

ARTICLE 6

HAYWARD EXECUTIVE AIRPORT CODE

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HAYWARD EXECUTIVE AIRPORT - AIRPORT CODE

SEC. 2-6.00 TITLE. This Ordinance No. 07-23 C.S., adopted by City Council on December 18, 2007, may be cited and shall be known as the Hayward Executive Airport Code (Code). The Airport is within the City limits and the entire Hayward Airport Code applies to the Airport.

SEC. 2-6.01 STATEMENT OF POLICY. It is the intent of the City to:

- a. Plan, manage, operate, finance, and develop the Airport to ensure its long-term financial health and protect and promote the health, safety, security, and general welfare of the public consistent with all applicable Regulatory Measures; and
- b. Encourage the development and operation of General Aviation businesses and the provision of quality aviation products, services, and facilities to the public at the Airport.
 - (1) As set forth by the Federal Aviation Administration (FAA), by way of its Airport Assurances, any airport developed with federal grant assistance is required to operate for the use and benefit of the public and shall be made available to all types, kinds, and classes of Aeronautical Activity on fair and reasonable terms and without unjust discrimination.

SEC. 2-6.02 GOVERNING BODY. The Hayward Executive Airport (Airport) is owned and operated by the City of Hayward (City), and governed by and through the Hayward City Council (Council). The authority to grant the occupancy and Commercial use or development of Airport land or Improvements, the right to engage in any Commercial Activity or Aeronautical Activity at the Airport, and to approve, adopt, amend, or supplement any Agreement, policy or practice relating thereto, including this Code, is expressly reserved to the Council or its designated representative.

SEC. 2-6.03 EFFECTIVE DATE. Unless repealed by the City, this Code shall be in effect and shall remain in effect from the date of adoption by the City.

SEC. 2-6.04 AIRPORT MANAGEMENT. The Airport Manager is responsible for the operation, management, maintenance, and security of the Airport and all City owned and operated Airport land, Improvements, facilities, Vehicles and equipment. The City has authorized and directed the Airport Manager to:

- a. Interpret, administer, and enforce Agreements and this Code and to permit, where appropriate, temporary, short-term occupancy or use of certain Airport land or Improvements; and
- b. Obtain and receive copies of all licenses, permits, certifications, ratings, Certificates of Insurance, and other documents required to be provided to or filed with the City under this Code.

SEC. 2-6.05 AUTHORITY TO ADOPT. All of the provisions of this Code are promulgated under the authority granted to the City Manager in Article 2, Section 2-2.01(e) of the Hayward Municipal Code which specifically grants the City Manager the “power and duty to make

such rules and regulations as he may deem necessary for the administration of affairs of the City of Hayward”.

SEC. 2-6.06 COMPLIANCE WITH REGULATORY MEASURES. All entities occupying or using, engaging in an Aeronautical Activity on, or developing Airport land or Improvements shall comply, at the entity’s expense, with all applicable Regulatory Measures including, without limitation, those of the federal, state, and local government and any other Agency having jurisdiction over the Airport, the businesses operating at the Airport, and the activities occurring at the Airport including the United States Department of Transportation, the United States Department of Homeland Security (DHS), Transportation Security Administration (TSA), the FAA, the State of California (State), Alameda County (County), the City of Hayward, and this Code; all as may be in effect and amended from time to time.

SEC. 2-6.07 REPEAL OF PRIOR REGULATORY MEASURES. All Airport minimum standards and rules and regulations previously enacted and any other City ordinance or resolution in conflict with this Ordinance are hereby repealed.

SEC. 2-6.08 AMENDMENTS.

- a. This Code may be supplemented, amended, or modified by the City from time to time and in such a manner and to such extent as is deemed appropriate by City.
- b. The City may issue special rules, regulations, notices, memorandums, directives, covenants, restrictions, or conditions from time to time as is deemed appropriate by the City.
- c. The City shall provide for public notification of pending amendments (other than minor administrative changes) to this Code in order to provide the opportunity for public comment and input by Operators, Lessees, Sublessees, consumers, users, and the community.

SEC. 2-6.09 ENFORCEMENT.

- a. The City shall be responsible for enforcement of this Code.
- b. The Airport Manager is empowered to require compliance with and enforce this Code.
- c. Any person and/or entity who violates, disobeys, omits, neglects or refuses to comply with this Code or any lawful order issued pursuant thereto may be cited, removed from the Airport, denied the use of the Airport, and/or prevented from engaging in Activities at the Airport and shall be subject to all legal, equitable, statutory, and common law rights and remedies available to the City including, but not limited to, actions for declaratory relief, injunctive relief, specific performance, and damages.

SEC. 2-6.10 RIGHTS RESERVED. In addition to the following rights and privileges, the City reserves the rights and privileges outlined under federal and/or state Airport Assurances as such rights and privileges may be amended from time to time.

- a. The City reserves and retains the right for the use of the Airport by others who may desire to use the same pursuant to applicable Regulatory Measures pertaining to such use.
- b. The City further reserves the right to designate specific Airport areas for Activities in accordance with the currently adopted Airport Layout Plan (ALP) as may be amended from time to time. Such designation shall give consideration to the nature and extent of current and/or future Activities and the land and/or Improvements that may be available and/or used for specific Activities and shall be consistent with the safe, orderly, and efficient use of the Airport.
- c. The ALP reflects an agreement with the FAA regarding the proposed allocation of Airport land and/or Improvements to specific uses and/or development. It is the policy of the City that any use, occupancy, construction, or modification of land and/or improvements that is inconsistent with the ALP is undesirable. Any development that is substantially different than that depicted on the ALP could adversely affect the safe, orderly, or efficient use of the Airport. While the City may consider making application to the FAA for approval of the revision of the ALP on behalf of a prospective Operator, nothing contained in this Code shall require or obligate the City to make such application.
- d. The City reserves the right to develop and make any improvements and/or repairs at (or to) the Airport that it deems necessary. When possible, the City will provide advance notice of the date and time that such development, improvements, and/or repairs will be made. The City shall not be obligated to reimburse or compensate any Operator, Sublessee, or other entity for any expense incurred or loss of revenue (or inconvenience) that may result from such development, improvement, and/or repair.
- e. The City reserves the right to prohibit any person or entity from using the Airport or engaging in Activities at the Airport (and/or revoke or suspend any privileges granted to any person or entity) upon determination by the City that such person or entity has not complied with this Code, any other applicable Regulatory Measure, any other directives issued the City, or has otherwise jeopardized the safety of persons or entities utilizing the Airport or the land and/or Improvements located at the Airport.
- f. The City reserves the right to lease the Airport or portions thereof during war or national emergency to the United States government for military use. If such Agreement is executed, the provisions of such Agreement including, without limitation, the City's obligations and the Operator's obligations, to the extent that they are inconsistent with said Agreement, shall be suspended.
- g. The City will not enter into an Agreement that will require the City to relinquish the right to take any action the City considers necessary to protect the aerial approaches of the Airport against obstruction or to prevent an entity from erecting or permitting to be erected any facility or other structure which might limit the usefulness of the Airport or constitute a hazard to aircraft.
- h. The City will not enter into an Agreement that requires the City to waive any sovereign, governmental, or other immunity to which the City may be entitled nor shall any provision of any Agreement be so construed or that would require the City to

submit to the laws of any state other than those of the state of California.

- i.. The City is under no obligation to provide financing and/or make any improvements to Airport land and/or Improvements to facilitate any development proposed by a prospective Operator.
- j. While the City may choose to pursue federal, state, or other available funds to contribute to the development of the Airport, the City is under no obligation to do so. In addition, the City is under no obligation to provide matching funds if required to secure such funding.
- k. The City reserves the right to take such actions as it may deem necessary, appropriate, and/or in the best interest of City to preserve and protect the assets of the City, the safety and integrity of the City's mission, vision, values, and facilities, and those who work at and use the Airport.

SEC. 2-6.11 RESPONSIBLE PARTY. Any person accessing or using the Airport shall be responsible for their actions and all actions of any person to whom they provide or facilitate access, whether directly or indirectly.

SEC. 2-6.12 CIVIL RIGHTS. No person shall, in the use of the Airport or any of the Improvements located thereon, discriminate or permit discrimination against any other person or group of persons on the basis of race, color, religion, sex, age, disability, or national origin in any manner prohibited by Part 21 of the Regulations of the Office of the Secretary of Transportation and Title VI of the Civil Rights Act of 1964.

SEC. 2-6.13 PROHIBITING USE OF THE AIRPORT. The Airport Manager shall have the right at any time to close the Airport or any portion thereof to air traffic to prohibit Aircraft landing and/or taking off at any time and under any circumstances, to delay or restrict any flight or other Airport operation, or to deny the use of the Airport to any person or group when the Airport Manager considers such actions to be necessary and desirable in the interest of safety or when any Section of the Code herein set forth is violated.

- a. The Airport Manager may prohibit Aircraft operations (except for emergency landings) when it is determined that conditions are unsafe or the Aircraft operation would likely endanger persons or Property.
- b. The Airport Manager, a designated representative of the Airport Manager, or the FAA may issue a NOTAM to close or open the Airport (or any portion thereof) or to terminate or restrict an activity on or at the Airport.
- c. Under no circumstances shall an authorized Airport closure or restriction constitute grounds for reimbursement of any expense, loss of revenue, or damage incurred by any Operator, Lessee, or any other entity.

SEC. 2-6.14 RENTALS, RATES, FEES AND CHARGES FOR USE OF AIRPORT. The rentals, rates, fees and charges for use of the Airport and its public facilities which are not identified under a properly authorized written Agreement with the City, shall be those specified in the City's Resolution adopting a Master Fee Schedule relating to fees and charges for departments in the City of Hayward.

SEC. 2-6.15 RESTRICTED AREAS. Access into a Restricted Area, which includes the Airport Operations Area (AOA), Aircraft Movement Areas (AMA), and non-Aircraft Movement Areas are limited to the following persons:

- a. Authorized Employees of the Airport.
- b. Lessees and Sublessees
- c. Owners/operators of Aircraft based at the Airport
- d. Owners/operators of transient Aircraft located on the Airport
- e. Commercial Operators, vendors, or contractors and their designated Employees having a need, as determined by the Airport Manager, to conduct business on the Airport.
- f. Agencies required in support of an Emergency Plan
- g. Employees of or representatives of the FAA or TSA
- h. Persons with the prior authorization of the Airport Manager
- i. Persons under appropriate supervision (or escort) by authorized persons or Employees of the Airport

Any person who is not authorized to be in a Restricted Area shall leave the area by the nearest established exit point when asked to do so by any other person who is authorized to be in the area.

SEC. 2-6.16 PERSONAL CONDUCT and BEHAVIOR.

- a. No person shall make, possess, use, offer for sale, pass, and/or deliver any forged or falsely altered pass, permit, identification, card, sign, and/or other authorization purporting to be issued by or on behalf of the Airport.
- b. No person shall use or otherwise conduct himself upon any portion of the Airport in any manner contrary to the posted or otherwise visually indicated directions applicable to that area.
- c. Destroying, damaging, injuring, defacing, disturbing, or tampering with Property on the Airport is prohibited. Any person who causes damage to Property on the Airport shall be liable for such damage.
- d. Loitering or loafing on the Airport or in any public building on the Airport is prohibited.

SEC. 2-6.17 ABANDONED OR DERELICT VEHICLES AND AIRCRAFT.

- a. The Airport Manager may immediately remove (e.g., tow) any Vehicle, Aircraft or other Property from any area of the Airport, including Leased Premises, which causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the persons using the Airport or a significant portion thereof. The expenses of such removal, such as towing charges and any storage fees, shall become a lien chargeable to the owner of said motor Vehicle, Aircraft, or other Property. Said owner (if identified by City) shall be notified of the removal, towing and storage of said motor Vehicle, Aircraft, or other Property by certified or registered mail with a five (5) day return receipt requested, sent to the owner's address known (if

known) to the Airport Manager, within three (3) days of said removal, towing and storage.

- b. The Airport Manager may direct the removal (e.g., towing) of any Vehicle, Aircraft or other Property from any area of the Airport, including Leased Premises, which causes or constitutes a nuisance or which is disabled, Abandoned, Derelict, or in violation of the Code, but which does not appear to cause or constitute an imminent or immediate danger to the health or safety of persons using the Airport. Removal or towing shall follow upon issuance and exceedance of the Airport's 30-day time limit "*Warning*" notice prominently posted on the Vehicle, Aircraft or Property and subsequent exceedance of the Airport's 72-hour time limit "*Violation*" notice prominently posted on the Vehicle, Aircraft or Property.

The Airport Manager may take whatever action is deemed appropriate to remove and/or dispose of the Vehicle, Aircraft or Property. Such action shall be at the risk and expense of the Owner of the Vehicle, Aircraft or Property and without any liability to the City for damage that may result from such removal, towing and/or disposal.

SEC. 2-6.18 AIRPORT OPERATIONS AREA (AOA). The Airport Operations Area (AOA) shall include the Aircraft Movement Area (see also Sec. 2-6.42 of Airport Rules & Regulations), non-Aircraft Movement Areas, Aprons, loading ramps, safety areas, and all portions of the Airport designed and used for landing, taking off or surface maneuvering of Aircraft. The AOA shall encompass both the Aircraft Movement Area and non-Aircraft Movement Areas. The AOA includes the runways, taxiways, ramps, aprons, helipads or hovering routes and tie-down areas or any adjacent areas.

- a. The Airport Manager may restrict Vehicles to a certain portion(s) or segment(s) of the AOA. Such restrictions shall prohibit Vehicle operators outside designated areas.
- b. Use of radio-controlled model airplanes or cars is not permitted on the AOA.
- c. Use of go-carts, roller blades and skate boards is not permitted on the AOA unless permission is received from the Airport Manager.

SEC. 2-6.19 AIRCRAFT MOVEMENT AREA (AMA). No person shall take or drive any Vehicle on the Aircraft Movement Area (AMA) unless permission has been granted in an Agreement or obtained from the Airport Manager (see also Sec. 2-6.43 of Airport Rules & Regulations). Vehicle Operators having access to the Aircraft Movement Area shall comply with the Letter of Agreement (LOA) between the Airport and ATC regarding conducting air traffic and ground control services on the AMA of the Airport. Vehicle Operators shall obtain clearance from ATC and ensure that no Aircraft is approaching prior to entering the AMA.

- a. All Vehicles operating in the AMA on a regular basis shall be painted and marked in an appropriate manner and be equipped with an approved an fully operational amber or red (Emergency Vehicles only) rotating, flashing or steady beacon on the roof or uppermost point of the Vehicle providing 360 degree view.
- b. All Vehicles operating in the AMA shall be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies used by ATC at the Airport. In the event a Vehicle in the AMA experiences radio failure, the Vehicle must vacate the area utilizing perimeter roadways or other non-controlled routes. If exit via a

non-controlled route is not possible, the Vehicle Operator shall indicate radio failure by facing the Vehicle towards the control tower and flashing the Vehicle's headlights. Thereafter, the Vehicle Operator shall operate the Vehicle in accordance with the standard colored light signal directions given by ATC.

HAYWARD EXECUTIVE AIRPORT CODE - RULES AND REGULATIONS.

SEC. 2-6.20 PURPOSE. These Rules and Regulations, and any amendments thereto, are designed to protect the public health, safety, interest, and general welfare of the Operators, Lessees, consumers, and users of the Hayward Executive Airport (Airport) and its surrounding communities and to restrict or prevent any activity or action which would interfere with the safe, orderly and efficient use of the Airport by its Operators, Lessees, consumers and users. These Rules and Regulations include all provisions in Ordinance No. 07-23 C.S., Adopted December 18, 2007, which may be cited and shall be known as the Hayward Executive Airport Code (Code). The Airport is within the City limits and the entire Hayward Municipal Code applies to these Rules and Regulations.

SEC.2-6.21 APPLICABILITY AND CONDITIONAL USE OF AIRPORT. Any permission granted directly or indirectly, expressly or by implication, to any entity to enter upon or use the Airport (including Aircraft Operators; Vehicle Operators; Aircraft crewmembers and passengers; spectators and sightseers; occupants of private and Commercial Vehicles; officers, employees and customers of Operators and Lessees; entities doing business with the City and/or Airport Manager, its contractors, subcontractors, and licensees; and all other entities whatsoever) is conditioned upon:

- a. Assumption of responsibility by every entity exercising or taking advantage of such permission; and
- b. Full and complete compliance with these Rules and Regulations and all applicable Regulatory Measures.

SEC. 2-6.22 VIOLATION and PENALTY REVIEW PROCESS. Persons or entities found in violation of the Airport Code, or of these Rules and Regulations, or any order or directive of the Airport Manager related thereto, and duly notified in writing of such violation advising that said person or entity shall be subject to a penalty (e.g., eviction or denial of access to all or portions of the Airport) if the violation is not corrected within the timeline identified, such person or entity may appeal the Airport Manager's decision by submitting a written request to the Director of Public Works for the City of Hayward. Such request shall detail the circumstances surrounding the alleged infraction. Requests for review and/or appeal of the Airport Manager's decision shall be processed in the following manner:

Step 1 – The accused person or entity shall submit a written report/appeal to the Director of Public Works within seven (7) working days after receiving written notification by the Airport Manager of the alleged violation and pending enforcement of the alleged violation.

Step 2 – The Director of Public Works shall then examine all pertinent facts and details to determine whether or not to uphold the Airport Manager's decision (including any eviction, denial of Airport privileges, restrictions or limited use of the Airport) and shall notify the appellant of the findings. The Director of Public Works shall have fourteen (14) working days from date of receipt of the report/appeal in which to respond. If the decision of the Airport Manager is upheld, retracted, or

modified by the Director of Public Works, the person/entity shall be notified in writing of the decision.

Step 3 – If the offending person or entity is not satisfied with the decision handed down by the Director of Public Works, then that party has seven (7) working days from the date said person or entity

received the decision by the Director of Public Works, to present their report/appeal to the City Manager for further review. The City Manager shall have twenty-one (21) working days from the date received to respond. If the decision of the Director of Public Works is upheld, retracted, or modified by the City Manager, the person or entity shall be notified in writing of this decision. The decision of the City Manager shall be final.

SEC. 2-6.23 GENERAL.

a. Entry Upon or Use of Airport.

- (1) Entry upon the Airport shall be made only at locations designated by the Airport Manager.
- (2) Nothing herein contained shall be construed to limit the use of any area of the Airport by Employees of the Airport, approved Airport contractors, or to prevent any Police Department personnel or Fire Department personnel from acting in their official capacity.

b. Restricted Areas.

