

# **RULES AND REGULATIONS**

**FOR THE**

# **EASTERN WV REGIONAL AIRPORT**



*ORDINANCE NO.* \_\_\_\_\_

**October 2009**

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**EASTERN WV REGIONAL AIRPORT**

**RULES AND REGULATIONS**

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**SECTION I – INTRODUCTION**

**101. TITLE AND AUTHORITY**

- A. These Rules and Regulations were promulgated under Chapter 8, Article 29B, Section 3, of the Code of the State of West Virginia governing the use and operation of property and facilities under the control of the Eastern West Virginia Regional Airport Authority. These Rules and Regulations are hereby adopted and issued effective \_\_\_\_\_, 2009. All Rules and Regulations previously issued or adopted are hereby revoked and supplanted as of such date.

**102. PURPOSE**

These Rules and Regulations, and any amendments thereto, herein after referred to as the Rules, are designed to protect the public health, safety, interest, and general welfare on the Airport and to restrict (or prevent) any activity or action which would interfere with the safe, orderly, and efficient use of the Eastern WV Regional Airport by its Operators, Lessees, Consumers, and Users.

**103. APPLICABILITY AND CONDITIONAL USE OF AIRPORT**

- A. Any permission granted directly or indirectly, expressly or by implication, to any Entity to enter upon or use the Airport (including aircraft owner/operators; vehicle/equipment operators; aircraft crewmembers and passengers; occupants of commercial and private vehicles; spectators and sightseers; officers, employees, and customers of Operators and Lessees; Entities doing business with the Airport Authority, its contractors, subcontractors, and licensees; and all other Entities whatsoever) is conditioned upon:
  - 1. Assumption of responsibility by every Entity exercising or taking advantage of such permission;
  - 2. Full and complete compliance with these Rules and Regulations and any other primary guiding documents, e.g. Minimum Standards, as well as any applicable laws and regulations;
  - 3. Each such Entity shall at all times release, hold harmless, and indemnify the Eastern WV Regional Airport Authority and the Airport (individually and collectively), representatives, officers, officials, employees, agents and volunteers from any and all responsibility, liability, loss or damage that may result to any Entity, be caused by or on their behalf and/or incident to the manner in which the Airport is operated, constructed, maintained, served or used.

**104. RESPONSIBLE PARTY**

Any person accessing or using the Airport shall be responsible for their actions and all actions of any person to whom they provide or facilitate access to the Airport, whether directly or indirectly.

**105. CIVIL RIGHTS**

No person shall, in the use of the Airport, discriminate or permit discrimination against any other person or group of persons on the basis of race, color, religion, sex, age, disability, or national origin.

**106. DEFINITIONS**

Abandoned Vehicle: Any vehicle that has remained stationary on the Airport in excess of seventy-two (72) hours and is in a condition that renders the vehicle undriveable, including expired license plates, missing or flat tire or broken window, etc.

Aeronautical: The science or art of flight.

Aeronautical Activity (Service): Any activity that involves, makes possible or is required for the operation of aircraft or that contributes to, or is required for, the safety of operations. This term shall include, but not limited to, the renting, sale, leasing, storage, hangaring and/or tie-down of aircraft; the sale, repair and/or maintenance of new and/or used aircraft, parts or equipment, radios, instruments and/or electronic equipment; air taxi, charter operations, sightseeing flights, aerial photography, crop dusting, aerial advertising, aerial surveying, skydiving, ultralight operations; flight instruction; and the sale of aviation fuels and other petroleum products.

Access Area: That area of an Off-Airport parcel, described in an Access Permit, that is used by the Off-Airport User for aeronautical purposes, including buildings, hangars, driveways, parking areas, aircraft aprons, taxiways/taxilanes, or other uses.

Access Fee: means the fee paid monthly or such longer period of time as shall be established by the Airport Owner, to the Airport Owner for access to the Airport from an Off-Airport property.

Access Permit: Administrative approval, which is in writing, issued by the Airport Owner granting aeronautical access to the Airport by an Off-Airport User (also known as a "Through-the-Fence" operation). Such Permit will specify the particular terms, conditions and limits of Airport access, and shall describe the Access Area. Access Permits are reviewable and renewable on an annual basis. An annual Access Fee will be charged for each Permit.



Agreement: A written contract between the Airport Owner and an Entity specifying the terms and conditions under which the Entity may occupy and operate from certain Airport facilities and/or property.

Aircraft: A device that is used or intended to be used for flight in the air.

Air Operations Area: (Also AOA). Any area of the Airport used for landing, takeoff or surface maneuvering of aircraft. Typically, the AOA is considered to be a restricted area and is off-limits to the general public.

Airplane: An engine-driven fixed-wing aircraft heavier than air that is supported in flight by the dynamic reaction of the air against its wings.

Airport: All of the sponsor-owned or leased real or personal property, buildings, facilities, and improvements within the boundaries of the Eastern WV Regional Airport (EWVRA), as it presently exists or as it may exist when it is hereafter modified, expanded, or developed. "Airport" includes all of the facilities as shown on the most current Airport Layout Plan.

Airport Layout Plan: The plan of an airport showing the layout of existing and proposed airport facilities.

Airport Manager: The person or corporation designated by the Airport Owner to manage and supervise the operation of the Airport, or in his/her absence, its designated representative, or the person designated as Acting Airport Manager.

Airport Owner: (also Sponsor) means the owner of the Eastern WV Regional Airport, which is the Eastern WV Regional Airport Authority.

Airside: See Air Operations Area (AOA).

Applicant: Any person desiring to render or engage in an aeronautical service(s) at the Airport.

Commercial Activity (also Business): The exchange, trading, buying, hiring or selling of commodities, goods, services or property of any kind, or any revenue producing activity on, or using the facilities of, the Airport.

Commercial Operator (Operator): a person, firm, corporation, or other entity conducting commercial aeronautical services on, or using the facilities of, the Airport for compensation or hire.

Commercial Operating Permit: Administrative approval, which is in writing, issued by the Airport Owner granting the right to perform a commercial activity on, or using the facilities of, the Airport, and provide such services

only from facilities and locations where such services are authorized. Commercial Operating Permits are reviewable and renewable on an annual basis. An annual Service Fee will be charged for each Permit. Temporary permits may be issued on a case-by-case basis to cover short-term operations.

Commercial Self-Service Fueling. A fueling concept that enables a pilot to fuel an aircraft from a commercial fuel pump installed for that purpose by an FBO or the Airport Owner. The fueling facility may or may not be attended.

Entity: A person, firm, corporation, partnership, limited liability company or any similar legal entity formed for the purpose of conducting an Aeronautical service activity at the Airport.

Exclusive Right: A power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege or right. An Exclusive Right may be conferred either by express agreement, by imposition of unreasonable standards or requirements, or by any other means. Such a right conferred on one or more parties but excluding others from enjoying or exercising a similar right or rights would be an Exclusive Right. The granting of an Exclusive Right to conduct a Commercial Activity on an Airport developed or improved with federal funds is expressly forbidden by law.

FAA: Federal Aviation Administration

FAR: Federal Aviation Regulation

Fixed Base Operator (FBO): A Commercial Operator granted the right by the Airport Owner to operate on the Airport and which is engaged in the retail sale of aviation fuels and lubricants; line services and support; parking, tiedowns, and hangars; aircraft maintenance; and a minimum of three (3) of the following: flight instruction; aircraft rental; aircraft sales; air taxi service; air charter service; avionics/instrument repair; and propeller repair.

Flying Club: An entity engaged in the ownership or lease of aircraft and providing flying services (for example, aircraft rental and/or flight training) for its members.

Fuel – as defined in an operator’s lease agreement.

Fuel Operations – means the dispensing of aviation fuel into aircraft.

Fuel Tender – a vehicle for the transport and dispensing of fuel.

Fuel Vendor – means an Operator engaged in selling or dispensing aviation fuel to aircraft other than that owned or leased by the Operator.

Fueling Operations Permit – means a permit issued by the Airport Owner or authorized designee, to a person or Operator who dispenses aviation fuel at the Airport (see Airport Rules and Regulations for requirements and procedures). There are two types: (1) Fuel Vendor's Permit; and (2) Self-fueling Permit. A monthly fee and/or a fuel flowage fee may be required.

Fuel Farm: Any location(s) on the Airport designated by the Airport Owner for the storage and dispensing of fuels.

Improvements: All buildings, structures and facilities including pavement, fencing, signs and landscaping constructed, installed or placed on, under, or above any leased area by, or with the concurrence of, a lessee.

Landside – means all buildings and surfaces on the Airport used by surface vehicular and pedestrian traffic.

