



MONTEREY
REGIONAL AIRPORT

MONTEREY REGIONAL AIRPORT
RULES AND REGULATIONS
2020

MONTEREY PENINSULA AIRPORT RULES AND REGULATIONS

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DEFINITIONS

All definitions contained in the Monterey Peninsula Airport Minimum Operating Standards (“Airport”) are incorporated by reference into these Minimum Operating Standards. For the purposes of these Minimum Operating Standards, all references to the “Minimum Operating Standards” are to the Monterey Peninsula Airport Minimum Operating Standards.

Accident. *See Aircraft Accident*

Aeronautical Activity - any activity or service conducted at the Airport that involves, makes possible, or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

Agreement - the written agreement between the Airport and an Operator specifying the terms and conditions under which the Operator may conduct commercial aviation activities.

Air Charter or Taxi - the commercial operation of providing air transportation of person(s) or property for hire by either on a charter basis or as an air taxi operator.

Aircraft - any device used or designed for navigation or flight in the air including, but not limited to, an airplane, sailplane, glider, helicopter, gyrocopter, ultra-light, balloon, or blimp.

Aircraft Accident. Any occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such person have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

Aircraft Emergency. A problem or condition involving an aircraft in flight or on the ground that could endanger lives or property.

Aircraft Fuel - all flammable liquids composed of a mixture of selected hydrocarbons expressly manufactured and blended for the purpose of effectively and efficiently operating an internal combustion, jet, or turbine engine.

Aircraft Incident. *See Incident.*

Aircraft Maintenance. The repair, adjustment or inspection of an aircraft by a pilot, owner or mechanic other than the routine cleaning, upkeep and servicing of an aircraft in preparation for flight. Minor repairs are characterized as normal, routine annual inspection with attendant maintenance, repair, calibration or adjustment or repair of aircraft and their accessories. Major repairs are characterized as major alterations to the airframe, power plant, propeller and accessories as defined in Part 43 of the FARs.

Aircraft Operation - an aircraft arrival or departure from the airport.

Aircraft Owner - a person or entity holding legal title to an aircraft, or any person having exclusive possession of an aircraft.

Aircraft Parking and Storage Areas - those hangar and apron locations of the Airport designated by the Executive Director for the parking and storage of aircraft.

Aircraft Ramp. *See Apron*

Aircraft Support and Service Vehicles. Those motor vehicles routinely used on the AOA for service, maintenance and aircraft support such as maintenance trucks, fuel trucks, and aircraft towing vehicles. Privately owned vehicles operated by persons with based aircraft are excluded.

Airframe and Power Plant Maintenance - the commercial operation of providing airframe and powerplant services, which includes the repair, maintenance, inspection, constructing, and making of modifications and alterations to aircraft, aircraft engines, propellers and appliances including the removal of engines for major overhaul as defined in 14 CFR Part 43.

Airplane – *See Aircraft*

Airport/Airport District/District – owner and operator of the Monterey Regional Airport (Airport) and/or (MRY) and all of the sponsored-owned or leased real or personal property, buildings, facilities and improvements within the boundaries of the Monterey Peninsula Airport District (District) and/or (MPAD), as it presently exists, or as it may exist in the future.

Airport Directives – enforceable rules issued by the District or Executive Director relating to an area of operation, topic or activity at the Airport which shall interpret and implement these Rules and Regulations and which shall have the full force and effect of these Rules and Regulations. In the event there is an express conflict between any of the provisions of these Rules and Regulations and any Airport Directive, provisions of or instructions contained in these Rules and Regulations shall be deemed to govern and the provisions of Airport Directives shall be deemed to interpret and implement these Rules and Regulations to the extent that such provisions are not directly conflicting with these governing Rules and Regulations.

Airport Executive Director – The designated individual or duly authorized individual appointed by the Monterey Peninsula Airport District Board to administer and manage all operations of the Monterey Regional Airport and Airport facilities, and to supervise all Airport projects.

Air Operations Area or AOA - the area of the Airport used for aircraft landing, takeoff, or surface maneuvering including the areas around hangars, navigation equipment, and communication facilities.

Air Traffic Control (ATC). A service provided by the FAA to promote the safe, orderly and expeditious flow of air traffic.

Air Traffic Control Tower (ATCT). The facility from which the FAA provides air traffic control services.

ALP - the currently approved Airport Layout Plan depicting the physical layout of the airport and identifying the location and configuration of current runways, taxiways, buildings, roadways, utilities, nav aids, etc.

Apron. An area of the airport designated for aircraft surface maneuvering, parking, fueling, servicing and enplaning/deplaning passengers.

ASC – Airport Security Coordinator is one or more designate airport staff that serve as the airport's primary and immediate contact for security-related activities.

ASP – Airport Security Program is a security program approved by TSA under Title 49 CFR § 1542.101.

Aviation-related activity. Any activity conducted on airport property that provides service and support to airport users. The following are examples of what are considered aviation-

related activities as opposed to aeronautical activities; they include but are not limited to ground transportation, restaurants, auto parking lots, concessions, etc.

AVGAS. Any approved aviation grade of fuel for reciprocating engine-powered aircraft authorized by the FAA.

AVJET. Any approved kerosene grade of fuel for turbine engine-powered aircraft authorized by the FAA.

Balloon – *See Aircraft.*

Based Aircraft - an aircraft which the owner physically locates at the airport for an undetermined period, and whenever absent from the Airport, its owner intends to return the aircraft to the airport for long-term storage.

Board of Directors - the duly elected member or members or the of the Monterey Peninsula Airport District Board.

Commercial Aeronautical Activity - the conduct of any aspect of a business, concession, operation, or agency providing goods or services to any person for compensation or hire, including exchange of services, whether or not such objectives are accomplished. An activity is considered a commercial activity regardless of whether the business is nonprofit, charitable, or tax-exempt. A commercial business activity that involves makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of aeronautical operations.

Commercial Operator (Operator) - a person, firm, corporation, or other entity, which makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safe conduct and utility of aircraft operations.

District – the Monterey Peninsula Airport District.

DMV. State of California Department of Motor Vehicles.

Emergency Vehicles. Vehicles that are painted, marked, lighted or escorted and used by the law enforcement (police or sheriff) or security officers, fire department, ambulance or other airport officials to carry out their daily duties or used in response to an emergency situation.

Engine Run-up. The operation of an aircraft engine at power settings in excess of those power settings needed for normal taxiing of the aircraft. Engine run-ups are usually conducted at relatively high-power settings in order to determine the performance of an aircraft engine.

Engine Run-up Areas. Areas designated by the Airport Executive Director that allow high power settings of an aircraft engine. These areas are indicated on the attached map.

Exclusive Right - a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right. An exclusive right can be conferred either by express agreement, contract, license, lease, and permit or by the imposition of unreasonable standards or requirements, or by any other means.

FAA - the Federal Aviation Administration and has the responsibility of promoting safety in the air, by both regulation and education.

FAR - the Federal Aviation Regulations in Title 14 of the Code of Federal Regulations.

Fixed Base Operator (FBO) - a full service commercial operator who is authorized to engage in the primary activity of aircraft servicing

Flight Training - the commercial operation of instructing pilots in dual and solo flight, in fixed or rotary wing aircraft, and related ground school instruction as necessary to complete a FAA written pilot's examination and flight check ride for various categories of pilot's licenses and ratings.

Flying Club – a non-commercial and nonprofit entity organized for the purpose of providing its members with any number of aircraft for their personal use and enjoyment.

Fuel Flowage Fee. A fee paid to the District for each gallon of fuel distributed on the airport.

Fuel Storage Area - any portion of the Airport designated temporarily or permanently by the sponsor as an area in which aviation or motor vehicle gasoline or any other type of fuel or fuel additive may be stored or loaded.

Fueler or Fueler Endorsement. Shall mean a motor vehicle driver that has taken and successfully completed the necessary training to transport, dispense or otherwise handle aviation fuel products in accordance within all applicable federal, state and local rules and regulations, including the rules and regulations of the District Airport, and as may be required by Airport Permit.

Fueling or Fuel Handling - the transportation, sale, delivery, dispensing, storage, or draining of fuel or fuel waste products to or from aircraft, vehicles, or equipment.

Fueling Agent. A business licensed and authorized to dispense fuel into aircraft storage facility or to accept delivery of fuel from a major oil company, fuel wholesaler or reseller at the fuel tank storage facility farm approved by the Airport District. At the fuel storage facility, the fueling agent will further dispense fuel from the fuel storage tanks into a mobile fuel servicing vehicles usually associated with an airport FBO's facility licensed by the Airport.

General Aviation - all phases of aviation other than aircraft manufacturing, military aviation, and scheduled or non-scheduled commercial air carrier operations.

Hangar. A fully enclosed storage space for one or more aircraft.

Hazardous Material - any substance, waste, or material which is toxic, explosive, corrosive, flammable, infectious, radioactive, carcinogenic, mutagenic, or otherwise hazardous, and is or becomes regulated as a hazardous material by any governmental authority, agency, department, commission, board, or agency.

Incident. Any occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations.

Lease - the written contract between the Airport and an Operator (Lessee) specifying the terms and conditions under which an Operator may occupy and operate from certain Airport facilities and/or property.

License – An agreement granting occupation or use of property during a certain period in exchange for a specified rent.

Licensed Operator (LO) - is an aeronautical business that offers single or limited service. An LO may also be referred to as a Specialized Aviation Service Operation (SASO) in these minimum standards.

Minimum Standards - the qualifications or criteria, which may be established by the Airport owner as the minimum requirements that shall be met by businesses engaged in commercial aeronautical activities.

MOGAS – Any approved substitute grade of fuel for an aircraft with a reciprocating engine and having appropriate supplemental type certificate (STC) authorized by the FAA.

Movement Area – Those areas of the airport under the control of the air traffic control tower including runways, taxiways, and helipads designated and made available for the landing, take-off, and taxiing of aircraft and which require a clearance from the air traffic control tower prior to entering those areas.

MPH – Miles per hour.

Non-movement Area – Those areas of the airport where aircraft taxi, or are towed or pushed without radio contact with the air traffic control tower or with other aircraft.

NOTAM – Notice to Airmen as issued by a representative of the Executive Director, FAA, the Air Traffic Control Tower or other authorized official.

NOTICE OF VIOLATION or NOV – a form or letter issued by a law enforcement officer, Airport personnel, or other authorized representative of the Airport for violations of any rules, regulations and laws governing the Airport, or violations of any aircraft storage permit, lease or agreement with the Airport.

NTSB – National Transportation Safety Board.

Park or Parking – The standing of an aircraft or vehicle whether occupied or not.

Permit - administrative approval issued by the Airport, to a person or company to conduct a commercial aeronautical activity as authorized.

Person - an individual, corporation, firm, partnership, association, organization, and any other group acting as an entity.

POV – Privately owned vehicle.

Ramp – *See Apron*

Restricted Area – Those portions of the airports closed to access by the general public.

Roadway - any street or road whether improved or unimproved, within the boundaries of the Airport and designated for use by ground vehicles.

Security Person – Any security service person or police officer under contract to the Airport District.

Self-Fueling – aircraft refueling, repair, preventive maintenance, towing, adjustment, cleaning, and general services performed by an aircraft owner or his/her employees on his/her aircraft with resources supplied by the aircraft owner.

Sublease - A written agreement, approved by the Sponsor, stating the terms and conditions under which a third-party Operator leases space from a Lessee for the purpose of providing aeronautical services at the Airport.

Self-Fueling – Fueling of an aircraft on airport property, performed by the aircraft owner or operator in accordance with the airport’s reasonable standards or requirements and using fuel obtained by the aircraft owner from the source of his/her preference.

Self-Service – the commercial operation of an unmanned stationary fuel tank and dispensing equipment for general use via a card reader. This includes the operations of anyone utilizing this type of equipment to provide fuel for sale or reuse.

Shelter – A structure intended to provide shade for a parked aircraft but which is not a fully enclosed storage space.

SIDA – Security Identification Display Area

Specialized Aviation Service Operation (SASO) - a commercial aeronautical business that is authorized to offer a single or limited service according to established Minimum Standards. - is an aeronautical business that offers single or limited service. A SASO may also be referred to as a Licensed Operator (LO) in these minimum standards.

Substantial damage – Damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent fairings or cowling, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered “substantial damage” for the purpose of this part.

Taxi Lane - the portion of the Airport apron area, or any other area, used for access between taxiways and aircraft parking or storage area.

Taxiway - a defined path established for the taxiing of aircraft from one part of the Airport to another.

Terminal – The primary facility or facilities at an airport through which pilots and passengers transition.

Through-The-Fence-Operator – A commercial activity that is directly related to the use of the airport but is developed or located off airport property beyond Airport control. It also includes services performed on the airport by individuals or companies, which may or may not have a lease or permit from the Airport to perform such services.

Tie-Down – An open-air aircraft storage space.

Vehicle – All motorized and non-motorized conveyances, except aircraft.

Vehicle Parking Area - any portion of the Airport designated and made available temporarily or permanently for the parking of vehicles.

ARTICLE 1: Purpose; Rules of Construction

Section 1.1 Purpose.

The following rules and regulations for the Monterey Peninsula Airport District and the Monterey Regional Airport, to be known as these “Rules and Regulations,” have been established and adopted by the Board of the Monterey Peninsula Airport District and shall govern the use and operation of the Airport facilities managed and operated by the Board, and are intended to ensure the safe and efficient operations of the Monterey Regional Airport.

Section 1.2 Rules of Construction

- (a) Wherever these Rules and Regulations refer to “applicable law,” such term shall refer to all present and future federal, state, and local statutes, ordinances and regulations and District ordinances applicable to the Person or the Airport or the use thereof and judicial or administrative interpretations thereof, as amended from time to time, including but not limited to Transportation Security Regulations and Security Directives issued from time to time by DHS or TSA, Federal Regulations and Advisory Circulars issued from time to time by the FAA, these Rules and Regulations, Notices to Airmen (“NOTAMs”) and Airport Directives issued by the Airport from time to time and directions issued by the Control Tower. In the event of any conflict among requirements, unless prohibited by superseding applicable law, the more restrictive requirement shall apply, and the judgment of the Executive Director shall be dispositive. All Persons using the Airport shall be obligated to be familiar with all applicable laws and shall be deemed to have knowledge of such applicable laws.
- (b) Unless the context otherwise indicates, words importing the singular shall include the plural and vice versa and the use of the neuter, masculine, or feminine gender is for convenience only and shall be deemed to mean and include the neuter, masculine, or feminine gender.
- (c) Headings of articles and sections in these Rules and Regulations are solely for convenience of reference, do not constitute a part of these Rules and Regulations and shall not affect the meaning, construction or effect hereof.
- (d) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms used in these Rules and Regulations refer to these Rules and Regulations as a whole and not merely to the article or section in which such terms are used.
- (e) Words relating to aeronautical practices, processes and equipment shall be construed according to their general usage in the aviation industry.
- (f) Where these Rules and Regulations refer to a document, agreement, or other written instrument, unless specifically otherwise provided, such reference shall be to such document, agreement or instrument as amended from time to time.
- (g) In the event of a conflict between these Rules and Regulations and the District Ordinances, the one adopted at a later date shall control.

ARTICLE 2: GENERAL REGULATIONS AND SECURITY

Section 2.1 Compliance with Rules and Regulations

- (a) Any permission granted by the District, directly or indirectly, expressly or by implication or otherwise, to any Person to enter or to use the Airport or any part thereof, is conditioned upon strict compliance with these Rules and Regulations. The exercise of the privilege of using the Airport and its facilities or any part thereof shall constitute the agreement of the Person using the Airport to comply fully with these Rules and Regulations.
- (b) Any permission granted by the District under these Rules and Regulations is conditioned upon the payment of any and all applicable fees and charges established by the District.
- (c) All permits and badges issued by the District are the property of the District and such permits, badges, and all other endorsements and authorizations included therein are subject to revocation by the Executive Director.
- (d) Notwithstanding the foregoing provisions of this Section, these Rules and Regulations shall not prevent the exercise of rights expressly granted by the District in written agreements between the District and the Person to whom such rights have been granted.

