

CODIFIED RULES, REGULATIONS AND ORDINANCES  
of the  
NORTHWEST REGIONAL AIRPORT AUTHORITY  
for the  
CHERRY CAPITAL AIRPORT TRAVERSE CITY, MICHIGAN

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THE NORTHWEST REGIONAL AIRPORT AUTHORITY ORDAINS AS FOLLOWS:

CHAPTER 100

GENERAL

100.1 DESIGNATION; CITATION; HEADINGS:

- A. These Codified Rules, Regulations, and Ordinances are authorized by Section 143 of Chapter VIIA of the Michigan Aeronautics Code and consists of all rules, regulations, and ordinances of the Northwest Regional Airport Authority as revised, codified, arranged, numbered and consolidated into component codes, titles, chapters and sections, and as such shall be known and designated as the Codified Ordinances of the Northwest Regional Airport Authority for which designation "Codified Ordinances" or "this Ordinance" may be substituted. Code, title, chapter, and section headings do not constitute any part of the law as contained in the Codified Ordinances.
- B. All references to codes, titles, chapters, and sections are to such components of the Codified Ordinances unless otherwise specified. Any component code may be referred to and cited by its name, such as the "Security." Chapters may be referred to and cited by the designation "Chapter" followed by the number, such as "Chapter 200.01."

100.2 DEFINITIONS:

- A. AIR OPERATIONS AREA -. The portion of the Airport, specified in the Airport Security Program, in which security measures specified in the Code of Federal Regulations or these Codified Ordinances are carried out. This area includes aircraft movement areas, aircraft parking areas, loading ramps, and safety areas, for use by aircraft regulated under 49 CFR part 1544 or 1546, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures, or procedures. This area does not include the Secured Area.
- B. AIRCRAFT - Any contrivance now known or hereafter invented, used or designed for navigation of or flight in air.
- C. AIRPORT - Means the Cherry Capital Airport, Traverse City, Michigan and includes all Airport Facilities at the Airport.
- D. AIRPORT FACILITIES – Means any of the following at the Airport:
  - 1. Real or personal property, or an interest in real or personal property, used for the landing, taking off, taxiing, parking, or storing of aircraft, or for receiving or discharging passengers or cargo, an appurtenant area used for an Airport building or other facility, and any appurtenant right-of-way.

2. Real or personal property, including an easement, used for over-flight, noise abatement, a clear zone, a side transition zone, an environmental mitigation requirement, utilities, a drainage system, a right-of-way, or any other requirement imposed as a condition of approving the acquisition, construction, expansion, or operation of other Airport Facilities, whether or not located within the boundaries of the local government.
  3. Structures, buildings, and improvements, including aeronautical and nonaeronautical, commercial or noncommercial structures, concessions, roadways, beacons, markers, communication systems, and navigational aids.
  4. Any other improvements or facilities necessary, useful, or intended for use in the operation of the Airport.
- E. AIRPORT OPERATIONS SUPERVISOR – means the Airport Operations Supervisor as designated by the Chief Executive Officer or their designee.
- F. AIRPORT SECURITY PROGRAM – A security program adopted by the Authority pursuant to Title 49, Subtitle B, Chapter XII, Subchapter C, part 1542 of the Code of Federal Regulations.
- G. AIRPORT TRAFFIC AREA - Shall be as defined in the current Federal Aviation Regulations, Part 1, or as such may from time to time be amended.
- H. AIRWORTHY – means the Aircraft conforms to its type design and is in a condition for safe operation in compliance with FAR 91.409.
- I. AUTHORITY - The Northwest Regional Airport Authority, organized pursuant to Chapter VIIA of the Michigan Aeronautics Code.
- J. AUTHORIZED AIRPORT OFFICIAL - means an Airport official, police officer, or other personnel or agent of the Airport authorized by the Chief Executive Officer through this code, any ordinance, or by contract to issue civil and municipal civil infractions.
- K. BADGED – means possession of a badge issued by the Airport for access at the Airport.
- BASED AIRCRAFT - means are single-engine, multi-engine, jets, and helicopters derived from the FAA Form 5010-1, Airport Master Record (Existing Public Use Airports), Items 90 – 93 that are operational and Airworthy, and are based at the airport for the majority of the year pursuant to an agreement with the Authority .
- L. CHARTER VEHICLE - means a commercial activity motor vehicle used for the transportation of passengers and/or baggage, to and/or from the Airport, for a fare, which is not a taxicab under this Ordinance.
- M. CHIEF EXECUTIVE OFFICER - means the individual vested by the NRAA with the responsibility of the management of Airport facilities

- N. **COMMERCIAL AIRCRAFT** - means any aircraft operated by an air carrier certified to perform air transportation.
- O. **COMMERCIAL LOADING ZONES** - means designated spaces within the commercial vehicle lane for the loading of passengers and property into commercial vehicles.
- P. **COMMERCIAL TRANSPORTER** - means any individual, group, company, or corporation operating a commercial vehicle or vehicles for the purpose of soliciting or transporting persons and/or baggage to and/or from the Airport for hire. Examples of commercial transporters include, but are not limited to, taxicabs, limousines, hotel/motel courtesy vehicles, rental car courtesy vehicles, delivery vehicles, chartered or scheduled buses, and transportation network companies. This section is not intended to include the use of company owned/leased vehicles provided to employees for personal use.
- Q. **COMMERCIAL VEHICLE LANE** - means any area designated by the Chief Executive Officer for use by Commercial Transporters, including designated spaces for the loading/unloading of passengers and property into or from commercial vehicles.
- R. **COMMON TRAFFIC ADVISORY FREQUENCY** or "CTAF" - means a radio frequency used for air-to-air communication designated for the purpose of carrying out Airport advisory practices while operating to or from an Airport without an operating control tower or where the tower is not Operational. TVC's CTAF Frequency is 124.2
- S. **COURTESY VEHICLE** - means those not for hire vehicles owned and operated specifically for transportation and convenience of their patrons or prospective patrons by businesses located either on or off the Airport premises.
- T. **CONTRACT PARKING PERMIT** - means a coded card issued by the Chief Executive Officer which admits the holder into the general contract parking lot.
- U. **DISORDERLY CONDUCT** - a person engaged in the following conduct:
1. A person who is intoxicated on the Airport premises and who is either endangering directly the safety of another person, or of property, or is acting in a manner that causes public disturbance.
  2. A person who is engaged in indecent or obscene conduct as currently defined under Michigan law.
  3. A person who is engaged in threatening conduct which would otherwise be

considered an assault as that term is currently defined under Michigan law.

4. A person who found jostling or roughly crowding people unnecessarily on Airport premises.
- V. DRIVER - Any person who is in actual physical control of or operating a vehicle.
- W. GROSS AIRPORT REVENUE - means the total of all revenue, fees and charges of every kind charged to customers for the rental of vehicles by Off Airport Rental Car Companies for Airport Related Sales (sales in which a patron is picked up or dropped off at the Airport) whether or not payment is received, excluding any federal, state, or municipal sales or other taxes separately stated and collected, that is derived from Airport business, subject to the auditing provisions in section 600.3.B.9. of this Ordinance. Gross Airport Revenue shall exclude revenue from leased vehicles which are defined as follows: Any vehicle rented to one customer for a continuous period of twelve (12) months or more.
- X. GROSS REVENUE - means the total of all revenue, billed or received from all vehicle rental and related transactions for the rental of vehicles by On Airport Rental Car Companies at their Airport location, whether or not payment is received, excluding any federal, state or municipal sales or other taxes separately stated and collected, and further excluding Customer Facility Charges collected pursuant to Northwest Regional Airport Authority this Ordinance or as amended. Gross Revenue shall exclude revenue from leased vehicles which are defined as follows: Any vehicles rented to one customer for a continuous period of twelve (12) months or more.
- Y. MOTOR VEHICLE - Every ground vehicle that is self-propelled.
- Z. MOVEMENT AREA - The part of the Airport for which air traffic control services are provided. Runways, taxiways, and helipads are in the movement area. It is marked by a single solid and a single dashed yellow line on the pavement.
- AA. MUNICIPAL CIVIL INFRACTION - means an act or omission that is prohibited by this code or any ordinance of the NRAA, but which is not a crime under this code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Act No. 300 of the Public Acts of 1949 or an ordinance substantially corresponding to the Motor Vehicle Code; Act No. 235 of the Public Acts of 1969 regulating control of traffic in parking areas; Act No. 62 of the Public Acts of 1956 when adopted by the Uniform Traffic code; Act No. 58 of the Public Acts of 1945 being section 46.201.
- BB. MUNICIPAL CIVIL INFRACTION CITATION - means a written complaint or notice prepared by an "authorized Airport official," directing a person to appear in court or at a specified Civil Infractions Bureau regarding the occurrence or existence of a municipal civil infraction violation by the person cited.



- CC. NRAA - means the Northwest Regional Airport Authority.
- DD. OFF AIRPORT RENTAL CAR COMPANY - means any person or a firm, corporation or other entity engaged in the business of renting motor vehicles to and for use by the public who conduct no part of their business operations, other than advertising, inside the Airport terminal.
- EE. ON AIRPORT RENTAL CAR COMPANY - means any person or a firm, corporation or other entity engaged in the business of renting motor vehicles to and for use by the public who conduct any part of their business operations, other than advertising, inside the Airport terminal.
- FF. PASSENGER LOADING AND UNLOADING ZONE - means designated areas adjacent to the Airport terminal building for the loading and unloading of passengers and baggage into private vehicles.
- GG. PERMIT - means an operating certificate issued by the Airport enabling the transporter to transport passengers as provided in this ordinance.
- HH. PERSON - Any individual, firm, partnership, corporation, company, or association; and including any trustee, receiver, or similar representative thereof.
- II. PILOT - Any person who is responsible for the control of an aircraft.
- JJ. POLICE OFFICER - means every sheriff or sheriff's deputy; village or township marshal; officer of the police department of any city, village, or township; any officer of the Michigan State Police; any public safety officer at the Cherry Capital Airport; or any peace officer who is trained and certified pursuant to Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.
- KK. RENTAL CAR - means any motor vehicle, including but not limited to, any automobile, truck, van or motorcycle whose owner holds such vehicle out for hire to the general public.
- LL. REVOCATION - means the discontinuance of a driver or a firm's privilege to operate at the Airport with reinstatement of operating privileges to be permitted upon written approval of the Chief Executive Officer.
- MM. SERVICE ANIMAL – means a dog, regardless of breed or type, that is individually trained to do work or perform tasks for the benefit of a qualified individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability or such other animal that is within the definition of service animal under the Air Carrier Access Act (ACAA).

- NN. SPECIAL EVENT - means an activity or event held at, on or over the Cherry Capital where a number of participants or spectators are anticipated to participate or attend, and which has the potential to interrupt the normal and principal use and purpose of the Airport. This includes potential impacts on the neighborhoods surrounding the Airport and the roadways leading to and from the Airport. A Special Event could be an aeronautical activity, a non-aeronautical activity, or a mixture of aeronautical and non-aeronautical events. A Special Event does not include Soliciting, Leafleting, Signature Gathering, or Picketing.
- OO. SOLICITING - means any request made for the contribution or donation of money, checks, a credit card transaction, goods, services, or financial assistance and includes, but is not limited to, any oral or written request, any offer to sell merchandise, subscription, ticket or any other thing, or any attempt to solicit immediate donations or contributions, distribution of samples, food, or drink except by a concessionaire, or advertising for any service, product, or organization other than through a permitted advertising contract with the Airport or agents.
- PP. STERILE AREA – means the space beyond the TSA security screening checkpoint.
- QQ. SUSPENSION - means the temporary discontinuance for up to 30 days of a driver's or a firm's privilege to operate at the Airport.
- RR. TAXICAB - means any motor vehicle permitted as such by the Airport that delivers Airport patrons, solicits Airport patrons, and transports persons for a fare determined by a meter, and that is licensed as a taxicab by the governing municipality in which it is based.
- SS. TAXICAB LOADING ZONE - means the designated area, if any, for the loading/unloading of passengers and baggage into taxicabs.
- TT. TRANSPORTATION NETWORK COMPANY - a company that uses digital networks to connect paying passengers with drivers who provide transportation services in their own non-commercial vehicles for compensation.
- UU. TRANSPORTATION VEHICLE - means any vehicle engaged in transporting persons or property for a commercial transporter regardless of whether the charge for such services were paid for either directly or indirectly by the customer being served.
- VV. VIOLATION - includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; and any omission or failure to act where the act is required by this Code or any ordinance.

### 100.3 SCOPE:

- A. All users of and persons on the airport shall be governed by these regulations and by

any emergency directives issued by the Chief Executive Officer pursuant to section 100.6 hereof. These Codified Ordinances supersede all those previously published and are subject to amendment by the Northwest Regional Airport Authority from time to time.

- B. These Codified Ordinances shall apply to the acts of all Airport patrons, visitors, tenants, lessees, independent contractors, and employees or other persons performed within the jurisdiction of the Northwest Regional Airport Authority.
- C. These Codified Ordinances are not intended to amend, modify or supersede any provision of Federal, State, County ordinance or City ordinance, other than the zoning ordinance of the City of Traverse City with respect to property that is a part of the Airport, or any specific contractual agreement of the Northwest Regional Airport Authority with which they may conflict, and shall, insofar as possible, be interpreted so that no such conflict shall exist.
- D. If any portion of these Codified Ordinances shall be invalid or unenforceable, all other portions shall nevertheless remain in effect.

#### 100.4 LOST ARTICLES:

All lost property shall be turned in to the Airport Administration Office by the finder. Lost property will be disposed of as determined by policy of the NRAA pursuant to Disposition of Lost, Unclaimed, or Abandoned Personal Property, Act 238 of 1957.

