5.3. *Non-Transferable***

5.3.1. Commercial Vehicle Permit, vehicle decal or hand tag, or vehicle transponder shall not be assigned or transferred without prior written approval of the Airport Director.

**5.4. Insurance**

- 5.4.1. Commercial Vehicle Operator shall procure, maintain, and pay all insurance premiums throughout the term of the Commercial Vehicle Permit for the insurance coverages and amounts required by Regulatory Measures and set forth by the City.
- 5.4.2. A current copy of Commercial Vehicle Operator's insurance must be kept on file with Airport management.
  - 5.4.2.1. The insurance company or companies underwriting the required policy shall be authorized to write such insurance in the State of North Dakota (with a Best rating of A or above) or be approved in writing by the Airport Director.
  - 5.4.2.2. Required terms and limits shall be established by the City.
  - 5.4.2.3. Insurance terms shall, at a minimum, assume financial responsibility for injuries to persons, employees, and property caused by Commercial Vehicle Operator's activities.
  - 5.4.2.4. Commercial Vehicle Operator shall maintain worker's compensation all employees.
  - 5.4.2.5. Insurance shall identify the City, individually and collectively, and its representatives, officers, officials, employees, agents, and volunteers as additional insured.

**5.5. Parking or Stopping**

- 5.5.1. Only authorized Commercial Vehicles shall use the Commercial lane for parking.
- 5.5.2. After discharging passengers, each Commercial Vehicle shall immediately leave the Airport (not Loiter) or proceed by the most direct route to the designated area for passenger pickup. Commercial Vehicles shall not be parked, staged, or stopped in such a manner as to interfere with vehicular or pedestrian traffic.

**5.6. Commercial Vehicle Operator Conduct and Appearance**

- 5.6.1. Commercial Vehicle Operator shall remain in its Vehicle or immediately adjacent to its Vehicle except when necessary to use the restroom facilities, vending machines, pay phones, or obtain flight information in which case, the Commercial Vehicle Operator may be absent from the Vehicle (or the immediate vicinity of the Vehicle) for no more than five minutes.
- 5.6.2. Commercial Vehicle Operator is prohibited from Loitering.
- 5.6.3. Commercial Vehicle Operator is prohibited from standing inside the Passenger Terminal Building while the Commercial Vehicle is in position in the designated area for passenger pickup.
- 5.6.4. Commercial Vehicle Operator shall not solicit, persuade or urge any person (by words, gestures, or other form of communication) to use or hire any Commercial Vehicle Operator.
- 5.6.5. Commercial Vehicle Operator shall maintain a professional look and appearance (i.e., clean shirt and pants, shoes, and socks).

- 5.6.6. Commercial Vehicle Operator shall conduct themselves in a courteous and professional manner and treat members of the traveling public with the utmost respect.
- 5.6.7. Commercial Vehicle Operator shall not use offensive, abusive, or obscene language, gestures, or other forms of communication.

**5.7. Passenger Loading or Unloading**

- 5.7.1. Commercial Vehicle Operator shall only receive passengers for hire in an area designated by the Airport Director following authorized procedures.
- 5.7.2. Picking up passenger(s) for hire after or while dropping off passengers and prior to taking position at the rear of the proper line is prohibited.
- 5.7.3. Commercial Vehicle Operator may not refuse a passenger for any reason unless stipulated herein.
  - 5.7.3.1. Commercial Vehicle Operator may refuse service if the Commercial Vehicle Operator has been dispatched on another call, if passenger(s) appear to be intoxicated or under the influence of drugs or alcohol, or is disorderly.
- 5.7.4. Nothing in these Rules and Regulations shall be construed to prevent a passenger from boarding the Commercial Vehicle of the passenger's choice.
- 5.7.5. Commercial Vehicle Operator shall be trained and provide transportation services for disabled or handicap passengers.

**5.8. Commercial Vehicle Operations**

- 5.8.1. Commercial Vehicle Operator shall use the most direct available route on all trips unless otherwise specifically requested by the passenger.
- 5.8.2. Commercial Vehicle Operator shall provide a receipt identifying the amount paid, persons' name, vehicle license number, and City Commercial Vehicle Permit number to the passenger.

**5.9. Commercial Vehicle Equipment and Condition**

- 5.9.1. All Commercial Vehicles shall be kept in good operating condition and appearance.
- 5.9.2. Each Commercial Vehicle shall be subject to inspection by the Airport Director at any time to determine compliance with these Rules and Regulations.
  - 5.9.2.1. Failure to pass any portion of the inspection may result in the Commercial Vehicle being prohibited from picking up and/or dropping off passengers until the discrepancies have been corrected to the satisfaction of the Airport Director.
- 5.9.3. If Commercial Vehicle is required to have a taximeter, Commercial Vehicle Operator shall ensure the taximeter is in proper recording position and visible to all passengers as well as a meter light burning during the hours of darkness.

**5.10. Fees**

- 5.10.1. Nothing in these Rules and Regulations shall be construed as granting any Commercial Vehicle Operator the right to operate at the Airport without first obtaining written authorization from the Airport Director and without paying the fees which may be established and assessed by the City.

**5.11. Complaints**

- 5.11.1. Commercial Vehicle Operator shall respond fully in writing and/or as otherwise requested by the Airport Director within 14 calendar days to any written customer complaint to or from the Airport and shall assist the Airport Director to investigate and resolve customer complaints.
- 5.11.2. Commercial Vehicle Operator shall respond fully in writing and/or as otherwise requested by the Airport Director within 14 calendar days to any inquiry by the Airport Director.

