

ARTICLE III

RULES AND REGULATIONS

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Section 3.33 Purpose

The Scholes Field Airport is owned, managed, operated and maintained by the City of Galveston, Texas. The requirements for policing the airport are necessarily distinct and different from those for other City owned property. Strict control, particularly of the Air Operations areas and other working areas must be exercised, and must be based on a City purpose of this title to create such rules and regulations as are necessary to provide this control.

The management and administration of those portions of the airport, to which access by the public is limited, must necessarily be the responsibility of the Airport Manager. The Airport Manager must have assistance available from the Galveston Police Department, to process complaints of violations thereof. The policing of those areas of the airport, open to the public for general use, will be the responsibility of the Galveston Police Department.

Areas of the airport, to which the general public cannot be allowed free access, for reasons of public safety and interference with aircraft operations, must obviously be distinguished from those areas to which the public has unrestricted access, such as the airport streets, public vehicular parking areas and the airport terminal. Reference herein to certain areas to which the public has, or does not have access for general purposes, is not to be construed as limiting or qualifying the public access of the airport.

Section 3.34 Definitions

As used in this article, the following terms shall have the meaning respectively ascribed to them in this section.

- (a) Air Operations Area shall mean the areas of the airport used or intended to be used for landing, take-off, or surface maneuvering of aircraft. (See crosshatched area on Figure 1).
- (b) Aircraft shall mean and include any and all contrivances now or hereafter used for the navigation of or flight in air or airplanes, lighter-than-aircraft, helicopters, gliders, amphibians, seaplanes, and ultralight vehicles.
- (c) Airport shall mean Scholes Field, Galveston, Texas, also known as the Galveston Municipal Airport.
- (d) Airport Rules and Regulations shall mean these rules and regulations.
- (e) Airport Manager shall mean the Scholes Field Airport Manager, or, in the absence of the Airport Manager, the person acting as the Airport Manager's designated representative.
- (f) Charter Flights shall mean those flights, other than regular scheduled airline service, on which passengers and/or cargo are carried for hire.
- (g) City shall mean the City of Galveston, Texas and includes employees, agents and representatives.
- (h) Commercial Activity shall mean the buying or selling of any goods, products, or services.
- (i) FAA shall mean the Federal Aviation Administration.

- (j) FAR shall mean Federal Aviation Regulations.
- (k) FBO shall mean any person, firm, corporation or other business entity which conducts a fixed base operation upon Scholes Field.
- (l) Fixed Base Operation shall mean an operation conducted by a person having the right to furnish, (by way of description and limitation) the following services: storage of aircraft, tiedown of aircraft, repair or maintenance of aircraft, radios, instruments or electronic equipment, sale of new or used aircraft, sale of aviation fuels and other petroleum products, charter service, and the rental or lease of an aircraft.
- (m) Flying Club shall mean not-for-profit membership organization consisting of six (6) or more persons, operating for the purpose of providing flight instructions for its members only and/or providing aircraft for use by its members.
- (n) Fuel Handling shall mean and include those portions of the airport designated, either temporarily or permanently, by the Airport Manager as areas in which gasoline, jet fuel, or any other type of fuel may be stored.
- (o) Fuel Storage Area shall mean and include those portions of the airport designated, either temporarily or permanently, by the Airport Manager as areas in which gasoline, jet fuel, or any other type fuel may be stored.
- (p) NTSB shall mean the National Transportation Safety Board.
- (q) Operator shall mean any person in legal or actual control of an aircraft on, or in the vicinity of Scholes Field.
- (r) Permission shall mean permission granted by the Airport Manager.
- (s) Person shall mean any individual, firm, co-partnership, corporation, association, or company, (including but limited to, any assignee, receiver, trustee or similar representative thereof), or the United States of America, or any foreign government, or any state or political subdivision thereof.
- (t) Public Aircraft Parking and Storage Area shall mean and include those portions of the airport designated and made available, either temporarily or permanently, by the Airport Manager to the public for the parking or storage of aircraft.