#### 100.5 LIABILITY:

The Authority assumes no responsibility for loss, injury or damage to persons or property by reason of fire, theft, vandalism, jet blast or turbulence, or wind, flood, earthquake, or other natural causes.

#### 100.6 EMERGENCY POWERS OF THE CHIEF EXECUTIVE OFFICER:

When an emergency exists at the Airport, the Chief Executive Officer (or the designated alternate) is empowered to issue such directives and to take such action which within the Chief Executive Officer's discretion and judgement is necessary or desirable to protect persons and property and expedite the operation of the Airport and such directives and actions of the Chief Executive Officer shall have the force of a regulation hereunder so long as said emergency exists. Should the Chief Executive Officer exercise these emergency powers a full report of the nature of the emergency and the Chief Executive Officer's actions shall be made to the Authority within seventy-two hours from the conclusion of the emergency.

#### 100.7 ACCIDENT REPORTS:

- A. Any person involved in any accident or incident occurring on the premises of the

Airport which results in injury to any person or damage to property shall make a report to Airport Operations as soon as possible, giving all pertinent information as requested by the Airport.

B. Employees and Tenants. Badged operators of vehicles involved in an accident on the Airport that results in injury to a person or damage to an aircraft, Airport property or another vehicle shall:

1. Immediately stop and remain at the scene of the accident.
2. Render reasonable assistance, if capable, to any persons injured in the accident.
3. Report the accident immediately to Airport Operations before leaving the scene, if possible.
4. Present or surrender the following to Airport Operations:
  - a. Name and address
  - b. Airport ID badge
  - c. State driver's license
  - d. Any further information requested

#### 100.8 USE OF SOUND-AMPLIFYING DEVICES:

Except as otherwise set forth in these Codified Ordinances or policies of the Authority, sound trucks and amplified record-playing machines shall be prohibited on the Airport. Only such public address systems as are commonly employed, announcing the arrival and departure of scheduled airline planes, shall normally be permitted on the airport.

#### 100.9 RESTRICTED AREAS:

All areas of the airport, except those areas open to the public, are restricted and no person shall enter upon the landing field, runways, taxiways, airline communications offices, hangars, or the aprons of the airport except pursuant to Chapter 700.

#### 100.10 HEARINGS AND APPEALS FOR ALLEGED VIOLATIONS:

In the absence of a specific ordinance related to a hearing or appeals, the following shall apply to appeals under these Codified Ordinances:

- A. Notice of Violation. Except as otherwise provided in these Codified Ordinances or where delay in enforcement could result in an immediate danger to the health or safety of any person, to the environment, or the Airport, where a violation of these Codified Ordinances may cause revocation of permits or privileges exercised by a person at the Airport, such person shall receive written notification of such alleged violation giving the time and place and such other details as shall adequately apprise such person of the alleged violation and the proposed action of the Chief Executive

Officer.

- B. Appeals. In the event the person receiving such notification desires to contest the alleged violation or the proposed action they may submit a written appeal within ten (10) days of receipt of such notification to the Recording Secretary of the Authority.
- C. Hearing. A hearing shall be scheduled within thirty (30) days of receipt of such appeal by the Recording Secretary before the Authority.
- D. Determination. Within thirty (30) days of the hearing, a written determination shall be provided by the Authority to the person contesting the action by the Recording Secretary and such determination shall be final.

#### 100.11 AMENDMENTS TO CODIFIED ORDINANCES:

Amendments, additions, deletions, or corrections to these Codified Ordinances shall be promulgated by the Chief Executive Officer and shall be approved by the Authority as set forth in the Bylaws of the Authority.

#### 100.12 PENALTIES FOR VIOLATIONS:

- A. Designation. Unless a violation of this or any other Airport Ordinance of the NRAA is specifically designated as a criminal misdemeanor, the violation shall be deemed to be a municipal civil infraction.
- B. Criminal Misdemeanor Penalty. Whenever an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, the violator shall be fined no more than five hundred dollars (\$500.00) or imprisoned no more than ninety days, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues, unless otherwise provided.
- C. Municipal Civil Infraction Sanction. The sanction for a violation which is a municipal civil infraction, or the doing of any act or the failure to do any act which is declared to be unlawful, where no specific penalty is otherwise provided, shall be a civil fine in the amount determined by the District Court Magistrate or employee of an appropriate Civil Infractions Bureau or as otherwise provided by this code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act. No. 235 of the Public Acts of 1961, as amended, Public Acts 12-26 of 1994, as amended, and other applicable laws.
- D. Civil Fine. Unless otherwise specifically provided for a particular municipal civil infraction violation of this or any other Airport Ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.

- E. Increased Fines. Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this or any other Airport Ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 6-month period (unless some other period is specifically provided by any Airport Ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this or any other Airport Ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
1. The fine for any offense which is a first repeat offense shall be not less than \$100.00, plus costs.
  2. The fine for any repeat offense which is a second repeat offense, or any subsequent repeat offense shall be not less than \$200, plus costs.
- F. Separate Offense. Each day on which any violation of this or any other Airport Ordinance continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.
- G. Separate Remedies. In addition to any remedies available at law, the Airport may bring an action for an injunction or other process against a person or legal entity to restrain, prevent or abate any violation of this or any ordinance.
- H. Surcharges; Equitable Remedies. The imposition of any penalty provided for in this section shall be in addition to any surcharge levied for a violation of or noncompliance with a provision of this or any other Airport Ordinance, or a provision of a technical or other code adopted by reference in this or any other Airport Ordinance, or a rule, regulation or order promulgated, or applicable to, the Airport.
- I. Appearance Tickets for Violations of Ordinances. Police officers are hereby authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Section 1 of Act 147 of the Public Acts of 1968 as amended (MCL 764.9(2)). Appearance tickets shall be in such form to conform to all statutory requirements.
- J. Authorized Persons - Municipal Civil Infractions Tickets. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular NRAA ordinance to the contrary, the following officials are hereby designated as the Authorized Airport Officials to issue and serve municipal civil infraction citations for violations of NRAA Ordinances which provide for a municipal civil infraction or a violation thereof:
1. The Chief Executive Officer;
  2. Grand Traverse County Sheriff and all other Deputy County Sheriffs of said County;

3. Any officer of the Traverse City Police Department;
4. Any person designated by the Chief Executive Officer;
5. Any party under contract to enforce this code.

K. Authorized Persons - Misdemeanor Appearance Tickets. Unless prohibited by state law or unless otherwise provided by specific provisions of a particular NRAA ordinance to the contrary, the following officials are empowered to issue and serve Appearance Tickets for violations of NRAA ordinances which contain criminal misdemeanor penalties for violations of the ordinance involved:

1. The Chief Executive Officer;
2. Grand Traverse County Sheriff and all other Deputy County Sheriffs of said County;
3. Any officer of the Traverse City Police Department;
4. Any person designated by the Chief Executive Officer;
5. Any party under contract to enforce this code.

L. Municipal Civil Infraction Action; Commencement. A municipal civil infraction action may be commenced upon the issuance by an authorized Airport official of a municipal civil infraction citation directing the alleged violator to appear in court.

M. Municipal Civil Infraction Citations; Issuance and Service. Municipal civil infraction citations shall be issued and served by authorized Airport officials as follows:

1. The time for appearance specified in a citation shall be within a reasonable time after the citation is issued.
2. The place for appearance specified in a citation shall be the District Court which has jurisdiction over the NRAA, or an appropriate Civil Infractions Bureau.
3. Each citation shall be numbered consecutively and shall be in a form approved by the state court administrator. The original citation shall be filed with the District Court or an appropriate Civil Infractions Bureau. Copies of the citation shall be retained by the NRAA and issued to the alleged violator as provided by 600.8705 of the Michigan Compiled Laws.
4. A citation for a municipal civil infraction signed by an authorized Airport official shall be treated as made under oath if the violation alleged in the citation occurred in the presence of the official signing the complaint and if the citation contains the following statement immediately above the date and signature of the official: "I declare under the penalties of perjury that the

statements above are true to the best of my information, knowledge, and belief."

5. An authorized Airport official who witnesses a person commit a municipal civil infraction shall prepare and subscribe, as soon as possible and as completely as possible, an original and required copies of a citation.
6. An authorized Airport official may issue a citation to a person if:
  - a. Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
  - b. Based upon investigation of a complaint by someone who allegedly witnessed the person commit a municipal civil infraction, the official has reasonable cause to believe that the person is responsible for an infraction and if the Airport attorney approves in writing the issuance of the citation.
7. Municipal civil infraction citations shall be served by an authorized Airport official as follows:
  - a. Except as otherwise provided below, an authorized Airport official shall personally serve a copy of the citation upon the alleged violator.

N. Municipal Civil Infraction Citations; Contents. A citation issued pursuant to this ordinance shall contain the name and address of the alleged violator, the municipal civil infraction alleged, the place where the alleged violator shall appear in court or the appropriate Civil Infractions Bureau, the telephone number of the court or the appropriate Civil Infractions Bureau, and the time at or by which the appearance shall be made. Further, the citation shall inform the alleged violator that he or she may do one of the following:

1. Admit responsibility for the municipal civil infraction by mail, in person, or by representation, at or by the time specified for appearance.
2. Admit responsibility for the municipal civil infraction "with explanation" by mail by the time specified for appearance or, in person, or by representation.
3. Deny responsibility for the municipal civil infraction by doing either of the following:
  - a. Appearing in person for an informal hearing before a judge or district court magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a judge is requested by the Airport.
  - b. Appearing in court for a formal hearing before a judge, with the opportunity of being represented by an attorney.
4. The citation shall also inform the violator of all of the following:
  - a. That if the alleged violator desires to admit responsibility "with



explanation" in person or by representation, the alleged violator must apply to the court or Bureau in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.

- b. That if the alleged violator desires to deny responsibility, the alleged violator must apply to the court or Bureau in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for a hearing, unless a hearing date is specified on the citation.
  - c. That a hearing shall be an informal hearing unless a formal hearing is requested by the alleged violator or the Airport.
  - d. That at an informal hearing the alleged violator must appear in person before a judge, district court magistrate, or designated Bureau official without the opportunity of being represented by an attorney.
  - e. That at a formal hearing the alleged violator must appear in person before a judge with the opportunity of being represented by an attorney.
5. The citation shall contain a notice in boldfaced type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance is a misdemeanor and will result in entry of a default judgment against the alleged violator on the municipal civil infraction.

## CHAPTER 200

### VEHICLES

#### 200.1 LICENSING:

- A. No person shall operate a motor vehicle of any kind on the non-restricted area of the Airport without a valid State operator license.
- B. No non-Badged person shall operate a motor vehicle on the restricted area of the Airport unless escorted by a Badged person.
- C. No Badged person shall operate a motor vehicle on the restricted area of the Airport unless there is an operational need and only in accordance with their Badge Privileges.

#### 200.2 RULES OF OPERATION:

- A. No motor vehicle shall be operated in the Air Operations Area which is not equipped or in compliance with the Airport Security Plan.
- B. No person shall operate a motor vehicle of any kind on the Airport in a reckless or negligent manner, or in excess of the speed limits prescribed by the Chief Executive Officer. Speed limits shall not exceed ten (10) miles per hour within 50 feet of an Aircraft or building or structure. Speed limits shall not exceed fifteen (15) miles per hour on ramp, apron, in aircraft parking and hangar areas. Speed limits in other areas shall be as posted but in no case shall speed limits exceed twenty-five (25) miles per hour.
- C. Pedestrians and aircraft shall at all times have the right of way over vehicular traffic.
- D. No bicycles or motor scooters shall be operated within the Air Operations Area or upon any sidewalks or pedestrian areas.
- E. No persons operating a motor vehicle on the Airport shall fail to give proper signals or fail to observe the directions of posted traffic signs.
- F. No person under the influence of intoxicating liquors, narcotic drugs, hallucinogens, or mind or behavior modifying substances shall operate a motor vehicle or aircraft on the Airport.
- G. No person shall operate any motor vehicle on the Airport which is overloaded or carrying more passengers than the vehicle was designed to carry. No person shall ride on the running board, stand up in the body of, ride on the outside of the body of, or have arms or legs protruding from the body of any moving vehicle other than crash, fire and rescue vehicles designed for standing personnel.

- H. No vehicle shall be operated on the Airport if it is so constructed, equipped, or loaded so as to endanger persons or property.
- I. No person shall operate a motor vehicle without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flame in any hangar or within the Airport Operations Area of the airport.
- J. Before entering the Movement Area, all vehicles will first obtain permission to enter from Ground Control by radio. During non-towered operation hours, Movement Area drivers will make the appropriate radio announcement on CTAF frequency 124.2. The driver will insure by personal observation that no aircraft is approaching their position before entering the Movement Area. Vehicles which do not obtain proper clearance shall be reported to the Airport Administration Office by the Control Tower. All vehicles operating within the Movement Area without a two-way radio must be escorted by a vehicle having two-way radio communication. The escort vehicle must be in continuous communication with ground operations.
- K. The installation of two-way radio equipment does not permit the operation of vehicles in the Movement Area without prior permission of the Chief Executive Officer.
- L. Emergency conditions existing at any time on the Airport will not mitigate or cancel these regulations. During such conditions, the driver of any motor vehicle will make certain that they do not move their vehicle in any direction unless specifically cleared by ground control to do so.
- M. Any person who damages any Airport Facility or fixture by means of contact with a vehicle shall report such damage to Airport Operations immediately and shall be fully responsible for any costs for repair or replacement of the damaged fixture or facility.

