

**WAYNE COUNTY AIRPORT AUTHORITY**  
**AIRPORT ORDINANCE**

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## **WAYNE COUNTY AIRPORT AUTHORITY AIRPORT ORDINANCE**

AN ORDINANCE TO IMPLEMENT THE AUTHORITY PROVIDED TO THE WAYNE COUNTY AIRPORT AUTHORITY UNDER THE AERONAUTICS CODE, BEING MICHIGAN COMPILED LAWS, SECTION 259.1 ET SEQ.; TO AUTHORIZE THE AIRPORT AUTHORITY CHIEF EXECUTIVE OFFICER TO INSTITUTE PROCEEDINGS TO ABATE A HAZARD TO AIR NAVIGATION UPON OR BEYOND THE LIMITS OF THE AIRPORTS; TO ESTABLISH REGULATIONS AND TO AUTHORIZE THE PROMULGATION OF RULES TO REGULATE CONDUCT OF PERSONS AND BUSINESSES AT THE AIRPORTS; TO AUTHORIZE THE ISSUANCE OF AIRPORT USE PERMITS; TO MAKE THE VIOLATION OF THIS ORDINANCE OR AN AIRPORT REGULATION OR RULE A MISDEMEANOR, CIVIL INFRACTION OR ADMINISTRATIVE VIOLATION, AND TO PRESCRIBE THE PENALTIES AND MEANS OF ENFORCEMENT THEREFOR;

**IT IS HEREBY ORDAINED BY THE WAYNE COUNTY AIRPORT AUTHORITY:**

### **SECTION 1: CITATION**

- 1.1 This Ordinance may be cited as the “Wayne County Airport Authority Airport Ordinance” or the “Airport Rules and Regulations”.

## **SECTION 2: WORDS AND PHRASES DEFINED**

### 2.1 Words and Phrases

Except as indicated otherwise, the following words and phrases as defined in this section when used in this Airport Ordinance shall, for the purposes hereof, have the meanings respectively ascribed to them in this section.

2.2 Aircraft means any device used or designed for navigation of, or flight in, the air or space.

2.3 Aircraft Movement Areas means that area of the Airport that is under radio control of the FAA tower as per the current FAA 139 (14 CFR Part 139) Certification Manual/Specifications Certifications.

2.4 Aircraft Parking and Storage Area means any area of the Airport designated and made available, temporarily or permanently, by the CEO for the parking or storage of Aircraft.

2.5 Airport Operations means qualified Wayne County Airport Authority personnel, prescribed by 14 CFR Part 139, who direct, monitor and coordinate compliance and enforcement of Airport regulations within the Airport premises, perform security functions and conduct liaison with the FAA in matters of the Airports' operation.

2.6 Air Operations Area (AOA) means any area of the Airport used or intended to be used for landing, taking off, surface maneuvering or parking of Aircraft or other activities directly related to Aircraft.

2.7 Airport means either the Detroit Metropolitan Wayne County Airport or Willow Run Airport and this Ordinance shall apply to each Airport unless the context specifically refers to a specific Airport.

2.8 Airport Ordinance means the Wayne County Airport Authority Airport Ordinance.

2.9 Alarm System means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention.

- 2.10 Alcoholic Beverages means any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half (1/2) of one percent (1%) or more of alcohol by volume, which are fit for use for beverage purposes.
- 2.11 Americans with Disabilities Act Accessibility Guidelines (ADAAG) means the United States law being 42 USC 12101, et seq., Accessibility Guidelines for Buildings and Facilities, as amended in September 2002, including, but not limited to Section 10.4., Airports.
- 2.12 ARFF means Aircraft Rescue Fire Fighting.
- 2.13 Authority means the Wayne County Airport Authority as created pursuant to 2002 PA 90, being Sections 108-125c of the Aeronautics Code of the State of Michigan, MCL 259.1 et seq.
- 2.14 CEO means the Authority's Chief Executive Officer or designee thereof.
- 2.15 Certification/Specification Manual means a written document that details how an airport operator will comply with the requirements of 14 CFR Part 139.
- 2.16 CFR means the Code of Federal Regulations.
- 2.17 Charter Service means transportation from the Airport by a Ground Transportation Operator of a Person or group of Persons under any contract requiring the exclusive use of a motor vehicle to travel to a particular destination or destinations.
- 2.18 Commerce means the exchange, trading, buying, hiring or selling of commodities, goods, services or property of any kind or any revenue-producing activity.
- 2.19 Contention means actual or threatened violence to Person or property.
- 2.20 Controlled Substance means a drug, substance or immediate precursor as defined in the Michigan Public Health Code, Act 368 of 1978, being MCL 333.7104(2).
- 2.21 County means the Charter County of Wayne, Michigan.
- 2.22 Department of Transportation means the United States Department of Transportation or the Michigan Department of Transportation as context requires.

- 2.23 EPA means the United States Environmental Protection Agency.
- 2.24 Disturbance means the interruption of peace and quiet, violation of public order, unlawful interference with a Person's lawful pursuit of his occupation, right or privileges, or actual or threatened violence.
- 2.25 FAA means the Federal Aviation Administration or any successor thereof.
- 2.26 False Alarm means the activation of an Alarm System through mechanical failure, malfunction, installation, or the negligence of the owner or lessee of the Alarm System or of its employees or agent. False Alarm does not include an alarm caused by a hurricane, tornado, earthquake, or other violent condition beyond the control of the owner or lessee of an Alarm System or of their employee or agent.
- 2.27 FAR or Federal Aviation Regulation means the regulations promulgated and administered by the FAA that govern civil aviation and aviation-related activities, currently codified in title 14 of the code of Federal Regulations (14 CFR).
- 2.28 Fuel Handling means the transporting, storing, delivering, pumping, loading, unloading and draining of any aviation, automotive or other fuel or fuel waste product.
- 2.29 Fuel Storage Areas means areas of the Airport designated temporarily or permanently by the CEO as areas in which any type of fuel may be stored.
- 2.30 Ground Transportation Operator means any Person engaged in the transportation by motor vehicle of Persons for hire from the Airport, other than a Limousine, Luxury Sedan or a Taxicab Operator, either directly or through any device or arrangement, whether or not such Person holds himself out to the public as a Ground Transportation Operator or whether or not such Person is considered a contract carrier or common carrier of passengers in accordance with other applicable law.

- 2.31 Hazardous Substance means any hazardous material, oil, gasoline, or other substance or material as defined by State or federal law, including a material or substance that the Secretary of Transportation has determined is capable of posing an unreasonable to risk to health, safety, and property when transported in commerce, and has designated as hazardous under Section 5103 of Federal Hazardous Materials Transportation Law (49 USC 5103).
- 2.32 Landing Areas means areas of the Airport designated and made available, temporarily or permanently, by the CEO for the landing and taking off of Aircraft, including runways, taxiways and other areas between and adjacent to said runways and taxiways.
- 2.33 License or Permit means an authorization or permission granted by the CEO to perform an act or activity at the Airport. The terms “License” and “Permit” as used herein are synonymous and interchangeable.
- 2.34 Limousine means a self-propelled motor vehicle used in the carrying of passengers and the baggage of passengers for hire with a seating capacity of fifteen (15) passengers or less, including driver.
- 2.35 Michigan Construction Codes means the State of Michigan Construction Code, Act 245 of 1999, as amended, and the administrative rules promulgated thereunder, that relate to the design, construction, or use of buildings and structures and the installation of equipment in a building or structure.
- 2.36 NFPA Code means the most recently published version of the National Fire Protection Association (NFPA) (which as of the effective date of this Airport Ordinance is NFPA-1 Uniform Fire Code, 2003), containing the codes and directives established by the NFPA.
- 2.37 Number-Gender. The singular includes the plural and the plural includes the singular. The masculine includes the feminine and the neuter as may be appropriate.

- 2.38 Off-Airport Commercial Enterprises are defined to mean businesses that provide, or cause to be provided, whether as an adjunct to, or an integral part of their principal commercial endeavor, transportation between the Airport and an off-Airport location to any individual, luggage, cargo, mail or other personal property by any Person without a written contract between the Authority and such Person.
- 2.39 Operator means any Person who is in actual physical control of an Aircraft or vehicle.
- 2.40 Permission means an authorization granted by the CEO unless specifically stated otherwise.
- 2.41 Person means any individual, firm, partnership, group, co-partnership, trust, association, joint stock association, corporation or company, or body politic; and includes any successor, assignee, receiver, trustee or other similar representative.
- 2.42 Police Officer means any Authority Police Officer, State Police Trooper, or any other officer of the County, State of Michigan or federal government charged with the maintenance of public order, safety and health and/or the enforcement of laws and regulations, including this Airport Ordinance.
- 2.43 Public Vehicle License (PV) means a photographic credential issued to Taxicab and/or Luxury Sedan drivers who have, or are employed by, an entity having a contractual relationship with the Authority. The credential identifies the Taxicab and/or Luxury Sedan driver as authorized to pick up fares at the Airport. Issuance of a PV License requires the successful completion of an FBI criminal history check. The PV License expires upon expiration of the individual's driver's license.
- 2.44 Restricted Area means any area of the Airport designated not generally open to the public, unless authorization has been granted to enter.
- 2.45 Sterile Area means a public area to which access is controlled by the inspection of persons and property.
- 2.46 Secured Area means any area of the Airport where access is controlled by fencing, gates, signs, guards or similar means or devices.

- 2.47 Scheduled Ground Transportation Service means the transportation by a Ground Transportation Operator of individually ticketed passengers from the Airport at fares, on schedules, and to predetermined destinations and routes whether or not such service is on file with the governmental agency having jurisdiction over such transportation.
- 2.48 TSA means the federal Transportation Security Administration or a successor agency or department.
- 2.49 Wayne County Airport Authority Construction Standards means the Authority's current standards for construction, development, repair, demolition/removal, use and maintenance of Airport properties.

**SECTION 3: EXPRESS SPECIFIC POWERS AND DUTIES OF THE CHIEF EXECUTIVE**

**OFFICER**

- 3.1 The CEO is expressly authorized to exercise all powers which are necessarily incidental to the exercise of the express, general, and specific powers herein granted.

**SECTION 4: ABATEMENT OF AERONAUTICAL HAZARDS**

4.1 The CEO shall promptly institute proceedings under State law and Authority ordinances and rules and regulations that the CEO deems necessary or appropriate to abate a hazard to air navigation.

**SECTION 5: [RESERVED]**

## **SECTION 6: REGULATIONS OF GENERAL APPLICATION**

6.1 The CEO is authorized to formulate, propose, and enforce by administrative action, rules and regulations which are consistent with this Ordinance and which are necessary or useful for the following purposes:

- a. To provide for safe operation of Aircraft upon the property of the Airport.
- b. To provide for safe and effective emergency service operations upon the property of the Airport, including fire-fighting, responding to Aircraft mishaps, police protection, emergency medical attention, utility repair, and building safety measures.
- c. To assure that Aircraft fueling operations are conducted safely and in an environmentally sound manner.
- d. To assure the protection and security of Aircraft, property, facilities and the public from theft, hazard, neglect, and intentional harm.
- e. To protect Airport environs and users from forms of water, air, noise, and ground pollution as the CEO determines feasible.
- f. To provide for the safe, orderly, and equitable governance of Taxicab, Luxury Sedan, Limousine and Ground Transportation services.
- g. To protect the legitimate commercial needs and rights of the Airport and its users, consistent with the First Amendment rights of individuals.
- h. To regulate the compatibility, use, safety, size and location of signs upon Airport premises.
- i. To establish and collect reasonable and equitable fees and charges for Airport use to make the Airport as self-sustaining as possible, as required by federal airport grant assurance.
- j. To provide for the impoundment and return or disposal of vehicles which are abandoned upon Airport property.

- k. To regulate the operation and parking of motor vehicles to promote safety and efficiency on Airport property.
- l. To regulate the use of intra-terminal vehicles to promote safety and efficiency on Airport property.
- m. To regulate any practice of Airport users and lessees, or construction contractors, which constitutes a potential hazard to air navigation, or which may impair the safety or the personal or property rights of other Airport users.

The CEO is authorized to issue Permits that govern and limit the activities of Airport users and the general public in conformity with this Airport Ordinance. Each Permit issued by the CEO shall be expressly conditioned upon compliance with this Airport Ordinance, and may be suspended or revoked by the CEO when a Permittee is in violation of any provision of this Ordinance. The CEO also may assess an Administrative Civil Penalty against a Permittee who is in violation of this Airport Ordinance as hereinafter provided for the privilege of Permit revival or continuation. In addition to revocation of the Permit and civil penalties, a Person shall be subject to any criminal penalties provided by State law or this Airport Ordinance for the violation of any one or more of the provisions set forth herein.

6.2 No Person shall offer any product or service upon Airport property (1) without first obtaining a Permit, or (2) exceeding the scope of such Permit, including, but not limited to, the following activities:

- a. soliciting any business, trade or service;
- b. selling or offering for sale any items;
- c. operating, conducting, participating in or soliciting contributions for any form of entertainment, including but not limited to, air-shows, fly-ins, and static displays;
- d. delivering or attempting to deliver any service, article or merchandise to persons not employed at the Airport, Violation of this Subsection is a misdemeanor.

- 6.3 A Person doing business at the Airport shall not, on Airport property, conduct any promotional sale of a product or service, including, but not limited to, the promotional sale of airline passenger tickets and the taking of airline passenger reservations, under conditions which are likely to result in Contention or disturbance. It shall be conclusively presumed that Contention or disturbance will result under the following circumstances:
- a. the product or service is offered for sale at a discounted price; and
  - b. the quantity thereof available for sale to the public at the discounted price is limited, and not likely to meet all of the demands of the public therefor; and
  - c. the identical or comparable product or service is available at the discounted price only at the Airport on a first-come-first-served basis commencing at a specified time, and may not be purchased by telephone or at offices or business establishments within the Detroit Metropolitan area where the identical or comparable product or service is normally sold; and
  - d. The promotional sale is advertised to the public in any manner.

Violation of this Subsection is subject to an Administrative Civil Penalty.

- 6.4 A Person shall not solicit nor engage in any kind of wagering or gambling of any form, nor operate any kind of gambling device upon Airport premises unless authorized by State law and with a Permit from the CEO. Violation of this Subsection is a misdemeanor.
- 6.5 A Person shall not alter, destroy, deface, damage, injure, paint, mark, break, bend, deform, move or remove, in any way, any building, wall, stair, floor, window, partition, pavement, ceiling, door, restroom fixture, fence, sign, door, gate, pole, light, nor other fixture, equipment, communication device, nor structure, or any tree, shrub, flower, lawn or other Airport property, without a Permit from the CEO. Violation of this Subsection is a misdemeanor.

- 6.6 A Person shall not abandon personal property upon Airport premises nor otherwise place, discharge, or deposit refuse, trash, oil, grease, garbage, construction rubble, or wrecked or worthless vehicles and parts, upon Airport premises, except in such kinds and amount, and in such receptacles as are clearly marked for that purpose, or except as is expressly permitted in writing by the CEO. Violation of this Subsection is a misdemeanor.
- 6.7 A Person shall not erect, post, distribute, nor display signs, bills, leaflets, or other visual or auditory advertising matter upon Airport premises without a Permit from the CEO. Violation of this Subsection is a misdemeanor.
- 6.8 A Person shall not take still, motion or sound pictures of or at the Airport for commercial purposes without the express written permission of the CEO.
- 6.9 A Person shall not impede, disrupt or harass the passage of any member of the traveling public, or make nor incite a disturbance or Contention in a public place, which impedes or disrupts the orderly flow of passengers and airline customers. Violation of this Subsection is a misdemeanor.
- 6.10 A Person shall not use a skateboard, roller skates, or any similar device within Airport terminals, concourses, roadways or parking lots. Violation of this Subsection is a misdemeanor.
- 6.11 A Person shall not bring an animal into any Airport terminal, except those, which are in the process of being shipped and are in a portable cage, provided however, a Person, shall not bring an animal into any Secure Area. Service animals (e.g. leader dogs for the disabled and law enforcement animals) with a Permit from the CEO are exempt from this rule. Violation of this Subsection is a misdemeanor.
- 6.12 An individual shall not consume alcoholic beverages in any area of the Airport premises which is not specifically designated for that purpose. Violation of this Subsection is a misdemeanor.

- 6.13 a. An individual shall not carry a lighted cigar, cigarette, pipe or other lighted smoking device in any public area of the Airport terminals which is not specifically designated for smoking. Violation of this Subsection is a misdemeanor.
- b. The CEO shall not designate an interior public area as a smoking area unless that area is fully enclosed, and is separately ventilated to assure a smoke-free environment for all nonsmoking public areas.
- c. An individual shall not smoke in any non-terminal area of the Airport designated as a “non-smoking” area. Violation of this Subsection is a misdemeanor.
- 6.14 Open Flames. A Person shall not, without a Permit, operate an open flame and lighted open flame device on any Aircraft servicing ramp, in any hangar on any apron, or within fifty (50) feet of any fuel tender not in motion, including, but not limited to:
- a. lighted cigarettes, cigars, pipes, etc.;
- b. exposed flame heaters (liquid, solid or gaseous or kerosene heaters);
- c. de-icing vehicles equipped with open flame heaters;
- d. welding or cutting torches, blow torches, etc.;
- e. flare pots or other flame lights.
- 6.15 If a Person finds a lost article upon Airport premises, he or she shall immediately report that fact to an Authority Police Officer, and leave the article in the custody of an Authority Police Officer. The Authority Police Officer shall issue a receipt for the lost article to the finder, and shall record all information needed to dispose of the article pursuant to State law, if not claimed within the statutory period. A Person shall not remove or attempt to remove the article from the Airport premises without first making such a report and disposition. Removal or attempted removal of a lost article from Airport premises is a misdemeanor.
- 6.16 A Person shall not operate a vehicle on the Airport with more people or cargo than the designed capacity of the vehicle. Violation of this Subsection is a misdemeanor.

