

CITY OF DAYTON, OHIO

JAMES M. COX DAYTON INTERNATIONAL AIRPORT (DAY)



RULES AND REGULATIONS

ADOPTED OCTOBER 4, 2017

# JAMES M. COX DAYTON INTERNATIONAL AIRPORT (DAY)

## RULES & REGULATIONS

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## PURPOSE

The purpose of this Rules and Regulations Document (“Rules and Regulations”), and any amendments thereto, is to protect the public health, safety, interest and general welfare on the James M. Cox Dayton International Airport (Airport) and to restrict or prevent any activity or action which would interfere with the safe, orderly, and efficient use of the Airport by its passengers, operators, tenants, and users.

The objective of this Rules and Regulations document is to promote the safe and efficient use of the Airport Facilities. The Rules and Regulations apply to activities, operation, maintenance, and use of James M. Cox Dayton International Airport. Copies can be obtained online at the Airport’s website [www.flydayton.com](http://www.flydayton.com) or during normal business hours at the Airport Administration Offices located in the Dayton International Airport at 3600 Terminal Drive, Vandalia, OH 45377. Please contact the Administration Offices in advance at (937) 454-8200 to request a copy. Every Person and entity doing business at the Airport is responsible for maintaining a current knowledge of and complying with the Rules and Regulations.

## AUTHORITY

These Airport Rules and Regulations are established under the authority contained in Section 37.05 of the City of Dayton Revised Code of General Ordinances, which empowers the Director of Aviation to make rules and regulations of the Airport.

Sec.37.05 Rules and regulations of the airport.

It shall be the duty of the Director of Aviation and he shall have power, subject to the approval of the City Commission, to make rules and regulations for the management, maintenance, and operation of the James M. Cox Dayton International Airport, and other airports under the control of the department, for controlling landings, take-offs, and flights at the airports and while flying within three miles horizontally of the centers thereof, for qualifying users of the airports and establishing just and equitable rates, charges, permits, and landing fees to be paid by them for such privileges or uses. These rules and regulations shall be in force and effect immediately upon being approved by the Commission, which approval shall be made by motion and shall be entered upon the minutes of the Commission but need not be published.

(Ord. 19299, passed 5-13-59; Am. Ord. 27026, passed 7-3-84)

### Authority of the Director of Aviation

The Director of Aviation is authorized to enforce these Rules and Regulations as required to assure the convenience and safety of the traveling public and others using the Airport. In addition to these Rules and Regulations, the Director of Aviation is empowered to issue other guidelines, make rules and render decisions, to ensure the safety and well-being of Airport users or as otherwise determined to be in the best interest of the Airport. In the event that an interpretation of any provision of these Rules and Regulations is required, the Director of Aviation shall render such interpretation. The Director of Aviation may prohibit use of the Airport or any part thereof by any Person in violation of these Rules and Regulations. The Director of Aviation may use any legal remedy or recourse to aid the enforcement of the provisions contained in these Rules and Regulations.

### No Pre-emption

To the extent of any conflict between these Rules and Regulations and any federal, state, and local statutes, ordinances, policies and procedures, these Rules and Regulations will be subordinate to such other laws and policies.

It is not the intent of these Rules and Regulations to excuse any entity from the performance of any obligation it may have under any agreement or permit with the City of Dayton and/or Airport, whether the agreement or permit is in existence on the date of adoption of these Rules and Regulations or entered into at any time thereafter. Tenant agreements or permits with the Airport may include additional requirements and/or cover these Rules and Regulations in further detail.

### COMPLIANCE

Every Person and entity doing business at the Airport is responsible for maintaining a current knowledge of and complying at all times with the Rules and Regulations and companion documents referred to in this document. Any Person accessing or using the Airport shall be responsible for their actions and all actions of any Person to whom they provide or facilitate access, whether directly or indirectly.

### Enforcement

These Rules and Regulations, as well as all applicable state laws and city ordinances shall be enforced at the Airport by the Director of Aviation, including his or her designee, Airport Operations, and Law Enforcement Officers appointed pursuant to law. The Fire Division is authorized to enforce all fire and hazardous materials related regulatory measures.

### Violations

The Airport may remove or evict from the Airport any Person who violates any rule or regulation prescribed herein, or any rule or regulation by federal, state, or local government. Any Person who violates the provisions of these Rules and Regulations may also be liable for payment of a civil penalty, fine and/or other action by the City of Dayton, in addition to any and all other remedies available to the Airport in equity and law. Violations to the Airport Security Program will be administered pursuant to the ASP. Violations by Persons with an Airport-issued identification badge may be subject to suspension or revocation of their identification badge.

### Hearing before the Director of Aviation

Appeals or resolution processes other than those regulated by applicable law will be heard by the Director of Aviation as provided for in Appendix A.

### DEVIATIONS

The Director of Aviation may authorize deviations from the Rules and Regulations when necessary to maintain established standards of operational safety and airport security, or in contingency situations affecting life or property in areas under the jurisdiction of the Department of Aviation.

CHANGES TO RULES AND REGULATIONS

The Rules and Regulations may be changed by the Director of Aviation, subject to approval of the Commission of the City of Dayton, which approval shall be made by motion and shall be entered upon the minutes of the Commission.

NO ACTUAL OR IMPLIED CONTRACT

These Rules and Regulations do not create an actual or implied contract between the City and/or Airport and any Person, including without limitation, employees, vendors, service providers, tenants, Airport users, or any other entity or Person with respect to any manner or issue.

NONDISCRIMINATION

Every Person and entity shall comply with all federal requirements imposed pursuant to nondiscrimination in federally assisted programs of the United States Department of Transportation.

VALIDITY OF EACH SECTION INDEPENDENT

In case any section or sections or part of any section of these Rules and Regulations shall be found invalid for any reason, the remainder shall not be invalidated, but in accordance with the intention hereby expressed, shall remain in full force and effect, all parts being hereby declared separable and independent of all others.



DEFINITIONS

Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the following terms used in these Rules and Regulations shall have the following definitions, whether or not such terms are capitalized. Any terms not defined in this chapter shall have the meaning set forth in applicable federal, state, and local laws.

**AIR OPERATIONS AREA (AOA)** – The Air Operations Area is all Airport areas where Aircraft can operate, either under its own power or while being towed, including runways, taxiways, and apron areas.

**AIRCRAFT** – Aircraft shall mean any contrivance now known or hereafter designated, invented, or used for powered or non-powered flight in the air.

**AIRPORT** – Airport shall mean the James M. Cox Dayton International Airport including all land, buildings, improvements and infrastructure within its borders. Airport shall also mean the Administration office thereof.

**AIRPORT EMERGENCY PLAN (AEP)** – Airport Emergency Plan is the procedures, programs and rules established, implemented and maintained by the Airport that governs actions during an emergency or disaster.

**AIRPORT SECURITY PROGRAM (ASP)** – Airport Security Program is the procedures, programs and rules established, implemented and maintained for security purposes of the Airport pursuant to rules and regulations of the Transportation Security Administration. Violations of the Airport Security Program are enforceable by the Airport pursuant to the ASP and these Rules and Regulations.

**CITY** – City shall mean the City of Dayton, Ohio.

**COMMERCIAL** - Commercial shall mean that which relates to the exchange, trading, buying, hiring, advertising, solicitation, promotion or selling of commodities, goods, services, information or tangible or intangible property of any kind, or any revenue-producing activity at the Airport.

**CONCESSIONAIRE** – Concessionaire shall mean a business entity with an active agreement paying the Airport either a percentage of revenue, a fixed sum, or other amount or fee for the privilege of conducting business at the Airport.

**DEPARTMENT OF HOMELAND SECURITY (DHS)** – The Department of Homeland Security is a cabinet department within the United States federal government and includes the Transportation Security Administration (TSA).

**DEPUTY DIRECTOR** – Deputy Director shall mean the Person designated as the Deputy Director employed by the City, and acting under the direction of the Director, or his or her designee.

**DIRECTOR** – Director shall mean the Director of Aviation employed by the City or, in his or her absence, the Deputy Director.

FEDERAL AVIATION ADMINISTRATION (FAA) – The Federal Aviation Administration is the federal agency within the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation, or such other governmental agency which may be successor thereto.

FIXED BASE OPERATOR (FBO) – Fixed Base Operator means a firm or Person, subject to the provisions of an agreement or permit, which provides commercial aeronautical services such as fueling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, etc.

HANDBILL – Handbill, as defined by the City of Dayton, Ohio, Revised Code of General Ordinances, Section 98.01, means any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed matter of literature which is not delivered by United States mail, including but not limited to items such as: (1) Items which advertise for sale any merchandise, product, commodity, or thing; (2) Items which direct attention to any business, mercantile, or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest thereof by sales; or (3) Items which direct attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind for which an admission fee is charged for the purpose of private gain or profit.

MOVEMENT AREA – Movement Area includes the runways, taxiways and other areas of the AOA under the control of the air traffic control tower, exclusive of loading ramps and Aircraft parking areas.

NON-MOVEMENT AREA – Non-movement area includes the taxilanes, aprons and other areas of the AOA not under the control of the air traffic control tower.

NFPA – NFPA shall mean the National Fire Protection Association.

NTSB – NTSB shall mean the National Transportation Safety Board.

PERSON – Person shall mean any individual, firm, partnership, corporation, company, Limited Liability Company, Limited Liability Partnership, association, joint stock association, governmental entity or other body politic; and includes any trustee, receiver, committee, assignee or other representative or employee thereof.

REVISED CODE OF GENERAL ORDINANCES – Revised Code of General Ordinances (R.C.G.O. or the “Code”) is the body of laws passed by the Commission of the City of Dayton, Ohio.

RULES AND REGULATIONS – Rules and Regulations shall mean these Rules and Regulations developed by the Airport that govern Airport operations, including any future amendments or supplements to the existing document.

SECURITY IDENTIFICATION DISPLAY AREA (SIDA) – Security Identification Display Area (SIDA) shall mean the area, as delineated in the Airport Security Program, where Persons are required to continuously display an Airport-issued identification badge or are under an Airport-approved escort.

SOLICIT – Solicit, as defined by the City of Dayton Revised Code of General Ordinances Section 137.14 and for the purposes of that chapter, shall include, without limitation, the spoken, written, or printed

word or such other acts of bodily gestures as are conducted in furtherance of the purposes of immediately obtaining money or any other thing of value.

**STERILE AREA** – Sterile Area is that portion of the Airport as defined in the Airport Security Program access to which is generally controlled by the Transportation Security Administration through the screening of Persons and belongings in accordance with federally required and approved security procedures and programs.

**TRANSPORTATION NETWORK COMPANY** – Transportation Network Company shall mean a company, including participating drivers, that uses an on-line enabled platform to connect passengers with drivers, whether the service is referred to as ride-sharing, ride-booking, for-hire car service, or some other term.

**TRANSPORTATION SECURITY ADMINISTRATION (TSA)** - The Transportation Security Administration is the federal agency within the Department of Homeland Security, and any federal agency succeeding to its duties and powers.

### GENERAL REGULATIONS

Any permission granted by the Airport, 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.

Any permission granted by the Airport under these Rules and Regulations is conditioned upon the payment of any and all applicable fees and charges established by the Airport.

All permits and badges issued by the Airport are the property of the Airport and such permits, badges, and all other endorsements and authorizations included therein are subject to revocation by the Director.

Notwithstanding the foregoing provisions of this Chapter, these Rules and Regulations shall not prevent the exercise of rights expressly granted by the Airport in written agreements or permits between the Airport and the Person to whom such rights have been granted.

### AIRPORT EMERGENCY PROCEDURES

When an emergency exists 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 Director shall have the authority 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 Director 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.

### PERSONAL CONDUCT

#### *Compliance with Signs*

All Persons shall observe and obey all posted signs, fences, and barricades prohibiting entry upon the Airport Operations Area, Movement Areas, Secured Areas, 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.

#### *Non-Interference with Airport Operations or Use*

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.

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.

It shall be unlawful for any Person to refuse or fail to leave any portion of a building at the Airport, including the Terminal Complex, during those hours of the day or night when that portion of the building is regularly closed to the public upon being requested to do so by a Law Enforcement Officer or authorized Airport staff, except when such Person is pursuing lawful business authorized by the Airport at such building.

#### Assumption of Risk

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 comply with these Rules and Regulations.

#### Dogs and Other Animals

##### General Regulations

No Person shall enter any part of the Airport with an animal, other than a designated service animal, unless such animal is kept restrained by a leash or is so confined as to be completely under control. 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 Airport in cleaning up after such animal.

No Person shall hunt, pursue, trap, catch, injure or kill any animal on the Airport unless authorized by the Airport.

No Person shall feed or do any other act to encourage the congregation of birds, rodents or other animals on the Airport.

##### Terminal Regulations

No Person shall enter any building within the Terminal Complex with an 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 other than (1) a hearing, visually impaired or physically disabled Person or other Person with a certified service animal, or (2) guard and search dogs under the control of authorized handlers and present at the Airport as authorized and approved by the Airport Police. Pets including dogs, cats, fish and other domesticated animals are not permitted in offices or other areas leased from the Airport.

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 Complex or any other Airport property, except in such areas as are designated as animal relief areas. A designated animal relief area is provided on the south end of the front of the terminal. Animal owners are responsible for the immediate removal and proper disposal of animal waste.

Commercial Activity

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, agreement, lease, permit, license or other form of written authorization therefore from the Airport. Persons seeking such authorization must contact the Airport Administration Offices.

Polls, Questionnaires and Surveys

Polls, questionnaires, or surveys may not be conducted on the Airport without first obtaining written permission from Airport Administration.

Movement Areas and Air Operations Areas

No Person may, without the prior authorization of Airport Operations (and in the case of any Movement Area, without also obtaining the consent of the Air Traffic Control Tower), enter the Air Operations Area, 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, 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 Air Operations Areas are regulated by these Rules and Regulations and the Airport Certification Manual as may be modified from time to time.

Firearms, Handguns and other Deadly Weapons

Except for Law Enforcement Officers, Federal Air Marshals, Federal Flight Deck Officers, other peace officers, or members of an armed force of the United States on official duty, no Person may carry a firearm beyond any area of the Airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access has been restricted through security measures by the Airport or other public agency.

Except for Law Enforcement Officers, Federal Air Marshals, Federal Flight Deck Officers, other peace officers, or an active duty member of the armed forces of the United States in possession of a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division (G)(1) of section 2923.126, and individuals possessing a valid concealed handgun license, no Person may carry a concealed handgun in any area of the Airport passenger terminal.

Except as authorized above, no Person may carry a deadly weapon in any area of the Airport passenger terminal.

For the purposes of these Rules and Regulations the terms “concealed handgun license”, “deadly weapon”, “firearm”, and “handgun” shall have the same meanings as stated in Ohio Revised Code § 2923.11.

However, no Person shall be prohibited from bringing any legal, unloaded firearm into the landside of the Airport passenger terminal for the purpose of checking such firearm with an airline to be lawfully transported on an Aircraft as cargo or checked baggage. Such firearm must be unloaded and properly encased for shipment as may be required by the airline and the TSA.

No Person shall discharge any firearm or deadly weapon on Airport property except in the performance of his or her official duties requiring the discharge thereof.

No Person shall furnish, give, sell or trade any firearm or deadly weapon on the Airport.

Upon request of a Law Enforcement Officer, deadly weapons that are carried by unauthorized individuals but not intended for transport shall be removed from the Airport passenger terminal or placed in custody of law enforcement.

#### Preservation of Property

No Person may destroy, injure, damage, 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 Airport Operations at (937) 776-2194, and upon demand of the Director, shall reimburse the Airport for the full amount of the damage plus the Airport’s costs and attorney’s fees.

No Person shall travel upon the Airport other than on roads, sidewalks, or other rights-of-way provided for such specific purpose, unless duly authorized by Airport Operations or otherwise in the performance of his or her official duties. Nothing, including vehicles or objects, shall block any designated road or sidewalk unless required for safety, maintenance, or other operational need.

No Person shall alter, add to, or erect any building or sign or make any excavation on the Airport without obtaining all applicable permits from the Airport.

No Person shall take or use any Aircraft, Aircraft parts, instruments, tools owned, controlled, or operated by any Person while on the Airport or within its hangars, except with the written consent of the owner or operator thereof.

No individual or group shall prevent the lawful use and enjoyment of the Airport by others. Any activity which results in littering, environmental pollution, or vandalism on the Airport is not permitted and violators are subject to arrest. Prosecution and fines are determined by applicable law. Any individual or group observing damage, destruction or disturbance on the Airport should contact Airport Operations at (937) 776-2194.

Cost Recovery for Property Damage and Personal Injury

The Airport shall recover expenses incurred from any Person causing injury or property damage of any kind. The liable party will be billed for charges to repair Airport property damage including the cost of labor. Payment will be guided by standard accounting procedures.

Photography and Filming

No Person except representatives of the media during official assignments shall take still, motion, or sound motion pictures or sound recordings, recording of voices or otherwise for Commercial purposes on the Airport without permission of the Director. A Person seeking permission must first provide a written request to Airport Administration including the name of the organization, point of contact with telephone numbers, the dates and times requested for such filming or recording, the requested location of the filming or recording and the purpose of the filming or recording. Upon approval by the Director, the organization will be required to complete a location release form. Certain areas of the Airport are not permitted for filming or recording. Filming including but not limited to the following activities will not be allowed: auto/stunt driving, physical fighting/weapons, sexually explicit behavior or otherwise offensive or dangerous behavior, open flames, pyrotechnics, fireworks or smoke effects.

Alcoholic Beverages

No Person shall consume alcoholic beverages or carry or possess an open container of alcoholic beverages in any area of the Airport other than within the leased premises of a tenant authorized to sell or serve alcohol within its leased premises.

Wheelchairs/Luggage Carts/Electric Carts

Airport tenants who supply wheelchairs to their customers are responsible for ensuring that they are stored in designated areas when not in use and are not left unattended around the premises. Tenants may be subject to a charge if Airport employees must retrieve and return their unattended wheelchairs. The pre-staging of wheelchairs outside of a gate for a near-term inbound arrival with a wheelchair request is permissible.

Luggage carts offered throughout the Terminal Complex and other locations on the Airport are to be used solely by the traveling public for transporting luggage and other personal items. Tenants and other Persons engaged in the operation of a business or performance of any construction work at the Airport shall neither use the luggage carts for business purposes nor keep a luggage cart in a leased area or work area for any reason.

The use of electric carts in the Terminal Complex is not permitted without the prior permission of Airport Operations.

Cleanliness of Airport, Litter and Refuse

Tenants shall refer to their agreement or permit for details regarding the maintenance and cleaning services that the Airport provides, and those tasks for which the tenant is responsible. Leased areas may be periodically inspected by Airport representatives to determine the acceptability, cleanliness, and



general upkeep. Discrepancies will be noted and along with any corrective measures required of the tenant.

No Person shall place any solids in, floor drains, manholes, storm water drains or sewer connections. Guidelines for the disposal of fat, oil and grease generated at the Airport by food and beverage Concessionaires is provided in Chapter 8.

Foreign Object Debris (FOD) containers shall be used only for disposal of foreign object debris found on the airfield.

#### No Lodging

Due to the physical limitations of the Terminal Complex, 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, unless the following occurs: (a) the Person has arrived at, is in transit through, or will be departing from the Airport as an airline passenger within twelve (12) hours, as evidenced by a valid travel itinerary, ticket, or boarding pass matching the Person's valid identification; or (b) the Person is awaiting the arrival of an airline passenger due to arrive within two (2) hours or the arrival of an airline passenger on a flight that has been unexpectedly delayed or cancelled and the passenger is expected to arrive within four (4) hours, as evidenced by flight information verifiable with the Airport. Behavior warranting a brief investigative detention to determine whether an individual is violating this Chapter shall include, but not be limited to, both sleeping in the Terminal Complex and/or remaining in the Terminal Complex for more than one (1) hour between the hours of 9:00 p.m. and 4:00 a.m. Notwithstanding this prohibition on lodging, the 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.

Any Persons remaining within the Sterile Area of the Terminal Complex upon such time as the Sterile Area is closed and secured for the day will be required to exit the Sterile Area and wait in the main lobby of the Terminal Complex.

#### No Loitering

Due to the physical limitations of the Terminal Complex, 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 chapter.

#### LOST AND FOUND AND ABANDONED PROPERTY

Any Person finding a lost, misplaced, or abandoned article in the public area shall turn it in to the Lost and Found Office of the Airport Police or to an Airport representative. Lost articles will be logged and

secured by the Lost and Found Office. Persons seeking lost items can reclaim them at the Lost and Found Office. Items left unclaimed for ninety (90) or more days may be donated as provided for in City of Dayton Ordinance 31289-14.

Commercial aviation operators or other Airport tenants may maintain “lost and found” services for property of their patrons, invitees or employees in accordance with the provisions of applicable Ohio law.

No Person shall abandon any personal property on the Airport. Any Person that violates this chapter shall be obligated, upon demand of the Director, to reimburse the Airport for all costs and expenses incurred in disposing of such abandoned property, including attorney’s fees, in addition to any applicable penalties.

#### PROHIBITION OF SMOKING

In accordance with City of Dayton policy number HR 2.09, all city buildings, including the Airport Terminal Complex, are designated as non-smoking and tobacco-free. Smoking generally means inhaling, exhaling, burning, vaporizing or carrying any lighted cigar, cigarette, and e-cigarette or pipe. Smoking is only permitted in areas specifically designated and posted as being a smoking area. At the Airport, the designated areas are twenty-five (25) feet away from the Airport public entrances. A minimum of twenty-five (25) feet must be maintained from any entrance, door, window or source of facility ventilation from all other entrances.

Smoking disposal urns have been provided and Persons utilizing the designated smoking area should properly dispose of smoking waste in the urns provided.

