



Mackay City Airport Rules and Regulations

And Minimum Standards for Aviation Activities

Adopted July 14, 2020

ORDINANCE NUMBER 457

Wayne C. Olsen, Mayor

**Council Members Bob Burroughs, Dean Wall, “Wally Wallin &
Richard Mangum**

The Mayor and City Council, recognizing the necessity of protecting the public health, safety, and interest in the Mackay City Airport hereby promulgates and adopts the following procedures and minimum standards for the use of any land or facility on said Airport, or engaging in any aviation activity.



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SECTION I: Authority of Rules and Regulations

1. These Rules and Regulations shall be in full force and effect as stipulated in City of Mackay Ordinance #457 from its date of passage under the authority of the Mackay City Council.

2. Any person, firm or a corporation that shall violate any of the provisions set forth in this Ordinance, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1000) or be confined in jail for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

3. The City Council may make such further rules and regulations consistent with the provisions and intent hereof as it shall deem necessary for the safe and fair use of the Airport and its facilities. Such rules and regulations shall not go into effect until 10 days following the adoption thereof, unless the Council shall declare an emergency in connection therewith, in which case such rules or regulations shall go into effect immediately upon adoption.

4. All ordinances, or parts of ordinances, contradicting this Ordinance, insofar as said ordinances in any way conflict with this ordinance are hereby repealed. The City of Mackay Airport Rules and Regulations contained within this document are approved and implemented in accordance with City of Mackay Ordinance #457.

5. If any section, sentence, clause, or phrase of this Ordinance is for any reason held to be unenforceable, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, or the Ordinance as an entirety, it being the legislative



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intent that this Ordinance shall stand notwithstanding the invalidity of such section, sentence, clause, or phrase.

SECTION II: Definitions

1. AERIAL APPLICATOR-- “Aerial Applicator” means any person, firm or a corporation engaged in the applications, spraying, spreading, or seeding of fertilizer, sprays, seeds, or other materials by use of aircraft.

2. AERONAUTICAL ACTIVITY-- “Aeronautical Activity” shall mean any activity on Airport property which involves, makes possible, or is required for the operation of aircraft or which contributes to, or is required for, the safety of such operations and shall include, but not via limitation, all activities commonly conducted on airports, such as charter operation, pilot training, aircraft rental and sight-seeing, aerial photography, crop dusting, flying clubs, aerial advertising and surveying, air carrier operation, aircraft sales and services, sale of aviation petroleum products, whether or not conducted in conjunction with other included activities, repair and maintenance of aircraft, sale of aircraft, parts sale or maintenance of aircraft accessories, radio, communications and navigation equipment and any other activity which because of its direct relationship to the operation of aircraft can appropriately be regarded as an aeronautical activity.

3. AIRCRAFT PARKING & Storage AREA-- “Parking Area” means those areas designated as parking areas for the parking and maneuvering of aircraft while on the ground. Tie-down area shall also mean parking area and will be marked by “tie-downs” for aircraft.

4. AIRPORT-- “Airport” means the Mackay City Airport, including runways, taxiways, hangars, parking areas, ramps, aprons, and all



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improvements, and property used or available for use in connection with said airport.

5. AIRPORT COMMITTEE-- “Airport Committee” means the persons appointed to the Airport Committee by the Mayor and Mackay City Council.

6. AIRPORT LAYOUT PLAN-- “Airport Layout Plan” means the currently approved scaled dimensional layout of the entire airport properties, indicating current and proposed usage for each identifiable segment as approved by the Airport Committee, based on the AIRPORT MASTER PLAN, which is amended periodically.

7. AIRPORT MANAGER-- “Airport Manager” means the manager of the Mackay City Airport named, at the Council’s option, and serving at the Council’s pleasure.

8. AIRPORT TRAFFIC AREA-- “Airport Traffic Area” means a circular area of five statute miles in radius from the geographical center of the Airport with extensions where necessary to include instrument approach and departure paths.

9. DISABLED AIRCRAFT-- “Disabled Aircraft: is aircraft or parts of aircraft rendered unairworthy due to accident.

10. FIXED BASE OPERATOR-- “Fixed Base Operator” shall mean any person, firm or a corporation who rents or leases any Airport-facility and who engages in the operation of aircraft for monetary gain using the airport as an operating base.



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11. LANDING AREAS-- “Landing Areas” means the areas that are designated as runways, landing strips on the Mackay City Airport by the Airport Committee.

12. MINIMUM STANDARDS-- “Minimum Standards” means the qualifications herein, as amended occasionally by the Council, setting forth the minimum requirements to be met as a condition for the right to engage in a commercial aeronautical activity on the Airport.

