

**REGULAR MEETING
GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY
June 9, 2023**

The Greater Asheville Regional Airport Authority ("Authority") met on Friday, June 9, 2023 at 8:30 a.m. in the Conference Room at the Authority's Administrative Offices, Asheville Regional Airport ("Airport"), 61 Terminal Drive, Suite 1, Asheville, NC 28732.

MEMBERS PRESENT: Brad Galbraith, Chair; George H. Erwin, Jr., Vice-Chair; Carl H. Ricker, Jr.; Susan Russo Klein; Britt Lovin; Nathan Kennedy; and Robby Russell

MEMBERS ABSENT: None

STAFF AND LEGAL COUNSEL PRESENT: Cindy Rice, Authority Legal Counsel; Lew Bleiweis, President & CEO ("president"); Michael Reisman, Chief Operating Officer; Tina Kinsey, VP - Marketing, Public Relations and Air Service Development; Janet Burnette, Chief Financial Officer; Shane Stockman, VP – Information Technology; John Coon, VP - Operations and Maintenance; Christina Madsen, VP – Business Development and Properties; Jared Merrill, VP – Planning; Samuel Sales, Chief of Public Safety; Angela Wagner, VP - Administration and Human Resources; and Ellen Heywood, Clerk to the Board

ALSO PRESENT: Dr. Laura Leatherwood, Blue Ridge Community College; Kathy Erwin; Travis Bird, Avcon, Inc.; John Mafera, McFarland Johnson; Chris Pair

CALL TO ORDER: The Chair called the meeting to order at 8:30 a.m. The Chair welcomed Mrs. Kathy Erwin to the Authority Board meeting and Dr. Laura Leatherwood as an incoming Board member.

BOARD MEMBER INTRODUCTION: Nathan Kennedy shared information about his family, career in banking, and his work in the community.

SERVICE RECOGNITION AWARD: The Chair recognized Mr. Erwin for his service on the Authority Board and read him the following resolution:

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Greater Asheville Regional Airport Authority

~ Resolution ~

WHEREAS, the Greater Asheville Regional Airport Authority was created in June 2012 by State statutes for the purpose of maintaining, operating, regulating, developing, and improving the Asheville Regional Airport; and

WHEREAS, George H. Erwin, Jr. served as Member of the Greater Asheville Regional Airport Authority from December 2017 through June 2023; and

WHEREAS, George H. Erwin, Jr. also served as Vice-Chair of the Greater Asheville Regional Airport Authority from June 2022 through June 2023; and

WHEREAS, during his service to the Authority, George H. Erwin, Jr. fulfilled his position with allegiance and perseverance, and with consistent concern for the welfare of employees; and

WHEREAS, George H. Erwin, Jr. put forth significant dedication in the collaboration of the Authority and Henderson County, with an emphasis on strengthened community relations; and

WHEREAS, during his tenure the Authority experienced unprecedented growth and development with a focus on significant improvements including completion of public parking facility, completion of an airfield re-development project, expansion of a south apron ramp, design of a new air traffic control tower, and design of a new terminal building project; and

NOW, THEREFORE, BE IT RESOLVED, that the Greater Asheville Regional Airport Authority expresses its sincere thanks and gratitude for George H. Erwin, Jr.'s tireless and unwavering efforts in serving the needs of the Greater Asheville Regional Airport Authority and the Western North Carolina community.

Adopted this 9th day of June, 2023.

Greater Asheville Regional Airport Authority

PRESENTATIONS:

A. Strategic Plan Update: Steve Van Beek with Steer Davies and Gleave, Inc. updated the Board on the progress made with the Strategic Plan. Mr. Van Beek stated

that after input from all levels of staff a decision was made to replace the current Mission and Vision statements, in addition to working on the goals, objectives, performance measures, and action planning. The proposed Mission and Vision statements and core values were revealed followed by the strategic goals and objectives that have been identified for the strategic plan. Mr. Van Beek remarked that he will work with staff to create the plan to be shared with the community and that a framework is in place to implement the performance measures and action planning.

A discussion took place with regards to disseminating the core values to our partners to ensure outreach to passengers aligns with the Authority's core values to reflect a positive passenger experience. The expected rate of growth and flexibility needed to accommodate the growth was also considered.

A question was raised pertaining to the Authority's revenue stream calculated on a per passenger basis and how staff manages assets to diversify the Authority's non-aeronautical revenue stream for the property surrounding the airport. The president explained that all revenue, including non-aeronautical revenue, is calculated on a per passenger metric. The higher per passenger of non-aeronautical revenue represents a lower cost per enplanement for the airlines to operate. The revenue is kept separate but computed on a per passenger basis.

The Board thanked Mr. Van Beek for his presentation.

FINANCIAL REPORT: A review of enplanements, aircraft operations, and general aviation activity for the month of April was delivered by the president. Janet Burnette reported on the financial activity for the month of April.

CONSENT ITEMS:

A. Approval of the Greater Asheville Regional Airport Authority May 12, 2023 Regular Meeting Minutes:

B. Approval of Resolution Accepting Grants:

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Greater Asheville Regional Airport Authority

~ Resolution ~

A RESOLUTION CONFERRING STANDBY AUTHORITY TO ACCEPT GRANTS BY THE
GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY DURING THE FISCAL YEAR
2023-2024

WHEREAS, the Greater Asheville Regional Airport Authority ("Authority") is a body corporate and politic organized and created by the North Carolina General Assembly pursuant to Session Law 2012-121, House Bill 552 known as the Greater Asheville Regional Airport Authority Act ("Act"); and

WHEREAS, the Authority operates the Asheville Regional Airport ("Airport"); and

WHEREAS, the Authority has the right under the Act to accept grants of money and/or materials or property of any kind for any existing or future airport facilities from the State of North Carolina, the United States, or any agency, department, or subdivision of either of them; and

WHEREAS, the Federal Aviation Administration ("FAA"), a division under the United States Department of Transportation, annually awards entitlement grants and discretionary grants to airports throughout the United States in support of airport capital improvement projects; and

WHEREAS, the Airport is eligible for such grants; and

WHEREAS, the window of time to accept such grants from the FAA is usually relatively short and may not fall within the schedule of Authority board meetings; and

WHEREAS, the President & CEO recommends that the Authority adopt this resolution so as not to be in a position whereby a grant is forfeited or denied.

NOW, THEREFORE, BE IT RESOLVED and Adopted by the Authority as follows:

Lew Bleiweis, A.A.E., President & CEO of the Greater Asheville Regional Airport Authority, Michael Reisman, A.A.E., Chief Operating Officer, the Chair of the Authority, and/or the Vice Chair of the Authority, or any of them or their successors in office (each an "Authorized Officer") be, and they hereby are, authorized to accept, on behalf of the Authority, any and all grant offers made to the Authority by the State of North Carolina, the United States, or any agency, department, or subdivision of either of them; to execute and deliver, for and on behalf of the Authority, any and all instruments necessary to

accept such grant offers; to ratify, accept, and adopt all assurances, statements, representations, warranties, covenants and agreements contained in any project application submitted by the Authority in connection with such grants; and to agree, on behalf of the Authority, to comply with any and all such assurances.

Adopted this 9th day of June, 2023

Brad Galbraith, Chair

Attested by:

Ellen M. Heywood, Clerk to the Board

C. Approval of Amendment to the FY22/23 Budget:

BE IT ORDAINED by the Greater Asheville Regional Airport Authority that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2023:

Section 1. To amend the appropriations as follows:

EXPENDITURES:

	<u>Decrease</u>	<u>Increase</u>
Executive Dept	_____	\$100,000.00
Totals	_____	\$100,000.00

This will result in a net increase of \$100,000.00 in the appropriations. Revenues will be revised as follows:

REVENUES:

	<u>Decrease</u>	<u>Increase</u>
Transfer from GARAA Cash	_____	\$100,000.00
Totals	_____	\$100,000.00

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Greater Asheville Regional Airport Authority, and to the Budget Officer and to the Finance Officer for their direction.

Adopted this 9th day of June, 2023.

Brad Galbraith, Chair

Attested by:

Ellen Heywood, Clerk to the Board

Mr. Russell moved to approve Consent Items A through C. Ms. Russo Klein seconded the motion and it carried unanimously.

OLD BUSINESS:

A. Public Hearing and Adoption of Ordinance No. 202301 Establishing Rules and Regulations of the Asheville Regional Airport: Michael Reisman informed the Board that the Airport Rules and Regulations, Ordinance No. 202301 has been available for public inspection since the Board's approval of the ordinance at the May 12, 2023 meeting. No public comments have been received to date. Mr. Reisman further stated that since the approval at the May 12th meeting, the document has been reformatted, primarily the paragraph numbering for easier reference and future updating, however, no changes were made to the material content of the document. Adoption of Ordinance 202301 will replace Ordinance 201701.

Ms. Russo Klein moved to approve the modification to the reformatting of the sections of the proposed Airport Rules and Regulations Ordinance 202301. Mr. Lovin seconded the motion and it carried unanimously.

Ms. Russo Klein moved to open the floor to public comments at 9:51 a.m. Mr. Erwin seconded the motion and it carried unanimously. There being no public comments, Mr. Lovin moved to close the floor to public comments at 9:52 a.m. Ms. Russo Klein seconded the motion and it carried unanimously.

Mr. Lovin moved to adopt the Airport Rules and Regulations Ordinance No. 202301. Ms. Russo Klein seconded the motion and it carried unanimously.



GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

AIRPORT ORDINANCE NO. 202301

AIRPORT RULES & REGULATIONS

ADOPTED: JUNE 9, 2023

FORWARD

Welcome to the Asheville Regional Airport (AVL). The Greater Asheville Regional Airport Authority, Owner and Operator of AVL, has established through ordinance, Airport Rules & Regulations necessary to ensure the safe and efficient operation of the Airport facilities.

This Airport Rules & Regulations Ordinance is provided to assist all tenants, employees, pilots, passengers, and other members of the general public with the information they need to understand the basic requirements, and safety procedures and practices in place at AVL for the benefit of safety and security of the Airport facility and those using it.

Questions concerning any information contained in this manual should be directed to the Greater Asheville Regional Airport Authority administrative offices, 61 Terminal Drive, Suite 1, Fletcher, North Carolina 28732.

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GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY

AIRPORT ORDINANCE NO: 202301

RULES & REGULATIONS ADOPTED: JUNE 9, 2023

AN ORDINANCE, IN ACCORDANCE WITH SECTION 1.6(A) OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY ACT, NORTH CAROLINA SESSION LAW 2012-121, TO ESTABLISH THE RULES AND REGULATIONS OF THE ASHEVILLE REGIONAL AIRPORT, IN ORDER TO REGULATE THE CONDUCT OF PERSONS AND BUSINESSES AT THE ASHEVILLE REGIONAL AIRPORT; AND TO MAKE A VIOLATION OF THIS ORDINANCE OR ANY AIRPORT RULE OR REGULATION CONTAINED HEREIN, A MISDEMEANOR, CIVIL INFRACTION, OR ADMINISTRATIVE VIOLATION, AND TO PRESCRIBE THE PENALTIES AND MEANS OF ENFORCEMENT OF SAID RULES AND REGULATIONS.

Section 1. Citation

- 1.1 This Ordinance may be cited as “**Authority Ordinance No. 202301**” or as the “**Airport Rules & Regulations.**”

Section 2. Findings

- 2.1 The Greater Asheville Regional Airport Authority was created by Session Law 2012-121, which was ratified by the General Assembly of North Carolina on June 28, 2012, and operates the Asheville Regional Airport.
- 2.2 Section 1.6(a)(7) of Session Law 2012-121, gives the GARAA the ability to, among other things, “[*m*]ake all reasonable rules, regulations, and policies as it may from time to time deem to be necessary, beneficial or helpful for the proper maintenance, use, occupancy, operation, and/or control of any airport or airport facility owned, leased, subleased, or controlled by the Authority.”
- 2.3 Section 1.6(a)(21) of the Session Law gives the GARAA the ability to: “[*e*]xercise all powers conferred by Chapter 63 of the General Statutes [*of the State of North Carolina*] or any successor Chapter or law.”
- 2.4 The powers conferred in North Carolina General Statute Section 63-53(2) specifically include the powers to: adopt and amend all needful rules, regulations and ordinances for the management, government, and use of any properties under its control and to fix by ordinance, penalties for the violation of said ordinances and enforce said penalties.
- 2.5 North Carolina General Statute Section 63-53(2) also specifically requires that such ordinances be published as provided by general law or the chapter of the municipality for the publication of similar ordinances, and that such ordinances conform to and be consistent with the laws of the

State of North Carolina, and the then current federal legislation governing aeronautics and the regulations promulgated thereunder.

- 2.6 The Greater Asheville Regional Airport Authority, consistent with that Resolution adopted on June 17, 2016, by the Authority Board (Greater Asheville Regional Airport Authority Policy and Procedure for the Adoption of Ordinance), may adopt these Airport Authority Rules & Regulations by ordinance.

