AMENDED ORDINANCE NO. HCAA 2-2-10

HAMILTON COUNTY AIRPORT AUTHORITY

AIRPORT LAND USE AND REGULATION ORDINANCE

WHEREAS, the Board of Aviation Commissioners of Hamilton County ("the Board") was established on the 3rd day of March, 1999, by the Hamilton County Council by the passage of Ordinance No. 3-3-99-A; and,

WHEREAS, subsequent to the Board's creation, Hamilton County, acting by and through its Board of Aviation Commissioners, acquired approximately five hundred twenty-five (525) acres of land in Union Township, Boone County Airport, which is formally known as Terry Airport, now know as Indianapolis Executive Airport ("the Airport"); and,

WHEREAS, on the 6th day of December, 2006, the Hamilton County Council created the Hamilton County Airport Authority ("the Airport Authority"); and,

WHEREAS, the Airport Authority was created, and continues to act pursuant to Indiana Code 8-22-3; and,

WHEREAS, Indiana Code 8-22-3-11 grants an Airport Authority the power and duty to regulate all land uses and activities on land owned by the Airport Authority; and,

WHEREAS, the Airport Authority has spent substantial time and funds during 2008 and 2009 to develop a Master Plan ("the Master Plan") for the Airport, including a Airport Layout Plan; and,

WHEREAS, in the development of the Master Plan, the Airport considered the improvements necessary to enhance the safety and use of the Airport, all of which is consistent with the powers and duties of the Airport Authority pursuant to Indiana Code, Title 8, Article 21, Chapters 9 and 10; and Indiana Code, Title 8, Article 22, Chapter 3.

WHEREAS, it is necessary for the Airport Authority to approve an ordinance to establish and codify rules for land use and regulation of other activities at the Airport; and,

WHEREAS, prior to adoption of this Ordinance, the Board published Notice of consideration of this Ordinance in accordance with Indiana Code 8-22-3-10; and,

WHEREAS, prior to adoption of this Ordinance, the Board gave an opportunity to all interested persons and all persons present at the meeting to give testimony, evidence, or argument for or against the ordinance; and,

WHEREAS, the Board has given full consideration to and determines that the uses set forth herein are necessary or desirable to the airport and aviation industry and are compatible with the uses of the surrounding lands as far as practicable; and,

IT IS THEREBY ORDAINED by the Hamilton County Airport Authority as follows:

1.01 TITLE

This Ordinance may be cited as the Indianapolis Executive Airport Land Use and Regulation Ordinance or as Chapter One (1) of the Hamilton County Airport Authority Code of Ordinances, and its supersedes all prior Hamilton County rules, regulations, resolutions, ordinances, or procedures in conflict therewith.

1.02 AUTHORITY

This Ordinance is created pursuant to authority granted to the Authority by Indiana Code § 8-22-3.

1.03 PURPOSE

The provisions of this Chapter are intended to provide for the safe, orderly, and efficient operation and expansion of the Airport under Authority control including Movement Areas, Non-movement Areas, and public areas.

1.04 DEFINITIONS

The following words and phrases, as used in this Ordinance, shall have the meanings indicated herein.

(1) "Aeronautical Activity" means any activity conducted at the Airport that involves, makes possible or is required for the operation of aircraft, or which contributes to or is required for the safety of such operations.

(2) "Aircraft" means a device that is used or intended to be used for flight in the air.

(3) "Airport" means Indianapolis Executive Airport including all contiguous land owned by the Hamilton County Airport Authority, located in Boone County, Indiana, as well as all improvements and facilities of whatever nature located thereon.

(4) "Authority" in this document means the Hamilton County Airport Authority or its Board.

(5) "BOAC" means the Board of Aviation Commissioners of Hamilton County created pursuant to Indiana Code 8-22-2, the predecessor of the Authority.

(6) "Board" means the Hamilton County Airport Authority Board, owner and operator of the Airport.

(7) "Commercial Activity" is any transaction or occurrence relating to an operation conducted for the purpose of securing earnings, income, compensation, reimbursement (including exchange of service), and/or profit, whether or not such objectives are accomplished.

(8) "FAA" means the Federal Aviation Administration.