### 200.3 ADOPTION OF THE UNIFORM TRAFFIC CODE:

Unless otherwise specifically provided for by this code, the NRAA may contract with a city or township to enforce provisions of the Uniform Traffic Code adopted by said city or township on NRAA property as authorized under Chapter 257 of Act No. 117 of the Public Acts of 1978, as amended, and other applicable laws.

### 200.4 PARKING:

#### A. Public Parking.

- 1. Parking Zones Established. For purposes of this Ordinance, certain designated portions of the Airport are classified into the following zones.
  - a. Terminal parking Short Term
  - b. Terminal parking Long Term
  - c. Employee and General contract parking

- d. On Airport Rental car parking
  - e. Loading and Unloading
2. Parking Zones Map. The boundaries of the foresaid zones are hereby defined and established consistent with a map entitled "Parking Zones Map of the Northwest Regional Airport Authority" and such map (and as amended) is hereby made a part of this Ordinance. The official Parking Zones Map shall be identified by the signature of the Chairman of the Authority, be attested by the Recording Secretary of the Authority, and bear the following words: "This is to certify that this is the official Parking Zones Map referred to in Section 200.4 A 2 of this Ordinance." A copy of said map shall be on file in the office of the Chief Executive Officer and is subject to modification by action of the Northwest Regional Airport Authority.
  3. Hours of Operation. All parking zones established by this Ordinance shall be operated every hour of every day, subject to the following exceptions:
    - a. Public emergencies, such as snowstorms, floods, or fires: and
    - b. The Chief Executive Officer may temporarily close all or portions of a parking zone if necessary to accommodate maintenance, work, or special events in or near the parking zone.
  4. Authority of Chief Executive Officer. The Chief Executive Officer or a designated representative shall have authority to regulate the stopping, standing, and parking of vehicles in a manner consistent with the Parking Zones Map and this Ordinance. Such authority shall include:
    - a. Ordering stop signs, yield signs, or other traffic control devices erected at specified entrance or exit locations to a parking area or at an intersection in the parking area.
    - b. Regulating traffic in the parking area, including regulation by means of traffic control signals.
    - c. Prohibiting or regulating the turning of vehicles or specified types of vehicles at intersections or other designated locations in the parking area.
    - d. Regulating the crossing of a roadway in the parking area by pedestrians.
    - e. Designating a separate roadway, drive, or land in the parking area for one-way traffic.
    - f. Prohibiting, regulating, restricting, or limiting the stopping, standing, or parking of vehicles in specified areas of the parking area.
    - g. Designating safety zones, loading zones, and other restricted areas in the parking area.
    - h. Providing for the removal and storage of vehicles parked or abandoned in the parking area during snowstorms, floods, fires, or other public emergencies, or found unattended in the parking areas, if the vehicles constitute an obstruction to traffic or if stopping, standing, or parking is prohibited, and for the payment of reasonable charges for the

removal and storage by the owner or operator of the vehicle; provided, however, that no bond or cash deposit in excess of \$500.00 shall be required of the owner of an impounded vehicle in order to recover the possession of the vehicle pending final adjudication of the case.

- i. Designating and marking of individual parking spaces.
  - j. Maintenance of signs and other traffic control devices, and of the various parking areas.
- B. Terminal Parking Zones. Within the zones designated by this Ordinance for terminal parking (Short Term Lot and Long Term Lot) there shall be installed at the point of ingress and egress control gates which shall dispense a ticket upon entering the lot. Said ticket shall indicate the day, hour, and minute of entering. Rates for parking in this lot shall be as established by the Northwest Regional Airport Authority in accordance with the current fee schedule as then approved by the Northwest Regional Airport Authority. All fees shall be paid to the Northwest Regional Airport Authority in accordance with said schedule. Exit from the lot shall be permitted upon payment of the charged rates or other just reason.
- C. Employee and General Contract Parking Zone. Within the zone designated by this Ordinance for general contract parking, a control gate shall exist at the point of ingress and egress. Entrance into a contract parking zone shall be by a Contract Parking Permit issued by the Chief Executive Officer or designee.
- D. Rental Car Parking Zones. Within the zones designated by this Ordinance for rental car parking there shall be rental car storage and parking for car rental agencies with existing contracts with the Authority.
- E. Loading and Unloading Zones. Within the zones designated by this Ordinance for the loading and unloading of vehicles, a person shall not stop, stand, or park a vehicle for any purpose or period of time, except for the expeditious loading or unloading of passengers and/or baggage, in any place marked as a curb loading zone during hours when the provisions applicable to such curb loading zone are effective, and then only for a period of not more than 5 minutes, without the written consent of the Chief Executive Officer.
- F. Disabled Parking Spaces. Parking spaces for disabled persons shall be provided in accordance with the Parking Zones Map and identified by signs as being reserved for disabled persons. Signs shall be located approximately six feet above grade. Each reserved parking space shall be not less than twelve feet wide. A person shall not stop, stand, or park a vehicle in a parking space which is clearly identified by a sign as being reserved for use by disabled persons and which is on Airport property that is available for public use unless such person has either a certificate of identification as provided in MCLA 257.675(5) or a special registration plate as provided in MCLA 257.803d except when necessary to avoid conflict with other traffic or to comply with the law or the directions of a police officer or traffic-control device. The certificate of identification shall be displayed on the lower left corner of the front windshield of the

vehicle while being parked by or under the direction of a disabled persons pursuant to this section. The special registration plate shall be displayed on the vehicle. A person who violates this section is responsible for a municipal civil infraction.

- G. Placement of Signs. The Chief Executive Officer may place signs prohibiting or restricting the stopping, standing, or parking of vehicles on streets on the Airport premises where, in the Chief Executive Officer's opinion as determined by an engineering survey, the stopping, standing, or parking is dangerous to those using the streets or where the stopping, standing, or parking of vehicles would unduly interfere with the free movement of traffic on the street. The signs shall be official signs and a person shall not stop, stand, or park a vehicle in violation of the restrictions stated on the signs.
- H. Devices to Conform to Uniform Manual. A sign or other traffic control device utilized in the parking zones shall conform to the requirements of the Michigan Manual of Uniform Control Devices.
- I. Parking Regulations. Every vehicle stopped or parked on a street shall be stopped or parked with the wheels of the vehicle parallel to the roadway and within twelve inches of any existing right-hand curb. Vehicles may park with the left hand wheels adjacent to, and within 12 inches of, the left-hand curb of properly signed one-way streets. On those streets that have been signed or marked for angle parking a person shall not stop, stand, or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
- J. Prohibited Parking. A vehicle shall not stop, stand, or park, except if necessary to avoid conflict with other traffic or in compliance with the law or the directions of a police officer or traffic-control device, in any of the following places:
  - 1. On a sidewalk.
  - 2. In front of a public or private driveway.
  - 3. Within an intersection.
  - 4. Within 15 feet of a fire hydrant.
  - 5. On a crosswalk.
  - 6. Within 15 feet of the intersection of property lines at an intersection of streets.
  - 7. Within 30 feet of the approach to a flashing beacon, stop sign, or traffic-control signal located at the side of a street.
  - 8. Between a safety zone and the adjacent curb or within 30 feet of a point on the curb immediately opposite the end of a safety zone, unless a different length is indicated by an official sign or marking.

9. At a place where an official sign prohibits stopping or parking.
10. In a place or in a manner which blocks immediate egress from an emergency exit conspicuously marked as an emergency exit of a building.
11. In a place or in a manner which blocks or hampers the immediate use of an immediate egress from a fire escape conspicuously marked as a fire escape providing an emergency means of egress from a building.
12. In a parking space clearly identified by an official sign as being reserved for use by disabled persons, unless the person is a disabled person as defined by Subsection I of this Section.
13. In violation of an official sign restricting the period of time for or manner of parking.
14. In a space controlled or regulated by a meter on a public street or in a publicly owned parking area or structure if the allowable time for parking indicated on the meter has expired.
15. In violation of any provisions of this Section 200.4

A person who violates this section is responsible for a municipal civil infraction.

- K. Stopping, Standing or Parking of Commercial Transporters. The operator of a Commercial Transporter shall not stop, stand, or park on any street on Airport premises at any place other than those areas designated by the Chief Executive Officer for such use, including the Commercial Vehicle Lane, except that this provision does not prevent the operator of any such vehicle from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of, and while engaged in, the expeditious unloading or loading of passengers. No operator of any vehicle other than a Commercial Transporter shall stop, stand, or park on any street or Airport premises except in designated parking or loading/unloading zones.
- L. Restricted Use of Commercial Vehicle Lane. A person shall not stop, stand, or park a vehicle other than a Commercial Transporter in a Commercial Vehicle Lane, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of, and while actually engaged in, the expeditious loading or unloading of passengers, if such stopping does not interfere with any Commercial Transporter waiting to enter or about to enter such zone. A person who violates this section is responsible for a municipal civil infraction.

#### 200.5 REPAIR OF MOTOR VEHICLES:

No person shall clean or make any repairs to motor vehicles anywhere on the Airport other than in designated areas, except those minor repairs necessary to remove such

motor vehicle from the Airport; nor shall any person move, interfere or tamper with, any motor vehicle, or put in motion the engine, or take or use any motor vehicle, vehicle part, instrument, or tool thereof, without the permission of the owner or satisfactory evidence of the right to do so duly presented to the Chief Executive Officer.

#### 200.6 VIOLATIONS:

- A. Violations; Prima Facie Responsibility of Registered Owner; Affirmative Defense. If a vehicle is operated, stopped, standing, or parked in violation of any of the provisions of this Ordinance, the person in whose name that vehicle is registered in the State of Michigan or another state at the time of the violation is prima facie responsible for that violation and subject to State of Michigan municipal civil infraction procedures. The owner of a vehicle cited for a stopping, standing, or parking violation of this Ordinance may assert as an affirmative defense that the vehicle in question, at the time of the violation, was in the possession of a person whom the owner had not knowingly permitted to operate the vehicle.
- B. Parking Violation Notice. A Parking Violation Notice may be issued to the owner or operator of a vehicle stopped, standing, or parked contrary to this Ordinance. Such notice shall indicate the nature of the alleged municipal civil infraction, the amount of the corresponding fine, the time in which a person must appear at the Parking Violations Bureau, and the Bureau's address, business hours and telephone number. Parking Violation Notices may be issued by the Chief Executive Officer and Airport employees duly authorized by the Chief Executive Officer, or by duly authorized representatives of the City of Traverse City or Grand Traverse County enforcing this ordinance at the request of the Chief Executive Officer.
- C. Same; Service. When a vehicle is stopped, standing, or parked contrary to this Ordinance a Parking Violation Notice need not be served personally on the operator but may be served upon the registered owner by attaching a copy of the notice to the vehicle. If the operator of the vehicle is present at the time of the violation, the Parking Violation Notice may be issued to the operator. In a municipal civil infraction involving the abandoning of a vehicle, a copy of the Parking Violation Notice need not be served personally upon the defendant but may be served upon the registered owner by certified mail.
- D. Traffic Bureau. The City of Traverse City Parking Violations Bureau shall, consistent with Michigan law, administer the municipal civil infraction proceedings instituted pursuant to this Ordinance. Appeals as of right may be taken from the Traffic Bureau to the District Court; appeals shall be taken from the Traffic Bureau to the District Court; appeals shall be taken within seven days after the entry of the municipal civil infraction admission and shall be heard de novo.



- E. Same; Failure to Answer. A person who fails to answer a Parking Violation Notice is guilty of a misdemeanor. The Parking violations Bureau may notify a person who has failed to answer six or more Parking Violation Notices regarding illegal parking that if the person does not appear within ten days after the notice the bureau will inform the Michigan Secretary of State of this failure. The Secretary of State, upon being informed such failure, shall take any action permitted under Michigan law including MCL 257.321a.
  
- F. Schedule of Parking Fees. Parking in the parking zones shall be subject to the corresponding fees established in accordance with the current fee schedule approved by the Northwest Regional Airport Authority. All fees shall be paid to the Northwest Regional Airport Authority.
  
- G. Schedule of Municipal Civil Infractions and Fines. Municipal civil infractions shall be subject to the corresponding fines approved by the Northwest Regional Airport Authority. All fees shall be paid to the Northwest Regional Airport Authority.
  
- H. Removal of Improperly Parked Vehicles. In addition to the municipal civil infraction fines imposed by this Ordinance, any vehicle stopped, standing, or parked contrary to this Ordinance may be towed away following a period exceeding two consecutive hours or immediately in the event that it is determined the vehicle creates a hazard or security risk at the expense of the vehicle's operator or registered owner. The vehicle's operator shall be responsible for any fees and charges incurred by the Airport in so doing, including any parking fees if the vehicle is towed to the Airport's long term parking lot.
  
- I. Collection and Use of Revenues. The collection of money deposited in parking meters or otherwise paid for parking at the Airport shall be done in accordance with the direction of the Chief Executive Officer. All revenues derived from the Airport parking operations shall be for the operation, maintenance, and improvement of the Cherry Capital Airport.

## CHAPTER 300

### AIRCRAFT OPERATIONS

#### 300.1 AERONAUTICAL ACTIVITIES:

All aeronautical activities at the airport, and all flying of aircraft departing from or arriving in the airspace above the airport shall be operated in conformity with the current pertinent rules and regulations of the Federal Aviation Administration, the Michigan Aeronautics Commission, and the Northwest Regional Airport Authority.

#### 300.2 AIRCRAFT REGISTRATION:

All persons leasing space for aircraft storage, parking or tie down shall furnish a list of such aircraft and the ownership thereof to the Airport Administrative Office and shall report any changes.