13. MOTOR VEHICLES-- “Motor Vehicles” are any motorized vehicles other than aircraft.

14. OPERATOR-- “Operator” means one who operates aircraft for his own pleasure, passenger service, airfreight, agricultural operations, hire, charter, or flight instruction.

15. PERSONS-- “Persons” means any individual, firm, co-partnership, corporation, company, association, joint association, government agency, or body politic, and include any trustees, receiver, assignee, or similar representative thereof.

16. PRO FORMA STATEMENT-- “Pro Forma Statement” is anticipated revenues and expenses of a business.

17. TAXIWAY-- “Taxiway” shall mean the areas leading to and from the ramp and parking areas to the runways.

SECTION III: General Rules and Regulations

1. BUSINESS OR COMMERCIAL ACTIVITIES-- No person shall engage in any business or commercial activity of any nature whatsoever on the



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Airport except in conformance with requirements of the Airport Committee and under such terms as they may prescribe.

2. ADVERTISEMENTS-- No person shall post, distribute, or display signs, advertisements, circulars, printed or written matter at the Airport on City owned property except with the approval of the Airport Committee and in such a manner as may be prescribed by it.

3. ANIMALS-- No dogs or other animals shall be permitted on the airport unless restrained or completely under control. Cats may be kept at commercial operations for rodent control.

4. AIRPORT PROPERTY-- All persons having entered on the Mackay City Airport shall be governed by the rules and regulations herein prescribed and by orders and instruction of the City Council relative to the use or occupation of any part of the Airport property.

5. OPERATION OF AIRCRAFT-- All persons operating aircraft on or from the Airport shall be in conformity with current FAA rules and regulations, the applicable portions of Idaho Revised Statutes, and the rules and regulations promulgated by the Airport Committee.

6. FAA AIR TRAFFIC RULES-- The Air Traffic Rules as established by the FAA and currently in effect as hereafter adopted, are hereby adopted by reference and made a part hereof as fully as if the same and each and all of them were set forth herein.

7. FLIGHT RULES-- Instructors will fully acquaint their students with all rules and regulations pertaining to the Airport and shall be responsible for the conduct of students under their direction during dual instruction. When the student is flying solo, it shall be the student's



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sole responsibility to observe and abide by these rules and regulations.

8. BRAKES REQUIRED-- No aircraft shall be operated on the Mackay City Airport unless it is equipped with proper brakes that are in good operating order and condition, unless aircraft was originally manufactured without brakes.

9. SECURING OF UNATTENDED AIRCRAFT

a. No aircraft shall be left unattended on the Airport unless properly secured with tie-downs, brakes set, chocked, or within a hangar. The securing of Aircraft shall be the sole responsibility of the owner or operator of the aircraft. The City of Mackay, its employees, or agents, shall in no way be held responsible, therefore.

b. The City of Mackay will in no way be held responsible for the theft of any article left in the aircraft, any part, or accessory of or for the aircraft, or for any damage done to the aircraft as a result of theft or attempted theft, or vandalism of any nature.

10. AIRPORT LIABILITY—The City of Mackay, its agents or employees shall not be liable for loss, damage, or injury to persons or property arising out of any accident, incident, or mishap of any nature whatsoever or from any cause whatsoever to any individual, aircraft or property.

11. AIRCRAFT TAKE-OFFS AND LANDINGS-- Except during an emergency, all takeoffs and landings will be made on or from the designated runways.



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12. AEROBATICS PROHIBITED-- No aircraft shall be flown within a five-mile radius of the Airport in maneuvers other than those required in normal routine operation with the exception that a waiver may be obtained from FAA for such activities as Air Fairs, Air Shows, or such activities approved by the City Council.

13. INFLUENCE, INTOXICANTS, DRUGS, ETC. -- No pilot or other member of the crew of an aircraft on the Airport, or any person attending or assisting said operation on the Airport, shall be under the influence of intoxicating liquor or drugs.

14. DISABLED AIRCRAFT-- Aircraft operators or owners shall be responsible for the prompt removal of disabled aircraft and parts thereof, unless required or directed by the Airport Manager or the Federal Aviation Administration to delay such action pending an investigation of an accident. In the event of failure to promptly remove such disabled aircraft, the Airport Manager may cause the aircraft to be removed and bill the owners thereof for all charges incurred in the removal of same. The City shall not be responsible for damage to disabled aircraft removed by the owner, the pilot, the City, or other persons. The owner of the offending aircraft is liable for any damage that occurs in the removal of the aircraft unless it is gross negligence. This requirement may be waived by the Airport Manager upon receipt of a written application detailing the owner's plans for the aircraft.

