

RESOLUTION NO. 086 -2024

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, ESTABLISHING RULES AND REGULATIONS FOR KEY WEST INTERNATIONAL AIRPORT AS SET FORTH IN EXHIBIT A OF THIS RESOLUTION; PROVIDING DEFINITIONS; PROVIDING GENERAL REGULATIONS; PROVIDING FOR REGULATION OF PERSONAL CONDUCT; PROVIDING FOR REGULATION OF EXPRESSIVE ACTIVITIES; PROVIDING FOR ENVIRONMENTAL MANAGEMENT REGULATION; PROVIDING RULES AND REGULATIONS FOR AERONAUTICAL ACTIVITIES; PROVIDING FOR MOTOR VEHICLE REGULATIONS; PROVIDING FOR COMMERCIAL GROUND TRANSPORTATION REGULATIONS; PROVIDING FOR ENFORCEMENT OF VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL RESOLUTIONS INCONSISTENT HEREWITH; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Florida Statute section 332.08 grants to the Monroe County Board of County Commissioners (BOCC) the authority to establish rules and regulations for the management, governance, and use of the Key West International Airport (EYW); and

WHEREAS, Monroe County is the sponsor of and owns and operates EYW; and

WHEREAS, the BOCC previously promulgated and adopted rules and regulations applicable to EYW through the [Code of 1979] and Ordinance Nos. [021-1984, 11-1987, 30-1987, 53-1988, 8-1993, 17-1993, 38-1997, and 38-2000]; and

WHEREAS, EYW has experienced substantial growth since the adoption of said ordinances; and

WHEREAS, the BOCC considers it appropriate to amend the rules and regulations applicable to EYW to promote the safe, secure, efficient, and economically beneficial operation of EYW in light of the growth and development of aeronautical operations at EYW; and

WHEREAS, the BOCC deems it advisable to vest in the Monroe County Director of Airports the authority to administer, enforce, and reasonably interpret the rules and regulations; and

WHEREAS, the BOCC intends to reaffirm the full authority of the Monroe County Sheriff's Office to exercise its jurisdiction at EYW;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

**Section 1. Rules and Regulations**

The Rules and Regulations attached hereto as Exhibit A are incorporated by reference as if fully set forth herein.

**Section 2. Severability**

If any section, subsection, sentence, clause, item, or provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity.

**Section 3. Inconsistency**

All Resolutions or parts of a Resolution in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4. Effective Date**

This Resolution will take effect after the promulgation required in Sec. 332.08 (1)(b), Fla. Stat.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the 21<sup>st</sup> day of February 2024.

Mayor Holly Merrill Raschein	<u>Yes</u>
Mayor Pro Tem James K. Scholl	<u>Yes</u>
Commissioner Craig Cates	<u>Yes</u>
Commissioner Michelle Lincoln	<u>Yes</u>
Commissioner David Rice	<u>Yes</u>

FILED FOR RECORD  
 2024 FEB 22 AM 10:58  
 CLK. CIR. CL.  
 MONROE COUNTY, FLA



(SEAL)  
ATTEST KEVIN MADOK, CLERK

BY *Kevin Madok*  
As Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY *Holly Merrill Raschein*  
Mayor Holly Merrill Raschein

MONROE COUNTY ATTORNEY  
 APPROVED AS TO FORM  
*Pedro J. Mercado*  
 PEDRO J. MERCADO  
 ASSISTANT COUNTY ATTORNEY  
 Date 2/2/24

# EXHIBIT A



**Key West**  
International Airport

## MONROE COUNTY

Airport Rules and Regulations

Effective Date

February 21, 2024

**Richard Strickland**  
Airport Director

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**RECORD OF REVISIONS**

CHANGE NUMBER

DATE APPROVED BY AIRPORT DIRECTOR

SECTION

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Initial Issue

## SECTION 1. DEFINITIONS

Terms used in these Rules and Regulations are defined below. Words relating to aeronautical practices, processes and equipment will be construed according to their general usage in the aviation industry unless a different meaning is apparent from the context or specifically defined otherwise herein. All other words will be construed according to their common literal meaning.

Abandoned Aircraft has the definition of “abandoned aircraft” provided in section 705.183(1)(b)(1) of the Florida Statutes, as such definition may be amended from time to time. At the time of the issuance of the Rules and Regulations, that section of the Florida Statutes defines “abandoned aircraft” as “an aircraft that has been disposed of on a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has remained in an idle state on premises owned or controlled by the operator of a public-use airport for 45 consecutive calendar days.”

Advocacy (or to Advocate) means to publicly and openly express viewpoints on political, religious, charitable, social, philosophical, or other ideological causes or issues; to engage or attempt to engage other Persons in discussion or argument regarding any such cause or issue; or to ask other Persons to sign or add their names to a petition. Examples of Advocacy include delivering a speech supporting or opposing a political candidate or issue, approaching others to argue for a policy proposal, and proselytizing on behalf of a religion. Advocacy does not include Demonstration, Leafleting, or Solicitation, and it does not include incidental conversations or communications among those using the Airport for Airport employment or travel-related purposes.

Aeronautical Activity means any activity that involves, makes possible, or is required for the operation of Aircraft or that contributes to or is required for the safety of such operations. Aeronautical Activities do *not* include any operation, commercial or otherwise, not directly related to the operation of aircraft (*e.g.*, restaurant, hotel, rental car, newsstand, and other concessions, and taxi and limousine services).

Air Operations Area (or AOA) means any area of the Airport used or intended to be used for the landing, take off or surface maneuvering of Aircraft. Without limitation, the AOA includes all areas inside the Airport fence line.

Aircraft means any contrivance designed, invented or used for powered or non-powered flight in the air.

Airfield means those portions of the Airport, excluding the commercial and general aviation ramps and aprons, provided for the landing, taking off, and taxiing of Aircraft, including, without limitation, approach and turning zones, clear zones, aviation and other easements, runways, a fully integrated taxiway system, runway and taxiway lights, and other appurtenances related to the aeronautical use of the Airport.

Airport means Key West International Airport, including all of the areas, buildings, facilities, and improvements within the interior boundaries of that airport, as that airport now exists or may hereafter be modified.

Airport Certification Manual means the Airport document that specifies how the Airport will comply with the requirements of 14 C.F.R. Part 139.

Airport Control means the office responsible for regular monitoring of Airport operations. Airport Control may be reached by telephone by dialing (305) 292-4625.

Airport Director means the Director of Airports for Monroe County, Florida. The term “Airport Director” includes both the Airport Director individually and any of his or her designees, except where the context clearly indicates that the term applies only to the Airport Director individually.

Airport Emergency means an occurrence or threat thereof, substantially confined to the area on or above the Airport, that results in or may result in injury or harm to those in an Aircraft or at the Airport or substantial damage to or loss of property.

Airport Security Program means the Airport document that specifies how the County will comply with the requirements of 49 C.F.R. Part 1542.

Applicable Laws means all federal, state, and local laws, regulations, ordinances, orders, mandates, and other authorities, including but not limited to the regulations and guidance of the FAA and the TSA, that apply to the Airport or a given Airport user.

Apron (or Ramp) means those areas of the Airport within the AOA designated for the loading, unloading, servicing, or parking of Aircraft.

Board of County Commissioners (or BOCC) means the Monroe County Board of County Commissioners.

Cargo Aircraft Aprons means those areas of the Airport that are designated for the parking of cargo Aircraft and support vehicles and the loading and unloading of cargo Aircraft.

Commercial Activity means the exchange, trading, buying, leasing, hiring or selling of commodities, goods, services or tangible or intangible property of any kind, conducted for compensation, hire, or other pecuniary gain.

Commercial Ground Transportation means the act of providing the carriage of persons or property in a Commercial Vehicle.

Commercial Ground Transportation Operator means any Person offering any type of Commercial Ground Transportation, including but not limited to TNCs, taxi services, limousine services, and individual operators of Commercial Vehicles.

Commercial Ramp means that area of the Airport within the AOA designated for the loading, unloading, servicing, or parking of commercial Aircraft.

Commercial Vehicle means any vehicle made available for hire.

County means Monroe County, Florida, which is the Airport’s proprietor, acting by and through the

BOCC or the Airport Director.

Derelict Aircraft means any Aircraft that is not in flyable condition, or that does not have a current certificate of airworthiness issued by the FAA, and is not in the process of actively being repaired.

Demonstration (or to Demonstrate) means picketing, protesting, rallying, and other similar collective physical acts intended to publicly communicate a viewpoint. Demonstration does not include Advocacy, Leafleting, or Solicitation.

Equipment Demonstration means an Aircraft operation, whether airborne or otherwise, conducted in whole or in part for the purpose of displaying, demonstrating, or proving an Aircraft, Aircraft part, or avionics system not authorized or certified for public or commercial use by the Federal Aviation Administration. Equipment Demonstration shall not include any such activities conducted by the United States military.

Expressive Activity means any form of Advocacy, Demonstration, Leafleting, Solicitation, media distribution (other than the sale of media by an Airport tenant pursuant to a written agreement with the County), or similar expressive acts.

