

# Nueces County Airport Order

## Rules and Regulations

**An Order** providing rules and regulations for the efficient and safe operation of the Nueces County Airport (hereafter referred to as the "Airport"); providing that no person shall use the Airport for the carrying on of commercial activities, for instruction in aviation, for sale of any commodities, etc. unless approved in writing by the Nueces County Commissioners Court; providing general rules and regulations for use of the Airport; regulating air and ground traffic; regulating the use of aircraft; providing for fire regulations; regulating student training and practice flying; and providing penalties for violations; all as authorized by "Municipal Airport Acts," Tex. Civil Stat., Ann., Art. 46d-1 et seq.

**Be it ordered by the Commissioners Court of the County of Nueces, Texas.**

**Section 1. Use of Airport Restricted** – No person, partnership, firm, association, corporation or entity, incorporated or otherwise, shall use the Airport for any commercial activity, unless approved by a written permit from the Commissioners Court or its duly authorized agent.

**Section 2. General Rules and Regulations** – The following rules and regulations shall be observed in the use, operation, and conduct of the Airport:

**Rule 1. Federal Air Traffic Rules** of the Federal Aviation Administration (FAA) for aircraft operated within the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.

**Rule 2. Safeguard of Persons and Property** – The Director of Public Works shall at all times have the authority to take necessary and legal action to safeguard any person, aircraft, equipment, or property at the Airport.

**Rule 3. Hangars** and other buildings or structures owned by the County may be leased to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary equipment or to conduct a commercial Fixed Base Operation (FBO).

**Rule 4. Lease of Airport Property** – The County may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with an approved Airport Master Plan/Airport Layout Plan. Aviation related use must be given priority in the use of all leased or privately owned property, buildings, or structures. If the aviation needs of the airport are sufficiently met, the County may authorize nonaviation use of any portion of the Airport or any building on the Airport on a case by case basis. Application of such nonaviation use shall be made to the Commissioners Court.

**A.** No leases will be written for a primary period in excess of twenty (20) years, without the written approval of the Commissioners Court and then only for the length of a mortgage in excess of twenty (20) years obtained from a lending institution by the mortgagee/FBO to construct such building(s) or hangar(s) on the Airport for which the mortgage was obtained.

**B.** Any privately owned structure or hangar not in use for aviation purposes for a period in excess of ninety (90) days or not available for lease or sublease for aviation purposes, unless so authorized for nonaviation use by the Commissioners Court, must be removed after due notice to the owner in writing or the Commissioners Court will consider such structures or hangars abandoned and will seek title to such structure or hangar.

**C.** Leased land from which any building, hangar, or structure is removed, after due notice or expiration of the lease, will be cleared, cleaned, and put back in its original or acceptable condition.

**D.** Leased property on the Airport may be subleased by the leasee only with written approval of the Commissioners Court.

**E.** No hangar or structure may be erected within the building restriction line or in conflict with the approved Airport Layout Plan.

**F.** All construction must be authorized by the Commissioners Court. Furthermore, all structures must comply with any and all City/County building codes, any applicable airport compatible land use or zoning ordinances/orders, and the approved Airport Layout Plan.

**Rule 5. Lien for Charges** – To enforce the payment of any charges made for repairs, improvements, storage, or care of any personal property made or furnished by the County or its agents in connection with the operation of the Airport, the County may have a lien upon such personal property, which shall be enforceable as provided by law.

**Rule 6. Lien Possessory Right** – To enforce the payment of any such charge, the Director of Public Works may retain possession of such property until all reasonable, customary, and usual compensation has been paid in full.

**Rule 7. Unauthorized Signs and Equipment** – No signs, nonaeronautical equipment, portable buildings, or trailers may be erected, moved-in, or installed on the Airport property, except as may be specifically authorized by the Director of Public Works.

**Rule 8. Surreptitious Activities** – Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport attendant or local police.

**Rule 9. Wrecked Aircraft** – Every aircraft owner, his/her pilot, or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational area of the Airport, under the direction of the Airport attendant.

**Rule 10. Repairs to Aircraft** – No aircraft shall be repaired on any part of the landing or takeoff area. All outside repairs shall be made only at places designated by the Director of Public Works for such purpose. Major engine, airframe, or avionics repair shall be conducted by a properly licensed, paid mechanic within a hangar or building rented, leased, or owned for such commercial purposes. Any preventive maintenance authorized by FAR Part 43 may be made by the owner or operator of any aircraft, but only within a hangar leased or owned by that aircraft owner or operator or at places designated by the Director of Public Works for such purpose.

