

**Robert R. Wells Jr. Colorado County Airport Order  
No. \_\_\_\_\_**

**Rules and Regulations**

An order providing rules and regulations for the efficient and safe operation of the Robert R. Wells Jr. Colorado County Airport (hereinafter referred to as the "Airport"); and to provide the greatest service for the citizens of Colorado County and the aviation public, is adopted by the Commissioners Court, providing enforcement by the Commissioners Court or the Airport Manager, and providing penalties for violations; all as authorized by the Texas Transportation Code Chapter 22, "County and Municipal Airports".

The definition of "Airport", "aircraft", "airplane", and other common terms used herein is as defined in Part 1, Code of Federal Regulations, Title 14, Aeronautics and Space. "Airport" with a capital, refers to the specific airport for which these rules are adopted.

**Section 1. General Rules and Regulations**

The following rules and regulations shall be observed in the use and operation of the Airport:

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

**Rule 1-2. Safeguard of Persons and Property** -- The Airport Manager shall at all times have authority to temporarily suspend certain or all operations in response to a clear threat to public safety.

**Rule 1-3. Unauthorized Signs and Equipment** -- No signs, non-aeronautical equipment, portable buildings or trailers may be erected or installed outside hangars on Airport property, except as may be specifically authorized by the Airport Manager.

**Rule 1-4. Surreptitious Activities** -- Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport Manager, local police, officers of the Texas Department of Public Safety, and the Transportation Security Administration General Aviation Information Hotline at 1-866-GA SECUR(E) or 1-866-427-3287.

**Rule 1-5. Wrecked Aircraft** -- Every aircraft owner, his/her pilot or agents, shall be responsible for notifying FAA and promptly removing disabled or wrecked aircraft from the operational areas of the Airport.

**Rule 1-6. Repairs to Aircraft** -- No aircraft shall be repaired on any part of the landing or takeoff area.

**Rule 1-7. Damage to Airport** -- Any person, individual, or corporation or the owner

of any aircraft causing damage of any kind to the Airport, whether through violation of any of these rules, through vandalism, or any act of negligence, shall be liable therefore in and to the County.

**Rule 1-8. Injury to Person** -- Persons entering the Airport ground side property by automobile, other vehicular conveyance, or on foot (does not include persons in aircraft using approved air side facilities) do so at their own risk and with no liability incurring to the County for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all laws, resolutions, orders, rules, and regulations promulgated and enforced by the County or by any other Authority having jurisdiction over the operation of the Airport.

**Rule 1-9. Ultralight and Certain Light Sport Aircraft** – Use of the Airport by ultralight aircraft (FAR 103) and light sport aircraft in the weight shift control and powered parachute class shall be subject to approval by the Commissioners' Court and shall be in accordance with FAA Order 5190.6 (latest change) and appropriate FARs Part 61 and 103 and any other rules established by the county.

- A. Simultaneous takeoffs from the runway and the ultralight operations area shall not be made.
- B. Launch and recovery of FAR part 103 aircraft (hang gliders and powered ultralights) on the Airport will be governed by 14 CFR Federal Aviation Regulations. Any procedure in this minimum standard may not supersede the FARs.
- C. A Distant Notice To Airmen (D NOTAM) will be published for anticipated multiple ultralight takeoffs or landings. A general statement that "ultralight and hang gliding activity in the vicinity of the airport (date / time)" is recommended. The aerotug pilot will be responsible for submitting the NOTAM.
- D. Hang glider takeoff by self-launch, aero-tow or winch tow will normally be in the ultralight operating area. The Pilot-in-Command (PIC) of the aerotug may determine takeoff from the runway is necessary. Determination is not limited however the reason must be recorded in the tow log and available for inspection.
- E. Takeoff or landing by Light Sport Aircraft or powered ultralights not towing hang gliders may be made in either the ultralight operating area or the runway at the decision of the PIC.
- F. Landings by hang gliders will normally be in the ultralight operating area.
- G. Landings on the airport with hang glider in tow are prohibited.
- H. Powered ultralight traffic patterns will be the same as the GA pattern but closer in and at 500ft above ground level altitude in accordance

with the current FAA recommendation.

**Rule 1-10. Animals** -- No person shall enter the Airport with a dog, cat, or other animal unless the animal is, and remains, restrained by a leash or properly confined as determined by the Airport Manager.

