

**AIRPORT RULES**

**ADOPTED BY**

**ADMINISTRATIVE ORDER NO. 58-07-01-F**

**FEBRUARY 12, 2007**

**EFFECTIVE FEBRUARY 23, 2007**

## TABLE OF CONTENTS

1.	SCOPE.....	1
1.1	Coverage.....	1
1.2	Relation to Other Laws.....	1
1.3	Authority.....	1
1.4	Posting of Rules.....	1
1.5	Adoption of Rules Not Grant of Right.....	1
1.6	Rules to be Administered Fairly and Impartially.....	1
1.7	Severability.....	1
2.	DEFINITIONS.....	1
2.2	Aircraft.....	1
2.3	Aircraft Lease/Lease-back Agreement.....	2
2.4	Airport.....	2
2.5	Airport Manager.....	2
2.6	Airport Operations Area (AOA).....	2
2.7	Applicant.....	2
2.8	Apron or Apron Area.....	2
2.9	City.....	2
2.10	City Manager.....	2
2.11	Commercial Operator.....	2
2.13	Control tower.....	2
2.14	FAA.....	3
2.15	FAR.....	3
2.16	Fire Chief.....	3
2.17	Fixed Base Operator (FBO).....	3
2.18	Fixed Base Operator (Limited Service).....	3
2.19	Fueling.....	3
2.20	Ground Transportation Activity.....	3
2.21	Hazardous materials.....	3
2.22	Mobile fueling.....	3
2.23	Motor vehicle.....	3
2.24	Movement area.....	4
2.26	Owner.....	4
2.27	Permit.....	4
2.28	Person.....	4
2.29	Restricted area.....	4
2.29	Restricted area.....	4
2.30	Rules - (these rules).....	4
2.31	Safety Area.....	4
2.32	Self-service fueling.....	4
2.33	Specialized Aeronautical Service Provider (SASP).....	4
2.34	Terminal building or Airport terminal.....	4

3.	AUTHORITY .....	4
3.1	Airport Manager .....	4
3.2	Airport Committee.....	5
4.	RULES OF GENERAL APPLICABILITY .....	5
4.1	Compliance with Federal Law.....	5
4.2	Permit Required.....	5
4.3	Operation of Motor Vehicles .....	5
4.4	Parking.....	6
4.5	Removal of Vehicles.....	6
4.6	Restricted Areas.....	6
4.7	Animals.....	6
4.8	Offensive Conduct.....	6
4.9	Sanitation.....	6
4.10	Firearms and Explosives.....	7
4.11	Picketing, Demonstrations, Solicitations and Handbills.....	7
4.11.1	General Policies.....	7
4.11.2	Prohibited Conduct.....	7
4.11.3	Authorization of Airport Manager.....	7
4.11.4	Designated Speech Areas .....	8
4.11.5	Limitations on Use of Sidewalk Area.....	8
4.11.6	Removal from Airport Property.....	8
4.11.7	Advance Notification.....	8
4.12	Interference with Operation of Aircraft.....	8
4.13	Lost Articles.....	8
4.14	Use of Hazardous Materials and Environmental Law Compliance.....	8
4.15	Fire Regulations.....	9
4.15.1	Open Flame Operations .....	9
4.15.2	Combustible Storage.....	9
4.15.4	Floor Care .....	9
4.15.5	Cleaning with Flammable Liquids.....	9
4.15.6	Spray Painting and Doping.....	9
4.15.7	Fire Extinguishers .....	9
4.15.8	Storage of Flammable Liquids.....	9
4.15.9	Welding or Burning .....	10
4.16	Smoking.....	10
4.17	Vending Machines and News Racks .....	10
5.	RULES OF LIMITED APPLICABILITY .....	10
5.1	Repair of Motor Vehicles and Aircraft.....	10
5.2	Use of Airport Operations Area.....	10
5.2.1	Motor Vehicles/Pedestrians .....	10
5.2.2	Exhaust Protection.....	11
5.2.3	Limitation of Entry to AOA .....	11
5.2.4	Parking of Motor Vehicles at Apron .....	11

5.3	Operation of Aircraft .....	11
5.3.1	Careless, Negligent or Reckless Operation of Aircraft .....	11
5.3.2	Compliance with Official Orders, Signals and Directions .....	11
5.3.3	Two-Way Radio Required on Aircraft .....	11
5.3.4	Permission Required for Certain Activities .....	11
5.3.5	Qualifications for Operation of Aircraft .....	11
5.3.6	Taxiing of Aircraft .....	11
5.3.7	Aircraft Parking .....	12
5.3.8	Disabled Aircraft .....	12
5.3.9	Accident Reports .....	12
5.3.10	Operation of Radar Equipment .....	12
5.4	Fueling Aircraft .....	12
5.4.1	Operation of Fueling Equipment .....	12
5.4.2	General Fueling Equipment Requirements .....	13
5.4.3	Mobile Fueling Operations - General Restrictions .....	14
5.4.4	Self-Service Fueling .....	15
5.4.4.1	Authorized .....	15
5.4.4.2	Permit Application Requirements .....	15
5.4.4.3	Self-Service Fueling Facilities .....	15
5.4.4.4	Self-Service Fueling Operations .....	16
5.4.4.5	Self-Service Facility Customer Service Requirements .....	16
5.4.5	Bulk Plants .....	17
5.4.6	Starting of Engines Near Fuel Spill Prohibited .....	17
5.4.7	Liability for Improper Fueling .....	17
5.4.8	Bonding .....	17
6.	PERMITS - GENERAL RULES .....	17
6.1	Permission for Activities at Airport Required .....	17
6.2	Relationship of Permit or Lease to Rules .....	18
6.3	General Standards for all Permittees and Lessees .....	18
6.3.1	Required Licenses and Permits .....	18
6.3.2	Permit or Lease Not Transferable .....	18
6.3.3	Construction of Improvements .....	18
6.3.4	Limit to Assigned Area .....	18
6.3.5	Required Space and Staffing .....	18
6.3.6	Periodic Reports .....	18
6.3.7	Right of Entry .....	19
6.3.8	Records .....	19
6.3.9	Payment of Fees and Charges .....	19
6.3.10	Repair and Maintenance .....	19
6.3.11	Parking .....	19
6.3.12	Stormwater Pollution Control Plan .....	19
6.3.13	Environmental Requirements .....	19
6.3.14	Snow, Ice, Weed and Debris Removal .....	19

6.3.15	Insurance.....	20
6.3.15.1	Commercial General Liability.....	20
6.3.15.2	Commercial Automobile Liability.....	20
6.3.15.3	Worker's Compensation Insurance.....	20
6.3.16	Indemnification.....	20
6.3.17	Vending Machines.....	21
6.3.18	National Emergencies.....	21
6.3.19	Existing and Future Government Agreements.....	21
6.3.20	Airport Layout Plan/Airport Master Plan.....	21
6.3.21	City Use of Leased Land.....	21
6.3.22	Discrimination.....	21
7.	PERFORMANCE STANDARDS FOR PARTICULAR ACTIVITIES.....	22
7.1	Fixed Based Operator (FBO).....	22
7.1.1	Required Lot Size.....	22
7.1.2	Required Building Size.....	22
7.1.3	Required Personnel.....	22
7.1.4	Required Equipment.....	22
7.1.5	Fueling Facilities.....	22
7.1.6	Required Service.....	23
7.1.7	Hours of Operation.....	23
7.2	Aircraft Maintenance and Repair.....	23
7.2.1	Required Lot Size.....	23
7.2.2	Required Building Size.....	23
7.2.3	Required Personnel.....	23
7.2.4	Requirements.....	23
7.2.5	Hours of Operation.....	24
7.3	Aircraft Avionics Sales/Maintenance.....	24
7.3.1	Required Lot Size.....	24
7.3.2	Required Building Size.....	24
7.3.3	Required Personnel.....	24
7.3.4	Hours of Operation.....	24
7.4	Commuter and On Demand.....	24
7.4.1	Required Lot Size.....	24
7.4.2	Required Building Size.....	24
7.4.3	Required Personnel and Equipment.....	24
7.4.4	Hours of Operation.....	24
7.5	Aircraft Rental.....	24
7.5.1	Required Lot Size.....	24
7.5.2	Required Building Size.....	25
7.5.3	Required Equipment.....	25
7.5.4	Hours of Operation.....	25
7.10.4	Usés.....	25
7.6	Aircraft Sales.....	25
7.6.1	Required Lot Size.....	25
7.6.2	Required Building Size.....	25

7.6.3	Required Personnel.....	25
7.6.4	Dealerships .....	25
7.6.5	Aircraft.....	25
7.6.6	Services.....	25
7.6.7	Hours of Operation .....	25
7.7	Full Time Flight Instruction.....	25
7.7.1.	Required Lot Size .....	25
7.7.2	Required Building Size.....	26
7.7.3	Required Personnel.....	26
7.7.4	Equipment Requirements.....	26
7.7.5	Hours of Operation .....	26
7.8	Independent Flight Instruction.....	26
7.9	Specialized Aeronautical Service Provider (SASP) .....	26
7.10	Hangars .....	27
7.10.1	Location .....	27
7.10.2	Compatibility of Design and Construction.....	27
7.10.3	Airport Approval of Plans .....	27
7.10.4	Uses.....	28
7.10.5	Hangar Modifications .....	28
7.10.6	FAA 7460 approval .....	28
7.10.4	Uses.....	28
8.	GROUND TRANSPORTATION SERVICES.....	28
8.1	Authorized Activities.....	28
8.2	Permit Conditions .....	28
8.3	Limitation on Number of Permits.....	28
8.4	Ground Transportation Activity Permit Fees .....	29
9.	REQUEST FOR PERMIT OR LEASE.....	29
9.1	Request .....	29
9.2	Fee.....	30
9.3	Review of Request.....	30
9.4	Action on Request.....	31
9.5	Charges and Rents .....	31
9.6	Operating Agreements .....	31
9.6.1	Certificated Route Air Carriers.....	31
9.6.2	Supplemental Air Carriers .....	31
9.6.3	Aircraft Charter.....	31
9.6.4	Air Commuter Service.....	31
10.	REVOCATION OF PERMIT OR LEASE.....	32
10.1	Grounds for Revocation.....	32
10.2	Notice of Revocation .....	33
11.	PENALTIES .....	33
11.1	Right to Remove .....	33
11.1.1	Ejection From Airport.....	33
11.1.2	Ban From Use of Airport.....	33
11.2	Penalty For Violations .....	33

11.3	Complaints.....	33
12.	Waiver of Minimum Standards Provision.....	33

## RULES GOVERNING USE OF MAHLON SWEET AIRPORT

### 1. SCOPE.

1.1 Coverage. These Rules govern all Persons on the Airport and users of the Airport. Any direct or indirect permission given to a Person to enter upon or use the Airport is conditioned, unless otherwise agreed, upon compliance with these Rules.

1.2 Relation to Other Laws. These Rules do not amend, modify or supersede any provision of federal, state or local law or of any contract between the City of Eugene and an Airport user. Insofar as possible, these Rules shall be interpreted not to conflict with, but to supplement, federal, state or local law or any contract between the City of Eugene and an Airport user.

1.3 Authority. These Rules are adopted and can be amended under the authority of section 2.430(1) of the Eugene Code, 1971. Rulemaking follows the processes set out in sections 2.430 and 2.019 of the Eugene Code, 1971.

1.4 Posting of Rules. These Rules shall be posted at the offices of the Airport Manager and the City Finance Officer.

1.5 Adoption of Rules Not Grant of Right. The adoption of these Rules is not intended to and shall not be construed to grant any property right or expectation to any Person. The City reserves the right to amend these Rules and to limit or deny any Person's use of the Airport as may be in the public's interest.

1.6 Rules to be Administered Fairly and Impartially. The Rules allow substantial discretion to the Airport Manager in granting, denying, or revoking Permits and leases. The Rules also require the Airport Manager to grant, deny, or revoke Permits or leases only when such action will serve the public interest.

1.7 Severability. These Rules are severable. If any part of these Rules is invalidated by a court or agency, that invalidation shall not affect the validity of the remaining Rules.

### 2. DEFINITIONS. As used herein, the following words and phrases mean:

2.1 Aeronautical Activity – any activity which 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 activity of any local, state, or federal agency, including the military, or an isolated use of the airfield by an Aircraft.

2.2 Aircraft – any contrivance used or designed for navigation or flight in the air.



2.3 **Aircraft Lease/Lease-back Agreement** – a written lease agreement which grants exclusive use of the Aircraft to the lessee for the purpose of meeting the requirements of section 7 of these Rules and regulations.

2.4 **Airport** – the land and facilities known as Mahlon Sweet Airport (which is sometimes also referred to as the Eugene Airport) and any contiguous land owned by the City.

2.5 **Airport Manager** – the Person appointed by or under the authority of the City Manager to exercise the functions and authority described in section 3.1, or the Airport Manager's designee.

2.6 **Airport Operations Area (AOA)** – the AOA includes the runways, taxiways, ramps and property located within the boundary of the perimeter fence. Access to the AOA is restricted and general public access to those areas is controlled.