**Rule 11. Agricultural Spraying Operations** – Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the Director of Public Works and made known to all persons conducting agricultural spraying operations. Said operations shall be conducted on the designated airport areas, and shall not include reckless flying or careless chemical handling. Chemicals used in agricultural operations shall be dispersed, maintained, and stored and the dispensing area shall be cleaned with all empty chemical containers stored and promptly disposed of in accordance with the label directions. Washing of Ag aircraft and flushing of Ag aircraft spray tanks or hoppers will be accomplished in accordance with the standards of the Environmental Protection Agency and the Texas Natural Resource Conservation Commission in an area so designated by the Director of Public Works. Each Ag operator shall carry liability insurance in the amount of \$1,000,000 dollars, payable to the County for the cleanup of any hazardous chemical spills on Airport property caused by the Ag operator. Ag aircraft operators shall not exceed the maximum gross hopper weight stamped on the Ag aircraft's hopper by the aircraft manufacturer or listed in the aircraft's specifications. Ag aircraft shall not take off or land on the dirt or grass between the runway lights and the property line fence(s), nor take off or land down wind. Takeoff and landing procedures in accordance with Section 4, "Takeoff and Landing Rules" contained herein will be observed at all times. **NOTE:** Because of the hazard of such agricultural spraying operations, the Commissioners Court may require each agricultural spray operator to post a bond, the amount to be determined by the Commissioners Court considering the financial risk to which the County could be exposed by an Ag operator accident resulting in environmental damage, the number of Ag aircraft owned or leased and used by the Ag operator, etc.

**Rule 12. Damage to Airport** – Any person, individual, or corporation or the owner of any aircraft causing damage of any kind to the Airport, whether through violation of any of these rules, through vandalism, or any act of negligence, shall be liable therefor in and to the County.

**Rule 13. Injury to Person** – Persons entering upon the Airport ground side property by automobile, other vehicular conveyance, or pedestrian traffic (does not include persons in aircraft using approved air side facilities) do so at their own risk and with no liability incurring to the County for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all valid laws, resolutions, orders, rules, and regulations promulgated and enforced by the County or by any other Authority having jurisdiction over the conduct and operation of the Airport.

**Rule 14. Licensed Pilots** – Only properly registered aircraft and persons holding current airman and medical certificates issued by the FAA shall be authorized to operate aircraft upon the Airport except as provided in this Order. This limitation should not apply to students in training under licensed instructors nor to public aircraft of the Federal government or of a State, Territory, or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft. **Note:** Use of the Airport by ultralight aircraft shall be subject to approval by the Commissioners Court and shall be in accordance with FAR Part 13 and any other rules established by the County.

**Rule 15. Registration** – Each person owning an aircraft based at the Airport, employed, or receiving instructions at the Airport shall register at the Airport office, their name, address, telephone number, aircraft model, aircraft registration “N” number, and the name, address, and telephone number of their next of kin or person to be notified in case of an accident or emergency.

**Rule 16. Intoxicants and Narcotics Prohibited** – No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or fly in any aircraft upon or from the Airport. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

**Rule 17. Foreign Objects** – No foreign objects, including bottles, cans, scrap, nuts, bolts, nails, or any object that may cause damage to an aircraft, shall be left upon the floor of any building or upon any part of the surface area of the Airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

### **Section 3. Ground Operations**

**Rule 18. Air and Ground Traffic-Vehicular Traffic** – All vehicular traffic on the Airport shall be confined to streets, roads, and avenues of passage designated and provided for that purpose. Official vehicles only will be driven on the landing area. Such official vehicles will have a ground to air radio transceiver tuned to the local UNICOM frequency or Common Traffic Advisory Frequency (CTAF) and a flashing beacon light mounted on the roof of the vehicle or a checkered orange and white flag mounted on the front bumper of the vehicle. Special use of vehicles such as an ambulance, hearse, or delivery van may be driven on the apron with the permission

of the Airport attendant. An aircraft owner who rents, leases, or owns his/her private hangar may park his/her automobile in the hangar while on a trip in his/her aircraft.