15. DAMAGE TO AIRPORT PROPERTY-- Any and all Airport property destroyed, injured, or damaged by accident or otherwise shall be paid for by the party or parties responsible for such destruction, injury, or damage thereof.



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16. DISORDERLY CONDUCT-- No person shall commit any disorderly, obscene, indecent, or unlawful act; or commit any nuisance on the Airport.

17. SANITATION-- Garbage, papers and refuse or other material shall be carried out. No service is provided for that purpose.

18. MODEL AIRPLANES /DRONES-- Model airplanes/drones may not be flown on the airport with the exception that a waiver may be obtained for such activities as Air Fairs, Air Shows, or such activities approved by the City Council.

19. UNAUTHORIZED AIRCRAFT OR MOTOR VEHICLES. Any unauthorized aircraft or motor vehicle, which has been parked in any unauthorized space, may be removed by the Airport Manager.

20. HOURS OF OPERATION AND ACCESS-- The Airport landing areas, ramps, apron, and parking areas shall be open for public use at all hours of the day subject to these rules and regulations, and such additional conditions as may be determined by the Airport Committee, as necessary.

21. USE OF THE AIRPORT-- (a) Any person, firm or corporation desiring to use the Airport as a base for conducting a business or engaging in any form of commercial activity, shall first make application in writing and secure a written contract or lease from the City, for the use of the Airport or any of its facilities thereon, or for services rendered.

(b) Non-aeronautical use which includes, in part, such special outdoor events as sports car races, drag racing, any type of motorized vehicle



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racing, and etc. which involve driven wheels contacting the asphalt surfaces of any part of the Airport are prohibited.

(c) Non-aeronautical uses which includes, in part, such special outdoor events as city or county fairs, parades, model and remote-controlled airplane flying, kite flying, drones, etc. may be held on Airport property, excluding landing strips, and runway, with special approval of the City.

(d) Any individual, club, organization who may desire to use the City of Mackay Airport facilities excluding the landing strip, runways, such as the taxiways, hangars, parking areas, ramps, aprons, etc. for non-commercial activity, shall first make application in writing and secure permission from the City, and shall pay such fees and charges as the Council may determine by Resolution for the use of the Airport or any of its facilities thereon, or for services rendered.

22. FIXED BASE OPERATORS-- Fixed base operators may be limited in number consistent with space availability. Fixed base operators or other business firms using the Airport shall not engage in any commercial activity on the Airport other than that for which they have received a written contract from the City Council.

23. SALE OF AVIATION FUELS-- No person, firm or a corporation shall sell aviation fuel on the Airport, except by a holder of a written contract made with the City of Mackay where the City shall receive an amount per gallon for each gallon of fuel dispensed, as established by contract.



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24. STORAGE OF GASOLINE-- Gasoline stored upon the Airport must be in the fuel tank of a motor vehicle, including but not limited to a fuel tank, truck, or aircraft, or in metal storage tanks.

25. STORAGE OF HIGHLY FLAMMABLE or EXPLOSIVE MATERIAL-- No highly flammable/explosive material or substance may be brought or stored upon the Airport without the written consent of the Airport Manager, and if such storage is permitted, it must be stored under such conditions as directed by the U.S. Department of Transportation rules.

26. CLEANING OF AIRCRAFT-- No person shall use flammable or volatile liquids in the cleaning of aircraft, aircraft engines, propellers, and appliances unless such cleaning operations are conducted in open air, or in a room specifically set aside for that purpose, which room shall be properly ventilated and equipped with adequate and readily accessible fire extinguishing apparatus.

27. OPEN FLAME OPERATION-- No person shall conduct any open flame operation in any hangar, or part thereof in such a manner as to create a fire hazard to any person or property.

28. SMOKING-- No person shall smoke on the Airport where it is specifically prohibited by the Airport Manager and so marked with "NO SMOKING" signs.

29. FIRE REGULATIONS-- All persons using the Airport area or the facilities of the Airport in any way, shall exercise the utmost care to guard against fire and injury to persons or property.



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30. All buildings shall conform to applicable fire codes and be subject to annual inspection by the City Fire Chief.

31. All persons must obey any/all posted signs.

32. Airport users shall comply with all rules, regulations, and other requirements of the FAA including Grant Assurances.

SECTION IV: Motor Vehicle Regulations

1. GENERAL OPERATIONS:

a. Motor vehicles shall not be driven on the landing areas proper unless for official airport business, rescue, bona fide maintenance, or with express permission of the Airport Manager.

b. Motor vehicles shall not be parked on the Airport property except in areas designated by signage for that purpose.

c. Motor vehicle Operators shall pay parking fees as assessed by the Airport Committee.

d. Motor vehicles shall at all times yield the right-of-way to all moving aircraft.

e. Fuel trucks shall be equipped and maintained to comply at all times with all applicable safety and fire prevention requirements or standards.

