

Brookings Regional Airport

Rules and Regulations

Approved by Brookings Airport Board
February 18, 2007

**** SECTION 6.8 AERIAL APPLICATION - amended on August 27, 2009**

**** SECTION 3.11 GLIDER OPERATIONS – added on December 7, 2010**

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CHAPTER 1 – GENERAL

SECTION 1.1 DEFINITIONS

The following words and phrases, whenever used in these rules and regulations, shall be construed as defined in this article unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 *et seq.* (previously known as the Federal Aviation Act of 1958, hereinafter cited as “FAA Act”) and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases.

Aeronautical activity means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. “Aeronautical activities” include, but are not limited to, charter operations (under either Federal Aviation Regulation (FAR) Part 121 or 135), charter brokerage, commercial passenger transport, air cargo transport, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, skydiving, ultralight operations, glider operations, fire suppression, aerial advertising and surveying, aircraft sales, leasing and servicing, aircraft management, and sales of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sales of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an “aeronautical activity.”

Aircraft movement areas means the runways, taxiways, aprons and other aircraft maneuvering areas of the airport that are used for aircraft taxiing, hover taxiing, landings and takeoffs, and those areas immediately adjacent thereto.

Aircraft non-movement areas means those areas of the airport where aircraft taxi, or are towed or pushed, on taxilanes, and those areas adjacent to hangars, fixed base facilities and other structures.

Aircraft parking and storage areas means those hangars and apron locations of the airport designated by the airport manager for the parking and storage of aircraft, and such areas of the airport designated for aircraft maintenance, engine run-up, and self-fueling.

Airport manager means the airport manager or his/her authorized designee.

Airside means the area of the airport that is either contained within the airport perimeter fence, or which requires access through a building located on or adjacent to airport property, or which requires access through a controlled airport access point.

City means the City of Brookings or any of its authorized agents/designees

City Hall means the administrative offices of the City of Brookings

Designated maintenance area means a specific area designated by these rules for preventive and major aircraft repair, including commercial operations and maintenance by owners.

Flying club means a non-commercial organization established to promote flying, develop skills in aeronautics, including pilotage, navigation, and awareness and appreciation of aviation requirements and techniques.

Fuel handling means the transportation, delivery, fueling, and draining of fuel or fuel waste products, and the fueling of aircraft.

Fuel storage area means any portion of the airport designated temporarily or permanently by the City as an area in which gasoline or any other type of fuel may be stored or loaded.

Major aircraft alterations and repair means major alterations and/or repairs of the parts or of the types listed in the most current FAR Part 43x.A.a and 43x.A.b.

Preventive aircraft maintenance means maintenance that is not considered a major aircraft alteration or repair and does not involve complex assembly operations as listed in the most current FAR Part 43x.A.c, except that item 22, replacing prefabricated fuel lines, shall, for purposes of these regulations, be considered major aircraft repair.

Self-fueling operator means a person or his/her employee or designated agent who dispenses aviation fuel to aircraft owned by such person, or leased from others and operated by such person, and who is authorized to dispense fuel pursuant to the regulations and standards provided herein.

Service provider means any person, firm, corporation or other business entity authorized under these rules and regulations to offer aeronautical services to the public for compensation.

Taxilane means the portion of the airport apron area, or any other area, used for access between taxiways and aircraft parking and storage areas.

Taxiway means a defined path established for the taxiing of aircraft from one part of the airport to another.

SECTION 1.2 ABBREVIATIONS

AIM – Aeronautical Information Manual
C.F.R. – Code of Federal Regulations
FAA – Federal Aviation Administration
FAR – Federal Aviation Regulation
IBC – International Building Code
NFPA – National Fire Protection Agency

OSHA – Occupational Safety and Health Association (Organization)
POFZ - Precision Obstacle Free Zone

SECTION 1.3 PURPOSE OF RULES AND REGULATIONS

Rules and regulations provided in this document and any amendments thereto, adopted by the Brookings Airport Board, are intended for the safe, orderly and efficient operation of the airport, and apply to all persons using the airport for any reason. This document shall replace all previous versions of the Rules and Regulations. These rules and regulations coincide with the Airport Certification Manual filed with the FAA.

SECTION 1.4 CONFLICTING LAWS, ORDINANCES, REGULATIONS, AND CONTRACTS

In any case where a provision of these rules and regulations is found to be in conflict with any other provision of these regulations or in conflict with a provision of any zoning, building, fire, safety, health, or other ordinance, code, rule, or regulation of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

CHAPTER 2 – GENERAL USE OF AIRPORT

SECTION 2.1 COMPLIANCE WITH RULES AND REGULATIONS

Any permission granted by the City of Brookings, through the Airport Board, Airport Manager or any of its authorized agents, directly or indirectly, to any person to enter the airport facility or to use the airport, or any part thereof, is conditioned upon compliance with these rules and regulations. Any violation of these rules and regulations may result in the loss of privileges to access the airport.

SECTION 2.2 PERSONAL CONDUCT

All airport users shall observe and obey all posted signs, fences and barricades, and restricted areas in their use of the airport. No person by his/her conduct or use of the airport facility shall prevent, or interfere with, the use and enjoyment of the airport by anyone else entitled to such use.

SECTION 2.3 RESPONSIBLE PARTY

Any person utilizing the airport or its facilities shall be responsible for his/her own actions as well as the actions of his/her employees, agents or anyone else to whom he/she has allowed access.

SECTION 2.4 MINIMUM STANDARDS

Prior to commencing any commercial aeronautical activity at the airport, all persons shall comply with all applicable requirements concerning such activities as are set forth in the Brookings

Regional Airport Minimum Requirements for Aeronautical Services. The purpose of establishing minimum standards is to provide a fair and reasonable opportunity, without unlawful discrimination, to all applicants to qualify, or otherwise compete, to occupy available airport land and/or improvements and engage in authorized aeronautical activities at the airport.

SECTION 2.5 CLOSING OF THE AIRPORT

The Airport Manager shall have the authority to close the entire airport or any part thereof when such action is considered to be necessary and desirable to avoid endangering life and/or property and consistent with the safe and proper operation of the airport.

SECTION 2.6 AIRCRAFT PARKING

- A. No person shall park, leave parked, or allow to remain stationary any aircraft at the airport except within a designated aircraft parking and storage area.
- B. If any aircraft is parked in violation of this section or, in the determination of the Airport Manager, presents an operational or safety concern in any area of the airport, the Airport Manager may cause the aircraft, at the owner's/operator's expense, to be moved. Reasonable efforts shall be made to notify the owner and allow him/her to move such aircraft. The owner of the offending aircraft shall be solely responsible for all reasonable costs incurred as a result of the relocation and for the cost of any damages incurred.
- C. The City shall not be liable for any damages which may result from the relocation of the aircraft, unless such is the result of gross negligence. Further, any fixed base service provider that assists the airport in the moving of the aircraft will not be liable for any damage unless such is the result of gross negligence.

SECTION 2.7 AIRCRAFT HANGARS

A. GENERAL RULES

- 1) PRIMARY PURPOSE-Hangars at the Brookings Regional Airport are to be used primarily for the purpose of storing aircraft, property and equipment normally used for flight operations or other aeronautical support activities. Storage of personal property or equipment shall be enclosed within the hangar.
- 2) DESIGNATED MAINTENANCE AREA-A private hangar is considered a designated maintenance area for the purpose of conducting preventive and major aircraft construction and repairs on experimental, homebuilt and FAA certificated aircraft, provided that such maintenance is performed on aircraft leased or owned by the owner or lessee of that hangar, or if such aircraft is not owned or leased by the owner or lessee of that hangar, for which no compensation is received for the maintenance.

