

RESOLUTION R01-08

A RESOLUTION ADOPTING THE MANUAL OF AIRPORT RULES AND REGULATIONS AND MINIMUM COMMERCIAL OPERATOR STANDARDS FOR THE BERKELEY COUNTY AIRPORT

WHEREAS, the Manager of the Berkeley County Airport has proposed the adoption of a new Manual of Airport Rules and Regulations and Minimum Commercial Operator Standards; and

WHEREAS, the new Manual of Airport Rules and Regulations and Minimum Commercial Operator Standards is attached hereto and incorporated into this resolution; and

WHEREAS, adoption of a new Manual of Airport Rules and Regulations and Minimum Commercial Operator Standards would benefit the Citizens of Berkeley County and all others who use the Berkeley County Airport; and

NOW, THEREFORE, BE IT RESOLVED by the Berkeley County Council in a meeting duly assembled:

County Council hereby adopts the Manual of Airport Rules and Regulations and Minimum Commercial Operator Standards as attached hereto and incorporated into this resolution.

ADOPTED this 26th day of February, 2001.

S/James H. Rozier, Jr., Chairman
Berkeley County Council

ATTEST:

S/Barbara B. Austin
Clerk of County Council

COUNTY OF BERKELEY

Manual of Airport Rules and Regulations

And

Minimum Commercial Operator Standards

For the

BERKELEY COUNTY AIRPORT

Moncks Corner, South Carolina

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1 - GENERAL

1.1 DEFINITIONS:

- A. Aircraft - "Aircraft" shall mean any contrivance known or hereafter invented, used or designed for navigation of or flight in air.
- B. Air Operations Area - (AOA) is defined as an area used or intended to be used for landing, takeoff, or surface maneuvering of aircraft.
- C. Air Taxi (Commuter) - Aircraft operated by the holder of an Air Taxi (or Commuter) Operating Certificate which authorizes the carriage of passengers, mail or cargo for revenue in accordance with FAR Parts 135 and/or 121, on either a scheduled or unscheduled basis.
- D. Airport - shall mean the Berkeley County Airport and includes all property and improvements within the boundary lines of any airport operated or controlled by the County of Berkeley, except when otherwise noted.
- E. Airport Employees - shall mean the bona fide employees of Berkeley County Government and their officers, members, and employees.
- F. Airport Manager - the officer or representative of the County of Berkeley having immediate charge of the airport, and if not designated, will be the County Supervisor.
- G. Apron - a defined area, on a land airport, intended to accommodate aircraft for purposes of loading or unloading passengers or cargo, refueling, parking or maintenance.
- H. Cargo (Air) - any property carried on an aircraft other than mail, stores, and baggage.
- I. Commercial Operator - an individual or firm operating at the airport and providing aviation services such as maintenance, storage, ground and flight instructions, rentals, or sales, or a person who, for compensation or hire, engages in the carriage by aircraft in air commerce of persons or property. Where it is doubtful that an

operation is for "compensation or hire," the test applied is whether the carriage by air is merely incidental to the person's other business or is, in itself, an enterprise for profit.

- J. FAA - Federal Aviation Administration
- K. Fixed Based Operator - shall be any person who shall have entered into a written lease or agreement with Berkeley County Government for the use of any building, shop or hangar, or for the site upon which such a building might be erected, and who, by further agreement, guarantees to provide on the airport and serve the public.
- L. Instructor - means any individual giving for compensation, or offering to give for compensation, instruction in the operation, construction, repair or maintenance of aircraft, aircraft power plants and accessories, including repair, packaging and maintenance of parachutes.
- M. Pattern - the configuration or form of a flight path flown by an aircraft, or prescribed to be flown, as in making an approach to a landing. At the Berkeley County Airport, the patterns are standard Left Hand.
- N. Person - any individual, partnership, group, corporation or duly authorized representative thereof.
- O. Ramp - a defined area, on a land airport, intended to accommodate aircraft for purposes of loading or unloading passengers or cargo, refueling, parking, or maintenance.
- P. Refueling Trucks - shall mean any motor vehicle used for the transporting, handling or dispensing of aviation fuel, oils, and lubricants.
- Q. Terminal Area - the area used or intended to be used for such facilities as terminal and cargo buildings, gates, hangars, shops, other service buildings, automobile parking, airport motels, restaurants, garages, and automobile service; and an area provided for parking and positioning of aircraft in the vicinity of the terminal building for loading and unloading.
- R. Vehicle - every device in repose, or by which any person or property is or may be transported or drawn upon a roadway, including bicycles.

2 - VEHICLES

2.1 LICENSING AND REGULATION:

- A. No person shall operate motorized vehicles of any kind on the Airport without a valid Operator's License.
- B. No person shall operate any motor vehicle in the public Aircraft Facilities Area without having first registered same with, and having received permission from the Berkeley County Government or Airport Manager, other than those authorized.