- (u) Public Landing Area shall mean and include those portions of the airport including runways and taxiways designated and made available by the Airport Manager to the public for the landing and taking off of aircraft and other areas between and adjacent to said runways and taxiways.
- (v) Public Ramps and Aprons shall mean and include those portions of the airport designated and made available by the Airport Manager to the public for loading or unloading of passengers or cargo on and from an aircraft.
- (w) Public Vehicular Parking Area shall mean and include those portions of the airport designated and made available by the Airport Manager to the public for the parking of vehicles.
- (x) Vehicles shall mean and include automobiles, trucks, buses, motorcycles, horse drawn vehicles, bicycles, pushcarts, and any other device in or upon which any person or property is or may be transported, carried or drawn upon land, except aircraft.

Section 3.35 Conflict in Rules

If there is a conflict between any of these rules and regulations and any Federal Aviation Regulation (FAR), the Federal Aviation Regulation shall prevail.

Section 3.36 Airport Management

- (a) Closing Airport - The Airport Manager may suspend or restrict any or all operations at the airport whenever such action is deemed necessary in the interest of safety.
- (b) Circulation of Rules - Copies of these rules and regulations shall be made available to all airport tenants. Copies will be retained in the office of the Airport Manager for review by anyone during normal business hours.
- (c) Detaining Aircraft - The Airport Manager shall have the authority to detain any aircraft for non-payment of any charges due the Airport for repairs or maintenance work on the aircraft.
- (d) Enforcement of Rules - The enforcement of these rules and regulations is the responsibility of the Airport Manager.
- (e) Enforcement - The Airport Manager shall have the authority to enforce the provisions of these rules and regulations and a violation of these rules and regulations will be cause for suspension of operating privileges at the airport.

- (f) Police Powers - Actual police power for the airport shall be vested with the Galveston Police Department.
- (g) Safeguard of Persons and Property - The Airport Manager shall, at all times, have authority to take such action as may be necessary to safeguard any person, aircraft, equipment or property on the airport.

Section 3.37 Miscellaneous Provisions

- (a) General Rules - No person in or upon the airport shall do or omit to do any act that endangers or is likely to endanger any person or property.
- (b) Injury and Damage Reports - The operator of any aircraft or vehicle involved in any accident causing personal injury or property damage to airport property, or to property of others regardless of the amount of damages, shall make a prompt report of the accident to the Airport Manager.
- (c) Lost and Found - Any person finding a lost article on the airport premises shall deliver it to the office of the Airport Manager or "operations office." Articles unclaimed may be returned to the finder after ninety (90) days or disposed of at the Airport Manager's discretion.
- (d) Compliance with Federal Aviation Regulations - No person shall fail to comply with the Federal Aviation Regulations promulgated by the FAA for the observance by aircraft, operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.
- (e) Take-Off - All aircraft shall hold short of the runway for landing and take-off traffic before taxiing into take-off position.

Section 3.38 Ground Operations

a. VEHICLES AND PEDESTRIANS

(1) Speed Limit -

- (a) No person shall operate any vehicle on any road or driveway on the airport in excess of twenty (20) miles per hour, or as otherwise posted. This restriction shall not apply to authorized emergency vehicles while engaged in emergency operations.

- (b) No person shall operate any motor vehicles, on any part of the Air Operations area in excess of ten (10) miles per hour or as otherwise authorized by the Airport Manager. The restriction shall not apply to authorized emergency vehicles while engaged in emergency operations.
 - (c) Any law enforcement officer or the Airport Manager may, in the event of an emergency, impose speed limits contrary to those posted or implied.
 - (d) It shall be a defense that excessive speed was authorized by the Airport Manager.
- (2) Blocking Traffic - No person shall park or stop a vehicle, without permission of the Airport Manager.
- (a) in front of a driveway,
 - (b) in front of an airport access gate,
 - (c) in a designated fire or emergency lane,
 - (d) on the roadway side of any stopped or parked vehicle, or
 - (e) in other than leased or authorized areas for the purpose of washing, greasing, or to make repairs except repairs necessitated by an emergency.
 - (f) This section shall not apply to an emergency vehicle responding to an emergency.
- (3) Air Operations Area - No vehicle shall enter the Air Operations area without permission from the Airport Manager. This section shall not apply to authorized emergency vehicles or appropriately marked vehicles.
- (4) Runways - Unless specifically approved by the Airport Manager, no vehicle may be operated on any designated landing or take-off area of the airport. Any vehicle operating on the landing and take-off area shall be operated in accordance with the Airport Security and Emergency Operations Plan.
- (5) Right-of-Way - All vehicles operating on the Air Operations area shall yield the right-of-way to any and all aircraft that are in motion or that have their engines running.

