

RULES AND REGULATIONS

JACK BARSTOW MUNICIPAL AIRPORT

MIDLAND, MICHIGAN

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**RULES AND REGULATIONS
JACK BARSTOW MUNICIPAL AIRPORT
MIDLAND, MICHIGAN**

The Rules and Regulations for the Operation of Jack Barstow Municipal Airport are intended to provide for the development and regulation of aeronautic-related activities on the Municipal Airport by establishing uniform regulations consistent with those of the appropriate Federal and State agencies in order that those engaged in such activities may operate with the least possible restriction consistent with the safety and rights of others and the welfare of the public. For the purpose of administration, these Rules and Regulations shall be interpreted in a way which is consistent with this intent. Unless otherwise specified herein, definitions may be referenced using MCL 259 of the Aeronautics Code for the State of Michigan.

ARTICLE I

SECTION I. GENERAL

1. All rules and regulations enacted by the Aeronautics Commission of the Michigan Department of Transportation, the Federal Aviation Administration, and/or the Transportation Security Administration relative to airmen, aircraft, air traffic and airports, now in effect, or any amendments adopted in the future are hereby adopted by reference and made a part of these Rules and Regulations as fully as if the same and each and all of them were completely set forth herein.
2. It shall be the duty and responsibility of the Airport Manager, the City of Midland Police Department, and the Midland City Attorney to enforce all State laws and City ordinances and Rules and Regulations within the limits of the Jack Barstow Municipal Airport.
3. No person shall violate or refuse to obey any of the Rules and Regulations set forth herein. Any person violating any of the Rules and Regulations or refusing to comply therewith may be promptly removed from the airport, or temporarily suspended from use of the airport upon the order of the Airport Manager or the City Manager, and may be deprived of further use of airport property and airport facilities for such times as may be required to ensure safeguarding persons and property.
4. Violations and Penalties
 - a. Violation Defined: Any person, firm, corporation, or agent, or any employee, contractor, or subcontractor of same, who fails to comply with any of the provisions of these rules or any of the regulations adopted in pursuance thereof, or who impedes or interferes with the enforcement of these rules, shall be deemed in violation of these rules.
 - b. Penalty: Any person, firm, co-partnership, or corporation violating or neglecting or refusing to comply with any of the provisions of these rules shall be grounds

for suspension or termination of the related applicable activity or further unrelated activity terminations or eviction as determined by the Airport Manager on a case-by-case basis. Said parties shall be responsible for any penalties, as set forth in Chapters 21 and 34, Municipal Civil Infractions, in the Code of Ordinances of the City of Midland.

The imposition of any penalty shall not exempt the offense from compliance with the requirements of these rules.

- c. Rights and Remedies Preserved: Any failure or omission to enforce the provisions of these rules, and failure or omission to prosecute any violations of these rules, shall not constitute a waiver of any rights and remedies provided by these rules or by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of these rules.

SECTION II. AIRCRAFT

1. Helicopters shall take-off or land in a manner that does not interfere with fixed wing aircraft.
2. Ultralight aircraft must be properly marked and meet all maintenance and other requirements required or recommended by the FAA, and any private regulatory agency (ASC, EAA, and USUA), inclusive.
3. All aircraft based at the airport shall be registered with the Airport Manager. Said registration shall include a description of the aircraft, its ownership and the specific location upon the airport where said aircraft is based.
4. Aircraft parked overnight must be chocked and/or tied down in the designated tie-down areas. Overnight parking and monthly tie-down fees as set forth in Article 3 shall be paid to the Airport Manager or its designee.
5. Disassembled aircraft must be stored inside a hangar. This provision does not preclude short term storage outside a hangar of partially dismantled aircraft undergoing active repair. Short term is defined as fourteen (14) days, unless special arrangements are made with the Airport Manager or designee.
6. Based aircraft parked in the hangar areas shall be placed with permission of the hangar owner and so as not to interfere with normal traffic.