2. LONG TERM PARKING -- Vehicles left at the airport for periods greater than 30 days must meet the following criteria:



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- a. The vehicle must be associated with an aircraft operator and parked for logistical reasons and not for long-term storage of the vehicle.**

- b. Vehicles must be licensed, registered, and insured in the State of Idaho and in working order.**

- c. Recreational Vehicles, camp trailers, 4-Wheelers, Side X Sides, and the like shall not be stored anywhere on the airport property, including in private hangars.**

- d. All vehicles parked at the airport for greater than 30 days shall be parked in the area designated Long Term Parking by the City Council.**

- e. Parking of City owned vehicles are exempt from this regulation.**

SECTION V: Aircraft Taxiing and Ground Rules

1. TAXIING RESPONSIBILITY-- No person shall taxi an aircraft until he has ascertained that there will be no danger of collision with any person or object in the immediate area.

2. TAXIING SPEED-- Aircraft shall be taxied only at a safe and reasonable speed.

3. DEFECTIVE BRAKES-- Aircraft with defective brakes and aircraft originally manufactured without brakes shall not be taxied near buildings or parked aircraft, unless an observer is at a wing of the aircraft to assist the pilot.



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4. STARTING AIRCRAFT-- No aircraft or aircraft engine shall be started or operated without a competent person at the controls, or properly secured.

5. HOLDING LINE-- Aircraft awaiting takeoff shall stop at least 50 feet, or at painted holding lines, from the runway in use, and in a position to have a direct view of aircraft approaching for landing.

6. UNAUTHORIZED-- Taxiing aircraft outside designated taxiways, parking areas, and ramps shall not be permitted, except with the written approval of the Airport Manager and in such a manner as may be prescribed.

7. RUN-UP-- At no time shall engines be "run up" when other aircraft, hangars, other buildings, or persons in the observation area, are in the path of the propulsion stream. Aircraft moving from the parking ramp shall avoid damaging other aircraft, persons, or property with propulsion airflow.

8. PARKING-- Aircraft shall be parked in the areas and in the manner designated by the Airport Committee. All pilots will park as directed. Aircraft shall not be left unattended in ramp loading areas or fueling areas.

9. REPAIRS-- All repairs to aircraft or engines shall be done on the ramp or within a hangar.

10. RESTRICTED AREAS-- No person or persons, except airmen, duly authorized personnel, passengers going to and from aircraft, or other persons assisting airmen or airport attendants shall be permitted to enter the loading, runway, taxiway, or service areas. This does not



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give any person so exempted the privilege of unrestricted use of this area. No person may enter this space except in connection with flights, inspection, or routine duties. Pedestrian or ground vehicular traffic in other than the public use area (loading, deplaning, parking, serving) without permission of the Airport Manager, will be considered as trespassing.

11. INSTRUCTORS-- Instructors shall fully acquaint their students with the rules and shall be responsible for the conduct of the flight under their direction during dual instruction. When a student is flying solo, it shall be his sole responsibility to observe and abide by these rules.

12. OWNERS/OPERATORS-- Each aircraft owner/operator occupying the hangar or tie-down area will be responsible for:

a. Adequate securing of his aircraft.

b. Proper inspection of tie-down apparatus.

c. Damage to their aircraft in the parking, tie-down, or a hangar area caused by his improper handling or securing of his aircraft is the responsibility of the owner/operator.

d. Any aircraft parked at the airport longer than 24 hours outside leased property shall be assessed a tie down fee. The City Council shall establish the tie down fee by Resolution.

e. Hangar and tie down areas shall be kept clean and free from debris.

SECTION VI: Landing and Take-off Rules

1. UNICOM-- It is recommended that pilots use and monitor UNICOM frequency 122.8 within five miles of the airport.



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2. TRAFFIC PATTERN-- All airplanes taxiing, landing, and taking off shall do so in accordance with Unicom advisories. In the absence of such advisories, aircraft utilizing Runway **35** shall use left-hand traffic procedures and aircraft utilizing Runway **17** shall use left-hand traffic procedures during daylight operations and right-hand traffic for night operations. Traffic entry shall be at a 1,000 feet AGL and at 45 degrees to the downwind leg of the pattern. Departures turns shall be at not less than 1000 feet altitude and shall be beyond the departure end of the runway. All operations are to be at a safe distance from other aircraft and obstructions.

3. RIGHT-OF-WAY-- The aircraft in the established traffic pattern shall have the right-of-way over aircraft approaching the pattern.