**Rule 1-11. Living Quarters** -- No person may make permanent living quarters on Airport.

**Rule 1-12. Foreign Objects** -- No foreign objects, including bottles, cans, scrap nuts, bolts, nails, or any object that may cause damage to an aircraft, shall be left upon the floor of any public building or upon any part of the surface area of the Airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

## **Section 2. Ground Operations**

**Rule 2-1. Air, Ground & Vehicular Traffic** -- No person shall operate a vehicle on the Airport except in accordance with the following rules, and all federal, state, and local law:

- A. All vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- B. No vehicle except ground service and emergency vehicles shall approach so close to any aircraft with running engine(s) as to create a hazard.
- C. Any vehicle authorized to operate on the Airport runways shall display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210 (latest change)
- D. All vehicles that are authorized to operate on the runways must be equipped with a two-way aviation radio, and monitor the published Common Traffic Advisory Frequency (CTAF currently 122.9) for the Airport, and have the ability to communicate with aircraft via a two-way aviation radio.

**Rule 2-2. Speed Limits** -- All vehicles shall be operated within the posted speed limits at the Airport. The maximum speed limit for all vehicles in the air side area, with the exception of authorized municipal vehicles in the performance their official duties, is fifteen (15) miles per hour, unless posted otherwise.

## **Section 3. Airport Security**

**Rule 3-1. Security** -- The Transportation Security Administration publication 'Security Guidelines for General Aviation Airports', Information Publication A-001 dated May 2004, is available for reference at their website - [www.tsa.gov/](http://www.tsa.gov/).

This document is used by the Airport as a guideline to security on the Airport and is incorporated as a working document.

**Rule 3-2. Access Codes/Devices** – Persons who have been provided either a code or device for the purpose of obtaining access to the Airport shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager.

#### **Section 4. Aircraft Operations Rules**

##### **Rule 4-1. Aircraft Tie Downs**

- A. All aircraft not hangared shall be tied down, where available, and additionally should have the wheels chocked when remaining overnight and during inclement weather.
- B. All aircraft owners or their agents are responsible for the tie down or security of their aircraft at all times and particularly during inclement weather.
- C. Aircraft parked overnight on the transient apron shall pay a tie down fee of \$0, for each night, except that such fee may be waived upon purchase of fuel or services.

##### **Rule 4-2. Running Aircraft Engines**

- A. Aircraft not equipped with adequate brakes shall not be started until the wheels have been set with chocks attached to ropes or other suitable means of removing them.
- B. No aircraft will be left running without a qualified person at the controls.
- C. No aircraft engine shall be started or run inside any building or hangar.
- D. No engine shall be started, run up, or warmed up unless the aircraft is in such position that the propeller stream or jet blast will not damage buildings, personnel or other aircraft.

##### **Rule 4-3. Taxiing Aircraft**

- A. No person shall taxi an aircraft until it is reasonably ascertained there will be no danger of collision with any person or object in the immediate area.
- B. Aircraft will be taxied at a safe and prudent speed and in such manner as to be under the control of the pilot in command at all times.

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

**Rule 4-4. Parking Aircraft** -- Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.

**Rule 4-5. Loading and Unloading Aircraft** -- Loading or unloading single-engine aircraft with the engine running is prohibited. Exceptions will be approved by the Airport Manager.

**Rule 4-6. Takeoffs on Other Than Runways** -- Takeoffs or landings shall not be made on the apron, parking ramp, taxiway, or any area other than designated runways by airplanes, gyroplanes, powered lift, balloons, airships, ultralight, or light sport aircraft except by prearranged permission from the Airport Manager. Helicopters may operate to and from designated helicopter landing areas.

**Rule 4-7. Student Training, Local Operations** -- The Airport Manager may designate and advise airport users via public posting and electronic transmission of limited areas of the Airport and local areas sanctioned by the FAA for practice flying and student training.

**Rule 4-8. Agricultural Spraying Operations** -- Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the Airport Manager and made known to all persons conducting agricultural spraying operations. Ag operations shall be accomplished in accordance with the standards of the Environmental Protection Agency and the Texas Commission on Environmental Quality in an area so designated by the Airport Manager. Each Ag operator shall carry liability insurance in the amount of \$2,000,000.00, payable to the County for the cleanup of any hazardous chemical spills on Airport property caused by the Ag operator.

**Rule 4-9. Special Procedures, Parachuting**

- A.** The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows or aviation fly-ins, agricultural operations. Gyroplanes, powered lift, gliders, balloons, airships, ultralights, and light sport aircraft in the weight shift control or powered parachute class. Any such change from standard procedures shall be published in the FAA's Airport I Facility Directory if of a permanent nature or the Airport Manager shall issue a NOTAM if such change is of a temporary nature. Permanent changes require filing through TxDOT Aviation Division to the FAA. Temporary closing of a portion of the airport for special events will be approved by the FAA, through TxDOT Aviation Division. See FAA Order 5190,6 (latest change).

