

ORDINANCE NO. 15

BEAVER ISLAND TOWNSHIP AIRPORT ORDINANCE

BEAVER ISLAND

ST. JAMES, MICHIGAN

The Townships of Peaine and St. James ordain as follows:

DECLARATION OF INTENT

This Ordinance is intended to provide for the development and regulation of aeronautic-related activities on the Airport and general use of the Airport by establishing uniform regulations consistent with public safety and the efficient operation of the Airport and doing so with reasonable and minimal restrictions.

Chapter I

Section 101 SHORT TITLE. These regulations shall be known and cited as the Beaver Island Township Airport Ordinance.

Section 102 DEFINITION OF TERMS. The following words or phrases when used in this Chapter I shall have the meaning set in those instances where the context clearly indicates or implies a variation or deviation.

Section 102.1 TOWNSHIP. The use of "Township" shall mean the Townships of Peaine and St. James, individually, and the uses of "Townships" shall refer to these townships collectively.

Section 102.2 TOWNSHIP BOARD OF TRUSTEES. The duly elected members of the Township Board of Trustee's of Peaine and St. James Townships, sometimes referred to hereinafter as the "Boards."

Section 102.3 AIRPORT COMMISSION. The body appointed by the Townships pursuant to the Intergovernmental Agreement Creating Beaver island Airport Commission (referred to hereinafter as the "Intergovernmental Agreement") and any amendments thereto.

Section 102.4 AIRPORT MANAGER. The person hired for the position of Airport Manager pursuant to the Intergovernmental Agreement. The Airport Manager is empowered to administer, supervise and control the construction, operation, maintenance, and use of the Airport within the scope of the authority delegated to the Airport Manager by the Airport Commission and by the provisions of this Ordinance. The term "Airport Manager" shall include persons, authorized by the Airport Manager, to act on behalf of the Airport Manager regarding the powers or duties of the Airport Manager as contained in this Ordinance. .

Section 102.5 AIRPORT. The Airport owned by the Townships and which is subject to the Intergovernmental Agreement. This includes any future modifications to or relocation of the Airport. The Airport is commonly known as the Beaver Island Airport.

Section 102.6 PERSON. The word “person” shall be mean any individual, trustee, receiver, assignee, firm, partnership, limited liability company, corporation, company, association, or any other type of legal entity, as well as all representatives thereof.

Section 102.7 PERSON. The word “person” shall be mean any individual, trustee, receiver, assignee, firm, partnership, limited liability company, corporation, company, association, or any other type of legal entity, as well as all representatives thereof.

Section 102.8 SPECIAL EVENT. A “Special Event” shall may the use of Airport buildings or property that is not normally associated with the use an airport that is recognized by the Federal Aviation Commission and the Michigan Department of Aeronautics. Special Event usage may or may not be directly related to aviation.

Section 102.9 TRANSIENT AIRCRAFT. An aircraft not using the Beaver Island Township Airport as a base of operation.

Section 102.10 COMMERCIAL SERVICES. Commercial Services are defined as an activity which involves, makes possible, or is required for the operation of aircraft, or which contributes to, or is required for the safety of such aircraft operations. The purpose of such activity may be to secure earnings, income, compensation, or profit, whether or not such objective(s) are accomplished.

CHAPTER II - GENERAL

Section 201. All rules and regulations enacted or amended by the Michigan Aeronautics Commission and/or the Federal Aviation Administration relative to aircraft personnel, aircraft, air traffic, and airports are incorporated into this Ordinance by reference as fully as if the same and each of all of them were completely set forth herein.

Section 202. The Airport Manager and all designated representatives of the Airport Manager shall have the authority to enforce this Ordinance and all other applicable State and/or Federal laws or regulations governing persons on the Airport, aircraft, air traffic and the general public using the Airport.