Expressive Activity Permit means a permit, issued by or on behalf of the Airport Director, authorizing one or more Persons to engage in Advocacy, Demonstration, or Leafleting subject to the Rules and Regulations and the terms and conditions of such permit.

FAA means the Federal Aviation Administration or its successor(s).

Fixed Base Operator (or FBO) means a Person engaged in conducting those commercial aeronautical services required of an FBO by the Minimum Standards.

Governmental Entity means each and every governmental authority, quasi-governmental or department, agency, bureau, department or other entity or instrumentality having or claiming jurisdiction over the Airport, including the federal government of the United States, the Florida state government, the County, the City of Key West, and any subdivisions and municipalities thereof, and all other applicable governmental authorities and subdivisions thereof.

Ground Transportation Resolution (GTR) means the County's policy, approved by the BOCC, regarding the operation of Commercial Ground Transportation.

Leafleting (or to Leaflet) means the repetitive or continuous distribution of printed or written material without requesting compensation for such material.

Marathon International means Florida Keys Marathon International Airport.

M.C.C. means the Monroe County Code of Ordinances.

MCSO means the Monroe County Sheriff's Office.

Minimum Standards means the Airport's Minimum Standards for Commercial Aeronautical Activities, as that document may be amended from time to time.

Missile Site means the former HAWK missile battery located on the Airport.

Motor Vehicle means a self-propelled device, other than an Aircraft, in, upon, or by which individuals or property may be transported.

Movement Area means the runways, taxiways, and other areas of the Airport which are used for the landing, taxiing, or taking off of Aircraft, exclusive of loading ramps and Aircraft parking areas.

Operating Directive means an instruction or guidance issued or approved by the Airport Director regarding operations on the Airport. Operating Directives are typically in effect for a defined, temporary period or for the duration of certain situations or events.

Passenger Terminal Complex means the Airport's airline passenger terminal facilities, public parking garages and associated surface parking, Rental Car Center, and all roadways on Airport property adjacent to any such facilities.

Person means any individual, firm, partnership, corporation, company, limited liability company, association, joint stock association, Governmental Entity or body politic, including any such entity's trustee, receiver, board, assignee, employee or other representative. Except where context makes the contrary clear, "Person" does not include the Airport Director or any of his or her designees.

Policy means a general principle or plan, approved by the BOCC, for the management of the Airport.

Pre-Reserved Customer means a passenger who specifically requests service from, or has made a reservation with, a Commercial Ground Transportation Operator before that Commercial Ground Transportation Operator brings a Commercial Vehicle onto the Airport to transport that passenger.

Professional Journalist means a person regularly engaged in collecting, photographing, recording, writing, editing, reporting, or publishing news, for gain or livelihood, who obtained the information sought while working as a salaried employee of, or independent contractor for, a newspaper, news journal, news agency, press association, wire service, radio or television station, network, or news magazine.

Rental Car Center means the facility that houses the on-Airport rental car companies and the vehicles that those companies offer for rental.

Restricted Area means any area of the Airport to which entry or access is restricted or limited to individually authorized individuals.

Rules and Regulations means these Airport Rules and Regulations collectively, as they may be amended from time to time.

Safety Areas means the designated areas abutting the runways and taxiways or otherwise designated

as Safety Areas in the Airport Certification Manual.

Safety Management System (or SMS) means the formal system of procedures, practices, and policies prepared by the County for the management of safety risk at the Airport.

Secured Area means any area of the Airport that the Airport Security Program identifies as requiring limited-access procedures consistent with federal security regulations.

Solicitation (or to Solicit) means to ask, request, implore or plead repetitively or continuously, directly or indirectly, orally, in writing or otherwise for the direct receipt of money or anything else of pecuniary value. Solicitation does not include Leafleting.

Standard Procedure means a specific method, established or approved by the Airport Director, for conducting a certain activity on the Airport.

Sterile Area means any area of the Airport to which access is controlled by the inspection of persons or property in accordance with a federally approved security program.

Tower means the Airport's Air Traffic Control Tower.

Transportation Network Company (or TNC) means a Person who, pursuant to applicable Florida statute, uses a digital network to connect a customer to a driver who provides prearranged Commercial Ground Transportation.

TSA means the Transportation Security Administration or its authorized successor(s).

Ultralight has the definition of "ultralight vehicle" provided by 14 C.F.R. § 103.1 as of the issuance of the Rules and Regulations.

Unmanned Aircraft System (or UAS) means an Aircraft that is controlled remotely and lacks an onboard human pilot.

## **SECTION 2. GENERAL REGULATIONS**

### **2.1 APPLICATION OF RULES AND REGULATIONS**

- a. These Rules and Regulations are adopted under the authority of Section 332.08, Florida Statutes, which grants the County the power to regulate the use of the County's airports. The Rules and Regulations apply to all Persons on or at the Airport.
- b. The Rules and Regulations also are adopted pursuant to County Resolution [XXXX]; the County's authority as the owner, proprietor, and sponsor of the Airport; and the County's authority to protect the health, safety, and welfare of all individuals within the County.
- c. The Rules and Regulations apply to the Airport, but do not apply to Marathon International.
- d. In addition to complying with the Rules and Regulations, all Airport users shall comply with all Applicable Laws, as any such Applicable Laws may be amended from time to time. In the event of a conflict between the Rules and Regulations and any of the Applicable Laws, federal and state laws and regulations shall take precedence over the Rules and Regulations.
- e. The Rules and Regulations shall not be interpreted to restrict any Person from exercising any right to use the Airport that may be established by Applicable Laws, including, without limitation, the federal Airline Deregulation Act.

### **2.2 AIRPORT DIRECTOR'S AUTHORITY**

- a. Except to the extent that the Rules and Regulations expressly reserve such authority to the BOCC, the Airport Director is authorized to administer, enforce, and reasonably interpret the Rules and Regulations on behalf of the County.
- b. All Airport users shall comply with all applicable Standard Procedures and Operating Directives issued by the Airport Director.
- c. The Airport Director is authorized to suspend the Rules and Regulations to the extent the Airport Director reasonably deems necessary to enable police, firefighters, or other first responders or government officials to perform their duties.
- d. In the event of an emergency at the Airport, the Airport Director shall proceed in accordance with the Airport Emergency Plan or Airport Security Plan as approved by the FAA or TSA respectively.

### **2.3 SHERIFF'S AUTHORITY**

The MCSO has law-enforcement jurisdiction over the Airport to the full extent of its authority to enforce Applicable Law within the County.

## **2.4 GENERAL CONDITIONS OF AIRPORT ACCESS**

- a. Each Person who enters the Airport is deemed to agree to:
  - i. Comply with the Rules and Regulations and with all applicable Policies, Standard Procedures and Operating Directives;
  - ii. Pay all applicable fees and charges established by the County for use of the Airport; and
  - iii. Assume full responsibility and risk for use of the Airport to the maximum extent permitted by law.
- b. No lessee or sublessee of Airport property may allow such property to be used or occupied for any purpose, or in any manner, prohibited by the Rules and Regulations.
- c. Any Person intending to conduct any Commercial Activity on the Airport must first obtain a written agreement, license, or permit, or other written form of authorization, from the County.
- d. No Person may conduct a Commercial Aeronautical Activity, as such term is defined in the Minimum Standards, on the Airport except in compliance with the Minimum Standards.
- e. A Person's failure to comply with the Rules and Regulations is grounds for that Person's removal or exclusion from the Airport and termination of any lease of Airport property that such Person holds. Any Person who, after such removal or exclusion, attempts to reenter the Airport without the Airport Director's express permission shall be deemed a trespasser. Nothing in this paragraph shall be construed to limit the definition of "trespasser" to those who have previously been removed or excluded from the Airport.
- f. Any Person who operates or provides any Commercial Activity at the Airport without the County's written authorization is deemed a trespasser.
- g. All leases, licenses, permits and other agreements authorizing the use of Airport property and facilities shall require compliance with these Rules and Regulations.

## **2.5 FEES AND CHARGES**

- a. The BOCC reserves the right to establish and publish a schedule of fees and charges for use of the Airport and to revise any such fees from time to time.
- b. All fees and charges will be in accordance with the Airport's Policies, Standard Procedures and Operating Directives except as otherwise provided by the terms and conditions of any contract or agreement between the County and a Person. All user

fees will be determined by the County in accordance with FAA guidance and approved by the BOCC.

- c. Landing fees payable for commercial use of the Airport will be based on the certified maximum gross landed weight of the Aircraft and will be payable regardless of whether the commercial use is a landing or a take-off; however, the operator will not be charged for both a landing and a take-off.
- d. All regularly scheduled air carriers operating at the Airport will be required to enter into either a Use and Lease Agreement or an Operating Agreement prior to commencing service at the Airport. Annually published rates and charges will be utilized to apply fees associated with the use of the Airport's Aircraft gates, ticket counters and related facilities in order to recover the Airport's costs to provide such facilities through the Airport's Policies, Standard Procedures and Operating Directives.
- e. All regularly scheduled air carriers operating at the Airport will be required to pay to the County a fuel flowage fee, as identified in the Airport's annually published rates and charges, for each gallon of fuel pumped into such air carrier's Aircraft at the Airport.