- 3) WASTE CONTAINMENT-Oily rags and materials, and oil wastes may only be stored in containers with self-closing, tight fitting lids as approved by the Airport Board, Airport Manager or Brookings Fire Department.
- 4) FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE-Mobile fuel storage, and the storage of oil, shall be permitted in the owner's hangar, so long as such storage complies with all requirements of the Uniform Fire Code, as adopted by the City of Brookings, and NFPA standards. The owner is responsible for obtaining all current requirements from the Brookings Fire Department. The owner shall be responsible for informing the Airport Manager as to the quantities of all flammable liquids being stored in their hangar.

B. CONSTRUCTION OF NEW HANGARS

- 1) Construction of storage facilities (hangars) for the general aviation type aircraft on the Brookings Regional Airport shall only be started after receiving, from the Airport Board, as approved, a leased site which will conform to the current Airport Layout Plan (Master Plan).
- 2) Prior to commencing any construction, the owner shall submit plans and specifications to the Airport Board and Airport Manager and obtain a building permit from the City of Brookings. Further, the owner will complete FAA Form 7460 "Notice of Proposed Construction or Alteration" and receive a favorable determination from the FAA prior to any construction.
- 3) All plans and specifications, referred to above, for all new construction, alterations, and additions, are required to comply with the most currently adopted editions of the appropriate building, electrical, plumbing, and mechanical and fire codes as well as the National Fire Protection Association (NFPA).
- 4) Hangar length, width, and depth may vary, as permitted by the authorities specified herein, with consideration given to its proposed location and projected use. New hangar structures shall be spaced and grouped according to uses, and "clustering rules" shall apply to determine the appropriate building material, specifications, and fire code regulations required for such construction. Airframe and/or engine repair facilities are to be classified as S-1, requiring the application of fire suppression rules under NFPA 409. Hangars used for the storage of aircraft and general maintenance may be classified as S-2, not requiring such fire suppression rules. Because the higher standard must be applied to all hangars located in that "cluster", consideration shall be given to such fact in authorizing the location of all proposed hangars.
- 5) All new structures shall be constructed with a hard surface floor and a hard surface approach to the nearest taxiway, the expense of which shall be borne by the owner.

- 6) All hangars shall use a door design, as approved by the City of Brookings, which will assure that the operation of said door does not interfere with airplane traffic or other hangars.

C. ALTERATION OF AIRPORT PROPERTY

No person shall make any alterations that would normally require a building permit to any signs, buildings, and aircraft parking and storage areas, leased areas or other airport property, nor erect any signs, buildings or other structures without prior written permission of the Airport Board and the City of Brookings. Interior work which would not require a building permit, such as painting or the installation of carpet, does not need to be approved by the Airport Board and the City of Brookings. Any construction that involves moving walls or changing the structure of a building must be approved in writing by the Airport Board and the City of Brookings. Such construction shall comply with all building codes and permit procedures as required for construction of new hangars in paragraph “B” above.

SECTION 2.8 AIRCRAFT TIEDOWNS

Aircraft tiedowns shall only be used for the following purposes:

- a) Storage and parking of aircraft listed on the lease agreement for that hangar or tiedown and parked in a manner so as to be completely contained within the aircraft parking space and not obstruct adjacent aircraft parking and storage areas or taxilanes, except for purposes of immediate and temporary staging and fueling of such aircraft.
- b) Conducting preventive aircraft maintenance on the aircraft in the tiedown location is prohibited, with the exception of adding fuel or oil, unless authorized by the Airport Manager.

SECTION 2.9 STORM WATER POLLUTION PREVENTION

The Airport is subject to federal storm water regulations, 40 C.F.R. Part 122 for “vehicle maintenance shops” (including vehicle rehabilitation, mechanical repair, painting, fueling, and lubrication), equipment cleaning operations and/or deicing operations that occur at the Airport as defined in these regulations and, if applicable, state storm water regulations. Each service provider shall become familiar with these storm water regulations if it conducts or operates “vehicle maintenance” (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations and/or deicing activities are defined in the federal storm water regulations; and is advised that there are significant penalties for submitting false information, including fines and imprisonment for knowing violations.

SECTION 2.10 SMOKING RESTRICTIONS

No smoking shall be permitted:

- a) Within 50 feet of an aircraft,
- b) Within 200 feet of a fuel truck and/or fuel storage area,
- c) In a hangar bay.

SECTION 2.11 RESTRICTED AREAS (TERMINAL APRON)

No person shall enter the airside area, except as necessary for the lawful use of an aircraft thereon, or to conduct a permitted business activity. The only people that are approved to enter the vicinity of the commercial aircraft are airline personnel, Law Enforcement Officers, airport administrative personnel, and refueling personnel from the service provider. All persons within the restricted area shall comply with all current rules and regulations of the Airport Security Program. Any violation of these rules or unlawful intrusion into the restricted area may result in a violation of federal or state law.

SECTION 2.12 ACCESS CODES/DEVICES

Persons who have been provided with either a gate card or opener for the purpose of obtaining access to the airport through a public entry point, shall only use airport-issued devices and shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager. Violation of this regulation may result in the loss of access privileges. Individuals requesting a gate card or opener must make application with City Hall.

SECTION 2.13 SELF-SERVICES

- A. Persons are permitted to fuel, wash, repair, or otherwise service aircraft owned or leased by them, or aircraft owned by others if no compensation is received for such services. Provided, however, that such right is conditioned upon compliance with these regulations and with all applicable laws.
- B. An aircraft owner may hire an individual to provide, under the direction and supervision of the aircraft owner, services only on the owner's based aircraft. Such services may only be provided by a direct employee of the aircraft owner or a technical specialist.

SECTION 2.14 MAINTENANCE OF PREMISES

- A. All persons using the airport shall maintain their premises in a condition of repair, cleanliness and general maintenance. All persons having possession, control or use of any portions of the airport shall at all times maintain such premises in clean, serviceable, safe and operable condition and repair.
- B. During snow removal months, all hangar owners/lessees shall be responsible for clearing the snow away from their hangar door to approximately 4 feet from the building. Airport

personnel will be responsible for clearing the remaining snow. Snow on a hangar apron shall not be cast onto a clean taxiway without permission from the Airport Manager.

SECTION 2.15 WASTE CONTAINERS AND DISPOSAL

All airport tenants, users, or visitors shall dispose of all waste in the appropriate waste containers. No petroleum products, industrial waste matter or other hazardous materials shall be dumped or otherwise disposed of except in accordance with local, county, state and federal law. Any hazardous materials shall be the responsibility of the originator under all applicable laws.

SECTION 2.16 STORAGE

No person shall store or stock materials or equipment in such a manner as to be unsightly or constitute a hazard to personnel or property, as determined by the Airport Board.

SECTION 2.17 STORAGE, TRANSFER AND CLEANUP CHARGES

The City may remove and impose storage, removal and transfer charges upon any property unlawfully located at the airport. The City may clean up any material unlawfully spilled, placed or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the City as a result of the clean up.