**5.12. Penalties**

- 5.12.1. The penalties for Commercial Vehicle Operators who are determined by the Airport Director to be in violation of these Rules and Regulations follow:
- 5.12.1.1. Unsafe Commercial Vehicle
- 5.12.1.1.1. Suspension of privileges pending compliance
- 5.12.1.2. Minor violation (including, but not limited to, picking up passengers in unauthorized areas, the Commercial Vehicle Operator not remaining in or adjacent to the Commercial Vehicle, and Loitering in the Passenger Terminal Building)
- 5.12.1.2.1. First Offense – 24 Hour Suspension of Commercial Vehicle Permit
- 5.12.1.2.2. Second Offense – 30 Day Suspension of Commercial Vehicle Permit
- 5.12.1.2.3. Third Offense – Permanent revocation of Commercial Vehicle Permit
- 5.12.1.3. Major violation (including, but not limited to, attempt to induce another to commit an illegal act or violation of these Rules and Regulations, failure to obey a directive of the Airport Director, offensive language, gestures, or other actions, or conduct that is discourteous or unprofessional)
- 5.12.1.3.1. First Offense – Seven (7) Day Suspension of Commercial Vehicle Permit
- 5.12.1.3.2. Second Offense – 30 Day Suspension of Commercial Vehicle Permit
- 5.12.1.3.3. Third Offense – Permanent revocation of Commercial Vehicle Permit
- 5.12.1.4. Reckless driving, arrest at the Airport for any criminal action, and driving under the influence of alcohol and/or drugs
- 5.12.1.4.1. First Offense – Permanent revocation of Commercial Vehicle Permit

- 5.12.2. Any combination of offenses in excess of three may result in the permanent revocation of Commercial Vehicle Permit.

**6. OPERATOR, LESSEE, AND SUBLESSEE RULES AND REGULATIONS**

**6.1. Security**

- 6.1.1. All gates, chains, doors, and locks and all other safeguards on the Leased Premises shall be continually and conscientiously maintained (kept in good condition) and used in a manner so as to protect all persons and Property.
- 6.1.2. Gates or doors which provide access to a Restricted Area through Leased Premises must remain (be kept) closed, locked, and secured except when actually in use.
- 6.1.3. Active logs of keys, access cards, and other media issued (and to whom issued) which allow access to the Leased Premises must be maintained. The log shall be made available to the Airport Director upon request. Any lost or stolen keys, access cards, or other media shall be reported to the Airport Director immediately.
- 6.1.4. All applicable reporting requirements must be fully complied with as established by the Airport Director, FAA, Department of Homeland Security (DHS), TSA (if applicable), and any other Agency having jurisdiction.
- 6.1.5. Objects which could facilitate unauthorized access to a Restricted Area shall not be located within three feet of the Airport perimeter fence or any other distance which may facilitate unauthorized access.

**6.2. Construction or Alteration of Improvements**

- 6.2.1. Any construction or alteration of an Improvement located at the Airport shall be performed in compliance with the Development Standards.

**6.3. Maintenance of Premises**

- 6.3.1. Leased Premises (including all related and associated appurtenances, landscaping, Paved areas, installed equipment and utility services, oil/water separators, and security improvements) shall be:
  - 6.3.1.1. Kept free from all fire, safety, and security hazards,
  - 6.3.1.2. Maintained in a clean, neat, orderly, and fully operational condition consistent with best practices and equal or better in appearance and character to other similar Improvements at the Airport, normal wear and tear expected, and
  - 6.3.1.3. Maintained in a condition of repair and general maintenance in accordance with the Agreement.
- 6.3.2. Operators, Lessees, and Sublessees shall be fully responsible for and replace, or in the Airport Director's sole discretion, reimburse the City for all damage to facilities, equipment, Property, related appurtenances, and all other Improvements at the Airport caused by Operator, Lessee, or Sublessee or its employees, agents, customers, visitors, suppliers or persons with whom they do business.

- 6.3.3. Operators, Lessees, and Sublessees shall provide all necessary cleaning services for the Leased Premises, including janitorial and custodial services, trash removal services, removal of foreign objects/debris, removal of spent oils or other fluids, cleaning of oil/water separators, and any related services necessary to maintain the Improvements in a good, clean, neat, orderly, and fully operational condition consistent with best practices, normal wear and tear expected.
- 6.3.4. Facilities (including Hangar floors) shall be kept clean and clear of the accumulation of Fuel, oil, grease, flammable liquids, rags, trash, or other waste materials.
  - 6.3.4.1. The use of volatile or flammable solvents for cleaning floors is prohibited.
- 6.3.5. Failure to properly maintain the Leased Premises (including failure to maintain the Leased Premises within the period stipulated in the Agreement or failure to maintain the Leased Premises within the timeframe stated in any written notice provided by the Airport Director) may result in the Airport Director conducting or contracting the maintenance at Operator's, Lessee's, or Sublessee's sole cost and expense without liability to the City.

#### **6.4. Fire Prevention**

- 6.4.1. Operator, Lessees, and Sublessees shall be responsible for ensuring that fire prevention practices and/or procedures are followed.
- 6.4.2. If available from the City, employees conducting Fuel Handling must receive fire prevention training and instruction by the Airport Operations Department (or in accordance with an FAA Approved Part 139 Fuel Handling Training course, if applicable) immediately upon employment and that employees receive such fire prevention training and instruction annually thereafter.
  - 6.4.2.1. If available from the City, Fire prevention training and instruction shall include the use of fire extinguishers, responding to Fuel and oil spills, handling flammable materials, and any other items deemed necessary and/or appropriate (for the Activity) by the Airport Operations Department and the training and instruction provided to each employee shall be documented and kept on file.
- 6.4.3. Proper, appropriate, inspected, certified, and readily accessible fire extinguishers (which are approved by fire underwriters) for the particular hazard involved or associated with the activity shall be provided by Operators, Lessees, or Sublessees.
  - 6.4.3.1. At all times, fire extinguishers shall be maintained in accordance with the practices recommended by the NFPA.
  - 6.4.3.2. A tag showing the date of last inspection (and who performed the inspection) shall be attached to each unit and records, acceptable by fire underwriters, shall be kept documenting the status of each unit.

