



KALAMAZOO/BATTLE CREEK INTERNATIONAL AIRPORT

Administrative Rules and Regulations
for the Operation of the
Kalamazoo/Battle Creek International Airport

Established by
Kalamazoo County Aeronautics Board of Trustees
and Adopted by the Kalamazoo County Board of Commissioners
April, 2009
And Amended by the Kalamazoo County Aeronautics Board of Trustees
April, 2011
May, 2020
September, 2020

5235 Portage Road
Kalamazoo, Michigan 49002

TABLE OF CONTENTS

	<u>Page</u>
CHAPTER 1 – INTENT AND PURPOSE	1
CHAPTER 2 – DEFINITIONS.....	2
CHAPTER 3 – GENERAL RULES AND REGULATIONS.....	5
CHAPTER 4 – AIRPORT SECURITY	10
CHAPTER 5 – ENVIRONMENTAL REGULATIONS	13
CHAPTER 6 – MOTOR VEHICLE REGULATIONS	16
CHAPTER 7 – AIRCRAFT FUELING AND DEFUELING AND HAZARDOUS MATERIALS.....	16
CHAPTER 8 – AIRCRAFT OPERATIONS GENERAL AERONAUTICAL RULES	18
CHAPTER 9 – TAXIING AND FLIGHT RULES.....	18
CHAPTER 10 – RULES FOR NOISE ABATEMENT.....	19
CHAPTER 11 – AERONAUTICAL GROUND RULES	20
CHAPTER 12 – PEDESTRIAN RULES.....	21
CHAPTER 13 – T-HANGARS	22
CHAPTER 14 – PERMITS.....	22
CHAPTER 15 – INSURANCE	26
CHAPTER 16 – FLYING CLUBS	27
CHAPTER 17 – CO-OP FUELING.....	28
CHAPTER 18 – TENANT CONSTRUCTION.....	29
CHAPTER 19 – PENALTIES	29
CHAPTER 20 – CONFLICT WITH OTHER AUTHORITY	30
CHAPTER 21 – SEVERABILITY.....	30
CHAPTER 22 – EFFECTIVE DATE AND REPEALER	30
EXHIBIT A- PROCEDURES FOR OBTAINING A SELF-FULFILLING PERMIT	32
EXHIBIT B- LOCATION OF SELF-FUELING AERA	33
EXHIBIT C- LOCATION OF ENGINE RUN-UP AND TEST AREAS	34
NOTIFICATION OF ADOPTION OF RULES AND REGULATIONS	35

CHAPTER 1 – INTENT AND PURPOSE

- 1.1 The Kalamazoo/Battle Creek International Airport (Airport) is owned by the County of Kalamazoo, a municipal corporation organized under the constitution and laws of the State of Michigan (County). The Airport is operated and governed by the Kalamazoo County Aeronautics Board of Trustees (Board of Trustees) pursuant to a resolution of the County dated May 16, 2006, and the Aeronautics Code of the State of Michigan, 1945 P.A. 327, as amended. Among the powers, authority and duties conferred upon the Aeronautics Board of Trustees is the power to establish all necessary rules and regulations for the management, government and use of the Airport. In exercise of its authority, the Board of Trustees has adopted the following Rules and Regulations in order to provide for the most efficient management, governance and use of the Airport while simultaneously maintaining order at the Airport and protecting the safety of the Airport's patrons and tenants. These Rules and Regulations are to be construed in conformity with all federal, state and local laws.
- 1.2 The Board of Trustees has adopted these Rules and Regulations in order to provide for the safe operation of the Airport because maintaining the safety of people and aircraft at the Airport are essential for the efficient operation of the Airport.
- 1.3 The Board of Trustees, in developing these Rules and Regulations, recognizes that the different organizations and individuals using the Airport may have widely varying operational requirements. The Board of Trustees intends for these Rules and Regulations to meet those varying needs while also retaining the principals necessary to maintain Airport safety.
- 1.4 In order to provide for the enforcement of these Rules and Regulations as provided in Chapter 19, The Kalamazoo County Board of Commissioners has adopted these Rules and Regulations by Ordinance as hereinafter set forth.
- 1.5 The Airport Director shall make copies of these Rules and Regulations available to all organizations and individuals who use the Airport.

CHAPTER 2 – DEFINITIONS

- 2.1 **Aeronautical Activity** means any activity commonly conducted at airports which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations. These activities include, but are not limited to, air taxi and charter operations, pilot training, aircraft renting, sightseeing, aerial photography, crop dusting, aerial advertising, aerial surveying, air carrier operations (passenger or cargo), skydiving, ultralight operations, aircraft sales and services, sale of aviation petroleum products, repair and maintenance of aircraft, aircraft management, or sale of aircraft parts, aircraft storage or ground service equipment handling.
- 2.2 **Aeronautical Service** or **Aeronautical Activity** means any service that involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person who has a lease or permit from the Board of Trustees to provide such service.
- 2.3 **Aeronautics Board** or **Board of Trustees** means the Kalamazoo County Aeronautics Board of Trustees, created by the Kalamazoo County Board of Commissioners by resolution dated May 16, 2006 to operate and manage the Airport pursuant to a delegation of authority authorized by the Aeronautics Code of the State of Michigan, 1945 P.A. 327, as amended. All the duties and obligations owed in these Rules and Regulations to the Board of Trustees shall be correspondingly owed to the County, and vice versa.
- 2.4 **Aircraft** means a device that is used or intended to be used for flight in air. Examples of aircraft include, but are not limited to, airplane, sailplane, glider, rotorcraft (helicopter, gyrocopter or autogyro), balloon and blimp.
- 2.5 **Airport** means the Kalamazoo/Battle Creek International Airport located at Kalamazoo, Michigan, and all the land owned by Kalamazoo County for airport and approach purposes and under the supervision of the Airport Director.
- 2.6 **Airport Director** or **Director** means the Director of the Airport, as appointed by the Aeronautics Board of Trustees. References to the Airport Director may include his designee.
- 2.7 **Airport Emergency Plan** means the document required under Federal Aviation Regulation Part 139, the purpose of which is to provide general guidelines to insure prompt response to all emergencies and other unusual conditions in order to minimize the possibility and extent of personal injury and property damage at the Airport.
- 2.8 **Air Operations Area** or **AOA** means a portion of an airport designated for the landing, take off, or surface maneuvering of aircraft. This includes all movement and non-movement areas.

- 2.9 **Airport Movement Area** or **AMA** means the runways, taxiways, and other areas of an airport that are used for taxiing, take-off, and landing of aircraft.
- 2.10 **Airport Non-Movement Area** means the loading ramps, parking areas, and all other areas used for the operation of aircraft.
- 2.11 **Airport Security Plan** means the document required under Transportation Security Regulation Part 1542 that describes the existing facilities and the security measures in effect; defines the Air Operations Area (AOA), existing restricted areas, and indicates the security measures taken, as well as indicates future security improvements.
- 2.12 **Air Traffic Control Tower, Tower** or **ATC** is a facility operated by the Federal Aviation Administration which, through the use of air/ground communications, visual signaling and other devices, provides ATC services to airborne aircraft operating in the vicinity of an airport and to aircraft operating on the movement area.
- 2.13 **County** means Kalamazoo County and includes the Kalamazoo County Board of Commissioners.
- 2.14 **Demonstrating** means to protest or picket, as part of a labor picket or any other public protest, by assembling, patrolling, walking, marching, parading, posting or sitting-in.
- 2.15 **Federal Aviation Administration** or **FAA** means the agency created by the Federal Government under the Federal Aviation Act of 1958, as amended, or such other governmental agencies as may be successor thereto or be vested with the same or similar authority.
- 2.16 **Federal Aviation Regulations or FARs** means the rules, regulations and standards prescribed by the Federal Aviation Administration governing practices, methods and procedures to insure the safety of air commerce. References to the FARs may be to the Code of Federal Regulations (CFRs).
- 2.17 **Fixed Base Operator** or **FBO** means any person who is authorized by the Board of Trustees to offer aeronautical services to the public at the Airport under an agreement, permit or lease as a tenant or approved sub-tenant.
- 2.18 **FBO Lease** means any (a) lease agreement between the Aeronautics Board of Trustees and a Person leasing property at the Airport or (b) sub-lease agreement approved by the Aeronautics Board of Trustees between any tenant at the Airport and a Person sub-leasing property at the Airport, in either case, for the purpose of providing Aeronautical Services to the public at the Airport.
- 2.19 **Landside** means all buildings and surfaces used by surface vehicular and pedestrian traffic at the Airport.
- 2.20 **Leafletting** means the sale or distribution of handbills, tracts, circulars, flyers, literature or other written or printed material for commercial, religious, political or charitable purposes.