SECTION 2.18 MODEL AIRCRAFT, KITES, ETC., PROHIBITED

No person shall fly or release a model aircraft, rocket, kite, balloon, parachute, etc., on the airport. These are considered by the FAA to be non-aeronautical events and therefore prohibited.

SECTION 2.19 ADVERTISEMENTS

No person shall post, distribute or display signs, advertisements, circulars, printed or written matter in the public portions of the airport without written permission from the Airport Board. All outdoor signs must be approved in writing prior to installation by the Airport Board and City zoning officer.

SECTION 2.20 ANIMALS

No person shall enter the airport with a dog or other animal unless restrained by a leash or under the direct control of its owner. No person in charge of a dog or other animal shall permit the animal to run or wander unrestrained on any portion of the airport. The Airport Manager is authorized to enforce compliance with this rule.

SECTION 2.21 PROPERTY DAMAGE, INJURIOUS OR DETRIMENTAL ACTIVITIES

No person shall destroy, deface, injure or disturb in any way, any airport property. Nor shall any person conduct activities at the airport that are injurious, detrimental or damaging to airport property or to other aeronautical activities and business of the airport. Any person causing such damage shall be liable for all costs thereof, and shall be required to pay to the City of Brookings, on demand, the full cost of restitution for such damages. Failure to make full restitution shall constitute a violation of these regulations and may result in being denied the use of the airport facility until such restitution has been paid.

SECTION 2.22 ABANDONED PROPERTY

No person shall abandon any property on airport property or in any building on the airport in excess of 90 days without the Airport Manager's or lessee's permission. Such property may be impounded by the City police department.

SECTION 2.23 PEDESTRIANS IN THE AIRSIDE AREA

No person shall walk, stand, or loiter in the airside area if such activity is determined to be an operational or safety concern by the Airport Manager.

SECTION 2.24 VOLUNTEER ASSISTANCE

No person shall enter the airside area of the airport for the purposes of attending, observing or assisting at the scene of an accident except persons authorized by law or otherwise requested or with consent of the Airport Manager.

CHAPTER 3 – AIRCRAFT RULES

SECTION 3.1 LANDING AND TAKEOFF OF AIRCRAFT

- A. Except in an emergency, all fixed wing aircraft landings and takeoffs shall be made on the runway unless otherwise authorized by the Airport Manager.
- B. Landing aircraft shall clear the runway as soon as practicable and, consistent with safety, taxi ahead to the nearest turn-off.

SECTION 3.2 DISABLED AIRCRAFT

Aircraft owners and pilots shall be responsible for the prompt removal of disabled aircraft and parts thereof, unless required or directed by the Airport Manager or the Federal Aviation Administration to delay such action pending an investigation of an accident. In the event of failure to promptly remove such disabled aircraft, the Airport Manager may cause the aircraft to be removed and bill the owners thereof for all charges incurred in the removal of same. The City shall not be responsible for damage to disabled aircraft removed by the owner, the pilot, the City or other

persons. The owner of the offending aircraft is liable for any damage that occurs in the removal of the aircraft unless it is found to be gross negligence.

SECTION 3.3 NEGLIGENT OPERATION OF AIRCRAFT

No aircraft shall be operated within the City in a careless, negligent or reckless manner, or in disregard of the rights and safety of others, or while any person controlling the aircraft would be prohibited by law from operating an automobile on the public streets with the City due to alcohol or drug influence or impairment, or at a speed or in a manner which endangers, or is likely to endanger, persons or property.

SECTION 3.4 RUNNING OF AIRCRAFT ENGINES

Aircraft engines shall only be run at idle except as may be necessary for safe taxiing operations, taking off, landing, preflight testing and maintenance testing. All engine run-ups for maintenance testing purposes shall be performed in accordance with sections 3.5 and 3.6 of these regulations. At no time shall an aircraft's engine(s) be operated while the aircraft is in a hangar or located at a tiedown space, unless the same can be done safely and without interfering with any other aircraft.

SECTION 3.5 AIRCRAFT RUN-UPS

All non-essential aircraft preflight engine run-ups shall be conducted during the hours of 6:00 a.m. and 10:00 p.m. at the run-up areas located between the General Aviation apron and the commercial apron or on Taxiway A1 or Taxiway A4. Given the close proximity of noise sensitive areas, it is the responsibility of all airport users to limit the engine run-ups that are done on an emergency basis to those which are absolutely critical and cannot be delayed until the next day.

SECTION 3.6 EXHAUST AND PROPELLER BLAST

No aircraft engine shall be started or aircraft taxied where the exhaust or propeller blast may cause injury to persons or do damage to property or spread debris on the airside area.

SECTION 3.7 TAXIING OF AIRCRAFT

No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons or object. No person shall taxi an aircraft with an obstructed windscreen. Aircraft shall not be taxied into or out of any hangar (unless it may be done safely without injury to persons or damage to property). No person shall taxi an aircraft except on areas designated for taxiing. If it is impossible to taxi aircraft in compliance with this section, then the engine must be shut off and the aircraft towed to the new location.

SECTION 3.8 COMMON AIR TRAFFIC ADVISORY FREQUENCY

Whenever possible, airport users shall utilize the common air traffic advisory frequency 123.0 MHz, to broadcast their intentions as provided in the most current version of the Aeronautical Information Manual (AIM).

SECTION 3.9 AIRCRAFT ACCIDENT/INCIDENT REPORTS

- A. ACCIDENT - Any persons involved in an aircraft accident required to be reported to the FAA under its rules and regulations, which occurs on the aircraft movement area, shall contact the Airport Manager immediately and the appropriate federal agency within the required reporting time period. The report shall include, at a minimum, the names and addresses of the persons involved, and a description of the accident and its cause as well as the property that was damaged.
- B. INCIDENT - Any person involved in an aircraft incident required to be reported to the FAA under its rules and regulations, which occurs on the aircraft movement area, shall notify the Airport Manager immediately and fill out a report stating the same information as the accident report.

SECTION 3.10 INTERFERING OR TAMPERING WITH AIRCRAFT

No person shall interfere with or tamper with any aircraft or put in motion the engine of such aircraft, or use any aircraft, aircraft parts, instruments or tools without permission of the owner, unless under the specific direction of the Airport Manager or in the event of an emergency.

SECTION 3.11 GLIDER OPERATIONS

- A. The rules in this section must be briefed by the tow plane pilot or the glider pilot and adhered to by all people involved in the glider operations. The tow plane pilot and glider pilot will be held responsible if any individual assisting in the glider operations violates the rules in this section.
- B. Gliders must be positioned outside of the Runway Safety Area and Taxiway Safety Area when not in use.
- C. Pedestrians assisting with launching gliders must immediately exit the Runway Safety Area after assisting with takeoff.
- D. All vehicles assisting glider operations and their drivers must adhere to the requirements of Chapter 4 of this document. This includes parking the vehicles outside of the Runway Safety Area, driver training and vehicle requirements.
- E. If an individual assisting with glider operations violates the rules in this section, everyone involved in the glider operation will have their privilege to access the Aircraft Movement Area (either as pedestrians or operating ground vehicles) revoked for a period of forty-five days. After this forty-five day period all individuals that lost the privilege to operate

vehicles in the Aircraft Movement Area must retake driver training with the Airport Manager. If an individual with their Aircraft Movement Area privileges revoked is found in the aircraft movement area they will be considered to be trespassing and will be arrested. If an individual violates these rules multiple times they may have their privileges revoked for a longer period of time as determined by the Airport Manager.