- 6.4.4. A responsible person shall be designated and point-of-contact information shall be provided to the Airport Operations Department including the name of the primary and secondary contacts and day time and after-hours telephone numbers for both individuals.

**6.5. Heating Equipment**

- 6.5.1. All heating equipment and Fuel burning appliances installed or used at the Airport shall comply with all Regulatory Measures (as applicable) of the City, the State of North Dakota, the NFPA, and the Airport Operations Department.

**6.6. Aircraft Hangars**

- 6.6.1. Aircraft Hangars shall only be used for the parking and storage of Aircraft and associated Aircraft equipment and supplies as approved by the Airport Operations Department or as otherwise stipulated in an Agreement.
- 6.6.2. Aircraft parked in Hangars shall be parked in a manner so as to be completely contained in the Hangar and shall not be positioned in such a manner so as to block a Runway, Taxiway, Taxilane, or obstruct access to Hangars, parked or staged Aircraft, parked or staged Vehicles, doors, gates, or Fuel storage facilities except for temporary staging and/or Fuel Handling of such Aircraft.
- 6.6.3. Use of Aircraft Hangars shall be subject to the following restrictions:
- 6.6.3.1. Unless permission is granted by Agreement, no Aircraft Maintenance, alterations, or repairs shall be performed in a Hangar without the prior written permission of the Airport Director.
- 6.6.3.2. Space heaters may be utilized in Hangars so long as not left unattended while operating and all applicable fire prevention/safety measures are continually observed.
- 6.6.3.3. Oily rags, waste oil, or other materials soiled with petroleum-based products may only be stored in containers with self-closing, tight-fitting lids in accordance with applicable Regulatory Measures.

**6.7. Aircraft Tiedowns**

- 6.7.1. Aircraft parked in Tiedown space shall be parked in a manner so as to be completely contained in the Tiedown space and shall not be positioned in such a manner so as to block a Runway, Taxiway, Taxilane, or obstruct access to Hangars, parked or staged Aircraft, parked or staged Vehicles, doors, gates, or Fuel storage facilities except for staging and/or Fuel Handling of such Aircraft.
- 6.7.1.1. If performed in full compliance with Regulatory Measures, preventative Aircraft Maintenance, as defined in 14 CFR Part 43, may be performed on the Aircraft listed in the Agreement for the Tiedown space.

**6.8. Storage of Materials and Equipment**

- 6.8.1. Materials and equipment shall be stored in such manner as to preclude creating any hazard, obstructing any operation, or littering.



- 6.8.1.1. Storage of materials or equipment, excluding Refueling Vehicles, shall not be permitted outdoors, unless approved in writing by the Airport Director.
  - 6.8.1.2. Non-hazardous items can be stored in a fully-enclosed and secured container on the Leased Premises as long as such storage fully complies with Regulatory Measures.
  - 6.8.1.3. Unless expressly permitted in an existing Agreement, the Leased Premises shall not be used to store non-aviation merchandise, supplies, or equipment excluding those items utilized to fulfill the obligations of an Agreement.
  - 6.8.2. Railroad (box or tanker) cars, intermodal containers, or tanker, truck, or flatbed trailers, etc. shall not be stored or used to store any type of materials, Vehicles, or equipment without the prior written permission of the Airport Director.
- 6.9. Compressed Gases**
- 6.9.1. Oxygen or any compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed and approved specifically for the cylinder(s) or tank(s) being secured.
    - 6.9.1.1. Compressed gas cylinders or tanks must have approved and fully operational pressure relief devices installed.
    - 6.9.1.2. Cylinders or tanks not in use shall have an approved transportation safety cap installed.
    - 6.9.1.3. Cylinders or tanks shall be stored and maintained in accordance with the practices recommended by the NFPA.
- 6.10. Lubricating Oils**
- 6.10.1. Lubricating oils having a flash point at or above 150 degrees may be stored in Hangars provided the product is stored in the original container and the capacity of the container is less than 55 gallons and the original manufacturer's labeling or marking is on the container (or the product is stored in other suitable containers approved by the Airport Operations Department).
  - 6.10.2. Storage of more than 55 gallons of lubricating oil or containers having a capacity of more than 55 gallons require a SPCC Plan be provided to the Airport Director. Such containers may only be stored in compliance with Regulatory Measures and consistent with the City's SWPPP.
- 6.11. Right of Entry**
- 6.11.1. The Airport Director shall have the right of entry at reasonable times for repairs, maintenance, modification, or inspection of all facilities, buildings, and Improvements at the Airport whether the right of entry is provided for in any Agreement or other approval.
    - 6.11.1.1. For facilities, buildings, and Improvements owned by the City, the Airport Director shall be provided with a key capable of gaining access to the facilities, buildings, and Improvements.

- 6.11.1.2. For facilities, buildings, and Improvements owned by the Lessee or Sublessee, the Airport Director shall provide advanced notification.
- 6.11.2. The Airport Director and the Airport Operations Department shall have the right of entry to facilities, buildings, and Improvements without advanced notification during emergencies. Emergencies may include, but shall not be limited to, fire, acts of nature, or Hazardous Materials spill or leak, or for the protection of persons or Property.