## 2.6 PROHIBITED CONDUCT

To the fullest extent permitted by Applicable Law, in order to ensure safety, security, and the efficient operation of the Airport, all activity at the Airport is subject to regulation by the County and, to the extent provided in these Rules and Regulations, the Airport Director. No Person may undertake any activity or conduct prohibited by the Rules and Regulations. Further, pursuant to F.S. 332.08(2) and the Monroe County Code of Ordinances, the following activities are punishable as a 2<sup>nd</sup> degree misdemeanor:

- a. Sale or distribution of any items, goods, merchandise or services except when expressly allowed by written agreement with the Airport;
- b. Conduct that in any way obstructs, delays or interferes with the free movement of any other Person or authorized business of the Airport except by Airport staff;
- c. Pinning, tying or attaching any flower or other symbol, insignia, article or object to the clothing, luggage, or vehicle of any Person without consent;
- d. Camping on or other residential use of the Airport, except to the extent clearly allowed by the FAA's *Policy on the Non-Aeronautical Use of Airport Hangars* (Federal Register volume 81, beginning page 38,906), as that policy may be amended;
- e. Using any musical instrument or sound- or voice-amplifying device, singing or chanting, or emitting any other sound which may reduce the effectiveness of the

public address system or interfere with the business functions of the Airport, except upon approval of the Airport Director. This paragraph does not apply to the use of a cellular telephone, provided that the user does not enable the telephone's speaker functionality or otherwise use it in a manner that creates unusually loud noise;

- f. Placement of a table, bench, chair, sign or other structure, fixture or object on Airport property without the prior permission of the Airport Director;
- g. Intentionally leaving unattended any container, article of luggage, or item intended for distribution;
- h. Impairing, obstructing, or interfering with any Person's, vehicle's, or Aircraft's safe, orderly, or efficient use of the Airport;
- i. Any conduct which improperly indicates or represents, or attempts to indicate or represent, to the public that an individual is a representative of the Airport; and
- j. Any conduct which misrepresents the identity of the individual or organization for which the individual is performing the permitted activities.

## **2.7 COMPLIANCE WITH APPLICABLE LAWS**

All Persons on the Airport shall at all times comply with all Applicable Laws, including but not limited to the Florida Uniform Traffic Control Law, now in existence or hereafter promulgated.

## **2.8 NO WAIVER**

No failure or delay in enforcing any provision of the Rules and Regulations shall constitute a waiver of such provision. To be enforceable, any waiver of the Rules and Regulations must be in writing and authorized by the Airport Director.

## **2.9 INTENT**

Nothing in the Rules and Regulations is intended to preclude the Airport Director or any County employee from taking action authorized by Applicable Law.

## **2.10 SEVERABILITY**

The provisions of the Rules and Regulations shall be severable, and if any provision of the Rules and Regulations is held to be unconstitutional or invalid, such determinations will not affect the constitutionality or validity of any of the remaining provisions of the Rules and Regulations. The County affirms that such remaining provisions would have been adopted had such unconstitutional or invalid provision or provisions not been included in the Rules and Regulations.

## **SECTION 3. PERSONAL CONDUCT**

### **3.1 COMPLIANCE WITH SIGNS**

All Persons shall observe and obey all Airport posted signs, fences, and barricades. Sign placement and removal procedures associated with tenant, concessionaire and air carrier sign usage will be governed by the Airport's Policies, Standard Procedures and Operating Directives, or as set forth in a written contract, permit or other form of written authorization from the County.

### **3.2 USE AND ENJOYMENT OF AIRPORT PREMISES**

No Person may impede any other Person from lawfully passing through the entrances, exits or passageways on the Airport, and no Person may otherwise impede the normal and lawful operation of the Airport.

### **3.3 RESTRICTED AREAS, MOVEMENT AREAS AND AIR OPERATIONS AREAS**

- a. No Person may enter the AOA or any Movement Area, Secured Area, or Restricted Area except:
  - 1. Persons expressly authorized to do so by the Airport Director in accordance with the Airport Security Program;
  - 2. Passengers who, under appropriate supervision by a Person described in paragraph 3.3(a)(1) above, enter upon the Ramp for the purposes of enplaning or deplaning an Aircraft; and
  - 3. Other Persons escorted pursuant to the Airport Security Program.
- b. No Person may walk or drive upon any Movement Area without the prior express permission of the Airport Director and the Tower.

### **3.4 ANIMALS**

- a. No Person may bring an animal into the Airport except:
  - 1. An animal to be or that has been transported by air. Animals being transported must be properly confined before entering the Passenger Terminal Complex and/or must be restrained in a traveling container;
  - 2. A service animal recognized as such by federal or Florida law;
  - 3. An animal which remains inside a Motor Vehicle at alltimes;
  - 4. An animal used for law-enforcement, rescue, or wildlife-management purposes; or

5. Animals otherwise authorized by the Airport Director to come onto the Airport for a special event.
- b. Any Person who brings an animal onto the Airport or has possession of an animal thereon shall handle such animal in compliance with all Applicable Laws pertinent to animal welfare.
- c. All animals permitted by this subsection 3.4 must be restrained by a leash or confined and completely under control, except that animals brought onto the Airport by law-enforcement, rescue, or wildlife-management officials for official duties may be unconfined and unleashed in the course of those duties.
- d. No Person other than those authorized by the Airport Director may hunt, pursue, trap, catch, injure or kill any animal on the Airport.
- e. No Person may feed or do any other act to encourage the congregation of birds or other animals on the Airport.
- f. No Person may permit, either willfully or through failure to exercise due care or control, any animal to urinate or defecate on the AOA, in parking garage(s), on sidewalks of the Airport, within any Airport building or in any other area at the Airport, except within Pines Park, the Missile Site, and any other designated animal relief areas. Any solid waste deposited by any animal in any area of the Airport shall be immediately collected by the Person having custody or control of such animal. Any Person having custody or control of an animal on the Airport shall be equipped to collect such animal's solid waste when deposited.
- g. Any Person whose animal displays aggression shall immediately remove it from the Airport, except with respect to animals acting in the course of law-enforcement or wildlife-management activities permitted by the Rules and Regulations.

### **3.5 FIREARMS AND WEAPONS (FOR INFORMATION ONLY)**

- a. The regulation of firearms and weapons at the Airport is governed by Florida Statutes Chapter 790. All Persons using the Airport and exercising their right to carry a firearm should review and shall adhere the provisions of Florida Statutes Chapter 790.
- b. Except as provided by section 790.251, Florida Statutes, the carrying of firearms on the Airport by Monroe County personnel during and in the course of their official duties must be approved by the County Administrator upon consultation with the Airport Director.

### **3.6 DAMAGE INSPECTION AND RESPONSIBILITY**

- a. The Airport Director may conduct a damage inspection of any Airport facilities

involved in an accident or incident to determine the extent of damage to the Airport. Damages so sustained may be assessed by the Airport as a claim against the owner or operator of an Aircraft or vehicle causing such an accident or incident.

- b. Any Person causing damage to or destroying public property of any kind, including buildings, fixtures or appurtenances, whether through violation of these Rules and Regulations or through any act or omission, will be fully liable to the Airport for any and all damages resulting therefrom. Any such Person must immediately report such damage or destruction to the Airport Director or MCSO and shall cooperate fully with any County or law-enforcement investigation into such damage or destruction, subject to the Fifth Amendment right against self-incrimination.

### **3.7 CRASH REPORTS**

Any Person involved in any type of Aircraft or vehicular crash, collision, or other accident on the Airport shall make a full report to the County or MCSO as soon as possible. The report will include, but not be limited to, the names and addresses of all individuals involved in, and all known witnesses to, the accident, and a complete and accurate description of the accident itself.

### **3.8 PRESERVATION OF PROPERTY**

- a. No Person may destroy, damage, deface or disturb any building, sign, equipment, marker, or other structure, landscaping, or other property on the Airport. Any Person causing or responsible for such destruction, damage, defacement, or disturbance shall immediately report such damage to the Airport.
- b. No Person may travel upon the Airport other than on roads or walkways provided for such purpose.
- c. No Person may alter, add to, or erect any building or sign or make any excavation on the Airport without the prior written approval of the Airport Director and, when required, without (i) filing and complying with the provisions of FAA Form 7460-1 and (ii) obtaining written approval from the FAA to erect any potential obstruction of navigable airspace or any planar surface required to be kept free of obstructions by 14 C.F.R. Part 77.

### **3.9 LOST AND FOUND AND ABANDONED PROPERTY**

- a. Any Person finding lost articles in the public areas of the Airport will immediately deposit them with the MCSO. Nothing in this paragraph shall be construed to prohibit air carriers or other Airport tenants from maintaining lost-and-found storage and services.
- b. No Person may knowingly abandon any personal property on the Airport. Any

property that has been determined by the Airport to be abandoned will be removed, stored, and/or disposed of at the owner's expense and in accordance with Applicable Law.

- c. All Airport users are on notice that law enforcement officers and TSA officials may damage or destroy abandoned personal property located on the Airport in the performance of their duties.

