



AGENDA REPORT
February 12, 2019

Valkaria Airport - BCC-79 Amendment

SUBJECT:

This is an amendment to BCC-79 "Airport Rules and Regulations" related to aircraft fueling.

FISCAL IMPACT:

None

DEPT/OFFICE:

Valkaria Airport

REQUESTED ACTION:

It is requested the Board of County Commissioners approve an amendment to BCC-79, specifically new requirements related to aircraft fueling. The summary contains the new requirements for aircraft fueling.

SUMMARY EXPLANATION and BACKGROUND:

In the course of building the new terminal the Fire Prevention Staff have required two changes to the Airport Rules and Regulations to provide needed fire protection for the terminal and to other aircraft during fueling operations. The rule changes are as shown below. These rule changes do not affect normal safe fueling efforts on the part of aircraft operators/pilots however it will require them to move an aircraft off of the apron to perform fueling. The fuel farm is available for fueling and meets all the requirements for safe fueling.

Addition of the following new amendment to Section 25b "Fueling Operations."

NEW ADDITION: 25b.iii *"Aircraft fueling is prohibited on the main apron."*

NEW ADDITION: 25b.iv *"Aircraft fueling is prohibited within 250' of the terminal building."*

Contact: Steve Borowski, Airport Manager
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steve.borowski@brevardfl.gov

ATTACHMENTS:

Description

- ▯ **Strikethrough BCC-79**
- ▯ **Clean Copy BCC-79**



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February 13, 2019

M E M O R A N D U M

TO: Frank Abbate, County Manager

RE: Item F.8., Amendment to Policy BCC-79 – Airport Rules and Regulations - Related to Aircraft

The Board of County Commissioners, in regular session on February 12, 2019, approved and authorized the Chair to execute Amendment to Policy BCC-79 – Airport Rules and Regulations, specifically new requirements related to aircraft fueling. Enclosed is the original Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

Tammy Rowe

Tammy Rowe, Deputy Clerk

Encl. (1)

cc: Valkaria Airport Manager



BOARD OF COUNTY COMMISSIONERS

POLICY

NUMBER: BCC-79
CANCELS: 11/10/2009
APPROVED: 02/12/2019
ORIGINATOR: Valkaria Airport
REVIEW: 12/4/2021

TITLE: VALKARIA AIRPORT (X59) RULES & REGULATIONS

1. OBJECTIVE

Pursuant to Chapter 18, Brevard County Code of Ordinances, this document prescribes the Rules and Regulations for users of Valkaria Airport, owned and operated by the Brevard County Board of County Commissioners. Prudent and proper administration requires that rules and regulations establishing the minimum acceptable conduct for Airport users be adopted. In addition to these Airport Rules and Regulations, additional documents such as the Valkaria Airport Rates and Charges, and Airport Minimum Standards serve to provide direction for users of the airport. The requirement to impose such rules and regulations is in the public interest. Among other benefits, this requirement provides protection from irresponsible and/or unsafe operations.

- a. **Applicability** - These Rules and Regulations apply to any Person or Entity utilizing the Airport.
- b. **Violations, Penalties and Procedures** - If the Airport Manager or designee determines that any of these Rules and Regulations has been violated, and that he or she cannot resolve the matter satisfactorily by notice to, and discussion with the offending party, the Assistant County Manager or designee may take formal action against the offending party. Such action may include, but is not limited to, reprimand, suspension of airport privileges, or revocation of the party's lease and/or right to utilize the Airport.
- c. **Replacement of Existing Rules and Regulations** - These rules and regulations are a replacement for those in effect immediately prior as approved on November 10, 2009. On or after the Effective Date of these Rules and Regulations, any reference to such prior rules and regulations shall be deemed to be a reference to these Rules and Regulations.
- d. **Right to Amend Standards** - The County reserves the right to adopt such amendments to these Rules and Regulations from time to time as it determines are necessary or desirable to reflect current trends of airport activity for the benefit of the public or operation of the Airport.
- e. **Effective Date and Document Attachments** - These Rules and Regulations and attachments shall become effective immediately upon approval by the Board of County Commissioners of Brevard County.

2. DEFINITIONS AND REFERENCES

This policy is adopted pursuant to the authority vested in the Brevard County Board of County Commissioners as owner and sponsor of the Valkaria Airport, and consistent with the September 8, 1958 Quitclaim Deed of the Airport from the United States of America to Brevard County, Fl. and other applicable laws and rules as stated herein.

a. **Other Laws**

Air traffic rules promulgated by and under the authority of the laws of the United States shall be deemed a controlling part of these Rules and Regulations, whether the aircraft is engaged in a commercial or non-commercial activity, or in foreign, intrastate or interstate navigation or flight, and whether the aircraft is registered or flying in a civil airway. All laws and regulations pursuant thereto, governing the operations of

aircraft now or hereinafter enacted by Congress or promulgated pursuant to its authority, are hereby adopted by reference and are made a part hereof, and are declared applicable to the Airport as if the same were completely set forth in these Rules and Regulations, and these Rules and Regulations shall be deemed supplemental and additional thereto, and in aid thereof. If any provision of these Rules and Regulations or any other rules, resolutions or ordinances of the County or any regulations promulgated under such rules, resolutions, or ordinances shall be repugnant to such federal law or regulation, such federal law or regulation shall be controlling. The County retains the right, however, to set and require more restrictive criteria. All other laws of the United States and of the State and all ordinances of the County, and all rules and regulations promulgated under any of the foregoing pertinent to the operation of the Airport are made a part of these Rules and Regulations and are declared applicable on the Airport as if the same were fully set forth herein.

3. Definitions

Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the terms used in these Rules and Regulations shall have the following definitions:

Abandon: means to forsake, desert, give up and/or surrender one's claim or right, license, use, or privilege.

Adjustment Date: means the first day of October, so long as this document remains in effect.

Aeronautical Activity: as defined by FAA Order 5190.6B and any subsequent amendment as any activity that involves, makes possible, or is required for the operation of aircraft or that contributes to or is required for the safety of such operations. It includes, but is not limited to: 1) air taxi and charter operations; 2) scheduled or nonscheduled air carrier services; 3) pilot training; 4) aircraft rental and sightseeing; 5) aerial photography; 6) crop-dusting; 7) aerial advertising and surveying; 8) aircraft sales and service; 9) aircraft storage; 10) sale of aviation petroleum products; 11) repair and maintenance of aircraft; 12) sale of aircraft parts; 13) parachute activity; 14) ultralight activities; 15) sport pilot activities; and 16) military flight operations.

Aeronautical Services: means any service which involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aircraft operations commonly conducted on the Airport by a person who has a Lease or Agreement from the Airport to provide such services.

Aeronautical Use: means 1) storage of active aircraft; 2) final assembly of aircraft under construction; 3) non-commercial construction of amateur-built or kit-built aircraft; 4) non-commercial maintenance, repair, or refurbishment of aircraft, but not indefinite storage or non-operational aircraft; 5) storage of aircraft handling equipment, e.g., tow bars, glider tow equipment, workbenches and tools, and materials used in the servicing, maintenance, repair, or outfitting of aircraft.

Agreement: a negotiated and legally binding arrangement between parties.

Aircraft: means a device that is used or intended to be used for flight in the air, including, but not limited to: an airplane, sailplane, glider, helicopter, gyrocopter, ultralight, balloon, blimp, UAV, or remotely-piloted vehicle.

Airport: means Valkaria Airport, Identifier X59.

Airport Layout Plan: means the current Airport Layout Plan and each of its elements as approved by the FAA.

Airport Manager: means the person duly appointed by the governing body of the Board of County Commissioners of Brevard County, Florida as the "Manager of the Airport" and the "Manager's Designee."

Airport Master Plan: means the Valkaria Airport Master Plan (AMP) as approved by the Board of County Commissioners of Brevard County, Florida.

Aircraft Movement Area (AMA): means the runways, taxiways and other areas of the Airport that are utilized for taxiing, takeoff, and landing of Aircraft.

Air Operations Area (AOA): means all Airport areas where Aircraft can operate, either under their own power or while in tow. The AOA includes runways, taxiways, and apron areas.

Airport Rules and Regulations: means the Brevard County Policy BCC-79 Rules and Regulations for Valkaria Airport (X59), Minimum Standards, and the Rates and Charges Adjustment Plan (RCAP), or any amendments thereto, attached and incorporated herein.

Airworthy: means an aircraft that can be flown in full accordance with Federal Aviation Regulations.

Apron or Ramp: means those areas of the Airport within the AOA designated for loading, unloading, servicing, or parking operational Aircraft.

