

WAYNE COUNTY AIRPORT AUTHORITY
AIRPORT ORDINANCE

Effective March 12, 2013

INDEX

<u>SECTION</u>	<u>PAGE</u>
SECTION 1: CITATION.....	1
SECTION 2: DEFINITIONS.....	1
SECTION 3: EXPRESS SPECIFIC POWERS AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.....	10
SECTION 5: [RESERVED]	12
SECTION 6: REGULATIONS OF GENERAL APPLICATION	13
SECTION 7: AIRCRAFT OPERATION.....	35
SECTION 8: CONSTRUCTION AND ALTERATIONS	43
SECTION 9: FIRE FIGHTING, FIRE PREVENTION, EMERGENCY MEDICAL SERVICES AND BUILDING SAFETY	44
SECTION 10: THE TRANSPORTATION, HANDLING AND STORAGE OF LIQUID PETROLEUM FUELS ON AIRCRAFT SERVICING RAMPS OR APRONS, ELECTRICAL EQUIPMENT	48
SECTION 11: SECURITY	53
SECTION 12: ENVIRONMENTAL CONTROLS.....	60
SECTION 13: GOVERNING COMMERCIAL GROUND TRANSPORTATION ACTIVITIES AT DETROIT METROPOLITAN WAYNE COUNTY AIRPORT.....	70
SECTION 14: FREE SPEECH ACTIVITIES	73
SECTION 15: PICKETING IN PUBLIC AREAS	86
SECTION 16: SIGNS	96
SECTION 17: AIRCRAFT LANDING AND PARKING FEES; MISCELLANEOUS TERMINAL CHARGES.....	97

SECTION 18:	VEHICULAR TRAFFIC	98
SECTION 19:	INTRA-TERMINAL VEHICLE REGULATIONS	102
SECTION 20:	RULES AND REGULATIONS FOR CROSSWINDS MARSH	104
SECTION 21:	EMERGENCY AND DISASTER MANAGEMENT	110
SECTION 22:	ENFORCEMENT AND PENALTIES	114
SECTION 23:	SEVERABILITY	118
SECTION 24:	EFFECTIVE DATE AND SUPERSEDER	118

WAYNE COUNTY AIRPORT AUTHORITY AIRPORT ORDINANCE

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

IT IS HEREBY ORDAINED BY THE WAYNE COUNTY AIRPORT AUTHORITY:

SECTION 1: CITATION

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

SECTION 2: DEFINITIONS

2.1 Meaning of Words and Phrases

In addition to the terms elsewhere defined in this Ordinance, the following words and phrases used in this Ordinance shall have the meanings set forth in this Section, unless some other meaning is plainly intended and shall be either singular or plural, as the context may require.

- 2.2 ADA Accessibility Guidelines or ADAAG means the design requirements for the construction and alteration of facilities covered by the ADA developed by the United States Access Board that serve as the basis for standards used to enforce the ADA, as amended through September 2002, and including, but not limited to, Section 10.4., Airports.

- 2.3 ADA-ABA Accessibility Guidelines means the accessibility guidelines issued by the United States Access Board for new or altered facilities covered by the ADA and the Architectural Barriers Act, published on July 23, 2004, in 36 CFR Parts 1190 and 1191, and amended on August 5, 2005, which guidelines revise and update ADAAG.

- 2.4 Air Operations Area or AOA means any area of the Airport used or intended to be used for landing, take off, surface maneuvering or parking of Aircraft or other activities directly related to Aircraft, including the hangar and cargo areas and Aircraft parking aprons.
- 2.5 Aircraft means any device used or designed for navigation of, or flight in, the air or space.
- 2.6 Aircraft Movement Areas means that area of the Airport that is under radio control of the FAA tower as per the current FAR 139 (14 CFR Part 139) Certification Manual/Specifications Certifications.
- 2.7 Aircraft Parking and Storage Area means any area of the Airport designated and made available, temporarily or permanently, by the CEO for the parking or storage of Aircraft.
- 2.8 Airport means either the Detroit Metropolitan Wayne County Airport or Willow Run Airport, and this Ordinance shall apply to both Airports unless the context specifically refers to a specific Airport.
- 2.9 Airport Authority or Authority means the Wayne County Airport Authority created pursuant to amendment to the Michigan Aeronautics Code, being the Public Airport Authority Act, 2002 PA 90, MCL 259.108 - 259.125e.
- 2.10 Airport Operations means the qualified Airport Authority personnel, prescribed by 14 CFR Part 139, who direct, monitor and coordinate compliance and enforcement of Airport regulations within the Airport premises, perform security functions and conduct liaison with the FAA in matters of the Airports' operation.
- 2.11 Airport Ordinance or Ordinance means this Wayne County Airport Authority Airport Ordinance.
- 2.12 Airport Security Program or ASP means a written or electronic document for Detroit Metropolitan Wayne County Airport approved by the Transportation Security Administration that details how the Authority will comply with the requirements of 49 CFR Part 1542. The ASP is classified Security Sensitive Information.

