

Chapter 5

AVIATION

Sec. 5-1. Definitions.

The following terms whenever used or referred to in this chapter shall have the following respective meanings, unless a different meaning clearly appears from the context:

Aircraft. "Aircraft" shall mean any contrivance now known, or hereafter invented, used or designated for navigation of or flight in the air.

Airman. The word "airman" means any individual who engages, as a person in command or as a pilot, mechanic or member of the crew, in the navigation of aircraft while underway; and any individual who is directly in charge of the inspection, maintenance, overhauling, repair of aircraft, aircraft engines, propellers or appliances.

Airport. The word "airport" shall mean the Hattiesburg Municipal Airport.

Airport manager. The words "airport manager" mean the duly appointed manager of the Hattiesburg Municipal Airport, or his designee.

Airport owner. The words "airport owner" mean the City of Hattiesburg.

Fixed base operator. "Fixed base operator" means any person located upon the airport in the business of the sale of aircraft, the sale of aircraft parts, the sale of gasoline and oil for aircraft at retail, the rental of aircraft, the operation of a flying school, air taxi service, or the rendition of any service to aircraft or the operators thereof for profit. The term shall include persons engaged in any one or more such businesses but shall not include oil companies selling gasoline to fixed base operators for resale at retail.

Minimum standards. "Minimum standards" means standards which are established by the airport owner as the minimum requirements to be met as a condition for the right to conduct fixed base operation on the airport.

Operation of aircraft. "Operation of aircraft" or "operate aircraft" means the use of aircraft for the purpose of air navigation. Any person who causes or authorizes the operation of aircraft, whether with or without the right of legal control of the aircraft, in the capacity of owner, lessee or otherwise, shall be deemed to be engaged in the operation of aircraft within the meaning of this chapter.

Person. "Person" means any individual, firm, copartnership, corporation, company, association or body politic; and includes any trustee, receiver, assignee or other similar representative thereof. (Ord. 1712, sec. 1, 5-19-71)

Sec. 5-2. Rules, regulations, standards.

A. The airport manager, with the approval of the airport owner, shall have the power to make, promulgate, and amend such reasonable general or special rules, regulations and procedures consistent with provisions of this chapter, which

regulations when so made, approved, and posted, shall have the force and effect of law,

provided that copies of same shall be delivered to each fixed base operator.

B. No rules, regulations, orders, or standards prescribed by the airport manager shall be inconsistent with, or contrary to, any federal or state laws or rules and regulations.

C. The airport manager shall keep on file in his office and posted at the airport, a copy of all rules and regulations adopted for public inspection. (Ord. 1712, sec. 2, 5-19-71)

Sec. 5-3. Airport operations.

A. **Federal Aviation Regulations adopted.** The Federal Aviation Regulations (FAR) established by the Federal Aviation Administration, parts 61, 91, 135, and 141, and as the same may be hereafter supplemented and modified, are hereby adopted by reference and made a part hereof as fully as if the same and each and all of them were set forth herein. Any violation of such regulations shall be a violation of this chapter.

B. **Federal airman and aircraft certificates---Operation without unlawful.** It shall be unlawful for any person to operate, cause, or authorize to be operated any civil aircraft from the airport unless such aircraft has an appropriate effective certificate, permit, or license issued by the United States, if such certificate, permit, or license is required by the United States. It shall be unlawful for any person to engage in aeronautics as an airman from the airport unless he has an appropriate effective airman certificate, permit, rating or license issued by the United States authorizing him to engage in the particular class of aeronautics in which he is engaged, if such certificate, permit, rating or license is required by the United States.

C. **Reckless operation of aircraft.** It shall be unlawful for any person to operate an aircraft in the air or on the ground or water while under the influence of intoxicating liquor, narcotics or other habit-forming drug, or to operate an aircraft in the air, or on the ground or water in a careless or reckless manner so as to endanger the life or property of another. In any proceeding charging careless or reckless operation of aircraft in violation of this section, the court, in determining whether the operation was careless or reckless, shall consider the standards for safe operation of aircraft prescribed by federal statutes or regulations governing aeronautics.

D. **Airport may refuse clearance.** The airport manager may delay or restrict any flight or other operations at the airport and may refuse take-off clearance to any aircraft for any infraction of airport rules and regulations, or in the interest of safety.