Section 3. Purpose and Scope

- 3.1 The purpose of these Airport Rules & Regulations is to establish, by ordinance, certain rules and regulations that will govern the use and activities that may take place on Airport Property.
- 3.2 Permission to use the Airport, Airport Property, or any part thereof, is conditioned upon strict compliance with these Airport Rules & Regulations, including payment of any fees or charges established hereby.
- 3.3 These Airport Rules & Regulations shall be applicable to every Person utilizing the Airport or Airport Property unless otherwise indicated and shall supersede all prior rules and regulations promulgated by the Authority.
- 3.4 These Airport Rules & Regulations shall be in addition to all other applicable contract terms, lease terms, Minimum Standards, policies, plans and Directives of the Airport, including, but not limited to the; Stormwater Pollution Prevention Plan, Spill Prevention Control and Countermeasures Plan, Airport Security Plan, Airport Emergency Plan, Airport Certification Manual, and Wildlife Hazard Management Plan.

Section 4. Effective Date

- 4.1 These Airport Rules & Regulations shall take effect as of the 9th day of **June 2023**. Any amendments hereto, shall be effective as of the Amended Date referenced above.

Section 5. Definitions

- 5.1 Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the terms used in these Airport Rules & Regulations shall have the meanings set forth in this Section.
- 5.2 Abandon – shall mean to forsake, desert, give up and/or surrender one's claim or right, license, use or privilege.
- 5.3 Abandoned Property – shall mean any item, including but not limited to, Motor Vehicles, equipment, and personal belongings, that would appear to a reasonable person that it has been forsaken, deserted, given up, surrendered, or left without anticipation of the Owner or Operator returning to claim it within a reasonable period of time.

- 5.4 Airport Development Guidelines – shall mean the specific written documents detailing the design requirements of all new construction and development on Airport Property, and for modifications to existing Airport facilities, regardless of ownership.
- 5.5 Airport Movement Area (AMA) – shall mean the Runways, Taxilanes, or Taxiways and other areas of the Airport that are utilized for taxiing, air taxiing, takeoff, and landing of Aircraft, that are under the direct control of the air traffic control tower, including during periods when the tower is closed.
- 5.6 Air Operations Area (AOA) – shall mean the areas of the Airport used for Aircraft landing, takeoff, or surface maneuvering, including the areas around hangars, navigation equipment, and Aircraft parking areas.
- 5.7 Aircraft – shall mean any device used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultra-light, blimp, remotely piloted air vehicles, unmanned air vehicles, and other autonomous air vehicles.
- 5.8 Airport – shall mean the Asheville Regional Airport (AVL).
- 5.9 Airport Property – shall mean any and all real property owned by the Authority and used for aeronautical and aeronautical-related purposes, including but not limited to; the Airfield, the Airport Terminal, Terminal Drive, the Runway, all parking facilities, whether public or private, all general aviation facilities, all Public Safety facilities, and all Taxilanes and Taxiways.
- 5.10 Alcoholic Beverages – shall mean any beverage containing at least one-half of one percent (0.5%) alcohol by volume, including any Malt Beverage, Unfortified Wine, fortified wine, spirituous liquor, and mixed beverages, or as otherwise defined by the State of North Carolina.
- 5.11 Apron or Ramp – shall mean those areas of the Airport within the AOA designated for loading, unloading, servicing, or parking of Aircraft.
- 5.12 Authority – shall mean the Greater Asheville Regional Airport Authority.
- 5.13 Authority Board – shall mean the collectively appointed members of the Authority, that when acting in official capacity on behalf of the Authority, have the powers, authority, and jurisdiction conferred upon it by the North Carolina General Assembly.
- 5.14 Authorized Area(s) – shall mean a specified location or portion of the Airport, accessible only to specifically authorized Person(s).
- 5.15 Authorized Representative – shall mean an employee of the Authority, designated by the Authority Board or the President & CEO, to act in a particular capacity.
- 5.16 City – shall mean the City of Asheville, North Carolina.
- 5.17 Commercial Activity – shall mean the exchange, trading, buying, hiring or selling of commodities, goods, services, or tangible or intangible property of any kind, and/or any revenue producing activity on Airport Property.

- 5.18 County – shall mean Buncombe County, and/or Henderson County, North Carolina.
- 5.19 Courtesy Vehicle – shall mean any Motor Vehicle used in Commercial Activity as herein defined, other than a taxicab, limousine, TNC Vehicle, Peer-to-Peer Vehicle Sharing Program, etc. to transport persons, baggage or goods, or any combination thereof, between the Airport and the business establishment owning or operating such motor vehicle, the operation of which is generally performed as a service without any direct or indirect costs to the passenger.
- 5.20 Designated Areas – shall mean those areas of the Airport, marked by signage where possible, where certain activities are limited, or where certain activities must occur, as specified elsewhere in these Airport Rules & Regulations.
- 5.21 Directives – shall mean the specific written documents detailing the approved methods of operations and directed by the Authority or his/her Authorized Representative.
- 5.22 Federal Aviation Regulation (FAR) – shall mean the rules prescribed by the Federal Aviation Administration (FAA) governing all aviation activities in the United States, as contained in Title 14 of the Code of Federal Regulations (CFR).
- 5.23 Flammable Liquids – Liquids that are capable of self-sustained combustion.
- 5.24 Foreign Object Damage/Debris (FOD) – shall mean any object, live or not, located in an inappropriate location in the Airport environment that has the capacity to injure the Airport or air carrier personnel and/or damage Aircraft.
- 5.25 Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device – shall mean any Motor Vehicle, tanker truck, trailer or other mobile or fixed device containing a tank of any size and/or pumping equipment, designed or used to deliver and supply fuel to Aircraft, Motor Vehicles, fuel farms, fuel tanks, or other equipment on Airport Property.
- 5.26 Hazardous Material – shall mean any item or agent (biological, chemical, radiological, and/or physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors.
- 5.27 Helicopter – shall mean a rotorcraft that, for its horizontal motion, depends principally on its engine driven rotors.
- 5.28 Malt Beverage – shall mean beer, lager, malt liquor, ale, porter, or fermented beverage.
- 5.29 Minimum Standards – shall mean the specific written documents detailing the minimum requirements to be met as a condition for the privilege to conduct aeronautical or non-aeronautical services on Airport Property.
- 5.30 Motor Vehicle – shall mean every vehicle which is self-propelled, and every vehicle designated to run upon the highways, which is pulled by a self-propelled vehicle, except Aircraft or devices moved exclusively upon stationary rails or tracks.

- 5.31 NFPA – shall mean the National Fire Protection Association.
- 5.32 Non-Commercial Activity – shall mean activity undertaken not for profit, but solely for philanthropic, religious, charitable, benevolent, humane, public interest, or similar purpose and no consideration for same is received, pledged, or promised for any part of the respective activity.
- 5.33 Non-Operating Aircraft – shall mean any Aircraft located on the Airport, which does not possess a current certificate of air worthiness issued by the FAA, and/or is not operational or functional and is not actively being repaired in good faith to become an operating Aircraft.
- 5.34 Non-Public Parking Facilities – shall mean parking facilities that are limited to authorized users or permit only parking.
- 5.35 Open Container – shall mean a container whose seal has been broken or a container other than the manufacturer’s unopened original container.
- 5.36 Operator – shall mean the individual directly controlling or maneuvering equipment, Motor Vehicle or Aircraft.
- 5.37 Owner – shall mean the Person possessing a fee interest in real property or ownership interest in personal property.
- 5.38 Parade – shall mean any march, demonstration, ceremony, or procession of any kind, which moves from place to place completely or partially, in or upon any street, sidewalk, or other grounds or places, owned or under the control of the Authority, along a specified route.
- 5.39 Park – shall mean to put, leave, or let a Motor Vehicle or Aircraft stand or stop in any location, whether the Operator thereof leaves or remains in such Motor Vehicle or Aircraft, when such standing or stopping is not required by traffic controls or by conditions beyond the control of the Operator.
- 5.40 Peer-to-Peer Vehicle Owner – shall mean the registered owner of the Peer-to-Peer Shared Vehicle that is made available for sharing through a Peer-to-Peer Vehicle Sharing Program.
- 5.41 Peer-to-Peer Vehicle Sharing Program – shall mean an electronic business platform that connects shared vehicle owners and drivers to enable the sharing of vehicles for financial consideration.
- 5.42 Peer-to-Peer Vehicle Sharing Provider – shall mean any Person who operates, facilitates, or administers the provision of personal vehicle sharing through a Peer-to-Peer Vehicle Sharing Program.
- 5.43 Person – shall mean any individual, entity, firm, partnership, corporation, company, association, joint stock association or body politic, or other user of the Airport, and includes any trustee, receiver, committee, assignee or other representative or employee thereof. Person includes the singular and plural, whenever the context permits.

- 5.44 Picketing – shall mean the stationing of any Person by standing, lying, walking, sitting, kneeling, bending, or in any other similar manner, at a particular place so as to persuade, or otherwise influence another Person's actions or conduct, or to apprise the public of an opinion or message.
- 5.45 Public Areas – shall mean areas and portions of the Airport, including buildings, intended to be accessible and open to the general public, exclusive of Authorized areas.
- 5.46 Public Parking Facilities – shall mean all parking facilities provided for the public on Airport Property.
- 5.47 Public Safety – shall mean the Department of Public Safety of the Greater Asheville Regional Airport Authority, which provides law enforcement, aircraft rescue and firefighting, and emergency medical services on the property of the Asheville Regional Airport.
- 5.48 Restricted Area(s) – shall mean any designated area of the Airport to which access or entry is limited to authorized Persons only.
- 5.49 Runway – shall mean a Restricted Area used solely for take-off and landing of Aircraft.
- 5.50 Service Animal – shall mean 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. Animal species other than dogs, emotional support animals, comfort animals, companionship animals, and service animals in training are not Service Animals.
- 5.51 Solicitation or To Solicit – shall mean to repetitively or continuously, directly or indirectly, actively or passively, openly or subtly, ask orally, in writing, or otherwise, (or endeavor to obtain by asking) request, implore, plead for, importune, seek or try to obtain, and shall include, but shall not be limited to: panhandling and begging.
- 5.52 Street – shall mean any highway, road, lane, avenue, boulevard, alley, bridge, or other way within and/or under the control of the Authority and open to public use.
- 5.53 Taxilane or Taxiway – shall mean those portions of the AOA, authorized, or designated by the Authority, for the surface maneuvering of Aircraft, which are used in common, and which may or may not be under the control of an Air Traffic Control Tower (ATCT).
- 5.54 Taxicab, Taxi or Cab – shall mean any automobile that carries Person(s) for a fare, determined by a meter and that is appropriately licensed as a taxicab by the proper governmental authority.
- 5.55 Through-the-Fence Operations – shall mean a Commercial Activity or a Non-Commercial Activity that is directly related to the use of the Airport, but is developed or located off Airport Property, and that has access to the Airport for Aircraft across the property line.

- 5.56 Transportation Network Company (TNC) – shall mean citizens utilizing a privately owned motor vehicle for commercial ground transportation purposes that are dispatched through electronic means.
- 5.57 Ultra-Light Vehicle – shall mean an Aircraft that meets and operates under the requirements of 14 CFR, Part 103.
- 5.58 Unfortified Wine – shall mean wine that has an alcoholic content produced only by natural fermentation or by the addition of pure cane, beet, or dextrose sugar.
- 5.59 Weapon – shall mean a dirk, billy club, gun, knife, blackjack, slingshot, metal knuckles, tear gas, chemical weapon, any explosive device, electronic weapon, or any other substantiating instrument that can be utilized to coerce, intimidate, or injure a Person, and all other such instruments as defined by local, state, or federal law.

Section 6. General Regulations

- 6.1 Commercial and Non-Commercial Activity. It shall be unlawful for any Person to occupy or rent space or conduct any business, commercial enterprise, or Commercial Activity, or other form of revenue or non-revenue producing Non-Commercial Activity, on Airport Property without first obtaining a written lease, contract, permit or other form of written authorization from the Authority and paying all fees.
- 6.2 Advertising and Display. It shall be unlawful for any Person to post, distribute, or display signs, advertisements, literature, circulars, pictures, sketches, drawings, or other forms of written material on Airport Property or in public rights-of-way, without the written permission of the Authority.
- 6.3 Commercial Speech. It shall be unlawful for any Person, for a commercial purpose, to post, distribute, or display signs, advertisements, circulars, pictures, sketches, drawings, or engage in other forms of commercial speech, without a written contract, permit or other form of written authorization from the Authority.
- 6.4 Commercial Photography. Except as provided for in Section 6.4.A, it shall be unlawful for any Person to take a still, motion or sound motion pictures, or make sound records or recordings of voices or otherwise on Airport Property, for commercial purposes or for the distribution to others for commercial purposes without written permission from and in a manner authorized by the Authority.
- A. Section 6.4 does not apply to bona fide coverage by the news media conducting their business in an Authorized Area.
- 6.5 Through-The-Fence Activities. Except as described in Section 6.5.A and 6.5.B below, it shall be unlawful for any Person to access the Airport, including the Runway, Taxilane or Taxiway, Aprons, hangar, and Aircraft servicing areas, directly from any off Airport Property.
- A. Exceptions to section 6.5 may be sought from the Authority on a case-by-case basis.