2.7 **Applicant** – a Person applying for a Permit or lease to conduct operations at the Airport, including any shareholder, partner, part owner, or manager of such a Person.

2.8 **Apron or Apron Area** – the area adjacent to loading gates, hangars, jetways and similar structures that is used for loading and unloading Persons and cargo to and from an Aircraft.

2.9 **City** – City of Eugene, Oregon.

2.10 **City Manager** – the City Manager for the City of Eugene, or the Manager's designee.

2.11 **Commercial Aeronautical Activity** – any aeronautical activity performed on or at the airport for compensation or hire.

2.12 **Commercial Operations** – Any operations at the Airport conducted by a Commercial Operator.

2.13 **Commercial Operator** – Any legal entity operating under a Permit, leasing space or property at the Airport or conducting Commercial Operations or services performed for compensation which is conducted on or based at the Airport, including, but not limited to, Ground Transportation Activity and Commercial Aeronautical Activity.

2.14 **Control Tower** – the Eugene Air Traffic Control Tower.

2.15 **Eugene Code** – The Eugene Code, 1971, the codification of the ordinances of the City of Eugene, Oregon.

2.16 **Exhibits** –

2.16.1 **Exhibit 1:** Movement Area Diagram

2.16.2 **Exhibit 2:** Free Speech Designated Areas

2.17 **FAA** – the Federal Aviation Administration of the United States, or its successor agency.

2.18 **FAR** – Federal Aviation Regulations.

2.19 **Fire Chief** – the chief of the Fire & Emergency Medical Services Department of the City of Eugene, or the Fire Chief's designee.

2.20 **Fixed Base Operator (FBO)** – A Commercial Operator who engages in the primary activities of retail Aircraft fuel sales and Aircraft Mobile Fueling, operates an FAA certified repair station, parts sales; Aircraft storage and at least two additional services from the list of primary SASPs.

2.21 **Fixed Base Operator (Limited Service FBO)** – A Commercial Operator who provides two or more primary SASPs, pursuant to section 7.9.

2.22 **Fueling** – fueling or defueling.

2.23 **Ground Transportation Activity** – the provision of transportation of Persons or property on the Airport or based at the Airport to the general public, either as a courtesy to a patron by a hotel, a motel, off-Airport car rental agency or off-Airport parking lot operator, or for hire, including, but not limited to, the solicitation of passengers, the actual transporting of Persons or property in a Motor Vehicle, the operation of a vehicle on the Airport which vehicle is available for carrying Persons or property, and any other activity which directly or indirectly relates to the transportation of Persons or property by means of ground transportation. "Ground Transportation Activity" does not include dropping off Persons or property at the Airport.

2.24 **Hazardous Materials** – all hazardous waste and hazardous substances, as defined in ORS 466.005 and Section 101(14) of the Federal Comprehensive Environmental Response Compensation and Liability Act, P.L. 96-510 as amended, and P.L. 99-499, respectively. The term includes, and is not limited to, oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, oil sludge or refuse of any other petroleum-related product or waste or fraction thereof that is liquid at a temperature of 60 degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute 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 of the state, federal, or local laws relating to the protection of human health or the environment.

2.25 **Mobile Fueling** – a commercial Fueling operation that delivers aviation and jet fuel to Aircraft from mobile fuel-dispensing vehicles.

2.26 **Motor Vehicle** – any non-aircraft device that carries Persons or property and is self-propelled or designed for self-propulsion.

2.27 **Movement Area** – the runways, taxiways and other areas of the Airport that are used for taxiing, takeoff, and landing of Aircraft, exclusive of loading ramps and Aircraft parking areas, as shown on Exhibit 1.

2.28 **Owner** – as used in connection with an Aircraft, means a Person who 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.

2.29 **Permit** – includes operating agreements.

2.30 **Person** – any individual, firm, partnership, corporation, company, association, or body politic.

2.31 **Restricted Area** – any area of the Airport not open to the general public and areas designated by sign or other signal as Restricted Areas. The area open to the public includes the public roads and sidewalks, the terminal lobby, restrooms, and places for public gathering, waiting and viewing.

2.32 **Rules** – these Rules.

2.33 **Safety Area** – a defined area, as set forth in the applicable FARs, comprising a portion of either a runway or taxiway and the surrounding surfaces that is prepared or suitable for reducing the risk of damage to the Aircraft in the event of an undershoot, overshoot, or excursion from a runway or the unintentional departure from a taxiway.

2.34 **Self-Service Fueling** – a commercial Fueling operation that provides aviation fuel at a fixed-location fueling station equipped with a self-service pump.

2.35 **Specialized Aeronautical Service Provider (SASP)** – Any legal entity conducting Commercial Aeronautical Activity at the Airport, other than aviation fuel vending, for compensation or hire.

2.36 **Terminal Building or Airport Terminal** – the Terminal Building as it now exists or as hereafter expanded or improved, including the sidewalks, road and parking areas near the Terminal Building.

### 3. **AUTHORITY.**

3.1 **Airport Manager.** The Airport Manager is responsible for the operation of the Airport. Subject to direction by the City Manager, the Airport Manager is empowered to:

3.1.1 Oversee all municipal and Aeronautical Activity at the Airport;

3.1.2 Take any action at the Airport necessary to protect and safeguard the public or necessary to protect public and private property;

3.1.3 Regulate traffic and parking at the Airport, and install and remove traffic control devices;

3.1.4 Cause the removal from the Airport of any Person who violates any of these Rules or an Airport Manager directive, when that removal is necessary to insure the safe or orderly operation of the Airport;

3.1.5 Deny any future use of the Airport, except for air travel, to any Person who violates any of these Rules or an Airport Manager directive;

3.1.6 Initiate a NOTAM closing of the Airport or any part thereof through the FAA when unsafe conditions exist;

3.1.7 Issue, execute and administer all Permits, licenses, and leases for the conducting of any activity at the Airport;

3.1.8 Limit the number of Permits, licenses or leases for a particular activity at the Airport when such limitation is consistent with federal law;

3.1.9 Administer and enforce these Rules by issuing verbal and/or written directives ("Airport Manager Directive") and through any other authorized means;

3.1.10 Set all fees and charges imposed by the City for services, goods, use of municipal property, licenses, Permits and applications for the foregoing arising from operation of the Airport; and

3.1.11 Perform any other duty that may be assigned by the City Manager.

3.2 **Airport Committee.** The Airport Department Advisory Committee established pursuant to the authority of section 2.013 of the Eugene Code.

#### 4. **RULES OF GENERAL APPLICABILITY.**

4.1 **Compliance with Federal Law.** All Aeronautical Activities, Commercial Operations and Commercial Aeronautical Activities at the Airport shall comply with the regulations and directives of the FAA and any other federal agency with jurisdiction over Airports, and with the directives of the Control Tower.

4.2 **Permit Required.** No Person shall conduct Commercial Operations, Commercial Aeronautical Activity or engage in Aeronautical Activity at the Airport, use the Airport as a base for the conduct of business, or otherwise provide services or goods to travelers, customers, a permittee or a lessee at the Airport, without first obtaining a written Permit or lease from the Airport Manager. The duty to obtain a Permit for supplying services or goods to a single permittee or lessee may be waived by the Airport Manager if, in the Airport Manager's discretion, the extent of the activity is not substantial. Such a Permit shall be issued and revoked under the procedures set out in sections 9 and 10.

4.3 **Operation of Motor Vehicles.** The operation of all Motor Vehicles at the Airport shall comply with:

4.3.1 State laws regarding Motor Vehicle operation, including the Oregon Vehicle Code, ORS Chapters 801 to 826;

4.3.2 City ordinances regarding Motor Vehicle operation (including the provisions of Chapter 5 of the Eugene Code);

4.3.3 Orders, signals, and directives of the Airport Manager;

4.3.4 Traffic control devices; and

4.3.5 The following restrictions:

4.3.5.1 All Motor Vehicle except emergency vehicles responding to an alarm, shall yield the right of way to an Aircraft in motion; and

4.3.5.2 No Motor Vehicle used for hauling trash, dirt, or any other wastes shall be operated unless the vehicle is constructed so as to prevent the contents from dropping, leaking or otherwise escaping.

4.4 **Parking.** All Motor Vehicles shall be parked in compliance with state law, local law (including the provisions of Chapter 5 of the Eugene Code), restrictions posted on authorized signs, and the following:

4.4.1 No Person shall park a Motor Vehicle in a paid parking area without paying the charges, or park in excess of the prescribed time limit for a particular parking area.

4.4.2 No Person shall park a Motor Vehicle other than in areas established for parking or in a manner that obstructs or interferes with vehicular traffic.

4.5 **Removal of Vehicles.** The Airport Manager may remove from any area of the Airport any vehicle which is disabled, abandoned, or parked in violation of these Rules, at the Commercial Operator's expense and without liability for damage which may result from the removal. Any towing of vehicles shall conform to the applicable sections of the Eugene Code, relating to towing.

4.6 **Restricted Areas.** No Person shall use any part of the Airport in a manner contrary to posted official directives applicable to that area. No Person shall enter a Restricted Area or the AOA without permission of the Airport Manager, except Persons lawfully assigned to duty there, or passengers or crews entering for purposes of embarkation or debarkation.

4.7 **Animals.** No Person shall enter the AOA or the Terminal Building with a dog or other animal unless it is an on-duty dog trained to assist a person with a disability, an animal which is leashed or properly confined and is to be transported by air, or a dog owned and being used by a law enforcement agency.

4.8 **Offensive Conduct.**

4.8.1 No Person shall commit at the Airport any act made unlawful by Chapter 4 of the Eugene Code.

4.8.2 No Person shall engage in any disruptive behavior at the Airport. As used herein, "disruptive behavior" includes, but is not limited to, behavior that, in the determination of the Airport Manager: (a) interferes with the use of the Airport by other Persons; (b) interferes with or hinders Airport staff in the performance of their duties; or (c) is inconsistent with the purpose and intent of the Airport and disturbing to the staff or other Persons using the premises.

4.9 **Sanitation.** No Person shall dispose of refuse or waste material on the Airport except in receptacles provided for that purpose. No Person shall bring refuse or waste material

to the Airport for purposes of disposal at the Airport, except with written permission of the Airport Manager.

**4.10 Firearms and Explosives.** No Person, except for duly appointed peace officers, members of the United States armed forces while on duty, Persons licensed under state law to carry a concealed weapon, or corrections officers, shall carry any firearms or explosives into the Airport Terminal or AOA without the written permission of the Airport Manager, except for properly packaged firearms or explosives for shipment onto or from an Aircraft, or as expressly allowed by state law.

**4.11 Picketing, Demonstrations, Solicitations and Handbills.**

4.11.1 General Policies. The exercise of constitutional rights of expression and communication in public areas of the Airport shall not be restricted or infringed because of the content of the communication or identity of the speakers. No prior restraint of speech is permissible. It is necessary, however, to generally regulate speech activity on Airport property and articulate standards on permissible conduct in advance in order to deal with overcrowding of the Terminal Building, and operate the Airport in a safe manner. At all times when a restriction is imposed, the least restrictive alternative shall be required.

4.11.2 Prohibited Conduct. Any Person may engage in speech-related activities on public areas of Airport property so long as the following restrictions are obeyed:

4.11.2.1 No violation of state or municipal criminal laws;

4.11.2.2 No intentional touching or making physical contact with another Person unless that Person consents to such physical contact;

4.11.2.3 No use of voice or sound amplification equipment;

4.11.2.4 No use of placards, banners or signs made of wood, metal, or other hard substances within the Airport Terminal or on the sidewalk immediately adjacent thereto;

4.11.2.5 No use of a table, counter, or stand within the Terminal Building or on the sidewalk immediately adjacent thereto without written authorization of the Airport Manager; and

4.11.2.6 No impeding of pedestrian or vehicle access to any Airport facility.

4.11.3 Authorization of Airport Manager. The Airport Manager may request that Persons engaging in speech activity within the Terminal Building or on the sidewalks adjacent thereto confine themselves to designated areas if the unrestricted presence of such Persons causes serious public inconvenience in the operation of the Airport. Such designated areas are shown on Exhibit 2 to these Rules. Such determination shall be made after initially allowing the activity but then finding that the activity's continuance causes blockage of ticket lines, baggage handling, car rental or other Commercial Operations, or Aircraft, automobile, limousine or bus boarding or unloading, or results in inability to transact business at the Airport. If such designated areas are already occupied by other Persons exercising constitutional speech rights, the Persons engaging in the interfering activity shall be requested to conduct such activities outside of the Terminal Building or adjacent sidewalks. Priority of use of the designated areas for speech-related

activities shall be given to the Person or group first requesting permission for such use in writing.

4.11.4 Designated Speech Areas. Within the Terminal Building lobby and sidewalks adjacent thereto, the areas designated on the floor plan set out in Exhibit 2 to these Rules are reserved for free speech activities when requested by the Persons exercising speech rights or when such Persons are directed to continue such activities in those areas by the Airport Manager.