E. **Closing of airport.** In the event the manager believes the conditions of the airport to be unsafe for landing or takeoffs, it shall be within his authority to issue a NOTAM closing the entire airport, or any part thereof. (Ord. 1712, sec. 3, 5-19-71)

Sec. 5-4. Ground regulations.

A. Spectators or unauthorized persons will not be allowed on any part of the usable taxi or landing area but will be restricted to the areas assigned for such purposes.

B. No motor vehicle shall be operated on the apron or landing area unless authorized by the airport manager.

C. Aircraft shall be parked, loaded, and serviced only in areas designated for such purposes by the airport manager.

D. Vehicles shall not be parked on the airport other than in the manner and at locations indicated by posted traffic signs. (Ord. 1712, sec. 4, 5-19-71)

Sec. 5-5. General and special regulations.

A. **Lease or permit required for conducting business.** No person shall use the facilities of the airport as a base for revenue producing commercial activities without meeting the minimum standards established for such activity and securing a valid lease or permit from the airport owner.

B. **Based aircraft.** All aircraft based at the airport shall be registered with the general fixed base operator serving his appropriate area of operation, who shall register each aircraft with the airport manager. The area south and east of jet fuel pumps shall be one area, and the area north and northeast of pumps shall be a second area of operation.

C. **Accident reports.** Persons involved in aircraft accidents occurring on the airport shall make a full report thereof to the airport manager.

D. Removal of aircraft.

1. All disabled aircraft and parts thereof on the airport shall be removed promptly as directed by the airport manager.
2. If any person refuses to move an aircraft as directed by the airport manager, said aircraft may be towed away by the airport manager at the owner's or operator's expense, and without liability for damage which may result in the course of, or after such, moving. The same shall apply to removal of wrecked or damaged aircraft and its parts.
3. Each aircraft must be parked in an area designated by the airport manager.

E. **Flying clubs.** Club aircraft must be owned by a nonprofit partnership or nonprofit corporation and each club member must be a bona-fide part owner of the club aircraft or own a share in the corporation.

F. **Tie-down fees.** All based aircraft shall pay a minimum tie-down fee of ten dollars (\$10.00) per month to the general fixed base operator serving his area of operations as described in paragraph (B) above. This paragraph shall not apply to aircraft otherwise hangared, owned or operated by the general fixed base operator. Each general fixed base operator will be authorized to charge a reasonable nightly tie-down fee for transit aircraft and will be required to furnish all mooring, ropes, chains or straps for the securing of all aircraft tied down in his area of operation. (Ord. 1712, sec. 5, 5-19-71)

Sec. 5-6. Minimum standards for fixed base operators.

Aeronautical services and activities at the airport shall hereafter be rendered by and engaged in by duly qualified operators so determined by the hereinafter set-out standards which are hereby adopted.

A. **A general fixed base operator** shall be only those individuals, corporations, or firms which are authorized to engage in and furnish the full range of aeronautical activities and service which shall include, as a minimum, the following:

1. Aircraft fuels and oil dispensation service.
2. Aircraft storage consisting of a minimum of six thousand (6,000) square feet of hangar space and tie-down spaces for a minimum of ten (10) aircraft.
3. Adequate and efficient ramp service with a minimum of one properly trained person on duty for a minimum of ten (10) hours per day, seven (7) days a week, on call as needed. Emergency starting equipment and adequate fire extinguishers.
4. Capability to perform minor aircraft, engine, and accessory maintenance to include necessary tools and equipment; this service to be performed by an FAA certificated and qualified mechanic.
5. Basic requirement: The lease-hold shall contain the required space in and on existing facilities, or land area sufficient for construction of the required facilities. Leased or constructed buildings shall contain six hundred (600) square feet of properly lighted and heated floor space for office, public lounge, rest rooms and telephone.
6. Any other directly related aviation activity or service for which there may be a demand, subject to approval of airport owner.

B. **Additional operations.** In addition to services required by subsection (A) above, any general fixed base operator may also engage in, or provide at his option, any one or combination of the following activities or services if meeting the minimum standards established.

