

ORDINANCE NO. 1333

AN ORDINANCE OF THE CITY OF DUNCAN, OKLAHOMA, AMENDING SECTION 16-101 AND 16-102, AND ADDING A NEW SECTION DEFINING RULES WHICH SHALL BE OBSERVED IN THE USE, OPERATION AND CONDUCT OF THE AIRPORT TO INCLUDE CONDUCT OF BUSINESS, NON-ASSUMPTION OF LIABILITY, RATES AND CHARGES, FEDERAL AIR TRAFFIC REGULATIONS, DAMAGE TO AIRPORT, DAMAGE TO FIELD LIGHTS OR FIXTURES, AUTHORITY TO SUSPEND OPERATIONS, SAFEGUARD OF PERSONS AND PROPERTY, LIEN FOR CHARGES, COMMERCIAL PHOTOGRAPHY, ADVERTISEMENTS, SOLICITING, ANIMALS, RESTRICTED AREAS, UNAUTHORIZED SIGNS, SURREPTITIOUS ACTIVITIES, LICENSED PILOTS, AIRCRAFT OPERATIONS, GROUND OPERATIONS, LANDING AND TAKE-OFF RULES, FIRE SAFETY, KNOWLEDGE OF IMPLIED RULES, CONFLICT IN RULES, PENALTIES FOR VIOLATION OF AIRPORT RULES AND REGULATIONS, SAVINGS CLAUSE, AND ENACTMENT OF EMERGENCY CLAUSE.

WHEREAS, the City of Duncan, Oklahoma, owns and maintains the Duncan Municipal Airport; and

WHEREAS, the City Council has deemed it necessary to protect the public interests by insuring proper use of the facilities at the Duncan Municipal Airport; and

WHEREAS, in the best interests of the general public, the City Council feels it necessary to implement rules and regulations governing all facets of operation at the Duncan Municipal Airport; and

WHEREAS, it is necessary that said rules and regulations be codified.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNCAN, OKLAHOMA that Section 16 of the Ordinance of the Code of the City of Duncan, Oklahoma be amended to include and a new section be added beginning at Section 16-103 such addition to be added in the following form and to read as follows:

SECTION 16-103 DEFINITIONS: The following words have the meaning ascribed to them in this section unless otherwise apparent from the context:

- (A) "Airport" means Duncan Municipal Airport.
- (B) "Airport Manager" means the Manager of Aviation for the City of Duncan or the duly authorized representative thereof.
- (C) "City" means the City of Duncan, Oklahoma, or may be referred to as the Airport Authority, Authority or Lessor.

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- (D) "Person" means any individual, state, political body, or any business, financial, social, recreational or athletic association of any form whatsoever, and includes any member, trustee, agent, employee, officer, receiver, assignee or other representative of any of these.

SECTION 16-104 APPLICABILITY: These rules apply to each and every person and to each and every activity or operation of any kind whatsoever on, in or about the property known as Duncan Municipal Airport, Duncan, Oklahoma.

SECTION 16-105 GENERAL RULES: The following rules shall be observed in the use, operation and conduct of the airport:

1. CONDUCT OF BUSINESS. No person shall use the airport or any part thereof, or any airport facility, for revenue producing or commercial activities without first securing an appropriate written lease, sublease or permit from the City of Duncan or its duly authorized representative and, having obtained such document, without complying fully and completely with all of the terms and conditions thereof including the payment of rates and charges.

2. NON-ASSUMPTION OF LIABILITY. Persons entering upon airport grounds do so at their own risk. The City, its agents, officers, and employees, assume no liability or responsibility, and shall not be liable or responsible other than as required by law, for any loss, damage, destruction, injury or death to any person or persons or to any property by reason of any accident, incident, occurrence or mishap of any nature whatsoever or from any cause whatsoever.

3. RATES AND CHARGES. Aircraft and business operations on the airport shall be subject to the RATES AND CHARGES and USE CONTROL POLICY OR MINIMUM STANDARDS, as adopted or revised by the City for the Duncan Municipal Airport.