Authorized Area: means a specified location, approved by the Airport Manager, as accessible to authorized persons only.

Authorized User: means a Qualified Aeronautical User who is expressly identified in Attachment C of Lease documents as being approved by Tenant as someone who may access or use the Premises for aeronautical purposes without being accompanied by Tenant. An Authorized User is limited to the following persons: 1) Aircraft co-owner named on FAA registration documents; 2) a named member of Tenant's immediate family; or 3) a single individual, only if a Qualified Aeronautical User as named in Attachment "C", whom Tenant desires to have independent access to and use of Premises.

AWOS: means Automated Weather Observing System; a fully configurable Airport weather system that provides continuous, real time information and reports on Airport weather conditions.

Base Index: means the CPI for the month of June in the year prior to the then current Adjustment Date. For example, for the first Adjustment Date the Base Index shall mean the CPI for the previous month of June.

BOCC: means Brevard County Board of County Commissioners, a political subdivision of the State of Florida.

Code: means the code of laws of any Local, State, or Federal Agency, as may be amended from time-to-time.

Commencement Date: means the date upon which Tenant takes physical possession of the leased Premises.

Commercial Activity: means any activity conducted with intent to profit, whether resulting in a profit, loss or gain, including fundraising.

Commercial Aeronautical Activity: means any Aeronautical Activity intended to secure earnings, income, compensation, or profit, whether such objectives are accomplished.

Common Access Area: means that area of the Airport designated by the Airport Manager, which is outside the AOA, for common and non-exclusive use outside the Airport perimeter fence, by persons authorized to have public access and use of the Airport, and includes without limitations, the parking areas and roadways.

Co-Owner: means an individual named on FAA aircraft registration.

County: means the Board of County Commissioners of Brevard County, Florida or its designee.

CPI: means the Consumer Price Index when used for the calculation of adjustment of Lease amount and will be obtained from the Department of Labor website in July of each year, or per individual Lease terms.

CTAF: means the Common Traffic Advisory Frequency for the Airport.

Days: means calendar days including weekends and all holidays.

Derelict Aircraft: means any aircraft that is not in a flyable condition or cannot reasonably be made flyable within six (6) months, does not have a valid airworthiness certificate and/or registration issued by the Federal Aviation Administration and is not in the process of being actively repaired. Active repair shall not exceed six (6) months.

Designated Aircraft: means every Aircraft that is both: 1) stored on the Premises; and 2) expressly and separately identified as a Designated Aircraft in Attachment "A" of Lease documents.

Directive: means ministerial instructions and guidance serving to govern and direction operational matters. Directives can be used for both internal and external guidance. All Directives will be approved by the Airport Manager.

Employee: means an individual who works part-time or full-time under a contract of employment, whether oral or written, express or implied, and has recognized rights and duties. Also called worker.

Entity: means a person, persons, firm, partnership, Limited Liability Corporation, unincorporated proprietorship, association, or group.

FAA: means the Federal Aviation Administration.

FAR: means Federal Aviation Regulation.

FBO/SASO: means aviation businesses or Fixed Base Operators/Specialized Aviation Services Operations and are duly licensed and authorized by written Agreement with the Airport owner to provide aeronautical activities and services at the Airport under strict compliance with such Agreement and pursuant to the Airport's Minimum Standards.

Fire Department: means that Fire Department having jurisdiction over the Airport.

Fire Extinguisher: means a portable, manually-operated, regularly inspected and maintained unit, utilizing extinguishing agents that are expelled under pressure.

Flammable Liquids: means a liquid that is combustible and can burn or cause a flame.

Flying Club: means a non-profit or not-for-profit entity (e.g., a corporation, association, or partnership) organized for the express purpose of providing its members with Aircraft for their personal use and enjoyment. Per FAA Order 5190.6B: 1) the ownership of Flying Club Aircraft must be vested in the name of the Flying Club, or owned by all its members and the property rights of the members of the Flying Club shall be equal; 2) the Flying Club may not derive greater revenue from the use of its Aircraft than the amount needed for the operation, maintenance, and replacement of its Aircraft; 3) Flying Clubs may not offer or conduct Aircraft rental operations; 4) only members of the Flying Club may operate the Aircraft.

Franchise: means a written, negotiated contractual Agreement between the Airport, or BOCC and an Entity which is enforceable by law. Wherein said Agreement grants a concession or otherwise authorizes the conduct of certain aeronautical services or activities.

Fuel: means the aviation petroleum product used to operate piston or jet turbine engines.

Fuel Operations: means the dispensing of aviation fuel directly into Aircraft or dispensing the same from a separate medium such as a fuel truck or self-fueling facility.

Gross Weight: means the maximum allowable gross landing weight of Aircraft as determined by the FAA or other governmental agency having jurisdiction to define gross weight in the respective context.

Helicopter: means a rotorcraft that, for its horizontal motion depends principally on its engine-driven rotors.

Improvements: means all buildings, structures, and facilities. Improvement may include pavement, fencing, signs, and landscaping that is constructed, installed, or placed on, under, or above any leased area.

Invited Guest: means an individual, not an Authorized User, commercial aviation operator, or other person authorized under the Airport Rules and Regulations, and the Airport Minimum Standards who is invited by the Tenant to enter the Premises while accompanied and escorted on and off the Airport property by the Tenant. Invited Guest shall always remain within twenty-five (25) feet and within line-of-sight of Tenant while on Airport property. Tenant shall be allowed no more than eight (8) Invited Guests at one time.

Law Enforcement Agency: means any law enforcement agency having jurisdiction over the Airport.

Lease: means a contract between the Airport owner/operator and an Entity granting a concession that transfers rights or interest in property, or otherwise authorizes the conduct of certain activities. The Lease must be in writing, executed by both parties, and enforceable by law.

Maintenance: means the inspection, overhaul, repair, preservation, and replacement of parts of an Aircraft, excluding preventive maintenance.

Minimum Standards: means the standards which are established by the Airport owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the Airport.

Motor Vehicle: means a self-propelled device in, upon or by which a person or property may be transported, carried, or otherwise moved from point-to-point except Aircraft or devices moved exclusively upon stationary rails or tracks.

Movement Area: means runways, taxiways, and other areas of the Airport which are used for taxiing, hover-taxiing, air-taxiing, take-off, or landing of Aircraft, exclusive of loading ramps and Aircraft parking areas.

NFPA: means the National Fire Protection Association.

NOTAM: means a Notice to Airmen published by the FAA.

Non-Profit: means activities undertaken for philanthropic, religious, charitable, benevolent, humane, public-interest, or similar purpose.

Operator: means both commercial and non-commercial operators.

Ownership Interest: means the ownership of an Aircraft with the authority to control and dispose of the Aircraft, rather than a leasehold interest.

Park: means to put, or leave, or let a Motor Vehicle, or Aircraft stand, or stop in any location whether the operator thereof leaves or remains in such vehicle or Aircraft when such standing or stopping is not required by traffic controls or by conditions beyond the control of the operator.

Permit: means Leases, space-use permits, special event permits, concession agreements, landing fee agreements, or other written grants of permission authorized by the Board of County Commissioners to use the Airport, or part thereof, for the conduct of commercial activity or non-commercial activity not otherwise authorized in a Lease Agreement.

Person: means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee, receiver assignee, or similar legal representative thereof.

Policy: means a general principle or plan by which the BOCC is guided in its management or public affairs. The BOCC will approve all policies.

Possessory Interest: means an immediate right of possession and control, for the sole purpose of aircraft maintenance, not to exceed a period of six (6) months.

Preventive Maintenance: means a simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations as delineated in Code of Federal Regulations (CFR) Title 14 Part 43.

Private Vehicle: means a vehicle transporting individual(s) or property for which no charge is paid directly or indirectly by the passenger(s) or by any other individual(s) or Entities.

Public Areas: means a specified location maintained or planned for community use to the extent of activities that are allowed as any "community use."

Public Parking Facilities: means all vehicle parking facilities provided for the public at the Airport outside of the Air Operations Area (AOA).

Qualified Aeronautical User: means an individual who is in possession of a current government-issued pilot certificate, requisite medical certificate, and a valid government-issued photo identification, and if pilot certificate is not current, individual is under supervision of a current, certified instructor/examiner in the process of a biennial flight review for currency.

Ramp: See Apron.

Restricted Area: means any area of the Airport inside the fenced portion of the Airport property, for the purpose of restricting entry.

Rotorcraft: means a heavier-than-air Aircraft that depends principally for its support in-flight on the lift generated by one or more rotors.