4.11.5 Limitations on Use of Sidewalk Area. No group of Persons who are exercising free speech rights shall occupy more than two of the three sidewalk areas adjacent to the front entrances to the Terminal Building entrances.

4.11.6 Removal from Airport Property. Persons or organizations engaging in the free speech activities shall be subject to arrest for trespass in the event they continue to violate these Rules after the Airport Manager gives notice to cease and desist to any Person engaging in the activity. Failure of the Person receiving the notice to communicate the notice to other Persons in that group shall not be a basis to set aside the notice.

4.11.7 Advance Notification. Advance notification to the Airport Manager of intent to picket, demonstrate, solicit, or distribute printed material at the Airport is encouraged but not required. Interested groups may wish to give advance notice where possible so that problems with interference with Airport activities can be resolved in advance.

4.12 Interference with Operation of Aircraft. No Person shall interfere with the operation of Aircraft, or start the engine of an Aircraft without the consent of the Aircraft's operator.

4.13 Lost Articles. Lost or mislaid articles shall be turned in to the Airport Manager's office by the finders. Such property shall be disposed of as provided by state law (ORS 98.005 to 98.025 and ORS 98.302 to 98.436).

4.14 Use of Hazardous Materials and Environmental Law Compliance.

4.14.1 Hazardous Materials shall not be stored in hangars except in Hazardous Materials storage lockers approved by the Fire Chief and Airport Manager.

4.14.2 All Persons shall comply with federal, state, and City of Eugene laws relating to the protection of human health and the environment, including laws and regulations pertaining to the use, storage, and transportation and disposal of Hazardous Materials.

4.14.3 All Persons shall exercise extreme care in handling Hazardous Materials. Each Person using Hazardous Materials shall undertake any and all preventative, investigatory or remedial action which is required by law or by order of a governmental agency with jurisdiction under the law or which is necessary to prevent or minimize property damage or personal injury by release or exposure to Hazardous Materials. In the event a Person fails to perform any of these obligations the City may, but is not required to, perform these obligations at the Person's expense.

4.14.4 No Person, without the permission of the Airport Manager, shall place any solid, or pour any liquid other than water, down floor drains, manholes, or other sewer

connections. Each Person shall comply with the industrial pretreatment provisions of the Eugene Code, as they exist now or may hereafter be amended.

#### **4.15 Fire Regulations.**

4.15.1 Open Flame Operations. Open flames, flame producing devices or other sources of ignition are prohibited in any hangar, except as previously approved, in writing, by the Airport Manager.

4.15.2 Care and Storage of Materials. All combustible rubbish, oily rags, waste material, or mechanic's work clothing, when kept within or adjacent to a building, shall be securely stored in metal or metal lined receptacles equipped with tight fitting covers or in rooms or vaults constructed of non-combustible materials. No Person shall store combustible materials or other Hazardous Material in any Aircraft hangar, except in locations and containers previously approved in writing by the Fire Chief and Airport Manager.

4.15.3 Floor Care. The floors of hangars and adjacent areas shall be kept free of all oil, grease, flammable or combustible liquids, and other flammable materials.

4.15.4 Cleaning with Flammable Liquids. Class I liquids and Class II liquids with a flashpoint below 110 degrees F. shall not be used within a building for washing parts or removing grease or dirt unless they are used in a closed machine approved for such purpose or in a separate well ventilated room constructed in accordance with Oregon Fire Code, Chapter 34.

4.15.5 Spray Painting and Doping. All spraying or doping operations performed inside a building shall be conducted inside an approved spray booth, spraying area, or room approved for such uses.

4.15.6 Fire Extinguishers. All Commercial Operators and Owners shall comply with the Eugene Fire Code, these Rules, and any conditions imposed on Permits, leases, or other agreements with the City with respect to the size, type, and number of fire extinguishers required to be maintained. All hangars and repair areas shall have at least one currently tested fire extinguisher of the required size and type in a visible location for each 300 square feet or less. Every towing vehicle, welding apparatus, Aircraft refueller, and Fueling station shall have a minimum of one currently tested fire extinguisher of the required size and type at all times. Use of any fire extinguisher equipment under any circumstances shall be reported to the Airport Manager and Fire Chief immediately after use.

4.15.7 Storage of Flammable Liquids. No Person shall store flammable or combustible liquids in any hangar or work area unless it is stored in a properly labeled and approved flammable liquid storage cabinet. No flammable liquids shall be dispensed except in an approved container under five gallons. Storage cabinets may contain a maximum of 50 gallons capacity of flammable liquids. Storage cabinets shall conform with the following requirements or their equivalent in fire resistance: Bottom, top, and sides of the cabinet shall be made of steel having a thickness of at least 0.043 inch. The cabinet, including the door, shall be doubled wall with a 1-1/2 inch air space between the walls. Joints shall be riveted or welded and be tight fitting. Doors shall be well fitted, self closing and equipped with a latching device. The bottom of the cabinet shall be liquid tight to a height of at least two inches. Cabinets shall be conspicuously labeled in red letters "Flammable - Keep Fire Away" "No Smoking Within 50 Feet".



4.15.8 Welding or Burning. Welding or burning shall occur only in a booth, room, or area designed for such use.

4.16 Smoking. No Person shall smoke or carry lighted cigarettes, cigars, or pipes or any flame in or about any fuel storage area, stationary refueling vehicle, public landing area, public Aircraft parking and storage area, or any other area where smoking is prohibited by sign.

4.17 Vending Machines and News Racks. Vending machines and news racks may be located only in areas designated by the Airport Manager. In determining where to designate vending machine or news rack areas the Airport Manager shall consider whether vending machine or news rack placement would interfere with pedestrian movement, compete with another permitted activity, foster political speech, and any other factor the Airport Manager deems relevant. The Airport Manager may grant an exclusive concession to operate news racks. The operation of any vending machine or news rack which requires money to operate it is a Commercial Operation and requires a Permit under these Rules. The Airport Manager may order removal of noncommercial vending machines or news racks if the operation of these machines creates excessive litter.

## 5. RULES OF LIMITED APPLICABILITY.

5.1 Repair of Motor Vehicles and Aircraft. No Person shall repair Motor Vehicles or Aircraft at the Airport in areas not approved by the Airport Manager, except for minor repairs necessary to remove the Motor Vehicle or Aircraft from the Airport.

### 5.2 Use of Airport Operations Area.

#### 5.2.1 Motor Vehicles/Pedestrians.

5.2.1.1 No unauthorized Motor Vehicles shall be operated in the AOA.

5.2.1.2 Pedestrians or Persons operating Motor Vehicles in the Movement Area or its adjoining area shall receive approval from the Control Tower and have an operating radio with appropriate air to ground frequencies (ground control/local control) or be escorted by Airport personnel. All Persons in the Movement Area shall be conversant with and follow light signals from the Control Tower. All Motor Vehicles, Aircraft, equipment or personnel in the Movement Area shall follow the procedures set out in the current letter of agreement between the City of Eugene, Eugene Air Traffic Control Tower, and Eugene Airway Facilities.

5.2.1.3 Motor Vehicles operating in the Movement Area shall have a flashing yellow light or appropriate signal flags displayed at all times.

5.2.1.4 Motor Vehicles operating in the AOA shall operate at a reasonable speed, and shall not exceed 15 MPH except when performing a runway inspection.

5.2.1.5 Unless permission is obtained from the Control Tower, agriculture equipment shall not operate closer than 175 feet from the edge of any runway or 75 feet from the edge of any taxiway, or in any area where such operations would be inconsistent with the requirements of all applicable FARs.

5.2.2 Exhaust Protection. No Person shall operate a Motor Vehicle or any engine in any hangar or on any ramp or Apron without exhaust screens or baffles to prevent the escape of sparks or flame.

5.2.3 Limitation of Entry to AOA. Lessees shall keep all doors and gates providing access to any part of the airfield closed and locked at all times, except when in use. Spectators will not be permitted on any of the Aprons or ramps without Airport Manager approval. All Persons shall conform to all applicable FARs and with applicable portions of the Eugene Airport Security Program. Lessees are responsible for the security of their leased areas and for access through their leased doors and gates.

5.2.4 Parking of Motor Vehicles at Apron. No Motor Vehicle shall be parked at an Apron within ten (10) feet from any fire hydrant.

### 5.3 Operation of Aircraft.

5.3.1 Careless, Negligent or Reckless Operation of Aircraft. No Aircraft shall be operated on the surface of any part of the Airport: in a careless or negligent manner; while the Person controlling the operation of the Aircraft is under the influence of intoxicating liquor, or any drug affecting the senses; or, if the Aircraft is constructed, equipped or loaded in a manner which endangers or may endanger Persons or property.

5.3.2 Compliance with Official Orders, Signals and Directions. The Person in control of any Aircraft must comply with any order, signal or direction of the Control Tower or the Airport Manager, and applicable lights, signs, signals and pavement markings.

5.3.3 Two-Way Radio Required on Aircraft. No Aircraft may land, take off, or taxi at the Airport without a radio capable of direct two-way communication with the Control Tower, except in the case of an emergency or the prior approval of the Control Tower.

5.3.4 Permission Required for Certain Activities. No Person at the Airport shall, without prior written permission of the Airport Manager:

5.3.4.1 Land or take off a motorless Aircraft;

5.3.4.2 Engage in special aviation events or demonstrations; or

5.3.4.3 Land, taxi, or take off an Aircraft having an actual gross weight over that indicated for the Airport in the FAA Airport Facility Directory.

5.3.5 Qualifications for Operation of Aircraft. No Person shall start or run an Aircraft engine or land, take off or taxi an Aircraft unless the Person is a pilot certified to operate that particular type of Aircraft, a mechanic certified to engage in that particular activity, or is accompanied by a certified flight instructor.

5.3.6 Taxiing of Aircraft.

5.3.6.1. Aircraft shall not enter a Movement Area before receiving clearance from the Control Tower and shall be in contact with the Control Tower while in the Movement Area.

5.3.6.2 Operators shall maintain full control of any Aircraft which is taxiing, being towed or moved at the Airport. Operators shall move an Aircraft at a reasonable speed, and shall be in contact with the Control Tower while in a Movement Area.

5.3.6.3 Aircraft shall use taxiways and paved areas when taxiing.

5.3.6.4 No Aircraft shall move into or out of any hangar under its own power.

5.3.6.5 Position or navigation lights shall be used for all Aircraft being taxied, towed or moved between sunset and sunrise.

5.3.7 Aircraft Parking.

5.3.7.1 Except for permitted transient parking or standing, no Person shall park or leave standing an Aircraft at the Airport other than inside a hangar, unless it is firmly tied to the ground. The main landing wheels of parked Aircraft shall be chocked with wheel blocks or other approved devices, unless the Aircraft is equipped with adequate locking brakes.

5.3.7.2 Every Aircraft parked or left standing in an area of the Airport other than one designated for Aircraft parking or hangaring purposes shall have its position lights on between sunset and sunrise, local time.

5.3.7.3 Upon direction from the Airport Manager, the Owner or Commercial Operator of any Aircraft shall move the Aircraft from the place where it is parked or stored to a designated place; if the direction is not obeyed, the Airport Manager may tow said Aircraft to the designated place at the Owner's or the Commercial Operator's expense, without liability for damage which may result in the course of such moving.

5.3.7.4 All Persons leasing space for Aircraft storage, parking or tie-down shall furnish information regarding such Aircraft, including the Owner's and Commercial Operator's name(s), addresses and Aircraft identification, to the Airport Manager on request and shall notify the Airport Manager of any change in the provided information.

5.3.8 Disabled Aircraft. Aircraft Owners, pilots, or their agents shall be responsible for the prompt disposal of disabled Aircraft and parts, unless required to delay that action pending an investigation of an accident. If any Person abandons or otherwise neglects or refuses to move an Aircraft, or any parts thereof, when directed by the Airport Manager, the Aircraft or parts may be removed by the Airport Manager at the Owner's or the Commercial Operator's expense, and without liability for damage which may result in the course of such removal.

5.3.9 Accident Reports. Persons involved in Aircraft accidents occurring on the Airport shall file an accident report with the Airport Manager as soon as possible. The report shall include names, addresses, Aircraft identification, and all pertinent information relating to the accident. This does not eliminate any obligation a Person may have to report accidents or incidents to any other agency.

5.3.10 Operation of Radar Equipment. No airborne radar equipment shall be operated or ground tested on any area wherein the directional beam of high intensity radar is within 300 feet, or low intensity radar (less than 50 KW output) is within 100 feet of another operation, including a Self-Service Fueling facility, or an Aircraft refueling truck.