(a briefing card with these rules and maps of the Runway Safety Area and Taxiway Safety Area is available from the Airport Manager)

CHAPTER 4 – VEHICLE OPERATION

SECTION 4.1 GENERAL REQUIREMENTS

No person shall operate a vehicle on the airport except in accordance with these rules and all federal, state and local laws.

- a) All airport roadways have City of Brookings “status” and all motor vehicle operations on airport property, including, but not limited to, roadways, parking lots, taxiways, taxilanes and runways, are governed by applicable City and/or State traffic ordinances.
- b) Vehicles shall only be operated by Service Providers who have attended the ground vehicle training course provided by the Airport Manager. Participants will be issued a 1-year allowance upon the successful completion of the training program.
- c) All vehicles shall yield the right of way to aircraft in motion and emergency vehicles.
- d) All vehicles shall pass no closer than 100 feet to the rear of taxiing aircraft.
- e) No vehicle shall approach closer than 100 feet to any aircraft whose engines are running, excluding ground service and emergency vehicles.
- f) Individual aircraft owners and pilots owning or renting space at the airport may drive to their aircraft and may park private vehicles at their own risk on their rented space in connection with their aeronautical activity, all in accordance with the regulations herein.
- g) All vehicles, upon entering or exiting an airport access gate, shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of an unauthorized vehicle.

SECTION 4.2 LICENSING, REGISTRATION AND INSURANCE

- A. No person shall operate a vehicle of any kind on the aircraft movement area without a valid state operator's license with the exception of ground support equipment.
- B. No person shall operate any vehicle on the aircraft movement area without first obtaining aircraft movement area driving privileges.
- C. All vehicles shall maintain the appropriate type and amount of vehicle liability insurance required by state law.
- D. This restriction does not apply to those vehicles which are operated on the Service Provider's ramp area and under the Service Provider's positive control.

SECTION 4.3 CONTROL OF VEHICLES

No person shall operate or park a vehicle at the airport in a manner prohibited by signs, pavement markings, or other signals posted by the City or by regulations under this article. The Airport Manager has plenary power to regulate or prohibit any class or type of vehicle or any other type or class of wheeled vehicle or other form of transport that operates in the aircraft movement area.

SECTION 4.4 SPEED LIMIT

All vehicles shall be operated in strict compliance with all speed limits at the airport.

- a) Unless otherwise posted, the maximum speed limit for all vehicles in the airside area, with the exception of authorized municipal vehicles in the performance of their official duties, is fifteen (15) miles per hour.
- b) Provided, however, no person shall drive a motor vehicle on the airport at a speed greater than what is reasonable and prudent under the existing conditions in order to ensure safe operations.
- c) No vehicle shall exceed 5 miles per hour when operated within 50 feet of an aircraft with the exception of emergency personnel.

SECTION 4.5 VEHICLES OPERATING ON RUNWAYS AND TAXIWAYS

- A. Any vehicle authorized to operate on the aircraft movement area, including the airport runways, taxiways or aprons, shall display a rotating amber beacon that complies with latest edition of FAA Advisory Circular 150/5210-5 and is visible to the aircraft in the air and on the ground. Personnel conducting farming operations shall be equipped with a rotating amber beacon or an orange & white-checked flag.
- B. All vehicles that are authorized to operate in the aircraft movement area must be equipped with a two-way aviation radio and remain in continuous radio contact with the Common

Traffic Advisory Frequency 123.0 MHz. The installation of a two-way radio does not permit the operation of vehicles on runways or taxiways without the Service Provider attending a vehicle training course.

SECTION 4.6 VEHICLE OPERATION ON AIRPORT ACCESS ROADS

The airport access roads shall only be used by authorized vehicles, which include all airport administration vehicles, maintenance vehicles, Federal Aviation Administration, and other vehicles with prior written approval from the Airport Manager. All vehicles must be equipped with an amber rotating beacon and a VHF air band radio whenever possible. All persons operating any vehicle on an airport access road must attend a ground vehicle training class that is provided by the Airport Manager. All persons operating a vehicle on access roads must be familiar with, and comply with, all rules regarding the MALSR Access Road and operation on such access road within the Precision Obstacle Free Zone (POFZ). No vehicles shall be allowed to use the MALSR Access Road while the "POFZ" is in effect.

SECTION 4.7 AUTHORITY TO REMOVE VEHICLES

The Airport Manager, assigned City personnel, or the Airport Board, may cause to be removed from any area of the airport any vehicle which is disabled, abandoned, parked in violation of these regulations, or which presents an operational problem to any area of the airport, at the operator's expense and without liability for damage which may result in the course of such movement.

SECTION 4.8 BICYCLES, SCOOTERS AND MISCELLANEOUS VEHICLES

The use of non-motorized bicycles or scooters shall only be permitted during daylight hours, unless appropriately lighted, and in accordance with all applicable regulations set forth herein for vehicles, except as to regulations which, by their nature, have no application. No person shall, at any time, ride a bicycle or scooter, or anything similar thereto, on the aircraft movement area.

SECTION 4.9 PARKING RESTRICTIONS

- A. No person shall park or leave any vehicle standing, whether occupied or not, except within a designated parking area.
- B. Aircraft owners and Service Providers shall only park their vehicle in the aircraft storage and parking space designated for their aircraft.
- C. Vehicles parked in an aircraft parking and storage area shall be parked in a manner so as to be completely contained in the aircraft parking or storage space and shall not obstruct adjacent aircraft parking and storage areas, or taxilanes unless for the purposes of loading, unloading, or staging of an aircraft.

SECTION 4.10 VEHICLE REPAIR

No person shall clean or make any repairs to vehicles anywhere on the airport, except those minor repairs necessary to remove such vehicles from the airport or in a designated maintenance area. This provision does not apply to ground support equipment or vehicles used in the operation of the Service Provider's business, and are owned or leased by the Service Provider.

SECTION 4.11 VIOLATIONS

Violations of any of the rules and regulations in this chapter can result in the offender's access privileges being suspended or revoked, in addition to all other penalties provide by applicable City, state or federal law.

CHAPTER 5 – FUELING, FLAMMABLE FLUIDS, AND SAFETY

SECTION 5.1 FUEL SAFETY

All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the International Fire Code, as amended, the National Fire Protection Association's codes and standards, as amended, FAA Advisory Circular 150/5230-4, as amended, all requirements of these regulations, and all other applicable law.

SECTION 5.2 UNAUTHORIZED FUEL POSSESSION AND STORAGE

All fuel possession and storage must be in accordance with the rules and regulations provided herein.

SECTION 5.3 STORAGE OF AIRCRAFT FUEL TRUCKS AND OTHER FUELING DEVICES

- A. Except as otherwise provided in these rules and regulations pertaining to non-commercial self-fueling operations by an owner, aircraft refueling vehicles, and moveable aircraft fuel containers and refueling devices shall be stored outside and not less than 50 feet from a building or such other distance as shall be approved by airport management and the Brookings Fire Department.
- B. Aircraft refueling vehicles shall be parked in a manner which provides a minimum of 10 feet of separation between said vehicle and any other vehicle or aircraft refueling device.

