

ORDINANCE NO. 409

AN ORDINANCE ADOPTING THE RULES AND REGULATIONS OF CRESWELL AIRPORT HOBBY FIELD, PROVIDING PENALTIES, REPEALING ORDINANCE NO. 351 AND ORDINANCE NO. 368, AND DECLARING AN EMERGENCY.

THE CITY OF CRESWELL ORDAINS AS FOLLOWS:

Section I. Adoption. The rules and regulations as proposed and attached hereto and a part hereof are adopted in whole.

Section II. Severability. The invalidity of any section, clause, sentence, or provisions of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section III. Penalties.

1. For a first violation of a rule or regulation, there shall be a penalty of a maximum of \$250.00 and if the violation is ongoing, the fine can be applied daily.
2. For a second violation, the fine maximum can be up to \$500.00 and if the violation is ongoing, the fine can be assessed daily.

Section IV. Repeal.

Ordinance No.351 enacted September 13, 1993 and Ordinance No. 368 enacted March 11, 1996 are hereby repealed.

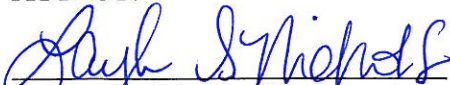
Section V. Emergency Clause.

Whereas, it is necessary to maintain the peace, health, and safety of the citizens of Creswell, an emergency is hereby declared to exist. This ordinance therefore, shall become effective immediately and put into full force upon its passage by the Council and approval by the Mayor.

**PASSED BY THE COMMON COUNCIL AND APPROVED BY THE MAYOR
THIS 8th DAY OF SEPTEMBER, 2003.**


Ron Petitti, Mayor

ATTEST:


Layli A. Nichols, City Recorder

**City of Creswell
Rules and Regulations
Applying to
Creswell Airport, Hobby Field
Creswell, Oregon**

1. Definitions

As used herein, the following words and phrases shall have the following meaning:

- 1.1 **Aeronautical Activity** – Any activity that involves, makes possible, or is required for the operation or safety of aircraft used for private, business, recreational, or agricultural purposes. Aeronautical activity does not include activities of any federal, state or local agency, including the military, or an isolated use of the airfield by an aircraft.
- 1.2 **Aircraft** – Helicopters and airplanes but not hot air balloons or ultralights (ORS 836.605).
- 1.3 **Airport Operator** – A person, firm, representative, or corporation performing the operation of an aircraft, motor vehicle or business on Airport property.
- 1.4 **Aircraft Owner** – A person that holds legal title to an aircraft. If the aircraft is the subject of a conditional sale or lease/option, or if the mortgagor of the aircraft is entitled to possession, then the conditional vendor, lessor, or mortgagor shall be deemed the owner for the purpose of these Rules and Regulations.
- 1.5 **Airfield Area** – The areas at the Airport for taxiing, landing, taking off, handling, servicing, loading and unloading aircraft, including clear zones, runways, taxiways, ramps, aprons, roadways, and all areas incident thereto.
- 1.6 **Airport** – The strip of land used for taking off and landing aircraft, together with all adjacent land used in 1994 in connection with aircraft landing or taking off from the strip of land, including but not limited to land used for the existing commercial and recreational airport uses and activities as of December 31, 1991. (ORS 836.605)
- 1.7 **Airport Manager** – The person who, under the authority of the City Administrator, exercises the functions and authority described in section 2.4 of these Rules and Regulations.
- 1.8 **Airport Manager's Designee** – The City Administrator shall act in the capacity of the official designee to the Airport Manager in regard to all matters related to managerial activities at the Airport. Temporary employees or volunteers shall act as the Airport Manager's designee with respect to non-managerial and operational functions.
- 1.9 **Apron or Apron Area** – The area adjacent to hangars and similar structures that is used for loading or unloading persons and cargo to and from an aircraft.
- 1.10 **City Administrator** – The person having administrative responsibility for all City departments and City property.
- 1.11 **City of Creswell** – The City of Creswell, Oregon, an Oregon Municipal Corporation and owner of Creswell Hobby Field Airport.
- 1.12 **Commercial Operation** – An operation or service performed for compensation which is conducted on or based at the Airport, including but not limited to ground transportation activity. Commercial aeronautical activities are considered based at the Airport if such activity is conducted from the Airport and uses equipment hangared or tied down at the Airport on a regular basis.
- 1.13 **FAA** – Federal Aviation Administration of the United States, or its successor agency.
- 1.14 **FAR** – Federal Aviation Regulations.
- 1.15 **Fire Marshal** – The person having authority to inspect airport operations and to ensure compliance with the Uniform Fire Code.
- 1.16 **Fixed Base Operator** – A person or entity leasing a building and/or space from the City for the purpose of providing a commercial service or product to general aviation users.