- (1) Access into a Restricted Area, which includes the Airport Operations Area (AOA), Aircraft Movement Areas (AMA), and non-Aircraft Movement Areas, is limited to the following persons:
 - a. Authorized Employees of the Airport.
 - b. Lessees and Sublessees
 - c. Owners/operators of Aircraft based at the Airport
 - d. Owners/operators of transient Aircraft located on the Airport
 - e. Commercial Operators, vendors, or contractors and their designated Employees having a need, as determined by the Airport Manager, to conduct business on the Airport.
 - f. Agencies required in support of an Emergency Plan
 - g. Employees of or representatives of the FAA or TSA
 - h. Persons with the prior authorization of the Airport Manager
 - i. Persons under appropriate supervision (or escort) by authorized persons or Employees of the Airport
- (2) Any person who is not authorized to be in a Restricted Area shall leave the area by the nearest established exit point when asked to do so by any other person who is authorized to be in the area.

c. Security.

- (1) Security gates that provide access to the AOA shall be kept closed and locked at all times except when actually in use.
 - a. It shall be the responsibility of all Operators/Lessees to see that all gate chains and doors and other public safeguards are continually and conscientiously used in a manner so as to protect all persons.
 - b. If, as a result of FAA findings, a breach of security is determined at the location of one of these gates controlled by an Operator/Lessee and a fine is imposed, the Operator/Lessee responsible for the gate shall be assessed for the same amount.
- (2) Vehicle Operators shall stop at the Vehicle gate and allow the gate to fully close before proceeding. The Vehicle Operator shall also ensure that no other Vehicles or persons gain access to the Airport while the gate is in the process of closing or not fully closed. If the Vehicle Operator cannot prevent such access, the Vehicle Operator shall immediately notify the Airport Manager at 510-293-8678 between 8:00 a.m. to 5:00 p.m. Monday through Friday or after hours at 1-800-409-3794.
 - a. Tampering with, interfering with, or disabling a lock or closing mechanism or breaching any other securing device at the Airport is prohibited.
 - b. Persons who have been provided either a code or device for the purpose of obtaining access to a Restricted Area shall only use Airport issued codes/devices and shall not divulge, duplicate, or otherwise distribute the same to any person unless the Airport Manager provides prior written permission.
 - c. Persons who fail to comply with these provisions may be denied access to the Airport (have access or driving privileges revoked) and/or be fined or penalized consistent with any fines or penalties that may be imposed by the City.

d. Commercial Activities.

- (1) Prior to engaging in a Commercial Aeronautical Activity, entities must obtain an Airport Business Temporary Permit from the City describing the terms and conditions of said Activity. The Permit process is described in Sec. 2-6.70 of the Airport's Minimum Standards. A copy of the Airport's Minimum Standards can be obtained from the office of the City Clerk, or the Airport Manager.
- (2) Entities engaging in Commercial Aeronautical Activities must adhere to the Airports Minimum Standards.
- (3) Entities basing or otherwise maintaining an Aircraft at the Airport shall not permit said Aircraft to be used for a Commercial Activity unless such Commercial Activity is expressly authorized by Agreement with the City.

- a. Notwithstanding the foregoing, such Aircraft may be used by the Aircraft owner for the purpose of training or otherwise maintaining or increasing the flying proficiency of the Aircraft owner or members of that person's immediate family.

e. Self-Servicing.

- (1) In accordance with the Airport's Storm Water Management Plan (SWMP), Aircraft Operators are permitted to fuel, wash (only at City-approved washing stations), repair, or otherwise service their own based Aircraft (utilizing their own Equipment), provided there is no attempt to perform such services for others and further provided that such right is conditioned upon compliance with these Rules and Regulations and all other applicable Regulatory Measures.
- (2) An Aircraft Operator may hire an individual (as an Employee) to provide, under the direction and supervision of the Aircraft Operator, services on the Operator's Aircraft.
 - a. Such services may only be provided by a direct Employee of the Aircraft Operator utilizing the Vehicles and Equipment owned by the Operator.
 - b. Otherwise, Aircraft Operators are only permitted to have their Aircraft fueled, washed, repaired, or painted by those Operators and Lessees authorized to provide such service pursuant to an Agreement with the City.

f. Accidents or Incidents.

- (1) Any person involved in or witnessing an Aircraft or Vehicle Accident on the Airport resulting in any injury (or death) to person or damage to Property shall remain at the scene and immediately call "911" and notify the Airport Manager at 510-293-8678 between 8:00 a.m. to 5:00 p.m. Monday through Friday or after hours at 1-800-409-3794 and provide all pertinent information as requested.
 - a. No person shall tamper with an incident/Accident scene or fail to comply with any directive issued by the Airport Manager, the Police Department, the Fire Department, or any other Agency having jurisdiction over the incident Accident scene.
 - b. Unauthorized entry into Aircraft Movement Areas to access an incident/Accident scene is prohibited.

g. Solicitation, Picketing, and/or Demonstrations.

- (1) Conduct of or participation in solicitation, picketing, parading, marching, patrolling, demonstrating, sit-downs, and/or assembling, carrying, distributing, or displaying pamphlets, signs, placards, or other materials on the Airport is prohibited without prior written permission of the Airport Manager.

- (2) Those acts approved by the Airport Manager shall be conducted only in those areas identified by the Airport Manager and not within 25 feet from the entrance to a public building and not in any manner that blocks the entrance or interferes with or impedes the path of the public.

h. Signage/Advertisements/Banners.

- (1) Written advertisements, notices, circulars, and/or handbills may be posted, distributed, or displayed in locations approved by the Airport Manager and only with the prior written permission of the Airport Manager.
 - a. The posting or distributing of written advertisements, notices, circulars, flyers and/or handbills on Aircraft, Vehicles, or hangar doors is prohibited.
 - b. The Airport has the right to remove any such sign, placard, picture, flyer, advertisement, name or notice in any such manner as the Airport Manager may designate.
- (2) Banners, business identification signs, general advertising signs, pennants, etc., must be approved by the City's Building division and shall comply with Chapter 10 Article 7 of the City's "Sign Regulations". The Airport Manager must approve (in writing) the location of any City-approved banner, business identification sign, general advertising sign, pennant, etc., prior to installation.

SEC. 2-6.24 CONDUCT.

- a. No person shall make, possess, use, offer for sale, pass, and/or deliver any forged or falsely altered pass, permit, identification, card, sign, and/or other authorization purporting to be issued by or on behalf of the Airport.
- b. No person shall use or otherwise conduct himself upon any portion of the Airport in any manner contrary to the posted or otherwise visually indicated directions applicable to that area.
- c. Destroying, damaging, injuring, defacing, disturbing, or tampering with Property on the Airport is prohibited.
 - (1) Any person who causes damage to Property on the Airport shall be liable for such damage.
- d. Injuring, disturbing, or harassing any person on the Airport is prohibited.
 - (1) Any person who causes injury to any person on the Airport shall be liable for such injuries.
- e. Smoking or carrying lighted cigars, cigarettes, or pipes in any public use area of the Airport, except in areas specifically designated by the Airport Manager and posted as public smoking areas, is prohibited.

- f. No person shall be intoxicated; commit any disorderly, obscene, lewd, indecent, or unlawful act; or commit any act of nuisance (including the use of abusive or threatening language) on the Airport.
- g. Loitering or loafing on the Airport or in any public building on the Airport is prohibited.
- h. No person shall engage in, conduct, aid in, or abet any form of gambling on the Airport.
- i. Moving, tampering, starting, using, or interfering with the safe operation of any Aircraft or Vehicle or any Aircraft or Vehicle part, instrument, or tool without permission of the Aircraft or Vehicle Operator or by specific direction of the Airport Manager is prohibited. If requested by the Airport Manager or a Law Enforcement Officer, satisfactory evidence of the right to do so shall be presented.
- j. The Airport shall not be used for storing non-aviation merchandise, supplies or equipment, or for washing clothes, overnight sleeping, camping, lodging, or other purposes in lieu of a hotel, motel or other public accommodations or for any improper, objectionable or immoral purposes.
- k. Operator and Lessee facilities are expressly for the conduct of the Operator's or Lessee's business and operations. No person other than employees and customers of the Operator or Lessee shall make use of such facilities or loiter on such premises without permission of the Operator or Lessee.

SEC. 2-6.25 ABANDONED, DERELICT or LOST PROPERTY INCLUDING VEHICLES and AIRCRAFT.

- a. Property shall not be Abandoned on the Airport.
 - (1) Abandoned, Derelict, or lost Property found in public areas at the Airport including, without limitation, Aircraft, Vehicles, Equipment, machinery, baggage, or parts thereof, should be reported (and/or turned in) to the Airport Manager.
 - a. Property to which the owner or finder is not entitled to lawful possession shall be forfeited to the Airport Manager or the Police Department for disposal in accordance with the provisions of applicable Regulatory Measures.
- b. The Airport Manager may immediately remove (e.g., tow) any Vehicle, Aircraft or other Property from any area of the Airport, including Leased Premises, which causes or constitutes or reasonably appears to cause or constitute an imminent or immediate danger to the health or safety of the persons using the Airport or a significant portion thereof. The expenses of such removal, such as towing charges and any storage fees, shall become a lien chargeable to the owner of said motor Vehicle, Aircraft, or other Property. Said owner (if identified by City) shall be notified of the removal, towing and storage of said motor Vehicle, Aircraft, or other Property by certified or registered

mail with a five (5) day return receipt requested, sent to the owner's address known (if known) to the Airport Manager, within three (3) days of said removal, towing and storage.

- c. The Airport Manager may direct the removal (e.g., towing) of any Vehicle, Aircraft or other Property from any area of the Airport, including Leased Premises, which causes or constitutes a nuisance or which is disabled, Abandoned, Derelict, or in violation of the Code, but which does not cause or constitute an imminent or immediate danger to the health or safety of persons using the Airport. Removal or towing shall follow upon issuance and exceedance of the Airport's 30-day time limit "Warning" notice prominently posted on the Vehicle, Aircraft or Property and subsequent exceedance of the Airport's 72-hour time limit "Violation" notice prominently posted on the Vehicle, Aircraft or Property.
 - (1) The Airport Manager may take whatever action is deemed appropriate to remove and/or dispose of the Vehicle, Aircraft or Property.
 - a. Such action shall be at the risk and expense of the Owner of the Vehicle, Aircraft or Property and without any liability to the City for damage that may result from such removal, towing and/or disposal.

SEC. 2-6.26 ENVIRONMENTAL CLEAN UP. Should the Airport Manager determine that during the course of an environmental incident that responsible party is not capable of, has not, or refuses to take appropriate action in a timely manner to mitigate the adverse environmental incident (in the sole discretion of the Airport Manager), then the Airport Manager reserves the right to take action and/or employ those services that the Airport Manager determines appropriate to control and/or clean up the site. The cost of such services shall be borne by the responsible party.

SEC. 2-6.27 WEAPONS AND EXPLOSIVES.

- a. Only duly authorized security personnel; Operations Agents; duly authorized post office or Airport employees; law enforcement personnel, or members of the armed forces of the United States or the State of California on official duty shall carry any weapons and/or explosives in the Airport Administration building/air traffic control tower building located at 20301 and 20305 Skywest Drive, or other public areas of the Airport.
- b. Firearms are permitted to be transported in Vehicles and Aircraft only if the firearms are broken down in a non-functioning state, stored in a container for the purposes of shipping for legal recreational uses, and not immediately accessible. The owner of said firearms must comply with all Regulatory Measures and will transport said firearms in a safe manner. No firearms shall be permitted to remain on Airport property for longer than 48 continuous hours.
- c. No person shall store, keep, handle, use, dispose of, or transport on the Airport any Class A, Class B, or Class C explosives (with exception of explosives that may be used by the Airport Manager or other authorized personnel) or Class A poison (as defined in the Interstate Commerce Commission Regulation for transportation of explosives and other dangerous articles), any other poisonous substances (solid, liquid or gas), compressed gas, and/or a radioactive article, substance, or material at such time or

place or in such manner or condition that may (or may be likely) unreasonably endanger persons or Property.

SEC. 2-6.28 ALCOHOLIC BEVERAGES. Consumption or possession of intoxicating liquors is prohibited in public areas on the Airport except at such times and locations as specifically approved by the Airport Manager.

SEC. 2-6.29 TRASH AND OTHER WASTE CONTAINERS.

- a. Garbage, empty boxes, crates, rubbish, trash, papers, refuse, and/or litter of any kind shall not be placed, discharged or deposited on the Airport except in the receptacles provided specifically for that purpose.
- b. The burning of garbage, empty boxes, crates, rubbish, trash, papers, refuse, and/or litter of any kind on the Airport is prohibited. With the prior permission of the Airport Manager, Fire Department personnel may engage in training exercises that require controlled burning.
- c. The Airport Manager shall designate areas to be used for garbage receptacles and no other areas shall be utilized.

SEC. 2-6.30 FIRE.

- a. Entities engaged in any activity at the Airport, whether occupying Airport owned facilities or otherwise, shall comply with all applicable Regulatory Measures and all fire code and practices recommended by the NFPA, unless otherwise directed or authorized in writing by the Airport Manager to deviate from same.
- b. Entities shall comply with all directives issued by the Airport Manager regarding the removal of fire hazards, arrangement or modification of Vehicles or Equipment, or altering operating procedures considered unsafe from a fire prevention standpoint.
- c. Smoking, matches, lighters, or any open flames are prohibited within 50 feet of any Aircraft, refueling Vehicle, fuel storage facility or any Aircraft being fueled or defueled.
- d. Any hostile fires (regardless of the size of the fire or whether or not the fire has been extinguished) shall be reported immediately to "911" and the Airport Manager between 8:00 a.m. to 5:00 p.m. Monday through Friday, or 1-800-409-3794, after hours and on weekends.
- e. No person shall tamper with any fire extinguisher equipment at the Airport or use the same for any purpose other than fire fighting or fire prevention. All such equipment shall be in conformity with the NFPA and may be inspected by the Airport Manager at any time. Tags showing the date of the last inspection shall be attached to each unit at all times.
- f. No person shall block or modify any self-closing fire door at the Airport or do anything which would interfere or prevent its closing in the event of a fire.

SEC. 2-6.31 HAZARDOUS WASTE AND MATERIALS.

- a. No entity shall store, keep, handle, use, dispense, discharge, or transport on the Airport any Hazardous Material in contravention of any Regulatory Measure. Proper permits must be obtained from the appropriate Agency, copies must be presented to the Airport Manager, and prior written permission must be obtained from the Airport Manager.
 - (1) Advance notice of at least 24 hours shall be given to the Airport Manager to permit full investigation and clearance for any operation requiring a waiver of this rule. Permission may be given to movements of Hazardous Waste and Materials only when such materials are packed, marked, labeled and limited as required by Regulatory Measures applying to transportation of Hazardous Waste and Materials and do not create any hazard to life or property at the Airport.
 - (2) Approved storage of Hazardous Waste on the Airport must be placed in suitable receptacles with self-closing covers that are properly secured.
 - (3) Material Safety Data Sheet (MSDS) for all Hazardous Materials shall be maintained on site so as to be readily available to emergency responders in the event of an emergency and for review by the Airport Manager and the Fire Marshal.
 - (4) No entity shall use, keep or permit to be used or kept, any foul or noxious gas or substance at the Airport, or permit or suffer the Airport to be occupied or used in a manner offensive or objectionable to the Airport Manager or other users by reason of noise, odors, and/or vibrations, or interfere in any way with other occupants or those having business therein.
- b. No fuels, oils, dopes, paints, solvents, acids, or any other Hazardous Waste shall be disposed of or dumped in drains, on Aprons, catch basins, ditches or elsewhere on the Airport.
- c. Used engine oil shall be disposed of only at waste oil stations or disposal points designated as such on the Airport.
- d. Any person who causes overflowing or spilling of oil, grease, Aircraft batteries, fuel and/or similar material or substance anywhere on the Airport is responsible for the immediate cleanup of the spill, proper disposal of the substance, and notification to the Airport Manager. Failure to clean the area and properly dispose of the substance may result in the Airport providing cleanup and disposal at the expense of the responsible party.
- e. All empty oil, paint and varnish cans, bottles, or other containers shall be removed from the Airport in a timely manner, in the sole discretion of the Airport Manager, and shall not remain on the floor, wall stringers, or overhead storage areas of the hangars, offices, shops, or other buildings.
- f. Gasoline, oil, solvent drums and/or receptacles, or Aircraft batteries shall not be stored within close proximity to operating Aircraft and/or Vehicles nor be in excess of

amounts actually needed as current stock. Any material of this type shall be kept enclosed and covered in a clearly marked and labeled housing of a design and type that meets the approval of the Airport Manager or Fire Marshal.

- (1) Secondary containment is required for the storage of gasoline, oils, solvents, and or hazardous waste in drums or receptacles if the quantity within the drum or receptacle is more than 50 gallons.
- (2) Aviation fuels or automotive gasoline's in quantities greater than five (5) gallons per container, shall not be stored at the Airport without the prior written permission of the Fire Marshal or the Airport Manager.
- (3) It is illegal to dispose of lead-acid batteries on Airport property. Abandoning lead-acid batteries on the Airport or placing them in waste dumpsters constitutes illegal hazardous waste disposal, and can be prosecuted under state law. Contact the Airport Manager for proper disposal of lead-acid batteries.

SEC. 2-6.32 PAINTING, FLAMMABLES, EFFLUENTS, POLLUTANTS AND AIR CONTAMINANTS.

- a. Painting. Doping processes, painting, or paint stripping shall be performed only in those facilities approved for such activities and in compliance with the Uniform Fire Code and the Airport's SWMP.
- b. Flammable Solids and Liquids. The use and storage of all flammable materials (solid and liquids) shall be in compliance with Regulatory Measures including the Uniform Fire Code and the Airport's SWMP.

The use of flammable, volatile liquids having a flash point of less than 100 degrees Fahrenheit is prohibited unless such operations are conducted in open air or in a room specifically set aside and approved for the purpose for which the liquid is being used. The room must be properly fireproofed and equipped with adequate and readily accessible fire-extinguishing apparatus.

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

- c. Effluents, Pollutants or Air Contaminants. No person shall discharge any substance in or upon the Airport in contravention of any Regulatory Measure. Proper permits must be obtained from the appropriate Agency, copies must be presented to the Airport Manager, and prior written permission must be obtained from the Airport Manager for such discharge.
 - (1) Hazardous Spills – The State of California, the Fire Department, and the City require an immediate notification of any hazardous spill in excess of 25 gallons. Hazardous spills that require reporting include, but are not limited to, jet fuel,

gasoline, fuel oil, hydraulic oil, alcohol, glycol, and all similar chemicals that could be considered hazardous.

- (2) In the event that a hazardous spill occurs of any magnitude, the responsible party of such spill shall take appropriate action in the containment, clean up, and rehabilitation of such hazardous spill.