SECTION 5.4 AIRCRAFT FUELING LOCATION

All aircraft fueling shall be performed outdoors, except as otherwise provided in these rules and regulations.

SECTION 5.5 MAINTENANCE OF FUEL SERVICING VEHICLES

Maintenance and servicing of aircraft fuel servicing vehicles shall be performed outdoors or in a building approved for that purpose by the fire department.

SECTION 5.6 REMOVAL OF GAS, OIL, GREASE, ETC

- A. In the event of spillage of gasoline, oil, grease or any material which may be unsightly or detrimental to the airport, the same shall be removed immediately. The responsibility for the immediate removal of such gasoline, oil, grease or other material shall be assumed by the Service Provider or owner of the equipment causing the spill or by the tenant or concessionaire responsible for the spill.
- B. In the event of spillage, and the failure of the Service Provider or owner to restore the area to its original safe and environmentally sound status, the City may clean up any material unlawfully spilled, placed or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the City as a result thereof. Such an event may constitute grounds for denying access to the airport.

SECTION 5.7 FIRE EXTINGUISHERS

All tenants, lessees, licensees, and sub-lessees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the Brookings Fire Department. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.

SECTION 5.8 MOBILE FUEL STORAGE TANKS

All non-commercial mobile fuel storage tanks, whether in transit or in storage by the owner in his/her hangar, shall comply with all requirements of the Uniform Fire Code as adopted by the City of Brookings, International Fire Code, as amended, the National Fire Protection Association's codes and standards, as amended, particularly NFPA 407, Standard for Aircraft Fuel Servicing, FAA Advisory Circular 150/5230-4, as amended, and all other applicable laws.

SECTION 5.9 SELF-FUELING

- A. PERMIT REQUIRED-Owners of an aircraft based at the airport who desire to self-fuel such aircraft, shall apply for a Self-Fueling Permit from the Airport Board. The preceding sentence does not apply to the use of a self-service fuel facility provided by an authorized service provider. Fuel transport containers shall comply with all requirements of the

International Fire Code, as amended, the National Fire Protection Association's codes and standards, as amended, particularly NFPA 407, Standard for Aircraft Fuel Servicing, FAA Advisory Circular 150/5230-4, as amended, and all other applicable laws. All permittees or his/her employee or agent must establish and maintain standards for protecting against fire and explosions in storing, dispensing and otherwise handling fuel, as set forth by the following general rules:

B. GENERAL RULES FOR ALL SELF-FUELERS

- 1) All self-fueling permittees shall receive training in fire safety in accordance with these rules and demonstrate satisfactory knowledge of the safety requirements.
- 2) NO OPEN FLAMES or lighted open flame devices shall be allowed within 50 feet of the fueling operations. Open flames and devices include lighted cigarettes, cigars, pipes, etc., and exposed flame heaters. Self-fuelers shall not carry lighters or matches on their person while engaged in fuel servicing operations.
- 3) ALL IGNITION SOURCES should be turned off prior to fueling operations. This includes vehicles, furnace and water heater pilot lights, and other ignition sources. Special care should be taken in locating and eliminating all ignition sources located 18 inches above ground level and below.
- 4) TWO (2) FIRE EXTINGUISHERS rated for flammable liquids, each having a rating of at least 20-B:C, shall be within 50 ft of fueling operations. Said fire extinguishers shall be inspected and certified in operable condition. In the unlikely event that a fire starts, leave the nozzle in the tank, back away, turn off pump, dispense the fire extinguishers and call 911, if needed.
- 5) A BONDING WIRE must be used to establish a conductive path between the tank/pump and the aircraft prior to any fueling of the aircraft and prior to the filler cap being removed. This bond shall be maintained until the fueling connections have been removed. Bonding and fueling connections shall be disconnected in the reverse order of connection. In the event that there is no means for attaching a bonding clip, the operator shall touch the filler cap with the nozzle spout before removing the cap in order to equalize the electrostatic potential between the nozzle and the filler port. The spout shall be kept in contact with the filler neck until the fueling is completed.
- 6) CONDUCTIVE HOSE shall be used to prevent electrostatic discharge but shall not be used to accomplish required bonding. The operator must inspect the aircraft fueling hose before each use.
- 7) NO ELECTRONIC DEVICES of any kind should be operated within 25 ft of refueling operations. This includes, but is not limited to, laptop computers, cell

phones, PDAs, electronic games, communication equipment, electric tools or photographic equipment.

- 8) FUELING NOZZLES shall be of a “dead-man” type and the operator must maintain manual control of such nozzle at all times. The use of any means that defeats the “dead-man” control is prohibited. Under no circumstances shall the “dead-man” control be blocked in the “on” or “open” position to bypass manual operation.
- 9) ADEQUATE VENTILATION must be provided in the aircraft fueling area to assure proper dissipation of gasoline fumes.
- 10) MOBILE FUEL TANKS should be painted red, UL approved and never filled above 95 percent capacity, to allow for expansion. Such tanks shall comply with the requirements of the Uniform Fire Code as adopted by the City of Brookings and marked in accordance with NFPA standard 704.
- 11) PUMPS, either hand operated or power operated, must be used when transferring from a container in excess of 5 gallon. Gravity flow fueling shall not be permitted from a container with a capacity of more than 5 gallon.
- 12) Self-fueling operations shall not take place within 25 feet of a structure or other aircraft, except that self-fueling in a hangar may be permitted if prior approval is obtained from the Brookings Fire Department.
- 13) All self-fueling equipment shall be maintained in a clean, non-leaking condition, and subject to inspection at any time by the Airport management.
- 14) A permittee, or his/her employee or agent, shall only be permitted to self-fuel his/her personal aircraft. Fueling aircraft other than your personal aircraft is prohibited unless authorized by the Airport Manager.
- 15) All fuels spills shall be reported immediately to the Airport Manager, but if not available, to the proper authorities. Permittee shall be responsible for proper clean up and removal of all fuel leakage from any fuel spill or the cost of the same if conducted by an outside agency as per applicable fire codes, EPA directives and FAA Circulars. The clean up removal methods shall comply with applicable local, state, and/or Federal requirements. Any damage to pavement and other airport facilities shall be repaired to the requirements of the Airport Board and permittee shall be financially responsible for the same. All permittees shall have an absorbent material on hand when engaged in a fueling operation.

WARNING: The highly volatile and extremely flammable nature of gasoline means that potentially explosive air/vapor mixtures are likely to form easily at ambient temperatures. Gasoline vapor is heavier than air, may travel some distance to remote sources of ignition, ignites easily, burns

vigorously and gasoline vapors may explode in certain conditions when it comes in contact with an ignition source.

Further, exposure to gasoline liquid or vapor can adversely affect health. Avoid prolonged breathing of the gasoline vapors. Keep your face away from the nozzle. Keep gasoline away from your eyes and skin.

Inhalation: In normal use, the main route of exposure to gasoline is likely to be by inhalation. Exposure to the vapor during normal refueling is not a significant health concern. However, significant spills resulting in short-term exposure to high concentrations of vapor (greater than 500 ppm) may cause irritation of the eyes, nose and respiratory tract and possibly signs of central nervous system depression (headache, dizziness, mental confusion, for example). If symptoms arise from exposure to gasoline, take the person to fresh air, using the above precautions.