SECTION III. PEDESTRIAN TRAFFIC

1. No person, excepting a pilot or mechanic attached to the airport or employed by the owner of an aircraft, or licensed operator, or one having airport business with a fixed base operator, or duly authorized officer or officials charged with the duty of enforcing local, state or federal laws or regulations, shall cross the fence line

enclosing the landing field, or enter upon the landing field unless he or she is to participate in flight.

This rule shall not prohibit the owner of a hangar or an airplane or bonafide guest access to his property when not engaged in a flying operation.

2. Each and every person, when requested by the Airport Manager or its designee, shall be required to present identification and show cause for entering the airport property.

SECTION IV. VEHICLES AND TRAILERS

Vehicles are defined as ground conveyance, motorized or non-motorized. Trailers are defined as a tow behind vehicle attachment.

1. It shall be unlawful for any person or persons to operate any motorized vehicle upon or drive across designated runways within the fenced boundaries of the airport unless such cars and vehicles are used for administrative and maintenance purposes and operated by the airport authorities or state or municipal law enforcement officers having jurisdiction, or as otherwise authorized herein. Authorized vehicles must be properly designated and with operating safety lights.
2. Authorization to enter upon the landing area with a vehicle to travel to and from their parked aircraft may be given to owners of hangars and aircraft based at the airport, licensed pilots and mechanics employed by a fixed base operator or hired by an owner of an aircraft based at the airport, and such others as the Airport Manager may deem necessary. Said authorization shall be given in writing by permit and said permit shall be carried in the vehicle and displayed while on airport property. Vehicles shall follow designated travel routes as ordered by the Airport Manager. The Airport Manager may issue a gate key to those so authorized upon payment of a deposit as set forth in Article 3 which will be refunded upon return of the key.
3. Access to the landing area, hangar area, or other aircraft operation area by authorized vehicles shall be permitted so long as such vehicles do not interfere with the normal operations of the airport and do not present a hazard to parked or operating aircraft.
~~The parking of vehicles on the airport property and hangar area shall be permitted so long as such vehicles do not interfere with aircraft movement or airport maintenance.~~
4. There shall be no storage of vehicles outside of hangars for greater than fourteen (14) days without authorization of the Airport Manager or its designee.
5. Trailers not being actively used for aircraft related purposes cannot be stored or parked on the airfield, with the exception that trailers may be parked in non-restricted areas at the airport for an established period of time if approved by the Airport Manager or designee. Trailers used for aircraft related purposes shall be stored in the hangars unless approved by the Airport Manager or designee. Trailers used for the purpose of camping are not permitted on airport grounds, unless approved in writing from the Airport Manager or designee.

SECTION V. BUILDINGS AND PROPERTY

1. The use of all buildings and property on the airport premises by other than the City of Midland shall be subject to the terms of a lease agreement approved by the City Attorney. "Buildings" must be used for aircraft storage or other aviation purpose approved by the Airport Manager. "Aircraft" means a contrivance meeting FAA regulations, for transportation of persons and property in flight through the air.
2. The use of buildings for commercial purposes such as food dispensing, tourist accommodations, amusement, retailing of merchandise or services, manufacturing, and storage, whether or not it is of an aviation nature, shall require a lease approved by resolution of the City Council.
3. The primary use of buildings in the "private hangar" area shall be limited to storage of aircraft, aircraft parts, and items immediately incidental to aircraft use, unless specifically authorized otherwise pursuant to a land lease approved by the City Council. Secondary storage of non-aviation items that does not interfere with the primary aviation use of the hangar is permitted. The use of buildings in other areas of the airport shall be limited to the uses provided for in the leases for the land upon which the buildings are located.
4. Storage of any materials, such as but not limited to building materials, furniture, appliances, parts and accessories, are not permitted outside of hangars unless written approval is received from the Airport Manager or designee.
5. Authorization to construct a building on the airport shall be issued after:
 - a. The proposed building plans, use and location have been approved by the Airport Manager and the Aviation Advisory Commission.
 - b. A building permit has been issued by the City of Midland.
 - c. The applicant has filed FAA Form 7460-1, "Notice of Proposed Construction or Alteration", with the Michigan Department of Transportation and has complied with the requirements of the aeronautical study resulting therefrom.
 - d. Execution of a written lease agreement between the owner and the City of Midland. The Mayor and City Clerk are hereby authorized to execute private hangar land leases upon the recommendation of the City Manager.
 - e. Payment of appropriate fees.
6. Major alterations or additions to existing structures will be considered the same as new construction and subject to the same requirements.
7. The construction of any improvements to or maintenance of any leased property will be provided at the lessee's expense.
8. All buildings will be subject to inspection by the Airport Manager and the City Fire Marshall as necessary.