**6.12. Non-Commercial Flying Club**

- 6.12.1. A Non-Commercial Flying Club (Flying Club) is an entity that is legally formed as a non-profit entity with the State of North Dakota, operates on a non-profit basis, and restricts membership from the public.
  - 6.12.1.1. Each Flying Club member (Member) must have an ownership interest in the Flying Club. The property rights of the Flying Club Owners shall be equal.
  - 6.12.1.2. Flying Club shall keep on file and available for review by the Airport Director, a complete membership list and investment (ownership) share held by each member including a record of all members (past and present) with full names, addresses, and the date the membership began and ended.
- 6.12.2. Flying Club shall file and keep the following current with the Airport Director:
  - 6.12.2.1. articles of incorporation, copies of bylaws, operating rules, membership agreements, and the location and address of the club's registered office,
  - 6.12.2.2. roster of all officers and directors including home and business addresses and telephone numbers, and
  - 6.12.2.3. designee responsible for compliance with applicable Regulatory Measures.
- 6.12.3. Flying Clubs shall not conduct any Commercial Activity.
  - 6.12.3.1. If Flying Club membership is advertised or available to the public or operated for Commercial purposes, Flying Club shall be required to meet the applicable Minimum Standards for a Commercial Activity.
  - 6.12.3.2. Members may conduct flight instruction relating to Aircraft checkout and/or currency (e.g., flight reviews, instrument proficiency checks, etc.) for other Members. The Flying Club shall not permit its Aircraft to be utilized for flight instruction to any person, including Members, when such person pays or becomes obligated to pay for such flight instruction, except when flight instruction provided by an approved Flight Training Operator on the Airport.
- 6.12.4. Flying Club Aircraft shall only be used by Members.
- 6.12.5. No Member shall use Flying Club Aircraft in exchange for Compensation. This does not include reimbursement for expenses associated with the use of Flying Club Aircraft.

6.12.6. If the Flying Club is performing Aircraft Maintenance on Aircraft owned by the Flying Club, Maintenance area and Hangar are required as follows:

Maintenance area and Hangar (square feet)	
Maintenance area <sup>1</sup>	500
Hangar <sup>2</sup>	3,600

6.12.1. Insurance

6.12.1.1. Except as otherwise provided for herein, Flying Club shall maintain, at a minimum, the coverage and limits of insurance set forth below:

6.12.1.1.1. Commercial General Liability (Combined Single Limit):

Each occurrence – \$1,000,000

Unlicensed Vehicles – \$1,000,000

6.12.1.1.2. Vehicular Liability (Combined Single Limit)

Each occurrence – \$1,000,000

6.12.1.1.3. Hangar Keeper's Liability (Largest Aircraft Accommodated):

Single Engine Piston Group I – \$250,000 (each aircraft) and \$500,000 (each occurrence).

Multi Engine Piston Group I – \$500,000 (each aircraft) and \$1,000,000 (each occurrence).

Turboprop Group I – \$1,000,000 (each aircraft) and \$2,500,000 (each occurrence).

6.12.1.1.4. Aircraft and Passenger Liability (Each Occurrence):

Each occurrence – \$1,000,000 Club and \$100,000 sub limit per person.

<sup>1</sup> Maintenance area shall include adequate and dedicated space for employee work areas, shop areas, and storage for Aircraft parts, accessories, related components, and Equipment.

<sup>2</sup> Hangar area shall be at least equal to the square footage stipulated above or large enough to accommodate the largest Aircraft being serviced, whichever is greater.

## **7. AVIATION FUELING RULES AND REGULATIONS**

### **7.1. General**

#### **7.1.1. Regulatory Measures**

7.1.1.1. Fuel Handling, Refueling Vehicles, and Fuel storage facilities at the Airport shall conform to the Regulatory Measures including without limitation, those prescribed by the State of North Dakota and City and provisions of 14 CFR; NFPA recommendations; ATA 103; Applicable ACs including AC 150/5230-4 "Aircraft Fuel Storage, Handling, and Dispensing on Airports", AC 00-34 "Aircraft Ground Handling and Servicing", and AC 150/5210-5 "Painting, Marking and Lighting of Vehicles Used on an Airport".; the City's SWMP and City's SPCC Plan; Regulatory Measures established by the Environmental Protection Agency, North Dakota Department of Health, Environmental Health Section, North Dakota Department of Health, and any other Agency having jurisdiction.

#### **7.1.2. Fuel Quality Control**

7.1.2.1. Fuel shall comply with the quality specifications outlined in American Society for Testing and Materials (ASTM) D 1655 (Jet A), ASTM D 1910 (Avgas), or ASTM D4814 without ethanol. Ensuring the quality of the Fuel is the sole responsibility of entity engaged in Fuel Handling.

#### **7.1.3. Training**

7.1.3.1. Standard Operating Procedure (SOP) shall be developed and maintained for Fuel Handling to include compliance with standards set forth in AC 00-34A "Aircraft Ground Handling and Servicing." The SOP shall include a training plan, Fuel quality assurance procedures, record keeping, and emergency response procedures related to Fuel spills and fires. The SOP shall also address regular safety and security inspections, bonding and fire protection, public protection, marking and labeling of (and controlling access to) Refueling Vehicles and Fuel storage facilities. The SOP shall be made available to the Airport Director for review upon request no later than 30 calendar days before any Fuel Handling is scheduled to commence and it shall be made available for review upon request any time changes are planned.

7.1.3.2. No person shall engage in Fuel Handling until that person is properly trained.

7.1.3.3. Training records documenting the qualifications of (and the training provided to) each person shall be maintained and kept on file.

7.1.3.3.1. Records shall indicate the initial and recurrent training provided (and the date such training was provided and by whom).

