

1 ORDINANCE O-2016-42

2 A BILL FOR AN ORDINANCE AMENDING TITLE 13, CHAPTER 13.39
3 OF THE LONGMONT MUNICIPAL CODE ON THE VANCE BRAND AIRPORT
4 RULES AND REGULATIONS, INCLUDING THE ADOPTION BY REFERENCE
5 OF THE MINIMUM STANDARDS FOR COMMERCIAL SERVICE PROVIDERS,
6 VANCE BRAND MUNICIPAL AIRPORT

7
8 THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

9 Section 1

10 Chapter 13.39 of the Longmont Municipal Code, Vance Brand Airport Rules and
11 Regulations, is repealed and reenacted to read as follows:

12 Chapter 13.39 - Vance Brand Airport Rules and Regulations

13 13.39.010. - Introduction.

14 A. Definitions. Whenever the following terms or words are used in this
15 Chapter, they shall have the following meanings ascribed to them:

16 14 C.F.R. means Title 14 of the Code of Federal Regulations.

17 Agent means a person acting on behalf of another.

18 AGL means above ground level.

19 Aircraft means a device that is used or intended to be used for flight in the air.

20 Aircraft Operator means any representative of the Aircraft owner, or in the case of
21 a leased Aircraft, any representative of the lessee empowered to enter into
22 agreements with the City of Longmont regarding use of the airport by an Aircraft.

23 Airport means all of the sponsor-owned or leased real or personal property,

1 buildings, facilities, and improvements within the boundaries of the Vance Brand
2 Municipal Airport, as it presently exists or as it may exist when it is hereafter
3 modified, expanded, or developed. "Airport" also includes all of its facilities as
4 shown on the most current Airport Layout Plan.

5 Airport Advisory Board means an advisory board appointed by the Council
6 pursuant to section 2.94 of the Code to advise on matters relative to the
7 development and utilization of the Airport.

8 Airport Airside means the entire area inside the perimeter fence.

9 Airport Landside means all Airport property outside the fenced perimeter of the
10 Airport.

11 Airport Manager means the designated individual or duly authorized individual
12 appointed by the City Manager to administer and manage all operations and
13 aspects of the Airport and Airport facilities, and to supervise all Airport projects.

14 Airport Movement Area means all numbered runways and alphanumeric
15 taxiways.

16 Airport Operation Area means any area inside the perimeter fence where Aircraft
17 operate, including all runways, taxiways, taxi lanes, and parking aprons/ramps.

18 Air Show means aviation activities on the Airport or within the Airport traffic
19 area for the purpose of aerobatics, fly-bys, aerial competition, for entertainment,
20 or for promotion.

21 Authorized Emergency Vehicle means any vehicle operated by a governmental or
22 emergency service such as law enforcement agencies, fire departments, the
23 Federal Aviation Administration (FAA), the National Transportation Safety

1 Board (NTSB), airport management, operations vehicle during an emergency, and
2 private ambulance companies.

3 Aviation Related Activities means activities or services directly related to or
4 necessitated by Aircraft operation.

5 Based Aircraft means any Aircraft that is based at or operated from the Airport for
6 more than 50 percent of any year.

7 City Fire Marshall means the duly appointed City of Longmont Fire Marshall, or
8 designee or appointee, having authority for fire suppression, fire prevention, and
9 safety inspections at the Airport.

10 City means the City of Longmont, Colorado.

11 City Manager means the City Manager of the City of Longmont.

12 Code means the Longmont Municipal Code, as amended unless otherwise
13 specifically stated.

14 Commercial Operator means a Fixed Base Operator, Specialized Aviation Service
15 Operator, Non-Standard Specialized Aviation Service Operator, Non-Airport
16 Based Operator, or other person or entity engaged in sales or services to the
17 public.

18 Council means the City Council of the City of Longmont.

19 CTAF means the Common Traffic Advisory Frequency, presently 122.975 MHz,
20 used by pilots to advise each other of their Aircraft location, altitude, and intended
21 direction of flight.

22 Federal Aviation Regulations means and includes the regulations codified at 14
23 C.F.R. and all mandatory applicable FAA orders and advisory circulars.

1 Fixed Base Operator (FBO) means a Commercial Operator engaged in the sale of
2 products, services, and facilities to Aircraft operators, including aviation fuels and
3 lubricants, ground services and support, tie-down, hangar, parking, Aircraft
4 maintenance, and general rental / flight training.

5 Glider has the same meaning as set forth in 14 C.F.R., Section 1.1.

6 Hangar Operator means a person who owns a hangar and uses it for subleasing,
7 renting, or a commercial service to make money by subleasing or renting.

8 Hangar Owner means a person that operates or owns a hangar not used for an
9 FBO, SASO, Commercial Operator subleasing and/or renting, or non-aviation
10 service.

11 Hazardous Materials means any hazardous or toxic substance, material, or waste
12 which is or becomes regulated by any federal, state, political subdivision, or local
13 government agency. Hazardous Materials includes, without limitation, any
14 material or substance that is (i) defined as a “hazardous substance” under
15 Colorado law; (ii) petroleum; (iii) asbestos; (iv) designated as a “hazardous
16 substance” pursuant to Section 311 of the Federal Water Pollution Control Act
17 (33 U.S.C. § 1321); (v) defined as a “hazardous waste” pursuant to Section 1004
18 of the Federal Resource Conservation and Recovery Act (42 U.S.C. § 6903); (vi)
19 defined as a “hazardous substance” pursuant to Section 101 of the Comprehensive
20 Environmental Response, Compensation and Liability Act (42 U.S.C. § 9601); or
21 (vii) defined as a “regulated substance” pursuant to Subchapter IX, Solid Waste
22 Disposal Act (Regulation of Underground Storage Tanks) (42 U.S.C. § 6991).

23 Lighter-Than-Air has the same meaning as set forth in 14 C.F.R., Section 1.1.

1 High Capacity Aircraft means any aircraft with thirty (30) or more passenger
2 seats.

3 Maintenance means activities as defined in 14 C.F.R., Section 1.1.

4 May means have the right or permission to do so, but not the obligation.

5 Motor Vehicle means any motorized vehicle designed for movement of goods or
6 people upon the ground.

7 MSL means the altitude above mean sea level.

8 NFPA means the National Fire Protection Association.

9 Noise Abatement Procedures means voluntary procedures outlined for Airport
10 operations in order to reduce the impact of Airport noise on surrounding areas.

11 Non-Airport Based Operator (NABO) means a person or business that has access
12 to the Airport or its infrastructure from outside the Airport property; or that
13 utilizes Airport property to provide a commercial aeronautical activity or service
14 on the Airport, but does not lease space on the Airport for such activity. However,
15 a person conducting activities that the FAA considers use of the National
16 Airspace System (NAS) shall not be considered to be a Non-Airport Based
17 Operator.

18 Non-Standard Specialized Aviation Service Operator (NSASO) means a person or
19 business that leases, subleases, or rents space at the airport and provides a
20 commercial aeronautical activity or service, but does not meet the minimum
21 standard of an FBO or SASO.

22 NOTAM means a "Notice to Air Men" notice available from the FAA to alert
23 pilots of potential hazards that could affect the safety of flight.

1 Owner means any person holding the legal title of a motor vehicle, hangar lease,
2 Aircraft, or leaseback arrangement as shown by proof of title as registered with
3 the County, the State of Colorado, the City of Longmont, or the FAA Registration
4 Branch.

5 Pattern Altitude means the altitude(s) as described in Section 13.39.040,
6 Paragraph K, of these Rules and Regulations while in the airport's traffic pattern.

7 Person includes the singular and the plural, and also means and includes any
8 individual, firm, group, corporation, association, partnership, or any other form of
9 association or organization.