1. Flight training by an instructor properly certificated by FAA as flight instructor to cover type of training offered with a minimum of three (3) aircraft owned by the operator.
2. Air taxi and/or ambulance service lessees must hold a valid FAA air taxi-commercial operator certificate with ratings appropriate for the services offered with a minimum of two (2) aircraft owned by said operator and available for air taxi service.
3. Aerial agricultural service lessees must hold an agricultural aircraft operators certificate issued by FAA under part 137 FAR; be properly registered with the Mississippi Aerial Applicators Board; comply with requirements of the state and political subdivision thereof; conduct activity in area designated by airport owner and shall keep area clean and orderly.
4. Aircraft rental and sales.
5. Airframe, power plant or accessory maintenance lessee shall lease existing facility or construct a building sufficient to provide two thousand (2,000) square feet of shop space, including space for one (1) aircraft. One (1) person currently certificated by FAA with ratings appropriate for work being performed shall be employed.

C. **A special fixed base operator** shall be any individual, corporation, or firm which is

authorized to engage in any one service or activity listed in paragraph (B) above. Any special fixed base operator shall be completely governed by the same minimum standards as to any activity or service involved as is herein made applicable to a general fixed base operator at said airport.

D. Minimum standards applicable to all operators.

1. All fixed base operators at the airport shall be full time, financially sound and progressive business enterprises with adequately manned and equipped facilities, including office facilities, and who observe normal or specifically required business hours.
2. All construction required of such operators shall be in accordance with design and construction standards required or established by the airport owner for the facility or activity involved. All operators shall be required to furnish the airport owner payment and performance bonds commensurate with any construction required under the minimum standards herein fixed or under any contract or lease by and between such operator and the airport owner.
3. All such operators shall conduct their activities and render their services in a safe, responsible and efficient manner and shall be solely responsible for all of the acts of their agents and/or employees and shall save and hold the airport owner harmless from any act of the operator, its agents and employees.
4. The rates or charges for any and all activities and services of such operators shall be determined by the operators, subject to the requirement that all such rates or charges shall be reasonable and be equally and fairly applied to all users of the services.
5. All such operators' contracts and leases shall provide for adequate insurance and safety requirements commensurate with and applicable to such operators and their individual activities and services.
6. No operator shall be permitted to operate at the airport without a fully executed lease agreement with the airport owner containing provisions for strict compliance with these minimum standards and regulations and containing such other special provisions as may be determined by the airport owner to be necessary on account of any building or other construction which may be required under such lease or any other special circumstances which may be applicable to such particular operator.
7. The present and future fixed base operators' areas on the airport property and the use thereof shall also be determined by existing leases and amendments thereto, if any, during the term thereof as said leases now exist and are recorded in the official minutes of the city, said minutes being incorporated by reference herein.
8. All fixed base operators shall abide and comply with all state, county and city laws and ordinances, the rules and regulations of the airport owner governing such airport, and the rules and regulations of the Federal Aviation Administration.
9. All contracts and leases between such operators and the airport owner shall be subordinate to the provisions of any existing or future agreement between the airport owner and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport

properties.

10. No fixed base operators shall sublease or sublet any premises leased by such operator from the airport owner, or assign any such lease, without the prior written approval of the airport owner, and any such subletting or assignment shall be subject to all of the minimum standards herein set forth. (Ord. 1712, sec. 7, 5-19-71)

Sec. 5-7. Conformance to provisions.

Any general fixed base operator or special fixed base operator now conducting business on the Hattiesburg Municipal Airport will be required to conform to the building and office provisions of the foregoing specifications within five (5) years of May 19, 1971. (Ord. 1712, sec. 10, 5-19-71)

Sec. 5-8. Right to contract for maintenance and supervision not limited; amendments; liability of city.

A. Nothing herein contained shall be construed as to limit the right of the airport owner to enter into a contract and agreement with a general fixed base operator with respect to the maintenance and overall supervision of the airport and to designate such operator as the general manager of the airport.

B. These minimum standards may be supplemented and amended from time to time in such manner and to such extent as the airport owner may deem proper.

C. All such operators shall conduct their activities and render their services in a safe, responsible and efficient manner and shall be solely responsible for all of the acts of their agents and/or employees, and shall save and hold the properties of the Hattiesburg Municipal Airport and the City of Hattiesburg harmless from any act of the operator, its agents and employees. (Ord. 1712, sec. 8, 5-19-71)