

ORDINANCE 2019-08

**AN ORDINANCE REPEALING CHAPTER 14
OF THE SALLISAW CITY CODE
AND SUBSTITUTING A NEW CHAPTER 14, AVIATION,
OF THE SALLISAW CITY CODE
AND DECLARING AN EMERGENCY**

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF SALLISAW, OKLAHOMA.

SECTION 1. REPEAL

Chapter 14 of the Sallisaw City Code is hereby repealed in its entirety and a new Chapter 14, Aviation, of the Sallisaw Code of Ordinances is hereby established by enacting the following articles and sections, to-wit:

CHAPTER 14

ARTICLE I. IN GENERAL

Section 14-1. Conflict in Rules

If and where there is a conflict in any rule of the Sallisaw Municipal Airport and the regulations of the Federal Aviation Administration, the latter shall prevail.

Section 14-2. Penalty

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punished as provided in Section 1-8 of the Sallisaw Code of Ordinances. Each day, or part of a day, of such violation shall constitute a separate offense

Section 14-3. Federal Aviation Administration Regulations and Advisory Circulars.

The published Federal Aviation Regulations (FAR) of Title 14 of the Code of Federal Regulations and FAA Advisory Circulars (FAA AC) in effect are referred to, adopted and made a part of this article as fully in all respects as if particularly set forth in this article.

Section 14-4. Knowledge of Rules Implied

By publication of this Chapter of the Sallisaw Code of Ordinances, all persons will be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the ordinance from which this Chapter is derived printed and posted where appropriate, including any websites operated by the City. Copies, shall be available at all times in the terminal building and copies will be furnished to owners and operators of aircraft based at the Municipal Airport.

Section 14-5. Airport Manager

The Board of City Commissioners designates the City Manager as the Airport Manager. The Airport Manager may appoint a designee(s), who shall assist in the daily management and operations of the Municipal Airport, attend meetings of the Airport Advisory Board, prepare proposed budgets for the Municipal Airport and schedule needed maintenance and improvements

Section 14-6. Fixed Base Operator

The Board of City Commissioners, may contract with a Fixed Base Operator (FBO) for the daily operation of the Municipal Airport. If contracted, the Fixed Base Operator shall meet the qualifications as established by the Board of City Commissioners. The duties of the Fixed Base Operator, and additional services that may be provided, shall be those as set by the Board of City Commissioners in the contract. As required by 49 U.S. Code § 47107(a)(4), any FBO contracted by the City shall not be entitled to offer exclusive services at the Airport Facility.

Section 14-7. Definitions

- 1) *Aeronautical Activity*. The term “Aeronautical Activity” shall mean any activity which involves, makes possible or is required for the operations of aircraft whether or not conducted on or off Airport property which involves, makes possible or is required for the safety of such operations and shall include (but not by way of limitation) all activities commonly conducted on airports, such as charter operations, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, flying clubs, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft parts, sales and maintenance of aircraft accessories, radio communications and navigation equipment and any other activity which because of its direct relationship to the operation of the aircraft, can appropriately be regarded as an aeronautical activity.
- 2) *Aircraft*. An airplane, helicopter, or other machine capable of flight.
- 3) *Airport or Municipal Airport*. The term “Airport” or “Municipal Airport” shall mean the Sallisaw Municipal Airport located in Sallisaw, Oklahoma.
- 4) *Airport Manager*. The term “Airport Manager” shall mean the City Manager of the City of Sallisaw, Oklahoma.
- 5) *City*. The term “City” shall mean the City of Sallisaw, Oklahoma.
- 6) *City Commission or Board of City Commissioners*. The terms “City Commission” or “Board of City Commissioners” shall mean the duly elected city commissioners of the City of Sallisaw, Oklahoma.
- 7) *FAA*. Federal Aviation Administration.
- 8) *FAR*. Federal Airport Regulations.

- 9) *Fixed Base Operator (FBO)*. The term shall refer to a contract person, contract firm, or employee of the City that is tasked with the daily operations of the Municipal Airport.
- 10) *OAC*. Oklahoma Aeronautical Commission.
- 11) *Runway*. Means a defined area of an airport prepared for landing and take-off of aircraft along its length.
- 12) *Taxiway*. A path for aircraft at an airport connecting runways with aprons, hangars, terminals and other facilities.
- 13) *NOTAM*. "NOTAM" is a notice filed with an aviation authority to alert aircraft pilots of potential hazards along a flight route or at a location that could affect the safety of the flight.
- 14) *Pilot*. A person who operates the flying controls of an aircraft.

Section 14-8. Penalty for Violation of Rules and Regulations.

Violation of the rules may result in the termination of leases, the prohibition from being upon the grounds of the Airport, the loss of the opportunity to conduct any operations at the Airport, or such other action as the City deems appropriate, in addition to any penalties imposed if such violations are also violations of law

Section 14-9. Reserved

ARTICLE II. AIRPORT ZONING

Section 14-10. Joint Airport Zoning Board

The creation, existence and power of the Joint Airport Zoning Board of the Sallisaw Municipal Airport are hereby ratified and confirmed. Members of the Airport Advisory Board shall serve as the members of the Joint Airport Zoning Board.