(9) "Fixed Base Operator" (FBO) means an entity which maintains facilities and provides in-plane fueling services at the Airport for the purpose of engaging in Commercial Activities on the Airport. This definition also includes, but is not limited to the following: flight training, aircraft rental, aircraft sales, aircraft charter or air taxi, airframe and powerplant repair, aircraft line service and certain specialized activities; and being authorized to conduct such an agreement with a business through the Board. Only the Authority or an FBO may provide aviation fuel services at the Airport. Any FBO must meet the minimum standards previously established by the BOAC.

(10) "Fueling Agent" means any entity, including its employees and agents authorized by the Manager to dispense aviation or Motor Vehicle fuels at the Airport.

(11) "Hazardous Substance" shall mean Hazardous Substance as defined in 42 USCA Sec. 9601 (14) or Indiana Code 13-7-1-12 as the same are from time to time amended.

(12) "Manager" means the Manager of the Indianapolis Executive Airport or his duly authorized representative.

(13) "Motor Vehicle" means a vehicle which is self-propelled. This definition includes, but is not limited to, the following: automobiles, trucks, buses, limousines, semi-tractors, bicycles, snowmobiles, motorcycles, and mopeds, but excludes Aircraft as defined herein.

(14) "Movement Area" means the runways, taxiways, and other areas of the airport/heliport which are utilized for taxiing/hover taxiing, air taxiing, takeoff, and landing of aircraft, exclusive of loading aprons and parking areas.

(15) "NFPA" means the National Fire Protection Association.

(16) "NTSB" means National Transportation Safety Board.

(17) "Non-Commercial Hangar User" is an entity engaged in the development of a hangar or hangars for use by that particular entity and not for the purpose of securing earnings, income, compensation, reimbursement (including exchange of service) and/or profit.

(18) "Operate" means to physically manipulate the controls of an Aircraft or Motor Vehicle necessary to put it in motion.

(19) "Operator" means any person exercising control of an Aircraft or Motor Vehicle.

(20) "Owner" any individual, firm, partnership, corporation, company, association, entity, and any trustee, receiver, assignee or similar representative thereof that owns or leases an aircraft.

(21) "Person" means individual, firm, partnership, corporation, company, association, entity, and any trustee, receiver, assignee or similar representative thereof.

(22) "Taxi" means the movement of an Aircraft on Airport Property when any engine of the Aircraft is operating.

(23) "Tenant" means a Person who or which occupies or rents property on the Airport, or who conducts business operations of any kind upon the Airport premises, regardless of whether there exists a written agreement with the Authority.

(24) "Vehicle" means every device on, in, or by which any person or property is or may be transported or drawn upon any roadway, paved or unpaved.

1.05 ADMINISTRATION AND POLICY OVERSIGHT

(1) Administration of the terms of this Ordinance shall be by the Airport Authority, subject to such authority which it may delegated to the Manager.

(2) Policy making aspects of this Ordinance shall be performed by the Manager with the approval of the Board.

1.06 ENFORCEMENT

The Manager shall enforce the administrative provisions of this Ordinance and may call upon police departments for such assistance as the Manager may from time to time require.

1.07 DEVIATION

The pilot in command of an Aircraft is directly responsible for, and is the final authority as to, the operation of that Aircraft. In an emergency requiring immediate action, the pilot in command may deviate from any rule of this Ordinance to the extent required to meet that emergency. Any person deviating from any part of this Ordinance, regardless of cause, shall report the deviation as soon as practical and without solicitation.

1.08 LAND USES

The following land uses are considered to be appropriate uses of Airport land. All uses are subject to the final formal approval by the Board.

(1) Hangars for Aircraft and storage of other aviation related materials
(2) Aviation lighting
(3) Runways up to 7,700 feet
(4) Taxiways
(5) Informational Signage
(6) Offices
(7) Terminals
(8) One (1) Managers residence
(9) Navigation Aids
(10) Fuel storage and pumping systems
(11) Beacons

(12) Ramps
(13) Tie downs
(14) Repair hangars
(15) Meeting facilities
(16) Flight school
(17) On-site food services
(18) Equipment storage
(19) On-site drainage controls
(20) On-site utilities
(21) Agricultural uses in designated areas

1.09 ACCESS

Public access to the site shall be limited to:

(1) One (1) main public entrance from State Road 32;

(2) A second public entrance which may be permitted on County Road 1200 East;

(3) Access from County Roads 1100 East and 2000 South, but in no case shall the entrances from 1100 East or 2000 South have more than three hundred (300) vehicle trips per day.