- 2.21 **Michigan Aeronautics Commission** means the agency created by the State of Michigan under Public Act No. 327 of 1945 or its successor.
- 2.22 **Minimum Standards** means the standards established by the Aeronautics Board of Trustees, as amended from time to time, as the minimum requirements to be met by a tenant, sub-tenant or proposed tenant as a condition for the right to provide aeronautical services to the public at the Airport.
- 2.23 **NFPA** means National Fire Protection Association.
- 2.24 **NTSB** means the National Transportation Safety Board and its successors.
- 2.25 **Permit** means a permit issued pursuant to these Rules and Regulations.
- 2.26 **Permit Holder** means a person to whom the Airport has issued a Permit pursuant to these Rules and Regulations.
- 2.27 **Person** means any individual, firm, partnership, corporation, company, association and includes any trustee, receiver, assignee, or other similar representative thereof.
- 2.28 **Public** means persons or entities receiving goods or services at or on the Airport from any individual or organization, its members or employees, with or without consideration. Members of a bona fide club or co-op under the Rules and Regulations are not members of the public with respect to the benefits of membership in such club or co-op.
- 2.29 **Shall** means always mandatory and not merely directory.
- 2.30 **Security Identification Display Area** or **SIDA** means that portion of the AOA requiring each person to continuously display on outermost garment an Airport-approved identification (ID) medium unless the individual is accompanied by an Airport-approved escort.
- 2.31 **Solicit** or **Solicitation** shall mean request, directly or indirectly, for money, credit, property, financial assistance, or other things of value, in pursuit of a commercial activity or for religious, political or charitable purposes.
- 2.32 **Special Events** means an Aeronautical Activity that will not comply with these Rules and Regulations or which, although it may comply with these Rules and Regulations will require an accommodation by other users of the Airport. Special Events include, but are not limited to, fly-ins, skydiving exhibitions, balloon operations or similar events or activities.
- 2.33 **Terminal** is the building providing facilities for the Airport Director, Federal Aviation Administration, air carriers, and air taxis, ticket and passenger areas, car rental agencies, and various concessions which serve the public.
- 2.34 **Transportation Security Administration** or **TSA** is the governmental body responsible for the security of the transportation systems and facilities in the country, including airports. Regulations of the TSA may be referred to as **TSRs**.

2.35 ABBREVIATIONS

AOA	Airport Operation Areas
ATCT	Air Traffic Control Tower
FAA	Federal Aviation Administration
FAR	Federal Aviation Regulation
MAC	Michigan Aeronautics Commission
TSR	Transportation Security Regulation

CHAPTER 3 – GENERAL RULES AND REGULATIONS

- 3.1 General Duties and Powers of the Airport Director. The Airport Director is charged with the administration, operation, planning, and development of the Airport and related facilities, appurtenances and improvements thereto and of any other aviation-related facilities so assigned by the County. The Airport Director is authorized and empowered to issue written operating procedures and directives in order to implement the provisions of Rules and Regulations, to insure compliance with all federal, state, and local laws, ordinances, and regulations; to maintain a safe and efficient airport for use by the public, and to perform such other duties as may be assigned from time to time by the Board of Trustees.
- 3.2 Emergency Actions. When an emergency exists at the Airport, the Airport Director or his authorized representative shall be empowered to take that action which within his discretion and judgment is necessary or desirable to protect the health, welfare, and safety of persons and property and to facilitate the operation of the Airport. During such an emergency, the Airport Director or his authorized representative may suspend these Rules and Regulations, or any part of them, at his discretion and judgment and he may in addition issue such oral orders, rules, and regulations as may be necessary. The Airport Director shall at all times have authority to take such reasonable action as may be necessary for the proper handling of the conduct and management of the public in attendance at the Airport.
- 3.3 All persons on Airport property are subject to the Rules and Regulations herein prescribed and by the orders and rules of the Board of Trustees and the Airport Director relative to use of or conduct on the Airport property.
- 3.4 No person shall enter an area posted as being closed to the public, except:
- (a) A person assigned to duty there.
 - (b) A person authorized by the Airport Director.

- (c) Passengers under appropriate supervision entering the aircraft parking apron area for the purposes of embarkation and debarkation.
- 3.5 No person shall post, distribute, display or otherwise place any sign, advertisement, circular, printed or written matter on Airport property except with prior approval of the Airport Director and in such manner as he/she prescribes, or in accordance with the provisions of the lease, contract or permit with the Board of Trustees.
- 3.6 No person shall enter the Airport Terminal Building with a dog, cat, bird, fowl, or other animal, domestic or wild, with the following exceptions:
- (a) A guide dog accompanied by a physically impaired person.
 - (b) An animal or bird in an authorized container as baggage while being transported to or from the airline carrier.
 - (c) Guard and search dogs under the control of authorized personnel.
- 3.7 All persons shall keep the Airport and any occupied space in a slightly and sanitary condition, as follows:
- (a) No trash, garbage, debris, junk, refuse, household garbage, or other materials shall be abandoned or disposed of except in trash receptacles provided for that purpose.
 - (b) Restrooms shall be used in a clean and sanitary manner.
 - (c) No person shall carry onto the Airport any trash, garbage, debris, junk, refuse or other material and abandon or dispose of it on Airport property.
 - (d) All persons occupying space at the Airport shall keep the space assigned or leased to them in a clean, sanitary and slightly condition, free from trash or accumulation of any material, except in covered containers for that purpose and disposed of regularly.
- 3.8 No person shall destroy, damage, deface or otherwise disturb any building, sign, equipment, marker, fence, or other structure, or any tree, flower, or lawn on Airport property. Any person negligently or willfully destroying, damaging, or otherwise injuring airport property shall be liable for the cost of restoration and for the value of property destroyed in addition to any other penalties provided in these Rules and Regulations.
- 3.9 No person shall carry onto airport property a firearm except a cased and unloaded sporting gun carried in compliance with Air Carrier Regulations. No person other than an airport tenant who uses such materials in the normal course of business on the airport shall bring or cause any explosive material to be brought onto airport property. Federal, state, local government and Airport Law Enforcement Officers are exempted from this Rule.

3.10 No person shall:

- (a) Knowingly and willfully engage in any physical or verbal contact that hinders, opposes, obstructs, or resists any law enforcement officer or other public official or employee of the County or the Airport in the performance of his or her duties;
- (b) Knowingly and willfully furnish any law enforcement officer or other public official or employee of the County or the Airport with a false name, address, age, date of birth, or with any false or misleading information in connection with the investigation of the commission of any violation of these Rules and Regulations or any other local, state or federal law;
- (c) Knowingly and willfully make or furnish to any law enforcement officer or other public official or employee of the County or the Airport, while the officer, official or employee is acting in his or her official capacity, a false, fictitious, or misleading report or the purported commission of any violation of this Ordinance or of any other local, state or federal law;
- (d) Impersonate, attempt to impersonate, falsely pretend to be, or hold himself or herself out without due authority as a law enforcement officer or other public official or employee of the County;
- (e) Willfully fail to obey the command of any law enforcement officer to stop or halt, provided that the officer identifies himself or herself as a law enforcement officer and provides or offers to provide identification as such, and provided that a law enforcement officer is attempting to apprehend such person for a violation of any local, state or federal law.

3.11 No person shall disturb the public peace and quiet by loud or boisterous conduct or noise; nor shall any person commit an assault, or an assault and battery on any person.

3.12 No person shall congregate in such a fashion so as to obstruct the free and uninterrupted passage of the public.

3.13 Neither the County nor the Board of Trustees shall be liable for any loss, injury, or damage to any person or to property by reason of fire, theft, or vandalism, or wind, flood, earthquake, or other natural occurrence.

3.14 All providers of aeronautical services and non-aeronautical services to the public at the Airport shall indemnify and hold harmless the Airport Director and his staff, the Board of Trustees, the County and its officials, representatives, agents, employees, successors or assigns from all liabilities (including, without limitation, legal fees) arising out of any aspect of the participation of the person in an Aeronautical Activity or use of the Airport.