7.1.3.3.2. Recurrent training shall be provided on a regularly scheduled basis, but not less than every year.

- 7.1.3.3.3. Records shall be subject to review of and/or inspection by the Airport Director or other designated representative(s).
- 7.1.3.3.4. Training shall be performed in accordance with 14 CFR Part 139.
- 7.1.4. Fuel Handling
  - 7.1.4.1. Aircraft shall not be engaged in Fuel Handling in an area where Aircraft engines are operating, Aircraft or engines are being warmed by application of heat, or while the Aircraft is located in a congested area.
  - 7.1.4.2. Prior to engaging in Fuel Handling, entity shall provide the Airport Director with a written SPCC Plan that meets all applicable Regulatory Measures. An updated copy of the SPCC Plan shall be filed with the Airport Director at least 30 calendar days prior to any planned change in operations.
  - 7.1.4.3. A properly trained person shall be present and responsive while Fuel is being transferred into or out of any Fuel storage facility (from or into Refueling Vehicle).
    - 7.1.4.3.1. The person shall remain within the immediate vicinity, in close proximity to, and in direct view of all operating controls and Refueling Vehicles.
    - 7.1.4.3.2. The person shall not leave the discharge end of any hose(s) unattended at any time while the transfer of Fuel is in progress.
    - 7.1.4.3.3. The person shall not block open, disengage, or deactivate the deadman or any related controls while Fuel Handling.
  - 7.1.4.4. All Fuel Handling shall be treated with due caution and circumspection with regard to the rights, safety, and security of others so as not to endanger, or be likely to endanger, persons or Property.
    - 7.1.4.4.1. If any malfunction or irregularity is detected on or within the Aircraft, Fuel Handling shall cease immediately and the malfunction or irregularity shall be brought to the attention of the Aircraft Owner or Aircraft Operator immediately.
  - 7.1.4.5. Persons engaged in Fuel Handling shall exercise care and extreme caution to prevent overflow or spills of Fuel or oils.
    - 7.1.4.5.1. Should a Fuel or oil spill occur at the Airport, the party responsible shall comply with Section 1.22 of these Rules and Regulations.
  - 7.1.4.6. Refueling Vehicles shall be positioned so the Vehicle can be directly driven away from the loading or refueling position in the event of spill or fire.

- 7.1.4.7. Fuel Handling shall be conducted outdoors and at least 25 feet from any Hangar or building and 50 feet from any combustion and ventilation air-intake to any boiler, heater, or incinerator room or as approved by the Airport Director.
- 7.1.4.8. Vehicles shall be refueled only at refueling stations and from dispensing devices approved by the Airport Director.
- 7.1.4.9. In the absence of suitable ground support equipment, a turbine-powered auxiliary power unit mounted at the rear of the Aircraft or on the wing on the side opposite from the fueling point may be operated during Fuel Handling.
  - 7.1.4.9.1. A turbine-powered auxiliary power unit may be operated during Fuel Handling provided its design, installation, location, and combustion air source do not constitute a Fuel vapor ignition source.
  - 7.1.4.9.2. Fuel Handling shall be conducted in accordance with the procedures stipulated in the Aircraft Operator's Manual.
- 7.1.4.10. Fuel Handling shall not occur if an electrical storm is in progress within 5 miles of the Airport.
  - 7.1.4.10.1. Fuel Handling may resume 15 minutes following any reported or observed lightning flash within 5 miles of the Airport.
- 7.1.4.11. The Refueling Vehicle shall be bonded to the Aircraft or Fuel storage facility to equalize the voltage potential.
  - 7.1.4.11.1. All hoses, nozzles, spouts, funnels, and appurtenances used in Fuel Handling shall be FM or UL approved and shall be equipped with a bonding device to prevent ignition of volatile liquids.
- 7.1.4.12. Fuel Handling shall not occur while passengers are on board the Aircraft unless a passenger-loading ramp is in place at the Aircraft's cabin door, the door is in the open position, and a qualified attendant is present at the door.
- 7.1.4.13. No person shall operate any radio transmitter or receiver or switch the transmitter or receiver on or off during Fuel Handling unless said radio transmitter or receiver is designed specifically for such environment.
- 7.1.4.14. No person shall operate Aircraft electrical systems or switch Aircraft electrical appliances on or off during Fuel Handling.
- 7.1.4.15. Hold down or hold open devices on Refueling Vehicle nozzles are prohibited.
- 7.1.4.16. For single point Fueling, deadman controls or mechanisms shall be utilized and shall remain in safe operating condition and good working order.

- 7.1.4.16.1. No person shall deactivate or bypass a deadman control or mechanism at any time.
- 7.1.4.17. During Fuel Handling, no person shall use any material or equipment which is likely to cause a spark or ignition within 50 feet.
  - 7.1.4.17.1. Smoking, matches, lighters, and open flames (e.g., candles, fixtures, or fires) are prohibited within 50 feet of any Aircraft, Refueling Vehicle, and/or Fuel storage facility.
- 7.1.4.18. Refueling Vehicles (including Fuel tankers) shall only use the entrance, exit, and route designated by the Airport Director during the transportation and delivery of Fuel.
- 7.1.4.19. Refueling Vehicles (including Fuel tankers) shall be subject to inspection at any time to determine compliance with these Rules and Regulations.
- 7.1.4.20. Fire extinguishers shall be immediately available during Fuel Handling to comply with practices recommended by the NFPA and all fire codes, regulations, or directives issued by the Airport Director and/or City.
  - 7.1.4.20.1. All extinguishers shall be inspected and certified, as required by law, and all personnel involved with Fueling or defueling operations shall be qualified and properly trained to use all fire extinguishers.
- 7.1.4.21. Appropriate and proper absorbent material(s) and Fuel spill containment capable of damming/diking a Fuel spill shall be immediately available or as defined in the entity's approved SPCC Plan.
- 7.1.4.22. The City assumes no liability or responsibility for any violation of any Aircraft, Refueling Vehicle or refueling requirement or procedure, any error, omission, negligence, or any violation of any Regulatory Measure relating to Fuel Handling.
  - 7.1.4.22.1. Entities engaged in Fuel Handling shall be solely, fully, and completely responsible for any such violation, error, omission, or negligence incident to or in connection with the entities Fuel storage facilities, Refueling Vehicles, Fuel Handling, and training.
  - 7.1.4.22.2. Entities engaged in Fuel Handling shall fully reimburse the City for any fines, legal or court costs, incurred by the City for any such violation, error, omission, or negligence.
- 7.1.5. Rotorcraft Rapid Refueling
  - 7.1.5.1. In the event Rotorcraft Fueling while an onboard engine is operating, entity must comply with all Regulatory Measures.