- 2.13 Alarm System means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention to which police, fire or emergency medical service personnel are expected to respond.
- 2.14 Alarm System User means any person, business, corporation, firm, partnership or association on whose premises an Alarm System is maintained within the Airport.
- 2.15 Alcoholic Beverages means any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing one-half (1/2) of one percent (1%) or more of alcohol by volume, which are fit for use for beverage purposes.
- 2.16 Americans with Disabilities Act or ADA means the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., enacted for the purpose of establishing a clear and comprehensive prohibition of discrimination on the basis of disability. The ADA guarantees equal opportunity for individuals with disabilities in public accommodations, employment, transportation, state and local government services, and telecommunications.
- 2.17 ARFF means Aircraft Rescue Fire Fighting.
- 2.18 Authorized Person means any person to whom the Authority has issued an Airport Identification Badge authorizing unescorted access to a Security Sensitive Area.
- 2.19 Certification Manual means a written document that details how the Authority will comply with the requirements of 14 CFR Part 139.
- 2.20 CFR means the Code of Federal Regulations.
- 2.21 Charter Service means transportation from the Airport by a Ground Transportation Operator of a Person or group of Persons under any contract requiring the exclusive use of a motor vehicle to travel to a particular destination or destinations.

- 2.22 Chief Executive Officer or CEO means the Authority's Chief Executive Officer or authorized designee thereof, including any individual serving as Chief Executive Officer in an interim capacity.
- 2.23 Commerce means the exchange, trading, buying, hiring or selling of commodities, goods, services or property of any kind or any revenue-producing activity.
- 2.24 Commercial Ground Transportation Vehicle shall have the meaning for such term set forth in Section 13.
- 2.25 Contention means actual or threatened violence to Person or property.
- 2.26 Controlled Substance means a drug, substance or immediate precursor as defined in the Michigan Public Health Code, Act 368 of 1978, being MCL 333.7104(2).
- 2.27 County means the Charter County of Wayne, Michigan.
- 2.28 Department of Transportation means the United States Department of Transportation or the Michigan Department of Transportation as context requires.
- 2.29 Disturbance means the interruption of peace and quiet, violation of public order, unlawful interference with a Person's lawful pursuit of his occupation, right or privileges, or actual or threatened violence.
- 2.30 EPA means the United States Environmental Protection Agency or a successor agency if so designated by the United States.
- 2.31 Excessive False Alarms means five (5) or more False Alarms from an Alarm System during a calendar year (January 1 through December 31).
- 2.32 FAA means the Federal Aviation Administration or a successor agency if so designated by the United States.
- 2.33 False Alarm means the activation of an Alarm System, causing an audible or visual signal, through mechanical failure or malfunction, faulty equipment, improper installation or the negligence or improper or mistaken use by the Alarm System User or the employees or agents of the Alarm System User, which shall be established when there

is no evidence of criminal activity, illegal entry or an attempt thereof, or of fire or the need for medical attention, upon the activation of the Alarm System; provided that a “False Alarm” shall not include:

- a. Alarm Systems that are activated as the result of an electrical interruption due to a power shortage or outage, if such interruption is confirmed with the utility company providing the electrical service.
 - b. Alarm Systems that are activated as the result of a disruption or disturbance of telephone or other communication systems, if such disruption or disturbance is confirmed with the utility company which provides the telephone or communication system.
 - c. Alarm Systems that are activated as the result of severe weather or other violent conditions beyond the control of the Alarm System User.
 - d. Alarm Systems that are activated by Persons working on the Alarm System, or testing the Alarm System, with prior notification to the Police and Fire Departments of the Wayne County Airport Authority.
- 2.34 FAR means the Federal Aviation Regulations promulgated and administered by the FAA that govern civil aviation and aviation-related activities, currently codified in title 14 of the Code of Federal Regulations (14 CFR).
- 2.35 Fixed Based Operator or FBO means any Person who is authorized by the Authority to furnish a full range of aeronautical activities and services to the public at the Airports, including fueling and line services to general aviation Aircraft, and ramp services, fuel services and into-plane fueling for air carrier Aircraft.
- 2.36 Fuel Handling means the transporting, storing, delivering, pumping, loading, unloading and draining of any aviation, automotive or other fuel or fuel waste product.
- 2.37 Fuel Storage Areas means areas of the Airport designated temporarily or permanently by the CEO as areas in which any type of fuel may be stored.

- 2.38 Ground Transportation Operator means any Person engaged in the commercial transportation by motor vehicle of Persons for hire from the Airport, other than a Limousine, Luxury Sedan or a Taxicab Operator, either directly or through any device or arrangement, whether or not such Person holds himself out to the public as a Ground Transportation Operator or whether or not such Person is considered a contract carrier or common carrier of passengers in accordance with other applicable law.
- 2.39 Hazardous Substance means any hazardous material, oil, gasoline, or other substance or material as defined by State or federal law, including a material or substance that the Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under Section 5103 of Federal Hazardous Materials Transportation Law (49 U.S.C. 5103).
- 2.40 Landing Areas means areas of the Airport designated and made available, temporarily or permanently, by the CEO for the landing and taking off of Aircraft, including runways, taxiways and other areas between and adjacent to runways and taxiways.
- 2.41 License or Permit means an authorization or permission granted by the CEO to perform an act or activity at the Airport. The terms "License" and "Permit" as used herein are synonymous and interchangeable.
- 2.42 Limousine means a self-propelled motor vehicle used in the carrying of passengers and the baggage of passengers for hire with a seating capacity of fifteen (15) passengers or less, including driver.
- 2.43 Luxury Sedan shall have the meaning for such term set forth in Section 13.
- 2.44 Michigan Construction Code means the most recently published version of the State of Michigan Construction Code, and the administrative rules promulgated there under, that relate to the design, construction, or use of buildings and structures and the installation of equipment in a building or structure.