1.10 SET BACKS

No above ground improvements, including taxiways, roadways, or any such improvements shall be constructed within ten (10') feet of the property lines of the Airport. This restriction shall not apply to utilities, drainage ditches, and similar improvements. All buildings shall be set back not less than thirty (30') feet from the State Road 32 right of way; fifty (50') from the centerline of any contiguous County or municipal road; and thirty (30') from the property line of any immediate contiguous landowner. In addition, all improvements on the property shall be set back as specified in FAA Advisory Circular 150-5300-13/150, as may be revised or set by FAA regulations. In the event that there is a conflict between the set backs provided above, and the FAA regulations, the more restrictive regulation shall apply.

1.11 BUILDING HEIGHT

All building on the Airport shall be less than forty (40') feet in height. This restriction shall not apply to any antenna, tower, or other structure constructed to aid in the enhancement of safety for airport operations at the Airport.

1.12 CONSTRUCTION STANDARDS

All buildings constructed on Airport property, shall be subject to Authority standards, the State of Indiana Building Code, and the regulations of the Indiana Department of Homeland of Security, Division of Fire and Building Safety ("the Division"). The Division must approve the plans for all buildings at the Airport. No building shall be constructed or occupied without a construction design release form or similar permit and Board approval.

1.13 PARKING REGULATIONS (NON-AIRPORT OPERATIONS AREAS)

It shall be unlawful and a violation of this Ordinance for any Person or Persons, whether individually or in concert with others, to do or cause to be done any of the following on the premises of the Airport:

(1) Park, stop, or leave standing any Motor Vehicle of any type except within areas designated for the particular type of Motor Vehicle involved, and then only in accordance with posted regulations relating to the area and type of Motor Vehicle.

(2) Double park any Motor Vehicle in any area.

(3) Except as provided by statute, park, stop or leave standing any Vehicle, whether attended or unattended and whether temporarily or otherwise, upon any portion of the Airport reserved by official traffic signs, distinct markers, or parking meters indicating the restrictions for Vehicles displaying special registration plate or special identification card, or for Vehicles registered in another jurisdiction displaying a registration plate, card, or emblem issued by the other jurisdiction which designates the Vehicle as a Vehicle used by a physically disabled Person.

(4) Park any Motor Vehicle in such a manner that the same not be entirely within one stall as designated by lines or marks on the parking lot pavement.

(5) Allow any Motor Vehicle to remain on Airport property over thirty-six (36) hours unless the owner or operator is granted a written permit by the Manager.

1.14 TOWING OF VEHICLES

(1) The Manager may authorize the immediate towing of any Vehicle parked in such a manner that obstructs Airport vehicular traffic and/or any Vehicle parked in the Airport Movement Area not authorized for such parking of Vehicles.

(2) A Vehicle towed under this Section shall be transported to a location for subsequent retrieval by the owner(s) thereof.

(3) The owner of any Vehicle parked at the Airport shall be deemed to have consented to pay the costs of removal and storage of the Vehicle when the same is parked in contravention of the provisions of this Ordinance.

1.15 MOTOR VEHICLE TRAFFIC CONTROL

It shall be unlawful and in violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Fail to observe and to obey all traffic control devices on the premises of the Airport including signals, signs, and warnings and any and all directions, signs, or warning devices that may be given or displayed by law enforcement officers or Airport personnel for the purpose of safely controlling traffic movement and generally promoting safety.

(2) Knowingly fail to comply with any lawful order or direction of any law enforcement officer vested by law with authority to direct, control or regulate traffic.

(3) Operate a Motor Vehicle in a reckless manner.

(4) Operate a Motor Vehicle on the Aircraft parking aprons at a speed in excess of twenty (20) mph.

(5) Operate a Motor Vehicle on any portion of the airport property without a proper and/or valid operators' license issued by a state or territory of the United States or by the U.S. Federal Government.

(6) Operate a Motor Vehicle if it is so constructed, equipped, or loaded as to endanger Persons or property.

(7) Operate a Motor Vehicle while the Operator is under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance,

under the influence of any other drug to the degree which renders him or her incapable of safely Operating the Vehicle, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely Operating the Vehicle.

(8) As Operator of a Motor Vehicle, fail to yield the right of way to all Aircraft under all conditions.

1.16 PROHIBITED ACTIVITIES; COMMERCIAL ACTIVITIES

It shall be unlawful and a violation of this Ordinance for any Person:

(1) To engage in any Commercial Activity or service on the premises of the Airport, or off the premises of the Airport which derives revenue from operations of the Airport, without first entering into a written lease or other written agreement with the Board in accordance with specifications established by the Authority.