- 7.1.5.2. Only turbine engine Rotorcraft fueled with Jet Fuel shall be permitted to be fueled while an onboard engine is operating. All sources of ignition must be located above the Fuel inlet port(s), vents or tank openings.
- 7.1.5.3. An FAA licensed Rotorcraft pilot shall be at the Rotorcraft controls during the entire Fuel Handling process.
- 7.1.5.4. If applicable, medical crew members shall be ready to remove the patient from the Rotorcraft to a safe area if needed.
- 7.1.5.5. Only designated personnel, properly trained in rapid refueling operations, shall operate the Refueling Vehicle.
- 7.1.5.6. All doors, windows, and access points allowing entry to the interior of the Rotorcraft which are adjacent to, or in the immediate vicinity of, the Fuel inlet ports shall be closed and shall remain closed during Fuel Handling.
- 7.1.5.7. Fuel shall be dispensed into an open port from approved dead-man type nozzles, with a flow rate not to exceed 60 gallons per minute or it shall be dispensed through close-coupled pressure fueling ports.
- 7.1.5.8. When Fuel is dispensed from fixed piping systems the hose cabinet shall not extend into the rotor space.
- 7.1.5.9. The Refueling Vehicle shall be pre-positioned in a designated area and the Rotorcraft will land after the Refueling Vehicle has been parked and the wheels chocked (maintaining no less than 20 feet between any Rotorcraft rotating component and the Refueling Vehicle). The Refueling Vehicle shall not be moved or relocated while the Rotorcraft is on the ground or hovering in the vicinity.
- 7.1.6. Refueling Vehicles
  - 7.1.6.1. Refueling Vehicles shall be equipped and maintained to comply with all applicable Regulatory Measures including, without limitation, those prescribed by:
    - 7.1.6.1.1. National Fire Protection Association (NFPA) Codes;
    - 7.1.6.1.2. 14 CFR Part 139, Airport Certification, Section 139.321 "Handling/Storing of Hazardous Substances and Materials"; and
    - 7.1.6.1.3. Applicable ACs including AC 00-34 "Aircraft Ground Handling and Servicing" and AC 150/5210-5 "Painting, Marking and Lighting of Vehicles Used on an Airport".
  - 7.1.6.2. Refueling Vehicles shall be equipped with metering devices that meet all applicable Regulatory Measures.
  - 7.1.6.3. All Refueling Vehicles shall be bottom loaded.
  - 7.1.6.4. Only those Fuel storage facilities and Refueling Vehicles which are approved by the Airport Director shall be used for Fuel Handling.



- 7.1.6.5. Refueling Vehicles, pumps, meters, hoses, nozzles, funnels, fire extinguishers, and bonding devices used during Fuel Handling shall be maintained in a safe operating condition. All hoses, funnels, and appurtenances used in Fuel Handling shall be equipped with a bonding device to prevent ignition of volatile liquids.
  - 7.1.6.5.1. When Refueling Vehicles are found in a state of disrepair, malfunction, or their use constitutes an undue fire or safety hazard, or the operation of Refueling Vehicles would violate these Rules and Regulations, the entity shall immediately discontinue the use of such Refueling Vehicles until repairs, replacements, or changes are made to render the same safe for continued use.
  - 7.1.6.5.2. Hoses or piping connections shall be secured and capable of holding under the pump's rated PSI discharge.
  - 7.1.6.5.3. Hoses or nozzles shall be FM or UL approved with self-closing valve and no hold-down or hold-open devices. All pumps shall be UL or FM approved.
  - 7.1.6.5.4. All storage tanks shall be rated in accordance with UFC Article 24, Division II and Article 79, Division XII.
- 7.1.6.6. Refueling Vehicles shall not be operated in reverse unless another person is present to safely monitor and direct the movement of the Refueling Vehicle.
- 7.1.6.7. Refueling Vehicles and Fuel storage facilities shall be placarded, marked, or color coded in accordance with NFPA Publication 407 and applicable FAA ACs.
  - 7.1.6.7.1. A copy of all applicable permits, registrations, and certificates shall be maintained in each Refueling Vehicle.
- 7.1.7. Storage of Refueling Vehicles
  - 7.1.7.1. Refueling Vehicles shall be stored outdoors at a distance of at least 50 feet from a building or at the distance approved by the Airport Director unless the building is designed, constructed, and used exclusively, and approved by the Airport Operations Department specifically for this purpose.
  - 7.1.7.2. Refueling Vehicles shall be parked in a manner that provides a minimum of 10 feet of separation between Vehicles and any other Vehicle or Aircraft and a minimum of 20 feet from a storm water inlet.

7.1.8. Maintenance of Refueling Vehicles

7.1.8.1. Maintenance of Refueling Vehicles shall be performed outdoors or in a building which is approved by the Airport Director specifically for this purpose.

7.1.8.2. Entities engaged in Fuel Handling shall document and maintain and keep on file Refueling Vehicle maintenance records. These records shall be made available to the Airport Director upon request.

7.1.9. Fuel Storage Facilities

7.1.9.1. Entities shall be liable and shall defend, indemnify, save, protect, and hold harmless the City for all leaks, spills, or other damage that may result from Fuel Handling.

7.1.9.2. Fuel storage facilities shall be operated and maintained in accordance with practices recommended by the NFPA (Pamphlet No. 30 and NFPA 407) and in full compliance with Regulatory Measures and shall be approved by all Agencies having jurisdiction. Fuel storage facilities shall be constructed and/or tanks shall be installed in accordance with the practices recommended by the NFPA (Pamphlet No. 30) and in full compliance with Regulatory Measures.

7.1.9.3. Plans for installation and operation of Fuel storage facilities shall be submitted to the Airport Director and approval shall be received from the Airport Director prior to installation and operation.