Fixed base operators are required to operate under the terms and rules of their respective permits as well as under these Rules and Regulations.

- 1.17 **Hazardous Material** – Materials that, because of their quantity, concentration or physical, chemical or infectious characteristics, may cause or pose a present or potential hazard to human health or the environment when improperly used, stored, disposed of, transported or otherwise handled. The term includes petroleum products and any hazardous or toxic substance regulated under the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act or any other state, federal or local laws relating to the protection of human health or the environment.
- 1.18 **Itinerant Operator** – An operator that meets specified minimum standards and provides temporary aeronautical services or periodic goods to general aviation users. Normally the activity is less than 20 hours per month and not day-to-day. (See section 3.3 C of these Rules and Regulations.)
- 1.19 **Long Term Parking Lot** – An area designated and signed for the purpose of parking a motor vehicle for a period of seven days or more. Long-term parking requires issuance of a permit from the Airport Manager.
- 1.20 **Motor Vehicle** – Any non-aircraft automotive vehicle operated under its own power.
- 1.21 **Movement Area** – Runways, taxiways and other areas shown on the diagram attached to these Rules and Regulations as Exhibit 1.
- 1.22 **Open Area** – Areas open to the public, including vehicular travel ways, pilots lounge and designated viewing areas.
- 1.23 **Operator** – See Fixed Base Operator.
- 1.24 **Person** – Any individual, firm, partnership, corporation, company, association, etc., that uses the Airport including any trustee, receiver, assignee or other representative.
- 1.25 **Primary Fixed Base Operator** – The City of Creswell operating as the owner of the Airport and who leases buildings and space to other Fixed Base Operators.
- 1.26 **Restricted Area** – Any area of the Airport not open to the general public.

2. Roles and Responsibilities

2.1 City Council

The Creswell City Council is responsible to the citizens of Creswell to ensure appropriate administration and management of Creswell Airport/Hobby Field (hereinafter known as “Airport”) operations. The Council shall have the authority to approve the departmental budget, long-range plans and operational policies.

2.2 Airport Commission

The Airport Commission acts as an advisory committee to the City Council. The Commission recommends the adoption of rules and regulations to the City Council that relate to: 1) maintenance of Airport facilities; 2) the number and location of airport hangars, together with recommended rules for the leasing and construction of hangar space; 3) part-time or full-time commercial usage of the Airport; 4) safety regulations for the use of the Airport, which are consistent with State and National standards; 5) a long-range plan for development and use of the Airport and property adjacent to the Airport. The Commission does not have the authority to obligate the City unless otherwise permitted by rules adopted by the City Council.

2.3 City Administrator

The City Administrator is responsible for the overall administration of the Airport and shall serve as official designee of the Airport Manager, in the Manager’s absence, in all matters related to managerial activities of the Airport.

2.4 Airport Manager

The Airport Manager is responsible for the overall daily management of Airport operations and shall:

- A. Perform all functions necessary for the smooth daily operation of the Airport and ensure that temporary employees are adequately trained in order to perform operational activities that are not related to managerial functions.
- B. Take any action necessary to safeguard the public and to protect public and private property where related to the City's aviation authority. Initiate through the FAA a NOTAM closing of the Airport or any area thereof when unsafe conditions exist.
- C. Regulate on-site traffic and parking, which may include periodic installation of temporary traffic control devices.
- D. Request the immediate removal of any person who places the Airport in an unsafe situation.
- E. Ensure on-going compliance with the Rules and Regulations of the Airport, as adopted or amended by City Council. When any person is found to be in violation of the Rules and Regulations, discuss the proposed course of action with the City Administrator and follow through in the manner determined appropriate.
- F. Following approval of the City Administrator, issue and administer all permits, licenses and leases for the conduct of any activity at the Airport. Limit the number of permits, licenses or leases for a particular activity at the Airport when such limitation is consistent with Federal Law.
- G. Collect all fees for services, goods, rentals, leases, licenses, permits, etc. With the exception of pilot supplies and fuel, all fees shall be as set by the City Council.
- H. Provide a copy of the most current Airport Rules and Regulations to each fixed base operator and to anyone requesting a copy. Post the most current copy of the Airport Rules and Regulations in a conspicuous place within the Airport terminal building.

2.5 Temporary Employees and Volunteers

Temporary employees and volunteers shall be limited to performing only those duties that are not considered managerial or administrative in nature. They shall follow written guidelines provided by the Airport Manager for performance of their duties. Volunteers are subject to Oregon City County Insurance Services reporting requirements.