3.15 (a) No air meet, aerial demonstration, or other special event, including those stated in Section 9.5 of these Rules and Regulations shall be held at or over airport property except by special prior approval of the Airport Director.

- (b) No such special approval shall be given unless the Applicant has deposited with the Airport Director a policy or certificate of public liability insurance, in an amount satisfactory to the Airport Director, insuring the County and Board of Trustees against personal injury and property damage.
- 3.16 Each organization occupying Airport property shall maintain a copy of these regulations in a conspicuous location at all times.
- 3.17 Each tenant shall comply with the specific provision or provisions of the Airport Security Plan supplied to the tenant by the Airport Administration.
- 3.18 No person shall solicit within any portion of the Airport Terminal building or the sidewalks immediately in front of and adjacent to the Terminal.
- 3.19 (a) No person shall engage in solicitation, leafleting or demonstrating on any portion of the Airport without first obtaining a permit from the Airport Director as provided below and complying with these Rules and Regulations. Nothing in these Rules and Regulations shall be deemed to expand or restrict any activity covered by a collective bargaining agreement with the Board of Trustees, or limit the Airport from any of its civil remedies, including injunctive relief, or from lawfully exercising any of its other rights to protect the Airport from breaches of the peace or violation of law.
- (b) All individuals, groups and organizations wishing to engage in solicitation, leafleting or demonstrating on Airport property shall obtain a permit from the Airport Director during normal business hours (8:00 a.m. to 5:00 p.m., EST, Monday through Friday) three (3) days in advance of conducting such activities. The Airport Director shall issue a permit upon completion of a registration form providing the names, addresses, telephone numbers and signatures of each person expected to engage in the activities, the dates and times of the activities and the name, address and telephone number of the principal officer, director or person or persons in charge of the group or organization, if applicable, together with proof of identity. A permit shall expire no later than forty-eight (48) hours from the time designated on the registration for commencement of activities. The Airport Director may deny a permit for failure to furnish complete information or refusal to agree to any other terms or conditions of these Rules and Regulations. Consecutive permits may be applied for following the same application procedure; however, no preference shall be given to any renewal over any other application. Permits will be issued strictly on a first-applied, first-issued basis. Only one (1) permit shall be issued at any one time.
 - (c) Each person conducting solicitation, leafleting or demonstrating at the Airport agrees to indemnify the Board of Trustees and the County, its agents and employees, from and against any and all claims and demands by any third parties, whether just or unjust, for personal injuries (including death) or property damage, including theft or loss, caused by or alleged to be caused by the activities of such person on Airport property.

- (d) Solicitation, leafleting and demonstrating shall be confined to the areas in the Airport Terminal building or other areas of the Airport as from time-to-time established by advance written policy of the Airport Director.
 - (e) Solicitation, leafleting and demonstrating shall be conducted in person by not more than two (2) persons from a single group, organization or cause in each location at a time, between the hours of 8:00 a.m. and 5:00 p.m., EST, Monday through Friday.
 - (f) No person shall engage in solicitation, leafleting or demonstrating within eight (8) feet of premises leased to or provided for a concessionaire or tenant (such as a restaurant, travel agency, airline ticket counter, or shop), rest room, stairs, escalator, or elevator, doorway or entrance way, public service information center, baggage claim or any security check-in area.
 - (g) No person shall engage in solicitation, leafleting or demonstrating upon any street, roadway, drive or parking lot at the Airport.
 - (h) No person shall engage in solicitation, leafleting or demonstrating with the use of sound or voice amplification systems, musical instruments, radio communication systems, or any other mechanical sound devices.
 - (i) No person engaging in solicitation, leafleting or demonstrating shall make a loud noise or shout or speak at a level that disturbs or interferes with the ability of others to hear public announcements over the Airport public address system or to transact business at the Airport.
 - (j) No person shall engage in solicitation, leafleting or demonstrating by use of any table, chair, stationary rack, vending machine or other structure or use any stationary or wheeled device, with the exception of persons requiring the use of a wheelchair or other disability-related device, .
 - (k) No person shall carry any sign or placard at a level above his or her shoulders. No signs, placards, or other material shall be fixed to the exterior or interior of any building or other appurtenance within Airport property.
 - (l) At the conclusion of any solicitation, leafleting or demonstrating, each person shall pick up all discarded leaflets, signs or other material and properly dispose of them or remove them from the premises.
- 3.20 No person shall in any way obstruct, delay or interfere with the free movement of any person, nor shall any person assault, assail, cajole, coerce, threaten or physically disturb or direct any obscenities at any other person.
- 3.21 Parental Responsibility. No parent, guardian or other person having charge, guardianship, custody or control of any minor under the age of seventeen (17) years shall encourage, knowingly permit or by inefficient control allow the minor to violate a provision of this Ordinance. Proof that the minor was convicted of violating this Ordinance shall be prima facie evidence that the minor's parent or guardian allowed or encouraged the minor to violate such section.

- 3.22 Lost articles may be returned to the Kalamazoo County Sheriff's Airport Unit office. Any article not claimed within 45 days shall be disposed of as determined by the Airport Director.
- 3.23 The Airport Director is authorized and empowered to issue written operating procedures and directives in order to implement the provisions of these Airport Rules and Regulations, to insure compliance with all federal, state and local laws, ordinances and regulations and to maintain a safe and efficient airport for use by the public.
- 3.24 Smoking is prohibited within twenty-five (25) feet of any door, entrance, window or ventilation system of any public or non-public area of the terminal building, including exclusive use space.

CHAPTER 4 – AIRPORT SECURITY

- 4.1 General Security Provisions. The following provisions govern Airport Security at the Airport. Transportation Security Administration (TSA) directed security changes, enhancements or measures as implemented by the Board of Trustees supersede these Rules and Regulations. Airport employees, Airport tenants, tenant employees and other Airport users desiring to maintain security access privileges will be advised and held accountable for any TSA security changes, until these Rules and Regulations are formally amended.

As prescribed in Transportation Security Regulation Part 1540-42, the Board of Trustees has the overall responsibility for security at the Airport as detailed in the TSA approved Airport Security Plan:

- (a) Airport security procedures are established and approved by TSA to ensure Airport compliance with the Airport Security Plan as required by Transportation Security Administration regulations.
- (b) The local airport liaison with TSA is through the Airport Security Coordinator who is trained and certified by TSA. The Airport Security Coordinator is responsible for the effective implementation and enforcement of Airport security regulations, TSA directives, and security procedures on the Airport, in compliance with TSA regulations
- (c) As a part of the Airport Security Plan, TSA requires the Airport to have systems and procedures in place to control access to the secured areas of the Airport. The implementation of these access control procedures universally involves the issuance of airport security badges that permit the authorized person to access vehicle gates and pedestrian doors.
- (d) The application process to receive a security badge requires a criminal history fingerprint and/or records check and TSA conducted Security Threat Assessment

check; informs the applicant of various types of violation areas that could result in the immediate revocation of security access privileges.

- (e) The Airport is obligated to deny issuance of, or revoke an existing, security access badge, and the associated unescorted access privileges, when in the sole opinion of the Airport Director, the applicant would pose a risk to the security of the Airport.
- (f) Each Airport tenant shall be responsible for the security of its leased areas, control of its employees and guests, as well as the security of their parked aircraft and assigned aircraft parking areas and the safe parking and operation of vehicles under their control. This includes the establishment of suitable means to prevent or deter, to the extent practicable, unauthorized access to restricted areas of the Airport, where unauthorized access could result in a compromise of security and safety. This also includes the challenging of any unidentified person found in these areas and reporting the incident to the Law Enforcement Office

4.2 Security Area Access Controls.

- (a) The Airport has established a system for identifying people having a need to be on the AOA and in the restricted/secured areas of the Airport. All people in these areas must have airport issued identification, or another form of identification approved by the Airport Director. As a part of the access control system the Airport Director issues badges allowing access to the AOA and secured area. The Airport Director is responsible for the control of badges, the maintenance of records on the other forms of acceptable identification, and the issuance and retrieval of security identification.
- (b) Airport tenants who have gates or open areas that permit access to the restricted areas of the Airport must insure that these openings are either kept locked or under constant control, except in the case of a scheduled air carrier who will carry out the requirements of their TSA approved air carrier security program under TSR Part 1544-48. All doors and gates providing access between non-restricted and restricted areas must be provided with automated access control or lock and key systems, and restricted area signage, as directed by the TSA and the Airport Security Program. Persons in Airport tenant leasehold areas, within the AOA but outside designated SIDA areas, need not display a form of identification as long as the persons in the leasehold AOA are under the control of, or escorted by, the tenant or authorized representative of the tenant with valid Airport ID and escort privileges.
- (c) Failure to control access to the Airport's secured or restricted areas will result in a security violation by the offending person or organization. If a violation of TSA regulations or the Airport Security Plan should occur as the result of the actions or inaction of a tenant, tenant employee, or another person authorized access by the tenant, and such action, or inaction, results in the imposition of a fine or penalty on the County or the Board of Trustees, the tenant or otherwise authorized

employer responsible for the violation shall be required to reimburse the County and the Board of Trustees for the amount of the fine or penalty, together with any legal costs incurred as a result.