Large Aircraft – means an aircraft of more than 12,500 pounds maximum certified takeoff weight.

Lease: see Agreement, above.

Lessee: Any Entity holding a valid lease from the Owner to conduct an aeronautical activity on the Airport.

Lessor: The Airport Owner.

Minimum Standard: The minimum requirement to be met as a condition for the right to conduct an aeronautical activity at the Airport.

Mobile Service Provider (MSP): A person or Entity that provides commercial Aeronautical services on Airport property, but does not operate out of owned or leased property on the Airport.

NFPA: means the National Fire Protection Association.

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

Non-Commercial Activity: An activity undertaken not for profit, but for philanthropic, religious, charitable, benevolent, humane, public interest or similar purposes.

NTSB: means the National Transportation Safety Board.

Off-Airport Access: means access to the Airport for aviation purposes from Off-Airport Property in accordance with the approval of the EWVRAA, an

Access Permit, and applicable law, rule, or regulation. Off-Airport Access is frequently referred to as “Through-the-Fence.”

Off-Airport Property: means the gross land area of a lot or tract of land that abuts the Airport and may be used or intended to be used in whole or in part for aviation-related purposes.

Off-Airport User: means an owner of an Off-Airport Property who is issued and holds a current Access Permit to conduct Off-Airport Access operations.

Operator: see Commercial Operator, above.

Permit: see Commercial Operating Permit, Access Permit, and/or Fueling Operations Permit, as described herein.

Permittee: means any Operator having a valid Access Permit, Commercial Operating Permit, Vehicle, and/or Fueling Operations Permit issued by the Airport Owner.

Person: Any individual, firm, partnership, corporation, association, company (including assignee, receiver, trustee or similar representative thereof), the United States of America, any foreign government or any state or political subdivision thereof.

Self-Fueling: means the fueling or servicing of an aircraft by the owner of the aircraft or the aircraft owner’s employee. Self-fueling means using fuel obtained by the aircraft owner from the aircraft owner’s preferred source to fuel their aircraft and not for the purpose of resale of fuel. The aircraft owner/operator must pay a fuel flowage fee as established by the Airport Owner.

Self-Service: includes such activities such as adjusting, repairing, cleaning and otherwise providing service to an aircraft, provided the aircraft owner or the aircraft owner’s employee(s) performs the service with resources supplied by the aircraft owner.

Self Service Fueling: means fueling accomplished by the aircraft owner, owner’s employee(s), or operator of an aircraft from a pump at a business facility approved and authorized to conduct Self Service fueling operations.

Specialized Aviation Service Operation: means any person or commercial operator with a lease or sub-lease from the Airport Owner to provide only a single aeronautical service to the public at the Airport. A SASO can operate locally (based at the Airport) or remotely (transient operator). Note: a SASO cannot provide fuel dispensing services.

Sponsor: see "Owner" above.

Sublease: A lease granted by an existing Airport tenant holding a properly executed lease to another Operator of all or part of the leased property. A sublease requires prior written permission by Airport Owner.

Tenant: Any person or Operator holding a valid lease or permit to engage in an aeronautical activity or otherwise do business at the Airport.

Through-the-Fence Operation: means the use of Airport facilities by either aircraft owners or businesses without actually renting or owning property on the Airport. see Off-Airport definitions above.

Transient Aircraft: An aircraft not using the airport as its permanent base of operations.

UNICOM: means a non-governmental communication facility that provides airport advisory information.

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## **SECTION II – GENERAL RULES AND REGULATIONS**

### **201. COMPLIANCE AND ENFORCEMENT**

- A. All Entities are expected to comply with the provisions of these Rules while on Airport property. The Airport Manager is hereby empowered to by the Airport Owner to enforce these Rules and to utilize local emergency services for assistance, as needed. This would include, but not limited to, police, fire, and Emergency Medical Services (EMS).
- B. In any contingencies not specifically covered by these Rules, the Airport Manager is authorized to make such rules and render such decisions as may seem proper.
- C. A violation of these Rules may result in denial of use of the Airport, termination of lease agreement(s), revocation of any permit(s), and/or prosecution under the applicable Federal Laws, State Laws, or local ordinances.

### **202. COMMERCIAL AERONAUTICAL ACTIVITIES**

- A. No Entity shall provide any aeronautical services to the public on the Airport without having one of the following:

1. A lease or agreement from the EWVRAA authorizing that Entity to conduct such activity on the Airport and pay the prescribed fee.
  2. A Permit issued by the EWVRAA authorizing that Entity to provide the specified aeronautical service(s) at the Airport and pay a permit fee established by the EWVRAA. The requirements of this section do not apply to any FAA designated examiner.
- B. Entities engaging in Commercial Aeronautical activities must adhere to the Minimum Standards established for the Airport.
1. A copy of the Minimum Standards may be obtained from the Airport Manager.
- C. Entities basing or otherwise maintaining an aircraft at the Airport shall not permit said aircraft to be used for commercial activity unless such commercial activity is expressly authorized by Agreement with the Airport.
1. Notwithstanding the foregoing, such aircraft may be used by the aircraft owner for the purpose of training or otherwise maintaining or increasing the flying proficiency of the aircraft owner or members of that person's immediate family.
  2. No Entity shall permit an aircraft based or maintained at the Airport to be used for commercial flight activity without the written permission of the EWVRAA.
- D. FBO's, SASO's, and Permit holders offering aeronautical services shall furnish such services to the public on the Airport:
1. on a fair, reasonable, and non-discriminatory basis to all users thereof, and
  2. shall charge fair, reasonable and not unjustly discriminatory prices for each unit of service, provided that reasonable and non-discriminatory discounts, rebates or other similar types of price reduction may be made to volume purchasers.
  3. In accordance with the EWVRA Minimum Standards.

**203. PERMITS**

There are certain expenses that are necessary to operate and maintain the public areas of the Airport. In an effort to offset some of these expenses and to meet the requirements Federal Grant Assurance 24 to "...maintain a fee and

rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible...” as well as to ensure the safe and efficient operation of the Airport, a series of Permits with associated fees have been established. Any Entity desiring to provide commercial aeronautical services on, or using the facilities of, the Airport, shall obtain the required permit(s) prior to commencing operations.

- A. Commercial Operating Permit: a Permit issued by the Airport Owner granting the right to perform a commercial activity on, or using the facilities of, the Airport. It defines the services that may be provided, as well as the facilities and locations where such services may be conducted. This Permit:
  - 1. is required for every Commercial Operator at, or using, the Airport.
  - 2. is reviewable and renewable at Airport Owner’s discretion.
  - 3. is subject to an annual Service Fee. This Fee may be adjusted annually.
  
- B. Temporary Commercial Operator Permit: a Permit issued by the Airport Owner to cover temporary or short term operations such as Mobile Service Operators or temporary Specialized Operations FBO’s or SASO’s. This Permit is:
  - 1. issued on a case-by-case basis for a specified length of time.
  - 2. subject to a per Permit fee.
  
- C. Access Permit: A Permit issued by the Airport Owner granting aeronautical access to the Airport by an Off-Airport User (also known as a “Through-the-Fence” operation). This Permit, which is only applicable to existing through-the-fence operators:
  - 1. will specify the particular terms, conditions and limits of Airport access, and shall describe the Access Area.
  - 2. is reviewable and renewable on an annual basis.
  - 3. is subject to an annual Access Fee for each Permit. This Fee may be adjusted annually.
  - 4. is in addition to a Commercial Operator Permit.

- D. Fueling Operations Permit:** A permit issued by the Airport Owner to a person or Operator who dispenses aviation fuel at the Airport. There are two types of Fueling Operations Permits:
1. **Fuel Vendor's Permit:** This is a Permit issued only to those Operators having a current lease agreement with the Airport.
    - a. The Permit is valid throughout the duration of the lease.
    - b. A fuel flowage fee is assessed as defined in the lease agreement.
  2. **Self-fueling Permit:** A Permit issued to the owner of the aircraft who wishes to fuel and/or service his/her own aircraft (or by the owner's employee) in accordance with the provisions of these Rules: Fuel dispensed under this Permit:
    - a. may be obtained by the aircraft owner from the aircraft owner's preferred source.
    - b. may not be resold.
    - c. is subject to a fuel flowage fee. This Fee may be adjusted annually.