- B.** Parachute descent onto the Airport property shall not be permitted without the recommendations of the County Airport Advisory Board and the written approval of the Commissioners' Court. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

**Rule 4-10. Model Aircraft** -- Model aircraft not capable of carrying a person shall not be permitted to operate, take off or be launched from, flown over or land at the Airport. Model aircraft operations for specific aeronautical events such as fly-ins or air shows may be approved for specific times by the Commissioners' Court

**Rule 4-11. Radio Communications** -- All aircraft taking off or landing at the Airport are encouraged to carry a VHF transceiver tuned to the CTAF.

## **Section 5. Fueling, Flammable Fluids, and Fire Safety**

### **Rule 5-1. Fueling Aircraft**

- A.** Aircraft fuel storage tanks for below-ground or above-ground use will be constructed and installed, registered as required, monitored for leakage, operated, and maintained in accordance with Federal and State statutes, rules, and regulations promulgated by the Environmental Protection Agency and the Texas Commission on Environmental Quality.
- B.** Aviation or auto fuels shall not be stored within a hangar or building except in approved five (10) gallon or smaller containers manufactured and marked for such purpose and only with the approval of the local Fire Marshal.
- C.** Persons or businesses wishing to dispense fuel into their privately owned aircraft shall not be denied; however, they must meet all reasonable requirements the County places on other fuel suppliers, public or private. Private fueling facilities located on leased or private property must be installed and the fuel dispensed in accordance with all rules applicable to aircraft fueling and fire safety contained herein.
- D.** All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services and aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane if aviation gasoline, plus the fuel RON number, and "NO SMOKING" signs. This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction on the ground.
- E.** Fuel spills in excess of one gallon must be reported to the Airport Manager and immediate action taken by the spilling entity to clean up the spill in accordance with all local, state, and federal

## regulations

**Rule 5-2. Fuel Flowage Fee** -- Any person, corporation, partnership, association, or business entity of any kind, or any person acting for or through them, including, but not limited to any wholesale fuel distribution company, who delivers aviation-grade fuel or jet fuel to an fuel storage tank or who delivers aviation-grade fuel or jet fuel obtained from a source not on the Airport directly into any aircraft on the Airport must pay the amount of \$0.25 per gallon of fuel delivered.

Payment to the County of all fuel flowage fees due must be made not later than the fifteenth (15th) day of the month following the date of the fuel delivery

Payment of fuel flowage fees shall be accompanied by a report in a form approved by the Airport Manager that indicates the amount of fuel delivered to the airport during the preceding month.

Military aircraft conducting operations which require fueling from U.S. Government facilities are exempt from fuel flowage fees.

### **Rule 5-3. Fire Safety**

- A. Every person using the Airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.
- B. Smoking or open flame within fifty (50) feet of any fuel tank, fuel pump or fuel truck is prohibited.
- C. Compressed flammable gas shall not be kept or stored upon the Airport, except reasonable quantities in approved containers designed for such purposes. The airport manager shall be notified of the presence of any stored flammable gasses.
- D. No flammable substance shall be used for the cleaning of any aircraft part or anything inside a public hangar, or other public building upon the Airport.
- E. No one shall smoke or ignite a match or lighter in any building, hangar, or public ramp area except in posted "Designated Smoking Areas" identified by the Airport Manager.
- F. The floors in all public buildings shall be kept clean and free of oil. Volatile or flammable substances shall not be used to clean floors, walls or any portion of a public structure.
- G. All Airport tenants and lessees shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by applicable fire codes and regulations. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.

## **Section 6. Lease of Airport Property and Construction on Airport**

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

The County may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with an approved Airport Master Plan/Airport Layout Plan and design guidelines. Aviation related use must be given priority in the use of all leased or privately owned property, buildings or structures. If the aviation needs of the Airport are sufficiently met, the County Commissioners' Court may authorize non-aviation use of any portion of the Airport or any building on the Airport on a case-by case basis. Application of such non-aviation use shall be made to the County Commissioners' Court; and approval from TxDOT Aviation Division must be received prior to granting authorization for non-aviation use.

**Rule 6-1. Lease Term** -- No lease of airport property or facilities shall be granted for a term exceeding (20) years, however the initial term of a lease of airport property or facility may exceed twenty (20) years but in no case more than forty (40) years if a loan or deed of trust lien is obtained expressly for construction of the facility which will become property of the County at the end of the lease term, free and clear of all liens and encumbrances. Non-aviation leases shall not exceed eighteen (18) months.