Smoking and tobacco use is prohibited in all “places of employment” including buildings, storage areas, restrooms, stairwells and hallways, warehouses, and garages. Employees may not smoke in any area within twenty-five (25) feet of any entrance or exit to their place of employment.

Smoking is strictly prohibited while fueling Aircraft. No smoking is permitted in the Air Operations Area including within any vehicles or equipment being operated within the AOA.

#### RADIO AND WIRELESS COMMUNICATIONS

Prior to any equipment installation and system startup, any use of a radio frequency spectrum shall be reviewed by Airport Operations. Airport Operations must approve the placement of any equipment, including antennas.

Tenants shall operate any and all of their communications equipment (wired or wireless) in a manner that will not cause interference with operations of the Airport. Upon notification from the Airport, the FAA, the Airport Police or Fire Division of any interference caused by operator or lessee, tenant shall cease all communications operations, transmissions, and uses on the Airport. Tenant may not resume communications until the Airport has so notified the user.

All systems and equipment shall be compliant with all applicable federal, state, local, and Airport regulations. Operators are required to hold a valid license from the Federal Communications Commission (FCC) for the right to use the radio frequency spectrum.

The Airport retains the right to terminate the use of a radio frequency system or interfering equipment if it impacts Airport operations or services.

#### SOCIAL MEDIA

The Airport will utilize social media to share important or helpful Airport information with users of the Airport in accordance with the Social Media Policy of the City of Dayton. City staff maintains and monitors the City's social media platforms including but not limited to Facebook, Twitter, YouTube, Google+, LinkedIn, Pinterest, SlideShare, Instagram and Nextdoor for Cities. The City may utilize data mining techniques for social media to monitor postings related to the Airport.

#### COOKING APPLIANCES

Tenants and their employees are prohibited from placing and operating barbeque grills and other similar appliances (including deep fat fryers) on the AOA or in break areas. Barbeque grills are permitted to be used outside in limited non-AOA areas so long as the grill is at least five (5) feet away from any structure or overhang. Microwave ovens and other reasonable cooking appliances (electric skillets, crock pots, etc.), monitored by the tenant, are the only permissible personal cooking appliances allowed for use by tenant employees. These appliances are to be used in designated break areas only and the tenant is solely responsible for their safe operation.

Permission may be granted to tenants for special events involving barbeque grills. These special events are to be limited to company-wide activities that include employee recognition, specific company-based milestones, or charitable fund-raising activities. Such special events should include the attendance of tenant leadership. To request permission, tenants must submit a written request at least two weeks in advance to Airport Administration. The request will specify the nature of the event and the proposed date, time, and location. Advanced written permission is required prior to the event and approval will be provided in a timely manner. All tenant requests will conform to the following criteria:

- Events will occur at a specially designated location as determined by the Airport. Event activities will occur outside the view of Airport customers and will not impact regular Airport operations.
- No permanent or long-term storage of any barbeque grill is allowed on the ramp.
- Barbeque grills and other supplies may be transported to the designated location two hours before the start time for the event, unless otherwise requested and approved. All barbeque grills, supplies, and debris are to be removed from the designated location within ninety minutes after the event ends.
- At least one 20# ABC fire extinguisher and a water source (hose or water bucket) will be kept at the designated location during the event.
- Additional requirements and restrictions may be set based on the type of event according to the discretion of the Airport.
- The Airport reserves the right to change details of the special event or rescind permission at any time based on operational or safety requirements of the Airport.

#### SPECIAL EVENTS

Special events require coordination, regulation, and authorization of the Airport. Persons or organizations wishing to hold a special event must submit a written request to the Airport

Administration Offices. Certain activities shall require an executed lease, operating agreement or permit with the Airport. The Airport reserves the right to decline events or activities that will interfere with operations or intended use of its property.

#### USE OF THE MEDITATION ROOM

A meditation room is available to passengers, visitors and employees of the Airport. The meditation room is provided as a place for quiet reflection and meditative activities. The meditation room shall not be used for lodging or sleeping purposes. Food and/or beverages are not permitted in the meditation room. Incense, candles, or other incendiary devices are not permitted for use in the meditation room unless approved in advance by the Airport Director. Individuals are expected to be respectful of others utilizing the meditation room. Violations of any of these provisions by any individual may result in termination of use by the Airport Director.

#### USE OF THE BUSINESS TRAVELERS CENTER

A Business Travelers Center is provided in the Airport as a complimentary service. The purpose of the center is to provide a quiet, business respite area for travelers arriving or departing the Airport. Use of the center is available to all travelers in need of a quiet place to conduct business with priority, based on available space, to business partners, members of an Airline Club and military personnel. The center is intended for business purposes and loud, boisterous activities are not permitted in the center.

## SAFETY

All Persons using the Airport or the facilities of the Airport shall exercise reasonable and prudent safety measures to protect against injury to Persons and property.

### *Airport Wide Directives*

Safety of Persons and Aircraft utilizing the Airport is of the utmost importance. The Airport reserves the right, as it determines necessary, to issue Airport wide directives or standards addressing safety concerns identified by the Airport. Upon issuance and to the fullest extent permitted by applicable law, each Person using the Airport, occupying space at the Airport or conducting approved activities at the Airport shall comply fully with such directives or standards. Such directives or standards may be temporary or permanent in nature as determined necessary by the Airport.

## SECURITY

The Airport is subject to regulation by the TSA with respect to security matters and, in compliance with applicable law, has developed and adopted the Airport Security Program. The Director, acting through the Airport Security Coordinator may amend the Airport Security Program from time to time, and the 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 the TSA, including the provisions of Title 49 CFR Parts 1540, 1542, and 1544, and all applicable local, state and federal laws, as well as applicable provisions of the Airport Security Program (collectively, "Security Regulations").

Any Person who violates or fails to comply with the Security Regulations, or with any security directives, shall be subject to the provisions of the Airport Security Program, including potential revocation of that Person's Airport-issued identification badge and unescorted access privileges, and the employer of such Person may also be subject to penalties under the ASP and these Rules and Regulations.

Any Person causing or responsible for any security violation which results in the imposition of a monetary penalty upon the Airport shall reimburse the Airport for the full amount of the penalty and the Airport's costs, expenses and attorneys' fees arising out of such security violation.

### *Role of the Transportation Security Administration*

The TSA is responsible for checkpoint security screening, including passengers, employees and baggage, at the Airport. The Airport will work closely with the TSA and Airport tenants to promote a secure environment. The TSA is also responsible for the issuance of Airport Security Regulations and Airport Security Directives and the oversight of such regulations and directives.

Secured Areas (SIDA and AOA) and Sterile Area

Only Persons directly engaging in work or an aviation activity that must be accomplished therein, having prior authorization of the Airport through its access control program, under appropriate escort, employed by or representing the FAA, TSA, or DHS on official duty, and passengers under appropriate supervision or entering the apron area for the purposes of enplaning and deplaning shall enter any Secured Area.

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 Director. Further, all Persons who are granted an Airport-issued identification badge and access control media shall be subject to search of their Person or accessible property while on Airport property.

Any unauthorized Person discovered in a Secured Area may be detained and/or removed by Airport Police. Any unauthorized vehicle or equipment discovered in a Secured Area may be removed by the Airport at the expense of the owner.

Identification Badges and Badging Procedures

The Badging Office of the Dayton Airport Police Division issues Airport identification/access badges, provides fingerprinting services for the purpose of obtaining criminal history records, and submits biographical information for the TSA-required security threat assessment for qualified applicants. The primary responsibility for controlling and returning Airport-issued identification badges rests with the designated company authorized signatory. The Airport has established an approved fee structure for badging services. Fees are non-refundable unless noted otherwise.

The following individuals are required to obtain Airport identification/access badges to conduct approved activities on Airport Property:

- All employees working in the Terminal Complex including employees of the Airport, Airlines, Concessionaires, Rental Car Operators, FAA, TSA, LEOs
- Contractors or Construction Project Employees
- All Fixed Based Operator employees and general aviation hangar tenants
- Any other airport tenants with access to a Secured Area or AOA
- Ground transportation drivers including off-airport car rental shuttle drivers, off-airport parking operator drivers, off-airport hotel/hotel shuttle drivers, taxicab drivers and Transportation Network Company drivers.
- Any other individuals with a Commercial interest at the Airport.

In order to obtain an Airport-issued identification badge/access control media, the Person and the applicable approved signatory shall complete an application form which includes the type of badge requested and access points required for the individual's duties. The Person is required to undergo the applicable security training and any required recurrent training. The Airport Police will review the application for completeness and appropriateness of the requested access.

Once issued, all Airport-issued identification badges must be used for an official business purpose only and in accordance with all applicable TSA regulations, the Airport Security Program and any applicable training provided to the employee when the badge was most-recently issued, along with any updated

requirements related thereto as provided by the Airport. The Airport Security Coordinator 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 the ASP and/or these Rules and Regulations. The Airport Security Coordinator may review with the approved signatory what is deemed an official business purpose.

Airport-issued identification badges are prohibited from being used to provide personal access to otherwise inaccessible areas or to bypass or otherwise circumvent Airport and/or airline security procedures.

Any Person with an Airport-issued identification badge must comply with all federal, state and local laws and regulations, including these Rules and Regulations, and any and all requirements of any applicable agreement or permit. Failure to so comply shall lead to disciplinary action and may include Airport-issued identification badge revocation pursuant to the ASP and these Rules and Regulations.

Any Person with an Airport-issued identification badge shall be required to update the Badging Office of any changes to their personal information included on their application for the Airport-issued identification badge (including any such changes to their personal address) within thirty (30) days after such change. Any Person with an Airport-issued identification badge who is convicted of a disqualifying offense as defined in the Airport Security Program must notify the Badging Office within twenty-four (24) hours of conviction as required in the ASP.

#### Security Gates/Vehicle Access Requirements

Persons who enter the AOA through a vehicle access gate that they have been authorized to use must remain at the gate until it is fully closed to keep unauthorized Persons from driving through. Any Persons escorting other vehicles into and out of the AOA or a Secured Area must follow the approved escort procedures as outlined in the Airport Security Program and AOA drivers training. Drivers should make sure the driver of another vehicle behind them at a vehicle access gate has utilized their access control media and the gate has begun to reopen before leaving the gate. Drivers leaving the AOA are responsible for ensuring that the gate is closed before driving away. All Persons and vehicles entering the AOA are subject to search.

#### Tenant Responsibilities/Access Control Media

The Airport controls access control media for Airport-owned facilities, including tenant leased premises and complies with the TSA access control program standards. Requests for the issuance of access control media must be made during the badge application process through the Badging Office of the Dayton Airport Police. After the request has been processed, such media will be available for distribution at the Badging Office.

All Airport-owned space is required to be fully accessible to the Airport. If extraordinary security is required to a specific area beyond that expected of ordinary workspace, an “off-system” access control will be made as long as the Airport has access to it during emergencies by providing access control media to the Airport Police, placement of a knox box, or a similar approved provision is made. The Airport is not responsible for any damages that may be incurred in responding to an emergency in a tenant space to which the Airport has not been provided access media.

Only tenants who are contractually tied to the Airport will be issued access control media to leased space. Their subcontractors, suppliers or subleases will be required to go through the tenant for access. If the tenant desires to supply access control for joint use, they must seek prior approval from the Airport. The approval does not relieve the tenant of the responsibility to maintain the security of the space as outlined in federal, state and local regulations.

The Airport may change the access control system at its discretion to prevent a security compromise. Tenants apply for access control with the Airport Police with designated forms by an authorized signatory. The representative must submit a list of all of the individuals to be provided with access control media. The Airport will require these individuals to sign for the access control. The tenant is responsible for tracking the media and insuring their return to the Airport when their employee no longer requires the access. Devices may not be transferred from tenant employee to tenant employee. Devices may not be duplicated. Each new recipient is required to submit a request and sign for such media. A charge for each access control device will be assessed to the tenant. Replacement fees for access control devices will be charged in accordance with the ASP or the Airport's approved rates and charges schedule.

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-issued identification badge.

#### *Airport Security Perimeter Fence*

In order to prevent unauthorized access of the Secured Area or AOA, areas on either side of the Airport perimeter fence shall remain free of vehicles, stored materials or unattended equipment. The Director or his duly-authorized representative may, at the owner's expense, remove unidentified or unauthorized vehicles, stored materials or unattended equipment left within a proximity of the perimeter fence as to create an opportunity for unauthorized access.

#### FIRE REGULATIONS

Section 92.01 of the City of Dayton Revised Code of General Ordinances establishes the Dayton Fire Code.

#### *General Provisions*

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 by calling 911 or Airport Dispatch at (937) 454-8300.

Fire regulations at the Airport are in accordance with, but not limited to, all federal, state, and local laws, standards, rules, regulations, policies, procedures, recommendations and fire codes, etc. The Airport Fire Division may conduct regular inspections of all tenant space, including storage areas, for the purpose of fire prevention and to ensure compliance with fire safety practices. An inspection report will be issued to the tenant after each inspection containing information relating to findings of non-compliance and/or recommendations by the inspector with a date of re-inspection to ensure that the required corrections have been completed. The tenant is responsible for responding with corrective action to items identified during the inspection that are within the tenant's premises, within the



timeframe identified on the inspection report. The Airport Fire Division will work with the tenants to ensure compliance with the fire safety practices and codes. Tenants can report potential fire code problems, or concerns about fire safety to the Fire Division.

The Rules and Regulations shall not be construed as granting any form of exclusion from any fire codes and/or building codes. All fire codes and ordinances must be obeyed.

No Person shall keep or store material or equipment in such a manner as to constitute a fire hazard or be in violation of NFPA or the Dayton Fire Code. Flammable or combustible liquids shall be stored in accordance with NFPA standards, and the Dayton Fire Code and such storage shall meet with the approval of the Airport Fire Division.

#### Handling of Explosives and other Hazardous Materials

All tenants, shippers, individuals and others, who handle, store, transport or use hazardous materials at the Airport must comply with the applicable international, federal, state, and local laws and regulations, fire codes, and FAR 139 Title 49 of the Code of Federal Regulations. Hazardous materials must be stored in approved containers and/or cabinets. No Person shall violate any condition or requirement of any permit issued to the Airport by any public or governmental authority applicable to the Airport and pertaining to the handling, storage, transport or use of hazardous materials. The Airport retains the right to limit or exclude any types, quantity or use of hazardous materials at the Airport. The Airport reserves the right to inspect all premises where any hazardous material is handled, stored, or used without limitation.

Pursuant to the Airport Certification Manual, the Airport does not act as a cargo handler for hazardous materials.

All applicable laws and regulations governing explosives which are acceptable for transportation must be strictly observed. Materials subject to federal, state and/or local regulations governing hazardous materials must be handled in strict compliance with these Rules and Regulations and any other rules or regulations that the Director might impose. Any waiver of a rule or regulation or any part thereof by the FAA or by any other competent authority shall not constitute or be construed to constitute a waiver of that rule or regulation by the Director or an implied permission by the Director. Advance notice of at least twenty-four (24) hours shall be given by a Person to the Director to permit full investigation and clearances for any operation requiring the Director's permission.

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.

Any Person engaged in transportation of hazardous articles shall have designated personnel at the Airport authorized and responsible for receiving and handling such shipments. 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.

Each Person shall be liable and responsible under this chapter for any acts or omissions made in violation of the chapter by any of its employees, agents, consultants, contractors, subtenants or invitees.

Tenant Fire Extinguishers and Equipment

Fire extinguisher 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 regularly inspected to insure that it conforms to the National Fire Protection Association's Regulations and the Dayton Fire Code. Tags showing the date of the last such inspection shall be left attached to each inspected unit.

Fully charged and currently inspected fire extinguishers, of the type recommended by the National Fire Protection Association Codes for specific materials are required at all locations on the Airport where flammable materials are present or handled.

Airport fire protection systems, alarms and equipment shall not be tampered with at any time.

Vehicles shall not be parked within three (3) feet of any fire hydrant, nor shall any tenant or operator allow any equipment to block any fire hydrant or prevent its use.

Reporting Fires

Any Person observing any unattended or uncontrolled fire on the premises of the Airport shall immediately report it by calling 911 or Airport Dispatch at (937) 454-8300. No Person shall make any regulation or order, written or verbal, that conflicts with the reporting obligations of this chapter.

Paint, Varnish and Lacquer Use

For all paint, varnish, or lacquer spraying operations, the arrangement, construction, ventilation and protection of spraying booths and the storing and handling of materials shall comply with the standards of the Dayton Fire Code, the National Fire Protection Association and all other standards prescribed by the Director for such operations.

Fuel Spills

In the event of a fuel spill, the operator of the fuel service vehicle present at the fuel spill, or if no fuel service vehicle was present, any employee who was present at the fuel spill shall immediately notify the Airport Fire Division by calling 911 or the Airport Dispatch at (937) 454-8300. Such notification responsibility does not depend on the operator or employee being responsible for the fuel spill. The Storm Water Pollution Prevention Plan includes recommended spill reporting procedures. For fuel spills, the plan requires any spill over five (5) gallons or any spill which enters a storm drain must be reported to the Airport Fire Division.

In addition to such reporting by the fuel service vehicle operator or employee, any other Person who witnesses a fuel spill – for example, any airline employee, whether or not the employee's Aircraft was involved in the spill, and any operator of any kind of vehicle who observes the spill – also shall immediately notify the Airport Fire Division by calling 911 or Airport Dispatch at (937) 454-8300.

Should the evacuation of passengers from an Aircraft, jet bridge or other area be required because of a fuel spill, no passenger shall be re-admitted until the Fire Division has given permission for passenger re-admittance.

In the event of fuel spillage and when there is no apparent presence of fire, fuel delivery units shall not be moved until the spillage is dispersed or removed in such manner as shall be acceptable to the Fire Division and Airport Operations.

The Persons or operator responsible for the fuel spill as determined by the Airport is responsible for cleaning up the spill immediately and to the satisfaction of the Airport Fire Division and/or Airport Operations. No Aircraft or vehicular movement shall be allowed in the area until authorized by the Airport Fire Division.

If a fuel spill damages pavement or soil or enters the Airport storm drainage system, the responsible party shall be responsible for all costs associated with any and all necessary environmental cleanup, remediation and/or repairs.

All fuel spills shall be investigated by the responsible tenant or operator to determine the cause, to determine whether emergency procedures were properly carried out, and to determine the necessary corrective measures. An update on the progress of the investigation shall be submitted to Airport Operations within fifteen (15) days of the investigated spill. A final incident report shall be submitted to Airport Operations within thirty (30) days of the investigated spill.

The Airport is required by state and federal environmental laws to take proper remedial action in incidents involving a fuel spill or any other contamination on Airport property. The Airport is required to verify that remediation efforts taken at the Airport are in compliance with law. In the event of a fuel spill or other contamination at the Airport, the Airport reserves the right to, and will, seek financial recovery for all remediation and oversight actions taken. Airport users are responsible for any fuel, pollutant or contaminant spilled on Airport premises. These responsibilities include remedial actions and financial recovery of costs associated with remedial actions taken by the Airport. Remedial actions may include, but are not limited to, the removal of contaminated surface water, (including storm drains), excavation of contaminated soil, environmental consulting fees, collection of samples, laboratory testing, notification to the National Response Center and the submission of reports to the Ohio Environmental Protection Agency. The Airport may conduct remediation responsibilities itself or employ the services of outside parties. All remediation efforts, whether taken directly by the Airport or contracted for by the Airport, may be subject to reimbursement for the party(s) responsible for any fuel spill or contamination.

## GENERAL RULES

### Compliance to Rules and Regulations

No Person shall navigate, land, taxi, service, maintain, or repair any Aircraft on the Airport, fly from the Airport, or conduct any Aircraft operations on or from the Airport other than in conformity with current Federal Aviation Administration, including FAA licensing regulations, and all federal, state, local, and other applicable rules and regulations.

Aircraft operators shall obey all pavement markings, signage, and lighted signals unless instructed otherwise by the Air Traffic Control Tower or the Airport.

### Based Aircraft Registration

Any Aircraft utilizing the Airport as a base of operation (other than occasional transient purposes) and/or registered with a Fixed Base Operator with an assigned tie-down or hangar space on the Airport is considered a based Aircraft. Once a year, or upon request of the Airport, the Fixed Base Operators and any other tenants with based Aircraft must provide Airport Operations an itemized listing of the tail numbers and types of Aircraft based at their facility.

### 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 Airport Operations. When a written report of an accident or incident is required by FAA or NTSB regulations, a copy of such report shall be submitted to Airport Operations. In either instance, the pilot or operator of such Aircraft shall provide immediate notice to Airport Operations at (937) 776-2194 and the report shall be filed with Airport Operations within twenty-four (24) hours from the time of the accident or incident.

### Aircraft Maintenance

Aircraft assembly, maintenance and repair are permitted only in areas pre-approved by the Airport.

- a) With exception of preventive maintenance, repair and maintenance of general aviation Aircraft shall be confined to designated areas within a Fixed Base Operator's leased premises.
- b) Preventive maintenance may be performed on Aircraft located on tie downs and in T-hangars if appropriate measures are taken to collect and store any fluids that may be released.
- c) Minor maintenance of air carrier Aircraft may be performed at the gate positions in the passenger terminal area if appropriate measures are taken to collect and store any fluids that may be released. For all other work, the Aircraft must be moved to the air carrier's maintenance area or to an area designated by the Airport.

Aircraft painting may only be performed in buildings approved for that activity.

### Aircraft Cleaning

Outdoor washing of vehicles and equipment, including Aircraft, is prohibited at the Airport. Indoor washing is permitted only if the facility has a wash bay which drains into the sanitary sewer system. Approval for outdoor washing may be granted provided that a mechanism is in place to capture all runoff prior to entering the storm sewer system and such mechanism is observed and approved by the Airport Environmental Office. Such approval may be withdrawn if the Airport deems that the operation is contributing to storm water pollution. Dry washing of Aircraft is permissible utilizing detergents appropriate for such purpose and any waste generated as a result is properly disposed of.