4. ROTORCRAFT-- Rotorcraft shall conform to traffic pattern for entry and departure. All other aircraft shall have right-of-way over rotorcraft within the airport traffic-area/control zone.

5. RESPONSIBILITY-- In landing and taking off, the pilot will at all times be responsible for the safety of his aircraft. He will be responsible for using common sense and good flying judgment. If at any time there is a question regarding right-of-way in landing or taking off, he shall give way immediately instead of risk an accident. In case of an aircraft accident or incident where responsibility cannot be determined, both or all aircraft involved will be held responsible equally and dealt with accordingly.

SECTION VII: Aircraft Fueling and Defueling

1. ENGINE RUNNING-- No person may fuel or defuel any aircraft while the engine is running.



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2. SMOKING-- No smoking shall be permitted within 50 feet of any aircraft while it is being fueled or defueled or within 50 feet of any fuel carrier when not in motion or when it is being used for fueling or defueling an aircraft.

3. ELECTRICAL SWITCHES-- No person shall operate any radio transmitter or receiver or switch any electrical device on or off in any aircraft during fueling or defueling operations.

4. GROUNDING DEVICES-- All hoses, funnels and other equipment used in fueling or defueling aircraft shall be equipped with grounding or bonding devices to prevent sparking and ignition of volatile aircraft fuels. During fueling or defueling operations both the aircraft and fuel dispensing apparatus shall be grounded to a point of zero electrical potential.

5. FUEL OVERFLOW-- No aircraft shall be fueled without a person directly operating the fuel hose nozzle.

6. FIRE EXTINGUISHERS-- Adequate fire extinguishers shall be readily available within ready reach of persons engaged in refueling or defueling operations.

7. EQUIPMENT-- Fueling hoses and defueling equipment shall be maintained in a safe and nonleaking condition.

8. AUTOMOTIVE FUELS (MOGAS) -- If automotive fuels are used at the airport, the user shall sign a hold harmless agreement stating they are using automotive fuel at their own risk.



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9. SPILLS-- In the event of spillage of gasoline, oil, grease, or any material, which may be unsightly or harmful to the airport, the same, shall be removed immediately. The responsibility for the immediate removal of such gasoline, oil, grease, or other material shall be assumed by the person causing the spill, or by the tenant, or concessionaire responsible for the spill.

In the event of spillage in excess of 20 gallons, and the failure of the Service Provider or owner to restore the area to its original safe and environmentally sound status, the City may clean up any material unlawfully spilled, placed, or otherwise deposited at the airport and may charge the responsible person(s) for the cost of the cleanup, any required environmental remediation, and any expenses incurred by, or fines or damages imposed on, the City; as a result, thereof. Such an event may constitute grounds for denying access to the airport.

Spillage of twenty gallons of fuel or more shall immediately be reported to the county 9-1-1 Center.

SECTION VIII: Special Restrictions on Airport Land and Facility Use

1. RENTALS, LEASES, AND FIXED-BASE OPERATOR FEES-- Fees and charges for rentals, leases, and fixed-base operators will be set by the City Council through Resolution and when fixed, will be available for examination upon request.

2. BUILDING-- Building specifications regarding size and construction and requirements will be recommended by the Airport Committee and Set by Resolution of the City Council.



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3. HANGARS-- Hangars are to be utilized under the following conditions:

a. For the purpose of aircraft storage or aircraft maintenance purposes.

b. A limited amount of personal property of the aircraft owner may be stored in the hangar if the property is for aircraft storage or maintenance.

c. The personal property of anyone other than the aircraft owner is not to be stored in the hangar.

d. No short-term or long-term human habitation is allowed in a hanger. Aircraft crews may use a hangar for standby or crew rest but the hanger may not be used as aircraft crew quarters for greater than 24 hours.

e. No storage of items or material outside the hangar is allowed for any period of time.

4. AERIAL APPLICATORS-- Any person, firm or a corporation engaged in the business of, or known as aerial applicators and operating as such and desiring to fly commercially from the Mackay City Airport, other than fixed base operators with permanent facilities, shall make application to the Airport Committee and pay such fees and charges as established by the City Council by Resolution.

5. No person shall be permitted to use any land or conduct any commercial aeronautical activity or the solicitation of business in connection therewith unless such aeronautical activity is conducted in



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accordance with the standards herein established and as hereinafter amended occasionally by the City Council and shall have a valid contract or agreement to conduct such activities with the City of Mackay.

6. NONEXCLUSIVE RIGHTS CLAUSE--No person shall be granted an exclusive right to conduct any commercial aeronautical activity upon the Airport.