Runway: means a restricted area used solely for take-off and landing of Aircraft.

Special Event Permit: As defined in **Section 14 – Valkaria Airport Rules and Regulations**.

Sponsor: means a local, municipal or state government body or a private Entity obligated to the federal government to comply with the assurances contained in grant agreements or property conveyance instruments.

Taxi-Lane or Taxiway: means those portions of the AOA authorized or designated in the Valkaria Airport Master Plan (AMP), and Airport Layout Plan (ALP), for the surface maneuvering of Aircraft.

Tenant: means the Entity named herein and who executes a Lease or Agreement with the BOCC.

Tie-Down: means to secure an Aircraft to the ground or paved surface by means of rope or chain devices to prevent movement.

Touch-and-Go: means an operation by an Aircraft that lands and departs on a Runway without stopping or exiting the Runway.

Transient Aircraft: means an Aircraft not using the Airport as its permanent base of operations.

Ultralight Aircraft: means an Aircraft as defined in FAR Part 103.

Unicom: means the Universal Communications Frequency.

Variable Index: means the CPI for the month of June prior to the then current Adjustment Date.

Weapon: means any dirk, knife, metallic knuckles, slingshot, billie, tear-gas gun, chemical weapon or device, gun, blackjack, any explosive device or other deadly weapon or substantiating instrument that can be utilized to coerce, intimidate, or injure an individual.

4. GENERAL REGULATIONS

a. Compliance with Rules and Regulations.

- i. The Airport Manager or designated representative has authority to take such action as may be necessary to safeguard the public in attendance at the Airport and facilities. All persons employed on or using the Airport shall cooperate with the Airport Manager or designated representatives responsible for enforcing these Rules and Regulations.
- ii. Any permission granted by the County, directly or indirectly, expressly, or by implication or otherwise, to any person to enter or to use the Airport or any part thereof, is conditioned upon strict compliance with the Rules and Regulations of the County.
- iii. Any permission granted by the County under these Rules and Regulations is conditioned upon the payment of all applicable fees and charges established by the County.

5. COMMERCIAL ACTIVITY

No business shall occupy or rent space for the purpose of conducting any commercial activity, enterprise or other form of revenue producing activity without first obtaining a Commercial Lease, Special Event Permit, or other written authorization from the county.

6. LIABILITY

The County assumes no responsibility for loss, injury, or damage to persons or property by reason of fire, theft, vandalism, wind, earthquake, hurricane, collision, strikes, or acts of God; nor does it assume any liability for injury to persons while on or above the Airport.

7. ADVERTISING AND DISPLAY / COMMERCIAL SPEECH

No person shall, for any commercial purpose, post, distribute, or display signs, advertisements, circulars, pictures, sketches, drawings, or engage in other forms of commercial speech, or airport activities, without first obtaining a Commercial Lease, Special Event Permit, or other written authorization, and paying a fee in accordance with the Rates and Charges Adjustment Plan.

8. OBSTRUCTION OF AIRPORT USE AND OPERATIONS AREAS

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

9. RESTRICTED AREAS AND AIR OPERATIONS AREA

- a. Except as otherwise provided herein, no person may, without prior written authorization of the County, enter the AOA or any Restricted Area on the Airport, except:
 - i. Airport Staff;
 - ii. Licensee, Tenant, Authorized User, or Invited Guest (as defined in this document);
 - iii. Passengers arriving at or imminently departing from the Airport may enter the Aircraft Apron for the purpose of enplaning or deplaning an aircraft.
 - iv. Students who hold a valid Student Pilot Certificate and are engaged in operation of an aircraft, and are under direct supervision of a certified flight instructor;
 - v. Aircraft occupants engaged in the refueling process;
 - vi. Any Entity accompanied by Airport Staff;
 - vii. Verified Contractor(s) or construction individuals working on an active Airport project.
- b. The security of vehicle gates, doors, fences, walls and barricades leading from a Tenant or Lessee, or Contractor's use area, to or from the AOA, or any other Restricted Area, shall be the responsibility of the Licensee, Tenant, or Contractor abutting the AOA.
- c. No person shall walk or drive across the AMA without permission from the Airport Manager.

10. PICKETING, MARCHING AND DEMONSTRATION

Airports have special safety considerations. No person or entity has any right to conduct any of the following activities except to the extent and at the specified places as authorized in writing by the Airport Manager or designee. No person shall walk in a picket line as a picketer or take part in any form of demonstration including, but not limited to, parades, marches, patrols, sit-ins and public assemblies on any part of the Airport, except in or at the place specifically assigned by means of prior arrangements in writing by the County for such picketing or other permitted demonstration and any such picketing or demonstration shall be conducted as follows:

- a. In the peaceful and orderly manner contemplated by law, without physical harm, molestation, threat, or harassment of any person without obscenities, any violence, any breach of the peace, or other unlawful conduct whatsoever.
- b. Without obstructing the use of the Airport by others and without hindrance to or interference with the proper, safe, orderly and efficient operation of the Airport and activities conducted thereupon.
- c. In strict accordance with the County policies governing such activities on County Property and pursuant to directions and conditions outlined in writing by the Airport Manager in each instance.

11. INSURANCE CERTIFICATES

- a. Referring to required, applicable insurance as defined in Attachment B of any lease, Insurance Requirements, a valid certificate of insurance, or a true copy of such, shall be delivered to the Airport Manager by each Tenant holding a written Lease Agreement, Contract, and/or Permit executed with or from the County.
- b. A valid certificate of insurance shall also be delivered to the Airport Manager by any contractor, subcontractor, sub-subcontractor, material man, supplier, laborer and/or construction company or other form or entity functioning on or in the respective Airport property. All policies shall name through the endorsement, Brevard County as Additional Insured.

12. DAMAGE INSPECTION

- a. All accidents or incidents that occur at the Airport shall be reported to the Airport Manager immediately. If any Airport facilities, or any Aircraft are involved in an accident or incident, a damage inspection report shall be made to the Airport Manager within 48 hours to determine the extent of damages to aircraft, vehicles, field, facilities, buildings, or any other structure or portion of the Airport property. Damages so sustained will be assessed by the Airport Manager as a claim against the owner or operator of the aircraft, vehicle, or operator as may be appropriate in each specific instance.
- b. Any damage by Licensee, Tenant, Authorized User, Owner or Operator of an Aircraft, including Student Pilot, Prospective Tenant, Passengers, or any other individual on Airport Property is required to notify the Airport Manager of such damage immediately. Non-compliance in required reporting to the National Transportation Safety Board (NTSB), Federal Aviation Administration (FAA), Florida Department of Transportation (FDOT), or Airport Manager shall be grounds for immediate termination of any license or lease, loss of airport privileges, and shall result in reporting to local law enforcement.

13. ACCIDENT REPORTS

- a. Any person involved in any accident or incident, whether personal, aircraft, or automotive, or otherwise occurring anywhere on the Airport property, shall make a full report to the Airport Manager as soon as possible after the accident, but no later than 48 hours. The report shall include, but is not limited to, the names and addresses of all principals and witnesses if known, and a detailed statement of facts and circumstances.
- b. Non-compliance in required reporting to the NTSB, FAA, FDOT, or Airport Manager shall be grounds for immediate termination of any license or lease, loss of airport privileges, and shall result in reporting of damage to local law enforcement.
- c. UNDER NO CIRCUMSTANCES ARE AIRCRAFT INVOLVED IN AN ACCIDENT OR INCIDENT ALLOWED TO BE MOVED WITHOUT PRIOR APPROVAL FROM THE AIRPORT MANAGER OR DESIGNEE.

14. NON-AERONAUTICAL STORAGE

- a. The Federal Aviation Administration has a policy regarding storage of non-aeronautical items in airport facilities designated for aeronautical use. Under the FAA's policy, an Airport's grant assurance obligations require that its aeronautical facilities be used or be available for use for aeronautical activities. The FAA also recognizes that storage of some items in a hangar that is otherwise used for aircraft storage will have no effect on the aeronautical utility of the hangar. Per Order 5190.6B, the FAA has stated: *"non-aviation storage in a hangar may not interfere with movement of aircraft in or out of the hangar or impede access to other aeronautical contents of the hangar."* Stored non-aeronautical items would be considered to interfere with aviation use if they:
 - i. Impede the movement of the aircraft in and out of the hangar;
 - ii. Displace the aeronautical contents of the hangar;
 - iii. Impede access to aircraft or other aeronautical contents of the hangar;

- iv. Are used for the conduct of non-aeronautical business; or
 - v. Are stored in violation of airport rules and regulations, lease provisions, building codes, or local ordinances.
- b. Unless otherwise provided for by lease, or other agreement, or permit, no person shall use any area of the Airport, including buildings, either privately owned or publicly owned, for any storage of cargo or any other property or equipment. If a person, firm, business, or corporation, organization, club, or any entity other than a tenant with a valid lease, seeks authority to use any portion of the Airport for storage, it must first obtain written permission from the Airport Manager. If, notwithstanding this prohibition, a person, firm, business, corporation, organization, club, or any entity uses the Airport for storage without first obtaining such permission, the Airport Manager or designee shall have the authority to order the cargo or any other property removed, or to cause the same to be removed and stored at the expense of the owner or consignee without any responsibility or liability there for. Non-compliance is grounds for lease termination.

