



SOUTHWEST WASHINGTON REGIONAL AIRPORT  
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## **SOUTHWEST WASHINGTON REGIONAL AIRPORT REGULATIONS**

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#### **Article I. General Provisions**

##### **Section 1. Purpose, Authority, Interpretation, and Severability**

- A. The provisions of this Chapter are to establish the regulations for the use of the Airport and provide for the administration and enforcement of these regulations. These regulations are adopted pursuant to the authority granted in RCW 14.08.200.
- B. The Airport Board, established pursuant to the Agreement and the provisions of RCW 14.08.200, shall administer these regulations. These regulations shall be enforced by the City of Kelso.
- C. Any matter not addressed herein, but otherwise regulated by the City of Kelso shall be governed by the Kelso ordinance, rule or regulation. In the event of a conflict between the provisions of this Chapter and any other provisions of the Kelso Municipal Code, the more restrictive provision shall apply. The Airport Manager is hereby authorized to make code interpretations under this Chapter, subject to the review of the Airport Board.
- D. The Airport Board shall have the authority to implement these regulations and such other operational policies and procedures governing the use of the Airport as may be reasonable, so long as not inconsistent with these adopted airport regulations.

##### **Section 2. Definitions.**

As used in this chapter, unless the context requires otherwise:

- A. "Air operations area" means any area of the airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft.

B. "Airport" means the Southwest Washington Regional Airport owned by the city, as modified in the Agreement, including facilities, improvements, and property used or available for use located at such airport.

C. "Airport Manager" means the person to whom the Board has delegated authority and responsibility for airport operations and the administration of this Chapter.

D. "Airport road" means those roads at an airport designed for vehicular use and intended for use by the general public.

E. "Areas designated for specific use" means those areas open to a segment of the general public for use for particular purposes, including but not limited to restaurants, retail stores and related facilities, and similar areas.

F. "City" means the city of Kelso.

G. "Interlocal Cooperation Agreement" or "Agreement" means that Southwest Washington Regional Airport Interlocal Cooperation Agreement entered into in February 2012 by the City of Kelso, City of Longview, Port of Longview, and Cowlitz County and any written amendments or addendums thereto.

H. "Official traffic sign" means all signs, signals, markings and devices placed or erected by the city or Board for the purpose of guiding, directing, warning or regulating vehicular traffic.

I. "Operate an aircraft" includes taxiing, takeoff, flight or landing an aircraft.

J. "Public area" means those areas of an airport intended for use by the general public and not designated for a specific use or posted as a restricted area.

K. "Restricted areas" means any posted portion of the airport not intended for use by the general public.

L. "Special aviation event" means any operation of aircraft at an airport for any purpose other than normal and customary use of the airport and its facilities.

M. "Vehicle" means every self-propelled vehicle capable of being used on a street or roadway.

N. "Vehicular parking and storage area" means those portions of the airport designated for the parking or storage of vehicles.

### **Section 3. Authority of airport manager.**

The Airport Manager shall have the authority and responsibility for the airport operations. These responsibilities may include interpretation and enforcement of the rules and regulations set forth in this chapter or any other responsibilities as may be assigned or modified by the Board.

The airport manager shall at all times have authority to take such action as may be necessary to safeguard the public in attendance at the airport. All persons employed on or using the airport shall cooperate with the airport manager to enforce these rules and to see that all persons upon the premises use care and caution to prevent injury to persons or damage to property.

**Section 4. Obstruction of airport use.**

No person shall obstruct, impair or unreasonably interfere with the use of the airport by any other person, or obstruct, impair or unreasonably interfere with the passage or safe, orderly and efficient use of the airport by any other person, vehicle or aircraft.

**Section 5. Restricted areas.**

No person shall enter any portion of the airport designated a "Restricted Area" unless authorized to do so by the airport manager.

**Section 6. Commercial activity.**

No person shall engage in any public business or commercial activity at the airport without the prior written permission of the Board or Airport Manager. "Public business or commercial activity" includes but is not limited to any solicitation of data or statistical information, any advertisement or promotion of goods or services, any offer to sell, rent or lease goods or services or any offer to buy, rent or lease goods or services directed to the public, whether by a profitable, nonprofit or charitable organization.

**Section 7. Regulation of expressive activity.**

A. Definitions

1. Expressive Activity is defined as any protest, proselytization, or other communication or conveyance of ideas or messages.
2. Literature Distribution is defined as handing out or other dissemination of documents or other material containing language or some other form of written or printed matter, symbols or images.
3. Solicitation is defined as any request, whether spoken or communicated by conduct or some form of sign or message, for a donation, bequest, or other form of grant of funds, money, or negotiable instrument or other valuable asset to the person making the request or to any other person or group.

B. Permit Required

No person or group may engage in Expressive Activity, Solicitation, or Literature Distribution on Airport property unless they have obtained a Permit in accordance with this section.

C. Permit Conditions

The Permit shall

1. Limit Expressive Activity, Solicitation, or Literature Distribution to the following areas "Free Speech Areas": 2222 South Pacific Ave. Parking Lot. Such locations may be moved at any time at the discretion of the Airport Manager or Board to other areas at the Airport in order to provide for the normal operation of the Airport or in the event of an emergency that disrupts airport operations or threatens the health, safety, or welfare of the public, including but not limited to strikes affecting the operations of the Airport, aircraft or traffic accidents, riots civil unrest, power failures, or other emergency conditions.
2. Limit Expressive Activity, Solicitation or Literature Distribution to the hours of 8 am and 8 pm
3. Prohibit the placement, or attachment of any matter, written, symbolic, or graphic to any Airport structure or facility
4. Prohibit the use of sound or voice amplification devices to be used in connection with the Expressive Activity, Solicitation or Literature Distribution.
5. Prohibit the electrical connection to Airport facilities of any sign, heater, or electrical device.
6. Limit Expressive Activity, Solicitation, or Literature Distribution to thirty (30) calendar days per permit period and
7. Be used solely for and are hereby limited to the purpose set forth in the Permit. The Permit is not transferable or assignable in whole or in part.