4.3 Airport Issued Identification

- (a) All People employed by the Airport, or its tenants or contractors, including air carrier employees, who have unescorted access to any area on the Airport controlled for security reasons shall have criminal and employment background checks, to the extent required by TSA regulations. A fee is charged for Airport-issued badges and criminal history record checks.
- (b) Applicants for badges for unescorted access to restricted areas must have completed the Airfield Safety and Security course administered by the Airport Director prior to the issuance of a security access badge.
- (c) Badges must be continuously displayed on the outermost garment, above the waist, when employees are in the SIDA.
- (d) All badges remain the property of the Airport and must be returned when no longer needed or when the employee terminates employment. Lost or stolen badges must be reported to the Airport Director immediately. A fee is charged for replacement and non-returned badges.

4.4 Other Forms of Airport Approved Identification. All people on the AOA must have a legitimate need to be in the restricted areas of the Airport and must display some form of Airport approved personal security identification. TSA regulations and the Airport Security Plan permit the Airport Director to recognize forms of identification not specifically issued by the Airport. All forms of identification must be approved by the Airport Director in advance of granting secured access. The following general categories of identification are currently recognized:

- (a) Uniformed airline flight crewmembers working in the immediate vicinity of their aircraft and valid company ID.
- (b) General aviation pilots are identified by their pilot's license on general aviation ramps in the immediate vicinity of their aircraft. General aviation passengers must be escorted by the pilot.
- (c) Identification media of organizations, who are tenants on the Airport, or other governmental agencies, whose forms of identification are specifically recognized in the Airport Security Plan.

4.5 Penalties for Violations

- (a) Airport employees or Airport tenant employees having approved security access clearance to restricted areas of the Airport are responsible for compliance with TSA Security Regulations, including Security Directives, the Airport Security Plan, and any security procedures implemented by the Airport and/or Air Carriers

as a result of, or for the purpose of, maintaining compliance with Airport security regulations and requirements. Any violation of security regulations and/or procedures shall be deemed a violation of the Airport's Rules and Regulations, punishable in accordance with the penalties section of these Rules and Regulations.

- (b) The Board of Trustees has a progressive penalty procedure for security violations, as outlined in the Airport's Security Plan, however each violation shall be evaluated individually with respect to the seriousness and/or deliberateness of the violation, as well as any prior history of violations. In accordance with TSA security enforcement obligations, the Airport Director reserves the right to deny or revoke the airport-issued badge, and associated security access, for any individual who, in the sole opinion of the Airport, may be a security risk to the Airport, the aircraft, or any of the tenants or public at the Airport. For serious or deliberate violations, such denial or revocation may occur on the first offense.
 - (c) In addition to revocation of an Airport-issued identification badge and loss of associated unescorted or escorted access privileges, security violations may also result in fines, civil and/or criminal penalties, issued by TSA to the offending individual or organization, depending on the nature of the offense.
- 4.6 If the Airport is assigned or assessed a civil penalty or fine by state or federal officials because of any violation of security, the person responsible for the security violation as well as his or her employer, jointly and severally, agree that payment of such fine shall be its or their responsibility and that such fine shall be paid by that person and employer as an additional fee to its lease, agreement or permit, and that if such fine is paid by the Airport, such person and employer will reimburse the Board of Trustees on demand for the amount paid by it.

CHAPTER 5 – ENVIRONMENTAL REGULATIONS

- 5.1 Consent Required. No person shall cause or permit any Hazardous Materials, as defined below, to be stored or used on or about the Airport, except in compliance with Environmental Laws as described below and as permitted by the Board of Trustees.
- 5.2 Compliance with Environmental Laws. All persons shall at all times and in all respects comply with all local, state, and federal laws, ordinances, regulations, and orders relating to industrial hygiene, environmental protection, or the use, generation, manufacture, storage, disposal, or transportation of Hazardous Materials on, about or from the Airport (collectively "Environmental Laws").
- 5.3 Hazardous Materials Handling. Each person shall, at its expense, procure, maintain in effect, and comply with all conditions of any permits, licenses, and other governmental and regulatory approvals required for the use of the premises, including, without limitation, discharge of materials or wastes into or through any storm or sanitary sewer

serving the premises. Except for discharges into the sanitary sewer, each person shall cause any and all Hazardous Materials removed from the Airport to be removed and transported solely by duly licensed haulers to duly licensed facilities for disposal. Each person shall in all respects handle, treat and manage any and all Hazardous Materials on or about the premises in conformity with all applicable Environmental Laws and prudent industry practices regarding the management of such Hazardous Materials. Upon the expiration or earlier termination of its lease, agreement or permit for use of the Airport, each person shall cause all Hazardous Materials to be removed from the Airport and to be transported for use, storage, disposal or recycling in accordance and compliance with all applicable Environmental Laws; provided, however, that the person shall not take any remedial action in response to the presence of any Hazardous Materials in or about the premises, nor enter into any settlement agreement, consent decree, or other compromise with respect to any claims relating to any Hazardous Materials in any way connected with the Airport without first notifying the Airport Director of its intention to do so and affording the Airport Director ample opportunity to appear, intervene, or otherwise appropriately assert and protect the County's interest with respect thereto.

- 5.4 Notices. If at any time any person shall become aware, or have reasonable cause to believe, that any Hazardous Material has come to be located on or about the Airport in violation or potential violation of Environmental Laws, the person shall, immediately upon discovering such presence or suspected presence of the Hazardous Material, provide the Airport Director with written notice of that condition. In addition, the person shall immediately notify the Airport Director in writing of (1) any enforcement, cleanup, removal, or other governmental or regulatory action instituted or threatened pursuant to any Environmental Laws, (2) any claim made or threatened by any person against the person or the premises relating to damage, contribution, cost recovery, compensation, loss, or injury resulting from or claimed to result from any Hazardous Materials, and (3) any reports made to any local, state, or federal environmental agency arising out of or in connection with any Hazardous Materials on or removed from the premises, including any complaints, notices, warnings, or asserted violations in connection therewith. The person shall also supply to the Airport Director as promptly as possible, and in any event within five (5) business days after he first receives or sends the same, copies of all claims, reports, complaints, notices, warnings, or asserted violations relating in any way to the premises or his use thereof. The person shall promptly deliver to the Airport Director copies of hazardous waste manifests reflecting the legal and proper disposal of all Hazardous Materials removed from the premises.
- 5.5 Definition of Hazardous Materials. As used in these Airport Rules and Regulations, "Hazardous Material or Materials" means any hazardous or toxic substances, materials or wastes, including, but not limited to, those substances, materials, and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302) and amendments thereto, or such substances, materials and wastes which are or become regulated under any applicable local, state or federal law including, without limitation, any material, waste or substance which is petroleum or a petroleum distillate,

asbestos, polychlorinated biphenyls, (iv) defined as a "hazardous waste" pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §6901, et seq. or defined as a "hazardous substance" pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, et seq.