7. APPLICATIONS

Applications for leases of ground or facilities on the Airport, or for permission to carry on any commercial business or aeronautical activity on the Airport, with the necessary permits and licenses shall be made to the Mackay City Council. The applicant shall submit all information and material necessary or requested by the Council to establish to the satisfaction of the Council that the applicant will qualify and will comply with these rules and regulations. The application shall be submitted by a party owning an interest in the business, or the individual who will be managing the business, or partner of a partnership, or a director, or an officer of a corporation.

(a) MINIMUM APPLICATION INFORMATION-- The Council will accept and act on a request to lease land area or in any way permit the installation of a commercial activity after the proposed lessee, in writing, submits a proposal which sets forth the scope of operation he proposes, including the following:

- 1. The name and address of the applicant.**
- 2. The proposed land use, facility, or activity sought.**



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- 3. The names and the qualifications of the personnel to be involved in conducting such activity.**
- 4. The financial responsibility and ability of the applicant and operator to perform and provide the activity sought.**
- 5. The tools, equipment, services and inventory, if any, proposed to be furnished in connection with such activity.**
- 6. The requested or proposed date for commencement of the activity and the term of conducting the same.**
- 7. The estimated cost of any structure of facility to be furnished, the proposed specifications for same, and the means or method of financing such construction or acquisition of facilities.**
- 8. The specific types and amounts of insurance proposed in accordance with minimum requirements of the activity.**
- 9. Names and financial statement of proposed guarantors of the lease.**
- 10. Submit pro forma operating statement.**
- 11. The appropriate FAA certificates.**

(b) SUPPORTING DOCUMENTS-- The applicant shall submit the following supporting documents to the Council, with such other documents and information as may be requested by the Council.

1. FINANCIAL STATEMENTS-- A current financial statement certified by a Certified Public Accountant, or a licensed accountant.



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2. ASSETS-- A written listing of the assets owned or being purchased which will be used in the business on the Airport.

3. CREDIT REPORT-- A current credit report covering all areas in which the applicant has done business on the Airport.

4. AUTHORIZATION FOR RELEASE OF INFORMATION-- A written authorization for the FAA and all aviation or aeronautic commissions, administrators, or department of all states in which the applicant has engaged in aviation business to supply the Council with all information in their rules relating to the applicant or his operation. The applicant shall execute such forms, releases, and discharges as may be requested by any of these agencies. The City Council shall determine whether or not the applicant meets the standards and qualifications as herein set out and whether or not such application should be granted in whole or in part, and if so, upon what terms and conditions.

5. CAUSE FOR DENIAL OF APPLICATION

In reviewing an application, the following items will be considered:

(a) NOT QUALIFIED-- The applicant for any reason does not meet the qualifications, standards, and requirements established by these rules and regulations and minimum standards.

(b) SAFETY HAZARDS-- The applicant's proposed operations or construction will create a safety hazard on the Airport.

(c) CITY EXPENDITURE-- The granting of the application will require the City to spend funds, or to supply labor or materials in connection with the proposed operations to an extent which, or when the City is



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unwilling to enter such arrangement: or the operation will lead to a financial loss to the City.

(d) AVAILABILITY-- There is no appropriate, adequate, or available space on the Airport to accommodate the entire activity of the applicant at the time of the application.

(e) NON-COMPLIANCE WITH LAYOUT PLAN--The proposed operation, or airport development, or construction does not comply with the layout plan of the Airport.

(f) CONGESTION-- The development or use of the area requested by the applicant will result in depriving existing fixed base operators of portions of the area in which they are operating; or will result in a congestion of aircraft or buildings, or will result in unduly interfering with the operations of any present fixed base operator on the Airport through problems in connection with aircraft traffic or service; or preventing free access to the fixed base operator's area.

(g) MISREPRESENTATION-- Any party applying, or interested in the business, has supplied the Council with any false information or has misrepresented any material fact in his application or in supporting documents or has failed to make full disclosure on his application or in supporting documents.

(h) HISTORY OF VIOLATIONS-- Any party applying or interested in the business has a record of violating these Rules and Regulations, or the rules and regulations of any other airport, Federal Aviation Regulations or any other rules and regulations applicable to the Mackay City Airport.



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(i) DEFAULTED PERFORMANCE-- Any party applying or interested in the business has defaulted in the performance of any lease or other agreement with the Council.

(j) POOR CREDIT RECORD-- Any party for, or interested in the business, has a credit report which contains derogatory information and who does not appear to be a person of satisfactory business responsibility and reputation.

(k) LACK OF FINANCES-- The applicant does not appear to have or have access to, the finances necessary to conduct the proposed operation. Operating resources shall not include anticipated profits.