The following procedures shall be implemented in managing a hazardous spill:

- a. Minor Spills – Spills of less than five (5) gallons and that are not compromising the safety of the public.
- (i) Determine the threat to the immediate public.
 - (ii) Contain the spill with an absorbent.
 - (iii) Block all stormwater drains that could be impacted by such a spill.
 - (iv) Apply the proper absorbent from strategically placed spill kits. All liquids and or absorbents shall be disposed of or reused per applicable Regulatory Measures.
 - (v) Make record of the spill at your facility.
 - (vi) Contact the Airport Manager immediately at 510-293-8678 between 8:00 a.m. to 5:00 p.m. Monday through Friday or Airport emergency call-out contact at 1-800-409-3794, should the spill impact the ground waters and or the surface waters no matter how small the quantity.
- b. Major Spills – Spills in excess of five (5) gallons but less than 25 gallons or any spill causing an immediate threat to the safety of the public.
- (i) Determine the threat to the immediate public.
 - (ii) Block all stormwater drains from potential contamination.
 - (iii) Contain the spill with an absorbent.
 - (iv) Contact the Airport Manager immediately at 510-293-8678 between 8:00 a.m. to 5:00 p.m. Monday through Friday or Airport emergency call-out contact at 1-800-409-3794, should the spill impact the ground waters and or the surface waters no matter how small the quantity. Otherwise, Airport personnel will determine when to call the Fire Department.
 - (v) Determine the nature of the spill.

- (vi) Apply absorbents to the spill until all residual liquid has been processed. All liquids and absorbent shall be disposed of properly per applicable Regulatory Measures.
 - (vii) Assess the damage to the land and/or water with Airport personnel.
 - (viii) Record all aspects of the spill in your files.
 - (vii) A written detailed report containing all pertinent information of such spill shall be completed by the responsible party and delivered to the Airport Manager within five (5) working days.
- c. Serious Spills – Spills in excess of 25 gallons and which may pose a serious threat to the safety of the public.
- (i) Evaluate the threat to the public and make any arrangements to secure the safety of the immediate public (i.e. evacuation).
 - (ii) Contain the spill should safety permit.
 - (iii) Block all drains that pose an immediate threat from the spill.
 - (iv) Apply absorbents to such a spill until all residual liquid is processed. All liquids and absorbent shall be disposed of properly per applicable Regulatory Measures.
 - (v) Contact the Airport Manager immediately at 510-293-8678 between 8:00 a.m. to 5:00 p.m. Monday through Friday or Airport emergency call-out contact at 1-800-409-3794.
 - (vi) Airport personnel shall assess the damage to the land and/or the waters.
 - (vii) Airport personnel shall inspect the drainage outfall for downstream contamination.
 - (viii) Record all aspects of the spill in your records.
 - (ix) Provide a written summary of the spill and the measures that will be taken to eliminate such a spill in the future to the Airport within five (5) working days.
- d. Operators with fueling capability or responsibility for maintenance of fuel systems shall have on hand at all times sufficient containment booms to form a barrier around the spill. Additionally, Operators shall have sufficient clean-up absorbents, pillows, pads, etc., to pick up the product and to store the same (saturated brooms, blankets, etc.) in a sealed container(s) until proper disposal can be effected in a timely manner. The salvage drum(s) shall be approved by the DOT (DOT-E-

10102).

- e. Where a single spill or a series of spills requires Operator to store used containment booms, clean up absorbents, pillows, pads, etc., such used and stored material shall not exceed 55 gallons.

- (3) Aircraft Preflight Inspection. No hazardous substance or pollutant shall be disposed of on the Airport during Aircraft preflight inspection.

SEC 2-6.33 EMERGENCY CONDITIONS. Emergency conditions at the Airport shall not mitigate or cancel these Rules and Regulations. During such conditions, the Aircraft Operators and or Vehicle Operators shall make certain that the Aircraft or Vehicle is not moved in any direction unless specifically cleared by the ATC, Airport Manager and/or authorized representative of the City.

No person shall enter upon the landing areas, Aprons or Taxiways of the Airport for the purpose of attending, observing or assisting at the scene of an accident except persons requested or permitted to do so by the ATC, Airport Manager, and/or Law Enforcement Officers. Emergency procedures for the Airport may be issued at the discretion of the Airport Manager. The Airport Manager shall determine when normal operations may resume.

SEC. 2-6.34 SPECIAL EVENTS. Special events shall not be held unless written approval is first obtained from the Airport Manager and any other Agency having jurisdiction over the event. Written authorization shall specify the areas of the Airport authorized for such special use, the dates and duration of such use, and any other terms and conditions deemed necessary.

SEC. 2-6.35 AIRCRAFT.

- a. Regulatory Measures. Activities at the Airport (including the controlled airspace of the Airport) shall conform to the current applicable provisions of Title 14 CFR; applicable Regulatory Measures; these Rules and Regulations; and orders (written or verbal instructions) of the Airport Manager and ATC personnel.
- b. Airworthiness. Only Aircraft considered airworthy by the FAA or any foreign counterpart shall land or takeoff from the Airport. If requested in writing by the Airport Manager, Aircraft Operator shall promptly remove Aircraft that are not airworthy within the time period specified in writing by the Airport Manager.
 - (1) Should an Aircraft Operator fail to remove an Aircraft (at Aircraft Operator's expense) that is not airworthy after notification by the Airport Manager, the Aircraft may be removed by the Airport Manager at the risk and expense of the Aircraft Operator without liability for damage arising from or out of such removal.
 - (2) Abandoning an Aircraft anywhere on the Airport is prohibited.
- c. Based Aircraft Operators. All Based Aircraft Operators must have a Tiedown or Hangar Agreement with either the City or an authorized FBO or SASO. If requested by City, all Based Aircraft Operators must file with the Airport Manager a statement showing the name and address of the owner of each Aircraft based, stored or situated

upon the Airport as of that date and shall also furnish such data identifying the manufacturer, model and registration number of each such based Aircraft.

d. Accidents or Incidents.

- (1) Aircraft Operators involved in an Accident on the Airport resulting in any injury (or death) to person or damage to Property, shall make a full and prompt report of the accident to the Airport Manager and appropriate Agencies, complete any necessary reports and/or forms, and comply with all applicable provisions of National Transportation Safety Board (NTSB) Regulations Part 830. Damage to Property includes damage to a runway, Taxiway, Apron, navigational aid, light or fixture.
- (2) An Aircraft involved in an Accident on the Airport may not be removed from the scene of the Accident until authorized by the Airport Manager who shall receive authorization (to remove the Aircraft) from the FAA and/or NTSB, when applicable.
- (3) Once authorization (to remove the Aircraft) has been issued, the Aircraft Operator shall be responsible for the safe and prompt removal of disabled Aircraft and parts within an Aircraft Movement Area to a non-Aircraft Movement area.
- (4) If immediate arrangements are not made (so that the Airport can return to full operational status without unreasonable delay), the Airport Manager may have the Aircraft removed at the Aircraft Operator's risk and expense without liability for damage arising from or out of such removal.
- (5) Should pilots, Owners, or agents authorize Airport employees to remove disabled aircraft from runways, Aprons, Taxiways or other areas of the Airport, monetary charges may be made for equipment and labor used to remove the disabled Aircraft.

SEC. 2-6.36 AIRCRAFT MAINTENANCE, PAINTING AND CLEANING.

- a. Aircraft Maintenance. Aircraft Maintenance performed on the Airport is permitted only in areas designated by the Airport Manager. Aircraft Maintenance within facilities operated by an authorized FBO or SASO shall be limited to that specifically permitted by the type rating established in the Uniform Building Code and in compliance with the directives of the Fire Marshal.
- b. Aircraft Painting. Aircraft painting shall be performed only in buildings approved for that activity by an Agency having jurisdiction.
- c. Aircraft Cleaning. Aircraft cleaning shall be performed only in areas designated by the Airport Manager. Commercial Operators must receive a Commercial Aviation Permit from the City prior to performing Aircraft cleaning on the Airport.
 - (1) All drainage must flow to an oil/water separator.

- (2) Aircraft, Aircraft engines, and/or parts may be dry washed in areas not having an oil/water separator.

SEC. 2-6.37 AIRCRAFT ENGINE OPERATIONS.

- a. Only qualified persons shall start and/or operate an Aircraft engine at the Airport and/or taxi an Aircraft on the Airport. Qualified persons include a pilot, an airframe and powerplant mechanic, or a qualified technician licensed by the FAA and qualified to start or operate the engine(s) and/or taxi that particular class and type of Aircraft.
- b. Starting engines shall be prohibited until all standard safety procedures have been followed.
- c. Aircraft engines shall not be started within any structure on the Airport.
- d. Any person operating an Aircraft engine in an area that is accessible to the public shall take precautions to alert and protect the public from hazards attendant to such operations.
- e. Run-up of Aircraft engines shall be performed only in the areas designated for such pose by the Airport Manager. High speed or full power Aircraft engine run-up (including maintenance run-up) shall be performed in designated run-up areas or in other areas designated specifically for this purpose by the Airport Manager.

SEC. 2-6.38 AIRCRAFT PARKING AND STORAGE.

- a. Aircraft shall be parked only in those areas designated for such purpose by the Airport Manager and shall not be positioned in such a manner so as to block a runway, Taxiway, Taxilane or obstruct access to hangars, parked Aircraft, parked Vehicles, gates or fuel storage facilities.
- b. Unless otherwise provided in an Agreement with the City or authorized FBO, no person shall use any area of the Airport for the parking of Aircraft, other than transient parking, without prior written permission of the Airport Manager.
 - (1) Should a person use such areas for Aircraft parking without first obtaining the prior written permission of the Airport Manager, the Airport Manager may remove and store the Aircraft at the expense of the Aircraft Operator without liability for damage that may arise from or out of such removal or storage.
- c. Aircraft Operators shall ensure parked and stored Aircraft are properly secured.
- d. Upon written request of the Airport Manager, the Operator of any Aircraft parked or stored at the Airport shall move the Aircraft to the location and/or position on the Airport identified by the Airport Manager. In the event the Aircraft Operator refuses, is unable, or unavailable, the Airport Manager may move the Aircraft to any area on the Airport at the risk and expense of the Aircraft Operator without liability for damage that may arise from or out of such movement.

SEC. 2-6.39 AIRCRAFT OPERATIONS. All Aircraft shall be operated in accordance

with 14 CFR Part 91 and the appropriate 14 CFR based upon the type and use of the Aircraft.

- a. Operating an Aircraft in a careless, negligent, or reckless manner; in disregard of the rights and safety of others; without due caution and circumspection; or at a speed or in a manner which endangers, or is likely to endanger persons or Property of any entity is prohibited.
- b. Aircraft Operators shall obey all pavement markings, signage, and lighted signals unless instructed otherwise by ATC or the Airport Manager.
- c. Operating an Aircraft constructed, modified, equipped, or loaded as to endanger, or likely to endanger, persons or the Property of any entity is prohibited.
- d. Aircraft Operators shall comply with any order, signal, or directive of ATC or the Airport Manager, by whatever means communicated.
- e. Aircraft shall not be taxied into, out of, or within any structure on the Airport.
- f. Aircraft Operators shall not taxi an Aircraft at the Airport at a speed greater than is reasonable and prudent under the conditions with regard for actual and potential hazards and other Aircraft so as not to endanger persons or Property.
- g. Aircraft shall only be taxied or towed in areas normally used for the operation of Aircraft.
- h. All entities giving flight instruction shall be held responsible to the Airport for the conduct of all of the entities' students (while using the Airport) during the course of instruction.
- i. Rotorcraft shall be stored, housed, parked or operated only in the areas approved by the Airport Manager.

SEC. 2-6.40 LIMITATIONS TO AIRCRAFT OPERATIONS.

- a. Aircraft Operators shall obtain the prior permission of the Airport Manager before conducting any of the following activities at the Airport:
 - (1) Use of Motorless Aircraft: the landing upon or towing from the Airport of gliders and other certificated motorless Aircraft;
 - (2) Use of Ultralight Vehicles: the landing upon or taking off from the Airport of Ultralight Vehicles;
 - (3) Use of Lighter-than-Air Aircraft: the landing upon or taking off from the Airport or airships, dirigibles, blimps, balloons, and other certificated lighter-than-air Aircraft that use gasses or hot air to provide lift;
 - (4) Banner or Glider Towing: the landing upon or taking off from the Airport of Aircraft that tow banners, gliders or any other device;

- (5) Operation of Aircraft with a maximum certificated takeoff weight in excess of the published weight bearing capacity for the runway(s) and Taxiway(s);
 - (6) Transportation of Hazardous Cargo: landing or taking off with flammable, explosive or corrosive materials, except that which is carried aboard for the operation of the Aircraft or use by crewmembers or passengers;
- b. Transportation of Radioactive Cargo: the landing upon or taking off from the Airport of Aircraft loaded with radioactive materials is prohibited.

SEC. 2-6.41 VEHICLES. All Vehicle Operators on the Airport shall comply fully with the California Vehicle Code, these Rules and Regulations, and any other instructions issued by the Airport Manager. Only Vehicles that are authorized by the Airport Manager shall be permitted to operate on the AOA. Any person operating a Vehicle on the Airport must have a valid state Vehicle Operator's license and evidence of insurance as required by state law.

- a. Vehicle operations on the Airport, as determined by the Airport Manager to be: careless, negligent, unsafe or reckless, in disregard of the rights and safety of other, and without due caution and circumspection, or at a speed or in a manner which endangers, or is likely to endanger persons or Property, is prohibited.
- (1) Vehicles, except Emergency Vehicles responding to an emergency, shall not be operated on the Airport in excess of the posted speed limits.
 - (2) Vehicle Operators shall comply with any order, signal, sign or directive of the Airport Manager or his authorized representative.
 - (3) Vehicle Operators shall not, after receiving a visual or audible signal from the Airport Manager, his authorized representative, or an authorized representative of the City, fail to stop the Vehicle being operated, operate the Vehicle in disregard of the signal, or interfere with or endanger the operation of an Airport employee or Law Enforcement Officer.
 - (4) Vehicle Operators shall provide proper signals and obey all traffic lights, signs, mechanical or electrical signals, and pavement markings unless directed otherwise by an authorized representative of the City.
 - (5) Airport roadways may be used for Vehicle operations as a means of ingress and egress to and from the roadways serving the Airport and between various land areas on the Airport abutting Airport roadways.
 - (6) Vehicle Operators shall yield the right of way to Aircraft, Emergency Vehicles (or Equipment) and pedestrians.
 - (7) Vehicles shall not be operated in such a manner or within such proximity of an Aircraft as to create a hazard or interfere with the safe operation of an Aircraft.
 - (a) Vehicles shall not overtake or pass in front of a moving Aircraft.
 - (b) Vehicles shall pass to the rear of taxiing Aircraft and come no closer

than 50 feet to a taxiing Aircraft.

- (c) Vehicles shall not pass closer than 20 feet from any wing or tail section of a parked Aircraft.
- (8) Vehicles used for hauling trash, dirt, or any loose material shall be operated in such a fashion as to prevent the contents of the Vehicle from dropping, shifting, leaking, or otherwise escaping including, at a minimum, covering Vehicles load.
- b. Accidents or Incidents. A Vehicle Operator involved in an Accident on the Airport resulting in any injury (or death) to person or damage to Property, shall stop the Vehicle at the scene (or as close as possible to the scene without unnecessarily obstructing traffic or creating a safety hazard) and immediately call “911” and notify the Airport Manager at (510) 293-8678 between 8:00 a.m. to 5:00 p.m. Monday through Friday or Airport “call-out” after hours at 1-800-409-3794. The Vehicle Operator (and the Vehicle) must remain at the scene until the Airport Manager or Law Enforcement Officer takes a full report.
- c. Vehicle Maintenance. Private Vehicles shall not be cleaned and/or maintained anywhere on the Airport, except for minor repairs that are necessary to remove such Vehicle(s) from the Airport.
- d. Parking or Stopping. Vehicles shall be parked only in those areas designated for such purposes by the Airport Manager, Lessee or Sublessee. Vehicles shall not be parked or stopped:
 - (1) In such a manner so as to obstruct a parking lot lane, driveway, roadway, walkway, crosswalk, fire lane, runway, Taxiway, Taxilane, and/or obstruct access to hangars, parked Aircraft and/or parked Vehicles;
 - (a) Within 15 feet of a fire hydrant or within a fire lane or restricting the access to or from the fire lane;
 - (b) Within 3 feet of either side of a security fence
 - (2) Parking in designated public parking areas is open to any person using the Airport.
 - (3) Displaying Vehicles and/or Equipment at the Airport for the sole purpose of selling the Vehicle and/or Equipment is prohibited.
- e. Disabled, Abandoned or Illegally Parked Vehicles. Vehicles shall not be abandoned on the Airport. The Airport Manager shall contend with any Vehicle that is disabled, Derelict or Abandoned in the manner described under Sec. 2-6.17 of the Code.

SEC. 2-6.42 AIRPORT OPERATIONS AREA (AOA). The Airport Operations Area (AOA) shall include the Aircraft Movement Area (see Sec. 2-6.43), non-Aircraft Movement Areas, Aprons, loading ramps, safety areas, and all portions of the Airport designed and used for landing, taking off or surface maneuvering of Aircraft. The AOA shall encompass both the Aircraft Movement

Area and non-Aircraft Movement Areas. The AOA includes the runways, taxiways, ramps, aprons, helipads or hovering routes and tie-down areas or any adjacent areas.

- a. The Airport Manager may restrict Vehicles to a certain portion(s) or segment(s) of the AOA. Such restrictions shall prohibit Vehicle operators outside designated areas.
- b. Use of radio-controlled model airplanes or cars is not permitted on the AOA.
- c. Use of go-carts, roller blades and skate boards is not permitted on the AOA unless permission is received from the Airport Manager.
- d. Manually controlled gates that provide access to the AOA shall be kept closed and locked at all times except when actually in use.
- e. When automatic gates are used, Vehicle Operators must stop the Vehicle and allow the gate to fully close before proceeding. The Vehicle Operator must also ensure that no other Vehicles or persons gain access to the Airport while the gate is in the process of closing and/or not fully closed.
 - (1) If the Vehicle Operator cannot prevent such access, the Vehicle Operator must immediately notify the Airport Manager.
- f. Commercial Ground Transportation on the Non-Aircraft Movement Area.
 - (1) Only those rental car companies that have received authorization from the City may conduct business on the Airport.
 - (2) *Escorted* taxicabs, Limousines or hotel buses may deliver customers and/or baggage to a non-Aircraft Movement Area or may pickup customers and/or baggage from a non-Aircraft Movement Area (in any area designated for such purposes by the Airport Manager) if specifically requested to do so by an Operator or Lessee.
- g. Vehicles, motorcycles, boats, jet skis, snowmobiles, dune buggies, race cars, recreational vehicles, trailers, etc., may not be permanently parked or stored anywhere on the AOA (unless specifically approved by the Airport Manager) and shall be subject to all applicable provisions of Sec. 2-6.18 of the Code.