Section 203. Any person violating any of the regulations herein, except Sections 501-510, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than five hundred (\$500.00) dollars or imprisonment for not more than ninety (90) days or both. Any person violating any of the provisions of Sections 501 through 510 shall be responsible for a civil infraction as defined in MCL 257.6a. A civil infraction action, bases upon a violation of Sections 501 through 510 shall be handled pursuant to the provisions of MCL 257.6b. MCL 257.741 through MCL 257.907 through MCL 257.909.

CHAPTER III – AIRCRAFT

Section 301. All aircraft based at the Airport shall be registered with the Airport Manager.

Section 302. Transient aircraft using the terminal parking area may park only in designated areas. The terminal parking area is closed to overnight parking except by prior arrangement with the Airport Manager.

Section 303. Aircraft overnight must be chocked and/or tied down in the designated tie-down areas. Overnight parking and monthly tie-down fees shall be paid to the Airport Manager or his designated representative.

Section 304. Disassembled aircraft must be stored inside hanger. This provision does not preclude short term storage outside a hanger of partially dismantled aircraft undergoing active repair.

Section 305 . Aircraft parked in the hanger areas shall be placed so as not to interfere with normal traffic. Overnight parking outside of hangers in the private hanger area is prohibited except upon prior agreement with the Airport Manager.

CHAPTER IV – PEDESTRIAN TRAFFIC

Section 401. No person, excepting a pilot or mechanic attached the Airport or employed by the owner of an aircraft, or licensed operator, or one having business with local base operator, or duly authorized officer or officials charged with the duty of enforcing local, state, and federal laws or regulations, shall cross the fence line enclosing the landing field or enter upon the landing field unless he is to participate in a flight.

This rule shall not prohibit the owner of a hanger or an airplane access to his property when not engaged in a flying operation.

Section 402. Each and every person when requested by the Airport Manager or his designated representative, shall present identification and show cause for entering the landing field.

CHAPTER V – MOTORIZED VEHICLES

Section 501. It shall be unlawful for any person or persons to operate any motorized vehicle upon or drive across the landing field or trespass upon the area within the fenced boundaries of the Airport unless such cars and vehicles are used for administrative and maintenance purposes, and operated by the Airport authorities or state or municipal law enforcement officer having jurisdiction, or as otherwise authorized herein.

Section 502. Authorization to enter upon the landing field with a vehicle to travel to and from their parked aircraft may be given to owners of hangers and aircraft based at the Airport, licensed pilots and mechanics employed by a fixed base operator or hired by an owner of an aircraft based at the Airport and to such other persons, whom the Airport Manager may deem necessary.

Section 503. Access to the landing field by authorized vehicles shall be permitted so long as they may be operated without interfering with normal operations and without hazard to parked or operating aircraft.

Section 504. The parking of vehicles on the landing field shall be permitted in areas designated by the Airport Manager so as not to interfere with aircraft movement or Airport maintenance.

Section 505. Parking of motorized vehicles on the Airport property is subject to reasonable restrictions and regulations established by the Airport Manager and/or the Airport Commission. Such restrictions and regulations may include, but are not limited to the following:

- a. Limiting the time in which a vehicle may be parked in certain areas on Airport property.
- b. Designation of areas of Airport property as “No Parking” areas.
- c. Designation of areas of the Airport property for taxi parking only, loading space only, or areas restricted to other reasonable limited usage.

Section 506. The Townships may from time to time establish a schedule of fines to be paid by violators of the parking restrictions provided for herein, and may further provide for an efficient method for the payment of such fines.

Section 507. To promote the efficient and safe use of Airport property, the Airport Manager shall have the authority to regulate parking on Airport property and to enforce such regulations. The regulations may include, but are not limited to the length of time that vehicles may be parked on Airport property and the designation of parking areas based on vehicle size, the purpose of the vehicle being on Airport property and/or the length of time during which the vehicle has been or will be parked on Airport property. A violation of any parking regulation shall be a violation of this Ordinance and may include vehicle removal.