(6) Removal of Vehicles - The Airport Manager may move, remove or cause to be removed, from any area of the airport, any vehicle that is disabled, abandoned or parked in violation of these rules and regulations, or that presents an operational problem to any area of the airport.

The owner and operator of the removed vehicle shall be liable for expenses incurred for removal. The City shall not be liable for any damages that may result from the removal of the vehicle.

(7) Authorized Vehicles - No person may operate a motor vehicle on any part of the airport that is not specifically designated. It shall be an affirmative defense to this section that the Airport Manager gave permission for the operation of the vehicle.

(8) Observing Signs - All motor vehicle operators shall observe all street signs, or other signs or markings pertinent to the operation of a motor vehicle while on the airport. It shall be a defense to this section that a law enforcement official or an airport official directed the motor vehicle operator to disregard the sign(s).

(9) Restricted Areas - No person shall enter upon the landing area, runways, taxiways, aprons, ramps, service areas or enter into those buildings, hangars or other areas that are marked or posted as being 'restricted,' 'private,' 'employees only,' or 'authorized personnel/vehicles only' except:

(a) Those persons specifically authorized by the Airport Manager;

(b) Persons assigned to duty or transacting business therein;

(c) Passengers under appropriate supervision who are entering the public ramps and aprons for enplaning or deplaning.

b. AIRCRAFT

(1) Safety - No aircraft shall be operated on any surface of the airport.

(a) In a careless or negligent manner which endangers person or property.

(b) In disregard of the rights and safety of others.

- (c) At a speed or in a manner which endangers person or property.
 - (d) While the operator is under the obvious influence of alcohol, or drugs whether legal or illegal.
- (2) Lights - All aircraft being taxied, towed or otherwise moved between the hours of sunset and sunrise shall be moved with operating lights, or escorted by a lighted motor vehicle.
- (3) Hangar Access - Aircraft may taxi to and from hangars located on Airport Boulevard and Commanche Street. Taxiing must be accomplished in the most expeditious manner between the hangars and the Air Operations area.
- (4) Storage - No aircraft may be taxied into or out of a hangar under the power of its own engine.
- (5) Taxiways - All aircraft will use only those areas designated as taxiways for the purpose of taxiing.
- (6) Back-Taxiing on runways must be reported when the operator has the equipment to do so.

c. FIRE HAZARDS AND EXPLOSIVES

- (1) Every person going upon or using the airport or its facilities shall exercise extreme care and caution to avoid and prevent fire.
- (2) No person shall smoke cigars, cigarettes, pipes or otherwise have an open flame anywhere on the Air Operations area, or any other place where smoking is specifically prohibited by signs, or any open space within fifty (50) feet of any fuel carrier or fuel storage area.
- (3) No person shall start any open fires of any type on any part of the airport without permission of the Airport Manager.
- (4) No person shall store, keep, handle, use, dispense or transport at, in or upon the airport, any Class A, Class B or Class C explosives or poisons as defined by the 'Hazardous Material Regulations of the Department of Transportation,' at any such time or place in such a manner or condition that endangers or is likely to endanger any person or property.

(5) No person shall tamper with any fire equipment, including sprinklers, sprinkler valve, or fire extinguisher at the airport. No person shall use any fire equipment for any purpose other than fire fighting or fire prevention. All such equipment shall be inspected and conform with the National Fire Protection Association regulations.