15. SPECIAL EVENTS

A Special Event Permit is required when: 1) The proposed activity has an anticipated attendance of 50 or more individuals; 2) The proposed activity includes amplified music; 3) The proposed non-aeronautical activity takes place on the AOA; or 4) The proposed activity involves commercial activity not otherwise authorized through a lease or license agreement. The Airport Manager has the authority to approve Special Events at the Airport and to prohibit other activities at the Airport. The Airport Manager is authorized to post designated areas when in his or her discretion such a posting is appropriate.

16. SPECIAL EVENT APPROVAL

- a. The Airport Manager shall issue a Special Event Permit when all of the following conditions are met:
 - i. The application fee AND special event fee AND deposit (if applicable) have been paid in full;
 - ii. The desired area has not been reserved for other use at the time requested;
 - iii. The applicant has provided current photo identification;
 - iv. The applicant is in full compliance with all applicable laws, ordinances, rules and regulations, permitting and licensing requirements, including all Federal Aviation Regulations pertaining to such an event. Any non-aeronautical event located on the AOA requires prior approval from the FAA via the airport sponsor;
 - v. The applicant has provided current proof of public insurance as required by the County Risk Manager.
 - vi. The applicant has provided a plan and/or payment for security personnel
 - vii. The proposed activity or activities will take place in a location suitable for such activity;
 - viii. The applicant has agreed to indemnify and hold the County harmless by completing and signing the "Hold Harmless" agreement.
- b. The Airport Manager shall deny a Special Event Permit if any of the above conditions are not met. In addition, the Airport Manager shall deny a Special Event Permit if the proposed activity will pose a risk of runway incursion, or an activity in a location on Airport Premises which could pose a security threat, or damage to a Licensee's, Tenants' aircraft, both tied-down and hangered. Denial of a Special Event Permit based on any of the above criteria shall be understood to protect the public as well as Airport Tenants, the Airport, and the County.
- c. All special events shall require a completed security plan.
- d. The Airport Manager shall notify the applicant within ten (10) days of receipt of an application, excluding weekends and holidays, whether the Special Event Permit request is granted or denied. If FAA approval is required, the Airport Manager shall notify the applicant within ten (10) days of receipt of FAA decision. If the Special Event Permit is denied, reason(s) for denial shall be stated in a written document.
- e. The Airport Manager shall have the authority to revoke a permit upon finding a violation of any rule, or regulation, or a material misrepresentation.

- f. The applicant may appeal the refusal of a permit or permit revocation to the Assistant County Manager within five days after notification of such refusal by filing a written notice. However, the denial of a permit may not be appealed if the basis for the denial is: 1) the Airport, or applicable portion thereof, was previously reserved; 2) due to a prior or current material misrepresentation of the applicant; or 3) the application was rejected by Federal, State, or local authority; 4) Applicant has previously lost airport privileges or had a lease terminated for cause.

17. PERSONAL CONDUCT

- a. No individual shall commit any disorderly, obscene, or indecent act, or commit any nuisance, or abandon any property.
- b. No individual shall throw, shoot, or propel any object in such a manner as to interfere with or endanger the safe operation of any aircraft taking off from, landing at, or operating on the Airport, or any vehicle on the Airport.
- c. No person, firm, business, or corporation, organization, club, or any entity shall knowingly or willfully make any false statement or report to the County or any authorized representative of the County.
- d. All individuals shall observe and obey all posted signs, fences, and barricades governing activities and/or demeanor of the respective individual while at the Airport.

18. USE AND ENJOYMENT OF AIRPORT PREMISES

- a. No individual singularly or in association with others shall by his, her, or their conduct or by congregating with others, prevent any other individual(s) lawfully entitled thereto from the use and enjoyment of the Airport and its facilities or any part thereof, or prevent any other individual(s) lawfully entitled thereto from free and unobstructed passage from place to place, or through entrances, exits or passageways on the Airport.
- b. No individual shall operate any non-aircraft vehicle(s) on any AOA surface without prior written approval from Airport Management except as in accordance with an airport lease.
- c. It shall be unlawful for any individual to remain in or on any public area, place, or facility at the Airport, in such a manner as to hinder or impede the orderly passage in or through the normal or customary use of such area, place, or facility by individuals or vehicles entitled to such passage or use.

19. ENVIRONMENTAL POLLUTION & SANITATION

To the maximum extent possible, each individual or entity while on Airport property shall limit activities thereon in such a manner as not to cause littering or any other form of environmental pollution.

- a. No entity shall dispose of garbage, papers, refuse, or other forms of trash, including cigarettes, cigars and matches, except in receptacles provided for such purpose.
- b. No person shall dispose of any fill or building materials or any other discarded or waste materials on Airport property except as approved in writing by the County designee
- c. No liquids with the exception of water, shall be placed in storm drains or the sanitary sewer system at the Airport.
- d. Restrooms located in Hangars are for Tenants, Authorized Users, and Invited Guests only.
- e. No person shall use a comfort station or restroom toilet or lavatory facility at the Airport other than in a clean and sanitary manner.
- f. Any solid or liquid material which may be spilled at the Airport shall immediately be cleaned up by the person responsible for such spillage and reported immediately to the Airport Manager and in no case shall any refuse be burned at the Airport except as specifically authorized by the Airport Manager.
- g. No person shall unnecessarily, or unreasonably, or in violation of law, cause any smoke, dust, fumes, gaseous matter, or particulate to be emitted into the atmosphere or be carried by the atmosphere. This restriction is not intended to forbid normal emissions from internal combustion engines, or particulates produced by jet aircraft, nor emission of smoke from cigarettes, cigars, and pipes.
- h. Any person discarding chemicals, paints, oils, or any products which may not be discarded in a routine manner will adhere to all applicable State, Local, and Federal laws and regulations.

20. ANIMALS

- a. Except for animals that are to be or have been transported by air and are properly confined for air travel, no person shall permit any animal under his or her control or custody to enter the Airport unless in a suitable container, on a leash, or in direct control of an adult/owner. Regardless of this provision, animals shall be allowed to the extent mandated by applicable law, including "service animals" pursuant to the Americans with Disabilities Act.
- b. No person other than in conduct of an official act shall intentionally hunt, pursue, trap, catch, injure, or kill any animal on the Airport.
- c. No person other than in the conduct of an official act shall feed or do any other act to encourage the congregation of birds, alligators, or other animals on the Airport.

21. FIREARMS AND WEAPONS

With the exception of Airport Staff, pursuant to Brevard County Policy BCC-05 no person except for those persons to the extent authorized by Federal Law and/or Florida Statutes (F.S.), may carry or transport any firearm, or weapon on the Airport except when such firearm or weapon is properly encased for shipment or is part of a survival kit and is properly packed with such items. The County reserves the right to restrict the carrying of firearms and weapons on Airport Property.

- a. For the purpose of this section, a firearm means: i) any weapon, including a starter gun, which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive other than flare guns, ii) any firearm muffler, or firearm silencer, or iii) any destructive device.
- b. For the purpose of this section a weapon shall mean any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, gun, blackjack, any explosive device, or other deadly weapon or substantiating instrument that can be utilized to coerce, intimidate, or injure an individual as defined by Federal, State, or Local Law.
- c. No person shall discharge any firearm or weapon on the Airport without written authorization from airport management.
- d. No person shall furnish, give, sell, or trade any firearm or weapon on the Airport without prior written authorization from the County. No such activity shall be favored, and no such permission shall be granted without a showing of good cause to do so.

22. PRESERVATION OF PROPERTY

No person other than in the conduct of an official act may destroy, injure, deface, or disturb any building, sign, fence, equipment, marker, tree, flower, lawn, or other structure, and/or other tangible Airport Property.