### **3.10 ALCOHOLIC BEVERAGES**

No Person may drink any alcoholic beverages on any part of the Airport except in locations designated by the Airport Director or, in accordance with Applicable Laws, onboard aircraft.

### **3.11 SMOKING**

No Person may smoke on the Airport except in an area, otherwise lawfully accessible to such Person, that the Airport Director expressly designates as a smoking area.

## SECTION 4. EXPRESSIVE ACTIVITIES

### 4.1 GENERAL

- a. The Airport is a non-public forum. For the safe, secure, and efficient passage of and usage by the travelling public and other Airport users, the County determines not to designate the Airport as a designated or limited public forum, and nothing in the Rules and Regulations shall be interpreted to transform the Airport into a public forum, whether traditional, limited, or designated.
- b. The restrictions on the exercise of Expressive Activities contained in the Rules and Regulations are intended, among other things, to maintain the safety of travelers, Airport workers, and other Airport users; to maintain the efficient operation of the Airport by maximizing the smooth flow of passenger traffic and minimizing congestion; to avoid unnecessary duress and disturbance for Airport users; to minimize passenger confusion; to minimize unnecessary crowding at the Airport; and to avoid visual blight and clutter—all in keeping with the Airport’s intended function and primary purpose as a facility for air travel.
- c. The restrictions on the exercise of Expressive Activities contained in the Rules and Regulations are intended to be viewpoint-neutral and will apply and be enforced without regard to the viewpoint of the message sought to be communicated.
- d. The Rules and Regulations do not cover commercial speech (*e.g.*, advertising, newspaper racks). Commercial speech on the Airport requires, and is subject to the terms and conditions of, a written agreement with the County. This paragraph does not apply to news media engaging in bona fide news coverage, which is subject to Section 4.2.
- e. All Expressive Activities shall be conducted:
  1. In strict compliance with the Rules and Regulations and with all applicable Policies, Standard Procedures and Operating Directives;
  2. In a peaceful and orderly manner, without physical harm, molestation, threat, harassment, obscenity, violence, breach of the peace, damage to property or other unlawful conduct; and
  3. Without obstructing the use of the Airport by others, without hindrance to or interference with the proper, safe, orderly and efficient operation of the Airport and of the activities conducted thereupon, and without interference with the constitutional rights of others.
- f. Nothing in the Rules and Regulations shall be interpreted to deny any right guaranteed by the First Amendment to the United States Constitution.

### 4.2 NEWS MEDIA

Professional Journalists may conduct bona fide news coverage in a non-disruptive manner in public areas of the Airport, or any other area designated for such coverage by the Airport Director, subject to the Airport's relevant Policies, Standard Procedures and Operating Directives.

#### **4.3 POLLS, QUESTIONNAIRES AND SURVEYS**

No Person may conduct any poll, questionnaire, or survey on the Airport, except at the request of the County, without first obtaining written permission from the Airport Director. Notwithstanding the preceding sentence, an Airport tenant may conduct polls, questionnaires, or surveys of its customers or employees without the Airport Director's approval.

#### **4.4 LOCATIONS FOR ADVOCACY, DEMONSTRATION, AND LEAFLETING**

- a. The Airport Director shall designate portions of Pines Park, the Missile Site, and the curbside of the Passenger Terminal Complex as areas of the Airport in which Advocacy, Demonstration, and Leafleting are permissible.
- b. The Airport Director shall also designate spaces within the passenger terminal where Leafleting is permissible. Such spaces shall not be isolated or physically separated from the main terminal area but shall instead allow Persons engaged in Leafleting a reasonable opportunity to interact with members of the public without obstructing or interfering with normal terminal operations (*e.g.*, passenger and baggage check-in, ingress or egress from the terminal building, or security screening).
- c. Any Advocacy, Demonstration or Leafleting shall be subject to the permitting process and procedures specified in this Section 4 and to any reasonable orders issued by the Airport Director to ensure the safe, efficient and orderly operation of the Airport, including, without limitation, the free flow of pedestrian traffic into and out of the terminal facilities, the commercial operations of Airport tenants and concessionaires, and the Airport's safety and security measures.
- d. The Airport Director may temporarily change the designated Advocacy, Demonstration and Leafleting areas to address remodeling, construction, emergency conditions or other factors which may reasonably require such change.

#### **4.5 SOLICITATION**

No Person may Solicit for any purpose on the Airport.

#### **4.6 DEMONSTRATION**

- a. For the safety of Airport users and to minimize obstructions to foot and vehicular traffic on the Airport, no Person who is Demonstrating may carry:

1. A sign greater than twelve (12) inches long or twelve (12) inches wide; or
2. A stake, rod, post, or similar tool to which a sign is attached if such stake, rod, post or tool (i) exceeds twenty-four (24) inches in length or (ii) is made out of metal or any other heavy material that could allow it to be used as a weapon posing a significant risk of substantial physical harm to others.

#### **4.7 LEAFLETING**

- a. Due to the space constraints of the passenger terminal, no more than four people shall be permitted to engage in Leafleting within the terminal at any given time.
- b. No Person may Leaflet in a manner that obstructs or interferes with normal terminal operations (*e.g.*, passenger and baggage check-in, ingress or egress from the terminal building, or security screening).

#### **4.8 PERMITTING PROCESS AND PROCEDURES**

- a. Any Person desiring to engage in Advocacy, Demonstration, or Leafleting at the Airport must first obtain an Expressive Activity Permit from the Airport Director by submitting a written request setting forth:
  1. The name, address, and telephone number of the Person or organization proposing to conduct the Advocacy, Demonstration, or Leafleting;
  2. Providing a point of contact, including name and telephone number, who will be responsible for coordinating with the Airport Director on the day(s) of the proposed Advocacy, Demonstration, or Leafleting as necessary;
  3. Specifying which form(s) of Expressive Activity (Advocacy, Demonstration, and/or Leafleting) the Person wishes to engage in pursuant to the requested Expressive Activity Permit;
  4. Submitting a description of the proposed Advocacy, Demonstration, or Leafleting, which description shall state an estimate of the number of participants, the proposed location of the Advocacy, Demonstration, or Leafleting, and the proposed date(s) and time(s) of the Advocacy, Demonstration, or Leafleting. Should the Person requesting the Expressive Activity Permit seek authorization to engage in multiple forms of Expressive Activity under that permit, the Person shall include a description for each such proposed Expressive Activity; and
  5. An affirmation that the proposed Expressive Activity will not include Solicitation and that the point of contact has read, understands, and will abide by the Rules and Regulations.
- b. The following criteria apply to review and approval or disapproval of applications

for Expressive Activity Permits:

1. After the Airport Director receives an application for an Expressive Activity Permit, the Airport Director's designee will review the application for sufficiency of information and compliance with the Rules and Regulations and either issue an Expressive Activity Permit on behalf of the Airport Director or notify the applicant in writing why issuance of an Expressive Activity Permit is delayed or denied. If an applicant seeks a permit to engage in multiple Expressive Activities (that is, some combination of Advocacy, Demonstration, and Leafleting), the Airport Director's designee may issue a permit for all or only some of the applicant's proposed Expressive Activities.
2. An Expressive Activity Permit shall not be granted or denied based upon the viewpoint that the applicant wishes to express, provided that such message is non-commercial.
3. If, within five business days after the Airport Director receives an application, the Airport Director's designee fails to issue an Expressive Activity Permit or to notify the applicant that there is a delay in evaluating the application or issuing the Expressive Activity Permit, the application shall be considered denied.

c. Petitions for review of denial of an Expressive Activity Permit:

1. If the Airport Director's designee denies an application for an Expressive Activity Permit, or issues an Expressive Activity Permit that authorizes only some, but not all, of the applicant's proposed Expressive Activities (either such outcome a "Denial"), the applicant may petition the Airport Director personally to review such Denial.
2. Any such petition for review shall be delivered to the Airport Director within 15 business days of the Denial, shall be in writing, and shall include a copy of the original Expressive Activity Permit application.
3. After receiving the petition for review, notwithstanding the designee's Denial, the Airport Director shall take one or more of the following actions: (a) grant the Expressive Activity Permit (or authorize Expressive Activities that the Airport Director's designee excluded from such permit); (b) deny such permit (or deny the request to authorize additional Expressive Activities); (c) request more information from the applicant; and/or (d) notify the applicant that the Airport Director requires more time to evaluate the petition for review or the underlying Expressive Activity Permit application.
4. Should the Airport Director fail to approve or deny the petition for review, or fail to request further information from the applicant, within five

business days of receipt of the petition, or should the applicant fail to deliver a petition for review of the Denial to the Airport Director within 15 business days following such Denial, the petition for review shall be considered denied and the Denial issued by the Airport Director's designee shall be final.