- B. Access by exception to Section 6.5 shall only be allowed upon satisfaction of each of the following conditions.
- (1) The issuance of a permit, license, or written agreement by the Authority;
 - (2) When lease terms and operating restrictions can ensure security, safety, equitable compensation to the Authority; and
 - (3) When a fair competitive environment can be established for other comparable Airport tenants.
- C. All Through-The-Fence Operations are subject to, and shall take place in, compliance with all FAR or FAA requirements.

6.6 Storage of Equipment. It shall be unlawful for any Person, unless otherwise provided for by lease, other agreement, or permit, to use any area on Airport Property, including buildings, either privately owned or publicly owned, for any storage of cargo or any other property or equipment, including Aircraft, without permission from the Authority.

- A. The Authority shall, upon a violation of Section 6.6, have the authority to order the cargo, Aircraft, or any other property removed, or to cause the same to be removed and stored at the expense of the Owner or consignee, without the Authority having any responsibility or liability therefor.

6.7 Construction and Repair Activities on Airport Property. It shall be unlawful for any Person to undertake any form of construction or repair activities on Airport Property, including but not limited to, digging, changing, pouring concrete, erecting structures, repairing public utilities, installing or repairing pavement, or any other form of construction or repair work, without a valid easement and/or first obtaining permission from the Authority.

6.8 Animals.

- A. It shall be unlawful to bring upon Airport Property any animal that is not properly restrained and controlled by the Owner, either on a leash or inside a suitable container.
- B. Only Service Animals and animals traveling with passengers are allowed inside the Airport terminal. Animals traveling with passengers must be properly restrained and controlled by the Owner at all times and must remain on a leash or inside a suitable container at all times.
- (1) Section 6.8.A shall not apply to public safety animals, Paws for Passengers animals, or other animals associated with an approved Airport program.
- C. It shall be unlawful to hunt, pursue, trap, catch, injure, or kill any animal on Airport Property, without first obtaining permission from the Authority.
- (1) Section 6.8.C shall not apply to the conduct and official acts of governmental officials, including wildlife management of the United States Department of Agriculture or of the

Authority, or when such activities are conducted by the Authority for Aircraft operational safety.

- D. It shall be unlawful for any Person to feed or do any other act to encourage the congregation of birds or other animals on Airport Property.
- E. It shall be unlawful for any Person to fish or boat from the Airport, on or in any lakes, ponds, or other bodies of water located on Airport Property.

6.9 Preservation of Property.

- A. It shall be unlawful for any Person to destroy, injure, deface, or disturb any building, sign, equipment, marker, or other structure, tree, flower, lawn, and/or other tangible property on Airport Property.
- B. It shall be unlawful for any Person to travel on Airport Property, other than on roads, walks or other marked rights-of-way, provided for such a specific purpose.
- C. It shall be unlawful for any Person to alter, add to, or erect any buildings or sign on the Airport or make any excavation on Airport Property, without prior expressed written approval from the Authority.
- D. Any Person causing injury, destruction, damage, or disturbance to Airport Property of any kind, including buildings, fixtures, or appurtenances, whether through any incident, act or omission, shall immediately report such damage or destruction to the Authority.
- E. Any Person involved in any incident, whether personal, with an Aircraft, automobile, ground support equipment, or otherwise occurring anywhere on Airport Property, shall make a full report to Public Safety as soon as possible after the incident.
 - (1) All incident reports shall include, but not be limited to, the names and addresses of all principals and witnesses, if known, and a detailed statement of the facts and circumstances.
- F. Any Person, tenant, company, or organization causing damage to or destroying Airport Property of any kind, including buildings, fixtures, or appurtenances, whether through violation of these ordinance or through any incident, accident, act or omission, shall be fully liable to the Authority for all damages, losses, and costs for repair associated therewith.

6.10 Lost, Found and Abandoned Property.

- A. Any Person finding any lost article(s) in the Public Areas on Airport Property, shall immediately deposit them with the Lost and Found located in Guest Services.
- B. Articles unclaimed by their proper Owner, within ninety (90) days, shall thereafter, upon request, be turned over to the finder in accordance with then provisions of any applicable North Carolina General Statutes.

- C. Articles to which the Owner or finder is not entitled to lawful possession, shall be forfeited to the Authority for disposal in accordance with provisions of any applicable North Carolina General Statutes.
- D. Nothing in Section 6.10 shall be construed to deny the right of Airport tenants to maintain "lost and found" services for property of their patrons, invitees, or employees.
- E. It shall be unlawful for any Person to abandon any property on Airport Property.
- F. Any Property which has been determined by the Authority to be Abandoned will be removed, stored, and/or disposed of, at the Owner's expense, without the Authority having any responsibility or liability therefor.

6.11 Violations of Section 6.

- A. A violation of Section 6 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. A civil penalty shall be assessed, and a civil citation issued for the violation of any provision of Section 6, in accordance with the following:
 - (1) The civil penalty associated with each civil citation issued for a violation of Section 6 shall be \$150.00.
 - (2) Each day's continuing violation of any provision of Section 6, is a separate and distinct violation.
 - (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply: 15-30 days delinquent – Additional Penalty of \$50.00; Each additional 30 days delinquent - Additional Penalty of \$50.00; Maximum of 3 Additional Penalties assessed.
- B. [RESERVED]
- C. The Authority may order any Person to cease and desist any activities or conduct in violation of or in noncompliance with Section 6.
 - (1) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
 - (2) An order of removal from, or denial of access to, the Airport shall set forth the reasons for and dates on which removal, or denial of access, shall begin and end.

Section 7. Personal Conduct

7.1 Misdemeanors.

- A. Solicitation. It shall be unlawful for any Person to solicit, for any purpose, on Airport Property without prior authorization from the Authority.

B. Obstruction of Airport Use and Operations. No Person shall obstruct, impair, or interfere with the safe and orderly use of the Airport by any other Person, Motor Vehicle, or Aircraft.

C. Restricted Areas and Air Operations Area.

- (1) Except as otherwise provided in Section 7.1.C(2), it shall be unlawful for any Person to, without the prior written authorization of the Authority, enter the AOA or any Restricted Area on Airport Property.
- (2) The following Persons may enter the AOA or any Restricted Area on Airport Property without the prior written authorization of the Authority.
 - a. Persons assigned to duty thereon with proper training and identification media issued by, or acceptable to, the Authority.
 - b. Passengers who, under appropriate supervision by qualified and Airport badged personnel, enter upon the Apron for the purpose of enplaning or deplaning an Aircraft.
 - c. Persons engaged, or having been engaged, in the operation of Aircraft with proper identification, if located in a Restricted Area requiring such identification.
- (3) No Person shall walk or drive across the AMA of the Airport without specific permission from the Authority and, where applicable, the Federal Aviation Administration air traffic control tower on Airport Property, and without having first completed all Airport required training and background checks.

D. Compliance with Signs. It shall be unlawful for any Person to fail to observe and obey all posted signs, fences, permanent and temporary traffic control and barricades governing activities and/or demeanor of the respective Person while on Airport Property, and while operating an Aircraft or other equipment.

E. Use and Enjoyment of Airport Premises.

- (1) It shall be unlawful for any Person, singularly or in association with others, by his, her, or their conduct, or by congregating with others, to prevent any other Person lawfully entitled thereto from the use and enjoyment of the Airport and its facilities or any part thereof, or prevent any other Person lawfully entitled thereto from free and unobstructed passage from place-to-place, or through entrances, exits, or passageways on Airport Property.
 - a. Nothing in Section 7 is intended to prevent any Person from preventing another person, without authorization, from entering Authorized Areas or Restricted Areas.
- (2) It shall be unlawful for any Person to remain in or on any Public Areas, place or facility on Airport Property, in such a manner as to hinder or impede the orderly passage in or through or the normal or customary use of such area, place, or facility by any Person or Motor Vehicle entitled to such passage or use.

- (3) It shall be unlawful for any Person to commit any disorderly, obscene, or indecent act, or use profane or abusive language, or commit any nuisance within the boundaries of the Airport.
- (4) It shall be unlawful for any Person to throw, shoot, aim lasers at, or propel any object in such a manner as to interfere with or endanger the safe operation of any Aircraft taking off from, landing at, or operating on Airport Property, or any Motor Vehicle on Airport Property.
- (5) It shall be unlawful for any Person to camp, live, sleep, or otherwise remain overnight on Airport Property.
 - a. Nothing in Section 7.1.E(5) is intended to prevent any Person, who holds a ticket for airline travel for the same day or the next day, from sleeping in the Airport terminal.
- (6) It shall be unlawful for any Person to urinate or defecate on any Airport Property other than in restrooms or temporary restrooms specifically identified for that purpose.

F. Environmental Pollution & Sanitation.

- (1) To the maximum extent possible, each Person while on Airport Property shall limit activities thereon in such a manner as to not cause littering or any other form of environmental pollution and shall abide by the provisions of Section 7.1.F.
- (2) It shall be unlawful for any Person to dispose of garbage, papers, refuse, or other form of trash including cigarettes, cigars, and matches, except in receptacles provided for such a purpose.
- (3) It shall be unlawful for any Person to dispose of any fill or building materials or any other discarded or waste materials on Airport Property, except as approved in writing by the Authority.
- (4) It shall be unlawful for any Person to place any liquids in storm drains or the sanitary sewer system on Airport Property, which will damage such drains or system, or will result in environmental pollution passing through such drain or system.
- (5) It shall be unlawful for any Person to use a comfort station or restroom toilet or lavatory facility on Airport Property, other than in a clean and sanitary manner.
- (6) It shall be unlawful for any Person to burn any refuse on Airport Property, except with the written authorization of the Authority.
- (7) It shall be unlawful for any Person to unnecessarily, or unreasonably, or in violation of the law, cause any smoke, dust, fumes, gaseous matter, or particulate to be emitted into the atmosphere or be carried by the atmosphere on Airport Property.

- (8) Any Person discarding chemicals, paints, oils, or any products on Airport Property, with authorization and in accordance with Section 7.1.E, must discard such materials in accordance with all other applicable state, local, or federal laws and regulations.

G. Firearms and Weapons.

- (1) For the purpose of Section 7.1.G, a firearm means: (i) any Weapon, including a starter gun, which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive other than flare guns, (ii) any firearm muffler or firearm silencer, or (iii) any destructive device.
- (2) It shall be unlawful for any Person, except those Persons to the extent authorized by federal law and/or state law, to carry or transport any firearm or Weapon on Airport Property, except when such firearm or Weapon is properly encased for shipment.
- (3) The Authority reserves the right to restrict the carrying of firearms and Weapons by watchman and guards on Airport Property.
- (4) It shall be unlawful for any Person to discharge any firearm or Weapon on Airport Property, except in the performance of official duties requiring discharge thereof.
- (5) It shall be unlawful for any Person to carry a firearm or Weapon in a Parade on Airport Property.

H. Alcoholic Beverages and Controlled Substances.

- (1) Except as provided in Sections 7.1.H(1)a and 7.1.H(1)b below, it shall be unlawful for any Person to consume Alcoholic Beverages on Airport Property.
 - a. It shall be lawful to consume Alcoholic Beverages in areas designated by the Authority for the sale and/or consumption of an Alcoholic Beverage, both permanent and temporary in nature, so long as all appropriate permits, licenses and permissions have been obtained.
 - b. It shall be lawful to consume an alcoholic beverage in areas designated under written agreement by the Authority, so long as all appropriate permits, licenses, and permission have been obtained.
- (2) Except as provided in Sections 7.1.H(1)a and 7.1.H(1)b above, it shall be unlawful for any Person to possess any Open Container of an Alcoholic Beverage on Airport Property.
- (3) It shall be unlawful to drive any Vehicle on Airport Property while under the influence of an impairing substance; (i) or after having consumed sufficient alcohol that the individual has, at any relevant time after the driving, an alcohol concentration of 0.08 or more, or (ii) with any amount of a Schedule I controlled substance, as listed in North Carolina General Statutes Section 90-89, or its metabolites in the individual's blood or urine.

- a. The relevant definitions contained in North Carolina General Statutes § 20-4.01 shall apply to Section 7.1.H(3).
- b. The fact that a Person charged with violating Section 7.1H.(3) is, or has been, legally entitled to use alcohol or a drug is not a defense to a charge under Section 7.1.H(3).
- c. In any prosecution for operating a Vehicle while impaired on any Airport Property, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant operated the Vehicle within the State and on the Airport while subject to an impairing substance.
- d. Any Person who operates a Vehicle on Airport Property gives consent to chemical analysis if he is charged with the offense of operating a Vehicle while impaired. The charging officer must designate the type of chemical analysis to be administered, and it may be administered when he has reasonable grounds to believe that the Person charged has committed the specific crime. The chemical analysis shall be performed pursuant to the procedures established under Chapter 20 of the North Carolina General Statutes applying to other motor vehicle violations. The results of any chemical analysis will be admissible into evidence at the trial on the offense charged and shall be deemed sufficient evidence to prove a person's alcohol concentration.