#### 300.3 ACCIDENT AND INCIDENT REPORTS:

All parties involved in aircraft accidents occurring on the airport shall, as soon as possible, make a full report thereof to the Airport Operations Supervisor for transmittal to appropriate governmental agencies. This report shall include names, addresses, identification of the aircraft, and all pertinent information relating to the accident, including causes and personal injuries and property damage. When a written report of an accident or incident is required by the regulations of the National Transportation Safety Board, and as may be requested by the Federal Aviation Administration as the Board's authorized representative, such report shall be promptly submitted.

#### 300.4 CLOSING THE FIELD:

In the event the Chief Executive Officer (or designated representative) believes the conditions of the Airport or any part of the Airport to be unsafe for landing or takeoff, it shall be within the authority of said officer to initiate a NOTAM closing the entire Airport or any part thereof. The NOTAM shall be initiated through the FAA. A cancellation of the NOTAM will be initiated through the FAA when the field is again usable.

#### 300.5 ABANDONED, DAMAGED OR DISABLED AIRCRAFT:

- A. All damaged or disabled aircraft and parts thereof on the Airport shall be promptly removed from public view by the owner or operator.
- B. All aircraft occupying a hangar owned, operated and maintained by the Airport or an Airport parking or tie down space shall be Airworthy.

- C. If any owner or operator abandons or otherwise neglects or refuses to move an aircraft or any parts thereof as directed by the Chief Executive Officer, said aircraft or any parts thereof may be towed away or otherwise removed by the Chief Executive Officer at the owner's or operator's expense, and without any liability for damage which may result in the course of or after such removal. The same shall apply to removal of a damaged or disabled aircraft and its parts.

#### 300.6 ENGINE STARTING AND RUN UP:

- A. Aircraft run up or other engine test operations at the airport shall not be performed in any area that would result in a hazard to other aircraft, persons or property, and in no case closer to the Airlines Terminal Building than five hundred (500) feet.
- B. No person shall start or run any engine in an aircraft unless a competent person is in the aircraft attending the engine controls. Chocks shall always be placed in front of the wheels before starting the engine or engines, unless the aircraft is provided with adequate parking brakes.
- C. No person shall run the engine or engines of any aircraft at any location on the airport in such manner as to cause damage to other aircraft or property or in such manner as to endanger the safety of operations on the airport or adjacent property.

#### 300.7 AIRCRAFT PARKING:

- A. No aircraft shall be parked in any area on the airport other than that prescribed by the Chief Executive Officer. No general aviation Aircraft shall be parked on the Airline Terminal Ramp.
- B. All aircraft owners and pilots are responsible for chocking, setting parking brakes and tying down of their own aircraft. It is also the responsibility of the aircraft owner or pilot to periodically check the security of their aircraft.
- C. The airport will not be responsible for any damage to or theft from any aircraft parked or tied down at the airport.

#### 300.8 AIRPORT FACILITY DAMAGE:

Any person who damages any Airport Facility or fixture by means of contact with aircraft, shall report such damage to the Airport Administration Office immediately and shall be fully responsible for any costs required to repair or replace the damaged fixture or facility.

### 300.9 AIRCRAFT EQUIPMENT RULES:

- A. Except when an appropriate Federal Aviation Administration special flight permit or authorization has been issued, , no aircraft shall be operated on the airport unless the aircraft contains the instruments and equipment specified by current Federal Aviation Regulations for that type of operation; and those instruments and items of equipment are in operable condition and operating.
- B. No Aircraft shall be operated on the airport unless it is equipped with a tailwheel or a nosewheel and wheel brakes, except with the permission of the Chief Executive Officer. When the pilot of an Aircraft that is not equipped with adequate brakes receives permission from the Chief Executive Officer to taxi such airplane, such pilot shall not taxi such Aircraft near buildings or parked aircraft unless an attendant is at the wing of the airplane to assist the pilot; provided, that an airplane with wings and tail higher than five feet from the ground that does not have adequate brakes shall not be taxied on the airport, but shall be towed if it is necessary to move such Aircraft, helicopters excepted.

### 300.10 RADIO CONTACT:

All aircraft using the airport and equipped with a two-way radio shall maintain two-way radio communications between the Aircraft and the Control Tower or Minneapolis Center while operating within the airport "Class D" airspace. . However, if the aircraft radio fails in flight, the aircraft may be landed if weather conditions permit and a clearance to land is obtained from the Control Tower, by appropriate light signal during those hours when the Control Tower is operational.

### 300.11 TAXIING:

- A. No aircraft shall be operated in a careless or reckless manner or taxied except at a safe and reasonable speed.
- B. During the hours of operation of the Control Tower, aircraft shall request taxi instructions from the Control Tower or Ground Control prior to departure from the non-Movement Area.
- C. No aircraft shall be taxied until the pilot has ascertained by visual inspection of the area that there will be no danger of collision with any person or object.
- D. During the hours of operation of the Control Tower, pilots shall not taxi onto or enter the Movement Area until specifically cleared to do so by the Control Tower nor will any pilot taxi onto the Movement Area or across any runway until they have insured by personal observation that no aircraft is approaching their position.
- E. During non-towered controlled hours, pilots shall make the appropriate announcement on CTAF 124.2. Pilots shall operate airport lighting by using the

CTAF 124.2.

300.12 LANDINGS AND TAKE-OFFS:

- A. No experimental flight unless properly certificated by the FAA or ground demonstrations shall be conducted on the Airport without the express approval of the Chief Executive Officer.
- B. Transient pilots utilizing the Airport and facilities shall be charged any required fees and charges for such use.
- C. No pilot may taxi an aircraft onto the Movement Area unless they have received an appropriate clearance from the Control Tower during the hours of operation of the Control Tower. During non-towered controlled hours, no pilot may taxi an aircraft onto the Movement Area without making the appropriate announcement on CTAF 124.2.
- C. Unless otherwise authorized or directed by the Control Tower, the following is recommended:
  - 1. Pilots of Propeller-driven Aircraft enter the traffic pattern at 1,000 feet above ground level (AGL).
  - 2. Large and turbine-powered aircraft enter the traffic pattern at an altitude of not less than 1,500 feet AGL or 500 feet above the established pattern altitude.
  - 3. Helicopters operating in the traffic pattern may fly a pattern similar to the fixed-wing aircraft pattern, but at a lower altitude (500 AGL) and closer to the runway. This pattern may be on the opposite side of the runway from fixed-wing traffic when airspeed requires or for practice power-off landings (autorotation).
- E. Recommended Procedures to be used when taking off:
  - 1. Pilots of turbine-powered or large aircraft (12,500 lbs. max. gross weight or greater) shall, unless otherwise required by the departure procedure or the applicable distance from clouds criteria, climb to an altitude of one thousand five hundred (1500) feet above the surface as rapidly as practicable.
  - 2. Pilots of all other aircraft shall, unless otherwise required by the departure procedure or the applicable distance from clouds criteria, climb to an altitude of one thousand (1,000) feet above the surface as rapidly as practicable.
- F. No aircraft shall be taxied on the grass or use the grass areas for take-offs and landings.
- G. Fixed wing aircraft shall take-off and land on runways only.

- H. Helicopters shall take-off and land where directed by the Air Traffic Control Tower during those hours of operation of the Control Tower. During other times helicopters shall take-off and land using the runway system unless prior arrangements have been made with the Chief Executive Officer.
- I. Take-offs and landings over populated areas shall be kept to a minimum in the interest of public safety and convenience, and pilots using the Airport shall conform to any applicable noise abatement procedures established by the Federal Aviation Administration or the Authority.
- J. The Chief Executive Officer may in connection with an Airport operational need at any time, as communicated to and through the Air Traffic Control Tower, prohibit touch and go landings; and the Air Traffic Control Tower may, due to consideration of other traffic, be unable to give clearance for touch and go landings. Specific permission must be obtained from the Air Traffic Control Tower for this type of operation during those hours of operation of the Air Traffic Control Tower. During non-towered controlled hours, pilots shall make the appropriate announcement on CTAF 124.2.
- K. Pilots possessing a student permit shall operate in accordance with 14 CFR, Chapter I, Subchapter D, Part 61, Subpart C.
- L. Prior authorization by the Chief Executive Officer or designee is required before Aircraft such as air ships, balloons, dirigibles, motorless aircraft and aircraft with a total gross weight in excess of one hundred fifty thousand (150,000) pounds, except scheduled air carriers, shall land or take-off at the airport, emergencies excepted.
- M. No aircraft shall be operated in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution or at a speed that is likely to endanger persons or property. Extreme caution and reasonable judgment shall be exercised at all times by the pilot or operator.
- N. No person shall move or operate any Aircraft on the airport or serve as a member of its crew while under the influence of intoxicating liquors, narcotic drugs, hallucinogens, mind or behavior modifying substances or any other substance which affects their faculties in any manner contrary to safety.
- O. A pilot shall not tow anything by an aircraft unless the operation has been approved by the Chief Executive Officer and appropriate Michigan Aeronautics Authority and Federal Aviation Administration waivers have been issued.
- L. The pilot of an aircraft shall not permit an object to be dropped from an aircraft in flight over the airport except with the approval of the Chief Executive Officer and in full compliance with all Federal and State regulations. This does not prohibit acts performed in emergencies when it is necessary to lighten an aircraft in the interest of

safety.

- M. No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from their aircraft over the airport or to land on the airport without the Chief Executive Officer's approval or until authorized under the provisions of FAR Part 105, emergencies excepted.

## CHAPTER 400

### ENVIRONMENTAL

The following Sections are in addition to any requirements as set forth in the Authority's Minimum Standards. To the extent that the following conflict with the Minimum Standards with respect to person having a lease or other agreement with the Authority incorporating the terms and conditions of the Minimum Standards, the Minimum Standards shall control.

#### 400.1 CLEANING OF AIRCRAFT:

No person shall use inflammable volatile liquids on the airport having a flash point of less than 100 degrees Fahrenheit in the cleaning of aircraft, aircraft engines, propellers, appliances, or for any other purpose, unless such operations are conducted in open air, or in a room specifically set aside and approved for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus.

#### 400.2 STORAGE:

- A. Unless otherwise authorized by written agreement with the NRAA, no person shall keep or store any inflammable volatile liquids, gases, signal flares or other similar material in hangars or in any building on the airport; except that such materials may be kept and stored in an aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Chief Executive Officer, or in safety cans approved by Underwriters' Laboratories, Inc.
- B. No person shall keep or store lubricating or waste oil in or about the hangars or any building on the airport except in sealed cans or in containers of a design and type that meet the approval by the Underwriters' Laboratories, Inc.
- C. Lessees shall provide suitable metal receptacles with self-closing covers for the storage of waste, rags, and other rubbish. All used waste and rags or other rubbish shall be removed by the Lessee daily or in regular scheduled pick-ups, but not less than once each week.
- D. Gasoline, oil and solvent drums or containers shall not be stored in the Airport Operation Area in excess of amounts actually needed as current stock unless authorized by written agreement with the NRAA. Any such material located anywhere on the airport as approved by the Airport Chief Executive Officer, shall be kept enclosed and covered in a container of a design and type that meets the approval of the Underwriters' Laboratories, Inc. Any oil-based products stored or used in more than five (5) gallon containers shall be tabulated and provided to the Chief Executive Officer. The Chief Executive Officer may require establishment of State or Federal documents consistent with regulations for oil-based products or other regulated chemical usage.



#### 400.3 SPILLAGE:

Any person responsible for the spillage or dripping of fuels or flammable liquids which may be unsightly or detrimental to the pavement or to the environment shall insure the immediate removal of the material in accordance with the Airport's Integrated Contingency Plan. The responsibility for removal shall be assumed by the operator of the equipment causing the spillage or by the tenant or concessionaire responsible for the spillage. Any spillage or dripping of fuels, flammable liquids, acids, or the like shall be reported to the Airport Administration Office immediately.

#### 400.4 DOPING AND PAINTING:

"Doping" and painting shall be conducted only in properly designated, fireproofed, and ventilated rooms or buildings in which all illuminations, wiring, heating, ventilating equipment, switches, outlets, and fixtures shall be explosion-proof, spark-proof, and vapor-proof, and all windows and doors shall open easily. Federal Aviation Administration certification shall be required.

#### 400.5 LIQUID DISPOSAL:

No fuels, oils, dopes, paints, solvents, or acids shall be disposed of or dumped in drains, on the ramp areas, catch basins or ditches, or elsewhere on the airport.

#### 400.6 FUELING OPERATIONS:

A. Fueling operation shall be in accordance with the current version NFPA 407 and the Airport's Integrated Contingency Plan. The following shall also apply during fueling operations, but the more stringent standard shall be used if there is a conflict among the documents:

1. No person shall smoke within one hundred (100) feet of such aircraft, nor shall any open flames or lights be permitted within one hundred (100) feet of such aircraft.
2. No person shall operate any radio transmitter or receiver or switch electrical appliances on or off in such aircraft; single point refueling excepted.
3. No person shall use any material or equipment which is likely to cause a spark or ignition.
4. Adequate fire extinguishers shall be within ready reach of all persons engaged in the process.
5. No engine of any such aircraft shall be started, kept running or be warmed by applications of exterior heat.