### Prohibited Operations

No Person shall operate Aircraft at the Airport in a careless manner or in disregard of the rights and safety of others. Operating an Aircraft constructed, modified, equipped, or loaded as to endanger, or be likely to endanger people or the property of any entity, is prohibited.

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 Airport and the Airport may have 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 fully and to save and hold harmless the City of Dayton, its officers, and its employees from claims, liabilities, and causes of action of every kind, character, and nature and from all costs and fees (including attorney's fees) connected therewith, and from the expenses of the investigation thereof.

### Prohibiting Use of Airport

The 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 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 hereof.

### AIRPORT OPERATIONAL RESTRICTIONS

Unless contrary to FAA regulations, the Airport 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:

- Training flights
- Experimental flights
- Equipment demonstration
- Air shows
- Maintenance flight checks, etc.
- Compliance with 14 CFR Part 36 - Noise Standards: Aircraft Type and Airworthiness Certification
- Ultralight vehicles, as defined in 14 CFR Part 103.

- Hot air balloons
- Parachute operations
- Banner or glider towing
- Remote controlled or radio operated Aircraft
- Unmanned Aircraft system operations

Such designation or restriction shall be established through the issuance of a Notice to Airmen.

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 Airport Operations.

No kites, model Aircraft, tethered balloons or other objects constituting a hazard to Aircraft operations shall be flown on or within the vicinity of the Airport except with the prior written permission of Airport Operations. Parachute jumping over or onto the Airport is prohibited without the prior written permission of Airport Operations.

#### Takeoffs and Landings

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 Air Traffic Control Tower unless an exception has been coordinated in advance with Airport Operations and the Air Traffic Control Tower. Helicopters shall operate in accordance with directions of the Air Traffic Control Tower and this chapter. 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 Air Traffic Control Tower.

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. 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 Air Traffic Control Tower.

#### TAXI AND GROUND RULES

##### Aircraft Taxiing

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. 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. All Aircraft shall be taxied at a safe and reasonable speed. All Aircraft operating on the Airport shall be equipped with wheel brakes in proper working order. Aircraft shall not be taxied, towed or pushed on any runway or taxiway until specifically cleared to do so by the Air Traffic Control Tower. Where taxiing Aircraft are converging, the Aircraft involved shall pass each other bearing to the right if adequate separation is available, unless otherwise directed by the Air Traffic Control Tower. No Aircraft shall taxi between an airside terminal gate and an Aircraft engaged in a pushback or power-back operation. No Aircraft shall be taxied into or out of any hangar under its own power. All Aircraft being taxied, towed, or otherwise moved on the Airport shall proceed with navigational lights on during the hours between sunset and sunrise unless otherwise approved by Airport Operations. All Aircraft operations shall be confined to hard surfaced runways, taxiways and

ramps and other areas that may be designated by Airport Operations. No Aircraft power-back operations are permitted without prior approval from Airport Operations.

### Parking

No Person shall park an Aircraft in any area on the Airport except those areas designated, and in the manner prescribed, by Airport Operations. If any Person uses unauthorized areas for Aircraft parking, the Aircraft so parked may be removed by or at the direction of the Director at the risk and expense of the owner thereof. The overnight parking of air carrier Aircraft off an assigned gate is discussed in Chapter 9.

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 Airport Operations. 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 Airport Operations.

Whenever any Aircraft is parked, stored or left in non-flyable condition on the Airport in violation of the provisions of these Rules and Regulations, the 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 Airport may conspicuously post and affix such notice to the said Aircraft, requiring removal of said Aircraft within fifteen (15) days from date of posting. If applicable, the Airport will coordinate such notice with the Fixed Base Operator at which the Aircraft is based or parked.

If any such Aircraft is, in the opinion of the 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 Airport or any Person acting at the direction of the 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 Airport may cause the removal of such Aircraft from the Airport. All damages, costs and attorney's fees incurred by the Airport 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 Airport or any Person acting at the direction of the 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 chapter, the owner or operator of such Aircraft shall indemnify and hold harmless the Airport, its officers, employees and agents, from and against any costs, expenses, claims or other damages incurred by or claimed against the Airport or such Persons arising from such relocation or removal, 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 Airport or its officers, employees or agents.

### Starting and Running Aircraft Engines

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. 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. Aircraft engines shall be started or operated only in the places designated for such purposes by Airport Operations.

*Disabled Aircraft or Aircraft Involved In an Accident*

Any Aircraft or parts thereof interfering with the normal runway or taxiway traffic shall be removed from such runway or taxiway. If the owner, pilot, or agent fails to comply with such request and the Director finds such Aircraft or parts interfering with the safe operation of the Airport, the Director or designee may cause removal of such Aircraft or parts at their discretion and as they deem appropriate under the circumstances. The full risk and expense of such removal shall be assessed against the owner without liability of any nature to the Airport.

An Aircraft involved in an accident on the Airport may not be removed from the scene of the accident until authorized by the Airport who shall receive authorization to remove the Aircraft from the FAA or NTSB, when applicable. Once authorization to remove the Aircraft has been issued, the Aircraft operator shall be responsible for the safe and prompt removal of disabled Aircraft and parts to a non-movement area. If immediate arrangements are not made (so that the Airport can return to full operational status without unreasonable delay), the Airport may have the Aircraft removed at the Aircraft operator's risk and expense without liability for damage arising from or out of such removal. Disabled Aircraft shall be removed as soon as possible.

PASSENGER ENPLANING AND DEPLANING

All Aircraft shall be loaded or unloaded, and passengers enplaned or deplaned, in areas designated by Airport Operations, including applicable gate management rules, and all passengers shall be directed by airline personnel along designated routes to and from the Terminal Complex. All Commercial Aircraft 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 unless the air carrier's governing safety procedures permit the enplaning or deplaning with one engine running. 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 Complex.

Airlines are responsible for ensuring that only airline employees or representatives may operate the passenger loading bridges and that such employees or representatives have been properly trained, including orientation with the manufacturer's guidelines and Airport requirements. For Common Use gates, the Airlines should report any repair, maintenance or janitorial needs of a loading bridge to Airport Operations. Airport Operations will coordinate repair and maintenance work with the Airlines and contractors. Airlines are responsible for repairs and maintenance to the passenger loading bridges for their exclusive use gates as provided for in their operating permit.



### HELICOPTER OPERATION RULES

All helicopters at the Airport shall take-off, land, or taxi only from established, Airport approved, parking pads, designated ramps or Airport taxiways and runways as directed by the Air Traffic Control Tower. Over-flight of a structure on the airfield by helicopters must be conducted without hazard to people or property. Helicopters shall be operated only at a safe distance from any area where light Aircraft are parked or operating, unless such area is specifically established for helicopter operations. Helicopters shall park or operate only in the areas designated for such operations.

Helicopters shall not be taxied, towed, or otherwise moved with rotors turning unless there is an adequate clear area in all directions from the outer tips of the rotors. Helicopters shall have rotor-braking devices and/or rotor mooring tie-downs applied to the rotor blades when parked. No helicopter shall be left running unless a certified helicopter pilot or FAA certified mechanic is at the controls.

Trailers or dollies shall be utilized to tow helicopters to parking pads for flights. Helicopter tow vehicles and trailers shall not be left at the public use parking pads.

### COMMERCIAL TRANSPORTATION OF PERSONS BY AIR

All Commercial aviation operators that transport Persons shall provide customer service staff at the Airport available to serve passengers and other Persons at all times during all hours of such Commercial aviation operator's operations at the Airport. Each such Commercial aviation operator shall provide Airport Operations 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 twenty-four (24) hours a day, seven (7) days a week.

### FUELING REGULATIONS

Only authorized personnel trained in the safe operation of the equipment used and in procedures required shall fuel Aircraft. Fueling equipment shall be maintained in safe operating condition and in compliance with federal, state and local regulations and fire codes. Fuel farms, fuel storage facilities and fueling equipment must be registered and permitted as may be required by the Ohio Environmental Protection Agency, the Division of the State Fire Marshal and any other applicable regulatory agency. All fueling operations will be conducted in accordance with applicable federal, state, and local rules and regulations and fire codes.

Operators will be required to indemnify the City of Dayton for all loss, claim or damage incurred as a result of the operator's handling and dispensing of fuel on the Airport.

#### Fueling Permits

Fuels (quantities greater than five (5) gallons) shall only be stored and dispensed on the Airport by those entities having a permit or agreement with the Airport authorizing the fueling operation and approving the fuel storage facilities, refueling vehicles, and related equipment.

Fueling Operations

No flammable or combustible liquid shall be dispensed into or removed from the fuel system of an Aircraft within Aircraft hangars, any building or structure. No flammable or combustible liquid shall be dispensed into or removed from a container, tank, vehicle, or Aircraft except in a location approved by the Airport Fire Chief or a designee. Only Aircraft fueling vehicles authorized to provide fuel service to Aircraft using the Terminal Complex are allowed to engage in fueling on ramps adjacent to the Terminal Complex. No fueling vehicle shall be operated on a Movement Area without prior permission from Airport Operations.

No Person shall transfer fuel into or out of any Aircraft without bonding that fueling or defueling vehicle to the Aircraft. Every Aircraft fueling unit is required to have substantial heavy-duty cable of sufficient length to service the Aircraft.

Compatible with design, during fueling operations, there shall be adequately trained personnel available to quickly shut off the flow of fuel from the servicing equipment in an emergency. Locking of self-closing nozzles or automated shut-offs in an open position, even momentarily, shall be prohibited. Kinks and short loops in fueling hoses shall be avoided. The fuel nozzle shall never be allowed to drag along the ground.

Fuel farm and storage facilities, refueling vehicles, fueling pumps, meters, hoses, nozzles, funnels, fire extinguishers, and bonding devices used during fueling operations shall be maintained in safe operating condition and in good working order and repair. All fuel facilities and equipment operated at the Airport are subject to inspection by the Airport. The owner or operator of such facilities and equipment shall promptly correct any violations discovered.

Smoking is prohibited during fueling activities nor shall fuel servicing personnel have lighters or matches on their Person while performing fuel servicing operations. Electronic devices such as cell phones and radios should not be operated while an Aircraft is being fueled or defueled. Fueling or defueling operations during inclement weather shall only be conducted in accordance with the operator's standard operating procedures. No fueling or defueling activities shall take place without adequate fire extinguishing equipment in accordance with NFPA standards readily accessible at the point of refueling. If a fire occurs in the fuel delivery device, the operator shall immediately report the fire by calling 911 or Airport Dispatch at (937) 454-8300, immediately discontinue fueling, and immediately shut down all emergency valves and dome covers.

Operators shall have on hand at all times accessible and sufficient spill control equipment including containment booms, socks, pillows, pads, etc. to control spills and releases occurring in their leased area. Operators are required to insure that each refueling vehicle has a "first responder" spill kit and each fuel storage facility maintains a spill kit with the appropriate types and quantities of approved absorbent material for the size of the storage facility. All spill control items shall be rated for hydrocarbon use.

Any Person involved in the fueling or draining of Aircraft shall exercise care to prevent overflow or spillage of fuel. The operator is also responsible for training anyone involved in fueling to mitigate a spill. The handling and removal of fuel contaminated material is under the direction of the Airport and will be in accordance with all applicable federal, state and local regulations. As discussed in Chapter 4, in the event of a fuel spill, the operator must immediately stop fueling, take steps for containment of

the spill and notify Airport Dispatch at (937) 454-8300 if required. Aircraft, fuel delivery devices or other vehicles shall not be moved or operated in the vicinity of the spill until the spillage is removed. The fueling may not continue until the Airport Fire Division has determined that it is safe to do so. Responsibility for the prevention of fuel spills rests with the airline, refueling operator, or other entity that caused the spill. They are also responsible for the clean-up of fuel and other spills and releases including the proper storage and disposal of any contaminated material used in the process. In the event of failure or refusal to comply with such cleanup requirements, the spillage will be cleaned up by the Airport at the responsible party's expense.

Pre-flight testing fuel is to be disposed of in compliance with all federal, state and local regulations and in containers designated for this purpose. It is the responsibility of the FBO, airline or entity performing pre-flight fuel testing to provide such containers and train personnel in their use.

Maintenance and servicing of refueling vehicles shall be performed outdoors or in a building that is approved by the Airport and the Fire Division specifically for this purpose. Operators shall document and maintain vehicle maintenance and agency inspection records. These records shall be made available to the Airport upon request.

Refueling vehicles, whether loaded or empty, shall be stored outside and not less than fifty (50) feet from a building or other structure and a minimum of twenty (20) feet from storm water inlets, storm water conveyances, drains, catch basins, or ditches. Refueling vehicles shall be parked in a manner that provides a minimum of ten (10) feet of separation between vehicles and any other vehicle or Aircraft. Unless otherwise authorized by the Fire Division, no more than five gallons of fuel may be stored in fuel cans, and all fuel cans shall be spring-loaded, self-closing approved containers.

Self-service fueling facilities may be installed only upon approval by the Director and so provided for in the tenant's agreement or permit.

Hot fueling of Aircraft should not be conducted without advance notice provided to the Airport Fire Division to allow Fire Division presence during such fueling activities. Air carrier Aircraft refueling away from a gate parking position should also provide advance notice to the Airport Fire Division.

#### Fuel Flowage Fees

Fuel flowage fees are established by the Commission of the City of Dayton approved rates and charges schedule. Each operator shall pay the fuel flowage fee for all fuel delivered to its premises, trucks, and/or storage tanks as so required in its agreement or permit.

#### Off-Premises Fueling

Fueling activities shall be limited to an operator's leased premises unless the operator's agreement or permit expressly permits off-premises fueling and the operator's levels of insurance are sufficient to cover the increased liability associated with off-premises fueling, as determined by the Airport.

Training

All personnel engaged in fueling operations shall be trained in accordance with federal regulations and the Airport Certification Manual. Records of training and qualifications of everyone engaged in fueling operations shall be maintained as required by federal regulation. Training records shall be made available for review and/or inspection by the Airport Operations, Fire or Police Divisions at any time.

Underground Storage Tank Requirements

Tenant owned underground fueling storage tanks or underground oil tanks which are located on the Airport shall be maintained in operational condition at the tenant's sole expense. Tenant shall pay or reimburse the Airport for all licenses, inspections, fines, insurance and other fees and charges that may be incurred by or levied upon the Airport due to tenant's activities or omissions related to the underground storage tanks. Tenant shall fully comply with all current and future requirements of all regulatory agencies having jurisdiction over underground storage tanks, including, but not limited to, the Ohio Department of Commerce, Division of State Fire Marshall, Bureau of Underground Storage Tank Regulations ("BUSTR"), EPA, OEPA and the Fire Department of the City of Dayton, Ohio, or their respective successors and designees. Tenant must register the underground tanks with BUSTR, its successor or any other regulatory agency having jurisdiction. Tenant shall, at its sole expense and when required by law or when deemed necessary by the Airport, test the tanks for structural integrity and leaks and shall maintain and repair all leak detection system(s). Upon request, tenant shall make available to the Airport the results of such tests. Testing shall be to the satisfaction of the Airport and in conformance with all applicable federal, state or local laws, rules, regulations or ordinances as these provisions presently exist, or as they may be amended or enacted. If, at any time the tanks or the pipelines servicing the tanks leak or are discovered to be leaking, tenant shall immediately notify the Airport and take all necessary steps to repair the tank and/or pipelines and remediate the contaminated area to the satisfaction of the Airport, BUSTR, EPA and OEPA and in accordance all applicable federal, state or local laws, rules, regulations or ordinances as these provisions presently exist, or as they may be amended or enacted. In the event the underground storage tanks must be removed, tenant shall be responsible for the cost of the removal and remediation of environmental issues caused by or relating to the tanks.

Tenant will, at its expense, ensure the underground storage tank system with the Petroleum Underground Storage Tank Release Compensation Board (PUSTRCB).

SELF-FUELING AND OTHER SELF-SERVICE ACTIVITIES

Aircraft owners or operators are permitted to perform self-fueling and self-service activities of their aircraft utilizing their own employees and equipment, in accordance with FAA regulations (Title 14 CFR Part 43). These self-service activities may not be contracted out to another party, nor may the owner or operator's employees perform such services for other Persons or entities unless the owner or operator has an agreement with the Airport to provide such commercial operations. Aircraft owners or operators leasing facilities from the Airport which include approved and permitted fueling facilities may perform self-fueling activities but may not provide fueling for other Persons or entities.

Self-fueling and self-service activities are not to be confused with using a self-service fuel pump which may be available through an FBO or aeronautical service provider.

#### USE OF HANGARS

Hangars located on Airport property are for the storage of Aircraft or other aviation related purposes. The storage of non-aeronautical, small incidental items in a hangar that is otherwise used for Aircraft storage or other aviation related purposes may have no effect on the aeronautical utility of the hangar. However, use of hangars for non-aeronautical purposes is not permitted.

#### NOISE ABATEMENT PROCEDURES

Aircraft operators shall use procedures that result in minimum noise to areas surrounding the Airport. This includes, but is not limited to, avoiding low altitude maneuvers. Optimum power settings and operating altitudes shall be maintained consistent with safe operating procedures for the Aircraft. Flights over populated areas shall be avoided to the extent consistent with safety. Aircraft landing at or taking off from the Airport or running engines while parked at the Airport shall maintain noise levels in accordance with applicable Aircraft noise abatement procedures as promulgated by the Federal government, or Airport, whichever is the most restrictive.

#### MINIMUM STANDARDS

In addition to these Rules and Regulations, the Airport has developed minimum standards governing Commercial aeronautical activities. Those minimum standards are attached hereto as Appendix B.

## SNOW REMOVAL

The Airport is responsible for snow removal operations except within tenant leased areas. Snow removal operations will be conducted in accordance with the Airport's FAA approved Snow and Ice Control Plan. Airport tenants with airfield activities are expected to participate in the Snow and Ice Control Committee meetings.

Air carriers and other tenants with equipment within the AOA are responsible for the removal of any equipment, obstructions or other items from the apron area while snow removal operations are in progress. All such items should be removed to within twenty (20) feet of the closest building to prevent such objects from interfering with the snow removal operations. The Airport will not be responsible for any items damaged as a result of being left in a snow removal area. The owner of any items which may come in contact with snow removal equipment as a result of such items being left within the removal operations area may be responsible for damages caused to the snow removal equipment.

## DEICING

### Fluid Storage

Aircraft deicing fluids shall only be stored and dispensed on the Airport by those entities so permitted by their permit or other written agreement with or approval by the Airport. Operators will be required to indemnify the Airport and the City of Dayton for all loss, claim or damage incurred as a result of the operator's storage, handling and dispensing of deicing fluids on the Airport. Deicing fluids must be stored at least fifty (50) feet away from the terminal building or any structure.

### Aircraft Deicing Operations and Procedures

Aircraft deicing will be conducted in accordance with guidance from the Airport Environmental Office. Management of bulk Aircraft deicing fluid shall be conducted in compliance with these Rules and Regulations, the Dayton Fire Code, and all applicable federal, state, local laws and regulations.

Aircraft deicing shall be conducted on one of the four designated deicing pads located on the Airport – two at the terminal apron and two at the Aircraft parking apron north of runway 6L-24R. Aircraft shall be positioned in accordance with the pavement markings on the pads. Aircraft shall be positioned on the pads in a manner which ensures that all runoff of deicing fluid applied to the Aircraft will fall within the deicing fluid collection system. Airlines conducting deicing operations with engines running must follow their established company procedures as described in written company manuals.

Only propylene glycol based fluids shall be used for Aircraft deicing at the Airport. No other products are permitted. Spills of deicing fluid outside of the collection system must be reported immediately by calling 911 or Airport Dispatch at (937) 454-8300. Spills must be contained and cleaned up by the responsible party in accordance with all applicable federal, state, and local laws and regulations. The disposition of unused or "out-of-spec" fluids from deice vehicles is the responsibility of the operator and must be handled in accordance with all federal, state, and local laws and regulations.

Deicing vehicles and support equipment will not be parked in Aircraft operating areas unless actively engaged in deice operations or in support of Aircraft in the gate. Parking locations shall be approved by Airport Operations.

Usage Reporting

Each operator or carrier applying deicing fluid shall submit an annual report detailing the type and amount of fluid applied. The Airport will provide the form to each deicing fluid applicator. If a Fixed Base Operator performs this service, the Fixed Base Operator will submit the report on behalf of the carrier. The applicator will also provide a copy of the Material Safety Data Sheets for the fluid used.

### GENERAL TRAFFIC REGULATIONS

Pursuant to the City of Dayton Revised Code of General Ordinances, Chapter 79, in order to protect the property of the City at the James M. Cox Dayton International Airport, the Director is authorized and directed to promulgate rules and regulations necessary for the regulation and control of traffic by establishing speed limits, designating the location of traffic-control signals and signs, controlling parking, standing or stopping of vehicles, creating loading zones and safety zones, creating taxicab and limousine stands, designating emergency vehicles, designating route of vehicles through the Airport, designating the maximum weight of any vehicle permitted on any roadway or other traveled area on the Airport; or by making all other necessary rules and regulations for the regulation and control of traffic as aforesaid, not inconsistent with the provisions of Chapter 79.

The provisions of Chapters 70, 71, 72, 73, 74, 75, 76 and 79 shall apply to all Persons and vehicles on or within the Airport grounds unless specifically modified by the Director by published regulation or rule. These Chapters, under Title VII – Traffic Code, include General Provisions; Rules of Operation; Parking, Stopping & Standing; Accidents; Bicycles; Pedestrians; and Abandoned & Junk Vehicles.

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.

The 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.

No vehicle shall be stored, parked or repaired on Airport property except in areas so designated by the Director, except for minor repairs necessary with respect to a temporarily disabled vehicle. Any vehicle, including those parked in public or employee parking lots, 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 chapter.

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.

