

AIRPORT ORDINANCE

TOWNSHIP OF MANCELONA

COUNTY OF ANTRIM, STATE OF MICHIGAN

ORDINANCE NUMBER 11

Adopted: February 16, 1998

Effective: April 13, 1998

AIRPORT ORDINANCE

An Ordinance to preserve the peace, general welfare, order, health, and safety of persons and property in the Township by providing for the operation of all township airports within the Township of Mancelona, including but not limited to, Mancelona Municipal Airport, enacted pursuant but not limited to, Michigan Public Act 246 of 1945, as amended; to create rules and regulations regarding to operation of township airports; to prescribe a penalty for the violation of the provisions of the Ordinance; and to repeal all ordinances or parts of ordinances in conflict with this Ordinance.

TOWNSHIP OF MANCELONA

Antrim County, Michigan

ORDAINS:

SECTION I

TITLE

This Ordinance shall be known as the Mancelona Township Airport Ordinance.

SECTION II

PURPOSE

The purpose of this Ordinance is to promote and secure the public health safety, and general welfare of persons, property owners, and property in the

Township of Mancelona by establishing reasonable rules and regulations regarding the operation of Township airports.

SECTION III

DEFINITIONS

A. Aircraft accident - an occurrence associated with the operation of an aircraft that takes place between the time any person boards the aircraft with the intention of flight and until such time that all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

B. Airport operating area (AOA) - that portion of the airport designated for use by aircraft and includes all runways, taxiways, ramps, aprons, and any other areas so delineated.

C. Airport - shall mean the Mancelona Municipal Airport, situated in Antrim County, and its related land, facilities, appurtenances, and improvements.

D. Airport Advisory Board - a citizens advisory board established by the Mancelona Township Board.

E. Airport traffic pattern - airspace in the immediate vicinity of the airport where certain procedures and altitudes shall apply.

F. Airport owner - Mancelona Township.

G. Airport manager - the manager of the airport as appointed by the Mancelona Township Board and empowered to exercise control over activities and operations at the airport.

H. Bureau - Michigan Department of Transportation, Bureau of Aeronautics.

I. Commercial operation or activity - any revenue producing activity on the airport including the exchange, trading, buying, hiring, or selling of commodities, goods, services, or property of any kind.

J. Commercial operating agreement - an agreement between the Bureau and an entity providing goods and/ or services.

K. Emergency vehicle - police or fire vehicles, ambulances, and any vehicle conveying airport officials or employees in response to an emergency call.

L. Person - any individual, firm, partnership, corporation, company, or association, and includes any director, trustee, receiver, agent, or similar representative.

M. Pilot - Any person who is responsible for the control of an aircraft.

N. Restricted area - any area so designated by the manager for reasons of safety or security.

O. Taxiways - an improved surface area used primarily by aircraft to proceed to and from ramp and runway areas.

P. Vehicle - any device other than an aircraft in which any person or property may be transported.

SECTION IV

GENERAL

A. Scope

All persons on any part of the airport shall be governed by these rules and regulations, as well as any rules and regulations of the Federal Aviation Administration and the Michigan Aeronautics Commission. No part of these rules shall take precedence over safe operating procedures required or suggested by manufacturers of aircraft and aviation related equipment, including (but not limited to) procedures and practices described in an individual aircraft's Pilot's Operating Handbook and supplements.

B. Violation of regulations

The airport manager may cause to be removed or evicted from the airport any person who violates any rule or regulation prescribed herein, or any rule or regulation in effect by the Federal Aviation Administration or the Michigan Aeronautics Commission, and may deny the use of the airport and its facilities to any such person.

C. Hearings for alleged violation

Where a violation of these rules and regulations may cause revocation of permits and/or privileges exercised by a person at the airport, such person shall receive written notification of such alleged violations from the airport manager, giving the time and place and such other details as shall adequately apprise such person of the alleged violation, and the proposed action of the airport manager. A copy of this notification shall be sent to the Mancelona Township Clerk. In the event the person receiving such notification desires to contest the alleged violation or the proposed action they must submit a written appeal within ten (10) days of receipt of such notification to the airport manager.