10 Pilot in Command means the person aboard the Aircraft who is ultimately
11 responsible for its operation and safety during flight as defined by Federal
12 Aviation Regulations, which commences with the Aircraft's first movement under
13 its own power for the purpose of flight and ends when the Aircraft comes to rest
14 after landing.

15 Property Owner means any person who has an ownership, leasehold, or other
16 legal interest in personal or real property at the Airport.

17 Public Area means all portions of the Airport open to public use, including
18 roadways, sidewalks, parking areas, observation areas, and all land not under a
19 current lease, excluding hazardous areas such as the Airport Movement Area,
20 FBO maintenance shops, or other areas as posted by the Airport Manager or
21 designee.

22 Regulations means the Vance Brand Airport Rules and Regulations set forth in
23 this Chapter, as amended.

1 Risk Manager means the Risk Manager for the City of Longmont.

2 Rotorcraft has the same meaning as set forth in 14 C.F.R., Section 1.1.

3 Runway Incursion means any occurrence at the Airport involving the incorrect
4 presence of an Aircraft, vehicle, or person on the Airport Movement Area.

5 Self-fueling means refueling of an Aircraft with his or her employees and using
6 his or her own equipment, and cannot be contracted out to another party. Self-
7 fueling differs from using the self-service fueling pumps made available by the
8 Airport, FBO, or SASO. (See FAA AC 150/5230-4B)

9 Self-service means the servicing of an Aircraft by the owner of the aircraft with
10 his or her employees and using his or her own equipment. See 14 C.F.R., Part 43
11 for allowed activities. (See FAA AC 150/5230-4B)

12 Shall means it will be done, must happen, and/or someone is obligated to do so.

13 Skydive Operator means a person conducting commercial operations at the
14 Airport by providing parachute jumping services to the public. Except where
15 inconsistent with the context, the term also includes all the Skydive Operator's
16 officers, employees, agents, and all pilots engaged in providing the Skydive
17 Operator's services.

18 Skydiver means any person parachuting from an Aircraft operated as part of the
19 operations of a Skydive Operator.

20 Specialized Aviation Service Operator (SASO) (formerly known as a Specialty
21 Based Operator, or SBO) means a commercial aeronautical business that is
22 authorized to offer a single or limited service according to the established
23 Minimum Standards for Commercial Service Providers for the Airport. Examples

1 of an SASO include, but are not limited to the following commercial aeronautical
2 activities: flight training, Aircraft maintenance, air charter or taxi, skydiving,
3 Aircraft sales, avionics maintenance, Aircraft rental and sales, and Aircraft
4 storage.

5 SWMP means Storm Water Management Program.

6 Tenant means any person who occupies the whole or any part of a building or
7 land on the Airport, whether alone or with others.

8 Transient Aircraft means all Aircraft on the Airport that are not “based Aircraft,”
9 as defined in this section.

10 Unauthorized Landing means a landing on real or personal property without prior
11 express permission of the Property Owner.

12 UNICOM means an air-ground communication facility operated by a non-air
13 traffic control agency to provide advisory service at uncontrolled aerodromes and
14 airports and to provide various non-flight services.

15 B. Purpose and applicability.

16 1. This Chapter of the Code details the Rules and Regulations for all persons
17 operating to, from, visiting, performing contractual obligations, or holding a lease
18 at the Airport.

19 2. These Regulations, and any amendments thereto, are designed to promote
20 the highest and best use of the Airport property as an airport, protect the public
21 health, safety, interest, and general welfare at the Airport, and to restrict or
22 prevent any activity or action which would interfere with the safe, orderly, and
23 efficient use of the Airport by its lessees, consumers, and users.

1 3. All activities and operations at the Airport must comply with all applicable
2 requirements of these Regulations, the Code, and the Federal Aviation
3 Regulations, as amended. In the event of any inconsistency between the
4 Regulations, Code, or Federal Aviation Regulations, they shall apply in the
5 following order: Federal Aviation Regulations, Regulations, Code.

6 4. The City has authority over renovation, construction, and demolition of
7 structures at the Airport pursuant to Title 15 of the Code, entitled "Land
8 Development Code." No renovation, construction, or demolition may occur
9 unless the Owner has a valid lease with the City, written approval of the Airport
10 Manager, and a lease in good financial standing with the City, and approved
11 building permits issued by the City.

12 5. The City has the proprietary right to designate parcels of property for non-
13 aeronautical use with FAA approval and will charge non-aeronautical fair market
14 value for such designated property.

15 6. Liability and indemnification. The City assumes no responsibility or
16 liability for any loss, injury, or damage to persons or property caused by any
17 reason including, without limitation, fire, theft, vandalism, wind, or other natural
18 causes, nor does the City assume any liability for injury to any person or property
19 while at the Airport or while using any of the public or private facilities at the
20 Airport. Nothing in these Regulations constitutes a waiver by the City of any
21 rights, immunities, privileges, or limitations on liability available to the City
22 under common law or the Colorado Governmental Immunity Act (C.R.S. § 24-10-
23 101 et seq.).

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

4 D. Emergency contingencies. In any emergency contingencies not
5 specifically covered by these Regulations, the Airport Manager is authorized to
6 make such rules and render such decisions as deemed proper providing they are
7 posted at the Airport Manager's office and on the City's website. Any such rule or
8 decision shall not continue beyond the duration of the emergency.

9 E. Amendment of regulations.

10 1. Any change in regulations adopted by the FAA that affects these
11 Regulations shall supersede the pertinent regulation without requiring any
12 immediate action on the part of the City.

13 2. Any person may request a change in these Regulations. The request for a
14 change in these Regulations must be presented in writing to the Airport Manager.
15 The request for change must be accompanied by a statement itemizing the reasons
16 for a change or a new regulation, and an analysis of how the proposed change
17 would improve the Airport, either aesthetically, financially, or enhance Airport
18 operations or safety. The request will be reviewed by the Airport Manager and the
19 Airport Advisory Board which may, at their discretion, send the recommendation
20 to the Council.

21 3. A copy of these Regulations and all relevant Airport documents will be
22 made available at the Airport Manager's office and on the City's website.

23 4. The Airport Advisory Board shall review these Regulations from time to

1 time.

2 13.39.020. - Authority over operations, enforcement, and penalties.

3 A. The City Manager, Assistant City Manager, or Airport Manager may deny
4 use of the Airport, or the Airport facilities, to any person for reason of safety or
5 for violation of these Regulations or Code applicable to the Airport.

6 B. The City is the owner, operator, and manager of the Airport, and the City
7 Manager or designee, including the Airport Manager, shall have sole authority to
8 enforce these Regulations. This authority shall extend to: control of leases;
9 maintenance of grounds and facilities; operation of the airfield, including landing
10 areas, taxiing areas, and public areas; inspection of all structures for compliance
11 with these Regulations and the Code; Airport improvement; and aviation or non-
12 aviation activities held upon the area owned or leased by the City.

13 C. All persons, whether under lease with the City, sublease thereof or
14 otherwise, shall abide by these Regulations and all applicable provisions of the
15 Code. Each FBO, SASO, Hangar Operator, and Hangar Owner shall be
16 responsible to inform any sub-lessee, subcontractor, co-owner, or others operating
17 on or from the person's leased area of these Regulations and applicable provisions
18 of the Code, and shall be responsible for their actions.

19 D. The City Manager, Airport Manager, City Fire Marshall, or their
20 designees, and other officials with enforcement authority or responsibility
21 pursuant to these Regulations or the Code, shall have reasonable right of entry
22 into all areas of the Airport, including all parts of structures, in the performance of
23 their duties, for the purposes of enforcing these Regulations and the Code. If entry

1 is denied, the authorized representative shall have recourse to every remedy
2 provided by law to secure entry. In the case of an emergency, Airport employees
3 and emergency responders shall have the right of entry to any building at the
4 Airport without advanced notification. The City shall notify the Tenant as soon as
5 practicable of the specific circumstances that required emergency entry into their
6 building.