#### D. Permit Application.

Any person or group desiring to engage in Expressive Activity, Solicitation, or Literature Distribution shall submit a written Application to the Airport Manager, on a form available from the Airport Manager setting forth the following information:

1. The full name, mailing address and telephone number of the individual person or entity sponsoring, promoting, or conducting the proposed activity.
2. The subject matter of the proposed activity, to include the topic or subject of the message or idea, but need not express the viewpoint to be communicated.
3. The targeted audience for the proposed activity
4. The number of persons that will be engaged in the activity
5. The location where the activity is to occur
6. The dates and hours that the person or entity is requesting to conduct the activity.

#### E. Permit Processing

1. Applicants shall submit their applications to the Manager a minimum of two calendar days prior to the date of the proposed Expressive Activity, Solicitation or Literature Distribution.

2. The Manager may approve, condition, or deny the Permit. No permit shall be denied based upon the identity of the person, group, or entity desiring to engage in the activity or upon the topic or content of the proposed activity.

3. At the request of an Applicant, the Manager is authorized to designate additional free speech areas and/or shorten permit application deadline, provided that the activity does not interfere with the same and orderly operation of the Airport and is consistent with the provisions of this section.

3. Applicants may reapply for additional Permits. In the event that the number of applicants desiring to use the free speech areas exceeds three for any one period of time, the manager shall schedule each applicants' use of an area so as to equally apportion the time at the area available to each applicant.

4. The number of persons permitted in the Free Speech Area at any one time shall be limited to 25.

5. Any person or group granted a Permit shall give the Manager verbal notice upon arrival at the Airport on each day that the Permit authorizes the Expressive Activity, Solicitation or Literature Distribution.

#### **Section 8. Accident reports.**

No person involved in an accident at the airport which results in damage to persons or property shall fail to promptly report such occurrence to the airport manager.

#### **Section 9. Sanitation.**

No person shall dispose of garbage, papers, refuse or other material on airport property except in receptacles provided for that purpose. Sanitation companies providing services on the airport shall use only equipment having an enclosed body.

#### **Section 10. Abandonment of property.**

No person shall abandon any property on the airport.

#### **Section 11. Animals.**

No person shall bring any animal upon the airport except:

A. Persons entering the vehicular parking and storage areas, provided the animal is restrained by a leash or other suitable means;

B. Persons delivering or receiving animals, provided the animal is restrained by a leash or other suitable means;

C. Service animals allowed under the Americans with Disabilities Act.

#### **Section 12. Firearms or destructive devices.**

A. No person shall carry or possess a firearm or destructive device on the airport except:

1. Firearms in a motor vehicle while the motor vehicle is upon the airport streets and roads, or in the motor vehicle parking and storage area;

2. Firearms enclosed in a carrying case or other container for shipment by air;

3. Firearms carried by peace officers, government employees or members of the Armed Forces of the United States, when such person is on official duty which authorizes the possession of a firearm.

B. "Destructive device" means a projectile containing an explosive, incendiary material or other chemical substance, or a bomb, grenade, missile or any other device creating an unreasonable risk of harm to persons or property. )

**Section 13. Fire regulations.**

The airport shall be governed by the regulations of the Fire Protection District No. 2 within whose boundaries it lies save where specifically directed by these rules and regulations.

**Article II. Aeronautical Regulations**

**Section 14. Airport operation.**

The airport manager, or his delegate, may, in his sole discretion, suspend or restrict any or all operations without regard to weather conditions whenever such action is deemed necessary in the interest of safety.

**Section 15. Operation of aircraft—General.**

A. No person shall operate, service, maintain or repair any aircraft at the airport except in compliance with the regulations of the Federal Aviation Administration, the regulations of the city, regulations of the Board as permitted by the Agreement, and the provisions of this chapter.

B. No person shall operate any aircraft at the airport contrary to the restrictions set forth in a Notice to Airmen (NOTAMS) duly issued by the airport manager.

**Section 16. Use of airports.**

No person shall organize, promote or participate in any special aviation event, including but not limited to formation landings and takeoffs, without the prior approval of the Federal Aviation Administration and the prior written approval of the airport manager.

**Section 17. Fueling and defueling of aircraft.**

A. Persons engaged in the fueling and defueling of aircraft shall exercise care to prevent spillage of fuel. In the event of a fuel spill, the airport manager and fire department shall be notified immediately.

B. All fueling or defueling of aircraft shall be conducted at least one hundred feet from any hangar or other building.

C. Fuel shall not be transferred from one fuel tank truck to another, within one hundred feet of any building, open flame, sparking device, source of ignition or group of people.

- D. No aircraft, except helicopters, shall be fueled or defueled while the engine is running, being warmed by applications of exterior heat or while such aircraft is in a hangar or enclosed space.
- E. No person shall start the engine of any aircraft while there is any fuel or other flammable liquid material on the ground under the aircraft.
- F. Matches, cigarette lighters and other similar devices shall not be permitted on persons engaged in fueling or defueling operations.
- G. Aircraft ground power generators shall be located as far as practical from aircraft fueling points and tank vents.
- H. Electric hand lamps used in the immediate proximity of the fueling operations shall be of the "Underwriters' Approved" type.
- I. No photo flashbulbs, electric tools, drills, buffers or similar tools which produce sparks or arcs shall be used in the immediate vicinity of aircraft during fueling operations.
- J. Fueling vehicles shall, upon completion of fueling operations, be returned to their respective parking areas which shall not be located within fifty feet of any building or aircraft parking position.
- K. Smoking equipment such as cigarette lighters and ashtrays shall not be installed in refueling vehicles. If vehicles have such equipment when initially procured, it shall be removed or rendered inoperable. Approved ashtrays shall be provided for areas where smoking is permitted.
- L. Under no circumstances shall a fueling vehicle be left unattended at a bulk plant or fuel transfer during the loading or unloading process. Loading or unloading shall not be considered complete until the hose is detached from both vehicle and tanks.
- M. Care shall be taken in filling tanks at bulk plant or delivery vehicle to ensure that they are not filled to the point where they will overflow from heat expansion.
- N. All aircraft shall be positively grounded when being fueled. Refueling vehicles must also be positively grounded to the aircraft and to an appropriate ground.
- O. Each hose, funnel, or appurtenance used in fueling or defueling an aircraft shall be maintained in a safe, non-leaking condition and must be properly grounded to prevent ignition of volatile liquids.
- P. A fire extinguisher shall be available in a readily accessible location during all fueling activities.
- Q. No fuel storage shall be permitted in any hangar or tie down area.
- R. All persons engaged in fueling or defueling operations shall comply with FAA Advisory Circular 150/5230-4, Aircraft Fuel Storage, Handling, and Dispensing on Airports.