Section 508. The speed at which motorized vehicles may be operated on Airport property shall not exceed 15 m.p.h. and lesser speeds may be posted and enforced, as set by the Airport Manager and/or the Airport Commission.

Section 509. The Charlevoix County Sheriff’s Department and any other police agency deputized to enforce law within the Townships, shall be authorized, in addition to the Airport Manager, to enforce the regulations contained in or authorized by this Ordinance.

Section 510. Motorized vehicles as the term is used in this Ordinance, shall include automobiles, buses, trucks, motorcycles, snowmobiles, and other types of motor driven vehicles used in land transportation.

CHAPTER VI – BUILDINGS AND PROPERTY

Section 601. The use of all buildings and property on the Airport shall be approved and be subject to conditions of a lease agreement approved as to form by the Townships Attorney between the lease and the Beaver Island Township Airport Commission.

Section 602. The use of buildings for commercial purposes, such as food dispensing, tourist accommodations, amusement, retailing of merchandise or services, manufacturing, and storage, whether or not it is of an aviation nature, shall require a lease approved by resolution of the Beaver Island Township Airport Commission.

Section 603. Private use of buildings on the Airport shall be limited to storage of aircraft and/or aircraft parts except as otherwise approved by the Airport Manager.

Section 604. Authorization to construct a building on the Airport shall be issued after:

- a. Approval of intended use and detailed building plans by the Airport Manager and the Beaver Island Township Airport Commission.
- b. Approval of the building plans by the County.
- c. Issuance of a building permit when so required by the Townships.
- d. Execution of a written lease agreement between the owner and the Airport Commission. The Airport Commission is authorized to execute private hangar land leases upon the recommendation of the Airport Manager. From the effective date of these Rules and Regulations, each new or renewal of a private hangar land lease shall be at rates established by the Airport Commission. Lease agreements for commercial operations shall be at rates established by the Airport Commission. Lease agreements for commercial operations shall be established by the Airport Commission.
- e. Payment of appropriate fees.

Section 605. The constructions of buildings shall:

- a. Comply with all applicable ordinances of the Township of Peaine.
- b. Be located according to the Airport development plan and approved by the Airport Commission.
- c. Be inspected and approved by the Airport Commission with respect to framing and finished structure.

Section 606. Major alterations or additions to existing structure will be considered the same as new construction.

Section 607. All improvements to the property, such as utilities, approaches, drain tiling, and fill dirt will be provided at the lessee's expense.

Section 608. All buildings will be subject to inspection by the Airport Manager and the Airport Commission.

Section 609. The Airport Manager may authorize the use of Airport buildings and property for Special Events consistent with this Ordinance. In deciding whether to authorize a Special Event, the Airport Manager shall consider the following factors: the frequency of prior and future Special Events and whether the Special Event could reasonably be expected to adversely impact airport operations or usage. No person or legal entity has a right to hold a Special Event. The Airport Manager may impose conditions on an authorized Special Event for the purpose of minimizing any potential adverse impact on airport operations or usage.

CHAPTER VII – FIRE REGULATIONS

Section 701. All persons using the Airport area, or the facilities of the Airport shall exercise the utmost care to guard against fire or injury to persons or property.

Section 702. All persons shall comply with NO SMOKING and FIRE LANE, and other regulatory signs.

Section 703. No airplane shall be fueled or drained of fuel while the engine is running or while in a hanger or other enclosed space.

Section 704. The cleaning of engine or other parts of an airplane within an enclosure shall be with non-flammable liquids. If volatile, flammable liquids are used; cleaning operations shall be carried on in the open air.

Section 705. Aircraft maintenance in privately owned hangars shall be limited to inspections and replacement of parts and repairs incident thereto, provided such repairs do not involve appliances using open flames or highly heated parts shall not be allowed unless otherwise authorized by the Airport Manager.

Section 706. Floors shall be kept free and clean from oil at all times. The use of volatile or flammable substances for the cleaning of floors is prohibited.

