ORDINANCE NO. 94-04

AN ORDINANCE OF WENDOVER CITY, UTAH CONCERNING THE OPERATION AND MANAGEMENT OF THE WENDOVER CITY AIRPORT.

RECITALS

1. The City of Wendover, Tooele County, Utah owns and operates an airport granted the City by the United States Government;

2. The City is authorized and empowered to acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate and police its airport under Title 2, Chapter 2 and Title 10, Chapter 8 of the Utah Code Annotated, 1953 as amended;

3. The Wendover City Airport has experienced a significant increase in air traffic in recent months, and it is anticipated that this trend will continue for the foreseeable future;

4. The City Council of Wendover, Tooele County, Utah deems it appropriate, expedient and necessary to adopt an ordinance enacting reasonable and lawful regulations for the safe and orderly operation and development of its Airport.

BE IT ORDAINED BY THE WENDOVER CITY COUNCIL:

Section 1. Ordinance Enacted. There is hereby enacted an Ordinance governing the use and operation of the Wendover City Airport to read and provide as follows:

**WENDOVER CITY AIRPORT**

Chapter 1. Introductory Provisions.

1.01 Title. This Ordinance shall be known as the Wendover City Airport Code.

1.02 Application of Ordinance. This Ordinance shall govern all aeronautical and related activities at the Wendover City Airport.

1.03. Interpretation. This Ordinance and all regulations adopted under this Ordinance shall be construed liberally according to the fair import of their terms to promote the safe, reasonable, effective, and fair operation of the Wendover City Airport, and to promote justice and to effect the objects of this Ordinance and the general purposes thereof.

Chapter 2. Definitions.

2.01. Definitions -- Adopted by reference. The definitions set forth in Section 2-1-1, Utah Code Annotated are hereby adopted by reference as though fully set forth herein.

2.02. Definitions -- Other. As used in this title, the following terms shall have the meanings indicated:

(a) **Airport** means all of the property, real and personal, leased or owned, whether presently or in the future, together with all appurtenant facilities, known as the Wendover City Airport, as reflected on the books and records of the City of Wendover.

(b) **Airport Committee** or **Airport Board** mean the duly appointed airport advisory committee of the City of Wendover.

(c) **Airport Manager** or **Manager** mean the duly appointed and qualified Manager of the Wendover City Airport.

(d) **City** means the City of Wendover, a Utah Municipal Corporation.

(e) **FAA** means the Federal Aviation Administration.

(f) **FAR** means the Federal Aviation Regulations.

(g) **Fixed Base Operator** or **FBO** mean a Fixed Base Operator as defined in the Minimum Standards adopted by the City and approved by the FAA for the Wendover City Airport.

(h) **General Aviation** means all phases of aviation other than aircraft manufacturing, military aviation, and regulated air-carrier operations.

(i) **Mayor** means the duly elected or appointed and qualified Mayor of Wendover City, Utah.

(j) **Owner** means any person or entity who holds legal title to an aircraft or vehicle, or in the event the aircraft is subject to a conditional sale or lease agreement, any person or entity vested with a right of possession of the aircraft or vehicle.

(k) **Standards** means the regulations, qualifications and requirements established herein and the other regulations and requirements as may hereinafter be established by the Wendover City Council and the Wendover Airport Committee.

2.03 Conflicting Definitions. If any definition herein shall conflict with another, the conflict shall be resolved in a manner which will most fairly meet the objectives and purposes set forth in the Recitals above and in Section 1.03 above.

Chapter 3. Laws Generally Applicable To Airport.

3.01. Laws Adopted By Reference. To the extent applicable to the operation and use of the Wendover City Airport, the following Codes, Acts, Statutes, Regulations and Rules are adopted by this reference as though fully set forth herein:

(a) The Federal Aviation Act of 1958, also known as Title 49 of the United States Code;

(b) The Federal Aviation Regulations, found at Title 14 of the Code of Federal Regulations;

(c) Title 2 of the Utah Code Annotated, as amended;

(d) Any and all regulations adopted by the State of Utah relating to Aviation);

(e) Deed from the United States Government to the City of Wendover dated August 15, 1957, conveying the Wendover City Airbase to the City of Wendover.

3.02 Adoption of Certification Materials. The City of Wendover has heretofore approved and adopted materials as part of the certification process under the Federal Aviation Regulations. The following materials relating to the certification process are adopted by this reference as though fully set forth herein:

(a) Minimum Standards for the Operation of the Wendover City Airport.

(b) Historic Property Management Plan for the Wendover City Airport.

(c) Master Plan for Development of the Wendover City Airport.

(d) Safety Plan for Operation of the Wendover City Airport. Pursuant to the terms of the Safety Plan, the same is hereby designated a "Restricted Document" by the Wendover City Council, and shall not be released to the public except as required under the provisions of the Utah Government Records Management Act and any similar Act or regulation of the City and of the United State Government and the FAA;

(e) Wendover City Airport Emergency Plan.

3.03 No Private Right Of Action. Except as may be expressly provided therein, no provision of the materials adopted by reference in this Chapter shall give any person or entity a private right to enforce the provisions thereof.

Chapter 4. Administration.

4.01. City Council. As the governing body of the City, the Wendover City Council is authorized to implement the requirements of this Title. The City Council may appoint the Mayor, a member of the Council, or a Committee of Council members to have oversight of the operations of the Airport.

4.02. Airport Committee. The City Council has authorized and appointed an advisory committee, composed of citizens interested in aviation in the community of Wendover, to advise the Council of matters pertaining to the Airport and to exercise oversight and management of the Airport Manager and matters pertaining to the day to day operation of Airport.