**Section 18. Engine start and runup.**

A. Aircraft engines shall be warmed up or run-up only in the places designated for such purposes by the airport manager.

B. No aircraft engine shall be started or run unless a licensed pilot or mechanic is attending the controls. Unless the aircraft is equipped with adequate brakes, the main landing wheels shall be chocked before starting the engine or engines.

C. When hand cranking is necessary, a licensed pilot or mechanic shall be at the controls and the wheels shall be chocked or adequate brakes set.

**Section 19. Taxiing of aircraft.**

A. No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object.

B. Aircraft shall not be taxied under power into or out of any hangar.

C. All aircraft shall be taxied at a safe and reasonable speed that will assure complete control at all times and with regard for other aircraft, vehicles, persons and property.

D. No aircraft exceeding a gross weight of twelve thousand five hundred pounds shall be permitted to make a one-hundred-eighty-degree turn on any runway, taxiway or other airport property unless required to do so due to an operational necessity.

E. Aircraft conducting engine run-ups or awaiting takeoff shall stop short of the painted holding lines and be in a position so as to have a direct view of aircraft approaching for landings.

F. All aircraft being taxied, towed or otherwise moved on the airport shall proceed with running lights on during the hours between sunset and sunrise or other periods of reduced visibility.

**Section 20. Landing, takeoffs and traffic patterns.**

A. Landings and takeoffs shall be made into the wind on that runway most nearly aligned with the wind as indicated by the airport wind sock or as instructed by the airport's Unicom radio located on the airport, provided exceptions may be made when authorized by the airport manager or when unusual local conditions make inadvisable takeoffs and landings in any such direction.

B. No landing or takeoff shall be made except at a safe distance from buildings and aircraft.

C. No aircraft shall land or take off nor continue its approach to the runway or runway safety areas thereto when vehicles, equipment or personnel are on the runway or when the airport manager has closed the runway by placing a yellow "X" above the runway numerals.

D. No turns shall be made after takeoff until the airport boundary has been reached and the pilot has attained an altitude of at least four hundred feet and has ascertained there will be no danger of collision with other aircraft.

E. Aircraft landing or takeoff shall conform to the air traffic patterns marked as Exhibit "A-1" attached to the ordinance codified in this chapter, which are made, by this reference, a part of this chapter on file in the office of the clerk-treasurer.

F. The standard traffic pattern for Airport is eight hundred (800) feet AGL, left-hand landing Runway 30 and right-hand landing Runway 12.

G. Designated calm wind to five miles per hour is Runway 30.

#### **Section 21. Aircraft aprons.**

A. No person shall park aircraft on the airport other than as prescribed by the airport manager.

B. Aircraft shall be properly secured by the owner or operator of the aircraft when parked on the airport. Owners of such aircraft shall be held responsible for any damage resulting from failure to comply with this rule.

C. When the U.S. Weather Bureau issues a severe weather warning that will subject the airport to high wind velocities, aircraft may be moved and secured by the airport manager at the owner's expense and without liability for damage which may result in the course of such action. This action may be taken by the airport manager if in his sole discretion it is deemed necessary to prevent injury or damage to persons or property, but it shall not be incumbent for him to do so.

D. Areas established on the airport layout plan (ALP) for non-FBO tiedown(s) shall have a fee as set by resolution.

#### **Section 22. Student pilot training.**

No person shall operate or knowingly permit the operation of an aircraft at the airport for the purpose of training student pilots, including training in the use of radio navigations aids, except under the supervision of an FAA licensed flight instructor; if for hire, he must be an employee of an appropriate FBO.

#### **Section 23. Maintenance, repair, fueling, and service of aircraft.**

No person shall repair, service, fuel, or perform maintenance on any aircraft at the airport except:

A. At a commercial facility holding a permit from the city and operating as a fixed base operator;

B. Self-service, maintenance, repair, fueling, or service of an owner's aircraft by the owner or the owner's employees and using the owner's equipment and operating in conformance with the requirements of this chapter;

C. Preventive maintenance performed by a pilot or owner as specified in the regulations of the Federal Aviation Administration; or

D. Emergency repairs, service or maintenance authorized by the airport manager.

**Section 24. Hazards to aviation.**

A. No person shall operate or release any model aircraft, rocket, kite, balloon, parachute or other article or substance upon or over the boundaries of the airport without the prior approval of the airport manager, except:

1. Persons parachuting from an aircraft in an emergency situation;

2. Persons releasing seeds, sprays, dusts or similar substances for horticultural or agricultural purposes over farms adjacent to the airport.

B. No person shall operate an aircraft within the airport control zone except as required for normal, routine use of the airport and its facilities.

**Section 25. Damaged or disabled aircraft.**

A. No owner or operator of a damaged aircraft shall refuse, fail or neglect to promptly remove the damaged aircraft when failure to do so would obstruct or unreasonably interfere with the safe, orderly and efficient operation of the airport and when directed to do so by the airport manager, unless removal is contrary to the procedures and requirements of the National Transportation Safety Board.