- 2.45 NFPA Code means the most recently published version of the National Fire Protection Association (NFPA), containing the codes and directives established by the NFPA.
- 2.46 Number-Gender. The singular includes the plural and the plural includes the singular. The masculine includes the feminine and the neuter as may be appropriate.
- 2.47 Off-Airport Commercial Enterprises mean businesses that provide, or cause to be provided, whether as an adjunct to, or an integral part of their principal commercial endeavor, transportation between the Airport and an off-Airport location to any individual, luggage, cargo, mail or other personal property by any Person without a written contract between the Authority and such Person.
- 2.48 Operator means any Person who is in actual physical control of an Aircraft or vehicle.
- 2.49 Permission means an authorization granted by the CEO unless specifically stated otherwise.
- 2.50 Permittee means any Person to whom a Permit or License has been issued.
- 2.51 Person means an individual, firm, partnership, group, co-partnership, trust, association, joint stock association, corporation or company, or body politic; and includes any successor, assignee, receiver, trustee or other similar representative.
- 2.52 Police Officer means any Authority Police Officer, State Police Officer, or any other officer of the County, State of Michigan or federal government charged with the maintenance of public order, safety and health and/or the enforcement of laws and regulations, including this Ordinance.
- 2.53 Public Vehicle License or PV License means a photographic credential issued by the Authority to a Taxicab and/or Luxury Sedan driver who has, or is employed by an entity having, a contractual relationship with the Authority. The credential identifies the Taxicab and/or Luxury Sedan driver as authorized to pick up fares at the Airport. Issuance of a PV License requires the successful completion of an FBI criminal history check. The PV License expires annually upon the driver's birth month.

- 2.54 Restricted Area means any area of the Airport designated not generally open to the public, unless authorization has been granted to enter.
- 2.55 Scheduled Ground Transportation Service means the transportation by a Ground Transportation Operator of individually ticketed passengers from the Airport at fares, on schedules, and to predetermined destinations and routes, whether or not such service is on file with the governmental agency having jurisdiction over such transportation.
- 2.56 Secured Area means any area of the Airport where access is controlled by fencing, gates, signs, guards or similar means or devices.
- 2.57 Security Identification Display Area or SIDA means any area within the Airport where Persons are required to continuously display their issued Airport Identification Badge on their outermost garment, above the waist, with photo visible. Security Identification Display Areas include all Secured Areas.
- 2.58 Security Sensitive Area means any area within the Airport for which access is restricted to Persons authorized by the CEO. Security Sensitive Areas include the following areas: Air Operations Area, Secured Area, Sterile Area, Security Identification Display Area or Restricted Area.
- 2.59 Security Sensitive Information or SSI means information obtained or developed in the conduct of security activities the disclosure of which the United States Department of Homeland Security-Transportation Security Administration has determined would be detrimental to the security of aviation as defined in 49 CFR 1520.5.
- 2.60 State means the State of Michigan.
- 2.61 Sterile Area means a public area to which access is controlled by the inspection of persons and property.
- 2.62 Taxicab shall have the meaning for such term set forth in Section 13.
- 2.63 TSA means the federal Transportation Security Administration or a successor agency or department.

2.64 Wayne County Airport Authority Construction Standards means at any time the Authority's then current standards for construction, development, repair, demolition/removal, use and maintenance of Airport properties.

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

3.1 The CEO is expressly authorized to exercise all powers which are necessarily incidental to the exercise of the express, general, and specific powers herein granted, including without limitation the execution of contracts not inconsistent with the Wayne County Airport Authority Procurement and Contracting Ordinance.

SECTION 4: ABATEMENT OF AERONAUTICAL HAZARDS

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

SECTION 5: [RESERVED]

SECTION 6: REGULATIONS OF GENERAL APPLICATION

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

- a. To provide for safe operation of Aircraft upon Airport property.
- b. To provide for safe and effective operations upon the property of the Airport in the event of disaster or emergency, including, but not limited to, fire-fighting, responding to Aircraft mishaps, police protection, emergency medical attention, utility repair, and building safety measures.
- c. To assure that Aircraft fueling operations are conducted safely and in an environmentally sound manner.
- d. To assure the protection and security of Aircraft, property, facilities and the public from theft, hazard, neglect, and intentional harm.
- e. To protect Airport environs and users from forms of water, air, noise, and ground pollution as the CEO determines feasible.
- f. To provide for the safe, orderly, and equitable governance of Taxicab, Luxury Sedan, Limousine and Ground Transportation services.
- g. To protect the legitimate commercial needs and rights of the Airport and its users, consistent with the First Amendment rights of individuals.
- h. To regulate the compatibility, use, safety, size and location of signs upon Airport premises.
- i. To establish and collect reasonable and equitable fees and charges for Airport use to make the Airport as self-sustaining as possible, as required by federal airport grant assurances.