5. Nothing in the Rules and Regulations shall prevent a Person from exercising any legal right to challenge the Denial before a court or government agency of competent jurisdiction.
- d. If the Airport Director, whether personally or through a designee, issues an Expressive Activity Permit, the recipient thereof shall abide by any and all lawful restrictions stated in that permit regarding the time, place, or manner of the permitted Advocacy, Demonstration, or Leafleting.
  - e. An Expressive Activity Permit will authorize the holder thereof to Advocate, Demonstrate, or Leaflet, as such permit provides, on the designated location at the Airport, subject to the Rules and Regulations and the terms and conditions of such permit, for one calendar day. However, if an applicant intends to Advocate, Demonstrate, or Leaflet on the Airport over multiple days, the Airport Director may issue an Expressive Activity Permit authorizing such activity for a period of no more than seven consecutive days, as the Airport Director reasonably deems appropriate.
  - f. If a Person holding an Expressive Activity Permit wishes to Advocate, Demonstrate, or Leaflet beyond the term of such permit, that Person must obtain a new Expressive Activity Permit.
  - g. Advocacy, Demonstration, or Leafleting on the Airport shall be conducted strictly in conformity with the Rules and Regulations and with the terms and conditions set forth in the applicable Expressive Activity Permit.
  - h. An Expressive Activity Permit is not transferrable.
  - i. No Expressive Activity Permit holder shall have the right to exclusive use of any area on the Airport. The Airport Director may grant authorization for use of areas designated for the permitted Expressive Activity on a first-come-first-served basis. In the event that two or more Persons seek to conduct Advocacy, Demonstration, or Leafleting at the same time and qualify for Expressive Activity Permits to do so, the Airport Director will allocate, by lot or other equitable method, the available designated areas of the Airport, or space within any such area, between or among such Persons on a daily basis.

#### **4.9 VIOLATIONS BY PERMIT HOLDERS**

- a. Any Person who violates any provision of this Section 4 shall be ineligible to obtain an Expressive Activity Permit for at least six months, and any Expressive Activity

Permit that such Person then holds shall be immediately voided.

- b. If a Person is convicted of engaging in criminal activity while conducting an Expressive Activity at the Airport, or if the Airport Director reasonably determines that a Person has engaged in violent or threatening behavior, or behavior that disrupts Airport operations, while conducting an Expressive Activity on the Airport, the Airport Director may deny such Person an Expressive Activity Permit for up to five years, as the Airport Director reasonably deems appropriate in light of the severity of such behavior or whether the Person has previously been found to have violated the Rules and Regulations, and such Person's existing Expressive Activity Permit, if any, shall be immediately voided. If the Airport Director reasonably determines that a Person poses a significant threat to the safety or security of Persons, or operations, on the Airport for a term beyond five years, the Airport Director may deny such Person an Expressive Activity Permit for however long the Airport Director reasonably deems such Person such a threat.
- c. The Airport Director may revoke any existing Expressive Activity Permit without prior notice, provided that, if the Airport Director revokes a Person's Expressive Activity Permit or deems an existing or past Expressive Activity Permit holder ineligible for such a permit, the Airport Director shall then so notify that Person by mailing a letter, explaining the Airport Director's decision, to the address shown on that Person's most recent Expressive Activity Permit.
- d. A Person whose Expressive Activity Permit is revoked or whom the Airport Director deems ineligible for such a permit may seek review of such decision by delivering a written petition to the Airport Director. The Airport Director may sustain, reverse, or modify the revocation or ineligibility determination, or request more information from the petitioner, within ten business days of receiving the petition. If the Airport Director issues no such decision or request within ten business days after receiving the petition, the petition shall be deemed denied.

#### **4.10 ACTIVITIES DURING EMERGENCIES**

In the event that the Airport Director declares an Airport Emergency, or if the County's Director of Emergency Management declares an emergency that the Airport Director deems applicable to part or all of the Airport (an "Applicable Emergency"), then any Person engaged in an Expressive Activity in an area affected by the Airport Emergency or Applicable Emergency shall immediately cease such Expressive Activity and not resume such Expressive Activity until the Airport Director announces the termination of the Airport Emergency or Applicable Emergency.

## SECTION 5. ENVIRONMENTAL MANAGEMENT

### 5.1 GENERAL

- a. No Person may dispose of garbage, papers, refuse or other forms of trash, including cigarettes, cigars and matches, on the Airport except in receptacles provided for such purpose.
- b. All Airport users must exercise the utmost care to guard against fire and injury to persons or property.
- c. No Person may use any lighter or have any other open flame within one hundred (100) feet of an Aircraft or as otherwise prohibited by Applicable Laws or by any order of the Airport Director.
- d. Except with the Airport Director's prior written approval, no Person may dispose of any fill or building material, or any other discarded or waste material, on the Airport, nor place liquids in the storm drains or the sanitary sewer system at the Airport which will damage such drains or system or will result in environmental pollution passing through such drains or system.
- e. Any solid or liquid material spilled at the Airport shall immediately be cleaned up by the Person responsible for such spill, and such Person shall immediately report that spill to the Airport Director.
- f. Chemicals, paints, oils or other products must be disposed of only in accordance with all Applicable Laws.
- g. No tenant, lessee, concessionaire, or agent thereof doing business on the Airport may keep uncovered trash containers on any part of the Airport.

### 5.2 FUELING OPERATIONS

- a. The Rules and Regulations adopt, by reference, each of the following, and no Person may conduct any activity on the Airport, including without limitation the fueling or defueling of Aircraft or the handling or storage of fuel, except in compliance therewith:
  1. All of the County's applicable fire and environmental-management codes, standards, and recommended practices now in existence or hereafter amended or promulgated;
  2. All applicable standards and recommended practices of the National Fire Protection Association (NFPA), including, without limitation, NFPA 407, *Standard for Aircraft Fuel Servicing*, now in existence or hereafter promulgated and not in conflict with any Applicable Laws, the Rules and Regulations, the Policies, the Standard Procedures, or Directives; and

3. Air Transport Association (now Airlines for America) Specification 103, *Standard for Jet Fuel Quality Control at Airports*, as such document may be amended or superseded from time to time.
- b. No Aircraft may be fueled or defueled while inside any building or structure.
  - c. Any Person, including the owner or operator of Aircraft, causing overflowing or spilling of fuel, oil, grease or other contaminants anywhere on the Airport shall be responsible for ensuring the immediate cleanup of such spillage. In the event of failure or refusal to comply with such cleanup requirements, the spillage may be cleaned up by the Airport at the responsible party's expense, provided that no such cleaning or compensation therefor shall relieve the responsible party of any applicable penalties or liability for failure to clean the spill itself.
  - d. Any fuel spillage must be reported immediately to Airport Control via telephone by dialing (305) 292-4625. Details of all spills must be reported to the Airport, in compliance with the procedures contained in the Airport Emergency Plan (AEP) and/or Stormwater Pollution and Prevention Plan (SWPPP) as appropriate. Aircraft, fuel delivery devices and other vehicles will not be moved or operated in the vicinity of the spill until the spillage is removed. The Person causing the spill will promptly post a fire guard.
  - e. If a fire occurs in or near a fuel delivery device while servicing an Aircraft, Airport Control must be notified by dialing (305) 292-4625. Fueling must be discontinued immediately and all emergency valves and dome covers must be closed at once.
  - f. No fuel vehicle designed for or employed in the transportation of fuel may be operated on a taxiway or runway at any time without prior permission from the Airport.
  - g. Aircraft fuel tenders are allowed to engage in fueling on the airside terminal ramps or aprons; provided, however, that no fuel tender will operate on any of the airside terminal ramps or aprons without first entering into a written agreement with the Airport as to the specifics for such operation.
  - h. No Person may start the engine of an Aircraft on the Airport if there is any gasoline or other volatile fluid on the ground within the vicinity of the Aircraft.
  - i. No Person may operate a radio transmitter or receiver, or switch electrical appliances on or off, in or adjacent to an Aircraft while it is being fueled or defueled.

### **5.3 AUTHORITY TO DISPENSE AVIATION FUEL**

- a. Only those Persons authorized by the Airport Director via a current self-fueling or commercial fueling permit may dispense fuel into any Aircraft.
- b. No Person may dispense aviation fuel directly into a Motor Vehicle or sell fuel for

such purposes.

- c. Nothing in the Rules and Regulations shall be interpreted to restrict any Person's right to self-fuel that Person's aircraft in accordance with FAA policy.

#### **5.4 LEASEHOLD CARE**

- a. All persons occupying space at the Airport shall keep the space allotted to them clean and free from rubbish and accumulation of any material.
- b. Only boxes, crates, paint or varnish cans, bottles and containers that carry a UL safety marking or other industry or government approval may be stored in or about any leasehold.
- c. Floors shall be kept clean and free from fuel and oil.
- d. The use of volatile or flammable solvents for cleaning floors is prohibited.
- e. Only metal receptacles, approved by the Airport Director, with a self-extinguishing cover may be used for the storage of oily waste rags and similar material.
- f. The tenant of each leasehold shall ensure that the contents of all waste receptacles are removed daily and lawfully disposed of daily.
- g. When an Aircraft is undergoing engine or airframe maintenance on the Airport, the Person then responsible for such Aircraft shall ensure that a drip pan is placed under each engine of that aircraft, and kept from overflowing or leaking, at all times.
- h. All clothes lockers on the Airport shall be constructed of metal or other fire-resistant material.