7 E. If the City Manager or designee, including the Airport Manager,
8 determines that there has been a violation of these Regulations, the Airport
9 Manager, after consultation with appropriate City staff, will decide on the
10 corrective course of action including, but not limited to, any or all of the
11 following: the issuance of a municipal summons and complaint; a written notice
12 of violation; revocation of a permit issued to Commercial Operators by the
13 Airport Manager; or other appropriate measures consistent with Airport lease
14 agreements and related documents.

15 F. If the Airport Manager elects to issue a written notice of violation, the
16 notice must be personally delivered or sent by certified mail and shall set forth the
17 violation and the date by which the violation must be corrected. The person
18 notified must respond in writing within ten (10) business days of receipt of the
19 notice that they will comply with the notice and set forth what measures they will
20 implement to prevent a similar violation in the future. If the person notified fails
21 to respond within such ten (10) day period or fails to correct the violation within
22 the time set forth in the notice, the City may resort to all other available remedies
23 including, but not limited to, issuance of a municipal summons and complaint.

1 G. In addition to seeking any other prescribed penalties for a violation of this
2 Chapter, if any lessee leasing land at the Airport, or the lessee's sub-lessee, fails to
3 maintain the leased area as set forth in these Regulations, the City or its
4 authorized agents may, upon providing thirty (30) days' prior written notice, enter
5 the area to correct the maintenance deficiency and charge the person the City's
6 cost to correct the deficiency. The lessee or sub-lessee must pay the City this
7 amount within sixty (60) days after the City sends the lessee or sub-lessee a bill
8 for this amount. Failure of the person to pay this amount within such sixty (60)
9 days is a violation of this Chapter.

10 H. The court shall punish a violation of this Chapter by a fine of up to
11 \$500.00.

12 I. Any Commercial Operator whose permit has been revoked pursuant to this
13 Section may appeal the revocation pursuant to Chapter 2.98 of the Code by filing
14 a written notice of appeal with the Airport Manager within fifteen (15) days of the
15 date of the notice of revocation. The hearing shall be held no later than thirty (30)
16 days after the written notice of appeal is filed with the Airport Manager.

17 J. In addition to any other remedies or penalties for a violation of this
18 Chapter, the City Attorney may bring and pursue conclusion actions to prevent,
19 enjoin, or abate any violation of this Chapter.

20 K. The remedies provided in this Section are cumulative and the Airport
21 Manager and City may invoke any or all of these remedies.

22 13.39.030. - General rules and regulations.

23 A. Maintenance of premises. All persons, whether under lease with the City,

1 sublease thereof or otherwise, shall be fully responsible for all damage to
2 facilities, equipment, real property, related appurtenances, and all other
3 improvements in the ownership, care, custody, or control of the Airport caused by
4 the person, lessee, or by their employees, agents, customers, visitors, suppliers, or
5 persons with whom they do business.

6 B. General conduct. No person may utilize leased premises, public areas, any
7 facility of the Airport for temporary or permanent lodging or other purposes in
8 lieu of a residence, hotel, motel, or other public accommodation without prior
9 written approval of the City. Such approval may only be granted for the purpose
10 of accommodating participants and sponsors of Air Shows, airport special events,
11 or emergency situations.

12 C. Abandoned, derelict, or lost property.

13 1. Abandoned, derelict, or lost property found in public areas at the Airport
14 including, without limitation, Aircraft, vehicles, equipment, machinery, baggage,
15 or parts thereof should be reported (and/or turned in) to the Airport Manager.

16 2. Property, including Aircraft, unclaimed by their proper Owner thirty (30)
17 days after notice by the Airport Manager may be legally disposed of. Notice shall
18 be sent by first class mail to the last known address of the Owner if such address
19 is known. If the address is unknown, the notice shall be published in a newspaper
20 of general circulation in the City. The notice shall include a description of the
21 property.

22 3. Disabled, derelict, or damaged Aircraft or parts shall be stored out of
23 public view or removed from the Airport. Consideration is given to circumstances

1 beyond the Aircraft Owner's or operator's control regarding maintenance issues.
2 Any Aircraft disabled, wrecked, or damaged and not removed thirty (30) days
3 after notice or posting from the Airport Manager may be considered abandoned
4 and legally disposed of. Such determination shall be made at the discretion of the
5 Airport Manager, or City Manager's designee. Notice may be given by posting it
6 on the Aircraft or parts, first class mail to the last known address of the Owner, or
7 by publication in a newspaper of general circulation in the City.

8 4. Abandoning an Aircraft anywhere on the Airport is prohibited. To the
9 extent required to restore normal Airport operations, the Airport Manager, at the
10 risk and expense of the Aircraft Operator or Owner, may remove damaged
11 Aircraft without liability for damage arising from or out of such removal.

12 D. Use of roadways and walkways.

13 1. No person shall travel on the Airport other than on the roadways,
14 walkways, or places provided for the particular class of traffic.

15 2. No person shall occupy the roadways or walkways in such a manner as to
16 hinder or obstruct their proper use.

17 3. Driving upon or crossing of the Airport Movement Area by non-
18 authorized vehicles is prohibited.

19 E. Trash and other waste containers.

20 1. Garbage, empty boxes, crates, rubbish, trash, papers, refuse, and litter of
21 any kind shall not be placed, discharged, or deposited at the Airport, except in
22 proper receptacles.

23 2. Garbage, empty boxes, crates, rubbish, trash, papers, refuse, and litter of

1 any kind shall not be allowed to accumulate in hangars or businesses at the
2 Airport.

3 3. Airport businesses shall keep their areas clean and sanitary at all times and
4 arrange for the emptying of their trash receptacles.

5 4. Individuals accessing the Airport are responsible for removal of the
6 garbage, empty boxes, crates, rubbish, trash, papers, refuse, and litter generated
7 by their presence.

8 5. Waste oil, chemicals, garbage, sludge, ashes, trash, or any other waste
9 material shall not be disposed of on Airport property. All paper, cans, bottles, or
10 similar trash must be put in appropriate waste receptacles for disposal offsite.

11 F. Fire.

12 1. Fire extinguishers shall be in hangars and maintained in accordance with
13 Chapter 20 (Aviation Facilities) of the International Fire Code, Chapter 16.32 of
14 this Code.

15 2. All persons, whether under lease with the City, sublease thereof or
16 otherwise, shall comply with all directives issued by the Airport Manager
17 regarding the removal of fire hazards, arrangement or modification of vehicles or
18 equipment, or altering operating procedures considered unsafe from a fire
19 prevention standpoint.

20 3. Smoking, matches, lighters, or any open flames are prohibited within fifty
21 (50) feet of any Aircraft that is being fueled/defueled, refueling vehicle, or fuel
22 storage facility.

23 4. Open flames, flame-producing devices and other sources of ignition shall

1 not be permitted in a hangar or in any location within 50 feet of an aircraft-fueling
2 operation, except in locations approved by the Airport Manager. This excludes
3 open flames utilized by a lessee in performance of Aircraft maintenance and
4 heating devices

5 G. Hazardous waste and materials.

6 1. No person shall store, keep, handle, use, dispense, discharge, or transport
7 any Hazardous Materials at the Airport in contravention of any applicable laws,
8 rules, and regulations. Proper permits must be obtained from the appropriate
9 agency and copies must be presented to the Airport Manager.

10 2. Lubricating oils and hazardous liquids shall be disposed of in a manner
11 compatible with these Regulations, the SWMP, the International Fire Code, and
12 the Colorado Revised Statues.