2.2 RULES OF OPERATION:

- A. No person shall operate a motor vehicle of any kind on the Airport in a reckless or negligent manner or in excess of the speed limits prescribed by the Berkeley County Government or Airport Manager, and in no event in excess of 10 miles per hour in ramp, apron, aircraft parking, and hangar areas.
- B. Pedestrians and aircraft shall, at all times, have right - of - way over vehicular traffic. All vehicles shall pass to the rear of taxiing aircraft.
- C. No person operating a motor vehicle on the Airport shall fail to give proper signals, or fail to observe the directions of posted traffic signs, if such signs are present.
- D. No person under the influence of alcohol or narcotic drugs shall operate a motor vehicle or aircraft on the airport.
- E. No person shall operate any motor vehicle on the Airport overloaded or carrying more passengers than that for which the vehicles were designed. No person shall ride on the running board, stand up in the body of moving vehicles or ride on the outside of the body of a vehicle, or with arms or legs protruding from the body of motor vehicles.
- F. No vehicle shall be operated on the Airport if it is so constructed, equipped or loaded as to endanger persons or property.
- G. No person shall operate any type of motor vehicle without exhausts protected by screens or baffles to prevent the escape of sparks or the propagation of flame.
- H. When parking adjacent to a runway, all vehicles must park parallel to the runway and at a distance equal to the hold lines outside of the runway lights, unless such runway is officially closed by the Berkeley County Government or Airport Manager, or Airport Maintenance requirements dictate otherwise.
- I. Gasoline tenders (refueling trucks), if used, will at no time be blocked or so positioned as to prevent rapid removal-of such tender.

2.3 RADIO EQUIPMENT:

- A. The installation of two-way radios does not permit the operation of vehicles on the Airport without prior permission from the Berkeley County Government or Airport Manager.
- B. No person shall operate any radio equipment in any aircraft when such aircraft is being refueled, or when such aircraft is in a hangar except when radio maintenance is being performed on the aircraft.

2.4 EMERGENCY:

In the event of emergencies on the Airport, 911 should be called and notification should be given to the Airport Manager at 843-899-7711 (main line), 843-719-4750 or 843-906-8622.

2.5 REPAIR OF MOTOR VEHICLES:

No person shall clean or make any repairs to motor vehicles anywhere on the Airport other than in designated shop areas, or as approved by the Berkeley County Government, except those minor repairs necessary to remove such motor vehicles from the Airport; nor shall any person move, interfere, or tamper with any motor vehicle, or put in motion the engine, or take, or use any motor vehicle part, instrument, or tool thereof, without the permission of the Berkeley County Government or satisfactory evidence of the right to do so duly presented to the Berkeley County Government or Airport Manager.

2.6 PARKING:

- A. No person shall park a motor vehicle, for loading, unloading or any other purpose, on the Airport other than in the areas specifically established for parking and in the manner prescribed by signs, lines or other means. No person shall abandon any motor vehicle on the Airport. No person shall park a motor vehicle in an area requiring payment for parking thereon without paying the required parking fee; nor in a manner so as to obstruct roadways; nor in aircraft parking areas; nor on grass areas.
- B. The Berkeley County Government or Airport Manager shall have the authority to tow or otherwise move motor vehicles that are parked by their owners or operators on the Airport in violation of these regulations, at the operator's expense and without liability for damage, which may result in the course of such moving.

- C. Lessees and passengers may park their vehicles in their respective hangars while the aircraft is in use. No vehicle may be left in hangars for a period in excess of 24 hours unless aircraft is in use.

3 - AIRCRAFT OPERATION

3.1 AERONAUTICAL ACTIVITIES:

- A. All aeronautical activities at this Airport and aircraft departing from or arriving in the airspace above this airport shall be conducted in conformity with the current pertinent regulations and directives, and/or advisories or the FAA to the extent applicable.
- B. No fixed wing or rotary wing aircraft shall be allowed to operate at the Berkeley County Airport unless said aircraft has a current FAA Airworthiness Certificate (unless operated as a public or governmental aircraft) and is operated by a licensed pilot or student pilot holding a valid medical certificate, except aircraft being taxied or ferried by a licensed A&P Mechanic.
- C. All aircraft and operators shall comply with all applicable Federal Regulations, as may be amended.

3.2 FIXED BASE REGISTRATION:

The owners of all aircraft based on the Airport will register their aircraft with the Berkeley County Government or Airport Manager prior to beginning operation. Any change in the ownership will require a change in registration.

3.3 PROHIBITING LANDINGS & TAKE-OFFS:

The Airport Manager may prohibit aircraft landing and taking off at any time and under any circumstances when the Airport Manager deems such landings/take-offs are likely to endanger persons or property, except for emergency landings. Further, the Airport Manager may delay or restrict any flight or other operation at the Airport to any aircraft when any of these rules and regulations are violated in any manner.

3.4 PAYMENT:

Payment for use of Airport facilities, storage, repairs, supplies, or other services rendered at the Airport shall be made before flight unless satisfactory credit arrangements have been made with the Berkeley County Government or Airport Manager or the tenant directly responsible for furnishing the commodity or service rendered.