In addition to meeting the other requirements of Article 1, Section V, any new aircraft hangar constructed at the airport after January 1, 1989 shall be required to be located or to maintain a maximum distance of no more than six (6) feet from any other aircraft hangar already in place and utilizing the same taxiway; provided, however, that this space requirement shall also be subject to the mandates of any ordinance of the City of Midland or statute of the State of Michigan regarding fire resistance of or openings in exterior walls.

9. No person shall stay overnight on airport property or within a hangar or on leased or open areas of the airport without the approval of the Airport Manager or its designee.
10. There shall be no alcohol on the airport grounds with the exception of privately leased or owned vehicles, hangars, or aircraft and in accordance with applicable state and federal laws.
11. Non Commercial Maintenance in Private Hangars:
 - a. Tenants who are the owner of an experimental class aircraft may personally maintain and repair that aircraft in their hangar to the extent allowed by FAA regulations.
 - b. Tenants who are both a pilot and an owner of certified aircraft may perform preventive maintenance on their own aircraft in their hangar in accordance with provisions of CFR Part 43.3 (g) and Appendix A section (c).
 - c. If the tenant is a licensed A&P or IA mechanic and holds the appropriate and current licenses, he or she may perform maintenance and repair on their own aircraft in their hangar.
 - d. If the tenant desires to use one of their own employees to perform maintenance on their own aircraft, he or she shall provide evidence of that employment to the Airport Manager. Evidence that the employee holds the appropriate certificates or licenses and is currently qualified to do the work shall also be provided.
 - e. A tenant may have commercial work performed on an aircraft in the tenant's owned or leased hangar by an approved Jack Barstow Municipal Airport aircraft maintenance operator as defined in Article II, Section I of these rules.
 - f. If an aircraft owner or tenant desires to use a mechanic other than a Jack Barstow Municipal Airport based commercial operator to perform the work on their own aircraft that mechanic shall first obtain a Temporary Commercial Operating Agreement from the City of Midland based on the following criteria:
 1. The work shall be limited to the minimum required to make the aircraft airworthy in emergency situations or qualified for a ferry permit allowing the aircraft be transported to a location at which permanent repairs may be made.

2. The mechanic shall provide a brief description of the work to be performed to the Airport Manager on one specific aircraft by its identification number.
3. The mechanic shall pay, to the City of Midland, a fee of \$25.00 for each aircraft.

SECTION VI. FIRE REGULATIONS

1. All persons using the airport area or the facilities of the airport shall exercise the utmost care to guard against fire or injury to persons or property.
2. All persons shall comply with "No Smoking", "Fire Lane" and other regulatory signs.
3. No airplane shall be fueled while the engine is running or while occupied.
4. The cleaning of engine or other parts of an airplane within an enclosure shall be with non-flammable liquids. If volatile, flammable liquids are employed, cleaning operations shall be carried on in a well ventilated area.
5. The use of open flames shall not be allowed in private hangar areas unless authorized by the Airport Manager or its designee with the exception of a gas fired grill or other cooking apparatus. This provision does not apply to general or routine maintenance utilizing torches, heaters or similar devices.
6. Floors shall be kept clean and free from oil at all times. The use of volatile, flammable substances for the cleaning of floors is prohibited.
7. Owners and tenants shall be responsible for prompt removal of oily wastes, rags, and other rubbish, such as empty oil, paint and varnish cans, bottles, etc., which shall not be allowed to accumulate.
8. No rubbish, paper, or debris of any kind shall be permitted to be stored in or about the hangars, or other structures.
9. The construction, installation, or use of storage containers for the storage of gasoline, kerosene, ethyl ether, or other flammable liquids including those used in connection with the process of doping shall be in compliance with the most current Standard on Aircraft Maintenance of the National Fire Protection Association, Inc. (NFPA) and any applicable statutes of the State of Michigan.
10. The use of any flammable liquids shall comply with all City of Midland and State of Michigan statutes, ordinances, rules or regulations.