Section 2.2 Security Requirements

The Airport is subject to regulation by Department of Homeland Security (DHS) and Transportation Security Administration (TSA) with respect to security matters and, in compliance with applicable law, has developed and adopted the Airport's Security Program. The Executive Director, acting through the Airport Security Coordinator (ASC) may amend the Airport Security Program from time to time, and DHS and TSA may issue security directives or amend regulations issued from time to time applicable to operations at the Airport, or certain portions thereof, and to all or certain designated Persons at the Airport. Due to the changing nature of threats to security, requirements applicable to security at the Airport are likely to change, and each Person at the Airport shall be subject to and obligated to be aware of the changes to such requirements as may be applicable to such Person. Each Person using the Airport is subject to and shall strictly comply with all applicable laws relating to Airport security, including without limitation, rules and regulations issued by DHS or TSA, including the provisions of Title 49 CFR Parts 1540, 1542, and 1544, and all applicable local and federal laws, as well as security directives issued by DHS, TSA, or the Executive Director and applicable provisions of the Airport Security Program and these Rules and Regulations (collectively, "Security Regulations").

- (a) Any Person who fails to comply with the Security Regulations shall be subject to enforcement action under the provisions of the Security Enforcement Program and these Rules and Regulations, including potential revocation of that Person's Airport Identification Badge and unescorted access privileges to the SIDA, fines and penalties, and the employer and/or Authorized Signatory of such Person may also be subject to fines and penalties under the Security Enforcement Program and these Rules and Regulations, pursuant to Articles 9 and 10. In addition, violations of the Security Regulations may result in civil penalties or fines and criminal prosecution under applicable law.

- (b) Each Commercial Aviation Operator serving the Airport must have an: Aircraft Operator Standard Security Program, Foreign Air Carrier Model Security Program, Twelve Five Standard Security Program, Private Charter Standard Security Program, Full All Cargo Aircraft Operator Standard Security Program, Indirect Air Carrier Standard Security Program, Fixed Base Operator Standard Security Program, or a DCA Access Standard Security Program, as applicable, and as approved by the TSA. Each tenant, licensee or other occupant of space at the Airport shall become familiar and shall comply in all material respects with the Airport Emergency Plan (i.e., those procedures, programs and rules established, implemented and maintained by the District in the event of an emergency at the Airport), as in force from time to time.
- (c) Only authorized and properly identified persons with valid, properly displayed District-issued identification badges with authorization for the applicable Secured Area of the Airport, or persons escorted by a person with such a badge in accordance with the Airport Security Program, and Vehicle Parking Program under these Rules and Regulations, are allowed access onto the AOA, the SIDA and other Secured Areas. All operators of Vehicles on the AOA must be properly authorized to operate on the AOA pursuant to the District's internal protocols as defined in the Airport Security Program and as described during the SIDA training process. All operators of Vehicles on the AOA must hold all driving certifications necessary to obtain and maintain a driving endorsement, including but not limited to valid registration and insurance documents, pursuant to District Ordinance and the California Vehicle Code, as incorporated by reference herein and as may be amended from time to time, and must notify the Executive Director immediately if any of these certifications expire or are revoked. Access to each Secured Area of the Airport may require separate authorizations, which shall be displayed on a person's District-issued identification badge. If a person's District-issued identification badge has been confiscated by the ASC, that person may not access the AOA, SIDA or other Secured Areas, with or without escort, unless and until the District-issued identification badge has been returned to such person following completion of any required remedial actions.
- (d) All persons and objects are subject to Security Screening prior to or after entering a Sterile Area, the AOA, any Secured Area, or any other area designated from time to time by the Executive Director. Further, all persons who are granted an Airport Identification Badge shall be subject to search of their person or accessible property while on Airport property and this requirement shall be acknowledged by all applicants (including renewal applicants) for an Airport Identification Badge.
- (e) Unidentified or unauthorized personnel in the AOA may be detained and/or removed by the Airport. Unidentified or unauthorized Vehicles in the AOA may be removed by the Airport at the expense of the Vehicle owner.
- (f) Any Person who violates any applicable security regulation, including without limitation the regulations and security directives issued by DHS, TSA, or the Executive Director, and the Security Regulations, may be denied future entry onto the AOA, may be denied an Airport Identification Badge, and may be subject to fines and/or penalties pursuant to Articles 9 and 10 of these Rules and Regulations.
- (g) Security doors and all other means of access to and egress from the AOA, SIDA, Sterile Areas, and other Secured Areas shall be kept locked or controlled as detailed

in Security Regulations and any applicable training required as a prerequisite to obtaining an Airport Identification Badge.

- (h) Any Person causing or responsible for any security violation at the Airport shall reimburse the District for the full amount of any monetary penalty imposed upon the District in connection with such security violation in addition to the District's costs, expenses and attorneys' fees, including amounts attributable to District Counsel time or District staff time, arising out of such security violation, in addition to any other applicable fines and penalties.
- (i) No person may possess, use, consume or sell any illegal substances, alcohol or other controlled substances while performing their duties at the Airport except in strict accordance with applicable law.
- (j) Airport Identification Badges:
 - 1. All Airport Identification Badges must be used for an Official Business Purpose only and in accordance with all applicable TSA regulations, the TSA-approved Airport Security Program and any applicable training provided to employees when the Airport Identification Badge was most-recently issued, along with any updated requirements related thereto as provided by the Airport. The ASC is authorized to take action to prevent or halt any activity that he or she reasonably believes is not an Official Business Purpose and violates these Rules and Regulations.
 - 2. All Airport Identification Badges associated with a particular private party must be used in accordance with that party's policies and procedures in addition to being used for an Official Business Purpose.
 - a. All activities connected with the use of a private party's Airport Identification Badge must be sanctioned by the Authorized Signatory.
 - b. The District may request written verification from the Authorized Signatory to confirm whether a particular activity is sanctioned and approved by the private party's management and supports an Official Business Purpose.
 - c. Any private party receiving a request for verification under this Section shall promptly provide a signed verification to the District on private party letterhead.
 - d. The ASC will review such verification for consistency with these Rules and Regulations. Upon a finding by the ASC that conduct approved by a private party as having an Official Business Purpose is an unreasonable use of the Airport Identification Badge, the ASC shall notify the private party that the subject conduct has been disapproved and shall not be considered having an Official Business Purpose.
 - 3. Airport Identification Badges may not be used to provide personal access to otherwise inaccessible areas unless specifically allowed by the Airport and the Authorized Signatory and in full compliance with Airport policies and Airport procedures, including but not limited to, the limitations identified in these Rules and Regulations.

4. Airport Identification Badges are prohibited from being used to bypass or otherwise circumvent Airport and/or airline security procedures pursuant to 49 CFR § 1540.105, as it may be amended from time to time.
5. Any Person issued an Airport Identification Badge must comply with all federal, state, and local laws and regulations, including these Rules and Regulations, all applicable Airport Directives, and any and all requirements of any applicable contract or agreement. Failure to so comply shall lead to enforcement action and may include Airport Identification Badge revocation and/or financial penalties pursuant to Articles 9 and 10, as applicable. In addition, civil penalties and fines and criminal prosecution under applicable law may result.
6. Any Person issued an Airport Identification Badge shall report to the ASC any changes to their personal information included on their application for the Airport Identification Badge (including any changes to their personal address) within thirty (30) days after such change.
7. Reporting Badges. All Persons issued an Airport Identification Badge, Authorized Signers for such Airport Identification Badge, shall immediately report to the Operations Department any Airport Identification Badge that is lost, stolen, or for which there is no longer any Official Business Purpose. Failure to make such an immediate report shall result in a fine in the amount set forth Appendix A (Airport Master Fee Schedule), which shall be in addition to any other applicable fines, penalties, and enforcement provisions.
8. Returning Badges. All Authorized Signers for an Airport Identification Badge and/or the Badge Sponsors shall return Airport Identification Badges that are expired, deactivated, or for which there is no longer any Official Business Purpose within three (3) business days of the date the Airport Identification Badge expired or no longer had any Official Business Purpose. Failure to return such Airport Identification Badges within thirty (30) days for any reason shall result in a fine in the amount set forth in Appendix A (Airport Master Fee Schedule), unless otherwise waived by the Executive Director in his or her absolute discretion.
9. Replacement Badges. A replacement Airport Identification Badge may be issued for lost Airport Identification Badges for a fee in the amount set forth in Appendix A (Airport Master Fee Schedule), depending on the number of times a replacement Airport Identification Badge was issued during the effective term of that Airport Identification Badge. Airport Identification Badges cannot be replaced more than three (3) times. Notwithstanding the above, Airport Identification Badges that were stolen and for which the ASC is provided with a verifiable report by a relevant law enforcement agency that is acceptable to the ASC shall not require a replacement fee and shall not count toward the three (3) time limit on the replacement of Airport Identification Badges.

Section 2.3 Administrative Interpretations, Operating Directives and Emergency Procedures

The Executive Director shall be responsible and shall have full authority for interpreting, implementing and administering these Rules and Regulations. In the event that any provisions of these Rules and Regulations are deemed ambiguous and a determination as to the meaning of the provision is required, the matter shall be referred to the Executive Director. The Executive Director's determination as to the meaning of the provision shall be consistent with the policies set forth or implied in these Rules and Regulations and shall be deemed incorporated into these Rules and Regulations as though fully set forth herein. In addition, Airport Directives issued from time to time by the Executive Director shall be considered as interpretive and implementing rules and shall have the full force and effect of these Rules and Regulations. Copies of all Airport Directives shall be kept on file and may be inspected at the office of the Executive Director at the Airport.

In the event there is an express conflict relating to an area of operation, topic or activity between any of the provisions of these Rules and Regulations and any Airport Directive, provisions of or instructions contained in these Rules and Regulations shall be deemed to govern and the provisions of Airport Directives shall be deemed to interpret and implement these Rules and Regulations to the extent that such provisions are not directly conflicting with these governing Rules and Regulations. In the event there is an express conflict between provisions or instructions contained in different Airport Directives relating to an area of operation, topic or activity, the provisions or instructions applying more specifically to the given area of operation, topic or activity shall govern.

In the case of an emergency at the Airport which threatens the health, welfare, or safety of persons or property or threatens to disrupt the safe operation of, or construction activities at, the Airport, the Executive Director or his/her designee shall have the authority, after consultation with the District Counsel, to take any action consistent with the policies set forth or implied in these Rules and Regulations, and to suspend these Rules and Regulations for not more than thirty (30) days, as he or she considers necessary or desirable to respond to the emergency.

Notwithstanding the foregoing, the Executive Director and his/her designee shall at all times have authority to take such reasonable action as may be necessary for the proper handling of the conduct and management of the public at the Airport.

Section 2.4 Airport Buildings Are Not Historic Landmarks

The Board hereby declares to the maximum extent permitted by law that none of the buildings on the property owned by the Monterey Peninsula Airport District shall be considered historic landmarks or have any other historic designation, unless the building has been separately designated as historic by the Airport.

Section 2.5 Other Laws

All applicable provisions of federal, State of California, and local laws and regulations (including, without limitation, the California Vehicle Code, and other provisions of the Monterey Peninsula Airport District ordinances specifically referenced herein), now in existence or hereafter promulgated and as in effect from time to time and not in conflict with these Rules and Regulations or Airport Directives, are hereby adopted by this reference as part of these Rules and Regulations.

ARTICLE 3: PERSONAL CONDUCT

Section 3.1 Compliance with Signs.

All Persons shall observe and obey all posted signs, fences, and barricades prohibiting entry upon the AOA, Movement Areas, Secured Areas, or Sterile Areas, or governing the activities and demeanor of the public while on the Airport. Notices of restricted access to AOA, Movement Areas, Secured Areas, or Sterile Areas shall be posted in accordance with applicable law.

Section 3.2 Non-Interference with Airport Operations or Use

- (a) It shall be unlawful for any Person, singularly or in association with others, to interfere with any lawful business carried on by the employees of the Airport by obstructing or intimidating any other Person or Persons from use and enjoyment of the Airport and its facilities or any part thereof for the purposes of the Airport or of transacting business with the employees of the Airport.
- (b) It shall be unlawful for any Person to remain in or on any public area, place, or facility at the Airport in such a manner as to hinder or impede the orderly passage in or through, or the normal or customary use of, such area, place, or facility by Persons or Vehicles entitled to such passage or use.
- (c) It shall be unlawful for any Person to refuse or fail to leave any portion of a building at the Airport, including the Terminal, during those hours when that portion of the building is regularly closed to the public upon being requested to do so by a Law Enforcement Officer, District contracted security, or authorized Airport staff, except when such Person is pursuing lawful business authorized by the District at such building.
- (d) It shall be unlawful for any Person at the Airport, including a person with an Airport Identification Badge, to act in such a way that threatens or causes immediate harm to the safety and security of the Airport, other persons, tenants, or employees.

Section 3.3 Assumption of Risk; Release; Indemnity

The exercise of the privilege of using the Airport and its facilities or any part thereof shall constitute the assumption of full responsibility and risk by any Person using the Airport and its facilities, and the agreement of such Person to Indemnify the District, as such phrase is defined herein.

Section 3.4 Animals

- (a) General Regulations.
 - 1. Subject to the prohibitions set forth in this Section, all Persons bringing any animal onto any part of the Airport shall keep such animal completely under that Person's control at all times.
 - 2. No Person shall permit any Feral Animal under his or her control or custody to enter the Airport, except for Feral Animals that are to be or have been transported by air and are properly confined for air travel, in accordance with all applicable laws.

3. No Person shall hunt, pursue, trap, catch, injure, or kill any animal on the Airport unless authorized by the Executive Director or other governmental entity with jurisdiction.
4. No Person shall feed or do any other act to encourage the congregation of birds, rodents, or other animals on the Airport.
5. Persons who bring an animal into the Airport shall clean up after said animal and may be held responsible for all costs incurred by the District in cleaning up after such animal.

(b) Terminal Regulations

1. No Person shall enter any building within the Terminal with a domestic animal, unless such animal is to be or has been transported by air and is confined in a carrier or other container so as to be completely under control, unless the animal is (1) a service animal as defined by the American With Disabilities Act, which includes dogs that are individually trained to do work or perform tasks for people with disabilities, (2) expressly permitted under the Air Carrier Access Act (49 USC § 41705 and 14 CFR Part 382, as amended), or (3) guard and search dogs under the control of authorized handlers and present at the Airport as authorized and approved by the Executive Director.
2. No Person shall permit, either willfully or through failure to exercise due care or control, any animal to urinate or defecate upon the sidewalks of the Airport or upon the floor or carpet of the Terminal or any other Airport property, except in such areas as are designated by the Executive Director as animal relief areas.
3. Animal Relief Area – an animal relief area is located outside baggage claim near the premium parking lot. All Persons with a domestic animal that utilizes the animal relief area must keep the animal on a leash and must pick up and properly dispose of any solid waste left by the animal.

Section 3.5 Commercial Activity

- (a) General. No Person shall occupy or rent space and no Person shall carry on any business, Commercial enterprise or activity, including without limitation, Commercial Soliciting, promotional activities or any other form of revenue-producing activity on the Airport, without first obtaining a written contract, permit, license, or other form of written authorization from the District or the Executive Director. Any Person seeking to obtain a permit to perform Commercial Solicitation at the Airport must either have entered into a written occupancy agreement with the District or be sponsored in writing by a Person that has entered into a written occupancy agreement with the District that allows for such conduct.
- (b) Advertising and Display; Commercial Speech. No Person, for a Commercial purpose, shall post, distribute, or display signs, advertisements, circulars, pictures, sketches, drawings, or engage in other forms of Commercial speech without first complying with this Section.

No Person or tenant at the Airport shall post, display or affix any Commercial message at the Airport or, if within the Terminal, on or atop any ticket counter, back

wall, station, wall, aircraft boarding bridge, floor, or other surface without first obtaining the written permission of the Executive Director.

The Executive Director shall have the right to remove and dispose of any sign, advertisement, circular, picture, sketch, drawing, or other Commercial message that violates these Rules and Regulations. The Executive Director shall have the right to post, or cause to be posted, signs, advertisements, circulars, pictures, sketches, drawings, or other Commercial messages that promote the use of Airport-provided services.