D. Lost articles

All lost articles shall be turned into the airport manager's office by the finder. Any article not claimed within sixty (60) days will be turned over to the proper law enforcement agency.

E. Liability

The Township of Mancelona assumes no responsibility for loss, injury or damage to persons or property by reason of fire, theft, vandalism, jet blast or turbulence, wind, flood, earthquake, faulty construction practice, design errors or omissions or other natural causes.

F. Accident reports

Any person involved in any accident or incident occurring on the premises of the airport which results in injury to any person or damage to property shall immediately notify the airport manager. This does not eliminate any obligation a person may have to report accidents or incidents to any other agency.

SECTION V

LEASING, CODES AND REQUIREMENTS

A. Procedure

1. Any person proposing to lease airport land shall submit a written application to the airport manager who will forward the proposal to the Mancelona Township Board. Proposals

should include the following:

- a. Desired location.
 - b. Purpose for which the land is to be used.
 - c. Type and size of any structures proposed to be constructed, including a preliminary sketch showing plot plan and land area required, proposed drives, ramps, taxiways or other improvements.
 - d. Available financing for new construction.
 - e. Type of utilities and/or provisions for waste disposal, as required by law.
2. The airport owner reserves the right to accept or reject any such application.
 3. Any person desiring to lease hangar space shall make application to the airport manager, including the make, model, and registration number of the aircraft to be hangared.
 4. Hangars are to be used only for the storage of aircraft.

B. Requirements

1. For new development, the lessee will be responsible for: site development, sanitary, sewer, water, electrical power, telephone, surface water drainage, gas, and disposal of solid waste and petroleum products. The lessee shall provide, at lessee's expense, connecting taxiways or aprons from lessee's property to the nearest public taxiway. New or replaced utilities shall be underground.

C. Compliance with fire codes

1. All facilities shall conform to applicable fire and building codes.
2. Each secured hangar shall have a fire extinguisher of the type designated and approved by the Mancelona Township Fire Chief.

SECTION VI

PUBLIC, LESSEE, AND TENANT USAGE

A. Disorderly conduct

1. No person shall be or become intoxicated or be under the influence of any controlled substance (prescription medication excepted), or commit any illegal, disorderly, obscene, or indecent act, or an act of nuisance or engage in any form of illegal gambling on the airport.
2. The airport management shall, at all times, have authority to take action as may be necessary in the handling, conduct, and management of the public in attendance at the airport.
3. No person shall loiter on any part of the airport or in any building on the airport. In the event of their failure to comply with a proper request to leave the premises, such person shall be regarded as a trespasser.

B. Littering and sanitation

No person shall dispose of garbage, paper, refuse or other material on the airport except in the receptacles provided for that purpose. Restrooms shall be used in a clean and sanitary manner. Suitable refuse containers will be provided by the airport operator for the proper disposal of refuse generated at the airport.

C. Preservation of property

No person shall destroy, injure, deface or disturb in any way any property or facility on the airport.

D. Weapons and explosives

No person except peace officers, duly authorized post office, airport and air carrier employees, members of the armed forces of the United States on official duty, or persons with current concealed weapon permits, shall carry any weapon or explosive material on the airport. Properly cased sporting guns and ammunition may be carried for transport.

E. Interfering or tampering with aircraft

No person shall interfere or tamper with any aircraft or put in motion the

engine of such aircraft or use any aircraft, aircraft parts, instruments or tools without permission of the owner or by specific direction of the airport manager, except in the case of an emergency.

F. Restricted areas

No unauthorized person shall enter a restricted area.

G. Animals

Animals will not be permitted in any building or other areas of the airport without the approval of the airport manager, with the exception of leader dogs or animals properly confined or on a leash.

H. Open burning

No person shall incinerate on the airport property without prior permission from the airport manager and without a burning permit from the proper authorities.

I. Smoking

No person shall smoke on the aprons, gasoline storage areas, or in any building, room or place on the airport where smoking is specifically prohibited or within fifty (50') feet of any fueling or defueling operation.

J. Trash containers and haulers

Areas to be used for trash or garbage containers on any part of the airport shall be designated by the airport manager. Such areas shall be kept clean and sanitary at all times.

