ARTICLE VI. – AIRPARK RULES AND REGULATIONS

Sec. 5-1001. Definitions.

The following words and phrases, whenever used in these Rules and Regulations, shall be construed as defined in this Article unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. §40101 et seq., (previously known as the Federal Aviation Act of 1958, hereinafter cited as "FAA Act") and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such word or phrases.

Abandon as applied to property left in an airpark taxilane safety area means that it has been left without consent of the City for forty-eight (48) hours without the owner moving or claiming it. Such property will be impounded with the local police department.

Accident means a collision or other contact between any part of an aircraft or a vehicle, person, stationary object or other thing which results in property damage, personal injury, or death; or an entry into or emerging from a moving aircraft or vehicle by a person which results in personal injury or death to such person or some other person or which results in property damage.

Aeronautical activity means any activity or service which involves, makes possible, or is required for the operation of aircraft, or contributes to, or is required for, the safety of such operations. "Aeronautical activities" include, but are not limited to, charter operations (under either Federal Aviation Regulations (FAR) Part 121 or 135), charter brokerage, aircraft hangar leasing, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, fire suppression, aerial advertising and surveying, aircraft sales, leasing and servicing, aircraft management, and sale of aviation petroleum products, whether or not conducted in conjunction with other included activities which have a direct relationship to the operation of aircraft, repair and maintenance of aircraft, sale of general aviation aircraft parts, and any other activities which because of their relationship to the operation of aircraft can appropriately be regarded as an "aeronautical activity."

Air Traffic Control Tower means the control tower located at Scottsdale Airport.

Aircraft means any device intended to be used, or designed, to navigate, or fly in the air.

Aircraft fuel means all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating: (a) an internal combustion engine; or (b) a jet or turbine engine.

Airpark means (1) the taxilanes located outside the airport and intended for airport/airpark access, (2) all real property adjacent to any airpark taxilane, and (3) all real property adjacent to the airport.

Airpark aviation operator means a person owning or leasing at least one (1) aircraft based in the airpark who has been granted an airpark access permit by the Aviation Director.

Airport means all of the City-owned or leased real or personal property comprising Scottsdale Airport as now exists or as may hereafter be expanded and developed. "Airport" includes all of its facilities as shown on the most current Airport Layout Plan.

Airport/airpark access means the movement of an aircraft to the airpark from the Airport and vice-versa.

Aviation Director means the duly appointed director of the City's Aviation Department or the director's designee.

Based means an aircraft: (1) which the owner physically locates at the Airport with the intent and purpose to remain for an undetermined period; (2) which, whenever absent from the Airport or Airpark, its owner intends to return to the Airport for permanent storage; and (3) whose presence on the Airport is not transitory in nature. Any aircraft that is parked at the Airport in a yellow painted tiedown for more than 21 days in two (2) consecutive calendar months is presumed to be based at the Airport, including aircraft that are located at the Airport or Airpark for a limited or seasonal duration. Aircraft temporarily parked at the Airport to have maintenance performed on it by an authorized Aeronautical Business Permit holder with the intention to leave when the maintenance is complete are not considered based. Once an aircraft is based at the Airport, it shall continue to be considered a based aircraft for six (6) months or as long as the aircraft is parked at the Airport, whichever is longer.

Based location means the location on the Airport or in the airpark, which is listed as the aircraft hangar, shade or tie down location as registered with the Aviation Director.

Commercial activity means the conduct of any aspect of a business, concession or service in order to provide goods or services to any person for compensation. An activity is a commercial activity even if it is bartered or the business is nonprofit, charitable, or tax-exempt.

Direct employee means an employee working in the usual and regular course of the employer's business under the employer's control. The employer: (1) has the right to hire and fire; (2) controls the duration, details and method of work; and (3) controls the payment of wages and makes all required deductions from the wages.

Fuel handling means the transportation, delivery, fueling, and draining of fuel or fuel waste products and the fueling of aircraft.

Fuel storage area means any portion of the Airport or airpark designated temporarily or permanently by the City as an area in which gasoline or any other type of fuel may be stored, loaded, or dispensed.

Gate access device means a device issued by the Aviation Director which operates an airpark access gate to allow access between the airpark and the Airport.

Heliport means an area that is used or intended to be used for the landing and takeoff of helicopters.

Non-hangar gross floor area means all the floor area at an airpark facility including any mezzanine area, except for floor area specifically use for hangar purposes.

Owner of an aircraft means a person who holds legal title of an aircraft, or any person having exclusive possession of an aircraft pursuant to a written lease for a term of twelve (12) months or more.

Pedestrian means any person traveling on foot.

Permission or permit means permission granted by the City.

Person means the state, county, a political subdivision of the state, other governmental entity, a corporation, firm, partnership, association, organization, and any other group acting as a unit, as well as an individual. Person includes a trustee, receiver, assignee or similar representative.

Registered aircraft means an aircraft owned or leased by an airpark aviation operator and which is listed on the airpark aviation operator's approved Airpark Access Permit.