- (c) **Commercial Photography and Filming; Media Coverage.** No Person shall take still, motion, sound motion pictures, sound records, or recordings of voices or otherwise on the Airport for Commercial or professional purposes without obtaining a written permit from and in a manner authorized by the Executive Director. Such a permit shall be required for all types of studio and independent productions such as, but not limited to, feature films, short films, documentaries, commercials, music videos, television series, television movies, television shows, webisodes, public service announcements, student films, corporate videos, educational films, advertisements, and professional photography.

All photography and filming at the Airport is subject to the following conditions:

1. As part of the Airport's efforts to provide for the safety and security of Persons using the Airport, Persons engaging in such photography or filming may be subject to questioning by Law Enforcement Officers or Airport personnel, and may also be subject to search of their person or property, detention, arrest, or other appropriate law enforcement action if a Law Enforcement Officer determines that there is reasonable suspicion or probable cause that such conduct constitutes criminal activity.
2. Such photography or filming shall be in accordance with all applicable laws, regulations, and directives of the District, FAA, TSA, DHS, and any other applicable public agency.

This Section shall not apply to bona fide coverage by the news media conducting their business in areas authorized by the Executive Director and in accordance with these Rules and Regulations.

- (d) **Commercial Solicitation.** Except as expressly authorized under Section 9.5, no Person shall solicit for any purpose on the Airport. No Person shall engage in Commercial Soliciting or distribute goods or food without the written permission of the Executive Director, or an occupancy agreement duly approved by the District for such purpose.

Section 3.6 Polls, Questionnaires and Surveys

No Person shall conduct any polls, questionnaires, or surveys on the Airport without first obtaining written permission from the Executive Director.

Section 3.7 Movement Areas and Air Operations Areas

No Person may, without the prior authorization of the Executive Director (and in the case of any Movement Area, without also obtaining the consent of the Control Tower), enter the AOA, Movement Area, Secured Areas, or Sterile Areas on the Airport except:

- (a) Persons assigned to duty thereon and entering in accordance with the Airport Security Program or applicable FAA or TSA regulations; or
- (b) Passengers who have undergone Security Screening and, under appropriate supervision by Airport Identification Badge holder(s) (as arranged by the Commercial Aviation Operator), enter upon the Ramp for the purposes of enplaning or deplaning an Aircraft; or
- (c) Persons authorized to be in such areas under the Airport Security Program.

Pedestrian and ground Vehicle activities within the AOA are regulated by Airport Ordinance and the California Vehicle Code, as may be modified from time to time, which directives are incorporated herein by this reference.

Section 3.8 Firearms and Weapons

To the fullest extent permitted by law, no Person may carry, furnish, give, sell, or trade any Firearm or other Weapon on the Airport, subject to the following qualifications:

- (a) Law Enforcement Officers, Federal Air Marshalls, Federal Flight Deck Officers, and any other Person authorized in writing by both the Executive Director and his/her designee, may carry, use, or discharge Firearms or other Weapons only in the performance of official duties at the Airport. The Executive Director has the sole and ultimate ability to determine whether a Person's carrying, use, or discharge of a Firearm or other Weapon is in the performance of that Person's official duties at the Airport.
- (b) A Person may carry into the landside of the Terminal a Firearm legal under California law, which Firearm is encased for shipment for the purpose of checking such Firearm with an airline to be lawfully transported on an Aircraft as cargo or checked baggage.
- (c) A Person may carry onto the General Aviation portion of the Airport a Firearm or other Weapon in accordance with California law, which Firearm or other Weapon is intended to be lawfully transported on an Aircraft.

Section 3.9 Preservation of Property

- (a) No Person may destroy, injure, deface or disturb any building, sign, equipment, marker, or other structure, tree, flower, lawn, or other property on the Airport. Any Person causing or being responsible for such destruction, injury, defacing, damage or disturbance shall immediately report such damage to the Airport's Manager on Duty, and upon demand of the Executive Director or his/her designee, shall reimburse the District for the full amount of the damage plus the District's costs and attorney's fees, including amounts attributable to District Counsel time, and may be subject to additional fines and penalties pursuant to Articles 9 and 10 of these Rules and Regulations as well as civil penalties or fines and criminal prosecution under applicable law.
- (b) No Person shall travel upon the Airport other than on roads, walks, or other rights-of-way provided for such specific purpose, unless duly authorized by the Executive Director or his/her designee, or otherwise in the performance of his or her official duties.
- (c) No Person shall alter, add to, or erect any building or sign or make any excavation on the Airport without obtaining all applicable approvals from the Airport.

Section 3.10 No Lodging

Due to the physical limitations of the Terminal, high volumes of passenger traffic and concern for the general safety, security and welfare of the traveling public, no Person shall sleep in or remain in the Airport for the purpose of lodging. Notwithstanding this prohibition on lodging, the Executive Director may declare an emergency and allow temporary lodging in case of severe weather or other conditions which are beyond the control of the Airport and causing disruption to Airport activity.

Section 3.11 No Loitering

Due to the physical limitations of the Terminal, high volumes of passenger traffic and concern for the general safety, security, and welfare of the traveling public, no Person in or about the Airport who is unable to give a satisfactory explanation of his or her presence, shall be allowed to loiter in or about any area or facility of the Airport. Satisfactory explanations for loitering, as determined in the reasonable discretion of Airport and/or law enforcement personnel, shall be supported by verifiable evidence that the Person in question: (a) is working at the Airport; (b) is engaging in permitted commerce at the Airport; (c) is conducting an activity for which a permit has been issued under these Rules and Regulations; (d) is departing from the Airport as a ticketed airline passenger; (e) is arriving at the Airport as a ticketed airline passenger; or, (f) is waiting for or escorting an individual engaged in the activities enumerated in this subsection.

Section 3.12 No Smoking/Vaping

The District is dedicated to promoting health and healing, and to provide a safe and healthful environment for its customers, visitors, and personnel. Smoking and/or vaping is prohibited in all indoor areas and within 20 feet of a building entrance, exit or window. Smoking and vaping are permitted only in designated areas.

ARTICLE 4. ENVIRONMENTAL MATTERS

Section 4.1 Environmental Pollution and Sanitation

- (a) No Person shall dispose of garbage, papers, refuse, or other forms of Trash, including cigarettes, cigars and matches, except in receptacles provided for such purpose that conform to the requirements of this Section.
- (b) No Person shall dispose of any fill, building or construction materials or any other discarded or waste materials on Airport property except as approved in writing by the Executive Director or as otherwise expressly provided in a written agreement with the District, and no liquids or other contaminants of any kind shall be placed in 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 drain or system.
- (c) All Persons at the Airport, including Airport tenants shall comply with all District ordinances, permits, and other applicable laws regarding the discharge of sanitary sewage and industrial waste limiting concentration of certain constituents, including any Stormwater Pollution Prevention Plans applicable to the Airport.
- (d) No Person shall perform Aircraft, Vehicle or equipment washing (dry or wet) without an Aircraft or Vehicle washing plan that has been approved by the Executive Director. General aviation aircraft based at the Airport shall be washed only at General Aviation portion of the Airport locations designated by the Executive Director and in a safe and environmentally compliant matter. No Person shall clean, paint, wet wash, polish, or otherwise maintain an Aircraft, Vehicle or ground

- equipment, other than in areas approved and in the manner designated by the Executive Director. Dry washing and polishing of Aircraft at terminal gate positions is permitted provided the Ramp remains clear and free of debris.
- (e) No person shall leave a comfort station or restroom, toilet, or lavatory facility at the Airport other than in a clean and sanitary manner.
 - (f) Any solid or liquid material, which may be spilled at the Airport, shall be cleaned up immediately by the Person responsible for such spill in a manner acceptable to the Executive Director, and the Person responsible for the spill shall report it immediately to the Executive Director.
 - (g) No refuse shall be burned at the Airport. No Person shall unnecessarily, unreasonably, or in violation of applicable law, cause any smoke, dust, fumes, gaseous matter or particulate matter to be emitted into the atmosphere or be carried by the atmosphere.
 - (h) Any Person who observes any foreign object or debris on the AOA shall remove such foreign object and debris from the AOA, if such Person is properly badged or escorted, or if not properly badged or escorted, such Person shall immediately report the foreign object or debris to the Airport's Manager on Duty. All Persons shall comply with Airport Directives issued from time to time regarding the prevention and removal of foreign objects and debris within the AOA.
 - (i) All Persons using the Airport shall comply with all Airport Directives that may be issued from time to time regarding the recycling of materials, including without limitation, recyclable paper, plastic, glass, oils and solvents and other identified materials.
 - (j) No Person shall claim ownership of, recover or salvage any District property for personal use or use by any party other than the District. No Person shall aid other Persons in any unauthorized disposal or removal of District property. No Person shall realize personal benefit or gain from any unauthorized disposal or removal of District property. No Person shall scrap, recycle, sell, donate or otherwise dispose of unauthorized items on District property regardless of its monetary value. No Person shall use District facilities, including leased premises, to collect or store District property or recyclable materials (i.e., material that may be reused as-is or after repairs have been completed or material salvaged from the value of their mineral or other content after treatment and processing), except as specifically directed by authorized Airport management.

Section 4.2 Hazardous Materials

- (a) No Person shall violate any applicable law pertaining to the handling, use, generation, storage, treatment, release, potential release, disposal, discharge, sampling, reporting, or recordkeeping of any hazardous substance, hazardous material, hazardous waste, waste oil, or wastewater. Each of the terms "hazardous substance," "hazardous material," "hazardous waste," "waste oil" or "wastewater," as used in this ordinance, shall mean the same as the term means in the aforementioned applicable law in which it is used.
- (b) No Person shall violate any condition or requirement of any permit issued to the District by any public or governmental authority applicable to the Airport and

pertaining to the handling, use, generation, storage, treatment, release, potential release, disposal, discharge, sampling, reporting, or recordkeeping of any hazardous substance, hazardous material, hazardous waste, waste oil, or wastewater.

- (c) No Person shall, without prior written permission from the Executive Director and in compliance with applicable law, keep, transport, handle, or store at, in or upon the Airport any cargo of explosives or other hazardous articles which is barred from loading in, or for transportation by, civil Aircraft in the United States under applicable law. Compliance with said applicable law shall 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 shall be given by a Person to the Executive Director to permit full investigation and clearances for any operation requiring the Executive Director's permission.
- (d) 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 provisions of applicable law.
- (e) Any Person engaged in transportation of hazardous articles shall have designated personnel at the Airport authorized and responsible for receiving and handling such shipments in compliance with the requirements of these Rules and Regulations.
- (f) Any Person engaged in the transportation of hazardous articles shall provide storage facilities, which reasonably ensure against unauthorized access, or exposure to persons and against damage to shipments while at the Airport.
- (g) Any Person engaged in the transportation or handling of hazardous articles or materials shall be in compliance with Airport Ordinances and California Vehicle Codes that regulate such transport, as incorporated herein by this reference, and as may be amended from time to time.
- (h) Each Person shall be liable and responsible under this Section for any acts or omissions made in violation of this Section by any of its employees, agents, consultants, contractors, subtenants or invitees.

Section 4.3. Use of Cleaning Fluids

To the greatest extent practicable, cleaning of Aircraft parts and other equipment shall be done with non-flammable and non-chlorinated cleaning agents or solvents. When the use of flammable solvents cannot be avoided, only liquids having flash points in excess of 100° Fahrenheit shall be used and special precautions shall be taken to eliminate ignition sources in compliance with good practice recommendations of the NFPA. Flammable cleaning agents and solvents shall be stored in accordance with the applicable requirements of these Rules and Regulations. Cleaning agents and solvents shall be disposed of in accordance with the applicable requirements of this Article, as incorporated herein.

Section 4.4 Ramps, Buildings and Equipment

- (a) All Persons occupying space on the Airport shall keep all areas of the premises leased or used by them clean and free of rubbish, oil, grease, and other flammable material and accumulation of any materials. The floors of hangars and other buildings shall be kept clean and continuously kept free of rags, waste materials or other Trash or

rubbish. The use of volatile or flammable solvents for cleaning floors is prohibited. Metal receptacles with a self-extinguishing cover approved by the Fire Marshall of the District shall be used for the storage of oily waste rags and similar materials. The contents of these receptacles shall be removed daily by persons occupying space; drip pans shall be placed under engines and kept clean at all times; and clothes lockers shall be constructed of metal or fire-resistant material. Only boxes, crates, paint or varnish cans, bottles or containers approved by the Fire Marshal of the District shall be stored in or about a hangar or other buildings on the Airport.

- (b) No Person shall use flammable substances to clean hangars or other buildings on the Airport.

Section 4.5 Containers

- (a) No Person doing business on the Airport may keep uncovered Trash containers adjacent to sidewalks or roads in a public area of the Airport or within the AOA.
- (b) No Person shall operate an uncovered Vehicle to haul Trash, dirt, or any other material on the Airport without prior written permission of the Executive Director.
- (c) All outdoor Trash receptacles at the Airport shall have lids that can be securely fastened to prevent wind from dispersing the contents of such receptacles. The Person in control of such receptacle shall be responsible to keep the lid securely fastened at all times except when such receptacle is being loaded or unloaded.

Section 4.6 Control of Contaminants

- (a) No Person shall allow fuel, oil, hydraulic fluid or any other petroleum based product to leak or spill onto the AOA. No fuel, grease, oil, flammable liquids, or contaminants of any kind, including detergents used to wash aircraft or other surfaces, shall be allowed to flow into or be placed in any storm drain, sewer system or open water areas without a separator or unless connected to an industrial waste system in which certain constituents such as heavy metals in the waste system are restricted.
- (b) Equipment used to scrub pavement surfaces must have the capability of picking up all cleaning water for disposal at a location equipped with an adequate clarifier and may be disposed of only at a location equipped with an adequate clarifier.

ARTICLE 5. FIRE AND SAFETY

Section 5.1 General

All Persons using the Airport or the facilities of the Airport shall exercise the utmost care to guard against fire and injury to persons and property. Any fire, injury, or other emergency shall be reported immediately. Those employed at the Airport should call Airport Operations at 831-769-6181 or such other number as may be designated by Airport Directives, and all other Persons should call either 911 or Airport Operations.

Section 5.2 Fueling Operations

All Persons that fuel their own Aircraft by themselves or by using their own employees shall comply with these Rules and Regulations, all applicable Airport Directives and NFPA standards. All other Persons desiring Aircraft fueling services at the Airport shall obtain such Aircraft fueling services from a Person with a duly approved written agreement with the District that authorizes such Person to provide such services at the Airport. All fuel facilities at the Airport

and fueling Vehicles operated at the Airport are subject to inspection by authorized representatives of the District. The owner or operator of such fuel facilities or fueling Vehicles shall promptly correct any violation of these Rules and Regulations.

- (a) Unless otherwise previously approved by the Executive Director in writing, no Aircraft shall be fueled or defueled while one or more of its engines is running or is being warmed by external heat; provided, however, that where the on-board auxiliary power unit is inoperative and in the absence of suitable ground support equipment, a jet engine mounted on the rear of the Aircraft or on the wing opposite from the fueling location may be operated provided:
 - 1. The operator follows procedures approved by the FAA and published by the operator to assure safety of the operation;
 - 2. Prior approval is obtained from the Executive Director; and
 - 3. Airport firefighting personnel and equipment are standing by during such fueling or defueling.
- (b) No Aircraft shall be fueled or defueled while inside any building or structure.
- (c) Fueling Vehicles, whether loaded or empty, shall never enter hangars nor shall they be parked unattended within a distance of fifty (50) feet of any building or within ten (10) feet of any other fueling Vehicle.
- (d) All fueling Vehicles operating at the Airport shall be equipped with spill response equipment.
- (e) Any Person, including the owners or operators 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 in accordance with all applicable laws of such spillage. In the event of failure or refusal to comply with such cleanup requirements, the spillage will be cleaned up by the District at the responsible Party's expense.
- (f) All spillages of fuel or other hazardous substances shall be reported immediately by the responsible Party by dialing 911 or as provided in Airport Directives. Aircraft, fuel delivery devices and other Vehicles shall not be moved or operated in the vicinity of the spill until the spillage is removed. A fireguard shall be posted promptly by the responsible Party.
- (g) Prior to the fueling and defueling of Aircraft, the Aircraft and the transfer fuel apparatus shall follow the rules and procedures of the Uniform Fire Code, the California Health and Safety Code and NFPA standards for such fueling and defueling.
- (h) Each hose, funnel, or apparatus used in fueling or defueling Aircraft shall be maintained in good condition and must be properly grounded to prevent ignition of volatile liquids.
- (i) No fueling Vehicle shall be backed within twenty (20) feet of an Aircraft unless a person is posted to assist or guide.
- (j) When a fire occurs in the fuel delivery device while servicing an Aircraft, the responsible party shall immediately report the fire by dialing 911 or as provided in

Airport Directives, immediately discontinue fueling, and immediately shut down all emergency valves and dome covers.