2.6 Complaint Process/Appeals

- A. Any Airport user who believes that a violation of the Rules and Regulations is occurring, or who believes that unsafe aviation practices are occurring, shall first bring the matter to the attention of the Airport Manager. All complaints and concerns are to be submitted in writing and on the form provided by the City, copies of which are available in the Airport lounge. The Airport Manager upon receiving the written complaint shall discuss the course of action with the City Administrator and follow through in the manner deemed appropriate. The Airport Manager shall provide a written response to the complainant within seven days from receipt of the complaint.
- B. Any Airport user may file an appeal of a decision made by the Airport Manager. The appeal shall be submitted to the City Administrator within five working days from the date of the Airport Manager's written decision. The City Administrator shall take action on the appeal within ten working days from the date of the written appeal and shall provide in writing a response to the person filing the appeal.
- C. If the City Administrator's decision is not satisfactory to the person filing the appeal, the matter may be forwarded to City Council by filing a written appeal with the Mayor within five working days from the date of the written decision of the City Administrator. The appeal shall be placed on the first available City Council agenda and the action of the City Council shall be final.

3. Rules in General

3.1 Compliance with Federal, State and Local Laws.

All aeronautical activity, commercial and non-commercial operations at the Airport shall comply with the regulations and directives of the FAA, State of Oregon, City of Creswell and any other federal or state agency having jurisdiction over airports.

3.2 Liability

The City of Creswell assumes no liability for loss, injury or damage to persons or property caused by, but not limited to, fire, theft, vandalism, wind, flood, earthquake or collision.

3.3 Permits/Leases Required

- A. Any person using or visiting the Airport shall be subject to these Rules and Regulations set forth herein.
- B. No person shall operate a business, provide services or goods to customers, lease or sublease a building without first obtaining a written permit or lease from the City. Permit and lease forms are available from the Airport Manager and are to be submitted first to the Airport Manager when completed. All lease and rental agreements are to be forwarded by the Airport Manager to the City Administrator for approval and signature.
- C. Itinerate operators shall obtain a permit prior to performing any service or providing goods. An initial permit is valid for 90 days and may be renewed upon request to the Airport Manager. Permits that have been approved for a period of nine consecutive months may cause the status of the operator to no longer be considered temporary. An initial permit to an itinerate operator to supply temporary services or goods may be waived by the Airport Manager. The Airport Manager shall document in writing what the activity entails and justification of the waiver. United States mail, Fed Ex and UPS deliveries are exempt from the permitting requirement.
- D. No structure shall be constructed without Airport Manager's site approval or without approval of a building permit. Building permits shall be approved and issued by the planning agency having zoning jurisdiction over Airport property.
- E. A business or operation shall be conducted strictly within the area designated by the Airport Manager, and no operation shall interfere with the lawful activities of other persons using the Airport. Common areas may be used when authorized by the Airport Manager or by these Rules and Regulations.
- F. The Airport Manager shall have the right of entry during reasonable times to inspect any hangar, structure, aircraft and equipment or Airport area. The Airport Manager also has the authority to inspect any license or registration at any time.
- G. Maintenance of structures shall be in conformance with approved leases.
- H. No vending machines, pay telephones, coin-operated machines or devices shall be installed by any person without the express permission of the Airport Manager.
- I. Any sign erected at the Airport, whether attached to a structure or free standing, shall require a permit. Rules governing signs shall be as set forth in the Creswell Development Code.

3.4 Operating/Parking of Aircraft

- A. No aircraft shall be operated in a careless, negligent or reckless manner on any part of the Airport or within the vicinity of the Airport. Drinking of alcoholic beverages or abusing prescription or non-prescription drugs is not permitted on Airport property. No person under the influence of alcohol or drugs shall operate any aircraft or motor vehicle on Airport property.
- B. No aircraft shall be constructed, equipped or loaded in such a manner that persons or property may be endangered.
- C. All aircraft shall be operated in compliance with applicable FAA regulations.

- D. No person shall interfere with the operation of aircraft, or start the engine of an aircraft without the consent of the aircraft's owner or operator.
- E. Operators shall maintain full control of any aircraft that is using the taxiway or that is being towed or moved. Reasonable speed shall be observed by the operator.
- F. No aircraft operating under its own power shall be moved into or out of a hangar.
- G. Position or navigation lights shall be used for all aircraft being taxied, towed or moved between the hours of sunset and sunrise.
- H. All aircraft, other than those that are: (1) located in a hangar; (2) secured at a designated tie-down location; or, (3) clearly illuminated by facility lighting, shall display illuminated position lights while parked or standing between the hours of sunset and sunrise.
- I. No aircraft, other than those being refueled, shall be parked or left standing unless it is: (1) located in a hangar; (2) firmly tied to the ground; or, (3) the main landing wheels are chocked fore and aft with wheel blocks. Aircraft engaged in refueling operations shall be continuously attended.
- J. The Airport Manager has the authority to request that an aircraft be moved from where it is parked to a designated area. If the request is not met, the Airport Manager has the authority to have the aircraft towed at the owner's expense without any liability to the City for any damage that may occur in the course of the moving.
- K. Any person leasing space for aircraft storage, parking or tie-down use shall, upon request of the Airport Manager, furnish a description of each aircraft using such space and shall notify the Airport Manager of any changes.