#### **5.5 HAZARDOUS MATERIALS**

- a. No Person may, except in compliance with all Applicable Laws and with the prior permission of the Airport Director, keep, transport, handle, or store at, in or upon the Airport any cargo of explosives or other hazardous articles which are barred from being loaded in, or being transported by, civil Aircraft in the United States under Applicable Laws. Compliance with Applicable Laws will not constitute or be construed to constitute a waiver of the required notice or an implied permission to keep, transport, handle or store such explosives or other dangerous articles at, in or upon the Airport. Advance notice of at least twenty-four (24) hours must be given to the Airport Director to permit full investigation and clearances for any operation requiring a waiver of these Rules and Regulations.
- b. No Person may offer, and no Person may knowingly accept, any hazardous article for

shipment at the Airport unless the shipment is handled and stored in full compliance with all Applicable Laws, including without limitation current federal aviation regulations.

- c. Any Person engaged in the transportation of hazardous articles shall have designated personnel at the Airport authorized and responsible for receiving and handling such shipments in compliance with all Applicable Laws.
- d. Any Person engaged in the transportation of hazardous articles must provide storage facilities which reasonably ensure against unauthorized access by or exposure to Persons and against damage to shipments while at the Airport.

## **5.6 STORAGE OF EQUIPMENT**

Unless otherwise provided for by a contractual agreement, no Person may use any area of the Airport, including buildings, whether privately or publicly owned, for the storage of cargo or any other property or equipment without prior permission of the Airport Director. The Airport Director will have the authority to order such cargo or other property to be removed and stored at the expense of the owner or consignee without responsibility or liability by the Airport.

## **5.7 REPAIRING AIRCRAFT**

- a. No Person may repair an Aircraft or Aircraft engine, propeller or other Aircraft apparatus in any area of the Airport other than those areas specifically designated by the Airport Director for such repairs, except that minor adjustments or repairs may be made while the Aircraft is at an Aircraft parking position prepared for departure. Any Aircraft being repaired at a gate position shall be immediately moved to another location upon the Airport Director's request.
- b. Aircraft repairs in storage areas of hangars are limited to inspections and replacements of parts and repairs incident thereto, provided such repairs do not involve appliances using open flames or heated parts.
- c. The starting or operation of Aircraft engines inside any hangar is prohibited. This prohibition will not be construed as prohibiting the use of tractors with NFPA approved exhaust systems when moving Aircraft within any hangar.
- d. This subsection 5.7 shall not be construed to prohibit the emergency repair of any Aircraft or Motor Vehicle to the extent that such repair is necessary to move the Aircraft or Motor Vehicle from the Movement Area or to address a leak or risk of fire or explosion posed by the Aircraft or Motor Vehicle.

## **5.8 AIRCRAFT PAINTING**

No Person may paint an Aircraft on the Airport except in facilities, and according to safety protocols, that meet the facility and safety standards set by the federal Occupational Safety

and Health Administration, any applicable state or local requirements, and all Applicable Laws.

## **5.9 POWDER OR EXPLOSIVE CARTRIDGE ACTIVATED TOOLS**

No Person may use powder or explosive cartridge activated tools or fastening devices anywhere on the Airport without prior written authorization of the Airport Director.

## **5.10 SAFETY MANAGEMENT SYSTEM**

Any Person on the Airport shall comply with a request by the Airport Director for information that the Airport Director reasonably considers necessary for the County to comply with the requirements of the Airport's Safety Management System.

## **SECTION 6. AERONAUTICS**

### **6.1 INDEMNIFICATION**

- a. By using the Airport for any aeronautical purpose, including but not limited to the operation, maintenance, or movement of an Aircraft, each Aircraft operator, owner, and pilot hereby, to the greatest lawful extent, releases, holds harmless, and indemnifies the County, including but not limited to the BOCC, the Airport Director, and employees, agents, representatives, successors, and assigns of the County, of the BOCC, or of the Airport Director (those indemnified parties the “Indemnitees”) from any action, claim, or liability for any damage to property, personal injury, or death resulting directly or indirectly from such Aircraft operator’s, owner’s, or pilot’s operation, use, or maintenance of such Aircraft, or any other Aeronautical Activity related to such Aircraft, at the Airport, except when the liability of the County results from the gross negligence of the Indemnitees.
- b. The duty to indemnify under paragraph 6.1(a) includes the duty to pay or reimburse the reasonable attorney’s fees, expert-witness fees, court costs, and other costs of litigation, and the expenses of investigation for any action or claim, incurred by any of the Indemnitees.

### **6.2 PROHIBITED OPERATIONS AND LIABILITY**

- a. No Person may operate an Aircraft at the Airport in a careless manner or without due regard for the rights and safety of others.
- b. The County may hold any Aircraft operator liable for any personal injury, death, or property damage caused to the County, including to any of the members of the BOCC, any of the County’s other elected or appointed officials, and any of the County’s employees or agents, by such Aircraft operator or such operator’s agent(s) or invitee(s) on or over the Airport.
- c. No Person may take any Aircraft from the airfield or hangars or operate such Aircraft while under the influence of alcohol or illegal drugs.
- d. No Person may aim, throw, shoot or propel any object or laser beam in such a manner as to interfere with or endanger the safe operation of any Aircraft taking off, landing or operating on the Airport or of any Motor Vehicle operating on the Airport.

### **6.3 DENIAL OF USE OF AIRPORT**

When necessary to avoid endangering persons or property and to be consistent with the safe and efficient operation of the Airport, the Airport Director has the right at any time to close the Airport, in its entirety or in part, to air traffic, to delay or restrict any flight or other Aircraft operation, to deny take-off permission, and to deny the use of the Airport or any portion

thereof to any specified class of Aircraft or any individual or group. In the event the Airport Director believes the condition of the Airport to be unsafe for landings or take-offs, it will be within his or her authority to issue, or cause to be issued, a Notice to Air Mission (NOTAM) closing the Airport or any portion thereof. Nothing in this subsection 6.3 shall be construed to supersede the authority of the FAA over aviation safety or aircraft operations.

## **6.4 AIRCRAFT ACCIDENTS AND INCIDENTS**

### **a. Incident Reporting**

In addition to any other reports required by any Applicable Law or by the Rules and Regulations, the pilot or operator of any Aircraft involved in an accident or incident on the Airport that causes personal injury or property damage must make a prompt and complete report concerning said accident or incident to Airport Control via telephone, by dialing (305) 292-4625. If a written report of an accident or incident is required by Applicable Laws, including but not limited to the regulations of the FAA or of the National Transportation Safety Board, the pilot or operator filing such report must also file a copy of such report with the Airport Director. All such reports must be filed with the Airport Director within a reasonable time of the accident or incident.

### **b. Disabled Aircraft**

Subject to compliance with all applicable federal aviation regulations and any orders of federal investigators, the Aircraft owner will be responsible for the prompt removal of all disabled Aircraft and parts of such Aircraft at the Airport, as reasonably directed by the Airport Director. In the event of the owner's failure or refusal to comply with such directions, the disabled Aircraft or any and all parts thereof may be removed by the Airport Director at the owner's expense and without liability to the County, including but not limited to the Airport Director, for damage which may result from such removal.

### **c. Tampering with Aircraft**

1. No Person may interfere or tamper with any Aircraft, operate any Aircraft, or use or move any Aircraft or Aircraft part, instrument or tool without permission of the owner of such Aircraft or Aircraft part, instrument, or tool.
2. The Airport Director may deny a Person access to an Aircraft or Aircraft part, instrument, or tool if the Person fails to present evidence, reasonably acceptable to the Airport Director, of ownership of, or permission from the owner to use, move, or operate, that Aircraft or Aircraft part, instrument or tool.

### **d. Cleaning, Maintenance and Repair of Aircraft**

No Person may clean, paint, wash, polish or otherwise maintain an Aircraft on the Airport except in areas approved, and in the manner designated by, the Airport

Director.

e. **Hand-Propping Aircraft**

Aircraft hand-propping is not allowed unless there is no other means of starting the Aircraft. Pilots are solely responsible for liability resulting from this type of action.

f. **Certification of Aircraft and Licensing of Pilots**

There shall be displayed onboard all Aircraft operating at the Airport a valid airworthiness certificate issued by the FAA or by a foreign government having jurisdiction over the aircraft. Each Aircraft operating at the Airport shall further display on the Aircraft's exterior a valid registration number issued by the FAA or by the foreign government having jurisdiction over the Aircraft. All Persons operating Aircraft on the Airport shall possess an appropriate license issued by the FAA or by a foreign government having jurisdiction over such Person.

g. **Registration of Aircraft**

The County may require the registration of pilots and/or Aircraft based at the Airport.

h. **Payment of Fees**

An Aircraft owner or operator shall pay all rentals, fees and charges relating to such Aircraft's use of Airport premises and facilities before take-off. In lieu of such payment, satisfactory credit arrangements may be made by the owner or operator of the Aircraft with the County or with the appropriate FBO before leaving the Airport.