Skin contact: During refueling, minor accidental skin contact may occur, and is not a significant health concern. Prolonged skin exposure is only likely to occur in accident situations (drenching of clothing during pump malfunction, for example). Gasolines are unlikely to cause systemic toxicity following accidental skin exposure. Skin contact may cause local irritation, and, if contact is frequent or prolonged, skin reactions may be severe. Gasolines also can result in drying, cracking skin or dermatitis. Where significant skin contact has occurred drench clothing with water before removing (this is necessary to avoid risk of sparks from static electricity) and wash all affected skin areas thoroughly with soap and water.

Eye contact: Accidental splashes entering the eye may cause irritation and discomfort. Such effects are usually temporary, and permanent damage is considered unlikely. If the eyes are affected, irrigate them immediately with copious amounts of water. If irritation occurs and persists, obtain medical advice.

Ingestion: Gasolines are unlikely to cause systemic toxicity following accidental ingestion. The main potential health hazard, however, is the possibility of severe, potentially fatal, damage to lung tissue, which can occur following aspiration of even small amounts of gasoline into the lungs. Never siphon gasoline by mouth nor put gasoline in your mouth for any reason. If gasoline is ingested do not induce vomiting but obtain medical advice immediately.

CHAPTER 6 – MINIMUM REQUIREMENTS FOR AIRPORT AERONAUTICAL SERVICES

SECTION 6.1 AIRCRAFT SALES

- A. Any person, firm, corporation or other business entity desiring to engage in the sale of new or used aircraft must provide a minimum of the following:

- 1) **Building** – Lease or construct 600 square feet of properly lighted and heated space for office and public lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
- 2) **Personnel** – One person having a current commercial pilot certificate with ratings appropriate to the types of aircraft to be demonstrated or sold.
- 3) **Dealerships** – New aircraft dealers shall hold an authorized factory or sub-dealership. All aircraft dealers shall hold a dealership license or permit from the State of South Dakota.
- 4) **Aircraft** – A dealer of new aircraft shall have available, or on call, one current model demonstrator, and provide for demonstrations of additional models of the manufacture for which a dealership is held.
- 5) **Service** – Provide for the repair and servicing of aircraft during warranty period by their own facilities or through written agreement with a repair shop specializing in the make of aircraft sold.
- 6) **Hours of Operation** – The normal operation hours will be at the operator’s discretion.
- 7) **Insurance coverage** – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board:
 - a) Aircraft Liability, Public Liability and Property Damage:
 1. Bodily injury: \$100,000 each person, \$1,000,000 each occurrence.
 2. Property damage: \$1,000,000 each occurrence.
 3. Passenger liability: \$100,000 each person, \$1,000,000 each occurrence.
 4. Medical: \$1,000 each person, \$8,000 each occurrence.

NOTE: The above-mentioned coverage should include aircraft held for sale and demonstration by the dealer but owned by others.

SECTION 6.2 AIRFRAME AND/OR ENGINE REPAIR

- A. Any person, firm, corporation or other business entity desiring to engage in airframe and/or engine repair service must provide a minimum of the following:
 - 1) **Building** – Lease or construct a building sufficient to provide 2,000 square feet of shop space meeting local and state building code requirements plus adequate office

space. Provide public telephone, lounge and rest rooms, building shall conform to OSHA Regulations.

- 2) **Personnel** – One person currently certified by FAA with rating appropriate for work being performed on airframe and/or engines.
- 3) **Hours of Operation** – The normal operation hours will be at the operator’s discretion, but should be reasonably available to the public.
- 4) **Equipment** – Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer’s recommendations or equivalent.
- 5) **Insurance coverage** – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board:
 - a) Comprehensive Pubic Liability and Property Damage:
 1. Bodily injury: Combined \$1,000,000 each occurrence.
 2. Hangar Keepers Liability: \$250,000 each aircraft, \$500,000 per occurrence.

SECTION 6.3 AIRCRAFT RENTAL

A. Any person, firm, corporation or other business entity desiring to engage in the rental of aircraft to the public must provide as a minimum the following:

- 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office and public lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
- 2) **Personnel** – One person having a current commercial pilot certificate with appropriate rating.
- 3) **Aircraft** – One airworthy aircraft, properly licensed and insured.
- 4) **Hours of Operation** – The normal operation hours will be at the operator’s discretion, but should be reasonably available to the public.
- 5) **Insurance coverage for owned or leased aircraft:**
 - a) Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board:

1. Bodily injury: \$100,000 each person, \$1,000,000 each occurrence.
2. Property damage: \$1,000,000 each occurrence.
3. Passenger liability: \$100,000 each person, \$1,000,000 each occurrence.
4. Medical: \$1,000 each person, \$8,000 each occurrence.

SECTION 6.4 FLIGHT TRAINING

A. Any person, firm, corporation or other business entity desiring to engage in pilot flight instruction shall provide as a minimum the following:

- 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office, briefing room, pilot lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
- 2) **Personnel** – One person shall be properly certified by the FAA as a flight instructor to cover the type of training offered.
- 3) **Aircraft** – One airworthy aircraft, properly licensed and insured for flight instruction.
- 4) **Hours of Operation** – The normal operation hours will be at the operator's discretion, but should be reasonably available to the public.
- 5) **Insurance coverage for owned or leased aircraft:**
 - a) Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board:
 1. Bodily injury: \$100,000 each person, \$1,000,000 each occurrence.
 2. Property damage: \$1,000,000 each occurrence.
 3. Passenger liability: \$100,000 each person, \$1,000,000 each occurrence.
 4. Medical: \$1,000 each person, \$8,000 each occurrence.

B. Provided, however, an individual shall be permitted to give flight training without the requirement of maintaining a building or hours as provided in 1 and 4 above, so long as such individual meets all other requirements of this section and such flight training is not on a

full-time basis. All individuals desiring to give flight training under this exception must get prior approval of the Airport Board.

SECTION 6.5 AIRCRAFT FUELS AND OIL DISPENSING SERVICE

- A. Primary Fuel Service – Any person, firm, corporation or other business entity desiring to dispense aviation fuels and oil and provide other related services such as tiedowns and parking, shall provide as a minimum the following services and facilities.
- 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office, briefing room, pilot lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
 - 2) **Personnel** – One or more properly trained personnel. The office shall be attended at all times during required operating hours.
 - 3) **Aircraft Service Equipment** – Emergency starting equipment, adequate fire extinguishers, and towing equipment.
 - 4) **Services** – Fuel, park and tie down aircraft. Provide aircraft hangar, storage, if available. Provide minor repairs and services not requiring certificated mechanic rating.
 - 5) **Fueling Facilities** – One metered filter-equipped pump, fixed or mobile, for dispensing gasoline from storage tanks having a minimum capacity of 2,000 gallons each. Mobile truck(s) shall have a minimum of 300 gallons capacity for each grade of fuel required.
 - 6) **Hours of Operation** – The normal operation hours will be 8:00 a.m. to 6:00 p.m., seven days a week. On call service shall be required during the hours service is close.
 - 7) **Storage and Refueling Prohibited** - The private storage of aviation fuels and oils upon leased areas and the use of mobile storage or refueling units by any party is prohibited unless said party has been granted authority to do so by the Airport Board.
 - 8) **Insurance coverage for owned or leased aircraft:**
 - a) Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board (any other service will constitute additional coverage):

1. Bodily injury: Combined \$1,000,000 each occurrence.
2. Hangar Keepers Liability: \$250,000 each aircraft, \$500,000 per occurrence.