7.1.9.4. All security gates leading into Fuel storage facilities shall remain (be kept) closed, locked, and secured except when actually in use.

**7.2. Non-Commercial Self-Fueling**

7.2.1. Introduction

7.2.1.1. Any entity engaged in Non-Commercial Self-Fueling shall also comply with Section 7.1 of these Rules and Regulations.

7.2.1.2. Non-Commercial Self-Fueling is defined as fueling of an Aircraft by the Aircraft Owner or the Owner's Employee(s) using the Aircraft Owner's Vehicles, Equipment, and resources.

7.2.2. Permit

7.2.2.1. No Aircraft Owner or Aircraft Operator shall engage in Self-Fueling unless a valid General Aviation Self-Fueling Permit authorizing such activity has been issued by the Airport Director (herein after referred to as Self-Fueling Permittee).

7.2.2.2. The Self-Fueling Permit shall not reduce or limit Self-Fueling Permittee's obligations with respect to these Non-Commercial Self-Fueling rules, which shall be included in the Self-Fueling Permit by reference.

7.2.2.3. Self-Fueling Permittee shall provide evidence of Aircraft ownership, lease, or operation (full and exclusive control).

- 7.2.2.3.1. If the Aircraft is being leased or operated by (and under the full and exclusive control of) and Fueled by Self-Fueling Permittee, Self-Fueling Permittee shall provide the Airport Director with a copy of the lease or operating agreement.
    - 7.2.2.3.2. The Airport Director will determine if the lease or operating agreement demonstrates that the Self-Fueling Permittee has the full and exclusive control of the Aircraft.
  - 7.2.2.4. Self-Fueling Permittee shall comply with State of North Dakota Department of Revenue regulations pertaining to aviation use fuel tax and Internal Revenue Service Publication 510 (Excise Taxes – Including Fuel Tax Credits and Refunds) when remitting payment in compliance with Publication 510. Self-Fueling Permittee shall maintain written records of compliance with all Regulatory Measures (including tax or fee payments) for the use of Fuel utilized in Aircraft and provide records upon request by the Airport Director.
- 7.2.3. Reporting
  - 7.2.3.1. On or before the 10th day of the subsequent month, Self-Fueling Permittee shall: (a) provide a summary report to the Airport Director identifying the number of gallons of: (i) aviation Fuel purchased by Self-Fueling Permittee (by Fuel type), (ii) delivered to Self-Fueling Permittee’s Fuel storage facility (by Fuel type), and (iii) dispensed to Self-Fueling Permittee’s Aircraft at the Airport and (b) pay the appropriate fees due to the City at the Airport Director’s office.
  - 7.2.3.2. Records and meters shall be made available for review by the Airport Director. In the case of a discrepancy between the amount of Fuel purchased by and/or delivered to Self-Fueling Permittee and the amount of Fuel delivered to Self-Fueling Permittee’s Aircraft and/or dispensed by Self-Fueling Permittee at the Airport, the greater amount shall prevail and the Self-Fueling Permittee shall promptly pay all additional fees due the City at the Airport Director’s office, plus annual interest on the unpaid balance at the maximum rate allowable by law from the date originally due.
- 7.2.4. Fueling Operations
  - 7.2.4.1. Self-Fueling shall be conducted only in those areas designated by the Airport Director as identified in the Self-Fueling Permit.
    - 7.2.4.1.1. Self-Fueling at any other location at the Airport is prohibited.
  - 7.2.4.2. Pouring or gravity transfer of Fuel and Fueling from containers having a capacity of more than 5 gallons is prohibited.
- 7.2.5. Fueling Equipment

7.2.5.1. Self-Fueling Permittee shall utilize a Refueling Vehicle for dispensing Fuel into Self-Fueling Permittee’s Aircraft.

7.2.5.1.1. Refueling Vehicle shall be solely owned, leased, and/or operated by (and under the full and exclusive control of) the Self-Fueling Permittee.

7.2.5.2. Self-Fueling Permittee shall utilize a single Refueling Vehicle for each type of Fuel to be dispensed as follows:

Refueling Vehicles		
Jet Fuel		
Minimum capacity (gallons)		1,000
Maximum capacity (gallons)		2,000
Avgas		
Minimum capacity (gallons)		500
Maximum capacity (gallons)		1,000

7.2.5.2.1. Self-Fueling Permittee’s utilizing an FBO Fuel storage facility must park the Refueling Vehicle on the FBO’s Leased Premises when not in use.

7.2.5.2.2. Self-Fueling Permittee’s utilizing off Airport Fuel storage must park the Refueling Vehicle off Airport when not in use.

**7.2.6. Fuel Storage Facilities**

7.2.6.1. Self-Fueling Permittee shall demonstrate that satisfactory arrangements have been made for the storage of Fuel, as follows:

7.2.6.1.1. through an authorized FBO at the Airport;

7.2.6.1.2. off Airport; or

7.2.6.1.3. through Self-Fueling Permittee’s Fuel storage facility at the Airport in a location consistent with the Master Plan, Airport Layout Plan, and/or Land Use Plan and approved by the Airport Director.