Vehicles constituting ground service equipment that do not hold a valid license issued by the State of Ohio for operation as a vehicle may be operated on Airport roadways only under escort by one or more duly licensed vehicles.

### PROCEDURE IN CASE OF 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 Dispatch at (937) 454-8300. 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.

#### PUBLIC PARKING

Only vehicles may use the public, reserved and employee parking facilities at the Airport. Operators of 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.

Vehicles shall be parked in marked spaces only. No Person shall park a 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(s).

No Person shall park a vehicle in any area requiring payment for parking therein without paying the required parking charges established by the Airport from time to time or without obtaining and properly displaying authorized validation. If the parking ticket issued by or on behalf of the Airport is lost, the customer shall pay such amount as may be determined in accordance with the policies and procedures adopted by the parking operation and approved by the Airport. 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.

Any vehicle which remains in any public parking facility on the Airport for more than thirty (30) consecutive days may be considered abandoned. The Airport will attempt to make contact with the vehicle owner to determine the status of the vehicle. If, in the best determination of the Airport, the vehicle has been abandoned, it may be removed from such facility and impounded at the owner's or operator's expense.

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 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 Airport 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.

#### EMPLOYEE, TENANT AND OTHER RESERVED PARKING

Employee parking lots are to be utilized for employee parking of personal vehicles only. Employees are strictly prohibited from utilizing their employee parking lot privileges for anything other than their own personal use, unless otherwise approved by the Airport Director. Employees are only permitted to park in marked parking spaces. Access to employee parking lots is obtained by submitting an application and purchasing an access card through the parking management company. This applies to all tenants operating in the terminal building including any air carrier air crew who may be based out of the Dayton area.

Parking areas reserved for rental cars shall only be used for vehicles owned and/or leased by an approved on-Airport rental car Concessionaire or their employees on duty. Employee parking shall not exceed the number of spaces provided in the Concessionaire agreement. Rental car parking areas may not be used for any other parking.

Other vehicle parking areas for valet parking, taxicabs and shuttle services are reserved for use by such operators with approved Airport permits or agreements.

Other Airport tenants are expected to park vehicles in their leased areas only. Vehicles should not be parked along Airport roadways or other areas outside of their leased area unless such approval has been given on a temporary basis by Airport Administration.

#### AUTHORITY TO REMOVE VEHICLES

Any Law Enforcement Officer shall have the right to cause to be removed from any restricted or reserved areas, employee parking areas, any roadway or right-of-way or any other area on the Airport, any vehicle which is disabled, abandoned, or illegally or improperly parked, or which creates an operational, safety or security problem. Any such vehicle may be removed by the City of Dayton on-call towing company and relocated to their impound lot. Any vehicle impounded by the Airport shall be released to the owner or operator thereof upon proper identification of the vehicle 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 Airport shall not be liable for damage to any vehicle or loss of personal property, which might result from the act of removal.

#### ISSUANCE OF TRAFFIC CITATIONS AND TICKETS

Law Enforcement Officers 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 Dayton Police Department for violation of any provision of Chapter 7 of these Rules and Regulations, the Revised Code of General Ordinances or Ohio Traffic Code/Ohio Revised Code governing the operation, loading, unloading or parking of vehicles.

#### VEHICLE OPERATIONS ON THE AIR OPERATIONS AREA

No vehicle shall be driven or parked in the AOA unless the vehicle and the driver meet the requirements of this chapter. Persons shall only operate vehicles in work related areas in the AOA during their work hours.

Violation of any of the provisions described in the required AOA driver training and applicable provisions of these Rules and Regulations shall be cause for immediate suspension or revocation by Airport Operations of any AOA driving privileges held by the driver and/or the owner and/or operator of the involved vehicle.

### Applicability

The following regulations provide guidelines to individuals whose job duties require that they operate vehicles on the Air Operations Area (AOA) or any other restricted area at the Airport or who are temporarily authorized to operate a vehicle on the AOA based on an operational need.

### Vehicle Requirements

Any vehicle operated on the Air Operations Area (AOA) must comply with the following:

- The operating company's name must be displayed on each side of the vehicle or another means of identifying the operator of the vehicle upon approval by Airport Operations. Airport Operations may require additional vehicle markings if determined necessary.
- The vehicle must be equipped with a functioning rotating amber beacon which must be kept on at all times while the vehicle is operating.
- The vehicle must have and provide proof of, automobile liability insurance coverage as required by the owner/operator's agreement or permit with the Airport. Such coverage must list the City of Dayton as an additional insured in its automobile insurance policy.
- For vehicles operated outside of the AOA on any public street or roadway, the vehicle must be properly licensed and registered by the appropriate state agency and must maintain a valid certificate of inspection.
- All vehicles operating on the AOA must be in safe operating condition and in good repair. The Airport may determine, in its sole discretion, whether or not a vehicle is safe or unsafe for operation on the AOA. All vehicles must be in sound mechanical order, have functioning headlights and taillights, horn, brakes, and clear vision from the driver's seat. Vehicles leaking fluids shall be barred from operating on the AOA at the discretion of the Airport.
- During the hours of sunset to sunrise, all vehicles being operated on the AOA are required to have working headlights and taillights (or reflectors on non-motorized vehicles). The use of vehicles not so equipped is prohibited during these hours.
- Vehicles operated within any Movement Area must be equipped with a functioning two-way radio for communications with Air Traffic Control Tower.

Vehicles that do not meet the requirements due to the nature of their construction must be pre-approved by Airport Operations, at which time specific requirements may be established on a case-by-case basis.

Vehicles not complying with the above may be escorted by an authorized driver and vehicle. Escorting shall comply with the provisions of the AOA driver's training and the Airport Security Program.

Maintenance of vehicles and equipment at the terminal gate positions or adjacent apron/ramp areas is prohibited unless authorized by the Airport Operations.

### Driver Requirements

Any Person operating a vehicle on the Air Operations Area (AOA) must comply with the following:

- The Person must possess and display, as required, an Airport-issued identification badge with the appropriate driver authorization designation. In order to obtain such authorization, the Person's employer must have justified an operational need for that employee to operate a vehicle in the AOA. Any requests for operating privileges within the Movement Area must be approved by Airport Operations.
- The Person must have received the Airport's required training for driving in the AOA – either within a Movement Area, a Non-Movement Area or both. Movement Area training includes both a written and practical examination and requires annual recurrent training. Non-movement area recurrent training may be required at the discretion of Airport Operations or as may be required by the FAA.
- The Person must possess a valid state driver's license. A driver's authorization will be invalid during any period that his/her driver's license is not valid, i.e. expired, revoked or suspended. Individuals must immediately report suspensions or revocations of their state driver's license to Airport Operations. The Airport reserves the right to verify that the individual holds a valid state driver's license.
- No vehicle shall be operated in the AOA unless the driver is properly trained and certified by his/her company to operate that specific class of vehicle.
- No Person shall operate any vehicle of any kind on the Airport while under the influence of intoxicating liquors, illegal, prescription or over-the-counter medications that impair or may impair the driver or mental abilities.

Drivers not complying with the above may be escorted by an authorized driver and vehicle. However, under no circumstances may a driver be escorted if he or she does not have a valid state driver's license, has been denied an Airport-issued identification badge by the Airport Police or has a badge that is no longer valid due to expiration, suspension or revocation, or if such Person is under the influence. Escorting shall comply with the provisions of the AOA driver's training and the Airport Security Program.

#### AOA Driving Rules and Regulations

Vehicle operation within the boundaries of the AOA shall conform to the provisions of the vehicles Laws of the State of Ohio, all traffic ordinances of the City of Dayton, the requirements of the Airport driver's training program and any special Rules and Regulations prescribed herein. Drivers shall not operate vehicles in a reckless or careless manner. A reckless or careless manner is one that intentionally or negligently threatens the life or safety of any Person or threatens damage or destruction to property. Any Person operating a vehicle on the AOA shall obey all posted traffic signage, including stop signs and pavement markings.

Only Airport approved motorized equipment is permitted to operate on the Airfield. No personal vehicles are allowed in the AOA unless authorized by Airport Operations or under an approved escort.

Drivers should watch for cockpit blind spots – pilots typically cannot see behind or below the Aircraft. Except for those vehicles servicing an Aircraft, no driver shall park or pass between an Aircraft and passenger terminal when an Aircraft is parked at a gate position. Unless directed by the Aircraft ground crew, no driver shall drive between the terminal and ground crews: (a) pushing back an Aircraft; or (b) returning to a gate after pushing back an Aircraft. No Person shall drive a vehicle or other equipment under a passenger loading bridge affixed to any portion of the Terminal Complex unless necessary for their assigned job duties.

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 first aid stations, (5) designated vehicle service roads, or (6) emergency fuel shut offs. No Person shall park any vehicle near any Aircraft in such a manner that could prevent it or other vehicles from being readily driven or towed away from the Aircraft in case of an emergency.

No Person shall sound his/her horn except as a legal warning.

No Person shall operate any vehicle that is overloaded with Persons or cargo or carrying more passengers and cargo than for which the vehicle was designed. No Person shall ride on the running board, stand up in the body of vehicles, or ride on the exterior body of a vehicle, or with arms and legs protruding from the body of any vehicle. Fire apparatus and other emergency vehicles are exempt from this provision. Drivers are responsible for the containment of any loads or materials being carried and/or towed in or by their vehicles. Baggage carts shall not be used for the transportation of people.

Drivers are prohibited from using personal cell phones, text messaging devices, and other personal electronic/entertainment devices or entertainment headsets while operating vehicle in the AOA. Personal cell phones may be used in case of an emergency. Vehicles must be stationary or parked and out of the way of other traffic while drivers are using cell phones. Hearing protection or communications headsets may be worn while operating a vehicle, in accordance with safety regulations and requirements.

Drivers must pass other vehicles in a safe manner, within the confines of designated roadways, within the posted or designated speed limit and only if necessary.

A guide Person is required whenever the vehicle operator's vision is restricted or obstructed. Minimum safe distances must be maintained when operating a vehicle in front of or behind an Aircraft with engines running. Drivers should allow adequate space between vehicles to allow room to stop and maneuver in unexpected circumstances.

Drivers should not leave the engine running on an unattended vehicle, except for Aircraft servicing. Drivers should ensure that they have set the parking brake, put the transmission in gear or in park and turned off the vehicle ignition before leaving the vehicle.

All drivers on the AOA shall assist in the maintenance of clear and uncluttered AOA to avoid Aircraft damage due to Foreign Object Debris (FOD). FOD is any item located on the AOA that can be ingested or blown by an Aircraft engine causing damage to property or personnel. Typical examples of FOD are Aircraft and engine fasteners, such as nuts, bolts and washers; mechanical tools; metal objects such as nails, soda cans and pens; stones; wood; plastics; and paper. Employees should secure equipment tools and personal items and place trash items in appropriate covered receptacles. Employees should retrieve any FOD located on the ramp area. If any FOD is sighted on a taxiway, runway, or anywhere on the Movement Area, drivers should immediately notify Airport Operations at (937) 776-2194 and give the exact location of the FOD. Operators should not attempt to maneuver or chase FOD, including live animals into the Movement Area.

Drivers must remain vigilant of their surroundings and operating boundaries and watch for snow removal equipment and Aircraft operating in the vicinity under low-visibility conditions.

Drivers should contact Airport Operations at (937) 776-2194 if they observe any dangerous condition on the airfield, such as fuel spills, disabled vehicles or equipment that might interfere with Aircraft. Drivers should not leave vehicles that have broken down unattended without first advising Airport Operations. Tenants and operators must advise Airport Operations and Airport Police of the loss or theft of any vehicle that is authorized to operate on the AOA.

Aircraft always have the right-of-way. All ground vehicles shall yield the right-of-way to taxiing Aircraft and Aircraft under tow. Aircraft starting engines have the right-of-way over all ground vehicles. Emergency vehicles responding to an emergency (e.g., Aircraft Rescue and Firefighting, Airport Operations and Airport Police) have the right-of-way over all other ground vehicles. Vehicles entering upon the service roadway will yield the right-of-way to vehicles already traveling on the service roadway.

Drivers should observe any posted or otherwise established speed limits. Drivers shall proceed at a speed that takes into account congestion, reduced visibility, slippery surfaces or other hazardous conditions. Emergency vehicles responding to an Airport emergency are exempt from prescribed speed limits.

A Driver who accidentally enters the Movement Area should do the following:

- Immediately stop the vehicle and look all the way around and above him/her for Aircraft;
- Safely maneuver the vehicle to the closest grassy area;
- Face the vehicle toward the Air Traffic Control Tower, and continually flash the headlights;
- Contact Airport Operations at (937) 776-2194; and
- Remain in the grassy area until escorted by Airport Operations.

#### Contractors'/Subcontractors' Access and Operations in the AOA.

Access to and egress from a construction site located on the AOA by vehicles, cranes or other equipment belonging to or under the supervision of a contractor or subcontractor shall be gained only via routes, through gates and at such times as may be established or approved by Airport Operations and in accordance with the Airport Security Program. Construction equipment shall be operated and stored within the AOA, in accordance with procedures established by the Airport Operations. Airport Operations shall be provided any applicable construction project safety plan and phasing plan addressing equipment access, egress and operations within the AOA for review and comment.

#### Vehicular Accidents in the AOA

Operators of vehicles involved in an accident on the AOA that results in injury to a Person or damage to an Aircraft, Airport property, or another vehicle shall:

- Immediately stop and remain at the scene of the accident;
- Render reasonable assistance, if capable of doing so, to any Person injured in the accident;
- Report the accident to the Airport Police at (937) 454-8300 and Airport Operations at (937) 776-2194.
- Provide and surrender the following to any responding Airport personnel: name and address; Airport-issued identification badge, state driver's license, and any information such personnel need to complete a vehicle accident report.
- Drivers of city vehicles must also notify their immediate supervisors of any accidents.

### GENERAL CONDUCT

No Persons shall use or otherwise conduct themselves upon any portion of the Airport in any manner contrary to the intended use or posted directions applicable to that area. No entity shall use, keep, or permit the Airport to be occupied or used in a manner offensive or objectionable to the Airport or other users for any reason, or interfere in any way with other occupants or those conducting business at the Airport.

No Person shall ride, walk, sit, or stand on a baggage conveyor system (or any part thereof). Escalators are intended for the safe transportation of passengers and baggage. Baggage dollies, freight, concession supplies, strollers, wheelchairs, oversized baggage and furniture shall not be taken on escalators. Elevators are provided for transporting these and similar items. Children shall not be left unattended or allowed to play on escalators, elevators, or baggage devices. All Persons must comply with any posted warnings or restrictions on the use of elevators, escalators, and baggage conveyor systems.

### TERMINAL MAINTENANCE

The responsibility for the maintenance of Airport space is specified in the applicable permit or agreement. If the Airport must respond to a maintenance emergency within a leased space, which would normally be the responsibility of the tenant, the tenant or operator will be invoiced for the cost of such emergency maintenance. Reports of necessary maintenance for public spaces should be reported to Airport Operations.

### TRASH REMOVAL AND RECYCLING

All tenants are required to properly handle, recycle, and dispose of their own refuse in the Terminal Complex, unless otherwise provided for in their permit or agreement. Refuse and recyclables should be disposed of in the compactor area, properly sorted and deposited in the appropriate compactor. Garbage, empty boxes, crates, trash, papers, refuse, or litter of any kind shall not be placed, or deposited on the Airport, except in the compactors provided specifically for that purpose. With the exception of Regulated International Garbage, the burning of garbage, empty boxes, crates, trash, papers, refuse, or litter of any kind on the Airport is prohibited. Trash and other waste containers at the Airport shall only be used for trash generated on Airport property. Trash and other waste container areas shall be kept clean and sanitary at all times.

Tenant trash and waste containers shall be emptied with sufficient frequency to prevent overflowing and shall be cleaned with sufficient frequency to prevent the development of offensive odors.

The Airport has a program in place for the recycling of refuse generated at the Airport. Tenants are expected to advise employees on how, where, and what to recycle to ensure compliance with the recycling program. Temporary storage or disposal of refuse in places other than the designated solid waste and recycling bins is not permitted. For questions and/or information about the recycling program, contact the Airport Environmental Office.

Food and beverage concession facilities must install and maintain the required fats, oils and grease traps, separator and collection equipment. Concessionaires are solely responsible for all costs associated with the interception, collection, and appropriate disposal of fats, oils and grease generated

by their operations on the premises, and for compliance with all related laws, including Chapter 52 of the City of Dayton Revised Code of General Ordinances.

#### REGULATED GARBAGE

As defined in the 7 CFR 330.400 through 7 CFR 330.403 and 9 CFR 94.5, regulated garbage is garbage that was on, generated on board, or removed from any means of conveyance during international movements, and includes food scraps, table refuse, galley refuse, food wrappers or packaging materials and other waste, material from stores, food preparation area, passengers' or crews' quarters, dining rooms or any other areas on means of conveyance. Regulated garbage also means meals and other foods that were available for consumption by passengers or crew on an aircraft but were not consumed. Items that are commingled with regulated garbage become regulated garbage.

Garbage from incoming international flights and flights from US territories, possessions, and Hawaii is regulated by the U.S. Department of Agriculture and requires special handling and disposal procedures to prevent the spread of foreign disease carrying micro-organisms. Therefore, all garbage from international flights is to be immediately collected, segregated, and incinerated within 72 hours.

At the Airport, regulated garbage is handled through a USDA Compliance Agreement with a Fixed Base Operator (FBO). Once the FBO has collected, secured, and placed garbage and disposables from a flight into leak-resistant containers/garbage bags, the FBO will transport the regulated garbage to DAY's incinerator room. The containers/garbage bags will be logged and an Airport employee will operate the incinerator, incinerating the regulated garbage.

#### CONCESSION AND SERVICE PRIVILEGES

The Airport manages concession solicitations, agreements and practices to achieve a customer service oriented environment providing variety and quality of products and services to customers. Agreements are awarded based on approved City of Dayton and Dayton Airport procurement methods.

The Airport has established an Airport Concession Disadvantaged Business Enterprise (ACDBE) program in accordance with the regulations of the U.S. Department of Transportation (USDOT), 49 CFR Part 23. It is the policy of the Airport to ensure that ACDBEs, as defined in Part 23, have an equal opportunity to participate in concession opportunities. A complete policy statement is available from the designated ACDBE Liaison Officer in the Airport Administration Offices. Concessionaires are expected to report ACDBE participation as outlined in their Concessionaire agreement or as may be requested by the ACDBE Liaison Officer.

To ensure the Airport concession facilities are built and maintained to appropriate standards, concessionaires will be required to make investments in the facilities as provided for in their agreements.

#### HOURS OF OPERATION

Concessionaires are expected to be open and staffed at all times during the designated hours specified in their agreement or permit. Concessionaires should make every effort to be open on time and stay open during inclement weather, or other emergency situations, in order to provide services to the traveling public, especially if delayed or diverted flights are involved.



Concessionaires requiring a temporary closure of their concession must advise the Airport in writing, at least three days in advance of the closure and receive Airport approval. The written notice should include the proposed date for closure, proposed date for re-opening and the purpose of the closure. If Concessionaires require an immediate closure or curtailment of hours due to an emergency, strike, lockout, or other cause, notification of such an event should be made immediately to Airport Administration.

The Airport maintains high standards for its own employees and encourages Concessionaires to employ personnel eager to assume a high standard of service to the public. Employees are expected to be courteous at all times and shall refrain from acting in a loud, boisterous, or otherwise improper manner. Concessionaires are encouraged to include extensive customer service training for employees, as well as a thorough orientation of the Airport, so that employees can correctly answer customer questions regarding the Airport facilities, directions, etc. Complaints received by the Airport concerning a Concessionaire's employee or employees will be forwarded to Concessionaire for response. The Concessionaire will respond in a timely and appropriate manner in coordination with Airport Administration. Appropriate dress, grooming and hygiene are required of all employees who serve the public.

#### LANGUAGE ASSISTANCE PROGRAM

The City of Dayton and the Dayton International Airport are committed to providing quality customer service and information about City services available to everyone, regardless of language barriers (Policy HR 2.19). Tenants are expected to make reasonable, good faith efforts to communicate with their customers with limited English proficiency. Air carriers, rental car concessionaires and the Transportation Security Administration are expected to have translator/interpreter resources available within their organization to assist such customers. Other tenants operating at the Airport without access to translator/interpreter services may contact the Ambassador at the Information Desk or the Airport Police for assistance in utilizing the City's Language Access Line.

#### VENDING MACHINES

Vending machines are provided in the Airport public areas and are available to the public and employees. Tenants wishing to install vending machines within their leased space for their employees' use only may do so only with the prior permission from Airport Administration. Tenants are responsible for any utility upgrades or improvements necessary for the installation. Tenants are responsible for coordinating access to the machine for stocking and maintenance including escorting if required. Tenants are responsible for ensuring that machines are removed upon vacating of the space.

#### DECORATIONS AND PROMOTIONS

Tenants wishing to display decorations of any type including promotion decorations or holiday decorations within the public area of their leased space must submit a written request to Airport Administration for prior approval. The request should include the type of decorations, the purpose of the decorations, the expected length of the time the decorations will be displayed and any other additional information. The decorations will be permitted upon notice from Airport Administration. Any decorations which violate these Rules and Regulations or are considered excessive or objectionable by the Airport must be removed upon notice by Airport Administration.

Natural Christmas trees and wreaths are a fire hazard and are not permitted. All decorations shall be either fire retardant or treated with fire retardant. Decorations must be placed safely and in accordance with all fire prevention practices. Decorative lighting shall conform to uniform fire and electrical code requirements. Representatives of the Fire Division will be available to review proposed decorations to determine if they comply with the requirements of the rules. The Fire Division may examine any decorations placed and require the removal of any such decoration they determine may pose a fire danger.