- a. Except as otherwise provided herein, no person other than in the conduct of an official act shall travel upon the Airport other than on roads, walks, or other marked rights-of-way provided for such specific purpose.
- b. No person shall alter, add to, or erect any buildings on the Airport or make any excavation on the Airport without prior expressed written approval from the Board of County Commissioners or designee or to the extent such permission can be authorized by the designee.
- c. Any person causing or being responsible for injury, destruction, damage, or disturbance at the Airport shall immediately report such incident to the Airport Manager.
- d. Non-compliance in required reporting to the NTSB, FAA, FDOT, or Airport Manager shall be grounds for immediate termination of any license or lease and shall result in reporting of damage to local law enforcement.

23. ALCOHOLIC BEVERAGES AND CONTROLLED SUBSTANCES

- a. No person under the influence of any substance, which shall include but is not limited to: liquor, including beer and wine, narcotic drugs, including prescription drugs, or any chemical substance, or controlled substance that results in impairment of normal faculties shall operate any motor vehicle or aircraft of any type at the Airport.

- b. The consumption of alcoholic beverages on Airport property is highly discouraged except for those areas as may be designated by the County for the sale and/or consumption of alcoholic beverages.

24. FIRE AND SAFETY

- a. All persons using the Airport or any facilities at the Airport shall exercise the utmost care to guard against fire and injury to person and/or property.
- b. All applicable codes, standards and recommended practices of Federal, State, or Local agencies now in existence of hereafter promulgated and not in conflict herewith, or not in conflict with Federal Aviation Regulations, are hereby adopted by reference as part of the Rules and Regulations of this Airport.

25. FUELING OPERATIONS

- a. **Aircraft Engines:**
 - i. No aircraft shall be fueled or de-fueled with any fuel other than Jet A while one or more of its engines are running or the aircraft is being warmed by external heat, except in an emergency.
 - ii. No person shall start the engine of an aircraft if there is any gasoline or other volatile fluid on the ground or otherwise within the vicinity of the aircraft and starting the engine could ignite such fuel.
- b. **Distance from Buildings:**
 - i. Aircraft being fueled shall be positioned so that aircraft fuel system vents or fuel tank openings are not closer than fifty (50) feet from any hangar, or building.
 - ii. Fuel trucks, whether loaded or empty, shall never be in hangars, nor be parked unattended within a distance of less than fifty (50) feet from hangars, paint and dope shops, fuel storage systems, or any other building or structure where any individual may be present therein.
 - iii. Aircraft fueling is prohibited on the main apron.
 - iv. Aircraft fueling is prohibited within 250' of the terminal building.
- c. **Spillage of Fuel:**
 - i. No fuel, grease, oil, dopes, paints, solvents, acid, flammable liquids, or contaminants of any kind shall be allowed to flow into or be placed in any Airport sanitary or storm drain system.
 - ii. Any persons, including the owner or operators of aircraft, causing overflowing or spilling of fuel, oil, grease, or other contaminants anywhere on the Airport, shall be responsible for expeditious notification to the Airport Manager of said spillage and will be held responsible for immediate clean-up of the affected area. When fuel spills occur, fueling shall stop immediately.
 - iii. In the event of spillage, fuel delivery devices and other vehicles shall not be moved or operated in the vicinity of the spill until the spillage is removed. A fireguard shall be promptly posted.
- d. **Passengers:**
 - i. No aircraft shall be fueled or de-fueled while any person is on board.
- e. **Static Bonding:**
 - i. Prior to fueling of aircraft, the aircraft and the transfer fuel apparatus shall be adequately bonded or grounded as specified herein below.
 - ii. Prior to making any fueling connection to the aircraft, the fueling equipment shall be physically bonded or grounded to the aircraft being fueled by use of a cable, thus providing a conductive path to equalize the potential between the fueling equipment and the aircraft. The bond or ground shall be maintained until fueling connections have been removed.
 - iii. When fueling over a wing, the nozzle shall be bonded or grounded with a nozzle bond or ground cable having a clip or plug to a metallic component of the aircraft that is metallically connected to the tank filler port. The bond or ground connection shall be made before the filler cap is removed. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the potential between the nozzle and filler port. The spout shall be kept in contact with the filler neck until fueling is completed.
 - iv. When a funnel is used in aircraft fueling, it shall be kept in contact with the filler neck and the fueling nozzle spout or the supply container to avoid the possibility of a spark at the fill opening. Only metal funnels shall be used.

- v. Each hose, funnel, or apparatus used in fueling or de-fueling aircraft shall be maintained in good condition and must be properly bonded to prevent ignition of volatile liquids.
- f. **Positioning of Equipment for Fueling**
 - i. Aircraft fuel servicing vehicles shall be positioned so that they can be moved promptly after all aircraft fuel hoses have been disconnected and stowed.
 - ii. The drive engine of the fuel pump of the aircraft fuel servicing vehicles shall not be positioned under the wing of aircraft during over wing fueling or where aircraft fuel system vents are located on the upper wing surface. Aircraft fuel servicing vehicles shall not be positioned within a 10-foot (3 meters) radius of aircraft fuel system vent opening.
 - iii. Hand brakes shall be set on fuel servicing vehicles before operators leave the vehicle cab.
 - iv. No fueling vehicle shall be backed up within twenty (20) feet of an aircraft unless a person is posted to assist or guide the movement of that fueling vehicle or fueling object.
- g. **Fire While Fueling**
 - i. When a fire occurs in a fuel delivery device while servicing an aircraft, fueling shall be discontinued immediately and all emergency valves and dome covers shall be shut down at once and the Fire Department and the Airport Manager shall be notified immediately.
- h. **Operation of Fuel Tenders on Runways and Taxiways**
 - i. No fuel vehicle designed for or employed in the transportation of fuel shall be operated on a taxiway or runway at any time without the express prior permission from the Airport Manager to operate that vehicle in that place at that time.
- i. **Fire Extinguishers**
 - i. No person shall engage in aircraft fueling or de-fueling operations without adequate and fully functioning fire extinguishing equipment being present and being readily accessible at the points of fueling. All fire extinguishing equipment shall be recertified annually and all persons shall be trained in the use of the equipment and recertified annually.
- j. **Use of Radio, Radar, and Electrical Systems**
 - i. No person shall operate a radio transmitter or receiver or switch electrical appliances on or off in an aircraft while the aircraft is being fueled or being de-fueled.
- k. **Thunderstorm Activity**
 - i. Fueling or de-fueling operations shall not be conducted during periods of thunderstorm activity on or in the vicinity of the Airport.

26. FUEL FARMS AND BULK FUEL INSTALLATIONS

- a. SMOKING is prohibited within one-hundred (100) feet or less of a fuel farm or a bulk fuel installation.
- b. Fire extinguishers shall always be maintained in an accessible position, and in an operable condition with a then un-expired certification date.
- c. No fuel or fuel-transporting vehicle shall be left unattended during loading or unloading of fuel at a fuel farm or bulk installation.
- d. All fuel farms and bulk fuel installations shall be operated under a quality control, maintenance, and inspection program of a licensed and bonded fuel supplier, or the State of Florida.

27. FUEL TRANSPORTING VEHICLES

- a. Each tank vehicle shall be conspicuously marked on both sides and rear of the cargo tank with the word: "FLAMMABLE," "NO SMOKING" and shall specify fuel type, e.g., "JET A."
- b. Emergency operating devices on all fuel tank vehicles shall be conspicuously marked "EMERGENCY SHUT-OFF."
- c. The propulsion and pumping engine on all fuel tank vehicles shall have safeguards to reduce ignition sources to a minimum.
- d. The carburetor on all fuel tank vehicles shall be fitted with an approved back-flash indicator.

- e. The wiring on all fuel tank vehicles shall be adequately insulated and fastened to eliminate chafing and affixed to terminal connections by tight-fitting snap or screw connections with rubber or similar insulating and shielding covers and molded boots.
- f. Two fire extinguishers should be conspicuously apparent on all tank vehicles.
- g. Each hose, funnel, or apparatus on a fuel truck used in fueling or de-fueling aircraft shall be maintained in good condition.
- h. Maintenance and testing of aircraft fueling systems shall be conducted under controlled conditions and in accordance with National Fire Protection Association Guidelines.
- i. Fuel tank vehicles shall be stored and maintained outdoors in areas authorized by the Airport Manager.

28. SMOKING

Smoking or carrying lighted smoking materials or striking matches or other incendiary devices shall not be permitted anywhere inside the fenced portion of the Airport or AOA, nor within one-hundred (100) feet of parked aircraft, nor during fueling or de-fueling, nor during the loading or unloading of fuel tank trucks or tank car nor within one-hundred (100) feet of a flammable liquid spill, nor in any area on the Airport where smoking is prohibited by the County by means of posted signs, nor in any hangar, shop, or other building in which aircraft or flammable liquids are stored.