SECTION VII. SPECIAL EVENTS

1. The use of airport property for events not usually associated with normal aviation activities for advertised public recreational purposes shall require approval from the City Manager.
2. Those persons or organizations sponsoring a special event shall:
 - a. Furnish evidence of insurance coverage for public liability of not less than One Million Dollars (\$1,000,000.00) per person and per occurrence. The insuring company shall be licensed to do business in the State of Michigan and furnish the Airport Manager a certificate indicating the coverage and expiration date.
 - b. Include the City of Midland as an additional insured on the policy referred to in paragraph "a" above.
 - c. File with the Airport Manager a hold harmless statement relieving the City of Midland of any responsibility arising from liability claims.
 - d. Pay an appropriate fee based on the services and facilities furnished by the City of Midland, as determined by the Airport Manager and approved by the City Manager.
 - e. File a refundable financial guarantee with the City of Midland of not less than One Thousand Dollars (\$1,000.00), unless waived by the Airport Manager.
3. A detailed plan of operation including descriptions of displays, activities, exhibits, parking arrangements and fire lanes shall be submitted to the City of Midland Fire Department for approval.
4. Skydiving is prohibited at the airport unless approved by the Airport Manager or designee for each event. Refer to the Rules for Parachute Operations at Jack Barstow Municipal Airport (as attached).

SECTION VIII. FLYING CLUBS

Flying clubs operating from the airport shall be organized and operated in concurrence with the Michigan Aeronautics Commission Rules and Regulations pertaining to flying clubs. Officers shall register with the Airport Manager, furnish membership lists upon request, and be responsible for the club's activities.

SECTION IX. ULTRALIGHT AIRCRAFT OPERATIONS

Ultralight pilots and instructors operating at or on Jack Barstow Municipal Airport must receive training and have documented certification or registration that provides proof of such training. At a minimum, registration as a trained Part 103 pilot, specific to the type of ultralight aircraft being flown, with an appropriate agency governing (ASC, EAA, or USUA) shall meet this

requirement. Ultralight pilots and instructors shall follow all applicable general Aviation Rules and Regulations of the Jack Barstow Municipal Airport.

SECTION X. PARACHUTE OPERATIONS

1. Introduction. All parachutists shall follow the rules set forth by the Federal Aviation Administration (FAA), Federal Aviation Regulations (FAR) parts 91 and 105, the Basic Safety Requirements (BSRs) of the United States Parachute Association (USPA), as well as the established rules and regulations of Jack Barstow Municipal Airport.
2. All parachute operations must have prior written approval by the Airport Manager or its designee for each event.
3. A NOTAM shall be filed by the Airport Manager or designee with the local Flight Service Station (FSS) at least one (1) hour before skydiving operations.
4. All parachutists shall have a current membership with the USPA. Said membership must include adequate liability and property damage insurance.
5. All parachutists must sign a hold harmless agreement before skydiving operations commence. Said hold harmless agreement must be approved by the Airport Manager or its designee.
6. The Airport Manager shall designate a loading, packing and landing area for skydiving and parachuting operations. The area so designated shall not create a hazard to persons on the ground or to normal airport activity and operations.
7. The Airport Manager or its designee, the City of Midland Police Department or the Midland City Attorney have the powers to enforce these rules. Violations of these rules, USPA Rules, or FAR Part 105 may cause suspension of operating privileges and possibly civil and criminal penalties as allowed by the City of Midland Code of Ordinances.