#### **204. AIRPORT SECURITY**

All Operators/Access Permit holders shall control their respective premises so as to prevent the unauthorized access to the AOA by persons, vehicles, and/or wildlife. The EWVRAA reserves the right to install security devices in or on the premises as it deems necessary at EWVRAA's cost. Any devices installed by the EWVRAA will in no way deny access to the employees of that facility without the concurrence of the respective Operator/Access Permit holder. Likewise, the Operator/Access Permit holder will not deny access to the Airport staff in order for the devices to be installed and maintained. All Operators/Access Permit holders will adhere to the provisions of any Airport Security Plan or other security mandates that may be required or recommended by the FAA and/or the Transportation Security Administration.

#### **205. SPECIAL OPERATIONS**

- A. Skydiving and operation of ultralights, gliders, para-gliders, and powered gliders shall comply with all FAA and ATC guidelines in accordance with class D and E airspace.



**206. SELF-SERVICING**

- A. Aircraft owner/operators are permitted to fuel, wash, repair, or otherwise service their own based aircraft (utilizing their own equipment), provided there is no attempt to perform such services for others and further provided that such right is conditioned upon compliance with these Rules, EWVRA Minimum Standards, and all other applicable regulatory standards.
- B. An aircraft owner/operator may not hire an individual (as an employee) to provide, under the direction and control of the aircraft owner/operator, services on the aircraft owner/operator/s aircraft. However, aircraft owners/operators may provide services themselves to their own aircraft in accordance with FAA regulations.
  - 1. Aircraft owner/operators are only permitted to have their aircraft fueled, washed, repaired, or painted by those qualified Entities authorized to provide such service pursuant to an agreement/permit issued by the EWVRAA.

**207. ACCIDENTS OR INCIDENTS**

- A. Any person involved in, or witnessing, an aircraft or vehicle accident on the Airport resulting in injury or death to a person or persons or damage to property shall notify the Airport Manager immediately and provide all pertinent information.

**208. SOLICITATION, PICKETING, and/or DEMONSTRATIONS**

- A. Conduct of or participation in solicitation, picketing, proselytizing, parading, marching, patrolling, demonstrating, sit-downs, and/or assembling, carrying, distributing, or displaying pamphlets, signs, placards, or other materials on the Airport is prohibited.

**209. SIGNAGE / ADVERTISEMENTS**

- A. Written advertisements, signs, notices, circulars, and/or handbills may not be posted or distributed on the Airport unless authorized by the Airport Manager or otherwise approved as part of a lease or contractual agreement.
  - 1. The posting or distributing of written advertisements, notices, circulars and/or handbills on aircraft or vehicles is prohibited.

- B. Signage installed on the Airport must meet the specifications as may be established from time to time by the Airport Owner.

**210. GENERAL CONDUCT**

- A. No person shall make, possess, use, offer for sale, pass, and/or deliver any forged or falsely altered pass, permit, identification, card, sign and/or other authorization purporting to be issued by or on behalf of the Airport.
- B. No person shall use or otherwise conduct himself/herself upon any portion of the Airport in any manner contrary to the posted or otherwise visually indicated directions applicable to that area.
- C. Destroying, damaging, injuring, defacing, disturbing, or tampering with property on the Airport is prohibited.
  - 1. Any person who causes damage to property on the Airport shall be liable for such damage.
- D. Injuring, disturbing, or harassing any person on the Airport is prohibited.
  - 1. Any person who causes injury on the Airport shall be liable for such injury.
- E. Smoking or carrying lighted cigars, cigarettes, or pipes in any public use area of the Airport, except in areas specifically designated by the EWVRAA and posted as a public smoking area, is prohibited.
- F. No person shall illegally use, possess, sell, or distribute controlled substances (e.g., drugs, narcotics, or alcohol) on the Airport.
- G. No person shall be intoxicated; commit any disorderly, obscene, lewd, indecent, or unlawful act; or commit any act of nuisance (including the use of abusive or threatening language) on the Airport.
- H. Loitering on the Airport or in any building on the Airport is prohibited.
- I. Moving, tampering with, starting, using, or interfering with the safe operation of any aircraft or vehicle or any aircraft or vehicle part, instrument, or tool without permission of the aircraft or vehicle owner/operator or by specific direction of the Airport Manager is prohibited.
  - 1. If requested by the Airport Manager or designated representative, satisfactory evidence of the right to do so shall be presented.

- J. Commercial activity of any kind, involving the tender of money or barter, requires written authorization of the Airport Manager and payment of fees as required.
- K. Commercial Photography of any kind requires the written authorization of the Airport Manager and payment of fees as required.

**211. RESTRICTED AREAS**

- A. Restricted Areas are established for safety and security reasons. Except for passengers and crews enplaning or deplaning aircraft, the general public is prohibited from the AOA unless escorted by an authorized employee of the Airport or Tenant. The general public is also prohibited from all other areas of the Airport posted as being a restricted area.

**212. ABANDONED, DERELICT OR LOST PROPERTY**

- A. Property shall not be abandoned on the Airport.
- B. Abandoned, derelict, or lost property found in public areas at the Airport including, without limitation, aircraft, vehicles, equipment, machinery, baggage, or parts thereof should be reported and/or turned in to the Airport. Manager.
  - 1. Property unclaimed by their proper owner within thirty (30) days may be legally disposed of or turned over to the finder.
  - 2. Property to which the owner or finder is not entitled to lawful possession shall be forfeited to the Airport for disposal in accordance with the provisions of applicable laws/ordinances.
  - 3. Nothing in this Section shall be construed to deny the right of Operators and Lessees to maintain "Lost and Found" services for property of their patrons, invitees, and/or employees.

**213. ENVIRONMENTAL CLEANUP**

- A. Should the Airport determine that during the course on an environmental incident the responsible party is not capable of, has not, or refuses to take the appropriate action in a timely manner to mitigate the adverse environmental incident (in the sole discretion of the Airport), then the Airport reserves the right to take action and/or employ those services determined by the Airport to be appropriate to control and/or clean up the site. The cost of such services shall be borne by the responsible party.

**214. USE OF ROADWAYS AND WALKWAYS**

- A. No person shall travel on the Airport other than on the roadways, walkways, or places provided for that particular class of traffic.
- B. No person shall occupy the roadways or walkways in such a manner as to hinder or obstruct their proper use.

**215. WEAPONS AND EXPLOSIVES**

- A. Only duly authorized law enforcement/security personnel; duly authorized post office or Airport employees; or members of the armed forces of the United States or the State of West Virginia on official duty may carry any weapons and/or explosives in the Airport Terminal or other public area(s) on the Airport.
  - 1. Cased sporting guns carried for transshipment are excepted.
- B. The discharge of any weapon on the Airport is prohibited, except in the performance of official duties or in the lawful defense of life or property.
- C. No person shall store, keep, handle, use, dispose of, or transport on the Airport any Class A or Class B explosives or Class A poison (as defined in the Interstate Commerce Commission Regulation for transportation of explosives and other dangerous articles), any other poisonous substances (solid, liquid, or gas), compressed gas, and/or radioactive article, substance, or material at such time or place or in such manner or condition that may (or may likely) unreasonably endanger persons or property.

**216. ANIMALS**

- A. Animals required for assistance to blind, hearing-impaired, disabled or security enforcement are permitted on the Airport. All other animals, domestic or exotic, are prohibited from the Airport Terminal Building or any restricted area except when such animals are containerized for air shipment. Domestic dogs and cats are permitted in other public areas of the Airport when restrained by leash and kept completely under control.
- B. No person, except those specifically authorized by the Airport Manager, shall intentionally hunt, pursue, trap, catch, injure, or kill any bird or animal on the Airport.

**217. USE OF PUBLIC AREAS**

- A. No person shall use a restroom other than in a clean and sanitary manner or expectorate on the floors, walls, or other surfaces of the Airport.
- B. Marking or defacing the floors, walls, or other surfaces of the Airport is prohibited.
- C. Use of the public area of any facility or area of the Airport for sleeping or other purposes in lieu of a hotel, motel, or other public accommodation is prohibited.

**218. TRASH AND OTHER WASTE CONTAINERS**

- A. Garbage, empty boxes, crates, rubbish, trash, papers, refuse, and/or litter of any kind shall not be placed, discharged, or deposited on the Airport except in the receptacles specifically provided for that purpose.
  - 1. The burning of garbage, empty boxes, crates, rubbish, trash, papers, refuse, and/or litter of any kind on the Airport is prohibited.
  - 2. Trash and other waste containers at the Airport shall not be utilized for the disposal of personal trash unless the container is privately owned or provided for.
- B. The Airport Manager shall designate areas to be used for garbage receptacles and no other areas shall be utilized.
  - 1. Such designated areas shall be kept clean and sanitary at all times.
  - 2. Garbage receptacles shall be emptied with sufficient frequency to prevent overflowing and shall be cleaned with sufficient frequency to prevent the development of offensive odors.
  - 3. Garbage receptacles shall be equipped with securely fastened lids.