Smoking means burning or carrying any lighted cigarette, e-cigarette, tobacco or any other weed or plant, or placing any burning tobacco, weed or plant in an ashtray or other receptacle and allowing smoke to diffuse into the air.

Special event means an organized, temporary activity on public or private property that is inconsistent with the routine use of the property and open to the public or invited guests by advertisement or invitation, with or without charge.

Staging area means a paved, weight bearing surface for temporary aircraft storage, intended to allow aircraft to be removed from a hangar/shade or tie down and temporarily parked outside of the taxilane safety area. A staging area shall be greater than or equal to the size of the largest hangar on the site.

Taxilane means the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking and storage areas.

Taxilane safety area means an airpark taxilane and an area fifty (50) feet from either side of the centerline of an airpark taxilane.

Technical specialist means the following persons only when they are conducting warranty work: a technical representative of an aircraft manufacturer, aircraft engine manufacturer, or aircraft appliance manufacturer.

Vehicle means a device, except aircraft, in, upon, or by which any person or property is or may be propelled or moved, except a device moved by human power.

Sec. 5-1002. Purpose of rules and regulations.

Rules and Regulations provided in this Article and any amendments thereto (hereinafter referred to as "regulations") are intended for the safe, orderly and efficient operation of the airpark and apply to all persons using the airpark for any reason.

Sec. 5-1003. Conflicting laws, ordinances, regulations and contracts.

(a) In any case where a provision of these regulations are found to be in conflict with any other provision of these regulations adopted hereunder or in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of the City, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. (b) In cases where two (2) or more provisions of these regulations are in conflict, the most stringent or restrictive shall prevail. (c) It is not intended by these regulations to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by these regulations, or to excuse any person from performing obligations to the City under any lease or other contract. (d) No existing or future City contract, lease agreement, or other contractual arrangement, nor any payment or performance hereunder, shall excuse full and complete compliance with these regulations. Compliance with these regulations shall not excuse full and complete compliance with any obligations to the City under any existing or future City contract, lease, agreement or other contractual arrangement. (e) Compliance with these regulations does not excuse failure to comply with any other law.

Sec. 5-1004. Compliance with law.

All persons engaged in any aeronautical activities or commercial aeronautical activities in the airpark shall comply with all applicable requirements concerning such activities as are set forth in Chapter 5 of the Scottsdale Revised Code, Airpark Minimum Operating Standards, Airport Rules and Regulations, and these Airpark Rules and Regulations. The following commercial aeronautical activities are authorized in the airpark with prior approval by the Aviation Director: (a) Commercial aeronautical activities outlined in the Airpark Minimum Operating Standards; (b) Fixed Base Operator; (c) Aircraft Maintenance and Repair Services Operator; (d) Specialized Aircraft Maintenance and Repair Services Operator; (e) Mobile Aircraft Washing Services Operator; (f) Mobile Aircraft Maintenance and Repair Services Operator; and (g) Off-Airport Catering Services Operator.

Sec. 5-1005. Prerequisites to registration and licensing of airpark aircraft.

Each person owning, operating, leasing or otherwise controlling aircraft based in the airpark shall: (a) Prior to conducting airport/airpark access, obtain an Airpark Access Permit approved by the Aviation Director for each aircraft and submit evidence satisfactory to the City of registration and/or leasehold interest. (b) Convey in writing any changes to information contained within the Airpark Access Permit to the Aviation Director within fifteen (15) calendar days of the change. (c) If conducting storage of aircraft primarily used in conjunction with the commercial aeronautical uses in the airpark, provide evidence reasonably satisfactory to the City that: 1. The operator has been granted an approved Aeronautical Business Permit to conduct such activity in the airpark; and 2. The permitted aeronautical business occupies the amount of enclosed nonhangar gross floor area at the aircraft storage location required by the Airpark Minimum Operating Standards.

Sec. 5-1006. Limitations on access permit.

(a) An Airpark Access Permit shall remain in effect as long as all of the terms, conditions, and covenants of the permit are being kept and observed, and the airpark aviation operator is in compliance with all applicable regulations. (b) An Airpark Access Permit shall not be assigned or transferred. (c) An Airpark Access Permit shall not authorize the airpark aviation operator to engage in any commercial aeronautical services or activities.

Sec. 5-1007. Taxilane wingspan restrictions and indemnification.

The Aviation Director recommends that aircraft operators only operate aircraft in areas of the airpark taxilanes consistent with the wingspan restrictions as defined in the Airpark Taxilane Standards. The City assumes no liability for damage or loss, including aircraft operation in areas where aircraft wingspan exceeds the recommended maximum wingspan. Any such operation or resulting damage is solely at the risk of the aircraft operator, and said aircraft operator, as a condition of the issuance of an Airpark Access Permit, shall defend, indemnify and hold harmless the City from any damages or losses resulting from said operation.

Sec. 5-1008. Self-services.