13 3. No fuels, oils, dopes, paints, solvents, acids, or any other Hazardous
14 Materials shall be disposed of or dumped in drains, on aprons, catch basins,
15 ditches, or elsewhere at the Airport.

16 4. With permission of the FBO, used oil may be disposed of in collection
17 vessels for offsite disposal.

18 5. Facilities (including hangar floors) shall be kept free from the
19 accumulation of oil, grease, flammable liquids, rags, or other waste materials.

20 6. The use of volatile or flammable solvents for cleaning floors is prohibited.

21 7. Failure to clean the area and properly dispose of the substance may result
22 in the Airport providing cleanup and disposal at the expense of the responsible
23 party.

1 8. All empty oil cans, paint cans, varnish cans, bottles, or other containers
2 shall be removed from the Airport in a timely manner and shall not remain on the
3 floor, wall stringers, or overhead storage areas of the hangars, offices, shops, or
4 other buildings.

5 9. Gasoline, oil, and solvent drums or receptacles shall not be stored within
6 Aircraft or vehicle operating areas nor be in excess of amounts actually needed as
7 current stock. Any such material shall be kept enclosed and covered in a clearly
8 labeled housing of a design and type that meets the approval of the Airport
9 Manager and City Fire Marshall.

10 10. Secondary containment is required for the storage of gasoline, oils,
11 solvents, and Hazardous Materials in accordance with Chapter 50 of the
12 International Fire Code.

13 H. Environmental cleanup.

14 1. No person shall discharge any substance in or upon the Airport in
15 contravention of any applicable laws, rules, or regulations. Proper and applicable
16 permits must be obtained from the appropriate agency and copies must be
17 presented to the Airport Manager.

18 2. The State of Colorado requires an immediate notification to the Airport
19 Manager of any hazardous spill in excess of 25 gallons.

20 3. Hazardous spills that require reporting include, but are not limited to, jet
21 fuel, gasoline, fuel oil, hydraulic oil, motor oil, turbine oil, alcohol, glycol, and all
22 similar chemicals that could be considered hazardous.

23 4. In the event a hazardous spill occurs of any magnitude, the responsible

1 party of such spill shall take appropriate action in the containment, cleanup, and
2 rehabilitation of such hazardous spill. For any spill that is considered reportable,
3 the responsible party shall notify the Airport Manager and any other appropriate
4 agencies and departments. Should the City determine in its sole discretion that
5 during the course of an environmental incident the responsible party is not
6 capable of, has not, or refuses to take the appropriate action in a timely manner to
7 mitigate the adverse environmental incident, then the City reserves the right to
8 take action and/or employ those services that the City determines appropriate to
9 control and/or cleanup the site. The cost of such services shall be borne by the
10 responsible party.

11 5. If any person uses, dispenses, or stores any Hazardous Materials in such a
12 way as to be subject to any of the requirements under the Emergency Planning
13 and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11001, et seq., such
14 person shall be responsible for any reporting obligations under EPCRA. The
15 Airport will not be responsible for compliance with any EPCRA requirements,
16 except to the extent the Airport itself stores, uses, or transports Hazardous
17 Materials.

18 I. Painting.

19 1. Doping processes, painting, or paint stripping shall be performed only in
20 facilities approved for such activities in accordance with Chapter 4 of the
21 International Building Code and approved by the City Fire Marshall.

22 2. Such areas shall display the appropriate Hazardous Materials placard in
23 accordance with the State's Department of Transportation regulations.

1 J. Storage of materials and equipment.

2 1. Operators and/or lessees shall store, stack, box, or bag material (or
3 equipment) in such manner as to preclude creating any hazard, obstructing any
4 operation, or littering.

5 2. Storage of materials or equipment shall not be permitted outside without
6 the express written permission of the City.

7 K. Compressed gases. Cylinders or tanks not in use shall be stored
8 appropriately in accordance with the International Fire Code and International
9 Building Code.

10 L. Lubricating oils. A total of up to 60 gallons of lubricating oils having a
11 flash point at or above 150 degrees may be stored in hangars, provided that the
12 product is stored in the original container and has the original manufacturer's
13 labeling (or the product is stored in other suitable containers approved by the
14 Airport Manager). Larger quantities may be stored in accordance with applicable
15 laws, rules, and regulations.

16 M. Signs. No person may erect, paint, or maintain any sign on the Airport
17 without the prior written consent of the City which the City may grant or deny in
18 its sole discretion.

19 N. No person, in the use of the Airport's land and improvements, shall
20 discriminate against any person or class of persons by reason of race, color,
21 religion, sex, national origin, age, or disability in providing any products or
22 services or in the use of any of the Airport's land and improvements provided for
23 the public, or in any manner prohibited by other applicable legal requirements.

1 O. Assembly and demonstration.

2 1. This section is intended to promote the free exercise of personal rights of
3 individuals embraced by the First Amendment to the Constitution of the United
4 States, and Article II, Section 10 of the Constitution of Colorado, and balance
5 those rights against the safe and efficient operation of the Airport as a non-public
6 forum.

7 2. No person shall engage in picketing, marching, or demonstrating at the
8 Airport for any reason without prior written permission by the City Manager or
9 designee. If granted, such written permission shall specify the area of the Airport
10 on which picketing, marching, or demonstrating shall be permitted, the date and
11 time such activity shall be permitted, and any other reasonable conditions that the
12 City Manager or designee may deem necessary for the safety of persons and
13 property or for the efficient operation and security of the Airport.

14 3. All authorized picketing, marching, and demonstrating shall be conducted
15 (i) in a peaceful and orderly manner; (ii) without physical harm, molestation,
16 threat, or harassment of any person; (iii) without obscenities, violence, breach of
17 the peace, or other unlawful conduct; (iv) without obstructing the use of the
18 Airport by others; (v) without hindrance to or interference with the proper safe,
19 orderly, and efficient access to and from, and operation of, the Airport and
20 activities conducted thereon; and (vi) in strict conformance with any operating
21 procedures governing such activities at the Airport and the direction and
22 conditions prescribed in writing by the City Manager or designee.

1 13.39.040. - Aircraft rules and regulations.

2 A. General. Activities at the Airport shall conform to all applicable
3 provisions of the Code, including these Regulations and the Federal Aviation
4 Regulations, as amended.

5 B. Based aircraft registration.

6 1. Information of Aircraft based at the Airport (commercial or non-
7 commercial) shall be provided to the Airport Manager and must be updated
8 annually within thirty (30) days of the 1st day of January. Such information shall
9 include the following:

10 Aircraft make and model;

11 Aircraft registration number; and

12 Aircraft Owner name, address, and phone number.

13 2. Lessees are responsible for ensuring the required information has been
14 provided to the Airport Manager.

15 3. Based Aircraft Operators must have a tie-down agreement or hangar lease
16 with either the Airport or an authorized FBO, or rent hangar space from an
17 approved Tenant of the airport. Transient Aircraft Operators must check in with
18 the FBO and provide the FBO with contact information in case of emergency. For
19 arrivals after business hours, information should be provided the next day during
20 business hours if the Aircraft remains for that amount of time.

21 C. Hours of operation.

22 1. The Airport is available for use 24 hours per day, 7 days per week unless
23 otherwise indicated by NOTAM.

1 2. The Airport Manager may authorize Aviation Related Activities based at
2 the Airport which may negatively impact Airport availability to individual
3 Owners, Property Owners, and Tenants. No person may conduct such activity
4 without the express prior written permission of the Airport Manager. Examples of
5 such activities include Air Shows, fly-ins, special Aircraft operations, balloon
6 operations, Glider operations, and emergency relief operations. Skydiving,
7 parachuting, and ultralight operations using the normal Airport Movement Area
8 do not require written permission; however if the operations are being conducted
9 on unleased property and areas outside the Airport Movement Area, express prior
10 written permission is required.