- 6.17 A damaged wheelchair must be removed from service immediately by the airline or the FBO, as applicable. The damaged wheelchair shall be repaired and placed back into service, or a replacement wheelchair used, within twenty-four (24) hours of such removal from service. Failure by an airline or FBO to comply with this Subsection will result in an administrative penalty and forfeiture of the wheelchair.
- 6.18 A Person shall promptly without delay, comply with a lawful order of a Police Officer and shall refrain from interfering with a Police Officer when that Police Officer is enforcing any one or more of the provisions of this Airport Ordinance. Violation of this Subsection is a misdemeanor.
- 6.19 A Person shall promptly without delay, comply with a lawful order from the owner or operator of an Aircraft to leave the Aircraft. Violation of this Subsection is a misdemeanor.
- 6.20 The following portions or areas of the Airport shall be available for use only for the purposes hereinafter specified. The use of such areas of the Airport for any other purpose without a Permit is prohibited:
- a. Aircraft parking and storage areas may be used for the purpose of servicing Aircraft with fuel, lubricants and other supplies for use thereon, and for making minor or emergency repairs to Aircraft.
  - b. Aircraft ramp and apron areas may be used for the purpose of loading or unloading passengers, baggage, cargo, mail and supplies from Aircraft; for servicing Aircraft with fuel and lubricants, performing the operations commonly known as "ramp service"; performing inspection, minor maintenance and other services upon or in connection with Aircraft, but only as an incident to performing "ramp service"; and, parking mobile equipment actively used in connection with such operations.

- c. Landing Areas may be used for the purpose of landing and taking off of Aircraft and the ground movement of Aircraft to, from and between runways, ramps and apron areas, Aircraft parking and storage areas, and other areas of the Airport.
- d. Airport roadways may be used as a means of ingress and egress by vehicles to, from and between the streets with which such roadways connect and the various buildings and land areas at the Airport; sidewalks along such roadways (and other portions of such roadways when designed for that purpose) may be used by pedestrians as a means of ingress and egress to, from, and between various portions of the Airport.
- e. Restricted vehicular parking areas may be used only for the purpose of parking vehicles displaying the required Permit. Vehicular parking areas made available to the general public may be used only for the purpose of parking vehicles licensed and registered as motor vehicles for use upon the highways in accordance with the laws of the State, provided that such vehicles shall not be equipped or loaded in such a manner or with such material as to endanger, or to be likely to endanger, persons or property.

- f. Hallways, corridors and lobbies in buildings at the Airport to which members of the public are admitted may be used by such members of the public only as a means of ingress and egress to, from and between a public entrance to such buildings places of business open to the public in such buildings. Nothing herein contained shall be construed to limit the use of any area or portion of the Airport by Police Officers or Airport employees with proper Airport identification when entering upon any part of the Airport in the proper exercise and performance of their official duties. The use of the foregoing areas and portions of the Airport is further conditioned upon compliance with all provisions of this Airport Ordinance as are now in effect, or may from time to time be prescribed and, where required, the payment of such rates, fees and charges as may from time to time lawfully be imposed or established.
- g. The use of the foregoing areas and portions of the Airport is further conditioned upon compliance with (1) all provisions of this Airport Ordinance as are currently in effect, or as may from time to time be prescribed and (2) where required, the payment of such rates, fees and charges as may from time to time lawfully be imposed or established by the Authority.
- h. A Person shall not store any equipment not directly related to that Person's Airport operation or construction on the Airport without written permission of the CEO.

Violation of this Subsection is subject to an administrative civil penalty.

- 6.21 In consideration of the right of access to the Airport to use facilities of the Airport to pick up or convey customers of Off-Airport Commercial Enterprises, the owners of such Off-Airport Commercial Enterprises shall pay to the Authority such fees, as the CEO shall determine. Such fees may be imposed on the gross receipts or gross revenues derived from or on behalf of customers picked up at or conveyed to the Airport or based on periodic Permit fees and shall be similar for similar business activities.

- a. In determining the amount of fees the CEO shall take into consideration such factors as:
1. service to the traveling public provided by the Off-Airport Commercial Enterprises;
  2. frequency and scope of use of the Airport facilities by the Off-Airport Commercial Enterprises;
  3. contribution to the traffic congestion on the Airport roads made by the Off-Airport Commercial Enterprises;
  4. the different benefits the various categories of users derive from the Airport;
  5. the degree of business advantages or disadvantages that accrue to the Airport through competitive on-Airport service;
  6. such other factors as, in the judgment of the CEO, may be relevant to the determination.
- b. Each Off-Airport Commercial Enterprise required to pay a fee based upon a percentage of gross receipts or gross revenues shall submit, within ten (10) days following the end of each calendar month, a report, certified by the chief financial officer of the Off-Airport Commercial Enterprise, of the gross receipts or gross revenues derived from or on behalf of customers picked up at or conveyed to the Airport and forward with the report the required fee.
- c. Each Off-Airport Commercial Enterprise required to pay a Permit fee shall be required to obtain a Permit for such activity and pay the required fee at the time the Permit is issued.

- d. All Off-Airport Commercial Enterprises shall be required to obtain a Permit to conduct activities at the Airport. Use of the Airport by an Off-Airport Commercial Enterprise without a Permit shall violate this Airport Ordinance each time a vehicle of such Off-Airport Commercial Enterprise stops at the Airport to load or unload a person, baggage or cargo. A vehicle which incurs more than one (1) violation shall be subject to being towed to an impound area until the disposition of the ticket issued for said violation is determined by a Court of competent jurisdiction.
- e. Gross receipts or gross revenues is defined to mean and to include all monies paid or payable by or on behalf of customers picked up or conveyed to the Airport to the Off-Airport Commercial Enterprises for any and all services provided, without reduction for taxes or separately stated fees to be paid the Authority or others.
- f. Any violation of the requirements of this Section 6.21 shall result in the revocation of the Permit granted in this Section 6.21 and the privilege of access to and from the Airport for commercial purposes.

6.22 It shall be unlawful for any Person to operate, cause to be operated, or to carry on at the Airport any of the business activities of a concessionaire with respect to any amusement device without first having obtained a License for each such piece of equipment, in accordance with the provisions of this Airport Ordinance, and without first having entered into a concession agreement with the Authority. Violation of this Subsection is a misdemeanor.

6.23 It shall be unlawful for any Person to operate an establishment which sells or dispenses alcoholic beverages without obtaining a liquor license from the State. Any liquor license obtained to sell or dispense liquor on the Airport premises shall be a joint license with the Authority as a co-licensee. Violation of this Subsection is a misdemeanor.

- 6.24 If a Person is in violation of a provision of this Airport Ordinance, and if that Person is informed of that provision by a properly identified Authority employee and is requested to promptly desist or otherwise comply, and if that Person continues or repeats the violation, or fails or refuses to promptly desist or comply, that Person is guilty of a misdemeanor.
- 6.25 If the permission of a Person to conduct certain activities upon the premises of the Airport is suspended or revoked, and notice of that suspension or revocation has been given to that Person, and if that Person continues to conduct the activity without permission, that Person is guilty of a misdemeanor.
- 6.26 Any Person who shall make or excite any disturbance or Contention at or in any Authority or Airport business place, street, public building, grounds or park, parking lot, parking deck, hotel, terminal, concourse or public meeting where citizens are peaceably and lawfully assembled, shall be guilty of a misdemeanor.
- 6.27 A Person shall not use any alleyway, ramp, taxiway, runway or vehicle checkpoint as a pedestrian walkway.
- 6.28 A Person shall not solicit passengers for hire at the Airport and shall not use agents to solicit passengers for hire.
- 6.29 A Limousine Operator not actively loading or unloading pre-arranged passengers or their luggage may not stand, stop or park at the designated curb space. A Limousine Operator not actively loading a pre-arranged passenger or his luggage may park in a parking lot or at an available parking meter.
- 6.30 A Person shall not hunt, or attempt to hunt, trap, catch, wound, kill or treat cruelly, any bird, fish, or animal, or molest or rob any nest, lair, den or burrow of any bird, fish, or animal, in or upon any Authority or Airport property land or waters without express written permission of the CEO. Violation of this Subsection is a misdemeanor.

## **SECTION 7: AIRCRAFT OPERATION**

- 7.1 The CEO may prohibit Aircraft landing at the Airport, except for emergency landings, or take-offs or ground movement, at any time when, and under any circumstances, the CEO deems such actions may endanger Persons or property.
- 7.2 A Person shall navigate Aircraft, land Aircraft upon, fly Aircraft from, or conduct any Aircraft operations on or from the Airport only in conformity with current FAA Rules and Regulations, Michigan Aeronautics Code and this Airport Ordinance. The CEO may deny the use of the Airport to any Aircraft owner or Operator violating this Subsection.
- 7.3 A Person shall not park or store an Aircraft on the Airport in violation of this Airport Ordinance. If any Person parks or stores an Aircraft in violation of this Airport Ordinance, the CEO may order the Aircraft removed or cause the same to be removed and stored at the expense of the owner thereof. Such authority shall not be in derogation of the right to assess a hangarkeeper's lien against such Aircraft, or in derogation of any other common law or statutory right or remedy.
- 7.4 A Person shall not land or take-off an Aircraft on or from a Landing Area, or use a Landing Area, ramp and apron area, or an Aircraft parking and storage area, except upon the payment of such fees and charges as may from time to time be prescribed by the Authority. The CEO may restrict any Aircraft from leaving the Airport where the owner or Operator of the Aircraft has outstanding unpaid charges or fees due the Authority.
- 7.5 A Person shall not operate an Aircraft on the surface of a Landing Area, ramp and apron area or Aircraft parking and storage area:
- a. in a careless or negligent manner; or
  - b. in disregard of the rights and safety of others; or
  - c. without due caution and circumspection; or
  - d. at a speed or in a manner which endangers or is likely to endanger Persons or property; or

- e. while the pilot or other Persons aboard controlling any part of the operation thereof, is under the influence of alcoholic beverages, or any Controlled Substance or incapacitating drug, or is otherwise incapacitated; or
- f. if such Aircraft is so constructed, maintained, equipped or loaded in such manner as to endanger, or to be likely to endanger, Persons or property.

A Person shall not equip or load an Aircraft in a manner which endangers or is likely to endanger Persons or property.

- 7.6 An Operator of any Aircraft being operated on the surface of any Aircraft parking and storage area, Landing Area or ramp and apron area shall obey and shall not fail or refuse to obey any direction by the FAA or Airport Operations personnel or any light, sign, mechanical or electrical signal, pavement marking or other device controlling such operation unless directed otherwise by the FAA or Airport Operations personnel.
- 7.7 A Person shall not, except in the case of an emergency, land or take-off an Aircraft at the Airport unless it is equipped with brakes and a functioning radio capable of direct two-way communication with the FAA control tower.
- 7.8 A Person shall not position, start, or taxi an Aircraft at the Airport in such manner that its propeller slipstream or engine exhaust blast may cause injury to Persons or damage to property.
- 7.9 A Person shall not start an Aircraft engine unless the main landing wheels are chocked and the brakes of the Aircraft are fixed and locked, or the Operator complies with an alternate procedure having the prior written approval of the CEO.
- 7.10 A Person shall not start, run or taxi a fixed-wing Aircraft at the Airport unless that Person is a pilot certified by the FAA to operate that particular type of Aircraft, or an FAA-certified airframe and engine mechanic qualified to start, run and taxi that particular type of Aircraft.

- 7.11 A Person shall not start, run or taxi a helicopter at the Airport unless that Person is a helicopter pilot certified by the FAA, or an FAA-certificated airframe and engine mechanic qualified to run that helicopter. A Person shall not leave a helicopter running unless there is a certified helicopter pilot or certified airframe and engine mechanic at the controls.
- 7.12 A Person shall not taxi, tow, or otherwise move a helicopter with rotors in motion unless there is an area with at least thirty (30) feet clearance in all directions from the outer tip of each rotor.
- 7.13 A Person shall not taxi, tow, or otherwise move any Aircraft on any Aircraft parking and storage area, Landing Area, or ramp and apron area unless there is a Person attending the controls who shall monitor, or if necessary, cause another Person in the Aircraft at the time to monitor, by radio, the transmitting frequency in use by the FAA control tower. In the event of a radio equipment failure, the control tower may use an Aldis Lamp for communication.
- 7.14 An owner or pilot of any Aircraft, or agent of either, shall not fail, refuse or neglect to obey any direction by the CEO to move such Aircraft from the place where it is parked or stored to any other place. If any such owner, pilot or agent fails, refuses, neglects or is unable to comply with any such direction, the CEO may tow or cause to be towed said Aircraft to the designated place at the owner's expense and without liability for damage which may result in the course of towing.
- 7.15 A Person shall not start an Aircraft in a hangar or taxi an Aircraft under its own power into or out of a hangar.
- 7.16 A Person shall not taxi, tow or otherwise move an Aircraft at the Airport during the hours between sunset and sunrise without its running lights on.

- 7.17 The owner of a wrecked or disabled Aircraft shall promptly remove such Aircraft and parts thereof from the Airport unless specifically directed otherwise by the CEO or appropriate federal agency to delay removal-pending investigation. If the owner fails or is unable to remove such wrecked or disabled Aircraft or parts thereof from the Airport, the CEO may remove or cause to be removed such Aircraft or parts at the owner's expense and without liability for damage which results in the course of removal.
- 7.18 A Person shall not give instructions at the Airport in the operation of Aircraft unless such Person is duly licensed, certified and registered in accordance with applicable state and federal regulations, and fully informs the students concerning the relevant Rules and Regulations in effect at the Airport, and assumes responsibility for the conduct of students while under instruction.
- 7.19 A Person shall not operate an Aircraft on the ramp area or at any gate position on the Airport if that Person reports, has knowledge of, or has been advised of an indication of a fire or a malfunction or potential explosive device on the Aircraft, inadequate brakes, or loss of power to any Aircraft control device until the CEO authorizes the operator to use the ramp or apron area or Aircraft gate position.
- 7.20 Any violation of the Airport Certification Specification Manual, as sanctioned by 14 CFR Part 139, is a violation of this Airport Ordinance.
- 7.21 A Person shall not conduct operations commonly referred to as "trim checks and/or run-ups" except in areas and on headings approved in writing by the CEO as designated for such operation.

- 7.22 The right to determine the size and configuration of Aircraft parking positions, including the determination and marking of parking limit lines, Aircraft lead-in lines, wing tip clearances, and ground vehicle parking areas is reserved to the CEO in order to safeguard the rights of other Aircraft operators and provide for safe operations on ramps and aprons at the Airport. The CEO may close portions of Airport ramps, aprons, runways, taxiways, taxilanes or other areas as required from time to time in order to clean, repair or reconstruct the same, or in order to construct other facilities required in the interests of increasing the safety or efficiency of operations at the Airport. A Person shall not park, store or operate Aircraft or ground vehicles on the Airport in violation of markings or signage made or displayed pursuant to this Subsection.
- 7.23 If a Person moves, operates, or stores an Aircraft in violation of any of the requirements of this Section 7, that Person is subject to suspension of all permission to use the Airport, and is further subject to an administrative civil penalty.
- 7.24 Any Aircraft based in the State more than ninety (90) days must be registered in accordance with 1945 PA 327, Michigan Aeronautics Code, and amendments thereto, as defined by MCL 259.76 (1) et seq.

## **SECTION 8: CONSTRUCTION AND ALTERATIONS**

- 8.1 Permits. A Person shall not undertake construction or alteration on Airport property without a Permit. The CEO may require as conditions to obtaining a Permit both a payment bond and a performance bond, indemnity provisions, satisfactory insurance coverage and other conditions necessary or appropriate due to the nature of the work to be performed. A Person shall not occupy or use the constructed or altered premises without the written permission of the CEO.
- 8.2 The construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings, structures and property shall comply with the following: Michigan Construction Codes; Federal, State, and Local Regulations, laws and ordinances; Wayne County Airport Authority Standards, all provisions of this Airport Ordinance, applicable NFPA codes and standards, Americans with Disabilities Act Accessibility Guidelines (ADAAG); and Wayne County Airport Authority Construction/Alteration Permit Conditions. In the event of a conflict between codes/standards, the most stringent provision shall apply. All construction is subject to inspection by the Authority.

**SECTION 9: FIRE FIGHTING, FIRE PREVENTION, EMERGENCY MEDICAL SERVICES**

**AND BUILDING SAFETY**

- 9.1 A Person in or upon the Airport shall not commit or omit any act if the commission or omission thereof endangers or is likely to endanger Persons or property. Violation of this Subsection is a misdemeanor.
- 9.2 The minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, lots or premises shall be the State of Michigan Fire Prevention Code, Act No. 207 of the Michigan Public Acts of 1941, as amended, NFPA Codes or any more stringent codes or standards, set forth herein.
- 9.3 Fire lanes, for the purpose of allowing the safe and efficient passage of fire and rescue apparatus, may be established in such places and in such a manner as deemed necessary by the CEO. A Person shall not obstruct a fire lane. Violation of this Subsection is a misdemeanor.
- 9.4 A driver of a vehicle, unless authorized, shall not follow closer than five hundred (500) feet a fire or rescue apparatus which has flashers or siren in operation and shall not drive or park any such vehicle within five hundred (500) feet of where fire or rescue apparatus has stopped in answer to a fire or rescue alarm. Violation of this Subsection is a misdemeanor.
- 9.5 A Person shall not drive a motor vehicle over an unprotected hose of the fire department when it is laid down on a street, service drive, apron, taxiway, runway or on a parking lot, without the consent of the Authority Fire Department official in command. Violation of this Subsection is a misdemeanor.