3.5 Disabled Aircraft and Accident Reports

- A. No aircraft (or parts thereof) that is disabled shall be permitted to remain on the runway or a taxiway. Aircraft owners, pilots or agents shall be responsible for the prompt removal of the disabled aircraft and parts unless requested to delay such removal pending an investigation of an accident. If any person abandons or otherwise neglects to remove a disabled aircraft or parts thereof from the runway or a taxiway, the aircraft or parts may be removed by authority of the Airport Manager at the owner's expense and without liability for damages that may result in the course of the removal.
- B. On a form provided by the City, any person(s) involved in aircraft accidents occurring at the Airport shall file an accident report with the Airport Manager. The form shall be submitted as soon as possible but no later than 24 hours following the accident, unless verifiable circumstances cause further delay. Accident reports required by any other agency shall be the responsibility of the person(s) involved in the accident.

3.6 Operating/Parking of Motor Vehicles

- A. Any person operating a motor vehicle shall obey posted directional signs, e.g., one-way, yield, stop, parking, etc., and shall operate the vehicle in a safe manner at all times.
- B. All motor vehicles except emergency vehicles responding to an alarm shall yield the right-of-way to an aircraft in motion.
- C. No unauthorized motor vehicle shall be operated in the airfield area.
- D. Any motor vehicle operating in the movement area shall have a flashing yellow light or appropriate signal flags displayed at all times unless otherwise approved by the Airport Manager.
- E. Motor vehicles approved to operate in the airfield area shall not exceed 15 MPH except when performing a runway inspection.
- F. No motor vehicle, including agricultural equipment, shall operate closer than 75 feet from the edge of any runway unless otherwise approved by the Airport Manager.
- G. Motor vehicles with its engine running in any hangar or on any ramp or apron shall have exhaust screen or baffles to prevent the escape of sparks or flames.

- H. All motor vehicles parked outside in Airport common areas shall be parked in areas designated "parking." Short-term parking (24 hours or less) at individual hangars shall be in compliance with any requirement of the Fire Marshall.
- I. Long-term parking shall only be permitted in the "Long Term" parking lot when an application for the same has been submitted to the Airport Manager and approved. All vehicles approved for long-term parking shall have valid license plates and be in running condition.
- J. The Airport Manager has the authority to request the removal of any motor vehicle that is considered abandoned, disabled or parked in violation of these Rules and Regulations. If the request is not met, the Airport Manager has the authority to have the motor vehicle removed from the Airport without any liability to the City for any damage that may occur in the course of the removal.

3.7 Fueling of Aircraft at Airport Service Island

- A. Any person engaged in fueling an aircraft from the Airport fuel island shall: (1) not smoke within 50 feet of the fuel island; exercise care to prevent the overflow of fuel; (2) not use any material that has the potential to cause a spark or act as a source of ignition; and, (3) ensure that adequate fire extinguishers are within easy reach before commencing fueling.
- B. No person shall engage in fueling when any of the following is occurring: (1) an aircraft engine is running; (2) an aircraft is being warmed up by the application of exterior heat; (3) the aircraft is inside a hangar or an enclosed area; or, (4) the aircraft's radio transmitter or receiver is in operation or other electrical applications are being switched on and off.
- C. When a malfunction at the fuel island occurs, all fueling operations shall cease immediately and the malfunction shall be brought to the immediate attention of the Airport Manager or the employee on duty when the malfunction occurs.
- D. Persons engaged in the fueling or defueling of aircraft shall use extreme caution to prevent spills. When a spill occurs, servicing shall cease immediately and spills shall be removed or absorbed with material that has been approved by the Fire Marshall.
- E. No person shall engage in any fueling activity when lightening is observed in the immediate vicinity of the Airport or during an electrical storm.
- F. No person shall start the engine(s) of any aircraft when there is gasoline or any type of fuel on the ground under the aircraft. No aircraft engine shall be started when in the vicinity of fuel spillage until the spillage has been removed or absorbed with suitable material.
- G. The City assumes no responsibility for improper fueling, use of wrong fuel or for accidents that occur from any violation of fueling regulations.