3.5 ACCIDENTS:

- A. Persons involved in aircraft accidents occurring on the Airport causing personal injury or property damage shall make a full report thereof to the Berkeley County Government or Airport Manager as soon after the accident as possible, which report shall include their name and address. In the event that he/she is unable to do so, the owner of the aircraft or his/her agent shall make such report. When FAA, and/or National Transportation Safety Board Regulations require a written report of an accident, a copy of such report shall be submitted to the Berkeley County Government or Airport Manager.
- B. In the event of an accident, the aircraft owner, through the Airport Manager, may, in compliance with FAR's and other governmental regulations, move damaged aircraft from the landing areas, ramps, aprons, or other areas at the expense of the aircraft owner and without liability to the Berkeley County Government, Airport Manager or authorized employees or agents, for damage resulting from such moving.
- C. Airport property damaged or destroyed by an accident or otherwise shall be paid for by parties responsible.
- D. All aircraft accidents shall be reported to the FAA in accordance with all FAA and NTSB regulations.

3.6 NON-AIRWORTHY AIRCRAFT:

- A. All non-airworthy, and/or otherwise disabled, aircraft and parts thereof on the Airport shall be promptly removed from Airport Operations Areas by the aircraft owner.
- B. If any person refuses to move said aircraft or part thereof as directed by the Berkeley County Government or Airport Manager said aircraft or party may be removed by the Berkeley County Government at the owner's or operator's expense, and without liability to the Berkeley County Government, Airport Manager or authorized employees, agents, or contractors for damage which may result in the course of, or after such moving.

3.7 REFUSAL OF AIRPORT USE:

The Berkeley County Government or Airport Manager may delay any flight or other operations at the Airport for any reason it believes justifiable. The Berkeley County Government or Airport Manager may also prohibit in all or in any part, the use of the Airport for any purpose by an individual or group.

3.8 CLOSING OF FIELD:

In the event the Berkeley County Government or Airport Manager believes the Airport conditions to be unsafe for landings or take-offs, it shall be within the Berkeley County Government's authority to have issued a NOTAM closing the Airport or any part thereof.

3.9 REPAIRING OF AIRCRAFT:

The performance of aircraft and engine repair and maintenance is considered to be a commercial operation regulated by the Berkeley County Government except where such services or repairs are performed by the aircraft owner or his/her employees. The Berkeley County Government reserves the right to designate reasonable areas where such aircraft owners may perform services on their own aircraft. If such areas are designated, the Berkeley County Government may prohibit the performance of such services in tie-down and/or hangar areas and prescribe rules for the use of such owner type maintenance areas.

3.10 ENGINE RUN-UP:

- A. Aircraft shall not perform run-up or prolonged engine test operations in any area that would result in a hazard or nuisance to other aircraft, persons, or property.
- B. Such run-ups will be performed only in areas designated by the Berkeley County Government or Airport Manager.

3.11 LIGHTING FACILITY DAMAGE:

Any person damaging any light or fixture by operation of an aircraft, or otherwise, shall report such damage to the Berkeley County Government or Airport Manager immediately and shall be fully responsible for any costs required to repair or replace the damaged facility.

3.15 OTHER:

- A. No person shall start or run any engine in an aircraft unless a licensed person is in the aircraft attending the engine controls. Blocks shall always be placed in front of the wheels before starting the engine or engines unless the aircraft is provided with adequate parking brakes.
- B. No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, or persons being personally conducted by airport attendants shall be permitted to enter the landing area proper, taxi space, or aprons. However, this does not give any person or persons so accepted the privilege of unrestricted use of the airport. These privileges are confined to the necessary use of these spaces in connection with flights, inspections, and routine duties.

3.16 LANDING AND TAKE-OFF:

- A. All take-offs and landings shall be confined to the runways and all movement of aircraft shall be confined to the hard surface areas, except as specifically authorized by the Berkeley County Government.
- B. Additional traffic rules are as follows:
1. Landings and take-offs shall be made on the runway subject to the wind direction.
 2. Unless otherwise authorized by the Airport Manager, aircraft will start their initial take-off from the runway end.
 3. No landing or take-off shall be made except at a safe distance from buildings and other aircraft.
 4. Aircraft entering the traffic pattern shall exercise caution and courtesy so as not to cause aircraft already in the pattern to deviate from their course.
 5. Rotary aircraft shall conform to the pattern described herein for light aircraft, and shall not be operated within 200 feet of any area where unsecured light aircraft are parked or operating.
 6. Unless an emergency situation exists, aircraft are expected to utilize prescribed traffic patterns.
 7. Simulated engine-out procedures and practice (single and multi-engine aircraft) are forbidden within the traffic pattern and approach area, unless notice is given immediately prior to execution of such maneuver and continually during the maneuver by Radio.
 8. No turn shall be made after take-off until the departure runway end has been reached and the aircraft altitude is within 500 feet of pattern altitude. Aircraft shall climb to the appropriate traffic pattern altitude as soon as possible.
- C. Taxi rules are as follows:

1. No person shall taxi an aircraft until he has ascertained by visual inspection of the area that there will be no danger of collision with any person or object in the immediate area.
2. Aircraft shall be taxied at a safe and reasonable speed with due respect for other aircraft, persons, or property.
3. Aircraft not equipped with brakes shall have an attendant at a wing when the aircraft is taxied near buildings or other aircraft.
4. Aircraft awaiting take-off shall stop at the taxiway or stub taxiway hold lines for the runway in use and in a position so as to have a direct view of aircraft approaching for landing, and shall ascertain that the way is clear prior to entering the active runway.
5. Aircraft taxiing shall conform to the designated taxi patterns.
6. Landings and take-offs will not be permitted on the taxiways.
7. Engine checks and run-ups prior to take-off will be performed behind the taxiway hold lines.