### **Rule 6-2. Construction on Leased Property**

- A. Except for structures exempted under 14 CFR Part 77.9(e), an FAA Form 7460-1, "Notice of Proposed Construction or Alteration" (or most current FAA approved form) will be completed for all construction and submitted to the airport manager to forward to TxDOT Aviation Division. TxDOT Aviation Division will review the form for completeness and accuracy, then forward to the FAA for the air space study. A favorable determination must be received from the FAA prior to any construction on the Airport. No hangar or structure may be erected beyond the building restriction line or in conflict with the approved Airport layout or Development Plan
- B. All plans and specifications for construction, renovation, remodeling, or refurbishing of the leased premises shall meet all current Standard Fire and Building Codes published by the Southern Building Code Congress and the National Electrical Code, and shall provide for the construction to be from material satisfactory and acceptable to the Commissioners Court. All construction must be of a compatible standard capable of withstanding winds of 80 mph, with doors closed.
- C. The Commissioners' Court's written approval of the plans and specifications must be obtained prior to construction of the improvements.

- D. Construction must begin within one hundred twenty (120) days after the effective date of the lease or final comment from TxDOT and the FAA for the filed air space study as required by FAR Part 77, whichever date is later. Construction must be substantially completed within one hundred eighty (180) days of start of construction. Projects anticipated to exceed 180 construction days require approval of the Airport Manager.
- E. When a waiting list for lot space exists; any privately owned structure or hangar not in use for aviation purposes for a period in excess of ninety (90) days or not available for lease or sublease for aviation purposes, unless so authorized for non-aviation use by the Commissioners Court, must be removed after due notice to the owner in writing or the Commissioners Court will consider such structures or hangars abandoned and will seek title to such structure or hangar.
- F. Leased land from which any building, hangar, or structure is removed, after due notice will be cleared, cleaned, and put back in its original or acceptable condition.

**Rule 6-3. Assignment and Sub-letting** -- Without the prior written consent of Commissioners' Court, the leased premises or any rights there under (except to a leasehold mortgagee as herein provided) may not be assigned. Any assignment or subletting shall be expressly subject to all the terms and provisions of the original lease.

**Rule 6-4. Non-Discrimination Covenants**

- A. Each lease will include as a covenant running with the land to insure that:
  - 1. No person on the grounds of race, color, sex, or national origin or nature of aeronautical activity shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of the leased property;
  - 2. That in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person, on the grounds of race, color, sex, national origin, or nature of aeronautical activity shall be excluded from participation in, denied benefits of, or otherwise be subjected to discrimination.
- B. The right to conduct aeronautical activities for furnishing services to the public is granted to an Airport tenant subject to the agreement to charge fair, reasonable, and not unjustly discriminatory prices for each unit or service provided an allowance may be made to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.

**Rule 6-5. Hold Harmless** – The County shall not be liable to an Airport tenant's employees, agents, servants, customers, invitees, or to any other person whomsoever, for any injury to persons or damages to property on or about the leased premises or any adjacent area owned by the County.

**Section 7. Knowledge of Rules Implied**

By publication and adoption of this order, all persons shall be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the order posted in paper or electronically, where appropriate. Copies shall be available at all times in the Airport Manager's office, and copies shall be furnished to all owners and operators of aircraft based at the airport.

**Section 8. Conflict of Rules and Regulations**

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

**Section 9. Penalty for Violation**

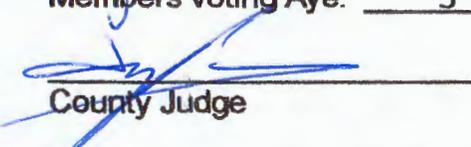
The Airport Manager may deny a visitor use of the Airport for a period not exceeding fifteen (15) days for any person violating or refusing to comply with any of the rules or regulations prescribed herein pending a hearing by the Commissioners Court. Upon such hearing, such person may be deprived of the further use of the Airport and its facilities for a period of time as may appear necessary for the protection of life and property.

**Section 10. Severability**

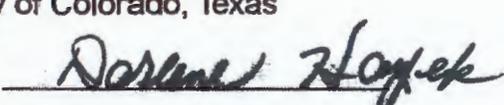
If any of the provisions of this order or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the order which can be given effect without the invalid provision or application, and to this end the provisions of this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

Read, passed, and adopted by a vote of the Commissioners Court of the County of Colorado, Texas on the 12<sup>th</sup> day of March, 2012.

Members voting Aye: 3 Members voting Nay: 1

  
\_\_\_\_\_  
County Judge

County of Colorado, Texas

Attest: 

County Clerk of Colorado County Texas