(a) Persons are permitted to fuel, wash, repair, paint, or otherwise service their own based aircraft, provided there is no attempt to perform such services for others and further provided that such right is conditioned upon compliance with these regulations and all applicable laws. (b) Airpark aviation operators may hire an individual to provide, under the direction and supervision of the airpark aviation operator, services only on their based aircraft. Such services may only be provided by a direct employee of the airpark aviation operator or a technical specialist. (c) Airpark operators shall notify the Aviation Director at least one (1) hour in advance of the technical specialist performing maintenance services on any aircraft.

Sec. 5-1009. Aircraft maintenance.

(a) Maintenance of aircraft in the airpark shall only be conducted on based aircraft parked at their respective based location, and only by one (1) of the following: 1. The airpark aviation operator or its direct employee under the provisions of these regulations; 2. A person employed by and under the control of an on-Airport Fixed Base Operator, on-Airport Aircraft Maintenance and Repair Services Operator, on-Airport Specialized Aircraft Maintenance and Repair Services Operator, or Mobile Aircraft Maintenance and Repair Service Operator; 3. An Aircraft Management Services Operator approved to conduct maintenance; or 4. A technical specialist. (b) Maintenance of aircraft in the airpark may be conducted on non-based aircraft by an approved Aircraft Management Services Operator, for the specific aircraft to be maintained, under the following conditions: 1. The Aircraft Management Services Operator must have an aircraft based in the location where the maintenance will be performed; 2. Maintenance must conform to all Airpark Rules and Regulations; 3. The non-based aircraft must have an airpark access permit for another location in the airpark or an aircraft storage permit at the Airport; 4. The Aircraft Management Services Operator must have an Aircraft Management Services Agreement with a contractual term of at least twelve (12) months for the non-based aircraft; 5. Before starting any maintenance, the Aeronautical Business Permittee must submit to airport operations an Airpark Aircraft Visiting Aircraft Notice requesting approval for maintenance; 6. No maintenance may be conducted before receiving approval for maintenance; and 7. Visiting aircraft may not receive fuel from airpark fuel facilities.

Sec. 5-1010. (Reserved).

Sec. 5-1011. Smoking areas.

No smoking shall be permitted: (a) Within fifty (50) feet of aircraft, fuel truck, and/or fuel storage areas; and (b) Where specifically prohibited by the City.

Sec. 5-1012. Explosives and radioactive substances.

(a) No person, except a sworn law enforcement officer, a security officer contracted by a government agency, or member of the Armed Forces of the United States on official duty, shall possess any explosives in an airpark taxilane safety area. (b) Without the Aviation Director's prior written approval, no person (other than those in the above-excepted classes) shall store, keep, handle, use, dispense or transport at, in, or upon the Airport any: 1. Explosives, other than those approved by the Aviation Director as necessary for aircraft operation and maintenance, or 2. Radioactive substance or material (except for minimum amounts of radioactive substances, such as radioactive paint illuminating instrument dials).

Sec. 5-1013. Waste containers and disposal.

(a) Airpark property owners, airpark aviation operators, employees, tenants, users, or visitors in the airpark shall dispose of all waste in the appropriate waste containers. Wastewater shall not be disposed of in storm water drainage or dirt/grass areas under any circumstances. Wastewater may be disposed of in sanitary sewer or sink drains, unless the wastewater contains petroleum or hazardous materials or hazardous waste. No petroleum products, industrial waste matter, batteries, or other hazardous material shall be dumped or otherwise disposed of except in accordance with local, county, state and federal law, including but not limited to, the Arizona Hazardous Waste Management Act, A.R.S. § 49-901, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. § 6901, et seq., the Toxic Substances Control Act, 15 U.S.C. § 2601, et seq., and the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601, et seq. Any hazardous waste shall be the responsibility of the originator under all applicable law. (b) All mobile aircraft washing services operators shall comply with their approved Aircraft Washing Plan while conducting such operation in the airpark.

Sec. 5-1014. Maintenance of property.

(a) Persons owning, occupying, leasing, managing, or otherwise controlling airpark property shall maintain that portion of said property which is contained in an airpark taxilane safety area in a condition of repair, cleanliness and general maintenance equal to or greater than the level of maintenance maintained by the City in comparable areas; at a minimum free of pavement lips or obstacles vehicle ruts, excessive standing water, trees and other vegetation exceeding twelve (12) inches in height, and free from any and all conditions hazardous or potentially hazardous to aircraft. Any person desiring to perform routine property maintenance in an airpark taxilane safety area shall notify the Aviation Director at least two (2) hours prior to commencing any work. Any person desiring to perform new construction, demolition, or excavation in an airpark taxilane safety area shall notify the Aviation Director and coordinate safety-related items at least forty-eight (48) hours prior to commencing any work. (b) Except in accordance with subsection (a), no person shall make any alterations to any airpark taxilane safety area or other property located in, on, under or about any airpark taxilane safety area without prior notification to the Aviation Director and obtaining any other required City permits, and following the Scottsdale Airport Vicinity Development Guidelines and Declaration, as amended.

Sec. 5-1015. Storage, transfer and cleanup charges.