6. No passengers shall be on board such aircraft unless a passenger loading ramp is in place at the cabin door of the aircraft, the aircraft door is in open position and a cabin attendant is present at or near the cabin door.
  7. Care shall be exercised to prevent overflow of fuel. Any volatile liquids spilled during transfer shall be removed immediately. No engine of any aircraft shall be started when there is a volatile liquid on the ground under such aircraft, except sump drain checks.
- B. Fueling hoses and equipment shall be maintained in a safe, sound, and non-leaking condition and shall be approved by the Nation Board of Fire Underwriters in all respects and parts.
  - C. Fueling hoses, funnels and appurtenances shall be equipped with a grounding device to prevent ignition of volatile liquids. During any fueling process, the aircraft and the fueling apparatus shall be grounded to a point or points of zero electrical potential.
  - D. All aviation fuels will be provided by vendors holding a current contract with the Authority. This section shall not be interpreted to prohibit the fueling or servicing of an aircraft by the owner of the aircraft with their own employees and using their own equipment.
  - E. No fuel storage facilities shall be established on the Airport by any person without the express consent of the Authority.
  - F. No refueling or defueling vehicles will be parked in hangars.
  - G. Any use of firefighting equipment must be promptly reported to the Airport Administration Office so that extinguishers and other items can be serviced without delay.

#### 400.7 HANGAR CONSTRUCTION

No person shall construct a hangar or other structure on the Airport with a fire suppression system utilizing or containing per- and polyfluoroalkyl substances (PFAS).

## CHAPTER 500

### PUBLIC, LESSEE AND TENANT USAGE

#### 500.1 DISORDERLY CONDUCT:

- A. No person shall be or become intoxicated or drunk, commit any disorderly, obscene, or indecent act, or commit any act of nuisance, nor conduct or engage in any form of gambling on the airport.
- B. Disorderly Conduct. Disorderly conduct shall not be permitted on the Airport. A person who violates this section is responsible for a criminal misdemeanor.

#### 500.2 LITTERING AND SANITATION:

No person shall dispose of garbage, papers, refuse or other material on the airport except in the receptacles provided for that purpose; nor expectorate on the floors, walls, or other surfaces of any airport building.

#### 500.3 PRESERVATION OF PROPERTY:

No person shall destroy, injure, deface, or disturb in any way any building, sign, equipment, marker or other structure, trees, flowers, lawn, or other property on the airport; nor alter, make additions to, or erect any building or sign or make any excavations on the airport; nor willfully abandon any personal property on the airport.

#### 500.4 WEAPONS, EXPLOSIVES, AND INFLAMMABLE MATERIALS:

- A. No person shall possess, carry, or attempt to possess or carry any of the following in the Airport as follows:
  - (a) Firearm in the sterile area.
  - (b) Explosive.
  - (c) Knife with a blade of any length in the sterile area.
  - (d) Razor, box cutter, or item with a similar blade in the sterile area.
  - (e) A pistol or other firearm, or a pneumatic gun, dagger, dirk, razor, stiletto, or knife having a blade over 3 inches in length, or any other dangerous or deadly weapon or instrument where a person so armed has intent to use the same unlawfully against the person of another.
- B. This section does not apply to any of the following:
  - (a) A peace officer of a duly authorized police agency of this state, a political subdivision of this state, another state, a political subdivision of another state, or the United States.

(b) An individual regularly employed by the department of corrections and authorized in writing by the director of the department of corrections to possess or carry an item listed in subsection (1) during the performance of their duties or while going to or returning from their duties.

(c) A member of the United States army, air force, navy, marine corps, or coast guard while possessing or carrying an item listed in subsection (A) in the line of duty.

(d) A member of the national guard, armed forces reserves, or other duly authorized military organization while on duty or drill or while possessing or carrying an item listed in subsection (A) for purposes of that military organization.

(e) Security personnel employed to enforce federal regulations for access to a sterile area.

(f) A court officer while engaged in their duties as a court officer as authorized by a court.

(g) An airline or airport employee as authorized by their employer and authorized by the Chief Executive Officer.

(h) An Airport employee authorized by the Chief Executive Officer or designee.

#### 500.5 CONTROL GATES:

No person shall pass a control gate requiring the payment of a fee to exit without paying the fee.

#### 500.6 INTERFERING OR TAMPERING WITH AIRCRAFT:

No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft; or use any aircraft, aircraft parts, instruments, or tools without permission of the owner or by specific direction of the Chief Executive Officer.

#### 500.7 RESTRICTED AREAS:

No person shall enter upon the Air Operations Area, Air Traffic Control Tower, utilities and service rooms or areas or other areas as may be designated restricted except in conformity with the Airport Security Plan.

#### 500.8 USE OF ROADS AND WALKS:

A. No person shall travel on the Airport other than on the roads, walks or places provided for the particular class of traffic.

B. No person shall occupy the roads or walks in such a manner as to hinder or obstruct their proper use.

#### 500.9 ANIMALS:

Animals will not be permitted in any building or other areas of the airport, with the exception of Service Animals or unless properly leashed or confined for transportation, without the approval of the Airport Chief Executive Officer.

#### 500.10 LOTTERING:

No person shall loiter on any part of the Airport or in any building on the Airport.

#### 500.11 VIOLATIONS, TRESPASSING; RIGHT TO APPEAL:

D. In addition to any other remedies or penalties as set forth in these Codified Ordinance or any other rule, plan, or policy of the Airport, any person who intentionally violates the provisions of Sections 500.1 through 500.10, inclusive, of these Codified Ordinances may be requested to leave the Airport as follows:

1. First violation: The remainder of the day.
2. Second violation within six months from the date of the first violation: One month from the date of the second violation.
3. Third Violation within six months from the date of the second violation: One year from the date of the third violation.

E. A person failing to comply with a proper request to leave the premises, shall be regarded as a trespasser.

C. A person who has been requested to leave the Airport for any period greater than 24 hours may appeal such determination as set forth in Section 100.10 of these Codified Ordinances.

#### 500.12 OPEN FLAME OPERATIONS:

No person shall conduct any open flame operation in any hangar, unless within an approved area of such hangar, or on the Airport, unless specifically authorized by the Chief Executive Officer and in accordance with a Hot Work permit.

#### 500.13 SMOKING:

All buildings owned, operated, or managed by the Airport are hereby designated as smoke-free, except as otherwise designated in writing by the Authority. A person who violates this section is responsible for a municipal civil infraction.

500.14 TRASH CONTAINERS AND HAULERS:

Areas to be used for trash or garbage containers on any part of the airport shall be designated by the Chief Executive Officer, and none shall be kept in any other area. Such areas shall be kept clean and sanitary at all times. All trash containers shall be covered at all times. No person shall keep uncovered trash containers in any area. No vehicle used for hauling trash, dirt or any other material shall be operated on the airport unless such vehicle is constructed so as to prevent the contents thereof from dropping, flying, sifting, leaking or otherwise escaping therefrom.

500.15 FLOOR, APRON AND RAMP CARE:

All lessees and tenants on the airport shall keep the floors of the hangars, hangar areas and apron and ramp areas leased or subleased by them respectively, or used in their operations, clean and clear of oil, grease, and other materials. All operators and users shall be responsible for cleaning up any spills of oil, gas, grease, and other materials in the Airport Operations Area.

500.16 STORAGE OF EQUIPMENT:

No lessee or tenant on the airport shall store or stack materials or equipment in such a manner as to constitute a hazard to persons or property.

500.17 MAINTENANCE:

All lessees and tenants shall be required to maintain their leased property in a condition of repair, cleanliness, and general maintenance agreeable to the Chief Executive Officer. All leased property shall be free from fire hazards.

500.18 FIRE EQUIPMENT:

Except as provided by the Airport, all lessees and tenants shall supply and maintain such adequate and readily accessible fire extinguishers as are approved by Underwriters Laboratories, Inc., for the particular hazard involved.

500.19 COMMUNICATIONS AND STRUCTURAL AND DECORATIVE CHANGES:

- A. No lessee or tenant shall install any type of utility without prior permission of the Chief Executive Officer.
- B. No lessee or tenant shall effect structural changes or additions of any type without prior permission of the Chief Executive Officer. No lessee or tenant of a building owned or managed by the Authority shall effect decorative changes of any type without prior permission of the Chief Executive Officer. Such permission shall not

unreasonably be withheld.

500.20 EVENTS:

No Special Event shall be held at the Airport except pursuant to the Special Event Policy adopted by the Authority.

500.21 DAMAGES:

Lessees and tenants shall be fully responsible for all damage or injury to any real or personal property of the Authority or real or personal property leased and managed by the Authority caused by the intentional acts or negligent acts or omissions of the lessee or tenant, their employees, agents, servants, suppliers, persons with whom they do business, or customers and visitors of the lessee or tenant.

500.22 BILLINGS AND DEFAULT OF OBLIGATIONS:

- A. All billings are payable within 30 days from the invoice date, unless otherwise noted thereon. Late payments shall incur a service charge of one and one-half percent (1½%) per month (or any fraction thereof), or a minimum of one and 50/100 dollars (\$1.50).
- B. When any lessee, tenant or user is notified in writing that they are in default of any obligation to the Authority, they will thereafter be responsible for all loss of revenue due to such default, for the expenses incurred to cure such default and such other costs incurred by the Authority, including attorney fees, unless the lessee, tenant or user files with the Airport Administration Office within ten (10) days of receipt of such notification a statement that corrective or preventive measures have been initiated and will diligently be carried to completion. If the measures contained in the statement are not fulfilled, the lessee, tenant or user will be considered in default and appropriate lawful steps will be taken by the Authority.

## CHAPTER 600

### BUSINESS AND COMMERCIAL OPERATIONS

#### 600.1 REQUIREMENTS FOR BUSINESS OR COMMERCIAL ACTIVITIES:

- A. No person shall engage in the sale or rental of any commodities, supplies, services or any business or commercial activity whatsoever on the Airport without a current operating agreement, contract, lease, or other written agreement with the Authority or as otherwise permitted by this Chapter.
- B. No person shall solicit fares, or funds for any purpose on the Airport without the permission of the Chief Executive Officer.
- C. No person shall, in the use of the Airport discriminate or permit discrimination against any other person, or group of persons on the grounds of race, color, creed, national origin, sex or age, in any manner prohibited by Part 21 of the Regulations of the Office of the Secretary of Transportation and Title VI of the Civil Rights Act of 1964, as such now exists or are from time to time amended. In the event of noncompliance with the above provision, the Authority may take such action as the Federal Government may direct to enforce such compliance.
- D. No person shall engage in any aeronautical activity for furnishing services to the public at the Airport unless:
  - 1. Said service is furnished on a fair, equal and nondiscriminatory basis to all users thereof, and
  - 2. Fair, reasonable, and non-discriminatory prices are charged for each unit of sale or service, provided that reasonable and non-discriminatory discounts, rebates or other similar types of price reduction may be made to volume purchasers.
- E. Any person engaging in any business or commercial activity on the Airport shall carry insurance for the protection of the public covering all risks; also protecting the Authority. The amount of this coverage shall be as established in the Commercial Operating Agreement, contract, lease, or other written agreement with the Authority.
- F. Any person engaging in any business or commercial activity on the Airport shall accept all legal and financial responsibilities of its operation and indemnify and hold the Authority harmless from any liability incurred because of such activity.
- G. Any lessee or operator who shall violate any of the provisions hereof, shall be subject to cancellation and termination of their Commercial Operating Agreement, contract, lease, or other written agreement with the Authority upon notice, hearing, and a finding of violation by the Authority.



H. Any person found to violate any provision of this Chapter shall be guilty of a municipal civil and subject to the sanctions as provided in these Codified Ordinance.

## 600.2 FEES, RATES AND CHARGES FOR COMMERCIAL AIR CARRIERS:

### A. General Provisions

1. As a condition precedent to the right of any scheduled commercial air carrier to use the Airport, the carrier shall comply with all rules, regulations, resolutions, and ordinances promulgated by the Chief Executive Officer and the Authority. Each such carrier shall be deemed to have consented to the Chief Executive Officer having access to the carrier's books, at all reasonable times, in person or by agent, to examine the records of the carrier for purposes of validating information required to be reported by the carrier to the Airport under these Codified Ordinances.
2. As a condition precedent to the right to use and occupy the Airport, each scheduled commercial air carrier shall furnish to the Chief Executive Officer on or before the tenth day of each month a report, duly certified as true and correct by the person delegated by the carrier as its office representative having custody of its records, containing the number of its flights which have landed at the Airport during the preceding month, together with the manufacturer, type and official landing weight of each of its aircraft landing at the Airport; the volume of cargo, mail and express carried; and the number of passengers on its flights during said month. The Chief Executive Officer shall have the right to prescribe and furnish forms for the making of all reports required to be made by this subsection.
3. Following receipt of the carrier's report specified in subsection 2, the Chief Executive Officer shall submit for payment a billing statement to each commercial air carrier making a report. Carriers shall submit payment to the Northwest Regional Airport Authority within 30 days of the date of the Authority billing statement.
4. It shall be unlawful and a violation of these Codified Ordinances for any person to operate an aircraft of a commercial air carrier unless adequate assurance is first provided the Chief Executive Officer that the fees prescribed in these Codified Ordinances have been or will be paid.
5. Use of the Airport facilities shall constitute consent to be charged any and all fees charged by the NRAA, and shall obligate the user to pay any fees imposed by the NRAA. To the extent legally permitted and notwithstanding any other provision of this Ordinance, any use of Airport facilities by any air carrier, its employees or customers, for which the air carrier imposes user charges or fees, shall be charged to the air carrier and paid to the NRAA at the standard rate and charges as use occurs, less administrative costs to the air carrier.

6. Any fee, charge, rate, rental, or other payment, required under this section or under a written agreement regarding landing fees, shall be paid as of the established due date. An administrative fee covering additional handling and accounting of delinquent accounts shall be charged to any portion of an outstanding fee, charge, rate, rental, or other payment which remains unpaid after the established due date at the rate of 1½% (one-and-a-half percent) per month or a fraction of thereof during which the payment remains unpaid.
7. In tabulating weights, the weights of each aircraft shall be the certified maximum gross landing weight as computed by the manufacturer and the Federal Aviation Administration.