(a) The appointment of the current members of the Committee is hereby ratified by the Council.

(b) The adoption of an Interlocal Agreement as modified or amended for the appointment of members to the Airport Committee is hereby ratified, and the Interlocal Agreement shall continue according to its terms until subsequently modified or cancelled by vote of the Council.

(c) Until otherwise modified by Ordinance, Resolution or change in the Agreement, matters pertaining to membership on the



Airport Committee, vacancies, removal from office, ethics of members, meetings, functions and authority of the Committee shall continue as defined by the Interlocal Agreement, and as otherwise defined herein. To the extent there is any conflict in the provisions of this Title and the Interlocal Agreement, the provision which gives the greatest authority and autonomy to the Airport Committee shall control, so long as it is lawful and promotes the interests of aviation in the community of Wendover.

(d) The Airport Committee shall have authority and is hereby directed to promulgate rules and regulations which it deems reasonable and necessary for the effective, efficient and safe operation of the Wendover City Airport. Any such rules and regulations shall not be effective until approved by the City Council.

4.03. Airport Manager. Under the direction of the Council and the Airport Committee, the airport manager shall have full power to carry out the powers, authority, and policies adopted by the Council and Airport Committee, to oversee their implementation, and to manage the Wendover City Airport.

4.04. Enforcement Authority. The Airport Manager, his or her authorized representative(s), and the Wendover Police Department shall have the duty and authority to enforce the provisions of this Title, and to handle, police and protect the public while at the Airport. The Wendover City Fire Chief shall have the duty and authority, in cooperation with the Airport Manager, to enforce regulations for fire safety and hazardous materials at the airport.

4.05. Implied Agreement to Follow Regulations. Any person who enters upon or uses the Wendover City Airport, its facilities, or any part thereof, impliedly agrees that a condition of that use shall be the compliance with all codes, statutes, ordinances, rules and regulations pertaining to the Airport.

4.06. Grievance Procedure. Any person aggrieved by any decision of the Airport Manager or Airport Committee shall be entitled to a hearing as defined in this section.

(a) Any person aggrieved by a decision of the Manager or any person whose compliance with this Title would create a severe hardship may request a hearing before the Airport Committee or its representative(s) designated for that purpose. Any such request shall be made in writing, and delivered to the Chair of the Committee, within 30 days of any such decision by the Manager or the Grievant becoming aware of the hardship. A hearing on the grievance shall be held within 45 days after the notice is received by the Chair of the Airport Committee.

(b) Any person aggrieved by a decision of the Airport Committee may request a hearing before the City Council or its representative(s) designated for that purpose. Any such request shall be made in writing, and delivered to the City Recorder,

within 30 days of any such decision by the Airport Committee. A hearing on the grievance shall be held within 45 days after the notice is received by the City Recorder.

(c) Any grievance shall include the mailing address of the grievant. Written notice of a hearing shall be served upon all parties to the grievance not less than 10 days prior to the date set for hearing. Service shall be effective upon deposit in the United States Mail, or by other service on the grievant and others involved in a manner consistent with the Utah Rules of Civil Procedure.

(d) The person filing a grievance, and others involved in the matter shall present evidence, records and testimony concerning the substance of the grievance. Parties to the Grievance may be represented at any hearing.

(e) A written decision of the Airport Committee, the City Council or their designated representatives shall be rendered within 15 days after the hearing. Any decision by the City Council shall be final.

## Chapter 5. General Rules of Conduct.

5.01 All ordinances applicable. For the purposes of this Title the Airport shall be deemed to be a public place. All Wendover City Ordinances apply at the airport unless they are expressly inapplicable, or they contradict this Title.

5.02 Reporting of accidents. Any person involved in an accident that causes damage to property or injury to persons or both at the airport shall report the accident immediately to the applicable emergency services (including but not limited to the Police Department and the Fire Department), and to the airport manager; and comply with all other reporting requirements under local, state or federal law. The persons involved shall remain at the scene of the accident without moving any debris until it has been investigated by an appropriate agency.

5.03 Liability for damage. Any person causing damage of any kind to airport property or fixtures shall promptly pay the City for all repairs necessary. If the City prevails in a legal action to collect damage, the City may also collect reasonable attorney's fees.

5.04 Littering. No person shall throw, drop, or otherwise release or permit to be released upon the airport premises any trash, gravel or other substance except in proper receptacles designated and used for that purpose. Each person shall pick up any material that is accidentally or purposely released in violation of the above, and dispose of it properly.

5.05 Abandonment of property. The airport manager may remove and dispose of abandoned property as provided by law.



5.06 Preservation of property. No person shall:

A. Destroy, damage, or disturb in any way any building sign, equipment, marker, or other structure, tree, flower, lawn, or other public property on the airport.

B. Trespass on any airport property or within any building on airport property, or enter or remain in a building without authorization from its owner or lessee.

C. Interfere or tamper with or damage any part of the airport or any equipment thereon, or operate a vehicle or walk upon any portion of the airport not intended for such use without permission of the airport manager.

D. Interfere or tamper with, enter, or climb upon any aircraft, or commit any act which would endanger an aircraft operating at the airport, or start any aircraft engine without authorization from its owner or lessee.

5.07 Bird /Animal Control. The airport manager may authorize use of firearms when necessary for bird and animal control, and in accordance with any required state permits.

5.08 Dogs. No person shall bring a dog or other animal into the airport terminal unless it is a seeing eye or hearing dog. No person shall bring a dog or other animal onto other airport premises unless the animal is controlled by a leash. No person shall allow an animal to escape on the airport. Any person bringing a dog or other animal onto the airport shall be responsible for any damage or injury it causes.