(2) While under a lease or other agreement with the Board, to engage in any Commercial Activity not specifically authorized by lease or agreement.

(3) To solicit for any purpose at the Airport in any manner unless such solicitation is approved pursuant to a written lease or other written agreement with the Authority.

(4) To post, distribute, or display signs, advertisements or distribute circulars upon Airport property without Manager's approval.

(5) For any entity to use any land, conduct any Commercial Activity or solicit business in connection therewith unless such activity is conducted in accord with the Commercial Minimum Standards and these Ordinances.

(6) To conduct specifically unauthorized activities without a proper operating agreement or a valid property lease agreement that has been executed by all parties and approved by the Board.

(7) The Authority may approve the use of the Airport for occasional social, recreational, not for profit, or government gatherings or activities, including incidental commercial activities, as long as such activities do not substantially interfere with the regular Aeronautical Activities at the Airport.

1.17 PROHIBITED ACTIVITIES; TENANTS

It shall be unlawful and a violation of this Ordinance for any Tenant of buildings, hangars, or shop facilities to do or permit or cause to be done, any of the following:

(1) Fail to maintain and keep readily accessible fire extinguishers or other fire equipment meeting Federal, State, and Local fire codes.

(2) Stack or store material or equipment in such a manner as to constitute a hazard to persons or property as determined by the Manager.

(3) Fail to obtain an Authority building permit prior to any construction or remodeling on the Airport premises.

(4) Install any device or equipment which provides a communication network within the Airport premises between users or tenants of the Airport, without first making written application for review and approval by the Authority and entering into a written agreement with the Authority with respect to such devise or equipment.

(5) Sell, barter, trade, share, sublease or in any other manner provided hangar space to any other Airport tenant or user or any other Aircraft except that leased or owned by the non-commercial hangar operator unless authorized by the Board through a written agreement.

(6) No commercial aviation or related activity shall be conducted in or around a non-commercial hangar on the Airport.

(7) Undertake, or permit to be undertaken, any activity which interferes with any communication, electronic, or navigational equipment or signals at the Airport.

1.18 PARKING OPERATIONS

(1) No Person shall, on the premises of the Airport, carry on, conduct, or engage in the business of providing, or offering to provide, parking accommodations to the public.

(2) No Person shall conduct a parking operation off Airport premises that derives revenue from the provision of parking facilities to users of the Airport without first entering into a

lease or other agreements with the Board in accordance with specifications established by the Authority.

1.19 GENERAL

It shall be unlawful and a violation of this Ordinance for any Person:

(1) To bring into the Airport terminal building any animal which is not caged, with the exception of service animals.

(2) To hunt, trap, or discharge firearms on Airport property without the approval of the Manager.

(3) To smoke any cigarette, cigar, pipe, or other smoking material in any public area unless the same is clearly marked, "Smoking Permitted".

1.20 MOVEMENT AREA; AERONAUTICAL ACTIVITIES REGULATED

(1) Aeronautical Activities at the Airport shall be conducted in conformance with all applicable regulations of the FAA, State of Indiana, and the Airport Authority.

(2) Whenever the Manager believes the condition of the Airport or any part of the Airport to be unsafe for Aeronautical Activity, the Manager is authorized to close the Airport or any part thereof.

(3) The Manager may delay or otherwise restrict any flight activity or other Operations of any Aircraft at the Airport for reasons related to the public health, safety, or welfare. This includes, but is not limited to, the following types of specialized Aeronautical Activity: balloons, gliders, skydiving, and banner towing.

(4) No air shows, aerial demonstrations, or other special activities shall be held at the Airport unless prior written permission is obtained from the Manager and approved by the Board.

1.21 MOVEMENT AREA; TOWING AND REMOVAL OF AIRCRAFT; ACCIDENTS

(1) The Manager is authorized to tow or otherwise move Aircraft parked in violation of Airport regulations, at the Owner or Operator's expenses, and without liability on the part of the Authority, its Board, Managers, officers, employees, or agents for damage which may result in the course of or by reason of such moving.

(2) It shall be the responsibility of the Aircraft Owner or Operator to promptly remove disabled Aircraft and parts thereof upon approval of the State Police, FAA and/or NTSB. If the Owner or Operator refuses to move an Aircraft or part(s) thereof as directed by the Manager, the Aircraft or part(s) may be moved by the Manager at the Owner or Operator's expense and without liability on the part of the Authority for damage which may result in the course of or by reason of such moving. The same shall apply to removal of wrecked or damaged Aircraft and parts.