B. Secondary Fuel Service – Any person, firm, corporation or other business entity desiring to dispense aviation fuels and oil and provide other related services such as tiedowns and parking, shall provide as a minimum the following services and facilities.

- 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office, briefing room, pilot lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
- 2) **Personnel** – One or more properly trained personnel. The office shall be attended at all times during required operating hours.
- 3) **Aircraft Service Equipment** – Adequate fire extinguishers.
- 4) **Services** – Fuel, park and tie down aircraft. Provide aircraft hangar, storage, if available. Provide minor repairs and services not requiring certificated mechanic rating.
- 5) **Fueling Facilities** – One metered filter-equipped pump, fixed or mobile, for dispensing gasoline from storage tanks having a minimum capacity of 2,000 gallons each.
- 6) **Hours of Operation** – The normal operation hours will be 8:00 a.m. to 6:00 p.m., seven days a week. On call service shall be required during the hours service is close.
- 7) **Storage and Refueling Prohibited** - The private storage of aviation fuels and oils upon leased areas and the use of mobile storage or refueling units by any party is prohibited unless said party has been granted authority to do so by the Airport Board.
- 8) **Restricted Sales** – Fuel sales are to be limited to a key control system.
- 9) **Flowage Fee** – To be set by Airport Board at the time of lease granting.
- 10) **Insurance coverage for owned or leased aircraft:**
 - a) Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board (any other service will constitute additional coverage):

1. Bodily injury: Combined \$1,000,000 each occurrence.
2. Hangar Keepers Liability: \$250,000 each aircraft, \$500,000 per occurrence.

SECTION 6.6 RADIO, INSTRUMENT, OR PROPELLER REPAIR SERVICE

A. Any person, firm, corporation or other business entity desiring to provide a radio, instrument or propeller repair service must hold an FAA repair station certificate and ratings for the same and provide as a minimum the following:

- 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office, briefing room, pilot lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
- 2) **Personnel** – One FAA certificated technician qualified in accordance with the terms of the Repair Station Certificate.
- 3) **Hours of Operation** – The normal operation hours will be at the operator’s discretion, but should be reasonably available to the public.
- 4) **Insurance coverage for owned or leased aircraft:**
 - a. Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board (any other service will constitute additional coverage):
 1. Bodily injury: Combined \$1,000,000 each occurrence.
 2. Hangar Keepers Liability: \$250,000 each aircraft, \$500,000 per occurrence.

SECTION 6.7 AIR TAXI SERVICE

A. Any person, firm, corporation or other business entity desiring to provide an air taxi service must hold all applicable FAA certificates and ratings for the same and provide as a minimum the following:

- 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office, briefing room, pilot lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.

- 2) **Personnel** – One FAA certificated commercial pilot who is appropriately rated to conduct air taxi service.
- 3) **Aircraft** – One four-place aircraft meeting all the requirements of the Air Taxi-Commercial Operator Certificate held.
- 4) **NOTE:** Aircraft shall be owned or leased by agreement in writing and meet all the relevant requirements in Part 135 of the FAA Regulations.
- 5) **Hours of Operation** – The normal operation hours will be at the operator’s discretion, but should be reasonably available to the public.
- 6) **Insurance coverage for owned or leased aircraft:**
 - a. Aircraft Liability, Public Liability, and Property Damage:
 1. General Liability: Minimum of \$5,000,000 single limit
 2. Property Damage: Minimum of \$1,000,000 each occurrence

SECTION 6.8 AERIAL APPLICATION

- A. No person, firm, corporation or other business entity shall operate an aerial pesticide applicator business from the Brookings Regional Airport without first obtaining a permit from the Airport Board.
 - 1) **Application** – Any person, firm, corporation or other business entity desiring a permit for an aerial pesticide applicator shall make written application to the Airport Board. Application forms shall be furnished by the Airport Manager. Said application shall contain the following information:
 - 2) **Permit** – The permit fee for an aerial pesticide applicator license is twenty dollars (\$20)
 - a) Name, address, and phone number of applicant
 - b) Trade name, if any, under which the license is to be exercised
 - c) If a partnership, the name and addresses of the partners
 - d) If a corporation, the names and addresses of the officers
 - e) Place of business or location where the license is to be exercised
 - f) Description of the activity to be carried on under the license
 - g) Proof of aerial pesticide applicators license
 - h) Proof of current FAA Commercial Certificate, properly rated for the aircraft to be used and meeting the requirements of Part 137 of the FAA regulations
 - i) Proof of financial responsibility for damages and clean up of an accidental discharge must be submitted to the Airport Board. Prior to beginning operations, the applicator must secure a cash bond of \$10,000.00 and submit the bond to the City Finance Officer. The cash bond will be for the duration of the applicator’s operation at the

Brookings Regional Airport. The cash bond will be returned to the operator after final inspection of the operation by the Airport Manager.

- 3) **Fee** – The annual fee for operating out of the Brookings Regional Airport is \$250 per aircraft. The Brookings Regional Airport Board may, at their discretion, waive the fee contingent upon the applicant’s use of services at the Brookings Regional Airport.
- 4) **Action by the Airport Board** – The Airport Manager shall bring the application to the attention of the Airport Board at its next regular meeting. The issuance of such permit shall be discretionary with the Airport Board; and a permit shall be issued by the Airport Manager only after the approval thereof by the Board.
- 5) **Revocation** – Any permit issued under this article may be revoked by the Airport Board for the violation by the permittee of any applicable provisions of this code, state law or City ordinance, rule or regulation, or for other good cause.
- 6) **Financial Responsibility** – Before any aerial pesticide application permit is granted, or any pre-existing permit renewed, applicant shall file with the Airport Manager a certificate or policy of insurance issued by a responsible insurer, covering the business to be operated by the applicant.
- 7) **Insurance Coverage** –
 - a) Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board (any other service will constitute additional coverage):
 1. Bodily injury: \$100,000 for each person, \$300,000 for each occurrence
 2. Property damage: \$100,000 for each occurrence
- 8) **Conditions** – The policy or certificate of liability insurance required by this regulation shall specify:
 - a) That the insurer shall be responsible for all liability of the applicant arising from the use of any aircraft as a part of applicant’s pesticide applicator business even though such aircraft is not described in the policy or certificate of insurance
 - b) The violation of any of the provisions of the policy or certificate of insurance shall not relieve the insurer from liability thereunder to any third party claimant against applicant, including cases where applicant becomes bankrupt or insolvent, and
 - c) That the policy or certificate shall not be modified or canceled without ten (10) days actual notice to the Airport Manager.

- 9) **Bond** – In lieu of the policy or certificate of liability insurance required by this division, applicant for a license required by this article may furnish a corporate surety bond, issued by a surety company authorized to do business in the state if it meets the requirements of this division.
- 10) **Approval** – The policy or certificate of liability insurance or bond required by this division shall be approved by the Airport Board prior to issuance of the permit.
- 11) **Building** – The applicant shall lease or construct 320 square feet of building space for office space, telephone, and storage. The building shall comply with all local building codes and OSHA regulations.
- 12) **Facilities** – A segregated chemical storage area protected from public access; designed and operated in accordance with appropriate federal and state regulations. Tanks for handling of liquid spray and mixing liquids. Adequate ground equipment for handling and loading of all materials used.