Pursuant to Chapter 5 of the Scottsdale Revised Code, the City may remove and impose storage, removal and transfer charges upon any property unlawfully located in an airpark taxilane safety area. The City may clean up any material unlawfully spilled, placed or otherwise deposited in an airpark taxilane safety area and may charge the responsible person(s) for the cost of the cleanup,

any required environmental remediation, and expenses incurred by, or fines or damages imposed on, the City as a result thereof.

Sec. 5-1016. Property damage, injurious or detrimental activities.

No person shall destroy, deface, injure or disturb in any way an airpark taxilane safety area or conduct in the airpark activities that are injurious, detrimental or damaging to an airpark taxilane safety area or to activities and business of the airpark. Any person causing or liable for any damage shall be required to pay the City, on demand, the full cost of repairs. Any person failing to comply with this section shall be in violation of these regulations and may be refused the use of an airpark taxilane safety area until the City has been fully reimbursed for damage done.

Sec. 5-1017. Disorderly conduct, intoxicating liquors, etc.

(a) No person shall: 1. Commit any disorderly, obscene or unlawful act or commit any nuisance in an airpark taxilane safety area. 2. Drink any intoxicating liquor upon any portion of an airpark taxilane safety area. 3. Become intoxicated on any portion of an airpark taxilane safety area. (b) No intoxicated person shall enter upon or loiter on or about airpark taxilane safety areas.

Sec. 5-1018. Commercial photography.

No person shall take still, motion or sound pictures of or on an airpark taxilane safety area for commercial purposes without first receiving a duly authorized permit from the City, and paying the appropriate fee(s).

Sec. 5-1019. Advertisements.

No person shall post, distribute or display signs, advertisements, circulars, printed or written matter on an airpark taxilane safety area without written permission from the Aviation Director.

Sec. 5-1020. Animals.

No person shall enter an airpark taxilane safety area with a dog or other animal unless restrained by a leash or properly confined as determined by the Aviation Director.

Sec. 5-1021. Obstacles.

(a) With the exception of subsection (c) below, no vehicles, aircraft or other objects may be parked, temporarily stored or left standing on any airpark taxilane safety area or the runway object free area. Aircraft shall not obstruct adjacent staging areas, runway object free areas, taxiways or taxilanes unless for the short-term purposes of immediate and continuous loading, unloading or staging of aircraft. (b) Pursuant to Chapter 5 of the Scottsdale Revised Code, the Aviation Director may cause to be removed from any airpark taxilane safety area any vehicle or aircraft which is disabled, abandoned, parked in violation of these regulations, or any and all objects or other obstacles which present a hazard to aircraft, at the owner's or operator's expense and without liability for damage which may result in the course of such moving. (c) For properties with no staging area other than that located within the airpark taxilane safety area, aircraft or vehicles may be temporarily stopped in the safety area for no more than five (5) minutes (unless otherwise approved by the Aviation Director), if located as close to the building as safely possible, attended at all times and able to be immediately moved, and are moved if necessary to allow aircraft to safely pass.

Sec. 5-1022. Airport security.

(a) Persons owning, operating or otherwise responsible for airpark property that contains any portion of the Airport security perimeter (as defined by the Aviation Director) shall at all times maintain and comply with an Airport Facility Security Plan that has been approved by the Aviation Director. (b) Airpark aviation operators and/or persons conducting approved airport/airpark access through an aircraft access gate shall immediately report to the Airport Air Traffic Control Tower or the Aviation Director, any operational failure of the access gate, or failure of the gate to fully close. (c) Any person who accesses an airpark taxilane safety area shall be responsible for their actions and all actions of any person to whom they provide access, whether directly or indirectly, and shall defend, indemnify and hold harmless the City from any damages or losses resulting there from, including any fines levied against the City by the FAA.

Sec. 5-1023. Gate access devices.

(a) Only those persons who have been provided a gate access device to obtain access to the Airport shall use said Airport-issued device and shall not divulge, duplicate or otherwise distribute the same to any other person, unless said persons are authorized by the aircraft owner to operate the registered aircraft with the assigned gate access device. (b) If a gate access device is found in the possession of an unauthorized person, the device shall be confiscated by the Aviation Director. (c) A gate access device that has not been used in one-hundred and eighty (180) consecutive days shall be deactivated. (d) The gate access device shall be assigned to an individual aircraft by registration number or approved service vehicle, and may not be used by any other aircraft or vehicle other than that registered aircraft or vehicle, unless used to provide access for visiting aircraft with prior notice to the Aviation Director. (e) The Aviation Director may deny the issuance of, or demand the return of, a gate access device for violations of Chapter 5 of the Scottsdale Revised Code, the Airport Rules and Regulations, and/or these regulations. (f) The gate access device remains the property of the City. The Aviation Director reserves the right to inspect gate access devices in aircraft or vehicles in the airpark and/or conducting airport/airpark access. (g) Aircraft owners/operators shall not store their gate access device in an aircraft, unless the gate access device is stored within a locked and/or concealed location within the aircraft. (h) Violations of the aforementioned regulations may result in the loss of access privileges pursuant to Chapter 5 of the Scottsdale Revised Code. In addition, the gate access device may be deactivated immediately. A deactivated gate access device will be reactivated after the person has completed the Airport driving video and passed the Airport driving test.