3.8 Fueling of Aircraft other than from Airport Service Island

- A. No tenant of a building shall locate a mobile or fixed fueling facility at the Airport, including any leased lot, without first requesting approval from the Airport Manager and Fire Marshal. The request shall be in written form outlining the proposal and shall include a site plan showing the location of the facility. The tenant of the building, or a bona fide employee of the tenant, shall be the only persons permitted to perform aircraft fueling from the fueling facility. If the facility is fixed, the applicant shall indicate how the facility will be secured and inaccessible to anyone other than the tenant and bona fide employee. No aircraft, other than aircraft owned/leased by the tenant shall be fueled from the mobile or fixed facility.
- B. For purposes of determining whether fuel is "sold, used or transferred for commercial purposes" and is therefore subject to payment of flowage fees, the test to be used will be whether the commercial operator's activities are such that the operator (tenant) is required to obtain a fuel dealer's license under ORS Chapter 319.

- C. If the tenant is required to obtain a fuel dealer's license, the fueling facility shall be metered in a manner approved by the Airport Manager and the tenant shall be required to pay a fuel flowage fee at the rate set by City Council resolution. Time of payment shall be determined as a part of the written approval from the Airport Manager to the tenant to conduct the activity.

3.9 Restricted Areas

- A. No person shall use any part of the Airport in a manner contrary to posted directives. No person shall enter a restricted area or the airfield without obtaining permission from the Airport Manager. Exceptions apply to persons lawfully assigned to duty there or passengers and crews entering for purposes of embarking and debarking.
- B. No person under the age of 16 shall be allowed to enter the movement area or adjoining areas unless accompanied by a person over the age of 16 who has received permission from the Airport Manager to enter the area.
- C. No activity that is not related to or associated with aeronautics will be permitted on taxi lanes, taxiways, or runways without the express permission of the Airport Manager.

3.10 Animals

No person in possession of a dog or other animal shall enter the runway or active taxiway unless the: (1) animal is an on-duty dog trained to assist handicapped persons; (2) the animal is leashed or in complete control of the handler; (3) the animal is to be transported by air; or, (4) the animal is a dog being handled by a law enforcement officer.

3.11 Disruptive Behavior Forbidden

No person shall engage in any disruptive behavior at the Airport. As used herein, "disruptive behavior" includes, but is not limited to, behavior that: (1) interferes with the use of the Airport by other persons; (2) interferes with or hinders Airport staff in the performance of their duties; (3) is inconsistent with the purpose and intended use of the Airport; or, (4) is disturbing to the staff or other persons using the Airport. The Airport Manager has the authority to determine whether or not disruptive behavior is occurring and to request the person or persons causing the disruption to cease the activity or to leave the premises.

3.12 Sanitation

All Airport users and others shall dispose of refuse or waste material at the Airport in receptacles provided for that purpose. No Airport user or any other person shall bring off-site refuse or waste material to the Airport for purposes of disposal. Trucks hauling garbage or other waste shall be covered to prevent the contents from leaking, spilling or falling out.

3.13 Firearms and Explosives

No person shall carry any firearm or explosives onto Airport property except for properly packaged firearms or explosives that are being shipped by aircraft or that are expressly allowed by state law. Law enforcement officers, on-duty United States armed forces personnel, persons licensed under state law to carry a concealed weapon and corrections officers are exempt from this regulation.

3.14 Picketing, Demonstrations, Solicitations, and Handbills

Persons wishing to picket, demonstrate, solicit, or pass out handbills on Airport property shall submit a written request stating the nature of the activity, the number of anticipated participants, a plan for crowd control and how participants will be kept within approved areas, verification of liability insurance coverage, and the time period covering the activity. The written request shall be submitted to the Airport Manager no later than 72 hours before the activity is intended to commence. The Airport Manager shall make a recommendation regarding the request to the City Administrator who shall have approval authority.

3.15 Holding of Special Events

Persons wishing to hold a special event at the Airport shall submit a written request stating the nature of the event, the number of anticipated participants, a plan for crowd control and how participants will be kept within approved areas, verification of liability insurance coverage, and the time period covering the event. The written request for events anticipated to have 50 persons or less in attendance shall be submitted to the Airport Manager no later than 30 days prior to the event commencing. For events that are anticipated to have more than 50 persons in attendance, the written request shall be submitted to the Airport Manager no later than 60 days prior to the event. The Airport Manager shall make a recommendation regarding the event to the City Administrator who shall have approval authority. The intent of the City is to work with the applicant to ensure that the event will not disrupt on-going aviation operations at the Airport or to cause an unsafe situation. If the applicant is unable to provide a plan that ensures containment, safety, and no disruption of Airport operations during the event the request shall be denied.

3.16 Alcoholic Beverages

Alcoholic beverages shall not be brought onto Airport property or consumed on Airport property.