5.4 Fueling Aircraft.

5.4.1 Operation of Fueling Equipment. During the Fueling of an Aircraft a Person shall:

5.4.1.1 Not smoke on any Apron or near an Aircraft;

- 5.4.1.2 Exercise care to prevent the overflow of fuel;
- 5.4.1.3 Not use any material or equipment which is likely to cause a spark or be a source of ignition;
- 5.4.1.4 Ensure that required fire extinguishers are within easy reach;
- 5.4.1.5 Conduct such activities on hard surface areas only;
- 5.4.1.6 Not engage in Fueling:
  - (a) When an Aircraft engine is running;
  - (b) When an Aircraft is being warmed by application of exterior heat;
  - (c) Inside a hangar or an enclosed area;
  - (d) While an Aircraft radio transmitter or receiver is being operated, or other electrical appliances are switched on or off;
  - (e) When there are people aboard the Aircraft unless the Aircraft door is open, there is an attendant at the door, and a passenger loading stand is at the cabin door;
  - (f) From drums, small containers, or similar items; or
  - (g) While any radar equipment is being operated or ground tested within 300 feet of the Fueling equipment.
- 5.4.1.7 Not perform or allow performance of any Fueling activity when lightning is observed in the immediate vicinity of the Airport or during an electrical storm;
- 5.4.1.8 Exercise extreme caution to prevent spills. When a spill occurs, servicing will cease and spills will be removed or absorbed with suitable material;
- 5.4.1.9 Place all fuel handling devices so as to be readily removed in the event of fire; and
- 5.4.1.10 Not transfer fuel from a vehicle fuel system to an Aircraft fuel tank or intermediary tank for the purpose of Fueling Aircraft.

#### 5.4.2 General Fueling Equipment Requirements.

5.4.2.1 Fuel storage and servicing equipment, including fuel servicing vehicles, Fueling pumps, meters, hoses, nozzles, fire extinguishers and grounding devices shall be UL approved where applicable, shall comply with state laws and regulations, and shall be kept in first class non-leaking condition at all times.

5.4.2.2 Fuel dispensing nozzles must be of a dead-man normally-closed type and equipped with bonding connectors which can be clipped or otherwise positively engaged with bonding attachment provided on the Aircraft adjacent to the fuel tank cap in accordance with the requirements for bonding set forth in section 5.4.8.

5.4.2.3 Tanks shall have a valve mechanism such that water or other contaminants can be drained from the lowest portion of the tank.

5.4.2.4 An in-line filtration system utilizing a 5 micron or less fuel filter element shall be included in any fuel dispensing system.

5.4.2.5 No less than two fire extinguishers that meet the requirements of section 4.15.7 of these Rules shall be immediately available for use during fuel handling operations in connection with any Aircraft.

5.4.2.6 All hoses, funnels, and appurtenances used in Fueling operations shall be equipped with a grounding device to prevent ignition of volatile liquids.

Furthermore, funnels shall be metal and have a capacity of not less than two gallons to reduce the risk of spillage.

5.4.2.7 Fuel servicing vehicles and self service Fueling stations shall be maintained and operated in accordance with Environmental Protection Agency (EPA) federal, state, and local codes covering fuel dispensing on Airports and National Fire Protection Association (NFPA) Document 407, latest edition, (Aircraft Fuel Servicing), or as hereafter amended, FAA Advisory Circular 150/5230-4 (with revisions), and Uniform Fire Code (UFC) Appendix II-L and M.

5.4.3 Mobile Fueling Operations - General Restrictions.

5.4.3.1 A fuel servicing vehicle, including tank trucks and tank semi-trailers, when servicing an Aircraft, must be positioned:

(a) So as to not interfere with the discharge of Persons from the Aircraft during an emergency; and

(b) So that it can be readily driven forward to an open area during an emergency.

5.4.3.2 Fuel servicing vehicles will proceed slowly with caution on the Apron.

5.4.3.3 A Fueling operations attendant shall be fully trained and competent to operate the emergency pump controls.

5.4.3.4 Each fuel servicing vehicle shall be conspicuously marked in letters of contrasting color, with the word "flammable" on both sides and rear of the cargo tank in letters of at least six inches high, and with the wording "emergency shut-off" and other appropriate operating instructions required at the emergency operating devices in letters at least two inches high. Each fuel servicing vehicle will also be conspicuously marked on both sides and rear with the type and grade of fuel it contains in appropriate color schemes.

5.4.3.5 Unless allowed by a Permit or lease, fuel servicing vehicles shall not be stored or parked at the Airport. A Person, firm, or corporation may park or position a fuel servicing vehicle on the Airport premises only when actually dispensing fuel. Except for Commercial Operators engaged in Fueling, oil sales and transient Aircraft services under section 7.1 of these Rules, permission to park fuel servicing vehicles shall be granted by a Permit or lease only for extraordinary circumstances and for a limited period of time.

5.4.3.6 Fuel servicing vehicles shall use only the entrance, exit, and route designated by the Airport Manager while at the Airport.

5.4.3.7 A fuel servicing vehicle cargo tank shall be supported by and attached to, or be a part of, the vehicle upon which it is carried.

5.4.3.8 Enough Persons shall be employed during Fueling operations to safely operate the fuel storage and dispensing systems and perform periodic checks and inspections essential to their proper functioning.

5.4.3.9 Fuel will not be transferred from one fuel servicing vehicle to another within 100 feet of any building, open flame, sparking device, source of ignition, or group of people.

5.4.3.10 Prior to Fueling an Aircraft all fuel dispensing equipment shall be bonded to the Aircraft in accordance with the requirements for bonding set forth in section 5.4.8.

5.4.3.11 When a malfunction of the Fueling equipment is detected, all Fueling operations shall cease immediately and the malfunction shall be brought to the immediate attention of the Aircraft Owner or Commercial Operator.

#### 5.4.4 Self-Service Fueling.

##### 5.4.4.1 Authorized.

(a) The Airport Manager may issue Permits for the operation of Self-Service Fueling facilities to FBOs or Limited Service FBOs pursuant to an Agreement with the City or a license or Permit issued by the City.

(b) The Self-Service Fueling facilities, including all proposed fuel dispensing and storage equipment, shall be placed only in an area designated and approved by the Airport Manager. The location of the designated area may be changed by the Airport Manager to accommodate Airport expansion upon sixty (60) days prior notice to the Self-Service Fueling Commercial Operator.

(c) The Self-Service Fueling facility Commercial Operator shall provide only 100 LL aviation gasoline, which shall be supplied by a fuel provider listed on the Airport Manager's list of approved fuel providers.

(d) The fuel product shall meet all applicable Federal, State, fuel provider, American Standards for Testing Methods (ASTM) D 910 latest revision, and local regulations and requirements regarding safety, testing, filtering, inventory management, and quality assurance.

5.4.4.2 Permit Application Requirements. Prior to issuance of a Permit and authorization from the Airport Manager to commence operations, the Commercial Operator shall provide the Airport Manager with:

(a) Written documentation that the Commercial Operator has secured any necessary authorization for the Self-Service Fueling facility from the Oregon Department of Aviation;

(b) Copies of Permits issued by the City for construction and/or installation of the facility;

(c) Written approval from the Fire Marshal that the facility meets applicable standards and requirements; and

(d) Proof of insurance that meets the minimum requirements set forth in the Self-Service Fuel facility Permit, with the City named as a co-insured.

5.4.4.3 Self-Service Fueling Facilities. Plans and specifications for the construction and installation of Self-Service Fueling facilities, including all proposed fuel dispensing and storage equipment, shall be subject to the approval of the Airport Manager prior to construction and before installation, subject to the requirements of these Airport Rules, and the following special requirements and conditions of the operating Permit:

(a) The proposed location for installation of placement of the facility shall be supported by an engineering report that attests to the vertical load of proposed equipment and the ability of the existing

infrastructure to support the proposed fuel tank, equipment and related structures at capacity;

(b) Fuel tanks shall have a minimum capacity of five thousand (5,000) gallons, and, if approved by the Fire Marshall, a maximum capacity of fifteen thousand (15,000) gallons, and shall be kept full enough to meet customer demand at all times;

(c) Fuel dispensing equipment shall meet all applicable fuel distributor requirements;

(d) A canopy designed to protect customers from inclement weather shall be erected over the self-service dispensing pump area;

(e) The Self-Service Fueling facility shall have a lit sign for demarcation, which shall be approved by the Airport Manager prior to installation; and

(f) The facility shall be well lit and equipped with a telephone and calling instructions for use by customers to report emergencies and equipment malfunctions.

#### 5.4.4.4 Self-Service Fueling Operations:

(a) The method and route to be used by fuel delivery vehicles shall be subject to prior approval and modification by the Airport Manager.

(b) Self-Service Fueling equipment shall be repaired within 24 hours of a Commercial Operator's receipt of notification of a malfunction.

(c) The Commercial Operator shall demonstrate compliance with equipment and environmental compliance requirements set forth in the Self-Service Fueling facility Permit.

(d) Fuel shall be available for Self-Service Fueling at all times (24 hours a day, 7 days a week).

(e) All operations shall be conducted in compliance with the terms and conditions of the Self-Service Fuel facility Permit.

(f) The emergency telephone shall be staffed to handle customer calls regarding equipment malfunction or emergencies 24 hours per day, 7 days a week.

#### 5.4.4.5 Self-Service Facility Customer Service Requirements.

(a) All self-service equipment will be clearly identified as such and include instructions for use.

(b) Prominent safety instructions, including the Operating Rules set forth in subsection 5.4.1 of the Airport Rules, shall be installed by the Commercial Operator at the Self-Service Fueling facility. The type and location of the signs shall be approved by the Airport Manager prior to installation.

(c) During any period the equipment is not operational, signs that have been approved by the Airport Manager shall be posted informing customers of the condition of the equipment with the emergency telephone number of the Commercial Operator noted thereon.

(d) The facility shall be equipped with spill control supplies and instructions for their use.

(e) A supply of customer feed-back cards which have been approved by the Airport Manager shall be maintained by the Commercial Operator at the Self-Service Fueling facility at all times.

5.4.5 Bulk Plants.

5.4.5.1 Under no circumstances will a tank Motor Vehicle be left unattended at a bulk plant during the loading or unloading process. Loading and unloading shall not be considered complete until the delivery hose is detached from vehicle and tanks.

5.4.5.2 Mobile tank vehicles shall be properly bonded to bulk plants when receiving or dispensing fuel.

5.4.5.3 Persons or companies using any bulk plant are responsible for keeping the yards and the area three feet (3') outside the yard fences free of weeds, trash and other debris.

5.4.5.4 Tanks at bulk plants shall not be filled to the point where they will overflow from heat expansion. Tanks must be equipped with an overflow warning device or other system designed to prevent overflow.

5.4.5.5 All loading platforms and fill nozzles will be equipped with proper bonding devices and flexible cables.

5.4.5.6 Strict controls to detect fuel leakage or losses shall be used. Records of such controls shall be available for inspection by the Airport Manager.

5.4.5.7 All bulk storage fuel tanks will be above ground and incorporate an overflow/spill safety system, i.e., containment dike.

5.4.6 Starting of Engines Near Fuel Spill Prohibited. No Person shall start the engine or engines of any Aircraft at the Airport when there is gasoline or any type of fuel on the ground under the Aircraft. In the event gasoline or any fuel spills, no Person shall start an Aircraft engine in the area of the spillage until the spillage is flushed.

5.4.7 Liability for Improper Fueling. The City will not be responsible or in any way liable for improper Fueling or use of wrong fuel for an Aircraft by any fuel provider at the Airport.

5.4.8 Bonding. The use of a grounding cable, thus providing a conductive path to equalize the potential between the Fueling equipment and receptacle or Aircraft, is required. The bond shall be maintained until Fueling connections have been removed, thus allowing separated charges that could be generated during the transfer or Fueling operation to reunite.

6. PERMITS - GENERAL RULES.

6.1 Permission for Activities at Airport Required. No Person shall conduct Commercial Operations or Commercial Aeronautical Activities at the Airport, use the Airport as a base for the conduct of business, or otherwise provide services or goods to travelers, customers, a permittee or a lessee at the Airport, without obtaining a Permit or lease from the Airport Manager in the manner provided for under these Rules. The duty to obtain a Permit for supplying services or goods to a single permittee or lessee may be waived by the Airport Manager if the extent of the activity is not substantial. The Airport Manager will consider the availability of services provided by existing Commercial Operators prior to issuing a Permit.



**6.2 Relationship of Permit or Lease to Rules.** Unless expressly stated otherwise, all Permits and leases issued by the City shall be subject to the permittee's and licensee's compliance with the requirements of these Rules, the Rules regarding issuance and revocation of leases and Permits, and the Airport Master Plan and Airport Layout Plan. The Airport Manager may waive in writing all or any portion of the general or minimum standards set forth below when the Airport Manager deems such waiver to be in the best interest of the Airport's operation. The length of the waiver period shall be specified in a written agreement.

**6.3 General Standards for all Permittees and Lessees.** All permittees and lessees shall be subject to the following:

6.3.1 Required Licenses and Permits. The Commercial Operator, Aircraft pilot, and all personnel and employees shall be competent and shall hold all current valid certificates, Permits, licenses or other authorizations required by the FAA and state law. Such Permits or certificates shall be presented to the Airport Manager upon request.