5.09 Personnel on runways and taxiways. Pedestrian traffic, except as otherwise provided herein, in any form is strictly forbidden on runways, taxiways or in any other area designated for aircraft operation. Maintenance crews and others performing essential function with the permission of the airport manager are not considered pedestrian traffic.

5.10 Pedestrian right-of-way. Pedestrians must yield the right-of-way to aircraft on the airport.

5.11 Service equipment. All service equipment must be secured in approved parking areas.

5.12 Lost and found. Any person finding a lost article on the airport shall turn it into the airport manager's office. Articles unclaimed in sixty (60) days shall be disposed of in accordance with the provisions of Utah statutes on unclaimed property.

5.13 Model airplanes prohibited. No person may operate a model aircraft or other unpiloted flying device on the airport except with written permission of the airport manager.

5.14 Operator's license. No person may operate a motor vehicle on airport premises unless that person has a valid operator's license.

5.15 Safe operating condition. No person shall operate vehicle at the airport unless it is in safe operating condition as described by Utah Code Annotated 41-6-117, 1953, as amended.

5.16 Parking.

A. No person shall park a vehicle on the airport other than in a manner and at locations indicated by posted traffic signs or markings. A tenant may dedicate a portion of his/her hangar for non-aviation storage, so long as the hangar is primarily used for aviation purposes.

B. No person shall park a vehicle in front of any hangar or building, except for delivery and service vehicles actually making a delivery, and then only long enough to complete the delivery.

C. The airport manager may approve and/or designate and mark a parking space on a tenant's leased area at the request of that tenant if doing so will not create a hazard, impede snow removal or other airport operations and the tenant pays the cost of having the space marked or does it him or herself.

5.17 Vehicle identification. Mobile service equipment must display identification visible from fifty (50) feet, identifying the vehicle owner.

5.18 Permission required to drive on runways and taxiways. No person shall operate a vehicle on any runway or taxiway without the express approval of the airport manager.

5.19 Right-of-way. Drivers of vehicles shall yield the right-of-way to aircraft and pedestrians on the airport.

5.20 Speed limits. No person may drive a vehicle in excess of the posted speed limit on Airport Roads, or anywhere else on the airport in excess of twenty (20) m.p.h.

5.21 Prohibited vehicles. Vehicle access to the ramp is limited to tenants, unless specifically approved by the airport manager. No person shall operate, drive, bring or store any go-cart, bicycle, house trailer, or similar vehicle, or horse onto any ramp, runway or taxiway.



5.22 Inoperable vehicles. No person shall store or keep any inoperable vehicle at the airport except while actively repairing it. The airport manager may give written permission to keep an inoperable vehicle at the airport for a reasonable time for good cause, if no health hazard or impediment to airport operations exists, and if the vehicle is not visible or accessible to the public.

5.23 Number of passengers and conduct. No person may operate a vehicle on the airport while carrying more people or cargo than for which the vehicle was designed. No person may operate a vehicle unless all occupants are wholly inside the vehicle.

5.24 Posted traffic signal. It shall be unlawful to fail to obey the directions posted on traffic signs, signals or pavement markings on the airport.

5.25 Access to Airport. Access to the airport shall be limited to those who work at the airport, are tenants on the airport property, have business activities at the airport, or otherwise have need to enter upon airport property. All access to the airport is subject to the following regulations:

(a) Critical Air Operations Area.

(1) The Critical Air Operations Area (CAOA) surrounding the Terminal Building and commercial aircraft tiedown area shall be clearly marked with paint or with other visible permanent markers or barriers designating the CAOA.

(2) Access to the CAOA is limited to the following: passengers embarking or disembarking from a commercial flight who have passed through and been screened by security devices located in the terminal building; the airport manager and other approved employees of the airport; approved employees and agents of airlines servicing the airport; approved employees and agents of entities maintained or providing service (mechanical or otherwise) to aircraft within the CAOA; the Chief of Police and officers of the police department: and others with written approval from the Airport Manager.

(3) The Airport Manager shall maintain a current written register of those person entitled to obtain access to the CAOA.

(4) The Airport Manager shall issue identification cards or badges to those who are approved from access to the CAOA, and all persons gaining access to the CAOA shall display such card or badge at all times while on airport property.

(5) A violation of the requirements stated herein pertaining to the CAOA shall be a Class B misdemeanor, and any person who violates the said requirements shall be subject to a minimum mandatory fine of $250.00.

B. Perimeter of Airport. It shall be unlawful to gain access to the airport from any location other than from an approved gateway on the perimeter of the airport, subject to the following regulations.

(1) The City shall post clearly marked signs around the perimeter of the airport stating that access to the airport is restricted, and limited to those with permission from the Airport Manager. Except where the sign posts will be within an "object free area," said signs shall be posted at intervals not exceeding 150 feet in distance from each other.

(2) Any tenant, city official or other person seeking access to the airport from a point other than an approved gateway shall first notify the Airport Manager and obtain express permission to enter the airport.

(3) A violation of the requirements stated to access to the airport from points other than approved gateways shall be a class B misdemeanor, and any person convicted of such a violation shall be subject to a minimum mandatory fine of $50.00.

C. Aircraft Access to Airport Runways.

(1) Except in cases of emergency, no aircraft shall taxi off of an approved runway, onto any location other than an approved taxiway or tie down area nor shall any aircraft enter a runway on the airport other than from an approved taxiway.

(2) In the event of emergency, the operator of any aircraft who taxis off an approved runway or enters on runway from an area other than an approved runway shall first notify an obtain the express permission of the Airport Manager to do so, or where impracticable in light of the emergency, shall immediately give notice to the Airport Manager of the same.