3.17 Hazardous Materials and Environmental Law Compliance

A. Hazardous materials shall not be stored in hangars except in hazardous materials storage lockers approved by the Fire Marshal. It shall be the responsibility of the person storing the hazardous material to submit written verification of the Fire Marshal's approval to the Airport Manager.

B. All persons shall comply with federal, state and local laws related to protecting human health and the environment. The use, storage and transportation of any hazardous material shall be in compliance with federal, state and local laws.

3.18 Repairing of Motor Vehicles or Aircraft

No person, for compensation, shall perform repairs or maintenance on any motor vehicle or aircraft without a permit (see Section 3.3B of these Rules and Regulations).

3.19 Outdoor Storage/Residing in Campers or Tents

A. Outdoor storage shall mean to park, locate, store or place an object in an unenclosed space. No person shall use any outdoor area of any lot or any area of the Airport for storage of any equipment, tools, motor vehicles, recreational motor vehicles, travel trailers, or goods of any kind unless the area has been designated for such use. A written request for temporary outdoor storage may be approved by the Airport Manager; such approval shall be in writing and shall state a specific time period.

B. No person shall bring a motor home, travel trailer, tent or similar conveyance onto Airport property to use as temporary living quarters or to reside/sleep within overnight. No tent shall be erected at any time on any lot or any area of the Airport unless otherwise approved by the Airport Manager. Such approval shall be in writing and will include the reason for approval and a specific time period.

4. Fire Safety Rules

4.1 The use of any hangar or building on Airport property shall be in compliance with the Oregon Uniform Fire Code (OUFC). The Airport Manager shall be responsible for requesting the Fire Marshal to conduct an inspection of all hangars and buildings for compliance. The certificate of compliance signed by the Fire Marshal shall be prominently displayed in each respective building. It shall be the responsibility of tenants to maintain buildings in compliance with the OUFC and to remedy any violation that may be found by the Fire Marshal.

4.2 No person shall store or stock material or equipment so as to constitute a fire hazard.

- 4.3 No person shall store or place any flammable liquids, solids, gases, signal flares or similar hazardous materials within any hangar or building except in areas or rooms specifically approved by the Fire Marshal. The storage of flammable liquids within buildings shall be under permit issued by the Fire Marshal. Such storage shall be in approved containers bearing the label of the Underwriters Laboratories, Inc. (5-gallon maximum container).
- 4.4 All tenants of buildings shall provide metal containers, approved by the Fire Marshal, equipped with self-closing covers for the storage of oily wastes, rags and similar combustible materials. All such waste shall be removed by the tenant daily.
- 4.5 All tenants of buildings shall maintain the floors of hangars, hangar ramps and adjacent areas free and clear of oil, grease, and other flammable materials.
- 4.6 No person shall use flammable substances for cleaning floors of hangars or other buildings.
- 4.7 The cleaning of aircraft engines or other parts using solvents shall be limited in scope and only non-flammable or high flashpoint (100 degrees F or greater) solvents shall be used. Drip and collecting pans shall be used during any cleaning process.
- 4.8 No person shall dispose of gasoline, oil, solvent or other flammable waste products in any drain, manhole, open ditch, or other airport areas.
- 4.9 Painting and doping of aircraft with flammable fluids shall be conducted only in areas or in buildings approved by the Fire Marshal.
- 4.10 No person shall smoke any cigarette, cigar or pipe, or strike any match or kindle, or cause any flame whatsoever within fifty (50) feet of any aircraft while being fueled, or within fifty (50) feet from fuel islands or any flammable liquid container, or within any hangar or aircraft workshop located upon the airport, except as approved by the Fire Marshal.
- 4.11 Cutting, welding, and spray painting operations shall be conducted only within areas or buildings approved by the Fire Marshal.
- 4.12 All electrical wiring, fixtures and appliances shall be installed and maintained in accordance with approved local codes and ordinances.
- 4.13 All tenants of buildings shall ensure that employees are trained in the use of portable fire extinguisher equipment and methods of evacuating or relocating occupants of the premises in case of fire or other emergency.
- 4.14 Portable fire extinguishers shall be provided and installed by the tenant of the building as directed by the Fire Marshal as to the number, type and location.
- 4.15 Portable fire extinguishers shall not be moved from designated locations for any reason other than as a precaution against an immediate hazard or to be recharged.
- 4.16 Access to all fire extinguishing equipment shall be kept free and unobstructed at all times. Portable fire extinguishers shall be inspected periodically by the Fire Marshal.
- 4.17 Every person who becomes aware of any fire or smoldering combustion or any unwarranted insidious nature that is not confined within equipment designed for fire or that is any hazard to the premises shall report said fire or smoldering combustion without delay to the Fire Department.
- 4.18 No campfire or open-flame cooking fire shall be permitted on any lot or any area of the Airport unless otherwise approved by the Airport Manager.