Sec. 5-1024. Airpark security.

Persons owning, operating or otherwise responsible for airpark property shall at all times keep vehicular access points to the taxilane safety area closed when not in immediate use, and limit access from their property to the airpark taxilane safety area to registered aircraft, visiting aircraft and approved service vehicles.

Sec. 5-1025. Temporary Activity/Special event permits.

(a) Notwithstanding any rules and regulations to the contrary, the Aviation Director shall have authority to issue temporary permits and to establish procedures related thereto. A temporary permit shall only be issued when in the best interests of the City and when issuance will not adversely affect the public health, safety and general welfare. (b) No person shall host a special event on properties with direct access to the airport or properties adjacent to taxilanes 1 & 2 without first receiving a Temporary Activity Permit from the Aviation Director and paying the appropriate fees.

Sec. 5-1026. Landing and takeoff of helicopters.

No helicopter landing or taking-off in the airpark shall obstruct the taxilane safety area at any location where the exhaust or rotor down-wash may cause injury to persons or do damage to property or spread debris on an airpark taxilane safety area, aircraft parking and/or staging area. Hover taxing of helicopters is prohibited in the Airpark.

Sec. 5-1027. Qualifications to operate aircraft.

No person other than airpark aviation operators and visitors operating aircraft in compliance with these regulations shall operate said aircraft upon an airpark taxilane safety area, and/or conduct airport/airpark access.

Sec. 5-1028. Disabled aircraft.

Airpark aviation operators and pilots shall be responsible for the prompt removal of disabled aircraft and parts thereof from an airpark taxilane safety area, unless required or directed by the Aviation Director or the FAA to delay such action pending an investigation of an accident. In the event of failure to promptly remove such disabled aircraft, the Aviation Director may cause the aircraft to be removed and bill the owners thereof for all charges incurred in the removal of same. The City shall not be responsible for damage to disabled aircraft removed by the owner, the pilot, the City or other persons.

Sec. 5-1029. Running of aircraft engines.

Aircraft engines shall only be run at idle except as may be necessary for safe taxiing operations or minimal preflight testing. All engine run-ups for maintenance testing purposes shall be performed in accordance with the Airport Rules and Regulations.

Sec. 5-1030. Exhaust and propeller blast.

No aircraft engine shall be started or aircraft taxied in an airpark taxilane safety area or at any location where the exhaust or propeller blast may cause injury to persons or do damage to property or spread debris on an airpark taxilane safety area, aircraft parking, and/or staging area.

Sec. 5-1031. Taxiing of aircraft.

No person shall taxi an aircraft without first taking all necessary precautions to prevent a collision with other aircraft, persons, or objects. Aircraft shall not be taxied into or out of any hangar, shade, or other covered area. No person shall taxi an aircraft except on areas designated for taxiing and all taxiing shall be done in a safe manner. If it is impossible to taxi aircraft in compliance with this section, then the engine shall be shut off and the aircraft towed to the new location.

Sec. 5-1032. Advisory prior to taxiing.

Prior to aircraft taxiing in an airpark taxilane safety area, during hours when the Airport Air Traffic Control Tower is in operation, aircraft operators shall utilize ground control frequency, 121.6 MHz, to broadcast to the Airport Air Traffic Control Tower their intentions to access the Airport. Prior to aircraft taxiing in an airpark taxilane safety area, during hours when the Airport Air Traffic Control Tower is not in operation, aircraft operators shall utilize the common air traffic advisory frequency, 119.9 MHz, to broadcast their intentions and operate the pilot controlled lighting system as provided in the Aeronautical Information Manual (AIM) Official Guide to Basic Flight Information

and ATC Procedures to access the Airport. If assistance is needed during the hours the Airport Air Traffic Control Tower is not in operation, "Airport Operations" can be contacted on 119.9 MHz.

Sec. 5-1033. Aircraft accident reports.

Any persons involved in an aircraft accident occurring in an airpark taxilane safety area shall make a full report thereof to the Aviation Director as soon after the accident as possible but in no event later than the time required for reporting the accident to the FAA or to any other governmental agency, or within forty-eight (48) hours of the accident, whichever is sooner. The report shall include the names and addresses of the persons involved, and a description of the accident and its cause. When a written report of an accident is required by federal or state law, regulation, or agency, a copy of such report shall also be submitted to the Aviation Director.

Sec. 5-1034. Visiting aircraft.