B. No person shall park or store a damaged or disabled aircraft at the airport for more than forty-five days except:

1. When undergoing or awaiting repairs at a commercial repair facility holding a permit from the city;

2. When specifically authorized by prior written permission of the airport manager.

C. Aircraft not removed when required by subsection A of this section, or parked or stored in violation of subsection B of this section, may be removed to a suitable storage area designated by the airport manager. The owner or person is entitled to possession upon payment of the actual costs incurred in removal of the aircraft and storage charges as specified in the current rate schedule of the Board, and acceptance of service of citation in lieu of arrest for the violation, if any, of this chapter.

D. As used in this section, "aircraft" includes parts and components of aircraft.

**Section 26. Glider operation procedures.**

A. General Requirements.

1. Aircraft and gliders shall not land or take off on a taxiway without receiving prior permission of airport manager.
2. The glider operator assumes the responsibility for the separation of gliders and glider tow aircraft while operating on and in the vicinity of the airport.
3. Discretion shall be used in conducting glider operations during periods of moderate to heavy airport traffic.

#### B. Arrivals.

1. Upon entering the traffic pattern, gliders are committed to land. Soaring or other irregular maneuvers are not permitted after entering the traffic pattern. Once in the traffic pattern, no further circling is permitted.
2. All flight maneuvers conducted within two miles of the airport below two thousand feet aboveground level shall be those associated with landing and takeoff.

#### C. Departures.

1. Gliders shall not be positioned on runway for tow until tow aircraft is available and ready for immediate hookup and departure.
2. When preparing for tow, glider and tow aircraft shall be positioned so that glider, tow aircraft or tow rope does not obstruct the use of the runway or taxiway by other aircraft.

#### D. Ground Operations.

1. As soon as possible after landing, pilot and ground crew are responsible for moving glider clear of runway or landing area.
2. Vehicular traffic proceeding to and from the glider operating area via taxiways and runway shall be held to the absolute minimum necessary for the operation of the glider and tow aircraft. Private automobiles are not permitted on the taxiways and runways.
3. Personnel in the glider operating area shall be limited to the minimum required for flight and ground handling of the gliders. Spectators will be limited to four persons and shall be restricted to a designated area at least one hundred feet from the nearest edge of the runway.
4. Only those aircraft and vehicles directly associated with the glider operations shall be permitted in or near the glider operating area.

5. Unless otherwise authorized by the airport manager, ground crews, vehicles, gliders and glider tow aircraft shall be positioned at least one hundred feet from the nearest edge of the runway to allow other aircraft to land and depart.

## **Section 27. Ultralights.**

### **A. General Requirements.**

1. Ultralight aircraft shall use the airport's east side parallel taxiway for landings and takeoffs. Ultralights shall not use the runway without receiving prior permission from the airport manager.
2. Ultralights are only to use the section of the east side parallel taxiway from a point adjacent to the FBO Building to the southern-most end of the parallel taxiway. Ultralights must always yield to all aircraft using this parallel taxiway and shall not land or take off from the parallel taxiway when other aircraft are using the same facility.
3. Ultralights may use the grassed area east of the runway and west of the parallel taxiway only when there are no aircraft landing or taking off from the active runway. Simultaneous takeoffs and landings are prohibited on the Airport.
4. All ultralight operations are prohibited off of or directly adjacent to the ends of the Airport runway.
5. All ultralight operations must conform to present and future Federal Aviation Administration or state rules and regulations.
6. Ultralight operations shall notify Airport Unicom prior to and at termination of ultralight activity on airport frequency 122.8.
7. Vehicles and pedestrians shall use designated access routes.
8. Ultralights shall utilize the airport runway environment strictly for takeoff and landing only. Sightseeing will be done away from the Airport.
9. Failure of ultralight pilot or ground support crew to comply with any Airport regulation governing ultralight operations may result in revoking the privilege of using airport facilities.

### **B. Traffic Pattern.**

1. The special traffic pattern for all ultralight operations at the Airport is three hundred feet AGL, right-hand landing to the north (Runway 30) and a left-hand landing to the south (Runway 12).
2. Aircraft landing or taking off shall conform to the attached ultralight air traffic pattern as marked Exhibit "A-2" which is made by this reference a part thereof on file in the office of the

Airport Manager. The special traffic pattern shall extend east of the east parallel taxiway between the FBO Building and the southernmost end of the parallel taxiway.

3. Ultralight flight operations will not exceed three hundred feet AGL within three nautical miles of the airport.

**Section 28. Handling and storage of hazardous material.**

A. Except with the prior written permission of the airport manager, no person shall keep, transport, handle or store at the airport any hazardous material.

B. As used in this section, "hazardous material" means those materials and articles barred from loading in or transportation by civil aircraft in the United States by regulations of the Federal Aviation Administration.

**Article III. Motor Vehicles**

**Section 29. Driving on roads, streets and parking areas.**

No person shall drive a vehicle in any public area of the airport except upon designated airport roads, streets and vehicular parking areas without the prior approval of the airport manager.

**Section 30. Use of roads and streets.**

The right to use any and all of the roads, streets, parking area or lots within the airport is revocable at any time by the Board. Any designation of roads, streets, parking area or lot and/or the use thereof shall not in any way be construed as a dedication thereof.

**Section 31. Restricted areas.**

A. Vehicles with an axle load exceeding forty-two thousand five hundred pounds are not permitted upon aircraft parking areas, service or perimeter roads without approval of the airport manager.

B. No vehicle shall be operated in or adjacent to the air operations area, with the exception of areas designated by the airport manager.

C. Aircraft shall have the right-of-way over vehicular traffic at all times. All vehicles shall pass to the rear of taxiing aircraft.

D. No person shall operate a vehicle at a speed which is greater than will permit the operator to exercise proper control, but in no case is the speed on the apron areas to exceed fifteen miles per hour, unless posted otherwise.

E. No person shall operate a vehicle without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flame in the restricted area.