SEC. 2-6.43 AIRCRAFT MOVEMENT AREA (AMA). No person shall take or drive any Vehicle on the Aircraft Movement Area (AMA) unless permission has been granted in an Agreement or obtained from the Airport Manager. Vehicle Operators having access to the Aircraft Movement Area shall comply with the Letter of Agreement (LOA) between the Airport and ATC regarding conducting air traffic and ground control services on the AMA of the Airport. Vehicle Operators shall obtain clearance from ATC and ensure that no Aircraft is approaching prior to entering the AMA.

- a. All Vehicles operating in the AMA on a regular basis shall be painted and marked in an appropriate manner and be equipped with an approved fully operational amber or red (Emergency Vehicles only) rotating, flashing or steady beacon on the roof or uppermost point of the Vehicle providing 360 degree view.

- b. All Vehicles operating in the AMA shall be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies used by ATC at the Airport.
 - (1) In the event a Vehicle in the AMA experiences radio failure, the Vehicle must vacate the area utilizing perimeter roadways or other non-controlled routes. If exit via a non-controlled route is not possible, the Vehicle Operator shall indicate radio failure by facing the Vehicle towards the control tower and flashing the Vehicle's headlights. Thereafter, the Vehicle Operator shall operate the Vehicle in accordance with the standard colored light signal directions given by ATC.
- c. After obtaining permission from the Airport Manager, a Vehicle that is not operated on the Airport on a regular basis may enter the AMA provided that such Vehicle is escorted at all times (while in the AMA) by an authorized Airport vehicle having radio contact with ATC.
 - (1) When construction-related Vehicles are required to enter or work within the AMA, such Vehicles will be marked with an approved orange and white checkered flag (for daytime operations) or an amber beacon (for nighttime operations)
 - (2) If the construction Vehicle is not equipped with a two-way radio capable of communicating on the proper aeronautical frequencies, the Vehicle shall be escorted at all times (while in the AMA) by an Airport authorized Vehicle having radio contact with ATC or have a flagman (with two-way radio capable communications on the proper aeronautical frequencies) stationed at the area(s) designated by the Airport Manager to give instructions to the Vehicle.
 - (3) Vehicle Operators operating in the AMA must be conversant with standard colored light signals, regardless of whether or not the Vehicle is radio equipped.

SEC. 2-6.44 CITY HANGARS AND TIEDOWNS.

GENERAL PROVISIONS:

- a. Except as otherwise may be provided under any Agreement executed between the City and hangar or T-Hangar tenant(s), the term of all City hangar Agreement(s) shall continue only on a month-to-month basis; until such time as one party gives the other written notice of termination.
- b. Either party may, upon 30 days' written notice to the other, terminate a hangar Agreement without cause.
- c. Termination of a hangar Agreement shall have no effect upon a Lessee's obligations which may have accrued during the term of their hangar Agreement prior to the date of termination by either party.

- d. All notices from City to Lessee shall be in writing and shall be hand delivered or mailed to the Lessee. If any such notice to a Lessee is returned by the United States Post Office, notice shall be given by posting the same on the hangar premises, or on the Aircraft (i.e., Tiedown Aircraft).
- e. Each month's rent shall be due without notice or invoice from City on the first day of each and every month during the term and tenant shall be in default if each such rent has not been received by City by 5:00 p.m. on the tenth day of each such month or following business day of the month if the tenth day falls on a Saturday, Sunday, or City recognized holiday.
- f. Lessee shall provide City with a copy of FAA Aircraft registration for each Aircraft stored in any City-owned hangar. Tenant's in a T-Hangar (not Executive Hangar) shall only house an Aircraft which is owned by Lessee and registered with the FAA in the Lessee's name.
- g. If Lessee leases a City-owned Executive Hangar, additional Aircraft which is not owned by Lessee, may be stored in the Executive Hangar provided that Lessee has provided proof of aircraft ownership for at least one aircraft to be stored in the Executive Hangar, and that Lessee furnishes the Airport Office with the name, address and telephone number of the Sublessee, and a copy of the FAA Registration Certificate of the additional Aircraft stored in the Executive Hangar.
- h. Lessee shall only store within a hangar, the necessary Aircraft ground-handling equipment and tools associated with owning, operating and maintaining the Aircraft.
- i. ONE registered, licensed, insured and operating Vehicle may be stored in a hangar. Any vehicle specifically prohibited by the Airport Manager may not be stored in a hangar. A Vehicle is considered being stored in a hangar if the vehicle is not being used or intended to be used as legal transportation to or from the airport.
- j. City or its representative has permission to enter the hangar for inspection at any time during regular business hours with 24 hours prior written notice to Lessee.
- k. In the event of an emergency; including but not limited to; fire, flood or hazardous material leak, City or its representative shall have the right to enter the hangar at any time without notice for the purpose of protecting life, limb or the destruction of property.
- l. In addition to the storage/parking of ONE approved Vehicle (as identified in Item #I above) Executive hangar or T-Hangar Lessee may park Vehicles that are fully operational/functional inside the hangar or T-Hangar while the hangar or T-Hangar Lessee is present in the hangar or T-Hangar, or when the Aircraft has been removed for operational reasons, or in designated parking areas.
- m. Hangar or T-Hangar tenants may park Vehicles that are fully operational/ functional directly outside of their own hangar or T-Hangar on a temporary basis (not to exceed 72 hours).
- n. All parties that own the aircraft at the time the rental agreement is signed shall be

named on the rental agreement. Subsequent owners or part owners of the aircraft are not entitled to any interest in the hangar thereafter should the last original owner named on the rental agreement sell their interest in the aircraft.

- o. Aircraft under construction or restoration must provide evidence of significant progress on an annual basis as agreed upon by the Lessee and Airport Manager at the time the rental agreement is signed.

LESSEE SHALL:

- a. Use the hangar only as permitted by the hangar Agreement between City and Lessee, and the Airport Rules and Regulations.
- b. Report any defects in the Leased Premises to the Airport Manager.
- c. Keep the hangar clean and free of debris and not place any debris or hazardous material inside or outside the Leased Premises.
- d. Obey all rules, regulations, laws, ordinances, and directives now in force or hereafter promulgated by the City of Hayward or any legally constituted authority with respect to the use of the Airport or the Leased Premises.
- e. At all times, adhere to and abide by the Airport Noise Ordinance, Ordinance No. 91-16, as adopted on July 23, 1991, and as said Ordinance may be amended from time to time by the City Council.
- f. Indemnify, defend and hold harmless the Lessor, its representatives, officers, employees and agents from any and all claims, demands, losses or liabilities arising out of the acts or omissions of the hangar Lessee, its officers, employees, agents or contractors.
- g. Pay, prior to delinquency, any taxes or assessments levied on the Leased Premises or Lessee's possessory interest in the hangar premises.
- h. Notify the Airport Manager within fourteen (14) days of any changes in Lessee's home/business address and telephone number.
- i. Notify the Airport Manager in writing within fourteen days (14) of disposal of the Aircraft listed on the Tenant Information Form or hangar agreement, and provide City with the make, model, and FAA registration number ('N' Number) of any other Aircraft owned by Lessee to be stored in the hangar.
- j. Replace the Aircraft listed on the Tenant Information Form or hangar Agreement, with another Aircraft showing the Lessee as the registered owner within 90 days of disposal. Lessee shall notify the Airport Manager of their replacement Aircraft including FAA "N" number within the 90-day timeline.

LESSEE SHALL NOT:

- a. Assign any interest of Lessee or Sublease, license or permit any other party or parties

to occupy any portion of the hangar.

- b. Conduct any Commercial Activity in or from the hangar.
- c. Store oil or solvent drums equal to or greater than 55 gallons unless containers meet all Uniform Fire Code, Hazardous Materials Ordinance, and use permit requirements for the type and quantity of hazardous materials stored in the container. The City of Hayward Hazardous Materials Storage Ordinance (Sec. 3-8) requires that vessels with a capacity of 55 gallons or greater, have a secondary container which is capable of containing the material in the event of a failure in the primary container. All containers must be clearly labeled with the name of the hazard class and quantity that can be easily identified and read.
- d. Store explosives or flammables or other hazardous materials on the Leased Premises, except reasonable quantities of gasoline and oil in accordance with the current Rules and Regulations.
- e. Modify existing wiring, or install additional outlets, fixtures or the like, without written authorization by City.
- f. Attach any hoisting or holding mechanism to any part of the hangar or pass any such mechanism over the struts or braces therein. A hoisting or holding mechanism shall include, but shall not be limited to a chain-ball, block and tackle or other hoisting device.
- g. Install a loft or any type of storage shelves without the written permission of the City.
- h. Lock the hangar door(s) or permit the same to be locked with any lock other than the lock supplied by City.
- i. Assign any interest of Lessee or Sublease, license or permit any other party or parties to occupy any portion of the hangar. For City-owned Executive Hangars only, no other party or parties shall be permitted to share occupancy of the hangar without prior written consent of City. Lessee shall promptly file with the Airport Manager a Tenant Information Form for each Aircraft to be stored on the Leased Premises. This includes all Aircraft stored on the Leased Premises but not owned by the Lessee.
- j. Perform aircraft maintenance within hangars which is NOT permitted by the type rating established in the Uniform Building Code, or NOT in compliance with the directives of the Fire Department.
- k. Paint Aircraft except in buildings approved for that activity by an Agency having jurisdiction.
- l. Refuel or defuel Aircraft in a hangar or while positioned so that Aircraft fuel system vents or fuel tank openings are closer than 25' to any terminal building, hangar, service building or structure (NFPA 407, Section 5.10.2).
- m. Store more than a maximum of two (2) fuel cans with a capacity of not more than five (5) gallons each. All hand-held portable containers shall be an approved type pursuant

to UFC Sec. 79.104 and legibly marked. Capacity shall conform to UFC Table No. 79.104.

- n. Store more than a total of *60 gallons of lubricating oils having a flash point at or above 150 degrees, provided that the stored product is in the original container and has the original manufacturer's labeling (or that the product is stored in other suitable containers approved by the Airport Manager and the Fire Department). Larger quantities may be stored in accordance with applicable Regulatory Measures.
- o. Use of any City-owned facility, including hangars and T-Hangars, for overnight sleeping or other purposes in lieu of a hotel, motel or other public accommodation is prohibited.

SEC. 2-6.45 REFUELING, DEFUELING AND FUEL STORAGE. Refueling, defueling and fuel storage on the Airport shall conform to the current applicable provision of 14 CFR; applicable Regulatory Measures; all appropriate NFPA guidelines; FAA Advisory Circular 150-5230-4 (as amended); applicable provisions of the Airport's SWMP; applicable provisions of the Regulatory Measures established by the Environmental Protection Agency and the California Department of the Environment relating to these activities. This Section shall apply to ALL FBO's and Self-Fueling Permittees. Fuels shall only be dispensed on the Airport by those entities having an Agreement with the Airport granting such permission.

- a. Training. No person shall fuel or defuel an Aircraft until that person is properly trained. Training records documenting the training provided to (and qualifications of) each person shall be maintained.
 - (1) Records shall indicate initial training and all recurrent training provided.
 - (2) Recurrent training shall be provided on a regularly scheduled basis, but not less than every year.
 - (3) All records shall be subject to review of and/or inspection by the Airport Manager or Fire Marshal.
- b. Refueling, Defueling and Fuel Storage Operations. A properly trained operator shall be present (and responsive) at all times while Refueling Vehicles transfer fuel into or out of any fuel storage facility and while refueling any Aircraft.
 - (1) The operator shall remain within the immediate vicinity, in close proximity to, and in direct view of all operating controls and Equipment.
 - (2) The operator shall not leave the discharge end of any hose or hoses unattended at any time while the transfer of fuel is in progress.
 - (3) The operator shall not block open, disengage, and/or deactivate the deadman switch while fueling and/or transferring fuel.
- c. Aircraft shall not be refueled or defueled in an area where Aircraft engines are operating, Aircraft (or engines) are being warmed by application of heat, or while the Aircraft is located in a congested space.

- d. Aircraft shall not be refueled or defueled inside any hangar or while positioned so that Aircraft fuel system vents or fuel tank openings are closer than 25' to any terminal building, hangar, service building or structure (NFPA 407, Section 5.10.2)
- e. Pouring or gravity transfer of fuel from containers larger than five (5) gallons is prohibited.
 - (1) All containers shall be approved by the Fire Marshal and shall be in approved type pursuant to UFC Sec. 79.104 and legibly marked. Capacity shall conform to UFC Table No. 79.104.
- f. All fuel handled on the Airport shall be treated with due caution and circumspection with regard to the rights and safety of others so as not to endanger, or likely to endanger, persons or property.
- g. Persons engaged in the fueling, defueling and oil servicing of Aircraft (or Vehicles), the filling of Refueling Vehicles or dispensing Equipment, or the dumping or pumping or loading of aviation Fuels (or oils) into or from Fuel (or oil) storage facilities shall exercise care and extreme caution to prevent overflow of Fuel (or oils) and/or spills.
- h. Refueling Vehicles shall be positioned so that the Vehicle can be directly driven away from the loading or fueling position in the event of fire or spill.
- i. Not more than one Refueling Vehicle shall be positioned to refuel each wing of an Aircraft and not more than two Refueling Vehicles shall be positioned to service the same Aircraft.
- j. Aircraft (or Vehicles) shall not be fueled or defueled while an engine is operating unless the Airport Manager and the Fire Marshal has granted prior written permission.
 - (1) In an emergency resulting from the failure of an onboard auxiliary power unit on a jet aircraft and in the absence of suitable ground support equipment, a jet engine mounted at the rear of the Aircraft or on the wing on the opposite side from the fueling point may be operated during fueling to provide power as long as the operation follows the safety procedures published by the operator.
 - (2) A turbine-powered auxiliary power unit installed aboard an Aircraft may be operated during fueling provided its design, installation, location and combustion air source do not constitute a fuel vapor ignition source.
- k. When Aircraft are being fueled or defueled, the Refueling Vehicle shall be bonded to the Aircraft to equalize the voltage potential between the Refueling Vehicle and the Aircraft. All hoses, nozzles, spouts, funnels and appurtenances used in fueling and defueling operations shall be FM or UL approved and shall be equipped with a bonding device to prevent ignition of volatile liquids.
- l. Refueling Vehicle operators shall not operate the Vehicle in reverse anywhere on the Airport unless another person ("spotter") is present and capable of monitoring and directing the movement of the Vehicle.

- m. Aircraft shall not be fueled or defueled while passengers are on board unless a passenger loading ramp is in place at the Aircraft cabin door, the door is in the open position, and an attendant is present at or near the door.
- n. The City assumes no liability or responsibility for violations of any applicable fueling requirements and procedures.
 - (1) The Operator or Lessee shall be solely responsible for any violation incident to or in connection with the Operator's or Lessee's fuel storage facilities, Equipment, operations and training.
 - (2) The Operator or Lessee shall reimburse the Airport for any fines, legal or court costs incurred by the Airport for such violations.
- o. Storage of Refueling Vehicles. Refueling Vehicles shall be stored outdoors and not less than 50 feet from a building (or at a distance approved by the Fire Marshal) unless building is designed, constructed and used exclusively for that purpose. Refueling Vehicles shall be parked in a manner that provides a minimum of 10 feet of separation between Vehicles and any other Vehicle or Aircraft or within 20 feet of a storm water inlet.
- p. Operator or Lessee shall document and maintain Vehicle maintenance and Agency inspection records. These records shall be made available to the Airport upon request.
- q. Refueling Vehicles and Equipment. Refueling Vehicles, fueling pumps, meters, hoses, nozzles, funnels, fire extinguishers and bonding devices used during fueling operations shall be maintained in a safe operating condition and in good working order and repair at all times.
 - (1) When said Refueling Vehicle(s) or Equipment is found in a state of disrepair or malfunction and the use constitutes an undue fire or safety hazard, or is in violation of any Regulatory Measure, the Operator shall discontinue the use of such Vehicles and/or Equipment until repairs, replacements, or changes are made to render the same safe for continued use.
 - (a) Hoses and/or piping connections shall be secured and capable of holding under pump's rated PSI discharge.
 - (b) Hoses and/or nozzles shall be FM or UL approved with self-closing valves and no "hold-open" devices.
 - (c) All pumps shall be FM or UL approved.
 - (d) All storage tanks shall be rated in accordance with UFC Article 24, Division II and Article 79, Division XII.
- r. Any malfunction or irregularity detected on or within the Aircraft being refueled or defueled should be brought to the attention of the Aircraft Operator immediately.

- s. Refueling Vehicles, Equipment and fuel storage facilities shall be placarded, marked and/or color coded in accordance with NFPA Publication 407 and applicable FAA Advisory Circulars. A copy of all applicable permits, registrations, certificates and insurance documents shall be maintained in each Refueling Vehicles.
- t. Adequate and proper fire extinguishers shall be immediately available during all fueling and defueling operations.
 - (1) At least two (2) carbon dioxide (or approved dry chemical) fire extinguishers (20 pounds or larger) or the types of fire extinguishers that are capable of extinguishing Category B and Category C fires shall be immediately available.
 - (2) All extinguishers shall be inspected and certified as required by law and all personnel involved with fueling or defueling operations shall be properly trained on the use of fire extinguishers.
- u. Adequate and proper absorbent and fuel spill containment capable of damming or diking a fuel spill shall be immediately available at all times.
 - (1) Each Refueling Vehicle shall have a minimum 15-gallon spill kit.
 - (2) Each fuel storage facility shall have a minimum 55-gallon spill kit.
- v. All hoses, funnels and appurtenances used in fueling and defueling operations shall be equipped with a bonding device to prevent ignition of volatile liquids.
- w. Refueling Vehicles and Vehicles utilized to deliver fuel to the fuel storage facility shall be subject to inspection by the Airport Manager at any time to determine compliance with these Rules and Regulations.
- x. The maintenance and operation of fuel storage facilities shall meet NFPA 30, NFPA 407 and FAA regulations, and shall be approved by all Agencies who regulate the maintenance and operation of fuel storage facilities. Further, the installation of all tanks and/or facilities shall meet the requirements of the Uniform Fire Code, Article 24.

SEC. 2-6.46 OPERATOR AND LESSEE.

- a. Security. For gates or doors that are controlled and maintained by an Operator/Lessee and that provide access to the AOA through an Operator/Lessee's Leased Premises, it is the responsibility of all Operator/Lesseees to ensure that such gates and doors remain closed, locked and secured when not in use and to ensure that all gates and doors and locking/securing mechanisms, and other public safeguards are continually and conscientiously used in a manner so as to protect all persons. No person shall cause any object to be located within three (3) feet of the Airport perimeter fence, which may assist an unauthorized individual in accessing the AOA.
- b. Construction or Alteration of Improvements. Any construction or alteration of an Improvement (including City Hangars) located on the Airport shall be performed in compliance with requirements as may be established by the City and must be approved

in writing in advance by the Airport Manager.

c. Maintenance of Premises.