Non-based aircraft (i.e. transient or visiting aircraft based in another location) may only access the airport/airpark upon the Aviation Director's prior written approval of a request from: (i) a hangar/shade operator, (ii) aircraft owner/operator, or (iii) an approved Aircraft Management Services Operator under Sec. 5-1009 above, in accordance with the following: (a) Only airpark facilities with aircraft staging areas located outside of the taxilane safety area or the runway object free area may receive visiting aircraft unless the aircraft can be immediately placed in a vacant hangar and not cause another based aircraft at that location to park in the taxilane safety area or the runway object free area; (b) Visiting aircraft may not receive fuel from airpark fuel facilities, receive maintenance (except in accordance with Sec. 5-1009 above), or remain overnight more than ten (10) consecutive calendar days; (c) The Aviation Director will not accept any application to base a visiting aircraft permanently at the airpark while the aircraft is parked under an Aircraft Visiting Airpark Notice. (d) The airpark aviation operator receiving the visitor must notify Airport Operations in writing via the Aircraft Visiting Airpark Notice or email in advance of the visiting aircraft's arrival at the Airport; (e) If the visitor is unfamiliar with the access route to the airpark destination, the airpark aviation operator shall provide an escort to the airpark destination; (f) There is compliance by the visiting aircraft and the airpark aviation operator with these regulations.

Sec. 5-1035. Based aircraft storage requirements.

(a) An Airpark-based aircraft shall only park at its based location, its "slot". An aircraft can only be based at one location. (b) The maximum number of aircraft that may be lawfully based at an airpark hangar/shade/tiedown area is calculated by the number of aircraft that can physically and operationally fit into the hangar/shade/tiedown area at any one time if all based aircraft were present. The hangar/shade operator or aircraft owner/operator shall: 1. Submit a dimensional plan-view drawing of the hangar/shade/tiedown and associated aircraft for approval or denial by the Aviation Director. 2. If, in the determination of the Aviation Director, the dimensional plan-view drawing is insufficient to demonstrate the ability to base all aircraft in the hangar/shade/tiedown location, at the Aviation Director's discretion all or some of the based and proposed based aircraft will be required to be simultaneously placed in the hangar/shade/tiedown location for review by the Aviation Director. (c) A slot is considered occupied by a based aircraft for a minimum of six (6) months or, if in excess of six (6) months, as long as the aircraft is based at the location. (d) Replacement aircraft may be substituted for a slot aircraft only if the Aviation Director approves a replacement aircraft: 1. For an aircraft sold by the owner, and the replacement aircraft is based in the same slot at the airpark location. The replacement aircraft begins a new six (6) month period for the slot. 2. For a specified period of time, to replace the slot aircraft while it is undergoing maintenance, repair or specialized aircraft repair services as they are described in the Airport

Minimum Operating Standards. The replacement aircraft does not begin a new six (6) month period for the slot. (e) Except as provided in subsection (d), replacement aircraft shall not be substituted for aircraft no longer based by an airpark aviation operator in the airpark location.

Sec. 5-1036. General requirements.

No person shall operate a vehicle in an airpark taxilane safety area except in accordance with the rules prescribed by the Aviation Director and all federal, state and local laws.

Sec. 5-1037. Licensing and insurance.

No person shall operate a vehicle of any kind in an airpark taxilane safety area without a valid state operator's license. All vehicles authorized to operate in an airpark taxilane safety area shall at all times maintain at least the minimum coverages and amounts of vehicle liability insurance required by state law.

Sec. 5-1038. Control of vehicles.

No person shall operate or park a vehicle in an airpark taxilane safety area in a manner prohibited by signs, pavement markings, or other signals posted by the City or by rule and regulations established under this article. The Aviation Director has plenary power to regulate or prohibit any class or type of vehicle or any other type or class of wheeled vehicle or other form of transport that operates in an airpark taxilane safety area.

Sec. 5-1039. Travel in airpark taxilane safety areas.

Travel through an aircraft access gate by a vehicle or pedestrian not authorized by the Aviation Director shall be prohibited. All vehicles, pedestrians and any other persons in an airpark taxilane safety area shall yield the right-of-way to aircraft and will immediately exit the taxilane safety area to allow aircraft to pass unimpeded. No person shall enter any City-owned airpark area posted as being closed to the public, except with the consent of the Aviation Director. Airpark taxilane safety areas shall only be used by authorized vehicles, which include all Airport administration vehicles, fixed base operator fuel trucks, and other vehicles as authorized by the Aviation Director. Vehicles shall access aircraft staging areas only by vehicle access gates and only with approval of the property owner, lessee, or airpark aviation operator. Aviation Director consent is required before vehicles may traverse an airpark taxilane safety area to reach their destination.

Sec. 5-1040. Speed limits.

All vehicles in an airpark taxilane safety area shall be operated in strict compliance with all posted speed limits. The maximum speed limit for all vehicles in an airpark taxilane safety area is fifteen (15) miles per hour, or less if required to insure safe operation.

Sec. 5-1041. Scooters, Rideshare scooters and miscellaneous vehicles.

No person shall use in any airpark taxilane safety area any go-cart, go-ped, mo-ped, skateboard, rollerblades, all-terrain vehicle or other vehicle not licensed, or otherwise permitted by state law, for operation on a public street or highway. This section does not pertain to City vehicles or vehicles used solely for tugging, marshaling or refueling of aircraft.

Sec. 5-1042. Vehicle accidents.