Section 707. Owners and tenants shall be responsible for prompt removal of oily waste, rags, and other rubbish, such as empty oil, paint, and varnish cans, bottles, etc., which shall not be allowed to accumulate.

Section 708. No rubbish, paper, or debris of any kind shall be permitted to be stored in or about the hangers, or other structures.

Section 709. The storage of gasoline, kerosene or other flammable liquids including those used in connection with the process of doping shall be in compliance with the regulations of the National Board of Fire Underwrites for the construction and installation of containers for flammable liquids.

Section 710. The use of flammable liquids shall comply with all County and Township, and State of Michigan regulations.

CHAPTER VIII – COMMERCIAL ACTIVITY

Section 801. ADVERTISING AND SOLICITATION. No person, legal entity or organization shall post, distribute, or display signs, advertisements, literature, circulars, pictures, sketches, drawings, or other forms of printed or written matter or engage in any form of solicitation upon the premises of the Airport without prior written permission secured from the Airport Manager.

Section 802. RESTRICTED AREAS. Except as otherwise provided herein, no person may, without the prior authorization of the Airport Manager, enter any restricted area on the Township Airport that is posted as being closed to the public, except:

- a. Persons assigned to duty thereon.
- b. Passengers who, under appropriate supervision, enter upon the apron for the purposes of enplaning or deplaning.
- c. Authorized representatives of the Airport Manager.
- d. Persons authorized by the Airport Manager.

Section 803. CONDUCT OF THE PUBLIC.

- a. The Airport Manager shall, at all times, have authority to take such lawful action as may be necessary for the proper handling, conduct, and management of the public in attendance at the Airport.

- b. The Public shall observe and obey all posted signs, fences, and barricades prohibiting entry upon restricted areas, or governing their activities and demeanor while at the Airport.
- c. Any person who shall commit any disorderly or obscene act at the Airport shall be immediately ejected from said Airport and admittance again thereto may be barred by the Airport Manager.
- d. Loitering or loafing at the said Airport is prohibited and persons engaging in such practices shall be subjected to ejection from the Airport property upon order of the Airport Manager or other lawful authority.
- e. Hunting in any form or the discharge of firearms on Airport property is prohibited without written permission from the Airport Manager.
- f. No person shall conduct gambling in any form or operate gambling devices of any nature within the confines of the Township Airport.
- g. No person shall dispose of garbage, papers, refuse, or other form of trash on the premises of Airports except in receptacles provided for such purposes. Nor use a comfort station other than in a clean and sanitary manner.
- h. No person shall operate or release any model aircraft, rocket, kite, balloon, or parachute, or other similar contrivance at or upon the Township Airport without the prior approval of the Airport Manager.
- i. No Person shall enter the Terminal Building or field area of any Airport with a dog or other animal, except that seeing-eye dogs may be permitted such entry for appropriate purposes and excepting further, dogs that are to be transported by air, provided that they are restrained by leash or properly confined.
- j. No Person shall carry or transport firearms, gas, air or spring-actuated guns, or dangerous weapons, except when such firearms, guns, or weapons are properly encased for transportation. This section shall not apply to peace officers and other persons who are authorized by Federal and State laws to be armed.
- k. No person may smoke on any Airport apron or ramps, in any hangar or in any aircraft on any Airport property, on any observation deck, or in any other place on Airport property where smoking is specifically prohibited by the Airport Manager by means of posted signs indicating such prohibition.
- l. No person shall travel upon the premises of the Airport other than on roads, walks, or other facilities provided for such specific purpose, and by such means as authorized by the Airport Manager.

Section 804. MINIMUM STANDARDS & REQUIREMENTS FOR COMMERCIAL AERONAUTICAL ACTIVITIES. The Airport Commission may adopt minimum standards and requirements for Commercial Aeronautical Activities, also called Commercial Services.