**219. SOUND AMPLIFYING DEVICES**

- A. Sound amplifying devices are prohibited except when approved by the Airport Manager.

**220. FIRE**

- A. Entities engaged in any activity at the Airport, whether occupying Airport-owned facilities or otherwise, shall comply with all applicable regulatory measures and all fire code and practices recommended by the NFPA, unless otherwise directed or authorized in writing by the Airport Manager to deviate from same.
- B. Entities shall comply with all directives issued by the Airport Manager regarding the removal of fire hazards, arrangement or modification of vehicles and/or equipment, or altering operating procedures considered to be unsafe from a fire prevention standpoint.
- C. Entities using the Airport or the facilities located at the Airport shall exercise the utmost care to guard against fire and injury to persons or property.
- D. Smoking, matches, lighters, or any open flames are prohibited within fifty (50) feet of any aircraft, refueling vehicle, fuel storage facility or any aircraft being fueled or defueled.
  - 1. Open flames utilized by authorized FBO's and/or SASO's in the performance of aircraft maintenance approved by agreement are excluded.

**221. HAZARDOUS WASTE AND MATERIALS**

- A. No Entity shall store, keep, handle, use, dispense, discharge, or transport on the Airport any Hazardous Material in contravention of any established Federal or State regulations, codes, and/or ordinances. Proper permits must be obtained from the appropriate Agency, copies must be presented to the Airport Manager, and prior written permission must be obtained from the Airport Manager.
  - 1. Approved storage of Hazardous Waste and Materials must be placed in approved receptacles with self-closing covers that are properly secured.
- B. Lubricating oils and hazardous liquids shall be disposed of in a manner compatible with these Rules and Regulations, the Storm Water Management Plan ("SWMP"), and all applicable federal, state, and local regulations, standards, and ordinances.

- C. No fuels, oils, dopes, paints, solvents, acids, or any other Hazardous Material shall be disposed of or dumped in drains, on Aprons, catch basins, ditches, or elsewhere on Airport property.
- D. Any person who causes or otherwise experiences overflowing or spilling of oil, grease, fuel, and/or similar material or substance anywhere on the Airport is responsible for the immediate cleanup of the spill, proper disposal of the substance, and notification of the Airport Manager.
  - 1. Failure to properly clean the area and properly dispose of the substance may result in the Airport providing cleanup and disposal at the expense of the responsible party.
- E. All empty oil, paint, and varnish cans, bottles, or other containers shall be removed from the Airport in a timely manner, in the sole discretion of the Airport Manager, and shall not remain on the floor, wall stringers, or overhead storage areas of the hangars, offices, shops, or other buildings.
- F. Gasoline, oil, and solvent drums or receptacles shall not be stored with aircraft or vehicle operating areas nor be in excess of amounts actually needed as current stock. Any material of this type shall be kept enclosed and covered in a clearly marked and labeled housing of a design and type that meets the approval of the Airport Manager and Fire Marshall.
  - 1. Secondary containment is required for the storage of gasoline, oils, solvents, and/or hazardous waste in drums or receptacles.

**222. PAINTING**

- A. Doping processes, painting, or paint stripping shall be performed only in those facilities approved for such activities by qualified personnel and in compliance with all appropriate fire codes and the SWMP.

**223. FLAMMABLE SOLIDS AND LIQUIDS**

- A. The use and storage of all flammable materials (solids and liquids) shall be in compliance with all applicable federal, state, and local regulations, standards, and ordinances.
- B. The use of flammable, volatile liquids having a flash point of less than 150 degrees Fahrenheit is prohibited unless such operations are conducted in open air or in a room specifically set aside and approved for the purpose for which the liquid is being used. The room must be properly fireproofed and equipped with adequate and readily accessible fire-extinguishing equipment.

**224. EFFLUENTS, POLLUTANTS, OR AIR CONTAMINANTS**

- A. No person shall discharge any substance in or upon the Airport in contravention of any Regulatory Measure. Proper permits must be obtained from the appropriate agency, copies must be presented to the Airport Manager, and prior written permission must be obtained for such discharge.
- B. All hazardous spills must be dealt with in accordance with all applicable federal, state, and local regulations, standards, and ordinances.
- C. No hazardous substance or pollutant shall be disposed of on the Airport or into the air (at the Airport) during aircraft preflight inspection.

**225. EMERGENCY CONDITIONS**

- A. Emergency conditions at the Airport shall not mitigate or cancel these Rules.
- B. During such conditions, the owner/operator of any aircraft or vehicle shall make certain that the aircraft or vehicle is not moved in any direction unless specifically cleared by the Air Traffic Control Tower; Airport Manager or designated representative, and/or Incident Command.
- C. No person shall enter upon the landing areas, Aprons, or taxiways of the Airport for the purpose of attending, observing, or assisting at the scene of an accident except those Entities requested by or permitted to do so by the Airport Manager and/or Incident Command.
- D. Permits issued under these Rules and Regulations shall be rendered invalid until the emergency situation has been alleviated and normal operations resumed.
- E. Emergency procedures for the Airport may be issued at the discretion of the Airport Manager.
- F. The Airport Manager shall determine when normal operations may resume.

**226. SPECIAL EVENTS**

- A. Any Entity desiring to sponsor or conduct a Special Event at the Airport shall obtain the prior written approval of the EWVRAA.. The EWVRAA shall require such safeguards as it deems necessary to protect the Airport, the County, aircraft using the Airport, and the general public.



These requirements may include, but are not limited to, bonds, insurance policies, additional security and traffic control personnel and equipment, Emergency Medical Services, and a waiver/authorization from the FAA. The EWVRAA may by resolution establish and charge reasonable fees for such events.

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### **SECTION III – AIRCRAFT RULES AND REGULATIONS**

#### **301. REGULATORY MEASURES**

- A. All aeronautical activities at the Airport, including the controlled airspace of the Airport, shall be conducted in conformance with current Federal Aviation Regulations (FAR's), these Rules and Regulations, and orders (written or verbal instructions) of Air Traffic Control (ATC) personnel.
- B. The Air Traffic Control Tower or the Airport Manager may prohibit aircraft from taking off or landing any time when circumstances dictate that such operations will likely endanger persons or property.
- C. Unless prior arrangements have been made with the Air Traffic Control Tower (ATCT) or an emergency exists, pilots of all aircraft must be able to communicate via two-way radio with the ATCT for landing, takeoff, taxiing instructions and when operating within the controlled airspace of the Airport.
- D. Only the Airport Manager or an individual appointed by the Airport Owner can close the Airport.

#### **302. AIRWORTHINESS**

- 1. An aircraft owner/operator shall promptly remove any aircraft from the Airport that is not airworthy unless written permission is granted by the Airport Manager or an individual authorized by the Airport Owner.
  - a. Written permission may be granted by the Airport Manager to store aircraft undergoing major renovation or restoration as long as the aircraft is stored in a hangar and is under the care, custody, and control of an authorized FBO, SASO.

- b. If Airport hangars are at 100% occupancy, non-airworthy aircraft may be kept at the Airport (with written permission of the Airport Manager) for no more than six (6) months.
  - c. Should an aircraft owner/operator fail to remove an aircraft (at aircraft owner/operator's expense) that is not airworthy after notification by the Airport Manager, the aircraft may be removed by the Airport Manager at the risk and expense of the aircraft owner/operator without liability for damage arising from or out of such removal.
2. Abandoning an aircraft anywhere on the Airport is prohibited.
- a. The Airport Manager, at the risk and expense of the aircraft owner/operator, may remove such aircraft without liability for damage arising from or out of such removal.

**303. BASED AIRCRAFT REGISTRATION**

- A. All aircraft (commercial or non-commercial) must be registered annually (by December 31<sup>st</sup>) with the Airport Manager or an authorized FBO. Registration information must include the following:
  - 1. Aircraft make and model
  - 2. Aircraft registration number
  - 3. Aircraft owner name, address, and telephone number
- B. Lessees are responsible for the registration of all aircraft based on their leased premises.
- C. Based aircraft owner/operators must have a tiedown or hangar agreement with either the Airport or an authorized FBO.

**304. HOURS OF OPERATION**

- A. The Airport is available for use 24 hours per day, 7 days per week.

**305. AIRCRAFT INCIDENTS OR ACCIDENTS**

- A. Aircraft owner/operators involved in an accident on the Airport resulting in any injury (or death) to person or damage to property shall make a full and prompt report of the accident to the Airport Manager, complete any necessary reports and/or forms, and comply with all applicable

provisions of National Transportation Safety Board Regulations, Part 830.