#### ADVERTISING AND SIGNAGE

The Airport has awarded an in-terminal advertising concession agreement for the advertising in designated public and common use spaces throughout the Airport Terminal. If a tenant or third party is interested in advertising in any of these areas designated as part of the advertising concession agreement, they should contact the advertising Concessionaire directly whose contact information may be obtained through Airport Administration. All other tenants' signage, advertising and promotion requests shall be made in writing to Airport Administration as provided for in Chapter 9. No Person or tenant at the Airport shall post, display or affix any Commercial message at the Airport or, if within the Terminal Complex, 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 Airport. All advertising at the Airport must comply with the City of Dayton Department of Aviation Advertising Policy.

Tenants are permitted to display advertising, promotion and signage material within the public area of their exclusive leased space. Such material should be proprietary to the tenant (not on behalf of a third party), should be of professional quality and should be of reasonable size and volume. Any material considered objectionable by the Airport must be removed upon notice by Airport Administration.

The Airport 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.

#### NEWS RACKS

The Airport regulates the time, place and manner of the placement of news racks. No news racks will be placed in the Airport without prior permission from Airport Administration. Installation of news racks at approved sites shall be at the sole cost and maintenance of the distributor and must conform to the Airport's standards regarding safety, security, traffic flow and aesthetics. The distributor shall endeavor to keep the news racks full and will post a sign indicating the publication may be available for purchase at the concessions if the rack is empty. The distributor will also post a notice indicating how customers can recover money lost while using the news rack.

It is required that publications in the news racks adhere to a "content neutrality" standard. The Airport may prohibit the distribution of any materials through the news racks which are considered to be pornographic, objectionable or harmful to minors. The Airport reserves the right to remove or relocate news racks at its discretion and will do so with advance notice to the distributor. Distributors will be charged a fee and will be required to maintain specified insurance coverage and have documentation to that effect.

### AIRPORT TOURS

Tours of the Airport are available on certain days and times as determined by the Airport. Persons or organizations wishing a tour of the Airport must submit a tour request at least two (2) weeks in advance. Tour groups are recommended to be no larger than twelve (12) to fifteen (15) Persons. Requests for tours with more than fifteen (15) Persons require special arrangements. Such requests can be made on the Airport website at <http://www.flydayton.com/index.php?page=tour-the-airport> or by calling (937) 454-8200.

### WELCOME TABLES

Persons or organizations wishing to place a welcome table for groups arriving at the Airport (such as conferences, reunions, etc.) shall make a written request to the Airport at least one week in advance to Airport Administration. The request should include the name of the organization/event, point of contact with telephone numbers, the dates and times a table is requested, the number of expected arrivals and if the table will be staffed or an informational table only. Any signage displayed at the welcome table must be in the form of a welcome sign, not an advertisement. A group wishing to hang a banner as part of the welcome table should include that in their written request. Such requests are subject to approval by the Director. Upon approval, such welcome table may be placed only on the dates, time and location as directed. Any signage or material considered objectionable by the Airport must be removed upon notice by Airport Administration.

AIR CARRIER/OTHER TENANT OPERATING PERMITS AND AGREEMENTS

Occupancy or rental of any space, or the conduct of any business, Commercial enterprise, or other form of revenue-producing activity on the Airport, shall not be permitted unless a written contract, lease, sublease, agreement, license, permit, or other temporary permission for such occupancy, rental or conduct of business has first been obtained from Airport Administration ; and all applicable fees, rates and charges, including but not limited to space rental, concession fees, operating fees, reimbursements and applicable taxes are paid to the Airport. A Commercial activity agreement or permit may not be assigned or transferred, unless otherwise provided for, and shall be limited solely to the approved activity.

All Commercial aviation operators operating regularly scheduled flights at the Airport, or flights engaged in cargo transportation at the Airport, must be a party to an Airport Operating and Terminal Building Occupancy Permit. Passenger charter flights must be operated under the provisions of one of the Fixed Base Operator's lease agreement or another air carrier's operating permit.

TERMINAL COMMON USE FACILITIES (COMMON USE OF VACANT GATES)

Requests to use common use gates on a short term basis will be forwarded to Airport Operations with twelve (12) hours advance notification or as soon as practical. Airport Operations will review the request to determine the availability of common use gates. Gate approvals are given on a first-come, first-served basis. The period of use and scheduling of gates is at the discretion of the Airport. Airlines are expected to report the use of common use gates in their monthly self-reporting to the Airport. Airport Operations will document the use of common use gates for verification of the airline's self-reporting and fees will be charged as provided for in the operating permit. When an airline needs a common use gate on a regular scheduled basis (not leased), the airline must send a request to Airport Administration who will approve or disapprove the request.

Routine parking of Aircraft off the assigned gate must be requested and approved by Airport Operations. If approved, Airport Operations will coordinate the location of the Aircraft parking. When an airline stacks Aircraft beyond the bounds of each leased terminal apron, the airline shall pay fees as designated in the permit or rates and charges. All overnight parking (RON) of Aircraft on non-leased areas must be approved by Airport Operations. Parking approvals are given on a first-come, first-served basis. Airlines are expected to report the use of off assigned gate parking in their monthly self-reporting to the Airport. Overnight parking will be documented by Airport Operations for verification of the airline's self-reporting and fees will be charged as provided for in the permit or rates and charges.

INSURANCE

Airport tenants, Concessionaries, vendors, contractors, subcontractors, and all other Commercial operators on Airport property shall provide the Airport, no less frequently than annually, a Certificate of Insurance demonstrating the required insurance limits are in place as required in the lease, agreement, permit or other such authorization. Without exception, all insurance certificates and the policies they represent shall list the City of Dayton, Ohio as an additional insured and provide thirty (30) days' notice of cancellation.

### TENANT CONSTRUCTION REQUIREMENTS

All tenant construction and alteration work requires the review and written approval of the Airport. For major renovation projects, tenants shall submit construction plans to Airport Engineering and Airport Operations for review and approval. For minor renovation projects or tenant area cosmetic improvements, tenants shall coordinate such work with Airport Operations for review and approval. All proposed construction and alteration work must be compliant with all applicable federal, state, and local regulations; have all required permits; and be compliant with the approval provided by the Airport. In addition, for all construction and alteration work, the tenant must submit to Airport Engineering as-built drawings in the required format within thirty (30) days of project completion. Any environmental survey required for a construction project within a leased area is the responsibility of the tenant.

Any building, construction materials or other discarded waste of materials resulting from tenant construction and alteration work must be discarded in a location and method as directed by the Airport Operations.

### OWNERSHIP OF TENANT IMPROVEMENTS

Fixtures, installations, additions, alterations and improvements made by the tenant on Airport premises becomes the property of the Airport upon the termination or expiration of the tenant agreement or permit without compensation to the tenant unless otherwise provided for in the agreement or permit. The tenant may remove trade fixtures and equipment prior to the contract end provided that damage to the infrastructure that may occur in the process is immediately repaired. Tenants shall not remove or demolish, in whole or in part, any improvements to the premises without prior consent from the Airport. The Airport may require the tenant to replace whatever is removed. Tenants should refer to their agreement or permit with the Airport for other contract termination requirements.

### SIGNAGE AND GRAPHIC STANDARDS

The Airport strictly controls sign appearance, messaging, quality and placement. The Airport manages signage in order to: increase the ease of movement throughout its facilities, eliminate clutter, guarantee uniformity and insure visual appeal and appropriate content. The Airport manages the appearance and placement of all interior and exterior signs displayed in and around the Airport. This applies to signs requested by employees, tenants, agencies, contractors and other Airport users.

The Airport requires that sign design and plans be submitted for approval prior to fabrication, construction and installation. Such signs shall comply with the City of Dayton Department of Aviation Advertising Policy and the Visual Display and Signage Design Standards. These policies and standards may be obtained from the Airport Administration Offices. Signs must be of a professional quality. No handwritten or poorly manufactured signs will be permitted. The Airport Director will review and approve sign proposals.

Tenants are responsible for the design, fabrication, installation, and cost of signs in their leased areas. The Airport reserves the right to remove non-compliant or unauthorized signs and charge the cost of the removal and associated repairs to the tenant.

## TENANT REPORTING

### *Monthly Activity Reports*

All tenants with a lease, agreement, permit or other such authorization of Commercial activities at the Airport shall provide to the Airport its monthly activity report including such information and at such time as is required by the agreement or permit. The format for reporting must be in a form acceptable to the Airport.

### *Audit Requirements*

Tenants shall keep and maintain adequate books and records to establish and verify the accuracy of the information reported to the Airport in their monthly activity report. As provided for in tenant agreement or permit, an Airport authorized representative shall have the right to examine, inspect or audit a tenant's books and records for the purpose of verifying the accuracy of the information reported and to ensure compliance with the terms of such agreements. Tenants are expected to cooperate with the Airport regarding such audits and requests for information.

### *Accident and Incident Reporting Requirements*

Accidents or incidents resulting in damage to property, injury requiring medical treatment, or interference with Airport operations shall immediately be reported to Airport Dispatch (937) 454-8300.

## THIRD PARTY OPERATORS

Third party operators providing ground handling services for an air carrier with an operating permit with the Airport are permitted to operate under the provisions of that air carrier's operating permit. The air carrier must provide the Airport a copy of its agreement with the third party operator. The third party operator must satisfy the insurance provisions required under the air carrier's permit.

## AIRPORT FEES, RATES AND CHARGES

Airport users shall pay the rents, fees, or other charges specified by the Airport for engaging in activities. Users' failure to remain current in the payment of any and all rents, fees, charges, and other sums due to the Airport as specified in their lease, agreement, permit or other authorization may be grounds for revocation of any permit, agreement or approval authorizing the conduct of activities at the Airport. Airport fees, rates and charges are adopted annually upon approval by the Commission of the City of Dayton.

## INSPECTIONS OF AIRPORT LEASED AREAS

The Airport reserves the right to inspect Airport leased areas as it may determine necessary with sufficient notice to tenants. Inspections may be necessary to ensure compliance with safety, security or compliance with permit or agreement requirements. Tenants will be notified of any violations identified and will be given such time to correct the violations as may be provided for in the permit or agreement or as may be determined necessary for security or safety violations.

LANDSCAPING REQUIREMENTS/WILDLIFE MITIGATION

Landscaping around Airport facilities can attract wildlife that is hazardous to Aircraft operations. Wildlife hazards can be reduced by using plant varieties and spacing that is less attractive to hazardous wildlife species. The Airport has an FAA approved Wildlife Hazard Management Plan. This plan requires incorporating reduction of wildlife attractions in landscape design by reducing the number of trees planted and selecting species least desirable to wildlife. All tenant landscape alterations and/or improvements must conform to this plan in consultation with and approval by Airport Operations. A copy of the Wildlife Hazard Management Plan can be obtained by calling Airport Operations.

Tenants shall not conduct any other activity or behavior which might result in the attractant of wildlife to the airport. Tenants are encouraged to report observed wildlife, roosting or nesting areas, or possible wildlife attractants to Airport Operations.

GROUND TRANSPORTATION PERMITTING INCLUDING OFF-AIRPORT RENTAL CAR OPERATORS, OFF-AIRPORT PARKING SERVICES AND OFF-AIRPORT HOTEL/MOTEL SHUTTLE SERVICES

Section 37.08 of the City of Dayton Revised Code of General Ordinances (R.C.G.O.) provides for the permitting of vehicles used by off-Airport operators authorized to conduct business activities at the Airport.

- A) The Director of the Department of Aviation or his/her appointee shall establish an authorized vehicle/courtesy vehicle permit system to be used by all off-Airport operators authorized to conduct business activities at the Airport.
- B) Only authorized vehicles/courtesy vehicles that have obtained such permits may conduct Commercial activity on the Airport grounds.
- C) Off-Airport operators shall obtain a Department of Aviation permit by completing and submitting a written application. Permits will be issued only after the application is submitted and approved along with evidence that requirements for any license, other permits, insurance, safety inspections or authorizations required by any other government agency, such as local, state and/or federal, have been met. An administrative fee to cover the costs of the permit system may be charged and collected by the Department of Aviation.
- D) Each authorized vehicle/courtesy vehicle being used on the Airport by an operator in the conduct of business in accordance with R.C.G.O §§ 37.06 through 37.10 shall have an indicator of the permit displayed on the vehicle as specified by the Director of the Department of Aviation.
- E) The permit is not transferable and does not extend to any area of the Airport nor any other zone except those designated in the permit.
- F) All authorized vehicles/courtesy vehicles authorized under those permits shall be kept clean and maintained in good working order.
- G) The Director of Aviation or his/her appointee may immediately revoke, temporarily or permanently, a permit for violation of any provision of R.C.G.O §§ 37.06 through 37.10 or of any federal, state and/or local law or ordinance or of any other aviation rules, regulations, or policies.
- H) Emergency vehicles and vehicles of governmental agencies including, but not limited to, city, state, and federal shall be exempt from purchasing vehicle permits and payment of fees and charges required by R.C.G.O §§ 37.06 through 37.10.
- I) Permits shall be obtained for the following vehicles: Off-Airport parking courtesy vehicles; off-Airport hotel/motel courtesy vehicles; and off-Airport rental car courtesy vehicles.

Application for a permit to operate on the Airport under this provision should be obtained from the Airport Administration Offices.

GENERAL PROVISIONS GOVERNING GROUND TRANSPORTATIONVehicle Requirements

Section 37.09 of the City of Dayton Revised Code of General Ordinances provides that all authorized vehicle/courtesy vehicle permits shall require the owner, operator, driver, or chauffeur of any authorized vehicle/courtesy vehicle to procure and file with the Department of Aviation a liability insurance policy issued by a good and responsible surety company in an amount to be determined by the Department of Aviation and as required in the Airport Permit. Should a vehicle at any time cease to



be covered by a policy of insurance, that vehicle at any time shall be prohibited from operating on Airport property. A thirty (30) day notice of cancellation by the insurance company shall be provided to the Department of Aviation.

Vehicles utilized must be properly equipped for operation as a shuttle (i.e. not personal use vehicles), meet all of the Americans with Disabilities Act (ADA) requirements and must prominently display the Operator's company identification and the current City permit sticker. Vehicles are expected to be maintained in a clean and sanitary condition and maintained to proper safety standards.

#### Driver Requirements

Shuttle drivers must be properly identified as a representative of the Operator and must have a clean, neat and presentable appearance. Drivers must have a valid operator's license issued by the State of Ohio appropriate for the type of shuttle vehicle being operated.

#### Fees

Section 37.07(A) of the City of Dayton Revised Code of General Ordinances provides for the fees and charges applicable to off-Airport rental car operators.

Section 37.07(B) of the City of Dayton Revised Code of General Ordinances provides for the fees and charges applicable to off-Airport parking services.

Section 37.07(C) of the City of Dayton Revised Code of General Ordinances provides for the fees and charges applicable to off-Airport hotel/motel shuttle services.

#### TAXICAB PERMITTING

Division 3 (Sections 115.31 through 115.99) of the City of Dayton Revised Code of General Ordinances provides for the licensing of taxicab drivers and taxicab operators operating in the City of Dayton. The Airport has an operating agreement ("Airport Taxicab Agreement") with one Taxicab Company for the sole operation of Taxicabs to and from the Airport. Drivers desiring to operate at the Airport, in addition to obtaining a City Operator's permit and complying with the requirements of the code, must be under employment by the current Taxicab Company under contract with the Airport.

#### GENERAL PROVISIONS GOVERNING TAXICABS

##### Vehicle Requirements

Vehicles utilized in providing services authorized under the single Airport Taxicab Agreement at the Airport shall meet the requirements of the City of Dayton Revised Code of General Ordinances as may be amended, and the requirements as they are stated in the Airport Taxicab Agreement. The color, logo and insignia of all Taxicabs operating under this Agreement at the Airport are stated in the Airport Taxicab Agreement. Vehicles are expected to be maintained in a clean and sanitary condition and maintained to proper safety standards.

Vehicles and drivers are subject to random inspection by the Airport Police Division and the City of Dayton Police Department to ensure compliance with the City of Dayton RCGO, the Airport Taxicab Agreement, and security requirements.

Operators will maintain insurance coverages as required by the City of Dayton Revised Code of General Ordinances and the Airport Taxicab Agreement; whichever is the more stringent requirement.

#### Driver Requirements

Drivers operating a taxicab under the Airport Taxicab Agreement with the approved Airport operator must have a valid taxicab driver's license issued by the City of Dayton and a valid operator's license issued by the State of Ohio. Drivers shall maintain a clean, neat and presentable appearance at all times while operating under an Airport Taxicab Agreement and shall conduct themselves in a fair, honest and businesslike manner at all times. Drivers shall not use any profane, boisterous, or improper language or be the cause of or engage in any quarreling, fighting or other unlawful disturbance. Drivers are responsible for ensuring compliance with the requirements of the City of Dayton Revised Code of General Ordinances as may be amended as well as the Airport Taxicab Agreement.

#### Fees

Taxicab operators shall be required to pay a fee to the City as provided for in the Airport Taxicab Agreement for each Revenue Trip, to and from the Airport as required by the Airport Taxicab Agreement. The Operator shall maintain complete and accurate business records which the City, through its representatives, has the right to inspect and/or audit.

#### TRANSPORTATION NETWORK COMPANIES

Transportation Network Companies ("TNC") are regulated in Ohio by the Ohio Public Utilities Commission ("PUCO"), and its regulations as codified in Ohio Revised Code ("O.R.C.") Chapters 3492 and 4925. The Airport adopts the following regulations and procedures for TNCs operating at the Airport pursuant to the authority granted by O.R.C. § 4925.09 A (2).

Each TNC desiring to operate at the Airport must comply with the regulations and provisions of O.R.C. Chapters 3942 and 4925 and must possess a valid permit issued by the PUCO to operate as a TNC in the State of Ohio. Drivers of or for any TNC that does not comply with O.R.C. Chapters 3942 and 4925 shall be considered taxicabs and subject to the City of Dayton Revised Code of General Ordinances regarding taxicabs.

Each TNC desiring to operate at the Airport must also apply for and maintain a valid Transportation Network Company Commercial Ground Transportation Operating Permit from the Airport ("TNC Airport Permit"). The TNC Airport Permit is attached as Appendix D to these Rules and Regulations. A TNC must pay a permit fee, agree to pay the per-trip fee and provide trip reporting as required by the TNC Airport Permit. These fees are subject to change on an annual basis.

### GENERAL REQUIREMENTS

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

- 1) Pursuant to these Rules and Regulations;
- 2) 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
- 3) 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.

### CONTENT NEUTRAL REGULATIONS

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.

### HANDBILLS/LEAFLETING

In accordance with Section 98.10(A) of the City of Dayton Revised Code of General Ordinances, no Person shall deposit or unlawfully sell any handbill in or upon any public place. Provided, however, that it shall not be unlawful on any public place for any Person to hand out or distribute without charge to the receiver, any handbill to any Person willing to accept it. Any group or individual wishing to distribute handbills on the Airport property must first make a written request as provided for in this chapter. Upon approval, handbill/leafleting activities may only occur in the area so designated by the Airport.

Additionally, no Person shall deposit any handbill in or upon any vehicle unless the occupant of a vehicle is willing to accept it, per Section 98.10(C). It shall be the responsibility of any Person distributing handbills to maintain the area which they are utilizing free of any litter caused by or related to any handbill distribution, per Section 98.10 (D).

### PICKETING

Picketing at the Airport is permitted only upon issuance of a permit by the Airport after first making a written request as provided for in this chapter.

### SOLICITING

In accordance with Section 137.16(B) of the City of Dayton Revised Code of General Ordinances, no solicitation is permitted in any public transportation vehicle or facility. The Airport is a public transportation facility.

### REGISTRATION AND PERMITTING PROCESS

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 request to the Airport Administration Offices within three (3) days in advance. Such request shall be required in order that adequate precautions may

be taken to protect health, security, safety and order, to assure efficient and orderly use of Airport property for its primary purpose and to assure an equal opportunity for freedom of expression. The written request shall include:

- 1) The full name, mailing address and telephone number of the Person providing the written request, 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 both the organization and a responsible officer or agent thereof;
- 2) A description of the proposed activity stating the type of communication to be involved (e.g. leafleting or picketing) and the size and volume of the items to be handed out or the signs to be utilized for the activity;
- 3) The preferred date, hour, 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, 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 for the sale or exchange of goods or services.

The Airport Director or designee shall review the application for sufficiency of information, and shall 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 requesting the same date and time, the Airport Director will review those applications on a first come-first served basis and grant or deny permits in that order.

The activities referred to herein shall be conducted strictly in conformity with the terms and conditions set forth in the permit issued by the Airport and these Rules and Regulations.

The Airport has determined that only certain area(s) of the Airport provide a reasonable opportunity for picketing and leafleting activities while not preventing the use of the Airport for its intended purpose of providing safe, secure, orderly, and efficient flow of pedestrian and vehicular traffic. The Airport will maintain a map identifying the area(s) designated for picketing and leafleting activities. Where necessary to preserve the use of the Airport by the public for transportation purposes, the Airport may change the size or location of the designated area(s) from time to time taking into account changes in pedestrian or vehicle flow, construction, alterations to the Terminal Complex and its surroundings, emergency conditions, security requirements or other unforeseen circumstances which may necessitate a change.

The activities described herein shall be conducted only in or upon those Airport premises which are designated by the Airport 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.

No more than the number of Persons designated by the Airport in the permit may engage in the permitted activity in the designated area(s) at a time.

### PROHIBITED CONDUCT

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

- a) Leafleting, picketing or soliciting by any Person at any area except during the days, times and locations assigned by the Airport in a valid permit;
- b) Conduct of a game of chance;
- c) The sale, distribution or handing out of any type of food or drink by any Person engaged in leafleting, picketing or soliciting;
- 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 assault, 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 interference by 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 these Rules and Regulations; 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 Airport is a representative of the Airport;
- 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 Airport regarding the conduct of any participant;
- l) Any conduct which shall physically impede, obstruct or interfere with the free movement of any Airport passenger, tenant or employee.