(3) Persons involved in Aircraft accidents which occur on or about the Airport and which involve substantial damage shall make a full report thereof to the Manager as soon after an accident as possible but no more than 24 hours after the accident. Said report shall include names and addresses of all people involved in the accident. "Substantial damage" is as defined by the NTSB.

(4) Any Person damaging any airfield light fixture, signage components or other Airport facility shall report such damage to the Manager's office immediately and shall be responsible for any costs required to repair or replace the damaged fixture or facility.

1.22 AIR OPERATIONS; PROHIBITED ACTIVITIES; AIRCRAFT OPERATIONS

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Operate any Aircraft contrary to Airport issued Notice to Airmen (NOTAM) published by the FAA.

(2) Park, or cause to be parked, any Aircraft in any area on the Airport other than parking areas designated by the Manager.

(3) Fail to secure an unattended Aircraft, for example, locking the doors, locking the controls, use of prop locks, chocking the aircraft, tie down the aircraft or whatever other means necessary to discourage or prevent unauthorized access to the aircraft, or movement of the aircraft.

(4) Be present on any portion of the Movement Area that is not in accordance with all airport, local, state, federal regulations.

(5) Endanger the safety of his or her own person or property or the safety of another's person or property by the negligent Operation of an Aircraft.

(6) Operate any Aircraft on the grounds of the Airport while under the influence of an intoxicant or a controlled substance or a combination of an intoxicant and a controlled substance, under the influence of any other drug to a degree which renders such Person incapable of safely Operating the Aircraft, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely Operating the Aircraft.

(7) Interfere or tamper with any Aircraft without permission of the Owner or Operator thereof.

(8) Put in motion any Aircraft without permission of the Owner or Operator thereof.

(9) Use or remove any Aircraft, Aircraft parts, instruments, or tools without permission of the Owner or Operator thereof.

(10) Taxi an Aircraft into or out of a hangar.

(11) Operate any Aircraft engine in any hangar or building on the Airport, except in approved test facilities.

(12) Perform any engine run ups for maintenance purposes except in areas designated by the Manager.

1.23 MOVEMENT AREA; PROHIBITED ACTIVITIES; MOTOR VEHICLE OPERATIONS

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following in the Movement Area and other areas of the Airport as specified herein:

(1) Operate any Motor Vehicle unless equipped with two headlights and one or more red taillights. The headlights shall be of sufficient brilliance to assure safety in driving at night, and all lights shall be kept lighted at all times from sunset to sunrise unless the Vehicle is in a designated parking area or during fueling operations.

(2) Park a Motor Vehicle, for loading, or any other purpose, on the Airport other than on the areas specifically established for parking and in the manner prescribed by signs, lines, or other means. This subsection shall not apply to those Vehicles authorized by the Manager to be parked contrary to posted signs or other regulations while the driver thereof is actually engaged in an authorized activity.

(3) Operate a Motor Vehicle on Movement Areas unless the Vehicle and driver are registered with the Manager to do so or unless there exists an agreement with the Authority for such Operation, and the driver is in possession of a proper and/or valid operators' license issued by a state or territory of the United States or by the U.S. Federal Government.

(4) Walk or Operate a Motor Vehicle on the movement areas of the Airport without proper authorization of Airport personnel (airfield incursion).

(5) Operate any Motor Vehicle on a Movement Area of the Airport unless equipped with a functioning and operating amber light beacon. Motor Vehicles accompanied by an approved escort Vehicle with the approved amber beacon in use shall be exempt from application of this subsection.

(6) Operate a Motor Vehicle at a speed that could endanger property or Persons.

(7) Operate a Motor Vehicle in a reckless manner.

(8) As Operator of a Motor Vehicle, fail to yield the right of way to all Aircraft under all conditions.

1.24 PROHIBITED ACTIVITIES; SAFETY RELATED; GENERAL

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Dispose of garbage, trash, scrap, or other materials on the Airport except in approved locations. Areas to be used for trash, garbage, or scrap collection shall be designated by the Manager, and no other areas shall be used. Such areas shall be kept clean and sanitary at all times. Only airport/aviation related trash shall be disposed on the Airport.