29. OPEN FLAME OPERATIONS

All repairing of aircraft requiring the use of open flames, spark-producing devices or the heating of parts above 500° Fahrenheit shall be done in the open or in an area conforming to the provisions of the building code for hazardous occupancy.

30. STORAGE OF MATERIALS

- a. No person, unless authorized by lease agreement or written permission from airport management, shall keep or store flammable material or equipment on airport property.
- b. Gasoline, kerosene, ethyl, jet fuel, ether, lubricating oil or other flammable gases or liquids including those used in connection with the process of "doping" shall be stored in accordance with applicable law, federal, state, or county regulations.
- c. No person shall keep, transport, or store lubricating oils on the Airport except in containers and receptacles designed for such purposes and in areas specifically approved for such storage in compliance with the applicable law including FAA regulations.
- d. No person shall recharge a lithium battery inside of a hangar. Recharging of lithium batteries must be done outside of hangars and well away from any materials that could ignite.
- e. Storage of lead acid batteries is expressly prohibited unless properly installed in an aircraft.

31. HAZARDOUS MATERIALS

- a. No person shall, without prior permission from the Airport Manager, transport, handle, or store at, in, or upon the Airport, any cargo of explosives or other hazardous articles which is barred from loading in, or for transportation by Civil Aircraft in the United States under the current provisions of Regulations promulgated by the Department of Transportation, the Federal Aviation Administration, or by any other competent authority. Compliance with said regulations shall not constitute or be construed to constitute a waiver of the required notice or an implied permission to keep, transport, handle, or store such explosives or other dangerous articles at, in, or upon the Airport. Twenty-four hours' advance notice shall be given the Airport Manager or designee to investigate and clear any operation requiring a waiver of this rule.
- b. No person may offer, and no person may knowingly accept any hazardous article for shipment at the Airport unless the shipment is handled and stored in full compliance with the current provisions of the Federal Aviation Regulations.

- c. Any person engaged in transportation of hazardous articles shall have designated personnel at the Airport authorized and responsible for receiving and handling such shipments in compliance with the prescribed regulations.
- d. Any person engaged in the transportation of hazardous articles shall provide storage facilities which ensure against unauthorized access or exposure to persons and against damage to shipments while in the Airport.

32. MOTORIZED GROUND EQUIPMENT AROUND AIRCRAFT

- a. No person shall park motorized ground equipment near any aircraft in such manner so as to prevent it or the other ground equipment from being readily driven or towed away from the Aircraft in case of an emergency.
- b. Vehicle parking is prohibited on the aircraft apron.

33. AIRCRAFT ELECTRICAL AND ELECTRONIC SYSTEMS

Radio transmitters and similar equipment in aircraft shall not be tested or operated within a hangar with dynamotors running unless all parts of antenna system are at least one (1) foot removed from any other object. No aircraft shall be placed, at any time, so that any fabric-covered surface is within one (1) foot of an antenna system.

34. ELECTRICAL EQUIPMENT AND LIGHTING SYSTEM

- a. Vapor or explosive-proof electrical equipment and lighting systems shall be exclusively used within hangars or maintenance shelters when required under NFPA standards. No portable lamp assembly shall be used without a proper protective guard or shield over such lamp assemblies to prevent breakage.
- b. All power operated equipment or electrical devices shall be shut-off when not in actual use.
- c. The aircraft electrical systems shall be de-energized on any aircraft upon which work is being done within any hangar or structure by disconnecting the battery or power source.

35. USE OF CLEANING FLUIDS

- a. Cleaning of aircraft parts and other equipment shall preferably be done with non-flammable cleaning agents or solvents. When the use of flammable solvents cannot be avoided, only liquids having flash points in excess of 100° Fahrenheit shall be used and special precautions shall be taken to eliminate ignition sources in compliance with good practice recommendations of the NFPA.

36. APRONS, BUILDINGS, AND EQUIPMENT

- a. All persons on the Airport shall keep all areas of the premises leased or used by them clean and free of oil, grease, and other flammable material. The floors of hangars and other buildings shall be kept clean and continuously kept free of rags, waste materials, or other trash or rubbish. Approved metal receptacles with a self-extinguishing cover shall be used for the storage of oily waste rags and similar materials. The contents of these receptacles shall be removed daily by persons occupying space and kept clean at all times; and clothes lockers shall be constructed of metal or fire-resistant material. Only approved boxes, crates, paints, or varnish cans, bottles or containers shall be stored in or about a hangar or other buildings on the Airport.
- b. No person shall use flammable substances for cleaning hangars or other buildings on the Airport.
- c. No tenant, licensee, lessee, concessionaire, or other occupant or user of the Airport or facility at the Airport or agent thereof doing business on the Airport, may keep uncovered trash containers adjacent to sidewalks or roads in any public area.

- d. No person shall spill dirt or any other material from a vehicle operated on the Airport. The individual who may cause or suffer any such spill will be responsible to clean up and remove the spill at his/her expense.

37. FIRE EXTINGUISHER

- a. All hangar tenants, shall supply and maintain at least one readily accessible and operational 4-A:40-B:C or higher-grade fire extinguisher. Such fire extinguisher shall be fully charged at all times. All tenants shall instruct their employees at the Airport in the proper use of fire extinguishers and shall conduct such periodic fire drills as the Airport Manager or designee may prescribe. Fueling vehicles designed for the transport and transfer of fuel shall carry on board at least two (2) fire extinguishers, one (1) located on each side of the vehicle. Extinguishers shall conform to the then current, applicable NFPA Standards. Fire extinguishing equipment at the Airport shall not be tampered with at any time nor used for any purpose other than firefighting or fire prevention. All such equipment shall be maintained in accordance with the then current NFPA Standards. Tags, showing the date of the last inspection shall be attached to each unit or immediately available records acceptable to Fire Underwriters shall be kept nearby showing the then current status of each piece of equipment.

38. AERONAUTICAL – GENERAL RULES

- a. **Compliance with Orders**
All aeronautical activities at the Airport shall be conducted in compliance with the then current and applicable Federal Aviation Regulations (FAR), Aeronautical Information Manual (AIM), and FAA Chart Supplements.
- b. **Denial of Use of Airport**
The Airport Manager shall have the right at any time to close the Airport in its entirety or any portion thereof to air traffic, and/or to delay or restrict any flight or other aircraft operation, to direct refusal of takeoff permission to aircraft, and to deny the use of the Airport or any portion thereof to any specified class of aircraft, or to any individual(s) or group(s), when he/she considers any such action(s) to be necessary or desirable to avoid endangering any persons or any property, and to be consistent with the safe and proper operation(s) of the Airport. In the event the Airport Manager or designee believes the condition of the Airport to then be unsafe for landings or takeoffs, it shall be within his/her authority to issue, or cause to be issued, a Notice to Airmen (NOTAM) closing the Airport or any portion thereof until such time that such conditions are remedied.
- c. **Aircraft Accidents or Incidents**
The pilot or operator of any aircraft involved in an accident or incident on the Airport causing personal injury and/or any property damage, in addition to all other reports required by other agencies, shall make a prompt and complete written report concerning said accident or incident to the Airport Manager within forty-eight (48) hours of the time that the accident or the incident first occurred. When a written report of any accident or incident is required by Federal Aviation Regulations, a copy of such report may be submitted to the Airport Manager in lieu of the report required immediately above. In either instance, the written report shall be filed with the Airport Manager within forty-eight (48) hours from the time the accident or incident first occurred. **Upon the occurrence of an aircraft accident or incident the Airport Manager shall be notified immediately.**
- d. **Disabled Aircraft**
Subject to compliance with then applicable Federal Regulations, the aircraft owner shall be responsible for the prompt removal of all disabled aircraft and its parts at the Airport, when directed by the Airport Manager or designee. In the event of the owner's failure or refusal to comply with removal orders, all disabled Aircraft or any and all the parts thereof may be removed by employees of the County or by person contracted to do so, all at the owner's expense and without any liability to the County for any damage which may be incurred by the aircraft owner(s) as result of such removal.
- e. **Tampering with Aircraft**

No person shall interfere or tamper with any aircraft or put in motion such aircraft, or use or remove any aircraft, aircraft parts, instruments, or tools without positive evidence of permission of the owner thereof to do so.

f. **Washing and Painting**

- i. Washing - No person shall wet wash any vehicle in a hangar. Dry washing and detailing is permissible provided chemicals and solvents are kept off the floor.
- ii. Painting – spray painting is strictly prohibited inside any hangar or building without written permission from the airport manager. Any person wishing to obtain permission must be in full compliance with all federal, state, county building codes, and any other applicable laws or regulations.

g. **Hand Propping of Aircraft**

Hand propping is strictly prohibited unless there is no other means of starting the aircraft. A second qualified pilot must be in the cockpit of the aircraft. The pilot is responsible for any and all liability resulting from this type of action.

h. **Certification of Aircraft and Licensing of Pilots**

To the extent required by the FAA, all operational (e.g., complete, not under construction) aircraft at the Airport shall display on board the aircraft a valid Airworthiness Certificate issued by the FAA or appropriate foreign government and shall display on the exterior of the aircraft a valid registration number issued by the FAA or appropriate government. To the extent required by the FAA, all persons operating aircraft on the Airport shall possess required documents to operate that aircraft. In accordance with FAA Regulation 61.3(l), or Florida Statute 330.04, at any time requested by Airport Manager or designee the pilot of any aircraft shall produce the following: i) Current Aircraft Registration Documents; ii) Current Government-Issued Photo Identification; iii) Current Pilot or Student Pilot Certificate issued by the FAA or appropriate foreign government, and iv) a valid medical certificate.