- 5.6 Indemnification. Each person shall indemnify, defend and hold harmless the County and the Board of Trustees, including their officers, employees, successors and assigns, from and against any and all claims, liabilities, penalties, fines, judgments, forfeitures, losses, damages (including damages for the loss or restriction on use of usable space or of any amenity of the premises) costs, or expenses (including attorneys' fees, consultant fees, and expert fees) for the death of or injury to any person or damage to the Airport or any property whatsoever, arising from or caused by the person's failure to comply with any Environmental Laws or any covenants, terms or conditions relating to environmental matters in the Airport Rules and Regulations. Such person's obligations under this paragraph shall include, without limitation, and whether foreseeable or unforeseeable, any and all costs incurred in connection with any investigation of the condition of the premises, and any and all costs of any required or necessary repair, cleanup, decontamination or remediation of the premises and the preparation and implementation of any closure, remedial action, or other required plans in connection therewith should the Airport Director have a reasonable basis to believe that such person has caused the presence of Hazardous Materials in violation of Environmental Laws and such person fails to first conduct its own environmental investigation, and any and all costs of any required or necessary repair, cleanup, decontamination or remediation of the premises and the preparation and implementation of any closure, remedial action, or other required plans in connection therewith and resulting from such person's violation of Environmental Laws. The person's obligations under this paragraph shall survive the expiration or earlier termination of the person's lease, agreement or permit.
- 5.7 Notwithstanding any provisions of a person's lease, agreement or permit to the contrary, the Airport Director, at his sole discretion, shall have the right to enter and inspect the premises, including any person's business operations, upon reasonable notice and in a manner so as not to unreasonably interfere with the conduct of the person's business, to investigate the presence of potential presence of Hazardous Materials on the premises in violation of Environmental Laws. During such inspection, the Airport Director shall have the right to visually inspect the premises and to take such soil, sludge or groundwater samples and conduct such tests as it may determine, in its sole discretion, to be necessary or advisable. The Board of Trustees shall pay for the costs of such investigations; provided, however, that if the results of such investigation indicate the presence of Hazardous Materials on or about the premises is in violation of Environmental Laws and such violation was caused by that person, then he shall fully reimburse the Board of Trustees for such expenses within ten (10) days of receiving Airport Director's written request for reimbursement.
- 5.8 The County holds a National Pollution Discharge Elimination System ("NPDES") Permit authorizing the discharge of storm water from the Airport ("Permit"). The Permit and the

Plan are incorporated by reference into these Rules and Regulations as if printed in their entirety herein and are available for review in the Airport Administration office. All persons and users of the Airport are charged with knowledge of the Permit and Plan and the obligation of complying with them.

CHAPTER 6 – MOTOR VEHICLE REGULATIONS

- 6.1 No person shall operate a vehicle in any Airport Movement Areas except when necessary to the operation of the Kalamazoo/Battle Creek International Airport.
- 6.2 Any vehicle operating in the Airport Movement Area shall be identified by clearly visible organizational insignia and by a rotating or flashing beacon.
- 6.3 No vehicle shall load or unload any person on Airport property except at a place designated for that purpose by the Airport Director or as directed by the FBO.
- 6.4 No vehicle shall be parked or left standing on Airport property except in a designated area in accordance with regulations governing the use of such area.

CHAPTER 7 – AIRCRAFT FUELING AND DEFUELING AND HAZARDOUS MATERIALS

- 7.1 Aviation tenants whose leases or agreements provide the right to dispense aviation fuel to the general public shall:
 - (a) Submit to and maintain aviation fuel service data on a current basis with the Airport Director specifying hours and types of services, types of fuel, lubricants, associated products, fees, proposed charges and such other similar information as the Airport Director may require.
 - (b) Utilize, transport, store and dispense fuel only in such a manner and only by use of such facilities as will meet all safety requirements of appropriate local, state, NFPA, and federal agencies and authorities.
 - (c) Cause all fuel tenders to be marked appropriately to identify fuels being transported.
 - (d) Secure written approval from the Airport Director prior to the installation of storage and fixed dispensing units and before the acceptance of delivery of any new type fuel, such as jet fuel, higher octane gasoline, etc.
 - (e) Pay monthly as additional rent a fuel flowage fee as stated in the lease agreement for each gallon of fuel delivered to the premises accompanied by supporting invoices and documents detailing dates, type, and quantities of fuel delivered, as specified in the respective agreements.

- 7.2 Aviation fuels, lubricants, oils, grease, chemicals, and other harmful liquids shall be disposed of in accordance with governing laws and regulations.
- 7.3 No aircraft shall be fueled or defueled in any building or structure except as a part of required maintenance and only in a service hangar designated by the Airport Director.
- 7.4 No person shall permit fuel or oil to be drained onto or otherwise to come in contact with asphalt or bituminous surfaces of the Airport.
- 7.5 Individuals fueling their own aircraft with their own fueling equipment shall first obtain a self-fueling permit as outlined in **EXHIBIT "A."** All self-fueling shall be performed in the self-fueling area as shown on **EXHIBIT "B."** Individuals who self-fuel shall follow the safety rules outlined in this Chapter.
- 7.6 Fuel spills present a hazardous fire potential and should be handled as such. Each fuel spill should be treated as an individual case because of such variables as the size of the spill, type of flammable or combustible liquid involved, wind and weather conditions, equipment arrangement, aircraft occupancy, emergency equipment, and available personnel.
- (a) Reporting Procedure. When any spill is observed originating from an aircraft or vehicle, fuel servicing shall be discontinued immediately by releasing the fuel shutoff. Fueling operations may be continued when the Airport Fire personnel determine that it is safe to do so.
- (1) Any fuel spill, regardless of magnitude, shall be reported immediately to the Airport Fire Station (269-385-8511). Fire personnel, after being notified of a fuel spill, will inform the Airport Operation Technician in charge and the ATCT of the fuel spill.
- (b) Fire personnel, upon arrival at the incident scene, will be in charge. Fire personnel will respond to the area of a reported fuel spill to command the incident scene until they make a determination that no fire hazard or potential hazard exists and the area has been declared safe.
- (1) If a spill is less than 25 gallons, and the Fire personnel have determined that it is safe to do so, the tenant fueling agent will clean up the fuel spill utilizing absorbent material. The cleanup shall be performed immediately.
- (2) In the event a safety hazard or emergency situation has been determined by the Fire personnel in charge, fuel may be dispersed by means of washing, and all appropriate precautions shall be taken to retain the hydrocarbons in an area which allows safe recovery. The tenant fueling agent/aircraft owner shall be responsible for cleanup of the fuel spill. The cleanup shall begin immediately. If the fuel spill is too large to be handled by available absorbent material, the Airport Director will authorize the use of Airport equipment and material, to the extent available, to clean up the spill at the responsible party's expense.

- 7.7 Hazardous Materials. No person shall, without permission from the Airport Director, keep, transport, handle, or store at, in or upon the Airport any cargo of explosives, or other hazardous articles, which is barred from being loaded onto, or transported by civil aircraft in the United States under the current provisions of Federal Aviation Regulations or by any other competent authority. Compliance with said Federal Aviation Regulations shall not constitute or be construed to constitute a waiver of the required notice or an implied permission to keep, transport, handle or store such explosives or other dangerous articles at, in or upon the Airport. Advance notice of at least 24 hours shall be given to the Airport Director to permit full investigation and clearance for any operation requiring a waiver of this rule.

CHAPTER 8– AIRCRAFT OPERATIONS GENERAL AERONAUTICAL RULES

- 8.1 The Airport Director may suspend or restrict any or all operations, or take any necessary action for public safety and in the public interest.
- 8.2 Aircraft other than scheduled air carrier FAR 121/135 shall not park at commercial gate positions on the aircraft parking apron at the terminal.
- 8.3 Aircraft having mechanical difficulty may exceed the prescribed parking limit with permission of the Airport Director. Major repairs to aircraft shall not be undertaken on the Terminal Ramp without permission of the Airport Director.

CHAPTER 9 – TAXIING AND FLIGHT RULES

- 9.1 Operators of aircraft shall guard the appropriate radio frequency of the Air Traffic Control Tower at all times when the engines are running or when in areas immediately adjacent to runways or taxiways.
- 9.2 Aircraft shall be taxied at a safe and reasonable speed and in a manner to safeguard other aircraft, persons and property. Any aircraft with any condition that limits control while taxiing shall be towed.
- 9.3 Aircraft shall be moved on the paved runways and taxiways only, except turf on areas designated from time to time as taxiways, but only while so designated.
- 9.4 Take offs and landings shall be made only on designated runways, except in cases of emergency and as authorized by the Air Traffic Control Tower.
- 9.5 Except in an emergency, skydiving, parachute jumping, gliding, operating ultra-light aircraft, hot air and helium balloons, and other forms of non-powered flight are prohibited without the prior written approval of the Airport Director.