4. FEDERAL AIR TRAFFIC REGULATION. Regulations of the Federal Aviation Administration for aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

5. DAMAGE TO AIRPORT. Any person, corporate or individual, and the owner of any aircraft causing damage of any kind to said airport, whether through violation of any of these rules or through vandalism or any act of negligence, shall be liable therefore in and to said City of Duncan.

6. DAMAGE TO FIELD LIGHTS OR FIXTURES. Any person damaging any field light or airport fixture by operation of an aircraft or

otherwise shall immediately report such damage to the Airport Manager. Persons causing damage to runway and taxiway lights or airport fixtures will be liable for replacement cost of the light(s) and/or fixtures.

7. AUTHORITY TO SUSPEND OPERATIONS. The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of the public health, safety or welfare.

8. SAFEGUARD OF PERSONS AND PROPERTY. The Airport Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment or property at the airport.

9. LIEN FOR CHARGES. To enforce the payment of any charge made for repairs, improvements, storage or care of any personal property, made or furnished by the City or its agents, in connection with the operation of the airport, the City of Duncan shall have a lien upon such personal property, which shall be enforceable as provided by law.

10. COMMERCIAL PHOTOGRAPHY. No person shall take still, motion or sound pictures or photographs for commercial purposes on airport property without the written permission of the Airport Manager and unless the provisions of Section 16-105.1 have been complied with.

11. ADVERTISEMENTS. No person shall post, distribute, circulate or display any signs, posters, advertisements, circulars, or any other such printed, painted or written materials without first obtaining the written permission of the Airport Manager.

12. SOLICITING. No person shall solicit funds, goods, donations or pledges on the airport without first securing the written permission of the Airport Manager.

13. ANIMALS. No person shall enter the airport property with a dog or other animal unless such dogs or other animals are restrained by a leash or cage and kept under complete control.

14. RESTRICTED AREAS. No person shall enter any area which is posted with signs reading "RESTRICTED", "CLOSED TO THE PUBLIC", or the like, except:

- (A) Persons assigned to duty in such areas.
- (B) Persons authorized by the Airport Manager.
- (C) Passengers, under appropriate supervision, entering such areas for the purpose of embarkation or debarkation.

15. UNAUTHORIZED SIGNS. No signs may be erected, moved in or installed on the airport property except as may be specifically authorized by the Airport Manager.

16. SURREPTITIOUS ACTIVITIES. Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport, police, or officers of the Department of Public Safety, or other peace officer.

17. LICENSED PILOTS. Only aircraft and persons authorized by the FAA shall be authorized to operate aircraft upon the airport. This limitation shall not apply to students in training under licensed instructors nor to public aircraft of the Federal Government or of a state, territory or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

#### SECTION 16-106 AIRCRAFT OPERATIONS

1. REGISTRATION. Every person owning an aircraft based at the airport, shall register said aircraft with the City at the office of the Airport Manager within seventy-two (72) hours from the time the aircraft arrives on the airport. Owners of based aircraft which are permanently removed or flown from the airport shall notify the office of the Airport Manager within seventy-two (72) hours from the time the aircraft leaves the airport. For the purpose of this part the term "BASED AIRCRAFT" means any aircraft which is parked on the airport property for a duration exceeding twenty-one (21) overnight periods in any year.

2. WRECKED OR DISABLED AIRCRAFT. The owner, pilot or operator of any aircraft which becomes wrecked or disabled at the airport shall be responsible for the prompt removal of the wrecked or disabled aircraft, and parts thereof, as directed by the Airport Manager. In the event the owner, pilot or operator fails to comply with such directions, the wrecked or disabled aircraft, and parts thereof, may be removed by the Airport Manager at the expense of the owner, pilot or operator.

3. ACCIDENT REPORTS. Persons involved in or witnessing an aircraft accident on the airport shall report such accident to the Airport Manager's office or to the nearest law enforcement officer as soon as it is reasonably possible to do so. Such persons shall make written reports as requested by the Airport Manager.

4. NOISE ABATEMENT. All persons operating aircraft from the airport shall comply with all noise abatement procedures, traffic patterns and policies as may be established by the City and acceptable to FAA.

5. REPAIRS AND MAINTENANCE TO AIRCRAFT. No aircraft shall be repaired on any part of the landing or take-off area. No aircraft shall be repaired or maintained except in the locations designated by the Airport Manager for such purpose.