- 9.6 A Person shall not knowingly and willfully obstruct nor interfere with the performance of a firefighter's duties, or willfully disobey an order of an officer or a fire official at the scene or in the immediate vicinity of a fire or emergency rescue. Violation of this Subsection is a misdemeanor.
- 9.7 A Person shall not use a fire hydrant without written authorization from the CEO. Violation of this Subsection is a misdemeanor.
- 9.8 A Person shall not operate an oxy-acetylene torch, electric arc or similar flame or spark-producing device on any part of the Airport without first obtaining a Permit to Burn from the CEO. Violation of this Subsection is a misdemeanor.
- 9.9 A Person shall not start an open fire of any type on any part of the Airport without first obtaining a Permit to Burn from the CEO. Violation of this Subsection is a misdemeanor.
- 9.10 A Person shall not store, keep, handle, use, dispense, or transport at or upon the Airport:
- a. Class 1, 1.1-1.6 explosives (as defined by the Interstate Commerce Commission regulations for the transportation of explosive and other dangerous articles);
  - b. dynamite, nitroglycerine, black powder, fireworks, blasting caps or other explosives;
  - c. gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other flammable or combustible liquid, ammonium nitrocellulose film, peroxide or other flammable solid or oxidizing material;
  - d. hydrochloric acid, sulfuric acid, or other corrosive liquid;
  - e. prussic acid, phosgene, arsenic, carbolic acid, potassium, cyanide, tear gas, lewisite or any Class A poisonous substance, liquid or gas;
  - f. compressed gas, or any radioactive article, substance or metal;

- g. hazardous articles and materials as the same are defined in the current FAR; or any article employing atomic fission or any radioactive material; at such time or place or in such time or place, or in such manner or condition, without a Permit. All of the above activities shall be regulated by the NFPA Code, EPA Standards and other codes, standards, or requirements listed, herein. Violation of this Subsection is a misdemeanor.
- 9.11 A Person shall not heat Aircraft engines at the Airport except by the use of steam, hot water, hot air, or electric heaters approved for such use by the Authority.
- 9.12 A Person shall not tamper with fire extinguishing equipment at the Airport at any time or use such equipment for any purpose other than fire fighting or fire prevention. All such equipment shall be made available for inspection by the Authority in conformity with applicable Michigan State Fire Marshal's Regulations. Tags displaying the date of the last inspection shall be attached to each unit. Any tampering with or use of any fire fighting equipment located on the Airport shall be reported to the Authority. A violation of this Subsection is a misdemeanor.
- 9.13 A Person shall report to the Authority immediately any fire, regardless of the extent or damage that occurs. Failure or neglect to report immediately is a violation of this Subsection and subject to an administrative civil penalty.
- 9.14 A Person shall not conduct indoor spray applications of flammable or combustible materials except in those areas constructed in accordance with the provisions of the NFPA Code and other codes and standards as stated herein. Violation of this Subsection is subject to an administrative civil penalty.
- 9.15 A Person shall not conduct outdoor spray applications of flammable or combustible materials without first obtaining a Permit to Proceed from the CEO. Violation of this Subsection is subject to an administrative civil penalty.

- 9.16 A Person shall not conduct cleaning, painting or paint removal operations using flammable or combustible materials in areas not specifically designed for these activities, without first obtaining a Permit to proceed from the CEO. Violation of this Subsection is subject to an administrative civil penalty.
- 9.17 A Person shall not keep, store, handle or dispense any lubricating oil in or upon the Airport in a manner other than as provided in the NFPA Standard Code. Violation of this Subsection is subject to an administrative civil penalty.
- 9.18 A Person shall not store empty fuel or oil containers on the Airport, unless such containers are secured within an enclosure to prevent such container being moved by winds. Violation of this Subsection is subject to an administrative civil penalty.
- 9.19 A Person shall not tamper with Automatic External Defibrillator (AED) equipment at the Airport at any time or use the device for any unauthorized purpose. A violation of this Subsection is a misdemeanor.
- 9.20 All Airport tenants shall notify the CEO of the installation, change or removal of any telephone or telephone line located on Airport property and capable of making an external emergency call.

**SECTION 10: THE TRANSPORTATION, HANDLING AND STORAGE OF LIQUID  
PETROLEUM FUELS ON AIRCRAFT SERVICING RAMPS OR APRONS,  
ELECTRICAL EQUIPMENT**

10.1 Minimum Fire Safety Requirements. The minimum fire safety requirements for procedures, equipment and installations for the protection of Persons, Aircraft and other properties during ground fuel servicing of Aircraft and associated equipment with petroleum fuels shall be FAR Part 139.321 (14 CFR 139.321) and NFPA 407 Standard for Aircraft Fuel Servicing.

10.2 Flammable Vehicle Requirements. Tank vehicles used on Airport roads open to the public for flammable and combustible liquids shall be regulated by the following:

- a. Department of State Police, State Fire Safety Board, Rules for Transportation of Flammable and Combustible Liquids;
- b. NFPA Standard Number 386, entitled "Standard for Portable Shipping Tanks for Flammable and Combustible Liquids";
- c. NFPA Standard Number 385, entitled "Standard for Tank Vehicles for Flammable and Combustible Liquids";

All tank vehicles based at the Airport, and used on Airport roads not open to the public, must comply with the NFPA Code for the transport of Flammable and Combustible Liquids and this Ordinance. Over-the-road tank vehicles also must comply with the applicable rules and regulations of the Department of State Police and the State Fire Safety Board.

10.3 Flammable Vehicle Inspection. All vehicles used for the transportation of flammable and combustible liquids on the Airport shall have and display an up-to-date safety inspection decal as follows:

- a. The Authority will issue a safety inspection decal to each vehicle upon passing a quarterly inspection conducted by the Authority and paying a quarterly inspection fee not to exceed six hundred dollars (\$600.00) per year. Equipment may be re-inspected by the Authority at any time and the safety inspection decal removed if the vehicle fails to pass inspection criteria.
- b. If, upon inspection, a vehicle is found to be in violation of this Airport Ordinance, the Authority shall deny its use until all violations are corrected. Equipment operating on the Airport without a safety inspection decal will be impounded.
- c. Vehicles that are not self-propelled, (e.g., trailers) and have cargo tanks for the transportation of fuels are prohibited.

10.4 Fire Extinguisher Standards. A Person shall not conduct fuel handling operations in connection with any Aircraft at the Airport unless appropriate fire extinguishers are available on Aircraft servicing ramps or aprons in accordance with the following:

- a. Where the open hose discharge capacity of the Aircraft fueling system or equipment is not more than two hundred (200) gallons per minute (750 L/min.), at least two (2) listed extinguishers having a rating of not less than 20-B each shall be provided.
- b. Where open hose discharge capacity of the Aircraft fueling system or equipment is more than two hundred (200) gallons per minute (750 L/min.), but not over three hundred fifty (350) gallons per minute (1300 L/min.), at least one (1) listed wheeled extinguisher having a rating of not less than 80-B and a minimum capacity of one hundred twenty-five (125) pounds of agent shall be provided.
- c. Where the open hose discharge capacity of the Aircraft fueling system or equipment is more than three hundred fifty (350) gallons per minute (1300 L/min.), at least two (2) listed wheeled extinguishers each having a rating of a least 80-B and a minimum capacity of one hundred twenty-five (125) pounds of agent shall be provided.

- 10.5 Bonding Required. A Person shall not conduct fuel handling operations in connection with any Aircraft at the Airport unless the fueling apparatus or equipment is bonded to the Aircraft by use of a cable, thus providing a conductive path to equalize the potential between the fueling equipment and the Aircraft. The bond shall be maintained until fueling connections have been removed.
- 10.6 Fueling Prohibition. A Person shall not fuel an Aircraft while any of the Aircraft's engines are operating or combustion heaters are being operated.
- 10.7 Aircraft Occupancy During Fuel Servicing Operations.
- a. If passengers remain onboard an Aircraft during fuel servicing, at least one (1) qualified Person trained in emergency evacuation procedures shall be in the Aircraft at or near a door at which there is a passenger loading walkway, integral stairs that lead downward, or a passenger loading stair or stand. One (1) additional exit shall be operable and maintained during fuel servicing.
  - b. Where fueling operations take place with passengers onboard away from the terminal building, and stairways are not provided, all slides shall be armed and the ARFF services shall be notified to respond in stand-by position.
  - c. For each Aircraft type, operators shall determine the areas through which it could be hazardous for boarding or deplaning passengers to pass while the Aircraft is being fueled. Controls shall be established so that passengers avoid such areas.
- 10.8 Fueling and defueling equipment, including all hoses, must be maintained in a safe, non-leaking condition. Fueling trucks must be kept clean and free of any leaks, oil and grease.

- 10.9 Training Requirements. A Person shall not fuel or defuel an Aircraft unless authorized and trained in the safe operation of the Aircraft refueling apparatus and equipment used and in the procedures and operation of emergency controls by an accepted trainer under FAR Part 139.321 (14 CFR 139.321). The lessee of Airport premises served by the refueling apparatus and equipment and the operator of such apparatus and equipment shall be responsible for providing adequate training for all employees engaged in Aircraft refueling.
- 10.10 Transfer Between Vehicles. A Person shall not transfer flammable or combustible liquid from a tank vehicle into another vehicle within the boundaries of the Airport without first securing the written permission of the Authority.
- 10.11 Flame/Torch Restrictions. A Person shall not operate or carry any lighted smoking materials, matches lighters or similar devices, oxy-acetylene torches, electric arcs, or similar flames within one hundred (100) feet of any Aircraft being refueled, or within fifty (50) feet of any parked Aircraft or tank vehicle containing any flammable or combustible liquid.
- 10.11 Fuel Spills. A Person causing any spillage of a flammable or combustible liquids, as defined in the Michigan Rules for the Transportation of Flammable and Combustible Liquids, shall report such spill immediately to the Authority. The CEO shall have the authority to take all necessary steps and prescribe all necessary restrictions and corrections to abate the hazard. The Person causing the spill shall be responsible for reimbursing the Authority for all costs the Authority incurs in response to the spill. The Person responsible for the spill shall submit a written report to the Authority within four (4) days of the spill summarizing the incident and the clean-up measures taken.
- 10.12 Roadway Restrictions. A Person shall not operate tank vehicles carrying flammable, combustible or other Hazardous Substance except on roadways authorized by the CEO. Department of Transportation classified dangerous goods shall not be transported through any tunnel at the Airport, unless expressly permitted by the CEO.

- 10.13 Parking Restriction. Tank vehicles carrying flammable, combustible liquids shall park in a place and in such a manner as to ensure the safety of the vehicle.
- 10.14 Safe Storage Requirements (flammable and combustible liquids). The minimum requirements for the safe storage and use of all flammable and combustible liquids shall be the Michigan Rules for Storage of Flammable and Combustible Liquids, and all other applicable federal, state and local requirements.
- 10.15 Safe Storage Requirements (liquefied petroleum gases). The minimum requirements for the safe transportation, storage, and use of liquefied petroleum gases shall be the Michigan Rules for Storage and Handling of Liquefied Petroleum Gases, and all other applicable federal, state and local requirements.
- 10.16 Suspension or Termination of Permits. If a Person violates any fueling handling rule set forth herein, the CEO may suspend or terminate the permission of that Person to conduct fueling operations at the Airport.

## **SECTION 11: SECURITY**

- 11.1 The CEO shall establish Secured Areas within the Airport and access to these areas shall be limited to personnel authorized by the CEO.
- 11.2 Any authorized Person who opens any door or gate which allows public access to the Air Operations Area, Sterile Area or Restricted Area shall prevent unauthorized access while the door or gate is open and shall ensure that the door or gate is locked and secured when not in use. Violation of this Subsection is a misdemeanor.
- 11.3 A Person shall not possess or use an Airport identification badge, key, or other security device which allows access to the Airport's Air Operations Area, Sterile Area or Restricted Area unless authorized by the CEO. Violation of this Subsection is a misdemeanor.
- 11.4 A Person shall not damage, tamper with, or bypass any Airport security device. Airport security devices shall be defined as any device which controls or monitors access to the Air Operations Area, Sterile Area, Secured Area or Restricted Area. Violation of this Subsection is a misdemeanor.
- 11.5 A Person shall not attempt to gain access to any area of the Airport through the use of any expired or revoked code, key, card, badge or other device or card, badge, code or key which such Person is not authorized to use. Violation of this Subsection is a misdemeanor.
- 11.6 A Person shall not enter or remain in any Air Operations Area or Restricted Area without properly displaying an Airport identification badge issued by the Authority in accordance with the Authority badging procedure. Persons requiring access to the AOA or other Restricted Area are required to carry a company photographic identification (photo ID). If company does not offer photo ID, or an individual is not a regular employee of a company (e.g., transient air crew), then a current Federal or State approved photo ID must be carried. A person shall not alter, assign, or transfer a badge. Violation of this Subsection is a misdemeanor.

11.7 A visitor to the Airport shall not enter any Secured Areas unless a currently valid Airport visitor's badge has first been issued to that visitor and that visitor is escorted by an authorized Person from the time of entry until his departure from such area. For purposes of this Subsection, the term "authorized Person" shall be construed to mean any Person to whom the Authority has issued an Airport identification badge authorizing unescorted access to the Secured Areas. Violation of this Subsection is a misdemeanor.

11.8 No Concealed Weapon or Explosive. Except as provided in Section 11.8 (e), a person shall not:

- a. Carry on the Airport a deadly or dangerous weapon, concealed or otherwise, on or about his or her person or in property accessible to them prior to entering a Sterile Area or Secured Area unless the weapon:
  1. if a firearm, is unloaded or, if not a firearm, is de-activated to the greatest possible extent; and
  2. is packaged for shipment in a locked container or is otherwise secured; or
  3. is in the possession of a Person licensed by the State to carry a concealed weapon.
- b. Carry on the Airport any explosive or incendiary, concealed or unconcealed, on or about his or her person or in property accessible to him or her; or
- c. Carry on the Airport any explosive, incendiary, or deadly or dangerous weapon on or about his or her person or in property accessible to him or her:
  1. when performance has begun of the inspection of the individual's person or his or her accessible property before entering the Sterile Area; or
  2. when entering into or while in any Sterile Area or Secured Area of the Airport.

- d. For the purpose of this Subsection 11.8, a weapon shall include, but not be limited to, a firearm, a pellet pistol or rifle, a knife, cutting instrument, blackjack, bow and arrow, sling shot, metal knuckles or martial arts weapons.
- e. Section 11.8(a) shall not apply to those Persons authorized to carry a weapon on an Aircraft or to a law enforcement officer while on official duty. Section 11.8(a), (b) and (c) shall not apply to Persons who have received the express written permission of the CEO to carry weapons, explosives or incendiary devices on the Airport.
- f. For the purpose of Section 11.8, “unloaded” shall mean the firearm has no live round of ammunition, cartridge, detonator or powder in the chamber or clip, magazine or cylinder inserted therein.
- g. Violation of this Subsection is a misdemeanor.

11.9 Badging Requirement. All Persons who require access to a Secured Area must possess a current, valid Airport identification badge.

11.10 Criminal History Records Check (CHRC). At a minimum, a Federal Bureau of Investigation (FBI) criminal history records check will be conducted for all Airport identification badge and public vehicle license applicants. A criminal history review may be conducted on an annual basis or more frequently, if deemed necessary or appropriate by the CEO.

11.11 ID Badge Privileges. In the interest of public safety and security, the Authority may not grant unescorted access authority to the Restricted Area and may suspend or revoke an individual’s unescorted access authority if any of the following conditions exist:

- a. The applicant/badge holder has been arraigned on, charged with, convicted of or found not guilty by reason of insanity, of one of the TSA disqualifying criminal offenses (identified in 49 CFR 1542.209) in any jurisdiction, within the past ten (10) years prior to application for unescorted access authority.

- b. The applicant/badge holder is currently on parole, probation or is required to wear by court order, a “tether” device.
- c. The applicant/badge holder has an outstanding warrant.

It shall be the responsibility of the applicant/badge holder to report to the Authority any changes in his status relative to the above requirements.

11.12 Renewal of ID Badge. Badge holders are required to renew their Airport identification badge prior to its expiration date. Failure to renew an Airport identification badge will result in suspension of access privileges and may result in the assessment of an administrative fee.

11.13 Return of ID Badge or Pass. Individuals are required to return their Airport identification badge and or pass upon their resignation, termination, transfer or when the Airport identification badge is no longer valid. Failure to return the Airport identification badge or pass as required will result in the assessment of an administrative penalty.

11.14 Payment of Fine in Lieu of Badge Suspension. Individuals found in violation of this Airport Ordinance may have their unescorted access privileges suspended or permanently revoked. In lieu of serving a badge suspension, the Authority may elect to allow payment of a fine. Payment of a fine does not remove the suspension from the individual’s record.

11.15 Sensitive Security Information. A person shall not divulge sensitive security information to any individual(s) who does not have an operational need to know such information. For the purposes of this Subsection, the term “sensitive security information” includes any writing, drawing, map, tape, film, photograph or other means by which information is preserved, irrespective of format, dealing with the security of the Airport. Violation of the Subsection is a misdemeanor.

- 11.16 Vehicle Registration. Commercial or corporate vehicles must be registered with Airport Operations and clearly marked with tenant's name or logo to be allowed to operate in the Air Operations Area of the Airports. Persons operating unescorted vehicles or equipment in the AOA must have received airside driver's training through the Authority and maintain insurance, in the limits set by the Authority. Personal vehicles are prohibited from operation on ramp and apron areas unless authorized by Permit. Violation of this Subsection is a misdemeanor.
- 11.17 Use of Automatic Gates. All automatic gate users are required to stop after passing through such gates and wait until the gate closes before leaving the area, unless the gate is physically guarded by Authority personnel. Violation of this Subsection is a misdemeanor.
- 11.18 Violation of the Airport Security Plan. Any violation of the Airport Security Plan shall be a violation of this Ordinance.
- 11.19 Access to Public Areas. A Person shall not deny any other Person access to any public area of the Airport without permission of the CEO. Violation of this Subsection is a misdemeanor.