CHAPTER IX – Public Safety

Section 904. PUBLIC SAFETY

- a. No person at or upon the Airport shall do or omit to do any act if the doing or omission thereof endangers persons or property or if likely to endanger persons or property.

Regulations relating specifically to public safety, and not otherwise included in this ordinance, shall be as promulgated by the Airport owner.

- b. All orders and recommendations emanating from the Chief of the Township Fire Department shall be complied with by any and all tenants and personnel without delay.
- Section 805. VANDALISM AND DAMAGE TO PROPERTY. No person shall willfully destroy, injure, damage, or deface in any way public property of any nature located on the Township Airport. Any person causing or liable for damage of any nature located on the Township Airport. Any person causing or liable for damage of any nature shall report such damages to the office of the Airport Manager and upon demand by such office, shall reimburse the Township for the full amount of the damage. Anyone failing to comply with this regulation may be prosecuted for any criminal offense involved and refuse the use of any Airport facility.

CHAPTER X– AIRPORT USAGE & AIRCRAFT REGULATION

Section 1001. CONFORMANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS. No airman, as defined by the Federal Aviation Agency Act of 1958, as amended, or other person shall navigate or fly any aircraft from or to, or conduct any aircraft operation on or from the Airport, otherwise than in conformity with all applicable Federal, State, and Local laws, ordinances, codes, and regulations, and additionally thereto the Airport Rules and Regulations now existing or as the same may be hereafter promulgated, or amended, by the Airport Manager or Airport Commission for the use, operation, and control of the Airport, and paying at the time and in the manner required, the rentals, fees, and charges prescribed for the use of Airports and their facilities.

Section 1002. AUTHORITY TO REGULATE FIELD USE. The Airport Manager shall have the right at any time to close the Township Airport in its entirety or any portion thereof to air traffic, vehicular traffic or any other type traffic and, to delay or restrict any flight or other related aircraft operation, to refuse takeoff clearance to aircraft and to deny the use of Airport or any portion thereof to any specific class of aircraft or other vehicles or to any individual or group, endangering persons or property and consistent with the safe and proper operation of Airports. In the event the Airport Manager believes the condition of the Airport to be unsafe for landings or takeoffs, it shall be within his authority to issue, or cause to be issued a NOTAM (Notice to Airmen) closing such Airport, or any portion thereof. This shall be accomplished by delivering a message to the proper local Federal Aviation Agency's Office signed by the Airport Manager ordering such closing. The same procedure shall be followed to open any Airport or any portion thereof to air traffic when the field is again considered safe and usable by the Airport Manager.

Section 1003. AIR TRAFFIC-REGULATORY CONTROL.

- a. Aircraft taking off and landing at the Airport shall follow such traffic pattern as may be prescribed by Federal Aviation Administration except in case of emergency.
- b. Operation of aircraft on or at the Airport in a careless or negligent manner is prohibited.
- c. Experimental flight demonstrations, acrobatics, stunt flying, and air shows at the Airport are prohibited except by the prior written approval of the Airport Manager.
- d. Airport Manager may require from time to time and may designate, at his discretion, appropriate locations for this registration of transient pilots and aircraft using the Airport, and such pilots shall comply with the requirements of such registration and the payment of

rentals, fees, and charges relating to the use of the Airport premises and facilities before take-off. In lieu of such payment, satisfactory credit arrangements shall be made by the pilot or owner of transient aircraft with the office of the Airport Manager, or such office as may be otherwise designated by him, before such pilot leave the Airport.

Section 1004. AIRCRAFT GROUND OPERATIONS AND RELATED ACTIVITIES.