- j. To provide for the impoundment and return or disposal of vehicles which are abandoned upon property under the operational jurisdiction of the Airport Authority.
- k. To regulate the operation and parking of motor vehicles to promote safety and efficiency on Airport property.
- l. To regulate any practice of Airport users and lessees, or construction contractors, which constitutes a potential hazard to air navigation, or which may impair the safety or the personal or property rights of other Airport users.

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

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

- a. soliciting or surveying any business, trade or service;
- b. selling or offering for sale any items;
- c. operating, conducting, participating in or soliciting contributions for any form of entertainment, including but not limited to air-shows, fly-ins, and static displays;

- d. delivering or attempting to deliver any service, article or merchandise to persons not employed at the Airport;

Violation of Subsection 6.3 is a misdemeanor.

6.4 A Person doing business at the Airport shall not, on Airport property, conduct any promotional sale of a product or service, including, but not limited to, the promotional sale of airline passenger tickets and the taking of airline passenger reservations, under conditions which are likely to result in Contention or disturbance. It shall be conclusively presumed that Contention or disturbance will result under the following circumstances:

- a. the product or service is offered for sale at a discounted price; and
- b. the quantity thereof available for sale to the public at the discounted price is limited, and not likely to meet all of the demands of the public therefor; and
- c. the identical or comparable product or service is available at the discounted price only at the Airport on a first-come-first-served basis commencing at a specified time, and may not be purchased by telephone or at offices or business establishments within the Detroit Metropolitan area where the identical or comparable product or service is normally sold; and
- d. The promotional sale is advertised to the public in any manner.

Violation of Subsection 6.4 is subject to an administrative civil penalty.

6.5 A Person shall not solicit nor engage in any kind of wagering or gambling of any form, nor operate any kind of gambling device upon Airport premises, unless authorized by State law and with a Permit from the CEO. Violation of Subsection 6.5 is a misdemeanor.

6.6 A Person shall not alter, destroy, deface, damage, injure, paint, mark, break, bend, deform, move or remove, in any way, any building, wall, stair, floor, window, partition, pavement, ceiling, door, restroom fixture, fence, sign, door, gate, pole, light, nor other fixture, equipment, communication device, nor structure, or any tree, shrub, flower, lawn

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

- 6.13 An individual shall not consume alcoholic beverages in any area of the Airport premises that is not specifically designated for that purpose. Violation of Subsection 6.13 is a misdemeanor.
- 6.14 An individual shall not carry a lighted cigar, cigarette, pipe or other lighted smoking device in any Airport terminal or other Airport building. An individual shall not smoke in any outdoor area of the Airport designated as a “non-smoking” area. Violation of this Subsection 6.14 is a misdemeanor.
- 6.15 Open Flames. A Person shall not, without a Permit, operate an open flame or lighted open flame device on any Aircraft servicing ramp, in any hangar, on any apron, or within fifty (50) feet of any fuel tender not in motion, including, but not limited to:
- a. lighted cigarettes, cigars, pipes, etc.;
 - b. exposed flame heaters (liquid, solid or gaseous or kerosene heaters);
 - c. de-icing vehicles equipped with open flame heaters;
 - d. welding or cutting torches, blow torches, etc.;
 - e. flare pots or other flame lights.
- Violation of this Subsection 6.15 is a misdemeanor.
- 6.16 If a Person finds a lost article upon Airport premises, he or she shall immediately report that fact to an Authority Police Officer, and leave the article in the custody of an Authority Police Officer except articles found at the passengers screening checkpoints which shall be turned over to the Transportation Security Administration. The Authority Police Officer shall issue a receipt for the lost article to the finder, and shall record all information needed to dispose of the article pursuant to State law, if not claimed within the statutory period. A Person shall not remove or attempt to remove the article from the Airport premises without first making such a report and disposition. Removal or attempted removal of a lost article from Airport premises is a misdemeanor.

- 6.17 A Person shall not operate a vehicle on the Airport with more people or cargo than the designed capacity of the vehicle. Violation of Subsection 6.17 is a misdemeanor.
- 6.18 A damaged wheelchair must be removed from service immediately by the airline or the FBO, as applicable. The damaged wheelchair shall be repaired and place back into service, or a replacement wheelchair used, within twenty-four (24) hours of such removal from service. Failure by an airline or FBO to comply with this Subsection will result in an administrative penalty and forfeiture of the wheelchair.
- 6.19 A Person shall promptly without delay, comply with a lawful order of a Police Officer and shall refrain from interfering with a Police Officer when that Police Officer is enforcing any one or more of the provisions of this Airport Ordinance. Violation of Subsection 6.19 is a misdemeanor.
- 6.20 A Person shall promptly and without delay, comply with a lawful order from the owner or operator of an Aircraft to leave the Aircraft. Violation of Subsection 6.20 is a misdemeanor.
- 6.21 The following areas of the Airport shall be available for use only for the purposes hereinafter specified. The use of such areas of the Airport for any other purpose without a Permit is prohibited:
- a. Aircraft parking and storage areas may be used for the purpose of servicing Aircraft with fuel, lubricants and other supplies for use thereon, and for making minor or emergency repairs to Aircraft.
 - b. Aircraft ramp and apron areas may be used for the purpose of loading or unloading passengers, baggage, cargo, mail and supplies from Aircraft; for servicing Aircraft with fuel and lubricants, performing the operations commonly known as "ramp service"; performing inspection, minor maintenance and other services upon or in connection with Aircraft, but only as an incident to performing

“ramp service”; and, parking mobile equipment actively used in connection with such operations.