- (1) All Operators and Lessees are required to keep the land and/or Improvements under lease (or being occupied or used) free from all fire hazards and maintain the same in a condition of repair, cleanliness and general maintenance in accordance with the Operator's or Lessee's Agreement
 - (a) Failure by Operator or Lessee to maintain the land or Improvements under lease (or being occupied or used) within the timeframe of the written notice from Airport, may result in the Airport conducting or contracting the maintenance at Operator's or Lessee's expense.
- (2). All Operators and Lessees shall be fully responsible for all damage to facilities, Equipment, real property, related appurtenances and all other improvements in the ownership, care, custody or control of the Airport, caused by the Operator or Lessee, or by their employees, agents, customers, visitors, suppliers or persons with whom they do business.
- (3) Facilities (including hangar floors) shall be kept clean and clear of the accumulation of oil, grease, flammable liquids, rags or other waste materials.
 - (a) The use of volatile or flammable solvents for cleaning floors is prohibited.

d. Fire Prevention. Operators and Lessees shall be responsible for ensuring that fire prevention practices and/or procedures are followed at all times.

- (1) Operators and Lessees that have employees conducting fueling or fuel transfer operation must ensure that all employees receive proper fire prevention, use of fire extinguishers, responding to fuel and oil spills, and handling flammable materials training or instruction immediately upon employment and that employees receive such training or instruction annually thereafter and shall document such training.
- (2) Operators and Lessees shall provide proper, adequate, inspected, certified, and readily accessible fire extinguishers (that are approved by fire underwriters) for the particular hazard involved (or associated with the activity).
 - (a) Fire extinguishers shall be maintained in accordance with the National Fire Code.
 - (b) Logs showing the date of last inspection shall be attached to each unit or records acceptable by fire underwriters shall be kept showing the status of such Equipment.
- (3) Heating Equipment. All heating Equipment and fuel burning appliances installed or used on the Airport shall comply with the requirements of City, the State of California, the Uniform Fire Code, National Board of Fire

Underwriters, and the Fire Department.

- e. Aircraft Hangars. Aircraft hangars shall only be used to conduct Aircraft Maintenance and for storage and parking of Aircraft and associated Aircraft Equipment and supplies as approved by the Airport Manager and the Fire Marshal.
- f. Aircraft Tiedowns. Aircraft Tiedowns shall only be used for the following purposes:
 - (1) Storage and parking of the Aircraft listed on the Agreement for that Tiedown or parked in a manner so as to be completely contained within the space and not obstruct adjacent Aircraft parking and/or storage areas, Taxiways or Taxilanes, except for temporary staging and/or fueling of such Aircraft while the Aircraft is continuously attended by a person.
 - (2) Performing preventative maintenance (as defined in 14 CFR Part 43) on the Aircraft listed on the Agreement for that Tiedown and in accordance with applicable Regulatory Measures.
- g. Storage of Materials. Operators and/or Lessees shall store, stack, box or bag material (or Equipment) in such a manner as to preclude creating any hazard, obstructing any operation, or littering.
 - (1) Storage of materials or equipment shall not be permitted outdoors.
 - (2) Operators and/or Lessees of the Airport can store non-hazardous items in a fully-enclosed and secured container on their Leased Premises in compliance with all applicable Regulatory Measures.
- h. Storage Containers. Railroad (box or tanker) cars, intermodal containers, or tanker, truck or flatbed trailers, etc., shall not be stored or used to store any type of materials, Vehicles or Equipment without the prior written permission of the Airport Manager.
- i. Storage on Airport. Unless otherwise provided in an Agreement with the City, or with permission from the Airport Manager, no person shall use any area of the Airport for storage of cargo or other Property. In the event of a violation of this provision, the Airport Manager shall have the authority to order the cargo or other Property removed, or to cause the same to be removed and stored at the expense of the owner or consignee thereof, without liability for damage thereto arising from or out of such removal or storage on the part of the City or its agents or employees.
- j. Compressed Gases. Oxygen or any compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed and approved specifically for the cylinder(s) or tank(s) being secured.
 - (1) Compressed gas cylinders or tanks must have approved and fully operational pressure relief devices installed.
 - (2) Cylinders or tanks not in use shall have an approved transportation safety cap installed.

- (3) Cylinders or tanks shall be maintained in compliance with all applicable rules and regulations.

SEC. 2-6.47 DEFINITIONS

Abandoned, As applicable to Aircraft, Vehicles and Property, means that it is stationary on the Airport and may be in a condition that is unserviceable or undriveable including: expired license plates, missing or flat tire(s), broken window(s), engine removed or parts of engine removed so that the engine is inoperable, or any other Aircraft, Vehicle or Property that has been declared as an Abandoned by the Airport Manager or a designated representative.

AC, Advisory Circular issued by the FAA to help explain the intent of a federal regulation, to provide guidance and information to the aviation public in a designated subject area, or to show an acceptable method for complying with a related federal regulation.

Accident, A collision or other contact between any part of an Aircraft, Vehicle, person, stationary object and/or other thing which results in Property damage, personal injury, or death; or an entry into or emergence from a moving Aircraft or Vehicle by a person which results in personal injury or death to such person or some other person or which results in Property damage.

Aeronautical Activity (or “Aeronautical Activities” or “Activity” or “Activities”, Any Activity or service that involves, makes possible, facilitates, is related to, assists in, or is required for the operation of Aircraft or another Aeronautical Activity, or which contributes to or is required for the safety of such operations. The following Activities, without limitation, which are commonly conducted on airports, are considered Aeronautical Activities within this definition: Aircraft charter, pilot training, Aircraft rental, sightseeing, aerial photography, aerial spraying and agricultural aviation services, aerial advertising, aerial surveying, air carrier operations (passenger and cargo), Aircraft sales and service, sale of aviation fuel and oil, Aircraft Maintenance, sale of Aircraft parts, and any other Activities which, in the sole judgment of the Airport, because of their direct relationship to the operation of Aircraft or the Airport, can appropriately be regarded as an Aeronautical Activity.

Agency, Any federal, state, or local governmental entity, unit, agency, organization, or authority.

Agreement (or “Permit”), A written contract, executed by both parties, and enforceable by law between the City and an entity granting a concession, transferring rights or interest in land and/or improvements, and/or otherwise authorizing and/or prohibiting the conduct of certain Activities. Such Agreement will recite the terms and conditions under which the Activity will be conducted at the Airport including, but not limited to, term of the Agreement; rents, fees, and charges to be paid by the entity; and the rights and obligations of the respective parties. Examples include, but may not necessarily be limited to, Commercial Aviation Permits or Taxiway Access Permits issued by the City.

Air Traffic Control (or “ATC”), A service operated by appropriate authority to promote the safe, orderly, and expeditious flow of Aircraft and Vehicle traffic on the Aircraft Movement Area (AMA – see below) and in the airspace above and within the Traffic Control Zone.

Aircraft, Any contrivance now known or hereafter invented, which is used or designed for

navigation of or flight in air, except a parachute or other contrivance designed for such navigation but used primarily as safety equipment. This includes, but is not limited to, airplanes, airships, balloons, dirigibles, rockets, helicopters, gliders, gyrocopters, ground-effect machines, sailplanes, amphibians, and seaplanes.

Aircraft Design Group, A grouping of Aircraft based upon wingspan. The groupings are identified in FAA Advisory Circular 150/5300-4 [series].

Aircraft Maintenance, The repair, maintenance, alteration, preservation, or inspection of Aircraft (including the replacement of parts). Major repairs include major alterations to the airframe, powerplant, and propeller as defined in 14 CFR Part 43. Minor repairs include normal, routine annual inspection with attendant maintenance, repair, calibration, or adjustment of Aircraft and their accessories.

Aircraft Operator, A person who uses, causes to be used, or authorizes to be used an Aircraft, with or without the right of legal control (as owner, lessee, or otherwise), for the purpose of air navigation including the piloting of Aircraft, or on any part of the surface of the Airport.

Airframe and Powerplant Mechanic (or “A & P Mechanic”), A person who holds an Aircraft mechanic certificate with both the airframe and powerplant ratings. This certification is issued by the FAA under the provisions of 14 CFR Part 65.

Airport, The Hayward Executive Airport and all land, Improvements, and appurtenances within the legal boundaries of the Airport as it now exists on the Airport Layout Plan (or Exhibit A of the most recent FAA grant and sponsor assurance) and as it may hereinafter be extended, enlarged, or modified.

Airport Assurances, Those contractual obligations that are described by law in 49 U.S.C. 47107 and are undertaken by a public airport sponsor as a condition of receipt of federal airport development grants or federal surplus property.

Airport Manager, The individual duly designated from time to time by the City with the duty to manage, supervise, control, and protect the Airport or such other employee of the Airport as the Airport Manager may from time to time designate to carry out the duties of the Airport Manager.

Aircraft Movement Area (AMA), The runways, Taxiways, and other areas of the Airport which are utilized for taxiing/hover taxiing, air taxiing, takeoff, and landing of Aircraft, exclusive of loading Aprons and parking areas.

Airport Operations Area (AOA), This area includes Aircraft Movement Areas, non-Aircraft Movement Areas, Aprons, loading ramps, and safety areas, and any adjacent areas (such as general aviation areas) that are not separated by adequate security systems, measures, or procedures.

Airport Roadway, Those vehicular ways on the Airport designated and made available by the Airport as ways to which the public has the right of access and connects to the public roadway.

Airport Layout Plan (or “ALP”), The currently approved drawing depicting the physical layout of the Airport and identifying the location and configuration of current and proposed

runways, Taxiways, buildings, roadways, utilities, nav aids, etc.

Applicant (or “Proposed Operator or Lessee”), An entity desiring to use land and/or Improvements at the Airport to engage in Aeronautical Activities and who shall apply in writing in the manner or form required by the City for authorization to engage in such Activities at the Airport.

Apron, Those paved areas of the Airport within the AOA designated by the Airport for the loading or unloading of passengers, servicing, or parking of Aircraft.

Association, An entity legally formed and recognized under the laws of the State of California having an existence separate and apart from its members or shareholders (i.e., Limited Liability Company, Corporation, Partnership, Limited Partnership, etc.).

Authorizing Agent, Any entity, Lessee, or Aircraft Operator based at the Airport or an Agency that holds an Agreement with the Airport.

Avgas, Aviation Gasoline

Based Aircraft, Any Aircraft utilizing the airport as a base of operation (other than occasional transient purposes) whose registered owner has notified the Airport Manager of the Aircraft’s existence on the Airport such as with an assigned tie-down or hangar space on the Airport or adjoining property which has direct Taxiway access to the Airport.

Certificates of Insurance, A certificate provided by and executed by an Operator’s insurance company evidencing the insurance coverages and limits of the Operator.

CFR, Code for Federal Regulations, as may be amended from time to time.

City Manager, The individual who, as the chief administrative officer of the City of Hayward, is responsible for the proper administration of all affairs of the City of Hayward.

Commercial, An Activity with the intent to generate and/or secure earnings, income, compensation, and/or profit, whether or not such objectives are accomplished. For the purpose of securing earnings, income, compensation (including exchange or barter of goods and services), and/or profit, whether or not such objectives are accomplished.

Commercial Operator, An entity that has entered into an Agreement with the City to engage in an Aeronautical Activity or Aeronautical Activities at the Airport for Commercial purposes.

Commercial Vehicle, A Vehicle of any type used or maintained for the transportation of persons, goods or property for hire, compensation or profit.

Compensation, Any form of reimbursement for goods or services such as, but not limited to, monetary or barter.

Contiguous Land, Land that is sharing an edge or boundary or is separated by no more than a Taxilane.

Control Zone, Control zone shall mean that airspace of defined geographical dimensions

designated by the FAA above and surrounding the Airport, within which the ATCT exercises authority.

Courtesy Vehicle, Any Vehicle used in Commercial Activity, other than a taxicab, to transport persons, baggage, or goods, or any combination thereof, between the Airport and off-Airport businesses such as hotels, motels, or other attractions and the business establishment owning or operating such Vehicle, the operation of which is generally performed as a service without direct costs to the passenger.

Cruising, The operation of a Vehicle for hire at the Airport in search of or soliciting prospective passengers.

Current, All rents, fees, and other charges (required to be paid under any Agreement) are paid.

Derelict, Any Aircraft, Equipment, Property or Vehicle parked or placed on the Airport that City has determined to be Abandoned as may be apparent (in part) through neglect, ruin, desertion or dilapidation, irrespective of whether or not the Aircraft, Equipment, Property or Vehicle may cause or constitute an imminent or immediate danger to the health or safety of the persons using the Airport.

Emergency Public Service, Services provided to the general public including police, fire, rescue, and emergency medical and/or ambulatory transportation.

Emergency Vehicle, Vehicle of the police or fire department, ambulance or any Vehicle conveying an Airport official or Airport employee in response to an official emergency call.

Employee(s), Any individual employed by an entity whereby said entity collects and pays all associated taxes on behalf of Employee (i.e., social security and Medicare). The determination of status between “employee” and “contractor” shall be made according to then current IRS standards.

Equipment, All property and machinery, together with the necessary supplies, tools, and apparatus necessary for the proper conduct of the Activity being performed.

Exclusive Right, A power, privilege, or other right excluding or preventing another from enjoying or exercising a like power, privilege, or right. An exclusive right may be conferred either by express Agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties, but excluding others from enjoying or exercising a similar right or rights (subject to Minimum Standards), would be an exclusive right. An exclusive right to conduct an Aeronautical Activity, which is forbidden by federal regulation, is distinguished from an exclusive right to occupy real estate, which is permitted by federal regulation under certain conditions.

Federal Aviation Administration (or “FAA”), The Agency within the Department of Transportation of the United States government that has the responsibility of promoting safety in the air, by both regulation and education.

FAA Advisory Circular 36-3F, FAA publication entitled, “Estimated Noise Level in A-Weighted Decibels,” which lists takeoff and approach noise levels for all fixed-wing aircraft in the U.S. Fleet (except for experimental and antique aircraft) as measured at 21,325 feet (6,500

meters) from beginning of takeoff roll for takeoff noise and 6,652 feet (2,000 meters) from the landing threshold for approach noise, including all revision thereof, or the version of that document currently in effect.

Fire Department, City of Hayward Fire Department fire fighting personnel (including Aircraft Rescue and Fire Fighting personnel) who are responsible for fire fighting at the Airport. As such, the terms “Fire Department” and “Aircraft Rescue and Fire Fighting personnel” are used interchangeably.

Fire Marshal, The Fire Marshal of the City of Hayward Fire Department.

Fixed-Based Operator (or “FBO”), An entity that is authorized and required by Agreement with the City to provide to the public, at a minimum, the following Activities at the Airport:

- (a) Sale of Aviation Fuels and Lubricants
- (b) Ancillary Aircraft Ground Services and Support
- (c) Tiedown, Hangar, and Parking
- (d) Aircraft Maintenance

Flight Training, Any use of an Aircraft to increase or maintain pilot or crewmember proficiency rather than the use of an Aircraft as transportation between two different Airports or other destinations. Flight Training shall also include any portion of a flight between two Airports or other destinations dedicated to increase or maintain pilot or crewmember proficiency.

Fuel, Any substance (solid, liquid, or gaseous) used to operate any engine in Aircraft, Vehicles, or equipment.

Fuel Handling, The transporting, delivering, fueling, or draining of Fuel or Fuel waste products.

General Aviation, All aviation with exception of air carriers (including cargo) and government. General Aviation Aircraft are utilized for Commercial and Non-Commercial purposes including business/corporate, recreational/pleasure, charter/air taxi, industrial/special purpose, and instructional.

Hazardous Waste and/or Materials, Any oil, petroleum products, flammable substances, explosives, radioactive materials, hazardous wastes, toxic wastes or substances or any other wastes, material or pollutants which pose a hazard to the health and safety of the owners, occupants, or any person on (or entering) the Leased Premises or properties adjacent to it and/or cause the Property to be in violation of any Regulatory Measure, or which are classified as hazardous materials under applicable Regulatory Measures.

Improvements, All buildings, structures, additions, and facilities including pavement, utilities, concrete, fencing, and landscaping constructed, installed, or placed on, under, or above any land on the Airport.

Infrastructure, Runways, Taxiways, Taxilanes, Aprons, nav aids, Airport roadways, and utilities.

Jet Fuel, Fuel commonly utilized in Turboprop and Turbojet Aircraft.

Law Enforcement Officer, A government employee who is responsible for the prevention, investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws.

Leased Premises, The land and/or Improvements used exclusively by Operator for the conduct of Operator's Activities.

Lessee, An entity that has entered into an Agreement with the Airport to occupy, use, and/or develop land and/or Improvements and engage in Aeronautical Activities.

Limousine, A Vehicle for hire that is not configured with a taximeter, which charges unmetered predetermined rates.

Loitering, Remaining in an area for no obvious reason or no ability to give a satisfactory explanation of one's presence.

Master Plan, An assembly of appropriate documents and drawings covering the development of the Airport from a physical, economical, social, and political jurisdictional perspective and adopted by the Airport, a copy of which is on file and available for inspection in the Airport Manager's office, and any amendments, modifications, revisions, or substitutions thereof. The Airport Layout Plan (ALP) is a part of the Master Plan.

Minimum Standards, Those qualifications, standards, and criteria set forth as the minimum requirements to be met as a condition for the right to engage in Activities at the Airport, as then may be amended from time to time.

National Fire Protection Association (or "NFPA"), All codes, standards, rules, and regulations contained in the Standards of the National Fire Protection Association, as may be amended from time to time, and are incorporated herein by reference.

Non-Commercial, Not for the purpose of securing earnings, income, compensation, and/or profit.

Non-Commercial Operator, An entity that either owns or leases and operates Aircraft for personal or recreational purposes. In the case of a business, the operation of Aircraft must be an ancillary Activity to support the business' purposes by providing transportation for the exclusive use of its employees, agents, and/or customers. In all cases, the Non-Commercial Operator neither offers nor engages in Commercial Aeronautical Activities.

Non-Commercial Self-Fueling Permittee, An entity who is permitted to fuel their own Aircraft using their own Employees and equipment for non-commercial purposes. An example would be an Airport Lessee who owns his own Aircraft, who is in compliance with the Minimum Standards (i.e., storage facility, Vehicle, equipment, etc.) and fuels only his own Aircraft. Those entities that have Agreements granting them the rights to perform Commercial Fueling (e.g., FBO) are not required to apply for a Non-Commercial Self-Fueling Permit.

Non-Exclusive Use Areas, The land and/or Improvements at the Airport that is available for use on a non-exclusive basis.

Official Vehicle, A Vehicle used for Aircraft Rescue and Fire Fighting, ambulance, police, security, maintenance, FAA and others specifically authorized by the Airport Manager.

Operator, An entity that has entered into an Agreement with the Airport to engage in Aeronautical Activities.

Owner, The registered legal owner of an Aircraft according to the records of the FAA or a Vehicle according to the Department of Motor Vehicle records.

Park, The standing of an Aircraft or Vehicle, whether occupied or not, otherwise than very briefly (no more than 10 minutes) for the purpose of and while actually engaged in loading or unloading of Property of passengers.