1. Damage to property includes damage to a runway, taxiway, apron, navigational aid, light, or fixture.
- B. An aircraft involved in an accident on the Airport may not be removed from the scene of the accident until authorized by the Airport Manager, who shall receive authorization (to remove the aircraft) from the FAA and/or National Transportation Safety Board, when applicable.
- C. Once authorization (to remove the aircraft) has been issued, the aircraft owner/operator shall make immediate arrangements to have the aircraft removed.
  1. If immediate arrangements are not made, the Airport Manager may have the aircraft removed at the aircraft owner/operator's risk and expense without liability for damage arising from or out of such removal.

**306. PROHIBITING USE OF THE AIRPORT**

- A. The Airport Manager or an individual authorized by the Airport Owner may prohibit aircraft operations (except for emergency landings) when it is determined that conditions are unsafe or the aircraft operation would likely endanger persons or property.
  1. The Airport Manager may issue a Notice to Airmen (NOTAM) to close or open the Airport (or any portion thereof) or to terminate or restrict any activity on or at the Airport due to construction or runway braking conditions.
  2. Only the Airport Manager may cancel a NOTAM.

**307. AIRCRAFT MAINTENANCE**

- A. Aircraft maintenance on the Airport is permitted only in areas designated by the Airport Owner.
  1. Only designate areas shall be used for preventive maintenance (as defined by 14 CFR Part 43) and in accordance with the posted rules at each maintenance area.
  2. Major alternations and repairs of aircraft shall only be conducted in designated areas with prior written permission of the Airport Owner.

3. Only preventive maintenance (as defined in 14 CFR Part 43) may be performed on aircraft located on tiedowns and in T-hangars.
  4. Aircraft maintenance within hangars shall be limited to that specifically permitted by the type rating established in the Uniform Building Code and in compliance with the directives of the Fire Marshall.
- B. Aircraft painting shall be performed only in hangars approved for that activity.
  - C. Minor adjustments and emergency repairs may be accomplished while the aircraft is on an apron preparatory to takeoff when such adjustment is necessary to prevent a delayed departure.
  - D. Nothing contained herein shall prevent any Entity operating an aircraft on the Airport from performing any services on its own aircraft, with its own employees, (including but not limited to maintenance, repair and fueling) that it may wish to perform subject to these Rules and Regulations. For the purposes these Rules and Regulations, an employee is an individual on the normal payroll of the employer (aircraft owner/operation) hired to perform a specific function for that employer. Any aircraft owner/operator utilizing an employee to perform aircraft maintenance shall, at the request of the EWVRAA, provide the EWVRAA evidence of employment in a form acceptable to the EWVRAA.

**308. AIRCRAFT CLEANING**

- A. Aircraft cleaning shall be performed only in areas designated by the Airport Manager and in compliance with the SWMP, a copy of which is available at the Airport Manager's office.
  1. Commercial Operators must receive a permit from the EWVRAA prior to performing aircraft cleaning on the Airport.
- B. All drainage must flow into an oil/water separator.
- C. All aircraft cleaning shall be done in accordance with posted rules, with biodegradable soap, and without the use of solvents or degreasers.
- D. Aircraft, aircraft engines, and/or part may be dry washed in areas not having an oil/water separator.

**309. AIRCRAFT DEICING**

- A. Aircraft deicing (the removal of snow and/or ice with chemical substances) shall only be accomplished in designated areas as specified by the Airport Manager and only with prior written permission of the Airport Manager.
- B. Before granting written permission for aircraft deicing, the Airport Manager shall inspect the containment system and/or mechanism and approve the containment plan that will be used by Lessee for aircraft deicing.
- C. Use of chemical substances for the purpose of removing snow and/or ice shall comply with all regulatory measures.

**310. AIRCRAFT ENGINE OPERATION**

- A. Only qualified persons shall start and/or operate an aircraft engine at the Airport and/or taxi an aircraft at the Airport.
  - 1. Qualified persons include a pilot, an airframe and powerplant mechanic, or a qualified technician licensed by the FAA and qualified to start or operate the engine(s) and /or taxi that particular class and type of aircraft.
- B. Starting engines shall be prohibited until ground personnel have given proper clearance (if appropriate) and until all safety procedures have been followed.
- C. Any person operating an aircraft engine in an area that is accessible to the public shall take precautions to alert and protect the public from hazards incident to such operations.
- D. Starting an aircraft engine when there is flammable liquid on the ground in the immediate vicinity of the aircraft is prohibited.
- E. Aircraft controls shall not be unattended while an aircraft engine is operating.
- F. Propeller, engine, and exhaust noises shall be kept to a minimum.
- G. Runup of aircraft engines shall be performed only in the areas designated for such by the Airport Manager.

1. Runup of aircraft engines is not permitted in non-movement areas except in designated areas or approved by the Airport Manager.
2. Aircraft may not be tied to any structure during aircraft engine runup.

**311. AIRCRAFT EQUIPMENT**

- A. Aircraft (other than rotorcraft) operated on the Airport must be equipped with a tail wheel or a nose wheel and wheel brakes unless the Airport Manager grants the Operator prior written permission to operate the aircraft on the Airport.
- B. Aircraft owner/operators shall not land, taxi, or take off without the ability to communicate by radio or light signal.

**312. AIRCRAFT PARKING AND STORAGE**

- A. Aircraft shall be parked only in those areas designated for such purpose by the Airport Manager and shall not be positioned in such a manner so as to block a runway, taxiway, taxilane, or obstruct access to hangars, parked aircraft, and/or parked vehicles.
- B. Unless otherwise provided for in an agreement with the Airport or authorized FBO, no Entity shall use any area of the airport for the parking and storage of aircraft, other than transient parking, without prior written permission of the Airport Manager.
  1. Should an Entity use such areas for aircraft parking without first obtaining the prior written consent (of the Airport Manager), the Airport Manager may remove and store the aircraft at the expense of the owner/operator without liability for damage that may arise from or out of such removal or storage.
- C. Aircraft owner/operators shall ensure parked and stored aircraft are properly secured as set forth in the current version of FAA AC 20-35.
  1. Parked or stored rotorcraft shall have braking devices and/or rotor mooring blocks applied to the rotor blades.
  2. Moored lighter-than-air aircraft shall have at least one person monitoring the safety of the mooring at all times.
- D. Upon request of the Airport Manager, the owner/operator of any aircraft parked or stored at the Airport shall move the aircraft to the location and/or position on the Airport identified by the Airport Manager. In the

event the aircraft owner/operator refuses, is unable or unavailable, the Airport Manager may move the aircraft to the area at the risk and expense of the aircraft owner/operator without liability for damage that may arise from or out of such movement.

**313. AIRCRAFT SECURITY**

- A. If the kind, type, mission, or condition of an aircraft makes it necessary for an aircraft owner/operator to obtain, provide, and/or maintain security for an aircraft, the aircraft owner/operator shall be responsible for such security and may only provide (and/or arrange for) such security after obtaining the prior written permission from the Airport Manager.

**314. AIRCRAFT OPERATIONS**

- A. Operating aircraft in a careless, negligent, or reckless manner; in disregard of the rights and safety of others; without due caution and circumspection; or at a speed in a manner that endangers, or is likely to endanger persons or property of any Entity is prohibited.
- B. Operating an aircraft constructed, modified, equipped, or loaded as to endanger, or be likely to endanger persons or the property of any Entity is prohibited.
- C. Aircraft owner/operators shall comply with any order, signal, or directive the Air Traffic Control Tower and/or the Airport Manager.
- D. Aircraft owner/operators shall not land, takeoff, taxi, or park an aircraft on any area that has been restricted to a maximum weight bearing capacity of less than the weight of the aircraft at the time of using such area.
  - 1. It shall be the aircraft owner/operator's responsibility to repair any damage to the Airport's runways, taxiways, or aprons caused by excessive weight loading.
- E. Airshows and aerobatic operations of aircraft are not permitted in Class D airspace unless prior permission of the FAA has been obtained.
- F. Airborne radar equipment shall not be operated or ground-tested in an area where the directional beam of such radar, if high intensity (50 KW or greater output), is within three hundred (300) feet or, if low intensity (less than 50 KW output), is within one hundred (100) feet of another aircraft, an aircraft refueling operation, an aircraft refueling vehicle, or a fuel storage facility.