- (k) No fueling Vehicle designed for or employed in the transportation of fuel shall be operated on a Movement Area at any time without prior permission from the Executive Director.
- (l) Only Aircraft fueling Vehicles authorized by the Airport to provide fuel service to Aircraft using the Terminal are allowed to engage in fueling on the Ramps adjacent to the Terminal.
- (m) No Person shall engage in Aircraft fueling or defueling operations without adequate fire extinguishing equipment in accordance with NFPA standards readily accessible at the point of fueling.
- (n) Parking areas for District approved fueling Vehicles shall be arranged to:
 - 1. Facilitate dispersal of the fueling Vehicles in the event of emergency;
 - 2. Provide at least ten (10) feet of clear space between parked fueling Vehicles for accessibility for fire control purposes;
 - 3. Prevent any leakage from draining to an adjacent building;
 - 4. Minimize exposure to damage from out-of-control Aircraft; and
 - 5. Provide at least fifty (50) feet of clear space from any building in the Terminal, Aircraft cargo building, Aircraft hangar or other Airport structure, which has windows or doors in the exposed walls.
- (o) No Person shall start the engine of an Aircraft on the Airport if there is any flammable liquid or other volatile fluid on the ground within the vicinity of the Aircraft.
- (p) No Person shall operate any electronic device (including without limitation a radio transmitter, receiver or cell phone), or switch electrical appliances on or off, in an Aircraft while it is being fueled or defueled, except for radios certified as “safe radios”.
- (q) Fueling or defueling operations shall not be conducted while thunderstorm activity is within three (3) miles of the Airport.
- (r) Aircraft fuel servicing personnel shall not carry lighters or matches on their person while performing fuel-servicing operations.
- (s) Positioning of Aircraft fueling Vehicles shall be arranged as follows:
 - 1. Aircraft fueling Vehicles shall be positioned so that they can be moved promptly after all Aircraft fuel hoses have been disconnected and stowed.
 - 2. The propulsion or pumping engine of fueling Vehicles shall not be positioned under the wing of Aircraft during fueling or where Aircraft fuel system vents are located on the upper wing surface. Fueling Vehicles shall not be positioned within a ten (10) foot radius of Aircraft fuel system vent openings.
 - 3. Hand brakes shall be set on fueling Vehicles before operators leave the Vehicle cab, and at least one wheel shall be chocked.

- (t) All equipment used in fueling, defueling and draining operations shall be approved by the Fire Marshal of the District.
- (u) No Person shall bring into the Airport or store any type of fuel on the Airport without the written permission of the Executive Director or pursuant to a written agreement with the District. No Person shall store fuel in excess of 1,000 gallons on the Airport except if stored in fueling Vehicles authorized by the Executive Director to operate at the Airport, or in an approved fuel storage facility constructed under a written agreement with the District, in a location and pursuant to plans and specifications approved by the Executive Director.

Section 5.3 Storage of Materials

- (a) No Person shall keep or store material or equipment in such manner as to constitute a fire hazard or be in violation of the District Ordinances or Airport Directives.
- (b) Gasoline, kerosene, ethyl, jet fuel, ether, lubricating oil, or other flammable gases or liquids, including those used in connection with the process of “doping,” shall be stored in accordance with NFPA standards, the District Ordinances and Airport Directives, and said storage shall meet with the approval of the Fire Marshal of the District. Buildings shall be provided with fire suppression devices and first-aid equipment approved by the Fire Marshal of the District.
- (c) No Person shall keep, transport, or store lubricating oils on the Airport except in containers and receptacles designed for such purpose and in areas specifically approved for such storage by the Fire Marshal of the District in compliance with the District Ordinances and Airport Directives.
- (d) Flammable or combustible liquids shall be stored only in self-closing fire rated containers.
- (e) Oxygen cylinders or any type of organic oxidizer shall not be stored in or near areas where petroleum products are stored or used.

Section 5.4 Open Flame Operations

- (a) No Person shall conduct any open flame operations in the Airport unless specifically approved in writing by the Executive Director or pursuant to a written agreement with the District.
- (b) Lead and carbon burning, fusion gas and electric welding, blow-torch work, reservoir repairs, engine testing, battery charging, and all operations involving open flames shall be restricted to the repair shop section and isolated from the storage section of any hangar. During such operations, the shop shall be separated from the storage section by closing all doors and openings to the storage section. Operations conducted in areas other than those described above must be done so in accordance with applicable Airport Directives.
- (c) Open flame cooking or barbecuing for special events may be permitted only upon written approval of the Executive Director provided appropriate fire protection measures are in place.

Section 5.5 Heating Equipment

All heating equipment and fuel burning appliances installed in any structure shall be in accordance with the District Ordinances. If the District is responsible under its lease with a tenant for such heating equipment and fuel burning appliances, then tenant shall notify the Airport if any such equipment or appliance violates the District Ordinances and the Airport shall have a reasonable time after such notice to correct such violation.

Section 5.6 Motorized Ground Equipment Around Aircraft

No person shall Park any Motor Vehicle near any Aircraft in such manner that could prevent it or other Vehicles from being readily driven or towed away from the Aircraft in case of an emergency.

Section 5.7 Operating Motor Vehicles in Hangars

No Motor Vehicle shall enter or remain inside any hangar, except while engaged in operations necessary in such hangar, or in exclusively assigned private or executive plane hangars.

Section 5.8 Aircraft Electrical and Electronic Systems

- (a) Radio transmitters and similar equipment in Aircraft shall not be tested or operated within a hangar with dynamotors running unless all parts of the antenna system are at least one(1) foot removed from any other object. No Aircraft shall be placed, at any time, so that any fabric-covered surface is within one (1) foot of an antenna system.
- (b) No airborne radar equipment shall be operated or ground tested in any area on the Airport where the directional beam of high intensity radar is within three hundred (300) feet or the low intensity beam is within one hundred (100) feet of an Aircraft fueling operation, Aircraft fueling Vehicle or flammable liquid storage facility, unless a shielding device meeting the applicable requirements of the Uniform Fire Code, the California Health and Safety Code and NFPA is used during the radar operation.

Section 5.9 Electrical Equipment and Lighting System

- (a) Vapor or explosion-proof electrical equipment and lighting systems shall be used exclusively within hangars or maintenance shelters, when required under the Uniform Fire Code, the California Health and Safety Code and NFPA standards. No portable lamp assembly shall be used without a proper protective guard or shield over such lamp assemblies to prevent breakage.
- (b) All power-operated equipment or electrical devices shall be shut off when not in actual use.
- (c) The Aircraft electrical system shall be de-energized on any Aircraft upon which work is being done within any hangar or structure by disconnecting the battery or power source.

Section 5.10 Heating Hangars

Heating in any hangar shall only be by approved systems or devices as listed by the Underwriters Laboratories, Inc., as suitable for use in Aircraft hangars and shall be installed in the manner prescribed by the Underwriters Laboratories, Inc., and in compliance with District Ordinances.

Section 5.11 Repairing Aircraft

- (a) No Person shall repair an Aircraft or Aircraft engine, propeller, or other Aircraft apparatus in any area of the Airport other than those areas specifically designed for such repairs and approved by the Executive Director, except that minor adjustments or repairs may be performed on Aircraft of Commercial Aviation Operators at gate positions on the Ramp that serves the Terminal when such repairs can be made without inconvenience to other Persons. Any Aircraft being repaired at a gate position shall be moved immediately to another location upon request by the Executive Director. When performing Aircraft maintenance or repair, drip pans and spill response equipment shall be utilized at all times.
- (b) Aircraft repairs may be performed in storage areas of hangars provided such repairs do not involve appliances using open flames or heated parts.
- (c) The starting or operating of Aircraft engines inside any hangar is prohibited. This shall not be construed as prohibiting the use of tractors with exhaust systems that meet the applicable requirements of the Uniform Fire Code, the California Health and Safety Code and NEPA, when moving planes within any hangar.

Section 5.12 Doping, Spray Painting and Paint Stripping

- (a) The use of “dope” (cellulose nitrate or cellulose acetate dissolved in volatile flammable solvents) within any hangars or buildings on District property is prohibited. The process of doping will be carried out as set forth in the Uniform Fire Code, the California Health and Safety Code and NFPA standards.
- (b) For paint, varnish, or lacquer spraying operations, the arrangement, construction, ventilation and protection of spraying booths and the storing and handling of materials shall be in accordance with the Uniform Fire Code, the California Health and Safety Code and NFPA standards.

Section 5.13 Fire Extinguishers

- (a) Fire extinguishing equipment at the Airport shall not be tampered with at any time nor used for any purpose other than firefighting or fire prevention. All such equipment shall be maintained in accordance with the Uniform Fire Code, the California Health and Safety Code and NFPA standards. Tags showing the last inspection shall be attached to each unit or records in compliance with Title 19 of the California Code of Regulations shall be kept showing the status of such equipment.
- (b) All tenants or lessees of District owned facilities including hangars, Aircraft maintenance buildings, or shop facilities shall supply and maintain an adequate number of readily accessible fire extinguishers. Fueling Vehicles designed for the transport and transfer of fuel shall carry on board at least two (2) fire extinguishers, one located on each side of the Vehicle. Fuel servicing hydrant transfer Vehicles shall carry on board at least one (1) type BC fire extinguisher. Extinguishers shall conform to the applicable requirements of the Uniform Fire Code, the California Health and Safety Code and NFPA standards.

Section 5.14 Powder Activated Tools

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

ARTICLE 6. AERONAUTICAL OPERATIONS

Section 6.1 General Rules

- (a) **Compliance With Orders.** All aeronautical activities at the Airport shall be conducted in compliance with all applicable laws, including without limitation FAA and TSA regulations, the rules and regulations of the National Transportation Safety Board, these Rules and Regulations, applicable Airport Directives, and directions of the Control Tower.
- (b) **Hold Harmless; Indemnity.** In exchange for the privilege of operating at the Airport, each Aircraft owner, pilot, agent, or his or her duly authorized representative shall Indemnify the District, as such phrase is defined herein. The requirements in this provision are in addition to, and in no way limit or diminish, any requirements established under these Rules and Regulations.
- (c) **Prohibited Operations (Liability).**
 - 1. No Person shall operate Aircraft at the Airport in a careless manner or in disregard of the rights and safety of others.
 - 2. All Persons using the Airport shall be liable for any injury to Persons or damage to property caused by such Person's carelessness or negligence on or over the Airport, and any Aircraft being operated so as to cause such injury or damage may be retained in the custody of the District and the District may file a lien on said Aircraft until all charges for such injury or damages are paid. Any Person liable for such injury or damage agrees to Indemnify the District, as such phrase is defined herein. The requirements in this provision are in addition to, and in no way limit or diminish, any requirements established under Section 3.3 of these Rules and Regulations.
- (d) **Denial of Use of Airport.** The Executive Director shall have the right at any time to close the Airport in its entirety or any portion thereof to air traffic, to delay or restrict any flight or other Aircraft operation, to direct refusal of takeoff permission to Aircraft, and to deny the use of the Airport or any portion thereof to any specified class of Aircraft, when he or she considers any such action to be necessary and desirable to avoid endangering persons or property and to be consistent with the safe and proper operation of the Airport. In the event the Executive Director believes the condition of any portion of the Airport to be unsafe for Aircraft operations, it shall be within his or her authority to issue, or cause to be issued, a NOTAM closing the Airport or any portion thereof.
- (e) **Aircraft Accidents or Incidents.** The pilot or operator of any Aircraft involved in an accident or incident on the Airport causing personal injury or property damage shall, in addition to all other reports required by other agencies, make a prompt and complete report concerning said accident or incident to the office of the Executive Director. When a written report of an accident or incident is required by FAA regulations, a copy of such report shall be submitted to the Executive Director. In either instance, the pilot or operator of such Aircraft shall provide immediate notice to Airport Operations Department and the report shall be filed with the Executive Director within forty-eight (48) hours from the time of the accident or incident.
- (f) **Disabled Aircraft.** Subject to compliance with appropriate FAA regulations and the rules and regulations of the National Transportation Safety Board, the Aircraft owner

or operator shall be responsible for the removal of all disabled Aircraft and parts of such Aircraft at the Airport as soon as practicable, as reasonably directed by the Executive Director and in accordance with the Airport's Emergency Plan. In the event of the owner or operator's failure or refusal to comply with such directions, or a determination by the Executive Director that such disabled Aircraft constitutes a safety hazard, such disabled Aircraft or any and all parts thereof may be removed by the District without liability for damage, which may result from such removal. In such event, the owner or operator of said Aircraft shall be liable for all damages and other costs and attorney's fees incurred by the District in the removal of such Aircraft.

- (g) **Tampering With Aircraft.** No Person shall interfere or tamper with any Aircraft, or put in motion such Aircraft, or use or remove any Aircraft, Aircraft parts, instruments, or tools without positive evidence of permission of the owner thereof.
- (h) **Radio Communications.** Except in an emergency, no Person shall operate an Aircraft at the Airport unless such Aircraft is equipped with a properly functioning two-way radio capable of communicating with the Control Tower.
- (i) **Certification Of Aircraft And Licensing Of Pilots.** All Aircraft operating at the Airport shall display on board the Aircraft a valid Airworthiness Certificate issued by the FAA or appropriate agency of a foreign government and shall display on the exterior of the Aircraft a valid registration number issued by the FAA or appropriate agency of a foreign government. All Persons operating Aircraft on the Airport shall possess an appropriate license, issued by the FAA or appropriate agency of a foreign government.
- (j) **Payment of Fees.** The payment of rentals, fees and charges relating to the use of Airport premises and facilities shall be made in accordance with the provisions of a duly adopted ordinance imposing rates and charges, as amended from time to time. In lieu of such payment, satisfactory credit arrangements may be made by the pilot, owner or operator of Aircraft with the District if approved in writing by the Executive Director.

Section 6.2 Airport Operational Restrictions

- (a) Unless contrary to FAA regulations, the District shall have the authority to designate or restrict the use of runways at the Airport with respect to, but not limited to, the following types of operations:
 - 1. Student pilot training;
 - 2. Training flights;
 - 3. Experimental flights;
 - 4. Equipment demonstration;
 - 5. Air shows;
 - 6. Maintenance flight checks;
 - 7. Designated types of Aircraft;

8. Compliance with 14 CFR Part 36, Noise Standards: Aircraft Type and Airworthiness Certification; and
9. Ultralight vehicles as defined in 14 CFR Part 103.

Such designation or restriction shall be established through the issuance of Airport Directives.

- (b) No non-powered Aircraft or ultralight vehicle (as defined in 14 CFR Part 103) shall land or take off from the Airport, unless approved in writing prior to each such operation by the Executive Director.
- (c) Takeoffs And Landings.
 1. No Person shall cause an Aircraft, other than a helicopter, to land or take off at the Airport except on a runway and in the direction assigned by the Control Tower. Helicopters shall operate in accordance with directions of the Control Tower and Section 6.5.
 2. No Person shall turn an Aircraft in order to reverse direction on a runway unless given specific instructions or authorization to do so by the Control Tower.
 3. Persons landing an Aircraft at the Airport shall make the landing runway available to other Aircraft by leaving said runway as promptly as possible, consistent with safety.
 4. To the fullest extent permitted by applicable law, any Person operating or controlling an Aircraft landing at or taking off from the Airport shall maintain noise levels in accordance with applicable Aircraft noise mitigation procedures as promulgated by the Federal government, or District, whichever is the most restrictive.
 5. During landings and takeoffs, Aircraft shall not pass over any Airport buildings, structures, adjacent auto parking areas, or passenger concourses, unless otherwise directed by the Control Tower.
- (d) The use of unmanned aircraft systems (drones), kites, model aircraft, tethered balloons or any other objects that may constitute a hazard to air navigation shall be strictly prohibited from the air space on or above the Airport or within the vicinity of the Airport, unless and until prior written permission is obtained from the Executive Director.
- (e) Parachute jumping over or onto the Airport is prohibited without the prior written permission of the Executive Director.