### **Rule 19. Fueling of Aircraft**

**A.** Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place, except that an Ag spray aircraft on a fast turnaround may be fueled and loaded with chemicals with the aircraft engine idling if the Director of Public Works has provided written authority to the Ag operator, the pilot remains at the controls, the aircraft's wheels are chocked, there are at least two 20BC fire extinguishers within fifty (50) feet of the aircraft being serviced, and a qualified ground crew member is present during the fueling operation.

**B.** Prior to making any fuel connection to an aircraft, the fueling equipment (fuel pump, hydrant servicer, fuel truck) shall be bonded to the aircraft by use of a cable suitable for that purpose. The bond shall be made prior to fueling and maintained until fueling is completed and fuel connections have been removed. In addition, when fueling overwing, the fueling nozzle shall be bonded with a nozzle bond cable having a clip or a male plug to a metallic component of the aircraft that is metallically connected to the aircraft fuel tank filler port or a female receptacle designed to accommodate the male plug. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with a nozzle spout before removing the cap so as to equalize the static electrical potential between the nozzle and the filler port. The nozzle spout shall be kept in contact with the filler neck until the fueling is completed. When a funnel is used in aircraft fueling, it shall be kept in contact with the filler neck as well as the fuel spout or the fuel supply container to avoid the possibility of a spark at the fill opening. Only metal funnels shall be used for fueling. Bonding and fueling connections shall be disconnected in the reverse order of connection after fueling is completed.

**C.** Fueling trucks shall not be parked within any building or hangar or within fifty (50) feet of any building, hangar, or parked aircraft (the local Fire Marshal shall have final authority as to determining such distance). Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.

**D.** Aircraft fuel storage tanks for below-ground or above-ground use will be constructed and installed, registered as required, monitored for leakage, operated, and maintained in accordance with Federal and State statues, rules, and regulations promulgated by the United States Environmental Protection Agency and the Texas Commission on Environmental Quality.

**E.** Aviation or auto fuels shall not be stored within a hangar or building except in small quantities and in approved containers manufactured and marked for such purpose.

**F.** Persons or businesses wishing to supply or dispense aviation fuel for use in their privately owned aircraft shall not be denied; however, they must meet all requirements the County places on other fuel suppliers, public or private. Private fueling facilities located on leased or property private must be installed and the fuel dispensed in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.

**G.** Public sale of automobile gas for use in aircraft will not be permitted on the Airport without written approval of the Commissioners Court. Aircraft authorized by the FAA to use auto gas may be privately fueled by the owner in a location designated by the Director of Public Works in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.

**H.** All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane if aviation gasoline, plus the fuel I.D. number, and "NO SMOKING" signs. This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction on the ground.

**I.** All aircraft fueling, fuel equipment and procedures will be in accordance with Manual 407 "Aircraft Fuel Servicing, 1990," (or as revised) published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy MA 02269-9101.

#### **Rule 20. Tiedown of Aircraft**

**A.** All aircraft not hangared shall be tied down and the wheels chocked at night and during inclement weather.

**B.** All aircraft owners or their agents are responsible for the tiedown or security of their aircraft at all times and particularly during inclement weather.

**C.** Aircraft parked overnight on the transient apron shall pay a tie down fee of \$10.00 for each night, except that such fee may be waived upon purchase of fuel or services.

#### **Rule 21. Running Aircraft Engines**

**A.** Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.

**B.** No aircraft shall be hand propped, started, or left running without a qualified person at the controls.

**C.** No aircraft engine shall be started or run inside any building or hangar.

D. No engine shall be started, run up, or warmed up until and unless the aircraft is in such position that the propeller stream or jet blast will clear all buildings, other aircraft, and groups of people.

**Rule 22. Damage to Runway Lights** – Any person damaging any runway or taxiway light or fixture by operation of an aircraft, or otherwise, shall immediately report such damage to the Airport attendant. Persons causing damage to runway and taxiway lights as a result of negligent operation of an aircraft or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in Section 8 hereunder.

**Rule 23. Taxiing Aircraft**

A. No person shall taxi an aircraft until he/she has reasonably ascertained there will be no danger of collision with any person or object in the immediate area.

B. Aircraft will be taxied at a safe and prudent speed and in such manner as to be under the control of the pilot at all times.

C. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.

D. Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to take off or land will remain behind the runway holding position markings.