11 D. Accidents or incidents.

12 1. Aircraft Operators involved in an accident on the Airport resulting in any
13 injury (or death) to a person or damage to property shall make a full and prompt
14 report of the accident to the Airport Manager, complete any necessary reports and
15 forms, and comply with all applicable provisions of the National Transportation
16 Safety Board Regulations, Part 830.

17 2. Damage to property includes, but is not limited to, damage to a Runway,
18 taxiway, apron, navigational aid, light, fixture, building or other structure, fence,
19 or other Airport property.

20 3. In case of an incident, accident, or emergency the operator of any Aircraft
21 or vehicle shall make certain that the Aircraft or vehicle is not moved or tampered
22 with in any manner, unless specifically required to prevent loss of life or property,
23 recovery of a deceased body, to secure Hazardous Materials, authorized by the

1 NTSB or FAA or in the event that the NTSB or FAA waive jurisdiction,
2 authorized by the Airport Manager or law enforcement personnel. Once
3 authorization to remove the Aircraft has been issued, the Aircraft Operator shall
4 make immediate arrangements to have the Aircraft removed.

5 4. If immediate arrangements are not made, the Airport Manager may have
6 the Aircraft removed at the Aircraft Operator's sole risk and expense without
7 liability for damage arising from or out of such removal.

8 5. Airport Tenants shall immediately report all thefts of Airport property to
9 the Airport Manager.

10 6. Any person involved in or witnessing a vehicle, Aircraft, or pedestrian
11 incident or accident at the Airport resulting in any injury (or death) to a person or
12 damage to property shall remain at the scene, notify the Airport Manager
13 immediately, and provide all pertinent information as requested. No vehicle shall
14 be removed from the accident until proper permission is given by the Airport
15 Manager or the public official who is the incident commander.

16 7. No person shall enter upon the Airport Operation Area, landing areas,
17 aprons, or taxiways of the Airport for the purpose of attending, observing, or
18 assisting at the scene of an accident, except persons requested or permitted to do
19 so by the Airport Manager, law enforcement, or those public officials authorized
20 as incident commanders with the following exception: if someone is rendering
21 immediate first aid or lifesaving assistance, they may do so to save life or limb
22 until arrival of properly trained first responders, emergency responders, or the
23 Airport Manager, at which time, the person rendering assistance shall follow

1 instructions given by the incident commander.

2 8. The Airport Manager shall determine when normal operations may
3 resume.

4 9. In the absence of the Airport Manager the City Manager or designee shall
5 assume responsibility for all Airport operations.

6 E. Aircraft maintenance.

7 1. Maintenance in accordance with the applicable section of 14 C.F.R., Parts
8 43, 91, 135, and 145 may be performed on Aircraft located in hangars.

9 2. Aircraft maintenance within hangars shall be limited to that specifically
10 permitted by the occupancy code rating established in the International Building
11 Code and in compliance with the directives of the City Fire Marshall.

12 F. Aircraft cleaning. Aircraft cleaning shall be performed in a manner which
13 prevents contamination of surrounding soils and runoff of waste water.

14 G. Aircraft parking and storage.

15 1. Aircraft shall be parked only in those areas designated for such purpose by
16 the Airport Manager and shall not be positioned in such a manner so as to block a
17 Runway, taxiway, taxi lane, their associated safety or object free areas, aircraft
18 run-up areas, access to hangars, parked Aircraft, or parked vehicles.

19 2. Unless under lease with the City, or as otherwise authorized by the Airport
20 Manager or authorized FBO, no person shall use any area of the Airport for the
21 parking or storage of Aircraft.

22 3. Should a person park an Aircraft in violation of these Regulations, then, to
23 the extent required to restore normal Airport operations, the Airport Manager may

1 remove and store the Aircraft at the expense of the Aircraft Operator without
2 liability for damage that may arise from or out of such removal or storage.

3 4. Aircraft Operators shall ensure parked and stored Aircraft are properly
4 secured as set forth in FAA AC 20-35C. Parked Aircraft should not have parking
5 brake set in event the airplane must be moved by the FBO or Airport Manager in
6 accordance with these Regulations.

7 5. The Aircraft Operator shall be responsible for Aircraft security and should
8 follow the guidelines and recommendations contained in the current version of
9 TSA Information Publication A-001, "Security Guidelines for General Aviation
10 Airports," and Aircraft Owners and Pilots Association Airport Watch Program
11 materials.

12 H. Aircraft operations.

13 1. Operating an Aircraft in a careless, unsafe, negligent, or reckless manner,
14 in disregard of the rights and safety of others, without due caution and
15 circumspection, or at a speed or in a manner which endangers, or be likely to
16 endanger persons or the property of any person is prohibited.

17 2. Operating an Aircraft constructed, modified, equipped, or loaded as to
18 endanger, or be likely to endanger persons or the property of any person is
19 prohibited.

20 3. Aircraft Operators shall not land, take off, taxi, or park an Aircraft on any
21 area that has been restricted to a maximum weight bearing capacity of less than
22 the weight of the Aircraft at the time of using such area without the express
23 written permission from the Airport Manager.

1 4. Aircraft Operators shall be responsible for the costs of any repairs and
2 damage to the Airport's Runways, taxiways, or aprons caused by excessive
3 Aircraft weight bearing

4 5. Air Shows and performance of aerobatic maneuvers of Aircraft are not
5 permitted within the Airport property without prior written permission of the
6 Airport Manager and the FAA.

7 a. The Airport Manager shall not grant permission without FAA clearance or
8 exemption and approval of an insurance policy by the Risk Manager.

9 b. The insurance policy shall cover all claims resulting from the event and
10 indemnify and hold the City harmless against all claims, demands, liabilities,
11 damages, suits, actions, judgments, fines, penalties, losses, and expenses,
12 including attorney fees arising in any manner from the air show, contests,
13 demonstration, or exhibition.

14 6. No person, without specific written permission from the Airport Manager
15 and in compliance with these Regulations and the Code, shall collect any monies
16 for use of any Airport public area.

17 7. Airborne radar equipment shall not be operated or ground-tested in an area
18 where the directional beam of such radar, if high intensity (50KW or greater
19 output) is within 300 feet or, if low intensity (less than 50 KW output) is within
20 100 feet of another Aircraft, an Aircraft refueling operation, an Aircraft refueling
21 vehicle, or a fuel storage facility.

22 I. Taxiing operations.

23 1. Aircraft Operators shall obey all pavement markings, signage, and lighted

1 signals unless the Airport Manager or designated representative directs otherwise.

2 2. The following Runway and taxiway weight limitations for single and dual
3 gear Aircraft shall not be exceeded without prior approval from the Airport
4 Manager. The following are weight limits for
5 Runways 11 - 29 and taxiways A and B:

6 Single gear – 30,000 lbs.

7 Dual gear – 45,000 lbs.

8 J. Skydive operations.

9 1. All skydive operations will comply with applicable state and federal
10 statutes, regulations, advisory circulars, the United States Parachute Association
11 (or other nationally recognized skydiving organization's) Basic Safety
12 Requirements (BSRs), and Parachute Licensing Procedures.

13 2. The skydive Aircraft will announce on the Vance Brand Airport CTAF
14 frequency, as frequency congestion allows, Skydivers jumping two minutes
15 before the jump and when jumpers exit the Aircraft.

16 3. Skydive Operators must provide the Airport Manager with a copy of their
17 Standard Operating Procedures (SOPs) which set forth the procedures they will
18 utilize to minimize and prevent Unauthorized Landings. These SOPs will be used
19 by the City Manager or designee, including the Airport Manager, to evaluate
20 Unauthorized Landings and determine if there has been a violation of these
21 Regulations.