(6) No person shall operate any flame or spark producing device on any part of the airport without permission from the Airport Manager.

d. RADIOACTIVE MATERIAL - Permission of Airport Manager must be obtained for the movement, storage and handling of radioactive material on or upon the airport.

The Airport Manager shall grant permission only if:

- (1) such materials are packaged, marked, labeled and limited as required by the Interstate Commerce Commission (ICC), the Atomic Energy Commission, and the Federal Aviation Administration Regulations; and
- (2) it does not create an undue hazard to persons or property. Advance notice of at least twenty-four (24) hours shall be given to the Airport Manager to permit a full investigation and clearance for any operation requiring a waiver for the movement, storage or handling of such materials.

e. HANGAR ENTRANCES - All hangar entrances shall be kept clear at all times.

f. FUELING - All aircraft fueling operations shall be conducted in accordance with the National Fire Protection Association's current standards for fueling aircraft. All fuel servicing vehicles shall be designed, constructed and equipped in compliance with National Fire Protection Association standards for vehicles servicing aircraft with standard grades of aviation fuel.

Section 3.39 Landing and Takeoff Rules

(a) Landings - Aircraft landing shall make the landing runway available to other aircraft as promptly as possible by clearing the runway. All aircraft shall hold their position if in the holding area. All aircraft on the runway shall clear the runway during an emergency unless otherwise directed by the FAA, or the Airport Manager.

(b) Traffic Patterns - Airport management suggests that all aircraft operating into or out of the airport observe traffic patterns established by the FAA and the Airport Manager.

- (c) Touch-and-Go - Traffic permitting, touch-and-go landings may be made at the discretion of the pilot without prior approval of the Airport Manager.
- (d) Straight-In Approaches - Straight-in approaches are permitted provided such aircraft shall give way to other aircraft already in traffic pattern.

Section 3.40 Reserved

Section 3.41 Ultralight Vehicles

- (a) Introduction - All ultralight vehicles operating into and out of the Scholes Field Airport shall operate in accordance with these rules and regulations. The purpose of these rules and regulations is to provide for the safe, orderly and efficient operation of ultralight vehicles at the airport. Any person or organization desiring to change any of these rules and regulations may initiate such changes or modifications by contacting the Airport Manager.
- (b) Applicability - The ultralight vehicles that operate into and out of the airport and meet the definition of an ultralight vehicle as defined in FAR Part 103 (14 CFR 103) shall be subject to these rules and regulations.
- (c) Registration - Before operating an ultralight vehicle at the airport, the operator shall register with the Airport Manager.
- (d) Operations - All flight operations shall be in accordance with FAR Part 103. All operations within Scholes Field control zone shall be conducted in accordance with an approved Letter of Agreement between the FAA Houston Intercontinental Tower and the Airport Authority. All operations conducted in the Scholes Field control zone shall be conducted at or below an altitude of eight hundred (800) feet above ground level (AGL).
- (e) Safety - Unsafe or potentially unsafe practices shall be reported to the Airport Manager when they occur. Ultralight vehicle accidents occurring on or within two (2) miles of the airport shall be reported in writing to the FAA approved AOPA Safety Foundation and the Airport Manager within twenty-four (24) hours of the occurrence.

Section 3.42 General Provisions

- (a) Garbage Disposal - No person shall place, discharge, or deposit in any manner, garbage or any refuse in or upon any part of the airport, except at such places and in such containers specifically designated and marked for such purpose and under such conditions as the Airport Manager may from time to time prescribe.
- (b) Solicitation and Advertising - No person shall solicit funds, erect signs, advertise, distribute or post circulars on any part of the airport without written permission from the Airport Manager.
- (c) Building Restriction Line - No structures may be erected beyond the building restriction line (BRL) or in conflict with the approved layout plan. Furthermore, all structures must comply with the City Building Codes and Airport Zoning and Land Use.
- (d) Subleasing - Leased property on the airport may be subleased by the Lessee only in accordance with Lessee's lease.
- (e) Lease of Airport Property - City-owned airport hangars, buildings and other property may be leased to individuals, companies or corporations for a term and fee as approved by the City. The conditions of the term and fee will be made a part of said lease.
- (f) Entry Upon Airport - All persons entering upon airport property shall comply with the rules and regulations set forth herein. Unless specifically stated, no culpable mental state shall be required as an element of a violation of these rules and regulations.
- (g) Unauthorized Signs and Houses - No signs, permanent or portable, mobile homes or portable buildings or house trailers may be erected, moved in or installed on the airport property except as may be specifically authorized by the Airport Manager.
- (h) Commercial Activity - No person shall carry on any commercial activity on the airport without permission. _

- (i) Photography - No commercial photography shall be permitted on the airport without

permission from the Airport Manager.