Paved, To lay or cover with asphalt or concrete that forms a firm level surface.

Permission, A right or approval granted by the Airport Manager.

Piston Aircraft, An Aircraft that utilizes a reciprocating engine for propulsion.

Police Department, Agency and law enforcement officers having jurisdiction (responsibility) over those portions of the Airport located within the City. As such, the terms “Police Department” and “law enforcement officer” are used interchangeably.

Private Aircraft, Aircraft operated Non-Commercially by the owner(s). This does not prohibit the owner(s) or operator(s) of private Aircraft from sharing the expense of the operations of an Aircraft. Private Aircraft may be used by persona other than the owner, provided no remuneration accrues to the owner, which can be considered profit. Company and corporately owned Aircraft that are operated for the free transportation of personnel and/or products are classified a private Aircraft and subject to the same restrictions. New and used privately owned Aircraft held for sale only may be demonstrated to prospective purchasers or, when sold, may be used to instruct the new owner in their operation.

Private Vehicle, Any Vehicle operated for transportation of persons or baggage that are not customers of the Vehicle Operator, and no revenue is being derived from the transportation either directly or indirectly.

Property, Anything that is owned by an entity. Property is divided into two types: “real property”, which is any interest in land, real estate, growing plants or the Improvements on it, and “personal property”, which is everything else.

Public Area, Those areas of the Airport open for public thoroughfare, gathering, waiting, and/or viewing, and in which access is not restricted by federal or Airport regulations.

Public Safety Officer, Law Enforcement Officers of the City, or any other federal, state, or local government Agency.

Readily Available, Conveniently located (in close proximity) and accessible, but not necessarily located on the Leased Premises.

Refueling Vehicle, Any Vehicle used for transporting, handling or dispensing of Fuels, oils, lubricants.

Regulatory Measures, Federal, state, county, local, and Airport, laws, codes, ordinances, policies, rules, and regulations, including, without limitation, those of the United States Department of Transportation, the TSA, FAA, EPA, NFPA, Aircraft Rescue and Fire Fighting Standard Operating Guidelines, and the Airport Certification Manual, these Primary Guiding Documents; all as may be in existence, hereafter enacted, and amended from time to time.

Repair Station, A certified Aircraft Maintenance facility approved by the FAA to perform certain specific maintenance functions. These facilities are certificated under 14 CFR Part 145.

Restricted Area, Areas of the Airport, other than Public Areas, wherein entry or use thereof is restricted to authorized personnel pursuant to applicable Regulatory Measures, including but not limited to: runways, Taxiways, Taxilanes, fire lanes, airport maintenance facilities, mechanical rooms, electrical vaults, fire breaks and any other areas marked as such with appropriate signage.

Rules and Regulations, Rules and Regulations of the Airport, properly adopted by Resolution of the City, as may be amended from time to time.

Run-up, Aircraft engine operation above normal idle power for purposes other than initiating taxi or takeoff.

Self-Fueling, The fueling of an Aircraft by the Owner of the Aircraft or the Owner's Employee using the Owner's Equipment.

Self-Service Fueling, Dispensing Fuel into an Aircraft using a Commercial self-service Aircraft fueling station.

Single Event Noise Exposure Level (SENEL), The single event noise exposure level, in decibels, is the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of a single event exceeds a given threshold noise level.

SPCC Plan, Spill Prevention Contingency and Control Plan.

Specialized Aviation Service Operator (or "SASO"), A Commercial Operator engaged in providing a single aeronautical service, or a combination of aeronautical services, including, but not limited to, Aircraft Maintenance, avionics or instrument maintenance, Aircraft rental and/or flight training, Aircraft charter or Aircraft Management, Aircraft sales, and/or Aircraft storage. A SASO is not permitted to engage in Commercial activities involving aviation Fuel.

Sublease, An Agreement entered into by an entity with an Operator or Lessee that transfers rights or interests in the Operator's or Lessee's Leased Premises and is enforceable by law, regardless of whether the interest in land is an estate for years or a usufruct.

Sublessee, An entity that has entered into a Sublease with an Operator or Lessee who is authorized to engage in Commercial Aeronautical Activities at the Airport.

SWMP, The current Storm Water Management Plan in place at the Airport, as may be amended from time to time.

Taxilane, The portion of the Aircraft parking area used for access between Taxiways and Aprons and not under ATCT control.

Taxiway, A defined path, usually paved, over which Aircraft can taxi from one part of an airport to another (excluding the runway) and is under ATCT control, but shall not include Leased Premises.

Tiedown, An area paved or unpaved suitable for parking and mooring of Aircraft wherein suitable Tiedown points are located.

Touch-and-Go, The act of landing an Aircraft on a runway and immediately taking off in the same direction on that runway instead of landing and coming to a full stop on the runway before proceeding on a Taxiway to a parking location or to another runway.

Transient Aircraft, Any Aircraft utilizing the Airport for occasional transient purposes and is not based at the Airport.

Transient Parking, The parking of Aircraft not normally based at the Airport in an area specifically set aside by the Airport for this purpose.

Turbojet Aircraft, An Aircraft that utilizes a form of heat engine that produces thrust by accelerating a relatively small mass of air through a large change in velocity for propulsion.

Turboprop Aircraft, An Aircraft that utilizes a gas turbine engine to drive a set of reduction gears, which in turn, drives a propeller for propulsion.

Ultralight Vehicle, Any contrivance used or intended to be used for manned operation in the air by a single occupant; does not have any U.S. or foreign airworthiness certificate; and if unpowered, weighs less than 155 pounds; or if powered, weighs less than 254 pounds empty weight, excluding floats and safety devices which are intended for deployment in a potentially catastrophic situation; has a Fuel capacity not exceeding 5 U.S. gallons; is not capable of more than 55 knots calibrated airspeed at full power in level flight; and has a power-off stall speed which does not exceed 24 knots calibrated airspeed.

Vehicle, Any device that is capable of moving itself, or being moved, from place to place upon wheels; but does not include any device designed to be moved by human muscular power or designed to move primarily through the air.

Vehicle Operator, Any person who is in actual physical control of a Vehicle.

Vehicle Service Road, That portion of the AOA specifically designated and appropriately marked (e.g., Zipper Lanes) for the movement of authorized Vehicles. Vehicle Service Roads are delineated on the AOA when there is a need to define a pathway for Vehicle operations.

Zipper Lane(s), “Zipper” markings are used to delineate the edges of a Vehicle Service Road (roadway) where the roadway edges need enhanced delineation. Zipper markings consists of

two dashed white lines side by side with alternating dashes along each edge of the roadway.

SEC. 2-6.48 – SEC. 2-6.49 [RESERVED]

HAYWARD EXECUTIVE AIRPORT CODE - MINIMUM STANDARDS.

SEC. 2-6.50 PURPOSE AND SCOPE. This portion Of Ordinance No. 07-23 C.S., is to encourage, promote and ensure:

- a. The delivery of high quality General Aviation products, services and facilities to Airport users;
- b. The design and development of quality General Aviation Improvements and facilities at the Airport;
- c. Safety and security;
- d. The economic health of General Aviation Airport businesses; and
- e. The orderly development of Airport property.

Aeronautical Activities may be proposed that do not fall within the categories designated herein. In any such cases, appropriate minimum standards shall be developed on a case-by-case basis for such Activities and incorporated into the Operator's Agreement.

Specialized Aviation Service Operators (SASO) are encouraged to be Sublessees of a Fixed Base Operator (FBO); however, if suitable land or Improvements are not available or cannot be secured from an FBO, SASOs may Sublease Improvements from another SASO, lease land from the City, and may request in writing to the City to construct Improvements on such land in the areas designated by the City, or lease Improvements from the City.

SEC. 2-6.51 EXCLUSIVE RIGHTS. In accordance with the Airport Assurances given to the federal or state government by the City as a condition to receiving federal or state funds, the granting of rights or privileges to engage in Commercial Aeronautical Activities shall not be construed in any manner as affording an Operator any Exclusive Right, other than the exclusive use of the land and/or Improvements that may be leased to the Operator, and then only to the extent provided in an Agreement.

- a. The presence on the Airport of only one entity engaged in a particular Commercial Aeronautical Activity does not, in and of itself, indicate that an Exclusive Right has been granted. It is the policy of the City not to enter into or promote an understanding, commitment or express agreement to exclude other reasonably qualified entities. Accordingly, those who desire to enter into an Agreement with the City should neither expect nor request that the City exclude others who also desire to engage in the same or similar Activities. The opportunity to engage in a Commercial Aeronautical Activity shall be made available to those entities meeting the qualifications and the requirements set forth in these Minimum Standards and as space may be available at the Airport to support such Activity provided such use is consistent with the current and planned uses of Airport land and Improvements and is in the best interest of the

City.

- b. If the FAA determines that any provision of these Minimum Standards, Agreement, or a practice constitutes a grant of a prohibited Exclusive Right, such provision or practice shall be deemed null and void and/or such practice shall be discontinued immediately.

SEC.2-6.52 APPLICABILITY. These Minimum Standards specify the standards and requirements that must be met by any entity desiring to engage in one or more General Aviation Aeronautical Activities at the Airport. Throughout these Minimum Standards, the words “standards” or “requirements” shall be understood to be modified by the word “minimum” except where explicitly stated otherwise. Any required determinations, interpretations or judgments regarding what constitutes an acceptable minimum standard, or regarding compliance with such standard, shall be made by the City. All entities are encouraged to exceed the applicable minimum standards. No entity shall be allowed to engage in Aeronautical Activities at the Airport under conditions that do not, in the City’s sole but reasonable discretion, meet these Minimum Standards.

- a. These Minimum Standards shall apply to any new Agreement or any amendment to any existing Agreement relating to the occupancy or use of Airport land or Improvements for General Aviation Aeronautical Activities. If an entity desires, under the terms of an existing Agreement to materially change its Aeronautical Activities, the City shall, as a condition of its approval of such change, require the entity to fully comply with these Minimum Standards.
 - (1) These Minimum Standards shall not affect any Agreement or amendment to such Agreement properly executed prior to the date of promulgation of these Minimum Standards except as provided for in such Agreement, in which case these Minimum Standards shall apply to the extent permitted by such Agreement.
 - (2) Upon termination of an Agreement (or amended Agreement), Operator shall be required to comply with these Minimum Standards prior to executing a new Agreement.
 - (3) These Minimum Standards shall not be deemed to modify any existing Agreement under which an entity is required to exceed these Minimum Standards, nor shall they prohibit the City from entering into or enforcing an Agreement that requires an entity to exceed the Minimum Standards.
- b. Operators currently providing Activities without an Agreement with the City will have six (6) months from the date of adoption of these Minimum Standards to become compliant with these Minimum Standards.
- c. If these Minimum Standards are amended after Operator enters into an Agreement with the City, the Operator shall not be required to increase Operator’s Leased Premises or construct additional Improvements to be in compliance with the amended Minimum Standards until such time as Operator amends the existing Agreement or enters into a new Agreement with the City.

SEC. 2-6.53 GENERAL REQUIREMENTS.

- a. Introduction. All Operators engaging in Aeronautical Activities at the Airport shall comply with the requirements of the Airport Code, abide by the requirements of the Airport Rules & Regulations, as well as these Minimum Standards as applicable to the Operator's proposed Activities.
- b. Experience and Capability.
 - (1) Operator shall, in the judgment of the Airport Manager, demonstrate the capability of providing the proposed products, services and facilities and engaging in the proposed Activities in a safe, efficient, courteous, prompt and workmanlike manner in service to and to the benefit of, the public.
 - (2) Operator shall, in the judgment of the Airport Manager, demonstrate before and during the term of the Agreement the financial and technical responsibility, capability and integrity to develop and maintain Improvements; procure and maintain required Vehicles, Equipment, and/or Aircraft; employ proper level of personnel; and engage in the Activity.
- c. Agreement and Approval. No entity shall engage in an Activity unless the entity has an Agreement with the City authorizing such Activity or the entity has received written approval from the City to Sublease land or Improvements from an authorized Operator to conduct the Activity at the Airport. An Agreement shall not reduce or limit Operator's obligations with respect to these Minimum Standards.

SEC. 2-6.54 MULTIPLE ACTIVITIES. When one or more than one Activity is conducted at the Airport by a single Operator, the minimum standards for the Operator shall be established by the Airport Manager. Depending upon the nature of the combined Activities, the minimum standards shall not be:

- a. Less than the highest standard for each element (e.g., land, hangar, office, shop, etc.) within the combined Activities, or
- b. Greater than the cumulative standards for all of the combined Activities.

Therefore, if an Operator is involved with two or more Activities on the Airport, at a minimum, the most demanding of the minimum standards will be applied to overlapping Activities.

SEC. 2-6.55 LEASED PREMISES – ALL OPERATORS. Operator shall lease or Sublease sufficient land and/or lease, Sublease, or construct sufficient Improvements for the Activity as stipulated in these Minimum Standards.

- a. Aprons and Paved Tiedowns. Aprons and Paved Tiedowns (if required) must be adequate size and weight bearing capacity to accommodate the movement, staging and Parking of Operator's, Operator's Sublessees' and customers' Aircraft without interfering with the movement of Aircraft in and out of other facilities and Aircraft operating in Taxilanes or Taxiways. Aprons associated with hangars shall be able to accommodate the movement of the largest Aircraft the hangar is able to accommodate into and out of the hangar, staging and Parking of customer and/or Operator Aircraft without interfering with the movement of Aircraft in and out of other facilities and

Aircraft operating in Taxilanes or Taxiways. Staging of Aircraft out of Operator's facility shall not interfere with City's vehicle right-of-way (i.e., Vehicle Service Road or "Zipper Lanes") established for use by public.

- b. Vehicle Parking. Paved Vehicle Parking shall be sufficient to accommodate all Operator's and Operator's Sublessees' (if Subleasing facilities) customers, employees, visitors, vendors and suppliers Vehicles on a daily basis. Paved Vehicle Parking shall be on Operator's Leased Premises and/or located in close proximity to Operator's main facility. City will not permit "credit" for required Vehicle Parking of Vehicles that Operator intends to park on-street.

SEC. 2-6.56 PRODUCTS, SERVICES AND FACILITIES.

- a. Products, services and facilities shall be provided on a reasonable, and not unjustly discriminatory basis to all consumers and users of the Airport.
- b. Operator shall charge reasonable and not unjustly discriminatory, prices for each product, service or facility, provided that Operator may be allowed to make reasonable discounts, rebates or other similar types of price reductions to volume purchasers.
- c. Operator shall conduct its Activities on and from the Leased Premises in a safe, efficient, and first class professional manner consistent with the degree of care and skill exercised by experienced operators providing comparable products, services and facilities and engaging in similar Activities from similar Leased Premises in like markets.

SEC. 2-6.57 NON-DISCRIMINATION. Operator shall not discriminate against any person or class of persons by reason of race, creed, color, national origin, sex, age or physical handicap in providing any products or services or in the use of any of its facilities provided for the public, or in any manner prohibited by applicable Regulatory Measures including without limitation Part 21 of the Rules and Regulations of the office of the Secretary of Transportation effectuating Title VI of the Civil Rights Act of 1964, as amended or reenacted.

SEC. 2-6.58 LICENSES, PERMITS, CERTIFICATIONS AND RATINGS. Operator and Operator's personnel shall obtain and comply with, at Operator's sole expense, all necessary licenses, permits, certifications or ratings required for the conduct of Operator's Activities at the Airport as required by the City or any other duly authorized Agency prior to engaging in any Activity at the Airport. Upon request, Operator shall provide copies of such licenses, permits, certifications or ratings to the Airport Manager within 10 business days. Operator shall keep in effect and post in a prominent place all necessary or required licenses, permits, certifications or ratings.

SEC. 2-6.59 PERSONNEL.

- a. The person managing the Operator's Activities shall have sufficient experience managing a comparable Activity to that proposed on the Operator's application as determined by the Airport Manager.
- b. Operator shall provide a responsible person on the Leased Premises to supervise Activities and such person shall be qualified and authorized to represent and act for and on behalf of Operator during all hours of Activities with respect to the method,

manner and conduct of the Operator and Operator's Activities. When such responsible person is not on the Leased Premises, such individual shall be immediately available by telephone or pager.

- c. Operator shall have in its employ, on duty, and on premises during hours of Activity, properly trained, qualified and courteous personnel in such numbers as are required to meet these Minimum Standards and to meet the reasonable demands of the aviation public for each Activity being conducted in a safe, efficient, courteous and prompt manner.
- d. Operator shall control the conduct, demeanor and dress of their employees. It shall be the responsibility of the Operator to maintain close supervision over Operator's employees in order to ensure that a high standard of products, services and facilities are provided in a safe, efficient, courteous and prompt manner.

SEC. 2-6.60 SECURITY. Operator shall designate a responsible person for the coordination of all security procedures and communications and provide point-of-contact information to the Airport Manager including the name of the primary and secondary contacts and a 24-hour telephone number for both contacts.

- a. Operator shall develop and maintain a Security Plan.
- b. Operator shall maintain fencing, doors, gates, lighting, and locks in good condition at all times.
- c. Aircraft Rental Flight Instruction Operators must positively identify new students and renter pilots.
- d. Aircraft Charter and Aircraft Management Operators and other businesses involved in the dispatching of Aircraft must develop procedures to verify whom Aircraft are dispatched to.
- e. All Operators must develop positive key control and Apron access procedures.
- f. All Operators must comply with the pertinent reporting requirements to FAA and law enforcement Agencies.

SEC. 2-6.61 INSURANCE. Operator shall procure, maintain, and pay premiums during the term of any Agreement for insurance policies required by Regulatory Measures and the types and minimum limits as set forth by the Airport Manager (Minimum Insurance Requirements), which are kept on file at the Airport Administration office and hereby incorporated into these Minimum Standards by this reference.

- a. The insurance company or companies underwriting the required policies shall be licensed (with Best rating of A-7) or authorized to write such insurance in the state of California or be approved in writing by the City.
 - (1) When coverage's or limits set forth are not commercially available, appropriate replacement coverage's or limits must be approved, in advance, by the Airport Manager.

- b. All insurance, which Operator is required by the City to carry and keep in force, shall name the City and the Airport, as additional insureds.
- c. Certificates of Insurance for the insurance required by Regulatory Measures and set forth by these Minimum Standards for each Activity shall be delivered to the City upon execution of any Agreement or approval. Operator shall furnish additional Certificates of Insurance 30 days prior to any changes in coverage, if the change results in a reduction. Current proof of insurance shall be continually provided to the City throughout the term of the Agreement.
- d. The limits stipulated by these Minimum Standards represent the minimum coverage and policy limits that shall be maintained by the Operator to engage in Activities at the Airport. Operators are encouraged to secure higher policy limits.
- e. Operator shall, at its sole cost and expense, cause all Improvements on the Leased Premises to be kept insured to the full insurable value (current replacement cost with no depreciation) thereof against the perils of fire, lightning, wind, hail, extended coverage, and/or vandalism. The proceeds of any such insurance paid on account for any of the aforementioned perils, shall be used to defray the cost of repairing, restoring, or reconstructing said facilities or Improvements to the condition and location existing prior to the casualty causing the damage or destruction, unless a change in design or location is approved in writing by the Airport Manager.