F. All tenants shall be issued one security access card per hangar. Tenants wanting additional card(s) shall be charged a fee, which fee shall be set by resolution.

**Section 32. Basic speed limits.**

A. No person shall drive a vehicle upon the airport at a speed greater than is reasonable and prudent having due regard to traffic, surface and width of the roadway, the hazard at intersections, pedestrian traffic and other conditions then existing; except as provided in Section 33 of this chapter, in no event shall any person drive a vehicle upon the airport at a speed greater than designated in this chapter.

B. The speeds designated in Section 33 of this chapter do not apply to authorized emergency vehicles. However, the driver or operator of an authorized emergency vehicle shall not drive without due regard for the safety of all persons using the airport roadways.

C. As used in this section, "authorized emergency vehicle" means vehicles of the fire department, fire patrol, police vehicles, emergency vehicles of municipal or public service corporations and ambulances, while being used for emergency purposes and displaying the required lights and sounding a siren or other audible warning.

**Section 33. Designated speed limits.**

No person shall drive a vehicle upon the airport at a speed greater than that posted by the city or Board and by an official traffic sign.

**Section 34. Traffic signs and signals.**

No person shall drive a vehicle upon the airport contrary to the instructions of any official traffic sign or signal, unless otherwise directed by a police officer, or to disobey the direction of any police officer directing traffic.

**Section 35. Abandoned or unreasonably parked vehicles.**

A. No person shall abandon any vehicle upon the airport.

B. Any vehicle abandoned upon the airport, or any vehicle parked or stored contrary to this chapter and which obstructs or unreasonably interferes with the safe, efficient and orderly operation of the airport may be towed to a vehicular storage area designated by the airport manager.

C. The legal owner, owner or person entitled to possession of a vehicle placed in the storage area may reclaim the vehicle upon presentation of satisfactory proof of ownership or right of possession, upon payment of the actual costs incurred in the removal, preservation and custody of the vehicle, including actual towing fees, together with storage charges and acceptance of service of citation for violation of this chapter, if any, arising from the abandonment, parking or storing of the vehicle.

D. At any time after the vehicle has remained unclaimed in the storage area for more than five days, without the written approval of the Airport Manager, the sheriff of the county in which the airport is located shall be notified and the vehicle released to such official for disposition as provided by law.

**Section 36. Vehicles in restricted areas.**

No person shall drive, park or store a vehicle in any restricted area of the airport except with the prior approval of the airport manager and in compliance with the terms and conditions of such approval.)

**Section 37. Parking and storage of vehicles.**

No person shall park or store a vehicle in any public area of the airport except in areas specifically posted and designated for such purposes and in accordance with the posted and designated rules regulating parking and storage of vehicles, without the prior approval of the airport manager.

**Section 38. Repairs to vehicles.**

No person shall clean or make any repairs to vehicles anywhere on the airport other than in designated areas, except emergency repairs necessary to remove such vehicle from the airport.

**Section 39. Driving recklessly or while intoxicated.**

No person shall drive a vehicle upon the airport carelessly and heedlessly in willful wanton disregard of the rights and safety of others, or while being under the influence of intoxicating liquor, dangerous drugs or narcotic drugs.

**Section 40. Pedestrian crosswalks.**

No person shall drive a vehicle through a designated pedestrian crosswalk without stopping if the crosswalk is occupied by a pedestrian.

**Article IV. Minimum Standards for Fixed Base Operators and Airport Tenants**

**Section 41. Generally.**

A. The city is the owner of the Airport, as modified in the Agreement, and shall maintain ownership of the property and facilities of the Airport, however the Board shall have the authority to lease the airport property and facilities on behalf of the City pursuant to the Agreement and subject to the requirements of the FAA, and may hereafter be referred to as the airport authority or lessor.

B. The minimum standards and requirements for commercial aeronautical activities set forth in this article have been established in the public interest for the safe and efficient operation of the Airport; to enhance its orderly growth; to preclude the granting of an exclusive right to conduct an aeronautical activity in violation of Section 308(a) of the Federal Aviation Act of 1958; to conform to Title VI of the Civil Rights Act of 1964 and Part 21 of the Department of Transportation Regulations; and to assure to all lessees the availability of airport property on fair and reasonable terms and without unjust discrimination.)

**Section 42. Fixed base operator—Defined— General compliance requirement.**

A fixed base operator is defined as any person, firm or corporation performing any of the functions or furnishing any of the services set out in this article for fixed base operators at the Airport. No person, firm or corporation shall engage in any commercial activity as a fixed base operator as defined in this article or other commercial activity unless the same is done in full compliance with the standards, rules and regulations set forth in this article.

**Section 43. Airport tenant—Defined—General compliance requirement.**

An airport tenant is defined as any person, firm or corporation leasing property at the Airport who is not a fixed base operator. An airport tenant may hangar his aircraft on his own leased or purchased property subject to the provisions of Section 76 of this code.

**Section 44. Insurance requirements.**

All fixed base operators and airport tenants shall protect the public generally, the customers or clients of such fixed base operators, the city, and the Board from any and all damages, claims or liability and shall carry comprehensive general liability insurance in a company authorized to do business in the state with limits of not less than one hundred thousand dollars per person, three hundred thousand dollars for each occurrence for personal injury and one hundred thousand dollars property damage with the city and Board named as an additional insured, which policies must be approved by the Airport Manager and a certificate of insurance thereof furnished to the Board. It is further understood that as circumstances in the future dictate, the Board may require an increase in bodily injury and property damage insurance and may require fire legal liability insurance.

**Section 45. Financial solvency and business ability—Facilities and hours of operation.**

A. A fixed base operator shall satisfy the lessor that it is technically and financially able to perform the services of a fixed base operator. This shall include the responsibility for demonstrating continued financial solvency and business ability by the submitting of an annual balance sheet, credit references and any other proof that the lessor may require from time to time. In cases of doubt by the lessor of such ability of a fixed base operator, the lessor may conduct a hearing to determine appropriate action. In each instance, the lessor shall be the final judge as to the qualifications and financial ability of the lessee.