Section 6.3 Taxiing, Ground and Gate Rules

- (a) No Person shall Park an Aircraft in any area on the Airport except for those areas designated, and in the manner prescribed, by the Executive Director. If any Person uses unauthorized areas for Aircraft parking, the Aircraft so parked may be removed by or at the direction of Executive Director at the risk and expense of the owner thereof.
- (b) No Person shall taxi or otherwise operate an Aircraft on Airport property unless they meet training requirements of the District and the FAA, as determined by the District.
- (c) Derelict Aircraft.

1. No Person shall Park or store any Aircraft in non-flyable condition on the AOA at any time, or on other Airport property (whether or not subject to an occupancy agreement, permit or license) for a period in excess of ninety (90) days, without permission from the Executive Director.
2. No Person shall store or retain Aircraft parts or components being held as inventory anywhere on the Airport, other than in an enclosed, authorized facility, or in a manner approved in writing by the Executive Director.
3. Whenever any Aircraft is Parked, stored or left in non-flyable condition on the Airport in violation of the provisions of this Section, the Executive Director, in addition to his or her rights elsewhere provided in these Rules and Regulations, may so notify the owner or operator thereof by certified or registered mail, requiring removal of said Aircraft within fifteen (15) days of receipt of such notice, or if the owner or operator be unknown or cannot be found, the District may conspicuously post and affix such notice to the said Aircraft, requiring removal of said Aircraft within fifteen (15) days from date of posting; provided, however, that if any such Aircraft is, in the opinion of the Executive Director, creating a hazard at the Airport, such Aircraft may be moved to another location on the Airport where it will not create any hazard, and the owner or operator of such Aircraft shall have no claim against the District or any Person acting at the direction of the Executive Director for damage to such Aircraft as a result of such removal or relocation. Upon the failure of the owner or operator of the said Aircraft to remove said Aircraft within the period provided; the District may cause the removal of such Aircraft from the Airport. All damages, costs and attorney's fees, including amounts attributable to District Counsel time, incurred by the District in the removal of any Aircraft as set forth herein shall be recoverable against the owner or operator of said Aircraft, and the owner and/or operator of such Aircraft shall have no claim against the District or any Person acting at the direction of the Executive Director for damage to such Aircraft as a result of such removal or relocation. In any case in which an Aircraft is removed or relocated pursuant to this Section, the owner or operator of such Aircraft shall Indemnify the District, as such phrase is defined herein. The requirements in this provision are in addition to, and in no way limit or diminish, any requirements established under these Rules and Regulations.

(d) Starting and Running Aircraft Engines.

1. No Aircraft engine shall be run at the Airport unless a pilot or certified A & P (airframe and power plant) mechanic qualified to run the engines of that particular type Aircraft is at the controls and unless blocks have been placed in front of the wheels or the Aircraft has set adequate parking brakes. Engine throttle runs above idling power require relocation to the designated run-up areas.
2. No Person may run an engine of an Aircraft parked on the Airport in a manner that could cause injury to persons or damage to any other property or endanger the safety of operations on the Airport.
3. Aircraft engines shall be started or operated only in the places designated for such purposes by the Executive Director and only in accordance with Airport Directives.

4. Except to the extent prohibited by applicable law, noise emanating from Aircraft engines during ground operations shall be maintained in accordance with applicable noise mitigation procedures promulgated by the Federal Government or District, whichever is the most restrictive.
- (e) Aircraft Taxiing.
1. No person shall taxi an Aircraft on the Airport until he or she has determined that there will be no danger of collision with any persons or objects.
 2. No person shall taxi an Aircraft on the Airport until he or she has determined that the exhaust blast from that Aircraft will not cause injury to persons or damage to property. If such determination cannot be made, then the Aircraft engines must be shut off and the Aircraft towed to its desired destination.
 3. All Aircraft shall taxi at a safe and reasonable speed.
 4. All Aircraft operating on the Airport shall be equipped with wheel brakes in proper working order.
 5. Aircraft shall not be taxied, towed or pushed on any runway or taxiway until specifically cleared to do so by the Control Tower.
 6. Where taxiing Aircraft are converging, the Aircraft involved shall pass each other bearing to the right, unless otherwise directed by the Control Tower.
 7. No Aircraft shall taxi between an airside terminal gate and an Aircraft engaged in a pushback or power-back operation.
 8. No Aircraft shall taxi into or out of any hangar under its own power.
 9. All Aircraft operations shall be confined to hard surfaced runways, taxiways and Ramps and other areas that may be designated by the Executive Director.
 10. No Aircraft power-back operations are permitted without prior approval from the Executive Director.
 11. All taxiing of Aircraft on District property shall be in compliance with District and FAA training requirements.

Section 6.4 Passenger Enplaning and Deplaning

All Aircraft shall be loaded or unloaded, and passengers enplaned or deplaned, in areas designated by the Executive Director, in accordance with Airport Directives, and all passengers shall be directed by airline personnel along designated routes to and from the Terminal. All Commercial Aviation Operators shall comply with all applicable FAA regulations and other applicable laws with respect to enplaning and deplaning disabled passengers and shall provide promptly all necessary or required equipment to assist disabled passengers to enplane or deplane. Airline personnel shall be stationed to assist and direct passengers during ground level enplaning and deplaning. There shall be no enplaning or deplaning of passengers on the Ramp when Aircraft engines are operating. No pedestrian traffic is allowed to cross any taxiway or Ramp between boarding areas. The Aircraft operator shall be responsible for the safety of and compliance with these regulations by all passengers moving between Aircraft and the Terminal.

Section 6.5 Helicopter Operations

- (a) Helicopter Aircraft arriving and departing the Airport shall operate under the direction of the Control Tower, if during operational hours of the Control Tower.
- (b) Helicopter Aircraft shall not be taxied, towed, or otherwise moved with rotors turning unless there is a clear area of at least fifty (50) feet in all directions from the outer tips of the rotors.
- (c) Helicopter Aircraft shall be operated only at a safe distance or as otherwise may be specified by Airport Directives away from any areas on the Airport where unsecured Aircraft are parked.

Section 6.6 Commercial Transportation of Persons by Air

All Commercial Aviation Operators that transport persons shall provide customer service staff at the Airport who are available to serve passengers and other persons at all times and during all hours of such Commercial Aviation Operator's operations at the Airport. Each such Commercial Aviation Operator shall provide the Executive Director with emergency contact information, including telephone and email addresses, of a person employed by such Commercial Aviation Operator with managerial authority who can be reached 24 hours a day, seven days a week.

Section 6.7 Airport-Wide Directives

The District reserves the right to establish from time to time, by Airport Directive, Airport-wide standards which shall be applicable to all similarly situated Persons using the Airport. To the fullest extent permitted by applicable law, each Person using the Airport or occupying space at the Airport shall comply fully with each such Airport Directive.

ARTICLE 7. MOTOR VEHICLES

Section 7.1 General Traffic Regulations

- (a) The Board hereby determines that all roadways on the Airport are private roadways that may only be used by the public in accordance with these Rules and Regulations and other duly enacted District ordinances and applicable provisions of the California Vehicle Code, as well as applicable laws. To the extent that the Board has made the California Vehicle Code applicable to the use of the roadways at the Airport, all Persons using said roadways shall at all times fully comply with the provisions of the California Vehicle Code. Unless otherwise provided herein, the District may, by ordinance or Airport Directive, establish further regulations relating to traffic and traffic control and shall post official traffic control devices pursuant thereto. Said regulations may include, but not necessarily be limited to, regulations for Parking, standing, stopping, one-way roadways, through roadways, stop or yield intersections, speed restrictions, crosswalks, safety zones, bus stops, matters pertaining to all forms of Commercial Vehicles, bicycles, other Vehicles, traffic lanes, signal devices, limitations on roadway use, and restricted-access areas.
- (b) The District shall erect or cause to be erected all signs, markers, and signal devices pertaining to traffic control within the boundaries of the Airport and such signs, markers, or devices shall be prima facie evidence that they were erected or placed pursuant to the California Vehicle Code, the District Ordinances and under proper authority. Failure to comply with the directions indicated on such signs, markers, or devices erected or placed in accordance herewith shall be a violation of these Rules

and Regulations and of the applicable provisions of the District Ordinances and California Vehicle Code.

- (c) No Person shall operate upon the Airport any Vehicle which (1) is so constructed, equipped, or loaded, or which is in such unsafe condition, as to endanger persons or property; or (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 persons or property.
- (d) The Executive Director is authorized to close or restrict the use of all or any portion of Airport roadways to vehicular traffic in the interest of public safety or security, or to facilitate construction at the Airport.
- (e) No Vehicle shall be stored, Parked or repaired on Airport property except in areas so designated by the Executive Director, except for minor repairs necessary with respect to a temporarily disabled Vehicle. Any Vehicle which has not been moved within at least thirty (30) days may be deemed abandoned and removed to a storage lot, and disposed of in accordance with this Section.
- (f) Operators of all Motor Vehicles being operated on the streets and other vehicular traffic areas on the Airport, including parking areas, shall turn off the Vehicle's engine when such Vehicle is Parked or is waiting, other than at a traffic control device requiring the Vehicle to stop temporarily or to permit the safe passage of persons or other Vehicles.
- (g) From time to time, the TSA performs random searches at the Airport in accordance with TSA regulations and security directives issued by TSA or DHS. For the privilege of using the Airport roadways, each operator of a Vehicle at the Airport shall be deemed to have consented to a search by Law Enforcement Officers of his or her Vehicle in accordance with applicable laws, including without limitation, TSA or DHS security directives.
- (h) Vehicles constituting ground service equipment that do not hold a valid license issued by the State of California for operation as a Motor Vehicle may be operated on Airport public roadways (landside roads) only under escort by one or more duly licensed Motor Vehicles.

Section 7.2 Procedure Following Accidents

The driver of any Vehicle involved in an accident on the Airport, which results in injury to or death of any person or property damage shall immediately stop such Vehicle at the scene of the accident and shall render reasonable assistance. The driver shall immediately give notice of the accident by calling 911 or the Airport Operations Department. The driver of each Vehicle involved shall furnish the name and address of the owner and the driver of the Vehicle, the operator's license and vehicle registration and the name of the liability insurance carrier for the Vehicle, to any person injured, the driver or occupant of the Vehicle damaged and to any Law Enforcement Officer and otherwise comply with provisions of applicable law.

Section 7.3 Vehicle Operations in Air Operations Area

- (a) The operation and parking of all Vehicles upon the Ramp and other AOA areas shall be in accordance with these Rules and Regulations and the Airport Directives, and violation of any of the applicable provisions thereof shall be cause for immediate

- revocation by the Executive Director of any permission to operate a Vehicle on the Ramp by the owner and/or operator of the involved Vehicle.
- (b) No Vehicle shall be Parked on any portion of the AOA except those Vehicles holding valid Permits necessary for the servicing of Aircraft and the maintenance of the Airport; provided, however, that notwithstanding the foregoing, Vehicles may be parked in the General Aviation portion of the Airport on those portions of the Ramp designated by the Executive Director.
 - (c) Except where otherwise authorized by the Executive Director or while operating on a designated vehicle service road, all Vehicles operating in Movement Areas shall be equipped with two-way radios and must be in continuous communication with the Control Tower except when operated on designated vehicle service roads in accordance with Airport Directives or under escort by a Vehicle properly authorized and equipped. The installation of two-way radios shall not be construed as an authorization to operate a Vehicle in Movement Areas without the prior written permission of the Executive Director.
 - (d) No Person shall drive a Vehicle or other equipment under a passenger loading bridge affixed to any portion of the Terminal without permission of the Executive Director, or between Aircraft and the passenger gate when passengers are boarding or debarking from the Aircraft.
 - (e) No Person shall Park a Vehicle or equipment in any manner which blocks or obstructs (1) fire hydrants and the approaches thereto, (2) the gates or emergency exits, (3) building entrances or exits, (4) emergency eye wash stations, (5) designated vehicle service roads, or (6) emergency fuel shut offs.
 - (f) Aircraft operating in the AOA shall have the right-of-way over vehicular traffic.
 - (g) Vehicle operations within the AOA shall be in compliance with Airport Ordinances, the California Vehicle Code, the Airport Vehicle & Equipment Operating Rules, in addition to these Rules and Regulations.

Section 7.4 Public Parking

- (a) Only Motor Vehicles may use the public, reserved and employee parking facilities at the Airport. Operators of Motor Vehicles using the public parking facilities at the Airport shall observe and comply with all regulatory and directional traffic signs while entering and departing said facilities. All bicycles operated at the Airport shall be parked only in designated areas.
- (b) Motor Vehicles shall be Parked in marked spaces only. No Person shall Park a Motor Vehicle in any marked parking space in such a manner as to occupy a part of another space. In addition to other penalties for violations of these Rules and Regulations, any Vehicle Parked in a manner to occupy part (or all) of another space may be charged parking fees commensurate with the number of spaces fully or partially occupied, or may be removed from such parking space.
- (c) No Person shall Park a Motor Vehicle in any area requiring payment for parking therein without paying the required parking charges established by the Board from time to time pursuant to a duly adopted ordinance/resolution or, if the Board delegates to a private operator pursuant to a duly adopted ordinance/resolution the ability to set

such charges, the charges established from time to time by such operator in accordance with such ordinance/resolution for the right and privilege of parking therein, or without obtaining and properly displaying authorized validation. Any Vehicle that is Parked in a designated parking area shall be Parked at the owner's sole risk. The owner or operator of any such Parked Vehicle shall be granted only a license to Park in a designated parking area and no bailment shall be created.

- (d) Any Motor Vehicle that remains in any public parking facility on the Airport for more than thirty (30) consecutive days may be considered abandoned and may be removed from such facility and impounded at the owner's and/or operator's expense, as provided in this Section, unless otherwise determined by the Executive Director.
- (e) Any Vehicle Parked in a manner that is in violation of these Rules and Regulations or other provisions of applicable law may be issued a citation by a Law Enforcement Officer or the Executive Director, as permitted by applicable laws, and the owner or operator of such Vehicle shall be liable for such penalties as may be established by the Board from time to time or pursuant to applicable law. If such Vehicle is deemed abandoned, the last registered owner of the Vehicle shall be deemed to be the owner of such Vehicle.

Section 7.5 Reserved Parking

- (a) Except as otherwise provided in an Airport Directive, no Person shall Park any Motor Vehicle in any reserved (or other "permit") parking area without a valid permit issued by the District permitting parking in a reserved area. Each Motor Vehicle Parked in a reserved parking area shall prominently display the identifying decal or other insignia provided by the District or shall bear other markings acceptable to the District; and every such Motor Vehicle shall be Parked only in the space or area specifically assigned to it.
- (b) Any Motor Vehicle that remains in any reserved or permit parking facility on the Airport for more than thirty (30) consecutive days may be considered abandoned and may be removed from such facility and impounded at the owner's and/or operator's expense, as provided in Section 7.6, unless otherwise determined by the Executive Director.

Section 7.6 Authority to Remove Vehicles

- (a) Any Law Enforcement Officer or the Executive Director shall have the right to remove or cause to be removed from any restricted or reserved areas, any roadway or right-of-way or any other area on the Airport, any Vehicle that is disabled, abandoned, illegally or improperly Parked, or which creates an operational, safety, or security problem. Any such Vehicle may be removed or caused to be removed by any Law Enforcement Officer or the Executive Director to the Airport's Vehicle impound area, as designated by the Executive Director.
- (b) Any Vehicle impounded by the District shall be released to the owner or operator thereof upon proper identification of the Vehicle (as determined by the District) by the Person claiming it and upon payment of towing charges, any administrative charges, and the accrued parking and storage fees thereon. If any impounded Vehicle is not claimed within thirty (30) days, it may be disposed of in accordance with

applicable law. The District shall not be liable for damage to any Vehicle or loss of personal property, which might result from the act of removal.