#### B. Landing Fees

Except as provided herein, landing fees shall be imposed on all aircraft utilizing the landing areas of the Airport for the taking off and landing of aircraft. The fee shall be paid to the Northwest Regional Airport Authority in accordance with the current fee schedule approved by the Northwest Regional Airport Authority by resolution. Such fees shall apply to all scheduled commercial air carriers, other (non-scheduled) commercial air carriers, and common carriers, except that such fees shall not be imposed on the following:

- a. takeoffs and landings of Based Aircraft;
- b. flights which depart from the Airport and return for emergencies, weather, or other reasons without landing at another airport;
- c. takeoffs and landings of based Aircraft leased or owned, operated, and maintained by a flight instructional program based.

Payment of fees shall be in accordance with the General Provisions of this Chapter.

#### C. Enplaning Passengers Use and Service Charge

1. Each scheduled commercial air carrier operating commercial aircraft to and from the Airport shall pay a use and service charge in accordance with the current fee schedule approved by the Northwest Regional Airport Authority. This fee is in addition to any Passenger Facility Charge (PFC) which is otherwise authorized and/or charged by or on behalf of the NRAA. Payment of fees shall be in accordance with the General Provisions of Section IX.
2. The enplaning passenger use and service charge shall not apply to any active members of the United States Armed Forces enplaning aircraft at the Airport.

#### D. Aircraft Parking Fees

Each commercial aircraft remaining overnight and using a designated overnight parking area not under lease to such carrier, shall pay a fee for any such parking.

The fee shall be paid to the Northwest Regional Airport Authority in accordance with the current fee schedule approved by resolution of the Northwest Regional Airport Authority. Payment of fees shall be in accordance with the General Provisions of Section IX.

E. Terminal Rental Rates

Terminal building rental rates for commercial aviation shall be paid to the Northwest Regional Airport Authority in accordance with the current fee schedule approved by resolution of the Northwest Regional Airport Authority. Payment of fees shall be in accordance with the General Provisions of Section IX.

F. Security and Safety Services Fees

For security services provided by the Northwest Regional Airport Authority to accommodate the flights of the scheduled commercial air carrier as required by either state, federal, or local law or regulation, the fee shall be the fee shall be based on the actual expenditure of the Authority made to provide such services and approved by resolution of the Northwest Regional Airport Authority. Payment of fees shall be in accordance with the General Provisions of Section IX.

G. Insurance Requirements

1. All persons, companies, or corporations operating an air carrier business at the Airport shall comply with all applicable government rules and regulations. Each certified passenger air carrier shall possess and shall submit to the Northwest Regional Airport Authority certificates to indicate evidence of a minimum insurance coverage at all times in the following amounts:

\$100,000 (One Hundred Thousand Dollars) per each person;  
\$10,000,000 (Ten Million Dollars) per accident; and  
\$2,000,000 (Two Million Dollars) property damage.

In the case of common air carriers operating at the Airport and not carrying passengers for hire, each shall possess and shall submit to the Northwest Regional Airport Authority certificates to indicate evidence of a minimum insurance coverage at all times in the following amounts:

\$100,000 (One Hundred Thousand Dollars) per each person;  
\$2,000,000 (Two Million Dollars) per accident; and  
\$1,000,000 (One Million Dollars) property damage.

2. If by reason of changed economic conditions, the insurance amounts set forth herein become inadequate, the Authority may increase required minimum average without advance notice and aircraft carriers shall promptly comply with said increases.

## 600.3 COMMERCIAL GROUND TRANSPORTATION:

### A. General Provisions

1. **Permit Required.** No owner or operator of a transportation vehicle may use the facilities of the Airport for soliciting or transporting commercial passengers to or from the Airport without first obtaining a permit issued by the Chief Executive Officer as provided hereinafter or through a written agreement with the Authority.
2. **Compliance with Federal, State, And Local Laws and Ordinances.** No vehicle shall be operated in violation of traffic ordinances established by federal, state, and local laws or ordinances, nor in any event without proper regard for the public's safety and welfare. No vehicle shall be operated on the property of the Airport until such vehicle has been registered in accordance with all appropriate requirements of federal, state, and local laws or ordinances and all proper licenses have been obtained therefore.
3. **Compliance With Airport Rules and Regulations.** No vehicle shall be operated in violation of the ordinance, rules, and regulations of the Airport as same may be amended, modified, or supplemented from time to time.
4. **Commercial Loading/Unloading Zones.** Upon entry onto Airport property without passengers or after discharging passengers at the Airport terminal, each transportation vehicle shall proceed to a proper parking area designated by the Chief Executive Officer or leave the Airport property. Transportation vehicles authorized to operate on the property of the Airport shall use only the commercial loading/unloading areas designated by the Chief Executive Officer for such purpose. Use of the commercial loading/unloading area shall be in accordance with any regulations set forth by the Chief Executive Officer. Upon request by an authorized representative of the Authority, the driver shall provide the name of any pre-reserved customer and other information applicable to the reservation. A person who violates this section is responsible for a municipal civil infraction.
5. **Car Rentals on Airport Premises.** No person, firm, corporation or entity shall carry on, conduct, or engage in the business of renting motor vehicles on the Airport without possessing a written contract granted by the Northwest Regional Airport Authority; provided, however, a car rental business without such a contract shall be allowed to deliver customers to the Airport in a courtesy car and to meet pre-reserved customers at the Airport in a customer car, but only in accordance with the provisions of this ordinance. Upon request by an authorized representative of the Authority, the driver shall provide the name of the pre-reserved customer and other information applicable to the reservation. A person who violates this section is responsible for a municipal civil infraction.

6. Rental Car Parking.
  - a. Rental cars owned by on-Airport rental car companies shall park only in areas designated by the Chief Executive Officer. The rental car ready lots shall be utilized only by rental car companies having a contractual relationship and leasehold premises in the Airport terminal or other buildings under the control of the Authority, unless otherwise authorized by the Chief Executive Officer.
  - b. Rental cars owned by an off-Airport rental car company shall be parked in areas designated for public parking and shall conform to all regulations applicable to privately owned motor vehicles.
  - c. Any motor vehicle, including any rental car, which is parked in a public parking area of the Airport shall be treated as a privately owned vehicle for purposes of determining the applicable parking fee.
  - d. Courtesy vehicles operated by off-Airport rental companies shall utilize spaces provided in the commercial vehicle lane.
7. Soliciting. Unless provided otherwise in a written contract with the Authority, no person may solicit passengers or fares on the property of the Airport, except as allowed under this ordinance and in accordance with its restrictions and regulations.
8. Vehicle Appearance and Condition. All transportation vehicles must conform to a standard of cleanliness established by the Chief Executive Officer.
  - a. The exterior of transportation vehicles shall be maintained in a clean, undamaged condition and present a favorable appearance. Exterior of transportation vehicles shall include body paint, undamaged glass, hub caps, head and taillights, grills, bumpers, and body trim.

Transportation vehicles that have been damaged and can be driven safely in accordance with state law and without reduction to the customer's comfort shall be given a six-week grace period to perform needed repairs. After such time, the vehicle will be restricted from operating at the Airport until proper repairs are made.
  - b. The interior of approved transportation vehicles, including the trunk, shall be maintained in a condition so as to be free of grease, dirt, and trash.
  - c. All transportation vehicles must be free from leakage of engine fluids, excessive discharge of exhaust gases and excessive exhaust noise.
  - d. All transportation vehicles may be identified by the name of the company and its logo. No advertising or soliciting shall be permitted upon such transportation vehicles. Improperly marked vehicles shall not be permitted to pick up or deliver customers on the property of the Airport.
9. Driver Appearance. Transportation vehicle drivers shall be properly attired according to season and custom of the geographic area. Drivers are expected to maintain a well-groomed appearance.

10. Driver Conduct. Each driver of a transportation vehicle shall, at all times, treat members of the public with the utmost courtesy. No driver shall solicit patronage in a loud or annoying tone of voice, nor shall any driver annoy any person by any sign, nor shall any driver obstruct the movement of any person. Unless provided otherwise in a written contract with the Authority, drivers (or company personnel that may accompany the driver), shall remain with their vehicles, except to assist customers with their baggage at curbside.
11. Insurance. Each owner or operator of a transportation vehicle will maintain liability insurance coverage within minimum limits as follows:
- a. Worker's Compensation and Employer's Liability (requirement may be waived for independent contractors, sole proprietors or partnership having no employees)
    - Worker's Compensation - statutory limits
    - Employer's Liability - \$100,000 each accident
    - \$500,000 policy limit
    - \$200,000 each disease
  - b. Commercial General Liability (occurrence form)
    - General Aggregate - \$1,000,000
    - Products/Completed Oper. \$1,000,000
    - Personal Injury - \$1,000,000
    - Each Occurrence - \$1,000,000
  - c. Automobile Liability (covering owned, non-owned and hired)
    - No Fault Benefits - statutory
    - Automobile Liability -
  - d. Transportation Network Company Driver:
    - Logged on, available to receive requests, but not engaged in a ride: \$50,000 per person, \$100,000 per incident, and \$25,000 property damage. (These requirements may be satisfied by automobile liability insurance maintained by either the transportation network company or the driver)
    - Engaged in a ride: \$1,000,000 combined single limit for bodily injury or property damage. (These requirements may be satisfied by automobile liability insurance maintained by either the transportation network company or the driver).
  - e. Taxicab: \$300,000 bodily injury and property damage.
  - f. All others: \$1,000,000 (combined single limit for bodily injury and property damage)
  - g. All: Personal protection insurance and property protection insurance in the amounts and of the types of coverage required by chapter 31 of the insurance code of 1956, as amended.

Said policies of insurance shall be performable in Grand Traverse County, Michigan and shall cover business operations, employees, and customers.

Each person owning or operating a transportation vehicle must fully indemnify, defend, and hold the Airport harmless from any and all claims whatsoever arising out of business operations in accordance with this Ordinance.

Each person owning or operating a transportation vehicle will be required to maintain a current certificate of insurance evidencing such coverage with the Airport. Certificates of insurance with a twenty (20) day notice of cancellation, non-renewal or a material reduction shall be filed with the Northwest Regional Airport Authority, Administrative Office, 727 Fly Don't Drive, Traverse City, Michigan, 49686, a minimum of five (5) days prior to commencement of any operations.

If by reason of changed economic conditions, the insurance amounts set forth herein become inadequate, the Authority may increase required minimum insurance coverage without advance notice and all owners or operators of a Transportation Vehicle shall promptly comply with said increases.

12. Penalties For Violation., if the driver or operator has been issued a permit, the permit issued shall be subject to revocation by the Chief Executive Officer in the event that the driver or operator is provided with notice of the violation and fails to correct the violation within five (5) days from the date of the notice. In addition, such driver or operator shall be subject to such ticketing as may be determined by police officers appointed by the Chief Executive Officer or whose assistance has been requested by the Chief Executive Officer. Penalties imposed by the Chief Executive Officer shall be subject to appeal to the Authority.

Notice of suspension, revocation, or penalty shall be given by certified mail to the driver or operator's address listed with the Authority. The notice shall contain the reason for the suspension, revocation, or penalty. In case of suspension, the permit shall be restored to the driver or commercial transporter at the expiration of the period of the suspension provided that any penalty imposed has been fully paid.

## B. Permits and Fees

1. Permit Required. No person owning or operating a transportation vehicle other than a Transportation Vehicle for a Transportation Network Company may use the facilities of the Airport for soliciting or transporting passengers without first obtaining a permit issued by the Chief Executive Officer as provided herein below. Drivers for a Transportation Network Company that has paid the annual fee as required by this ordinance may use the facilities of the Airport for soliciting or transporting passengers provided that the driver

displays a placard or other form of identification clearly identifying the Transportation Vehicle as a Transportation Vehicle for a Transportation Network Company

2. Application. All persons desiring to use the facilities of the Airport for soliciting or transporting passengers and Transportation Network Companies shall apply for an operating permit with the Airport a sworn application on forms provided by the Airport. The information certifications required on this form shall include at a minimum:
  - a. Certification that the person or Transportation Network Company meets all federal, state, and local requirements (a copy of all applicable licenses required by federal, state, or local for such transportation vehicle shall be provided to the Airport Administration Office).
  - b. Certification that the transportation vehicles that will be utilized in providing transport to passengers are maintained in a safe operating condition.
  - c. A certificate of insurance meeting the requirements of this Ordinance.
  - d. Certification that each driver of a transportation vehicle must be the holder of a valid automobile driver's license and automobile insurance appropriate to the vehicle being operated.
3. Displaying of Permit. At all times while on Airport property, permits or identification as required by this Ordinance must be displayed in accordance with provisions set forth in the Ordinance or by the Chief Executive Officer.
4. Permitting Fee. Each person owning or operating a transportation vehicle, or a transportation network company must pay an annual fee. All fees shall be paid to the Northwest Regional Airport Authority in accordance with the current fee schedule approved by resolution of the Northwest Regional Airport Authority.

All annual permit fees are due and payable in advance of June 1 of each year. For permits requested and received at other times during the calendar year, the fee will be prorated based on the number of full and partial months remaining in the year. All fees shall be forfeited once paid except in the event that the Airport should revise or terminate this system. In such event, refunds will be prorated.

Applications, fee payments, and permit issuance will be conducted during normal business hours at a location specified by the Chief Executive Officer.

5. Permit Issuance. Should the Chief Executive Officer find that the applicant for a permit has satisfactorily complied with all of the conditions of filing an



application and all transportation vehicles meet or exceed standards set forth within this Ordinance, he shall issue the permit.