Except for public displays of aviation flight specifically authorized by the Berkeley County Government to be conducted under responsible auspices and control, no person shall operate an aircraft in a careless or reckless manner so as to endanger the life or property of others by buzzing, diving or low altitude flying, or aerobatic maneuvers in the vicinity of the Airport.

4 - FIRE REGULATIONS

- 4.1 Smoking or lighting of an open flame is prohibited at places with posted signs, within 100 feet of any aircraft and within 100 feet of hangars, fuel trucks, or fuel loading stations, and tank farms.
- 4.2 No person shall start an open fire any place on the Airport without permission of the Airport Manager.
- 4.3 No person shall use flammable volatile liquids having a flash point of less than 1100 degrees Fahrenheit in the cleaning of aircraft, aircraft engines, propellers, appliances, or for any other purpose, unless such operations are conducted in open air, or in a room specifically set aside for that purpose, which room must be properly fire-proofed and equipped with adequate and readily accessible fire extinguishing apparatus.

- 4.4 No person shall store material or equipment, use flammable liquids or gases, or allow their premises to become in such condition so as to violate, in any manner, the fire code in force in the area of the Airport; provided, that such materials may be kept in an aircraft in the proper receptacles installed in the aircraft for such purpose, or in rooms or areas specifically approved for such storage by the Berkeley County Government or Airport Manager, or in Underwriter's approved safety cans.
- 4.5 The storage of paint thinners, fuels or other such volatile materials in hangars is prohibited.
- 4.6 Tenants of all hangars and buildings shall provide approved fire extinguishers and equipment, and they shall be kept in operating condition and inspected at least every twelve months by trained personnel.
- 4.7 All used waste and rags or other rubbish shall be removed by the tenants at least once a week. If, after warning by the County, the area is not cleaned, cleaning will be arranged by the Airport and billed to the tenant or person.

5 - FUELING OPERATIONS

5.1 FUELING AND DEFUELING OF AIRCRAFT:

- A. All aviation fuels and oils for sale on airport property will be dispensed only as authorized by the Berkeley County Government. No other company group or individual will be allowed to transport, store, fuel or otherwise introduce petroleum products to the airport property without the express permission of the Berkeley County Government, and then only in the areas designated by the Berkeley County Government and which meet all operational and safety procedures and requirements.
- B. No MOGAS (automotive fuel) will be brought onto the airport property for the purpose of transferring such fuels to any aircraft, which is on airport property and not OWNED by the person dispensing of such fuel. All use of MOGAS will be in accordance with all applicable FAA and industry guidelines and regulations.
- C. No fuel storage and/or dispensing equipment shall be installed or used at the airport without the prior written approval of the Berkeley County Government. All such equipment shall be kept in a safe and non-leaking condition. The use of any surface equipment such as skid tanks, or other such devices is expressly prohibited.

- D. No aircraft shall be fueled or defueled while the engine is running, or being warmed by applications of exterior heat, or while such aircraft is in a hangar or enclosed space.
- E. No aircraft shall be fueled or defueled within 50 feet of a hangar, or building.
- F. Smoking or lighting of an open flame shall be prohibited within 100 feet of any fueling operation.
- G. No person shall operate any radio transmitter or receiver, or switch electrical appliances off or on in an aircraft during its refueling or defueling.
- H. During refueling the aircraft and fueling dispensing apparatus shall both be grounded to a point or points of zero electrical potential.
- I. No person shall use any material during fueling or defueling of aircraft, which is likely to cause a spark or be a source of ignition.
- J. Adequate fire extinguishers shall be within ready reach of all persons engaged in fueling or defueling aircraft.
- K. Fueling hoses and equipment shall be maintained in a safe, sound and non-leaking condition and shall be approved by National Board of Fire Underwriters in all respects and parts.
- L. All hoses, funnels, and appurtenances used in fueling and defueling operations shall be equipped with a grounding device to prevent ignition of volatile liquids.
- M. No aircraft shall be fueled or defueled while passengers are on board the aircraft.
- N. Persons engaged in the fueling and draining of aircraft fuel shall exercise care to prevent overflow of fuel. Persons responsible will take proper measures to remove any volatile liquid when it is spilled.

5.2 SELF FUEL:

- A. The Berkeley County Government may either enter into an agreement with any private or Commercial Operator providing a service to the public for the purpose of that operator fueling his own aircraft. The following applies to any activity where this privilege is extended:
 - 1. The Berkeley County Government will negotiate a lease with the owners of the Operation, which will provide space for the self-fueling operations.