22 4. The Airport Manager shall designate the authorized parachute landing
23 area. All parachute landings outside of this area are unauthorized unless

1 specifically authorized by the Airport Manager.

2 5. Skydive Operators and Skydivers shall take every reasonable measure to
3 prevent and refrain from Unauthorized Landings. It is an affirmative defense to a
4 charge of violating this subsection that the Unauthorized Landing resulted from
5 an emergency that neither the Skydive Operator nor the Skydiver could avoid.

6 6. Unauthorized offsite landings by Skydivers shall be reported to the Airport
7 Manager by the responsible Skydive Operator within 24 hours after learning of
8 the event.

9 7. Each Skydiver must acknowledge, in a form approved by the Airport
10 Manager, Risk Manager, and City Attorney that the City bears no liability for any
11 loss, injury, death, or damage to persons or property arising from the Skydiver's
12 activities and operations whether such loss, injury, or death occurs at the time of
13 the incident or follows as a result of such incident.

14 8. Each Skydiver must agree, in a form approved by the Airport Manager,
15 Risk Manager, and City Attorney, to indemnify and hold harmless the City and
16 each of its Council members, officers, officials, representatives, agents,
17 employees, successors and assigns against all claims, demands, liabilities,
18 damages, suits, actions, judgments, fines, penalties, losses, and expenses,
19 including attorney fees by the Skydiver or others, arising from the Skydiver's
20 activities and operations.

21 9. Each Skydive Operator shall comply with administrative procedures,
22 which the Airport Manager may issue, and shall keep and produce for inspection
23 and copy such records and reports as the Airport Manager may require.

1 K. Traffic patterns.

2 1. Aircraft should conform to the following traffic Pattern Altitudes, unless
3 otherwise specifically authorized by Air Traffic Control or necessary for safety of
4 flight as determined by the Pilot in Command:

- 5 a. Small general aviation Aircraft – 1,000 feet AGL;
- 6 b. Larger and turbine general aviation Aircraft – 1,500 feet AGL;
- 7 c. Helicopters – 500 feet AGL; and
- 8 d. Ultralight and gyrocopters – 500 feet AGL.

9 2. All Aircraft should fly the traffic pattern in accordance with the
10 recommendations of the FAA Advisory Circular 90-66A, unless otherwise
11 published in the airport facility directory or by NOTAM.

12 3. Recommended traffic patterns for noise abatement procedures for
13 airplanes, Rotorcraft, ultralight, and gyrocopters may vary from the above
14 recommended procedures and should be followed when possible. These patterns
15 are published on the City's Airport Department webpage.

16 4. Aircraft limitations. The following categories of Aircraft require the prior
17 permission of the Airport Manager before conducting any operations at the
18 Airport: Gliders, with the exception of self-launch gliders; Lighter-Than-Air
19 Aircraft; banner or Glider towing; powered parachutes; paragliders; agricultural
20 operations; firefighting operations; single gear Aircraft operating above 30,000
21 lbs.; or dual gear Aircraft operating above 45,000 lbs.

22 L. Restricted activities.

23 Unless otherwise approved by agreement, Aircraft Operators and Owners shall

1 provide advance notification to the Airport Manager before engaging in any of the
2 following activities and shall conduct these activities in accordance with the
3 specific requirements stipulated by the Airport Manager:

4 1. The landing upon or taking off of ultralight vehicles to and from unleased
5 property or other areas not designated as Airport Movement Area, unless
6 approved in writing by the Airport Manager;

7 2. The landing upon or taking off of airships, dirigibles, blimps, balloons,
8 and other certified Lighter-Than-Air Aircraft which utilize gasses or hot air to
9 provide lift;

10 3. The landing upon or taking off of Aircraft which tow banners or other
11 devices;

12 4. Powered parachute or paraglider operations;

13 5. Operation of model (hobbyist) Aircraft;

14 6. Operators of Unmanned Aerial Vehicles (UAV) or Unmanned Aircraft
15 Systems (UAS) within five miles of the Airport shall comply with all applicable
16 legal requirements. This may include, but is not limited to, notifying and
17 obtaining written permission from the Airport Manager to fly UAV or UAS
18 within protected airspace;

19 7. Operation of Aircraft with a maximum certificated takeoff weight in
20 excess of the published weight bearing capacity for the Runway(s) and/or
21 taxiway(s).

22 8. Landing or taking off with flammable, explosive, or corrosive materials,
23 except those which are carried aboard (and necessary) for the operation of the

1 Aircraft or use by crewmembers or passengers. All shipments of Hazardous
2 Material shall comply with regulations established in 49 C.F.R., Parts 100-199
3 and any other applicable legal requirements governing such shipments. Hazmat
4 and Aircraft rescue and firefighting equipment and trained personnel will be
5 required for this type of operation as a precautionary measure. Costs associated
6 with trained hazmat personnel and related equipment shall be borne solely and
7 completely by the Aircraft Operator or Owner.

8 13.39.050. - Hangars.

9 1. Hangars shall be used as a hangar facility for the storage of Aircraft,
10 Aircraft parts, Aircraft tools, and Aircraft equipment owned, leased, or subleased
11 by a lessee and for other purposes authorized by these Regulations, as adopted or
12 amended from time to time. A lessee may store limited quantities of non-aviation
13 related items as long as the principal use of the hangar is for the storage of
14 Aircraft. Determination of the appropriateness of the items to be in storage shall
15 be the sole responsibility of the Airport Manager or the City Manager's designee.
16 A lessee shall have no right to use its leased premises, or any improvements
17 thereon, other than as specifically allowed under this paragraph. A lessee shall
18 perform all activities on the premises according to Federal Aviation Regulations
19 and these Regulations, as adopted or amended from time to time.

20 2. Items stored within a hanger shall not hinder the ability of the Aircraft to
21 egress or ingress.

22 3. Aircraft parked in hangars shall be parked in a manner so as to be
23 completely contained in the hangar and not to obstruct adjacent Aircraft parking,

1 storage areas, taxiways, or taxi lanes, except for temporary staging or fueling of
2 such Aircraft.

3 4. Any person wanting to enter into a lease with the City to establish a
4 hangar at the Airport that does not meet the requirements of an FBO or SASO,
5 must meet all other requirements of these Regulations, including those set forth in
6 this section and all applicable provisions of the Code.

7 5. The Council may require a person wanting to operate or own a hangar to
8 construct or lease a building on the Airport with adequate space to house the
9 Aircraft and provide adequate parking.

10 6. The Council may require a person wanting to operate or own a hangar to
11 make other improvements either on the leased premises or on the Airport to
12 provide an adequate Aircraft maneuvering area and taxiway to the public areas on
13 the Airport.

14 7. The Hangar Operator or Hangar Owner shall not provide or allow services
15 to be provided from the hangar to the general public, unless approved as an FBO,
16 SASO, or other allowed use.

17 8. Notwithstanding any other provisions of these Regulations, the City may,
18 with FAA approval, designate any area of the Airport for non-aeronautical uses.
19 Any person wanting to operate a non-aeronautical use at the Airport must enter
20 into a lease with the City in accordance with the applicable provisions of these
21 Regulations and the Code.

22 13.39.060 - Ground vehicle rules and regulations.

23 A. Ground vehicle operations.

1 1. It is prohibited to operate a ground vehicle on the Airport in a careless,
2 negligent, unsafe or reckless manner, in disregard of the rights and safety of
3 others, without due caution and circumspection, or at a speed or in a manner
4 which endangers or is likely to endanger persons or property.

5 2. Vehicle operators shall report all motor vehicle accidents, as defined by
6 state law, which occur on Airport property to the Airport Manager and the
7 Longmont Police Department.