CHAPTER 10 – RULES FOR NOISE ABATEMENT

- 10.1 Preferential Runway Use. All aircraft that, because of their size, weight, or type, require the use of Runway 17/35 shall use Runway 35 (to the north) for landing and Runway 17 (to the south) for takeoff, unless the pilot in command makes a bona fide determination that the safety of the aircraft would be impaired by such use, or Air Traffic Control makes a bona fide determination that the safety of operational effectiveness would be impaired by such use.
- 10.2 Night-time Restrictions. During the period from 2300 hours until 0630 hours of the following day, no aircraft shall take off or land on Runway 17/35 unless said aircraft:
- (a) Has a certified gross weight of 75,000 pounds or less and is certified pursuant to the requirements of FAR Part 36 (14 CFR 36), as amended (or if not required to be certified under FAR Part 36, then shown as meeting the standards of FAR Part 36 in FAA Advisory Circular 36-2A, dated 2/6/78, or any update thereof).
 - (b) Is on a regularly-scheduled air carrier flight which has been delayed past 2300 hours but scheduled for arrival and departure before that time.
 - (c) Is not a regularly scheduled air carrier flight, but is delayed while operating on a formal flight plan filed with the FAA and showing a bona fide planned arrival time before 2300 hours.
 - (d) Is in distress and its pilot has determined that an emergency exists and declares said emergency to the Air Traffic Control Tower. Upon receipt of notification of any emergency landing constituting an exception to this rule, the Airport Director shall send a request for a statement of the circumstances and the nature of the emergency to the registered owner of the landing aircraft and such owner shall submit the requested information to the Airport Director within thirty (30) days of the receipt of such request.
 - (e) Is taking off with the prior approval of the Airport Director or his designated representative as an emergency flight.
 - (1) An emergency flight shall include, but is not limited to, transportation of any persons or supplies classified as a medical emergency by qualified medical personnel, or transportation of supplies or personnel needed to cope with a disaster or epidemic.
 - (2) A log of the decisions on emergency takeoff requests, together with the nature of the emergency claimed, shall be maintained by the Airport Director and reviewed at monthly intervals by the Airport Advisory Board.
 - (f) Could normally use a runway other than 17/35, but the use of 17/35 is required because of unsafe conditions such as snow, snow removal operations, or maintenance on alternate runways.

- (g) Could normally use a runway other than 17/35, but the use of 17/35 is required by weather conditions such as visibility less than one (1) mile and ceiling less than 400 feet which necessitate instrument operations on 17/35.

10.3 Noise Abatement Procedures.

- (a) Arrivals. Unless it would impair the safety of the aircraft or violate FAA rules or instructions, all arriving aircraft shall maintain an altitude of 2,500 feet above mean sea level (MSL) as long as possible, use minimum drag procedures with delayed flap and gear extension, and shall use minimum reverse thrust necessary for safety, and such other procedures as may be established by the Airport Director and found acceptable to the FAA.
- (b) Departures. Unless it would impair the safety of the aircraft or violate FAA rules or instructions, all departing aircraft shall follow the standard noise abatement procedure for departure as established by the Airport Director and found acceptable to the FAA.
- (c) Night-time operations on Runway 17/35. Any jet aircraft which is permitted to operate on Runway 17/35 as provided above during the period from 2300 hours until 0630 hours of the following day shall, unless it would impair the safety of the aircraft or violate FAA rules or instructions, be operated in accordance with the standard arrival/departure procedures of the National Business Aircraft Association's noise abatement procedures then in effect.
- (d) Engine Maintenance Run-ups. Any engine run up which produces a sound level in excess of 80 db beyond the airport boundary shall take place only in areas designated by the Airport Director, as shown on **EXHIBIT "C,"** and only between the hours of 0700 and 2200, Monday through Saturday, and 1200 to 2200 on Sundays. However, the Airport Director may give permission for a one-time run up at other times and places if in the opinion of the Airport Director it would not adversely affect noise sensitive areas.

CHAPTER 11 – AERONAUTICAL GROUND RULES

- 11.1 Aircraft engines shall be started or warmed up only in the places designated for such purposes by the Airport Director and as directed by the Air Traffic Control Tower. No aircraft engine shall be started or run inside a hangar. Test runs or engine break-ins shall be made in the areas shown on **EXHIBIT "C"** or at such other locations on the Airport designated by the Airport Director.
- 11.2 Aircraft shall be parked only in the areas designated for such purposes as directed by the FBO that leases these areas.
- 11.3 Repairs to aircraft or engines, except emergency repairs, shall be made only in the places designated for such purposes by the Airport Director.

- 11.4 Smoking is prohibited:
- (a) In any place where there is a “No Smoking” sign.
 - (b) On all aprons.
 - (c) In any open space within 25 feet of any fuel carrier which is not in motion.
 - (d) Within fifty (50) feet of a fueling operation in progress.
- 11.5 In the event any aircraft is wrecked or damaged to the extent that it cannot be moved under its own power, the pilot shall immediately notify the Airport Director’s Office, the aircraft owner and the FBO. Subject to governmental investigations and inspection of the wreckage, the owner or pilot of the wrecked or damaged aircraft, or the owner’s agent or legal representative, shall as soon as reasonably possible obtain the necessary permission for removal of said aircraft from all landing areas, taxiways, ramps, tie-down areas and all other traffic areas, and park or store said aircraft in an area designated by the Airport Director. If the owner of the aircraft fails for any reason to remove the wrecked or damaged aircraft from the AOA or Airport as requested by the Airport Director the FBO may cause the removal and storage or disposal of the wrecked or damaged aircraft at the sole expense of the aircraft owner.
- 11.6 In the case of a fuel spill, the Airport Director may, but shall not be obligated to, cause it to be removed. The FBO or the owner of the aircraft and the pilot of the aircraft shall each be liable for the cost of such removal, clean up and repair.
- 11.7 No aircraft shall be left unattended by the pilot unless properly parked and chocked, tied down or in a hangar.
- 11.8 The aircraft owner and any person in charge of an aircraft shall be liable for any damage resulting from the failure of any person in charge of such aircraft to comply with these Rules and Regulations.

CHAPTER 12 – PEDESTRIAN RULES

- 12.1 Pedestrians are prohibited from all areas of the Airport within the perimeter fence except as permitted by the Airport Director and his/her designated representative.
- 12.2 No pedestrian shall enter an Air Operations Area as outlined in the Airport Security Plan, except:
- (a) A pilot going directly to or from the aircraft.
 - (b) A passenger going directly to or from the aircraft while under the supervision of an authorized person.
 - (c) A person having business in the T-hangar area or aircraft maintenance area.

- (d) A person authorized by the Airport Director or Air Traffic Control Tower.
- (e) Maintenance company employees and those designated by the Airport Director.

CHAPTER 13 – T-HANGARS

- 13.1 T-hangar buildings or ground spaces subject to leases shall be used only for the storage or parking of aircraft and related uses and uses permitted by the lease. The storage of boats, vehicles, RVs, lawn and garden equipment, household goods and furniture, and other non-aviation items is strictly prohibited.
- 13.2 Aircraft shall be removed completely from hangars and shall be positioned with the longitudinal axis of the aircraft parallel to the plane of the building door opening before engines are started.
- 13.3 No person shall provide aeronautical services to the public or conduct any commercial or industrial activity in, from, or in any way connected with a T-hangar, except as provided in Section 13.4 below.
- 13.4 No person shall perform aircraft repair or inspection services, other than owner preventive maintenance, as defined in FAR Part 43 without a permit from the Airport.
- 13.5 No person shall make any structural change, alteration, or repair to T-hangars without approval in writing from the Airport Director prior to commencing construction.
- 13.6 No hangar tenant shall sublet or assign a T-hangar without the prior written consent of the Airport Director.
- 13.7 Aircraft fueling and defueling operations shall be governed by Chapter 7 of these Rules and Regulations.

CHAPTER 14 – PERMITS

- 14.1 No Person may provide an Aeronautical Service to the public at the Airport unless:
 - (a) the Person has an FBO Lease with the Board of Trustees relating to the Aeronautical Service, or
 - (b) a Permit has been issued to the Person by the Airport Director authorizing the Person to provide the Aeronautical Service at the Airport. The requirements of this Chapter do not apply to any FAA designated examiner, or
 - (c) the FBO subcontracts or sublicenses the Aeronautical service to a third party, provided the Board of Trustees approves the subcontract or sublicense between the FBO and the third party.