**315. TAXIING OPERATIONS**

- A. Aircraft owner/operators shall obey all pavement markings, signage, and lighted signals unless the Air Traffic Control Tower (ATCT) or Airport Manager directs otherwise.
- B. The weight limitations as published in the Airport Facilities Directory shall not be exceeded without prior approval of the Airport Manager.
- C. The starting, positioning, or taxiing of any aircraft shall be performed in such a manner so as to avoid generating (or directing) any propeller slipstream or jet blast that may endanger or result in injury to persons or damage to property.
- D. Aircraft engines shall not be started and aircraft shall not be taxied into, out of, or within and structure on the Airport.
- E. Aircraft shall not be taxied until the aircraft owner/operator has ascertained (by visually inspecting the area) there is no danger of collision with any person or object in the area.
- F. Taxiing aircraft shall yield the right-of-way to any emergency vehicle, unless otherwise directed by the ATCT.
- G. Aircraft being taxied, towed, or otherwise moved at the Airport shall proceed with running lights and anti-collision lights illuminated during the time between official sunset and sunrise.
- H. Aircraft shall only be taxied or towed in areas normally used for operation of aircraft, unless prior written approval has been received from the Airport Manager.
- I. Aircraft owner/operators shall not taxi an aircraft on the Airport at a speed greater than is reasonable and prudent under the conditions.
  - 1. Aircraft taxiing speeds shall be reduced during periods of low visibility or inclement weather.

**316. LANDING AND TAKEOFF OPERATIONS**

- A. Takeoffs will be made only from the ends of the runway(s), or from a designated intersection approved by the ATCT.
- B. Fixed wing aircraft taking off or landing at the Airport shall do so only to/from designated runways.



- C. Landing aircraft shall clear the runway as soon as practicable, taxiing ahead to the nearest turn off. No 180 turns shall be made on the runway unless approved by the ATCT.

**317. FLIGHT INSTRUCTION**

- A. All Entities giving flight instruction shall be held responsible to the Airport for the conduct of all students during the course of instruction.

**318. NOISE ABATEMENT PROCEDURES**

- A. All aircraft operators shall follow established noise abatement procedures as may from time to time be developed.

**319. ROTORCRAFT OPERATIONS**

- A. Rotorcraft shall park or operate only in the areas approved by the Airport Manager.
- B. Rotorcraft shall not be operated within fifty (50) feet of any facility or fuel storage facility.
- C. Rotorcraft shall not be operated within two hundred (200) feet of any area where light aircraft are parked or operating, unless such area is specifically established for rotorcraft operations.
- D. Rotorcraft owner/operators shall not perform any autorotation (except in case of emergency) within the Class D airspace without clearance from ATC.

**320. TRAFFIC PATTERNS**

- A. Aircraft shall conform to the traffic patterns promulgated jointly by the FAA and the Airport Manager unless otherwise specifically authorized by ATC.
- B. During hours of operation by the ATCT, published flight patterns will be in use as follows:
  - 1. Single engine aircraft using the Airport shall maintain a flight pattern altitude of 1660 feet MSL.
  - 2. Twin engine aircraft using the Airport shall maintain a flight pattern altitude of 1660 feet MSL.

- 3. All pattern entries and departures shall be done in a manner so as to avoid flight over populated and noise sensitive areas, when reasonable and prudent.
- C. During the hours when the ATCT is closed, all aircraft owner/operators shall use a standard left hand traffic pattern, as practical.

**321. FEES AND CHARGES**

- A. Aircraft shall not land or take off from the Airport unless the aircraft owner/operator has paid the fees and/or charges that may be assessed from time to time by the Airport for such use unless the owner/operator is exempt from payment of certain fees or unless the owner/operator is entitled to use the Airport without making such payment as stipulated in an agreement with the Airport.
  - 1. Aircraft exempt from Airport fees and charges include aircraft owned and/or operated by the United States of America, military forces of the United States of America, and the aircraft operated by foreign military forces in support of allied military operations that do not utilize the Airport significantly (as defined in the FAA Grant Assurances).

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**SECTION IV – VEHICLE RULES AND REGULATIONS**

**401. REGULATORY MEASURES**

- A. All vehicle operators on the Airport shall comply fully with all provisions contained in Chapter 17A, 17B, 17C, and 17D of the Code of the State of West Virginia regarding the operation of motor vehicles, the Airport Rules and Regulations, and instructions issued by the Airport Manager.
- B. Jurisdiction shall be as in all other traffic offenses with appropriate jurisdiction (i.e., Berkeley County, WV).

**402. OPERATOR LICENSING**

- A. Vehicle operators must have a valid state Vehicle Operator’s license and evidence of insurance (as required by state law) to operate a vehicle on the Airport.

**403. VEHICLE LICENSING AND EQUIPMENT**

- A. Except for vehicles that are exclusively used on the AOA, all vehicles shall meet proper state licensing, registration, and inspection requirements. A copy of the vehicle registration will be attached to the Vehicle Permit application.
- B. Vehicles shall not be operated on the Airport unless the vehicle is in sound mechanical order; has adequate lights, horn, and brakes; and permits clearly visible.
- C. Trailers and semi-trailers are not permitted on the Airport unless equipped with lights (or reflectorized devices on all sides) and proper brakes/braking system.
  - 1. Trailers and semi-trailers shall not be disengaged from towing vehicle.

**404. VEHICLE OPERATIONS**

- A. Vehicle operations on the Airport in a careless, negligent, unsafe, or reckless manner; in disregard of the rights and safety of others; and without due caution; or at a speed or in a manner that endangers, or is likely to endanger, person or property is prohibited.
- B. Vehicles constructed, equipped, loaded, or maintained (or has attached thereto any object of equipment that drags, swings, or projects) so as to endanger, or be likely to endanger, persons or property, is prohibited on the Airport.
- C. Landside Speed Limits
  - 1. Safe speed – vehicles shall not be operated at a speed greater than is reasonable and prudent under the conditions and having regard for actual and potential hazards, traffic, use of the street or roadway, so as not to endanger persons or property.
  - 2. Maximum speed – vehicles, except for emergency vehicles responding to an emergency, shall not be operated on the Airport in excess of the posted speed limits or in excess of any speed stipulated in these Rules. In areas where signs, markers, or devices are not used or posted, the speed limit shall be 35 miles per hour.

- D. Airside Speed Limits
  - 1. Vehicles, except for emergency vehicles responding to an emergency, shall not be operated on the AOA in speeds in excess of 20 miles per hour.
- E. Vehicle operators shall yield the right of way to pedestrians, emergency vehicles (or equipment), snowplows, and aircraft.
- F. Vehicles that are overloaded or carrying more passengers or cargo than the amount that the vehicle is designed to carry are prohibited on the Airport.
- G. Persons shall not ride on the running board, in the beds of pickup trucks, or ride on the outside of a vehicle.
- H. Vehicles shall not be operated in such a manner or within such proximity of an aircraft as to create a hazard or interfere with the safe operation of the aircraft.
  - 1. Vehicles shall not overtake or pass in front of a moving aircraft.
  - 2. Vehicles shall pass to the rear of taxiing aircraft and come no closer than one hundred (100) feet to a taxiing aircraft.
  - 3. Vehicles shall not pass any closer than twenty (20) feet from any wing or tail section of a parked aircraft.
  - I. Vehicles used for hauling trash, dirt, or any loose material shall be operated in such a manner as to prevent the contents of the vehicle from dropping, sifting, leaking, or otherwise escaping the vehicle.

**405. AIR OPERATIONS AREA**

- A. Vehicles used exclusively on the AOA shall be equipped with an approved operational amber or red (emergency vehicles only) rotating, flashing, or steady beacon on the roof or uppermost point of the vehicle.
  - 1. The beacon shall be activated by the vehicle operator prior to entering the AOA and shall remain in operation while the vehicle is on the AOA.
  - 2. Vehicle operators operating on the AOA on an infrequent basis must first obtain written permission of the Airport Manager before operating any vehicle on the AOA shall proceed directly to the

operator's final destination on the Airport with the vehicles parking lights flashing at all times while the vehicle is moving.

- B. The Airport Manager may restrict vehicles to certain portion(s) or segment (s) of the AOA. Such restrictions shall prohibit vehicle operations outside designated area(s).
- C. Manually controlled gates that provide access to the AOA shall be kept closed and locked at all times except when actually in use.
- D. When automatic gates are used, vehicle operators must stop the vehicle and allow the gate to fully close before proceeding. The vehicle operator must also ensure that no other vehicles or persons gain access to the AOA while the gate is in the process of closing and/or not fully closed.
  - 1. If the vehicle operator cannot prevent such access, the vehicle operator must immediately notify the Airport Manager.