K. Spills

All operators and users shall be liable for the cost of and be responsible for immediately cleaning up their spills of oil, gas, grease, or other materials on the airport. The manager shall be notified immediately of any such spill.

L. Liquid disposal

No fuels, oils, hazardous materials, paints, solvents, or acids shall be disposed of or dumped on the airport in any manner other than in approved containers as identified by the airport manager. Petroleum waste or toxic substances shall not be entered into any drainage or sanitary system or be permitted to dissipate on airport property.

M. Maintenance

1. All lessees shall keep their leased premises as clean as reasonably possible. All leased property shall be free from fire hazards as may be determined by the proper authorities.
2. An adequate fire extinguisher shall be within ready reach of all persons engaged in maintenance.

N. Communications, structural, and decorative changes

1. No lessee or tenant shall install any type of direct line or radio communications without prior permission of the airport manager, air/ground excepted.
2. No lessee or tenant shall effect structural or decorative changes or additions of any type without prior permission of the airport manager. Such permission shall not unreasonably be withheld.

O. Damages

Lessees and tenants shall be fully responsible for all damage or injury to any real or personal property of the airport, including that leased or occupied by them, caused by the intentional or negligent acts or omissions of the lessee or tenant, their employees, agents, servants, suppliers, persons with whom they do business or their invitees.

P. Airport security

1. Each person shall observe all security requirements as approved by the airport board or manager.
2. Lessees and tenants shall be responsible for the immediate closure of any gates which have been previously secured by airport personnel.

Q. Signs

No signs shall be placed on airport property without prior permission and authorization from the airport manager.

R. Air shows and aerial demonstrations

No air meets, aerial demonstrations, banner towing, or other special

activities shall be held at the airport unless prior permission is obtained from the airport manager. No such permission shall be granted unless the applicant has provided the airport manager with a policy or a certificate of insurance in amounts deemed satisfactory by the Mancelona Township Board. Parties will be responsible for obtaining necessary waivers from the FAA for such activities and notify airport management so that proper NOTAM's may be issued.

S. Storage/parking

No storage of any kind will be allowed outside of tenant hangars except currently licensed passenger vehicles owned by the tenant or the tenant's passengers.

T. Pedestrians

No person, unless authorized by the manager, shall traverse the runway or taxiways.

U. Closing of the field

In the event the airport manager believes the conditions of the airport or any part of the airport to be unsafe for landing or takeoff, it shall be within the authority of said manager to initiate a NOTAM closing the entire airport or any part thereof.

V. Abandoned, damaged, or disabled aircraft

1. An aircraft owner, his pilot, or authorized agent is responsible for the prompt disposal of a wrecked aircraft and its parts to avoid interference with airport operations, unless specifically directed by the airport manager, Township Board, State Police, or appropriate federal agency to delay removal pending investigation.
2. All damaged or disabled aircraft and parts on the airport shall be removed from public view by the owner or operator within 24 hours of completion of investigation and subsequent release by the appropriate authorities, except for commercial repair operations.
3. If any owner or operator abandons or otherwise neglects or

refuses to move an aircraft or its parts as directed by the airport manager, the aircraft or parts may be removed by the airport manager at the owner's or operator's expense, and without liability for damage which may result in the course of or after such removal.

SECTION VII

BUSINESS AND COMMERCIAL OPERATIONS

A. Commercial operating agreement

No person shall engage in any business, commercial operation or activity, as defined herein, on airport property without a current commercial operating agreement, contract, lease or other written agreement with the airport manager, and pay any prescribed fee.

B. Minimum standards for commercial activity

No person shall engage in a commercial aviation activity on the airport without meeting the *Minimum Standards For Commercial Activities at Mancelona Municipal Airport* as established by the airport operator. The airport operator reserves the right to establish and revise the minimum standards for various commercial aviation services as the need arises.

SECTION VIII

AIRPORT OPERATIONS

A. Aircraft operation

1. Aircraft run-up or other engine test operations at the airport shall not be performed in any area that would result in a hazard to another aircraft, persons or property.
2. No person shall start or run any engine of any aircraft unless a competent person is in the aircraft attending the engine controls. Chocks or tiedown procedures shall be used before starting the engine or engines unless the aircraft is equipped with adequate brakes.