## **SECTION 12: ENVIRONMENTAL CONTROLS**

### **12.1 Floor Drains From Hangars and Buildings.**

- a. Floor drains in hangars and buildings where washing or maintenance of vehicles, ground service equipment or Aircraft takes place shall be connected to the sanitary sewer system unless otherwise approved in writing by the CEO.
- b. Floor drains should be connected to an oil/water separator before entering a sanitary sewer if there is a probability that oil may enter the floor drain.
- c. No pipes receiving storm water shall connect to floor drains discharging to a sanitary sewer.
- d. Airport tenants shall annually file a spill management plan with the Authority.

### **12.2 Aircraft and Vehicle Washing, and Maintenance.**

- a. Washing of Aircraft, Aircraft ground support equipment or vehicles shall not be performed anywhere on the Airport except within a hangar area or building in which all floor drains are connected to the sanitary system.
- b. Every lessee on the Airport shall keep the floors of leased hangars, other buildings, and ramp and apron areas free and clear of oil, grease and other inflammable materials. The floors of hangars, other buildings, and ramp and apron areas shall be regularly cleaned by the lessee thereof and kept free of rags, waste material and other trash, except in proper storage facilities in compliance with federal, State and local laws.
- c. The owner or operator of any Aircraft or vehicle shall clean all spills according to current published Airport procedures established. If the owner or operator fails to clean a spill with reasonable promptness, the CEO may cause the spill to be cleaned and the expense thereof shall be charged to the owner or operator.

### 12.3 Lubricating Oil and Bulk Oil Waste.

- a. Waste oil or hydraulic fluids shall be stored in bulk waste oil storage tanks or other appropriate vessels and the storage location shall comply with all applicable federal, State and local laws and be approved by the CEO in writing. The storage tanks shall be a closed container, properly marked and have a capacity of at least fifty-five (55) gallons; storage tanks larger than six hundred sixty (660) gallons shall not be used within or adjacent to a terminal building or passenger concourse without the written permission of the CEO. The collected waste oils and solvents shall be removed and disposed of by the lessee in compliance with applicable federal, State and local laws, and whose records shall be available for periodic inspection by the CEO.
- b. Drip pans shall be placed under valves of oil or hydraulic fluid storage tanks to collect any leakage which may occur. The collected oil or fluids shall be emptied into the bulk waste oil storage tanks each day, or more often as necessary or as required by law, to avoid overflow.
- c. Spent oil cans, rags and all other combustible rubbish or trash shall be placed in leak proof metal receptacles with self closing covers for storage. All such materials shall be disposed in accordance with all applicable federal, state and local laws by the lessee at an appropriate location off the Airport.
- d. A Person shall not dispose of waste oils, solvents, or any chemicals into or on the ground or permit such solvents or materials to drain into drainage ditches or to enter a storm or sanitary sewer.
- e. A Person shall not discharge any petroleum or industrial waste into any sanitary sewer or discharge any tank, bucket or other container containing petroleum or industrial waste into any toilet, sink, sump or other receptacle connected to a sanitary sewer.

#### 12.4 Apron Cleaning.

- a. Lessees of hangars and other buildings shall keep their apron and ramp areas free and clean of oil, grease and other flammable materials. All solid wastes shall be disposed of off the Airport.
- b. When a defect in an Aircraft sanitary waste discharge valve or in the waste tank of servicing equipment results in sanitary waste spillage, the Aircraft owner or operator shall immediately preclude any of the spill from entering any storm sewer, surface water or storm water basin, and immediately clean and decontaminate the equipment and ground area. The defective components shall be repaired or replaced before the discharge valve or servicing equipment is placed back in service. The Person causing the spill shall submit a written report to the Authority within four (4) days of the spill summarizing the incident and the clean-up measures taken.
- c. A Person shall not operate a vehicle which leaks oil, hydraulic fluid, aircraft de-icing fluid or other pollutants at the Airport.

#### 12.5 De-Icing/Anti-Icing.

- a. A Person shall use a minimum safe mixture of de-ice or anti-ice material so as to avoid excessive runoff when Aircraft de-icing/anti-icing is performed.
- b. De-icing with salt is prohibited on runways, taxiways, aprons, ramps and any Aircraft Movement Area.
- c. A Person shall not use a product containing urea (ammonia, NH<sub>4</sub>) for purposes of de-icing activities.
- d. During any de-icing season, a Person shall not de-ice Aircraft or store Aircraft de-icing fluid at any Airport location unless that Person has an approved de-icing runoff control plan for the current de-icing season on file with the Authority.
- e. Only propylene-based de-icing and anti-icing fluids are authorized to be used at the Airport.

- f. All de-icing/anti-icing functions in any year must be done on approved Airport de-icing pads unless specifically allowed in the Authority-approved Airline De-icing Management Plan for the current year.

12.6 Fuel Storage and Transfer.

- a. All emergency shutoff and by-pass valves on fuel trucks shall be tag sealed during fueling operations. A lessee of Airport property served by fuel trucks and the operator of such trucks shall establish a procedure to ensure that:
  - 1. all broken tag seals are reported to the CEO;
  - 2. any equipment malfunction which causes the emergency shutoff or by-pass valve to be used shall be repaired before placing the truck back in service;
  - 3. emergency shutoff or by-pass valves shall be resealed after repairs are made and before the truck is placed back into service;
  - 4. A truck with a broken tag seal shall not be operated on the Airport.
- b. All fuel farms shall be equipped with an oil/water separator, as well as dikes sufficiently impervious to contain spilled fuel. All fuel transfers shall take place on a paved area and said area shall be maintained in an impervious condition. Drainage from such areas of the fuel farm shall flow through an oil/water separator.
- c. All oil/water separators shall be inspected by the lessee and waste removed on a schedule which will insure efficient operation at all times. The records of inspection and the amount of waste oil removed shall be kept on file and monthly reports shall be submitted to CEO.

- d. Underground and above ground storage tanks shall comply with all applicable fire codes and federal, state and local laws and shall be tested for leaks monthly by the lessee and all such records kept on file in accordance with State and federal laws and available upon the request of the CEO. Tests may consist of inventory checks. The CEO shall have the authority to require hydrostatic tests or other testing, at the lessee's expense, when evidence of a loss of fuel exists.
- e. The owner or lessee of a fuel storage facility shall file, or cause to be filed, with the Authority a copy of its Pollution Incident Prevention Plan (PIPP), or Spill Prevention Control and Countermeasure (SPCC) Plan, and in the event of installation of a new fuel storage facility or modification of an existing facility requiring amendment of an existing plan, such amendment shall be filed with the Authority within thirty (30) days after completion of such installation or modification. Each PIPP shall comply with requirements of the State of Michigan Part 5, Rule 31 as promulgated pursuant to the Water Resources Commission Act 245 of the Public Acts of 1929, Natural Resources and Environmental Protection Act, 1994 PA 451 (MCL 324.101 et seq.), as amended. Each SPCC plan shall comply with requirements of the Oil Pollution Prevention Regulations, 40 CFR 112.3, as promulgated pursuant to the Federal Water Pollution Control Act of 1972 (33 USC 1251 et seq.) and other applicable federal laws.

- f. The owner or lessee of a fuel storage facility shall file or cause to be filed with the Authority a copy of it is under ground fuel tank registration forms. Each form shall comply with requirements of the Environmental Protection Agency as promulgated pursuant to the Resources Conservation Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq., 40 CFR Part 280) and/or the State of Michigan Underground Storage Tank Public Act 165 of 1985, being Part 211 of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451 (MCL 324.101 et seq.), as amended.
- g. Every Person performing ground services fueling or emergency maintenance on the Airport shall be responsible for cleaning all spills according to procedures as herein established.
- h. Every Person who owns or operates a fuel storage facility at the Airport shall comply with all applicable State and federal statutes, rules or regulations.

#### 12.7 Fuel Spills.

- a. A Person responsible for any fuel spill at the Airport shall take such immediate action as may be necessary to prevent the spilled fuel from entering sewers, drainage ditches or drains. Adequate personnel and equipment shall be immediately assigned to the area to prevent the fuel spill from entering into drains, drainage ditches or sewer systems.
- b. A Person engaged in fuel handling shall have absorbent material on hand at all times. During Aircraft fueling operations, an absorbent ring, pad, boom or seal shall be available on the fueling vehicle and shall be placed around or over storm water inlets in the event fuel is spilled.

- c. A Person causing or responsible for a fuel, oil, grease and other inflammable material spill, which encompasses an area at the Airport in excess of ten (10) square feet, shall immediately report such spill to the CEO. The CEO shall have the authority to make the area safe and suspend any and all regulations set forth in this Subsection.
- d. A Person causing or responsible for a fuel spill occurring during the transportation of fuel, shall immediately dam off and place oil absorbent material downstream of any spilled fuel in sufficient quantity to prevent the spill from reaching any storm drain. The Person causing the spill shall submit a written report to the Authority within four (4) days of the spill, summarizing the incident and the clean-up measures taken.
- e. A Person causing or responsible for a fuel spill shall furnish all necessary oil absorbent materials at the spilled fuel site. Any commercially-produced oil absorbent material may be used on paved surfaces. Straw and sand shall not be used on paved areas. If straw, sand or other similar material is used on gravel areas, it shall be removed as soon as possible.
- f. All used oil absorbing material shall be cleaned up by the Person causing or responsible for the spill as soon as possible and removed from the Airport. The clean-up is also to include the complete removal of all light water (fire retarding foam) if used by the Authority during the incident. Spill areas shall be left free and clean of all oil, grease, fuel and other inflammable material.
- g. When fuel from a spill enters a storm drain, all costs incurred to prevent the spilled fuel from reaching Wayne or Washtenaw County drains, including cleanup of fuel, which enters any storm water retention pond, and/or pumphouse wet well, shall be at the expense of the Person causing or responsible for the spill.

- h. In the event that Airport personnel, equipment or materials are utilized to clean up spilled fuel because of failure to do so by the Person causing or responsible for the spill or to prevent interruption of an essential Airport service, the entire cost of the clean up operation shall be at the expense of such Person.
- i. Persons transporting fuel(s) on Airport property shall provide, on each vehicle transporting such fuel, sufficient containment and absorption material to prevent any spill from reaching any storm drain from such vehicle.

12.8 Removal of Asbestos. Removal of asbestos shall be commenced only after obtaining a written Permit from the CEO. Prior to removal of any asbestos on Airport property, the location, types and quantity of asbestos shall be identified through an asbestos survey provided or caused to be provided by the Authority. The removal of asbestos-containing materials shall be performed only by firms properly certified by the State of Michigan to remove and dispose of asbestos-containing materials, or, in case of emergency or when minimum quantities are involved, by employees of the Authority who have received authorized training in removal and disposal of asbestos-containing materials. Such properly certified firms must carry asbestos specific liability insurance. Any removal and disposal of asbestos-containing materials must comply with all applicable federal, State and local regulations.

12.9 Evacuation for Asbestos Removal. If there exists a reasonable possibility that, during the contemplated removal of any asbestos-containing materials from a building on Airport property any Person at the Airport may be exposed to airborne asbestos fibers of a level unacceptable to the Authority, then the CEO may order the evacuation of all or part of such building prior to such removal in order to safeguard the health and welfare of the general public and/or employees working at the Airport.

- 12.10 Hazardous Substances. All Airport tenants and concessionaires must comply with all applicable federal, State and local laws, including the Michigan Occupational Safety and Health Act (MIOSHA), being MCL 408.1001 et seq., and any amendments thereto with respect to the use and storage of all hazardous substances on Airport property. All Airport tenants and concessionaires shall furnish to the CEO semi-annually, a current list of all hazardous substances stored and used on Airport property and up-to-date supply of Material Safety Data Sheets (MSDS) required by MIOSHA if said sheets list all of the hazardous chemicals stored and used on Airport property.
- 12.11 Evacuation for Hazardous Substance Clean-Up. In the event of a spill of a Hazardous Substance used or stored by an Airport tenant or concessionaire, that tenant or concessionaire shall be responsible for the cost of containment, clean-up and disposal of the Hazardous Substance. No containment (unless an emergency situation exists), clean-up or disposal shall be undertaken without first obtaining a Construction/Alteration Permit from the Authority and complying with all applicable federal and State environmental rules and regulations. If the spill of a Hazardous Substance potentially endangers the health and safety of the traveling public or Persons at the Airport, the CEO may order the evacuation of all or part of the building in which a spill has occurred until the clean-up of the Hazardous Substance has been completed.
- 12.12 PCB. All electrical and/or mechanical equipment suspected of containing PCBs shall be tested, identified and PCBs removed in accordance with federal and state requirements. All responsible parties must keep accurate records of such activities pursuant to the federal Toxic Substances Control Act, being 15 USC 2601 et seq.
- 12.13 Other Hazardous Materials. Hazardous substances, as defined by State and federal regulations, shall be handled in strict accordance with applicable federal, State and local laws and shall not be stored, transported or disposed of without the prior written permission of the CEO.

12.14 Contamination of Airports' Storm Water Detention System. A Person shall not take any action, including but not limited to, removal of catch basin inserts or the opening of a flap gate, which may result in the contamination of any detention basin of the Airport storm water system. Violation of this Subsection is a misdemeanor.

12.15 Disposal of Trash. No Person shall dispose of trash, garbage, paper, junk, debris or other refuse or materials except in containers and at locations designated for that purpose. All tenants and businesses conducting operations on Airport property shall make a reasonable effort to contain trash around their buildings, hangars and areas of operation. If, after warning by the Authority, an area is not cleaned, the Authority may clean the area at the tenant's expense.

**SECTION 13: GOVERNING TAXICABS AND LUXURY SEDANS AT DETROIT  
METROPOLITAN WAYNE COUNTY AIRPORT**

13.1 Definitions. Whenever the words or phrases hereinafter defined are used within this Ordinance, they shall be deemed to mean:

- a. Operate a Taxicab or Luxury Sedan upon the streets, ways, and premises of the Airport means the picking up and carrying of passengers for hire upon and from the Airport property. It does not mean the delivery to or upon the Airport property of passengers engaged and carried from a point of origin outside of said Airport premises.
- b. Operator (for purposes of this Section 13) means any Person operating a Taxicab or Luxury Sedan from the Airport premises under a duly authorized Permit issued by the CEO or its authorized agent.
- c. Permit means a contract or license issued by the CEO, authorizing the Permittee named therein to operate or cause to have operated a Taxicab or Luxury Sedan upon the streets, ways and property of the Airport. This Permit is a privilege which can be revoked at will and is not a property right.
- d. Permittee means any natural person, firm, partnership, association or corporation operating a Taxicab or Luxury Sedan from the Airport premises under a duly authorized Permit.
- e. Taxicab means a vehicle not longer than the length of a station wagon driven by mechanical power upon which a Taximeter is affixed and which is intended to be offered to the public for hire.
- f. Luxury Sedan means a full size sedan vehicle, (e.g., Lincoln Town car, current model Lincoln, or Cadillac Sedan Deville) with leather or comparable interiors, not more than three (3) model years old driven by mechanical power which is intended to be offered to the public for hire on a zone rate basis.

- g. Taximeter shall mean a mechanical or electronic instrument or device which measures the distance driven and calculates the charge for hire upon which such charge is indicated by means of numerical figures.
- 13.2 Permit Required. A Person shall not operate upon the streets, ways, or property of the Airport any Taxicab or Luxury Sedan vehicle without first having received a Permit for each vehicle operated, and the Operator being properly licensed.
- 13.3 Ordinance Applicable. Any and all Taxicabs and Luxury Sedans which are operated on the Airport premises are subject to and shall be controlled and operated by and under this Ordinance unless otherwise provided in a concession agreement with the Authority.
- 13.4 General Operator Requirements. A Person shall not operate a Taxicab or Luxury Sedan at the Airport unless they have a Chauffeurs Commercial Drivers License from the State, which is in full force and effect.
- 13.5 Vehicle Inspection. Permittees shall maintain Taxicabs, Luxury Sedans, and equipment as required hereunder and as required by the Michigan Vehicle Code (1949 PA 300, as amended).
- a. The CEO shall have the right to inspect, or cause to be inspected, at any reasonable time, all such vehicles; and if there is any defect in the equipment used to provide services under a Permit required herein or required by the Michigan Vehicle Code, to deny operation of that vehicle within the Airport premises.
- b. Permittees shall maintain the interior and exterior of their vehicles in a condition of cleanliness and fitness so as to be inviting for use by the traveling public. Failure to so maintain shall be grounds for denying the right to operate such vehicles upon the streets, ways, or premises of the Airport.

- 13.6 Lost Property. Every Operator, immediately after the termination of any hiring or employment, shall carefully search the vehicle for any property lost or left therein, and any such property, unless sooner claimed by or delivered to the owner shall be taken to the Airport Police Department and deposited with the officer in charge within twenty-four (24) hours after the finding thereof.
- 13.7 Fare Solicitation. An Operator shall not ask or request any Person or Persons to take passage in the vehicle when such Person or Persons are waiting to take passage on another mode of conveyance at an established loading point for that other mode of conveyance.
- 13.8 Loitering. A Person shall not loiter within or near any Taxicab or Luxury Sedan nor at the waiting areas or loading areas designated for that purpose.
- 13.9 Right To Suspend Permit. The CEO may suspend or revoke any Permit issued hereunder should the Permittee or Operator refuse or fail to obey any provision of this Airport Ordinance, or State or federal law.
- 13.10 Criminal Record. A Permit shall not be issued to any Person under the provisions of this Airport Ordinance, and a Permit, previously granted, shall be revoked if that Person has been convicted of a felony, except that the CEO may issue or reissue a Permit to such Person when the CEO deems that such a Person would not pose a threat to the traveling public.