## Chapter 6. Aeronautical Activities and Standards.

6.01 Aeronautic Regulations - Compliance Required. It shall be unlawful for any aviator, or other person to fail to comply with any of the rules and regulations adopted and promulgated by the Federal Government, the Federal Aviation Administration, the State of Utah, the Utah State Aeronautics Commission, and the City Council or the Airport Committee. All said rules and regulations so adopted and promulgated are hereby adopted by reference and made a part hereof as fully as if the same and each of them were completely set forth herein.

6.02 Civil Aircraft U.S. License Required - Exceptions. It shall be unlawful for any person to pilot within the city any civil aircraft unless such person is the holder of a currently effective pilot certificate of competency issued by the government of the United States, but this restriction shall not apply to any person operating any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

6.03 Aircraft - U.S. License Required. It shall be unlawful for any airman, or other person, to fly or otherwise navigate over, land upon, or fly any aircraft from the Wendover City Airport except aircraft which have been registered and licensed by the Federal Aviation Administration.



6.04 Based aircraft. The owner of each aircraft based at airport shall notify the airport manager in writing within ten ( days of its basing of the registration number of the aircraft the person(s) responsible for it, including off-hours emerge phone numbers.

6.05 Pilot's license. No person may operate an aircraft the airport unless he or she is in possession of a valid pi certificate, medical certificate and any additional FAA licen required for the activity being performed. Aircraft maintena personnel may taxi and run-up aircraft if they have:

A. Specific written permission from the aircraft owner;

B. Certification from a pilot qualified to operate aircraft that they have a working knowledge of aircraft operat and emergency procedure, FAA taxiing procedures, use of aircr radio, and this title.

6.06 Reckless aircraft operation. No person shall manif willful disregard for the safety of persons or property at airport. No person may operate an aircraft on the airport wh under the influence of alcohol or drugs, or while impaired.

6.07 Responsibility of aircraft owner. No aircraft owner operator shall permit another to operate his or her aircraft wit the limits of the airport until such owner or operator has assu that:

A. The person is certificated and qualified to operate aircraft in the specific activity;

B. The pilot has in his\her possession a current medi certificate; and

C. The pilot has an understanding and working knowledge FAA airport traffic control procedure, use of the aircraft radi and this title.

6.08 Aerobatics. No person shall perform aerobatics at t airport or over the City unless he or she has notified the airpo manager in writing of the proposed activity; complied with a insurance and safety requirements the airport manager may de necessary to protect the City and airport users; and obtained approval.

6.09 Gliders and ultralights. No person shall operate glider, hang glider, heliglider, hot air balloon, ultralig vehicle or similar vehicle at the airport unless he or she notified the airport manager in writing and received the airpo manager's express written approval complied with any insurance a

afety requirements the airport manager may deem necessary to rotect the City and airport users, and obtained FAA approval.

6.10 Skydiving. No person shall conduct or participate in kydiving activity at the airport unless he or she has notified the irport manager of the proposed activity; received the manager's xpress written approval, complied with any insurance and safety equirements the airport manager may deem necessary to protect the ity and airport users, and obtained FAA approval.

6.11 Taxiing with care. No person shall taxi any aircraft arelessly or without due regard for the safety of other aircraft, ehicles and persons.

6.12 Taxiing out of hangars. No person shall move any ircraft into or out of any hangar while the engine is running.

6.13 Jet blast. No person shall taxi or operate any aircraft r helicopter on the airport where the jet or propeller blast may ause injury to persons, or damage to property. If necessary, the ircraft/helicopter operator shall shut down the engine and have he aircraft towed to its destination.

6.14 Taxiing or towing. No person shall taxi or tow any ircraft on areas other than runways, taxiways, ramps and aprons ithout prior express written approval of the airport manager.

6.15 Run up procedure. No person shall run up any aircraft xcept in the run up areas at the approach or departure ends of unways, or in other areas designated by the airport manager.

6.16 Takeoffs and landings. No person shall takeoff or land xcept on a runway or a designated helipad.

6.17 Holding on runways prohibited. No person shall board or isembark from any aircraft on the runway except in an emergency, or hold an aircraft there while an instructor coaches a student. nstructors shall not solo students except from the ends of the unways and in doing so shall clear the runway before disembarking rom the aircraft.

6.18 Aircraft in working condition. No person may keep or tore any aircraft at the airport unless it is in operating ondition, is actively being repaired, or is enclosed in a hangar. he airport manager may give permission to keep an inoperable ircraft for a reasonable time when good cause exists.

6.19 Securing unattended aircraft. No person shall leave an ircraft unattended unless it is within a hangar, tied down, hocked, or otherwise properly secured. The aircraft owner and



operator shall be responsible (jointly and severally) for all damages caused by failure to secure the aircraft.

6.20 Parking. No person shall park an aircraft on the ramp other than on painted parking spots designated for that use.

6.21 Cleanliness. Each aircraft owner and attendant shall assure that the area adjacent to its aircraft is kept clean.

6.22 Unlawful to park without payment of fees. No person shall park or tie down an aircraft at the airport without paying the prescribed rates and charges for use of the parking space.

6.23 Removal of damaged aircraft. Every aircraft owner, operator, and pilot, jointly and severally, shall be responsible for the prompt removal of wrecked aircraft, together with the debris that may have resulted therefrom, as soon as FAA regulations permit. Care shall be exercised to avoid damaging airport property. If the City is involved in the removal of such aircraft, the City may impose a reasonable charge for such removal.