Section 14-11 through 14-50. Reserved

ARTICLE III. MUNICIPAL AIRPORT

Section 14-51. Airport Advisory Board Established.

- 1) An Airport Advisory Board is hereby established. Airport advisory board members shall be appointed by the Mayor and the appointments confirmed by the Board of City Commissioners. Not less than two members of the advisory board shall be pilots. Members of the Airport Advisory Board do not need to be residents of the City of Sallisaw.
- 2) The current members of the Airport Advisory Board, at time of publication of this ordinance, shall continue to serve on the Advisory Board for the terms they were appointed.
- 3) Members of the Airport Advisory Board shall not be paid a salary for their services, but shall be entitled to be reimbursed for actual expenses incurred in the performance of their duties when prior approval has been given by the Airport Manager.
- 4) The Sallisaw Municipal Airport Advisory Board shall consist of a chair, a vice-chair, a secretary and two members. These positions shall be elected from among the Airport Advisory Board members and shall be for a term of one (1) year and until their successors are elected and qualified.

Section 14-52. Terms, Attendance, Removal.

- 1) The members of the Airport Advisory Board shall serve three year staggered terms. The terms of all appointees shall expire on September 30 of the last year of appointment. Vacancies in the Airport Advisory Board shall be filled in the manner prescribed for appointment. Appointments to fill vacancies shall be for the unexpired term of the vacant position.
- 2) Board members are expected to attend all meetings. In the event a member's attendance becomes an issue, the Advisory Board may make a recommendation for the removal of such member. If any board member is absent, as determined by the Board of City Commissioners, for either three (3) consecutive meetings of the Board, regular and special meetings, or for more than one-half of all meetings of the Board, regular and special, held within any period of four (4) consecutive months, the Board of City Commissioners may remove the board member with a majority vote.
- 3) The Board of City Commissioners may remove a board member due to lack of attendance, conduct unbecoming an airport advisory board member or for conflict of interest, and does not require recommendation from the Airport Advisory Board.

Section 14-53. Duties.

The duties and responsibilities of the Airport Advisory Board shall be advisory only. The Airport Advisory Board shall be responsible for reviewing and making recommendations to the Board of City Commissioners for the operation of the Municipal Airport. The powers, duties and responsibilities of the Board are as follows:

- 1) To serve in an advisory capacity to the Board of City Commissioners with respect to all matters pertaining to the Municipal Airport.
- 2) To review set rules, requirements and minimum standards for aeronautical activities and make recommendations to the Board of City Commissioners, and the Airport Manager, for revisions or amendments to properly protect the health, safety and interest of the City and the public.
- 3) To study and analyze the long range needs of the Municipal Airport, facilities and programs, including needs for and the cost of airport capital improvements.
- 4) To assist the Airport Manager with any negotiations and transactions with county, state and federal agencies pertaining to the Municipal Airport.
- 5) To assist the Airport Manager and Board of City Commissioners in complying with all federal, state and local regulations pertaining to the operation of the Municipal Airport.
- 6) To assist the Airport Manager with formulating airport policies and guidelines.
- 7) To assist the Airport Manager with promotion and advertising of all services and facilities of the Municipal Airport.
- 8) To assist the Airport Manager in the review of proposed leases and contracts related to the operation of the Municipal Airport.

Section 14-54. Applicable Rules, Meetings, Notices, Records.

- 1) The Airport Advisory Board shall comply with all laws, rules, ordinances and regulations of the Federal and State Government and city applicable to the Municipal Airport in the conduct of airport advisory board business. A majority of three board members must be present at a meeting to conduct business.
- 2) The Airport Advisory Board shall meet monthly at a place within the City designated by the members of the Airport Advisory Board. Special meetings of the Airport Advisory Board may be called by the chair or three members of the Airport Advisory Board. The Airport Advisory Board shall call special meetings by notifying the City Clerk to post such meeting in accordance with state and local laws and ordinances.
- 3) The City Clerk, or their designee, shall attend all meetings of the Airport Advisory Board for the purpose of keeping meeting records and minutes.

Section 14-55 through 14-79. Reserved.

ARTICLE IV. AIRPORT OPERATIONS

14-80. Scope.

The provisions of this division shall govern the operations of the Municipal Airport.