## **SECTION 14: NON-COMMERCIAL DISTRIBUTION AND SOLICITATION**

14.1 Protected Activities. An individual(s) or organization(s) desiring to use the Airport for the purpose of exercising constitutional rights of free speech and freedom of religion shall be protected in such activities providing such activities are in compliance with the provisions of this Section 14. Purposes of this Section 14 include the following:

- a. to insure that Persons seeking to exercise constitutional freedoms of religion and expression can communicate effectively with users of the Airport;
- b. to insure adequate nearby police personnel for the protection of Persons exercising their constitutional freedoms;
- c. to protect Persons using the Airport from fraud, deceptive practices, harassment and intimidation;
- d. to insure the free and orderly flow of pedestrian traffic through the Airport premises;
- e. to insure the efficient functioning of Airport operations and services; and
- f. to insure that the security of the Airport is maintained.

14.2 Definitions. For purposes of this Section 14, the following words and phrases shall be defined as follows:

- a. Regulated Activities means the following activities within the Airport conducted not for profit but for a non-commercial purpose:
  1. solicitation of donations for the sole benefit of a religious, political or other nonprofit organization;
  2. sales of handbills, tracts, literature or other written or printed material the proceeds of which are used for the sole benefit of a religious, political or other nonprofit organization (hereinafter referred to as “non-commercial sales”); or

3. Distribution of handbills, tracts, literature or other written or printed material. A solicitation of donations, sale or distribution of any nature, which is not a Regulated Activity as described in Section 14.2(a), shall be deemed use of the Airport premises for Commerce and shall be subject to Subsection 6.2 of this Ordinance.

b. Permittee means an individual conducting Regulated Activities pursuant to a Permit duly issued under this Section 14.

14.3 Registration. Any individual or group, including a formal organization desiring to engage in Regulated Activities in the Designated Expression Areas permitted under this Section, shall first register with the CEO.

a. Time and Location. The opportunity to register shall be made available during regular business hours at the Authority Administrative Office.

b. Information. To register, an interested individual or group shall provide, in writing, the following information:

1. Individuals. If the Regulated Activity shall involve only one person, that person shall specify his/her name and address and phone number where he/she can be contacted in the event of an emergency.

2. Group/Organizations. If the Regulated Activity shall involve two or more persons who desire to engage in concerted Regulated Activity as a group or organization, the interested registrant shall specify:

a. the formal group/organization name,

b. the number of persons expected to participate in the activity at the Airport as members of the group/organization ; and

c. the name of an individual designated to act as a spokesperson, along with an address and phone number where he/she can be contacted in the event of an emergency.

- c. Forms. Registration forms shall be made available at the Authority Administrative Office for those desiring to use them but no particular form need be used if the registrant supplies in writing the information required as described in Section 14.3(b).
- d. Daily registration. A Permittee must register each day on which Regulated Activities are to be conducted by reporting to the Authority Administrative Office and presenting the permit.
- e. Badges. The Authority may institute a badging program. If such a program is instituted, registration badges may be provided by the CEO or his designee to all persons authorized to engage in Regulated Activity pursuant to registration on Airport property. Such badges shall be visibly worn by all persons to whom they are issued while engaging in Regulated Activity on Airport property. Persons issued and wearing badges need not provide further verification of registration approval, unless the CEO or his designee has reasonable grounds to believe that such persons are not in fact registered or are engaging in activity beyond the scope of their registration.
- f. Limitations. An individual, group or organization duly registered under this Airport Ordinance by providing the information required, shall be permitted to engage in Regulated Activity at authorized locations immediately, without delay, but shall be further subject to all of the restrictions set forth in this Section 14.

14.4 Permit Required. It shall be unlawful for an individual to engage in Regulated Activities outside of the Designated Expression Areas without a Permit. Written applications for permits may not be filed more than eight (8) weeks before the proposed date for commencement of the Regulated Activities. The CEO will provide application forms to those desiring to use them, but no particular form need be used if the applicant supplies all information required by this Airport Ordinance. An application signed by the applicant must be filed with the CEO office, and shall set forth the following:

- a. The full name, mailing address and telephone number of the individual who will be engaged in the proposed activities. The individual must be available or provide the ability to be contacted immediately during the exercise of such Regulated Activities.
- b. A brief description of the proposed activities (e.g., solicitation of donations, non-commercial sales, distribution of literature).
- c. The date or dates and hours during which proposed activities are desired to be carried out.
- d. The location in which the proposed activities are desired to be carried out.
- e. A statement that the proposed activities are undertaken not for profit but for a non-commercial purpose. An organization may apply for a Permit on behalf of an individual provided that the application contains the information required by this Subsection. If, at the time of applying, an organization does not know the identity of the individual who will be conducting Regulated Activities, a Permit may be granted, but the effectiveness of the permit will be conditioned upon submission of the information required prior to commencement of Regulated Activities under the Permit.
- f. Applications for permits shall be accompanied by a copy of any material proposed to be distributed or sold. If an applicant states in the application that the material in question is not yet available, a Permit may be granted on the condition that such material is provided to the CEO as soon as it becomes available and, in any event, at least two hours before the proposed distribution or sale begins. The material proposed to be distributed or sold will be reviewed for the sole purpose of determining whether it constitutes written or printed material, and not for the purpose of exercising any judgment regarding the content of any communication.

14.5 Solicitation of Contributions and Non-Commercial Sales: Additional Requirements.

If the proposed activity for which a Permit is sought includes the solicitation of contributions or non-commercial sales, the applicant for a Permit, in addition to meeting the requirements of Subsection 14.4, shall include the following in the application to the CEO for the Permit:

- a. The full name, mailing address and telephone number of the organization on whose behalf the proposed activities are to be conducted, and the full name, mailing address and telephone number of the individual or individuals in such organization who will have supervision of and responsibility for the proposed activities.
- b. A statement that any funds raised through sales or solicitation will be used for the sole benefit of the religious, political, or other non-profit organization, for which the individual described is acting as agent.
- c. Evidence that the organization described constitutes an organization exempt from income taxes under the Internal Revenue Codes of the United States, Subtitle A, Chapter 1, Subchapter F, entitled "Exempt Organizations." Such evidence may consist of one of the following:
  1. A copy of the most recent Internal Revenue Service Form 990 or other annual return of an organization exempt from income taxes filed with the Internal Revenue Service by the organization or its parent organization.
  2. A copy of an official Internal Revenue Service determination letter or ruling stating that such organization or its parent organization qualifies to be considered as an organization exempt from income taxes under the Internal Revenue Code.

3. If the organization or its parent organization has not previously been granted or denied a determination letter or ruling by the Internal Revenue Service, a copy of correspondence from the Internal Revenue Service acknowledging receipt of such organization's or its parent organization's request for such a determination letter or ruling, or if such an acknowledgement has not been received, a copy of correspondence from the organization or its parent organization to the Internal Revenue Service requesting recognition as an organization exempt from income taxes under the Internal Revenue Code. The organization referred to in Subsection 14.5(a) will be deemed to be a nonprofit organization if the provisions of Subsection 14.5(c) are satisfied; provided that in lieu of complying with Subsection 14.5(c), an applicant may establish that an organization is a nonprofit organization by providing a copy of license issued to the organization by the Attorney General of the State of Michigan pursuant to the Michigan Charitable Solicitations Act, being MCL 400.271.400.294.

14.6 Public Access to Information. All applicants for Permits and the statements and documentation required under this Section shall be available for viewing by the public during normal business hours.

14.7 Issuance of Permit. Upon the receipt of a Permit application, the CEO must issue a Permit promptly and no later than seventy-two (72) hours after application is filed, unless he finds:

a. That the activities proposed to be engaged in by the applicant under the Permit do not constitute Regulated Activities.

- b. That any information, material, statements or documentation required by this Section 14 has not been provided. Each Permit issued shall be for the time period requested in the application or for a period of five (5) days, whichever is less, and shall designate the area in which the Permittee may conduct the proposed Regulated Activities. Requests for locations set forth in Permit applications will be fulfilled on first-come, first-served basis. An applicant may renew a Permit for successive five (5) day periods by reapplying for a Permit.

14.8 Location of Regulated Activities. The Airport areas within which Regulated Activities may take place shall be as provided herein:

- a. Designated Expression Areas. Certain areas inside Airport terminals shall be designated specifically for the continuous exercise of Regulated Activities by any individual or group who registers with the CEO in accordance with the procedure set forth herein. These areas shall be available on a 24-hour basis to as many persons as can safely occupy them at any particular time. Designated Expression Area locations are on file at the Authority Administrative Office.
- b. Permits for areas outside of the Designated Expression Areas may be limited by locations and occupancy. Locations and available occupancy information are on file at the Authority Administrative Office.
- c. A Permittee shall not conduct Regulated Activities outside of the Designated Expression Areas or within eight (8) feet of the following:
  - 1. a ticket counter;
  - 2. a baggage claim facility;
  - 3. premises leased or provided for the use of an Airport concessionaire or tenant, such as a restaurant or shop;
  - 4. restroom facilities;
  - 5. a stair, escalator or elevator;
  - 6. a doorway or entrance way;

7. a public service information counter, the passenger screening area, or any secured areas; or
8. persons waiting in line at any of the above areas.

The CEO may, on written notice to a Permittee, move such Permittee from his assigned area to an alternate location when, in the judgment of the CEO, such a relocation is necessary to the rapid and efficient operation of the transportation function of the Airport.

14.9 Time of Regulated Activities. The areas established as Designated Expression Areas will be available to individuals intending to engage in Regulated Activities at all times that the Airport is open to the public; provided that if necessary to preserve the safety of the Airport or the free flow of pedestrian traffic in the Airport, the CEO may declare an emergency on account of unusually congested conditions in the Airport terminals caused by weather, schedule interruptions, extremely heavy traffic movements, security concerns, or other causes, or on account of emergency security measures. In such case, an announcement shall be made. All Persons engaged in Regulated Activities shall immediately cease such activities for the duration of such emergency.

14.10 Restrictions on Behavior in Conducting Regulated Activities.

- a. A Permittee shall not use sound or voice amplifications systems, musical instruments, radio communication systems or other mechanical sound devices.
- b. A Permittee shall not make loud noise which disturbs the peace of the Airport or which interferes with the ability of others to hear public announcements over the Airport intercom system or to transact business at the Airport.
- c. A Permittee shall not wear or carry a sign or placard larger than 24 x 28 inches in size. Signs, placards, or other material shall not be affixed to the exterior or interior of any building or other appurtenance within the Airport premises.

- d. Each Permittee engaged in solicitation non-commercial sales or written or printed material shall wear a badge not less than 3 x 5 inches in size, which shall identify the organization on whose behalf the Permittee is conducting Regulated Activities and shall state that the Permittee is acting as a representative of the organization.
- e. A Permittee shall not misrepresent the purposes of any Regulated Activities in which the Permittee is engaging or the purposes of any organization on whose behalf he is acting in conducting such activities; nor shall any Permittee misrepresent the intended use of any funds raised through requested donations or non-commercial sales; nor shall any Permittee misrepresent whether material is available without cost or donations; nor shall any Permittee fail to provide change due to Persons who make donations or engage in non-commercial sales.

14.12 Revocation of Permit. The CEO shall have authority to revoke the Permit of any Permittee who, while conducting activity pursuant to a Permit, intentionally violates this Airport Ordinance, or any State or federal law. The Permittee shall be notified in writing of the reasons for the revocation. At that time, the Permittee shall immediately cease all Regulated Activities under the Permit.

14.13 Review Procedures. The following procedure shall apply if a Permit or Registration for Regulated Activities in authorized public areas is denied or revoked as provided herein:

- a. Written Reasons and Appeal Notification. If a duly completed Permit or Registration application is denied to any individual group or organization seeking to conduct Regulated Activities in authorized public areas under this Section 14, or if a previously granted Registration or Permit is revoked, written reasons for such action shall be provided to the applicant at the time of the denial or revocation, together with notification that the applicant may seek review of such action by:

1. notifying the CEO in writing that an appeal is desired,
  2. identifying the Permit or Registration denial or revocation at issue or providing a copy of the denial, and
  3. providing a current address and telephone number where the applicant can be contacted concerning the requested appeal.
  4. such notification shall be effective upon delivery to the Authority Administrative Offices.
- b. Court/Judicial Review. Upon receipt of a written appeal notification, the CEO shall apply to a court of record having jurisdiction within two (2) court days of submission of the notification (excluding Saturdays, Sundays and holidays) in order to obtain judicial review of such action. A copy of all court papers shall be served by first class mail on the applicant.
- c. Burden and Necessary Cooperation. The CEO shall exert every reasonable effort to have the issue heard on its merits without delay and as soon as legally possible. The burden of showing that the proposed activities may be prohibited shall rest with the CEO, but the applicant shall voluntarily agree to accept service of process and be subject to all governing court rules as a named party for such proceeding and shall provide information and cooperate as necessary to obtain expedient hearing dates, make court appearances and offer testimony and evidence as required by the court for resolution of all disputed issues. The CEO shall similarly cooperate with the applicant by readily providing the following information concerning the appeal upon request, during normal business hours in the Authority Administrative office.

1. the name, address and telephone number of the individual handling the review petition on the Authority's behalf;
  2. the court where the petition was filed;
  3. the petition filing date, court number and assigned judge, if available; and
  4. all scheduled hearing dates and times.
- d. Automatic Approval, Failure to Participate. If the issue presented for judicial determination is not heard and decided on the merits by the court within thirty (30) days from the date judicial review is sought, and if the court has not entered an order enjoining the activity proposed, then, at the expiration of such thirty (30) day period, an interim Permit or Registration shall be deemed granted under this rule to the applicant by operation of law, and all picketing activities proposed to be conducted on the original Permit or Registration application may be conducted just as though a Permit or Registration had been duly granted by the CEO, subject to the same restrictions and obligations applicable under these rules to other picketing activities. However, if the petition for review is delayed or dismissed by the court because the applicant fails to accept service of the process as a named party in the proceedings or does not provide information and cooperate as necessary to obtain expedient hearing dates, make court appearances and offer testimony and evidence as required by the court for resolution of disputed issues, the initial Permit or Registration denial or revocation shall remain valid and the CEO shall not be required to allow such solicitation on an interim basis unless the petitioned court or any other court of competent jurisdiction orders otherwise.

14.14 Indemnification. In accepting any Permit, the Permittee agrees to indemnify the Authority, and the State from and against any and all claims and demands by any third parties, whether just or unjust, for personal injuries (including death) or property damage (including theft or loss) caused by or alleged to be caused by the activities on Airport property of the Permittee during the term of the Permit.

14.15 Prohibited Conduct. A Person shall not, except with a permit issued by the CEO, or except by Registration under such conditions as may be provided by this Ordinance, erect, post, distribute, or display signs, bills, leaflets, or other visual or auditory advertising matter upon Airport premises. Violation of this Subsection is a misdemeanor.

## **SECTION 15: PICKETING IN PUBLIC AREAS**

15.1 Protected Activities. Any individuals, groups or organizations desiring to use the public areas of the Airport for the purpose of exercising constitutional rights of free speech through Picketing shall be free to engage in such activities, providing such activities are in compliance with the provisions of this Section 15, the purpose of which include the following:

- a. to insure that the security of the Airport is maintained and not compromised;
- b. to ensure adequate safety and security personnel for the efficient and safe functioning of Airport operations and services and the protection of all Persons using the Airport in a lawful manner;
- c. to prevent interference with public access to the Airport, and to protect Persons using the Airport from harassment and intimidation;
- d. to ensure the free and orderly flow of pedestrian traffic through the Airport terminals and in all other public areas on Airport property; and
- e. to protect constitutional rights of free speech while ensuring that the Airport's transportation purposes are not compromised.

15.2 Picketing Defined. "Picketing" means the peaceful patrolling activity by any individuals, groups or organizations, in the designated public areas on Airport property for the purpose of exercising First Amendment rights of free speech. This Section 15 shall not govern expression of a commercial nature, nor shall it govern solicitation or the distribution of any materials in conjunction with Picketing activities. Solicitation and the distribution of materials in conjunction with Picketing permitted shall be governed by Section 14, Non-Commercial Distribution and Solicitation, of this Airport Ordinance.

15.3 Picketing Prohibited Without Permit. A Person shall not, except with a Permit issued by the CEO, or except by registration under such conditions as may be provided by this Section 15, engage in Picketing upon Airport property. Violation of this Subsection is a misdemeanor.

15.4 Locations. Picketing shall be permitted in the following locations:

a. Designated Expression Areas. Certain areas inside the Airport terminals shall be designated specifically for the continuous exercise of non-commercial First Amendment expression by any individual, group or organization who registers with the CEO in accordance with the procedure set forth herein. These areas shall be available on a 24-hour basis to as many persons as can safely occupy them at any particular time. Designated Expression Area locations are on file at the Authority Administrative Office.

b. Inside Terminals. Picketing in public areas appurtenant to ticket counters, car-rental counters and other enterprises inside Airport terminals not identified as "Designated Expression Area" shall be permitted pursuant to a Permit. The number of persons permitted to Picket in such areas at any given time shall be subject to the restriction of one (1) picketer allowed for every twelve (12) linear feet of counter/frontage space at the particular location. When this formula is applied to a particular location, if there is a linear-footage remainder of six (6) or more feet, one (1) additional picketer shall be permitted at such locations.