- c. Landing Areas may be used for the purpose of landing and taking off of Aircraft and the ground movement of Aircraft to, from and between runways, ramps and apron areas, Aircraft parking and storage areas, and other areas of the Airport.
- d. Airport roadways may be used as a means of ingress and egress by vehicles to, from and between the streets with which such roadways connect and the various buildings and land areas at the Airport; sidewalks along such roadways (and other portions of such roadways when designed for that purpose) may be used by pedestrians as a means of ingress and egress to, from, and between various portions of the Airport.
- e. Restricted vehicular parking areas may be used only for the purpose of parking vehicles displaying the required Permit. Vehicular parking areas made available to the general public may be used only for the purpose of parking vehicles licensed and registered as motor vehicles for use upon the highways in accordance with the laws of the State, provided that such vehicles shall not be equipped or loaded in such a manner or with such material as to endanger, or to be likely to endanger, persons or property.
- f. Hallways, corridors and lobbies in buildings at the Airport to which members of the public are admitted may be used by such members of the public only as a means of ingress and egress to, from and between a public entrance to such buildings' places of business open to the public in such buildings. Nothing herein contained shall be construed to limit the use of any area or portion of the Airport by Police Officers or Airport employees with proper Airport identification when entering upon any part of the Airport in the proper exercise and performance of their official duties. The use of the foregoing areas and portions of the Airport is

further conditioned upon compliance with all provisions of this Ordinance as are now in effect, or may from time to time be prescribed and, where required, the payment of such rates, fees and charges as may from time to time lawfully be imposed or established.

- g. The use of the foregoing areas and portions of the Airport is further conditioned upon compliance with (1) all provisions of this Ordinance as are currently in effect, or as may from time to time be prescribed and (2) where required, the payment of such rates, fees and charges as may from time to time lawfully be imposed or established by the Authority.
- h. A Person shall not store any equipment not directly related to that Person's Airport operation or construction on the Airport without written permission of the CEO.

Violation of Subsection 6.21 is subject to an administrative civil penalty.

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

- a. In determining the amount of fees the CEO shall take into consideration such factors as:
 - i. service to the traveling public provided by the Off-Airport Commercial Enterprises;
 - ii. frequency and scope of use of the Airport facilities by the Off-Airport Commercial Enterprises;

- iii. contribution to the traffic congestion on the Airport roads made by the Off-Airport Commercial Enterprises;
 - iv. the different benefits the various categories of users derive from the Airport;
 - v. the degree of business advantages or disadvantages that accrue to the Airport through competitive on-Airport service;
 - vi. such other factors as, in the judgment of the CEO, may be relevant to the determination.
- b. Each Off-Airport Commercial Enterprise required to pay a fee based upon a percentage of gross receipts or gross revenues shall submit to the Airport Authority, within ten (10) days following the end of each calendar month, a report, certified by the chief financial officer of the Off-Airport Commercial Enterprise, of the gross receipts or gross revenues derived from or on behalf of customers picked up at or conveyed to the Airport and include with the report payment to the Airport Authority of the required fee.
- c. Each Off-Airport Commercial Enterprise required to pay a Permit fee shall be required to obtain a Permit for such activity and pay the required fee at the time the Permit is issued.
- d. All Off-Airport Commercial Enterprises shall be required to obtain a Permit to conduct activities at the Airport. Use of the Airport by an Off-Airport Commercial Enterprise without a Permit shall violate this Airport Ordinance each time a vehicle of such Off-Airport Commercial Enterprise stops at the Airport to load or unload a person, baggage or cargo. A vehicle which incurs more than one (1) violation shall be subject to being towed to an impound area until the disposition of the ticket issued for said violation is determined by a Court of competent jurisdiction.

- e. Gross receipts or gross revenues is defined to mean and to include all monies paid or payable by or on behalf of customers picked up at or conveyed to the Airport to the Off-Airport Commercial Enterprises for any and all services provided, without reduction for taxes or separately stated fees to be paid the Authority or others.
 - f. Any violation of the requirements of Section 6.22 shall result in the revocation of the Permit granted pursuant to Section 6.22 and the privilege of access to and from the Airport for commercial purposes.
- 6.23 It shall be unlawful for any Person to operate, cause to be operated, or to carry on at the Airport any of the business activities of a concessionaire with respect to any amusement device without first having obtained a License for each such piece of equipment, in accordance with the provisions of this Airport Ordinance, and without first having entered into a concession agreement with the Authority. Violation of Subsection 6.23 is a misdemeanor.
- 6.24 It shall be unlawful for any Person to operate an establishment which sells or dispenses alcoholic beverages without obtaining a liquor license from the State. Any liquor license obtained to sell or dispense liquor on the Airport premises shall be a joint license with the Authority as a co-licensee. Violation of Subsection 6.24 is a misdemeanor.
- 6.25 If a Person is in violation of a provision of this Ordinance, and if that Person is informed of that provision by a properly identified Authority employee and is requested to promptly desist or otherwise comply, and if that Person continues or repeats the violation, or fails or refuses to promptly desist or comply, that Person is guilty of a misdemeanor.
- 6.26 If the permission of a Person to conduct certain activities upon the premises of the Airport is suspended or revoked, and notice of that suspension or revocation has been given to that Person, if that Person continues to conduct the activity without permission, that Person is guilty of a misdemeanor.