E. Aircraft shall not be taxied by engine power into or out of a hangar or T-hangar.

**Rule 24. Parking Aircraft**

A. Unoccupied aircraft shall not be parked or tied down within any protected area (object free area, safety area, etc.) as described in FAA AC 150/5300-13 and all aircraft not hangared shall be parked in the areas designated by the Director of Public Works for that purpose.

B. Aircraft shall not be parked within fifty (50) feet of an aircraft fuel pump or fuel service truck parking area.

C. Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport attendant as an emergency measure.

D. It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set and/or it is properly chocked and/or tied down.

**Rule 25. Loading/Unloading Aircraft** – Pilots are prohibited from loading or unloading aircraft with the engine running, except as stated in Rule 19. A. herein.

#### **Section 4. Takeoff and landing Rules**

**Rule 26. Authority to Suspend Operations** – The Director of Public Works may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety, provided operations under instrument meteorological conditions may be continued by properly instrument-rated pilots following appropriate flight rules.

**Rule 27. Clearing Street** – No aircraft shall land or take off in such a manner as to clear any public street or highway at an altitude of less than fifteen (15) feet, or seventeen (17) feet over an interstate highway, twenty-three (23) feet over a railroad, or twenty-seven (27) feet over a coastal waterway, or the clearance height of the tallest bridge over the water way, nor land or take off on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators.

**Rule 28. UNICOM** – If no UNICOM frequency is assigned to the airport, pilots of radio equipped aircraft taking off or landing at the Airport should report their traffic intentions on the MULTICOM Frequency 122.9.

#### **Rule 29. Emergency Locator Transmitter (ELT)**

A. Immediately after takeoff and after landing prior to engine shut down, pilots should tune their aircraft radios to the emergency frequency (121.5 or 243.0) and listen to determine if their aircraft's emergency locator transmitter (ELT) is broadcasting. If the ELT turned on and transmitted after a takeoff or landing, as soon as possible after turning it off, advise the FAA Automated Flight Service Station for the area at telephone 1-800-WX-BRIEF, that your ELT accidentally turned on at the approximate time and coordinates, if known, and the time and coordinates it was turned off.

B. If a pilot lands his/her aircraft at the Airport, parks and locks or hangars his/her aircraft with the ELT transmitting and the Airport attendant determines such has occurred, the Airport attendant shall take immediate action to telephone and/or locate the pilot of the Aircraft, advise him/her of the situation, and request that he/she return to the Airport immediately and turn off the ELT. Should the Airport attendant be unable to locate the pilot or if the pilot is unable to return to the Airport within a reasonable time to turn off the ELT, the Airport attendant,

accompanied by a local peace officer, a Civil Air Patrol officer, or an FAA representative, shall take the necessary action to turn off the ELT, provided the action does not result in damage to the aircraft. The aircraft owner shall be responsible for all charges associated with turning off the ELT.

**Rule 30. Takeoffs on Apron or Taxiways** – Takeoffs or landings shall not be made on the apron, parking ramp, or taxiway by fixed-wing, rotary-wing, or ultralight aircraft except by special permission of the Director of Public Works.

**Rule 31. Takeoffs Allowed** – Touch and go landings may be made at the discretion of the pilot. Pilots remaining in the pattern making touch and go landings should broadcast on the UNICOM or the Common Traffic Advisory Frequency (CTAF) their pattern turns and their touch and go intentions after turning final. All aircraft shall clear for landing and takeoff traffic before taxiing into takeoff position.

**Rule 32. Student Training and Practice Flying**

- A. Flight instructors shall inform students and themselves of all rules and regulations in effect at the Airport.
- B. By notice posted in the terminal building the Director of Public Works may designate limited areas of the Airport and local areas approved by the FAA for practice flying and training of students.
- C. Aircraft shall not be permitted to remain on the landing or takeoff areas for purpose of instruction.

**Rule 34. Special Procedures**

- A. The Director of Public Works may in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows, agricultural operations, gliders, ultralights, etc. Any such change from standard procedures shall be published in the FAA's Airport/Facility Directory if of a permanent nature or the Director of Public Works shall issue a NOTAM if such change is of a temporary nature.
- B. Parachute jumping on to the Airport property shall not be permitted without the written approval of the Nueces County Commissioners Court.

**Rule 35. Flying of Model Airplanes** – Engine powered model airplanes, cable or radio controlled, or model gliders shall not be permitted to operate, take off or be launched from, flown over, flown in the terminal area of, or land at the Airport.