6.24 Starting engines. No person shall start an aircraft engine unless there is a competent person at the controls.

6.25 Starting engines in hangars prohibited. No person shall start an aircraft engine or run it while in a hangar.

6.26 Aircraft repair. No person shall repair or allow to be repaired any aircraft or aircraft part except in areas built or designated by the airport manager for aircraft repair or in his or her own hangar. Any person can perform or have performed items of preventive maintenance on his or her own aircraft in the hangar or tie down to which he\she is normally assigned.

6.27 Maximum pavement weights. No person shall operate an aircraft weighing in excess of published structural limitations on any runway, taxiway, ramp or apron on the airport except with permission from the airport manager.

6.28 Two-way radio required. No person shall operate an aircraft on the airport unless it is equipped with an operable two-way radio for communication with the airport, without prior approval, except in an emergency, during the hours the control tower is manned.

## Chapter 7. Leasing and Use of Land.

7.01 Leasing Policy. It is the policy of the City to negotiate lease terms which make the Airport as self-sufficient as possible; that provide flexibility to manage the airport; and that provide high-quality services.

7.02 Airport Use - Permits and Licenses. No person shall be permitted to use any land within the Airport unless a valid contract or agreement has been executed with Wendover City and said land is used in conformance with all laws, regulations, and standards herein and elsewhere established for said use. No person shall be granted an exclusive right to conduct any aeronautical activity upon the airport. Furthermore, no person shall be permitted to use any land or conduct any aeronautical activity or the solicitation of business in connection therewith unless such aeronautical activity is conducted in accordance with the standards herein established and is based upon the issuance of the proper permits or licenses.

7.03 Applications.

(1) Applications for leases of ground and/or facilities on the airport, or for permission to carry on any commercial or noncommercial aeronautical activity on the airport, shall be made to the airport manager not later than one week prior to the next scheduled board meeting. The airport manager shall thereafter present the application to the Committee. The application shall be signed and submitted by a party owning an interest in the business, or the individual who will be managing the business, or partner of a partnership, or a director or an officer of a corporation.

(2) The Committee will not accept or take action on a license request for any commercial or noncommercial activity until after the applicant, in writing, submits a proposal which sets forth the scope of operation proposed, including the following: (a) The name and address of the applicant. (b) The proposed land use, facility and/or activity sought including layout of buildings, appurtenances, and spaces to be occupied. (c) An organizational chart showing employees names, duty status, and job qualifications. (d) Proof of sufficient available operating resources to sustain the operation for a reasonable length of time. Operating resources shall not include prospective profits from the operation. (e) Names and financial statement of any proposed guarantors. (f) Pro forma operating statement for first year. (g) A statement of tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity. (h) The requested or proposed date for commencement of the activity and the term of conducting the same. (i) The estimated cost of any structure or facility to be furnished, the proposed specifications for the same, and the means or method of financing such. (j) The specific types and amounts of insurance proposed in accordance with minimum requirements for the activity. (k) Proposed operational hours.

(3) If requested by the Committee the applicant shall submit the following supportive documents to the Committee, together with such other documents and information as may be requested by the Committee: (a) A current financial statement; (b) A written listing of the assets owned or being purchased which will be used



in the aeronautical activity; (c) A current credit report; and (d) A written authorization for the FAA and the CAB and all aviation or aeronautic commissions, administrators or departments of all states in which the applicant has engaged in aeronautical activities to supply the Committee with all information in their files relating to the applicant or his operation. The applicant shall execute such forms, releases and discharges as may be requested by any of these agencies.

(4) At the discretion of the Committee, all other persons then conducting aeronautical activities on the airport who, in the opinion of the Committee, would be directly affected by the granting of the application in question may also be notified of the filing of such application and the time and place of the Committee Meeting to consider the same.

7.04 Action by Committee. The Committee shall consider the application within a reasonable time and shall thereafter make a recommendation to the Council, recommending approval of the application, recommending approval of the application subject to reasonable conditions for one or more of the following reasons: (1) The applicant for any reason does not meet the qualifications, standards and requirements established by this Title. (2) The applicant's proposed operation or construction will create a safety hazard on the airport. (3) The granting of the application will require expenditure of city funds, or use of city labor or materials in connection with the proposed operations to an extent which or at a time when the City is unwilling to enter into such arrangement; or the operation will result in a financial loss to the city. (4) There is no appropriate, adequate or available space or building on the airport to accommodate the entire activity of the applicant at the time of the application. (5) The proposed operation or airport development or construction does not comply with the master plan of the airport. (6) The development or use of the area requested by the applicant will result in depriving existing fixed base operators of portions of the area in which they are operating; or will result in a congestion of aircraft or buildings; or will unduly interfere with the operations of any present fixed base operator or the airport through problems in connection with the aircraft traffic or service, or preventing free access to the fixed base operator's area. (7) Any party applying, or interested in the business has supplied the Committee with any false information or has misrepresented any material fact in his application or supporting documents. (8) Any party applying, or interested in the business, having a record of violating the provisions of this title, or the rules or regulations of any other rules and regulations of any other airport, federal aviation regulations, or any other rules and regulations applicable to the Wendover Municipal Airport. (9) Any party applying, or interest in the business, had defaulted in the performance of any lease or other agreement with the City. (10) Any party applying, or interested in the business, has a credit report which contains

derogatory information and who does not appear to be a person of satisfactory business responsibility and reputation. (11) The applicant does not appear to have or have access to the finances necessary to conduct the proposed operation for a minimum period of three (3) months. (12) Any party applying, or interested in the business, has been convicted of any crime of violation of any ordinance of such nature that it indicates to the Committee that the applicant would not be a desirable operator on the airport. (13) The protection of the health, welfare, safety or morals of the inhabitants of the city require such denial. (14) The applicant is unwilling or unable to post a performance bond equal to three (3) month's rental or a deposit of a cash equivalent, or advance payment of three (3) month's rental.