Section 14-81. Minimum Insurance Policy Limits

All commercial aeronautic operations of the airport must contain sufficient insurance coverage in order to be permitted to operate on the Airport Property. All insurance shall be in a form from an insurance company with an AM Best's financial rating of a minimum A-. All policies, except workers compensation policies, shall name City of Sallisaw, members, employees as additional insured and the operator shall furnish Certificates of Insurance to the City. Such certificates shall provide for thirty (30) day notice of cancellation, or material change of any policy limits and conditions. Unless otherwise required by current insurance standards, FAA regulations or other Federal or State laws, the minimum insurance policy amounts for commercial aeronautical service operators shall be as set out below. Operators performing more than one operation may combine coverages related to their operations:

- 1) FBO Insurance.
 - a. Commercial generation aviation liability policy with coverages for premises, operations and product liability: \$1,000,000 CSL
 - b. Products Completed Operations: \$1,000,000 CSL
 - c. Hangar Keepers Liability: \$500,000 CSL
 - d. Personal Injury: \$1,000,000 CSL
- 2) Airframe, Power Plant, Avionics, Instrument, Accessory or Propeller Repair.
 - a. Commercial generation aviation liability policy with coverages for premises, operations and product liability: \$1,000,000 CSL
 - b. Products Completed Operations: \$1,000,000 CSL
 - c. Hangar Keepers Liability: \$500,000 CSL
- 3) Air Taxi and Charter
 - a. Commercial generation aviation liability policy with coverages for premises, operations and product liability: \$1,000,000 CSL
 - b. Aircraft liability with coverage for bodily injury and property damage including passengers: \$1,000,000 CSL
- 4) Aircraft Rental and Flight Training
 - a. Commercial generation aviation liability policy with coverages for premises, operations and product liability: \$1,000,000 CSL
 - b. Aircraft liability with coverage for bodily injury and property damage including passengers: \$1,000,000 CSL
 - c. Student and renters liability: \$500,000
- 5) Flying Club
 - a. Commercial generation aviation liability policy with coverages for premises, operations and product liability: \$1,000,000 CSL

- 6) Specialized Commercial Flying Services
 - a. Commercial generation aviation liability policy with coverages for premises, operations and product liability: \$1,000,000 CSL
 - b. Aircraft liability (if aircraft used in operation): \$1,000,000 CSL

Section 14-82. Airport Minimum Standards, Permits, Rules and Regulations

The Board of City Commissioners reserves the right to adopt minimum standards, permit requirements, rules and regulations, or to amend, alter or revoke any minimum standard or rule, permit requirement, regulation, article, section, paragraph or sentence in the minimum standards or rules and regulations for operation of the Municipal Airport. The following rules shall be observed in the operation and conduct of the Municipal Airport.

- 1) *Conduct of Business, Requirement to Obtain Permit.* No person shall use the airport or any part thereof, or any airport facility, for revenue producing or commercial activities without first securing an appropriate written lease, sublease, and/or permit from the City or the Airport Manager and, having obtained such document, shall comply fully and completely with all of the terms and conditions thereof, including payment of rates, charges and appropriate sales taxes.
 - a. Upon proper application, the Airport Manager is authorized to issue permits for commercial, or other, airport operations as required of this Chapter. Permit fees, fee adjustments and time length of permits shall be established and approved by the Board of City Commissioners.
 - b. The Airport Manager is authorized to deny any permit application where allowing aeronautical services would not in the best interest of the Municipal Airport or does not conform to established Federal, State or local policies, regulations, laws or ordinances.
- 2) *Permit Fees.* For permits required, all permit types and fees required by the City shall be established in the Master Fee Schedule kept by the City.
- 3) *Rates and Charges.* Aircraft and business operations provided by the City shall be subject to the rates and charges as adopted or revised by the Board of City Commissioners.
- 4) *Entering Airport Grounds.* All airport grounds shall only be entered upon by duly authorized persons or tenants of airport facilities. Persons entering upon airport grounds do so at their own risk. The City, its agents, officers, and employees, assume no liability or responsibility, and shall not be liable or responsible other than what is required by law, for loss, damage, destruction, injury or death to any person or persons or to any property by reason of accident, incident, occurrence or mishap of any nature whatsoever or from any cause whatsoever.
- 5) *Federal Air Traffic Regulations.* Regulations of the Federal Aviation Administration for aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted and made a part hereof as though fully set forth and incorporated herein.