The driver of any vehicle involved in an accident in an airpark taxilane safety area which results in injury or death to any person, or damage to any property, shall immediately stop such vehicle

at the scene of the accident, render reasonable assistance to a person injured in the accident, including making arrangements for the caring of the person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that treatment is necessary or if the caring is requested by the injured person; and give his name, address and operator's license and registration number to the person injured, the Aviation Director and to any police officer or witnesses of the accident. The operator of such vehicle shall make a report of such accident in accordance with state law and provide a copy of same to the Aviation Director.

Sec. 5-1043. Careless operation, driving while intoxicated, etc.

No vehicle shall be operated in any airpark taxilane safety area: (a) In a careless, negligent, or reckless manner; (b) In disregard of the rights and safety of others; (c) Without due caution or circumspection; (d) At a speed or in a manner which endangers or is likely to endanger persons or property; (e) While the driver would be prohibited by law from operating an automobile upon the public streets of the City due to drug or alcohol impairment or influence; (f) If the vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property, or to result in the load or other materials becoming separated from the vehicle; (g) If the vehicle is so equipped, without operating headlights, taillights, turn signals, and brake lights during hours of darkness or during inclement weather, or (h) In a manner that does not allow the vehicle to be immediately driven or towed away from any nearby aircraft in case of emergency.

Sec. 5-1044. Fuel safety.

All transportation, storage and other handling of aircraft and vehicle fuel within the airpark shall comply with the Uniform Fire Code, as amended, the National Fire Protection Association's codes and standards, as amended, FAA Advisory Circular 150/5230-4, as amended, all requirements of these regulations, and all other applicable laws.

Sec. 5-1045. Aircraft fuel servicing locations.

All aircraft fueling/defueling shall be performed outdoors. Aircraft fueling/defueling in the airpark may only be conducted by; (1) an approved on-Airport Fixed Base Operator; or (2) an airpark aviation operator fueling its airpark-based aircraft at its based location and pursuant to an Airport approved Airport/Airpark Self-Fueling Permit. Fueling/defueling of non-based aircraft or aircraft not at its based location is prohibited.

Sec. 5-1046. Removal of gas, oil, grease, aircraft washing effluent, etc.

(a) If there is a spill of gasoline, oil, grease, aircraft washing effluent or any material that may be unsightly or detrimental to an airpark taxilane safety area, the operator and owner of the equipment causing the spill shall immediately remove the spill and report it to the Aviation Director. In addition, the tenant and concessionaire are responsible for the spill. (b) In the event of a fuel spill longer than ten (10) feet in any direction or fifty (50) or more square feet total, the operator of the equipment causing the spill shall immediately call the City's Fire Department at 911. (c) In the event of any spillage, and the failure of the operator or owner to restore the area to its original safe and environmentally sound status, the city may clean up any material unlawfully spilled, placed or otherwise deposited in an airpark taxilane safety area and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and expenses incurred by, or fines or damages imposed on, the City as a result thereof. Such an event may constitute grounds for denying access to the Airport in accordance with the provisions of Chapter 5 of the Scottsdale Revised Code.

Sec. 5-1047. Fire extinguishers.

(a) All airpark aviation operators shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by the City or Fire Department. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection. (b) At least two (2) fire extinguishers, each having a rating of at least 20-BC, shall be available for use in connection with the aircraft fuel handling operations.

Sec. 5-1048. Unauthorized fuel possession and storage.

Except as expressly permitted by these regulations, no person shall possess aircraft fuel in the airpark.

Sec. 5-1049. Fuel facility permit.

The operator of an airpark fuel storage area shall meet, and at all times maintain compliance with, the following conditions before the City will issue a Scottsdale Airport/Airpark Fuel Facility Permit and consider it in good standing: (a) The fuel storage area shall be equipped with a fuel flowage meter of a type approved by the City; (b) If the hangar facility at which the fuel storage area is located is approved to conduct Hangar/Shade Leasing Services and fuel is dispensed into based aircraft, the fuel flowage meter shall be calibrated and copies of the test results provided to the Aviation Director upon request; (c) The identification number ("N" number) of the aircraft based in the airpark shall be reported monthly to the Airport by the operator of the airpark fuel storage area in a form and manner acceptable to the Aviation Director; and (d) Aircraft fuel dispensed from the fuel storage area shall only be supplied to aircraft issued an Airpark Access Permit to be based on the same property as the fuel storage area.

Sec. 5-1050. Moveable aircraft fuel storage tanks.

Unless otherwise approved by the Aviation Director and City Fire Department, moveable aircraft fuel storage tanks are prohibited in the airpark except for: (a) Aircraft-fuel trucks and trailers constructed, operated, and maintained in all respects as required by law. Such aircraft-fuel trucks and trailers shall be owned and operated solely by a Fixed Base Operator. (b) Permanent fuel tanks in an operable aircraft. (c) Tanks not exceeding one (1) gallon capacity used solely for sampling and testing fuel, engines and fuel handling apparatus. (d) No more than one (1) tank with a capacity of not more than fifty-five (55) gallons used by a person to fuel his own aircraft pursuant to a Airport/Airpark Self-Fueling Permit. (e) Tanks lawfully transporting fuel for immediate dispensing into a fuel storage area permitted by the City.

Sec. 5-1051. Aircraft owner self-fueling.