### ACTIVITIES DURING EMERGENCIES

The Airport Police or Director may declare an emergency for all or any portion of the Airport, including the Terminal Complex, due to adverse weather, schedule interruptions or extremely heavy traffic movements or for emergency or security measures. Any Person conducting leafleting, picketing or other approved, permitted activity in an area affected by the emergency shall immediately cease such activities for the duration of the emergency.

Upon the end of such emergency, as announced by the Airport Police or Director, participants with approval to conduct such activities may resume their activities in accordance with their permit.

### ACCIDENTS

If any Person permitted to engage in a leafleting, picketing or other approved, permitted activity is involved in an accident or incident in which any Person is injured or property damaged, a participant or the participating organization shall immediately contact Airport Dispatch at (937) 454-8300.

### DONATION BOXES, FURNITURE OR SIGNS

Donation boxes are not permitted on the Airport unless approval has been granted by Airport Administration.

The placement of a table, bench, chair, sign or other item on the Airport is prohibited unless expressly permitted in writing by Airport Administration in connection with an approved permit for leafleting or picketing.

### VIOLATIONS BY PARTICIPANTS

If a violation to a federal, state or local regulation or any provision of this chapter occurs, the responsible individual shall be notified. Failure to immediately correct the violation shall cause the termination of the permit under which they are operating and the party shall not be permitted to continue the activity on Airport Property. Such termination shall be administered pursuant to the Compliance Provision in Chapter 1 of these Rules and Regulations. Upon termination of the permit, the Person and/or organization in violation shall not be eligible for a new permit for a period of up to twelve (12) months or a period to be determined by the Director of Aviation.

ENVIRONMENTAL POLLUTION AND SANITATION

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 chapter. Tenants shall comply with the rules and regulations governing trash removal and recycling as provided for in Chapter 8.

As provided for in Chapter 9, no Person shall dispose of any fill, building or construction materials or any other discarded or waste materials on Airport property except as approved by Airport Operations or as otherwise expressly provided in a written agreement or permit with the Airport. 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, as described in Chapter 3.

Outdoor washing of vehicles and equipment, including Aircraft (as described in Chapter 5), is prohibited at the Airport. Indoor washing is permitted only if the facility has a wash bay which drains into the sanitary sewer system. Approval for outdoor washing may be granted provided that a mechanism is in place to capture all runoff prior to entering the storm sewer system and such mechanism is observed and approved by the Airport Environmental Office. Such approval may be withdrawn if the Airport deems that the operation is contributing to storm water pollution.

No Person shall use a restroom, toilet or lavatory facility at the Airport other than in a clean and sanitary manner.

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 Airport Fire Division and Airport Environmental Office. The Person responsible for the spill shall report it immediately in accordance to the recommended spill reporting requirements in the Airport's Storm Water Pollution Prevention Plan.

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 to be emitted into the atmosphere or be carried by the atmosphere.

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 Airport Operations. All Persons shall comply with Airport Operations directions regarding the prevention and removal of foreign objects and debris within the AOA.

No Person shall claim ownership of, recover or salvage any Airport property for personal use or use by any party other than the Airport. No Person shall aid other Persons in any unauthorized disposal or removal of Airport property. No Person shall realize personal benefit or gain from any unauthorized disposal or removal of Airport property. No Person shall scrap, recycle, sell, donate or otherwise dispose of unauthorized items on Airport property regardless of its monetary value. No Person shall use Airport facilities, including leased premises, to collect or store Airport property such as scrap or recyclable materials, except as specifically directed by authorized Airport management.

### STORM WATER POLLUTION PREVENTION PLAN

In compliance with the Airport's National Pollutant Discharge Elimination System (NPDES), the Airport has adopted a Storm Water Pollution Prevention Best Management Practices Plan to develop a comprehensive approach to site-wide management of storm water. Other than storm water, no material may be intentionally or accidentally placed, poured, spilled, flushed, or by any other method, introduced into any storm water grate, inlet, or pipe.

It is unlawful for anyone to place into the storm drainage system any waste or other substances in such a way as will be or may become offensive. This includes unnatural deposits, floating debris, oil scum, etc. It also includes nuisances such as color, odor, taste or conditions which produce undesirable effects on aquatic organisms or in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish or aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

Tenants shall comply with the Airport's Storm Water Pollution Prevention Plan, including Best Management Practices, a copy of which may be obtained from the Airport Environmental Office.

### 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, 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 chapter.

### CONTROL OF CONTAMINANTS

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.

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.

### CONTAINERS

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 Air Operations Area.

No Person shall operate an uncovered vehicle to haul trash, dirt, or any other material on the Airport without prior written permission of Airport Operations.



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.

#### POTABLE WATER

Air carriers or other Airport tenants requiring potable water outside of the Airport Terminal Building are responsible for the cost and installation of a backflow prevention device and any additional required equipment such as cabinets and hose reels. The air carrier or tenant is responsible for all required testing and shall ensure compliance with the Environmental Protection Agency, the Food and Drug Administration and the U.S. Department of Agriculture regulations, and any other applicable federal, state and local laws and regulations.

RULES GOVERNING HEARINGS BEFORE THE DIRECTOR OF AVIATION

Any Person receiving a notice of violation, suspension or revocation of his or her Airport issued identification badge and/or fine may provide a written request for a hearing before the Director to request an alternative disposition of the alleged violation. Any Person having been denied a permit to conduct a particular activity at the Airport may also provide a written request for a hearing before the Director to request a review of the permit denial. Such written request must be made within ten (10) days after the issuance of the notice of violation and associated penalties or permit denial. Such written request must specify the reasons why the order, fine, penalty, permit denial or decision should be rescinded, changed or modified.

Upon receipt of a timely appeal, the Director shall set a date and time for an appeal hearing, but in no case shall the hearing be set more than thirty ( 30) days from the receipt of the timely notice of appeal. The appellant shall be notified in writing of the date, time, and place for the appeal hearing. The Director or his/her designee shall serve as the Hearing Examiner.

A hearing will be scheduled in coordination of the schedules of the Director and the requesting party. The requesting party shall not unreasonably object to the proposed hearing date and time. The requesting party shall appear at the hearing to present facts, arguments, and witnesses to refute the alleged violation or permit denial. If desired and at his or her own expense, the requesting party may be represented by counsel. At such hearing, representatives from the Airport shall be present and may also present evidence in support of the notice of violation or permit denial.

If the requesting party fails to appear at the hearing, then, unless such absence is excused and rescheduled by the Director for reasons of health or emergency, the notice of violation or permit denial shall be treated as if a hearing were never timely requested. In such event any suspension or cancellation period or financial penalty shall commence on the first day following the hearing date.

Hearings shall be conducted in the Airport Administration Offices unless an alternative location is proposed and mutually acceptable by both parties. Hearings shall be recorded.

The Director may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Director shall give effect to the rules of privilege recognized by law. The Director may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence. Factual issues shall be resolved by a preponderance of evidence.

Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

Every party shall have the right to cross examine witnesses who testify and shall have the right to submit rebuttal evidence; provided that the Director may control the manner and extent of the cross examinations and rebuttal.

The Director may take notice of judicially cognizable facts. The Director may deliberate behind closed doors before rendering a decision.

Within ten (10) days of the conclusion of the hearing, the Director shall determine if the disputed action was proper, and shall approve, modify, or rescind the disputed action. The decision of the Director shall be documented in writing and served upon the requesting party either by hand-delivery, certified mail to the last known address, or sent electronically with a record of the electronic transmission kept on file with the Airport. The written decision of the Director shall be final.

*Judicial Review of Appeal.* The appealing party is entitled to review of the final determination of the Director in the Montgomery County Common Pleas Court. Appeal cases shall be filed and proceed according to the Montgomery County and Ohio Rules of Civil Procedure.



***CITY OF DAYTON, OHIO***

***JAMES M. COX DAYTON INTERNATIONAL AIRPORT (DAY)  
MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL  
SERVICE PROVIDERS***



APPENDIX B TO THE RULES AND REGULATIONS

ADOPTED OCTOBER 4, 2017

# JAMES M. COX DAYTON INTERNATIONAL AIRPORT (DAY)

## MINIMUM STANDARDS FOR COMMERCIAL AERONAUTICAL SERVICE PROVIDERS

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## PURPOSE

The City of Dayton, Ohio, as the owner and operator of the James M. Cox Dayton International Airport (DAY) has established these Minimum Standards applicable to any Person providing or seeking to provide Commercial aeronautical activities or services at the Airport.

These minimum standards serve to promote safety in all airport activities, protect airport users from unlicensed and unauthorized products and services, maintain and enhance the availability of adequate services for all airport users, promote the orderly development of airport land, and ensure efficiency of operations. Additionally, as federally obligated through its participation in the FAA's Airport Improvement Program, the Airport must comply with applicable federal grant assurances, including Grant Assurance 22 – Economic Non-Discrimination and Grant Assurance 23 – Exclusive Rights. These grant assurances serve to ensure that airports receiving federal funds are operated in a manner that benefits the public and to guarantee that a level playing field exists for companies or individuals wishing to provide Commercial aeronautical services to the public.

These Minimum Standards were developed in accordance with FAA Advisory Circular 150/5190-7, *Minimum Standards for Commercial Aeronautical Activities*, dated August 28, 2006. The Airport may amend these minimum standards, subject to the approval of the Commission of the City of Dayton, as necessary to address changes in airport operational conditions and growth, business conditions or governmental regulations.

The Airport intends to enforce these Minimum Standards in a consistent, uniform and fair manner to accomplish the purpose and promote successful commercial business operations at the Airport. Chapter 1 of the Airport Rules and Regulations addresses compliance, enforcement, violations and appeals. The Director, in his or her sole discretion, may temporarily waive or suspend any of these Minimum Standards if determined to be in the best interest or welfare of the Airport.

Commercial aeronautical activities or services not addressed by these Minimum Standards will be addressed by the Airport on a case-by-case basis, taking into consideration the desires of the applicant, the best interest of the Airport and the need for such services or activities at the Airport. Minimum standards will be provided in the Operator's lease, agreement or permit.

## DEFINITIONS

Unless specifically defined otherwise herein, or unless a different meaning is apparent from the context, the following terms used in these Minimum Standards shall have the following definitions, whether or not such terms are capitalized. Any terms not defined in this chapter shall have the meaning set forth in applicable federal, state, and local laws.

**AERONAUTICAL SERVICES** - means any service or activity which involves, makes possible or is required for the operation of Aircraft, or which contributes to or is required for the safety of Aircraft operations. The following services/activities commonly conducted on airports are Aeronautical Activities within this definition including but not limited to: air taxi and charter operations, pilot training, Aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising, air ambulance services, surveying, air-carrier operations, air cargo operations, Aircraft sales and services, sale of aviation petroleum products, repair and maintenance of Aircraft, sale of Aircraft parts, and any other activities that, because of their direct relationship to the operation of an Aircraft, can appropriately be regarded as an "Aeronautical Service or Activity."

**AIR OPERATIONS AREA (AOA)** – The Air Operations Area is all Airport areas where Aircraft can operate, either under its own power or while being towed, including runways, taxiways, and apron areas.

**AIRCRAFT** – Aircraft shall mean any contrivance now known or hereafter designated, invented, or used for powered or non-powered flight in the air.

**AIRPORT** – Airport shall mean the James M. Cox Dayton International Airport including all land, buildings, improvements and infrastructure within its borders. Airport shall also mean the Administration office thereof.

**AIRPORT SECURITY PROGRAM (ASP)** – Airport Security Program is the procedures, programs and rules established, implemented and maintained for security purposes of the Airport pursuant to rules and regulations of the TSA. Violations of the Airport Security Program are enforceable by the Airport pursuant to the ASP and the Airport Rules and Regulations.

**CITY** – City shall mean the City of Dayton, Ohio.

**COMMERCIAL** - Commercial shall mean that which relates to the exchange, trading, buying, hiring, advertising, solicitation, promotion or selling of commodities, goods, services, information or tangible or intangible property of any kind, or any revenue-producing activity at the Airport.

**DEPARTMENT OF HOMELAND SECURITY (DHS)** – The Department of Homeland Security is a cabinet department within the United States federal government and includes the Transportation Security Administration (TSA).

**DEPUTY DIRECTOR** – Deputy Director shall mean the Person designated as the Deputy Director employed by the City, and acting under the direction of the Director, or his or her designee.

**DIRECTOR** – Director shall mean the Director of Aviation employed by the City or, in his or her absence, the Deputy Director.



**EXCLUSIVE RIGHT** – Exclusive right shall mean a power, privilege, or other right excluding or debarring another from enjoying or exercising a like power, privilege, or right.

**FEDERAL AVIATION ADMINISTRATION (FAA)** – The Federal Aviation Administration is the federal agency within the United States Department of Transportation with authority to regulate and oversee all aspects of civil aviation, or such other governmental agency which may be successor thereto.

**FIXED BASE OPERATOR (FBO)** – Fixed Base Operator means a firm or Person, subject to the provisions of an agreement or permit, which provides commercial aeronautical services such as fueling, hangaring, tie-down and parking, aircraft rental, aircraft maintenance, flight instruction, etc.

**FUEL** – Fuel shall mean aviation fuels of all grades and/or petroleum products ordinarily used and required for the operation of aircraft, including turbine (jet) fuel (Jet A) and aviation gasoline (AvGas).

**FUELING SERVICES** – Fueling services means the transportation, sale, delivery dispensing, storage or draining of fuel or fuel waste products to or from fuel storage tanks, aircraft, vehicles, or equipment.

**MINIMUM STANDARDS** – Minimum Standards shall mean these Minimum Standards for Commercial Aeronautical Service Providers adopted by the City as may be amended from time to time, as the minimum requirements to be met as a condition for the right to provide Commercial aeronautical services at the Airport.

**INDEPENDENT OPERATOR** - An independent operator is a single individual, working alone without employees or partners, who provides a Commercial aeronautical service.

**OPERATOR** – Operator shall mean any Person providing Commercial aeronautical services at the Airport.

**PERSON** – Person shall mean any individual, firm, partnership, corporation, company, Limited Liability Company, Limited Liability Partnership, association, joint stock association, governmental entity or other body politic; and includes any trustee, receiver, committee, assignee or other representative or employee thereof.

**PRINCIPAL** – Principal shall mean all parties owning an interest in a business of greater than 5%, and each partner, director or corporate office, and those persons who will be managing the business.

**RULES AND REGULATIONS** – Rules and Regulations shall mean the Rules and Regulations developed by the Airport that govern Airport operations, including any future amendments or supplements to the existing document.

**SPECIALIZED AVIATION SERVICE OPERATIONS (SASO)** – Specialized aviation service operations or SASOs are sometimes known as single-service providers or special FBOs performing less than full services. These types of companies differ from a full service FBO in that they typically offer only a specialized aeronautical service such as aircraft sales, flight training, aircraft maintenance, or avionics services, for example.

TRANSPORTATION SECURITY ADMINISTRATION (TSA) - The Transportation Security Administration is the federal agency within the Department of Homeland Security, and any federal agency succeeding to its duties and powers.

### AGREEMENT REQUIRED

No Person shall provide Commercial aeronautical services or engage in Commercial aeronautical activities on the Airport, without first obtaining a written contract, agreement, lease, permit, license or other form of written authorization therefore from the Airport. Persons seeking such authorization must contact the Airport Properties Manager and complete an application, as provided in Exhibit A. Independent Operators may not operate at the Airport unless they are operating under an approved Operator meeting these Minimum Standards. The Independent Operator must be covered by the Operator's required insurance coverages.

### INSURANCE REQUIREMENTS

Each Person conducting Commercial aeronautical activities at the Airport shall obtain and maintain at all times during its operations at or occupancy of any portion of the Airport, minimum insurance coverages as described in Exhibit B or other such insurance as may be required pursuant to any agreement with the Airport. In event of a conflict between these standards and the agreement, the insurance requirements of the agreement shall prevail. Each Person shall provide a certificate of insurance or other documentation satisfactory to the Airport, no less frequently than annually, as evidence of the required insurance coverages. Without exception, all insurance certificates and the policies they represent shall list the City of Dayton, Ohio as an additional insured. Such insurance policies shall be with insurance companies authorized to do business in the State of Ohio and having at least an "A" rating from A. M. Best and covering all operations under the lease, agreement, permit or other authorization from the Airport, whether performed by the Operator or by its contractors.

#### Commercial Liability Insurance (Primary and Umbrella):

Commercial Liability Insurance with limits provided in Exhibit B, per occurrence, combined single limit, for bodily injury and property damage liability. Coverage extensions shall include the following: All Premises and operations, products/completed operations, explosion, collapse, underground, independent contractors, broad form property damage, separation of insured and contractual liability (with no limitation endorsement). The City, its elected officials, officers, agents, volunteers and employees, shall be named as additional insureds, on a primary, non-contributory basis for any liability arising directly or indirectly from the operations.

#### All Risk Property Insurance:

Operator shall obtain an "All Risk Property" policy, including improvements and betterments covering damage to building, machinery, equipment or supplies in the amount of full replacement value of the property within the premises. City is to be named as a loss payee on said policy or policies of insurance.

Operator shall be responsible for all loss or damage to personal property (including but not limited to material, equipment, tools and supplies), owned or rented by Operator.

When Operator undertakes any improvement, construction or repair project on or to the premises, an "All Risk Blanket Builders Risk Insurance" shall be provided by Operator to cover at replacement cost the materials, supplies, equipment, machinery and fixtures that are or will be part of the permanent facility. Coverage extensions shall include the following: right to partial occupancy, material stored off-site and in transit, earthquake, faulty workmanship or materials, extra expense, loss of revenue, and loss of use of property. The City shall be named as loss payee on said policy or policies of insurance.

Automobile Liability Insurance:

When any motor vehicles (owned, non-owned and hired) are used in connection with work to be performed, Operator shall provide Comprehensive Automobile Liability Insurance with minimum limits provided in Exhibit B per occurrence combined single limit, for bodily injury and property damage. The City is to be named as an additional insured on a primary, non-contributory basis on said policy or policies.

Workers Compensation and Occupational Disease Insurance:

Each Person conducting a Commercial aeronautical activity on the Airport shall maintain, at all times, Workers' Compensation and Occupational Disease Insurance for its employees employed or providing service(s) upon the Airport in amounts as prescribed under Ohio law.

Aircraft Liability:

When any Aircraft (owned, non-owned and leased) is used in connection with services to be performed, Operator shall provide Aircraft Liability Insurance with minimum limits provided in Exhibit B per occurrence combined single limit, for bodily injury and property damage. The City is to be named as an additional insured on a primary, non-contributory basis on said policy or policies.

Hangar Keeper's Liability:

When an operation involves the movement and storage of Aircraft owned by others, Operator shall provide Hangar Keeper's Liability Insurance with minimum limits provided in Exhibit B per occurrence combined single limit. The City is to be named as an additional insured on a primary, non-contributory basis on said policy or policies.

Fueling Supply Contractors:

When an operation involves Fueling Services, Operator shall be named as an additional insured on its fuel supplier's policy or policies of liability (personal injury and property damage) coverage with respect to the fuel supplied by said supplier to Operator, which policy or policies shall have an annual aggregate limit of an amount not less than required in Exhibit B.

Non-fulfillment of the insurance conditions may constitute a violation, and the Airport retains the right to terminate the Operator's activities until proper evidence of insurance is provided. All policies of insurance, excluding the insurance required of the Operator's contractors, shall provide for a minimum of thirty (30) days prior written notice to be given to the Airport in the event coverage is substantially changed, canceled, or non-renewed.

COMPLIANCE WITH LAWS

Operators shall observe and comply with the Airport Rules and Regulations; applicable federal, state and local laws; and all applicable requirements of the FAA, TSA and all other duly-constituted public authorities governing its conduct on and its operations at the Airport. It is the Operators responsibility to keep informed of all such laws and requirements. The Airport reserves the right to request documentation of any required licenses or permits.

### SECURITY REQUIREMENTS

Any Person operating a Commercial aeronautical activity at the Airport shall comply with the provisions of the Airport Security Program and the security requirements as described in Chapter 4 of the Airport's Rules and Regulations.

### NON-EXCLUSIVITY

The rights granted to any Person to conduct Commercial aeronautical activities or services at the Airport are not Exclusive Rights. The Airport reserves the right to grant similar rights and privileges to other Persons engaged or seeking to engage in such Commercial aeronautical activities or services at the Airport.

### APPLICATION PROCESS

Any Person seeking to commence provision of Commercial Aeronautical Services at the Airport shall apply to the Airport in writing. The application shall be in substantially the form provided in Exhibit A with sufficient detail to discern the complete qualification of the applicant to perform the proposed services or activities, and shall be signed by an authorized representative of the entity seeking to operate at the Airport. Each application shall contain, at minimum, the following:

**Business Plan** - A written proposal detailing the nature of the proposed Commercial Aeronautical Services to be provided, space and facility requirements, and the proposed location at the Airport should accompany the application. It should also include anticipated staffing including key personnel, proposed date of commencement, the number and type of aircraft to be utilized (if applicable), and any other information relevant to the proposed operations. If the applicant is proposing to utilize subcontractors to perform any of the required minimum services, the business plan should include the qualifications of the subcontractor and the proposed agreement between the applicant and the subcontractor to perform such services.

**Qualifications and References** - The application should include a statement of the qualifications of all Principals of the applicant including any key personnel, and summary of past experience in providing the proposed services. Three references from individuals familiar with the applicant's ability to perform such services should also be provided.

**Financial Statements** - If the applicant is a current business, the application should include current financial statements and three previous year's financial statements prepared in accordance with generally accepted accounting principles prepared by a certified public accountant, if available, and otherwise certified as correct by the applicant's chief financial officer. If the applicant is not an operating business, the applicant shall provide a pro forma financial statement and evidence of the applicant's financial ability to provide the Commercial Aeronautical Services for which it is proposing to provide at the Airport. The Airport shall be entitled to consider the financial statements in evaluating the applicant's financial ability to provide reasonable, safe and adequate Commercial Aeronautical Services to the public.