7.05 Action by City Council. Upon receipt of the recommendation of the Committee, the Council shall act upon the application within a reasonable time and shall approve the application, approve the application subject to reasonable conditions, or deny the application for one or more of the reasons described above in Section 7.04. Upon approval, the City shall enter into a lease agreement with the applicant.

7.06 Standard Requirements for All Aeronautical Activity. In order for any license request to be recommended for approval by the Committee or approved by the Council, the following findings must be made: (1) That such applicant has a history of management and personnel ability in conducting the same or similar or comparable type of service or activity in a good and workmanlike manner. (2) That such applicant has the financial responsibility and ability to provide facilities and services proposed. (3) That the applicant has, or can secure, necessary certificates from the FAA or other authority where the same are required for the activity proposed. (4) That the applicant has, or can furnish, suitable indemnity insurance or bond to protect and hold the city harmless from any liability in connection with the conduct of the activity proposed. (5) That the applicant will provide the city with a performance bond equal to not less than three (3) month's rental or other revenue to the airport. (6) That the applicant can meet the Minimum Standards adopted by the City for the activity requested.

7.07 Mandatory Lease Provisions. Every lease or contract entered, modified, or amended after the effective date of this ordinance shall:

(a) Require compliance with the requirements of this Title, and all codes, statutes, ordinances, rules and regulations adopted by this Title; and

(b) Require the inclusion (either expressly or by reference) of all clauses required under the Minimum Standards;



(c) Be consistent with the lease agreement form(s) approved by the City.

7.08 Miscellaneous Costs. The lessee shall at it own expense pay all taxes against its leasehold premises and improvements. All expenses for installation of utilities as well as the operating expense of utilities shall be paid by the lessee unless otherwise agreed in writing.

## Chapter 8. Fire Protection- Trash Disposal

8.01 Responsibility of airport user. Each airport user shall take whatever steps are reasonable and necessary to prevent fire. If a fire occurs, the responsible party or any other person observing it, shall notify the fire department and the airport manager immediately.

8.02 Aircraft cleaning. No person shall use flammable or volatile materials in the cleaning of any aircraft, aircraft engine or propeller, or any other airplane appliance unless the cleaning operations are conducted in open areas outside buildings, and at not less than fifty (50) feet from other aircraft, building(s) or hangar(s); or in a room specifically approved by the City Fire Department for that purpose, which is fireproof and equipped with readily accessible fire extinguishing apparatus.

8.03 Painting and doping. No person shall paint or dope an aircraft or vehicle except in a room adequately ventilated and approved by the City fire marshall.

8.04 Heating equipment. All heating equipment and fuel-burning appliances installed or used in any structure shall be in accordance with state and local building codes.

8.05 Heating oil. No person shall heat oil in any manner except with steam, hot water, hot air or electric heaters.

8.06 Welding and open-flame operations. No person shall weld or use open flame in any operation except in shop space designated for that purpose and approved by the City Fire Department.

8.07 Floor care. All building owners and lessees shall keep their hangar floors, shop floors, store room floors, aprons, and areas adjacent thereto free of all grease, waste or other flammable material.

8.08 Waste receptacles. Each building owner and lessee shall provide metal receptacles with self-closing covers for the storage of waste, rags and other rubbish, and the contents thereof shall be removed as often as necessary, but at least weekly.

8.09 Accumulation of litter. No boxes, crates, rubbish, paper or other litter shall be permitted to accumulate in, about or around any hangar. All oil paint and varnish containers shall be removed from the hangar immediately upon being emptied.

8.10 Fire extinguishers. The owner, lessee, and/or user of every building, repair shop, doping or welding room on the airport shall provide adequate fire extinguishers approved by the City Fire Department, which shall be maintained in working condition at al times.

8.11 Storage. No person shall store or stock any material or equipment in such a manner as to constitute a fire hazard.

8.12 Leaking fuel or oil. No person shall keep any aircraft or vehicle at the airport without providing for the containment of leaking oil or fuel. Repairs or clean up necessitated by failure to contain leaks shall be made at the expense of the aircraft or vehicle owner.

8.13 Ignition source. No person shall start an engine or create any other spark when flammable are close enough to create a fire hazard, or closer than fifty (50) feet.

8.14 Authorized personnel. Each person providing fuel service shall assure that each person conducting fueling or defueling operations is trained in the safe operation of the equipment used, in the operation of emergency controls, and in emergency procedures.

8.15 Fueling equipment. All fuel servicing equipment shall comply with a national testing laboratory standard for that equipment. Equipment shall be maintained in a safe operating condition. Equipment shall be removed from service when it leaks or malfunctions.

8.16 Location. Fueling operations shall be conducted in areas designated by the airport manager. No Fuel servicing shall be conducted inside a hangar or building; within twenty-five (25) feet of any hangar or building; or within fifty (50) feet of any open flame, combustion and ventilation air intake or any boiler, heater, or incinerator.

8.17 Grounding. During fuel servicing operation, the aircraft and fuel servicing equipment shall be grounded and electrically bonded to prevent ignition of volatile gases by static electricity.

8.18 When Fueling is prohibited. Fueling and defueling are prohibited when any of the following conditions are present:



A. The engine is running on the aircraft or vehicle being fueled or defueled, unless authorized by the aircraft operating manual.