6.3.2 Permit or Lease Not Transferable. No Permit or lease shall be conveyed or transferred without the prior written consent of the Airport Manager, which consent shall not be unreasonably withheld. Any sublessee or transferee must meet all of the requirements of the Permit or lease, and these Rules.

6.3.3 Construction of Improvements. No structure or improvements at the Airport shall be constructed, altered or removed without the prior written approval of the Airport Manager. The City may require a performance bond to guarantee the satisfactory completion of any construction. The plans and specifications for any buildings constructed at the Airport shall be subject to the prior written approval of the Airport Manager, and shall comply with all applicable state and local laws, codes and regulations.

6.3.4 Limit to Assigned Area. A Commercial Operator shall carry on operations strictly within the area assigned by the Airport Manager, and the operations shall not interfere with the lawful activities of other Persons using the Airport. The Commercial Operator shall not use any common use areas except as authorized by these Rules or the Airport Manager.

6.3.5 Required Space and Staffing. Unless otherwise agreed, all operations shall be conducted on one area of sufficient size to accommodate all services for which the Commercial Operator is licensed, allowing for future growth. The location and minimum size of areas of operations shall be set by the Airport Manager, consistent with these Rules and the Airport Master Plan. Except when offering T-hangars or inside hangar Aircraft storage only, each Commercial Operator shall provide and maintain a staffed business office open to the public during the normal business day and other facilities required by these Rules and the Commercial Operator's Permit or lease. Only one office shall be required of each Commercial Operator, without regard to the number of operations conducted at the Airport. No Commercial Operator shall use the office, area or other facilities of any other Commercial Operator without the consent of that Commercial Operator.

6.3.6 Periodic Reports. A Commercial Operator shall report to the City, as requested by the City from time to time or upon such other frequency as may be set forth in a specific Permit or lease, on the volume of the Commercial Operator's business on the form provided by the City. The City may require that these reports be certified by a

C.P.A. This information may be submitted in confidence, and, unless required by law, shall not be disclosed by the City to third parties, pursuant to ORS 192.501(2), ORS 192.501(5); ORS 192.502(2), and ORS 192.502(4).

6.3.7 Right of Entry. The Airport Manager shall have the right to inspect at reasonable times all Airport premises, together with all structures or improvements, all Aircraft and equipment, and all licenses and registrations.

6.3.8 Records. A Commercial Operator shall keep accurate records and books of accounts on the operation of his facility. These records and books shall be subject to examination by the Airport Manager during normal business hours upon reasonable advance notice.

6.3.9 Payment of Fees and Charges. A Commercial Operator shall pay promptly when due, all utility charges incurred at the leased premises, charges made by the suppliers, any fees or rents imposed by the City, and any taxes and assessments levied against any property constructed, used, or leased at the Airport. The Commercial Operator agrees to hold the City harmless from all liens that may be placed against the facilities on the leased premises.

6.3.10 Repair and Maintenance. The overall condition of all spaces shall be appropriate for their intended purpose, subject to the approval of the Airport Manager. A Commercial Operator shall keep the leased area facilities and structures in an acceptable state of repair and maintained in a clean and orderly condition at all times. All leased property shall be free from fire hazards as may be determined by the Airport Manager or the Fire Chief. The City may make repairs to any leased area when the Commercial Operator is obliged to make the repairs and has failed, after due notice, to do so, or in any other case where City, in its reasonable judgment, determines that repairs are necessary to correct any condition likely to cause injury or damage to Persons or property. In either event, the Commercial Operator shall reimburse the City for the reasonable costs of these repairs promptly upon demand.

6.3.11 Parking. Each Commercial Operator operating a fixed place of business at the Airport shall provide off-street, paved-surface parking for full time employees, company vehicles, and customers in the amount specified by the Eugene Code, for such operations, or the amount specified by these Rules, whichever is greater. Such parking shall be provided at locations designated by the City. The City may require the provision of this parking at a site operated by the City.

6.3.12 Stormwater Pollution Control Plan. Each Commercial Operator, their agents and employees, shall observe and comply with all applicable Rules, regulations, orders and restrictions with respect to the City's National Pollutant Discharge Elimination System Permit No. 1200-T and the Stormwater Pollution Control Plan (SWPCP), including any assessments for the cost thereof.

6.3.13 Environmental Requirements. Each Commercial Operator, its agents and employees, shall comply with all applicable City, state, and federal environmental statutes and regulations, including, but not limited to, requirements for the disposal of waste oil, deicing fluids and other potentially hazardous substances and for the refueling of all Aircraft and vehicles.

6.3.14 Snow, Ice, Weed and Debris Removal. Each Commercial Operator shall promptly remove snow, ice, debris, and weeds from the area in which the Commercial Operator is authorized to operate. Passageways, halls, doors, and exits from buildings

occupied by a Commercial Operator shall be kept clear of stored material and debris. The City may, at the request of the Commercial Operator, and at the discretion of the Airport Manager, assist the Commercial Operator in snow, ice, debris and weed removal. Each Commercial Operator shall indemnify and hold the City, and its officials, agents, and employees harmless from all liability in connection with such snow, ice, debris and weed removal.

6.3.15 Insurance. Unless otherwise agreed, each Commercial Operator shall maintain in force during the time operations are conducted at the Airport the insurance coverages specified below. The Airport Manager may require other types of insurance policies (e.g., hangar keepers, product liability, Aircraft liability) when the maintenance of such insurance is in the public interest. Each policy required by these provisions shall be written as a primary policy, not contributing with or in excess of any coverage which the City may carry. The Commercial Operator shall deliver copies of each policy to the Airport Manager before beginning operations. Each liability policy shall be written on an "occurrence" form with an admitted insurance carrier licensed to do business in the State of Oregon and shall contain an endorsement entitling the City to not less than 30 days prior written notice of any material change, nonrenewal or cancellation. The adequacy of all insurance required by these Rules shall be subject to approval by the Airport Manager.

6.3.15.1 Commercial General Liability. The Commercial Operator shall maintain a commercial general liability insurance policy with coverage of not less than \$1,000,000 combined single limit per occurrence/\$1,000,000 aggregate for bodily injury, personal injury or property damage. Such policy shall contain a contractual liability endorsement to cover the Commercial Operator's indemnification obligations under these Rules. The policy shall also contain an endorsement naming the City as an additional insured, in a form satisfactory to the City, and expressly providing that the interest of the City shall not be affected by the Commercial Operator's breach of the policy provisions.

6.3.15.2 Commercial Automobile Liability. The Commercial Operator shall maintain a commercial automobile liability insurance policy on all Motor Vehicles regularly used at the Airport with coverage of not less than \$1,000,000 combined single limit per occurrence/\$1,000,000 aggregate for bodily injury, personal injury or property damage. The coverage shall include both hired and non-owned auto liability. The policy shall also contain an endorsement naming the City as an additional insured, in a form satisfactory to the City, and expressly providing that the interest of the City shall not be affected by the Commercial Operator's breach of the policy provisions.

6.3.15.3 Worker's Compensation Insurance. The Commercial Operator shall comply with the Oregon worker's compensation law by qualifying as a carrier-insured employer or as a self-insured employer and shall strictly comply with all other applicable provisions of such law. The Commercial Operator shall provide the City with the assurances that the City may require that the Commercial Operator is in compliance with the worker's compensation law. This Rule is not intended to require worker's compensation by a Commercial Operator for agents, when that coverage is not required by state law.

6.3.16 Indemnification. A Commercial Operator shall indemnify and hold the City of Eugene and its officers, agents and employees, harmless from and against all

claims, actions, liabilities, costs, including costs of defense, arising out of or in any way related to the Commercial Operator's activities at the Airport, the Commercial Operator's failure to comply strictly with any provision of these Rules or of the Commercial Operator's lease or Permit with the City, or of any other actions or failure to act by the Commercial Operator and the Commercial Operator's employees, agents, officers and contractors. In the event any such action or claim is brought against the City, the Commercial Operator shall, if the City so elects and upon tender by the City, defend the same at the Commercial Operator's sole expense and cost, promptly satisfy any judgment adverse to the City or to City and Commercial Operator jointly, and reimburse the City for any loss, cost, damage or expense suffered or incurred by the City, including any legal fees, or fines paid to the FAA or any other governmental agency arising from the Commercial Operator's activities.

6.3.17 Vending Machines. A Commercial Operator shall not install or operate vending machines, pay telephones, coin-operated amusement machines or devices in or upon any leased premises, except as approved by City. City specifically reserves the right to arrange for the installation of such machines or devices and such other concessions as the City may desire.

6.3.18 National Emergencies. During time of war or national emergency, the City shall have the right to lease the Airport, or any part of the Airport to the United States for military use. Any Permit, lease, or authority granted under these Rules shall be subject to and controlled, in the event of inconsistency, by that government lease.

6.3.19 Existing and Future Government Agreements. Any Permit, lease, or agreement entered into under these Rules shall be subject to the terms of the sponsor's assurances and agreements now required or imposed in the future between the City and the FAA or its successor, any existing or future agreement between the City of Eugene and the United States, and to any directive from the FAA or its successor to the City, relative to the operation or the maintenance of the Airport or the obtaining of federal grants.

6.3.20 Airport Layout Plan/Airport Master Plan. The City reserves the right to make changes in the Airport Layout Plan and Airport Master Plan. The City reserves the power to designate as common use areas any areas which have not been specifically leased or reserved to any Person or party by a written agreement.

6.3.21 City Use of Leased Land. The City has the right to temporarily occupy any part of an area which has been leased or reserved to any Person by a written agreement, so long as the City use does not unreasonably interfere with the principal use of the land by the lessee or permittee. The City may require any structure or building on any leased property to be relocated on the property if the relocation is needed in connection with an expansion or improvement of the Airport. The City shall pay the Commercial Operator compensation for any temporary or permanent relocation to the extent required by law.

6.3.22 Discrimination. No Person shall, in the use of the Airport or any of its facilities, discriminate or permit discrimination against any Person on the grounds of race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income, or disability, or otherwise discriminate in violation of federal, state or local law. Each Commercial Operator shall furnish all services authorized or licensed by the City of Eugene by charging fair, reasonable and not unjustly

discriminatory prices for each unit of service; provided, however, that the Commercial Operator may make reasonable and non-discriminatory discounts, rebates, or other similar types of price reductions to volume purchasers, if permitted by law.

## 7. PERFORMANCE STANDARDS FOR PARTICULAR ACTIVITIES

In addition to the general standards set out above, each Permit or lease for the following described operations shall conform to the minimum requirements stated herein. When a Commercial Operator conducts multiple activities (SASPs) they must meet the specific requirements for each activity. All prospective Commercial Operators must present a business plan acceptable to the Airport Manager. In the absence of a specific requirement in these Rules the Airport Manager has the sole discretion to determine the minimum standard to be applied. The Airport Manager may amend specific Permit or lease requirements if he/she determines that changes are needed to better serve the interests of the Airport.

**7.1 Fixed Based Operator (FBO):** A Commercial Operator who engages in the primary activities of retail Aircraft fuel sales and Aircraft Mobile Fueling, operates an FAA certified repair station, parts sales, Aircraft storage and at least two additional services from the list of primary SASPs.

7.1.1 Required Lot Size. The leasehold shall contain sufficient square footage for buildings, a paved vehicle parking area adequate for customer needs and access to a paved Aircraft parking and tie-down area of adequate size and strength to accommodate ten general-aviation Aircraft. A minimum of two of these parking spaces will be adequate to accommodate Aircraft with a wingspan in excess of 50 feet.

7.1.2 Required Building Size. The Commercial Operator shall have:

7.1.2.1 Adequate square footage of lighted, heated and air conditioned building space on Airport property for office, flight planning, pilot's lounge, public restrooms and public lounge.

7.1.2.2 A heated, clear-span hangar containing a minimum of 4,000 square feet of floor space suitable for the maintenance and repair of general aviation Aircraft. All structures that are proposed to fulfill this portion of the Rules must be in good serviceable condition and able to meet or exceed all current code requirements.

7.1.3 Required Personnel. The Commercial Operator shall have an adequate number of qualified personnel to render competent service to general aviation customers.

7.1.4 Required Equipment. The Commercial Operator shall have adequate ground support equipment including, but not limited to, ground power units, oxygen carts, portable compressed air, compressed nitrogen, passenger-loading steps, tools, jacks, and towing equipment necessary to service the general aviation Aircraft normally frequenting the Airport. Sufficient equipment, or access to such equipment, to properly remove from the Movement Area any disabled, towable Aircraft weighing 37,000 pounds or less within a reasonable period of time.