14.2 Permits shall be issued by the Airport Director to any Person who satisfies the conditions for the Aeronautical Activities listed below:

- (a) Any Person providing flight instruction under FAR Part 61 as a part-time business and having no more than three students at any one time shall provide the Airport Director with the following to his satisfaction as a condition to the issuance of a Permit:
 - (1) proof of proper and current instructor's license approved by the FAA with appropriate ratings to cover the types of instruction being offered and current medical certificate.
 - (2) proof of State of Michigan Flight School license.
 - (3) proof of Kalamazoo County business license if applicable.
 - (4) proof of aircraft bodily injury and property damage liability insurance in the amount of \$1,000,000, limited to \$100,000 each passenger, naming the County as additional insured and with no deductible amount. Coverage shall apply to bodily injury or death, passenger injuries including mental anguish, and property damage.
 - (5) current list of names and addresses of the students receiving flight instruction.

- (b) Any Person providing aircraft repair and/or inspection services, other than owner-preventive maintenance as defined in FAR Part 43, shall provide the Airport Director with the aircraft registration number and the following, to his satisfaction, as a condition to the issuance of a Permit:
 - (1) proof of proper and current licenses approved by the FAA with appropriate ratings to cover the types of repairs or inspection work being offered.
 - (2) proof of Kalamazoo County business license if applicable.
 - (3) proof of General Liability Insurance. This insurance must be written on an "occurrence" basis, responding to claims arising out of occurrences that take place during the policy period. The general liability form shall provide limits of at least the following with no deductible:
 - \$1,000,000 each occurrence for bodily injury & property damage.
 - \$1,000,000 each incident for personal and advertising injury.
 - \$1,000,000 product-completed operation aggregate.
 - \$1,000,000 general aggregate.
 - (4) The County is to be included as additional insured.

- (5) The contractual liability coverage shall include protection for the Permit Holder from claims arising out of the liability assumed under the indemnification provision of these Rules and Regulations.
 - (6) Business automobile liability insurance shall apply to any auto, including all owned, hired and non-owned vehicles, to a combined single limit of at least \$1,000,000 each accident. Any statutorily required “No-Fault” benefits and uninsured/underinsured motorist coverage shall be included.
- (c) Any Person based outside of the boundaries of the Airport and providing warranty or other service to a customer whose Aircraft is located on the Airport shall provide the Airport Director with the following, to his satisfaction, as a condition to the issuance of a Permit:
- (1) proof of proper and current licenses approved by the FAA with appropriate ratings to cover the types of repairs or inspection work being offered.
 - (2) proof of Kalamazoo County business license if applicable.
 - (3) proof of General Liability Insurance. This insurance must be written on an “occurrence” basis, responding to claims arising out of occurrences that take place during the policy period. The general liability form shall provide limits of at least the following with no deductible:
 - \$1,000,000 each occurrence for bodily injury & property damage.
 - \$1,000,000 each incident for personal and advertising injury.
 - \$1,000,000 product-completed operation aggregate.
 - \$1,000,000 general aggregate.
 - (4) The County is to be included as additional insured.
 - (5) The contractual liability coverage shall include protection for the Permit Holder from claims arising out of the liability assumed under the indemnification provision of these Rules and Regulations.
 - (6) Business automobile liability insurance shall apply to any auto, including all owned, hired and non-owned vehicles, to a combined single limit of at least \$1,000,000 each accident. Any statutorily required “No-Fault” benefits and uninsured/underinsured motorist coverage shall be included.
- (d) Any Person providing for the commercial delivery of fuel shall provide the Airport Director with the following, to his satisfaction, as a condition to the issuance of a Permit:
- (1) proof of any and all applicable regulatory permits and licenses to dispense fuel at the Airport.

- (2) proof of Kalamazoo County business license if applicable.
- (3) proof of General Liability Insurance. This insurance must be written on an “occurrence” basis, responding to claims arising out of occurrences that take place during the policy period. The general liability form shall provide limits of at least the following with no deductible:

Fueling General Aviation Aircraft Only:

\$10,000,000 each occurrence for bodily injury & property damage.

\$10,000,000 each incident for personal and advertising injury.

\$10,000,000 product-completed operation aggregate.

\$10,000,000 general aggregate.

Fueling GA and Airline/Cargo Aircraft:

\$25,000,000 each occurrence for bodily injury & property damage.

\$25,000,000 each incident for personal and advertising injury.

\$25,000,000 product-completed operation aggregate.

\$25,000,000 general aggregate.

- (4) The County is to be included as additional insured.
 - (5) The contractual liability coverage shall include protection for the Permit Holder from claims arising out of the liability assumed under the indemnification provision of these Rules and Regulations.
 - (6) Business automobile liability insurance shall apply to any auto, including all owned, hired and non-owned vehicles, to a combined single limit of at least \$2,000,000 each accident. Any statutorily required “No-Fault” benefits and uninsured/underinsured motorist coverage shall be included.
- (e) Each Permit shall be issued for designated times and dates or a period not to exceed 90 days based on the contemplated activity, impact on the safety of airport operations, past experience with the requester, current circumstances and the civil aviation needs of the public.
 - (f) The Aeronautics Board may from time to time, establish and revise fees for issuance of Permits.

CHAPTER 15 – INSURANCE

- 15.1 Each FBO and each Permit Holder shall maintain the types and amounts of insurance described in this Chapter and Chapter 14.
- 15.2 The FBO or Permit Holder shall use only responsible insurance companies of recognized standing which are authorized to do business within the State of Michigan. The insurance companies shall have a Best's Rating of at least "B+" and a financial size of "Class VII" or better in the latest edition of Best's Insurance Reports.
- 15.3 Each FBO and Permit Holder shall provide the Airport Director at his office copies of all certificates of insurance for required insurance, any policy amendments and policy renewals and any additional information related to required insurance. Each policy shall require the insurer to provide the Airport Director and the County 30 days prior written notice of termination or cancellation.
- 15.4 It is the responsibility of each FBO and Permit Holder to submit to the appropriate insurer timely notices and claims of all losses insured under their policies, pursue such claims diligently and comply with all terms and conditions of the policies. Each FBO and Permit Holder shall promptly give the Airport Director copies of all notices and claims of loss and any documentation or correspondence related to such losses. Each FBO and Permit Holder shall make all policies, policy amendments and other related insurance documents available for inspection and photocopying by the Airport Director or the County on reasonable notice.
- 15.5 Each FBO shall maintain the following insurance policies as Required Insurance under these Rules and Regulations:
- (a) Workmen's Compensation and Employers Liability Insurance. This insurance will pay the lessee's obligation under Workmen's Compensation Law of Michigan. Employer's liability coverage shall provide limits as required by the State of Michigan.
 - (b) General Liability Insurance. This insurance must be written on an "occurrence" basis, responding to claims arising out of occurrences that take place during the policy period. The general liability form shall provide limits of at least the following with no deductible:
 - \$5,000,000 each occurrence for bodily injury & property damage.
 - \$5,000,000 each incident for personal and advertising injury.
 - \$5,000,000 product-completed operation aggregate.
 - \$5,000,000 general aggregate.
 - (c) Business Automobile Liability Coverage. Business automobile liability insurance shall apply to any auto, including all owned, hired and non-owned vehicles, to a combined single limit of at least \$2,000,000 each accident. Any statutorily

required “No-Fault” benefits and uninsured/underinsured motorist coverage shall be included.

- (d) Aircraft Liability Insurance. This insurance shall provide aircraft liability, including temporary substitute aircraft and non-owned aircraft liability, to a combined single limit of at least \$10,000,000, limited to \$100,000 each passenger, per occurrence. Coverage shall apply to bodily injury or death and mental anguish, including passenger injuries and property damage.
- (e) Hangarkeepers Liability Insurance. Hangarkeeper’s legal liability coverage shall include protection for those lessees operating a hangar storage or aircraft maintenance/repair service to a limit of at least \$5,000,000 each occurrence.
- (f) The County shall be included as additional insured on all the required insurance policies.
- (g) The contractual liability coverage shall include protection for the FBO from claims arising out of the liability assumed under the indemnification provisions of these Rules and Regulations.
- (h) Any Person providing an Aeronautical Service to the public at the Airport under the supervision of or pursuant to an arrangement with an FBO shall not be required to obtain insurance described above, provided that the insurance policy or policies of the FBO provide insurance coverage for the Person to the same extent and in same amount as the applicable insurance policy described above for the Permit Holder.
- (i) The above insurance amounts and types of insurance shall be reviewed from time to time by the Board of Trustees and may be adjusted if the Board of Trustees reasonably determines such adjustments are necessary to protect the Airport’s interests.