6. SUBSTANCE ABUSE. No person shall use or knowingly allow the use of the airport for the purpose of unlawfully driving a motor vehicle or aircraft under the influence of an alcoholic beverage or any drug or for the purpose of unlawfully selling, serving, using, storing, transporting, keeping manufacturing or given away alcoholic beverages or any controlled substance, precursor or analog specified in Oklahoma Statutes.

7. FOREIGN OBJECTS. No foreign objects, including bottles, cans, scrap or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the airport.

#### SECTION 16-107 GROUND OPERATIONS

1. PUBLIC VEHICULAR TRAFFIC. All public vehicular traffic shall be confined to avenues of passage designated and provided for that purpose by the Airport Commission, and shall not be operated at a speed in excess of twenty-five (25) miles per hour.

2. AIRCRAFT MOVEMENT AREAS. No motorized equipment or vehicles shall be operated on the aircraft ramps, or on the taxiway or runway except by persons duly authorized to be in those areas by the Airport.

3. PARKING. Vehicles shall be parked on the airport in the manner and at the locations indicated by posted parking signs or painted markings.

4. FUEL DISPENSING. All fuel dispensing activities, whether commercial or private, must be authorized by the Airport Manager and performed in accordance with this section.

(A) No aircraft shall be fueled from any delivery truck, fuel pump or container unless the aircraft is located completely clear of any building or hangar.

(B) Smoking or open flame within fifty (50) feet of any aircraft or fuel truck is prohibited.

(C) In all matters related to aircraft fueling safety the provisions of the current NFPA Manual 407 "Aircraft Fuel Servicing, published and available from the National Fire Protection Association, Incorporated, 470 Atlantic Avenue, Boston, Massachusetts 02210, shall prevail.

- (D) Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place.
- (E) All aircraft will be positively grounded when being serviced with fuel. Aircraft being serviced by a fuel truck will be grounded to the fuel truck and the fuel truck will be positively grounded.
- (F) Aviation or auto fuels shall not be stored within a hangar, without written permission of the Airport Manager.
- (G) Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first obtain permission from the airport governing authority.
- (H) Dispensing automobile gas for use in aircraft will not be permitted on the airport without approval of the Airport Manager. Aircraft authorized by the FAA to use auto gas may be privately fueled by their owner only after compliance with established rules adopted by the City.

5. TIE-DOWN AND SECURITY OF AIRCRAFT.

- (A) All aircraft not hangared shall be tied down or secured at night and during inclement weather.
- (B) All aircraft owners or their agents are responsible for the tie-down and security of their aircraft at all times.

6. RUNNING AIRCRAFT ENGINES.

- (A) On aircraft not equipped with brakes, the engine shall not be started until and unless the wheels have been set with blocks attached to ropes or other suitable means for removing them.
- (B) No airplane will be propped, started or left running without qualified personnel in the cockpit at the controls.
- (C) No aircraft engine shall be started or run inside any building.
- (D) No aircraft engine shall be started, run or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings and groups of people.

7. TAXIING AIRCRAFT.

- (A) No person shall taxi an aircraft until he has ascertained there will be no danger of collision with any person or object in the immediate area.
- (B) Aircraft will be taxied at a safe and prudent speed, and in such manner as to be at all times under the control of the pilot
- (C) Aircraft not equipped with brakes will not be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.
- (D) Aircraft shall not taxi onto the runway if there is an aircraft approaching to land, or on the ground in take-off position.
- (E) There shall be no taxiing of aircraft by engine power into or out of hangars.

8. PARKING AIRCRAFT.

- (A) Aircraft shall be parked or tied down only within areas so designated by the Airport Manager for that purpose.
- (B) Aircraft will not be parked in such a manner as to hinder the normal movement of other aircraft and traffic.
- (C) It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the plane is properly chocked and/or tied down.

9. LOADING/UNLOADING AIRCRAFT. Pilots are prohibited from loading or unloading aircraft with the engine running.

SECTION 16-108 LANDING AND TAKE-OFF RULES

1. ACTIVE RUNWAY. If the winds are calm or at a ninety degree (90°) crosswind pilots shall take-off and land on runway seventeen (17).