- 6) *Damage to Aircraft.* Any person, corporate or individual, and the owner of any aircraft causing damage of any kind to said airport, whether through violation of any of these rules or through vandalism or any act of negligence, shall be liable therefor in and to said City.
- 7) *Damage to Field Lights or Fixtures.* Any person damaging any field light or airport fixture by operation of an aircraft or otherwise shall immediately report such damage to the Airport Manager. Person causing damage to runway and taxiway lights or airport fixtures will be liable for replacement cost of the lights and/or fixtures.
- 8) *Authority to Suspend Operations.* The Airport Manager may suspend, restrict or revoke any permit for all operations whenever such action is deemed necessary in the interest of the public health, safety or welfare.
- 9) *Lien for Charges.* To enforce payment of any charge made for rents, repairs, improvements, storage or care of any personal property, made or furnished by the City or its agents, in connection with the operation of the Municipal Airport, the City shall have a lien placed upon such personal property, which shall be enforced as provided by law.
- 10) *Advertisements & Signs.* No person shall post, distribute, circulate or display any signs, posters, advertisement circulars or any other such printed, painted, or written materials without first obtaining written permission of the Airport Manager. Signs advertising services provided at the airport may be erected upon the issuance of a permit. If erected, signs must not interfere with access to the airport or with maintenance of the airport property. All signs must be properly maintained and shall not be allowed to deteriorate. All ordinances or rules related to height of signs on airport property shall be followed. Airport Manager shall approve location of the sign. Airport Manager may direct signs be removed at any time.
- 11) *Advertising from Aircraft.* No person shall make an exhibition flight by carrying banners on, distributing circulars from, or advertising matters from, or operating loud-speaking devices from any aircraft flying within the City limits without first obtaining a permit from the Airport Manager. Such permit will not be granted if, in the opinion of the Airport Manager, the proposed operation will endanger persons or property or cause discomfort or annoyance to the public. Aircraft and the person operating it must be properly licensed by the Federal Aviation Administration.
- 12) *Licensed Pilots.* Only properly registered aircraft and persons authorized by the Federal Aviation Administration shall be authorized to operate aircraft upon airport property. This limitation shall not apply to students in training under licensed instructors nor to public aircraft of the Federal Government, State or territory, or political subdivision thereof
- 13) *Soliciting.* No person shall solicit funds, goods, donations, or pledges on the airport property without first securing written permission of the Airport Manager.
- 14) *Animals.* No person shall enter the airport property with a dog or other animal unless such dogs or other animals are restrained by leash or cage and kept under control.

- 15) *Public Use.* The Airport shall be open for public use subject to certain restrictions, which may be necessary due to inclement weather, the conditions of the landing area, the presentation of special events and like causes as may be determined by the City and subject to such fees and charges as may be established without discrimination for each class of user.
- 16) *Restricted Areas.* No person shall enter any area of the Municipal Airport which is posted with signs reading "Restricted", "Closed to the Public", or the like, except persons assigned duty in such areas or authorized by the Airport Manager or passengers under appropriate supervision entering such areas for the purpose of embarkation or debarkation.
- 17) *Special Events.* Any special event at the Airport, outside normal airport operations, shall be requested and permitted through the Airport Manager, or as required by the City. Under no circumstance shall any special event conflict with Federal, State or local rules, regulations, or laws related to airport operations. Airport Manager may waive permit fees for special events if the event is community oriented in nature.
- 18) *Model Aircraft Flying, etc.* Flying model aircraft, kites, etc., within the Airport property area is prohibited unless authorized by the Airport Manager.
- 19) *Parachute Jumping.* No person shall make a parachute jump within the city limits except for the purpose of emergency. In case of non-emergency jumps, then jumps must be in accordance with Federal Aviation Regulations 14 CFR 105, and a permit must be obtained from the Airport Manager, or their designee. A parachute jump school may be established on airport property, provided the owner of the business enters into a proper lease or other agreement with the City, and obtains a permit.
- 20) *Buildings for Aeronautical Purposes.* All buildings, including hangars, on Municipal Airport property are to be used exclusively for aeronautical purposes only.
- 21) *Vehicles on Airport Property.* No person shall operate any vehicle on the landing or apron areas of the airport unless such person is licensed to operate such vehicle on the public highways of this state, and vehicle is licensed for operation on such highways, or is specially authorized for operation on airport property only. All ground vehicles shall move and park only in areas designated by management of the airport.
- 22) *Gates Kept Securely Closed.* All entrance gates to the aircraft parking apron area shall be kept closed. Any person using the gates shall ensure they are left securely closed. All field vehicle entrance gates shall be closed and locked after posted business hours of operation of the airport. After gates are closed and locked by airport personnel, any person entering or leaving the airport through such gates shall leave the gate closed and locked.
- 23) *Access to Landing and Aircraft Areas.* Vehicles and pedestrians on the landing areas are limited to those under the control of the Airport Manager, or their designee, or to such vehicles or pedestrians that have received permission from the Airport Manager, or their designee, as being necessary for proper conduct of airport

business, maintenance, repairs, or inspection. Such authorized vehicles while on the field are required to display a checkered or red flag three feet square.

- 24) *Destruction of Property.* Any person, corporation, or company damaging or destroying airport property, either by accident or otherwise, shall reimburse the city for the reasonable value of the repair or replacement of the property damaged or destroyed.

Section 14-83. Flight Training Minimum Standards

All certified operators, or flight schools, conducting flight training activities shall provide and follow the set minimum standards as stated in this Section. Other requirements may be established by the City as needed.