B. All operators at the airport shall be full-time, financially sound and progressive business enterprises, with adequately manned and equipped facilities, including ample office facilities, and who observe normal or specifically required business hours.

**Section 46. Eligibility requirements—Restriction to designated categories.**

Any person, firm or corporation capable of meeting the minimum standards set forth in this article for any of the stated categories is eligible to become a fixed base operator at the airport, subject to the execution of a written lease for not less than five years containing such terms and conditions as may be determined by the Board. A fixed base operator or airport tenant shall not engage in any business or activity on the airport other than that authorized under his particular category or categories. Any fixed base operator desiring to extend his operation into more than one category or to discontinue operations in a category, shall first apply in writing to the Board for permission to do so, setting forth in detail the reasons and conditions for the request. The Board shall then grant or deny the request on such terms and conditions as the Board deems to be prudent and proper under the circumstances. Each fixed base operator shall provide his own buildings or may lease buildings from the Board that were previously constructed by a fixed base operator, and shall provide his own personnel and equipment, and other requirements as stated in this article upon land leased from the Board. Provided, however, agreements authorizing

business or activity on the airport where no lease of airport property being requested may be granted for periods of lesser duration than five years with Board approval.

**Section 47. Lounge and restroom requirements.**

All fixed base operators at the airport shall provide ample lounges and restrooms for their customers and shall make telephone service conveniently and readily available for public use.

**Section 48. Design and construction standards—Bond requirements.**

All construction required of such operators shall be in accordance with design and construction standards required or established by the City or Board for the facility or activity involved. Title to any and all buildings and appurtenances, which may be built on City property, shall revert to the City, when and if the subject lessee vacates the lease for any reason. All operators shall be required to furnish the Board payment and performance bonds commensurate with any construction required under the standards fixed in this article or under any contract or lease by and between such operator and the City or Board.

**Section 49. Approval of rates and charges.**

The rates or charges for any and all activities and services of such operators shall be determined by the operators, subject to the approval of the Board, and subject, further, to the requirement that all such rates or charges shall be reasonable and be equally and fairly applied to all users of the services.

**Section 50. Payment of taxes and assessments.**

All fixed base operators shall, at their own expense, pay all taxes and assessments against any buildings or other structures placed on the premises by them, as well as all taxes and assessments against their activities or the personal property used by them in their operation.

**Section 51. Compliance with laws required.**

All operators shall abide by and comply with all state, county and city laws and ordinances, the rules and regulations of the Board, and the rules and regulations of the state and Federal Aviation Administration.

**Section 52. Board investment guarantee.**

In the event the Board constructs the physical plant facilities (hangars, etc.) for use by any operator under the provisions of any lease or other contract, such lease or contract with such operators shall be on such terms and conditions as to guarantee a full return of the investment within ten years, plus interest and reasonable rental for use during such period.

**Section 53. Payment of utility charges.**

All operators shall provide and pay for all lights, gas, electrical current, water, sewer charges and garbage collection charges used or incurred anywhere in or about the leased premises, and shall pay the charges made therefor by the suppliers thereof promptly when due.

**Section 54. Leases subordinate to federal agreements.**

All contracts and leases between such operators and the Board shall be subordinate to the provisions of any existing or future agreement between the city and the United States, relative to the operation or

maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport properties.

**Section 55. Subleasing—Approval required.**

No fixed base operators shall sublease or sublet any premises leased by such operator from the City or Board, or assign any such lease, without the prior written approval of the Board, and any such subletting or assignment shall be subject to all of the minimum standards set forth in this article.

**Section 56. Subleasing—Assumption of obligations.**

In the event the lessee sublets any portion of his lease, the sublessee must agree to assume the full obligations of the lease as set out in this article and must agree to fully cooperate with the Board in seeing that these standards are complied with. The sublessee shall immediately comply with any reasonable request or direction of the Board as it relates to the enforcement of these standards.

**Section 57. Subleasing—Compliance default—Lease termination.**

In the event that the lessee or sublessee fails to comply fully with these standards or fails to comply with the reasonable request or direction of the Board as it relates to these standards, the lessee or sublessee shall be in default. If the default continues for more than three days after notice of the default, the Board may terminate the lease. The lessee is responsible for the performance of the sublessee.

**Section 58. Use of common areas and facilities.**

Fixed base operators shall have the right in common with others authorized so to do, to use common areas of the airport, including runways, taxiways, aprons, roadways, floodlights, landing lights, signals and other conveniences for the takeoff, flying and landing of aircraft of lessees.

**Section 59. Leases—Term—Reevaluation of rents.**

Beginning with the effective date of adoption of these minimum standards, leases to fixed base operators and airport ground lease tenants shall be limited to a maximum of thirty years. In addition, FBO and ground leases shall, at the discretion of the Board, be subject to review and reevaluation at the end of each five-year period thereof, in relation to the Consumer Price Index. In this regard, when at the end of each of the five-year periods the cost of living index is determined by the Board to be five or more percent higher than at the date the lease became effective, the rental terms thereof may be increased to such percentage of increase or of the cost of living index. If, at the end of such five-year period, the cost of living index has changed less than five percent, the Board shall take no action to review or reevaluate the FBO and ground lease.

Upon the expiration of existing leases, structures owned by the city shall be leased to tenants on a month-to-month basis at a standard price per square foot for other comparable hangars, which rent shall be set by resolution.

**Section 60. Maintenance of service—Rate levels.**

Lessees will, at all times during the continuance of the term of the lease and any renewal or extension thereof, conduct, operate and maintain for the benefit of the public, the fixed base operation provided for

and described therein, and all aspects and parts and services thereof as defined and set forth, and will make all such services available to the public and that it will devote its best efforts for the accomplishment of such purposes and that it will at all times make charges to patrons and customers for all merchandise or materials and services furnished or rendered, but that it will refrain from imposing or levying excessive or otherwise unreasonable charges or fees for any facilities or services.