SEC. 2-6.62 TAXES. Operator shall, at its sole cost and expense, pay all taxes, fees, and other charges that may be levied, assessed, or charged by any duly authorized Agency associated with Operator's Leased Premises (land and/or Improvements), Operator's Improvements on Leased Premises and/or Operator's Activities.

SEC. 2-6.63 FIXED BASE OPERATOR (FBO). A Fixed Base Operator (FBO) is a Commercial Operator engaged in the sale of products, services and facilities to include, at a minimum, the following Activities at the Airport:

- a. Aviation Fuels and Lubricants:
 - (1) FBO shall deliver and dispense on and off FBO's Leased Premises, upon request, Jet Fuel, Avgas and Aircraft lubricants into all General Aviation Aircraft normally frequenting the Airport.
 - (2) FBO shall provide a response time of no more than 15 minutes during normal operating hours (excepting situations beyond the control of the FBO).
- b. Passenger, Crew and Aircraft Ground Services, Support and Amenities:
 - (1) FBO shall meet, direct and park all Aircraft arriving on Operator's Leased Premises.
 - (2) FBO shall provide, or make available with on-site Equipment, the following Amenities:

- a. Oxygen, nitrogen and compressed air services
 - b. Lavatory and Aircraft cleaning services
 - c. Aircraft ground power units
 - d. Courtesy transportation, utilizing Operator's Vehicles, for passengers, crew and baggage, as necessary
 - e. Crew and ground transportation arrangements (limousine, shuttle or rental car)
 - f. Aircraft catering
- c. Aircraft Maintenance:
- (1) FBO shall be able to provide Aircraft Maintenance on the airframe, powerplants and associated systems of General Aviation Aircraft normally frequenting the Airport.
 - (2) FBO shall engage in the sale of Aircraft parts and accessories.
 - (3) FBO can meet these Minimum Standards for the provision of Aircraft Maintenance by and through an authorized Sublessee who meets the minimum standards for Aircraft Maintenance Operator and operates from FBO's Leased Premises.

SEC. 2-6.64 LEASED PREMISES - FBO. FBO shall lease a minimum of 200,000 square feet of land upon which all Improvements shall be located, including: Apron/Paved Tiedown, Hangars, Terminal Building, Maintenance Area, Fuel storage and Vehicle Parking, to accommodate all Activities required of FBO through an Agreement with City.

- a. Contiguous Land. Minimum of 4.6 acres (200,000 sq.ft.), upon which all required Improvements including Apron, Paved Tiedown, fuel storage and equipment facilities and Vehicle Parking shall be located.
- b. Apron. Minimum of three (3) acres (130,680 sq.ft.), with sufficient weight bearing capacity to accommodate the largest Aircraft handled or serviced by FBO.
- c. Paved Tiedown. Adequate to accommodate the number, type, and size of Based Aircraft and Transient Aircraft requiring Tiedown space at the FBO's Leased Premises, but not less than 10 Paved Tiedown spaces.
- d. Facilities. Minimum of 20,000 sq. ft., consisting of the following:
 - (1) Terminal Space - 2,000 sq.ft., containing a customer area and administrative area.
 - (2) Hangar Space – 18,000 sq. ft., containing enough space dedicated to the provision of Aircraft Maintenance and Aircraft storage.

SEC. 2-6.65 FUEL STORAGE, HANDLING AND EQUIPMENT. FBO shall construct (or cause to be constructed), install, handle, equip, staff and maintain an on-Airport Fuel storage facility at the Airport, unless otherwise authorized or required, in a location consistent with the Airport Master Plan, Airport Layout Plan, or other Land Use Plan and approved by the City, and

shall include the following minimum requirements:

- a. Fuel Storage Facility: Fuel storage facility shall have total capacity for three (3) days peak supply of aviation Fuel for Aircraft being serviced by FBO. In no event shall the total storage capacity be less than:
 - (1) 10,000 gallons for Jet Fuel storage
 - (2) 10,000 gallons for Avgas storage
 - (3) 500 gallons for mogas storage to be used for Non-Commercial servicing of the FBO's Vehicles and Equipment
 - (4) Adequate storage capacity for waste Fuel or test samples

- b. Fuel Handling: FBO shall, at its sole cost and expense, maintain the Fuel storage facility, all Improvements thereon, and all appurtenances thereto, in a clean, neat, orderly and fully functional condition consistent with good business practice and equal or better than in appearance and character to other similar Improvements on the Airport.
 - (1) FBO shall have a written Spill Prevention Contingency and Control Plan ("SPCC Plan") that meets Regulatory Measures for Fuel storage facilities.
 - (2) FBO shall be liable and indemnify the City for all leaks, spills, or other damage that may result through the handling and dispensing of Fuel.
 - (3) Fuel delivered shall be clean, bright, pure and free of microscopic organisms, water or other contaminants. Ensuring the quality of the Fuel is the responsibility of FBO.
 - (4) FBO shall maintain current Fuel reports on file, including total gallons of Fuel delivered by type, and make such reports available for auditing at any reasonable time by the City.

- c. Fueling Equipment:
 - (1) FBO shall have:
 - a. Two (2) Jet Fuel Refueling Vehicles.
 - (i) One (1) Jet Fuel Refueling Vehicle with a capacity of at least 3,000 gallons;
 - (ii) The other Jet Fuel Refueling Vehicle shall have a capacity of at least 1,000 gallons
 - b. Two (2) Avgas Refueling Vehicles with a capacity of at least 750 gallons each.
 - (2) A fixed, stand-alone Avgas refueling (self-service fueling) system constructed or installed and maintained by an FBO for public commercial use shall be in a location specified by the Airport Manager.

- (3) Aircraft Refueling Vehicles shall be equipped with metering devices that meet all applicable Regulatory Measures.
- (4) Each Refueling Vehicle shall be equipped and maintained to comply with all applicable safety and fire prevention requirements, standards and Regulatory Measure including without limitation, those prescribed by:
 - a. State of California Fire Code and local Fire District;
 - b. National Fire Protection Association (NFPA) Codes;
 - c. California Department of Health and Environmental Oil Inspection Regulatory Section;
 - d. Applicable FAA Advisory Circulars (AC) including AC 00-34 “Aircraft Ground Handling and Servicing” and AC 150/5210-5 “Painting, Marking and Lighting of Vehicles Used on an Airport”; and
 - e. FBO shall maintain current records on file of quality control checks and inspections of Fuel storage facilities, fixed self-service fueling systems, and Refueling Vehicles and shall make such records available to the City for review/audit at any reasonable time.
- (5) FBO shall develop and maintain Standard Operating Procedures (SOP) for Fueling and ground handling and shall ensure compliance with standards set forth in FAA Advisory Circular 00-34 “Aircraft Ground Handling and Servicing.” FBO’s SOP shall include a training plan, Fuel quality assurance procedures and record keeping, and emergency response procedures to Fuel fires and spills. FBO’s SOP shall also address:
 - a. bonding and fire protection;
 - b. public protection;
 - c. control of access to Fuel storage facilities; and
 - d. marking and labeling of Fuel storage tanks and Refueling Vehicles.
- d. Hours of Activity. Aircraft Fueling and passenger, crew and aircraft ground handling services, support and amenities shall be continuously offered and available to meet reasonable demands of the public for this Activity daily between the hours of 6:00 a.m. and 9:00 p.m. seven days a week. Holidays shall be staffed with personnel who are “on call” with response time not to exceed 60 minutes. Aircraft Maintenance shall be continuously offered and available to meet reasonable demand of the public for this Activity five days a week, eight hours a day. Aircraft Maintenance shall be available after hours, “on call”, with response time not to exceed 60 minutes.

SEC. 2-6.66 SPECIALIZED AVIATION SERVICE OPERATOR (“SASO”) – DEFINITIONS. A Commercial Operator shall be engaged in providing a single aeronautical service, or a combination of aeronautical services, including, but not limited to the following:

- a. Aircraft Maintenance Operator: An Aircraft Maintenance Operator is a Commercial

Operator engaged in providing Aircraft Maintenance (as defined in 14 CFR Part 43) for Aircraft other than those owned, leased and/or operated (and under the full and exclusive care, custody and control of) the Operator, which includes the sale of Aircraft parts and accessories.

- b. Avionics or Instrument Maintenance Operator: An Avionics or Instrument Maintenance Operator is a Commercial Operator engaged in the business of maintenance or alteration of one or more of the items described in 14 CFR Part 43, Appendix A (i.e., Aircraft radios, electrical systems or instruments).
- c. Aircraft Rental Operator: An Aircraft Rental Operator is a Commercial Operator engaged in the rental of Aircraft to the general public.
- d. Flight Training Operator: A Flight Training Operator is a Commercial Operator engaged in providing flight instruction to the general public.
 - (1) A person holding a current FAA flight instructor's certificate, who gives occasional flight instruction (does not make flight instruction available to the general public) to an owner of an Aircraft in the owner's Aircraft, shall not be deemed a Commercial Activity.
- e. Aircraft Charter Operator: An Aircraft Charter Operator is a Commercial Operator engaged in on-demand common carriage for persons or Property (as defined in 14 CFR Part 135) or operates in private carriage under 14 CFR Part 125.
- f. Aircraft Management Operator: An Aircraft Management Operator is a Commercial Operator engaged in the business of providing Aircraft management including, but not limited to, flight dispatch, flight crews or Aircraft Maintenance coordination to the general public.
- g. Aircraft Sales Operator: An Aircraft Sales Operator is a Commercial Operator engaged in the sale of three (3) or more new and/or used Aircraft during a 12-month period.
- h. Aircraft Storage Operator: An Aircraft Storage Operator is a Commercial Operator that develops, owns and/or leases facilities for the purpose of selling or Subleasing (to the general public) Aircraft storage facilities and/or associated office or shop space to entities engaging in Commercial or Non-Commercial Aeronautical Activities.
- i. Non-Commercial Aircraft Storage Operator: A Non-Commercial Aircraft Storage Operator is an entity that develops, constructs and/or owns one (1) or more hangar structures for the primary purpose of storing Aircraft for Non-Commercial purposes only.
- j. Other Commercial Aeronautical Activities: Commercial Operators engaged in:
 - (1) Limited Aircraft Services and Support Operator: defined as limited Aircraft, engine or accessory support (for example—washing, cleaning, painting, upholstery, propeller, etc.) or other miscellaneous Activities directly related to Aircraft services and support.

- (2) Miscellaneous Commercial Services and Support: defined as ground schools, simulator training, charter flight coordinators, aircrew management or any other miscellaneous Activities directly related to supporting or providing support services for a Commercial Activity.
 - (3) Air Transportation Services for Hire: defined as non-stop sightseeing flights (flights that begin and end at the Airport and are conducted within 25 statute mile radius of the Airport); flights for aerial photography or survey, fire fighting, power line, underground cable, or pipe line patrol; or any other miscellaneous Activities directly related to air transportation services for hire (e.g., helicopter operations in construction or repair work).
- k. Private Flying Club. A Private Flying Club is an entity that is legally formed as a non-profit entity with the state of California, operates on a non-profit basis (so as not to receive revenues greater than the costs to operate, maintain, acquire and/or replace Flying Club aircraft), and restricts membership from the general public (i.e., does not advertise or make its membership available to the general public).
- (1) Each Private Flying Club member (Owner) must have an ownership interest in Private Flying Club.
 - (2) No member (Owner) of a Private Flying Club shall receive Compensation for services provided for such Private Flying Club or its members (owners) unless such member (owner) is an authorized Operator with the City.
 - (3) Private Flying Club Aircraft shall not be used by other than members (owners).
 - (4) No member (owner) shall use Private Flying Club Aircraft in exchange for Compensation.
 - (5) Private Flying Clubs shall not be required to meet the minimum standards stipulated for Aircraft Rental or Flight Training Operators so long as the Private Flying Club's membership is not available to the general public.
 - (6) Private Flying Club shall maintain on file, and provide the Airport Manager with, the following current information: a) a complete membership list and investment (ownership) share held by each member including a record of all members (past and present) with full names, addresses, pilots license numbers, ratings, and the dates the memberships began and ended; b) all aircraft owned, leased, or used by each Private Flying Club must be registered with the Airport Manager; c) copies of bylaws, articles of incorporation, operating rules, membership agreements, and the location and address of the club's registered office; d) roster of all officers and directors including home and business addresses and phone numbers; e) designee responsible for compliance with these Minimum Standards and other Regulatory Measures; f) required certificates of insurance (see Section 12.4.1 below). Thirty (30) days prior notice of notice of cancellation shall also be filed with the Airport Manager.
- l. Non-Commercial Self-Fueling Permittee. All entities desirous of Self-Fueling shall be accorded a reasonable opportunity without unlawful discrimination, to qualify and

receive a Non-Commercial Fueling Permit. Those entities that have Agreements granting them the rights to perform Commercial Fueling (e.g., FBO) are not required to apply for a Non-Commercial Self-Fueling Permit. (See Sec. 2-6.71)

- (1) No entity shall engage in Self-Fueling activities unless a valid Non-Commercial Self-Fueling “Permit” authorizing such activity has been obtained from the Airport. Such entities shall be referred to as “Permittees”.
- (2) The Permit shall not reduce or limit Permittee’s obligations with respect to the Self-Service Fueling standards.
- (3) Prior to issuance and subsequently upon request by the Airport Manager, Permittee shall provide evidence that any Aircraft being operated under the full and exclusive control of Permittee is owned or leased by Permittee.

SEC. 2-6.67 SPECIALIZED AVIATION SERVICE OPERATOR (“SASO”) – MINIMUM STANDARDS. Operators engaging in the Activity(s) defined in Sec. 2-6.66 [above] shall meet or exceed the following minimum standards which shall be reviewed and approved in advance by the Airport Manager:

- a. Leased Premises: SASOs shall have adequate land, facilities and Vehicle Parking to accommodate all Activities of the Operator and all approved Sublessees. All Improvements including Apron, facilities and Vehicle Parking, shall be located on Contiguous Land. City’s minimum Leased Premises requirements are set forth by the Airport Manager (Minimum Leased Premises Requirements), which are kept on file at the Airport Administration office and hereby incorporated into these Minimum Standards by this reference.
- b. Licenses and Certification: Operators shall have and provide to the Airport evidence of all federal, state and local licenses, certificates and permits that are required to conduct the Activity. When required by any Agency, Operators’ relevant personnel shall be properly certificated by the FAA, current, and hold the appropriate ratings and medical certification for the work being performed.
- c. Personnel: Operator shall provide a sufficient number of personnel to adequately and safely carry out their Activity in a courteous, prompt and efficient manner and meet the reasonable demands of the public for this Activity.
- d. Equipment: If applicable, Operators shall provide sufficient Equipment, supplies and availability of parts as required for certification as an FAA Repair Station and post such FAA certificate in public view. Operators shall have access to tugs, tow bars, jacks, dollies, and other equipment, supplies and parts required to adequately perform the Activity.
- e. Hours of Activity: Operators shall be open and services shall be available to meet reasonable demands of the public for the Activity, at least five (5) days a week, eight (8) hours a day and available after hours, on-call, with a response time not to exceed 60 minutes.
- f. Insurance: Operators shall maintain, at a minimum, the coverage and limits of

insurance set forth by the Airport Manager (Minimum Insurance Requirements), which are kept on file at the Airport Administration office and hereby incorporated into these Minimum Standards by this reference.

SEC. 2-6.68 BUSINESS QUALIFICATION APPLICATION and BUSINESS PLAN.

- a. Business Qualification Application. Any entity desiring to engage in a Commercial Aeronautical Activity at the Airport, shall submit a complete Business Qualification Application (“Application”) to the Airport Manager for consideration by City. The *Business Qualification Application* is kept on file at the Airport Administration office and is hereby incorporated into these Minimum Standards by this reference. The prospective Operator shall submit all of the relevant information requested on the Application and thereafter shall submit any additional information that may be required or requested by the Airport Manager in order to properly evaluate the Application. The Airport Manager will evaluate the Application for analysis of the prospective operation including, but not limited to, verifiable history of experience, financial statements, references, etc. No Application will be deemed complete that does not provide the Airport Manager and City with the information necessary to allow the Airport Manager and City to make a meaningful assessment of the Applicant’s prospective operation and determine whether or not the prospective operation will comply with all applicable Regulatory Measures and be compatible with the Airport’s Master Plan, Airport Layout Plan, or Land Use Plan (if any).

- b. Business Plan. Prior to a prospective Operator electing to engage in any fueling activity, prospective Operators shall submit to the City Manager (in addition to the Application identified above) a detailed Business Plan that clearly demonstrates the economic viability of the proposed fueling activity, including any supporting information necessary to demonstrate that sale projections will be supported by incremental new business to the Airport, rather than a dilution of market share from existing approved fueling Operators. The Business Plan will be subject to the City Manager’s approval, which will consider the economic vitality of existing Airport Operators, and the size of the existing aviation gasoline and jet fuel market at the Airport, in the context of the appropriate number of fueling Operators. Operators shall not engage in any fueling activity unless/until the City Manager approves (in writing) the Business Plan authorizing Operator to conduct fueling activities from the Operators leased premises.

SEC. 2-6.69 COMMERCIAL OPERATOR PERMIT. Following approval by City of the prospective Commercial Operator’s Business Qualification Application (above), Business Plan (if applicable) and execution of an Agreement with City, a Commercial Operator Permit will be issued. A current and valid Commercial Operator Permit is required of all Commercial Operators, irrespective of any other Agreement with the City, in order to conduct business, or to continue conducting business, on the Airport. Should City revoke, suspend or terminate an Operator’s *Commercial Operator Permit*, then said Operator shall cease and desist all form(s) and type(s) of operations at the Airport until the Commercial Operator Permit is reissued. The Commercial Operator Permit shall be appended to any Operator Agreement and become a material part thereof. The breach of any portion of the Commercial Operator Permit by Operator, including the application incorporated by reference thereto, shall be deemed a material breach of any associated Agreement allowing the City the option to terminate the Permit or the Agreement. The Commercial Operator Permit shall function as a method of requiring any Operator on the Airport to comply with the City’s Rules and

Regulation, and Minimum Standards.

- a. No Change in Scope of Activities. An existing Operator with an existing Agreement may engage in the Activities permitted under the Agreement without submitting an application for Commercial Operator Permit, provided that the Operator is in compliance with all applicable Regulatory Measures.
- b. Change in Scope of Activities. Prior to engaging in any Activity not permitted under the Agreement or changing or expanding the scope of the Activities permitted under the Agreement, the Operator shall submit an application and obtain a Commercial Operator Permit, or addendum to any existing Commercial Operator Permit, prior to engaging in the Activity.