- c. Outside Terminals and Facilities Buildings. Picketing outside Airport terminal and facilities buildings shall be permitted pursuant to a Permit. The number of persons permitted to picket in these areas at any given time shall be subject to the restriction of one (1) picketer allowed for every nine (9) linear feet of sidewalk or curb frontage between terminal entrances and elsewhere in the other public areas outside these buildings. When this formula is applied to a particular location, if there is a linear-footage of four and one-half (4 ½) or more feet, one (1) additional picketer shall be permitted at such location.
- d. Outside Terminals, Mass Picketing. Pursuant to a Permit, peaceful mass picketing outside terminal buildings which is not otherwise prohibited by State or federal law shall be permitted, without limitation on frequency, but only on the public sidewalks outside the terminal buildings in designated locations. Such available locations are on file at the Authority Administrative Office. Mass picketing shall be defined as the collective picketing by persons in numbers exceeding those permitted under formula set forth in Subsection 15.3 (d) of “one picketer allowed for every nine (9) linear feet of sidewalk or curb frontage.”

15.5 Registration. Any individual, group or organization desiring to engage in Picketing activity in Designated Expression Areas shall first register with the CEO.

- a. Time and Location. The opportunity to Register shall be made available during normal business hours at the Authority Administrative Office.
- b. Information. To register, an interested individual or group shall provide, in writing, the following information:
  - 1. Individuals. If the Picketing shall involve only one person, that person shall specify his/her name and an address and telephone number where he/she can be contacted in the event of an emergency.

2. Group/Organizations. If the Picketing shall involve two or more persons who desire to engage in concerted picketing as a group or organization, the interested registrant shall specify:
  - a. the formal group/organization name, or a general reference thereto if there is no formal name,
  - b. the number of persons expected to participate in the activity at the Airport as members of the group/organization, and
  - c. the name of an individual designated to act as spokesperson along with an address and telephone number where he/she can be contacted in the event of an emergency.
- c. Forms. Registration forms shall be made available at the Authority Administrative Office for those desiring to use them, but no particular form need be used if the registrant supplies in writing the information required by this Section.
- d. Duration. Registration shall be required on a daily basis when the Picketing occurs.
- e. Badges. The Authority may institute a badging program. If such program is instituted, registration badges may be provided by the CEO to all persons authorized to picket pursuant to Registration on Airport property. Such badges shall be visibly worn by all persons to whom they are issued while picketing on Airport property. Persons issued and wearing badges need not provide further verification of Registration approval, unless the CEO has reasonable grounds to believe that such persons are not in fact Registered or are engaging in activity beyond the scope of their Registration.

- f. Limitations. Any individual, group or organization duly Registered under this Section by providing the information required herein shall be permitted to Picket at authorized locations without undue delay, but shall be further subject to all of the restrictions set forth in this Section.

15.6 Permit Requirements and Procedure. With the exception of Picketing upon Registration as permitted under Subsections 15.4(a), any individual, group or organization desiring to Picket in public areas on Airport property shall first obtain a Permit under this Subsection 15.6.

- a. Nature and Scope. To ensure the safe and orderly functioning of the Airport while protecting First Amendment rights, all Picketing pursuant to respective locations on Airport property as set forth above in Subsection 15.4. Each Permit issued shall identify:

1. the person or group to whom the Permit was issued;
2. the number of persons covered by the Permit;
3. the locations at which Picketing may be conducted thereunder; and
4. the time period covered by the Permit.

All Picketing conducted pursuant to a Permit shall be limited to the particular locations(s) covered by the Permit and further subject to the restrictions set forth below in Subsections 15.9, 15.10 and 15.11.

- b. Time and Location. The opportunity to apply for a Permit shall be made available during normal business hours in the Authority Administrative Office.

- c. Information. To apply for a Permit, an interested individual, group or organization shall provide, in writing, the following information:

1. Locations, dates and times. All Permit applicants shall specify the Picketing location(s) desired and the date(s) and hour(s) when the Picketing will be conducted at such locations.

2. Individuals. If the Picketing shall involve only one person, that person shall also specify his/her name and an address and telephone number where he/she can be contacted in the event of an emergency.
3. Groups/Organizations. If the Picketing shall involve two or more persons who desire to engage in concerted Picketing as a group or organization, the applicant shall also specify:
  - a. the formal group/organization name, or a general reference thereto if there is no formal name;
  - b. the number of persons expected to participate in the Picketing at the Airport as members of the group/organization;
  - c. the name of an individual designated to act as a spokesperson; and
  - d. an address and telephone number where the spokesperson can be contacted in the event of an emergency.
- d. Forms. Permit application forms shall be made available at the Authority Administrative Office for those desiring to use them, but no particular form need be used if the applicant supplies in writing the information required.
- e. Manner. Permits shall be issued on a first-come, first serve basis for all available locations, with objective non-discretionary adjustments made in the case of applicants competing for identical times and locations.

- f. Competing Applications. If two (2) or more different applicants submit Permit applications requesting authorization for Picketing at identical times and locations such that the number of proposed picketers exceeds the number otherwise permitted under this Section 15, the competing applicants shall be offered the opportunity to divide the available Picketing spaces evenly among all affected applicants. If the affected applicants do not mutually agree to a division of the available spaces, rotating Permits for equal time periods of not less than fifteen (15) minutes each, nor greater than sixty (60) minutes each shall be issued to all applicants equally for each Picketing location at issue. If the allocation of Picketing Permits pursuant to this Section requires modifications of the terms of a valid Permit previously issued, the CEO shall promptly notify the affected Permittees and shall issue revised Permits setting forth the modified terms under which Picketing may be conducted by all parties. Such a modification of permits in accordance with this Subsection shall not constitute the denial or revocation of a Permit.
- g. Duration. Permits shall be issued for periods as requested by the applicant of up to, but not exceeding, fourteen (14) consecutive days, but shall be subject to renewal and modifications.

- h. Renewal or Modifications. The renewal or modification of a valid Picketing Permit shall be granted by the CEO upon the receipt of an informal written notification from the initial Permit applicant or some other individual authorized to act on the original applicant's behalf. To be effective, the notification shall be delivered to the Authority Administrative Office not later than 12:00 noon on the business day before expiration of the original Permit. Forms for this purpose shall be made available for those desiring to use them, but no particular form need be used if the notification states that a "permit renewal and or modification is requested" and further identifies the initial applicant or group name and the original Permit or application date, and in the case of a modification specifies the particular modification requested.
- i. Issuance Decision. A decision to issue a Permit shall be made as soon as reasonably possible, but not later than within seventy-two (72) hours of the time the initial Permit application is submitted. Should a Permit be denied or not issued within seventy-two (72) hours for any reason, the procedures set forth in Subsections 15.7 and 15.8 shall apply.
- j. Badges. The Authority may institute a badging program. If such a program is instituted, Permit badges may be provided by the CEO to all authorized to Picket under a Permit on Airport property. Such badges shall be visibly worn by all persons to whom they are issued while Picketing on Airport property. Persons issued and wearing badges need not provide further verification of Permit approval, unless the CEO has reasonable grounds to believe that such persons are not in fact authorized to Picket under a Permit for the particular location in question.

k. Limitations. Any individual, group or organization issued a permit under this Section shall be allowed to picket at the authorized locations immediately, without delay, but shall be further subject to all of the restrictions set forth in this Section.

15.7 Incomplete Applications. If a Permit or Registration applicant fails to include all of the information required, the applicant shall be promptly advised of the information necessary to complete the application and be permitted to provide such information. Upon receipt of all required information in writing, the CEO shall consider the application as duly submitted for approval as herein required, and any subsequent action by the CEO which shall have the effect of delaying the decision to issue the Permit or denying the Permit shall be subject to the review procedure described in Section 15.8.

15.8 Review Procedures. The following procedure shall apply if a Permit or Registration for Picketing in authorized public areas is denied or revoked under this Airport Ordinance:

a. Written Reasons and Appeal Notification. If a duly completed Permit or Registration application is denied to any individual, group or organization seeking to Picket in authorized public areas under this Airport Ordinance, or if a previously granted Registration or Permit is revoked, written reasons for such action shall be provided to the applicant at the time of the denial or revocation, together with notification that the applicant may seek review of such action by:

1. notifying the CEO in writing that an appeal is desired,
2. identifying the Permit or Registration denial or revocation at issue or providing a copy of the denial, and
3. providing a current address and telephone number where the applicant can be contacted concerning the requested appeal.

Such notification shall be effective when it is delivered to the Authority Administrative Office.

- b. Court/Judicial Review. Upon receipt of a written appeal notification, the CEO shall apply to a court of record having jurisdiction within two (2) court days of submission of the notification (excluding Saturdays, Sundays and holidays) in order to obtain judicial review of such action. A copy of all court papers shall be served by first class mail on the applicant.
- c. Burden and Necessary Cooperation. The CEO shall exert every reasonable effort to have the issue heard on its merits without delay and as soon as legally possible. The burden of showing that the proposed activities may be prohibited shall rest with the CEO, but the applicant shall voluntarily agree to accept service of process and be subject to all governing court rules as a named party for such proceeding and shall provide information and cooperate as necessary to obtain expedient hearing dates, make court appearances and offer testimony and evidence as required by the court for resolution of all disputed issues.

The CEO shall similarly cooperate with the applicant by readily providing the following information concerning the appeal upon request, during normal business hours, in the Authority Administrative Office.

1. the name, address and telephone number of the individual handling the review petition on the Authority's behalf,
2. the court where the petition was filed,
3. the petition filing date, court number and assigned judge, if available, and
4. all scheduled hearing dates and times.

- d. Automatic Approval, Failure to Participate. If the issue presented for judicial determination is not heard and decided on the merits by the court within thirty (30) days from the date judicial review is sought, and if the court has not entered an order enjoining the activity proposed, then at the expiration of such thirty (30) day period an interim Permit or Registration shall be deemed granted under this Airport Ordinance to the applicant by operation of law, and all picketing activities proposed to be conducted on the original Permit or Registration application may be conducted just as though a Permit or Registration had been duly granted by the CEO, subject to the same restrictions and obligations applicable under this Airport Ordinance to other picketing activities.

However, if the petition for review is delayed or dismissed by the court because the applicant fails to accept service of the process as a named party in the proceedings or does not provide information and cooperate as necessary to obtain expedient hearing dates, make court appearances and offer testimony and evidence as required by the court for resolution of disputed issues, the initial Permit or Registration denial or revocation shall remain valid and the CEO shall not be required to allow such Picketing on an interim basis unless the petitioned court or any other court of competent jurisdiction orders otherwise.

15.9 Restricted Zones. For reasons of safety, security and uncompromised maintenance of the Airport's essential purpose and function, the following areas shall be designated as "Restricted Zones" where Picketing activities shall be prohibited and shall not be conducted by any individual, group or organization at any time:

- a. Within six (6) feet of any ticket counter or within three (3) feet of any person standing in any line;
- b. Within eight (8) feet of any of the following:

1. Baggage-claim facility;
  2. Concourse throat.
  3. Premises leased or provided for the use of a concessionaire or tenant;
  4. Restroom facility;
  5. Stair, escalator or elevator;
  6. Doorway, entrance way or exit;
  7. Public service information counter;
  8. Skycap baggage check area;
  9. Any non-public area.
- c. At or within thirty (30) feet of any sterile area as defined in the regulations governing the United States Customs Service, United State Immigration Service, any other government agency operating on Airport property.
- d. At or within thirty (30) feet of any passenger screening device or any other area designated for the purpose of screening airline passengers, personnel or materials of any kind.
- e. Within any Secured Area on Airport property or within one hundred (100) yards of any Aircraft Operations Area (AOA) Security Checkpoint.

15.10 General Restrictions. The following rules shall apply to all Picketing on Airport property:

- a. A Permittee or registrant shall not Picket across or on any road or service drive at any location on Airport property.
- b. A Permittee or registrant shall not use sound or voice amplification systems, musical instruments, radio communication systems or other electronic or mechanical sound devices in conjunction with any Picketing.
- c. A Permittee or registrant shall not interfere with the ability of others to hear public announcements over the Airport intercom system or to transact business at the Airport.

- d. Signs, placards, banners or other material used in conjunction with the Picketing shall not be affixed to the exterior or interior of any building or other appurtenance within Airport terminals or anywhere else on Airport property.
- e. Signs, placards, banners or other material used in conjunction with Picketing shall not be larger than 24 x 28 inches in size.
- f. A Permittee or registrant shall not in any way obstruct, delay or interfere with the free movements of any other Person, or seek to coerce or physically disturb any other Person.
- g. A Permittee or registrant shall not place any table, chair, or other structure and/or use any stationary or wheeled device, with exception of persons requiring the use of a wheelchair or other handicap-related device, in any authorized Picketing location or elsewhere on Airport property.
- h. A Permittee or registrant shall not store any literature or other materials in any public use areas or in any parking areas, restroom facilities, terminal doors, stairways, vestibules, and storage areas used by the Airport or its concessionaires and lessees, except in a carry bag which must be carried or harnessed so as not to extend beyond the holder's body width, where such materials would be an obstruction to Persons using the Airport facilities or would create a health, safety or security hazard.

15.11 Temporary Restriction or Suspension of Picketing. The CEO may declare an emergency, for all or any portion of any area on Airport property, on account of unusually congested conditions at the Airport caused by weather, schedule interruptions, extremely heavy traffic movements, security concerns, or other causes. In such case an announcement shall be made, and all persons Picketing shall immediately cease such activities for the duration of the emergency. The CEO shall allow the resumption of all Picketing suspended under this Airport Ordinance upon abatement of the conditions or circumstances giving rise to the emergency. Temporary restriction or suspension of Picketing under this Subsection shall not constitute the denial or revocation of a Picketing Permit and/or registration within the meaning of Subsection 15.4 of this Airport Ordinance.

15.12 Effect on Collective Bargaining Agreements. Nothing in this Section 15 shall be deemed to permit or authorize any activity prohibited or restricted by a collective bargaining agreement to which the Authority is a party, or to amend any such agreement.

## **SECTION 16: SIGNS**

- 16.1 Permits Required. It shall be unlawful for any Person to erect, repair, alter, relocate or maintain, upon the Airport, a sign without first obtaining a Construction/Alteration Permit from the CEO. Violation of this Subsection is a misdemeanor.
- 16.2 Repair of Unsafe Signs. This Section shall not be construed to prevent the repair or restoration of a sign to a safe condition provided the repair does not alter the sign originally approved. Repairs must commence within thirty (30) days of a written notice by the CEO notifying tenants of the need of such repairs.
- 16.3 Painted Signs. The painting of any building or part of a building for advertising purposes shall be considered a sign and must have the prior approval of the CEO.
- 16.4 Temporary Displays. Temporary signs, posters or other advertising devices shall not be allowed without the express, prior approval of the CEO.

## **SECTION 17: AIRCRAFT LANDING AND PARKING FEES MISCELLANEOUS TERMINAL**

### **CHARGES**

#### 17.1 Landing Fees.

- a. Every Operator landing an Aircraft at the Airport must pay the Authority a fee for each such landing, which fee may be called an “Activity Fee” or a “Landing Fee”.
- b. The calculation of each Operator’s Landing Fees will be based on the Approved Maximum Landing Weight of Aircraft landed by the Operator, and the Landing Fee rate per number of thousand pounds of Approved Maximum Landing Weight established by the Authority.
- c. The Landing Fee rates for the Airport for each Fiscal Year of the Authority will be established by the Authority and set forth in a schedule of Landing Fees published annually by the Authority. The CEO shall establish the required timing of payment of all Landing Fees.
- d. Subject to compliance in all respects with federal and State law, the CEO may establish Landing Fee rates for Operators landing Aircraft at the Detroit Metropolitan Wayne County Airport on a non-scheduled basis and for other Operators that are not signatories to the Authority’s standard signatory Airport Use and Lease Agreement (if any) which are greater than the Landing Fee rate for Operators that are signatories to the Authority’s standard signatory Airport Use and Lease Agreement (if any).

17.2 Other Fees and Charges. Consistent with federal and State law, and except as may otherwise be provided by contract, the CEO may establish and collect other rentals, fees and charges payable by Operators, FBOs and other tenants for the use of Airport facilities, including but not limited to fees for the parking of Aircraft at the Airport, fees for the use of common or public terminal facilities, fees for the use of Federal Inspection Service facilities and fuel flowage fees.

## **SECTION 18: VEHICULAR TRAFFIC**

18.1 The Uniform Traffic Code, being 62 Public Act 1956, as amended, (MCL 257.951 et seq.), as promulgated by the Director of the Michigan Department of State Police pursuant to the Administrative Procedures Act of 1969, 1969 Public Act 306, as amended, (MCL 24.201 et seq.) and made effective October 30, 2002, and all future amendments and revisions to the Uniform Traffic Code when such are promulgated and effective in this State, is hereby adopted by reference, and made a part of this Airport Ordinance.

- a. All Wayne County Airport Authority ordinances, rules and regulations, or parts thereof in conflict herewith this specific adoption by reference are repealed.
- b. All references in said Uniform Traffic Code to “governmental unit” shall mean the Wayne County Airport Authority.
- c. The penalties provided by the Uniform Traffic Code are adopted by reference.

18.2 The Michigan Vehicle Code, being 1949 Public Act 300, as amended, (MCL 257.1 et seq.) and all future amendments and revisions to the Michigan Vehicle Code when such are effective in this State are incorporated and adopted, is hereby adopted by reference, and made a part of this Airport Ordinance.

- a. All references in said Michigan Vehicle Code to “local authorities” shall mean the Wayne County Airport Authority.
- b. The penalties provide by the Michigan Vehicle Code are adopted by reference, provided, however, that the Wayne County Airport Authority may not enforce any provision of the Michigan Vehicle Code for which the maximum period of imprisonment is greater than 93 days.