2. All self-fueling operations will be from facilities on airport property, which meet all installation and safety criteria of the Federal Aviation Administration, South Carolina Division of Aeronautics, Local Fire Marshall, National Fire Protection Association, and the American Petroleum Institute.
- B. All installations approved by the Berkeley County Government will be serviced, operated and tended ONLY by the owner of the operation or their direct employees and will be for the purpose of servicing only aircraft owned by that operation. No third parties will be allowed on the airfield for the purpose of dispensing fuel in any manner what-so-ever without express written permission of the Berkeley County Government.
 - C. All fuel brought on to the airport will be subject to fuel flowage or permit fee to be negotiated with the Berkeley County Government, and paid at the time the fuel is brought onto the Airport.
 - D. Any operator electing to self-fuel their aircraft will carry appropriate liability and product insurance in amounts agreeable to the Berkeley County Government and further will have the Berkeley County' Government, its members, officers and employees as named insured on any policies required by virtue of any agreements entered into by those provisions.

5.3 STORAGE IN APRON AREA:

Gasoline, oil, and solvent drums or receptacles shall not be stored on apron and ramp areas, unless otherwise approved by the Berkeley County Government. Any material of this type that is kept in subject areas will be kept enclosed and covered in a housing of a design and type that meets the approval of the Berkeley County Government or Airport Manager.

5.4 LIQUID DISPOSAL:

No fuels, oil, dopes, paints, solvents or acids shall be disposed of or dumped in drains, basins or ditches or elsewhere on the Airport.

5.5 COMPRESSED GASES:

No cylinder or flask of compressed flammable, corrosive or noxious gases shall be stored in hangars.

5.6 EXPLOSIVES AND OTHER DANGEROUS ARTICLES:

No person shall store, keep, handle, use, dispense, or transport at, in or upon the airport any Class A or Class B explosives (as defined in the Interstate Commerce Regulations for transportation of explosives and other dangerous articles), dynamite, nitroglycerine, black powder, fireworks, firearms and ammunition, blasting caps or other explosives, gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde, or other flammable or combustible liquids, ammonium nitrate, sodium chlorate, wet hemp, powdered metallic magnesium, nitrocellulose film, peroxides, or other easily inflammable solids or other corrosive liquids, prussic acid, phosgene, arsenic, carbonic acid, potassium cyanide, tear gas, lewisite or any Class A poison (as defined in the Interstate Commerce Regulations for transportation of explosives and other dangerous articles), or any other poisonous substances, liquids or gases, any compressed gas, or any radioactive article, substance or material, at such time or place or in such manner or condition as to endanger unreasonably or as to be likely to endanger unreasonably persons or property, and which has not been approved by the Berkeley County Government or Airport Manager.

6 - GENERAL REQUIREMENTS

6.1 PRESERVATION OF PROPERTY:

No person shall destroy, injure, deface or disturb in any way any building, sign, equipment, marker, or other structure, tree, flower, lawn or other property on the Airport; nor alter, make additions to, or erect, any building or sign or make any excavations on the Airport without prior approval of the Berkeley County Government; nor willfully abandon any personal property on the Airport.

6.2 INTERFERING OR TAMPERING WITH AIRCRAFT:

No person shall interfere or tamper with any aircraft or put in motion the engine of such aircraft, aircraft parts, instruments or tools, without permission of the owner.

6.3 RESTRICTED AREAS:

No person shall enter upon the field area, utilities and service rooms or areas, or other areas as may be designated restricted, except:

- A. Persons assigned to duty therein.
- B. Authorized members or employees of the Berkeley County Government, or persons authorized by them.
- C. Passengers, under appropriate supervision, entering the apron for the purpose of embarkation and debarkation.

6.4 PASSENGER ACCESS AND AREAS:

It shall be the sole responsibility of the Fixed Based Operators or others as may be designated by the Berkeley County Government, as appropriate, to see that all gate chains, doors, and other public safeguards are continually and conscientiously used in a manner so to protect all persons.

6.5 USE OF ROADS AND WALKS:

- A. No person shall travel on the Airport other than the roads, walks or places provided for the particular class of traffic.
- B. No person shall occupy the roads or walks in such a manner to hinder or obstruct their proper use.

6.6 ANIMALS:

No person shall enter the Terminal Building of the Airport with a dog or other animal (without the express permission of the Management) except; (1) seeing-eye dogs, or (2) dogs or other animals which are to be transported by air and are restrained by leash or properly confined.

6.7 SOLICITATION:

No person shall solicit funds for any purpose, and no signs or advertisements may be posted without permission of the Airport Manager. Any signs or advertisements must be of an aviation nature.

6.8 SMOKING:

No person shall smoke on the Airport apron, in any hangar, service station area, gasoline storage area, or in any building, room, covered porch or place on the Airport except where specifically designated areas.

6.9 FLOOR CARE:

All lessees on the Airport shall keep the floors of the hangars, hangar area and Terminal apron and ramp areas, leased by them respectively, or used in their operations, clean and clear of oil, grease and other materials or stains except as may be provided to the contrary in any specific leases or contracts.

6.10 STORAGE OF EQUIPMENT:

No tenant or lessee on the Airport shall store or stack material or equipment in such a manner as to constitute a hazard to personnel or property.