NOTE: Such facilities will be located on the airport in a location which will provide the greatest safeguard to the public.

- 13) **Aircraft** – At least one aircraft which is airworthy, meeting all the requirements of Part 137 of the FAA regulations and applicable regulations of the State of South Dakota. This aircraft shall be owned, or leased by agreement in writing.
- 14) **Hours of Operations** – The normal operating hours will be the operator’s discretion, but he should be reasonably available to the public.
- 15) **Notice to the Airport Board** – The Airport Manager shall immediately notify the Airport Board of the issuance or revocation of any permit under the provisions of this article.
- 16) **Reporting of Discharge** – It shall be the duty of any aerial pesticide applicator having knowledge of a discharge of hazardous material to immediately report the discharge to the Airport Manager.
- 17) **Spill Prevention, Containment, and Control Plan** – The applicant shall provide the Airport Manager with a copy of their Spill Prevention, Containment, and Control Plan specific to the Brookings Regional Airport and prior the issuance of the permit.
- 18) **Right of Entry** – Whenever necessary to make an inspection to enforce any of the provisions of this article, or whenever the Airport Manager or other authorized City representative had reasonable cause to believe that there exists in any aircraft or upon any premises, any condition which is prohibited under this regulation, the Airport Manager or other authorized City representative may enter such aircraft or premises at all reasonable times to inspect the same or perform any duty imposed upon the Airport Manager by this regulation; providing that if such aircraft or premises be occupied, he or she shall first

present proper credentials and demand entry; and if such aircraft or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or person having charge or control of the aircraft or premises and demand entry. If such entry is refused, the Airport Manager or other authorized City representative shall have recourse to every remedy provided by law to secure entry.

- 19) No owner or occupant or any other person having charge or care of any aircraft or premises shall fail or neglect, after proper demand made as herein provided, to properly permit entry therein by the Airport Manager or other authorized City representative for the purpose of inspection and examination pursuant to this regulation.
- 20) **Conflict** - In the event of any conflict between the provisions of this regulation and state and federal law, state and federal law shall prevail.
- 21) **Appeal** – Decisions of the Airport Manager in the enforcement of this regulation may be appealed to the Airport Board, which may grant a variance upon an application which demonstrates that an equivalent degree of environmental protection will be achieved under alternatives submitted by said applicant.
- 22) **Penalty; Failure to Comply** – Failure of any individual or business to comply with the provisions of this regulation shall be a violation and shall subject the violator to a fine not exceeding two hundred dollars (\$200.00). Each day in violation of the article shall constitute a separate offense.

SECTION 6.9 SPECIALIZED COMMERCIAL FLIGHT SERVICE

- A. Any person, firm, corporation or other business entity desiring to engage in the specialized commercial air activities shall provide as a minimum the following:
 - 1) **Building** – Lease or construct a building which will provide 600 square feet of properly lighted and heated space for office, briefing room, pilot lounge, rest rooms, and public use telephone. The buildings shall comply with all local building codes and OSHA Regulations.
 - 2) **Personnel** – One FAA certificated commercial pilot who is appropriately rated for the aircraft to be flown.
 - 3) **Aircraft** – One properly certificated aircraft owned or leased in writing to the lessee.
 - 4) **Hours of Operation** – The normal operation hours will be at the operator’s discretion, but should be reasonably available to the public.
 - 5) **Insurance coverage for owned or leased aircraft:**
 - a) Aircraft Public Liability, and Property Damage:

1. General Liability: Minimum of \$5,000,000 single limit
2. Property Damage: Minimum of \$1,000,000 each occurrence

SECTION 6.10 FLYING CLUBS

A. The following requirements pertain to all flying clubs desiring to base their aircraft on the Brookings Regional Airport:

- 1) **Regulations** – Each club must be a non-profit corporation, partnership or limited liability company. 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 operation, maintenance, and replacement of its aircraft. The club shall provide to the Airport Manager, a complete, current list of the club’s membership and officers, updated as necessary.
- 2) **Aircraft** – The club’s aircraft will not be used by other than bona fide members for rental and by no one for commercial operations. Flight instruction can be given in club aircraft to club members provided such instruction is given by a qualified flight instructor authorized to give instruction under these rules, or by an instructor who is a bona fide member of the club, or by an instructor who is covered by the club’s policy of insurance.
- 3) **Violations** – In the event that the club fails to comply with these conditions the Airport Manager will notify the club in writing of such violations. If the club fails to correct the violations in fifteen (15) days, the Airport Manager may take any action deemed necessary.
- 4) **Insurance** – Each aircraft owned by the flying club must have aircraft liability insurance coverage for the following amounts:
 - a) Aircraft Liability, Public Liability and Property Damage – The following insurance coverage are a minimum for operating at the Brookings Regional Airport, any deviation will require prior approval from the City of Brookings and the Airport Board:
 1. Bodily injury (including occupants): \$100,000 each person, \$1,000,000 each accident.
 2. Property damage: \$1,000,000 each accident.
 3. Medical Expenses: \$1,000 each person.

SECTION 6.11 GENERAL REQUIREMENTS, LEASE PROPOSALS

A. **General Requirements** – Building space requirements may be provided in one building, attached buildings or separate buildings.

B. All lessees offering any of the services or combinations thereof shall do so under written lease or agreement with the airport owner.

1) **Lease Proposal Requirements** – The Brookings Regional Airport Board will not accept an original request to lease land area unless the proposed lessee puts forth in writing a proposal which sets forth the type of operation the lessee proposes, including the following:

- a) The services to be offered
- b) The amount of land the lessee desires to lease
- c) The building space lessee will construct or lease
- d) The number of aircraft provided
- e) The number of persons to be employed
- f) The hours of proposed operation
- g) The insurance coverage to be maintained
- h) Evidence of financial capability to perform and provide the above services and facilities

2) **Lease Effective Date** – The lease takes effect on the date the building permit is taken out from City Hall and payment due within thirty days (30) of issuance of building permit prorated from that day to the end of the year.

CHAPTER 7 – AIRPORT RATES AND FEES

SECTION 7.1 AIRPORT RATES

All airport rates are subject to review annually during the May Airport Board meeting. All rate changes take effect on January 1 of the proceeding calendar year unless otherwise noted. The following list of rental activities is not inclusive and is subject to change at any time. A copy of the current activities and rate schedule may be obtained from City Hall.

- a) Hangar Lot Rent
- b) Advance Parking Lot
- c) Terminal Rent
- d) Farmland Rental
- e) Agricultural Spraying
- f) Sewage Lagoon Rent

SECTION 7.2 AIRPORT FEES

All airport fees are subject to review annually during the May Airport Board meeting. All fees changes take effect on January 1 of the proceeding calendar year unless otherwise noted. The following list of fee activities is not inclusive and is subject to change at any time. A copy of the current activities and fee schedule may be obtained from City Hall.

- a) Flowage Fees Self-fueling
- b) Flowage Fees Fixed Based Operator
- c) Landing Fees Airlines
- d) Landing Fees Aircraft Exceeding 12,500 lbs.
- e) Agricultural Spraying Permit Fee