- 18.3 A Person shall not fail or refuse to comply with a lawful order or direction of a police officer or Authority representative when that officer or representative is guiding, directing, controlling or regulating traffic on the Airport roads, ramps, service drives, parking areas, public and private driveways, or other areas of the Airport.
- 18.4 A Person shall not fail or refuse to comply with any traffic light, sign, mechanical or electrical signal, or pavement marking unless directed otherwise by a police officer or Authority representative.
- 18.5 A Person shall not operate a vehicle within the Airport in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution or circumspection, or at a speed or in a manner which endangers or is likely to endanger persons or property; or while the Person is under the influence of intoxicating liquor or any narcotic or habit-forming drugs; or if such vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property.
- 18.6 A Person shall not operate a vehicle in or upon the Airport unless the operator thereof is duly licensed to operate such vehicle and such vehicle is registered in accordance with applicable state law. A vehicle not required under the Michigan Motor Vehicle Code to be registered shall not be operated on any area of the Airport without written authorization of the CEO and registration of such vehicle by the CEO.
- 18.7 A Person shall not transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken within the passenger compartment of a vehicle on the Airport roads, runways, ramps, service drives, parking areas, public and private driveways, or other areas on Airport property. If a vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open, uncapped or upon which the seal is broken shall be encased or enclosed. This Subsection shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

- 18.8 A Person shall not operate a vehicle within or upon Airport premises unless that vehicle shall be in sound mechanical order, having adequate lights, horns, brakes, and a clear and unobstructed view from the operator's seat. Aircraft ground service vehicles operating on Airport roads and ramps are exempt from this Subsection.
- 18.9 A trailer shall not be drawn within the Airport premises unless equipped with electrically operated taillights or reflector buttons placed on the rear of the trailer, proper brakes preventing the free rolling of the trailer when disengaged from a towing vehicle, and positive lock couplings.
- 18.10 A Person operating a vehicle shall yield the right-of-way to any and all Aircraft in motion.
- 18.11 A Person shall not operate a vehicle at a speed greater than the speed posted, or at a speed in excess of twenty-five (25) miles per hour in unposted areas, or at a speed exceeding fifteen (15) miles per hour when on the ramp and apron area or an Aircraft parking and storage area.
- 18.12 A Person shall not operate a vehicle between an Aircraft and its loading gate.
- 18.13 A Person, except in unavoidable emergencies, shall not stand or park a vehicle in front of a driveway; within a bus stop; safety zone or taxicab zone; or on either side of a parked or stopped vehicle (except for the immediate time to necessary to load and unload passengers and luggage); within fifteen (15) feet of a fire hydrant; or in any other manner not in compliance with posted restrictions.
- 18.14 A Person shall not park a vehicle within any commercial vehicular parking area except upon payment of the fees and charges designated on signs posted within such area.
- 18.15 A Person shall not abandon a vehicle on the Airport.
- 18.16 Any Authority representative may remove or cause to be removed, from any area of the Airport, a vehicle which is disabled, abandoned or parked in violation of this Ordinance at the owner's expense, and without liability for damage which may accidentally result in the course of such removal.

- 18.17 A Person shall not make repairs to vehicles on Airport premises other than in designated repair shop areas; except that emergency repairs necessary to remove such vehicles from the Airport may be made.
- 18.18 A Person shall not operate a vehicle on the Airport premises while towing more than six (6) baggage carts.

## **SECTION 19: INTRA-TERMINAL VEHICLE REGULATIONS**

- 19.1 Permit Required. A Person shall not operate a vehicle within the terminals without a permit from the CEO. A permit may be immediately suspended or permanently revoked by the CEO for violations of this Section.
- 19.2 Operating Conditions. A Person shall not operate an intra-terminal vehicle unless in compliance with the following requirements:
- a. A vehicle shall be operated in a safe and careful manner but in no event in excess of five miles per hour (5 m.p.h.). The speed shall be limited by a speed governor attachment.
  - b. A vehicle shall be equipped with brakes in good working condition and an Authority approved intermittent ringing bell/horn/beep when in operation.
  - c. A vehicle shall be equipped with a key-controlled lock and be locked at all times when not in use.
  - d. A vehicle shall yield to pedestrian traffic and exercise extreme caution at corners, intersections and doorways.
  - e. Pedestrian traffic shall have the right-of-way over intra-terminal vehicles.
  - f. A vehicle shall adhere to right side of concourses and hallways and not come within ten (10) feet behind walking traffic.
  - g. A Person shall not operate or park in the terminal lobby between the ticket counters and the public roadway side of building.
- 19.3 Vehicle Routes. A Person shall not operate an intra-terminal vehicle except over routes designated by the CEO. Routes shall be subject to adjustment with twenty-four (24) hours notice to currently permitted vehicles.
- 19.4 Recharge Restrictions. A Person shall not electrically recharge batteries on any intra-terminal vehicle except when accomplished within a leased premise or in an area designated by the CEO.

- 19.5 Passing Restrictions. A Person, while operating a vehicle in the terminals, shall not pass a vehicle traveling in the same direction.
- 19.6 Fare Approval. A Person shall be prohibited from charging rates or fares to transport persons or property on vehicles within the terminal without prior written approval from the CEO.
- 19.7 Solicitations. A Person shall not solicit nor accept gratuities, tips or fares from transported persons within the terminals.

## **SECTION 20: RULES AND REGULATIONS FOR CROSSWINDS MARSH**

20.1 Hours of Operation. A person shall not remain upon Crosswinds Marsh property after the closing of posted hours of operations, without the authorization of the CEO. It shall be unlawful for a person to enter any portion of Crosswinds Marsh or waters which have been designated as closed to public entry or use.

20.2 Preservation of Property. A Person shall not, upon the Crosswinds Marsh property;

- a. willfully destroy, deface, alter, change or remove any monument, stone, marker, benchmark, stake, post or blaze, marking or designating boundary lines, survey line or reference point;
- b. cut, break, mark upon or otherwise injure any building, equipment, bridge, drain, wall, fountain, lamp post, fence, gate, hedge or other structure;
- c. deface, destroy or remove any placard, notice or sign, whether temporary or permanent, posted or exhibited within or upon Crosswinds Marsh property. It shall be unlawful for a person to store, stockpile or abandon a vehicle, including a recreational vehicle, on any Crosswinds Marsh property, or in any manner perform maintenance to a vehicle or in any other way, interfere with or obstruct proper use of the Crosswinds Marsh.

20.3 Preservation of Plant Life and Natural Surroundings. A Person shall not, upon Crosswinds Marsh property:

- a. cut, remove or destroy any tree, sapling, brush or shrub, whether dead or alive, or chip, blaze, box girdle, trim or otherwise deface or injure any tree or shrub, or pick, gather, uproot, remove or destroy any flower, plant, or grass; or
- b. remove any sod, earth, humus, peat, boulders, gravel or sand, without specific written authorization from the CEO.

20.4 Hunting and Fishing. A Person shall not hunt, or attempt to hunt, trap, catch, wound, kill or treat cruelly, any bird, fish, or animal, or molest or rob any nest, lair, den or burrow of any bird, fish, or animal, in or upon any land or waters upon Crosswinds Marsh property without approval of the CEO. Such activities when permitted in accordance with the laws of the State of Michigan, must take place only in such areas designated for such purposes.

20.5 Animals. It shall be unlawful for a person while in or upon Crosswinds Marsh property to:

- a. cause an animal or fowl to run at large;
- b. bring a dog or other animal or pet which is unleashed or upon a leash, except a trained and working service animal (*e.g.*, leader dogs for the disabled);
- c. bring, drive, lead or carry an animal onto Crosswinds Marsh property excepting that horses may be ridden by persons in charge thereof or driven before a vehicle attached thereto, with the approval of the CEO, on such portions of Crosswinds Marsh property as may be designated for riding or driving by the Authority;
- d. cause or permit a horse to stand on any park property, unless securely hitched or in the charge of some competent person;
- e. torture, ill-treat or neglect an animal or fowl;
- f. feed a wild animal;
- g. build blinds or nesting boxes without specific written authorization of the CEO; or
- h. release an animal upon Crosswinds Marsh property without specific written authorization from the Authority.

All game animals, fowl, birds, fish and other aquatic life, hunted, killed, taken or destroyed, bought, sold, bartered or had in possession, contrary to any of the provisions hereof, shall be turned over to the State of Michigan, Department of Natural Resources for disposal. Provided further, that a weapon or object carried or used by a Person in violation of these Rules, shall be subject to seizure.

- 20.6 Swimming, Bathing, Wading. A Person shall not, upon any property administered by the CEO, swim, bathe, wade or scuba dive in a lake, pond or slough, except at such times and in such areas as approved and provided for such purposes, and then only under the posted rules as determined by the Authority.
- 20.7 Boating. A Person shall not bring into use or navigate a boat, canoe, raft or other watercraft, except for designated rental watercraft, upon a lake, pond, or slough located within the Crosswinds Marsh, without the authorization of the CEO, except at such times or places as may be provided or designated for such purposes. All watercraft shall comply with and be used in compliance with Part 801 of Michigan's Natural Resources Environmental Protection Act (MCL 324.80101 through 324.80199, (1994 PA 451)), as amended, and such regulations as may be adopted under the authority of such Act.
- 20.8 Camping. It shall be unlawful to camp in any area of the Crosswinds Marsh without approval of the CEO by written permit.
- 20.9 Hindering, Resisting or Impersonating Employees. A Person shall not interfere with, impersonate, fail or refuse to obey a lawful command of, or in any manner hinder an employee, agent, or contracted employee of the Authority while in the performance of their official duties at Crosswinds Marsh.

- 20.10 Unlawful Obstruction. A Person shall not, by force, threats, intimidation, by placing any kind of barrier or barriers to the entrance of any Crosswinds Marsh property, roadway or designated access way, or by any other means, prevent or obstruct a Person from entering, leaving, or making full use of any property at Crosswinds Marsh unless specifically designated as closed to the public.
- 20.11 Alcohol, Gambling, and Drugs. It shall be unlawful for any Person to be under the influence of intoxicants, narcotics, or other mind-altering drugs, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct tending to create a breach of the peace or disturb or annoy others while on or within the Crosswinds Marsh. It shall be unlawful to conduct or to participate in any form of gambling, lottery, or game of chance upon Crosswinds Marsh property. It shall be unlawful to consume or be in possession of any wine, beer, or alcohol upon Crosswinds Marsh property.
- 20.12 Firearms. A Person shall not, at any time, bring into or upon Crosswinds Marsh property or have in their possession, nor discharge or set off anywhere upon said property, a bow and arrow, spear, revolver, pistol, shotgun, rifle, air rifle, air gun, or any gun, rifle, firearm or any other weapon that discharges projectiles either by air, explosive substance or any other force. Provided, however, that this Subsection shall not apply to any duly authorized law enforcement officer or Authority employee, agent, or contracted employee while carrying out the duties and responsibilities of his or her position.
- 20.13 Fireworks. It shall be unlawful for a Person to fire, discharge or have in their possession, any rocket, firecrackers, sparklers, squib, torpedo, or other fireworks or any substance of any explosive dangerous to nature, within or upon Crosswinds Marsh property.

- 20.14 Fires. It shall be unlawful for a person upon Crosswinds Marsh property to:
- a. willfully set or cause to be set on fire, any tree, woodland, brush land, or meadow;
  - b. build any fire except within the designated receptacles or open spaces provided and approved for such purpose by the CEO; or
  - c. drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable material.
- 20.15 Horses. It shall be unlawful for a Person to ride a horse on any Crosswinds Marsh property except on specifically designated and posted bridle trails. It shall be unlawful for a Person to ride a horse in a careless, negligent, or reckless manner so as to create a nuisance or to endanger the life, property or person of others on any Crosswinds Marsh property.
- 20.16 Operation of Bicycles. It shall be unlawful to operate a bicycle on Crosswinds Marsh property, excluding the parking lot adjacent to the entrance, provided however, that this Subsection shall not apply to any duly authorized law enforcement officer or Authority employee, agent, or contracted employee, while carrying out the duties and responsibilities of his or her position.
- 20.17 Parking. It shall be unlawful for the operator of a motor driven vehicle to stop, stand, or park in any parking area in such a manner as to form an obstruction to traffic thereon.

- 20.18 Motor Driven Vehicles. It shall be unlawful for a Person upon or within the Crosswinds Marsh to operate a motor driven vehicle of any kind or nature, except on designated roads or parking areas. A Person violating this Subsection and thereby creating damage to turf areas will be subject to prosecution and responsible for full restitution of the damaged area. It shall be unlawful for a Person to operate a motor driven sled, toboggan, snowmobile, motorcycle, trail bike, mini bike, scooter, all terrain vehicle, or similar type of sport vehicle in any area of the Crosswinds Marsh, provided, however, that this Subsection shall not apply to a duly authorized law enforcement officer, Authority employee, agent, or contracted employee, while carrying out the duties and responsibilities of his or her position.
- 20.19 Littering and Pollution. It shall be unlawful upon any Crosswinds Marsh property to discard, deposit refuse of any kind or nature, other than in receptacles designated for such purposes by the CEO. It shall be unlawful to throw, cast, lay, drop or deposit into or leave in waters, any substance, matter, or things liquid or solid, which may or shall result in the pollution of said waters.
- 20.20 Emergency Power. This Section shall not prohibit or hinder duly authorized law enforcement agents from performing their official duties. This Section shall not prohibit the United States federal government, the State of Michigan, the Authority or its duly authorized agents, from establishing emergency rules required to protect the health, welfare, and safety of Crosswinds Marsh visitors and/or to protect Crosswinds property and to maintain order.

## **SECTION 21: EMERGENCY MANAGEMENT ORGANIZATION**

21.0 This Section may be separately cited and shall be known as the Authority's "Emergency Management Ordinance."

21.1 Definitions. Except as indicated otherwise, the following words and phrases as defined in this Section when used in this Airport Ordinance shall, for the purposes hereof, have the meanings respectively ascribed to them in this Section.

- a. Act means the Michigan Emergency Management Act, Act No. 390 of the Public Acts of 1976, as amended.
- b. Airport means either the Detroit Metropolitan Wayne County Airport or Willow Run Airport and this Ordinance shall apply to each Airport unless the context specifically refers to a specific Airport.
- c. Department means the Michigan Department of State Police.
- d. Director means the director of the Department of State Police or his or her designee.
- e. Disaster means an occurrence or threat of widespread or severe damage, injury or loss of life or property resulting from a natural or human-made cause including, but not limited to, fire, flood, snowstorm, ice storm, tornado, windstorm, wave action, oil spill, water contamination, utility failure, hazardous peacetime radiological incident, major transportation accident, hazardous materials incident, epidemic, air contamination, blight, drought, infestation, explosion, or hostile military action or paramilitary action, or similar occurrences resulting from terrorist activities, riots, or civil disorders.

- f. Disaster Relief Force means all divisions of the Wayne County Airport Authority, private and volunteer personnel, officers and employees, and all other persons or groups of persons identified in the Airports' Emergency Operations Plan as having duties to perform in an emergency or disaster situations or those called into duty by a party identified in the plan to perform a specific disaster or emergency related task.
- g. District Coordinator means the Michigan Department of State Police District Emergency Management Coordinator. The District Coordinator serves as liaison between local emergency management programs and the Michigan State Police, Emergency Management Division in all matters pertaining to the mitigation, preparedness, response and recovery of emergency and disaster situations.
- h. Emergency means any occasion or instance in which the Authority determines state assistance is needed to supplement local efforts and capabilities to save lives, protect property, and the public health and safety or to lessen or avert the threat of a catastrophe in any part of the state.
- i. Emergency Management Coordinator means the person appointed by the CEO who shall act for and at the direction of the CEO in the coordination of all matters pertaining to emergency management related to the Airport and Authority.
- j. Emergency Management Program means a geographic area made up of one or several political subdivisions which has an appointed emergency management coordinator and meets the program standards and requirements as established by the Department of State Police, Emergency Management Division. The Authority has established an Emergency Management Program.
- k. Emergency Operations Plan means the plan developed and maintained by the Authority for the purpose of responding to all emergency or disaster situations by identifying and organizing the disaster relief force.

- I. Governor's State of Disaster means an executive order or proclamation by the Governor that implements the disaster response and recovery aspects of the Emergency Management Plan and applicable local plans or municipal programs affected.
- m. Governor's State of Emergency means an executive order or proclamation by the Governor that implements the emergency response and recovery aspects of the Michigan Emergency Management Plan and applicable local plans or municipal programs effected.
- n. Local State of Emergency means a declaration by the CEO pursuant to the Act and this Ordinance which implements the response and recovery aspects of the Emergency Operations Plan and authorizes certain actions as described in this Section.
- o. Vital Records means those records that contain information needed to continue the effective functioning of a government entity and for the protection of the rights and interests of persons under emergency conditions in the event of an emergency or disaster.

21.2 Conduct Of Persons And Property; Obligations; Personal Services. All Persons within the Authority shall conduct themselves and manage their affairs and property in ways that will reasonably assist and will not unreasonably detract from the ability of the Authority to cope with the effects of a disaster or an emergency. This obligation includes appropriate personal service and the use and restriction of the use of property in time of a disaster or an emergency.

### 21.3 Emergency Management Coordinator.

- a. The Authority's CEO shall appoint an Emergency Management Coordinator. The CEO shall appoint two (2) persons as successors to the Emergency Management Coordinator. The line of succession shall be set forth in the Emergency Operations Plan.
- b. The Coordinator shall act for and at the direction of the CEO in the coordination of all matters pertaining to emergency management, disaster preparedness, and recovery assistance within the Airport.
- c. A Person shall not be ineligible for appointment as Emergency Management Coordinator or as a member of the Airport Emergency Management Advisory Council because that person holds another public office or trust, and that person shall not forfeit the right to a public office or trust by reason of any such appointment.
- d. In the absence of the appointed person, the Emergency Management Coordinator shall be the Authority's CEO.