- (c) Vehicles and Ground Support Equipment within the AOA may be removed pursuant to Airport Directive.

Section 7.7 Employee Parking Lots

- (a) Any Motor Vehicle Parked in any Airport employee parking lot may be considered abandoned and is subject to removal and impound (at the owner's or operator's expense), as provided in this Section, if the Vehicle is: Parked without the proper employee parking authorization, Parked with an expired validation sticker, Parked with an expired temporary parking authorization issued by the District, or Parked for longer than thirty (30) consecutive days (unless the Vehicle needs to be Parked for longer because of the owner's or operator's official business at the Airport, as determined by the Executive Director). Impounded Vehicles will be towed to the Airport's Vehicle impound area, as designated by the Executive Director, and the owner and/or operator will be subject to any applicable financial penalties identified in Article 9.
- (b) No Person shall stay or sleep in a Vehicle Parked in any Airport employee parking lot for longer than four (4) hours, unless otherwise approved in writing by the Executive Director.

Section 7.8 Vehicles and Equipment Within the AOA

All Vehicles or equipment within the AOA shall be subject inspection by the Airport. The Executive Director and his/her designee shall administer inspections to, among other things, impound any potentially hazardous Vehicles or equipment within the AOA.

All damages, costs and attorney's fees, including amounts attributable to District Counsel time, incurred by the District in the removal of any Vehicle shall be recoverable against the owner or operator of said Vehicle, and the owner and/or operator of such Vehicle shall have no claim against the District or any Person acting at the direction of the Executive Director for damage to such Vehicle as a result of such removal or disposal. In any case in which a Vehicle is removed or relocated, the owner or operator of such Vehicle shall indemnify, defend and hold harmless the District, its officers, employees and agents, from and against any costs, expenses, claims or other damages incurred by or claimed against the District or such Persons arising from such removal and disposal, unless such owner or operator can demonstrate that such costs, expenses, claims or other damages were solely the result of the gross negligence or willful misconduct of the District or its officers, employees, or agents.

Section 7.9 Issuance of Traffic Citations and Tickets

Law Enforcement Officers or the Executive Director, as permitted by applicable laws, are authorized to issue traffic citations or parking tickets, on the same form used for violation of traffic laws or ordinances by the District Police Department and in accordance with California Vehicle Code Section 40300, et seq., for violation of any provision of Article 7 of these Rules and Regulations, the District Ordinances or California Vehicle Code governing the operation, loading, unloading or parking of Vehicles. In addition, certain District personnel are authorized to issue financial penalties through the issuance of a NOV pursuant to Articles 9 and 10 of these Rules and Regulations.

ARTICLE 8. RELIGIOUS, CHARITABLE, AND POLITICAL ACTIVITIES

The Airport is not a public forum for First Amendment Activities. Certain activities are incompatible with the transportation uses of the Airport.

The Airport is designed and utilized as an air transportation facility. The Airport was neither designed nor intended for use as a public forum for First Amendment activities. The Terminal annually serves substantially more passengers than it was designed to serve. Additionally, increased security measures adopted after September 11, 2001, have significantly impacted the flow of passenger traffic within the Airport. The Airport is a security sensitive environment and as a result, the security and safety of Airport customers, employees and tenants while in the terminals, on the curbsides, in the parking lots, or anywhere on Airport property is of paramount concern. Therefore, the regulation of certain activities at the Airport is necessary to preserve the ability to utilize the Airport for transportation purposes.

The restrictions on the exercise of religious, charitable, political, and Commercial activities contained in this Article are necessary to preserve and promote the health, security and safety of the passengers, other patrons and employees using Airport facilities, to promote and maintain the high aesthetic and interior design qualities of the Airport, to avoid visual blight and clutter, to avoid disruption of the activities and operation of the Airport, and to maintain and enhance the efficient operation of the Airport by maximizing passenger and pedestrian traffic flow and avoiding congestion, in keeping with the primary purpose of the Airport and consistent with its design and intended function as a facility for air travel.

Airport passengers have a need to proceed quickly and freely from their automobiles or other ground transportation to the ticket counters or baggage check-in to their departing Aircraft, and from their arriving Aircraft to their baggage and/or to their ground transportation. With regard to those activities, time is of the essence.

For individuals who Park their Vehicles in any of the Airport's paid or permit parking lots, customer, employee and tenant safety and security while in any of these parking lots is important both during day-light and during periods when it is dark. Once out of their Vehicle, pedestrians must be careful and observant of other Vehicles that may be moving around them as they walk through the lots en route to the Terminal, towards a bus shelter, toward a TNC or other form of transportation. As a result, it is extremely important for pedestrians as well as Vehicle operators to not be distracted by persons or situations that may impact their safety or that may delay or distract them while walking or driving through the parking lots. Therefore, solicitation will not be permitted except in certain identified locations where leafleting or picketing may be allowed upon approval by the Executive Director.

The Airport has not been, and is not now, utilized or designed as a public forum. Unfettered use of the Airport to leaflet, solicit, proselytize or picket would prevent the intended use of the Airport as a transportation center and potentially endanger the health and safety of passengers and employees using the Airport. Moreover, such activities would impede and cause unreasonable hazards during the construction activities anticipated at the Airport. Any use of the Airport for exercising rights of free expression and communication, picketing, demonstrating or displaying signs, or Soliciting shall not restrict or impair the transportation function of the Airport or construction during construction periods.

Passengers are susceptible to fraud or unfair treatment by solicitors because of their being unable, due to time constraints, to study requests for donations, or because of language or

cultural differences. Organizations who may request a permit at the Airport to leaflet, solicit, proselytize or picket will be given consideration regarding their request on a case-by-case basis. Decisions on whether to grant any such request will be based, in part, on the availability of designated locations for such activities during the period of request, as well as other factors enunciated herein.

The following rules and regulations will apply to such activities:

Section 8.1 General Requirements

All religious, charitable, and political activities shall be conducted:

- (a) Pursuant to these Rules and Regulations;
- (b) In the peaceful and orderly manner contemplated by law, without physical harm, molestation, threat or harassment of other persons, and without obscenities, violence, breach of the peace, damage to property or other unlawful conduct; and
- (c) Without obstructing the use of the Airport by the public and without hindrance to or interference with the proper, safe, orderly and efficient movement of passengers and users of the Airport or operation of the Airport and the activities conducted thereupon, and without interference with the constitutional rights of others.

Section 8.2 Content Neutral

The regulation of religious, charitable, and political activities shall be content neutral and shall apply and be enforced without regard to the identity of the individuals or organizations seeking to engage in such activities or the content of the message sought to be communicated.

Section 8.3 Leafletting

Leafletting in the Airport or in Airport parking areas is not permitted except upon compliance with the permitting procedures described in this Article and shall be limited to Non-Profit printed or written material. Leafletting on Vehicles in the Airport parking areas is strictly prohibited. Leaflets may include text or written material, which urges contributions or the sale of goods for Non-Profit purposes on behalf of a Non-Profit organization, which has been granted a permit pursuant to this Section.

- (a) The Airport has determined that only certain areas of the Terminal provide a reasonable opportunity for Leafletting while not preventing the use of the Airport facility for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic. The Executive Director will maintain a chart designating those areas of the Airport in which Leafletting does not interfere with use of the Airport facilities for their intended purpose. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of the Airport facilities for their intended purpose, the District will strive to maintain a minimum of one (1) area of at least one hundred (100) square feet or more in the parking areas and the exterior of the non-Secured Area of the Terminal, together with a list of the number of individuals who may Leaflet in those designated areas. Where necessary to preserve the use of the Airport by the public for transportation purposes, the Executive Director may reduce the size or number of or change the location of the designated areas from time to time to take into account changes in pedestrian flow, construction, alterations to the Terminal, emergency conditions, or other unforeseen circumstances which may necessitate a change.

- (b) Notwithstanding the above subsection, the following areas do not provide a reasonable opportunity for Leafleting without preventing the use of the Airport facility for its intended purpose of providing a safe, orderly and efficient flow of pedestrian traffic and are areas where Leafleting is prohibited:
1. AOAs, Secured Areas and Sterile Areas;
 2. Roadways and thoroughfares for Vehicles;
 3. Within 10 feet of any access gate or doorway to any place of business of any tenants, lessees or permittees of the District;
 4. Any Sterile Areas of the Terminal;
 5. Roadway curbsides or curbs at which passengers load or unload from Vehicles, Motor Vehicles or Commercial Vehicles and Staging Areas for Ground Transportation Vehicles;
 6. Areas leased or assigned by agreement with the District for use by vendors or other lessees, permittees or licensees of the District;
 7. Within 10 feet of any doorways, escalators, moving walkways or baggage conveyance bins or equipment;
 8. Within 50 feet of any construction site or construction equipment;
 9. Within Construction Areas; and
 10. Any other areas that may be designated by the Executive Director from time to time as necessary to maintain the safety and efficiency of Airport operations.

Section 8.4 Picketing

- (a) Picketing in the Airport is not permitted except upon compliance with the permitting procedures contained in this Article, and is confined to designated Picketing areas. The Airport has determined that only certain designated areas of the Airport provide a reasonable opportunity for Picketing while not preventing the use of the Airport facility for its intended purpose of providing safe, orderly, and efficient flow of pedestrian and Vehicle traffic. The Executive Director will maintain a chart designating those areas where Picketing does not prevent the use of the Airport facilities for their intended purpose. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of the Airport facilities for their intended purpose, the District will strive to maintain a minimum of one (1) picketing area of at least fifty (50) square feet each in the parking areas and the exterior of the non-Secured Area of the Terminal, together with a list of the number of individuals who may Picket in those designated areas. Where necessary to preserve the use of the Airport by the public for transportation purposes, the Executive Director may reduce the number or size of or change the location of designated areas from time to time to take into account changes in pedestrian or Vehicle flow, construction, alterations to the Terminal and their surroundings, emergency conditions, or other unforeseen circumstances which may necessitate a change.
- (b) Notwithstanding the above subsection, the following areas do not provide a reasonable opportunity for Picketing without preventing the use of the Airport facility

for its intended purpose of providing a safe, orderly and efficient flow of pedestrian traffic and are areas where Picketing is prohibited:

1. AOAs, Secured Areas and Sterile Areas;
 2. Roadways and thoroughfares for Vehicles, including the Airport parking areas;
 3. Within 10 feet of any access gate or doorway to any place of business of any tenants, lessees, Permittee of the District;
 4. Any Sterile Areas of the Terminal;
 5. Roadway curbsides or curbs at which passengers load or unload from Vehicles, Motor Vehicles or Commercial Vehicles and staging areas for Ground Transportation Vehicles; except during any time which is not a Construction Period, Picketing may take place on curbsides and curbs at an area next to every other entrance door into the Terminal;
 6. Areas leased or assigned by agreement with the District for use by vendors or other lessees, permittees or licensees of the District;
 7. Within 10 feet of any doorways, escalators, moving walkways or baggage conveyance bins or equipment;
 8. Within 50 feet of any construction site or construction equipment; except areas designated by the Executive Director around construction work gates;
 9. Within Construction Areas; and
 10. Any other areas that may be designated by the Executive Director from time to time as necessary to maintain the safety and efficiency of Airport operations.
- (c) The Executive Director may impose regulations on the size of picket signs to the extent necessary to prevent interference with use of Airport Facilities for their intended purpose. Picket signs may not be attached to clubs, poles, or other hard objects, and must be carried or otherwise attached to the Participants engaged in Picketing activities. Picket banners are strictly prohibited.
- (d) Picketing in Vehicles is strictly prohibited.

Section 8.5 Soliciting

- (a) Soliciting in the Airport is not permitted except upon compliance with the registration and permitting procedures set forth in this Article. Soliciting for charitable or religious purposes is only permitted by organizations qualified under section 501(c) of the Internal Revenue Code as amended, as “non-profit.” Commercial Soliciting may be limited in any reasonable manner, and Persons desiring to perform such Commercial Soliciting must obtain a permit from the Executive Director pursuant to Article 2 prior to engaging in such activity. Any Non-Profit organization seeking to engage in Soliciting shall attach the following documents to its application:
1. Federal Tax-Exempt Status form pursuant to United States Internal Revenue Code Section 501(c); and
 2. State Tax-Exempt Status Form pursuant to California Revenue and Taxation Code Section 23701.b)

- (b) The District has determined that only certain areas of the Terminal provide a reasonable opportunity for Soliciting while not preventing the use of the Airport for its intended purpose of providing a safe, orderly, and efficient flow of pedestrian traffic. The Executive Director will maintain a chart designating those areas where Soliciting does not prevent the use of the Airport facilities for their intended purpose. In recognition of the importance of the right of the public to the exercise of free expression where it is not incompatible with the use of Airport facilities for their intended purpose, the District will strive to maintain a minimum of one (1) area of at least one hundred (100) square feet or more in the parking areas and the exterior of the non-Secured Area of the Terminal, together with a list of the number of individuals who may Solicit in those designated areas. Where necessary to preserve the use of the Airport by the public for transportation purposes, the Executive Director may modify the size or number of or change the location of the designated areas from time to time to take into account changes in pedestrian flow, construction alterations to the Terminal, emergency conditions, or other unforeseen circumstances which may necessitate a change.
- (c) Notwithstanding the above subsection, the following areas do not provide a reasonable opportunity for Soliciting without preventing the use of the Airport facility for its intended purpose of providing a safe, orderly and efficient flow of pedestrian traffic and are areas where Soliciting is prohibited:
1. AOAs, Secured Areas and Sterile Areas;
 2. Roadways and thoroughfares for Vehicles;
 3. Within 10 feet of any access gate or doorway to any place of business of any tenants, lessees or permittees of the District;
 4. Any Sterile Areas of the Terminal;
 5. Roadway curbsides or curbs at which passengers load or unload from Vehicles, Motor Vehicles or Commercial Vehicles and Staging Areas for Ground Transportation Vehicles;
 6. Areas leased or assigned by agreement with the District for use by vendors or other lessees, permittees or licensees of the District;
 7. Within 10 feet of any doorways, escalators, moving walkways or baggage conveyance bins or equipment;
 8. Within 50 feet of any construction site or construction equipment; and
 9. Within construction areas.
- (d) Rules of Conduct for Persons Conducting Solicitation:
1. Bona Fide Representative. No Person shall solicit and receive funds on behalf of a permitted organization unless that person is a bona fide representative of the organization.
 2. Misrepresentations. No Person shall misrepresent the identity, purpose, cause, or activity or the organization that he/she represents. No Person shall misrepresent the manner in which solicited funds shall be spent.

3. Outside Designated Areas. No Person shall solicit and receive funds or signatures outside the area assigned to such Person by the Executive Director for Soliciting activities.
4. Checks and Credit/Debit Card Receipts. No Person shall alter any check, credit card, invoice or debit card invoice received as a donation or contribution.
5. Receipts. Every Person who solicits and receives funds shall provide a written receipt upon request by the donor.