39. AIRPORT OPERATIONAL RESTRICTION

- a. All aeronautical activities at the Airport shall be conducted in conformity with applicable provisions of the Federal Aviation Regulations (FAR), Aeronautical Information Manual (AIM), and Chart Supplements.
- b. **Glider Operations** - All glider operations must be conducted in accordance with current Federal Aviation Regulations Part 91.
- c. **Ultra-Light Vehicles** - All ultra-light operations must meet or exceed all requirements contained in Federal Aviation Regulations Part 103.
- d. **Take-Offs and Landings** - Persons landing an aircraft at the Airport shall make the landing runway available to other aircraft by leaving said runway as promptly as possible, consistent with safety.
- e. **Banner Towing** - Airplane tow banner pickups and drop-offs from or on the Airport are prohibited without prior written authorization of the Airport Manager. All authorized banner towing shall be restricted to grass runways.
- f. **Kites, Models, Balloons** - No kites, model airplanes, tethered balloons or other objects constituting a hazard to Aircraft operations shall be flown on or within the vicinity of the Airport without prior written authorization of the Airport Manager.
- g. **Parachute Jumping** - No parachute jumping shall be permitted without prior written approval from the Airport Manager. All parachute operations must meet or exceed all requirements contained in Federal Aviation Regulations Part 105.
- h. **Damage to Airport Property** - Any aeronautical or non-aeronautical user of the Airport shall be responsible for all damages incurred as a result of utilizing a runway, taxiway, or any other airport surface or structure for which that surface or structure is not designed, or for any incident or accident resulting in any degree of damage.

40. TAXI AND GROUND RULES

a. Aircraft Parking

- i. No person shall park an aircraft in any area on the Airport except those designated, and in the manner prescribed, by the County. If any person uses an unauthorized area for aircraft parking, the aircraft so parked may be removed by or at the direction of the Airport Manager or designee at the risk and expense of the owner thereof.
- ii. No aircraft shall be left unattended on the Airport unless it is in a hangar or tied down outside of any safety area. Any aircraft found in violation of this section is subject to towing at owner's expense, a fine in accordance with the Airport Rates and Charges, termination of any Airport lease, and loss of airport privileges.
- iii. County is not liable for damage to or loss of aircraft, contents or the property of others.
- iv. No Aircraft shall be parked on runways, taxiways, or taxi lanes.

b. Derelict Aircraft

- i. No person shall park or store a Derelict Aircraft or any aircraft in a non-flyable condition on Airport property other than in the remote storage area or with permission from the Airport Manager.
- ii. No person shall store or retain aircraft parts or components being held as inventory anywhere on the Airport, other than in an enclosed, authorized facility, or in a manner approved by the Airport Manager.
- iii. Whenever any aircraft is parked, stored, or left in non-flyable condition on the airport in violation of the provisions of this Section, the County shall so notify the owner or operator thereof by certified or registered mail, reporting removal of said aircraft within fifteen (15) days of receipt of notice, or if the owner or operator is unknown or cannot be found, the County shall conspicuously post and affix notice to the said aircraft, requiring removal of said aircraft within fifteen (15) days from date of posting.
- iv. If the aircraft is not claimed, the County will proceed with disposal of the aircraft pursuant to Chapter 705, Florida Statutes. Lost or Abandoned Property.

41. ROTORCRAFT OPERATIONS RULES

- a. In addition to all other Rules and Regulations set out herein, the following rules shall apply to rotorcraft:
 - i. Rotorcraft shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least thirty (30) feet in all directions from the outer tips of the rotors.
 - ii. Rotorcraft shall not be operated within forty (40) feet of any areas on the Airport where unsecured light aircraft are parked.

42. Hangar Wait List

- a. Signup
 - i. Applicants wishing to sign up for the Hangar Wait List must come in to the airport office and fill out a Hangar Wait List Application Form.
 - ii. It is the applicant's sole responsibility to keep their contact information up to date.
- b. Removal from List
 - i. Applicants of the Hangar Wait List can be removed for the following reasons:
 1. Applicant requested to be removed either in writing or in person.
 2. Applicant did not keep their contact information up to date.
 3. Applicant had a lease at the Airport was terminated for cause. Upon lease termination, the Applicant shall be automatically removed from the Hangar Wait List and may not reapply in any capacity until the expiration of two (2) years from the effective date of the lease termination.
- c. Lease Requirements
 - i. Leases originating from the Hangar Wait List must either be signed in the applicant's name, applicant and tenant(s) in common, or a corporate entity owned by the applicant.
 - ii. After a lease is signed, the lessee has no right, either implied or otherwise, to change or alter the lease.
 - iii. Lessor may alter the leased premise on a first come-first served basis for the sole purpose of switching hangars. This may only be done for hangars of the same type.

43. USE OF HANGARS

- a. Hangars shall not be used for any purpose that would constitute a nuisance or interfere in any way with the use and occupancy of other buildings and structures in the immediate neighborhood of the leased premises.
- b. No alterations will be made to the hangar structure without written approval by the County. Any approved alterations are subject to removal by the County at the occupant's expense, upon thirty (30) days written notice, for the purpose of repair, construction or other purposes deemed necessary by the County. Any unapproved alterations discovered by airport staff shall be removed immediately upon notification. Failure to remove any unapproved alteration is subject to lease termination.
- c. No flammable material or refuse will be stored or allowed to accumulate in hangars, except occupant may store not more than ten (10) gallons of flammable fluids inclusive of aircraft lubricants, within the premises, provided that all such storage shall be limited to NFPA approved containers, or unopened original containers.
- d. Aircraft are not to be washed with running water in hangars.
- e. Except as otherwise provided herein, no tools, equipment, or material will be used in the hangars that could constitute a fire hazard.
- f. Smoking is strictly prohibited in hangars.
- g. All occupants shall exercise care to keep oil, grease, etc. off all floor surfaces.
- h. Occupants will see that electric current and water, if available, are not used excessively. SEE RCAP
- i. No aircraft or unattended vehicles are to be parked by a hangar in such a manner as to block access to adjoining hangar spaces, or to cause inconvenience to other occupants. Unattended vehicles must be parked inside the hangar or in an airport designated parking area.
- j. Filing for eviction with a court of competent jurisdiction resulting from a tenant holding over shall be permitted with the County Manager's approval and shall not require additional approval from the Board of County Commissioners.

44. MOTOR VEHICLES AND TRAILERS

- a. **General Traffic Regulations**
 - i. **Off-Road Vehicles** - With the exception of golf carts, the operation of any off-road vehicles including but not limited to: dirt bikes and three and four wheelers is strictly prohibited on the Airport, except for official use as authorized by the Airport Manager or designee. Golf carts are permitted to be used solely in the immediate vicinity of the hangars. Other use requires permission from the Airport Manager.
 - ii. **Trailers** - Trailers used for an aeronautical purpose are permitted to be stored on airport property solely in the Remote Parking area and subject to a fee in accordance with the RCAP. Any trailer left unattended or in any other location is subject to removal at owner's expense.
- b. **Licensing** - No person shall operate a vehicle or motorized equipment on the Airport without a valid operator's license for that operator and for that type of vehicle. All vehicles on the Airport must be properly registered with a current license plate and tag issued by a State Department of Motor Vehicles.
- c. **Procedure in Case of Accidents** - The driver of any vehicle involved in an accident on the Airport which results in injury or death of any persons or in property damage shall immediately stop such vehicle at the scene of the accident and render reasonable assistance. The driver shall immediately, by the quickest means of communications, give notice of the accident to the Brevard County Sheriff's Office and to the Airport Manager. The operator of each vehicle involved in the accident shall furnish to any person injured; to the driver or occupant of any vehicle sustaining damage to any law enforcement officer and to the Airport Manager the name and address of the owner and the driver of the vehicle, the operator's license and vehicle registration, and shall cooperate to the fullest extent possible in any official investigation.