### 21.4 Airport Authority.

- a. Upon appointment of an Emergency Management Coordinator, the Board of the Authority, and as may be delegated to the CEO, may do one or more of the following:
  1. Appropriate and expend funds, make contracts, and obtain and distribute equipment, materials and supplies for disaster purposes.
  2. Provide for the health and safety of persons and property, including emergency assistance to the victims of a disaster.
  3. Direct and coordinate local multi-agency response to emergencies within the jurisdiction of the Authority.

4. Appoint, employ, remove, or provide, with or without compensation, rescue teams, auxiliary fire and police personnel, and other disaster workers.
  5. If a state of disaster or emergency is declared by the Governor, assign and make available for duty the employees, property, or equipment of the Authority relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or service for disaster relief purposes within or without the physical limits of the Airport as ordered by the Governor or the Director.
  6. In the event of an attack upon this State, waive procedures and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of permanent and temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without compensation of supplies, materials, and facilities, and the expenditure of funds.
- b. For the purpose of providing assistance during a disaster or emergency, the Authority may enter into mutual aid or reciprocal aid agreements or compacts with counties, municipalities, public agencies, organizations or private sector agencies or all of these entities. A compact entered into pursuant to this Subsection is limited to the exchange of personnel, equipment and other resources in times of emergency or disaster. The arrangements shall be consistent with the Michigan Emergency Management Plan.

21.5 Chief Executive Officer; Powers; Duties. The CEO shall supervise the activities of the Emergency Management Unit on a continuous basis and shall formulate, review and approve operational guidelines as needed and as follows:

- a. Establish an Emergency Management Unit ("Unit") which shall direct and coordinate the development of an Emergency Operations Plan in accordance with the policies and plans established by the appropriate federal and state agencies. The Unit shall prepare and continuously update the annex to the Emergency Operations Plan providing for emergency management activities by the Unit.
- b. Annually review the Emergency Operations Plan and, upon deeming it adequate, shall certify the plan to be current and adequate for the ensuing year.
- c. When circumstances within the Airport indicate that the occurrence or threat of occurrence of widespread or severe damage, injury or loss of life or property from natural or human-made cause exists, the CEO may declare a Local State of Emergency.
  1. Such a declaration shall be promptly filed with the Department of State Police, Emergency Management Division. This declaration shall not be continued or renewed for a period in excess of seven (7) days, except with the consent of the Board of the Authority.
  2. If the CEO declares a Local State of Emergency, the CEO shall, as soon as reasonably expedient, convene the Authority Board for one or more emergency meetings in accordance with the Open Meetings Act to perform its normal legislative and administrative duties as the situation demands, and will report to that body relative to emergency activities. Nothing in this Section shall be construed as abridging or curtailing the powers of the Authority Board, unless specifically provided herein.
- b. The CEO may do one or more of the following under a Local State of Emergency:

1. Direct the Emergency Management Coordinator to implement the Emergency Operations Plan.
2. Issue directives as to travel restrictions on Airport and local roads within the jurisdiction of the Authority.
3. Relieve Authority employees of normal duties and temporarily reassign them to other duties.
4. Activate mutual aid agreements.
5. Direct the overall disaster relief effort, including the disaster relief force, in accordance with the Emergency Operations Plan.
6. Notify the public of the situation.
7. Request a State of Disaster or emergency declaration from the Governor.
8. Recommend in-place shelter or evacuation protective measures.
9. Provide for the temporary movement and re-establishment of essential Authority offices in the event that existing facilities cannot be used.
10. When obtaining normal approvals would result in further injury or damage, the CEO may, until the Authority Board convenes, waive procedures and formalities otherwise required pertaining to the following:
  - a. For a period of up to seven (7) days, send the disaster relief force to the aid of other communities as provided by mutual aid agreements.
  - b. For a period of up to seven (7) days, make contracts, obtain and distribute equipment, materials, and supplies for disaster relief purposes.
  - c. Employ temporary workers.
  - d. Purchase and distribute supplies, materials and equipment.

- e. Make, amend, or rescind ordinances or rules necessary for emergency management purposes that supplement a rule, order or directive issued by the Governor or a state agency. Any such ordinance or rule shall be temporary and, upon the Governor's declaration that a state of disaster or state of emergency is terminated, shall no longer be in effect.

11. Appoint a local emergency management advisory council.

21.6 Emergency Management Coordinator; Duties. The Emergency Management Coordinator shall comply with the standards and requirements as established by the Department of State Police, Emergency Management Division, under the authority of the Act in accomplishing the following:

- a. Direct and coordinate the development of the Airport Emergency Operations Plan, which shall be consistent in content with the Michigan Emergency Management Plan.
- b. Specify departments or agencies which must provide an annex to the plan or otherwise cooperate in its development.
- c. Identify departments and agencies to be included in the Emergency Operations Plan as the disaster relief force.
- d. Develop and maintain an Airport resource manual.
- e. Coordinate the recruitment and utilization of volunteer personnel.
- f. Assure the Emergency Management Program meets eligibility requirements for state and federal aid.
- g. Coordinate and or conduct training and exercise programs for the disaster relief force within the Authority and to test the adequacy of the Emergency Operations Plan.
- h. Through public information programs, educate the population as to actions necessary for the protection of life and property in an emergency or disaster.

- i. Assist in the development or negotiation, or both, of mutual aid or reciprocal aid agreements or compacts made pursuant to Section 22 and shall carry out the agreements or compacts.
- j. Oversee the implementation of all functions necessary during an emergency or disaster in accordance with the Emergency Operations Plan.
- k. Coordinate Airport emergency management activities with those of the county, state and adjacent jurisdictions.
- m. Coordinate all emergency preparedness activities, including maintaining primary and alternate emergency operations center(s).
- n. Identify mitigation opportunities within the Authority and encourage departments and agencies to implement mitigation measures.

21.7 Departments; Liaison; Duties.

- a. Each department/division of the Authority identified by the Emergency Management Coordinator shall appoint an emergency management liaison who shall coordinate the emergency management activities of the department/division and act as a liaison between his department or division and the Emergency Management Office on all matters pertaining to emergency management.
- b. Each department identified shall appoint a minimum of one (1) person to serve as a successor in the event the emergency management liaison is not available or requires assistance. Successors shall be listed in the appropriate annex to the Emergency Operations Plan.
- c. Each department liaison shall:
  - 1. Prepare and continuously update an annex to the Emergency Operations Plan providing for the delivery of emergency management activities by that department. The annex shall be in the form prescribed by the Emergency Management Coordinator.

2. Recruit, appoint, and organize private, volunteer and other personnel to be part of the disaster relief force to perform specific duties as assigned in the Emergency Operations Plan. Such individuals shall be subject to the rules and operational control of the department through which the appointment was made and may be reimbursed for all actual and necessary travel and subsisted expenses.
3. Coordinate the department's emergency management efforts with those of other Authority departments.
4. Attend training courses relevant to the function of the department, and ensure staff is trained so as to be able to implement assigned emergency functions.
5. Participate in periodic exercises to enhance the adequacy of the respective department's response capability.
6. Develop internal Standard Operating Procedures (SOPs) to accomplish emergency notification and assigned emergency tasks.
7. Provide the Emergency Management Coordinator with a list of personnel and resources available within the department and provide a list of those which may be needed by the department during times of emergency.
8. Identify and provide for the protection of Vital Records.
9. Implement the directives of the CEO or his designee under a Local State of Emergency.

21.8 Personnel or Disaster Relief Forces, Powers, Duties, Rights, Privileges And Immunities And Compensation.

- a. In accordance with the Act, personnel of Authority disaster relief forces while on duty shall have the following rights:

1. If they are employees of the Authority, regardless of where serving, shall have the powers, duties, rights, privileges and immunities, and receive the compensation incidental to their employment.
2. If they are not employees of the Authority, be entitled to the same rights and immunities as are provided for by law for employees of the state, and shall be subject to the operational control of the authority in charge of disaster relief activities in the area in which they are serving.

21.9 Liability. As provided for in the Act, and in this Section, the Authority or the agents or representatives of the Authority shall not be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer disaster relief worker or a member of any agency engaged in disaster relief activity. In addition, a volunteer disaster relief worker or a member of any agency engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the person's good faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. This Section shall not affect the right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the Workers Compensation Law, any pension law, or act of Congress.

- a. Subsection 21.9 shall not apply to a person engaged in disaster relief activity for remuneration beyond reimbursement for out-of-pocket expenses in connection with the activity.
- b. The Authority or, except in cases of willful misconduct, gross negligence or bad faith, its employees, agents or representatives, or any volunteer or auxiliary disaster relief workers or member of any agency engaged in any disaster relief activity, complying with or reasonably attempting to comply with this Section, shall not be liable for the death of or injury to persons, or for damage to property, as a result of that activity.

- c. A person owning or controlling real estate or other premises who voluntarily and without compensation grants to the Authority a license or privilege, or otherwise permits the Authority to inspect, designate, and use the whole or any part or parts of the real estate or other premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster, together with his or her successors in interest, if any, shall not be civilly liable for the death of or injury to any person on or about the real estate or premises under such license, privilege or permission or for loss or damage to the property of the person.
- d. A person owning or controlling real estate or other premises who has gratuitously granted the use of the real estate or other premises for the purposes stated in this Section shall be legally obligated to make known to the licensee any hidden dangers or safety hazards which are known to the owner or occupant of the real estate or premises which might possibly result in the death or injury or loss of property to a person using the real estate or premises.

21.10 Request By The Authority For Declaration Of State Of Disaster Or Emergency; Aid By Disaster Relief Forces; Necessary Rules And Ordinances.

- a. If a disaster or an emergency occurs within the jurisdiction of the Authority and is beyond the control of local public or private agencies, the CEO may request the Governor to declare that a State of Disaster or State of Emergency exists in the jurisdiction of the Authority. The Director may order the disaster relief forces of a county or municipality to aid the Authority. The CEO shall comply with the order of the Director and cooperate with the Director in matters of emergency management.

- b. The Authority Board may make, amend, and rescind ordinances or rules necessary for emergency management purposes and supplementary to a rule, order, or directive issued by the Governor or a state agency exercising a power delegated to it by the Governor. The ordinance or rule shall be temporary and, upon the Governor's declaration that a State of Disaster or State of Emergency is terminated, shall no longer be in effect.

21.11 Undeclared State Of Disaster Or Emergency; Contact With District Coordinator; Determination By District Coordinator; Advice To Governor.

- a. In the event a disaster or emergency occurs that has not yet been declared to be a state of disaster or a state of emergency by the Governor, and the disaster or emergency is considered by the Authority Board or the CEO to be beyond the control of the Authority, the Emergency Management Coordinator shall immediately contact the District Coordinator. The District Coordinator in conjunction with the Emergency Management Coordinator, shall assess the nature and scope of the disaster or emergency, and they shall recommend the personnel, services, and equipment that will be required for its prevention, mitigation or relief.

21.12 Request For Assistance. As provided for by the Act, under extraordinary circumstances, upon the declaration of a state of disaster or a state of emergency by the Governor, and if the demands placed upon the funds of the Authority in coping with a particular disaster or emergency are unreasonably great, the Authority may apply for a grant from the State Disaster Contingency Fund. The request shall certify that the Airport Emergency Operations Plan was implemented in a timely manner. The request shall set forth the purpose for which the assistance is sought, the extent of damages sustained, and certify an exhaustion of local efforts.

21.13 Construction Of Section. This Section shall not be construed to do any of the following:

- a. Interfere with the course or conduct of a labor dispute. However, actions otherwise authorized by this Section or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.
- b. Interfere with the dissemination of news or comment on public affairs. However, any communications facility or organization, including radio and television stations, wire services, and newspapers, may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster or emergency.
- c. Affect the jurisdiction or responsibilities of law enforcement agencies, fire fighting forces, and units or personnel of the armed forces of the United States when on active duty. However, state, local, and interjurisdictional emergency operations plans shall place reliance upon the forces available for performance of functions related to disasters or emergencies.
- d. Limit, modify, or abridge the authority of the Governor to proclaim a state of emergency pursuant to Act No. 302 of the Public Acts of 1945, being Sections 10.31 to 10.33 of the Michigan Compiled Laws, or exercise any other powers vested in him or her under the State Constitution of 1963, statutes or common law of the State of Michigan.
- e. Limit or abridge the power, duty, or responsibility of the CEO to act in the event of a disaster or emergency except as expressly set forth in this Section.

21.14 Penalty. Any Person, who shall violate or fail to comply with any provisions of this Section or who shall willfully disobey or interfere with the implementation of a rule, order or directive issued pursuant to this Ordinance, shall be guilty of a misdemeanor.

## **SECTION 22: ENFORCEMENT AND PENALTIES**

- 22.1 Enforcement Authority. Authority personnel shall be authorized, by the CEO, to enforce this Ordinance in regard to civil penalties and to issue citations for violations of this Airport Ordinance as described within.
- 22.2 Police Authority. Police Officers may be authorized, by the CEO, to enforce this Ordinance and to issue misdemeanor citations and civil infraction tickets for violations of this Ordinance as described within.
- 22.3 Misdemeanor Penalty. Unless another penalty is expressly provided for by this Ordinance, a Person who is convicted of a violation of any provision of this Ordinance which is designated as a misdemeanor shall be punished, by a fine of not more than five hundred dollars (\$500.00), plus cost of prosecution, or by imprisonment not exceeding ninety (90) days, or both.
- 22.4 Civil Infraction. A violation of a traffic regulation as set forth in Section 18 of this Ordinance that is designated as a civil infraction means an act or omission which is prohibited by law, which is not a crime as defined in Section 5 of Act No. 328 of the Public Acts of 1931, as amended, being Section 750.5 of the Michigan Compiled Laws, and for which sanctions may be ordered. A civil infraction shall not be considered a lesser included offense of any criminal offense.
- 22.5 Denial of Privileges. In addition to any other fine or penalty, any Person who knowingly and willfully violates any provision of this Ordinance may be denied the use of the Airport and its facilities by the CEO or an authorized representative. A Person refusing to leave the Airport premises upon such notice of denial shall be guilty of a misdemeanor.
- 22.6 Reasonable Means Permitted. Reasonable means shall be used in enforcing this Ordinance as to ensure the safe and efficient operation of the Airport.
- 22.7 Administrative Penalties. A Person who is in violation of a provision of this Ordinance which is designated as subject to an administrative penalty, may be assessed by the CEO with a penalty not to exceed one thousand dollars (\$1,000.00).

- 22.8 Schedule. The schedule of Airport Administrative penalties shall be as follows:
- a. 1<sup>st</sup> offense: \$100.00
  - b. 2<sup>nd</sup> offense: \$500.00
  - c. 3<sup>rd</sup> or more: \$1,000.00
- 22.9 Administrative Limits. Airport administrative penalties shall only be assessed against Persons having a contractual or business relationship with the Authority and shall not be applicable to the general public.
- 22.10 Right to Appeal. Upon being assessed an administrative penalty, the violator shall have ten (10) business days to either pay the penalty or to request an appeal. Penalties may be paid, either in person or by mail to the Authority Administrative Office. To request an appeal, a violator must submit his or her request, provided in writing, to the CEO. Failure to request an appeal within the time limits will be taken as an admission of the facts and acceptance of the penalty assessed.
- 22.11 Appeals Board. Appeals of Airport penalties shall be handled by the Airport Penalties Board, hereinafter referred to as the Appeals Board.
- 22.12 Appeals Board Composition. The Appeals Board is created and shall be appointed by the CEO in cooperation with the Detroit Airport Affairs Management Council, hereinafter referred to as DAAMC. The Appeals Board shall consist of five members, three selected by the CEO and two selected by the DAAMC, who shall each serve one-year terms and may be removed from their Appeals Board position at the will of the CEO. A chairperson shall be elected at the beginning of each year by a majority vote of the Appeals Board. The Appeals Board may make recommendations for revision of these provisions.
- 22.13 Appeals Board Meetings. The Appeals Board shall meet once per month, or more if necessity dictates. The Appeals Board shall keep minutes of its proceedings showing the vote of each member on each case. A record of Appeals Board action shall be made and maintained. Meetings shall be held at an Airport location designated by the chairperson.

- 22.14 Case Review. The Appeals Board shall function as a reviewing body. It shall review and render written decisions on contested cases. It may uphold the original penalty, adjust it, or dismiss the proceedings.
- 22.15 Appeals Board Procedures. The Appeals Board shall function primarily from written pleadings. The Appeals Board may, at its discretion, take oral testimony, but in no event shall any person have a right to orally address the Appeals Board.
- 22.16 Assessments. Each assessment issued shall be presumed to be valid and reasonable and shall be prima facie evidence of the truth of the matters and stipulations set forth in the assessment.
- 22.17 Collection. The collection of penalties from a violation of this Ordinance shall rest with the Authority. The Authority shall seek recovery under a policy of strict enforcement relating to all penalties specified in this Ordinance. Upon rendering of the Appeals Board's decision, the Authority shall allow the person an opportunity to become current in the settlement of funds, but no longer than thirty (30) days, after issuance of the Appeals Board decision.
- 22.18 Revocation of Privileges. Upon a Person's failure to pay an assessed penalty within a thirty (30) day period, the Authority may revoke the Person's Air Operations Privileges and/or Airport identification badge, terminate the Person's parking privileges or provide cause for termination of contractual agreement with the Authority.
- 22.19 Separate Offenses. Each Ordinance violation is a separate offense. Each day that a continuing violation exists is a separate offense.
- 22.20 Headings. The headings contained herein are for convenience in reference and not intended to define or limit the scope of any provision of this Ordinance.

**SECTION 23: SEVERABILITY**

23.1 If any provision of this Ordinance is held by any court of competent jurisdiction to be invalid, then the invalid provision of this Ordinance shall be considered a separate distinct and independent part of this Ordinance, and such invalidity shall not affect the validity and enforceability of this Ordinance as a whole, or any part other than the part declared to be invalid.

**SECTION 24: EFFECTIVE DATE**

This Ordinance shall be effective on December 8, 2005