I. Picketing, Marching and Demonstration.

- (1) It shall be unlawful for any Person to walk in a picket line as a picketer, or take part in any form of demonstration including, but not limited to a Parade, on Airport Property, except in or at the place specifically assigned by means of prior arrangements in writing by the Authority for such Picketing or other permitted demonstration and in accordance with the provisions of Section 7.1.I(2).
- (2) Any permitted Picketing or demonstration shall be conducted in accordance with the provisions of Sections 7.1.I(2)a and 7.1.I(2)b below.
 - a. Picketing or demonstration shall be in the peaceful and orderly manner contemplated by law, without physical harm, molestation, threat, or harassment of any Person, without obscenities, any violence, any breach of the peace, or other unlawful conduct whatsoever.
 - b. Picketing or demonstration shall be without obstructing the use of the Airport by others and without hindrance to or interference with the proper, safe, orderly, and efficient operation of the Airport and activities conducted thereupon.

- J. Interfering with Passenger Screening Process. It shall be unlawful for any Person to intentionally interfere with, disrupt, or delay the process of passenger screening conducted in accordance with any federal, state, or local regulation or procedure, which is being carried out by any federal, state, or local agency or contractor.

K. Smoking.

- (1) It shall be unlawful to smoke or carry lighted smoking materials or to strike matches or other incendiary devices on Airport Apron areas, within 100 feet of parked Aircraft, during fueling or de-fueling, during the loading or unloading of fuel transport Vehicle, within 100 feet of a flammable liquid spill, in any area of the AOA, and in a hangar, shop, or other building in which Flammable Liquids are stored.
- (2) It shall be unlawful to smoke within the cab of a Fuel Transporting Vehicle, Fuel Delivery Truck or Fuel Delivery Device.

L. Fire Extinguishers.

- (1) It shall be unlawful to tamper with, at any time, fire extinguishing equipment on Airport Property.
- (2) It shall be unlawful to use, at any time, fire extinguishing equipment on Airport Property for any purpose other than firefighting or fire prevention.

M. Violations of Section 7.1.

- (1) Unless otherwise expressly specified herein, a Person found to have violated any provision of Section 7.1 shall be guilty of a Class 3 misdemeanor in accordance with North Carolina General Statutes § 14-4, and shall be subject to a fine, as specified in Section 7.1.M(1)a below.
 - a. Violation of any provision in Section 7: **\$250.00** fine.
- (2) Public Safety Officers are authorized to enforce violations of Section 7.1 of these Airport Rules & Regulations under North Carolina General Statutes §14-4.

7.2 Infractions.

A. Smoking.

- (1) It shall be unlawful to smoke, including the use of e-cigarette, vape pens or other like devices, in all enclosed areas of the Airport, including all restrooms, break rooms, offices, any Authority owned Motor Vehicle, and inside any portion of the passenger terminal building.
- (2) Smoking outside of the passenger terminal building by the general public shall only be permitted in a Designated Area.

B. Violations of Section 7.2.

- (1) Unless otherwise expressly specified herein, violation of any provision of Section 7.2 shall constitute an infraction and shall subject the violator to a fine not to exceed \$50.00, in accordance with North Carolina General Statutes §14-4.

7.3 Civil Citations.

A. Motor Vehicles.

- (1) It shall be unlawful for any Person or Motor Vehicle to enter the movement areas or cross the Runway or the Taxiway or Taxiway unless the Person or Motor Vehicle Operator has received and satisfactorily completed required training and authorization from the Authority to operate on the movement area.
 - a. Each Motor Vehicle authorized by the Authority to access the AMA shall be marked and lighted with company names, logos, strobe, or rotating lights of appropriate colors, or have a permit issued and displayed by the Authority.
 - b. Each Person or Motor Vehicle Operator with authorized access to the AOA or AMA shall be directly responsible for the activities of each additional Person or passenger they bring into the AOA or AMA, as each such Person shall be considered under their escort.

B. Access.

- (1) The security of Motor Vehicle and pedestrian gates, doors, fences, walls, and barricades leading from a tenant or lessee, or contractor's use area, to or from the AOA, or any other Restricted Area, shall be the responsibility of the tenant, lessee, or contractor abutting the AOA or the tenant presently using such gate, door, fence, wall or barricades.
- (2) Each Person or Motor Vehicle Operator using an Airport perimeter security gate on Airport Property shall ensure that the gate closes fully and is secure prior to leaving the vicinity of the gate, and that no unauthorized Persons gain access to the AOA through the gate while the gate is open.
- (3) Any authorized Person utilizing any gate, door, fence, wall, or barricade shall be individually responsible for ensuring the security of the same while utilizing such in the course of their business or activities on Airport Property, while present in any Restricted Area of the Airport, and while utilizing or operating any such devices.

C. Smoking.

- (1) Smoking outside of the passenger terminal building by Authority and tenant employees is only permitted in a Designated Area.

D. Fire Extinguishers.

- (1) All tenants or lessees or any other occupants of hangars, Aircraft maintenance buildings, or shop facilities, shall supply and maintain readily accessible fire extinguishers in numbers, and at locations, that meet the requirements of applicable local codes or ordinances.
 - a. All fire extinguishing equipment shall conform to and be maintained in accordance with current NFPA standards.
 - b. Tags showing the date of the last inspection shall be attached to each unit or immediately available records acceptable to Fire Underwriters shall be kept nearby showing the current status of such piece of equipment.

E. Communications with Authority.

- (1) It shall be unlawful for any Person to knowingly or willfully, make any false statement or report to the Authority or to any Authorized Representative of the Authority.

F. Violations of Section 7.3.

- (1) A violation of Section 7.3 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed, and civil citations issued for the violation of any provision of Section 7.3 in accordance with the following:
 - a. The civil penalty associated with each civil citation issued for a violation of Section 7.3 shall be \$50.00.
 - b. Each day's continuing violation of any provision of Section 7.3 is a separate and distinct violation.
 - c. A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply: 15-30 days delinquent – Additional Penalty of \$50.00; Each additional 30 days delinquent - Additional Penalty of \$50.00; Maximum of 3 Additional Penalties assessed.
- (2) The Authority may order any Person to cease and desist any activities or conduct in violation of or in noncompliance with Section 7.3.
- (3) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
 - a. An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.

- b. An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 8 Safety Regulations.

8.1 General.

- A. All Persons using the Airport or any facilities on Airport Property shall exercise the utmost care to guard against fire and injury to Persons and/or property.
- B. All Persons using the Airport or any facilities on Airport Property shall comply with all local, state, or federal laws and any rules and regulations of the FAA and/or all applicable NFPA requirements.

8.2 Fueling Operations.

A. Aircraft Engines.

- (1) It shall be unlawful for any Person to fuel an Aircraft with any fuel while one or more of its engines are running or the Aircraft is then being warmed by external heat (Hot Fueling), without advanced approval and standby of Public Safety.
- (2) It shall be unlawful for any Person to de-fuel an Aircraft with one or more of its engines running or the Aircraft is then being warmed by external heat.
- (3) It shall be unlawful for any Person to start the engine of an Aircraft if there is any gasoline or other volatile fluid on the ground or otherwise within the vicinity of the Aircraft.
- (4) It shall be unlawful for any Person to fuel an Aircraft inside of any hangar or building on Airport Property, regardless of whether the Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device is parked outside of the hangar or building. All fueling operations shall take place outdoors.

B. Distance from Buildings.

- (1) Aircraft being fueled shall be positioned so that Aircraft fuel system vents or fuel tank openings are not closer than ten (10) feet from any terminal building, hangar, service building or enclosed passenger concourse other than a passenger boarding bridge.
- (2) Each Fuel Transporting Vehicle, Fuel Truck, and Fuel Delivery Device, whether loaded or empty, shall never be in hangars nor be parked unattended within a distance of less than fifty (50) feet from hangars, paint and dope shops, fuel storage systems, or any other building or structure where any Person may be present therein.

C. Spillage of Fuel and Other Liquids.

- (1) No fuel, grease, oil, dopes, paints, solvents, acid, flammable liquid, or contaminants of any kind shall be suffered or allowed to flow into or be placed in any Airport sanitary or storm drain system.
- (2) Any Person causing overflowing or spilling of fuel, oil, grease, or other contaminants anywhere on Airport Property, shall be responsible for expeditious notification to Public Safety of said spillage and will be held responsible for immediate cleanup of the affected area.
- (3) When fuel spills occur, fueling shall stop immediately.
- (4) In the event of spillage, each Fuel Transporting Vehicle, Fuel Truck, and Fuel Delivery Device, and all other Motor Vehicles, shall not be moved or operated in the vicinity of the spill until the spillage is removed, and a fireguard shall be promptly posted.
- (5) Each Person authorized to store, handle, and dispense fuel on Airport Property shall follow and remain compliant with all current and applicable environmental and fire safety measures of the U.S. Environmental Protection Agency, North Carolina Department of Environmental Quality, current NFPA standards, local laws and requirements.
- (6) Each Person authorized to store, handle, and dispense fuel on the Airport shall have an approved Spill Prevention Control and Countermeasures (SPCC) Plan, and have emergency spill control materials and supplies stored on each mobile Fuel Transporting Vehicle, Fuel Truck, and Fuel Delivery Device, ready for rapid deployment in the event of a spill.
- (7) All Persons authorized to operate a Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device and other fueling equipment, shall be properly trained and familiar with their company's SPCC Plan and shall deploy such means, materials, and measures in the event of a spill if safe to do so.
- (8) Each tenant or company that stores and/or handles fuel on Airport Property shall be responsible for ensuring that all employees, who directly handle fuel, are properly trained to all company and fuel branding requirements, as well as all Authority requirements, and have satisfactorily completed all Authority required training.

D. Passengers. It shall be unlawful for any Person to fuel or de-fuel an Aircraft while any passenger is on board unless all of the conditions of Section 8.2.D(1) through 8.2.D(3) are met.

- (1) A passenger-boarding device is in place at the cabin door of the Aircraft and the canopy is extended, if present.
- (2) The cabin door is open.
- (3) A flight crew member is on board the Aircraft.

- (4) Section 8.2.D shall not apply to general aviation. Fueling or de-fueling Aircraft while any passenger is on board a general aviation Aircraft shall be in compliance with current NFPA standards.

E. Static Bonding/Aircraft Grounding.

- (1) Prior to the fueling of an Aircraft, the Aircraft and the transfer fuel apparatus shall be adequately bonded and/or grounded as specified in Section 8.2.E.
- (2) Prior to making any fueling connection to the Aircraft, the fueling equipment shall be physically bonded or grounded to the Aircraft being fueled by use of a cable, thus providing a conductive path to equalize the potential between the fueling equipment and the Aircraft.
- (3) The bond or ground shall be maintained until fueling connections have been removed.
- (4) When fueling over a wing, the nozzle shall be bonded or grounded with a nozzle bond or ground cable, having a clip or plug to a metallic component of the Aircraft that is metallically connected to the tank filler port.
 - a. When fueling over a wing, the bond or ground connection shall be made before the filler cap is removed.
 - b. When fueling over a wing, if there is no plug receptacle or means for attaching a clip, the Operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the potential between the nozzle and the filter port.
 - c. When fueling over a wing, the spout shall be kept in contact with the filler neck until the fueling is completed.
- (5) When a funnel is used in Aircraft fueling, it shall be kept in contact with the filler neck and the fueling nozzle spout, or the supply container to avoid the possibility of a spark at the fill opening.
- (6) Only metal funnels shall be used to fuel an Aircraft.
- (7) Each hose, funnel, or apparatus used in fueling or de-fueling Aircraft, shall be maintained in good condition, and must be properly bonded to prevent ignition of volatile liquids.

F. Positioning of Equipment for Fueling.

- (1) Positioning of Aircraft Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be in accordance with this Section 8.2.F.

- (2) Each Aircraft Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be positioned so that they can be moved promptly after all Aircraft fuel hoses have been disconnected and stowed.
 - (3) The drive engine of the fuel pump of the Aircraft Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall not be positioned under the wing of Aircraft during over wing fueling or where Aircraft fuel system vents are located on the upper wing surface.
 - (4) Each Aircraft Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall not be positioned within a ten (10) feet (3 meters) radius of Aircraft fuel system vent opening.
 - (5) Hand brakes shall be set, and wheel chocks shall be placed on each fuel servicing Vehicle before the Operators leave the Vehicle.
 - (6) No Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be backed within twenty (20) feet of an Aircraft without the Operator having taken those precautions necessary to ensure an appropriate level of safety, which may include ground walkers to assist and guide the Vehicle or fueling object.
- G. Fire While Fueling. When a fire occurs in a Fuel Delivery Device while servicing an Aircraft, fueling shall be discontinued immediately and all emergency valves and dome covers shall be shut down at once and Public Safety shall be notified immediately.
- H. Operation of Fuel Trucks on Runways and Taxilane and Taxiway. No Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device designed for and/or employed in the transportation of fuel shall be operated on a Runway, Taxilane, or Taxiway at any time without expressed prior permission from the Authority to operate that Motor Vehicle in that place at that time and without being under escort by the Authority.
- I. Fire Extinguishers.
- (1) No Person shall engage in Aircraft fueling or de-fueling operations without adequate and fully functioning fire extinguishing equipment being there and being readily accessible at the points of fueling.
 - (2) All fire extinguishing equipment shall be recertified annually and all Persons shall be trained in the use of the equipment annually.
 - (3) Each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device operating on Airport Property shall be equipped with a minimum of two (2) fully charged BC fire extinguishers, with one (1) located on each side of the Motor Vehicle, and with current annual certifications that conform to applicable and current NFPA standards and FAR as may be appropriate.
- J. Parking Areas for Fuel Trucks. Parking areas for a Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be arranged in accordance with the provisions of this Section 8.2.J.