**Credit Report/References** – In addition to the required financial statements, the Airport may request current credit report or references covering all business activities in which the applicant has

participated within the past five (5) years. If request, the applicant shall also submit a report for all Principals of the applicant.

Assets – The application should include listing of assets owned or being purchased or leased by applicant which will be used to provide the Commercial Aeronautical Services at the Airport. Applicant shall also provide preliminary plans, drawings and specifications and a preliminary construction schedule for any construction or improvements which the applicant intends to make on the Airport in connection with its operations. Applicant shall comply with the Airport’s review and approval procedures for such plans and specifications.

Insurance – The application should include evidence of insurance, or the ability to obtain such insurance, with policy coverages and limits that comply with the requirements of these Minimum Standards.

Licenses, Certificates and Permits – The application should include copies of all licenses, certificates and permits required by federal, state and/or local law for the conduct of the proposed business, including any such licenses, certificates and permits required for any personnel who will manage, operate or perform any services in connection with the proposed business. This includes all certifications, ratings or licenses issued by the FAA.

The Airport reserves the right to request any such additional information as it deems necessary to establish to the satisfaction of the Airport that the applicant can satisfy and will comply with the Minimum Standards.

#### APPROVAL OF APPLICATIONS

Submitted applications will be reviewed by the Airport Properties Manager who will make a recommendation to the Director. The Director may deny any application if, in his or her opinion, it finds any one or more of the following:

- The applicant does not meet the qualifications, standards and requirements established by these Minimum Standards.
- The applicant has supplied the Airport, or any other Person, with false or misleading information or has failed to make full disclosure in its application or in the supporting documents.
- There is no appropriate, adequate or available space at the Airport to accommodate the applicant at the time of application.
- The proposed activity conflicts with the Airport’s FAA-approved airport layout plan, or will create a safety or security hazard as determined by the Airport, the TSA or the FAA.
- The proposed activity requires the Airport to expend funds or to supply materials or manpower that the Airport is unwilling to expend or supply, or the operations will result in a financial loss to the Airport.
- The proposed activity will result in depriving existing Operators, without their consent, of portions of the area in which they are operating; will result in congestion of Aircraft or buildings; or will unduly interfere with the operations of present Operators, or prevent free access to such operations.

- The proposed activity or operations have been or could be detrimental to the Airport.
- The applicant or any Principal of the applicant has a record of violating any of these Minimum Standards and/or the Rules and Regulations, or the minimum standards or regulations of any other airport, or any other Laws.
- The applicant or any Principal of the applicant is currently in default in the performance of any lease or other agreement with the Airport or the City of Dayton.
- The applicant or any Principal of the application is currently delinquent in the remittance of any City, State or federal taxes.
- The applicant's financial statements or credit report/references contain information that would indicate inadequate financial resources or responsibility to undertake and conduct the proposed operations.
- The applicant does not have, or cannot demonstrate access to, the operating capital necessary to conduct the proposed operation.
- The applicant is unable to obtain sufficient insurance, financial sureties or guarantors to protect the interests of the Airport, the FAA or other appropriate governmental entities.
- The applicant or any Principal of the applicant has been convicted of any felony, or violated any City or Airport ordinance, or applicable law which the Airport believes is relevant to the proposed operation.
- The applicant or any Principal of the applicant is unable to qualify for access to the Secured Areas as required by TSA regulations. These include criminal history records checks.

#### SELF-FUELING AND OTHER SELF-SERVICE ACTIVITIES

Self-fueling and other self-service activities are not commercial activities. Therefore, they are addressed in the Airport Rules and Regulations, Chapter 5 "Aircraft Operations, Fueling and Handling."

#### THROUGH-THE-FENCE OPERATIONS

A through-the-fence operation is an operation that accesses the public landing area by Operators or aircraft owners based on land adjacent to, but not part of the Airport property. As a matter of policy, the James M. Cox Dayton International Airport does not allow through-the-fence operations.

#### COLLECTION OF LANDING FEES AND OTHER APPLICABLE CHARGES

Each Operator shall collect on behalf of the Airport, any applicable landing fees or other charges as may be imposed by the Airport as established in its Rates and Charges resolution. No such collection is required when arrangements for payment of the landing fee or other applicable charges have been made in advance between the aircraft operator and the Airport. Should any Person refuse or fails to pay the Operator the applicable landing fee or other charges, the Operator shall report it as soon as is reasonably possible to the Airport Finance Office including the name and identifying information of the Person and aircraft involved.

Any Person providing or seeking to provide aeronautical services as a Fixed Base Operator (FBO) at the Airport shall be subject to the minimum standards set forth in this chapter.

#### MINIMUM ACTIVITIES AND SERVICES

Each FBO operating at the Airport shall provide all of the following Commercial aeronautical services:

##### Aircraft Maintenance:

Aircraft maintenance shall consist of routine (minor) aircraft line maintenance ( i.e., including preventative maintenance as defined in 14 CFR Part 43, Appendix A and excluding maintenance associated with 50 hour, 100 hour, or annual inspections, major alteration and major repair) on the airframe, power plants, and associated systems of general aviation aircraft normally frequenting the Airport. It shall also include aircraft maintenance (i.e., including maintenance associated with 50 hour, 100 hour, or annual inspections, major alteration and major repair) on the airframe, power plants and associated systems of General Aviation Aircraft up to 12,500 Maximum Takeoff Weight (MTOW). These requirements for the provision of aircraft maintenance may be satisfied by and through an authorized sublessee who meets these standards and operates from the Premises.

##### Passenger, Crew and Aircraft Ground Services

Passenger, crew and aircraft ground services, support and amenities include:

- Aircraft marshalling and towing
- Oxygen, nitrogen and compressed air services
- Lavatory services
- Ground power
- Courtesy transportation
- Ground transportation arrangements by limousine, shuttle or rental car
- Aircraft catering arrangements

##### Aviation Fuels and Lubricants

FBO shall be capable of delivering and dispensing Jet Fuel, Avgas and aircraft lubricants into all general aviation aircraft normally frequenting the Airport. The FBO shall be capable of providing a response time not to exceed fifteen (15) minutes during required hours of activity, excepting situations beyond the control of Operator.

#### OPTIONAL ACTIVITIES AND SERVICES

In addition to the required minimum services described above, the following optional services may be provided by an FBO. Such services should be itemized in the FBO agreement along with any additionally required insurance coverages. Such services may include, but are not limited to:

- Specialized Aircraft Repair Services
- Aircraft Sales
- Aircraft Rental and Leasing Services
- Flight Instruction Services
- Aircraft Charter, Air Taxi or Air Cargo Services
- Specialized Commercial Flying Services



- Aircraft Storage
- Other Aeronautical Services

#### MINIMUM RESOURCES AND EXPERIENCE

Any Person seeking to serve as an FBO at the Airport shall have demonstrated, to the Airport's satisfaction, their business capability to provide such services. This includes having adequate resources to provide each of the Commercial aeronautical services required of an FBO. New applicants wishing to pursue an FBO agreement with the Airport shall submit an application along with the required supporting documents as required by Chapter 3 of these Minimum Standards.

#### REQUIRED FACILITIES AND EQUIPMENT

Each FBO operating at the Airport shall provide adequate facilities to serve the general public and its customers and to accommodate their size of business. The FBO must lease sufficient facilities or land from the Airport to provide adequate space for hangars and other buildings, paved private automobile parking, paved Aircraft parking, paved pedestrian walkways, fuel storage facilities, and all storage, utilities and support facilities necessary to meet these Minimum Standards and to accommodate customer needs.

##### Hangar and Apron

Each FBO shall construct or lease at least 15,000 square feet of hangar space and at least 100,000 square feet of aircraft apron space.

##### Support Space

Each FBO shall construct or lease at least 3,000 square feet of space for the following functions: its own office operations; a customer lobby; customer lounge space; flight planning facilities; sales counter; computer access to weather and flight planning services; pilot waiting areas; snack and beverage vending services; and customer restrooms.

##### Shop Space

Each FBO shall construct or lease adequate shop space to accommodate its level of aircraft maintenance services.

##### Automobile Parking Spaces

Each FBO shall provide adequate paved parking spaces to serve its customers and employees.

##### Mobile Dispensing Equipment

Each FBO shall provide at least two metered filter-equipped fuel dispensing motor vehicles (a "Fueling Vehicle") with a minimum capacity of at least 1,800 gallons of Jet A fuel; and either a Fueling Vehicle with a minimum capacity of at least 1,000 gallons of Avgas or a fixed Avgas refueling (self-service fueling pump) system with a capacity of not less than 1,000 gallons of Avgas. FBOs must be able to provide both

Jet A and Avgas. One such Fueling Vehicle shall have over-the-wing and single-point Aircraft servicing capability. All such Fueling Vehicles shall be bottom loaded and shall meet all applicable safety requirements. Spill response supplies shall be located on each vehicle. All Fueling Vehicles shall be equipped with reliable metering devices that meet all applicable federal, state and local regulatory requirements and such meters shall be subject to independent inspection. No Fueling Vehicle shall be operated at the Airport without meeting all vehicle requirements. All Fueling Vehicles shall be maintained and operated in accordance with federal, state, local, Airport and industry requirements, including without limitation National Fire Protection Association standard, NFPA 407, “Standards for Aircraft Fuel Servicing” (“NFPA 407”), Occupational Safety and Health Administration (“OSHA”) guidelines, FAA Advisory Circular 150/5230-4B “Aircraft Fuel Storage, Handling, Training and Dispensing” and the Rules and Regulations. If applicable to the FBO, Air Transport Association Specification 103, “Standards for Jet Fuel Quality at Airports” (“ATA 103”) shall also be followed.

#### Fueling Equipment Requirements

All fuel transport and dispensing tanks and associated equipment shall comply with all applicable Laws regarding the transportation, dispensing and storage of flammable liquids. Refer to Chapter 5 of the Airport Rules and Regulations.

#### Fuel Storage Facilities

Each FBO shall provide or have access to fuel storage facilities located at the Airport with a capacity which will provide an inventory of Jet A and Avgas sufficient to fully service the FBO’s anticipated demand for Jet A and Avgas; but in no event shall the total storage capacity for Jet A be less than 20,000 gallons and for Avgas be less than 10,000 gallons. The FBO shall ensure that such facilities comply with all applicable Laws and Airport requirements. If an FBO contracts with another party that maintains on-Airport fuel storage facilities for fuel storage, that party must have entered into an agreement with the Airport granting such party the right to locate fuel storage facilities at the Airport, and the FBO must have entered into an agreement with such party granting the FBO the right to store sufficient fuel to meet the requirements of these Minimum Standards.

#### Aircraft Service Equipment

Each FBO shall procure and maintain tugs and towing equipment having a rated draw bar capacity sufficient to meet the towing requirements of the heaviest aircraft based at or regularly using the FBO, ground power units, nitrogen cart, fire extinguishers, lavatory servicing equipment, mobile passenger stairs, chocks, ropes, tie-down supplies, crew and passenger courtesy transportation vehicles and a “Follow-Me” vehicle, as appropriate and necessary for the servicing of aircraft types normally expected to use the FBO facilities. The requirements of this section shall be satisfied if the FBO owns, leases or otherwise has sufficient access to the equipment to provide the applicable services promptly on demand and without causing any flight delays or other operational impacts on aircraft or the Airport.

#### MINIMUM STAFFING REQUIREMENTS

An adequate number of qualified and, where applicable, licensed employees shall be on duty at all times to provide a level of service consistent with that required under these Minimum Standards. Personnel while on duty shall be clean, neat in appearance, and courteous. Each FBO shall establish a written

training program to ensure that all employees are thoroughly trained and qualified to perform the tasks to which they are assigned. The training program shall contain detailed instruction in proper operating procedures for each job classification. All non-management FBO employees in the AOA shall be suitably uniformed, and the uniform shall identify the name of the FBO providing the service. All FBO employees in the AOA shall display valid Airport issued identification badges as required by the Airport Security Program at all times.

All activities of each FBO shall be conducted under the guidance and supervision of a full-time manager. Such person must be a qualified and experienced FBO manager vested with full power and authority in respect of the method, manner and conduct of the FBO operation. Such FBO manager shall be assigned to the Airport where he or she shall be available during normal business hours.

At least two (2) fully trained and qualified fuel service personnel shall be on duty at all times. At least one (1) FAA-licensed Aircraft mechanic shall be available every day within two (2) hours of request. An FBO may arrange for acceptable mechanic's services by subcontracting with another Operator authorized to provide this Commercial Aeronautical Service at the Airport. There shall be at least one (1) person on call to response to after-hours service requests. All fuel service personnel shall have successfully completed an approved safety course that complies with the Airport's Airport Certification Manual.

#### Hours of Operation

Each FBO shall be available to provide aircraft fueling and passenger, crew and aircraft ground handling services, support and amenities seven (7) days a week from 7:00 a.m. to 8:00 p.m. Holiday hours shall be at the FBO's discretion but must be conspicuously posted with sufficient advance notice. When closed, each FBO shall post a 24-hour contact telephone number to request after-hours services.

## GENERAL REQUIREMENTS

Each Specialized Aviation Aeronautical Service Operator (SASO) shall comply with the requirements of Chapter 3 of these Minimum Standards as well as the requirements set forth in this Chapter for the service being provided. Aircraft maintenance activities shall only be performed in hangars or outside in maintenance areas only if approved by the Airport and if appropriate measures are taken to collect and store any fluids that may be released. Preventive maintenance may be performed on Aircraft located on tie downs and in T-hangars if appropriate measures are taken to collect and store any fluids that may be released.

Any Person seeking to serve as an SASO at the Airport shall have demonstrated, to the Airport's satisfaction, their business capability to provide such services. This includes having adequate resources to provide each of the aeronautical services offered. New applicants wishing to pursue operations as a SASO at the Airport shall submit an application along with the required supporting documents as required by Chapter 3.

## AIRFRAME AND ENGINE MAINTENANCE AND REPAIR SERVICES

### Scope of Services

An Operator is engaged in providing maintenance, repair, rebuilding, overhaul, alteration or inspection of the airframe, engine(s) and accessories of an Aircraft. This scope of services also includes the sale of Aircraft parts and accessories.

### Premises/Facilities/Equipment

Operator's premises shall include a hangar or shop facilities of at least 5,000 square feet of floor space, including an office, shop, customer lounge and restrooms. Such space shall meet any code requirements for repair and shop activities and shall provide enough space for aircraft, equipment, and parts storage. It shall also include adequate paved private automobile parking to accommodate its clients and employees; at least 30,000 square feet of paved Aircraft parking Apron; a paved taxilane connecting to the Airport taxiway system; and all necessary storage facilities.

The Operator shall provide or have readily available all necessary parts, manuals, tools, equipment and accessories necessary to carry out its operations.

Operator shall inventory or have access to an inventory of adequate supply parts necessary to perform repairs.

### Personnel/Training/Certification

The Operator must obtain and maintain at all times, at a minimum, the repair station certificates required by the FAA that are applicable to the services being provided.

An Operator providing airframe and engine maintenance and repair services shall have in its employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards in a safe and efficient manner, including not less than one (1) person currently certified by the FAA for the work being performed. The Operator shall maintain, during operating hours,

a responsible person in charge to supervise operations and with authorization to act on behalf of the Operator.

#### Hours of Operation

The Operator shall have the premises open and services available 8 hours a day, 5 days per week. Standard hours shall be posted. Holiday hours shall be at the Operator's discretion but must be conspicuously posted with sufficient advance notice. When closed, each Operator shall post a 24-hour contact telephone number to request after-hours services.

### SPECIALIZED AIRCRAFT REPAIR SERVICES

#### Scope of Services

An Operator providing specialized aircraft repair services is engaged in providing for the repair of Aircraft radios, propellers, instruments, and accessories for general aviation aircraft as permitted through FAA certification. This operation includes the sale of new and/or used aircraft radios, propellers, instruments and accessories.

#### Premises/Facilities/Equipment

Operator's premises shall include a hangar or shop facilities of at least 5,000 square feet of floor space, including an office, shop, customer lounge and restrooms. Such space shall meet any code requirements for repair and shop activities and shall provide enough space for aircraft, equipment, and parts storage. It shall also include adequate paved private automobile parking to accommodate its clients and employees; at least 30,000 square feet of paved Aircraft parking Apron to accommodate its customers; a paved taxilane connecting to the Airport taxiway system; and all necessary storage facilities.

The Operator shall provide or have readily available all necessary parts, manuals, tools, equipment and accessories necessary to carry out its operations.

#### Personnel/Training/Certification

The Operator must obtain and maintain at all times, as a minimum, the repair station certificates required by FAA that are applicable to the operation or operations contemplated as well as any certification which may be required by the Federal Communications Commission (FCC). The Operator may furnish one or any combination of the scope of services described.

An Operator providing specialized aircraft repair services shall have in its employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards in a safe and efficient manner, including not less than one (1) person currently certified by the FAA and FCC (if required) for the work being performed. The Operator shall maintain, during operating hours, a responsible person in charge to supervise operations and with authorization to act on behalf of the Operator.

Hours of Operation

The Operator shall have the premises open and services available 8 hours a day, 5 days per week. Standard hours shall be posted. Holiday hours shall be at the Operator's discretion but must be conspicuously posted with sufficient advance notice.

AIRCRAFT SALES

Scope of Services

An Operator providing aircraft sales is engaged in the sale of new and/or used Aircraft through franchises, or licensed dealerships or distributorships (either on a retail or wholesale basis) of an aircraft manufacturer and provides such repair, services and parts as necessary to meet any guarantee or warranty on new and/or used Aircraft sold by the Operator.

Premises/Facilities/Equipment

Operator's premises shall include adequate office space, lounge, and restrooms. It shall provide sufficient hangar or tie-down space for the Aircraft for display or sale in its operations. It shall also include adequate paved private automobile parking to accommodate its clients and employees; a paved taxilane connecting to the Airport taxiway system; and all necessary storage facilities.

Operator shall have available at least one (1) fully-assembled and certificated-airworthy demonstrator Aircraft or Aircraft available for sale.

Operator shall inventory or have access to an inventory of adequate supply parts and servicing facilities to provide maintenance service as necessary to meet any guarantee or warranty for the type(s) of Aircraft for which sales privileges are granted. The Operator shall provide necessary and satisfactory arrangements for the repair and servicing of Aircraft, for the duration of any sales guarantee or warranty period. Such necessary servicing facilities may be provided through a written agreement with another Operator at the Airport.

Personnel/Training/Certification

An Operator providing Aircraft sales shall have in its employ, and on duty during operating hours, trained personnel in such numbers as are required to meet the minimum standards in a safe and efficient manner, including not less than one (1) person holding a current FAA pilot certificate and ratings appropriate for the type of Aircraft to be demonstrated and an instructor rating. The Operator shall maintain, during operating hours, a responsible person in charge to supervise operations and with authorization to act on behalf of the Operator.

Hours of Operation

The Operator shall have the premises open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number.

## AIRCRAFT RENTAL AND LEASING SERVICES

### Scope of Services

An Operator providing aircraft rental and leasing services is engaged in the service of providing Aircraft for rental to the public. This would include rental or leasing without any particular pattern or regularity with respect to the user or the lease to a customer of a block or interval of time where the Aircraft is committed to the user under a predetermined arrangement.

### Premises/Facilities/Equipment

Operator's premises shall include adequate office space, flight planning area, and restrooms and shall include telephone and computer equipment for use in flight planning, weather briefings or other flight related uses. It shall include sufficient hangar or tie-down space for the Aircraft utilized in rental and leasing operations. It shall also include adequate paved private automobile parking to accommodate its clients and employees; a paved taxiway connecting to the Airport taxiway system; and all necessary storage facilities.

The Operator shall have available for rental, either owned or leased, at least two (2) Aircraft properly certificated to satisfy the anticipated demand for rental. At least one of the aircraft shall be certificated for IFR flight.

### Personnel/Training/Certification

Operator shall employ and have on duty during operating hours, personnel in such a number as are required to meet the Minimum Standards in a safe and efficient manner to dispatch the rented aircraft, supervise operations and act on behalf of the Operator. The Operator must also employ or have under agreement, pilots with appropriate FAA certifications and ratings to fly the Aircraft available for lease and provide for an Aircraft check-ride.

### Hours of Operation

The Operator shall have the premises open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number.

## FLIGHT INSTRUCTION SERVICES

### Scope of Services

An Operator providing flight instruction services is engaged in instructing student pilots or pilots in dual and solo operation of Aircraft and includes related ground school instruction as may be necessary for the taking of a written examination and/or flight check ride.

Premises/Facilities/Equipment

Operator's premises shall include adequate office space, classroom and flight planning area, and restrooms and shall include telephone and computer equipment for use in flight planning, weather briefings or other flight related uses. It shall include sufficient hangar or tie-down space for the Aircraft utilized in flight training operations. It shall also include sufficient customer and employee parking. The Operator shall have available for use in flight training, either owned or leased, at least two (2) Aircraft properly certificated to satisfy the proposed type of training.

Personnel/Training/Certification

An Operator providing Flight Instruction Services shall have in its employ, or under agreement as independent contractors, and on duty during its business hours, pilots holding current FAA certificates with appropriate ratings for flight instruction in the Aircraft utilized by the Operator in sufficient numbers as are required to meet the demands of students expected to engage in flight training, but never less than one. The Operator shall maintain during hours of operation a responsible person in charge to supervise the operations and with authorization to act for and on behalf of the Operator.

Hours of Operation

The Operator shall have the premises open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number.

AIRCRAFT CHARTER OR AIR TAXI SERVICES

Scope of Services

An Operator providing aircraft charter or air taxi services is engaged in the business of providing air transportation of persons or property to the general public for hire, on a prearranged basis as defined under 14 CFR Parts 119 and 135.