(l) UNDESIRABLE REPUTATION-- Any party applying for, or interested in business has been convicted of any crime or violation of any ordinance of such nature that indicates to the City Council that the applicant would not be a desirable operator on the Airport.

(m) ECOLOGICAL CONSIDERATIONS-- The protection of the health, welfare, or safety of the inhabitants of the Mackay area require such denial.

6. LEASE OR CONTRACT—The City shall not under any circumstances sell to any individual, company, corporation, etc. any land associated with the City of Mackay Airport. Only land indicated in the City of Mackay Airport Plan shall be available for lease. Individuals, companies, corporations, etc. desiring to construct a hanger for any purpose shall be required to lease the property, upon which the construction will take place, from the City of Mackay for an annual amount which will be determined by Resolution of the City Council.



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Upon the approval of any such applications as submitted or modified, the City Council shall cause to be prepared a suitable lease or contract agreement setting forth the terms and conditions of the land or the facility use, which lease, or contract shall in every instance be conditioned upon or contain

language assuring:

(a) That there be original and continued compliance with the standards required for each activity approved.

(b) That any structure or facility to be constructed or placed upon said Airport shall be constructed in a manner to conform to all safety regulations of the State of Idaho and the City of Mackay be in compliance with the requirements of current building codes and fire regulations; and that any construction once commenced will be completed within six (6) months. These shall be minimum requirements and may be increased by the Council.

(c) That the right shall be reserved by the City Council to modify or add to the Standards for Operations of Aeronautical Activities at the Airport and that any lease, contract, or agreement entered into with the applicant shall be terminated or canceled in the event of failure to comply with any modification or amendments to Standards after notice thereof shall have been given.

(d) Proper insurance and hold harmless clause shall be incorporated in said lease.

(e) The lease, or contract shall state that should the lessee default on the terms of the agreement that the hanger and any and all improvements to said leased property will become the property of the City of Mackay and that no money shall change hands.



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(f) Each air taxi/commercial operator shall maintain in force liability insurance equal to that required for air taxi operations by the Civil Aeronautics Board. Any concessionaire or fixed base operator providing facilities used by the public, in direct relationship to that operation, must also maintain in effect at all times a public liability policy with a minimum of \$500,000.00 combined single limit, including bodily injury, and property damage.

(g) That a fuel flowage fee shall be paid to the City of Mackay for aircraft fuels delivered to Lessee.

(h) That the controlling interests in the operation shall not be transferred by stock purchase or other control of the leasee's business, or corporation to which the lease is granted without prior written consent of the Mackay City Council.

(i) Leases shall be for no longer than five (5) years with a provision that the lease shall be reviewed on an annual basis. Leases may be canceled at any time for failure to comply with the rules and regulations set forth in this Ordinance.

(j) Lease fees shall be adjusted as deemed necessary by the City Council and increased depending upon the City's costs to maintain Airport services.

(k) That the City of Mackay reserves the right to have the Airport Manager contact the Leasee of Airport property at any reasonable work time and conduct an inspection of said property for compliance to this Ordinance. The Airport Manager shall provide written notice of any violations found. Leasee shall have thirty (30) days to correct



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such violations; unless the violation(s) present an immediate safety or health violation which will require instant correction.

SECTION IX: Standards for Specific Activities

Every person conducting the following specific activities shall meet the additional requirements as hereinafter set out:

(a) PUBLIC FUEL, OIL, SALES AND SERVICES-- Persons conducting aviation fuel and oil sales or service to the public on the Airport shall be required to provide:

- 1. Two grades of aviation fuel.**
- 2. An adequate inventory of at least two brands of generally accepted grades of aviation engine oil and lubricants.**
- 3. Proper equipment for repairing and inflating aircraft tires servicing oleo struts, changing engine oil, washing aircraft, and aircraft windows and windshields, for recharging aircraft batteries, and energizing starters.**
- 4. Conveniently located heated lounge or waiting rooms for passengers and airplane crews of itinerant aircraft with sanitary rest rooms.**
- 5. 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 and such additional regulations that might be hereafter specified by any Federal, State or City Agency.**



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6. Approved fuel storage facilities and approved fuel filtration system.

7. Adequate and sanitary handling and disposing, away from the airport, of all trash, waste, and other materials, including but not limited to used oil, solvents, and other waste. The piling or storage of crates, boxes, barrels, and other containers will not be permitted within the leased premises, without permission of the Airport Manager.

(b) AIRCRAFT CHARTER AND TAXI SERVICE-- Fixed Base Operators conducting an aircraft charter service shall be required to provide:

1. Passenger lounge and rest room.

2. Liability insurance as required by FAA for air taxi operators.

3. A valid FAA certificate for the activity engaged in.

(c) MINIMUM REQUIREMENTS FOR THE CONSTRUCTION OF FIXED BASE OPERATOR (F.B.O.) OFFICE SPACE.