- 6.27 A Person shall not make or excite any disturbance or Contention at or in any Authority or Airport business place, street, public building, grounds or park, sidewalk, parking lot, parking deck, hotel, terminal, concourse or public meeting where citizens are peaceably and lawfully assembled. Violation of Subsection 6.27 is a misdemeanor.
- 6.28 A Person shall not use any alleyway, ramp, taxiway, runway or vehicle checkpoint as a pedestrian walkway.
- 6.29 A Person shall not solicit passengers for hire at the Airport and shall not use agents to solicit passengers for hire. Violation of Subsection 6.29 is a misdemeanor.
- 6.30 A Limousine Operator not actively loading or unloading pre-arranged passengers or their luggage may not stand, stop or park at an Airport terminal curb space. Violation of Subsection 6.30 is a misdemeanor.
- 6.31 A Limousine Operator not actively loading a pre-arranged passenger or his luggage may park in a parking lot or at an available parking meter.
- 6.32 A Person shall not hunt, or attempt to hunt, trap, catch, wound, kill or treat cruelly, any bird, fish, or animal, or molest or rob any nest, lair, den or burrow of any bird, fish, or animal, in or upon any Authority or Airport property, land or waters without express written permission of the CEO. Violation of Subsection 6.32 is a misdemeanor.
- 6.33 Any Person doing business at the Airport shall report all Incident(s) of which such Person is aware directly to the Airport Authority within 90 days of becoming aware of such Incident(s), unless the Person is engaged in quarterly Incident reporting to the Airport Authority, in which case the Incident(s) shall be reported directly to the Airport Authority on or before the January 1, April 1, July 1, or October 1 next following the Person becoming aware of the Incident(s). With respect to this Subsection 6.33 only, an "Incident" means any event on Airport Authority property (whether owned by or under control of the Airport Authority) that has compromised any Airport operations, created a hazard, resulted in property damage, or resulted in personal injury or illness.

6.34 A person shall not operate a vehicle within Landing Areas or Aircraft Movement Areas without completing the required training, including any recurrent training, set forth in 14 CFR Part 139, Subpart B, or any successor regulation(s) thereto. Failure to comply with this requirement shall result in the revocation of access privileges and may result in administrative penalties.

6.35 Excessive False Alarms

- a. Excessive False Alarms; civil infractions - The occurrence of five (5) or more False Alarms within a calendar year (January 1 through December 31) shall constitute a violation of this Subsection and shall be designated as a violation of this Ordinance, subjecting the Alarm System User to the following fines:
 - i. Fifth False Alarm requiring response by police/fire/emergency medical services personnel during a calendar year: \$50.
 - ii. Sixth False Alarm requiring response by police/fire/emergency medical personnel during a calendar year: \$125.
 - iii. Seventh False Alarm requiring police/fire/emergency medical service personnel during a calendar year: \$275.
 - iv. Eighth and every subsequent False Alarm requiring response by police/fire/emergency medical service personnel during a calendar year: \$500 per False Alarm.
- b. Division- Upon the fourth False Alarm during a calendar year, the CEO shall serve written notice upon the Alarm System User that the Alarm System User will be subject to the civil infraction fines as designated in this Subsection.
- c. Automatic shutoff required – All Alarm Systems that emit an audible signal (commonly referred to as local alarms) beyond the boundaries of the premises protected must have an automatic shutoff feature which silences the audible

portion of the Alarm System within 15 minutes of said activation. This Subsection c shall not apply to fire alarm systems.

- d. Automatic dialing prohibited – No Person shall install, use, operate, adjust arrange for or contract to, provide a device or combination of devices that will, upon activation, either mechanically, electronically or by other means, initiate the automatic dialing or connection directly any Wayne County Airport Authority Police or Fire Department telephone number.
- e. Public nuisance – In addition to the provisions contained in this Subsection any Alarm System which signals five (5) or more False Alarms within a calendar year shall deemed to constitute a public nuisance.
- f. Violation and penalties – Except as otherwise provided, any violation of the provisions of this Subsection shall constitute a civil infraction, which shall be punishable by the imposition of a fine as provided in this Subsection.

6.36 Alcohol Purchases by Underaged Persons

- a. A Person less than 21 years of age shall not purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content, except as provided in this section. A minor who violates this subsection is guilty of a misdemeanor.
- b. A Person who furnishes fraudulent identification to a minor, or a minor who uses fraudulent identification to purchase alcoholic liquor, is guilty of a misdemeanor.
- c. The secretary of state shall suspend the operator's or chauffeur's license of Person convicted of violating subsection (a) or (b) above, as provided in section 319 of the Michigan vehicle code, 1949 PA 300, MCL 257.319.
- d. The court may order the person convicted of violating subsection (a) above to undergo screening and assessment by a person or agency as designated by the

substance abuse coordinating agency as defined in section 6103 of the public health code, 1978 PA 368, MCL 333.6103, in order to determine whether the person is likely to benefit from rehabilitative services, including alcohol or drug education and alcohol or drug treatment programs.