(2) Smoke or carry lighted smoking materials, or any open flame within one hundred (100) feet of an Aircraft being fueled or drained, or in any hangar or shop, service area, fuel storage area, apron area, or in any building, place, or room on the Airport where specifically prohibited by signs and ordinances.

(3) Repair or clean any Aircraft, Aircraft engine, propeller, or apparatus in any area other than that designated for such purpose by the Manager and meeting Federal, State and Local laws and regulations.

(4) Unlock or leave unlocked any controlled security gate at the Airport except when the gate is actually in use or attended by an authorized person.

(5) Tamper with, disable or cause to be disabled any controlled security gate at the Airport except when authorized to do so by the Manager.

(6) Falsify information contained or included on any Airport Authority application form for use in issuing Airport access identification media or for the issuance of a required operator's permit for use on the Movement Areas of the Airport.

(7) Possess, alter or use in any way a falsified Airport Authority access or identification media which permits access onto any area inside of the security fence line of the Airport.

1.25 SAFETY REGULATIONS; FUELING PROCEDURES

The following rules shall govern and control the fueling and defueling of Aircraft and Motor Vehicles at the Airport:

(1) All aviation fuels dispensed into Aircraft at the Airport shall be done in accordance with NFPA standards and all applicable Federal, State and Local codes.

(2) All fueling equipment Operating at the Airport shall meet the standards for dispensing equipment, safety equipment, and markings in accordance with NFPA standards, and all applicable Federal, State and Local codes.

(3) All fueling and defueling will be in areas approved by the Manager.

(4) Staging or parking of fueling Vehicles at the Airport must be in areas approved by the Manager.

(5) Fueling Vehicle drivers will remain with their Vehicles at all times on the Movement Area unless the Vehicle is in an authorized parking area.

(6) No Aircraft shall be fueled or defueled while the engine is running or being warmed by application of exterior heat or while such Aircraft is in a hangar or enclosed space.

(7) During fueling or defueling, Aircraft and fuel dispensing equipment shall both be electrically bonded to a point or points of zero electrical potentials except as specifically provided by NFPA Standard 407.

(8) Persons engaged in fueling and defueling of Aircraft shall exercise the greatest degree of care to prevent overflow or spillage of fuel. Any person causing any overflow or spill of fuel on the Airport shall notify the Manager or other Airport Personnel immediately.

(9) When fuel sumps are discharged during pre-flight inspections, the discharge shall be deposited in designated containers. The discharge shall not be spilled onto the pavement or ground.

(10) No Person shall fuel or defuel an Aircraft with fueling hoses and other equipment or apratus which are not in a safe, sound, and non-leaking condition in accordance with NFPA standards.

(11) Motor Vehicles shall be fueled on the Airport only from locations and equipment approved by the Manager.

(12) A Fueling Agent shall not permit any employee or agent to dispense fuel unsupervised unless he or she has first completed an industry-endorsed training program in applicable fueling procedures, fire extinguishing procedures, and procedures to summon the Airport Authority Public Safety Department and municipal fire departments. Certification that each fueler has received training shall be submitted to the Manager prior to any such dispensing.

(13) No Person shall store or dispense fuel except in accordance with the Standards and Recommendations of the NFPA applicable to fuel loading areas (NFPA Standard 407).

(14) Fueling and defueling of Aircraft shall be conducted at a distance of at least twenty-five (25') from any hangar or building or a distance of fifty feet (50') from any building air intake used for heating apparatus.

1.26 PROHIBITED ACTIVITIES; SAFETY REGULATIONS; HAZARDOUS MATERIALS

It shall be unlawful and a violation of this Ordinance for any Person to do or cause to be done any of the following:

(1) Use flammable liquids in the cleaning of Aircraft or Aircraft engines, propellers, or other appliances, equipment, or parts of Aircraft unless such cleaning operations are conducted n accordance with NFPA standards and all applicable Federal, State and Local codes.

(2) Dump or otherwise introduce any petroleum products, agricultural chemicals, or other industrial waste matter into drains, or any other are or receptacle other than a receptacle approved for such use in accordance with NFPA standards and all applicable Federal, State, and Local codes.

(3) Perform doping processes, spray painting, or paint stripping, except in areas or facilities approved for such purposes, in accordance with NFPA standards and all applicable Federal, State and local codes.

(4) Keep or store any flammable and/or volatile liquids, gases, or other similar material in hangars, shops, or any building on the Airport, except that such materials may be kept in receptacles and in rooms or areas specifically approved for such storage, in compliance with NFPA standards and all applicable Federal, State and Local codes.