SEC. 2-6.70 AIRPORT BUSINESS TEMPORARY PERMIT. Any entity desiring to engage in a Commercial Aeronautical Activity at the Airport shall submit a complete Commercial Operator's Business Qualification Application.

The City recognizes that not all entities desiring to engage in a Commercial Aeronautical Activity will be capable of entering into a direct Agreement with the City. When an entity desires to locate at the Airport and conduct a Commercial Aeronautical Activity through an existing Operator, the Airport Manager may allow that entity to Sublease a portion of an existing Operator's Leased Premises to conduct their Aeronautical Activity.

Following review and approval by the Airport Manager of the prospective Commercial Operator's Business Qualification Application an *Airport Business Temporary Permit* ("Permit") will be issued for those SASOs who do not have a direct Commercial Operator Permit with the City.

- a. The Airport Business Temporary Permit is valid for a term of twelve (12) months commencing July 1 and ending June 30 (unless revoked earlier by the Airport Manager) and may be renewed annually each July 1 as long as the Operator meets the following requirements:
 - (1) The information submitted on the Permit is current and all terms, conditions and covenants of the Permit are being kept. The Operator shall notify the Airport Manager in writing within 15 days of any change to the information submitted in the Application.
 - (2) The Operator is in compliance with all applicable Regulatory Measures.
- b. The Permit may not be assigned or transferred and shall be limited solely to the approved Activity.
- c. The Airport Business Temporary Permit may also be issued an interim or special use Permit that allows an entity to engage in specific Activities, in designated areas, and only for a specified period of time, not to exceed one (1) year.
- d. The Operator shall conduct their Activity on and from the Leased Premises of the Commercial Operator at the Airport and shall comply with all minimum standards as set forth in these Minimum Standards.

- e. Operator shall comply with all requirements for the permitted Activities and limit service provided to those strictly stated on the Permit.

SEC. 2-6.71 NON-COMMERCIAL SELF-FUELING PERMITEE. All entities desirous of Self-Fueling shall be accorded a reasonable opportunity, without unlawful discrimination, to qualify and receive a Non-Commercial Self-Fueling Permit. Those entities that have Agreements granting them the rights to perform Commercial Fueling (e.g., FBO) are not required to apply for a Non-Commercial Self-Fueling Permit. This Section sets forth the standards prerequisite to an entity desirous of engaging in Non-Commercial Self-Fueling at the Airport. Any entity engaging in such activities shall also be required to comply with all applicable Regulatory Measures pertaining to such activities.

In addition to the applicable General Requirements set forth in Sec. 2-6.53, each entity conducting Non-Commercial Self-Fueling activities at the Airport shall comply with the following minimum standards set forth in this Section.

a. Permit/Approval:

- (1) No entity shall engage in Self-Fueling activities unless a valid Non-Commercial Self-Fueling Permit authorizing such activity has been obtained from the Airport Manager. Such entities shall herein be referred to as “Permittee’s”.
- (2) The Permit shall not reduce or limit Permittee’s obligations with respect to these Self-Service Fueling standards, which shall be included in the Permit by reference.
- (3) Prior to issuance and subsequently upon request by the Airport Manager, Permittee shall provide evidence that any Aircraft being operated under the full and exclusive control of Permittee is owned or leased by Permittee.

b. Reporting:

- (1) Permittee shall report all Fuel delivered to the approved Permittee’s Fuel storage facility during each calendar month and submit a summary report along with appropriate fees and charges due the City on or before the 10th day of the subsequent month.
- (2) Permittee shall during the term of the Permit and for 3 years thereafter maintain records identifying the total number of aviation Fuel gallons purchased and delivered. Records (and meters) shall be made available for audit to the City or representatives of the City. In the case of discrepancy, Permittee shall promptly pay, in cash, all additional rates, fees, and charges due the City, plus annual interest on the unpaid balance at the lesser of 18% or the maximum rate allowable by law from the date originally due.

c. Fuel Storage:

- (1) Permittee shall arrange and demonstrate that satisfactory arrangements have been made for the storage of Fuel, as follows:

- a. Through either an authorized FBO at the Airport; or
- b. In a centrally-located Fuel storage area approved by the Airport Manager and the state's Fire Marshal.
 - i) Operators authorized by the City shall lease land and construct or install a Fuel storage facility in the centrally-located Fuel storage area.
 - ii) In no event shall the total storage capacity be less than 10,000 gallons for Jet Fuel or 10,000 gallons for Avgas.
- (2) Prior to transporting Fuel on the Airport, the Permittee shall provide the Airport Manager with a Spill Prevention Contingency and Control Plan (SPCC) that meets regulatory requirements for below ground Fuel storage facilities. An updated copy of such SPCC Plan shall be filed with the Airport Manager at least 10 business days prior to actual implementation.
- (3) Fuel suppliers utilized by Operator must have a current and executed non-exclusive revocable Fuel delivery permit on file with the Airport Manager.
- (4) Permittee shall be liable and indemnify the City for all leaks, spills, or other damage that may result through the handling and dispensing of Fuel.
- (5) Fuel delivered shall be clean, bright, pure, and free of microscopic organisms, water, or other contaminants. Ensuring the quality of the Fuel is the responsibility of Permittee.
- d. Fueling Equipment:
 - (1) Permittee shall utilize a single Refueling Vehicle for each type of Fuel to be dispensed with a minimum capacity of 750 gallons. Avgas Refueling Vehicles shall have a maximum capacity of 3,000 gallons. All Refueling Vehicles shall be capable of bottom loading.
 - (2) Each Refueling Vehicle shall be equipped and maintained to comply at all times with all applicable safety and fire prevention requirements, standards, and Regulatory Measures including without limitation, those prescribed by:
 - a. State of California Fire Code and local fire district;
 - b. National Fire Protection Association (NFPA) codes;
 - c. California Department of Health and Environment Oil Inspection Regulatory Section;
 - d. Applicable FAA Advisory Circulars (AC) including AC 00-34 "Aircraft Ground Handling and Servicing" and AC 150/5210-5 "Painting, Marking and Lighting of Vehicles Used on an Airport".
- e. Standard Operating Procedures (SOP): In accordance with all applicable Regulatory Measures and appropriate industry practices, the Permittee shall develop and maintain

Standard operating Procedures (SOP) for Fueling and shall ensure compliance with standards set forth in FAA Advisory Circular 00-34A, entitled “Aircraft Ground Handling and Servicing”. The SOP shall include a training plan, Fuel quality assurance procedures, record keeping, and emergency response procedures for Fuel spills and fires. The SOP shall also address the following:

- (1) Boding and fire protection
- (2) Public protection
- (3) Control of access to Refueling Vehicle storage areas
- (4) Marking and labeling of Refueling Vehicles. The SOP shall be submitted to the Director not later than ten (10) business days before the Permittee commences Self-Fueling at the Airport.

f. Limitations: Permittees shall not sell and/or dispense Fuels to Based Aircraft or Transient Aircraft that are not owned, leased, and operated by (and under the full and exclusive control of) Permittee. Any such selling or dispensing shall be grounds for immediate revocation of the Permit by the Airport Manager.

- (1) Revocation of the Permit upon first violation will be for a period of one (1) year.
- (2) Revocation of the Permit upon a second violation shall be permanent.

g. Emergency Public Service:

- (1) Entities providing an Emergency Public Service are not required to meet the minimum standards identified in Sec. 2-6.71-b. Further, these entities are not required to meet the minimum standards identified in Sec. 2-6.71-b. and Sec. 2-6.71d., unless Fuel is being delivered by Refueling Vehicles.
- (2) Storage and delivery of Fuel for Aircraft operated by Emergency Public Service entities must be approved, in advance, by the Airport Manager.
- (3) All other minimum standards identified in this Section 2-6.71 must be adhered to by the entity providing Emergency Public Service.

h. Insurance: Permittee shall maintain, at a minimum, the coverages and policy limits set forth by the Airport Manager (Minimum Insurance Requirements), which are kept on file at the Airport Administration office and hereby incorporated into these Minimum Standards by this reference.

SEC. 2-6.72 – SEC. 2-6.118 [RESERVED]

HAYWARD EXECUTIVE AIRPORT CODE - AIRCRAFT NOISE RESTRICTIONS

SEC. 2-6.119 AIRCRAFT NOISE LIMIT. The following terms are defined as

follows unless it is apparent from their context that a different meaning is intended:

- a. Single Event Noise Exposure Level (SENEL). The single event noise exposure level, in decibels, is the noise exposure level of a single event, such as an aircraft flyby, measured over the time interval between the initial and final times for which the noise level of a single event exceeds a given threshold noise level;
- b. A-Weighted Noise Level (NL). The A-weighted noise level, in decibels, is the sound pressure level measured using the slow dynamic characteristics for type 1 or type 2 sound level meters specified in the American National Standard Specifications for Sound Level Meters, ANSI S1.4-1971 (or latest revision thereof). The A-weighting characteristics modify the frequency response of the measuring instrument to account approximately for the frequency characteristics of the human ear;
- c. Federal Aviation Administration (FAA) Advisory Circular 36-3F (FAA Advisory Circular 36-3F). Federal Aviation Administration publication entitled "Estimated Noise Levels in A-weighted Decibels," which lists take-off and approach noise levels for all fixed-wing aircraft in the U.S. Fleet (except for experimental and antique aircraft) as measured at 21,325 feet (6,500 meters) from beginning of take-off roll for take-off noise and 6,652 feet (2,000 meters) from the landing threshold for approach noise. The phrase "FAA Advisory Circular 36-3F" shall refer to the Federal Aviation Administration Advisory Circular 36-3F, including all revisions thereof, or the version of that document currently in effect; and
- d. Enforcement Officer. The Airport Director and such other City employees as are designated by the Airport Director with the approval of the Public Works Director and the City Manager all acting under the direction and control of the City Manager, shall have the duty and authority to enforce the provisions of the Aircraft Noise Restrictions, pursuant to section 836.5 of the California State Penal Code.

SEC. 2-6.120 AIRCRAFT NOISE LIMIT.

- a. No aircraft may take off, land or otherwise operate at the Airport between the hours of 7:00 a.m. and 11:00 p.m. if it generates a Single Event Noise Exposure Level (SENEL) which exceeds the following values as measured at any one of the Airport's four (4) Noise Monitoring Terminals (NMT):

| <u>Runways 28L/28R:</u> | | <u>Runways 10R/10L:</u> | |
|-------------------------|----|-------------------------|-----|
| NMT #1 | 98 | NMT #1 | 98 |
| NMT #2 | 98 | NMT #2 | 98 |
| NMT #3 | 98 | NMT #3 | 100 |
| NMT #4 | 98 | NMT #4 | 99 |

- b. No aircraft may take off, land or otherwise operate at the Airport at night between the hours of 11:01 p.m. and 6:59 a.m. if it generates a Single Event Noise Exposure Level (SENEL) which exceeds the following values as measured at any one of the Airport's four (4) Noise Monitoring Terminals (NMT):

| <u>Runways 28L/28R:</u> | | <u>Runways 10R/10L:</u> | |
|-------------------------|--|-------------------------|--|
|-------------------------|--|-------------------------|--|

| | | | |
|--------|----|--------|----|
| NMT #1 | 95 | NMT #1 | 95 |
| NMT #2 | 95 | NMT #2 | 95 |
| NMT #3 | 95 | NMT #3 | 97 |
| NMT #4 | 95 | NMT #4 | 96 |

SEC. 2-6.121 PRESUMPTION OF AIRCRAFT NOISE VIOLATION.

- a. Between the hours of 7:00 a.m. and 11:00 p.m., any aircraft which exceeds 77 on the dBA scale on take-off as listed in the FAA Advisory Circular 36-3F, shall be presumed to be in violation of the maximum single event noise levels established in section 2-6.120 above;
- b. Between the hours of 11:01 p.m. and 6:59 a.m., any aircraft which exceeds 73 on the dBA scale on take-off as listed in the FAA Advisory Circular 36-3F, shall be presumed to be in violation of the maximum single event noise levels established in section 2-6.120 above;
- c. Aircraft types and models which are not listed in Advisory Circular 36-3F will be allowed to operate at the Hayward Air Terminal only if:
 - (i) The Federal Aviation Administration determines that the specific aircraft type and model would meet the FAA Advisory Circular 36-3F noise limits stated above if it were tested according to Federal Aviation Administration procedures; and
 - (ii) The operator performs a flight test to the reasonable satisfaction of the Airport Director using operating procedures which indicate an ability to comply with the maximum noise levels established in section 2-6.120.

SEC. 2-6.122 REBUTTAL OF PRESUMPTION OF AIRCRAFT NOISE VIOLATION.

- a. Aircraft owners or operators of aircraft presumed to be unable to meet the maximum noise limits established in section 2-6.120 above shall be entitled to rebut the presumption to the reasonable satisfaction of the Airport Director by:
 - (1) Furnishing evidence which establishes that the aircraft type and model would meet the FAA Advisory Circular 36-3F levels set in section 2-6.121, including, but not limited to, changes in operating procedures, retrofitting measures, and changes in engine; and
 - (2) Demonstrating an ability to comply with the maximum SENEL noise limits established in section 2-6.120 by performing a flight test using safe operating procedures;
- b. The Airport Director's approval shall not be unreasonably withheld;
- c. If the above conditions are met, the specified aircraft owner or operator shall be entitled to operate the approved aircraft at the Airport as long as the specified

operating conditions identified in the flight test are followed during subsequent operations.

- d. Failure to comply with the specified operating conditions shall constitute a violation of these Aircraft Noise Restrictions. Upon the second violation of the Aircraft Noise Restrictions, the aircraft shall be excluded from the airport for a period of at least 6 months before operating privileges for that aircraft can be requested again.

SEC. 2-6.123 EXEMPTIONS. The following categories of aircraft shall be exempt from the provisions of section 2-6.120 above:

- a. All aircraft classified as Stage 3 aircraft by the Federal Aviation Administration;
- b. Aircraft operated by the United States of America or the State of California;
- c. Law enforcement, emergency, fire, or rescue aircraft operated by any county, city, subdivision or special districts of the state when those aircraft are operating in emergency situations including emergency aircraft flights for medical purposes;
- d. Aircraft used for emergency purposes during an emergency which has been officially proclaimed by competent authority pursuant to the laws of the United States, the State of California, Alameda County, or the City of Hayward;
- e. Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- f. Aircraft which are being operated under a declared in-flight emergency;
- g. Aircraft operating as a declared air ambulance emergency flight for medical purposes pursuant to Public Utilities Code section 21662.4; and
- h. Aircraft engaged in takeoffs or landings while conducting tests under the direction of the Airport Director in an attempt to rebut the presumption of aircraft noise violation pursuant to the provisions of sections 2-6.121 and 2-6.122 above.

Evidence of exemption status under subsections (f) and (g) above must be provided to the Airport within seven (7) days of the flight.

SEC. 2-6.124 CULPABILITY OF INSTRUCTOR PILOTS. In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the Aircraft Noise Restrictions, the instructor pilot shall be rebuttably presumed to have caused the violation.

SEC. 2-6.125 CULPABILITY OF AIRCRAFT OWNER. For purposes of the Aircraft Noise Restrictions, if the pilot of an aircraft cannot be otherwise identified, the owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operation, or presumed to have authorized or assisted in the aircraft's operation. The presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot at the time of the asserted violation.

SEC. 2-6.126 ENFORCEMENT PROVISIONS. Any person who operates an

aircraft in violation of the Aircraft Noise Restrictions shall be guilty of an infraction. Upon conviction of an infraction, a person shall be subject to payment of a fine, not to exceed the limits set forth in California Government Code section 36900. In addition, the Airport Director may issue orders imposing civil penalties for violations of the Aircraft Noise Restrictions. The following standards and procedures shall apply to the enforcement of these provisions:

- a. Upon the first violation of any provision of the Aircraft Noise Restrictions, a citation shall be issued to the violator and no civil penalty shall be imposed;
- b. Upon the second violation of any provision of the Aircraft Noise Restrictions within a three year period, a second citation shall be issued and the violator shall be subject to an order imposing a civil penalty which may be a fine of up to \$500.00, a suspension of airport privileges or permits for up to one year, or both;
- c. Upon the third violation of any provision of the Aircraft Noise Restrictions within a three year period, a third citation shall be issued and the violator shall be subject to an order imposing a civil penalty which may be a fine of up to \$500.00, a suspension of airport privileges or permits for up to three years, or both;
- d. The Airport Director may also restrict access to and operating privileges at the airport subject to compliance with certain operating conditions in order to ensure future compliance with the Aircraft Noise Restrictions;
- e. Before issuing an order for a violation of the Aircraft Noise Restrictions, the Airport Director shall consider all relevant factors in each case including the wilfulness, severity and nature of the violation, the existence and use of safe noise abatement operating procedures appropriate to the aircraft, instructions issued by FAA air traffic control tower personnel for air traffic safety purposes, and extraneous factors beyond the pilot's control such as loss of power, maneuvers to avoid other aircraft or unusual weather conditions;
- f. Any person may appeal an order of the Airport Director imposing a civil penalty by filing a written appeal with the Public Works Director within seven (7) days of the date of the Airport Director's order. If the seventh day falls on a weekend or legal holiday observed by the City, then the appeal may be filed on the next work day.
- g. An order of the Public Works Director shall be final except for judicial review and shall not be appealable to the City Council;
- h. A willful violation of a lawful order of either the Airport Director or the Public Works Director shall constitute a separate and distinct violation of these Aircraft Noise Restrictions;
- i. Any person who fails to pay a civil penalty within 30 days after the issuance of an order to do so shall pay a separate charge of ten percent (10%) of the unpaid amount of the civil penalty. The Airport Director may also exclude such person from the Airport until the penalty and any late charges are paid; and
- j. The remedies established herein are supplementary to any legal or equitable remedies available to the City in its municipal and proprietary capacities, including but not

limited to its right to abate nuisances and hazards.

SEC. 2-6.127 EXCLUSION OF AIRCRAFT FROM AIRPORT. In the event any aircraft has been operated in violation of any of the Aircraft Noise Restrictions or any other laws, rules or regulations of the City on three or more occasions within a three year period, that aircraft may be denied the right to tie down, be based at, land or take off from the Airport for a period of three years except in emergencies for the preservation of life or property as reasonably determined by the Airport Director.

SEC. 2-6.128 OPERATIVE DATE. Sections 2-6.119 through 2-6.127 of this Article shall not be enforced until six (6) months after their adoption. This transition period is provided to permit education of the aviation community about the existence of these noise restrictions as well as alternative noise restrictions which were considered and rejected, to provide reasonable notification to the owners and operators of aircraft which are presumptively incapable of complying with such noise restrictions, and to permit compliance with the noise restrictions by allowing a reasonable time for transition to quieter models of aircraft or modification of existing equipment.