B. When a combustion heater, charger, radio transmitter, or any other potential ignition source is being operated within fifty (50) feet of the fuel servicing operation.

C. When lightning is within five nautical miles of the airport.

8.19 Smoking. Smoking is prohibited within fifty (50) feet of any fuel servicing operation, any fuel truck, and any aircraft while fueling operations are taking place.

8.20 Fire extinguisher. At least one fire extinguisher with a minimum of 10-B:C classification shall be within seventy-five (75) feet of all fuel servicing operations.

8.21 Fuel servicing equipment parking. No person shall park a fuel servicing vehicle or allow it to remain within fifty (50) feet of any building. No person shall park fuel servicing vehicles or allow them to remain parked side by side with less than ten (10) feet between them.

## Chapter 9. Hazardous and Toxic Materials.

9.01 Notification to airport manager - storage and use. Prior to storing or using hazardous or toxic materials on the airport (except that permitted under Section 8.03) the responsible party must advise the airport manager in writing and comply with all relevant lease provisions and this title.

9.02 Cleanup protection. Each person storing or using hazardous or toxic materials on the airport (except that permitted under Section 8.03) shall maintain an escrow account; or provide insurance naming Wendover City as an additional named insured; or post a performance bond with the City; or provide the personal guarantee of an individual with sufficient assets; or have sufficient assets to assure that any spill is completely cleaned-up in accordance with federal, state and local standards. The amount required will vary depending on the type and amount of material stored and method of storage. The airport manager shall determine the amount in each case, which shall be binding unless the affected arty provides evidence in writing from an authoritative source (the EPA, a licensed commercial clean-up provider, etc.) that potential clean-up costs are less than the amount named, in which case the lesser amount will be required.

9.03 Storage of flammable. Except for five (5) gallons in national testing laboratory approved container(s), or any amount in

aircraft fuel tanks, no person shall store or allow to be stored flammable liquids, gases, or similar material in hangars or buildings on the airport. The pumping system at the fuel for area of the Airport is except from this requirement.

9.04 Fuel farms. No person shall operate or maintain a fuel farm at the airport unless he or she has entered into a valid written lease agreement for that activity.

9.05 Storage tanks. Any owner of a storage tank located on the airport presently or formerly containing hazardous or toxic materials shall advise the airport manager of its location, maintain it in a safe condition so that leaks are prevented, clean-up any leaks immediately, and otherwise comply with federal and state environmental protection laws.

9.06 Oil. No person shall keep or store lubricating oils in or about the hangars unless stored in closed containers which meet national testing laboratory standards.

9.07 Hazardous and toxic material storage. Hazardous and toxic materials shall be stored in a safe manner as determined by federal, state and local environmental and safety standards. each tank owner and tank lessee shall submit to the airport manager a copy of all compliance forms required by federal, state and local storage and use regulations.

9.08 Contamination prohibited. No person shall store, use or dispose of hazardous or toxic materials in any manner that will allow them to contaminate the air, ground, or water supply at the airport.

9.09 Dumping of oil. No person shall dump or drain oil on the ground at the airport, nor in any storm drain.

9.10 Notification to the airport manager - spills. The responsible party shall notify the airport manager immediately if a spill or contamination occurs or when any immediate hazard exists. The responsible party shall also notify the appropriate emergency services when any immediate hazard exists.

## Chapter 10. Fees and Charges.

10.01 Landing fees. Aircraft involved in commercial activity shall pay the City a landing fee based on fees and charges to be recommended by the Airport Manager and Airport Committee, and approved by the City Council by resolution.

No landing fee will be assessed against aircraft owned or operated by the United States of America, or any state, county or



city while said aircraft is located at the airport on official government business.

10.02 Land Rental. Any person leasing improved land at the airport for commercial or non-commercial activities shall annually pay the City an amount to be determined by Resolution of the City Council or by contract. Any person leasing unimproved land at the airport shall annually pay the City an amount to be determined by Resolution of the City Council or by contract. The improved land classification shall apply to the area occupied by hangars or other structures; unimproved land shall apply to support areas such as ramps, uncovered storage, or customer or tenant parking areas. The annual rental amounts may be prorated on a monthly or other periodic basis consistent with agreement with any lessee or resolution passed by the City Council.

10.03 Tie-down fees.

A. Any non-based aircraft may use a transient tie down without charge for the first 24 hours.

B. Any person not described in subsection A above using a City tie-down shall pay the City the fee prescribed for its use as adopted by resolution of the City Council:

10.04 Fuel flowage fees. Any person selling or dispensing fuel on the airport shall pay the City a royalty of one cent per gallon.

Any person selling or dispensing fuel on the airport shall, on or before the 5th day of each month, submit to the City (1) a detailed statement including delivery receipts showing all fuel delivered to the airport during the preceding calendar month, and (2) the required Utah State Division of Aeronautics report. At the time the statement is delivered to the City, payment in full of all fuel flowage fees for the previous month shall be made to the City.

The City shall have the right to audit fuel flowage records at any time. If a discrepancy is identified the person selling or dispensing the fuel shall pay the City the cost of conducting the audit, in addition to any amount owed to the City.

10.05 Concessionaires. Any person operating a concession at the airport shall pay the City a percentage of gross revenue and/or a flat fee as provided by Resolution or contract.

10.06 Other Commercial Activities. Any person conducting a commercial activity not specifically listed in this chapter or covered by a written contract with the City, at or from the airport shall pay the City a fee of one hundred dollars ($100.00) or ____ per cent _____% of gross revenue from the activity per year, whichever is the greater amount. A private hangar owner subleasing

less than thirty (30) percent of the hangar floor space shall not be assessed the above fee.