- (1) To facilitate dispersal of the Motor Vehicle in the event of an emergency;
- (2) To provide at least ten (10) feet of clear space between each parked Motor Vehicle for accessibility for fire control purposes;
- (3) To prevent any leakage from draining on the ground or to any building or structure;
- (4) To minimize exposure to damage from any and all out-of-control Aircraft;
- (5) To provide at least fifty (50) feet from any Airport terminal building, Aircraft cargo building, Aircraft hangar or other Airport structure housing any Person or any member of the public, and which has windows or doors in the exposed walls; and
- (6) Each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device when not in use, shall be stored in a designated area that provides secondary containment protection from a leak or spill from the Motor Vehicle within the parking area.

K. Use of Radio, Radar, and Electrical Systems. It shall be unlawful for any Person to operate a radio transmitter or receiver or switch electrical appliances on or off in an Aircraft while the Aircraft is being fueled or being de-fueled.

L. Thunderstorm Activity. It shall be unlawful for any Person to conduct fueling or de-fueling operations during periods of thunderstorm and/or lightning activity on or in the vicinity of the Airport.

M. Authority to Dispense Fuel.

- (1) Only those Persons who have then been authorized by the Authority, via a current self-fueling permit, or those Persons who have authority through the issuance of a permit or lease by the Authority, may dispense fuel into any Aircraft, Vehicle, or ground support equipment on Airport Property.
- (2) It shall be unlawful for any Person to dispense or sell aviation fuel for automotive purposes.

N. Fuel Farms and Bulk Fuel Installations.

- (1) All fuel farms and bulk fuel installations shall conform to the applicable and current NFPA standards, County Fire Codes, federal, state or local laws.
- (2) There shall be NO SMOKING within one hundred (100) feet of a fuel farm or a bulk fuel installation.
- (3) Person(s) using fuel farms and bulk fuel installations shall ensure that such areas are free of weeds, grass, shrubs, trash and other debris at all times.
- (4) Fire extinguishers shall always be maintained in an accessible position, and in an operable condition with a then un-expired certification date.

- (5) No fuel or Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be left unattended during loading or unloading of fuel at a fuel farm or bulk fuel installation.
- (6) All fuel farms and bulk fuel installations shall be operated under a quality control, maintenance, and inspection program of a licensed and bonded fuel supplier, or the State of North Carolina.

O. Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device.

- (1) Each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be conspicuously marked on both sides and rear of the cargo tank with the words "FLAMMABLE," "NO SMOKING," and with an appropriate placard identifying the type of fuel contained within the tank.
- (2) Emergency shut-off devices shall be required on each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device and shall be conspicuously marked "EMERGENCY SHUT-OFF."
- (3) The propulsion and pumping engine on each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall have safeguards to reduce ignition sources to a minimum.
- (4) The carburetor on each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be fitted with an approved back-flash arrester.
- (5) The wiring on each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be adequately insulated and fastened to eliminate chafing and affixed to terminal connections by tight-fitting snap or screw connections with rubber or similar insulating and shielding covers and molded boots.
- (6) Two (2) fire extinguishers shall be conspicuously apparent on each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device, as specified in Section 8.2.1(3).
- (7) Each hose, funnel, or apparatus on a Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device used in fueling or de-fueling Aircraft shall be maintained in good condition.
- (8) Maintenance and testing of Aircraft fueling systems shall be conducted under controlled conditions and in accordance with applicable and current NFPA standards.
- (9) Each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device shall be stored and maintained outdoors in areas authorized by the Authority, and when not in use, within an area that is protected by secondary containment measures.
- (10) Each Fuel Transporting Vehicle, Fuel Truck, or Fuel Delivery Device based on Airport Property and utilized for the delivery of fuel into Aircraft or authorized Vehicle, shall carry an emergency spill response kit upon it containing materials and supplies to be used by the Operator in the event of a fuel spill.

- a. Any emergency fuel spill kit materials and supplies that are used shall be immediately replaced.

(11) Regeneration Pad operations for Fuel Trucks must be in compliance with the current NFPA 407.

8.3 Open Flame Operation.

- A. Except as provided in Section 8.3.A(1) through 8.3.A(3), it shall be unlawful to engage in any lead and carbon burning, fusion gas and electric welding, blow-torch work, reservoir repairs, engine testing, battery charging, and all operations involving open flames on Airport Property.
 - (1) Such operations shall be allowed in the repair shop sections of any hangar, or in any Airport maintenance facility, or other building under the control of the Authority.
 - (2) During such operations, the shop shall be separated from the storage section by closing all doors and openings to the storage section.
 - (3) Any such operations upon any other portions of the Airport shall only be performed after notification and coordination with Public Safety and after receiving permission from the Authority.
- B. It shall be unlawful to engage in any "hot work" including, but not limited to, welding, brazing, or any other process resulting in a spark being produced, in any indoor area on Airport Property without being in compliance with current NFPA standards.
- C. Outdoor "hot work" shall not occur on Airport Property without a permit issued by the Authority at least twenty-four (24) hours in advance.

8.4 Storage of Materials.

- A. It shall be unlawful to keep or store materials or equipment in such a manner as to constitute a fire hazard or be in violation of applicable, local codes or ordinances, or operational Directives of the Authority.
- B. Gasoline, kerosene, ethyl, jet fuel, ether, lubricating oil or other flammable liquid or gas, including those used in connection with the process of "doping" shall be stored in accordance with the local codes or ordinances.
- C. It shall be unlawful to keep, transport, or store lubricating oils on Airport Property, except in containers and receptacles designed for such purposes and in areas specifically approved for such storage in compliance with applicable local codes or ordinances and FAR.

8.5 Hazardous Materials.

- A. It shall be unlawful for any Person, without prior permission from the Authority, to transport, handle, or store on Airport Property any cargo of explosives or other Hazardous Materials which is barred from loading in, or for transportation by Civil Aircraft in the United States under the current provisions of Regulations promulgated by the Department of Transportation (DOT), the FAA, Transportation Security Administration (TSA), or by any other governing authority.
- B. Compliance with said regulations shall not constitute or be construed to constitute a waiver of the notice required in Section 8.5.A or as an implied permission to keep, transport, handle or store such explosives or other dangerous articles on Airport Property.
- C. Twenty-Four (24) hours advance notice shall be given to the Authority in order to investigate and clear any operation requiring a waiver of this Section 8.5.A.
- D. It shall be unlawful to offer, or to knowingly accept, any Hazardous Materials for shipment on Airport Property unless the shipment is handled and stored in full compliance with the current provisions of any local, state, or federal law regulating the handling and storage of Hazardous Materials.
- E. Any Person engaged in transportation of Hazardous Materials shall have designated personnel on Airport Property authorized and responsible for receiving and handling such shipments in compliance with the prescribed regulations.
- F. Any Person engaged in the transportation of Hazardous Materials shall provide storage facilities which reasonably insure against unauthorized access, or exposure to persons and against damage to shipments while on Airport Property.
- G. Any Person transporting or storing Hazardous Materials on Airport Property shall, a minimum of twenty-four (24) hours in advance of such transportation or storage, provide current Safety Data Sheets (SDS) documentation on the Hazardous Materials to the Authority.
- H. Safety Data Sheets (SDS) documentation shall be maintained by the Person responsible for the Hazardous Materials and readily available at all times while the Hazardous Materials are present on Airport Property.
- I. The spill of any Hazardous Materials on Airport Property shall immediately be cleaned up by the Person responsible for such spillage, in accordance with all local, state, or federal regulations governing the handling and storage of such Hazardous Materials, and shall be immediately reported to the Authority.

- 8.6 Motorized Ground Equipment Around Aircraft. It shall be unlawful for any Person to Park motorized ground equipment near any Aircraft in such manner so as to prevent it or the other ground equipment from being readily driven or towed away from the Aircraft in case of an emergency.

8.7 Aircraft Electrical and Electronic Systems.

- A. It shall be unlawful to test or operate radio transmitters and similar equipment in Aircraft within a hangar with dynamotors running unless all parts of the antenna system are at least one (1) foot removed from any other object.
- B. It shall be unlawful to place an Aircraft, at any time, such that any fabric-covered surface is within one (1) foot of an antenna system.
- C. It shall be unlawful to operate, or ground test, in any area on Airport Property, airborne radar equipment that will interfere with any high intensity radar site.

8.8 Electrical Equipment and Lighting Systems.

- A. It shall be unlawful to use a portable lamp assembly, without a proper protective guard or shield over the lamp to prevent breakage.
- B. It shall be unlawful to leave any power operated equipment or electrical devices on when not in actual use.
- C. It shall be unlawful to do any work on any Aircraft in a hangar or structure without de-energizing or disconnecting the battery or power source.

8.9 Aprons, Building and Equipment.

- A. All Persons on Airport Property shall keep all areas of the premises leased or used by them, clean and free of oil, grease and other Flammable Liquids or Hazardous Materials.
- B. The floors of hangars and other buildings shall be kept clean and continuously kept free of rags, waste materials, or other trash or rubbish, unless such rags and other waste materials are kept in proper and approved containers.
- C. Approved metal receptacles with a self-extinguishing cover shall be used for the storage of oily waste rags and similar materials.
 - (1) The contents of these receptacles shall be removed daily by Persons occupying the space and kept clean at all times.
- D. Clothes lockers shall be constructed of metal or fire-resistant material.
- E. Only approved containers shall be stored in or about a hangar or other buildings on Airport Property.
- F. It shall be unlawful to use Flammable Liquids or other substances for cleaning hangars or other buildings on Airport Property.

8.10 Containers.

- A. No Person, tenant, licensee, lessee, concessionaire, or other occupant or user of an Airport facility on Airport Property, or agent thereof doing business on Airport Property, may keep uncovered trash containers adjacent to sidewalks or roads in any Public Areas on Airport Property.
- B. It shall be unlawful for any Person to spill dirt or any other material from a Motor Vehicle operated or to produce or create FOD in AOAs without promptly reporting and cleaning up the same.
- C. In the event a spill occurs, the Owner of the Motor Vehicle will be responsible for cleaning up the spill at his/her expense.
- D. The Owner or Operator of any trash dumpster or large scale container shall ensure that the container remains covered at all times in a manner so that trash and debris from the container do not leave the container.

8.11 Repairing Aircraft.

- A. Aircraft repairs in storage areas of hangars shall be limited to replacements of parts and repairs incidental thereto, provided such repairs do not involve appliances using any open flame or any heated parts.
- B. It shall be unlawful to start or operate an Aircraft engine inside any hangar.
 - (1) Section 8.11.B shall not prohibit use of tractors with applicable and current NFPA approved exhaust systems when moving planes within any hangar.
- C. It shall be unlawful to undertake repairs to any Aircraft, or other equipment, for commercial purposes on the Airport unless first obtaining any and all required leases or permits from the Authority.
- D. It shall be unlawful to solicit the services of, or to accept the services of, any Person who undertakes repairs to any Aircraft or other equipment for commercial purposes on Airport Property, knowing that the Person has not first obtained all required leases or permits from the Authority to operate on Airport Property.
- E. Unless approved by the Authority in advance, it shall be unlawful to engage in any repair or maintenance of an Aircraft in areas that will block or cause a delay in operations of the Airport, other Aircraft, or that would block access of any loading gate or vehicle.

8.12. Violations of Section 8.

- A. A violation of Section 8 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed, and civil citations issued for the violation for any provision of Section 8 in accordance with the following:

- (1) The civil penalty associated with each civil citation issued for a violation of Section shall be \$250.00.
 - (2) Each day's continuing violation of any provision of Section 8 is a separate and distinct violation.
 - (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply: 15-30 days delinquent – Additional Penalty of \$50.00; Each additional 30 days delinquent – Additional Penalty of \$50.00; Maximum of three (3) Additional Penalties assessed.
- B. The Authority may order any Person to cease and desist any activities or conduct in violation of or in noncompliance with Section 8.
- (1) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
 - (2) An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
 - (3) An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 9. Aeronautical Regulations

- 9.1 Compliance with Orders. It shall be unlawful to conduct aeronautical activities on Airport Property that are not in compliance with the then current and applicable FAR, and with these Airport Rules & Regulations.
- 9.2 Negligent Operations. It shall be unlawful for any Person to operate Aircraft on Airport Property in a careless manner or in disregard of the right and safety of others.
- A. All Persons using the Airport shall be held liable for any property damage caused intentionally or by carelessness or negligence on Airport Property.
- 9.3 Denial of Use of Airport.
- A. The Authority shall have the right, at any time, to close the Airport in its entirety or any portion thereof to air traffic, and/or to delay or restrict any flight or other Aircraft operation, to direct refusal of takeoff permission to Aircraft, and to deny the use of the Airport or any portion thereof to any specified class of Aircraft, or to any Person(s) or group(s), when he (or she) considers any such action(s) to be necessary or desirable to avoid endangering any Persons or any property, and to be consistent with the safe and proper operation(s) of the Airport.