- 1) Operators providing these services must obtain a permit from the Airport Manager. Permit shall expire June 30 of each year. Renewal applications must be submitted sixty (60) days prior to expiration and demonstrate continued FAA certification for flight instruction.
- 2) Operators conducting flight training activities at the Airport shall provide at least one properly certified flight instructor for single-engine land aircraft.
- 3) Operators shall provide at least one dual equipped single engine aircraft, properly equipped and maintained for flight instruction, and such additional types of aircraft as may be required to give flight instruction of the kind offered.
- 4) Operators shall provide adequate office and classroom space with proper seating and restroom facilities.
- 5) Operator shall provide proper instruction sufficient to enable students to pass the FAA written examination for private pilot and commercial ratings.
- 6) Operator shall have the ability to meet certification requirements for the FAA and shall comply with all requirements of approved flight schools, and FAR Part 61 or 141. Operator shall hold current FAA certified flight instructor certificate.
- 7) Operator shall maintain adequate public liability and property insurance sufficient to protect the operator and City from legal liabilities.
- 8) Operator shall maintain adequate facilities for storing, parking, servicing and repairing all its aircraft or maintain satisfactory arrangements with other operators licensed or otherwise permitted by the City on the Airport property for such services.

Section 14-84. Crop Dusting and Spraying Minimum Standards.

Persons seeking to conduct crop dusting or spraying of agriculture chemicals shall follow the set minimum standards as stated in this Section. Other requirements may be established by the City as needed.

- 1) Operators providing these services must obtain a permit from the Airport Manager. Permit shall expire June 30 of each year. Renewal applications must be submitted sixty (60) days prior to expiration and demonstrate continued FAA certification for services provided.
- 2) Agricultural spraying operations will be conducted in accordance with all federal and state laws and regulations.
- 3) Suitable arrangements have been provided for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored in close proximity to other facility installations at the airport.
- 4) Operator shall have available properly certified crew and aircrafts suitably equipped for the agricultural operations undertaken.
- 5) Operator shall make suitable arrangements for servicing, repairing, storing and parking aircraft with adequate safeguards against spillage on runways and taxiways or pollution or disbursement of chemicals by wind to other operational areas of the Airport.
- 6) Operator shall maintain adequate public liability and property insurance sufficient to protect the operator and City from legal liabilities in connection with such operations.

Section 14-85. Aircraft Rental and Sales Minimum Standards.

Persons conducting aircraft rental and sales activity upon Airport property shall follow the set minimum standards as stated in this Section. Other requirements may be established by the City as needed.

- 1) Operators providing these services must obtain a permit from the Airport Manager. Renewal applications must be submitted sixty (60) days prior to expiration and demonstrate continued FAA certification for services provided.
- 2) Suitable office space for consummating sales and/or rentals, and the keeping of the proper records in connection therewith.
- 3) Hangar storage space for at least one aircraft to be used for sales or rentals.
- 4) For rental, airworthy aircraft suitably maintained and certified.
- 5) For sales activity of a new aircraft, a sales or distributorship franchise from a recognized aircraft manufacturer of new aircraft and at least one demonstrator model of such aircraft, or satisfactory arrangements with other operators licensed by the City on the Airport for such service and repair.
- 6) There shall be available, at least during eight hours of the working day, a properly certificated pilot capable of demonstrating new aircraft for sale or

for checking out rental aircraft.

- 7) The minimum stock of readily expendable spare parts, or adequate arrangements for securing spare parts required for the type of aircraft and models sold.
- 8) Current up-to-date specifications and price lists for types of models of new aircraft sold.
- 9) Proper check lists and operating manuals of all aircraft rented and adequate parts catalog and service manual on new aircraft sold.

Section 14-86. Aircraft Engine, Airframe, and Accessory Sales and Maintenance Minimum Standards.

All persons or operators operating aircraft engine, airframe and accessory maintenance facilities to the public for hire shall follow the set minimum standards as stated in this Section. Other requirements may be established by the City as needed.

- 1) Operators providing these services must obtain a permit from the Airport Manager. Renewal applications must be submitted sixty (60) days prior to expiration and demonstrate continued FAA certification for services provided.
- 2) Operators, in the case of airframe or engine repairs, shall provide sufficient hangar space to store and work on any aircraft upon which such service is being performed or is awaiting repair or maintenance. Operators shall not utilize taxiways, aprons or other aircraft parking areas of the Airport Facility to store or perform maintenance operations on aircraft unless approved by the Airport Manager or their designee.
- 3) Operators shall provide suitable inside and outside storage space for aircraft awaiting repair or maintenance or delivery after repairs or alterations if less than seven days duration.
- 4) Operators shall provide adequate shop space to house the equipment and adequate equipment and machine tools, jacks, lifts and testing equipment, to perform top overhauls as required for FAA certification and repair of parts not needing replacement on single engine land and light multi-engine land general aviation aircraft.
- 5) Operators shall provide facilities for washing and cleaning aircraft if operator engages in said business.

Section 14-87. Commercial Skydiving Operations Minimum Standards.

All persons operating parachute jumping operations or training to the public for hire shall follow the set minimum standards as stated in this Section. Other requirements may be established by the City as needed.

- 1) Operators providing these services must obtain a permit from the Airport Manager. Renewal applications must be submitted sixty (60) days prior to expiration and

demonstrate continued FAA certification for services provided.