## 6.5 AIRPORT OPERATING RESTRICTIONS

a. **Operations Subject to Limitation**

The Airport is a busy commercial airport that is geographically constrained by heavily developed land and by the Atlantic Ocean. To ensure the safe and efficient operation of the Airport, the Airport Director may limit various aeronautical operations at the Airport, including but not limited to the following types of operations:

1. The operation of Aircraft not registered with the FAA or the equivalent aviation-safety agency of a foreign nation;
2. Equipment Demonstration; and
3. Air shows.

The Airport Director shall establish any such limitation or restriction through the

issuance of an Operating Directive.

**b. Operations Prohibited Without Prior Approval**

Without the prior written approval of the Airport Director, no Person may use the Airport to conduct or operate:

1. Powerless Aircraft and ultralights;
2. Banner towing;
3. Kites, model airplanes, UAS, tethered balloons or objects constituting a hazard to Aircraft operations or navigation; and
4. Parachute jumping over or onto the Airport.

**c. Application of Subsections 6.5(a) and 6.5(b)**

The public is advised that activities subject to limitation or restriction pursuant to subsections 6.5(a) and 6.5(b) of the Rules and Regulations may nonetheless be permissible at Marathon International, subject to Applicable Laws and any rules and regulations or other policies applicable to Marathon International.

**d. Take-offs and Landings**

1. No Person may cause an Aircraft, other than a helicopter, to land or take-off at the Airport, except on a runway and in accordance with any instructions provided by the Tower. Helicopters must operate in accordance with directions of the Tower.
2. No Person may turn an Aircraft in order to reverse direction on a runway unless given specific instruction or authorization to do so by the Tower or except in a bona fide emergency.
3. Any Person landing an Aircraft at the Airport will make the landing runway available to other Aircraft by leaving said runway as promptly as safely practicable.
4. Any Person operating or controlling an Aircraft landing at or taking-off from the Airport will comply with applicable Aircraft noise limits promulgated or authorized by the FAA.
5. Aircraft operators are urged, but not required, to comply with the County's voluntary noise abatement procedures for Aircraft operations to or from the Airport.

e. **Preferential Runway Use**

To minimize flights over noise-sensitive residential areas, the Airport maintains Voluntary Noise Abatement Procedures. Pilots are encouraged to comply with the voluntary procedures, as outlined in the Airport's approved Part 150 Noise Compatibility Study.

**6.6 AIRCRAFT GROUND RULES**

a. **Aircraft Parking**

1. No Person may park an Aircraft in any area on the Airport except those designated, and in the manner prescribed, by the Airport Director. If any Person uses unauthorized areas for Aircraft parking, the Aircraft so parked may be removed by or at the direction of the Airport Director at the sole risk and expense of the Aircraft's owner.
2. Each Person operating an Aircraft on the Airport shall use Aprons only as assigned and consistent with any Operating Directive governing such use.
3. No Aircraft operator may leave his or her Aircraft unattended on the Airport except in a hangar or otherwise in an adequately secured manner.
4. An Aircraft's operator assumes sole responsibility for any article left in his or her Aircraft. The County, including but not limited to the Airport Director, is not responsible for any theft, vandalism, destruction, or loss of any such article.

b. **Derelict and Abandoned Aircraft**

1. No Person may park or store an Abandoned Aircraft or a Derelict Aircraft on Airport property, including leased premises, without the Airport Director's prior written permission.
2. No Person may store or retain Aircraft parts or components anywhere on the Airport, other than in an enclosed facility authorized by the Airport Director for such purpose or in a manner otherwise approved by the Airport Director in writing.
3. Whenever any Aircraft is parked, stored or left in a derelict or abandoned condition on the Airport in violation of the provisions of this Section 6, the Aircraft is subject to removal by the Airport pursuant to section 705.183 of the Florida Statutes.

c. **Starting and Running Aircraft Engines**

1. No Aircraft engine may be run at the Airport unless:

- i. A pilot or certified airframe and powerplant mechanic qualified to run the engines of that particular type of Aircraft is at the controls of such Aircraft; and
  - ii. Blocks have been placed in front of and behind the wheels of that Aircraft or such Aircraft's parking brakes have been set adequately.
2. No Person may run an engine of an Aircraft parked on the Airport in a manner that could injure Persons, damage property, or endanger the safe operation of the Airport.
3. No Person may start or operate an Aircraft engine on the Airport except in the places and times designated for such purposes by the Airport's Policies, Standard Procedures or Operating Directives.
4. Any Person operating an Aircraft on the Airport shall ensure that noise emanating from that Aircraft's engines during ground operations remains within any applicable Aircraft-engine noise limits set by the FAA.
5. No Person shall conduct an engine run-up for any purpose other than preflight except in those areas, and during those hours, prescribed by an Operating Directive and in conformity with the Airport's Voluntary Noise Abatement Procedures.

d. **Aircraft Taxiing**

1. No Person may taxi an Aircraft on the Airport unless such Person has ascertained that there is no danger of collision with any Person or object.
2. All Aircraft shall be taxied at a safe and reasonable speed.
3. All Aircraft operating on the Airport shall be equipped with wheel brakes in proper working order.
4. No Aircraft may be taxied, towed or pushed on any runway or taxiway unless specifically cleared to do so by the Tower.
5. When taxiing Aircraft are converging, the Aircraft involved shall pass each other bearing to the right unless otherwise directed by the Tower.
6. No Aircraft shall taxi between a terminal gate and an Aircraft engaged in a push-back or power-back operation.
7. No Aircraft may be taxied into or out of any hangar under its own power.
8. All Aircraft being taxied, towed or otherwise moved on the Airport shall

proceed with navigational lights on during the period between sunset and sunrise.

9. All Aircraft operations shall be confined to hard-surfaced areas of the AOA and Aprons.

## **6.7 HELICOPTER OPERATION**

- a. In addition to complying with all other applicable provisions of the Rules and Regulations, each helicopter operator must:
  1. Operate under the direction of the Tower;
  2. Taxi, tow or otherwise move with rotors turning only if there is a clear area of at least 50 feet in all directions from the outer tips of the rotors; and
  3. Operate at least 200 feet from any area on the Airport where unsecured light Aircraft are parked.

## SECTION 7. MOTOR VEHICLES

### 7.1 GENERAL TRAFFIC REGULATIONS

#### a. Authority

1. The operation of any Motor Vehicle on the Airport shall comply with all Applicable Laws, including the Florida Uniform Traffic Control Law, the M.C.C. and the Rules and Regulations.
2. No Person may operate a Motor Vehicle on the Airport without a valid driver's license that authorizes such operation.

#### b. Discharge of Material

1. No Person may operate an uncovered Motor Vehicle to haul trash, dirt or any other material on the Airport without the prior permission of the Airport Director.
2. No Person may spill or discharge any type of material from a Motor Vehicle operated on the Airport.

#### c. Traffic Signs and Signal Devices

Signs, markers and devices installed on the Airport will be prima facie evidence that they were installed under proper authority. Failure to comply with the directions indicated on any such signs, markers or devices will be a violation of the Rules and Regulations and any applicable provisions of the Florida Uniform Traffic Control Law.

#### d. Pedestrian Right-of-Way

The operator of any Motor Vehicle must yield the right-of-way to a pedestrian who crosses within a marked pedestrian crosswalk, except where the movement of traffic is being otherwise actively regulated by County or MCSO personnel or by traffic control devices. The driver of a Motor Vehicle must exercise due care for the safety of any pedestrian upon a roadway.

#### e. Vehicle Condition

No Person may operate any Motor Vehicle upon the Airport:

1. Which is constructed, equipped, loaded, or otherwise in a condition, such that its operation would endanger persons or property;
2. Which has attached thereto any object or equipment, including that which is being towed, which drags, swings or projects so as to be hazardous to any

Person or property; or

3. In a negligent or reckless manner or in excess of posted speed limits.

f. **Closing or Restricting Use of Airport Roadways**

The Airport Director is authorized to close or restrict the use of any Airport roadway to Motor Vehicles if the Airport Director reasonably determines that such closure is necessary to preserve public safety.

g. **Storing, Parking and Repairing Vehicles**

No Motor Vehicle may be stored, parked or repaired on the Airport, except in areas designated for such purpose by the Airport Director, provided that Persons may conduct minor repairs on a disabled Motor Vehicle to the extent necessary to remove such Motor Vehicle from the Airport.

h. **Slow-Moving Motor Vehicles, Equipment and Machinery**

Every Motor Vehicle and piece of equipment or machinery that is operated on Airport roadways and is designed primarily for use at speeds of less than 25 miles per hour must be equipped with an operating beacon light or display a triangular slow-moving-vehicle emblem that is mounted either on its rear or, in case of towed units, on the rearmost unit being towed.

i. **Engine Turn-Off**

The operator of each Motor Vehicle on the Airport must turn off the Motor Vehicle's engine when such Motor Vehicle is parked, idling anywhere other than at a traffic control device that requires the Motor Vehicle to stop temporarily, or parked or idling to permit the safe passage of a Person, Aircraft, or other Motor Vehicle.

j. **Inspection**

Any Motor Vehicle entering the Airport is subject to inspection in accordance with Applicable Law.