45. VEHICLE OPERATIONS ON AIR OPERATIONS AREA

- a. **Permission** - No motor vehicle shall be parked on any portion of the AOA except trucks and other vehicles necessary for the servicing and maintenance of aircraft and transportation of passengers on the Airport without permission.
- b. **Rules of Operation** - Airport and Emergency vehicles only shall be permitted on runways unless permission has been granted to operate such vehicle at such places by the Airport Manager or designee. Such vehicles shall at all times yield right-of-way to aircraft.
 - i. No person shall park a vehicle in any manner so as to block or obstruct (1) fire hydrants and the approaches thereto, (2) the gates or emergency exits, and/or (3) building entrances or exits.
 - ii. Aircraft taxiing shall always have the right-of-way over any and all vehicular traffic.

46. PUBLIC PARKING

- a. Operators of motor vehicles using the public parking facilities at the Airport shall observe and comply with all traffic signs.
- b. No vehicle shall remain in any public parking facility on the Airport for more than thirty (30) consecutive days.

47. CEASE AND DESIST ORDERS

- a. The Airport Manager or designee may order any person to cease and desist any activities or conduct in violation of or in noncompliance with the County's Rules and Regulations, state, or any applicable federal regulation or a license or lease agreement. The cease and desist order shall be in writing unless the circumstances require immediate correction in which case a verbal order shall suffice.

48. REMOVAL FROM OR DENIAL OF ACCESS TO AIRPORT – TRESPASS WARNING

- a. The Airport Manager or designee may order any person(s) who knowingly fails to comply with a cease and desist order, removed from, or denied access to the Airport. An order of removal from or denial of access to the Airport shall be issued by the Airport Manager or designee by verbal or written order and may be hand delivered or sent by certified mail to the person's last known address. Such order shall set forth the reasons for and dates on which removal or denial of access shall begin and end.
- b. It shall be unlawful and a trespass for any person to, without authority of law, go upon or remain upon the Airport lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the Airport Manager or designee, or after having been forbidden to do so by a sign or signs posted on the Airport restricting access to lands, buildings or premises or any part, portion or area thereof, at a place or places where the sign may be reasonably seen with letters not less than two inches in height.
- c. It shall be unlawful and a trespass for any person to enter or remain in any unoccupied or unfinished building or structure on the Airport without the consent of the Airport Manager or designee.
- d. For the purposes of this section, the term "person lawfully in charge" includes Officers of Brevard County Sheriff's Department, the Airport Manager or designee.

49. TRESPASS WARNINGS; AUTHORIZATION TO ISSUE TRESPASS WARNINGS FOR PUBLIC PROPERTY.

- a. The Airport Manager or designee, having control over the Airport is authorized to issue a trespass warning to any individual who violates any county ordinance, rule or regulation, or State law or lawful directive of a county employee or official which violation was committed while on or within the Airport when such violation threatens the public safety, health or welfare of the public, county staff, or could cause damage to Airport property.
- b. When the Airport Manager or no other county employee or official having control over the Airport is present, a Sheriff's Officer is authorized to issue a trespass warning to any individual who violates any county or city ordinance or State law which was committed while on or within the Airport.
- c. Pursuant to Sections 810.08 and 810.09, Florida Statutes, the Airport Manager or designee may also request that the Sheriff issue a warning to individuals stating that they are no longer authorized, licensed,

or invited to remain on Airport property and should they return to the Airport, they will be subject to arrest for the crime of trespass.

- d. Trespass warnings shall be issued as follows:
 - i. For the first violation, the individual may be issued a trespass warning for a period not to exceed one year.
 - ii. For a second or subsequent violation, the individual may be issued a trespass warning for a period not to exceed two years.
- e. A copy of the trespass warning shall be provided by mail or hand delivery to the individual and to the Airport Manager. The written trespass warning shall advise of the right to appeal and the location and telephone number for filing the appeal.
- f. Any person found on or within the Airport in violation of a trespass warning may be arrested for trespassing, except as otherwise provided in this section.
- g. The Airport Manager or designee may authorize an individual who has received a trespass warning to enter the Airport to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary county business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.
- h. This section shall not be construed to limit the authority of any county employee or official to issue a trespass warning to any person for any lawful reason when necessary or appropriate to protect the Airport or the public safety and welfare, in the sole discretion of the county employee or official.
- i. Appeal of trespass warning. A person to whom a trespass warning is issued under this section shall have the right to appeal as follows:
 - i. An appeal of the trespass warning must be filed, in writing, within ten days of the issuance of the warning, and shall include the appellant's name, address, e-mail address and phone number, if any. No fee shall be charged for filing the appeal.
 - ii. The appeal shall be filed at the County Manager's Office located at 2725 Judge Fran Jamieson Way, Bldg. C, 3rd Floor, Viera, Florida 32940 and a copy shall be filed with the Airport Manager at Valkaria Airport, 1 Pilots Place, Malabar, FL 32950.
 - iii. Appeals shall be heard by a Special Magistrate with which the County contracts to provide this service.
 - iv. Within five days following the filing of this appeal, the Special Magistrate shall schedule a hearing. Notice of the hearing shall be provided to the appellant by the contact information provided in appellants request for an appeal. If appellant cannot be reached, then notice of the hearing shall be posted in the County Manager's Office.
 - v. The Special Magistrate shall hold the hearing as soon as possible. In no event shall the hearing be held sooner than seven days following the filing of the appeal and no later than thirty (30) days from the filing of the appeal, unless otherwise agreed to by both parties.
 - vi. Copies of documents in the county's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant.
 - vii. Copies of documents in the county's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant.
 - viii. The appellant and the county shall have the right to attend with an attorney, the right to testify, to call witnesses, to cross-examine witnesses and to present evidence. The appellant shall have the right to bring a court reporter, at their own expense.
 - ix. The Special Magistrate shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental due process shall govern the proceedings.
 - x. The County shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of this section.

- xi. If the appellant fails to attend a scheduled hearing, the Special Magistrate shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.
- xii. Within five (5) days of the hearing, the Special Magistrate shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided. If not address is provided, a copy of the decision shall be posted in the County Manager's Office.
- xiii. The decision of the Special Magistrate shall be final and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law by the appellant. The county may not appeal any decision of the Hearing Master.
- xiv. The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

50. PENALTIES

- a. Termination of any lease at the Airport for cause disqualifies that tenant for participation in a new lease in any capacity for a period of two (2) years after the effective date of the lease termination. The former tenant's name will be removed from the hangar wait list. The former tenant may reapply for the wait list after the expiration of the two (2) year period.
- b. Each violation of these Rules and Regulations may be referred by the Airport Manager or designee to local law enforcement, the State Attorney, FAA, or other appropriate authority for prosecution to the extent said violation constitutes a violation of applicable federal or state law or regulations, or County ordinance.
- c. Nothing herein shall prohibit the County from enforcing any violation of any of these rules by any other lawful means, including applying to a court of competent jurisdiction to obtain an injunction and/or any other appropriate and available judicial relief.

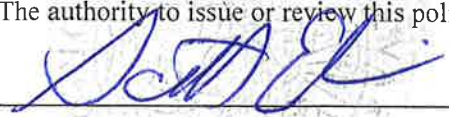
51. REMOVAL OF PROPERTY


- a. Law enforcement may remove or cause to be removed from any restricted or reserved areas, any roadway, or right-of-way, or any other unauthorized area or structure at the Airport, any property which is disabled, abandoned, or which creates an operations problem, nuisance, security, or safety hazard or which otherwise is placed in an illegal, improper or unauthorized manner. Any such property may be removed or caused to be removed by law enforcement.
- b. The County shall not be liable for any damage to property including loss of or diminution of value, which may be caused by the act of removal.

52. RESERVATION OF AUTHORITY

The authority to issue or review this policy is reserved to the Board of County Commissioners.

Attest:


 Scott Ellis, Brevard County Clerk


 KRISTINE ISNARDI, CHAIR
 Brevard County
 Board of County Commissioners

As approved by The Board on: 2/12/19