- 2) All instructors and unsupervised jumpers will be required to hold a current membership with the United States Parachutist Association and must possess all required USPA licenses. Membership must be confirmed prior to jumper manifesting for a load.
- 3) Instructors will file NOTAM, check winds aloft and calculate exit spots.
- 4) Pilot will perform any routine safety inspections required or deemed necessary on jump aircraft.
- 5) All jumpers will receive a briefing on winds and landing direction prior to boarding the aircraft for each jump.
- 6) Instructors and licensed jumpers are responsible for doing a final gear check on all equipment and review jump procedures with student prior to exiting the aircraft.
- 7) During skydive, instructors will follow all guidelines and rules set forth by the United States Parachutist Association, FAA, and equipment manufacturers.
- 8) Landing patterns will be parallel to the runway at all times. No parachute traffic will cross the active runway under 1,000ft.
- 9) The Airport Manager, or their designee, shall designate the drop zone. All jumpers are obligated to land in the designated drop zone unless an alternative drop zone is designated for landing.
- 10) All pilots and jumpers are to have been briefed using Federal Aviation Regulations 105 thru 105.49 before conducting parachuting operations.
- 11) NOTAMs for parachuting operations are to be filed and active for the time frame of the planned jumps.
- 12) Pilots will monitor any activity on the Common Traffic Advisory Frequency/UNICOM during all operations.

Section 14-88. Flying Clubs Minimum Standards

All flying club operations shall follow the set minimum standards as stated in this Section. Other requirements may be established by the City as needed.

- 1) Flying clubs must obtain a permit from the Airport Manager. Renewal applications must be submitted sixty (60) days prior to expiration and demonstrate continued FAA certification for club activities.
- 2) Flying clubs must meet the definition of the FAA and provide a list of members to the Airport Manager with an update every six months of operations.
- 3) The flying club shall provide contact names of officers, if applicable, an emergency contact persons and phone numbers.
- 4) Flying clubs are prohibited from performing commercial aeronautical operations.

- 5) The flying club shall furnish the Airport Manager with the make, model and tail number of all aircraft being used in the club.

Section 14-89 through 14-99. Reserved.

Section 14-100. Leasing of Airport Property

- 1) *Hangars.* Airport hangars owned by the City may be rented to private individuals, companies or corporations on a monthly or yearly basis primarily for the storage of aircraft and ancillary aircraft equipment. Short term non-aeronautical use of a hangar may be permitted in accordance with the current Federal Aviation Administration regulations. Rental rates shall be established and/or adjusted by the City of Sallisaw.
- 2) *Airport property.* The City may lease property within the building area or other portions of the airport for the construction of hangars, buildings, aprons, and taxiways in accordance with the approved airport master plan/airport layout plan. Aviation-related activities shall have priority in all leasing projects. It shall be the responsibility of the lessee to construct and maintain any pavement improvements from the edge of their building or hangar to the public-use portion of the taxiway or taxilane.
- 3) *Commercial aviation-related rates.* Value for the commercial use of airport property shall be established by market survey to determine leasehold value of airport property on a square-foot-per-year basis. The rate shall be approved by the City of Sallisaw. The annual lease rate will be calculated by multiplying the total square footage of the property by the recommended square footage rate. Once established, lease rates may be adjusted annually based on the inflation rate established by the consumer price index.
- 4) *Building restrictions.* No structure may be erected beyond the building restriction line or in conflict with the approved airport layout plan.
- 5) *Construction authorization.* All construction must be authorized by the City of Sallisaw via a lease agreement and must be a compatible standard capable of withstanding winds of 85 miles per hour, with doors open or closed. Furthermore, all structures must comply with the City of Sallisaw building codes and airport zoning and land use ordinances. If City has adopted Building Development Standards for the Airport Facility, those standards shall be used in conjunction with City building codes.
 - a. The FAA shall be notified of any construction or alteration located within the Airport Facility.
 - b. All structures must comply with FAA airspace requirements and must receive FAR Part 77 approval prior to construction.
- 6) *Commercial operating fees.* Every person approved by the City Commission to conduct a commercial activity on the Airport shall pay a monthly or annual permit fee as established by the City of Sallisaw. All fees shall be paid in advance of the

commercial activity.

- 7) *Lease Term.* Each lease term for a private hangar or building shall be determined by the hangar owner's initial investment and reasonable payback period. In any case, a lease for a privately owned T-hangar shall not exceed 20 years, a lease for a privately owned corporate/box hangar shall not exceed 25 years, and a lease for a commercial aeronautical facility shall not exceed 30 years.
- 8) *Reversion.* All land leases for construction of airport facilities shall contain reversion clauses consistent with the requirements of the Federal Aviation Administration. Upon reversion, the immediate previous lessee shall have first right of refusal to enter into a rental agreement with the airport for said facility. The rental rate shall be determined by similarly valued airport facilities.

Section 14-101. Land Lease for Hangar Construction.

The City may lease property at the Airport for the purpose of constructing aircraft hangars. The minimum standards of this section shall be used in all leases used for the construction of hangars upon Airport property.