6.11 EQUIPMENT AND MISCELLANEOUS IN APRON AREA:

All ramp equipment shall be parked and kept in a neat and orderly manner. No receptacles, chests, cases or housings shall remain on the apron or ramp except as specifically approved by the Berkeley County Government.

6.12 MAINTENANCE:

All tenants shall maintain their leased property in such condition of repair, cleanliness, and general maintenance as shall be acceptable to the Berkeley County Government and in accordance with their individual lease agreements.

6.13 DAMAGES:

Tenants, lessees, or other persons granted access to the airport shall be fully responsible for all damages to buildings, equipment, real property and appurtenances in the ownership or custody of the Berkeley County Government, its tenants, or others caused by negligence, abuse, or carelessness on the part of their employees, agents, customers, visitors, suppliers, or persons with whom they may do business.

6.14 USE OF LAW ENFORCEMENT AGENCIES:

In the event that occasions arise that are beyond the capability of the Berkeley County Government or its designated representative to deal with in any, manner, the Berkeley County Sheriff shall be called upon for assistance and action as may be necessary. The Berkeley County Government expressly grants permission to the Berkeley County Sheriff's Department to enter the premises and to enforce the Rules and Regulations contained herein and as may be adopted by the Berkeley County Government.

6.15 REFUSAL TO COMPLY:

Any person or persons who shall refuse to comply with these applicable Rules and Regulations, after proper request to do so by, the Berkeley County Government or Airport Manager, shall be requested to leave the Airport, and in the event of his or their failure to comply with a proper request to abide by the regulations of the Berkeley County Government he or they shall be regarded as a trespasser(s).

7 - SCHEDULE OF CHARGES - AIRCRAFT

7.1 COMMERCIAL OPERATIONS:

- A. No aircraft, aviation organization or person (including "through the fence" operations), shall engage in any commercial operation of any type at the Airport unless prior permission is obtained from, and assessed fees paid to the Berkeley

County Government. Such permission and fees, in lieu of a contract as provided for in 8.1 (B), shall be on an each and every time basis with the fee being as determined by the Berkeley County Government or Airport Manager and in addition to the land fees then in effect under 8.1 (C).

- B. The Berkeley County Government, at its discretion, may enter into separate contracts with any commercial operation.
- C. By resolution, the Berkeley County Government may adopt a fee schedule to be applied for landings by any commercial operation not having a contract with the Berkeley County Government as provided above, which fee schedule shall be posted in a conspicuous place at the Airport Terminal Building, or at the office of the Airport Manager. Commercial operators shall pay a fee for each landing at the Airport in accordance with any such fee schedule in effect.
- D. Landing fees for private or business (non-commercial) users may be established by the County from time to time.
- E. The Berkeley County Government or Airport Manager may detain any aircraft for nonpayment of any charges due.

7.2 GOVERNMENT (PUBLIC) AIRCRAFT:

The following types of aircraft are not affected by these charges:

Aircraft owned by Federal, State, or Municipal Governments are exempt from both landing and parking fees. This shall not, however, obviate the payment of field use charges by the Military, if in effect.

7.3 SPECIAL SERVICES:

- A. The Berkeley County Government may grant written permission and negotiate a fee for a specific commercial operator, such as a specialized mechanic, to enter the airport for the purpose of repairing or maintaining an aircraft or equipment which is beyond the capability of any Fixed Base Operator or Limited Fixed Based Operator located on the airport. This privilege will be on a case-by-case basis and will require a separate agreement and fee for each activity.
- B. Any permission granted by the Berkeley County Government under this clause will not be construed as allowing reoccurring entry to the premises for the purpose of providing services. The permission granted will be only for a specific purpose and specific period.

- C. Any activity receiving permission under this clause will comply with the Berkeley County Government ordinances-with respect to business licenses.

7.4 EFFECTIVE DATES:

- A. For all tenants, operators and users of the Berkeley County Airport, the effective date of Sections 1 through 10 will coincide with the date these regulations are adopted by the Berkeley County Government.
- B. For any future tenants who enter into an agreement with the Berkeley County Government after the effective date of these Rules and Regulations the effective date will coincide with the effective date of their agreement with the Berkeley County Government.

8 - PROCEDURES FOR RECEIVING AND PROCESSING APPLICATIONS

8.1. Any applicant wishing to establish commercial operations on the airport shall be furnished a copy of the minimum standards, attached hereinafter as Section 10, and shall make application in writing to the Berkeley County Government, setting forth in detail the following:

- A. The name and address of the applicant;
- B. The proposed land use, facility and/or activity sought;
- C. The names and the qualifications of the personnel to be involved in conducting such activity;
- D. The financial responsibility and technical ability of the applicant and operator to carry out the activity sought;
- E. The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity;
- F. The requested or proposed date for commencement of the activity as the term of conducting the same;
- G. The estimated cost of any structure or facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition of facilities.

8.2 Upon the filing of such an application with the Berkeley County Government, it shall be considered at the next scheduled meeting. If no meeting is scheduled within forty-five (45) days

from the filing of such application, a meeting shall be called for considering same and notice thereof given to the applicant.