5. Discrimination, Relation to Other Laws, No Grant of Right, Severability Clause

- 5.1 No person, in connection with the use and occupancy of the Airport premises, shall discriminate against any person or class of persons by reason of race, color, national origin, sex, ancestry, creed, or on any other grounds prohibited by law.
- 5.2 These rules do not amend, modify or supersede any provision of federal, state or local law or any contract between the City of Creswell and an Airport user. Interpretation of

these Rules and Regulations is not intended to conflict with federal, state, local laws or any contract between an Airport user and the City of Creswell.

- 5.3 Adoption of these Rules and Regulations shall not be construed to grant any property right to any person. The City of Creswell reserves the right to amend these Rules and Regulations and to limit or deny any person's use of the Airport when it has been determined that it is in the public's interest to do so and when it would not be a violation of any federal, state or local laws.
- 5.4 The provisions of these Rules and Regulations are severable. If any section, sentence, clause or phrase is judged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of these Rules and Regulations.

6. Penalties

- 6.1 In addition to any penalties otherwise provided by City resolution, ordinances, law; Federal Aviation regulations and all other rules and regulations, any person violating these Rules and Regulations or operating or handling any motor vehicle or aircraft in violation of these Rules and Regulations, or failing or refusing to comply with these Rules and regulations, may be promptly removed or ejected from the Airport by or under the authority of the Airport Manager, or upon his order such person may be temporarily grounded or deprived of further use of the Airport and its facilities pending presentation of the matter to the City Administrator. Such matters shall be presented to show cause, if any, why he should not be deprived of the use of the Airport and its facilities. Upon order of the City Administrator such person may be deprived of the further use of the Airport and its facilities for such length of time as may be deemed necessary by the City Administrator to insure the safeguarding of the Airport, its operations and the public use thereof. An appeal of the City Administrator's decision may be filed with the Mayor under the procedures set forth in Section 2.6C of these Rules and Regulations.
- 6.2 Any person violating these rules and regulations, and/or the traffic laws of the State of Oregon or the City of Creswell as related to vehicular traffic at the Airport shall be subject to prosecution in the appropriate court for such action.
- 6.3 In any circumstance not specifically covered by these Rules and Regulations, the Airport Manager is authorized to make such decisions as deems proper.

7. Minimum Standards for Fixed Based Operators and Airport Tenants.

7.1 Definitions

A. Fixed Base Operator

Any person, firm or corporation performing any of the functions or furnishing any of the services as hereinafter set out for Fixed Based Operators at Creswell Hobby Field Airport.

B. Airport Tenant

Any person, firm or corporation leasing property at Creswell Hobby Field Airport who is not a Fixed Base Operator. An Airport Tenant can also be considered a Commercial Tenant.

7.2 Permits and Leases

A. Airport Activities

Subject to the applicable orders, certificates, or permits of the FAA or the CAB, or their successors, no person shall use the Airport or any portion thereof for revenue producing commercial, business or aeronautical activities who has not first complied with these requirements and entered into written leases or other agreements prescribed by the City.

B. Permits and Leases Non-Transferable

No right, privilege, permit or lease approved by the City shall be assigned, sold, or otherwise transferred or conveyed in whole or in part without the prior consent of the City Administrator.

C. Approval of Construction

No buildings, structures, tie-downs, ramps, paving, taxi areas or other improvements or additions at the Airport shall be placed or constructed or altered or removed without the prior written approval of the City Administrator. In the event of any construction, the City Council, upon recommendation of the City Administrator, may require an appropriate bond to guarantee the completion of the construction.

7.3 Fixed Base Operations

A. Services that may be Provided.

A Fixed Base Operator may be permitted to provide, for profit, any of the following services:

- 1) Aircraft sales, new and used;
- 2) Aircraft charter operations;
- 3) Aircraft rental;
- 4) Aircraft parts and accessories sales;
- 5) Flight instruction and ground school;
- 6) Airframe overall and repair;
- 7) Aircraft engine overhaul and repair;
- 8) Aircraft radio and electrical shop, provided the business is staffed by personnel that are qualified and competent and who hold the certificate(s) necessary from the FAA, CAB, and FCC;
- 9) Aircraft storage inside;
- 10) Aircraft radio and electrical shop;
- 11) Aircraft instrument repair shop; provided the same requirements for an aircraft radio and electrical shop are met;
- 12) Aircraft refinishing and painting shop;
- 13) Aircraft interior work shop;
- 14) Aircraft interior work shop;
- 15) Aircraft refinishing and painting shop;
- 16) Aircraft propeller repair shop;
- 17) Aerial survey business;
- 18) Aerial photography business;
- 19) Agricultural spraying business;
- 20) Aircraft interior and exterior cleaning, waxing and detailing; and,
- 21) Any other special aeronautical activity services as the City Administrator may approve and as recommended by the Airport Manager.