CHAPTER 16 – FLYING CLUBS

- 16.1 All flying clubs desiring to base their aircraft on the Airport shall comply with the applicable provisions of these Rules and Regulations.
- 16.2 The flying clubs shall be a nonprofit entity (corporation, association or partnership) organized for the express purpose of providing its members with Aircraft to be used only for their personal use and enjoyment. The ownership of Aircraft shall be vested in the name of the flying club (or owned ratably by all of its members). The property rights of the members of the club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The club may not derive greater revenue from the use of its Aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.

- 16.3 Flying clubs shall not offer or conduct charter, air taxi, or rental of aircraft operations. They shall not conduct aircraft flight instruction except for regular members, and only members of the flying club may operate the aircraft. No flying club shall permit its aircraft to be utilized for giving flight instruction to any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instruction, except from a CFI who is licensed or permitted to do business on the Airport. Any qualified mechanic who is a registered member and part owner of the aircraft, which is owned and operated by the flying club shall not be restricted from doing maintenance work on aircraft owned by the club, and the club does not become obligated to pay for such maintenance work except that such mechanics and instructors may be compensated by credit against payment of dues or flight time.
- 16.4 All flying clubs and their members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the Airport except that said flying club may sell or exchange its capital equipment.
- 16.5 The flying club, with its initial application, shall furnish the Airport Director a copy of its charter and bylaws, articles of association, partnership agreement or other documentation supporting its existence; a roster, or list of members, including names of officers and directors, to be revised on an annual basis; evidence of insurance in the form of a certificate of public liability and property damage insurance, with a combined single limit of not less than \$1,000,000, containing a clause providing for thirty (30) days prior notice of cancellation; a document signed by the club and its members agreeing to indemnify and save harmless the County from any loss by reason of the existence of the club at the Airport; a statement of the number and type of aircraft; evidence that the aircraft are properly certificated; evidence that ownership is vested in the club; and a list of the operating rules of the club. The books and other records of the club shall be available for review at any reasonable time by the Airport Director or other representatives of the Board of Trustees.

CHAPTER 17 – CO-OP FUELING

- 17.1 Co-op fueling is defined as an organization formed by several aircraft owners who own equal shares of the facility and equipment for the purpose of self fueling. Co-op fueling does **NOT** qualify as individual self fueling as described in the FAA grant assurances given to the FAA by the County in exchange for grant assistance for airport development. Therefore, this is **NOT** an aeronautical service to the public since it is equally owned by the aircraft owners that formed the organization and use the facility.
- 17.2 A contract for the Co-op fueling facility must be issued by the Board of Trustees based upon a detailed application submitted to the Airport Director by the organization requesting permission to establish the Co-op fueling facility on the Airport. The Board of Trustees is under no obligation to allow such a facility on the Airport.

- 17.3 If the Board of Trustees allows the Co-op to establish a facility on the Airport the Co-op shall:
- (a) Provide \$5,000,000.00 insurance as outlined in Chapter 14 of these Rules and Regulations.
 - (b) Pay a fuel flowage fee equal to that paid by the FBO's on the Airport.

CHAPTER 18 – TENANT CONSTRUCTION

- 18.1 Tenants desiring to construct, enlarge, modify, alter, repair, move, demolish, or change any structure or to install or erect a sign of any description shall do so in accordance with the standards set by the Airport Director and any written agreement. Written approval in the form of a Construction Permit issued by the Airport Director is required for this activity. The issuance of a Construction Permit does not relieve the tenant from the responsibility to comply with all local, state, and national building codes, or to obtain all necessary permits.

CHAPTER 19 – PENALTIES

- 19.1 Any person who violates any provision of these Rules and Regulations shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not exceeding ninety (90) days, or by both such fine and imprisonment at the discretion of the court.
- 19.2 Any violation of these Rules and Regulations shall also be deemed a municipal civil infraction as defined in 1994 P.A. 12, amending 1961 P.A. 236, being MCL 600.101, *et. seq.*, and shall be subject to a fine of not to exceed Five Hundred Dollars (\$500.00). Each day these Rules and Regulations are violated shall be considered as a separate violation.
- (a) The Airport Director, the Assistant Airport Director, the Operations Supervisor, and the Airport Unit of the Kalamazoo County Sheriff's Department are designated as the authorized county officials to issue municipal civil infraction citations hereunder.
- 19.3 Any person who fails to leave the Airport, or a specified area thereof, or any person who knowingly or willingly violates these Rules and Regulations, or who refuses to comply therewith, after request to do so by the Airport Director shall be regarded as a trespasser and may be removed or ejected from and denied access to the Airport for such period of time as may be specified by the Airport Director. No unauthorized person shall travel upon the Airport other than on roads, walks, or other right of way provided for such specific purpose.

- 19.4 Any Airport employee, tenant, concessionaire or other person holding a security identification badge (“security badge”) that violates these Rules and Regulations or any security plans approved by the TSA may be subject to revocation of his or her security badge, after notice by the Airport Director. An appeal of the action of the Airport Director may be made to the Board of Trustees.
- 19.5 The Airport Director may restrict any person’s access to any particular area of the Airport unless that person immediately demonstrates a bona fide need to be there.

CHAPTER 20 – CONFLICT WITH OTHER AUTHORITY

- 20.1 Should any part of these Rules and Regulations conflict with federal or state law then such federal or state law will take precedence. The Rules and Regulations promulgated herein shall in no way supersede or abrogate regulations set forth in TSR Part 1540-42 (Airport Security) or FAA Part 139 (Certification and Operations of Land Airports).

CHAPTER 21 – SEVERABILITY

- 21.1 If any section, subsection, sentence, clause or phrase of these Rules and Regulations is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of these Rules and Regulations.

CHAPTER 22 – EFFECTIVE DATE AND REPEALER

These amended Rules and Regulations shall become effective on the 28th day of May, 2020. All Rules and Regulations existing immediately prior to this date are repealed.

AERONAUTICS BOARD OF TRUSTEES

By: _____
 Gilbert A. Collver
 Its: Chairperson

By: _____
 Craig Williams, A.A.E.
 Its: Airport Director

Date: _____

Date: _____

CERTIFICATE

The foregoing Rules and Regulations were adopted by the Board of Commissioners of Kalamazoo County, Michigan on the 21st day of April, 2009, were duly recorded, posted and authenticated by the Chairman of the Board and the County Clerk as provided by law.

_____, Chairman
Kalamazoo County Board of Commissioners

_____, County
Clerk/Register

EXHIBIT A

PROCEDURES FOR OBTAINING A SELF-FUELING PERMIT

Any Person wishing to supply and dispense fuel into their own aircraft on the Airport must do so using their own employees and their own equipment, and they must obtain a self-fueling permit from the Airport Director. Applications for self-fueling permits are available at the Airport Director's office. The procedure for obtaining a self-fueling permit is as follows:

- a. Submit a completed self-fueling application to the Airport Director.
- b. Complete the approved self-fueling training course conducted by the Fire Marshall.
- c. Obtain approval from the Fire Marshall for equipment to be used in the self-fueling operation.
- d. Airport Director reserves the right to require general liability insurance coverage based on type of fueling equipment to be used.
- e. Pay the annual permit fee of \$50.00 and the same fuel flowage fee rate as is paid by the FBO's on the Airport, based on number of gallons pumped.
- f. Provide an insurance certificate.

EXHIBIT B

Location of self-fueling area.



NOTIFICATION OF ADOPTION OF RULES AND REGULATIONS

A Public Hearing was held on the above stated Rules and Regulations by the Kalamazoo County Board of Commissioners on April 21, 2009, at 7:00 p.m., and such hearing was advertised in the *Kalamazoo Gazette* on April 13, 2009. A Public Notice of adoption of the above stated Rules and Regulations was placed in the *Kalamazoo Gazette* on May 2, 2009.

07307 (001) 374640.2