B. In the event the Authority believes the condition on Airport Property to then be unsafe for landings or takeoffs, it shall be within his or her authority to issue, or cause to be issued, a Notice to Air Missions (NOTAM) closing the Airport or any portion thereof until such time that such restrictions are terminated.

9.4 Aircraft Incidents.

A. Upon the occurrence of an Aircraft incident the Authority shall be notified immediately.

B. The pilot or Operator of any Aircraft involved in an incident on Airport Property causing personal injury and/or any property damage, in addition to all other reports required by other agencies, shall make a prompt and complete written report concerning said incident to the office of the Authority.

(1) When a written report of any incident is required by FAR, a copy of such report may be submitted to the Authority in lieu of the report required in Section 9.4.B.

C. Each written report to be submitted in accordance with Section 9.4.B shall be submitted to the Authority within forty-eight (48) hours from the time the incident first occurred.

9.5 Disabled Aircraft.

A. The Owner of an Aircraft which is disabled on Airport Property and causing the closure of the airfield or any part thereof, or otherwise impacting safe and/or efficient Airport operations, shall be responsible for the prompt and immediate removal of the disabled Aircraft and its parts when directed by the Authority.

B. If the Owner is not present on site, or in the event of the Owner's inability, failure, or refusal to comply with the removal orders, all disabled Aircraft or any and all the parts thereof may be removed by employees of the Authority or by Persons contracted to do so, all at the Owner's expense, and without the Authority having responsibility or liability for damage to the Aircraft that may occur as a result of such removal.

9.6 [RESERVED].

9.7 Cleaning, Maintenance, and Repair of Aircraft. It shall be unlawful for any Person to clean, paint, wash, polish, or otherwise maintain an Aircraft, other than in areas approved (and in a manner designated) by the Authority, and designated for such purpose, whether on or off any tenant leasehold area.

9.8 Hand Propping of Aircraft.

A. Hand propping shall be unlawful, unless there is then no other means of starting the Aircraft.

B. The pilot of the Aircraft remains responsible for any and all liability resulting from hand propping.

9.9 Certification of Aircraft and Licensing of Pilots.

- A. It shall be unlawful for any Person to operate an Aircraft on Airport Property without displaying on board the Aircraft a valid Airworthiness Certificate issued by the Federal Aviation Administration (FAA) or appropriate foreign government.
- B. It shall be unlawful for any Person to operate an Aircraft on Airport Property without displaying on the exterior of the Aircraft a valid registration number issued by the FAA or appropriate foreign government.
- C. It shall be unlawful for any Person to operate an Aircraft on Airport Property without possessing an appropriate certificate or license, issued by the FAA or appropriate foreign government, and all medical certificates required by the FAA.
- D. All Persons shall, upon request of the Authority, produce a valid Operator's license, Airworthiness Certificate, and provide other valid photo proof of identification issued by a government agency.

9.10 Violations of Section 9.

- A. A violation of Section 9 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed, and civil citations issued for the violation of any provision of Section 9 in accordance with the following.
 - (1) The civil penalty associated with each civil citation issued for a violation of Section 9 shall be \$400.00.
 - (2) Each day's continuing violation of any provision of Section 9 is a separate and distinct violation.
 - (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$100.00; Each additional 30 days delinquent – Additional Penalty of \$100.00; Maximum of three (3) Additional Penalties assessed.
- B. The Authority may order any Person to cease and desist any activities or conduct in violation of or in noncompliance with Section 9.
- C. The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
 - (1) An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
 - (2) An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 10. Airport Operational Restrictions

- 10.1 Except to the extent prohibited by applicable FAR, the Authority shall have the ability to designate or restrict the use of a Runway, Taxilane or Taxiway, and/or other operational areas of the Airport, in connection with construction and maintenance activities on Airport Property, or for the benefit of efficient Airport operations and safety, or when the Authority determines it is in the best interest of the Airport, with respect to, but not limited to, the following types of operations; Touch and Go Flights, Training Flights, Experimental Flights, Equipment Demonstration, Air Shows, Maintenance Flight Checks, Compliance with FAR's Part 36, Noise Standards, Aircraft Type and Airworthiness Certification, Skydiving, Banner Towing, and Hot Air Balloons.
- 10.2 It shall be unlawful to engage in an Aircraft engine run up in any location except those specifically Designated Areas.
- 10.3 No equipment or Motor Vehicle supporting the operation of hot air balloons shall be permitted on Airport Property without the proper escort or other permission of the Authority.
- 10.4 Gliders.
- A. It shall be unlawful to conduct glider operations not in accordance with current FAR's Part 91 and current Directives and approved in advance by the Authority.
 - B. It shall be unlawful to bring equipment or Motor Vehicle supporting the operation of gliders on Airport Property without the proper escort and permission of the Authority.
- 10.5 Ultra-Light Vehicle. It shall be unlawful to operate an ultra-light vehicle on Airport Property without meeting or exceeding all requirements contained in FAR's Part 103.
- 10.6 Take-Offs and Landings.
- A. Except as provided for in Section 10.6.A(1) below, it shall be unlawful for any Person to cause an Aircraft to takeoff or land, except on a Runway.
 - (1) Helicopters are an exception to Section 10.6.A, as they may operate from an approved location other than a Runway.
 - B. It shall be unlawful for any Person to cause an Aircraft to takeoff or land from a closed Runway, or on or from any Apron or Ramp area or Taxilane or Taxiway.
 - C. Persons landing an Aircraft on Airport Property shall make the landing Runway available to other Aircraft by leaving said Runway as promptly as possible, consistent with safety.
 - D. Any Person operating or controlling an Aircraft landing at or taking off from the Airport shall maintain engine noise within applicable Aircraft engine noise limits as promulgated by the FAR, the federal government, or the Authority, whichever is the most restrictive.

- 10.7 Banner Towing. It shall be unlawful to undertake tow banner pick-ups and drop-offs from or on Airport Property, without prior written authorization of the Authority.
- 10.8 Kites, Models, Drones, Balloons. It shall be unlawful for any Person to operate on or within the vicinity of the Airport, a kite, model airplane, balloon, drones, or other objects constituting a hazard to Aircraft operations, without the prior written authorization of the Authority and full compliance with North Carolina state laws and FAR's Part 107.
- A. Section 10.8 shall not apply to drones associated with an approved Airport program.
- 10.9 Parachute Jumping.
- A. It shall be unlawful for any Person to initiate a parachute jump from the Airport or over Airport Property, or to engage in a parachute landing on Airport Property, without the prior written approval of the Authority and full compliance with FAR's Part 105.
- 10.10 Violations of Section 10.
- A. A violation of Section 10 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed, and civil citations issued for the violation of any provision of Section 10 in accordance with the following.
- (1) The civil penalty associated with each civil citation issued for a violation of Section 10 shall be \$400.00.
 - (2) Each day's continuing violation of any provision of Section 10 is a separate and distinct violation.
 - (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$100.00; Each additional 30 days delinquent – Additional Penalty of \$100.00; Maximum of three (3) Additional Penalties assessed.
- 10.11 The Authority may order any Person to cease and desist any activities or conduct in violation of or in noncompliance with Section 10.
- A. The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
- B. An order for removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
- C. An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 11. Taxi and Ground Rules

11.1 Aircraft Parking.

- A. It shall be unlawful for any Person to Park an Aircraft in any area on Airport Property except those designated, and in the manner prescribed, by the Authority.
- B. If any Person uses unauthorized areas for Aircraft parking, the Aircraft so parked may be removed by or at the direction of the Authority. The Authority shall not be liable to the Owner for any damage to the Aircraft, and the removal shall be at the expense of the Owner thereof.
- C. No Aircraft shall be left unattended on Airport Property unless it is in a hangar or adequately locked and tied down.
- D. Articles left in Aircraft are the sole responsibility of the Aircraft Owner and pilot.

11.2 Derelict Aircraft.

- A. It shall be unlawful for any Person to Park or store any Aircraft in non-flyable condition on Airport Property, including leased premises, for a period in excess of ninety (90) days, without written permission from the Authority.
- B. It shall be unlawful for any Person to store or retain Aircraft parts or components, being held as inventory, anywhere on Airport Property, other than in an enclosed, authorized facility, or in a manner approved by the Authority, in advance and in writing.
- C. In the event of violations of Section 11.2.A and 11.2.B, the Authority shall notify the Owner or Operator thereof by certified or registered mail, requiring removal of said Aircraft within fifteen (15) days of receipt of notice.
 - (1) In the event the Owner or Operator is unknown or cannot be found for purposes of notice, the Authority shall conspicuously post and affix the notice on said Aircraft, requiring removal of said Aircraft within fifteen (15) days from the date of posting.
 - (2) In the event the Owner or Operator fails to remove the Aircraft within fifteen (15) days from the date of posting, the Authority or Authorized Representative may, in addition to all other penalties and enforcement methods allowed for herein or by law, elect to remove the Aircraft from the Airport and store the Aircraft elsewhere, and invoice the Owner or Operator for the expense associated with such removal or storage.

11.3 Violations of Section 11.

- A. A violation of Section 11 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed and civil citations issued for the violation of any provision of Section 11 in accordance with the following.

- (1) The civil penalty associated with each civil citation issued for a violation of Section 11 shall be \$400.00.
 - (2) Each day's continuing violation of any provision of Section 11 is a separate and distinct violation.
 - (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$100.00; Each additional 30 days delinquent – Additional Penalty of \$100.00; Maximum of three (3) Additional Penalties assessed.
- B. The Authority may order any Person to cease and desist any activities or conduct in violation of, or in noncompliance with, Section 11.
- (1) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
 - (2) An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
 - (3) An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 12 Helicopter Operations

- 12.1 It shall be unlawful to taxi, tow, or otherwise move a Helicopter, with rotors turning, unless there is a clear area of at least thirty (30) feet in all directions from the outer tips of the rotors.
- 12.2 It shall be unlawful to operate a Helicopter in any manner that creates any safety hazard or impacts personnel, unsecured Aircraft, closed areas of the Airport, or other equipment or materials.
- 12.3 Violations of Section 12.
- A. A violation of Section 12 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed and civil citations issued for the violation of any provision of Section 12 in accordance with the following.
- (1) The civil penalty associated with each civil citation issued for a violation of Section 12 shall be \$250.00.
 - (2) Each day's continuing violation of any provision of Section 12 is a separate and distinct violation.

- (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$100.00; Each additional 30 days delinquent – Additional Penalty of \$100.00; Maximum of three (3) Additional Penalties assessed.

B. The Authority may order any Person to cease and desist any activities or conduct in violation of, or in noncompliance with, Section 12.

- (1) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
- (2) An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
- (3) An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 13 Use of T-Hangars and Storage Hangars

- 13.1 It shall be unlawful to utilize T-Hangars and storage unit hangars for any purpose that would constitute a nuisance or interferes in any way with the use and occupancy of other buildings and structures in the neighborhood of the leased premises.
- 13.2 T-Hangars and unit storage hangars, whether owned by the Authority or by a commercial entity, shall be used for storage of Aircraft and a minimal amount of other items that support Aircraft operations. Vehicles may be stored in T-Hangars and unit storage hangars, only while Aircraft are in use.
- 13.3 It shall be unlawful to attach items of any nature to the building, either interior or exterior, without the permission of the Authority and in full compliance with Airport Development Guidelines.
- 13.4 It shall be unlawful to suspend or lift Aircraft, or Aircraft component, utilizing the building or any component of the building.
- 13.5 It shall be unlawful to make any alterations to the hangar structure without written approval by the Authority.
 - A. Any approved alterations to the hangar are subject to removal by the Authority at the occupant's expense, upon thirty (30) days written notice, for the purpose of repair, construction, or other purposes deemed necessary by the Authority.
- 13.6 Except as provided in Section 13.6.A below, it shall be unlawful to store or to allow to accumulate in any hangar, Flammable Liquids, flammable material, or other flammable refuse.
 - A. Storage of no more than ten (10) gallons of Flammable Liquids, inclusive of Aircraft lubricants, within the premises, shall not be considered a violation of Section 13.6, so long

as all such storage is in applicable and current NFPA approved containers, or unopened original containers.

- 13.7 It shall be unlawful to wash Aircraft with running water in hangars when such washing will cause drainage into its hangar or through or to any other hangar.
- 13.8 It shall be unlawful to spray paint of any kind in any hangar, unless inside an approved paint booth.
- 13.9 It shall be unlawful to use any tools, equipment, or materials in any hangar that could constitute a fire hazard.
- 13.10 It shall be unlawful to smoke in any hangar.
- 13.11 All Occupants shall exercise care to keep oil, grease, etc., off the floor(s).
- 13.12 Occupants of each hangar shall see that electric current and water, if available, is not used excessively.
- 13.13 It shall be unlawful to erect, paint, or otherwise display any sign on the exterior of any hangar without the written approval of the Authority.
- 13.14 It shall be unlawful for any Aircraft or Motor Vehicle to be parked by a hangar, in such a manner as to block access to adjoining hangar space(s), or to cause inconvenience(s) to other Occupants.
- 13.15 A Motor Vehicle parked for more than a twenty-four (24) hour period must be parked inside the T-Hangar.
- 13.16 It is unlawful for any Person to use any hangar for Commercial Activity whatsoever, including, but not by way of limitation, the sale of products or services of any kind, and whether or not such actions are transacted for profit, without written approval of the Authority, and after having satisfied all of the necessary requirements of the Authority for conducting a Commercial Activity on Airport Property.
- 13.17 It shall be unlawful to permit or to perform repair service on automobiles or automotive equipment of any kind, other than an authorized motorized towing Motor Vehicle or Aircraft ground support equipment in any hangar.
- 13.18 Violations of Section 13.
 - A. A violation of Section 13 shall not be a misdemeanor or infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed and civil citations issued for the violation of any provision of Section 13 in accordance with the following.
 - (1) The civil penalty associated with each civil citation issued for a violation of Section 13 shall be \$250.00.