3. Aircraft engines shall not be started or run inside a hangar, nor shall the aircraft be taxied into or out of a hangar.
4. No aircraft operator shall board or disembark passengers with the engine(s) running.

B. Aircraft parking

1. The aircraft owner or operator must make suitable arrangements with the airport manager and pay any parking or tiedown charges.
2. No aircraft shall be parked except in designated areas prescribed by the airport manager.
3. The airport shall not be responsible for any damaged to or theft from any aircraft parked or tied down at the airport.

C. Airport facility damage

Any person who damages any light, fixture or other airport facility or property by means of contact by aircraft, shall report such damage to the airport manager's office immediately and shall be fully responsible for any costs required to repair or replace the damaged light, fixture, facility or property.

SECTION IX

AIR TRAFFIC PROCEDURES

The procedures set forth in this chapter shall apply in every case, except when an emergency conditions exists or when otherwise directed by Federal Aviation Regulations (FAR's).

A. Traffic Rules

1. Fixed wing aircraft shall take off or land only on runways except in an emergency or with prior permission.
2. Helicopters shall take off or land in a manner that does not interfere with fixed wing traffic.
3. Touch and go landing may be prohibited during snow removal or maintenance operations.
4. Aircraft entering the traffic pattern shall exercise caution and

courtesy so as not to cause aircraft already in the pattern to deviate from their course.

5. Noise abatement procedures, as posted in the airport administration building, shall be adhered to whenever possible.
6. Aircraft landing or taking off shall conform to the attached air traffic patterns which are made a supplement to these rules.
7. Traffic pattern altitude shall be one-thousand feet (1000 ') above ground-level (AGL).

SECTION X

FLAMMABLE LIQUIDS AND FUELING OPERATIONS

A. **Fueling Operations**

1. During the fueling or defueling of any aircraft:
 - a. No smoking allowed within fifty (50) feet of any aircraft.
 - b. Radio transmitters, receivers or electrical appliances shall not be activated in an aircraft that is being fueled.
 - c. No person shall use any material or equipment which is likely to cause a spark or ignition.
 - d. An adequate fire extinguisher shall be within ready reach of all persons engaged in fueling.
 - e. Aircraft engines shall not be started, kept running or be warmed by applications of exterior heat during fueling operations.
 - f. Passengers shall not be onboard an aircraft during fueling operations.
 - g. Care shall be exercised to prevent overflow of fuel. Any volatile liquid spilled during transfer shall be

removed immediately. Engines of any aircraft shall not be started when there is volatile liquid on the ground under such aircraft. The airport manager shall be notified immediately of any fuel spillage and shall be responsible for inspection of proper clean-up by the parties responsible for such spillage.

2. Aircraft shall not be fueled or defueled when the aircraft is in a hangar or enclosed space.
3. Fueling hoses and equipment shall be maintained in a safe, sound, and non-leaking condition as required by the Federal Aviation Regulations (FAR) and the State Fire Marshall.
4. Fueling hoses, funnels, and appurtenances shall be equipped with a grounding device to prevent ignition of volatile liquids. During any fueling process, the aircraft and the fueling apparatus shall be grounded to a point or points of zero electrical potential.
5. All local, state, federal, and airport Regulations governing the storage, handling, and dispensing of fuels and flammable liquids will be adhered to.

SECTION XI

VEHICLES

A. **Rules of operation**

1. No person shall operate a vehicle of any kind in the aircraft operating area (AOA) unless authorized to do so by the airport manager. Tenants and their invited guests are authorized to drive their vehicles to their hangar.
2. No person shall operate a vehicle in a reckless or negligent manner, or in excess of posted or designated speed limits, other than emergency vehicles.
3. No person shall operate a vehicle under the influence of intoxicating liquor or narcotic drug.

4. No person shall operate a vehicle in such a manner or condition as to endanger persons or property.
5. All vehicles operating on the airport between the hours of sunset and sunrise shall have fully operating headlights and taillights.
6. During times of emergency due to aircraft accidents, other mishaps, or natural disasters, no private vehicle, other than those operated by emergency personnel, unless specifically authorized by the airport manager, shall be allowed in the Aircraft Operating Area. The airport manager shall determine when normal operations may be resumed.
7. Any person who operates a vehicle and damages any light, fixture, or other airport facility or property shall report such damage to the airport manager immediately and shall be fully responsible for any costs required to repair or replace the damaged light, fixture, facility or property.