7.4 Minimum Qualifications to Provide Services

In order to qualify for a permit to provide the respective services outlined in Section 7.3 above, the Fixed Based Operator, as applicable, shall:

- 1) Lease an area of adequate space and clearance for the intended use. Such space may include the parking and display of all aircraft used by the Operator in his or her operations, and for the customer's aircraft, and shall accommodate the flow of traffic into and out of the leased area.
- 2) When providing inside aircraft storage, lease an area of sufficient size to accommodate the building or buildings to be constructed for rental and the flow of traffic into and out of the leased area.

- 3) No fixed based operator or tenant shall be permitted to store, transfer, dispense, load or unload fuel without the prior written approval of the Fire Marshal. Only aircraft associated with the respective fixed base operation shall be permitted to be fueled, and only the fixed base operator and/or bona fide employees of the operator shall be permitted to dispense fuel. The fixed base operator may also be required by the City Administrator to secure the fuel dispenser and fueling area with fencing and locking devices approved by the Administrator.
- 4) Aircraft radio, electrical, instrument repair, refinishing/repainting, interior, and propeller repair shops shall be staffed by personnel who are qualified and competent and who hold the necessary certificates from the FAA, CAB and FCC.
- 5) An applicant for a permit shall specify all services which will be conducted at the leased site, and only those services so specified in the permit shall be conducted by the operator or bona fide employee(s).
- 6) No operator or employees, agents, officers or other persons connected with the licensed business shall use the office or facilities of any other operator without the written consent of said operator.
- 7) Each operator shall enter into a lease with the City that includes an agreement on the part of the operator to conduct his or her business operations in accordance with the Rules and Regulations of Creswell Hobby Field Airport.
- 8) The operator shall promptly pay when due all charges for utilities and services supplied to his or her operation, and all rentals and fees payable to the City. The operator will agree to hold the City harmless from all liens that may be placed against his facility on the leased property.
- 9) Construction of any facility or hangar shall be in accordance with the Rules and Regulations, the Airport Layout Plan, and Airport Master Plan.

8. Airport Perimeter.

Access to Hobby Field will be granted to owners of property adjacent to Hobby Field when all of the following criteria are met:

- 8.1 The tract for which access is sought is zoned Airport Operations ("AO");
- 8.2 The access point is located at the end of an active taxi lane;
- 8.3 Access is sought exclusively for private non-commercial uses; and
- 8.4 The property owners be granted access to Hobby Field based upon a written proposal which shall include data and drawings showing the proposed access point, tie-in with existing facilities, drainage, paving, finish material and material strength; and
- 8.5 The property owner and the City of Creswell shall enter into a written permit agreement which includes the following conditions:
 - A. The right to construct and use a taxiway for ingress to and egress from Hobby Field is a personal, exclusive and non-transferable license granted to the property owner which shall not constitute an encumbrance upon Hobby Field property;
 - B. Use of the taxiway shall be solely for the personal or private use of the property owner who shall not offer any aeronautical or commercial services to the public;
 - C. Construction and use of the taxiway shall be in accordance with and subject to all laws, ordinances, rules and regulations promulgate by any lawful authority of the United States, the State of Oregon, or any local political subdivision having authority or jurisdiction therefore;
 - D. The City of Creswell shall retain the right to construct a fence between Hobby Field and adjacent properties, provided the property owner is granted the right to install a gate for the purpose of exercising ingress/egress rights;
 - E. The property owner shall hold harmless and indemnify the State of Oregon, Lane County, the City of Creswell from and against all damages, suits or actions resulting

from or because of any damage to property or injury or death of any person arising from the property owner's negligent construction, maintenance, repair, alteration, operation, control or use of the taxiway;

- F.** The property owner provides proof of insurance in the amount of \$1,000,000 naming the City of Creswell as an additional insured;
- G.** The City of Creswell may terminate the right of access through the taxiway in the event that the property owner violates the permit agreement or continues to use the taxiway in a manner that conflicts with the operation of the airport after being provided with written notice to desist use in such manner or a condemnation proceeding is initiated which involves the land over which the taxiway proceeds;
- H.** The duration of the permit shall be for one year from the date of issuance. Upon each anniversary of the issuance date, the City of Creswell shall review the permit and may renew the permit with any changes deemed necessary by the City of Creswell;
- I.** The annual fee shall be set forth and approved by City Council Resolution and shall be promptly paid when due;
- J.** Any such conditions deemed necessary by the City of Creswell.