7.2.6.2. Self-Fueling Permittee’s authorized by the Airport Director shall lease land and own or lease an above ground Fuel storage facility in the designated Fuel storage area as follows:

Fuel Storage Facility		
Jet Fuel		
Number of tanks		1
Minimum total capacity (gallons)		10,000
Avgas		
Number of tanks		1
Minimum total capacity (gallons)		10,000

- 7.2.6.2.1. A Fuel storage facility in the designated Fuel storage area shall denote the Aircraft FAA N-Number(s) identified on the Self-fueling Permittee's Self-Fueling Permit with 12 inch characters on each side of the Fuel storage facility.
- 7.2.7. Limitations
  - 7.2.7.1. Self-Fueling Permittee shall not sell and/or dispense Fuels to Aircraft that are not owned, leased, and/or operated by (and under the full and exclusive control of) Self-Fueling Permittee and identified to the Airport Director. Any such selling or dispensing shall be grounds for revocation of the Permit by the Airport Director as well as the collection of all applicable fines or other charges.
    - 7.2.7.1.1. Revocation upon first violation will be for a period of one year.
    - 7.2.7.1.2. Revocation upon a second violation shall be permanent.
- 7.2.8. Emergency Public Service
  - 7.2.8.1. Entities providing an Emergency Public Service are not required to meet the requirements identified in Section 7.2.5 or Section 7.2.6 unless Fuel is being delivered to Aircraft by Refueling Vehicles or through a Fixed Fueling Station.
  - 7.2.8.2. Fuel storage facilities and delivery of Fuel for Aircraft operated by Emergency Public Service must be approved in writing, in advance by the Airport Director.
- 7.2.9. Insurance
  - 7.2.9.1. Except as otherwise provided for herein, Non-Commercial Self-Fueling Permittee shall maintain, at a minimum, the coverage and limits of insurance set forth in below:
    - 7.2.9.1.1. Commercial General Liability (Combined Single Limit)
      - Each occurrence – \$1,000,000
      - Unlicensed Vehicles – \$2,000,000
    - 7.2.9.1.2. Vehicular Liability (Combined Single Limit)
      - Each Occurrence – \$2,000,000
    - 7.2.9.1.3. Vehicular Liability (Combined Single Limit)
      - Each Occurrence – \$2,000,000
    - 7.2.9.1.4. Environmental Liability – \$2,000,000



**WILLISTON BASIN**  
INTERNATIONAL AIRPORT

421 Airport Road  
P.O. Box 1306  
Williston, ND 58802  
701-774-8594

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# General Aviation Self-Fueling Permit

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City of Williston

*Williston Basin International Airport (XWA)*

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February 24, 2017

**GENERAL AVIATION SELF-FUELING PERMITTEE**

**Legal name:** \_\_\_\_\_

**Business/trade name (if different):** \_\_\_\_\_

**Business/trade address:**

\_\_\_\_\_ Address  
 \_\_\_\_\_ City, State, Zip

**Contact information:**

\_\_\_\_\_ Name and Title  
 (\_\_\_\_)\_\_\_\_-\_\_\_\_ Telephone (\_\_\_\_)\_\_\_\_-\_\_\_\_ Fax \_\_\_\_\_ E-mail

**Contact address (if different):**

\_\_\_\_\_ Address  
 \_\_\_\_\_ City, State, Zip

**On-airport address (if different):**

\_\_\_\_\_ Address  
 \_\_\_\_\_ City, State, Zip

Self-Fueling is defined in the General Aviation Primary Guiding Documents for the Williston Basin International Airport (Airport) as the Non-Commercial fueling of an Aircraft by the Owner of the Aircraft, or the Owner's Employee, using the Owner's Vehicles, Equipment, and resources.

Any entity engaging in Self-Fueling at the Airport shall hold a current and valid Self-Fueling Permit (Permit) approved by the City of Williston (City).

The Airport Director reserves the right to suspend or revoke the Permit of any Permittee, on a temporary or permanent basis, for Permittee's failure to comply with any of the terms and conditions of this Permit.

Please provide the following information (attach additional sheet if needed):

Aircraft					
FAA N-Number	Manufacturer	Model	Year	Fuel Type	
Fuel Storage Facility (Tanks)					
Quantity	Fuel Type	Capacity	Construction Date	Above/Below Ground	Notes

Refueling Vehicles (Units)					
Quantity	Fuel Type	Capacity	Make/Model	Year	Notes

***The Permittee agrees to the following:***

- **PERMIT SCOPE:** Self-Fueling activities are limited solely to the Aircraft, fuel storage facility, refueling vehicle(s), and duration specified in this Permit.
- **FEE PAYMENT:** The Permittee agrees to pay all applicable rents, fees, and other charges when due and payable without offset of any kind whatsoever. The Permittee also agrees to pay any late fees, interest, penalties or related charges.
- **PERMIT LIMITATIONS:** This Permit may not be assigned or transferred to any entity and is limited to engage in the approved Activity in the location designated and only for the time specified in this Permit.
- **INFORMATION CHANGES:** The Permittee shall notify the Airport Director in writing within 15 business days of any change to the information contained in this Permit.
- **INSURANCE:** The Permittee shall maintain all required insurance coverages pursuant to the Airport’s Rules and Regulations and applicable Regulatory Measures.
- **INDEMNIFICATION:** The Permittee shall indemnify the City pursuant to the Airport’s General Aviation Primary Guiding Documents.
- **COMPLIANCE WITH REGULATORY MEASURES:** The Permittee shall comply with applicable Regulatory Measures as may be developed and/or amended from time to time.
- **REPORTING:** The Permittee agrees to comply with the reporting requirements specified in the Airport’s General Aviation Minimum Standards.

*If, at any time, the Permittee does not comply with all the terms and conditions of this Permit, this Permit shall be invalid (null and void) and terminated. However, Permittee’s obligations shall survive termination until all rents, fees, and other charges (such as late fees, interest, penalties, etc.) are paid in full, all fuel storage and refueling vehicles are removed from the Airport, and all liabilities are resolved to the satisfaction of the City.*

*The undersigned representative of the Permittee certifies that he/she is authorized to sign for (on behalf of) the Permittee and agrees to abide by all of the terms and conditions under which this Permit is being granted.*

*Agreed and accepted:*

---

Permittee (sign and print name)	Title	Date
---------------------------------	-------	------

*Approved:*

---

City of Williston (sign and print name)	Title	Date
---	-------	------

**Time Period Authorized (check one/complete):**

- Permit valid for one year from the date of approval.
- Permit valid from: \_\_\_\_\_ (start date) to: \_\_\_\_\_ (end date).