- e. A peace officer who has reasonable cause to believe a Person less than 21 years of age has consumed alcoholic liquor or has any bodily alcohol content may require the person to submit to a preliminary chemical breath analysis. A peace officer may arrest a person based in whole or in part upon the results of a preliminary chemical breath analysis. The results of a preliminary chemical breath analysis or other acceptable blood alcohol test are admissible in a criminal prosecution to determine whether the minor has consumed or possessed alcoholic liquor or had any bodily alcohol content.
- f. The police department, upon determining that a Person less than 18 years of age who is not emancipated under 1968 PA 293, MCL 722.1 to 722.6, allegedly consumed, possessed, purchased alcoholic liquor, attempted to consume, possess, or purchase alcoholic liquor, or had any bodily alcohol content in violation of subsection (1) shall notify the parent or parents, custodian, or guardian of the Person as to the nature of the violation if the name of a parent, guardian, or custodian is reasonably ascertainable by the police department. The notice required by this subsection shall be made not later than 48 hours after the police department determines that the Person who allegedly violated subsection (1) is less than 18 years of age and not emancipated under 1968 PA 293, MCL 722.1 to 722.6. The notice may be made by any means reasonably calculated to give prompt actual notice including, but not limited to, notice in person, by telephone, or by first class mail. If an individual less than 17 years of age is

incarcerated for violating subsection (a) above, his or her parents or legal guardian shall be notified immediately as provided in this subsection.

- g. This section does not prohibit a minor from possessing alcoholic liquor during regular working hours and in the course of his or her employment if employed by a Person licensed to distribute or sell alcohol, if the alcohol is not possessed for his or her personal consumption.
- h. This section does not limit the civil or criminal liability of a vendor or the vendor's clerk, servant, agent, or employee for any violation hereof.
- i. Subsection (1) does not apply to a minor who participates in either or both of the following:
- j. Subsection (a) above does not apply to a Person less than 21 years of age who participates in either or both of the following:
 - i. An undercover operation in which the Person less than 21 years of age purchases or receives alcoholic liquor under the direction of the person's employer and with the prior approval of the local prosecutor's office as part of an employer-sponsored internal enforcement action.
 - ii. An undercover operation in which the Person less than 21 years of age purchases or receives alcoholic liquor under the direction of the state police or a local police agency as part of an enforcement action unless the initial or contemporaneous purchase or receipt of alcoholic liquor by the Person less than 21 years of age was not under the direction of the state police or the local police agency and was not part of the undercover operation.
- k. In a criminal prosecution for the violation of subsection (a) above concerning a Person less than 21 years of age having any bodily alcohol content, it is an affirmative defense that the Person less than 21 years of age consumed the

alcoholic liquor in a venue or location where that consumption is legal under state or federal law.

- I. As used herein, "any bodily alcohol content" means either of the following:

6.37 Controlled Substances

- a. This section shall be construed as supplemental to and in conjunction with the laws of the state and of the United States with respect to controlled substances and not in derogation of them
- b. The following words, terms and phrases, when used in this Section 6.37, shall have the following meanings, except where the context clearly indicates a different meaning:
 - i. "Cocaine spoon" means a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.
 - ii. "Controlled substance" means a drug, substance, or immediate precursor in schedules 1 to 5 of part 72 of the state public health code, Act No. 368 of the Public Acts of Michigan of 1978 (MCL 333.7101 et seq.), as amended. This definition shall include what is defined as a "controlled substance analogue," meaning a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in schedule 1 or 2 of part 72 of the state public health code, or that was specifically designed to produce an effect substantially similar to that of a controlled substance in schedule 1 or 2 of the state public health code.

- iii. “Drug paraphernalia” means any equipment, product, material or combination of equipment, products or materials, which is specifically designed for use in planting; propagating; cultivating; growing; harvesting; manufacturing; compounding; converting; producing; processing; preparing; testing; analyzing; packaging; repackaging; storing; containing; concealing; injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance; including, but not limited to, all of the following: An isomerization device specifically designed for use in increasing the potency of any species of plant which plant is a controlled substance; testing equipment specifically designed for use in identifying or in analyzing the strength, effectiveness or purity of a controlled substance; a weight scale or balance specifically designed for use in weighing or measuring a controlled substance; a diluent or adulterant, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose, specifically designed for use with a controlled substance; a separation gin or sifter specifically designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana; an object specifically designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body; a kit specifically designed for use in planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived; a kit specifically designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances; a device, commonly known as a cocaine kit, that is specifically designed for use in ingesting, inhaling or otherwise

introducing controlled substances into the human body, and which consists of at least a razor blade and a mirror; a device, commonly known as a bullet, that is specifically designed to deliver a measured amount of controlled substances to the user; a device, commonly known as a snorter, that is specifically designed to carry a small amount of controlled substances to the user's nose; a device, commonly known as an automotive safe, that is specifically designed to carry and conceal a controlled substance in an automobile, including, but not limited to, a can used for brake fluid, oil or carburetor cleaner which contains a compartment for carrying and concealing controlled substances; a spoon, with or without a chain attached, that has a small diameter bowl and that is specifically designed for use in ingesting, inhaling or otherwise introducing controlled substances into the human body; cocaine spoon; marijuana or hashish pipe; testing equipment used, intended for use, or designed for use in identifying, detecting or analyzing the strength, effectiveness or purity of controlled substances; blenders, bowls, containers, spoons, and mixing devices used, intended for use or designed for use in compounding controlled substances; capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances; containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances; hypodermic syringes, needles, other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body, except where such instruments are used by persons suffering from diabetes, asthma, or other medical conditions requiring self-injections, as

evidenced by a physician's prescription; objects used, intended for use, or designed for use in ingesting, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body; and blank prescription pads or any false, forged or altered prescriptions, the purpose of which is to unlawfully obtain a controlled substance or paraphernalia adapted for use with a controlled substance by subcutaneous or intracutaneous injection or by any other method.