Section 8.6 Registration and Permitting Process

- (a) No Person shall Leaflet, Picket, Solicit, display signs or otherwise attempt to communicate their views to other users of the Airport without first delivering written notice to the Executive Director of their intent to do so at least seventy-two (72) hours prior thereto. Such notice shall be required in order that adequate precautions may be taken by the Executive Director to protect the public health, security, safety and order, to assure efficient and orderly use of Airport property for its primary purpose and to assure equal opportunity for freedom of expression. The written notice required herein shall state:
 1. The full name, mailing address and telephone number of the person delivering the written notice, or, if he or she is a member of an organization which is sponsoring, conducting or promoting the activity, the full name, mailing address and telephone number of the organization, and the full name, mailing address and telephone number of a responsible officer or agent thereof;
 2. A description of the proposed activity stating the type of communication to be involved (e.g., Leafleting, Picketing or Soliciting) and the size and volume of the items to be handed out or the signs being utilized for the activity;
 3. The date, hour, location and anticipated duration of such activity;
 4. The number of persons planning to participate in such activity; and
 5. A statement or evidence that the Person sponsoring, conducting, or promoting the proposed activity is one that is charitable, religious or political in nature or whose purpose for the proposed activity is not for the deriving or making of profit from the sale or exchange of goods or services.
- (b) No Person shall block, hinder or otherwise impinge upon the free flow of Persons, Vehicles or Aircraft upon or through the Airport or otherwise prevent the orderly and efficient use of Airport property for its primary purpose. No Person (or collection of persons with the same or similar message) requesting approval under this Article 9 shall be granted more than a combined total of one hundred (100) square feet for a designated area to leaflet, picket and/or solicit.
- (c) If the number of Participants in possession of permits issued pursuant to this Section seeking to engage in permitted activities on any given day exceeds the number of available locations on such day, Participants will be assigned locations daily on a first come, first served basis and then on the basis of the earlier of the dates the Participants' permits were issued. Those Participants not receiving a designated location will be placed on a waiting list and when a Participant departs, the next Participant on the waiting list will be assigned a location for its permitted activities.

- (d) The activities described herein shall be conducted only in or upon those Airport premises which are open to the general public for common use, and shall not intrude upon nor take place in any location or area reserved to a particular use, such as baggage areas, washrooms, offices, ticket sales counters, stairways, restaurants or any areas devoted to business enterprise.
- (e) Any organization or Person may apply for a permit with the Executive Director on any Monday through Friday, which is not a holiday between 9:00 a.m. and 4:00 p.m. by providing the information described in this Section. The Executive Director shall review the application for sufficiency of information, and shall promptly (as defined in this Section) issue a permit, or notify the applicant in writing why issuance of a permit is delayed or denied. A permit shall not be granted or denied based upon the content of any non-Commercial message. In the event that more than one Person or organization submits an application pursuant to this Section, the Executive Director will review those applications on a first come-first served basis and grant or deny permits in that order.
- (f) “Promptly” as stated in this Section shall mean a reasonable amount of time after the submission of the application and in no case later than three (3) hours prior to the proposed time for the proposed activity. If the Executive Director fails to issue a permit promptly, the applicant shall consider that a permit is denied; and the applicant may, at his/her option, seek a review of such denial by following the procedure outlined herein. The permit will designate that the holder is eligible to conduct activities at the Airport for a designated period of time. The permit may be renewed in writing, provided that the organization or Person renewing the permit has not had its permit terminated pursuant to Section 8.7 and Articles 9 and 10, and that the number of outstanding permits has not exceeded the maximum established by the Executive Director. At the termination of the initial or renewed permit, the Person or organization must reapply if they wish to continue their activities. In such a case, applicants may be permitted to incorporate by reference any required documentation filed with a previous application.
- (g) The activities referred to herein shall be conducted strictly in conformity with the terms and conditions set forth in the permit issued by the Executive Director and these Rules and Regulations.
- (h) No more than the number of persons designated by the Executive Director may engage in the permitted activity in each of the designated areas at a time.
- (i) Any organization or Person who is issued a permit as provided for herein, shall also be issued pre-numbered identification badges for the number of persons to be engaged in said activities at the Airport at any given time, if deemed necessary by the Executive Director. The person or persons who will have supervision and responsibility for the proposed activities shall be responsible for the badges and shall issue one badge to each person engaged in said activities, and shall maintain a record showing the name and address of each person issued a badge. Each badge shall state the name of such person, a badge number and the permitted activity and the following statement: “The holder of this badge is engaged in free speech activities which the Monterey Regional Airport neither condones nor denies.” Each person engaged in said activities shall wear or otherwise display the badge in a manner clearly visible to

the public during all times he or she is engaging in said activities. No other badges will be permitted. The issuance of the identification badge indicates that the person is conducting activities in conformance with these Rules and Regulations.

Section 8.7 Violations by Participants

- (a) Any violations of the provisions of this Article or these Rules and Regulations by any Person or organization shall cause the termination of the permit under which they are operating and a fine pursuant to Article 9. Such termination shall be administered pursuant to the Administrative Process identified in Article 10. Upon termination the Person or organization shall not be eligible for a new permit for a period of six (6) months.
- (b) Upon receipt of a NOV, as described in Article 10, any Person or organization whose permit was so terminated may seek a review of such denial by following the procedure outlined therein.

Section 8.8 Prohibited Conduct

The following activities are prohibited at the Terminal, with or without a permit:

- (a) Leafleting, Picketing or Soliciting by any Person at any area except during the days and times and at the locations assigned by the Executive Director in a valid permit;
- (b) The conduct of a game of chance except as conducted pursuant to the California State Lottery Act of 1984 (Cal. Gov. Code § 8880, et seq.) and as permitted by the District;
- (c) The sale, distribution or handing out of any type of food or drink by any Person engaged in Leafleting, Picketing or Solicitation;
- (d) Any attempt to pin, tie or attach any flower or other symbol, insignia, article or object to the clothing, luggage, or Vehicle of any person without their consent; to assail, coerce, threaten, physically disturb, assault or commit battery on any other person; to touch any person without his or her consent; or to obstruct and interfere with the conduct of authorized business at the Airport;
- (e) The use of any musical instrument, noise-making device, sound or voice amplifying apparatus, or the doing of anything which will reduce the effectiveness of the public address system or that interferes with the business functions of the Airport;
- (f) The distribution of literature, other printed matter or the display of signs at the Airport after the required permit shall have been terminated or expires;
- (g) The intentional leaving of any item intended for distribution unattended;
- (h) Any activity which constitutes a danger to persons or property or which interferes with the orderly formation and progression of waiting lines, or which interferes with any of the following: pedestrian or vehicular travel; the issuance of tickets or boarding passes or equivalent documents for air or ground transportation; luggage or cargo movement or handling; the entry to or exit from Vehicles, elevators, escalators, doorways or passageways; conduct of any Commercial activity authorized under Section 3.5; security procedures; government inspection procedures; cleaning maintenance, repair or construction operations;

- (i) Any conduct which indicates or represents or attempts to indicate or represent to the public that an individual conducting Leafleting, Soliciting or Picketing pursuant to a permit issued by the District is a representative of the Airport or the District;
- (j) Any conduct which misrepresents the identity of the individual or organization for which the individual is performing the permitted activities;
- (k) Failure to cooperate in the investigation of any complaint received by the Executive Director regarding the conduct of any Participant; or
- (l) Any conduct, which shall physically impede, obstruct or interfere with the free movement of any Airport passenger, tenant or employee.

Section 8.9 Activities During Emergencies

The Executive Director may declare an emergency for all or any portion of the Terminal because of unusually congested conditions in a facility due to adverse weather, schedule interruptions or extremely heavy traffic movements or for emergency or security measures. Any Person Leafleting, Picketing, Soliciting or distributing literature in an area affected by the emergency shall immediately cease such activities for the duration of the emergency.

As soon as the Executive Director announces an end to the emergency, Participants in possession of permits issued pursuant to this Article may resume their Soliciting, Picketing, or Leafleting activities in accordance with the requirements of this Article.

Section 8.10 Accidents

If any Participant is involved in an accident or other incident in which any person is injured or property is damaged, a Participant or the participating organization shall immediately notify the Airport's Manager on Duty.

Section 8.11 Furniture or Signs

The placement of a table, bench, chair, sign or other item on Airport property is prohibited unless expressly permitted in writing by the Executive Director in connection with the permit for Leafleting, Picketing or Solicitation authorized under Sections 8.3, 8.4, or 8.5.

Section 8.12 Newsracks

- (a) Newspapers distributors seeking to place a Newsrack in the Terminal shall submit a written request to do so by May 1, each year. Such request shall contain the following information: (1) Name and address of the publisher; (2) the name and address of a responsible agent of the publisher; (3) the name of the publication; (4) information showing the total circulation of the newspaper, the number of copies sold in the Terminal during the preceding calendar year, and the number of days per week the publication is published; and (5) the number and location of Newsrack spaces desired.
- (b) By June 1 of each year, the Executive Director will allocate Newsrack spaces to the newspaper distributors who have submitted a request.
- (c) In the event that there are requests for more Newsrack spaces than there are spaces available, allocation of Newsrack spaces will be made by the Executive Director using the following criteria: (1) the number of spaces requested by each newspaper distributor, with preference being given to providing at least some Newsrack space to all distributors seeking access; (2) circulation figures from the prior year, with

- preference being given to newspapers with higher circulation; and (3) number of days of publication per week, with preference being given to publications which publish a greater number of times per week.
- (d) Available spaces for Newsracks shall be determined on an annual basis by the Executive Director based on the following criteria: (1) passenger flow requirements and safety considerations; (2) impact on Airport revenue generation (including proximity to concessionaires selling newspapers); and (3) impact on essential operations, such as ticketing, baggage handling, and security. The Executive Director will maintain a chart showing the location in the Terminal where Newsracks may be placed, and the number of Newsracks at each location.
 - (e) Newsracks will not be permitted in areas where they would create a safety or security hazard, create a hardship on passengers or interfere with pedestrian flow, or near concessionaires who sell newspapers.
 - (f) Newspaper distributors who have been allotted Newsrack space within the Terminal may be charged a uniform fee, set by duly enacted District ordinance, which fee shall be based upon: (1) a reasonable allocation of costs associated with the space utilized by the Newsrack; (2) administrative costs to the District associated with the allocation and maintenance of Newsrack space; and (3) a reasonable rate of profit to contribute to the income generating aspirations of the District.
 - (g) The Executive Director may require a newspaper distributor, at its sole cost and expense, to relocate or withdraw from a Newsrack space previously assigned in the event of a change in conditions, such as construction activities, a change in the configuration of the Terminal, matters of safety or security, interference with pedestrian access and flow, or as a result of the reallocation of Newsrack spaces pursuant to this Section.
 - (h) Newspaper distributors shall maintain their Newsracks in clean, neat and attractive condition, and in good working order. Should a newspaper distributor fail to properly maintain its Newsrack(s), the District, upon reasonable notice, may elect to repair or remove the inadequately maintained Newsrack(s) at the expense of the non-compliant newspaper distributor. Newsracks must conform to the District's design standards for Newsracks as promulgated by the Executive Director, which shall be based upon dimension restrictions of available space, aesthetic concerns, and other relevant factors affecting Airport operations. Each newspaper distributor shall be responsible, at its sole cost and expense, for the installation, maintenance and removal of its allocated Newsracks.
 - (i) In the event a newspaper distributor wishes to challenge any decision of the Executive Director relating to this Section, it may do so by invoking the procedures outlined in Article 10.

ARTICLE 9. VIOLATIONS

Section 9.1 General

All Persons at the Airport shall comply with these Rules and Regulations. Permit Holders (Airport Permits and Airport Taxi Permits) and Drivers of Ground Transportation Vehicles and Taxicabs shall, as a condition for maintaining their authorization to conduct business at the Airport, strictly comply with these Rules and Regulations including District Ordinances as they

relate to Ground Transportation Services and Taxicab requirements. All Persons, District employees and Airport Identification Badge holders must comply with all Security Regulations, including all security and safety directives, regulations and guidance documents, as outlined and referenced in these Rules and Regulations. Any Person who violates, disobeys, omits, neglects or refuses to comply with any of the provisions of these Rules and Regulations or any lawful order issued pursuant thereto in any form or manner (such conduct individually and collectively referred to as a “violation”) may be denied use of and entry to the Airport by the Executive Director and shall be subject to the remedial actions, penalties, and fines, as applicable, as set forth herein, in addition to any and all other remedies available to the District in equity and law.

Section 9.2 Enforcement

All violations of these Rules and Regulations shall be enforced using the Administrative Process established in Article 10, which process generally includes the issuance of an NOV and the opportunity for an administrative appeal through an informal resolution process and/or a formal hearing process. The District does not, however, waive its right to pursue any and all other remedies at law and equity, and may do so as its authorized representatives deem appropriate in any given situation.

Section 9.3 Violations of Airport Rules and Regulations, Federal, and State Laws

Violations of any laws, ordinances, statutes, rules, regulations or orders of any governmental authority, whether federal, state or local, including the California Vehicle Code, Title 13 of the California Code of Regulations, District Ordinances, and these Rules and Regulations, shall be subject to the fines and penalties provided for therein, in addition to the applicable fines and penalties set forth in these Rules and Regulations.

ARTICLE 10. ENFORCEMENT AND CIVIL ADMINISTRATIVE PROCESS

This article identifies the administrative process that will be followed for any alleged violation of these Rules and Regulations.

Section 10.1 Notice of Violation (“NOV”)

- (a) Issuance of an NOV by an Authorized Party.

In addition to all other rights the District has under these Rules and Regulations, agreements, permits and other applicable laws, the appropriate District representative identified below shall be authorized to issue a Notice of Violation (“NOV”) for any activities or conduct violative of any provision of these Rules and Regulations or any of the provisions of law incorporated therein. Persons authorized to issue and administer NOV's include:

- For transportation-related violations under Article 8: Executive Director or his/her designee;
- For security-related violations under Article 2 and under the associated Airport Security Program or Airport Security Directives: Executive Director or his/her designee, Airport Operations personnel; and
- For any airside safety-related violations of these Rules and Regulations: Executive Director or his/her designee;
- For all other violations of these Rules and Regulations: the Executive Director or his/her designee.

For the remainder of this Article 10, the authorized persons identified above shall be referenced universally as the applicable “Authorized Party.”

If an Authorized Party has probable cause to believe that a Person has violated any provision of these Rules and Regulations punishable under Article 9, the Authorized Party shall provide notice of such alleged violation by issuing notice as described in this Section.

1. Security, Airside Safety, Commercial and Individual Violations.

For any security, airside safety, commercial, or individual violations, the Authorized Party typically issues a NOV to the alleged violator. The Authorized Party shall deliver the NOV to the alleged violator either by hand-delivery or by certified mail, as described below. The NOV will provide information to the alleged violator regarding the alleged security violation.

All NOVs shall be either hand-delivered (with, where feasible, a signature from the alleged violator confirming receipt), sent by certified mail to the last known address of the alleged violator or sent electronically to the alleged violator, with a copy to the Authorized Signer of the alleged violator. The NOV shall provide notice of all alleged violations or activity violating these Rules and Regulations, the name of the Person (if known) found to be in violation, the provision of these Rules and Regulations or other applicable laws violated by the subject conduct, the penalty to be imposed pursuant to Article 9, and the alleged violator’s right to a hearing as provided under Article 10.

2. Transportation Violations

For any transportation-related violations under these Rules and Regulations or other applicable District Ordinance, the Authorized Party shall log the alleged violation in a citation logbook that is maintained by the District or its designee. The Executive Director will complete further investigation to confirm whether a violation has occurred. If further investigation establishes that a violation has occurred, the District will send an NOV directly to the alleged violator, or to the violator’s manager, supervisor, or Authorized Signer, which shall provide information related to the administrative process, including the alleged violator’s right to a hearing. All NOVs shall be hand-delivered to the alleged violator and the alleged violator shall be required provide a signature for receiving the document. If the document cannot be hand-delivered, it will be sent by certified mail to the last known address of the alleged violator.

(b) Absent Administrative Process, the NOV Is a Final Decision

For purposes of this Article 10, the NOV Issuance Date shall be the soonest of: the date the NOV was hand-delivered to the alleged violator, the date the alleged violator received the NOV by certified mail, or five (5) calendar days after the NOV was sent by U.S. Mail or electronic mail to the alleged violator pursuant to this Section (referred to in this Article 10 hereafter as the “NOV Issuance Date”). Unless an alleged violator to whom an NOV was issued attends the Informal Resolution Meeting pursuant to Section 10.3, the NOV shall be final and non-appealable administrative decision and the applicable financial penalty shall be due by close of business on the eleventh (11th) business day after the NOV Issuance Date. Once the NOV is final, the alleged violator may not seek to challenge the facts or disposition of the NOV in any future administrative proceeding before the District.