**406. MOVEMENT AREA**

- A. All vehicles operating in the Movement Area on a regular basis shall be equipped with a functioning two-way radio capable of communicating on the proper aeronautical frequencies.
  - 1. In the event a vehicle in the Movement Area experiences radio failure, the vehicle must vacate the area using perimeter roadways or other uncontrolled routes. If exit via a non-controlled route is not possible, the vehicle operator shall indicate radio failure by facing the ATCT and flashing the vehicles headlights. Thereafter, the vehicle operator shall operate the vehicle in accordance with the standard colored light signal directions given by the ATCT.
- B. Vehicle operators operating in the Movement Area must be familiar with standard color light signals, regardless of whether or not the vehicle is equipped with a two-way radio.
  - 1. Steady Green – cleared to cross, proceed or go
  - 2. Steady Red – stop
  - 3. Flashing Red – clear the runway/taxiway
  - 4. Flashing White – return to the starting point on the airport
  - 5. Alternating Red and Green – general warning, exercise extreme caution

- C. Vehicle operators shall obtain a clearance from the ATCT before proceeding closer than two hundred (200) feet from the edge of any runway or one hundred (100) feet from the edge of any taxiway.
  - 1. Upon receiving ATCT clearance, vehicle operators shall ensure that no aircraft is approaching before entering the Movement Area.
- D. A vehicle not normally operated on the Movement Area must be escorted at all times by a vehicle having proper access and radio contact with the ATCT.

**407. ACCIDENTS OR INCIDENTS**

- A. A vehicle operator involved in an accident on the Airport resulting in any injury (or death) to person or damage to property shall stop the vehicle at the scene (or as close as safely possible without unnecessarily obstructing traffic or creating a safety hazard) and immediately notify the Airport Manager and a law enforcement officer.
- B. The vehicle operator (and the vehicle) must remain at the scene until an officer from the Berkeley County Sheriff's Department takes a full report.

**408. VEHICLE MAINTENANCE**

- A. Private vehicles shall not be cleaned or maintained anywhere on the Airport, except where minor repairs are necessary to remove such vehicle(s) from the Airport.
- B. Vehicles operated by commercial operators or lessees shall be cleaned and/or maintained in areas designated by the Airport Manager.

**409. AUTOMOBILE PARKING**

- A. Vehicles shall be parked only in those areas designated for such purpose by the Airport Manager.
- B. Parking in designated public parking areas is open to any person using the Airport.
- C. T-hangar tenants shall park inside the hangar or in a designated parking lot.
- D. Boats, recreational vehicles, and trailers (not aviation-related) may not be parked or stored on the Airport

**410. DISABLED, ABANDONED, OR ILLEGALLY PARKED VEHICLES**

- A. Vehicles shall not be abandoned on the Airport.
- B. The Airport Manager may tow or otherwise remove from the Airport any vehicle that is disabled, abandoned, and/or parked in violation of these Rules (or if the vehicle creates a safety hazard or interferes with Airport operations) at the vehicle operator's risk and expense and without liability for damage that may result from such removal.

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**SECTION V – OPERATOR AND LESSEE RULES AND REGULATIONS**

**501. SECURITY**

- A. It is the responsibility of all Operators and Lessees to see that all gate chains, locks, doors, and other public safeguards are continuously and conscientiously used in a manner so as to protect all persons and property. All access gates to the AOA through an Operator or Lessee's premises are their responsibility and shall remain closed when not attended.

**502. CONSTRUCTION OR ALTERATION OF IMPROVEMENTS**

- A. Any construction or alteration of an improvement located on the Airport shall be performed in compliance with Airport Development Guidelines and must be approved in writing in advance by the EWVRAA.

**503. MAINTENANCE OF PREMISES**

- A. All Operators and Lessees are required to keep the land and/or improvements under lease (or being occupied or used) free from all fire hazards and maintain the same in a condition of repair, cleanliness, and general maintenance.
  - 1. Failure by Operator or Lessee to maintain the land or improvements under lease (or being occupied or used) with five (5) days of written notice from the Airport may result in the Airport conducting or contracting the maintenance at the Operator's or Lessee's expense or such longer period as may be allowed in the Operator's or Lessee's agreement.
- B. All Operators and Lessees shall be fully responsible for all damage to facilities, equipment, real property, related appurtenances, and all other

improvements in the ownership, care, custody, or control of the Airport caused by the Operator or Lessee or by their employees, agents, customers, visitors, suppliers or persons with whom they do business.

- C. Facilities (including hangar floors) shall be kept free from the accumulation of oil, grease, flammable liquids, rags, or other waste materials.
  - 1. The use of volatile or flammable solvents for cleaning floors is prohibited.
- D. The Airport Manager shall be provided with keys or combinations to locks on all hangars and buildings on the Airport.

**504. FIRE PREVENTION**

- A. Operators and Lessees shall be responsible for ensuring that fire prevention practices and/or procedures are followed at all times.
  - 1. Operators and Lessees that have employees conducting fueling or fuel transfer operations must ensure that all such employees receive proper fire prevention, use of fire extinguishers, responding to fuel and oil spills, and handling flammable materials training or instruction immediately upon employment and that these employees receive such training or instruction annually thereafter and shall document such training.
  - 2. Operators and Lessees shall provide proper, adequate, inspected, certified, and readily accessible fire extinguishers (that are approved by fire underwriters) for the particular hazard involved (or associated with the activity).
    - a. Fire extinguishers shall be maintained in accordance with the National Fire Code.
    - b. Logs showing the date of last inspection shall be attached to each unit or records acceptable by fire underwriters shall be kept showing the status of such equipment.

**505. HEATING EQUIPMENT**

- A. All heating equipment and fuel burning appliances installed or used on the Airport shall comply with the requirements of Berkeley County, the State of West Virginia, the Uniform Fire Code, National Board of Fire Underwriters, and the Fire Marshall.



**506. AIRCRAFT HANGARS**

- A. Aircraft hangars shall only be used for the following purposes:
  - 1. Storage and parking of aircraft and associated aircraft equipment and supplies.
    - a. Aircraft parked in hangars shall be parked in a manner so as to be completely contained in the hangar and not obstruct adjacent aircraft parking and/or storage areas, taxiways, or taxilanes except for temporary staging and/or fueling of such aircraft.
  
- B. Use of aircraft hangars shall be subject to the following restrictions:
  - 1. No aircraft maintenance, alterations, or repairs shall be performed in a hangar without the prior written permission of the Airport Owner.
    - a. In addition to the provisions contained in Section 507, A, 2, no preventive aircraft maintenance shall be conducted in or from any T-hangar for any aircraft not listed on the Agreement (for the hangar) unless written permission is granted by the Airport Owner.
  - 2. For hangars not having a personnel exit door, sliding doors shall remain open a minimum of thirty six (36) inches anytime a person is in the hangar.
  - 3. Oily rags, waste oil, or other materials soiled with petroleum based products may only be stored in containers with self-closing, tight-fitting lids approved by the Fire Marshall.
  - 4. Aircraft batteries shall not be connected to a charger when installed in an aircraft that is located inside (or partially inside) a hangar unless attended.

**507. AIRCRAFT TIEDOWNS**

- A. Aircraft tiedowns shall only be used for the following purposes:
  - 1. Storage and parking of the aircraft listed on the Agreement for that tiedown and parked in a manner so as to be completely contained with the space and not obstruct adjacent aircraft parking and/or storage areas, taxiways or taxilanes except for temporary staging and or fueling of such aircraft.

2. Performing preventive aircraft maintenance on the aircraft listed on the Agreement for that tiedown and in accordance with applicable regulations.

**508. STORAGE OF MATERIALS AND EQUIPMENT**

- A. Operators and/or lessees shall store, stack, box, or bag material (or equipment) in such a manner as to preclude creating any hazard, obstructing any operation, or littering.
  1. Storage of materials or equipment shall not be permitted outside.
  2. Lessees of the Airport may store non-hazardous material in a covered and fenced area on their leased premises with prior written authorization from the Airport Owner.

**509. COMPRESSED GASES**

- A. Oxygen or any compressed gas in a cylinder or portable tank must be secured to a fixed location or secured to a portable cart designed specifically for the cylinder(s) or tank(s) being secured.
  1. Compressed gas cylinders or tanks must have approved and fully operational pressure relief devices installed.
  2. Cylinders or tanks not in use shall have an approved transportation safety cap installed.

**510. LUBRICATING OILS**

- A. A total of sixty (60) gallons of lubricating oils having a flash point at or above 150 degrees may be stored in hangars provided that the product is stored in the original container and has the original manufacturer's labeling (or that the product is stored in other suitable containers approved by the Airport Owner).
  1. Larger quantities may be stored in accordance with applicable regulatory measures.
  2. T-hangars shall not contain oil quantities in excess of two times the oil storage capacity of the engine of the aircraft stored therein.