B. Vehicle parking

1. No person shall park a vehicle for loading, unloading or any other purpose on the airport other than in the areas specifically established for parking in the manner prescribed by signs, lines, or other means. No person shall park a motor vehicle in a manner so as to obstruct or interfere with vehicular traffic, or aircraft movement, nor park in aircraft parking areas unless authorized otherwise.
2. All employees of firms engaged in business at the airport shall park in the areas designated for employee parking only.
3. The airport manager shall have the authority to cause to be towed or otherwise move motor vehicles that are parked by their owners or operators on the airport in violation of this section at the operator's expense and without liability for

damage which may result in the course of or after such towing.

4. Tenants of tiedown areas may park their automobiles upon their tiedown spots, except as directed by the airport manager.
5. Tenants may park their vehicles or those of their passengers inside their hangars or adjacent to their hangars, provided those vehicles parked outside do not obstruct the normal movement of the aircraft on taxiways and ramps.

SECTION XII

REVISIONS

A. **Revision of Ordinance**

1. This Ordinance is subject to modification by the Mancelona Township Board.
2. Revisions may be proposed by the airport owner, airport manager or airport board.
3. Proposed revisions shall be submitted to the Mancelona Township Board.
4. Proposed revisions will be posted in the Mancelona Township Hall building for a period of forty-five (45) days. All tenants of record will be mailed a copy of the proposed revision at least forty-five (45) days prior to their adoption.
5. Proposed revisions shall be reviewed by the Mancelona Township Board after 45 days notice and a suitable period of public discussion with airport users, tenants and others who may have a legitimate interest in airport activities.
6. The recommendation of the airport manager for adoption or rejection of any proposed modification to these rules will be submitted to the Mancelona Township Board prior to final adoption or rejection.

SECTION XIII

ENFORCEMENT

The Mancelona Township Supervisor and/or the airport manager are hereby authorized to enforce this Ordinance. The Supervisor may delegate the enforcement of this Ordinance to the Township constables, the Antrim County Sheriff's Department, the Michigan State Police or any other delegatee permitted by law.

SECTION XIV

SEPARATE COURT ACTION

Nothing in this Ordinance shall prohibit Mancelona Township or any interested party from seeking such other relief as may be permitted by law or in equity regarding the violation of this Ordinance.

SECTION XV

VALIDITY

If any section, provision or clause of this Ordinance, or the application thereof, to any person or circumstance is held to be invalid, such invalidity shall not effect any remaining portion or application of this Ordinance which can be given effect without the invalid portion or application.

SECTION XVI

EFFECTIVE DATE

This Ordinance shall become effective immediately after the date of its publication in the Antrim County News.

Dated: 4-3-98

Margaret Chapman
MARGARET CHAPMAN, Clerk
Mancelona Township

MANCELONA TOWNSHIP

ORDINANCE CERTIFICATION

At a regular meeting of the Township Board, Township of Mancelona, Antrim County, Michigan, held in the Mancelona Township Hall, located at 202 W. State St., Mancelona, Antrim County, Michigan, on February 16, 1998, at 7:00 p.m.:

PRESENT: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

ABSENT: none

Ordinance No. 11, the AIRPORT ORDINANCE was considered by the Board and upon motion made and seconded, the Township Board duly adopted said Ordinance upon the following vote:

YES: Sue Robinson, Ray Merillat, Yousef Jabara, Gerald Patrick and Margaret Chapman

NO: none

I, Margaret Chapman, as Mancelona Township Clerk, hereby certify that said Ordinance was adopted by the Mancelona Township Board at said meeting as set forth above; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act; that a synopsis of said Ordinance was published in the Antrim County News on *march 4*, 1998, and that a true and complete copy of said Ordinance can be inspected or obtained at the office of the Mancelona Township Clerk in the Mancelona Township Hall.

Margaret Chapman
MARGARET CHAPMAN, Clerk
Mancelona Township