**Section 61. Lease nonexclusive.**

Notwithstanding anything contained in a lease that may be or appear to the contrary, it is expressly understood and agreed that the rights granted thereunder are nonexclusive and the lessor reserves the right to grant similar privileges to another operator or operators on other parts of the airport when, in its sole discretion, the Board determines it is appropriate.

**Section 62. Obstructions and hazards.**

The Board reserves the right to take any actions it considers necessary to protect the aerial approaches to the airport against obstructions, together with the right to prevent any fixed base operator from erecting, or permitting to be erected, any building, sign or other structure on the airport which, in the opinion of the Board, would limit the usefulness of the airport or constitute a hazard to aircraft.

**Section 63. War or national emergency.**

All contracts and leases between such operators and the Board shall be subordinate to the right of the Board and City during time of war or national emergency to lease the landing area or any part thereof to the United States Government for military or naval use, and, if any such lease is so made, the provisions of any contracts or leases between the Board and lessees in conflict with the provisions of the lease to the government shall be suspended.

**Section 64. Existing leases protected.**

The provisions of these standards shall in no way negate or cause to be null or void existing leases with fixed base operators or airport tenants at the airport. No new leases will be executed or extended with fixed base operators presently located at the airport on the effective date of these fixed base operator minimum standards, nor will amendments to existing leases be executed unless the present leases are made subject to the provisions of these standards.

**Section 65. Maintenance of premises.**

The lessee shall remove from the airport or otherwise dispose of in a manner approved by the Board, all garbage, debris and other waste material (whether solid or liquid) arising out of its occupancy of the premises or out of its operations. The lessee shall keep and maintain his leased premises in a neat and orderly manner; lessee shall keep the grass cut and the buildings painted. Any garbage, debris or waste which may be temporarily stored in the open shall be kept in suitable garbage or waste receptacles, the same to comply with other ordinances of the city and health department regulations. The lessee shall use extreme care when effecting removal of all such waste.

**Section 66. Further development.**

The Board reserves the right to further develop or improve all areas of the airport as it sees fit, regardless of the desires or views of any fixed base operators, and without interference or hindrance from any such fixed base operators.

**Section 67. Enforcement—Right of entry for inspection.**

The Board reserves the right to enter upon any premises leased to fixed base operators at reasonable times for the purpose of making such inspections as it may deem expedient, to the proper enforcement of these minimum standards and for the proper enforcement of any covenant or condition of any fixed base operator's contract or lease agreement.

**Section 68. Fixed base operator category A—Flight instruction and aircraft rental.**

A fixed base operator in category A shall:

- A. Have available on a full-time employment basis a minimum of one instructor pilot with appropriate and current Federal Aviation Administration pilot and medical certificates;
- B. Provide and at all times maintain a minimum of two aircraft owned or leased by and under the exclusive control of this fixed base operator which are properly equipped and Federal Aviation Administration certificated for flight instruction and rental;
- C. Lease from the Board a minimum of land on which will be located all required improvements and provide a minimum of one thousand square feet of classroom and/or office space, including restrooms and in addition, adequate parking space for customers;
- D. Demonstrate the continuing ability to meet requirements for certification of night instructor personnel and aircraft by the Federal Aviation Administration;
- E. Assure that personnel operating rental equipment obtained from the subject fixed base operator have appropriate and current Federal Aviation Administration pilot and approved medical certificates;
- F. Operators may have available for lease or sale to his patrons, aircraft accessories and supplies personal to them.

**Section 69. Fixed base operator category B— Aircraft charter, taxi, air watch and related activities.**

A fixed base operator in category B shall:

- A. Have available on a full-time employment basis a minimum of one Federal Aviation Administration certificated pilot with current commercial and instrument ratings and approved medical certificate;
- B. Lease from the Board or provide under terms agreeable to the Board for his exclusive use a minimum of one thousand square feet in a building for passenger shelter, restrooms, telephone, and which may include food services to the public;

C. Provide satisfactory arrangements for the checking-in of passengers, handling of luggage, ticketing and ground transportation, etc.;

D. Provide and at all times maintain a minimum of two currently certified and continuously airworthy aircraft owned or leased by and under the exclusive control of this fixed base operator, properly certificated for air charter or air taxi service;

E. Lease from the Board a minimum of land on which will be located all required improvements.

**Section 70. Fixed base operator category C—Crop dusting, firefighting and related activity.**

A fixed base operator in category C shall:

A. Furnish suitable arrangements for the safe loading, unloading, storage and containment of noxious chemical materials;

B. Furnish a minimum of one aircraft with pilot. The aircraft will be suitably equipped for agricultural operations with adequate safeguard against spillage of chemical spray mixtures or materials on runways and taxiways or dispersal by wind force to other operational areas of the airport. The pilot will have appropriate and current Federal Aviation Administration pilot and approved medical certificates;

C. Lease from the Board a minimum of land on which will be located all required improvements and lease from the Board or provide under terms agreeable to the Board for his exclusive use a minimum of one thousand square feet of shop or storage space and vehicle parking.

**Section 71. Fixed base operator category D—Aircraft sales.**

Fixed base operators in category D shall:

A. Have a sales or distributorship franchise from a recognized aircraft manufacturer;

B. Have available during normal working hours of 8 a.m. to 5 p.m. Federal Aviation Administration certificated and currently airworthy aircraft for sale;

C. Have a minimum of one fully qualified demonstrator pilot employed with current and appropriate Federal Aviation Administration pilot and approved medical certificates;

D. Lease from the Board a minimum of land on which will be located all required improvements and lease from the Board or provide under terms agreeable to the Board for his exclusive use a minimum of one thousand square feet of office space and customer parking.