**511. RIGHT OF ENTRY**

- A. The Airport Manager shall have the right of entry at reasonable times for repairs, maintenance, modification, or inspection of all records, rooms, areas, and facilities on Airport property, whether the right of entry is provided for in any Agreement.
  - 1. The Airport Manager or designee of the Airport Owner shall have the right of entry to Airport-owned hangars and buildings without advanced notification.

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**SECTION VI – REFUELING, DEFUELING, AND FUEL STORAGE**

**601. REGULATORY MEASURES**

- A. Refueling, defueling, and fuel storage on the Airport shall conform to the current applicable provision of 14 CFR; applicable regulatory measures; and all appropriate NFPA guidelines.

**602. PERMIT**

- A. Fuels shall only be dispensed on the Airport by those Entities having an Agreement with the Airport granting such permission.

**603. TRAINING**

- A. No person shall fuel or defuel an aircraft until that person is properly trained.
- B. Training records documenting the training provided to (and qualifications of) each person shall be maintained.
  - 1. Records shall indicate initial training and all recurrent training provided.
  - 2. Recurrent training shall be provided on a regularly scheduled basis, but not less than every year.
  - 3. All records shall be subject to review and/or inspection by the Airport Manager.

**604. REFUELING, DEFUELING, AND FUEL STORAGE OPERATIONS**

- A. A properly trained operator shall be present (and responsive) at all times while fuel delivery vehicles transfer fuel into or out of any fuel storage facility.
  - 1. The operator shall remain within the immediate vicinity, in close proximity to, and in direct view of all operating controls and equipment.
  - 2. The operator shall not leave the discharge end of any hose or hoses unattended at any time while the transfer of fuel is in progress.
  - 3. The operator shall not block open, disengage, and/or deactivate the deadman while fueling and/or transferring fuel.
- B. Aircraft shall not be refueled or defueled in an area where aircraft engines are operating, aircraft (or engines) are being warmed by application of heat, or while the aircraft is located in a congested space or hangar.
- C. All fuel handled on the Airport shall be treated with due caution with regard to the rights and safety of others so as not to endanger, or likely to endanger, persons or property.
- D. Persons engaged in the fueling, defueling, and oil servicing of aircraft (or vehicles), the filling of refueling vehicles or dispensing equipment, or the dumping or pumping or loading of aviation fuels (or oils) into or from fuel (or oil) storage facilities shall exercise care and extreme caution to prevent the overflow of fuel (or oils) and/or spills.
  - 1. In the event that a spill of any magnitude should occur, the responsible party of such spill shall take appropriate action in the containment, clean up, and rehabilitation of such hazardous spill. In addition, all associated activities shall cease.
  - 2. In the event of a spill, all other appropriate sections of these Rules shall apply.
- E. Refueling vehicles shall be positioned so that the vehicle can be directly driven away from the loading or fueling position in the event of fire or spill.

- F. Not more than one refueling vehicle shall be positioned to refuel each wing of an aircraft and not more than two (2) refueling vehicles shall be positioned to service the same aircraft.
- G. When high capacity aircraft are refueled, additional refueling vehicles shall not be parked or positioned within one hundred (100) feet of the aircraft.
- H. Aircraft fuel handling shall be conducted outdoors and at least twenty five (25) feet from any hangar or building and at least fifty (50) feet from any combustion and ventilation air-intake to any boiler, heater, or incinerator room or as approved by the Fire Marshall.
- I. Pumps, either hand or power operated, shall be used when aircraft are fueled from drums. Pouring or gravity flow shall not be permitted.
- J. Vehicles shall be refueled only at refueling stations and from dispensing devices approved by the Airport Owner.
- K. Aircraft (or vehicles) shall not be fueled or defueled while an engine is operating unless the Airport Owner has granted prior permission.
- L. Aircraft (or vehicles) shall not be fueled or defueled if an electrical storm is in progress within the immediate vicinity of the Airport.
- M. When aircraft are being fueled or defueled, the refueling vehicle shall be bonded to the aircraft.
- N. Refueling vehicle operators shall not operate the vehicle in reverse anywhere on the Airport unless another person is present and capable of monitoring and directing the movement of the vehicle.
- O. Aircraft shall not be fueled or defueled while passengers are on board unless a passenger loading ramp (if applicable) is in place at the aircraft cabin door, the door is in the open position, and an attendant is present at or near the door.
  - 1. If an incapacitated patient is on board the aircraft during fueling operations, fire department personnel and fire fighting/rescue equipment must be available at the scene.
- P. No person shall operate any radio transmitter or receiver (or switch electrical appliances on or off in an aircraft) during fueling or defueling unless said transmitter or receiver is designed for such environment.

- Q. Smoking is prohibited in or about any aircraft, on any apron, or within one hundred (100) feet of an aircraft being fueled or defueled.
- R. During fueling operations, no person shall use any material or equipment that is likely to cause a spark or ignition within fifty (50) feet of such aircraft or vehicle.
- S. The EWVRAA assumes no liability or responsibility for violations of any applicable fueling requirements and procedures.
  - 1. The Operator or Lessee shall be solely responsible for any violation incident to or in connection with the Operator's or Lessee's fueling storage facilities, equipment, operations, and training.
  - 2. The Operator or Lessee shall reimburse the Airport for any fines, legal or court costs, incurred by the Airport for such violations.

**605. STORAGE OF REFUELING VEHICLES**

- A. Refueling vehicles shall be stored outside and not less than fifty (50) feet from a building (or at a distance approved by the Airport Manager and/or Fire Marshall) unless the building is designed, constructed, and used exclusively for that purpose.
  - 1. This section does not apply to fuel cans with a capacity of not more than five (5) gallons, provided that no more than one can is located within a single vehicle and not more than two (2) cans are located in any hangar.
  - 2. Refueling vehicles shall be parked in a manner that provides a minimum of ten (10) feet of separation between vehicles and any other vehicle or aircraft or with twenty (20) feet of a storm water inlet.

**606. MAINTENANCE OF REFUELING VEHICLES**

- A. Maintenance and servicing of refueling vehicles shall be performed outdoors or in a building that is approved by the Airport Manager or Fire Marshall specifically for this purpose.
- B. Operators or Lessees shall document and maintain vehicle maintenance and inspection records. These records shall be made available to the Airport Owner upon request.

**607. EQUIPMENT**

- A. Only those fuel storage facilities and refueling vehicles (and equipment) that are approved by the Airport Manager shall be used for the storage and delivery of fuel.
- B. Refueling vehicles, fueling pumps, meters, hoses, nozzles, funnels, fire extinguishers, and bonding devices used during fueling operations shall be maintained in a safe operating condition and in good working order and repair at all times.
  - 1. When said refueling vehicle(s) or equipment is found in a state of disrepair, malfunction, the use constitutes an undue fire or safety hazard, or is in violation of an regulatory measure, the Operator shall discontinue the use of such vehicle(s) and/or equipment until repairs, replacements, or changes are made to render same safe for continued use.
- C. Any malfunction or irregularity detected on or within the aircraft being refueled or defueled shall be brought to the attention of the aircraft owner/operator immediately.
- D. Refueling vehicles, equipment, and fuel storage facilities shall be placarded, marked, and/or color coded in accordance with NFPA Publication 407 and applicable FAA Advisory Circulars.
  - 1. A copy of all applicable permits, registrations, certificates, and insurance documents shall be maintained in each refueling vehicle.
- E. Adequate and proper fire extinguishers shall be immediately available during all fueling and defueling operations.
  - 1. At least two (2) carbon dioxide (or approved dry chemical) fire extinguishers (15 pounds or larger) or the types of fire extinguishers that are capable of extinguishing Category B and Category C fires shall be immediately available.
  - 2. All extinguishers shall be inspected and certified as required by law and all personnel involved with fueling or defueling operations shall be properly trained on the use of fire extinguishers.
- F. Adequate and proper absorbent and fuel spill containment capable of damming/diking a fuel spill shall be immediately available at all times.
  - 1. Each refueling vehicle shall have a minimum 15-gallon spill kit.

- 2. Each fuel storage facility shall have a minimum 55-gallon spill kit.
- G. All hoses, funnels, and appurtenances used in fueling and defueling operations shall be equipped with a bonding device to prevent ignition of volatile liquids.
- H. Refueling vehicles and vehicles utilized to deliver fuel to the fuel storage facility shall be subject to inspection by the Airport Manager at any time to determine compliance with these Rules.

**608. FUEL STORAGE FACILITIES**

- A. All security gates leading to fuel storage areas shall be kept closed and locked at all times except when attended.