- (2) Each day's continuing violation of any provision of Section 13 is a separate and distinct violation.
- (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$100.00; Each additional 30 days delinquent – Additional Penalty of \$100.00; Maximum of three (3) Additional Penalties assessed.

B. The Authority may order any Person to cease and desist any activities or conduct in violation of, or in noncompliance with, Section 13.

- (1) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
- (2) An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
- (3) An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 14. Motor Vehicles

- 14.1 Traffic Signs and Signal Devices. It shall be unlawful for any Person to fail to comply with the directions and instructions indicated on all parking and traffic signs, markers or devices, erected or placed on Airport Property.
- 14.2 Pedestrian Right-of-Way. Except as specified in Section 14.2.A below, it shall be unlawful for any Person operating a Motor Vehicle to fail to yield the right-of-way to a pedestrian who crosses within a pedestrian crosswalk.
 - A. Section 14.2 shall not apply when the movement of traffic is being actively regulated by on-site law enforcement officers, traffic specialists, or traffic control devices.
- 14.3 Motor Vehicle Condition. It shall be unlawful for any Person to operate anywhere on Airport Property any Motor Vehicle which; (i) is so constructed, equipped or loaded, or which is in such unsafe condition as to endanger any Persons or any property; (ii) which has attached thereto any object or equipment (including that which is being towed) which drags, swings, or projects so as to be hazardous to any Person(s) or any tangible property; or (iii) does not meet all current North Carolina state required safety and emission standards or does not have a current North Carolina state inspection certification, if applicable, to the Motor Vehicle.
- 14.4 Closing or Restricting Use of Airport Roadways. The Authority is authorized to close or restrict the use of any or all Airport roadways to Motor Vehicle traffic in the interest of safety.

14.5 Storing, Parking or Repairing Motor Vehicles.

- A. Except as specified in Section 14.5.A(1) and 14.5.A(2) below, it shall be unlawful for a Motor Vehicle to be stored or repaired on Airport Property.
 - (1) The Authority may designate specific areas where a Motor Vehicle may be stored or repaired on Airport Property.
 - (2) Minor repairs necessary with respect to a temporarily disabled Motor Vehicle shall not be in violation of Section 14.5.A; however, the Authority can immediately tow or otherwise remove any Motor Vehicle that is causing a safety hazard or creating a traffic flow problem.
- B. A Motor Vehicle abandoned on Airport Property, including any Motor Vehicle located within a paid parking lot, shall be towed at the Owner's expense.

14.6 Other Vehicles.

- A. It shall be unlawful to operate any off road Motor Vehicle, including but not limited to, dirt bikes and 3 and 4 wheelers, on Airport Property, except for Airport operational purposes.
- B. It shall be unlawful to operate any skateboard, hoverboard, one-wheel, recreational scooter, or other similar device on Airport Property, except for Airport operational purposes.
- C. Bicycles may operate on Airport Property in accordance with all Motor Vehicle and traffic rules and regulations. It shall be unlawful to operate a bicycle on the sidewalk of any Airport Property.

14.7 License. It shall be unlawful for any Person to operate a Motor Vehicle or motorized equipment on Airport Property without valid authorization for use of the Motor Vehicle or equipment, and without holding a license or permit for said use, if required. Such license or permit must be issued by a state-licensing agency, or by the employer through a company training/certification program.

14.8 Procedure in Case of Incident.

- A. The Operator of any Motor Vehicle involved in an incident on Airport Property, which results in injury to or death of any Persons, or property damage, shall immediately stop such Motor Vehicle at the scene of the incident and shall render reasonable assistance.
- B. The Operator shall immediately, by the quickest means of communications, give notice of the incident to Public Safety.
- C. The Operator of each Motor Vehicle involved shall furnish the name and address of Owner and the driver of the Motor Vehicle, the Operator's license and the Motor Vehicle registration and the name of the liability insurance carrier for the Motor Vehicle, to any Person injured, the driver or occupant of the Motor Vehicle damage, to any police officer, and to the Authority or any representative thereof, if requested.

14.9 Safe Speed.

- A. It shall be unlawful to drive or operate a Motor Vehicle on Airport Property at a speed greater than is reasonable and prudent under the existing conditions and having due regard to actual and potential hazards.
- B. The speed limit on AOA Apron areas shall be 10 MPH unless otherwise posted. The speed limit on all other Airport Property shall be 25 MPH unless otherwise posted.
- C. Except as provided for in Section 14.9.C(1), it shall be unlawful to drive a Motor Vehicle at such a slow speed as to impede or block the normal and reasonable movements of traffic.
 - (1) It shall not be a violation of Section 14.9.C if the reduced speed is necessary for safe operation or in compliance with the law.
- D. It shall be unlawful to drive a Motor Vehicle on the streets and other vehicular traffic areas on Airport Property, including parking areas, in excess of the speed limits indicated on signs posted by the Authority or on behalf of the Authority.

14.10 Motor Vehicle Operations on Airport Operations Area.

- A. Unless express permission has been granted by the Authority, it shall be unlawful for any Person to operate a Motor Vehicle on the AOA.
- B. Except for an Authority Vehicles, and trucks and any other vehicle necessary for the servicing and maintenance of Aircraft and transportation of passengers on Airport Property, it shall be unlawful to Park a Motor Vehicle on any portion of the AOA.
- C. It shall be unlawful for any Person to Park a Motor Vehicle in any manner so as to block or obstruct; (i) fire hydrants and the approaches thereto; (ii) the gates or emergency exits, and/or (iii) building entrances or exits.
- D. It shall be unlawful to Park a Motor Vehicle under loading bridges.
- E. Aircraft taxiing on any Runway, Taxilane or Taxiway, or Apron area, shall always have the right-of-way over any and all Motor Vehicle traffic.
- F. Two-way radio communications with the air traffic control tower is required for each authorized Motor Vehicle or escort Motor Vehicles traversing or operating on the AMA during periods of tower operation or on the common traffic advisory frequency when the tower is closed.

14.11 Violations of Section 14.

- A. Unless otherwise expressly specified herein, violation of any provision of Section 14 shall constitute an infraction and shall subject the violator to a fine not to exceed \$50.00, in accordance with North Carolina General Statutes § 14-4.

B. Violations Sections 14.10.D, 14.10.E, and 14.10.F, and violations of the posted speed limit in the AOA, shall not be an infraction under North Carolina General Statutes § 14-4. Civil penalties shall be assessed, and civil citations issued for the violation of Section 14.10.D, 14.10.E, and 14.10.F, and the posted speed limit in the AOA, in accordance with the following.

- (1) The civil penalty associated with each civil citation issued for a violation of Section 15.8 below shall be \$50.00.
- (2) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$25.00; each additional 30 days delinquent – Additional Penalty of \$25.00; Maximum of three (3) Additional Penalties assessed.

Section 15. Motor Vehicle Parking.

- 15.1 Operators of a Motor Vehicle using the Public Parking Facilities on Airport Property, shall observe and comply with all signs and markings, and a Motor Vehicle shall never be permitted to block, obstruct, or interfere with Aircraft operations.
- 15.2 It shall be unlawful for any Motor Vehicle to remain in any of the Public Parking Facilities on Airport Property for more than thirty (30) consecutive days, and each Motor Vehicle remaining in excess of thirty (30) consecutive days, may be considered Abandoned.
 - A. A Motor Vehicle that is Abandoned shall be towed from the Airport at the Owner's expense.
- 15.3 It shall be unlawful for any Person utilizing those Public Parking Facilities that require hourly or daily fees to exit or otherwise remove their Motor Vehicle from said parking areas without first paying the fees that are rightfully due.
- 15.4 The owners or Operator of a Motor Vehicle who is granted permission to Park in employee parking lots or other designated areas on Airport Property, shall display the Authority issued permit on the Motor Vehicle at all times.
- 15.5 It shall be unlawful for any Person, at any time, to park a Motor Vehicle in any area not specifically designated for the parking of a Motor Vehicle, whether on or off any tenant leasehold on Airport Property.
- 15.6 Except for an authorized service Motor Vehicle, while the Operator is performing official functions on behalf of the Airport, a utility company, contractor, or other authorized agent, it shall be unlawful for any Person to Park a Motor Vehicle on any public roadway on Airport Property at any time.

- 15.7 Except for an authorized service Motor Vehicles while the Operator is performing official functions on behalf of the Airport, a utility company, contractor, or other authorized agent, it shall be unlawful for any Person to Park a Motor Vehicle on sidewalks, greenways, or other landscaped areas.
- 15.8 It shall be unlawful for any Person to leave a Motor Vehicle unattended in front of the passenger terminal building, along the curbside, or any portion of the terminal roadway for any period of time whatsoever.
- 15.9 It shall be unlawful for any Person to Park any Motor Vehicle in any reserved parking area without a valid permit issued by the Authority, permitting such parking in the respective reserved area.
- 15.10 [RESERVED]
- 15.11 Public Safety personnel may remove or cause to be removed from any restricted or reserved areas, any roadway or right-of-way, or any other unauthorized area or structure on Airport Property, any property which is disabled, Abandoned, or which interferes with aircraft operations, creates another operational problem, nuisance, security, or safety hazard, or which otherwise is placed in an illegal, improper, or unauthorized manner.
- A. Any property removed under Section 15.11 shall be relocated to an official impound area or such other area designated by the Authority.
- B. Any property impounded by the Authority shall be released to the Owner or Operator thereof, upon proper identification of the property, after all towing, removal, or storage charges and any other fees have been paid.
- 15.12 Public Safety, and other Airport personnel authorized by the Authority, may also wheel boot or otherwise immobilize Motor Vehicles that are in violation of or in noncompliance with Section 15.
- 15.13 Violations of Section 15.
- A. Unless, otherwise expressly specified herein, violation of any provision of Section 15 shall constitute an infraction and shall subject the violator to a fine not to exceed \$50.00, in accordance with North Carolina General Statutes § 14-4.
- B. Violation of Section 15.4 and 15.8 shall not be an infraction of North Carolina General Statutes § 14-4. Civil penalties shall be assessed, and civil citations issued for the violation of Section 15.4 and 15.8, in accordance with the following.
- (1) The civil penalty associated with each civil citation issued for a violation of Section 15.8 shall be \$50.00.
- (2) Each day's continuing violation of any provision of Section 15.8 is a separate and distinct violation.

- (3) A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$25.00; each additional 30 days delinquent – Additional Penalty of \$25.00; Maximum of three (3) Additional Penalties assessed.

C. The Authority may order any Person to cease and desist any activities or conduct in violation of or in noncompliance with section 15.8.

- (1) The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from, or denied access to, the Airport.
- (2) An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.
- (3) An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

D. A Person found to have violated Section 15.3 shall be guilty of a Class 3 misdemeanor in accordance with North Carolina General Statutes § 14-4, and shall be subject to a fine, as specified in Section 15.13.D(1) below.

- (1) Violation of Section 15.3: **\$250.00** fine.

Section 16. Ground Transportation Vehicles

- 16.1 It shall be unlawful for any Person to operate a Motor Vehicle on Airport Property for the purposes of providing commercial ground transportation, including but not limited to, a Taxicab, Taxi or Cab, Limousine, Peer-to-Peer Vehicle Sharing Program, Transportation Network Company, Courtesy Vehicle or Shuttle Van/Bus, for pickup of passengers, without first obtaining a ground transportation permit from the Authority.
- 16.2 It shall be unlawful for any commercial ground transportation, including but not limited to, a Taxicab, Taxi or Cab, Limousine, Peer-to-Peer Vehicle Sharing Program, Transportation Network Company, Courtesy Vehicle or Shuttle Van/Bus, to pick up or drop off passengers or vehicles at any place on Airport Property other than the areas specifically designated for such purpose.
- 16.3 A violation of Section 16 shall not be a misdemeanor or infraction under North Carolina General Statutes §14-4. Civil penalties shall be assessed, and civil citations issued, for the violation of any provision of Section 16 in accordance with the following.
 - A. Unless otherwise expressly specified herein, the civil penalty associated with each civil citation issued for a violation of Section 16 shall be \$250.00.
 - B. Except as otherwise specified herein, each day's continuing violation of any provision of Section 16 is a separate and distinct violation.

C. A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$100.00; Each additional 30 days delinquent - Additional Penalty of \$100.00; Maximum of three (3) Additional Penalties assessed.

16.4 The Authority may order any Person to cease and desist any activities or conduct in violation of or in non-compliance with Section 16.