6. Temporary Charter Permit. Any other provisions of this section notwithstanding, the Chief Executive Officer may issue a temporary permit for single charter operation. The fee for this temporary permit shall be the amount of \$30.00 per charter vehicle per day. The Chief Executive Officer shall have the discretion to waive all fees for a temporary permit for all vehicles used for educational purposes. This waiver of temporary permit is intended, but shall not be necessarily limited to, those vehicles utilized by parochial and private schools for the transportation of students involved in Airport educational-related activities.
7. Assignment or Transfer of Permit. No permit may be assigned or transferred except upon written application setting forth the purpose, terms, and conditions of such assignment or transfer. This application shall be referred to the Chief Executive Officer for approval or disapproval and their determination shall be final.
8. Change of Ownership of Permit. Any change of ownership of, or title to any transportation vehicle shall automatically void any permit previously granted for the operation of such vehicle on the property of the Airport except that, with the approval of the Chief Executive Officer, such permits may be assigned to a company or individual which at the time of change of ownership or title holds other operating permits issued under this Chapter.

A change of ownership is deemed to have taken place (in addition to other methods usually employed) if the owner of any vehicle leases under an arrangement whereby the lessee shall have the right to acquire title to the vehicle at any future date.

9. Inspection of Books and Records. Financial records shall be subject to review by the Authority as follows:
  - a. Off-Airport rental car companies and owners and operators of taxis based on the Airport shall, during the term of a valid permit and for one (1) year thereafter, permit, upon reasonable notice to owner/operator, inspections and audits by the Airport through its employees, and/or representatives, of all records and books of account as required by the Chief Executive Officer to be maintained by transporter pursuant to this Chapter. It is further understood and agreed that any such inspection and audit shall be conducted during ordinary business hours and that owner/operator shall make all of the aforesaid records, books of account and other documentation available at a location designated in writing by the Chief Executive Officer.
  - b. In the event an inspection or audit by or on behalf of the Airport

discloses any discrepancy in any statement or statements of gross Airport revenue and/or in the amount of any sums or money owed to the Airport, the owner/operator shall forthwith pay the sum of money owed to the Airport plus a service charge of 1½% per month of said sum for each month from the date said sum should have been paid to the Airport to the date payment is made to the Airport. Further, in the event an aforesaid audit or inspection discloses a single cumulative discrepancy in excess of 2% of the amount previously paid by owner/operator to Airport on account of the month period in question, owner/operator shall forthwith pay to Airport the cost of the audit and/or inspection. Said cost of the audit and/or inspection shall include all direct and indirect salary cost of Airport, any charges made by any consultant of the Airport, materials, supplies and administrative overhead (as shall be determined by the Chief Executive Officer from time to time during the term of this Agreement).

- c. Nothing contained in this Section shall preclude the Airport from revoking owner/operator's permit in the event any inspection or audit discloses a discrepancy or discrepancies as indicated in this paragraph. In the event that Airport retains counsel to collect any sums owing to it, owner/operator shall be obligated to pay Airport the sums expended by Airport on account of the retention of such counsel as well as expenses incurred by Airport, including all direct or indirect salary costs, materials, supplies and administrative overhead.

10. Failure to Pay Fees. The permit of a person who owns or operates a commercial vehicle who fails to pay a fee by the established due date shall be subject to suspension or revocation at the discretion of the Chief Executive Officer. Any portion of such fee which remains unpaid after the established due date shall be assessed an administrative fee of 1-1/2% per month or fraction thereof during which the payment remains unpaid. Said administrative fee shall be paid to the Authority at the time of payment of the past due charge. This charge is deemed to cover the Authority's administrative costs resulting from the delinquency.

#### 600.4 OTHER BUSINESS AND COMMERCIAL OPERATIONS:

- A. Written Agreement. No person, company, or corporation shall engage in any business or commercial activity whatsoever on Airport premises without a current Commercial Operating Agreement, contract, lease, or other written agreement with the Authority. Likewise, aviation and automobile fueling shall only be permitted with a written agreement with the Authority, and shall be subject to user fees negotiated with the Authority. Notwithstanding the above requirement, aircraft mechanics, whether employees, volunteers, or the owner of the Aircraft, shall be permitted to work on aircraft hangared, parked, or tied down at the Airport without an Operating

Agreement, so long as said mechanics do not advertise or solicit business on Airport premises.

- B. Insurance. Any commercial or business activity conducted on the Airport shall carry insurance for the protection of the public and Commission covering all risks. The amount of coverage shall be as established in the written agreement with the Authority, but in no way shall be less than \$1 million per occurrence. If by reason of changed economic conditions, the insurance amounts set forth herein become inadequate, the Authority may increase required minimum average without advance notice and all those conducting business at the Airport shall promptly comply with said increases.
- C. Financial/Legal Responsibilities. Any commercial or business activity conducted on the Airport shall accept all financial and legal responsibilities of its operation and hold the Authority harmless of any liability incurred because of such activity.
- D. Rules and Regulations. All persons, companies, and corporations conducting business at the Airport are subject to the provisions of this Ordinance as well as any and all Rules and Regulations promulgated by the Authority.

## CHAPTER 700

### SECURITY

#### 700.1 PURPOSE AND AUTHORITY:

The Northwest Regional Airport Authority has the overall responsibility for security at the Airport as described in TSR Part 1542 and further defined in the Airport's approved Airport Security Program. Transportation Security Administration (TSA) directed security enhancements or measures as implemented by the Airport may supersede this Chapter.

#### 700.2 DEFINITIONS:

- A. Air operations area (AOA) means a portion of the Airport, specified in the Airport Security Program, in which security measures specified in this part are carried out. This area includes aircraft movement areas, aircraft parking areas, loading ramps, and safety areas, for use by aircraft regulated under 49 CFR part 1544 or 1546, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures, or procedures. This area does not include the secured area.
- B. Challenge means verbally making an inquiry to any individual found in the AOA, and Secured/SIDA Areas of the Airport who is not properly displaying an identification medium issued or approved by the Airport or whose identification medium does not have the proper access color with respect to their authority to be present in the area.
- C. Restricted Area means any other area of the Airport designated not generally open to the public, unless authorization has been granted to enter.
- D. Secured Area means a portion of an airport, specified in the airport security program, in which certain security measures specified in 49 CFR 1542 are carried out. This area is where aircraft operators and foreign air carriers that have a security program under 49 CFR part 1544 or 1546 enplane and deplane passengers and sort and load baggage and any adjacent areas that are not separated by adequate security measures.
- E. Security Identification Display Area or SIDA means a portion of the Airport, specified in the Airport Security Program, in which security measures specified in this part are carried out. This area includes the Secured Area and may include other areas of the Airport.
- F. Sterile Area means a portion of an airport defined in the airport security program that provides passengers access to boarding aircraft and to which the access generally is controlled by TSA, or by an aircraft operator under 49 CFR 1544 or a foreign air carrier under 49 CFR 1546, through the screening of persons and property.

### 700.3 AIRPORT SECURITY PROGRAM:

The Airport Security Program is a controlled document, submitted in accordance with 49 Code of Federal Regulations (49 CFR), Transportation Security Regulations, section 1542.101. Violation of the Airport Security Program is a violation of this Chapter.

### 700.4 AIRPORT SECURITY AREAS:

The Chief Executive Officer shall establish Airport Security Areas within the Airport under this Chapter and access to these areas shall be limited to personnel authorized by the Chief Executive Officer or as set forth in this Chapter. Such areas shall at a minimum include, but are not limited to Air Operations Areas, Secured Areas, Sterile Areas, Security Identification Display Areas, and Restricted Areas.

### 700.5 SECURITY COMPLIANCE FOR TENANTS, LICENSEES, CONTRACTORS, AND VENDORS:

Each Airport tenant, licensee, vendor, or contractor shall be responsible for the security of its leased or assigned premises and compliance with the Airport Security Program and other applicable security programs and procedures. Each Airport tenant, licensee, vendor, or contractor shall be responsible for the compliance of its employees, agents, and contractors with this Chapter, the Airport Security Program, and any other security rules, regulations, or policies of the Airport.

Each Airport tenant, licensee, vendor, or contractor shall reimburse the Northwest Regional Airport Authority (NRAA) for any fines levied against the NRAA as a result of the failure of the tenant, licensee, vendor, or contractor or their employees, agents, or contractors to comply with the provisions of the Airport Security Program or the Three Strikes Program as set forth in Section 700.12.

All fines resulting from a violation of this Chapter not attributable to an individual employee, agent, or contractor shall be assessed to the appropriate tenant, licensee, vendor, or contractor as set forth in Section 700.12.

### 700.6 SECURITY SYSTEM, MEASURES OR PROCEDURES:

- A. No Person may tamper, damage, or interfere with, compromise, modify, attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure.
- B. No Person may enter or be present in an Airport Security Area without complying with the security systems, measures and procedures being applied to control access to, or presence or movement in, such areas.

- C. No Person may interfere with, assault, threaten, or intimidate screening, inspection, or any other Airport Security personnel in the performance of their duties.
- D. No Person may forge, alter, duplicate, use, allow to be used, or cause to be used, any Airport-issued or Airport-approved access medium or identification medium that authorizes the access, presence, or movement of persons or vehicles in an Airport Security Areas in any other manner than that for which it was issued.
- E. No Person may make or cause to be made the following:
  - 1. Any fraudulent or intentionally false statement in any application for any access or identification medium.
  - 2. Any fraudulent or intentionally false entry in any record or report that is kept, made, or used to show compliance with the Airport Security Program.
- F. Each Person issued an Airport identification badge shall be responsible for challenge requirements as contained in the Airport Security Program.
- G. No Person shall operate a vehicle (motorized or other) in violation of the Airport Security Program and Drivers Training Program.

#### 700.7 BADGE REQUIREMENT:

Except as set forth herein, all Persons who require access to an Airport Security Area must possess a current, valid Airport identification badge issued in accordance with this Chapter and applicable federal and state laws and regulations as follows:

Security Identification Display Area Airport identification badge issuance is limited to those individuals who have cleared a TSA Security Threat Assessment (STA) and an FBI Criminal History Record Check (fingerprints required).

Air Operations Area identification badge issuance is limited to those individuals who have cleared a TSA Security Threat Assessment (STA) only (no fingerprints required).

A. Information Required. The following information is required:

All badge applicants must present two (2) forms of identification or documentation when applying for or renewing an Airport identification badge. One form of identification must have been issued by a Government Authority and one must include a photo.

- 1. First ID: Valid Driver's License, State ID, or Passport
- 2. Second ID: Passport, Social Security Card, or Birth Certificate with the raised seal.
- 3. Non-US Citizens must present their passport and Alien Registration Card or their I-94 arrival/departure card.

4. US Citizens born abroad must present their passport, Certificate of Naturalization or Certification of Birth Abroad for DS-1350.
- B. Training. All badge applicants must attend training classes to understand the Airport's security ordinances, rules, regulations, and procedures and have the ability to perform the responsibilities associated with unescorted access privileges. Training class requires the applicant to complete the following: badging application, fingerprint application (if needed), and Privacy Act Notice Statement. Training class participants must review a security video, listen to a lecture, and pass a written test certifying the Person's understanding of the information presented. Any Person who fails the test will be permitted to repeat the training and retake the test at the Airport trainer's discretion.
- C. ID Badge Privileges. In the interest of public safety and security, the Airport may deny, suspend, or revoke an individual's Airport identification badge if any of the following conditions exist:
1. The applicant/badge holder has been arraigned on or charged with, without final disposition, one or more of the TSA disqualifying criminal offenses (identified in 49 CFR 1542.209) in any jurisdiction, within the past ten (10) years prior to application for an ID badge unless the Airport determines after an investigation that the arrest did not result in a disqualifying criminal offense.
  2. The applicant/badge holder has been found guilty, plead guilty, plead no contest, or found guilty by reason of insanity or otherwise been arrested and awaiting judicial proceedings because of one or more of the TSA disqualifying criminal offenses (identified in 49 CFR 1542.209) in any jurisdiction, within the past ten (10) years prior to application for unescorted access authority.
  3. The applicant/badge holder is currently on parole, probation or is required to wear, by court order, a "tether" device.
  4. The applicant/badge holder has an outstanding warrant.
  5. Other condition(s) that in the reasonable judgment of the Chief Executive Officer, threatens the safety and security of the public or the Airport.
- D. ID Display. A person shall not enter or remain in any Airport Security Area without correctly displaying the proper current Airport identification badge issued by the Airport.
- E. Renewal of ID Badge. Badge holders are required to renew their Airport identification badge prior to its expiration date. Failure to renew an Airport

identification badge will result in suspension of access privileges and may result in the assessment of an administrative penalty.

- F. Return of ID Badge or Access Media. Individuals are required to return their Airport identification badge or access media upon their resignation, termination, transfer, or when the Airport identification badge is no longer valid or upon request of the Chief Executive Officer.
- G. Lost or Stolen ID Badges. A Person issued an Airport identification badge is responsible for the badge. In the event an Airport identification badge is lost or stolen, the Person shall report such to an Airport Security Coordinator immediately and shall be required to pay a lost badge fee, in addition to the costs associated with replacement of the badge.
- H. Additional Sanctions. In addition to any criminal or civil penalty, individuals found in violation of this Airport Ordinance may have their Airport identification badge with access privileges suspended or permanently revoked.

#### 700.8 CRIMINAL HISTORY RECORDS CHECK:

At a minimum, a Federal Bureau of Investigation (FBI) criminal history records check will be conducted for all Airport SIDA identification badge applicants. A criminal history review may be conducted on an annual basis or more frequently, if deemed necessary or appropriate by the Chief Executive Officer. The Airport participates in the FBI Rap Back Program.