- 1) All existing hangar leases at the time of adoption of this ordinance, shall remain as approved.
- 2) Title to any and all buildings and appurtenances, which may be built on Airport property, shall revert to the City, when and if the subject Lessee vacates the lease for any given reason or the buildings and appurtenances cease to be used for aeronautical activities.
- 3) All lessees shall pay, at their own expense, all taxes and assessments against any buildings or other structures placed on the Airport property by them, as well as all taxes and assessments against personal property used by them in their operations.
- 4) All lessees shall abide by and comply with all local, state and federal laws, ordinances and policies related to the Airport.
- 5) All hangars constructed at the airport, except those owned by the City, shall be constructed upon the execution of a lease document between the City and the person or firm constructing the hangar. The lease document shall provide all details related to the lease of property and construction of a hangar. Leases for the construction of hangars shall not exceed 20 years. At the end of the 20-year term, title of hangar shall rest with the City. At minimum the lease shall include:
 - a. All leases shall reference Chapter 14, Aviation, of the Sallisaw City Code of Ordinances.
 - b. Location of the hangar.
 - c. Minimum cost and size of the hangar to be constructed.
 - d. Construction material and colors to be used for construction of the hangar.
 - e. Annual lease rate paid to City.
 - f. Term of lease.

- g. Taxiway improvements, if required, shall be borne at the cost of the leasee.
 - h. Provision that no fuel facilities shall be allowed.
 - i. Provision of who is responsible for payment of utilities.
 - j. Types of commercial activities allowed, if applicable.
 - k. Required FAA Economic Nondiscrimination provisions.
- 6) All hangars constructed upon Airport Property shall meet all building codes and zoning requirements of the City. All preliminary plans and designs of hangars shall be reviewed and approved by the City prior to construction.
- 7) Lessees shall be responsible for payment of all utilities and connection of utilities to the hangar.

Section 14-102. Through the Fence Hangar Leases.

The City of Sallisaw shall review all applications for operations that would be classified as “through-the-fence operations”. If not addressed in this section, all “through-the-fence” applications shall be in accordance with FAA policies and regulations.

- 1) To ensure all “through-the-fence” agreements meet the requirements of the Federal Aviation Administration, all “through-the-fence” operations agreements shall be forwarded to the Federal Aviation Administration for review.
- 2) “Through-the-fence” operations shall not be granted via property deed documents.
- 3) “Through-the-fence” operations shall not be granted to residential property adjacent to the Airport Facility.
- 4) The right of access should be explicit and apply only to the “through-the-fence” operation.
- 5) The “through-the-fence” operator shall not have the right to grant or sell access through its property so other parties may gain access to the airfield from adjacent parcels of land.
- 6) All “through-the-fence” agreements shall be subordinate to the City of Sallisaw grant assurances and federal obligations. Should any provision of the access agreement violate the City’s grant assurances or federal obligations, the City shall have the right to amend or terminate the access agreement to remain in compliance with its grant assurances and federal obligations.
- 7) The “through-the-fence” operator shall not have a right to assign its access agreement without the approval of the City. The City shall have the right to amend the terms of the access agreement to reflect a change in the value of the “through-the-fence” agreement.
- 8) The fee to gain access to the airfield should reflect the airport fees charged current tenants and users of the Airport Facility.

- 9) "Through-the-fence" operators may be granted a right to conduct a commercial aeronautical operation that does not compete with current commercial operators based on airport property and properly permitted through the City of Sallisaw.
- 10) "Through-the-fence" agreements shall contain termination and insurance articles that benefit the City of Sallisaw and the Airport Facility.
- 11) The expiration date of "through-the-fence" agreements shall not extend beyond 20 years.

Section 14-103. Aircraft Operations.

- 1) *Registration.* Every person owning an aircraft parked at the airport shall register said aircraft with the City by signing the airport register located at the airport terminal building and maintained by airport personnel. Owners of aircraft which are permanently based at the airport shall be required to register one time. Owners of based aircraft, which are permanently removed from the airport, shall notify the Airport Manager, or their designee, within 72 hours from the time the aircraft is removed from the airport property. Upon notification, airport personnel shall note on the airport register the removal of the aircraft from the airport property.
- 2) *Abandoned, Wrecked or Disabled Aircraft.* The owner, pilot or operator of any aircraft which becomes abandoned, wrecked or disabled at the airport shall be responsible for the prompt removal of the wrecked or disabled aircraft, and parts thereof, as directed by the Airport Manager. In the event the owner, pilot or operator fails to comply with such directions, the abandoned, wrecked or disabled aircraft, and parts thereof, may be removed by the Airport Manager at the expense of the owner, pilot or operator. The City shall bear no liability for damage to aircraft while removing abandoned, wrecked or disabled aircraft.
- 3) *Accident Reports.* Persons involved in or witnessing an aircraft accident on airport property shall report such accident to airport personnel or the nearest law enforcement officer as soon as it is reasonably possible to do so. Such person may be requested to make a written statement if required.
- 4) *Noise Abatement.* All persons operating aircraft from the airport shall comply with all noise abatement procedures, traffic patterns and policies as may be established by the City and acceptable to the Federal Aviation Administration.
- 5) *Repairs and Maintenance to Aircraft.* No aircraft shall be repaired on any part of the landing, taxi-way or apron areas of the airport property. No aircraft shall be repaired or maintained except in locations designated by the Airport Manager for such purposes.
- 6) *Foreign Objects.* No foreign objects, including bottles, cans, scrap, or any object that may cause damage to an aircraft, shall be left upon the floor of any building, or upon any part of the surface of the airport property.
- 7) *Ultra-Light Aircraft.* Use of the Airport by ultra-light aircraft shall be subject to approval by the Airport Manager and shall be in accordance with Federal Aviation Regulations and other rules set by the City.