ARTICLE II

SECTION I. COMMERCIAL OPERATIONS

Unless otherwise provided in a lease agreement or other agreement with the City, a "Commercial Operation" shall mean any revenue-producing activity conducted at Jack Barstow Municipal Airport property.

1. No person or persons shall engage in commercial operations at the airport without being approved by the Airport Manager and then issued a license by the City Clerk.

By way of example and not limitation, one or more of the following commercial operations may be offered to the general public as defined per State regulations:

- a. Aircraft Rental: The renting or leasing of aircraft.
- b. Aircraft Sales: The sale of new or used aircraft.
- c. Aircraft Services: Maintenance and inspection of aircraft and aircraft power plants. Purchase and resale of parts, equipment and other accessories
- d. Flight and Ground Instruction, and corresponding ratings instruction:

Ground School classes that are not associated with flight schools or flight instruction may be conducted with written permission from the Airport Manager or designee, with no other commercial requirements. Flight and associated ground instruction at the airport may be permitted under the following conditions:

1. Any flight or associated ground instruction given at Jack Barstow Municipal Airport must be performed under an authorized Flight School or Flying Club.
2. The flight school must have a current 'commercial operating agreement' with the City of Midland specifying flight training.
3. The flight school must meet flight school standards of the Aeronautics Code of the State of Michigan and have a Michigan flight school license.
4. The flight school must have at least one airplane available for flight training. The plane may be owned, leased, or under contract.
5. The flight school must have liability insurance of One Million Dollars (\$1,000,000.00) covering each airplane in use.
6. Flight Schools are exempt from other commercial requirements of these rules.

7. In the event there is **no** authorized flight school at the airport an FAA certified flight instructor (CFI) may provide flight instruction to the owner of an aircraft in the owner's aircraft as long as the instructor does not advertise their services at Jack Barstow Municipal Airport and has an operating agreement with the City.
 - e. Charter Operations: Air taxi and air freight
 - f. Flight Ambulance Services.
 - g. Agricultural: Permanently based crop and pest control spraying.
 - h. Line Services: The fueling of aircraft. Jack Barstow Municipal Airport can reserve to itself all public fuel sales unless pre-existing leases permit otherwise. Monthly records, both private and commercial, of all gallons delivered and pumped and related delivery and sales records shall be reported to the Airport Manager.
 - i. Avionics Sales and Services: The sale, installation, and maintenance of aviation associated electronic equipment.
2. Those persons engaged in but not limited to one or more commercial operations shall meet the following minimum requirements unless indicated otherwise:
 - a. Provide evidence of sufficient financial backing and experience to be reviewed and approved by the City's Finance Department.
 - b. Execute a lease with the City of Midland approved by resolution of the City Council for a commercial site which shall provide for an access (side yard) along one side of the building of not less than twenty (20) feet, but in no case shall the site frontage be less than sixty (60) feet. Said lease shall provide for fees for land use and construction and completion of buildings may be included as an added requirement.
 - ~~c. Provide apron space of not less than nine thousand (9,000) square feet for the parking of aircraft.~~
 - d. Provide automotive parking of not less than two thousand six hundred (2,600) square feet.
 - e. For leased airport property bordering Sturgeon Avenue, building size, design, and use must be in keeping with the aviation commercial/corporate nature of that portion of the airport.
 - f. Furnish evidence of Combined Single Limit insurance coverage, inclusive of general airport liability, aircraft liability, passenger liability, bodily injury, death and property damage, plus products and completed operations liability for fueling

and for aircraft maintenance in a minimum amount of One Million Dollars (\$1,000,000.00).

- g. Include the City of Midland as an additional insured on the policy referred to in paragraph "f" above.