#### 700.9 WARRANT CHECK:

All applicants for an Airport identification badge will be checked for active warrants before receiving their initial access badge or a renewal. If an active warrant exists, the applicant will be denied an Airport identification badge until the warrant is cleared.

#### 700.10 SENSITIVE SECURITY INFORMATION:

A person shall not divulge Sensitive Security Information to any individual(s) who does not have an operational need to know such information. For the purposes of this Subsection, the term "Sensitive Security Information" includes any writing, drawing, map, tape, film, photograph, or other means by which information is preserved, irrespective of format, dealing with the security of the Airport.

#### 700.11 ACCESS TO PUBLIC AREAS:



A Person shall not deny any other Person access to any public area of the Airport without permission of the Chief Executive Officer.

700.12 THREE STRIKES PROGRAM:

The purpose of the Three Strikes Program is to develop and ensure continued security awareness and compliance among Airport employees, tenants, vendors, contractors, and licensees. The program is applicable to all Persons who have been issued an Airport identification badge.

A. Individual Violations. Under the Three Strikes Program, a third (3<sup>rd</sup>) violation of this Chapter, the Airport Security Program, or any other security rule, regulation, or policy may result in permanent revocation of the individual's Airport identification badge and access privileges. The process is as follows:

1. First Violation. A first violation results in a warning notice and a \$100.00 fine. The notice shall be sent to the individual's employer as well as the individual. The individual and their manager shall be required to complete an appropriate security training program within ten (10) business days. Failure to do so will result in the temporary suspension of the individual's Airport identification badge.
2. Second Violation. A second violation results in a three (3) working day suspension of the individual's Airport identification badge and a \$200.00 fine. Notice shall be provided to the individual and the individual's employer. The individual will be required to complete an appropriate security training program within ten (10) business days of the second Violation. Failure to do so will result in the temporary suspension of the individual's Airport identification badge.
3. Third Violation. A third violation results in a \$400.00 fine and may result in permanent revocation of the individual's Airport identification badge.

The following are the individual violations that are applicable to the Three Strikes Program:

- a. Failure to display a current, valid Airport identification badge.
- b. Unauthorized presence in an Airport Security Area.
- c. Failure to challenge an individual without proper identification.
- d. Failure to properly identify a vehicle where required in the Driver's Training Program and the Airport Security Program.
- e. Failure to properly operate Airport security system creating an alarm.
- f. Failure to properly escort.
- g. Using someone else's badge.
- h. Allowing someone to use your badge.
- i. Failure to secure an access point to an Airport Security Area.

- j. Causing a runway incursion.
- k. Reckless driving in an Airport Security Area.
- l. Failure to comply with any other provision of the Airport Security Program, Certification Program, Airport Driver Training Program, or TSA Security Directive.

B. Strikes Against a Tenant, Licensee, Contractor, or Vendor.

Any violation not attributable to an individual shall be assessed to the tenant, contractor, licensee, or vendor responsible for the violation. The penalties are as follows:

1. 1<sup>st</sup> Violation – results in a fine of \$100.00.
2. 2<sup>nd</sup> Violation – results in a fine of \$200.00.
3. 3<sup>rd</sup> Violation – results in a fine of \$400.00.

Fines assessed against tenants, contractors, licensees, or vendors for security violations will double for each subsequent offense.

C. Duration of Violations. All violations and fines will be entered into a database for record keeping purposes and will remain on file for a 24-month period.

700.13 APPEALS:

- A. Chief Executive Officer. A violation may be appealed within five (5) business days by filing with the Airport written an appeal that specifically states the word "appeal" and identifies the reason or reasons for reversal of the violation with any supporting documentation. The appeal will be reviewed by the Chief Executive Officer who may affirm or reverse the violation.
- B. Northwest Regional Airport Authority Board. A person may appeal the Chief Executive Officer's determination to the Northwest Regional Airport Authority board within five (5) business days by filing a written appeal that specifically states, "appeal to the NRAA Board" and identifies the reason or reasons for reversal of the Chief Executive Officer's determination. The appeal will be heard by the Northwest Regional Airport Authority board at its next regularly scheduled meeting provided the appeal is filed at least fourteen (14) days prior to the meeting. The Northwest Regional Airport Authority board may reverse or affirm the Chief Executive Officer. The decision of the Northwest Regional Airport Authority board is a final decision.

## CHAPTER 800

### FIRST AMENDMENT ACTIVITIES SOLICITING, PICKETING, SIGNATURE GATHERING, AND LEAFLETING

The Northwest Regional Airport Authority has the authority to adopt and amend all necessary rules, regulations, and ordinances, for the management, government, and use of the Cherry Capital Airport and any properties under its control. MCL 259.133. The Airport is neither designed nor intended as a public forum for First Amendment activities. Such activities will only be permitted in or upon the public areas of the Airport as set forth and, in the manner, prescribed by this Chapter.

This Chapter shall be enforced in a content-neutral manner without regard to the identity of the person or organization seeking to engage in First Amendment activities or the viewpoint of the message sought to be communicated.

This Chapter is adopted to maintain and enhance the efficient operation of the Airport for the following purposes:

- A. To ensure the free and orderly flow of passenger traffic through and around the Airport.
- B. To ensure the efficient functioning of Airport operations and services by avoiding congestion, operational disruptions, duress and disturbance to passengers, patrons, concessionaires, tenants, and licensees.
- C. To ensure the safety and security of the Airport is maintained.
- D. To protect persons using the Airport from duress, fraud, harassment, intimidation, interruption, and inconvenience.
- E. To protect the business operations of Airport concessionaires, tenants, and licensees.

As such, the Airport allows people to engage in free speech activity at the Airport, subject to the following rules and regulations:

#### 800.1 SCOPE:

This Chapter applies to all leafleting, signature gathering, solicitation of funds, and other speech related activity at the Airport.

#### 800.2 DEFINITIONS:

- A. "Airport" shall mean all of the area comprising the Cherry Capital Airport as set forth in the Airport Layout Plan on file with the Chief Executive Officer as now existing or as the same may be expanded and developed and shall include all of its facilities,

including but not limited to all Airport buildings and property, enclosed or not enclosed, under the control, management or legal ownership of the Northwest Regional Airport Authority.

- B. "Business Days" means Monday through Friday between 8:00 am and 5:00 pm.
- C. "Designated Area" shall mean the sidewalk area on the east end of the commercial service terminal immediately adjacent to the garden area and the cell phone waiting area. The Designated Area is depicted on the NRAA's First Amendment Activities Soliciting, Picketing, Signature Gathering, and Leafleting Drawing and is an area of 2400 square feet. An alternative Designated Area may be selected by the Chief Executive Officer to a location that will not interfere with the operations of the Airport or its concessionaires, tenants, and licensees or passenger and vehicular movements and consistent with the safety and security of the Airport where the use of the Designated Area at the requested time and date would interfere with scheduled construction activities in or near the Designated Area or there is inclement weather that would unreasonably interfere with the proposed activity.
- D. "Leafleting" includes but is not limited to the distribution of free literature such as leaflets, handbills, pamphlets, flyers, brochures, pins, buttons, badges, cards, pictures, envelopes, invitations, or any similar items.
- E. "Person or persons" includes any individual, partnership, corporation, company, association, club, joint venture, estate, trust, or any other group of individuals or combination of individuals acting as a unit.
- F. "Picketing" shall mean one or more persons marching or stationing themselves in an area in order to express or broadcast their position on an issue.
- G. "Soliciting" shall have the same meaning as set forth in 100.2 MM of this Ordinance.

### 800.3 SOLICITING PROHIBITED:

Soliciting as defined in this Chapter is prohibited at the Airport without a current operating agreement, contract, lease, or other written agreement with the Authority or as otherwise permitted by Chapter 600.

### 800.4 LEAFLETING, SIGNATURE GATHERING, AND PICKETING:

No person or organization shall engage in Picketing, Leafleting, or gathering signatures on a petition or similar document at the Airport except pursuant to and in compliance with a permit for such activity issued by the Chief Executive Officer or designee and in accordance with the following:

1. Signature gathering, Picketing, and Leafleting shall occur only in the Designated Area.

2. Persons gathering signatures, Picketing, or Leafleting shall not block, hinder, interfere, or otherwise impede passengers and employees wishing to enter or exit the Airport terminal.
3. Persons gathering signatures or Leafleting shall not intimidate passengers or employees into signing or accepting a leaflet.
4. Persons Picketing, gathering signatures or Leafleting shall not occupy areas designated as fire or emergency lanes and shall not occupy parking spaces.
5. Persons engaged in Leafleting shall be responsible for picking up all discarded leaflets and properly disposing them or removing them from the Airport.
6. Persons gathering signatures, Picketing, or Leafleting shall not intentionally grab, restrain, or in any way intimidate any person.
7. Persons gathering signatures, Picketing, or Leafleting shall not disrupt or interfere with the free and orderly flow of pedestrian or vehicular traffic.
8. Persons gathering signatures, Picketing, or Leafleting shall not use any noise making devices or amplification devices capable of amplifying the human voice.
9. Persons gathering signatures, Picketing, or Leafleting shall not in any manner indicate to the public that he or she is an official of the Airport or in any manner misrepresent the identity of the organization he or she represents.
10. Persons gathering signatures, Picketing, or Leafleting shall not erect any racks, tables, or other means of displaying printed materials or other items or place any chairs, boxes, or other obstructions.
11. Persons gathering signatures, Picketing, or Leafleting shall not attach any sign, circular, or other written material to any wall, booth, post, counter, or other surface of the Airport.
12. Persons are responsible for returning the areas used in conducting their events or activities to their original condition and are responsible for any vandalism, damage, breakage, loss or other destruction to the Airport or personal property of the Airport caused by that person or a participant in the person's activity. Costs will be assessed to persons for damages incurred.
13. Persons issued a permit for gathering signatures, Picketing, or Leafleting shall indemnify and hold harmless the Airport and the Counties of Grand Traverse and Leelanau, their board members, agents and employees, from and against any and all suits, damages, claims, or other liabilities due to personal injury or death, damage to or loss of property to the Airport or to others, or for any other injury or damage arising out of or resulting from their deuse of the Airport.

14. Persons gathering signatures, Picketing, or Leafleting shall not engage in speech activities in a manner prohibited by this Chapter or contrary to this Chapter.
15. A copy of the notice of approval for the activity shall be either displayed by the persons gathering signatures, Picketing, or Leafleting or available for display upon request at all times while engaged in the activity on the Airport.

#### 800.5 PERMIT REQUIRED:

Prior to engaging in any activity regulated by this Chapter at the Airport, a person shall complete a request for permission to engage in the activity at the Airport. The request shall include the following information: The name of the person engaged in the activity, the nature of the activity, the purpose of the activity, the hours during which the activity is proposed to be conducted, the number of individuals anticipated to be involved in the activity, and the beginning and end dates of such activity.

Permission must be requested at least three (3) Business Days in advance for all activities. A request shall be considered received on a Business Day if submitted prior to 4:00 pm on a Business Day.

Upon presentation of a complete request and any documentation required by this Chapter, the Chief Executive Officer or designee will issue a permit within three (3) Business Days from the date of receipt of the request if there is space available in the Designated Area for the times and dates requested and all documentation as required by this Chapter has been provided. Permits shall be issued on a first come-first served basis. No permit shall be issued for a period of time in excess of thirty (30) days.

Where Picketing is requested as a result of an exigent, sudden event occurrence where it would be unreasonable or difficult to request permission three (3) Business Days in advance, permission shall be requested at least 24 hours in advance. Upon presentation of a complete request and any documentation required by this Chapter, the Chief Executive Officer or designee will issue a permit.

Upon granting permission, the Chief Executive Officer or designee shall provide the person with written notice of approval along with the time period of approval and two (2) copies of this Chapter or a summary of this Chapter, one copy of which shall be executed by the person and returned to the Chief Executive Officer or designee as acknowledgement by the person granted permission that they have received a copy of this Chapter or a summary.

The Airport reserves the right to require accommodations, such as barricades or law enforcement presence, that may be determined necessary in light of the proposed activity. Any accommodations that may be required shall be at the expense of the person requesting to conduct the activity.

#### 800.6 REVOCATION OR DENIAL OF PERMISSION:

If a person is denied permission, the person may appeal the denial to the Northwest Regional Airport Authority (NRAA).

If a person has violated any of the foregoing provisions of this Chapter, the permission may be revoked. Permission may be revoked in the event of a significant weather event such as a blizzard, aircraft accident, or such other event or condition under which the activity permitted creates a danger to persons or property, interferes with the orderly formation and progression of waiting lines, or interferes with passenger and employee movement, the entry to and exit from vehicles, security procedures, government inspection procedures, cleaning, maintenance, repair or construction operations. The person may appeal a revocation to the NRAA.

An appeal shall be submitted to the Chief Executive Officer within thirty (30) days after denial or revocation. The NRAA shall hear the appeal at the next regularly scheduled meeting of the NRAA following the denial or revocation provided that the appeal is received at least seven (7) days prior to the meeting. The person shall be given notice of the hearing and an opportunity to present at the hearing. The person may have representation at the hearing. The NRAA may affirm, reverse, or modify the revocation or denial following the hearing. A final decision of the NRAA is subject to judicial review.

#### 800.7 MISCELLANEOUS:

The Airport will not be and shall not assume responsibility for any harm or injury suffered by persons engaging in activities regulated by this Chapter at the Airport.

The presence of persons engaging in activities regulated by this Chapter at the Airport does not constitute the Airport's support of or opposition to the subject matter of any free speech activity. The presence of person(s) engaging in activities regulated by this Chapter at the Airport does not constitute the Airport's endorsement of the viewpoints, policies, beliefs, or political affiliations of any person engaging in the activities.