(5) Keep or store lubricating oils on the Airport, except in containers and receptacle designed for such purpose and in structures or areas specifically approved for such storage, in compliance with NFPA standards and all applicable Federal, State and Local codes.

(6) Fail to comply with all applicable Federal, State and Local statutes and regulations relating to the protection of the environment including, without limitation, 42 USCA Sec. 6991-6991 (i) and Indiana Code 13-7-1 through 13-7-32.

(7) Use any de-icing liquid or similar material, other than at approved locations at the Airport.

1.27 INDEMNITY

In addition to the penalties provided in the foregoing Section 1.29, any Person violating this Ordinance shall indemnify and save harmless the Authority, its Board, officers, Managers and employees of, from and against any and all liabilities, damages, suits, penalties, judgments, and environmental clean-up, removal, response, assessment, or remediation cost arising from contamination of the premises or the release of any Hazardous Substance, pollutant, contaminant or petroleum in, on, about or

under the Airport, and shall indemnify and save the Authority, its Board, officers, Managers, and employees harmless from and against any and all loss of rentals or decrease in property values arising our of such violation.

1.28 CIVIL RESPONSIBILITY

The imposition or payment of any forfeiture imposed by this Ordinance shall not relieve any Person from the civil consequences of his or her acts in any manner or form whatsoever.

1.29 PENALTIES

(1) Any person who violates Sections 1.22; 1.24; 1.25 and 1.26 of the Ordinance shall be fined up to Two Hundred Dollars ($200).

(2) Any person who violates any other provision of this Ordinance may be fined up to Fifty Dollars ($50).

(3) Any person who commits a second or subsequent offense under this Ordinance within six (6) months may be fined an amount, equal to two (2) times the above amounts.

(4) Each day that an offense occurs or continues shall be considered a separate offense.

(5) Any person who violates any provision of this Ordinance more than three (3) times in any calendar year, or more than five (5) times in any three (3) consecutive calendar years, may be banned from the Airport by the Authority upon recommendation of the Manager. Such ban may be enforced by the Board by injunction or protective order.

1.30 IMPOSITION OF FINES

Penalties shall be imposed by the Manager. In the event a fine is not paid within fifteen (15) days of assessment, the Authority may file a civil action to collect any fine issued under this Ordinance. Any action taken by the Authority to collect on said fines and/or civil penalties shall include the payment by the violator of any and all legal costs incurred by the Authority, including attorney fees, court costs and any other such costs which may be assessed by a

court of competent jurisdiction against the violator in addition to the fines or penalty.

1.31 EFFECTIVE DATE

The terms of this Ordinance shall be in full force and effect on April 1, 2010, or upon final passage and publication whichever first occurs.

1.32 EXERCISE OF ZONING POWERS

Sections 1.08 through 1.12 of this Ordinance shall be considered the Zoning Ordinance applicable to the Airport pursuant to the Authority's power granted by Indiana Code 8-22-3-11(16), which power has been vested in the Authority since its creation on December 6, 2006.

1.33 REPEAL OF PRIOR RESTRICTIONS

This Ordinance repeals, preempts, and supersedes any rule, regulation, or Ordinance in conflict with the terms herein, whether passed or imposed by the Authority or any other entity, including Ordinance 2004-11 approved by the Board of Commissioners of Boone County on August 23, 2004, the Declaration of Covenants and Restrictions incorporated by reference within said Ordinance, and any zoning or land use ordinance passed by any unit of government attempting to regulate land use on the Airport.

1.34 ACKNOWLEDGMENT OF FAA AND STATE POWERS

Nothing herein shall be interpreted or construed to modify any conditions or regulations imposed upon the Authority, the BOAC or the Airport by the FAA, the Indiana Department of Transportation, or the statutes of the State of Indiana. All land uses on Airport land shall be consistent with and compatible to the most recent Airport layout plan filed by the Authority with the FAA.

1.35 SEVERABILITY

If any portion, section, or provision of this Ordinance is declared to be unconstitutional, invalid or unenforceable for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

ALL OF WHICH IS ORDAINED by this Board on this 4th day of March, 2010.

HAMILTON COUNTY AIRPORT AUTHORITY

Donald Silvey, President

Tom Kapostasy, Vice President

Allyn Beaver

Theodore Moran

Bob Wilson

ATTEST:

Jennifer Pickett, Secretary