A. The Authority may order any Person who knowingly fails to comply with a cease and desist order removed from or denied access to the Airport.

B. An order of removal from or denial of access to the Airport shall be issued by the Authority in writing and shall be hand delivered or sent by certified mail to the Person's last known address.

C. An order of removal from or denial of access to the Airport shall set forth the reasons for and dates on which removal or denial of access shall begin and end.

Section 17. Free Speech

17.1 The Airport is designed, operated, and maintained as a facility for public air transportation, and was not designed, nor is it intended for use a forum for public free speech or expressive activities including carrying or displaying signs or placards, leafletting, campaigning, marches, rallies, parades, demonstrations, protests, assemblies, speeches, circulation of petitions, proselytizing, and/or public demonstration on the Airport. Accordingly, no Person shall engage in free speech or expressive activities on Airport Property without first obtaining a permit from the Authority.

17.2 No Person shall engage in free speech or expressive activities:

A. Without a permit issued by the Authority.

B. In a manner that obstructs entrance to or exit from the Terminal, walkways, roadways, parking, or concourses, etc.

C. That physically or verbally obstruct, delay or interfere with the free movement of any Person, Motor Vehicles, or Aircraft on Airport Property or otherwise prevent the orderly and efficient use of the Airport for its primary purpose.

D. That impair or interfere with the rights of other Persons or the transportation function of the Airport.

E. On Airport Property outside of the Terminal.

F. In those portions of the Terminal not open to the general public.

G. Within ten (10) feet of any Person waiting in line or any Person loading and unloading baggage.

- H. That utilizes sound or voice amplifying apparatus, chants, dance, or other similar conduct.
 - I. That utilizes tables, stands, chairs, or other structures.
 - J. That collects money or gather of signatures.
 - K. Involving signs larger than 22" by 28".
 - L. Involving stick or rigid holders.
 - M. Involving physical obstructions.
- 17.3 Upon request, reasonable accommodations can be made for Persons with a disability.
- 17.4 Permits for free speech or expressive activities shall:
- A. Be issued only for designated spaces inside the Airport Terminal.
 - B. Be issued for a maximum of ten (10) Persons at one location in the Airport Terminal.
 - C. Be limited in number per day and shall be granted by the Authority on a first come first served basis.
 - D. Be valid for a period not to exceed seven (7) successive days.
 - E. Be obtained from the Authority at least three (3) business days in advance.
- 17.5 There is no charge for a permit under this Section.
- 17.6 Persons with a permit for free speech or expressive activities, must obey all directions of Public Safety Officers and other authorized Authority personnel, designated to facilitate the movement of Airport Customers and traffic in, to, and from the Terminal, walkways, and roadways.
- 17.7 Anyone engaging in free speech or expressive activities on Airport Property must have a copy of their permit on their Person and be able to present it, if requested by a Public Safety Officer, or an Authority employee.
- 17.8 Permits may be denied if the Authority determines that the activity does not constitute legally protected free speech.
- 17.9 The Authority may suspend a permit in the event of an emergency at the Airport impacting, or potentially impacting the safety of Persons and property, or when necessary to implement required emergency security procedures.

- 17.10 A violation of Section 17 shall not be a misdemeanor or infraction under North Carolina General Statutes §14-4. Civil penalties shall be assessed, and civil citations issued, for the violation of any provision of Section 17 in accordance with the following.
- A. Unless otherwise expressly specified herein, the civil penalty associated with each civil citation issued for a violation of Section 17 shall be \$50.00.
 - B. Except as otherwise specified herein, each day's continuing violation of any provision of Section 17 is a separate and distinct violation.
 - C. A civil penalty is delinquent if not paid by the 30th day from the date the civil citation is issued. Thereafter, the following additional civil penalties shall apply; 15-30 days delinquent – Additional Penalty of \$50.00; Each additional 30 days delinquent - Additional Penalty of \$50.00; Maximum of three (3) Additional Penalties assessed.

Section 18. Enforcement and Appeals

18.1 Infractions.

- A. Public Safety Officers are authorized to enforce violations of these Airport Rules & Regulations under North Carolina General Statutes § 14-4 that constitute infractions.

18.2 Misdemeanors.

- A. Public Safety Officers are authorized to enforce violations of these Airport Rules & Regulations under North Carolina General Statutes § 14-4 that constitute misdemeanors.

18.3 Administrative Violations/Civil Citations.

- A. The Authority shall authorize specific Authority personnel to enforce all administrative violations of these Airport Rules & Regulations by civil citation.
- B. Upon any administrative violation of these Airport Rules & Regulations, personnel designated in accordance with Section 18.3.A shall cause a civil citation to be issued to the violator.
- C. All civil citations shall be hand delivered to the violator or shall be mailed by first class mail addressed to the last known address of the violator. The violator shall be deemed to have been served upon hand delivery or the mailing of the civil citation.
- D. Civil citations issued by GARAA are recoverable in a civil action in the nature of a debt when the civil citation is not paid within the time period prescribed.

18.4 Appeal of Civil Citation.

- A. Any Person may submit, within ten (10) days of receipt of a civil violation, a written request that the President & CEO review the civil citation, in accordance with Sections 18.4.B

through 18.4.D below. Additional penalties shall be stayed while an appeal of a civil citation is pending.

- B. A request to the President & CEO shall be in writing and shall be hand delivered to the Office of the President & CEO and must be signed for by an employee of the Authority or shall be mailed to the President & CEO by certified mail, return receipt requested.
- C. A request to the President & CEO must specify in detail, all of the reasons why the civil citation should be modified or withdrawn and must provide a mailing address for the President & CEO to submit a response to the request.
- D. Within ten (10) days of receipt of the request, in accordance with Section 18.4.A, the President & CEO shall mail a written decision to the requesting party at the address provided.
- E. If a written request for review is appealed and the civil citation is affirmed, payment of the civil penalty shall be due and payable to the Authority within thirty (30) days of issuance of the President & CEO's written decision to the violator. Thereafter, additional penalties shall be assessed as provided for herein.

- 18.5 In addition to any civil or criminal penalties set out in any Section or subsection herein, these Rules & Regulations may be enforced by an injunction, order of abatement, or other appropriate equitable remedy issuing from a court of competent jurisdiction.
- 18.6 The Airport Rules & Regulations may be enforced by one, all, or a combination of the penalties and remedies authorized and prescribed herein, except that any provision, the violation of which incurs a civil penalty, shall not be enforced by criminal penalties.
- 18.7 The Authority may take such other action as may be necessary to enforce all Airport Rules & Regulations and to safeguard the public on Airport Property.
- 18.8 All Persons on Airport Property shall cooperate with the Authority employees responsible for enforcing these Airport Rules & Regulations.

Section 19. Miscellaneous.

- 19.1 Conflict. These Airport Rules & Regulations supersede and control all the Minimum Standards and all of the Authority's other Policies, to the extent of any conflicts, unless the Minimum Standard is required by the FAR. If the Minimum Standard is required by the FAR, the Minimum Standard will have the force and effect as required by the FAR.
- 19.2 Severability. If any provision of these Airport Rules & Regulations is held by any court of competent jurisdiction to be invalid, then the invalid provision shall be considered a separate and distinct and independent part of the ordinance, and such invalidity shall not affect the validity or enforcement of the ordinance as a whole or any other part contained therein.

19.3 Amendment. The Greater Asheville Regional Airport Authority reserves the right to adopt such amendments to these Airport Rules & Regulations, from time to time, as it determines are necessary or desirable for the benefit of the general public or the operation of the Airport.

19.4 Notice. When notice is required under this Ordinance, such notice shall be delivered as follows:

- A. To the Authority.
- B. To Public Safety.
- C. To the President & CEO

NEW BUSINESS:

A. Award of Contract with Tennoca Construction Company for South Parking Lot:

Jared Merrill informed the Board that construction of the south parking lot includes grading, storm drainage, new drive lanes, four bus stops, striping, fencing, landscaping and the infrastructure for a parking control system. The new parking lot will add 600 parking spaces. The project was bid on May 23, 2023 and only one bid was received. The project was readvertised and re-bid on May 30, 2023, and three bids were received. The lowest responsible bid was received from Tennoca Construction Company in the amount of \$8,388,839.20. Staff recommends including a 10% construction allowance of \$838,884.00. Mr. Merrill reported that the original estimated project budget was \$7,790,000, however, the most current engineer's estimate prior to the bid date was \$10,892,125. With the increase in cost of materials and an additional \$1,600,000.00 for stream mitigation measures, the total project budget is \$10,827,723.20. The project will be funded with airport funds and will require the following budget ordinance amendment:

BE IT ORDAINED by the Greater Asheville Regional Airport Authority that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2024:

Section 1. To amend the appropriations as follows:

EXPENDITURES:

	<u>Decrease</u>	<u>Increase</u>
Capital Improvements	_____	\$3,037,723.20
Totals	_____	\$3,037,723.20

This will result in a net increase of \$3,037,723.20 in the appropriations. Revenues will be revised as follows:

REVENUES:

	<u>Decrease</u>	<u>Increase</u>
Transfer from GARAA Cash	_____	\$3,037,723.20
Totals	_____	\$3,037,723.20

Section 2. Copies of this budget amendment shall be furnished to the Clerk to the Greater Asheville Regional Airport Authority, and to the Budget Officer and to the Finance Officer for their direction.

Adopted this 9th day of June 2023.

Brad Galbraith, Chair

Attested by:

Ellen Heywood, Clerk to the Board

Mr. Kennedy moved to approve the award of the contract with Tennoca Construction Company in the amount of \$8,388,839.20 and a total project budget of \$10,827,723.20; authorize the President & CEO to execute the necessary documents; and amend the FY2023/2024 Budget by adopting the budget ordinance amendment as presented by staff. Mr. Russell seconded the motion and it carried unanimously.

PRESIDENT'S REPORT: The president stated that he had an additional item to address that was not included on the agenda.

A. Conserving Carolina Grant: The president reminded the Board that approval was given in the fall of 2021 for staff to work with Conserving Carolina on a conservation easement along Cane Creek on the Broadmoor Golf Course. Conserving Carolina has recently received a \$593,000 grant to purchase the conservation easement and to restore the banks along the creek.

B. Airport Security Worker Screening: TSA issued Amendment 2302 for aviation worker screening. The president stated that this is an unfunded mandate for airports to implement employee screenings when going from the public side of the terminal to the secure side. TSA requires that the screening program be implemented by September 25, 2023. Staff is working to establish a team to randomly screen workers. 17 hours of screenings must be conducted each week. In 2025 the TSA will require explosive detection screening equipment be included in the screenings. The president stated that it is anticipated that the Authority will spend approximately \$50,000 per year for additional staffing to perform the screenings plus approximately \$1,000 for equipment. The cost of the explosive detection screening equipment was unknown but will be an additional purchase when required.

C. Independent Authority Legislation: The president reported that Ms. Rice has worked with the state legislators on amending the legislation that formed the independent Authority regarding an issue with the title of property reverting to the original owners when land is transferred by the Authority. Senate Bill 208 was recently passed and provides flexibility for the transfer of Authority property without reverting to the City of Asheville or Buncombe County.

INFORMATION SECTION: No comments

PUBLIC AND TENANTS COMMENTS: None

CALL FOR NEXT MEETING: The Chair stated that the next regular meeting of the Board will be held on July 14, 2023.

AUTHORITY MEMBER REPORTS: Ms. Russo Klein gave a brief report on her recent attendance at the ACI-NA Legal Affairs Conference.

CLOSED SESSION: At 10:10 a.m. Mr. Lovin moved to go into Closed Session Pursuant to Subsections 143-318.11 (a) (3), (4), and (6) of the General Statutes of North Carolina to Consult with Legal Counsel in Order to Preserve the Attorney-Client Privilege; to Discuss Matters Relating to the Location and/or Expansion of Industries or Other Businesses in the Area Served by the Greater Asheville Regional Airport Authority, Including an Agreement on a Tentative List of Economic Development Incentives that may be Offered by the Authority in Negotiations, and to Consider Personnel Matters. Ms. Russo Klein seconded the motion and it carried unanimously.

The Chair indicated they would break for a few minutes at which time the Board would resume in Closed Session.

Open Session resumed at 11:35 a.m.

GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY JUNE 9, 2023 CLOSED SESSION MINUTES: Mr. Lovin moved to seal the minutes for the Closed Session just completed and to withhold such Closed Session minutes from public inspection so long as public inspection would frustrate the purpose or purposes thereof. Ms. Russo Klein seconded the motion and it carried unanimously.

PRESIDENT AND CEO COMPENSATION: Mr. Russell moved to increase the President & CEO's compensation by 10% effective July 1, 2023. Ms. Russo Klein seconded the motion and it carried unanimously.

STRATEGIC PLAN PRESENTATION: A discussion took place concerning the proposed vision statement. It was agreed that the Board would continue the conversation at the next Authority Board meeting.

ADJOURNMENT: Ms. Russo Klein moved to adjourn the meeting at 11:44 a.m. Mr. Kennedy seconded the motion and it carried unanimously.

Respectfully submitted,



Ellen Heywood
Clerk to the Board

Approved:



Brad Galbraith
Chair