10.07 Escalation.

A. All Fees and charges fixed in this Chapter are subject to periodic review and change by the Council.

B. Unless the Council takes an alternate action, land rental rates, as determined by resolution of the Council shall automatically be adjusted on January 1 of each year in accordance with corresponding changes in the Consumer Price Index published by the U.S. Government for the preceding fiscal year ending September 30. Any automatic rental rate change shall apply to all rents due and payable during the calendar year when the change became effective. The "Consumer Price Index" shall mean those cost of living statistics published by the Bureau of Labor Statistics of the United States Government for the area in which Wendover City is included. In the event the Bureau of Labor Statistics ceases to publish a Consumer Price Index, those statistics provided by any successor governmental agency which are furnished for the same purpose shall be employed to determine the adjustment.

C. Unless otherwise provided by contract, the rental for a term exceeding five years shall be subject to escalation based upon the fair market value of the land rented. The method of determining the escalation in rents shall be fixed by ordinance, resolution or contract.

10.08 Billing procedures and late charges. Unless altered by written agreement, all amounts payable will be due on he fifth day of the month following the month when the debt was incurred, and late charges in the amount of one per cent (1%) per month, or a minimum of five dollars ($5.00), shall accrue if the amount is not paid within thirty (30) days of the due date. If legal action is required to collect any amount, the City shall also be entitled to collect its attorney's fees and all costs associated with collection. The filling of a legal action shall not be a prerequisite to the collection of attorney's fees and costs.

10.09 Authorization to waive fees. The Airport Committee is authorized to waive landing tie-down fees in the event of any emergency or in conjunction with any civic event or activity.

## Chapter 11. Violation, Enforcement and Penalty Provisions.

11.01. Prohibitive Nature of Title. It shall be unlawful for any person to do any act prohibited by this title, to



fail or refuse to do any act required by this Title, to operate a vehicle or aircraft in violation of any provision of this Title, or to operate any vehicle or aircraft unless that vehicle or aircraft is equipped and maintained as required by this title.

11.02. Penalty. Any person found guilty of violating any provision of this title shall be deemed guilty of a class B misdemeanor punishable as provided by the law of the State of Utah. The City amy establish by Ordinance minimum mandatory penalties for violation of any specific provision of this Code.

11.03. Removal of Violator. In addition to any criminal penalties imposed, the following actions may be taken:

A. Any person who violates any provision of this Code, creating a serious risk of injury to himself, others or property may immediately be removed or ejected from the airport, and/or denied landing or takeoff permission.

B. Any person who has violated the provisions of this Code twice within any twelve month period may be immediately removed or ejected from the airport, and/or denied the right to take off from or land at the airport regardless of whether any of the violations created risk or injury. In addition to the foregoing, the tenancy of any lessee at the airport is subject to termination for two violations within any twelve month period.

C. Any person described in subsections A and B of this section may also be deprived of further use of the airport and its facilities for such length of time as is necessary to safeguard the airport, its facilities, its interests, and the public, after a hearing before the city manager or his or her designated representative and an opportunity to explain any mitigating circumstances.

11.04 Impounding of aircraft. Any aircraft parked or being operated in violation of this title may be impounded by the airport manager or relocated to a proper area at the airport. Such aircraft shall be released upon payment by the aircraft owner, operator, or pilot of a fee of fifty dollars ($50.00) for the cost of the impound, together with the parking fee then due and all storage and towing charges reasonably resulting from the impound. The airport manager or the City shall not be liable for any damage or property loss resulting from the impound. The airport manager shall attempt to identify the aircraft owner or operator and notify hi or her of the impound/relocation within twenty-four (24) hours.

11.05 Impounding of vehicles. Any vehicle parked or being operated in violation of this title may be impounded by the airport manager or relocated to a proper area at the airport. The vehicle owner or operator may recover the vehicle upon payment of a fifty dollar ($50.00) impound fee and any towing and storage charge. The

airport manager or the City shall not be liable for any damage or property loss resulting from the impound or relocation. The airport manager shall attempt to identify the vehicle owner or operator and advise his or her of the impoundment or relocation within twenty-four (24) hours.

11.06 Lien. The City may claim a lien against and hold any aircraft or motor vehicle involved in an accident, impound or relocation until all fees and charges for materials, labor, or damage to airport property have been paid.

11.07 Reimbursement. If the City is required to expend funds for whatever reason arising out of the acts or omissions of any person, that person shall make immediate reimbursement with interest and costs of collection, including attorney's fees, to the City. This section shall apply, but is not limited to, a violation of a Federal or State statute or regulation.

Chapter 12 Amendment -- Regulations.

12.01. Code may be amended from time to time in order to meet the needs, objectives and goals of the City for the operation, development and safety of the Airport, and to ensure compliance with state and federal laws and regulations.

12.02. With the approval of the City Council, the Airport Manager and Airport Authority may adopt written regulations affecting the needs, objectives and goals of the City for the operation, development and safety of the Airport.

Section 2. Severability Clause. The provisions of this Ordinance shall be severable. If any provision of this Ordinance shall be held invalid or unenforceable for any reason, said invalidity or unenforceability shall not affect any other provision of this Ordinance or its application under a different circumstance.

Section 3. Effective Date. This Ordinance shall become effective 20 days after publication or posting, or 30 days after final passage by the City Council, whichever is earlier.

PASSED AND ADOPTED BY THE WENDOVER CITY COUNCIL THIS 1st DAY OF February, 1994.

Linda Morgan
Mayor

Attest:

Margaret L. Wheeler
City Recorder

posted 4/1/94