- (j) Storage of Cargo or Other Property - No person shall use any area of the airport for the storage of cargo or other property without the permission of the Airport Manager. The Airport Manager may move or cause to be moved, any such cargo or property at the expense of the owner and with no liability to the City or its agent or employees for damages resulting from such removal. This section shall not apply to a lessee using property described by a signed lease agreement.
- (k) Parachute Activity - No person, except in an emergency, shall descend by parachute and land upon the Airport without permission from the Airport Manager.
- (l) Release of Property - No person shall disturb, move or remove any aircraft parts or other equipment found on the airport or as a result of an accident until release of the aircraft or parts thereof by the NTSB or the FAA or the Airport Manager.
- (m) Disabled Aircraft - Except as provided in Paragraph (h) of this section, no aircraft owner, the owner's operators and agents shall fail to promptly remove from the Air Operations area of the airport, under the direction of the Airport Manager the owner's disabled or wrecked aircraft. In the event of failure to do so, the Airport Manager may move or cause to be removed, said aircraft at the expense of the owner with no liability to the City, its agents or employees for damages resulting from said removal.
- (n) Aircraft Repair - No cleaning of or other maintaining of an aircraft outside of its leasehold, or designated FBO maintenance hangars. Used oil, and other chemical residue, shall be disposed of in accordance to current EPA directives.
- (o) Fixed Based Operations - No fixed base operations shall be conducted at the airport except pursuant to the terms of a written agreement with the City.
- (p) Terminal Operations - No service shall be offered to the public in the terminal except from a counter, office, or other facility approved by the Airport Manager suitable for the activity stated.
- (q) Flying Club - No flying club shall be conducted on the airport without the consent, in writing, of the Airport Manager.
- (r) Agricultural Operations - No agricultural spraying operations conducted on the airport will be conducted except in accordance with procedures approved by the Airport Manager.
- (s) Entry into Air Operations Area - No person shall enter the Air Operations area of the

airport, either on foot or by vehicle without permission. Any person so entering does so at their own risk and with no liability to the City, or its agents or employees for injury or damage to person or property.

- (t) Debris - No debris of any kind shall be left or otherwise deposited upon the surface of the Air Operations area of the airport.
- (u) Damage to Airport - No person shall cause damage of any kind to the airport whether through violation of these rules or through vandalism, or through any intentional act. Any person causing damage shall be liable therefor to said City of Galveston for such damages.
- (v) Interference with Aircraft - No person shall interfere or tamper with any aircraft or its parts, or start the engine of any aircraft at the airport without the consent of the owner or operator of said aircraft.
- (w) Radio Interference - No person shall operate equipment, radios or other devices on the airport that interferes with aircraft radio communications or any navigational aid.

Section 3.43 Penalties

- (a) Any person violating any of these rules and regulations in sections 3.38, 3.41, 3.42 shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine in any amount not to exceed Five Hundred Dollars (\$500.00).
- (b) Each day a violation continues to exist shall constitute a separate offense.
- (c) Any person violating any provision of the Texas Penal Code, Highway Vehicle Code, or any other applicable state or federal regulation as it may apply to activities on the Airport is subject to punitive action either locally or on a federal or state level.

Section 3.44 Emergency Response Procedures Exhibit 'A'

Section 3.45 Security Plan Exhibit 'B'

Section 3. That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section in conflict herewith are repealed to the extent of such conflict only.

Section 4. That all Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

Section 5. That in accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

Section 6. This Ordinance shall be and become effective from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.