SECTION II. AVIATION FUEL

1. Airport tenants whose base lease provides the right to dispense aviation fuel to the general public, and wish to exercise such right, shall:
 - a. Provide twenty-four (24) hour service daily to all users as directed by the Airport Manager. Such service may be provided by attendant on duty or as on-call or by an approved self-serve fueling station. On-call service shall be provided within one (1) hour of the request for such service and be performed at a service charge.
 - b. Utilize only fuel storage and dispensing facilities which meet all safety requirements of appropriate local, state, and federal authorities, and NFPA 30, 30A, and 407, as currently exists or may be amended in the future.
 - c. The fixed base operator shall be required to pay to the Airport Manager for the City of Midland, a fuel flowage fee for each gallon of fuel delivered to the premises as set forth in Article 3. The supplier shall submit monthly supporting invoices to the Airport Manager.
 - d. Secure written approval from the Airport Manager prior to the installation of storage and fixed dispensing units or use of mobile dispensing units.
 - e. Not operate aviation fuel tenders on taxiways or runways unless equipped with operating unicom frequency radios.
2. The Airport Manager may prorate on a weekly basis such twenty-four (24) hour service requirements referred to above, equally among those operators authorized to sell aviation fuel to the general public. Such action, however, shall not preclude the offering of fuel service at any time by authorized operators.
3. The Airport Manager shall prepare appropriate notices detailing the type and hours of service offered by each operator and designating the twenty-four (24) hour service responsibilities. Such notices shall be posted by each operator in their place of business. They shall also be posted by the Airport Manager in appropriate public areas.
4. Any violation of these regulations shall constitute grounds for revocation of fuel sales privileges.

ARTICLE III

RATES AND FEES

The schedule of rates and fees at the Jack Barstow Municipal Airport is as follows:

Private Hangar Land Lease: A base rent shall be determined by multiplying \$0.156 by the total square footage of the squared-off dimensions of the building, including all appendages.

The base rent shall be adjusted by an increase in the CPI-U, the Revised Consumer Price Index: All Items and All Urban Consumers (1982-84=100) from the base index number of February, 1988 - 116.0 - to the October index number of the year immediately prior to the start of any calendar year of the lease. As to the latter adjustment, the current index number for October of the appropriate calendar year shall be divided by the base index number of February, 1988 - 116.0 - to arrive at a quotient from which shall be subtracted the integer 1, to arrive at a positive number which shall be the percentage increase in the CPI-U. The percentage increase shall be multiplied by the base rent to determine the increase to be added to the base rent.

Commercial Aviation Land Lease: A base rent shall be determined by multiplying \$0.05 by the total square footage of the premises to be leased; provided, however, the total annual rental (which may be prorated but paid in advance on a quarterly or monthly basis) shall not be less than Nine Hundred Ten Dollars (\$910.00).

The base rent shall be adjusted by any increase in the CPI-U, the Revised Consumer Price Index: All Items and All Urban Consumers (1982-84=100) from the base index of February, 1988 - 116.0 - to the October index number of the year immediately prior to the start of any calendar year of the lease and by calculating the adjustment in the same way as is described above for a private hangar land lease.

Commercial Non-Aviation Land Lease: The rent shall be determined pursuant to negotiations between the City of Midland and the proposed Lessee.

Commercial Operator's License: \$200.00 per year.

Fuel Flowage Fee: Private, Public and Community Uses, including fuel tanks brought on site: \$0.07 per gallon

Tie-Down Fees: Airport based aircraft - \$28.00 per month

Overnight Fees: Single engine aircraft - \$2.50 per night; Twin engine aircraft - \$4.00 per night.

Gate Key Deposit: \$5.00

Terminal Building Conference Room: Non-Aviation Use - \$50.00 per hour for the first hour and \$25.00 per hour for each additional hour. There is no fee for use of the conference room for aviation uses during normal business hours. Scheduled on a first come-first serve basis.

EFFECTIVE DATE: March 5, 2007

END OF RULES

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