## **Section 5. Fire Regulations**

### **Rule 36. Applicable Rules**

- A.** Every person going upon or using the Airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.
- B.** Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.
- C.** Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Director of Public Works.
- D.** No flammable substance shall be used for the cleaning of any aircraft part or other thing inside a hangar, T-hangar, or other building upon the Airport.
- E.** No one shall smoke or ignite a match or lighter in any building or hangar.
- F.** Hangar entrances shall be kept clear at all times.
- G.** The floors in all buildings shall be kept clean and free of oil. Volatile, flammable substances shall not be used for cleaning the floors.
- H.** No boxes, crates, cans, bottles, paper, tall grass, weeds, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a private owned, rented, or leased hangar/building, the Director of Public Works will notify the hangar/building owner, renter, or lessee by registered letter to remove the offending litter. If within ten (10) days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Director of Public Works may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.
- I.** Prior to the fueling of any aircraft, the aircraft shall be bonded to the fuel pump or hydrant service/fuel to equalize the static electrical potential between the fueler and the aircraft. Bonding shall be accomplished in the interest of fire safety as described in Section 3, Rule 19. B.
- J.** A sufficient number, rating, and size of fire extinguishers shall be available whenever aircraft are being fueled.
- K.** Aircraft fuel service trucks shall have a minimum of two 20BC fire extinguishers located at the rear of and on each side of such truck.
- L.** Aircraft fuel service trucks shall have an "Emergency Cut-Off" valve which shall be available be identified and painted red.

**M.** All aviation fuel nozzles shall have “dead man” controls which will shut off the fuel flow when the nozzle hand control is released. Nozzles with mechanical hold open devices will not be permitted for fueling aircraft.

**N.** The pilot and passengers will exit the aircraft and the aircraft will be unoccupied during fueling operations, except as provided in Section 3, Rule 19. A.

**O.** In all matters related to aircraft fueling safety, the provisions of the National Fire Protection Association (NFPA), Manual 407 “Aircraft Fuel Servicing, 1990” or as revised, available from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy MA 02269-9101, shall prevail.

**Section 6. Knowledge of Rules Implied** – By publication and adoption of this Order, all persons shall be deemed to have knowledge of its contents. However, the Director of Public Works is directed to have copies of the Order printed and posted where appropriate. Copies shall be available at all times in the Airport terminal, and copies shall be furnished to all owners and operators of aircraft based at the Airport.


**Section 7. Conflict of Rules and Regulations** – If and where there are conflicts in the rules and regulations prescribed herein and the FAA’s Federal Aviation Regulations (FAR), the latter shall prevail. If and where there exists a conflict between any of the rules or regulations prescribed herein and any other County rules applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

**Section 8. Penalty for Violation** – The Director of Public Works may deny use of the Airport for a period not exceeding fifteen (15) days for any person violating or refusing to comply with any of the rules or regulations prescribed herein pending a hearing by the Commissioners Court. Upon such hearing, such person may be deprived of the further use of the Airport and its facilities for a period of time as may appear necessary for the protection of life and property. Any violation of this Order shall be a misdemeanor, and upon conviction, be punishable by a fine not exceeding two-hundred (\$200) dollars, and each day a violation continues to exist shall constitute a separate offense. This section is cumulative of all other penalties for violation of Federal, State, and local laws, rules, regulations, ordinances, and orders. Citation for violation or issuance of a violation ticket of any of the rules and regulations prescribed herein may be made by any authorized police officer. The Director of Public Works or Commissioners Court may request authorized police officers to investigate any suspected violation of these rules.

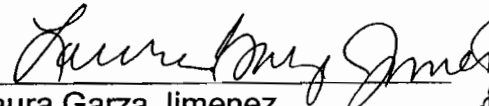
**Section 9. Severability** – If any of the provisions of this Order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Order which can be given effect without the invalid provision or application, and to this end the provisions of this Order are declared to be severable.

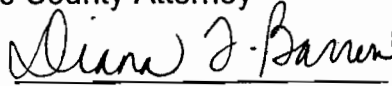
EXECUTED by a vote of the Commissioners Court of the County of Nueces,  
Texas on the 17th day of April, 2007.

NUECES COUNTY, TEXAS

By:   
Samuel L. Neal, Jr., County Judge

Approved as to Form:

  
Laura Garza Jimenez  
Nueces County Attorney

Attest:   
Diana Barrera  
Nueces County Clerk  
Rev. 4/2/07