1. The "office" shall be defined as including pilot lounge, restrooms, minor storage, classrooms and administrative offices.

2. The office shall be not less than 600 square feet in size.

3. The office shall include one restroom.

4. The office building construction shall comply with the state, county, and federal, including Federal Housing Administration (F.H.A.) statutes, rules, regulations and ordinances in effect at the time of construction.



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5. The layout and floor plan must be approved by the City Council prior to construction.

(d) MINIMUM REQUIREMENTS FOR FIXED BASE OPERATOR (F.B.O.) HANGER CONSTRUCTION.

1. The hanger shall be not less than 60' x 60' in size with a minimum 16-foot ceiling.

2. The hanger construction shall comply with all state, county, and federal statutes, rules, regulations, and ordinances in effect at the time of construction.

3. The siding on the hanger shall be of metal siding with factory-applied color which matches as close as possible other existing hangers, building at the Airport.

4. A layout and floor plan must be approved by the City Council prior to construction.

(e) AERIAL APPLICATORS -- Persons seeking to conduct crop dusting or spraying of agricultural chemicals shall be required to satisfy the Airport Manager that:

1. Suitable arrangements have been made for the safe storage and containment of noxious chemical material; no poisonous or inflammable, or explosive materials shall be kept or stored in close proximity to other facility installations at the Airport.

2. The operator shall make suitable arrangements for servicing, repairing, storing, and parking his aircraft with adequate safeguards against spillage on runways and taxiways or pollution or disbursement of chemicals by wind to other operational areas on the Airport.



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3. Operator shall provide \$500,000.00 in liability insurance to protect the operator and the City of Mackay from liability in connection with such operations.

4. The Operator shall pay a use fee established by Resolution of the City Council.

5. Operator shall pay a fuel flowage fee as required for fuel pumped, but not purchased from the Airport as established by Resolution of the City Council.

(f) FLYING CLUBS:

To operate under this category:

1. The club shall be a nonprofit entity organized for the express purpose of providing its members with an aircraft, or aircrafts, for their personal use, and enjoyment only. The ownership of the aircraft, or proof of a bona fide lease, must be vested in the name of the flying club (or owned ratably by all its members). The property right of the members of the Club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance, and the replacement of its aircraft. It is the intent that flying shall not be in direct competition with commercial operators, as defined by FAA rules and regulations.

(g) FIRE FIGHTING OPERATIONS: Fire aircraft operating from the Airport for a period greater than 72 hours must adhere to the following rules:



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- 1. Must operate from leased areas.**
- 2. Any operations outside leased property must be approved by the Airport Manager if extended past 72 hours.**
- 3. Government agencies must pay a fair market use fee for any activity outside leased areas if greater than 72 hours. The use fee is to be established by the Resolution of the City Council prior to operations past 72 hours.**

SECTION X: Airport Security

- 1. SECURITY/WILDLIFE EXCLUSION-- The airport is fenced but is not secured in a manner that will prevent the entrance of unauthorized persons and wildlife onto the airfield.**
- 2. TRESPASS-- Persons entering the airport for any activity not related to aviation, facility maintenance, or other bona fide aviation related activity shall be considered in trespass.**

SECTION XI: Authority of Airport Manager

- 1. It shall be unlawful for any person to violate or refuse to obey any of the provisions hereof. Whenever, in these rules, permission is requested from the City Council or Airport Manager, that permission shall be given in writing.**
- 2. Any person operating or handling any aircraft or motor vehicle in violation of the provisions herein contained, or refusing to comply with the rules and regulations made under hereof, may be removed or ejected from the Airport, or may be temporarily grounded by, or under the authority of, the Airport Manager, and may be deprived of the**



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further use of the Airport and its facilities for such a length of time as may be deemed necessary to insure the safeguarding of the same and the public and its interest therein in addition to all other penalties herein provided.

3. The Airport Manager shall have the authority to close the Airport or any part thereof at any time he deems necessary for the safety of operations of all concerned. In the absence of the Airport Manager, any officer of the Airport Committee may exercise this function.

4. The Airport Manager has sole authority to request the issuance of NOTAMS (Notice to Airmen) with the FAA. In the absence of the Manager, any officer may exercise this function.

SECTION XII: Public Utilities

Public Utilities which are available on the Mackay City Airport consist of electrical service, sewer, and water. Sewer and water service are provided by the City of Mackay in accordance with City Ordinances #452 and #453. Electrical service is provided by Lost River Electric Cooperative, Inc.