7.1.5 Required Fueling Facilities. The Commercial Operator shall meet the applicable requirements of section 5.4 of these Rules as well as all applicable FARs, environmental regulations and codes (including a spill containment plan available for inspection) and have:

7.1.5.1 Adequate fuel storage facilities of sufficient capacity to accommodate a minimum bulk storage of 20,000 gallons jet A and a minimum bulk storage of 10,000 gallons of aviation gasoline; and suitable pumping equipment for each type of fuel. Such fuel facilities shall be located in the Airport fuel farm area unless otherwise authorized by the Airport Manager; and

7.1.5.2 A minimum of three fuel-dispensing trucks, two jet fuel-dispensing trucks having a minimum capacity of 2,000 gallons and one aviation gasoline fuel-dispensing truck having a minimum capacity of 750 gallons. Each truck will be equipped with adequate and appropriate filtering devices and meters. Fuel shall be available in such types and quantities to meet all reasonable demands of the Aircraft normally frequenting the Airport. Both jet fuel and aviation gasoline shall be offered.

7.1.6 Required Services. The services provided by an FBO shall include, but not be limited to, Aircraft Fueling, Aircraft Mobile Fueling, parking, washing, tying down Aircraft, inflating Aircraft tires and changing Aircraft oil. The Commercial Operator shall provide shuttle service for Aircraft occupants as necessary.

7.1.7 Hours of Operation. As a minimum, the facility shall be open for business during the same periods that the FAA Control Tower at Eugene is in operation, but no less than fourteen hours per day seven days per week and on call at other times, and shall be available within a one hour notice.

**7.2 Aircraft Maintenance and Repair.** The Commercial Operator must offer airframe power plant and accessory repair for General Aviation Aircraft and must meet all requirements as specified under applicable FARs. An Aircraft Maintenance and Repair station may be approved to service any or all General Aviation fixed and rotary wing configurations; including piston, turbojet and turboprop powered Aircraft.

7.2.1 Required Lot Size. The leasehold shall contain:

7.2.1.1 Sufficient square footage for buildings and paved vehicle parking adequate for customer needs.

7.2.1.2 Access to a paved Aircraft parking and tie-down area of adequate size and strength to accommodate five general aviation Aircraft of type and size that the Maintenance and Repair facility is licensed to service.

7.2.2 Required Building Size. The Commercial Operator shall maintain sufficient hangar space to house any Aircraft upon which services are being performed. In addition the Commercial Operator shall maintain, on the Airport, an office and furnish customers with adequate lighted, heated and air conditioned space for public use, including public restrooms. The Commercial Operator may satisfy the obligation to provide restrooms and public space by sharing public space and restrooms with another Commercial Operator in the same building.

7.2.3 Required Personnel. The Commercial Operator shall have one qualified full-time Inspector Aircraft Mechanic, and as many other properly trained personnel as may be required to perform the various maintenance repairs in an efficient manner.

7.2.4 Required Equipment and Supplies: The Commercial Operator shall provide equipment, supplies, and parts required for general Aircraft inspection, maintenance, and repair.

7.2.5 Hours of Operation. The minimum operating hours of the facility shall be from 8:00 a.m. to 5:00 p.m., five days a week, excluding holidays, and on call at other times, and shall be available within one hour notice.

7.3 Aircraft Avionics Sales/Maintenance. The Commercial Operator must provide a radio and instrument repair service at the Airport and must hold all applicable certificates and ratings required under current FARs.

7.3.1 Required Lot Size. The leasehold shall contain sufficient square footage for buildings and paved vehicle parking adequate for customer needs. Parking areas may be shared with adjacent tenants when approved by the Airport Manager. The leasehold shall contain sufficient hangar space to accommodate customer requirements.

7.3.2 Required Building Size. The Commercial Operator shall maintain, on the Airport, an office and furnish customers with adequate lighted, heated and air conditioned space for public use, including public restrooms. The Commercial Operator may satisfy the obligation to provide restrooms and public space by sharing public space and restrooms with another Commercial Operator in the same building.

7.3.3 Required Personnel. The Commercial Operator shall have at least one Person qualified for the services to be provided in accordance with the terms of the repair station certificate.

7.3.4 Hours of Operation. The operating hours of the facility will be at the Commercial Operator's discretion, subject to the approval of the Airport Manager.

7.4 Commuter and On Demand. The Commercial Operator must be certificated in accordance with all applicable FARs.

7.4.1 Required Lot Size. The leasehold shall contain sufficient square footage for buildings and paved vehicle parking adequate for customer needs. Parking areas may be shared with adjacent tenants when approved by the Airport Manager. The leasehold shall contain sufficient hangar space to accommodate the projected inventory of Aircraft and customer requirements.

7.4.2 Required Building Size. The Commercial Operator shall maintain, on the Airport, an office and furnish customers with adequate lighted heated and air conditioned space for public use, including public restrooms. The Commercial Operator may satisfy the obligation to provide restrooms and public space by sharing public space and restrooms with another Commercial Operator in the same building. If the Commercial Operator provides air cargo service, additional square footage for storage will be required.

7.4.3 Required Personnel and Equipment. The Commercial Operator shall provide Aircraft and trained flight crews that are current and in compliance with all requirements of the On Demand certificate held under the applicable FARs.

7.4.4 Hours of Operation. The operating hours of the facility will be at the Commercial Operator's discretion, subject to the approval of the Airport Manager.

7.5 Aircraft Rental.

7.5.1 Required Lot Size. The leasehold shall contain sufficient square footage for buildings and paved vehicle parking adequate for customer needs. Parking areas may be shared with adjacent tenants when approved by the Airport Manager. The leasehold shall contain sufficient tie-downs and/or hangar space to accommodate the projected inventory of Aircraft.

7.5.2 Required Building Size. The Commercial Operator must have properly lighted, heated and air conditioned space on Airport property for office, public use area, and public restrooms to meet the needs of customers. The Commercial Operator may satisfy this obligation to provide restrooms and public space by sharing public space and/or restrooms with another Commercial Operator in the same building.

7.5.3 Required Equipment. The Commercial Operator must own or lease a minimum of two currently licensed Aircraft, or one currently licensed helicopter.

7.5.4 Hours of Operation. The operating hours of the facility will be at the Commercial Operator's discretion, subject to the approval of the Airport Manager.

## 7.6 Aircraft Sales.

7.6.1. Required Lot Size. The leasehold shall contain sufficient square footage for buildings and paved vehicle parking adequate for customer needs. Parking areas may be shared with adjacent tenants when approved by the Airport Manager. The leasehold shall contain sufficient Aircraft tie-downs and/or hangar space to accommodate the projected inventory of Aircraft.

7.6.2 Required Building Size. The Commercial Operator must have properly lighted, heated and air conditioned space on Airport property for office, public use area, and public restrooms to meet the needs of customers. The Commercial Operator may satisfy the obligation to provide restrooms and public space by sharing public space and restrooms with another Commercial Operator in the same building. If servicing of Aircraft sold is part of the proposed operation, the Commercial Operator shall provide adequate square footage of clear-span hangar to accommodate maintenance and warranty servicing of the Aircraft sold.

7.6.3 Required Personnel. The Commercial Operator shall have one full-time authorized agent to transact sales and available services of a qualified/current demonstration pilot.

7.6.4 Dealerships. It shall be at the discretion of the Commercial Operator whether or not to be an authorized factory dealer. All Aircraft dealers shall hold a dealership license or Permit if required.

7.6.5 Aircraft. A dealer of new Aircraft shall have available or on call at least one current model demonstrator and shall provide for demonstrations of additional models of the manufacturer for which a dealership is held. A dealer shall provide an adequate supply of parts and servicing facilities to customers during Aircraft and parts warranty periods.

7.6.6 Services. The dealer shall provide for adequate servicing of Aircraft, parts and accessories during warranty periods of new and used Aircraft. Non-dealers must provide or have contract access to on-site spare parts and service to meet any warranty or warranties for the Aircraft which are sold with warranties.

7.6.7 Hours of Operation. The operating hours of the facility will be at the Commercial Operator's discretion, subject to the approval of the Airport Manager.

## 7.7 Full Time Flight Instruction.

7.7.1. Required Lot Size. The leasehold shall contain sufficient square footage for buildings and paved vehicle parking adequate for customer needs. Parking areas may be shared with adjacent tenants when approved by the Airport Manager. The leasehold shall contain sufficient tie-down and/or hangar space to accommodate the projected inventory of Aircraft.



7.7.2 Required Building Size. The Commercial Operator must have properly lighted, heated and air conditioned space on Airport property for classroom/briefing room, office, public use area, and public restrooms to meet the needs of customers. The Commercial Operator may satisfy the obligation to provide restrooms and public space by sharing public space and restrooms with another Commercial Operator in the same building.

7.7.3 Required Personnel. The Commercial Operator shall employ at least one full-time certified Flight Instructor, with appropriate ratings to cover the types of training offered.

7.7.4 Equipment Requirements. The Commercial Operator shall own or have under written lease at least two properly certified Aircraft equipped for flight instruction.

7.7.5 Hours of Operation. The operating hours of the facility will be at the Commercial Operator's discretion, subject to the approval of the Airport Manager.

7.8 Independent Flight Instruction. Independent flight instructors will be permitted to provide Aircraft flight instruction at times of their choosing without meeting the requirements of section 7.7, providing the Person provides the Airport Manager with the following documents:

7.8.1 Proof of proper and current licenses certified by the FAA, with appropriate ratings to cover the type of training offered;

7.8.2 Written assurance, in a form acceptable to the City, that adequate public liability and property damage insurance is provided in such amounts as to protect the City and the Airport from legal liabilities resulting from this activity;

7.8.3 Written assurance that all federal, state, and local statutes, rules and regulations will be complied with at all times; and

7.8.4 Written assurance that not more than forty (40) hours of flight instruction (flight time) will be provided in any one (1) month,

The City reserves the right to inspect the Commercial Operator's flight log books upon demand, with no prior notice.

7.9 Specialized Aeronautical Service Provider (SASP). Proposed SASPs must submit an application that addresses the items listed in 7.9.1 below and a business plan acceptable to the Airport Manager. The Airport Manager may amend specific Permit or lease requirements if he/she determines that changes are needed to better serve the interests of the Airport. Commercial Operators offering two or more primary SASPs shall be considered Limited Service Fixed Base Operators. Primary SASPs are listed below:

- Aircraft Maintenance and Repair
- Avionics Sales/Maintenance
- Commuter and On Demand
- Aircraft Rental
- Aircraft Sales/Leasing
- Flight Instruction

7.9.1 Applications to provide Specialized Aeronautical Services shall address the following items:

7.9.1.1 A description of the proposed activity and the proposed location of the land and paved areas on the Airport needed for this activity;

7.9.1.2 A proposal to lease or construct a building which will satisfy the requirements of the proposed operation;

7.9.1.3 Number and qualifications of personnel to support the proposed operation;

7.9.1.4 Number of Aircraft owned or leased to be used in the proposed operation; and

7.9.1.5 Proposed hours of operation each day, week or month.

## 7.10 Hangars.

7.10.1 Location. Hangars may be located only in specially designated areas shown in the Airport Layout Plan and Airport Master Plan for hangar sites or T-hangar sites.

### 7.10.2 Compatibility of Design and Construction.

7.10.2.1 Appearance: Hangars located in the area used for T-hangars must be similar in appearance to the existing T-hangars and contain a minimum of ten (10) units, space permitting.

7.10.2.2. Conformity to Code: All new construction and any hangar modification shall conform to current building, fire, electrical, land use and other codes as established by Lane County and the City of Eugene in effect at the time of application.

#### 7.10.2.3. Materials:

(a) Hangars shall be constructed with a steel structure, comprised of metal framing and exterior walls.

(b) Siding and roof: Hangars shall be sheathed in metal with non-gloss colored baked enamel finish over minimum spangle galvanized steel, meeting ASTM A653 Standard. The baked enamel is to be a minimum of one mil or greater in thickness. Roofs shall be galvanized metal meeting ASTM A653M Standard. Construction shall be in accordance with applicable building, plumbing, mechanical and electrical codes of the City of Eugene.

(c) Exterior lighting: Wall mounted, full cut-off type fixtures, only to be illuminated from sunset to sunrise, local time. Fixtures are subject to review and approval by the Airport Manager.

(d) Exterior colors: Subject to review and approval by the Airport Manager.

(e) Aprons: concrete, unless existing conditions warrant an alternative surface in which case asphalt may be approved by the Airport Manager.

### 7.10.3 Airport Approval of Plans.

7.10.3.1 Two complete sets of plans and specifications for hangars shall be submitted to the Airport Manager for review and approval prior to applying for a building Permit with the City of Eugene.

7.10.3.2 There shall be no deviation from the Airport approved plans and specifications without the prior written permission of the Airport Manager.

7.10.4 Uses. Non-commercial hangars may not be used for commercial purposes except to sublease space for storage of Aircraft and the maintenance and repair of the Aircraft stored in that hangar.

7.10.5 Hangar Modifications. Prior to the commencement of any hangar modifications provide the Airport Manager with plans and specifications in accordance with 7.10.3. Approval by the Airport Manager is required for all hangar modifications that, in all cases, shall conform to 7.10.2.2.

7.10.6 FAA 7460 Approval. Must be received by the Airport Manager prior to the commencement of construction.

7.11 Flying Clubs. A flying club is NOT a Commercial Aeronautical Activity serving the public but is an organization for the purpose of providing its members with one or more Aircraft for their personal use and enjoyment. A club is considered as an individual Aircraft Owner. The Rules governing a flying club using this Airport are included in this document as Appendix A.