**Section 72. Fixed base operator category E—Aircraft, engine, propeller and accessory maintenance.**

Fixed base operators in category E shall:

A. Lease from the Board or provide under terms agreeable to the Board for his exclusive use a minimum of five thousand square feet of hangar, shop and storage space;

B. Furnish facilities and equipment for airframe and power plant repairs with at least one duly Federal Aviation Administration certified A & P mechanic and such other personnel as may be necessary. Such airframe and power plant repair shall include facilities for both major and minor repair of aircraft and engines used in private aviation in this area;

C. Demonstrate the ability to and assume responsibility for promptly removing from the public landing area as soon as permitted by cognizant Federal Aviation Administration and Civil Aeronautics Board authorities any disabled aircraft;

D. Lease from the Board a minimum of land on which will be located all required improvements;

E. A fixed base operator in category E may engage in the buying and selling of new and used aircraft, aircraft parts and equipment without meeting the requirements of category D.

**Section 73. Fixed base operator category F—Radio and instrument.**

Fixed base operators in category F shall:

A. Lease from the Board a minimum of land on which shall be located all required improvements; lease from the Board or provide under terms agreeable to the Board for his exclusive use a minimum of one thousand square feet of shop and storage space;

B. Have available on a full time basis Federal Aviation Administration certificated technicians in the field of aircraft electronics and/or aircraft instruments with proper Federal Communications Commission license to conduct complete aircraft transmitter, receiver and antennae repair;

C. Provide satisfactory arrangements for access to and storage of aircraft being worked on.

**Section 74. Fixed base operator category G—Sale of aviation petroleum products and ramp service.**

A fixed base operator in category G shall:

A. Provide and maintain a minimum of two-thousand-gallon tank storage capacity below ground for each grade of aviation fuel usually required for aircraft using the airport;

B. Maintain separate pumping equipment for each grade of fuel meeting all applicable safety requirements with reliable metering devices subject to independent inspection and with a pumping efficiency capable of servicing all aircraft normally using the airport;

C. Provide and maintain metered filter-equipped dispensers fixed or mobile for dispensing each grade of aviation fuel usually required. Mobile dispensing truck(s) shall have a minimum of three-hundred-gallon capacity;

D. There shall be no fueling direct from a common carrier transport truck except into below-ground storage tanks;

E. Have personnel on full-time duty during normal business hours of 8 a.m. to 5 p.m. seven days a week;

G. All persons engaged in fueling or defueling of aircraft shall be trained prior to servicing aircraft on proper re fueling procedures as set forth in this Chapter and FAA Advisory Circular 150/5230-4 Aircraft Fuel Storage, Handling, and Dispensing on Airports. It shall be the responsibility of the FBO to ensure that all persons engaged in the fueling operation be properly trained.

H. Lease from the Board a minimum of land on which will be located all required improvements for aircraft parking and tie-down areas with adequate tie-down facilities including approved ropes and chocks, for a minimum of ten aircraft. Demonstrate capability to efficiently and safely conduct or move aircraft to such areas and park them in compliance with all local regulations;

I. Be required to install at all fueling locations adequate grounding rods to reduce the hazards of static electricity and maintain adequate fire extinguishers;

J. Construct or have available a building with a minimum of eight hundred square feet conveniently located and comfortably heated with waiting room for passengers and crew of itinerant aircraft while being fueled, including sanitary restrooms and public telephone;

K. A fixed base operator in category G may engage in the buying and selling of new and used aircraft, aircraft parts and equipment without meeting the requirements of category D.

#### **Section 75 Fixed base operator category H—General aviation related sales and services.**

Fixed base operators in Category H shall:

- A. Lease such land and/or facilities as may be necessary for the aviation related activity and such lease shall contain conditions set forth in subsection B.
- B. Be subject to such conditions as determined by the Board to meet industry standards and be necessary for the safe operation of the aviation related activity.

#### **Section 76. Fixed base operator category I—Airport tenant.**

An airport tenant in category I shall:

- A. Lease from the Board or provide under terms agreeable to the Board for his exclusive use land which shall be improved in accordance with applicable zoning and building codes pertaining to the airport;
- B. Be prohibited from engaging in any of the activities of fixed base operators defined by category A through H, unless specifically approved by the Board in the lease agreement between the Board and the tenant;

C. Be responsible that aircraft owned by him or operated from the property leased or occupied by him are operated by personnel who hold appropriate and current Federal Aviation Administration pilot and approved medical certificates.

**Section 77. Fixed base operator category J—Flying clubs.**

A. The following requirements pertain to all flying clubs desiring to base their aircraft on the airport and be exempt from the minimum standards;

B. Each club must be a nonprofit corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance and replacement of its aircraft. The club will file and keep current with the Board a complete list of the club's membership and investment share held by each member;

C. The club's aircraft will not be used by other than bona fide members for rental and by no one for commercial operations as defined by category A through G. Student instruction can be given in club aircraft to club members provided such instruction is given by a lessee based on the airport who provides flight training or by an instructor who shall not receive remuneration in any manner for such service;

D. In the event that the club fails to comply with these conditions the Board will notify the club in writing of such violations. If the club fails to correct the violations in fifteen days, the Board may take any action deemed advisable;

E. Each aircraft owned by the flying club must have aircraft liability insurance coverage for the following amounts:

Aircraft Liability

Bodily injury \$100,000 each person

\$300,000 each accident

Property damage \$100,000 each accident

**Article V. Penalties**

**Section 78. Violation—Penalty.**

Any violation of the provisions of this chapter, unless defined otherwise, shall constitute a Class I Civil Infraction pursuant to RCW Chapter 7.80, punishable by up to \$250. Each day of a violation shall constitute a separate and distinct infraction. Payment of any penalty imposed for a violation does not relieve a person from a duty to comply with this Chapter.

**Section 79. Additional penalties.**

In addition to penalties under Section 78 of this chapter, any person violating this chapter may be ejected from the airport and may be deprived of the privilege to use the airport and its facilities.

**Section 80. Enforcement Officers.**

City of Kelso police officers are hereby designated as the enforcement officers and are authorized to enforce the provisions of this Chapter and to issue infractions.