- a. The pilot or other person aboard and engaged in the operation of any aircraft on the surface of any Airport operational area, such as runways, taxi-ways, ramps, or aprons must comply strictly with the instructions and advisories, by radio, or other means of communication from the Airport Manager or Flight Service Station.
- b. No aircraft shall be operated in a careless or negligent manner or in disregard of the right and safety of others, or without due caution or circumspection, or at a speed that is likely to endanger persons or property, or while the operator of the aircraft is under the influence of intoxicating liquor, narcotics, or other barbiturates. Extreme caution and alertness to existing or potential hazards or danger at all times by the pilot or operator during any aircraft ground operations.
- c. Aircraft shall be started and warmed up only in the places designated for such purposes by the Airport Manager. At no time shall engines be run up in such a position that hangars, shops, or other buildings or groups of people shall be in the path of the propeller wash or jet stream. In starting an aircraft engine, it shall be the responsibility of the pilot to assure himself through his own observation or with the assistance of ground personnel that the propeller and blast areas are clear prior to starting the engine or engines. Aircraft pilots, operators, or mechanics shall not perform arm-up or prolonged engine test operation in any area that would result in a hazard or nuisance to other aircraft, persons, or property.
- d. No person may operate a rotorcraft at any place on the Airport while its rotors are turning unless there is a clear area of at least fifty feet from the outer tip of each rotor.
- e. Aircraft shall be parked only in public aircraft parking areas designated for such purpose by the Airport Manager and in such manner as shall not interfere with the right and safety of others or in any way obstruct or endanger the movement of other aircraft or equipment authorized to operate in, on or out of said aircraft public parking areas. Aircraft may also be parked on ramps or aprons under lease from the Township to fixed base operators or privately-owned ramps on Airports, but only with the express permission of the lease or owner of the ramp facility. Aircraft parking in any other areas at the Airport is prohibited without the prior approval of the Airport Manager.
- f. The owner of an aircraft or part thereof that is disabled, or his pilot or agent, shall remove said aircraft or parts thereof to avoid any interference with field operations unless he is required to delay such removal pending an investigation of an accident. If such aircraft or part thereof shall not be removed within a reasonable time, the Airport Manager may remove it at the owner's expense and without liability for additional damage resulting from the removal.

Section 1005. ACCIDENT REPORTS. The pilot or operator of any aircraft involved in an accident causing personal injury or property damage shall make a prompt and complete report on said accident to the office of the Airport Manager. When a written report of an accident is required

by the Federal Air Regulations, a copy of such report shall be submitted to the Airport Manager for submission to Federal Aviation Administration.

CHAPTER XI - FEES

Section 1101. FEES. Subject to the requirements of this Section, the Airport Commission shall set fees for the following uses of the Airport:

- a. Landing Fee.
- b. Luggage Space: For luggage space, the fee shall be an amount to be established based upon a square foot used formula.
- c. Office Space: For office space, the fee shall be established based upon a square foot used formula.
- d. Utilities: All utilities shall be billed at cost.
- e. Security: All security required by FAA regulations will be billed at cost.
- f. Overnight Ramp or Tie Down Fee.
- g. Hangar Fees: Hangar fees shall be based upon a per day fee, unless another written agreement between the Airport Commission and the user supersedes.
- h. Other Fees: The Airport Commission may set service fees for any services provided by the Airport and any usage of space at the Airport, which are not listed above. This includes aviation and non-aviation uses.

The Airport Commission may revise fees in its discretion. The Airport Commission may waive any fee when a written agreement exists, which requires the Airport user to pay compensation to the Airport that equals or exceeds the fee that otherwise would have been applicable.

CHAPTER XII – MISCELLANEOUS

Section 1201. SEVERABILITY. Should any rule, regulation or any part thereof be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of any such rule, regulation, or any part thereof, shall in no effect, impair or invalidate the remaining rules, regulations, or portions thereof, but as to such remainder the same shall remain in full force and affect.

Section 1202. PREEMPTION. This Ordinance preempts and supersedes any prior ordinance related to the Airport.

Section 1203. EFFECTIVE DATE. This ordinance shall take effect sixty (60) days after the date on which it has been adopted by both townships.

Added signature lines for supervisors and clerks of both townships