2. HAZARDOUS OPERATIONS. No pilot shall operate an aircraft in such manner as to create a hazard to persons and property on the ground, nor land or take-off any fixed wing aircraft and commence a turn over any taxiway or ramp or over hangars or other structures, automobile parking areas or groups of spectators at an altitude below five hundred feet (500') above ground level (AGL).

3. USE OF RADIO. All pilots, when possible, shall communicate on the published Common Traffic Advisory Frequency (CTAF) to determine the active runway and to announce their position and intentions for take-off and landing.

4. TAKE-OFFS ON APRON, RAMPS AND TAXIWAY. No take-offs or landings shall be made on the apron, parking ramp or taxiway except by special permission of the Airport Manager.

5. TAKE-OFFS ALLOWED. Pilots shall clear themselves from landing and takeoff traffic before taxiing into take-off position.

6. TAKE-OFF CLIMB. On take-off all aircraft shall climb straight out to an altitude above five hundred feet (500') above ground level (AGL) and clear airport boundary before executing a turn.

7. TRAFFIC PATTERN ALTITUDE. The traffic pattern altitude is eight hundred feet (800') above ground level (AGL) for small aircraft and one thousand five hundred feet (1500') above ground level (AGL) for jets and large aircraft.

8. TRAFFIC FLOW. All aircraft landing at the airport shall fly a left hand traffic pattern.

9. SPECIAL PROCEDURES. The Airport Manager may, in the interest of safety, designate traffic procedures for certain operations, such as air shows, agricultural operations, lighter-than-air operations, ultra-lights, etc.

#### SECTION 16-109 FIRE SAFETY

1. COMPRESSED GAS. Compressed flammable gas shall not be kept or stored upon the airport, except at such place as may be designated by the Airport Manager.

2. FLAMMABLE SUBSTANCES. No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or other building. The floors in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning floors.

3. SMOKING. No one shall smoke, ignite a match or lighter in any aircraft tie-down area, storage or maintenance hangar or in any building posted no smoking.

4. LITTER. No boxes, crates, cans, bottles, paper, tall grass/weeds or other litter shall be permitted to accumulate in or about a hangar.

5. FIRE EXTINGUISHERS. At least one portable fire extinguisher shall be available within fifty feet (50') of any storage or maintenance hangar.

SECTION 16-110 KNOWLEDGE OF RULES IMPLIED. By publication of this ordinance as required by law, all persons will be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the ordinance printed and posted where appropriate. Copies will be available at all times in the Airport Manager's Office, and copies will be furnished to owners and operators of aircraft based on the airport.

SECTION 16-111 CONFLICT IN RULES. If and where there is a conflict in these and the Federal Aviation Regulations (FARs) the latter shall prevail.

SECTION 16-112 PENALTIES FOR VIOLATIONS. Any person operating or handling an aircraft in violation of any of these rules or refusing to comply with all sections therewith, may, at once, be ejected from the airport, or may for any period of time, not exceeding fifteen (15) days, be denied use of the airport by the Airport Manager, and, upon hearing by the City Council, may be deprived of the further use of the airport and its facilities for such period of time as may appear necessary for the protection of life and property.

SECTION 16-113 SAVING CLAUSE. Should any part of this Ordinance be held invalid or unconstitutional, no other part shall necessarily be affected thereby.

SECTION 16-114 EMERGENCY CLAUSE: WHEREAS, it is being immediately necessary for the preservation of the peace, health, safety and welfare of the City of Duncan, Oklahoma, and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect, and an emergency is hereby declared to exist by reason whereof this Ordinance shall take effect and be in full force from and after its passage as provided by law.

PASSED AND APPROVED this 26<sup>th</sup> day of January, 1993.

THE CITY OF DUNCAN, OKLAHOMA  
A Municipal Corporation

By: Wayne M. Holden  
Wayne Holden, Mayor

( S E A L )

ATTEST:

Clyde D. Shaw  
Clyde D. Shaw, Secretary

APPROVED AS TO FORM AND LEGALITY:

James M. Frieda  
James M. Frieda  
City Attorney