## 8. GROUND TRANSPORTATION SERVICES.

### 8.1 Authorized Activities.

8.1.1 Any Person engaging in a Ground Transportation Activity shall obtain a Permit to do so from the Airport Manager. In particular, a Permit shall be required for Commercial Operators of taxicabs, limousines, vans, and buses who pick up passengers or cargo at the Airport for transportation to an off-Airport destination.

8.1.2 Passenger and cargo pickup shall occur only in the areas designated by the Airport Manager.

### 8.2 Permit Conditions.

8.2.1 The Airport Manager may impose such conditions and requirements on a Ground Transportation Activity Permit as the Airport Manager deems necessary to protect the public interest. Such conditions shall include at a minimum: identification of the vehicles to be used, requirements on posting rates and certificates, operational and maintenance requirements for such vehicles, restrictions on driver conduct and dress, necessary insurance, and required indemnification to the City.

8.2.2 Ground Transportation Activity Permits shall be issued and revoked under the procedures set out in sections 9 and 10 of these Rules.

### 8.3 Limitation on Number of Permits.

8.3.1 The Airport Manager is authorized to limit the number of Permits issued for a particular Ground Transportation Activity whenever such a limitation would serve the public interest. In exercising this authority, the Airport Manager shall consider:

8.3.1.1 Whether an exclusive Permit or limitation on the number of Permits is necessary in order to provide consistent, reliable, convenient and relatively inexpensive transportation service to Persons who arrive at and leave the Airport;

8.3.1.2 Whether congestion on Airport access roads or passenger pickup areas requires limiting the number of vehicles of a particular type or function using those areas; and,

8.3.1.3 Such other factors as the Airport Manager deems relevant.

8.3.2 The determination of the Airport Manager on the need for limiting the number of Permits for a particular Ground Transportation Activity shall be in writing and shall be based on whatever investigation and record the Airport Manager deems appropriate.

8.3.3 Whenever a limitation is placed on the number of Permits issued for a particular Ground Transportation Activity, the Airport Manager shall use competitive processes in the award of the Permit or Permits for that activity. The competitive process may be public bidding, requests for proposals, requests for quotations, informal solicitation, or whatever process the Airport Manager determines is likely to maximize revenue and minimize costs to the City and discourage favoritism and increase competition in the award of the Permits.

#### **8.4 Ground Transportation Activity Permit Fees.**

8.4.1 Fees for particular types of Ground Transportation Activity Permits shall be set by the Airport Manager using the notice and comment procedures set forth in section 2.441 of the Eugene Code. The decision of the Airport Manager on the amount of the Permit fee shall be final.

8.4.2 In determining the amount of the fee for particular types of Ground Transportation Activity Permits (e.g., taxicabs, limousines or vans for off-Airport car rental agencies, etc.), the Airport Manager shall consider:

8.4.2.1 The amount charged for such Permits in the past;

8.4.2.2 Comparable amounts or rates, if any, charged by other Airports;

8.4.2.3 The consideration paid to the City by comparable users of the Airport;

8.4.2.4 The revenue needs of the Airport;

8.4.2.5 The need to create incentives for businesses to locate and operate at the Airport;

8.4.2.6 The benefits obtained by the business from its operations at the Airport; and,

8.4.2.7 The need for a variety of economically viable Ground Transportation Activities at the Airport.

### **9. REQUEST FOR PERMIT OR LEASE.**

9.1 **Request.** Requests for ground leases on the Airport, or for permission to carry on any Commercial Aeronautical Activity to serve the public on the Airport, shall be made to the Airport Manager by delivering all necessary Permits and licenses to the Administration Office in triplicate. The request shall be in sufficient detail to discern the qualifications of the Applicant to perform the desired service and shall include the following:

9.1.1 A written synopsis detailing the nature of the proposed activity including:

9.1.1.1 The name, address, and telephone number of the Applicant;

9.1.1.2 A detailed description of the proposed fixed-base operation that will serve the public including the proposed date of commencement of services;

9.1.1.3 The professional qualifications of personnel who will manage and/or operate the proposed fixed-base operation;

9.1.1.4 Descriptions and cost estimates of any proposed capital improvements on the fixed-based operation site.

9.1.2 A current financial statement prepared or certified by an independent certified public accountant. The Airport Manager shall consider financial statements in evaluating the Applicant's financial ability to provide responsible, safe, and adequate service to the public.

9.1.3 A written listing of the assets owned, leased, or being purchased which will be used in the business on the Airport. Copies of any leases or purchase contracts must be attached.

9.1.4 A written agreement that the Applicant will execute such forms, releases, or discharges as may be requested by the FAA and all aviation or aeronautic commissions, administrators, or departments of all states in which the Applicant has engaged in aviation business, to release information in their files relating to the Applicant or its operation.

9.1.5 The request shall be signed and submitted by the owner of the business if a sole proprietorship, every partner if a partnership, and the President or CEO if a corporation.

9.1.6 The Applicant agrees to provide any additional information and material necessary, or requested by the Airport Manager, to establish to the satisfaction of the Airport Manager that the Applicant can qualify and will comply with these minimum standards.

9.1.7 If directed by the Applicant, the Airport Manager shall hold the financial information included with the documents separate from the request and not available for public inspection to the extent covered by the Oregon Public Records Law.

**9.2 Fee.** The request shall be accompanied by a fee set by the Airport Manager under sections 2.440 to 2.442 of the Eugene Code.

**9.3 Review of Request.** A request shall be allowed or denied within 45 days after receipt of all of the required documents. The request may be approved if:

9.3.1 The requested operation is consistent with the Airport Master Plan, the Eugene-Springfield Metropolitan Area General Plan, and relevant provisions of federal, state and local laws and rules; and

9.3.2 The requested operation would enhance the health, welfare and safety of users of the Airport.

In reviewing a request the Airport Manager may consider whether:

9.3.3 The Applicant's past or present violation of laws or regulations presents a reasonable doubt about the Applicant's ability to conduct activities at the Airport without endangering property or the public's health or safety;

9.3.4 The Applicant possesses insufficient skill or expertise to conduct the desired activity;

9.3.5 Allowance of the request will require the expenditure of public funds in connection with the proposed operation;

9.3.6 There is no appropriate, adequate, or available space or building on the Airport to accommodate the entire activity of the Applicant at the time of application;

9.3.7 Development or use of the area requested by the Applicant will unduly interfere physically with existing operations at the Airport;

9.3.8 The Applicant has supplied the City with false information or has misrepresented a material fact in the request;

9.3.9 The Applicant has defaulted in the performance of any lease, Permit or other agreement with the City;

9.3.10 The Applicant does not appear to have, or have access to the finances necessary to conduct the proposed operation for a minimum period of six months;

9.3.11 The Applicant has a history of not paying debts when due; or,

9.3.12 The Applicant is unwilling to execute a Permit or lease in the form and containing the provisions required by the City.

Nothing contained herein shall be construed to prohibit the City from granting or denying, for any reason it deems sufficient, a request to do business on the Airport or to use any area of the Airport.

**9.4 Action on Request.** The Airport Manager shall issue a written decision approving or denying each request. Approval will be conferred by issuance of a Permit or lease. Denial will be by written communication, identifying the reasons for the decision of the Airport Manager denying the request.

**9.5 Charges and Rents.** The Permit or lease shall provide for the periodic payment to the City of a sum based on the following:

9.5.1 The amount charged for such use in the past;

9.5.2 Comparable amounts or rates, if any, charged by other Airports;

9.5.3 The amounts paid or benefits given by comparable users of the Airport;

and

9.5.4 The revenue needs of the Airport.

**9.6 Operating Agreements.** Sections 9.1 through and including 9.5 do not apply to the following Commercial Operators (use of the Airport shall be allowed for such entities subject to federal and state law and to reasonable conditions for such use which shall be set forth in an operating agreement):

9.6.1 Certificated Route Air Carriers, i.e., an air carrier holding a certificate of public convenience and necessity issued by the Oregon Department of Transportation to conduct scheduled services;

9.6.2 Supplemental Air Carriers, i.e., an air carrier holding a certificate of public convenience and necessity issued by the Oregon Department of Transportation authorizing the carrier to perform passenger and cargo charter services supplementing the scheduled service of the Certificated Route Air Carriers;

9.6.3 Aircraft Charter, i.e., the provision of Aircraft for hire, with pilot, on an irregular or unscheduled basis in accordance with FAR Part 121, which Aircraft has a minimum seating capacity of sixty (60) or more passengers; and

9.6.4 Air Commuter Service, i.e., operation of Aircraft in accordance with FAR Part 135, providing carriage for Persons or property for hire in an Aircraft having a maximum seating capacity of less than 20 passengers or a maximum payload capacity of

6,000 pounds (for interstate transport) or an Aircraft having a maximum seating capacity of less than 309 passengers or a maximum payload capacity of less than 7,500 pounds (for intrastate transport), which operation performs at least five round trips per week between two or more points and publishes flight schedules which specify the times, days of the week, and points between which flights are performed.

10. **REVOCAION OF PERMIT OR LEASE.**

10.1 **Grounds for Revocation.** Unless otherwise provided in the lease or Permit, the Airport Manager may terminate any lease or revoke any Permit upon the happening of any of the following:

10.1.1 Failure of the Commercial Operator to pay any rental, fee or other charge when due and within seven (7) days after notice from the City of such nonpayment;

10.1.2 Failure of the Commercial Operator to comply with any provision of these Rules or with any provision of the lease or Permit within thirty (30) days after notice from the City specifying the nature of the deficiency with reasonable particularity and the corrective action that is to be taken within such period to cure the deficiency, or if a second incidence of noncompliance with any provision of the Rules and regulations occurs within a twelve-month period;

10.1.3 The filing by the Commercial Operator of a voluntary petition in bankruptcy or the filing of an involuntary petition in bankruptcy against the Commercial Operator and the failure of the Commercial Operator to dismiss such proceeding within ninety (90) days after the filing;

10.1.4 The taking of possession of all or substantially all of the Commercial Operator's assets pursuant to proceedings brought under the provisions of any federal reorganization act and the failure of the Commercial Operator to secure the return of such assets and the dismissal of such proceedings within ninety (90) days from the date of the taking of such possession;

10.1.5 The appointment of a receiver of all or substantially all of the Commercial Operator's assets and the failure of the Commercial Operator to secure the return of its assets and the dismissal of such receivership proceeding within ninety (90) days from the date of such appointment.;

10.1.6 The taking of possession of the leased premises, or any portion thereof, or all or substantially all of the assets of the Commercial Operator by virtue of any attachment, execution or levy of any judicial process in any action instituted against the Commercial Operator in any court of competent jurisdiction and the failure of the Commercial Operator to secure the release of such attachment, execution or levy within ninety (90) days from the date of the taking of such possession;

10.1.7 The assignment by the Commercial Operator of its assets for the benefit of creditors;

10.1.8 The abandonment or discontinuance of any permitted operation for a period of thirty (30) days unless the discontinuance is approved by the Airport Manager. Suspension of operation caused by strike or work stoppage shall not be construed as abandonment; or,

10.1.9 The Commercial Operator or its agents have intentionally supplied the City with false or misleading information or misrepresentation of any material fact on the

application or documents, or in statements to or before the City, or have intentionally filed to make full disclosure on the financial statement or other required documents.

10.2 Notice of Revocation. Upon determining that a ground for revocation of a lease or Permit exists, the Airport Manager shall provide written notice of revocation to the Commercial Operator. Notice of revocation shall be effective at midnight on the 15<sup>th</sup> day after notice has been given; provided, however, if in the Airport Manager's judgment continuance of the lease or Permit poses an immediate risk to the public health, welfare, or safety, or interferes with another permitted activity at the Airport, the revocation shall be effective when issued.

## 11. PENALTIES.

### 11.1 Right to Remove.

11.1.1 Ejection From Airport. In addition to any other penalty provided by law, any Person who violates these Rules, or fails to comply with a lawful directive of the Airport Manager, may be promptly removed or ejected from the Airport by or under the authority of the Airport Manager.

11.1.2 Ban From Use of Airport. Any Person who violates these Rules and whose continued presence at the Airport endangers Persons or property at the Airport or interferes with public use of the Airport or its efficient operation, may be banned from the Airport by order of the Airport Manager. Such an order shall be in writing and be immediately effective upon service upon the Person. The order shall state the reasons for the ban and the length of time for the deprivation. The affected Person may appeal the order to a hearings official by filing a written appeal with the Airport Manager. The order of the Airport Manager shall remain in effect during the pendency of any appeal. The decision of the hearings official on the appeal shall be final.

11.2 Penalty For Violations. Violation of these Rules is made unlawful under sections 2.425 and 4.005 of the Eugene Code. Any such violation is subject to prosecution in the appropriate court and to the penalties and remedies provided by law.

11.3 Complaints. Any complaint against any Person for violation of these Rules shall be in writing and signed by the Person submitting the complaint. The complaint shall specify dates, times, and witnesses, if any.