8 3. Airport Landside speed limits. Vehicles, except for Authorized
9 Emergency Vehicles responding to an emergency, shall not be operated on the
10 Airport in excess of the posted speed limits or in excess of any speed stipulated in
11 these Regulations. In areas where signs, markers, or devices are not used or
12 posted, the speed limit shall be 25 miles per hour.

13 4. Airport Airside speed limits. Vehicles, except for Authorized Emergency
14 Vehicles responding to an emergency or Airport management and operation
15 vehicles responding to an emergency, shall not operate on the Airport Airside
16 within 50 feet of Aircraft at speeds in excess of 15 miles per hour.

17 5. Vehicle operators shall yield the right-of-way to pedestrians, emergency
18 vehicles (or equipment), snowplows, and Aircraft.

19 6. Vehicle operators shall comply with any order, signal, sign, or directive of
20 the Airport Manager or law enforcement personnel.

21 B. Ground vehicle operations within the Airport Movement Area.

22 1. Only authorized vehicles may operate in the Airport Movement Area.

23 2. Vehicles used in the Airport Movement Area shall be painted and marked

1 in a manner approved by the Airport Manager and be equipped with an approved
2 and fully operational amber or red (Authorized Emergency Vehicles only)
3 rotating, flashing, or steady beacon on the roof or uppermost point of the vehicle
4 in compliance with the current version of the FAA Advisory Circular 150/5210-5.

5 3. All Airport vehicles, authorized by the Airport Manager to operate on the
6 Airport Movement Area, shall be equipped with a functioning two-way radio
7 capable of communicating on the proper aeronautical frequencies (ranging from
8 108.00 MHz to 136.00 MHz). Such vehicles shall also display yellow or amber
9 flashing lights.

10 4. The beacon shall be activated by the vehicle operator prior to entering the
11 Airport Movement Area and shall remain in operation while the vehicle is in the
12 Airport Movement Area.

13 5. The Airport Manager may restrict vehicles to a certain portion or segment
14 of the Airport. Under special circumstances, the Airport Manager may authorize
15 vehicles not in compliance with the marking and communication criteria, set forth
16 herein, to operate within the Airport Movement Area.

17 6. Within the Airport Movement Area, the recreational use of bicycles,
18 ATVs, three wheelers, scooters, mini-bikes, go-carts, rollerblades and skateboards
19 is prohibited. It is prohibited to drive an unmarked personal vehicle or golf cart in
20 the Airport Movement Area unless specific written permission for each instance is
21 obtained from the Airport Manager. The Airport Manager may issue an approval
22 to FBOs and SASOs for Aircraft towing and other purposes necessary for the
23 normal conduct of their business in utilizing the Airport Movement Area.

1 Individual Tenants needing to tow Aircraft on taxiways without a Runway
2 crossing may also receive an approval for such activity. It is prohibited to drive
3 from the north hangar area to the south hangar area, or the reverse, by way of the
4 Airport Movement Area.

5 7. Aircraft have the right-of-way over pedestrians, bicycles, vehicles,
6 including Authorized Emergency Vehicles, and any other mode of transportation
7 other than Aircraft.

8 C. Pedestrian operations.

9 1. Explicit authorization from the Airport Manager is required for
10 pedestrians to cross the Runway and taxiways and their associated safety areas,
11 except for emergency and authorized personnel.

12 2. Runway incursions are to be reported to the Airport Manager.

13 D. Parking or stopping. Vehicles shall not be parked or stopped:

14 1. In such a manner so as to obstruct a parking lot lane, driveway, roadway,
15 walkway, crosswalk, fire lane, Runway, taxiway, taxi lane, access to hangars,
16 parked Aircraft, or parked vehicles;

17 2. Within 15 feet of a fire hydrant or fire lane, or restricting the access to or
18 from the fire hydrant or fire lane;

19 3. Other than in accordance with restrictions posted on authorized signs;

20 4. Parking on Airport property intended for the Airport's Tenants, users and
21 their customers, and parking in the Airport Landside parking areas is limited to 72
22 hours;

23 5. The Airport Manager may designate or restrict areas for both public and

1 Tenant parking.

2 13.39.070. - Commercial operations and fueling.

3 A. Overview. With the exception of NABOs and NSASOs, all Commercial
4 Operators shall lease or build adequate facilities to accommodate all planned
5 activities, obtain the requisite permits and approvals to legally operate, employ
6 personnel who hold the appropriate licenses and certifications, and make their
7 services available to potential customers.

8 B. All Commercial Operators must meet and comply with the Airport's
9 Minimum Standards for Commercial Service Providers. Any person providing a
10 commercial service or activity at the Airport must have obtained a permit for such
11 services from the Airport Manager after first having received any required
12 approval from the City in order to operate at the Airport. The permit will be
13 issued in the form and manner as issued by the Airport Manager.

14 C. Self-fueling/self-servicing.

15 1. Aircraft Operators are permitted to fuel, wash, repair, or otherwise service
16 their own Aircraft, provided there is no attempt to perform such services for
17 compensation or hire from others, and further provided such services are
18 otherwise in compliance with these Regulations.

19 2. An Aircraft Operator may hire an individual to provide, under the
20 direction and supervision of the Aircraft Operator, services on the Aircraft
21 Operator's Aircraft.

22 D. Refueling, defueling, and fuel storage – general.

23 1. Fueling permit. A person wanting to fuel Aircraft at the Airport must

1 possess a valid Aircraft fuel-dispensing permit issued by the Airport Manager. A
2 commercial fuel-dispensing permit is required by any FBO at the Airport who
3 wishes to sell fuel to the general public. A non-commercial fuel-dispensing permit
4 is required for any person who wishes to fuel their own Aircraft. A fuel-
5 dispensing permit may be obtained from the Airport Manager.

6 2. Refueling, defueling, and fuel storage on the Airport shall conform to the
7 current applicable provisions of 14 C.F.R. and all appropriate NFPA guidelines.

8 3. Fuel transfers from one vehicle to another vehicle or from delivery vehicle
9 to fuel storage facilities shall be bonded during the transfer process.

10 E. Permit.

11 1. Except as otherwise stated in these Regulations, only an FBO shall refuel
12 Aircraft at the Airport. The FBO must possess a valid commercial fuel-dispensing
13 permit. The FBO shall meet the regulatory requirements of equipment, operations,
14 and training, as stated in these Regulations and the Code.

15 2. Any permit holder shall report any fuel dispensed during each calendar
16 month and submit such report and the appropriate fuel flowage fees to the Airport
17 Manager by the 15th day of the subsequent month.

18 3. The permit will be provided in the form and manner as issued by the
19 Airport Manager.

20 F. Refueling, defueling, and fuel storage operations.

21 1. A properly trained FBO employee shall be present and responsive at all
22 times while fuel delivery vehicles transfer fuel into or out of any fuel storage
23 facility.

- 1 2. The FBO employee shall remain within the immediate vicinity and in
2 direct view of all operating controls and equipment.
- 3 3. The FBO employee shall not leave the discharge end of any hose
4 unattended while the transfer of fuel is in progress.
- 5 4. The FBO employee shall not block open, disengage, or deactivate the
6 “deadman” handle while fueling or transferring fuel.
- 7 5. Aircraft shall not be refueled or defueled in an area where Aircraft engines
8 are operating, Aircraft or engines are being warmed by application of heat, or
9 while the Aircraft is located in a hangar.
- 10 6. Persons engaged in fueling, defueling, and oil servicing of Aircraft (or
11 vehicles), the filling of refueling vehicles, dispensing equipment; or the dumping,
12 pumping, or loading of aviation fuels (or oils) into or from fuel (or oil) storage
13 facilities shall exercise care and extreme caution to prevent fuel and oil spills. In
14 the event that a spill of any magnitude should occur, all associated activities shall
15 cease and the responsible person of such spill shall take appropriate actions in the
16 containment, cleanup, and rehabilitation of such hazardous spill.
- 17 7. Refueling vehicles shall be positioned so that the vehicle can be directly
18 driven away from the loading or fueling position in the event of a fire or spill.
- 19 8. Not more than one refueling vehicle shall be positioned to refuel each
20 wing of an Aircraft, and not more than two refueling vehicles shall be positioned
21 to service the same Aircraft.
- 22 9. When high capacity Aircraft are refueled, additional refueling vehicles
23 shall not be parked or positioned within 100 feet of the Aircraft.