Section 14-104. Ground Operations of the Airport.

- 1) *Dispensing of Aircraft Fuel.* Only fuel dispensing facilities and equipment owned by the City shall be utilized or placed upon airport property. All users of the Municipal Airport, shall use the fuel dispensing facilities and equipment of the City.
 - a) No aircraft shall be fueled from any delivery truck, fuel pump or container unless the aircraft is located completely clear of all buildings or hangars. An exception to this shall apply to aircraft being repaired, tested or maintained by a certified aircraft mechanic.
 - b) Smoking or open flames within 50 feet of any aircraft or fuel truck or fuel facility is prohibited.
 - c) Aircraft shall not be fueled while the engine is running.
 - d) All aircraft shall be positively grounded to the fuel truck or other fueling equipment when being serviced with fuel.
 - e) Aviation or auto fuels shall not be stored within a hangar.
 - f) If types of fuel required for aircraft is not offered by the City, that type of fuel may be brought upon city property for the fueling of aircraft. If brought onto Airport Property, it shall be approved by the airport Fixed Base Operator or the Airport Manager. Other rules of this section shall still apply and the fuel shall not be stored at the facility overnight.
- 2) *Tie Down and Security of Aircraft.* All aircraft not hangered shall be tied down or secured at night and during inclement weather. All aircraft owners or their agents are responsible for the tie-down and security of their aircraft at all times.
- 3) *Running Aircraft Engines.*
 - a) On aircraft not equipped with brakes, the engine shall not be started until aircraft wheels have been secured with blocks attached to ropes or other suitable means for removing them.
 - b) No aircraft will be propped, started, or left running without qualified personnel in the cockpit at the controls.
 - c) No aircraft engine shall be started, run, or warmed up until the aircraft is in such a position that the propeller stream or jet blast will clear all buildings and groups of people.
- 4) *Aircraft on Taxiway.*
 - a) No person shall taxi an aircraft until he has ascertained there will be no danger of collision with any person or object in the immediate area.
 - b) Aircraft will be taxied at a safe and prudent speed, and in such manner as to be at all times under control of the pilot.
 - c) Aircraft not equipped with brakes will not be taxied near buildings or parked aircraft unless an attendant is at a wing of the aircraft to assist the pilot.

d) Aircraft shall not taxi onto the runway if there is an aircraft approaching to land, or on the ground in take-off position.

e) There shall be no taxiing of aircraft by engine power into or out of hangars.

5) *Parking Aircraft*

a) Aircraft shall be parked or tied down only within the areas designated by the Municipal Airport for that purpose.

b) Aircraft will not be parked in such manner as to hinder the normal movement of other aircraft and traffic.

c) It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the plane is properly chocked and/or tied down.

d) Pilots are prohibited from loading or unloading aircraft with the engine running.

Section- 14-105. Airport Safety.

1) Landing and Take Off Rules. All aircraft operators must comply with the standards set forth by the Federal Aviation Regulations and the Oklahoma Aeronautics Commission and refer to the most current published documents regarding airport facilities.

2) Fire Safety.

a) Compressed flammable gas shall not be stored or kept upon the airport property, except at such places designated by the Airport Manager.

b) Only approved cleaning products shall be used in cleaning motors, or other parts of an aircraft or building floors inside a hangar or other building. Floors of all buildings shall be kept clean and free from oil.

c) No smoking shall be allowed in any area of the airport property posted "No Smoking".

d) No trash, boxes, crates, cans, bottles, paper, tall grass/weeds or other litter shall be permitted to accumulate in or about a hangar.

e) At least one portable fire extinguisher shall be available within 50 feet of any storage or maintenance hangar.

SECTION 2.

WHEREAS, an emergency and immediate necessity exists by reason of the health, safety and protection of the citizens of Sallisaw; therefore, an emergency is hereby declared to exist by reason whereof this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED, this 17th day of June, 2019

CITY OF SALLISAW, OKLAHOMA

By: 
ERNIE MARTENS, MAYOR

ATTEST:


DIANNA DAVIS, CITY CLERK

[SEAL]