12. Waiver of Minimum Standards Provision. The Airport Manager may, at his/her discretion, waive all or any portion of the minimum standards set forth herein for the benefit of any government or governmental agency performing non-profit public services to the Aircraft industry or performing fire prevention or fire-fighting operations. The Airport Manager may further temporarily waive any of the minimum standards for non-governmental Applicants when he/she deems such waiver to be in the best interest of the Airport's operation.



## APPENDIX A TO AIRPORT RULES & REGULATIONS

### FLYING CLUB RULES & REGULATIONS

All flying clubs desiring to base their aircraft and operate on the Airport must comply with the applicable provisions of the Rules and Regulations of the Eugene Airport/Mahlon Sweet Field. Since flying clubs are NOT commercial aeronautical activities serving the public, they shall be exempt from the minimum standards for FBO's providing aeronautical services to the public upon satisfactory fulfillment of the conditions contained herein.

#### A. Organizational Structure

The club shall be an entity (corporation, association, or partnership) that is not-for-profit and is organized for the express purpose of providing its members with one or more aircraft for their personal use and enjoyment only.\* Each member must be a bona fide owner of the aircraft or stockholder in the corporation. The aircraft access rights of all the members of the club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The club may not derive greater revenue from the operations, maintenance and replacement of its aircraft including avionics/aircraft upgrades as well as acquisitions, and engine reserves.

#### B. Authorized Activities

Flying clubs may not offer or conduct commercial operations including, but not limited to, charter, air taxi, or rental of aircraft operations. They may not conduct aircraft flight instruction except for regular members and provided such instruction is offered by a registered member qualified as a flight instructor as set forth in Section 7.7 or 7.8 of these Minimum Standards. Only members of the flying club may operate the aircraft. No flying club shall permit its aircraft to be utilized for the giving of flight instruction to any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instruction, except when instruction is contracted for from a flight instructor who is authorized by the Airport Manager to do business on the Airport. Any qualified mechanic who is a registered member and part owner of the aircraft owned and operated by a flying club shall not be restricted from doing maintenance work on aircraft owned by the club; however, the club shall not pay for such maintenance work, except that such mechanics and instructors can be compensated by credit against payment of dues or flight time.

\* NOTE: For purposes of this definition, the Airport Manager does not require a club to be organized to meet "non-profit" standards established by the Internal Revenue Service.

All flying clubs and their members are prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the

Airport except that said flying club may sell or exchange its capital equipment.

C. Membership Requirements

The flying club, with its permit request, shall furnish the Airport Manager a copy of the charter and by-laws, articles of association, partnership agreement or other documentation supporting its existence, its roster or list of members including names, addresses, and telephone numbers of officers or directors, the number and type of aircraft, evidence that aircraft are properly certificated, evidence that ownership is vested in the club, and the operating rules of the club. This information shall be updated on an annual basis by the club. Any and all records of the club shall be available for review at any reasonable time by the Airport Manager or his/her authorized agent in the event a formal written complaint is filed against the club.

D. Federal Requirements

The flying club shall comply with all applicable federal statutes and all regulations including, but not limited to, those promulgated by the FAA.

E. State and Local Requirements

The flying club shall comply with all applicable state and local statutes, rules and regulations including, but not limited to, those relating to tax, fire, building, and safety matters.

F. Insurance Coverage

The flying club shall submit with its application proof that adequate public liability and property damage insurance is provided in sufficient amounts needed to protect the operation and the City of Eugene and its officers, agents, and employees from legal liabilities resulting from this activity. Proof of insurance shall be updated annually by the club.

G. Indemnification

The flying club shall indemnify and hold the City of Eugene and its officers, agents and employees, harmless from and against all claims, actions, liabilities, costs, including costs of defense, arising out of or in any way related to the club's activities at the Airport, the club's failure to comply strictly with any provision of these rules or of the club's lease or permit with the City, or of any other actions or failure to act by the club and the club's members, agents, officers and contractors. In the event any such action or claim is brought against the City, the club shall, if the City so elects and upon tender by the City, defend the same at the club's sole expense and cost, promptly satisfy any judgment adverse to the City or to City and club jointly, and reimburse the City for any loss, cost, damage or expense suffered or incurred by the City, including any legal fees, or fines paid to the FAA or any other

governmental agency arising from the club's activities.

- H. In order to be recognized as a flying club at the Eugene Airport/Mahlon Sweet Field, the club must certify in writing that it will comply at all times with the rules and regulations established for flying clubs by the Eugene Airport/Mahlon Sweet Field.
- I. After receiving notification of a deficiency from the Airport Manager, the flying club will have thirty (30) days to take the corrective action needed to cure the deficiency. If corrective actions are not taken within that thirty (30) day period; or if any second deficiency occurs within a twelve-month period following a notification of deficiency, the Airport Manager will begin revocation procedures.
- J. Upon determining that a ground for revocation of the flying club's permit exists, the Airport Manager shall provide written notice of revocation to the operator which shall be effective after 15 days. However, if continuance of the flying club affords an immediate risk to the public health, welfare, or safety, or interferes with another permitted activity at the Airport, the revocation shall be effective when issued.

Exhibit 1 – Movement Area Diagram

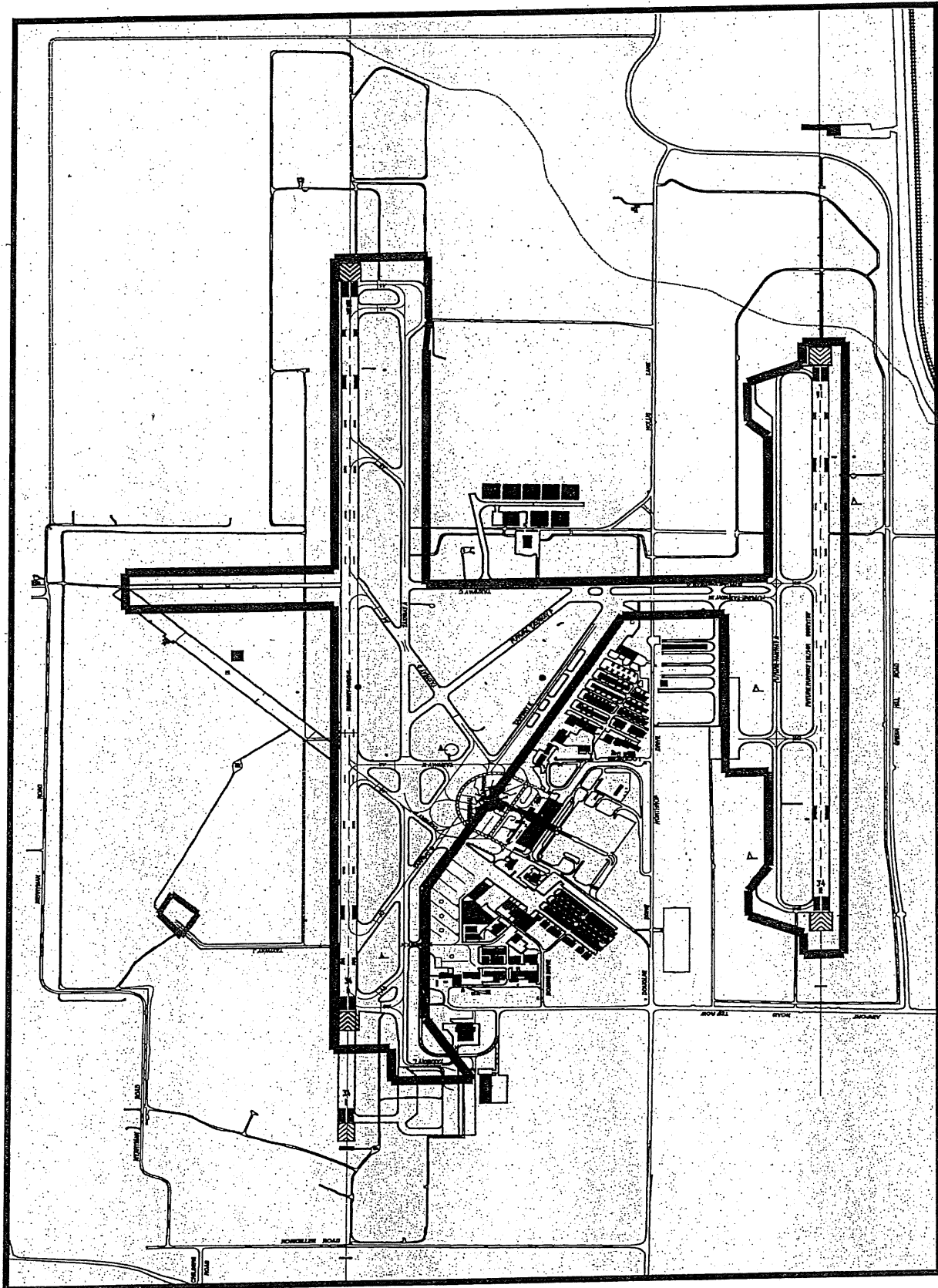
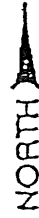
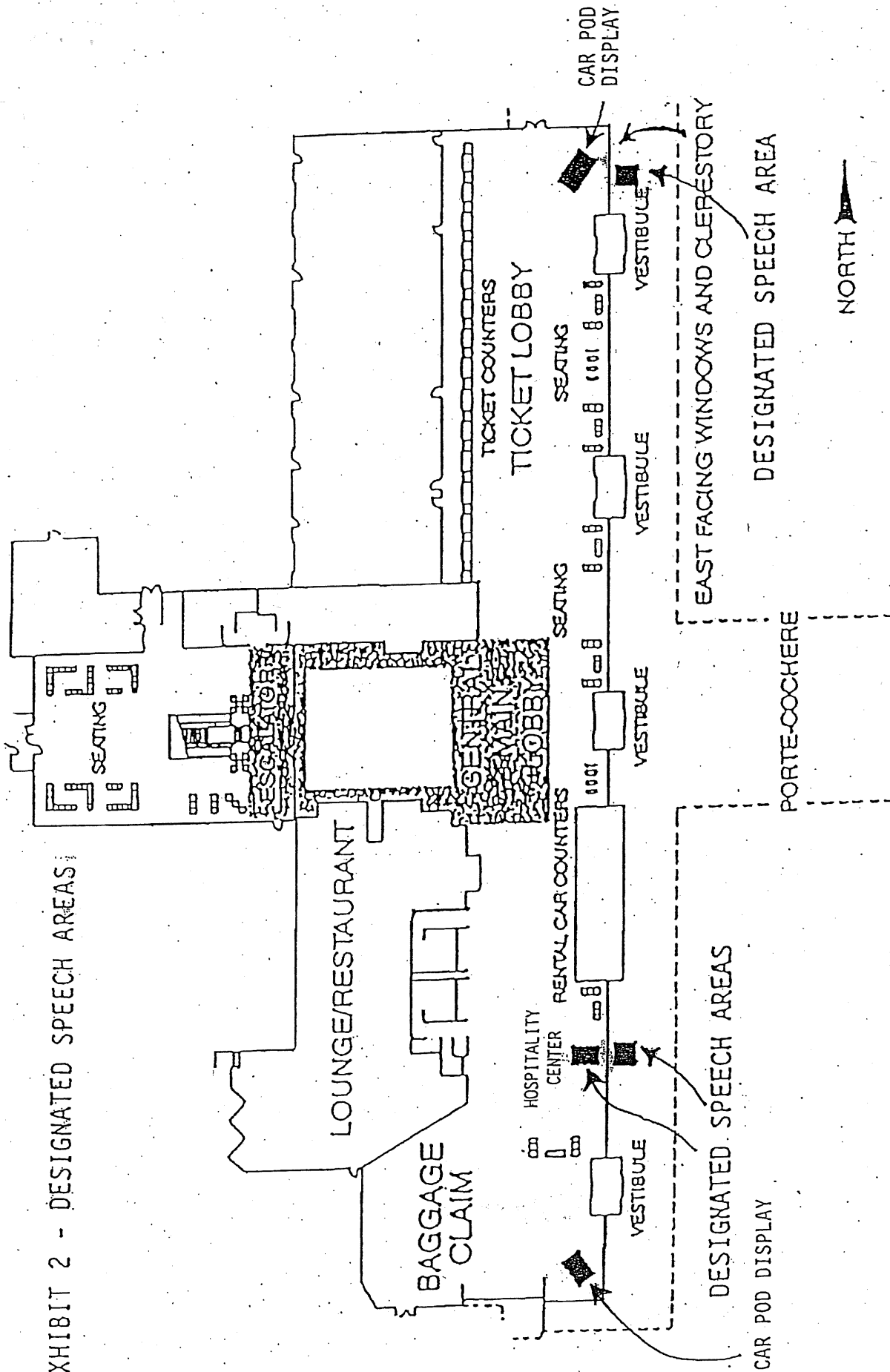


EXHIBIT 2 - DESIGNATED SPEECH AREAS



UPDATED FEBRUARY 1997