## **7.2 PROCEDURE IN CASE OF INCIDENT**

The driver of any Motor Vehicle involved in a crash, collision, or other incident on the Airport which results in injury to or death of any Person or in damage to property shall immediately stop such Motor Vehicle at the scene of the incident and, by the quickest means of communication, give notice of the incident to MCSO.

## **7.3 SPEED LIMITS**

The operator of a Motor Vehicle shall drive such Motor Vehicle on the roadways and other

vehicular traffic areas on the Airport, including parking areas, only at a speed that is reasonable and prudent under the existing conditions, with due regard for actual and potential hazards, and shall comply with speed limits indicated on signs posted and maintained by the Airport. In areas of the Airport in which speed-limit signs are not posted, the speed limit shall be 15 miles per hour as established in M.C.C. sec. 25-2.

#### **7.4 DESIGNATED ONE-WAY DRIVES**

Vehicular traffic on the entrance and exit roadways serving the Passenger Terminal Complex shall be one-way only. No Person may move a Motor Vehicle on any such roadway in the direction opposite to that indicated by signage.

#### **7.5 VEHICLE OPERATIONS ON AIR OPERATIONS AND MOVEMENT AREAS**

- a. No Person may operate a Motor Vehicle on the AOA or Movement Area without the prior permission of the Airport Director. The Airport Director may require a Person to obtain specialized training prior to operating a Motor Vehicle on the Movement Area.
- b. No Motor Vehicle may tow more than three baggage carts or pods at any given time.
- c. No Person may park a Motor Vehicle in any portion of the AOA unless such Motor Vehicle is necessary for the servicing of Aircraft or the operation and maintenance of the Airport, and then only if such Motor Vehicle is properly identified in accordance with the Airport Security Program and Airport Certification Manual.
- d. No Person may drive a Motor Vehicle or move equipment between an Aircraft and a passenger gate when passengers are boarding or deplaning from the Aircraft.
- e. No Person may park a Motor Vehicle in any manner so as to block or obstruct any fire hydrant, any emergency fuel shutoff device or the approaches thereto, any gate or emergency exit, or any building entrance or exit.
- f. Aircraft taxiing in the AOA will have the right-of-way over Motor Vehicle traffic.

#### **7.6 PUBLIC PARKING**

- a. Operators of Motor Vehicles using the public parking facilities at the Airport must observe and comply with all traffic signs posted on said facilities.
- b. Motor Vehicles may be parked only in marked parking spaces. No Person may park a Motor Vehicle in any marked parking space in such a manner as to occupy a part of another space.
- c. No Person may park a Motor Vehicle in any area requiring payment for parking without paying the required parking charges for the right and privilege of parking.

- d. Any Motor Vehicle remaining in a public parking facility on the Airport for greater than 45 days will be considered an Abandoned Vehicle unless the operator of that Motor Vehicle obtains the Airport Director's prior written authorization to park for greater than 45 days.

## **7.7 RESERVED PARKING**

No Person may park any Motor Vehicle in a reserved parking area without a valid parking permit issued by the Airport Director. Each Motor Vehicle parked in a reserved parking area must prominently display such permit or insignia provided by the Airport Director for the purpose of indicating such permit. Every such Motor Vehicle shall be parked only in the space or area specifically assigned to that Motor Vehicle.

## **7.8 LOADING AND UNLOADING OF VEHICLES**

No Person may stop a Motor Vehicle for loading, unloading or any other purpose on the Airport other than in areas specifically designated by the Airport Director for such use and only in the manner prescribed by signs, roadway markings, and other traffic-control indicia. Stopping on the passenger arrival and departure roadways and the commercial curbs of the Passenger Terminal Complex is permissible only to active load or unload passengers and their baggage. The MCSO may cite and tow unattended Motor Vehicles not in parking spaces designated for such Motor Vehicles' use.

## **7.9 AUTHORITY TO REMOVE VEHICLES**

The Airport Director and the MCSO may each remove or cause to be removed from any Restricted Area or reserved areas, any roadway or right-of-way, and any other area on the Airport, any Motor Vehicle which is disabled, abandoned, illegally or improperly parked, or which creates an obstruction. Any such Motor Vehicle shall then be under the control and authority of the company removing it and shall be released to the Motor Vehicle's owner or operator upon proper identification of the Motor Vehicle and of the Person claiming it and upon payment of any due and owing towing charges and parking and storage fees. Neither the County nor MCSO shall be liable for damage to any Motor Vehicle or loss of personal property which might result from the lawful removal thereof from the Airport.

## **7.10 IMPOUND OF MOTOR VEHICLES IN EMPLOYEE PARKING LOTS**

Motor Vehicles parked in any Airport employee parking lot are subject to removal in accordance with subsection 7.9 if they lack a valid, unexpired employee parking authorization.

## **7.11 ISSUANCE OF TRAFFIC CITATIONS AND TICKETS**

MCSO deputies are authorized to issue traffic citations and parking tickets for violation of any provision of the Florida Uniform Traffic Control Law, M.C.C. sec. 5-24, M.C.C. Chapter 25 or the Rules and Regulations governing the operation, loading, unloading or parking of Motor Vehicles on the Airport.

## **SECTION 8. COMMERCIAL GROUND TRANSPORTATION**

### **8.1 USE OF FACILITIES**

- a. Unless otherwise provided by an agreement or permit with the County, each Commercial Ground Transportation Operator, may deliver customers to the Airport and meet Pre-Reserved Customers at the Airport only in places designated for such purposes by the County in accordance with the County's Ground Transportation Resolution.
- b. Unless otherwise provided by permit issued by or agreement with the County, or in instances where a valid reservation for a Pre-Reserved Customer is made, no Commercial Ground Transportation Operator may pick up a passenger, or offer to pick up a passenger, on the Airport.

### **8.2 FEES AND CHARGES**

The County will establish and collect fees and charges from Commercial Ground Transportation Operators that operate to, from, or at the Airport in accordance with the Airport's Ground Transportation Resolution.

### **8.3 COMPLIANCE WITH POLICIES, RULES AND REGULATIONS, STANDARD PROCEDURES AND OPERATING DIRECTIVES**

All operators of Commercial Vehicles will be subject to the Ground Transportation Resolution, these Rules and Regulations, and the Airport's Policies, Standard Procedures and Operating Directives. In addition, they will be subject to on-site supervision and direction by authorized Airport personnel and MCSO staff.

### **8.4 UNAUTHORIZED PARKING**

No Commercial Vehicle may be left unattended on the Airport without prior written permission of the Airport Director, except when parked in a designated public parking facility.

## **SECTION 9. ENFORCEMENT**

### **9.1 CEASE AND DESIST ORDERS**

The Airport Director may, verbally or in writing, order any Person to cease and desist from any activity or conduct that violates the Rules and Regulations, Policies, Standard Procedures, or Operating Directives or that the Airport Director otherwise determines to pose a safety or security threat to the Airport or to Persons thereon.

### **9.2 REMOVAL FROM OR DENIAL OF ACCESS TO AIRPORT**

- a. Any Person who fails to comply promptly with a cease-and-desist order issued by the Airport Director shall be considered a trespasser on the Airport.
- b. If a Person fails to comply with a cease-and-desist order issued by the Airport Director, the Airport Director may deny that Person access to the Airport and may order that Person removed from the Airport by County staff or the MCSO.
- c. If the Airport Director denies a Person access to the Airport or orders a Person removed from the Airport, such person shall be issued a trespass warning in accordance with M.C.C section 17-8.
- d. Without the need for a cease-and-desist order or any other prior process, the Airport Director may order the immediate removal of any Person whom the Airport Director reasonably determines to pose a danger or disruption to the peaceful, orderly operation of the Airport or the lawful, authorized activities of Airport users.

### **9.3 APPEALS OF TRESPASS WARNINGS**

- a. A person who has been issued trespass warning may file an appeal as provided in M.C.C. sec. 17-8(i).
- b. Nothing in the Rules and Regulations shall prevent a Person from exercising any legal right to challenge a trespass warning before a court or government agency of competent jurisdiction.

### **9.4 REMOVAL OF PROPERTY**

- a. The Airport Director may remove or cause to be removed from any Restricted Area, reserved area, roadway or right-of-way, or any other area or structure at the Airport, any property which is disabled, abandoned or unattended; which poses a nuisance or impediment to the safe, secure, peaceful, or efficient operation of the Airport or the lawful, authorized activities of Persons thereon; or which is otherwise situated in an illegal, improper or unauthorized manner. The Airport Director or the MCSO may remove or cause to be removed any such property to an impound area or other area designated by the Airport Director or the MCSO, all at the expense of the owner of such Property.

- b. Any property impounded by the Airport Director, or by the MCSO, will be released to the owner or operator thereof upon the completion of both of the following:
  - 1. Such owner's or operator's provision of identification, satisfactory to the Airport Director or the MCSO, that establishes that such Person is in fact the property's owner or operator; and
  - 2. Such owner or operator paying all applicable towing, removal, or storage charges and any other accrued fees and fines.
  
- c. Neither the County, including without limitation the Airport Director, nor MCSO shall be liable for any damage or loss or diminution of value which may be caused to the property by the Airport Director's or the MCSO's removal or storage thereof in accordance with this subsection 9.4.