Except as may be prohibited by other provisions of these regulations and any other applicable law, airpark aviation operators who desire to self-fuel their airpark-based aircraft, shall apply for and receive an Airport/Airpark Self-Fueling Permit approved by the Aviation Director prior to conducting self-fueling.

Sec. 5-1052. Inspection of fuel facilities and records, meter readings and reporting.

(a) The Aviation Director shall have a right of access onto private property in the airpark for the purpose of inspecting fuel facilities and equipment. Fuel storage and dispensing records shall be subject to inspection by the Aviation Director upon reasonable notice. Such inspection may include, but not be limited to, taking meter readings, reviewing and inspecting fuel storage records, fueling apparatus, training records, emergency equipment, and any and all material for

safe fuel handling. (b) Not later than the 20th day of each month, the operator of the airpark fuel storage area or a person with an approved Airport/Airpark Self-Fueling Permit shall submit to the Airport, in a form acceptable to the Aviation Director, a monthly fuel inventory reconciliation report for the immediately preceding month. At a minimum, the report shall include: 1. The type and amount of fuel dispensed into all fixed wing aircraft from the airpark fuel storage area, listed by aircraft tail numbers. (c) At the time of submission of its monthly fuel inventory reconciliation report, each operator of the airpark fuel storage area shall remit to the Airport, in a manner acceptable to the Aviation Director, all applicable fees then due under the Airport/Airpark Rates and Fees Schedule. (d) If required by state law, the operator of the airpark fuel storage area shall submit annual tightness testing reports to the City's Fire Department no later than twenty (20) calendar days after such testing is performed.

Sec. 5-1053. General insurance requirements.

Any person owning, operating or otherwise responsible for an airpark aircraft fuel storage facility shall at all times comply with federal, state and local law concerning insurance, liability and financial responsibility for fuel storage facilities including, but not limited to 49 U.S.C. § 1001ff and 40 C.F.R. 280 et seq.

Sec. 5-1054. Aircraft fuel storage facility requirements.

Aircraft fuel storage facilities shall be permitted only if the facility is constructed and maintained in accordance with these regulations and the following: (a) The aircraft fuel storage area is for noncommercial, private use only by the owner or airpark aviation operator. Aircraft fuel storage facilities refueling aircraft in accordance with the provisions of Sec. 5-1045(2) may sell permitted fuels at their wholesale-delivered cost including all applicable taxes, plus not more than $0.50 per gallon. This $0.50 per gallon amount may be adjusted by the CPI as announced by the Aviation Director, on July 1 every third year after July 1, 2011. The CPI percentage adjustment in the $0.50 may not exceed the percent in the United States "Consumer Price Index" for All Urban Consumers West Urban (C.P.I. U.) U.S. City Average for the Percent Change from the Year Ago as published by the U.S. Department of Labor Bureau of Labor Statistics. Index Base Period 1982-84=100. This limitation is approved for a period of one (1) year from the date it goes into effect. It will remain in effect as approved unless the Airport Advisory Commission recommends an amendment. The Aviation Director will regularly review this provision and make such recommendations to the Airport Advisory Commission as he considers appropriate. (b) Aircraft fuel storage areas shall only be constructed after written approval of the Aviation Director and after issuance of all applicable City permits. (c) Fuel storage area shall not be approved and operated except in conjunction with aircraft storage that meets the requirements of these regulations. (d) There shall be a maximum of four (4) aircraft fuel storage areas on each building site. (e) Total aircraft fuel storage shall not exceed one hundred and twenty thousand (120,000) gallons.

Sec. 5-1055. Airport/airpark access fee.

Any person owning or operating an aircraft based in the airpark, shall pay an Airpark Access Fee as listed in the Airport/Airpark Rates and Fees Schedule on file with the City Clerk, and shall pay any and all accrued fees.

Sec. 5-1056. Airport/Airpark fuel flowage fee.

A person owning, operating or otherwise responsible for an airpark fuel storage area shall report fuel flowage by aircraft and pay a monthly Airport/Airpark Fixed Wing Fuel Flowage Fee for the

total amount of fuel flowage at the fuel storage area, in addition to any other fee, as established in the Airport/Airpark Rates and Fees Schedule on file with the City Clerk.

Sec. 5-1057. Airpark gate access device

(a) Upon payment as listed in the Airport/Airpark Rates and Fees Schedule on file with the City Clerk, satisfying all applicable Airpark Rules and Regulations, and having been granted an approved Airpark Access Permit, a gate access device shall be issued to: 1. An airpark aviation operator only for use in conjunction with the registered aircraft for which the gate access device was issued or visiting aircraft pursuant to Sec. 5-1034 of this Article. 2. An operator of an approved government-owned vehicle with a bona fide official need to access the airpark through the airpark aircraft access gates. 3. An on-Airport Fixed Base Operator for use by approved fueling or other service vehicle.

Sec. 5-1058. Airpark commercial aeronautical activity fee.

Any person engaged in commercial aeronautical activity in the airpark shall pay an aeronautical business permit fee as listed in the Airpark Minimum Operating Standards.