Upon consideration of the application, the Berkeley County Government shall determine whether or not the applicant meets the standards and qualifications as herein established and whether or not such application should be granted in whole or in part.

8.3 Upon approval of any such application in principle, the Berkeley County Government shall cause to be prepared a suitable lease or contract agreement setting forth the terms and conditions under which the commercial operation shall be conducted.

8.4 Any rejected application shall be returned to the applicant with ten (10) days of the rejection with a written explanation of the reasons for rejection.

8.5 The final agreement as drafted shall be subject to review and approval of the Berkeley County Government, the Federal Aviation Administration and the South Carolina Division of Aeronautics.

9 - MINIMUM STANDARDS FOR COMMERCIAL OPERATIONS, FIXED BASE OPERATORS OR LIMITED FIXED BASE OPERATORS

9.1 GENERAL:

- A. The following minimum standards shall apply to all operations. However, all the activities listed may not be provided depending on the lease agreement executed between the Berkeley County Government and the operator, and those excluded activities therefore will not apply.
- B. All operations at the airport shall be full-time, progressive business enterprises, with a manned office facility at the Airport during reasonable business hours. No commercial operator shall be allowed to operate on the airport without a fully executed lease agreement with the Berkeley County Government. Any operation not defined in Section 1.1 (L), or any operator whose principal place of business is located other than the Berkeley County Airport and who further has a valid contract with another airport sponsor may not be required to maintain facilities at the airport.
- C. Operators extended the privilege of providing self-fueling services shall also be required to meet the minimum standards listed in Section 5.
- D. No persons or fixed base operators other than the operators qualifying under (C) will be permitted to dispense aviation petroleum products. All other operators may

engage in such other aeronautical services as they may qualify themselves for in accordance with these regulations and their lease agreements.

- E. The Berkeley County Government shall determine substantial conformance to the standards for all operators.
- F. All operators must show financial solvency and business ability to the satisfaction of the Berkeley County Government.
- G. The minimum liability insurance which a fixed base operator shall carry including general liability, product liability, a premise liability, as appropriate is Hangar keepers insurance carried by the operator will be decided on between the Berkeley County Government and the operator but in no case will be less than All policies required by virtue of this section will name as coinsured, the Berkeley County Government, its officers, members, employees, and contractors, and will contain a provision which will require the insurance carrier to notify the Berkeley County Government at least thirty (30) days prior to any cancellation, or major change in coverage.
- H. All operators will be required to furnish the Berkeley County Government a performance bond commensurate with any construction required under the minimum standards of service to be performed.
- I. All construction required herein shall be in accordance with design and construction standards and building codes and/or ordinances established by the State of South Carolina, the Berkeley County Government, and approved by the Berkeley County Government, the South Carolina Division of Aeronautics, and the Federal Aviation Administration.
- J. Land available for commercial type operations is valuable and limited commodity. It is the policy of the Berkeley County Government that no land areas or building space in excess of present and foreseeable requirements will be leased to any operator. Additional areas will be made available to operators on the basis of need and availability.

9.2 FUELS AND OIL:

All aeronautical activities engaged in self-fueling of aircraft at the airport shall be subject to a fuel flowage fee, which shall be established by the Berkeley County Government. Persons conducting such activities on the airport shall be required to provide:

- A. Hard surface ramp space accessible by taxiway with electric pumps and appropriate tank storage, or approved mobile fueler;

- B. In conducting refueling operations, every operator shall install and use adequate grounding facilities at fueling locations to eliminate the hazards of static electricity and shall provide approved types of fire extinguishers or other equipment commensurate with the hazard involved in refueling and servicing aircraft;
- C. Meet all other requirements as set forth in Section 5.

9.3 AIRCRAFT MAINTENANCE AND REPAIR:

All persons operating aircraft engine and accessory maintenance facilities shall provide:

- A. Sufficient hangar space to house any aircraft upon which such service is being performed;
- B. Suitable storage space for aircraft awaiting maintenance or delivery after repair and maintenance have been completed;
- C. Adequate shop space to house equipment and adequate equipment and machine tools, jacks, lifts and testing equipment perform overhauls as required for FAA certification and repair of parts not needing replacement on all single engine and light multi-engine land general aviation aircraft;
- D. At least one FAA certified air frame and engine mechanic with Inspection Authorization available during reasonable business hours;
- E. Facilities for washing and cleaning aircraft;
- F. Non-airworthy, partially dismantled aircraft shall be screened from public view;
- G. Separately partitionable space with adequate exhaust fans and fire protection for spray painting if this type of work is performed;
- H. Appropriate plans, permits, insurance (as may be required by Federal, State and Local laws) regarding the handling and removal of hazardous materials;
- I. Appropriate insurance as outlined in 9.1 (G).

9.4 FLIGHT TRAINING:

All persons conducting flight-training activities for compensation shall have access to:

- A. At least one dual equipped single engine land aircraft properly equipped and maintained for flight instruction and such additional types of aircraft as may be required to give flight instruction of the kind advertised;
- B. Continuing ability to meet certification requirements of the FAA for the flight training proposed;
- C. Appropriate insurance as outlined in 9.1 (G).