- 1 10. Aircraft fuel handling shall be conducted outdoors and at least 50 feet
2 from any combustion or ventilation air-intake to any boiler, heater, incinerator
3 room, or as approved by the City Fire Marshall.
- 4 11. Pumps, either hand or power operated, shall be used when Aircraft are
5 fueled from drums.
- 6 12. Vehicles shall be refueled only at refueling stations and from dispensing
7 devices approved by the Airport Manager.
- 8 13. No Aircraft or vehicle shall be fueled or defueled if an electrical storm is
9 in progress within five miles of the Airport.
- 10 14. When Aircraft are being fueled or defueled, the refueling vehicle shall be
11 bonded to the Aircraft.
- 12 15. Refueling vehicle operators shall not operate the vehicle in reverse within
13 30 feet of an Aircraft or structure unless another person is present and capable of
14 monitoring and directing the movement of the vehicle.
- 15 16. Aircraft shall not be fueled or defueled while passengers are on board
16 unless a passenger-loading ramp is in place at the Aircraft's cabin door, the door
17 is in the open position, and an attendant is present at or near the door.
- 18 17. Smoking is prohibited in or about any Aircraft, on any apron, or within 50
19 feet of an Aircraft being fueled or defueled, or within 50 feet of any fuel storage
20 and dispensing equipment.
- 21 18. During fueling operations, no person shall use any material or equipment
22 that is likely to cause a spark or ignition within 50 feet of such Aircraft or vehicle.
- 23 19. The City assumes no liability or responsibility for violations of any

1 applicable fueling requirements and procedures.

2 20. The Lessee shall be solely responsible for any violation or incident to or in
3 connection with the Lessee's fueling storage facilities, equipment, operations, and
4 training.

5 21. Fueling vehicles, fueling trailers, and any other type of fueling apparatus
6 where fuel is contained shall be parked or stored on an impervious surface to
7 prevent soil and ground water contamination.

8 G. Non-commercial Aircraft fuel dispensing.

9 1. There is a need for a variety of fuels and quantities an FBO may not stock
10 due to business or other reasons. This section provides requirements for regulating
11 such Aircraft refueling operations and the issuance of a non-public Aircraft fuel-
12 dispensing permit.

13 2. Except for those who are fueling per allowance under 13.39.070,
14 Paragraph C (Self-fueling/self-servicing), any person, other than an FBO or
15 SASO, wanting to fuel their own Aircraft at the Airport must have a non-
16 commercial fuel-dispensing permit. The permit is available from the Airport
17 Manager.

18 3. A person applying for a non-public Aircraft fuel-dispensing permit,
19 hereinafter referred to as the Permittee, shall provide the Airport Manager with a
20 detailed description of the intended fueling operation, including a description of
21 the fueling equipment to be used.

22 4. All Aircraft fueling operations conducted at the Airport shall be conducted
23 in compliance with NFPA 407: Standard for Aircraft Fuel Servicing, using

1 equipment permitted by Standard 407.

2 5. The Permittee shall immediately notify the Airport Manager of any fuel
3 spill or hazardous condition that occurs at the Airport.

4 6. The Permittee shall be responsible for all costs associated with any fuel
5 spill cleanup and removal of contaminated materials associated with the fueling
6 operation conducted under these Regulations.

7 7. The Permittee shall have a minimum of a 20-BC rated fire extinguisher
8 readily available while transporting or dispensing fuel at the Airport.

9 8. The City's fire department representatives and the Airport Manager, or
10 designee, may immediately suspend any fueling operation and revoke the fueling
11 permit for violation of any item or term of a non-commercial fuel-dispensing
12 permit, or for non-compliance with the adopted fire Code.

13 9. Fueling vehicles, fueling trailers, and any other type of fueling apparatus
14 where fuel is contained shall be parked or stored on an impervious surface to
15 prevent soil and ground water contamination.

16 10. Requirements for a non-commercial fuel-dispensing permit:

17 a. Prior to issuance of a fueling permit, and subsequently upon request by the
18 Airport Manager, the Permittee shall provide evidence of ownership or a valid
19 lease or rental agreement for any Aircraft being fueled;

20 b. The Permittee shall not sell fuel to any person nor shall any fuel be
21 delivered into any Aircraft not owned or leased by the Permittee. Sale of fuel or
22 unauthorized fuel delivery by the Permittee to any person shall be grounds for
23 immediate revocation of the permit;

- 1 c. The Permittee shall be required to pay all applicable fees and taxes;
- 2 d. The Permittee shall report any fuel dispensed during each calendar month
3 and submit such report and the appropriate fuel flowage fees to the Airport
4 Manager by the 15th day of the subsequent month;
- 5 e. Refueling vehicles, fueling pumps, meters, hoses, nozzles, funnels, fire
6 extinguishers, and bonding devices used during fueling operations shall be
7 maintained in a safe operating condition and in good working order and repair at
8 all times;
- 9 f. Adequate and proper fire extinguishers shall be immediately available
10 during all fueling and defueling operations;
- 11 g. Adequate and proper absorbent and fuel spill containment capable of
12 damming or diking a fuel spill shall be immediately available at all times;
- 13 h. Each refueling vehicle shall have a minimum 15-gallon spill kit; and
- 14 i. Each fuel storage facility shall have a minimum 55-gallon spill kit.

15 13.39.080. - Minimum standards for commercial service providers - adopted.

16 A. Pursuant to C.R.S., Title 31, Article 16, Part 2, as amended, and Article
17 IV, Municipal Charter of the City of Longmont, Colorado, the Minimum
18 Standards for Commercial Service Providers, Vance Brand Municipal Airport,
19 dated May 16, 2016, is adopted, by reference thereto, to have the same force and
20 effect as if set forth in this chapter in every particular.

21 B. At the time of adoption, one certified true copy of the Airport's Minimum
22 Standards for Commercial Service Providers, Vance Brand Municipal Airport, is
23 on file in the office of the city clerk and may be inspected by any interested

1 person between 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays
2 excepted. The City shall keep a copy of the adopted Code in the office of the
3 Airport Manager for public inspection. The Minimum Standards for Commercial
4 Service Providers, Vance Brand Municipal Airport, as finally adopted, is
5 available for sale at the office of the city clerk, at a price reflecting cost to the city
6 as established by the city manager, pursuant to this Code.

7 Section 2

8 To the extent only that they conflict with this ordinance, the Council repeals any
9 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and
10 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

11 Introduced this 24th day of May, 2016.

12 Passed and adopted this 14th day of June, 2016.

13

14

15

16

17

18 ATTEST:

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

Dennis L Coombs
MAYOR



Valeria H. Stath
CITY CLERK

NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT
7:00 P.M. ON THE 14th DAY OF June, 2016, IN THE
LONGMONT COUNCIL CHAMBERS.

APPROVED AS TO FORM:

[Signature]
ASSISTANT CITY ATTORNEY

6/6/16
DATE

1
2
3
4
5
6
7
8
9
10
11
12
13

S. Snell
PROOFREAD

6/2/16
DATE

APPROVED AS TO FORM AND SUBSTANCE:

[Signature]
ORIGINATING DEPARTMENT

6-9-16
DATE

CA File: 9896