(c) Suspension Periods/Revocation Commencement Dates

Any suspension periods or revocations of an Airport Permit or Airport Identification Badge shall commence on the eleventh (11th) business day after the NOV Issuance Date. For transportation-related violations, in cases where a suspension is imposed on a Driver and Permit Holder, and the Driver and Permit Holder are the same Person, the applicable suspension shall run concurrently. For security violations, the Executive Director or his/her designee may work with the alleged violator to determine the most appropriate time frame for suspension of the Airport Identification Badge or District-issued ID. Employees whose Airport Identification Badges have been suspended shall not be allowed to work at the Airport during the suspension.

(d) Criminal Prosecution

Except as otherwise expressly provided in these Rules and Regulations the District Ordinances, other ordinances of the District or laws of the State of California or of the United States, every Person who violates any provision of these Rules and Regulations or any of the provisions of law incorporated herein shall be subject to criminal prosecution for an infraction or a misdemeanor, punishable by a fine as indicated herein, in the District Ordinances, or six (6) months imprisonment or both, and shall also be subject to revocation of any permits or privileges and identification badges that may have been issued by the District.

Section 10.2 Removal of Persons and Vehicles from Airport

- (a) Any Person who knowingly fails to comply with an NOV shall be in violation of Sections 2.1 and 3.2 of these Rules and Regulations. The applicable Authorized Party may order such Person removed from the Airport. Any Law Enforcement Officer may also enforce and carry out such removal order, as applicable.
- (b) A Law Enforcement Officer may remove any person who enters any restricted-access area in violation of Sections 2.2 or 3.1 of these Rules and Regulations, or who violates Article 3 of these Rules and Regulations and such persons shall be subject to arrest, conviction and penalties provided for under the California Penal Code.
- (c) The Executive Director has a particular responsibility and training with respect to the management of safe traffic flow around the Airport. As such, the Executive Director is authorized to take the following actions to maintain the safe ground transportation operations at the Airport:
 - 1. To issue parking citations and tow any Vehicles in violation of these Rules and Regulations the District Ordinances, or the provisions of the California Vehicle Code governing the operation, loading, unloading or parking of Vehicles at the Airport, and
 - 2. To order any Driver to leave the Airport curbside area immediately if the Driver is suspected, by reasonable suspicion, of committing or causing a potential violation of these Rules and Regulations.

Section 10.3 Administrative Process; Exhaustion of Remedies

Notwithstanding any Administrative Process described in this Article 10, any training required by the District for violation of these Rules and Regulations shall take place immediately.

- (a) Informal Resolution Process.

An alleged violator wishing to appeal an NOV must submit a written request to the Authorized Party within ten (10) business days from the NOV Issuance Date to attend an informal resolution meeting with the Authorized Party (“Informal Resolution Meeting”). The request for an Informal Resolution Meeting must specify, to the fullest extent possible, the reasons why the NOV should be rescinded or modified. The Informal Resolution Meeting shall occur at a time reasonably selected by the Authorized Party. If the alleged violator fails to attend the Informal Resolution Meeting, and such absence is not excused by the Authorized Party in his or her sole discretion, the disposition in the NOV shall be final and non-appealable, and shall become effective the first business day following the scheduled date of the Informal Resolution Meeting. The Authorized Party may deny the request for an Informal Resolution Meeting and shall send the alleged violator a letter denying the request (“Informal Resolution Denial Letter”).

During the Informal Resolution Meeting (if any), the alleged violator may present the reasons why the disposition identified in the NOV should be rescinded or modified. Only the alleged violator may be present at the Informal Resolution Meeting, unless the Authorized Party, in his or her sole discretion, authorizes other persons to attend. At the Informal Resolution Meeting, the Authorized Party may either (1) confirm the disposition identified in the NOV (“NOV Confirmation”), or (2) propose an alternative disposition to the matter for consideration by the alleged violator (“Alternative Disposition”).

Within ten (10) business days of the Informal Resolution Meeting or of the Informal Resolution Denial Letter, the alleged violator may take one of the following actions:

1. Request a formal hearing pursuant to this Section;
 2. Accept the Alternative Disposition (if any) in a writing between the alleged violator and the District containing all of the following provisions: (i) the alleged violator reaffirms that the Alternative Disposition shall constitute for all purposes a formal disposition of the matter and waives all future rights to a formal hearing on the merits of the NOV, including any future review of the matter during a formal hearing on a future violation; (ii) the alleged violator agrees to be bound by the Alternative Disposition and agrees that no appeal or review, including judicial review, of any kind is available from such disposition; (iii) the District waives all future rights to enforcement under the NOV beyond those rights specified in the Alternative Disposition; and (iv) any applicable financial penalty under the Alternative Disposition shall be paid to the District within five (5) business days of the written acceptance of the Alternative Disposition; or
 3. Do nothing, in which case the disposition of the NOV shall be final and non-appealable, and shall become effective after the ten (10) business days following the Informal Resolution Meeting.
- (b) Request for a Formal Hearing. The alleged violator may submit a request for a formal hearing to appeal the violation only after the alleged violator has attended the Informal Resolution Meeting and only if such request is submitted within ten (10) business days after the date of the Informal Resolution Meeting. In addition, the alleged violator must submit an advanced deposit of the total fine amount concurrently with the request for a formal hearing. Such hearing request must be sent

- to the Authorized Party issuing the NOV in writing by certified mail, and shall specify, to the fullest extent possible, all reasons why the order, fine, penalty permit denial or decision should be rescinded, changed or modified. The issues adjudicated at the hearing shall be limited to those raised by the alleged violator in the hearing request. Failure to submit the advanced deposit of the total fine amount within ten (10) business days shall cause the NOV to become final and non-appealable.
- (c) **Hearing Officer Appointment.** Within a reasonable amount of time following receipt of a hearing request from the alleged violator under this Section, the Authorized Party shall give the alleged violator written notice of the location and date for a formal hearing (“Hearing Notice”). The Executive Director, in his or her sole discretion, may appoint the Hearing Officer(s) by retaining an outside third-party.
- (d) **Formal Hearings.**
1. **Not a Court of Law.** The administrative process identified in this Section is neither a civil nor criminal proceeding, and therefore the traditional rules of evidence do not necessarily apply. The process described herein is an administrative process requested by the alleged violator under these Rules and Regulations.
 2. **Schedule.** All formal hearings shall be scheduled by the Authorized Party in coordination with the assigned Hearing Officer and the alleged violator. The alleged violator shall not unreasonably object to proposed hearing dates. Should the Authorized Party, by a preponderance of the evidence, determine that an alleged violator’s objection to a proposed hearing date is unreasonable, the Authorized Party may set such a date for the formal hearing.
 3. **Presence of Person Requesting Hearing.** The alleged violator shall appear at the hearing at which the NOV is considered and may present facts, arguments, and witnesses to refute the alleged violation. To the extent an alleged violator is unable to be physically present at the hearing (e.g. the alleged violator has been incarcerated), the alleged violator may designate a proxy to represent him or her at the hearing. At such hearing, a representative or representatives of the District, including counsel, if desired by the District, shall be present and may also present evidence (including witnesses) in support of the NOV.
 4. **Absence or Failure to Appear Before Hearing Officers.** If the alleged violator, or their proxy, fails to appear at the hearing, then, unless such absence is excused and rescheduled by the Authorized Party for reasons of health or emergency or extenuating circumstances, the NOV shall be treated as if a hearing were never timely requested. In such event, the Hearing Officers shall not consider the NOV, and any revocation, suspension period, or financial penalty obligation shall commence on the first business day following the hearing date.
 5. **Representation Before Hearing Officers.** The alleged violator may be represented before the Hearing Officers by legal counsel. In the case of transportation-related violations under Article 8, a Permit Holder or Driver

may also be represented by a trade organization or a representative thereof. The alleged violator may also utilize the assistance of an interpreter or person who can facilitate communication, as deemed necessary by the alleged violator.

6. Discovery, Evidence and Witnesses. Upon the request of the alleged violator, or his or her counsel, made within five (5) business days of receiving the Hearing Notice (“Discovery Request”), the District shall provide the alleged violator with reasonable access to evidence, reports, records of the District and requested testimony relating to the violations alleged in the NOV no later than five (5) business days in advance of the hearing date, or as otherwise agreed upon by both the Authorized Party and the alleged violator; provided, however, that the District shall not be required to share or provide any access to evidence (e.g. access control logs, recordings, or transcript testimony etc.) that may be considered sensitive security information as defined and regulated by 49 CFR Parts 15 and 1520 or video that would be exempt under the California Public Records Act (“Protected Video”). The District shall make any relevant Protected Video available for the alleged violator to review in a controlled environment on District property. The Discovery Request may include a request that the District provide testimony of any District employee who is witness to or who reported the violations alleged in the NOV. Subject to the preceding provision regarding privileged sensitive security information, the District shall:

- (i) Provide any testimony requested either by providing written testimony of such employee to the alleged violator in accordance with the Discovery Request response timeline identified herein or by producing such District employee at the hearing; and

- (ii) Respond to all Discovery Requests by providing responsive evidence, reports, records and testimony (or notice that the requested witness will be produced at the hearing) no later than five (5) business days prior to the hearing date, or as otherwise agreed to by the Authorized Party and the alleged violator, or reschedule the hearing date to allow additional time to respond to such Discovery Request.

Any documents requested in a Discovery Request must be requested through the discovery procedures relating to the subject proceeding and identified herein and not through a request made pursuant to the California Public Records Act (Cal. Gov. Code § 6520et. seq.) (“PRA”). The unavailability of documents pursuant to a PRA request shall not be a basis for challenging the NOV or any related administrative decision. The alleged violator waives any right to dispute the NOV or any related administrative decision based on the unavailability of documents requested under the PRA.

The District and the alleged violator may also introduce evidence and written testimony, and witnesses may informally cross-examine other witnesses present at the hearing. If during the formal hearing, additional

facts come to light that warrant additional violations under these Rules and Regulations, the Authorized Party may issue a subsequent NOV to provide formal notice of the additional violations, which NOV may be challenged by the alleged violator upon receipt during subsequent proceedings pursuant to this Article.

7. **Hearing Recorded.** All formal hearings shall take place in the District of Airport's central offices, located at 200 Fred Kane Dr., #200, Monterey, California, or such alternative forum as mutually agreed upon by the District and the alleged violator. All formal hearings shall be audio recorded. Formal transcripts of the hearing may be requested by the alleged violator. Any costs of transcription of any portion of the formal hearing shall be borne by the alleged violator.
8. **Deliberation.** At the formal hearing, the Hearing Officer may consider any and all evidence that a reasonable Person would use in making a decision including, but not limited to, hearsay evidence; provided however, that the hearing will be limited to the specific issues raised by the alleged violator in the hearing request. The Hearing Officer shall have complete discretion as to what and how evidence is received. The Hearing Officer may deliberate in private before rendering a decision.
9. **Written Decisions.** The Hearing Officer appointed by the Executive Director must be present, either in person or via video conference services, at any hearing conducted by the Hearing Officer. If the Hearing Officer cannot be present, either in person or via video conference service, at the hearing, the hearing shall be rescheduled to a time when the appointed Hearing Officer can be present. The Hearing Officer shall make a finding, with respect to each violation alleged in the NOV, as to whether these Rules and Regulations were violated. In order for the Hearing Officer to conclude that a violation was committed, the evidence must establish that it was more likely than not (a preponderance of the evidence) that the violation was committed. The Hearing Officer is authorized to consider mitigating circumstances when determining appropriate remedial actions for each violation, and may reduce the remedial actions, as set forth herein. The decision of the Hearing Officer may be rendered immediately at the conclusion of the hearing or may be taken under submission and rendered within a reasonable time thereafter for more complex deliberations. The decision of the Hearing Officer shall be documented in writing by the Hearing Officer, which writing shall be served upon the alleged violator either by hand-delivery, certified mail to the last known address of the alleged violator, or sent electronically with a record of the electronic transmission kept on file with the Authorized Party, at which time the decision shall be considered final under California Code of Civil Procedure Section 1094.6(f). Any petition for judicial review under California Code of Civil Procedure Section 1094.5 must be sought within ninety (90) days following the date of service of the final decision.
10. **Appeal of Decision by Hearing Officer.** The written decision of the Hearing Officer may be appealed in writing to the Executive Director

within 30 calendar days following issuance of the written decision by the Hearing Officer. The appeal must be received in writing and must contain all evidence in support of the appeal. The Hearing Officer's decisions do not receive de novo review but instead receive special deference. The Executive Director will evaluate whether the decision was supported by substantial evidence, and whether it was arbitrary, capricious, or an abuse of discretion. For this purpose, substantial evidence is defined as the amount of evidence that a reasonable mind might find adequate to support a conclusion.

11. The Executive Director will consider the documents submitted in support of the appeal and will issue a written decision within 90 days of the receipt of the appeal. The written decision of the Executive Director regarding the appeal shall be final, and any suspension (that has not yet commenced) or cancellation period shall commence on the fifth (5th) business day following service of the decision.
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- (e) Exhaustion of Administrative Remedies. The District has a compelling interest in complying with these Rules and Regulations and other laws applicable to the Airport as well as ensuring Airport safety and security. The District is entitled to learn of any allegations of noncompliance with law and shall be provided the opportunity to cure and correct any such noncompliance prior to institution of any other administrative action concerning the District or the institution of litigation. For these reasons, the Administrative Process set forth in these Rules and Regulations have been established as the District's only system for receiving allegations of noncompliance with applicable laws and for investigating and responding to such allegations. In any lawsuit alleging noncompliance with these Rules and Regulations, or challenging the provisions or application of these Rules and Regulations through an NOV or otherwise, the issues and evidence shall be limited to those raised in a duly convened formal hearing pursuant to this Section. Failure to request a formal hearing through the process stated in this Section shall be an absolute bar to further administrative or judicial review of the alleged noncompliance with law. Where, as here, the administrative machinery exists for the resolution of allegations of noncompliance with these Rules and Regulations, the courts should not act until such administrative procedures are fully utilized and exhausted. The District's counsel shall be granted substantial deference in reasonably interpreting these Rules and Regulations. Any litigant whose claims relating to these Rules and Regulations is found to be without probable cause by a court of competent jurisdiction shall be required to reimburse the District for its reasonable attorneys' fees and costs, including an amount attributable to the District Counsel's time.
 - (f) Violation Information. For all violations of these Rules and Regulations, the applicable Authorized Party shall maintain current and accurate information pertaining to all violators found to have committed violations of these Rules and Regulations during the immediately-preceding twenty-four (24) month period, the number of times the alleged violator was found to have violated these Rules and Regulations during such period, the type of violation committed, and the date each violation occurred.

Section 10.4 Removal of Property

- (a) A Law Enforcement Officer may remove or cause to be removed from any area, any roadway or right-of-way, or any other unauthorized or restricted-access area or structure at the Airport, any property which is disabled, abandoned or which creates an operations problem, nuisance or safety hazard or which otherwise is placed in an illegal, improper or unauthorized manner; including, without limitation, any structure which has not been authorized by the District or the Executive Director pursuant to the District's policies and procedures. Any such property may be removed or caused to be removed by the Law Enforcement Officer or at the direction of the Executive Director to an official impound area or such other area designated by the Executive Director.
- (b) Any property impounded by the District under this Section shall be released to the owner or operator thereof, upon proper identification of the property, provided that the person claiming it pays any towing, removal or storage charges and any other accrued fees. The District shall not be liable for any damage, which may be caused to the property or loss or diminution of value, which may be caused by the act of removal. Any such property that is not claimed within thirty (30) days may be deemed abandoned and disposed of in accordance with applicable laws.

Section 10.5 Intent, Severability

Nothing in the preceding Articles is intended to preclude the District or any authorized District personnel from seeking other relief available in law or equity or from taking other action authorized by applicable law or other District ordinances or the enforcement of any provision of the District's agreements, contracts or permits.

APPENDIX A

Fee Schedule

Section	Description	Fee
2.2(j)(7)	Fine for failure to report Airport Identification Badge that is lost, stolen, or for which there is no longer any Official Business Purpose	\$100
2.2(j)(8)	Fine for unreturned Airport Identification Badge	\$250
2.2(j)(9)	Fee for replacement Airport Identification Badge	1 st Replacement: \$100 2 nd Replacement: \$150 3 rd Replacement: \$200

The District incorporates by reference, as if fully set forth herein, all fees and fines separately established by the Board of Directors, as may be updated from time to time.