Premises/Facilities/Equipment

Operator's premises shall include a hangar of at least 5,000 square feet of floor space, including an office, customer lounge and restrooms. It shall include sufficient hangar space and Aircraft parking apron space to park and store the Aircraft utilized in its operations. It shall also include adequate paved private automobile parking to accommodate its clients and employees; a paved taxilane connecting to the Airport taxiway system; and all necessary storage facilities.

Such Operators shall at all times lease or own no less than one (1) FAA certificated and airworthy Aircraft, based at the Airport, capable of providing air taxi services under instrument conditions that meets the requirements of the Operator's FAA certification.



Personnel/Training/Certification

The Operator shall have and maintain at all times during the terms of its tenancy at the Airport, proper licenses and certifications from the FAA to operate in conformance with FAA regulations.

An Operator providing Aircraft Charter or Air Taxi Services shall have in its employ, and available as required not less than one (1) currently FAA certificated commercial pilot with ratings adequate to fly the Aircraft owned or leased by the Operator and qualified operating personnel in sufficient numbers as are required to meet the minimum standards in a safe and efficient manner. The Operator shall maintain, during the operating hours, a responsible person in charge to supervise operations and with authorization to act for and on behalf of the Operator. The Operator shall also have a satisfactory number of personnel for checking in passengers, handling luggage, ticketing, and/or furnishing or arranging for suitable ground transportation. The Operator shall provide reasonable assurance of a continued availability of qualified operating crews and approved Aircraft within a reasonable or specified maximum notice period.

Hours of Operation

The Operator shall have the premises open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number. An Operator shall be available twenty-four (24) hours a day, seven (7) days a week on no more than (24) twenty-four hours notice.

SPECIALIZED COMMERCIAL FLYING SERVICES

Scope of Services

A specialized commercial flying services Operator is engaged in air transportation for hire for the purpose of providing the use of Aircraft for any of the activities listed below:

- a. Non-stop sightseeing flights that begin and end at the same airport
- b. Aerial application including crop-dusting, seeding, spraying, bird chasing, etc.
- c. Banner towing and aerial advertising
- d. Aerial photography or survey
- e. Fire Fighting or fire patrol
- f. Power line or pipeline patrol
- g. Any other operations specifically excluded from 14 CFR Part 135.

Premises/Facilities/Equipment

An Operator providing Specialized Commercial Flying Services shall provide adequate facilities to accommodate all activities and operations proposed by the Operator, including all necessary buildings and support facilities; paved private automobile parking for its clients and employees, paved Aircraft parking apron, a paved taxiway connecting to the Airport taxiway system, and all storage facilities. The minimum areas and buildings in each instance shall be subject to the approval of the Director.

In the case of operations involving aerial chemical application services, the Operator shall make suitable arrangements and have such space available on its premises for safe loading and unloading and storage and containment of noxious chemical materials, in accordance with all requirements. The Operator is required to possess all required licenses or permits for the chemicals utilized in its operation and shall adhere to the Airport's Stormwater Pollution Prevention Plan as required in the Airport Rules and Regulations.

The Operator will own or lease at least one (1) airworthy Aircraft meeting all of the requirements of the FAA and applicable regulations and suitably equipped for the type of operation to be performed. The Operator will provide other such equipment as may be necessary for the performance of its operation.

#### Personnel/Training/Certification

An Operator providing Specialized Commercial Flying Services shall have in its employ during its hours of operation not less than one (1) currently FAA certificated commercial pilot with appropriate ratings for the Aircraft utilized in its operation and training for the type of operation being conducted. Operator will also provide other trained personnel in sufficient numbers as are required to meet the Minimum Standards in an efficient manner.

#### Hours of Operation

An Operator providing Specialized Commercial Flying Services shall be required to remain open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number.

### GROUND HANDLING

#### Scope of Services

An Operator providing ground handling services is engaged in the business of providing ground handling services incidental to the flights of non-scheduled air carriers and commercial charter operators. Operators are not authorized to provide this class of services to air taxi or commercial operators certificated under Parts 121 or 135 unless under a direct agreement with an entity so authorized.

#### Premises/Facilities/Equipment

An Operator providing Ground Handling Services shall provide adequate facilities to accommodate all activities and operations proposed by the Operator, including all necessary buildings and support facilities; paved private automobile parking for its clients and employees, paved Aircraft parking apron, a paved taxiway connecting to the Airport taxiway system, and all storage facilities. The minimum areas and buildings in each instance shall be subject to the approval of the Director.

#### Personnel/Training/Certification

An Operator providing Ground Handling Services shall have in its employ during its hours of operation not less than one (1) responsible person in charge to supervise operations and with authorization to act

for and on behalf of the Operator. The Operator shall also have a satisfactory number of personnel for providing the level of ground handling services requested in an efficient manner.

#### Hours of Operation

An Operator providing Ground Handling Services shall be required to remain open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number.

#### AIRCRAFT STORAGE

##### Scope of Services

An Operator of an Aircraft storage operation is engaged in the construction and rental of conventional and/or T-type hangars and tie-down areas to the general flying public.

##### Premises/Facilities/Equipment

An Operator shall lease or construct hangars appropriate for anticipated demand and size of Aircraft at the Airport. Construction of hangars or buildings shall be in accordance with design, zoning, and construction standards required and established by the Airport for the facility or activity involved and in accordance with the Airport Layout Plan.

Conventional multi-aircraft hangars shall be a minimum of 10,000 square feet; Conventional individual-aircraft hangars shall be a minimum of 2,500 square feet; T-type hangars shall have a minimum 1,000 square feet and 5 units per building.

Operator shall provide a sufficient number and type of fire extinguishers as required by federal, state, and local laws and regulations and towing equipment capable of maneuvering aircraft to and from the hangar.

Operator shall provide sufficient customer and employee parking as required by local code and zoning requirements of the City.

Operator shall ensure that facilities used for Aircraft Storage are not utilized for non-aeronautical activities. Operator shall ensure that all sub-lessees are able to secure an Airport Identification Badge and satisfy the required background checks.

The lease of Airport property to an entity, or entities for the purpose of constructing and/or occupying a hangar for the non-commercial storage of Aircraft is not considered a Commercial aeronautical activity and is not subject to these Minimum Standards. Said premises are not to be used for any business or purpose other than that authorized by the Airport. If such facilities are subsequently desired for use by a Commercial aeronautical service provider, the facilities must satisfy the Minimum Standards required for the proposed services or activities.

Personnel/Training/Certification

An Operator providing Aircraft Storage Services shall have in its employ during its hours of operation not less than one (1) responsible person in charge to supervise operations and with authorization to act for and on behalf of the Operator. Operator will also provide other trained personnel in sufficient numbers as are required to meet the Minimum Standards in an efficient manner.

Hours of Operation

An Operator providing Aircraft Storage Services shall be required to remain open at hours that will provide adequate service to its customers, which hours of operation shall be subject to the approval of the Director. When closed, the Operator shall post a contact telephone number.

OTHER AERONAUTICAL SERVICES

When a Person proposes to provide Commercial Aeronautical Services that are not described in these Minimum Standards, such proposal will be addressed by the Airport on a case-by-case basis, taking into consideration the desires of the applicant, the best interest of the Airport and the need for such services or activities at the Airport. Minimum standards will be provided in the Operator's lease, agreement or permit.

MULTIPLE SERVICES

Any Operator (other than an FBO) that engages in two or more of the Commercial Aeronautical Services described in this chapter shall provide facilities which are sufficient to provide the multiple services which will not exceed the sum of the minimum space required for each of the individual services. The required hours of operation shall be the longest hours required of the operations individually. Multiple responsibilities may be assigned to personnel to meet the staffing requirements of each individual service.

APPENDIX C AIRPORT CONTACT INFORMATION

AIRPORT CONTACT INFORMATION

Airport Emergencies	911
Airport Dispatch – Police and Fire – Non-Emergencies	(937) 454-8300
Airport Administration	(937) 454-8200
Airport Operations	
On Call Operations Supervisor	(937) 776-2194
Airport Engineering	(937) 454-8209
Airport Environmental Office	(937) 454-8226

APPENDIX D - TRANSPORTATION NETWORK COMPANY COMMERCIAL GROUND TRANSPORTATION  
OPERATING PERMIT

**TRANSPORTATION NETWORK COMPANY COMMERCIAL GROUND  
TRANSPORTATION OPERATING PERMIT  
JAMES M. COX DAYTON INTERNATIONAL AIRPORT**

The City of Dayton (“City”), a political subdivision of the State of Ohio, hereby grants \_\_\_\_\_ (“Operator”), a Transportation Network Company (TNC) based in \_\_\_\_\_, a Transportation Network Company Commercial Ground Transportation Operating Permit (“Permit”) for the nonexclusive rights and privileges described herein at the Dayton International Airport (“Airport”), upon the terms and conditions hereinafter set forth, and Operator hereby accepts such Permit on such terms and conditions.

1. **Effective Date**: This Permit is effective upon date of execution by the City.
  
2. **Definitions**:
  - A. **City**: The City of Dayton, Ohio.
  
  - B. **Operator**: The entity identified by name below to which this Permit is issued.
  
  - C. **Airport**: The James M. Cox Dayton International Airport, located in the City of Dayton, State of Ohio.
  
  - D. **Permit**: This Transportation Network Company Operating Permit between the City and Operator.
  
  - E. **Transportation Network Company (“TNC”)**: The same meaning as set forth in Ohio Revised Code § 3942.01.
  
  - F. **TNC Services**: The transportation or services provided by Operator or Drivers, as defined herein, while on Airport Property, including but not limited to the following:
    - i. Passenger pick-up trip, as defined as each time a Driver begins a trip while on Airport Property that was arranged through the TNC App or any digital network;
    - ii. Passenger drop-off trip, as defined as each time a Driver ends a trip on Airport Property that was arranged through the TNC App or any digital network;
    - iii. Passenger transportation trips to (drop-off trip) or from (pick-up trip) Airport Property; and,
    - iv. Operator’s development and utilization of a TNC App or any digital network to arrange transport of passengers by Drivers or Driver Partners.
  
  - G. **Drivers or Driver Partners (“Drivers”)**: Any persons providing TNC Services under the authority provided by the Operator in this Permit. Persons must meet all the requirements of Ohio Revised Code Chapter 4925.
  
  - H. **Revenue Trip**: Each TNC Services trip as described under TNC Services.

- I. Surge or Prime Time Pricing: The practice of a company that uses a digital platform applying a multiplier to customer fares during a surge pricing or prime time or other term event.
  - J. Surge or Prime Time Pricing Event: A finite time period for a defined geographic area, during which a TNC may utilize surge pricing in response to increased demand.
  - K. Trip Report: The monthly report the Operator must provide to the City documenting all Revenue Trips for that month. Report must be submitted not later than thirty (30) days from the last day of the previous month.
  - L. Geo-Fence: The area defined and approved by the Airport and on Airport Property that establishes the boundaries by which any TNC Driver may accept Revenue Trips.
3. **Term and Revocation**: This Permit shall be effective for two (2) years from the date it is executed by the City, unless earlier revoked by the City as specified hereinafter.

The City, upon giving thirty (30) days prior written notice, may revoke this Permit for any reason. In the event the City seeks to revoke this Permit solely for Operator's non-payment of the fee set forth in Section 5 below, Operator shall have ten (10) calendar days from the date of the City's written notice of revocation to remit complete payment and avoid revocation of this Permit on the effective date set forth in the written notice.

4. **Fees**:

- A. Permit Fee: Operator shall pay an annual Permit Fee per the following annual schedule to the City payable on or before the first day this Permit is executed for year one (1), and again on or before the first day of the second year from when this Permit is executed. Such annual Permit Fee shall be non-refundable in whole or in part. Fee Schedule:
 

1) <u>Year 1</u>	<u>Five Thousand and Five Hundred Dollars (\$5,500.00)</u>
2) <u>Year 2</u>	<u>Six Thousand Dollars (\$6,000.00)</u>
- B. Per-Trip Fee: Operator shall pay a fee of Two Dollars (\$2.00) per Revenue Trip, as described in TNC Services. This fee is calculated on a monthly basis, as listed on the Trip Report, with payment due by Operator not later than thirty (30) days from the date of the last day of the previous month. All fee payments shall be made to:

City of Dayton  
 P.O. Box 632094  
 Cincinnati, Ohio 45263-2094

or such other address as may be specified on the City invoice.



**5. Privileges and Operating Requirements:**

- A. Operator has the non-exclusive privilege to provide TNC Services at the Airport as described and subject to the terms of this Permit. The TNC Services and applications shall be activated at all times while TNC Driver is on Airport Property.
- B. Operator shall possess a valid Public Utilities Commission of Ohio (“PUCO”) permit and shall provide that permit and a copy of the Operator’s valid certificate of insurance to the City upon request.
- C. Operator shall provide, at its own cost and expense, all equipment necessary for the provision of TNC Services under this Permit. Operator must be available to provide TNC Services at the Airport twenty-four (24) hours per day, each and every day, while Permit is in effect, or at such other hours as determined by the City’s Director of Aviation and Operator to ensure the availability of TNC Services for arriving and departing passengers at the Airport.
- D. The City may, at any time, require the Operator to install a Geo-Fence. The Geo-Fence uses a global positioning system (“GPS”) to define the geographical boundaries that identify the Airport Property. This Geo-Fence shall disable Drivers from being hired while on Airport Property.
- E. Drivers shall have the non-exclusive privilege to use the City-designated “TNC Staging Area” to stop and wait for a digital fare to be accepted. At no time shall Operator or Drivers leave their vehicles in the TNC Staging Area unattended. All vehicles while in the TNC Staging Area must have their vehicle flashers on and be lined in a single lane on the south side of the road facing the east. City will endeavor, but cannot guarantee, that the TNC Staging Area will be located near the Passenger Terminal Building at the Airport. The City reserves the right to relocate and/or reconfigure the TNC Staging Area at any time and for any reason, but the City will give Operator as much notice of the relocation and/or reconfiguration as possible given the circumstances for the relocation and/or reconfiguration. Drivers are prohibited from littering in or around the TNC Staging Area. See Exhibit B.
- F. Operator and its Drivers are able to drop-off passengers along the inside lane of the front terminal building, and pick-up passengers along the outside lane of the front terminal building. Drivers must comply with all signage, security directives and instructions regarding these locations and in regards to stopped vehicles. No vehicle may be left unattended at any time. See Exhibit A.
- G. Operator must ensure that:
  - 1. Its digital network provides a photograph of the transportation network company driver and the license plate number of the motor vehicle that will

provide the transportation network company service before the transportation network company rider enters the vehicle; and

2. The name of the transportation network company is prominently displayed on the vehicle that will provide the transportation network company service.

H. Operator and its Drivers shall comply with all provisions and requirements of Ohio Revised Code Chapters 3942 and 4925, as now in effect or hereafter amended, in the provision of TNC Services at the Airport.

I. Operator and its Drivers are prohibited from soliciting TNC Services by the sounding of a horn, by spoken word, by entering the passenger terminal building at the Airport or in any other manner at any place on the Airport.

J. Operator and its Drivers are prohibited from entering, congregating or loitering within the passenger terminal building at the Airport. Operator and its Drivers are prohibited from leaving their vehicles unattended at any time and using the public restroom facilities within the passenger terminal building at the Airport.

K. Drivers shall maintain a clean, neat and presentable appearance at all times while operating under this Permit. Operator and Drivers must at all times conduct themselves with the highest levels of competence, integrity, reliability, courtesy, cleanliness, and safety while operating at the Airport. Drivers shall conduct themselves in a fair, honest and businesslike manner at all times.

L. Drivers and their vehicles are subject to random inspections by the City's Departments of Police and Aviation staff for the purpose of determining compliance with this Permit. If, as a result of the inspection, a Driver(s) and/or vehicle(s) is non-compliant or in violation of this Permit, the City's Director of Aviation or designee will provide notice to the Operator and/or Driver of the non-compliance and/or violation, and the Driver and/or the Driver vehicle shall not be permitted to provide TNC Services until fully compliant with this Permit.

M. Drivers shall not use any profane, boisterous, or improper language or be the cause of or engage in any quarreling, fighting, or other unlawful disturbance.

N. There shall be no marketing, advertising or promotions visible or associated with any Revenue Trips while on Airport Property.

**6. Requirements for Permit:** Operator hereby agrees:

A. To comply with all applicable Federal, State and Local legislative and regulatory requirements and remain in good standing with PUCO;

B. To comply with the terms of this Permit and the terms of the Airport Rules and Regulations;

- C. That, if required by the City, the Operator will establish a Director approved Geo-Fence Tracking Area System as defined in Section 2 (L) and described in Section 5 (D) of this Permit;
  - D. To submit to the City the required monthly fee as defined in Section 2. If a Geo-Fence Tracking Area System is installed, in the event of a Geo-Fence Tracking Area System failure (“Downtime”) by Operator, the City shall determine Operator’s monthly fee for such Downtime based upon the highest monthly number of Passenger Pick-ups and passenger Drop-offs made in the last twelve (12) months for the same amount of time. Operator agrees to promptly resolve all Geo-Fence Tracking Area System failures; and,
  - E. Prior to issuance of this Permit, Operator shall provide the City with a copy of its current PUCO Permit and certify that it has met all PUCO Safety Requirements, including but not limited to:
    - 1. Every TNC Driver has a valid Driver’s License and valid automobile insurance meeting the requirements as stated in the Ohio Revised Code for TNC operation in the State of Ohio;
    - 2. Operator has completed a Department of Motor Vehicles record check and criminal history check of each TNC Driver, in compliance with State Law and/or PUCO regulations as applicable;
    - 3. Operator has completed all vehicle safety inspections for each TNC Driver vehicles in compliance with State Law and/or PUCO Regulations as applicable.
7. **Records and Audit:** Operator shall maintain complete and accurate business records for its TNC Services. The City, through its representatives and at all reasonable times, shall have the right to inspect Operator’s books and records, and shall have the right to audit same. Operator shall maintain all business records related to its TNC Services for a minimum three (3) year period.

Each passenger Revenue Trip shall be documented electronically. Operator shall, upon request, present the electronic Revenue Trips per month to the City for inspection in addition to the required monthly Trip Report.

In the event that the Operator initiates Surge or Prime Time Pricing so that a Surge or Prime Time Pricing Event occurs, if requested by the City, the Operator agrees to provide annual reporting reflecting the number of instances this occurred on a monthly basis within the established Geo-Fence area.

Not later than sixty (60) days after the term expiration of this Permit, when required by the Director, Operator shall furnish to the City a report, certified by Operator to be true and correct, of all monthly Trip Reports.

**8. Insurance and Indemnity:**

- A. Operator shall defend, indemnify, save and hold harmless City, its elected officials, officers, employees and agents, from and against all claims and actions, and all expenses incidental to the investigation and defense thereof, based upon or arising out of any accident or damage arising from, or in any way connected with, Operator or its Drivers' use or occupancy of the TNC Staging Area or other Airport premises, fixtures, structures, or other improvements thereon, and/or Operator's exercise of any right granted herein, and/or Operator's performance or breach or default in the performance of any obligation under this Permit, and/or any intentional, negligent or wrongful act or omission of Operator, its agents, contractors, Driver(s) and employees in connection with the provision of TNC Services.
- B. Operator and its Drivers shall, at their expense, comply with the insurance requirements stated in Ohio Revised Code Chapter 3942, as now in effect or hereafter amended.

**9. General Provisions:**

- A. This Permit is not assignable; however, Operator's Drivers are entitled to the privileges granted hereby. Any and all Drivers operating under this Permit are bound by the covenants and obligations in this Permit. Operator shall inform all its Drivers of the obligations under this Permit and shall not extend the privileges of this Permit to any of its Driver(s) refusing or failing to comply with this Permit covenants and obligations.
- B. City has the right to bar extension of the privileges granted under this Permit to any of Operator's Drivers who, in the City's opinion, fail to abide by the covenants and obligations of this Permit.
- C. This Permit shall be subordinate to the provisions and requirements of any existing or future agreement between the City and the United States, its departments and agencies, relative to the development, operation or maintenance of the Airport.
- D. All covenants, stipulations and permits in this Permit shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.
- E. Operator, for itself, its personal representatives, successors in interest and assigns, as a part of the consideration hereof, does hereby covenant and agree that: (1) no person on the grounds of race, color or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the provision of TNC Services; and (2) Operator shall comply with all applicable federal, state and local non-discrimination and equal employment opportunity laws, rules, regulations, orders and policies.

10. **Airport Rules and Regulations:** This permit subject to Rules and Regulations of the Dayton International Airport, as approved by the Commission of the City of Dayton, and any amendments thereto.

11. **Notices:** Notices and communications shall be sent to the parties at the following addresses, or to such other address as the parties may direct in writing:

For City:

Dayton International Airport  
Department of Aviation  
3600 Terminal Drive, Suite 300  
Vandalia, Ohio 45377

Attn: Director of Aviation

For Operator:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cell Tel: (937) \_\_\_\_\_

Email: \_\_\_\_\_

Local Tel: (937) \_\_\_\_\_

Attn : \_\_\_\_\_

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**THE NAMED OPERATOR BELOW**, by its duly authorized representative, accepts the terms and conditions of this Permit and shall abide by and comply with its terms:

**Operator:** \_\_\_\_\_  
(Fed ID No. \_\_\_\_\_)

By: (Person) \_\_\_\_\_

Its: (Title) \_\_\_\_\_

\*\*\*\*\*

**THIS PERMIT** is issued by the City pursuant to the authority of Ohio Revised Code § 4925.09(2) and City of Dayton Revised Code of General Ordinances Section 37.06(A).

\_\_\_\_\_  
Terrence G. Slaybaugh, Director of Aviation

\_\_\_\_\_  
Dated

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
City Attorney