9.5 CHARTER:

Persons operating charter service shall provide:

- A. Shall have properly certified suitable aircraft with properly certificated and qualified operating crew for service when not otherwise engaged in such service. Such crew and aircraft shall be available upon call within 24 hour notice;
- B. Appropriate Insurance as outlined in 9.1 (G).

9.6 AIRCRAFT RENTAL AND SALES:

Persons conducting aircraft rental and sales activity shall provide:

- A. Hangar or other storage space for at least one aircraft to be used for sales or rental;
- B. For rental, at least one airworthy aircraft suitably maintained and certified;
- C. Adequate facilities for servicing and repair the aircraft or satisfactory arrangements with other operators for such service and repair;
- D. There shall be available, during reasonable business hours, a properly certificated pilot capable of demonstrating new aircraft for sale or for checking out rental aircraft;
- E. Current up-to-date specifications and price lists for types and models of new aircraft sold;
- F. Proper check lists and operating manuals on all aircraft rented and adequate parts catalogues and service manuals on new aircraft sold;
- G. Appropriate insurance at outlined in Section 9.1 (G).

9.7 MISCELLANEOUS OPERATIONS:

Miscellaneous operations such as radio and instrument repairs, aerial advertising, and other activities not hereinbefore provided for may be conducted by any person, firm or corporation that is duly licensed, equipped and certified by the appropriate agency and upon application to and approval of the Berkeley County Government. Reasonable terms and conditions for the privilege of engaging in these services will be established by the Berkeley County Government commensurate with the nature and scope of the activities involved.

9.8 HANGAR SPACE:

Hangar space, office and lounge space, aircraft parking area and other such required facilities will be considered with the more restrictive requirements where an operator offers multiple services such that facility requirements will be reasonable.

9.9 MINIMUM STANDARDS:

Hangars:

- Storage Hangars ("T" Type) - minimum 1,100 square feet
- Storage Hangars (Conventional) - minimum 1,600 square feet
- Maintenance Hangars - minimum 3,600 square feet

Office Space:

Sufficient to meet all National, State and Local building codes for the numbers of persons using and occupying the structure.

Floors:

Concrete or asphalt capable of supporting design load for largest aircraft expected to use facility.

Doors:

Self-contained and in accordance with National, State and Local building codes.

Plans:

All plans must be approved by the Berkeley County Government and Airport Manager, the FAA, and the South Carolina Division of Aeronautics prior to construction.

All buildings will be of metal, brick or masonry construction and fire-proofed in accordance with National, State and Local codes, and generally match the current architectural specifications of the County.

9.10 AIRCRAFT PARKING APRONS:

Aircraft parking aprons shall be constructed according to plans and specifications approved by the Berkeley County Government. Areas of aircraft parking apron may be required for operations handling aviation petroleum products, and aircraft repair.

9.11 SERVICES:

All services shall be provided on a fair, equal, and not unjustly discriminatory basis to all users of the airport. The prices charged for each unit of service shall be fair, reasonable, and not unjustly discriminatory; provided, that the operator may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar type price reductions to volume purchasers.

9.12 OPERATOR:

The operator shall provide his services in accordance with the provisions of the Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended. Accordingly, no person shall be denied equal services on the grounds of race, color, sex, or national origin.

10 - SPECIAL AIRPORT USES

10.1 The Berkeley County Government obligates itself to operate the airport for the use and benefit of the public and to keep the airport open to the various types, kinds, and classes of aeronautical use for which the airport facility is designed and intended to serve.

10.2 The Berkeley County Government has established these rules to be met by all users so as to provide for the safe and efficient use of the airport and to otherwise protect the safety of persons and property both on the ground and in the air.

10.3 It is understood that the landing area facilities constructed are primarily intended for the use of powered aircraft whose weights are not in excess of the published strengths of the paved surfaces concerned.

10.4 No operations involving parachuting and other unusual and special classes of activities will be permitted on the airport without the prior written approval of the Berkeley County Government.

10.5 No operations involving unlicensed or unregistered aircraft will be permitted on the airport without prior approval of the Berkeley County Government.

10.6 Persons seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Berkeley County Government that:

- a) Suitable arrangements have been provided for the safe storage and containment of noxious chemical materials; no poisonous or inflammable materials shall be kept or stored in close proximity to other facility installations at the airport.
- b) The operator shall have available properly certificated aircraft suitably equipped for the agricultural operation undertaken.
- c) No crop dusting operation shall be conducted on the principal public use apron or ramp of the airport. Adequate operational space shall be assigned by the Berkeley County Government, if available.
- d) That all operations will be in accordance with all appropriate Federal Aviation Regulations, and other Federal, State and Local Regulations concerning the handling of pesticides and other noxious substances.

10.7 Considering the obligation of the Berkeley County Government to keep the airport open to the public for aeronautical purposes, the airport facilities will not be used for non-aviation events which conflict with its aeronautical use.

10.8 All ordinances or parts of ordinances in conflict herewith are hereby repealed.