- iv. "Marijuana or hashish pipe" means a pipe characterized by a bowl which is so small that the primary use for which it is reasonably adapted or designed is the smoking of marijuana or hashish, rather than lawfully smoking tobacco, and which may or may not be equipped with a screen.
- c. In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following: Statements by an owner or by anyone in control of the object concerning its use; prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance; direct or circumstantial evidence of the intent of the owner, or of anyone in control of the object, to deliver to persons whom he knows or has reason to believe intend to use the object to facilitate a violation of the state's Controlled Substances Act; the proximity of the object to controlled substances; the existence of any residue of controlled substances on the object; direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows or has reason to believe intend to use the object to facilitate a violation of this act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this act should not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;

instructions, oral or written, provided with the object concerning its use; descriptive material accompanying the object which explain or depict its use; national or local advertising concerning its use; the manner in which the object is displayed for sale; the existence and scope of legitimate use for the object in the community; and expert testimony concerning its use.

- d. It shall be a misdemeanor for any Person to use, or to possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of state or local law.
- e. It shall be a misdemeanor for any Person to place in any newspaper, magazine, handbill, sign, poster or other publication any advertisement, knowing that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- f. It shall be a misdemeanor for any Person to sell, offer for sale, or manufacture drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance.
- g. It shall be a misdemeanor for any Person, by fraud, scheme, device, trick, deceit, misrepresentation, subterfuge or any other form of concealment, for the purpose of obtaining money or any other thing of value, to sell, furnish, supply or give away any substance represented to be a controlled substance when the same may or may not be the same.
- h. It shall be a misdemeanor for any Person to commit any fraud, deceit, misrepresentation, subterfuge, concealment of a material fact, or the use of a

false name or the giving of a false address for the purpose of obtaining any controlled substance or hypodermic syringe or needle or other instrument or implement or empty gelatin capsules, or false statement on any prescription blank. No person who shall have obtained the possession of any controlled substances, hypodermic syringes, needles or other instruments or implements adapted for the use of such substances, or empty gelatin capsules, pursuant to the terms of this division, shall use the same or permit or authorize their use for any purpose other than that specifically authorized in the prescription or order by means of which such possession was obtained.

- i. It shall be a misdemeanor for any Person to be under the influence of any narcotic drug in any public place.
- j. This Section 6.37 does not apply to any of the following:
 - i. An object possessed, manufactured, sold, offered for sale, or advertised for sale to a Person licensed under article under the occupational code, Act No. 299 of the Public Acts of Michigan of 1980 (MCL 339.101 et seq.), as amended, or any intern, trainee, apprentice or assistant in a profession licensed under article 15 of such act for use in that profession.
 - ii. An object possessed, manufactured, sold, offered for sale, or advertised for sale to any hospital, sanitarium, clinical laboratory, or other health care institution including a penal, correctional or juvenile detention facility for use in that institution.
 - iii. An object possessed, manufactured, sold, offered for sale or advertised for sale to a dealer in medical, dental, surgical or pharmaceutical supplies.
 - iv. Equipment, a product or material which may be used in the preparation or smoking of tobacco or smoking herbs other than a controlled substance.

- v. A blender, bowl, container, spoon or mixing device not specifically designed for a use described in this Section 6.37.
- vi. A hypodermic syringe or needle sold or offered for sale for the purpose of injecting or otherwise treating livestock or other animals.
- vii. An object possessed, manufactured, sold, offered for sale, advertised for sale or given away by a state or local governmental agency or by a person specifically authorized by a state or local governmental agency to prevent the transmission of infectious agents.

SECTION 7: AIRCRAFT OPERATION

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

- d. at a speed or in a manner which endangers or is likely to endanger Persons or property; or
 - e. while the pilot or other Persons aboard controlling any part of the operation thereof, is under the influence of alcoholic beverages, or any Controlled Substance or incapacitating drug, or is otherwise incapacitated; or
 - f. if such Aircraft is so constructed, maintained, equipped or loaded in such manner as to endanger, or to be likely to endanger, Persons or property.
- 7.6 A Person shall not equip or load an Aircraft in a manner which endangers or is likely to endanger Persons or property.
- 7.7 An Operator of any Aircraft being operated on the surface of any Aircraft parking and storage area, Landing Area or ramp and apron area shall obey and shall not fail or refuse to obey any direction by the FAA or Airport Operations personnel or any light, sign, mechanical or electrical signal, pavement marking or other device controlling such operation unless directed otherwise by the FAA or Airport Operations personnel.
- 7.8 A Person shall not, except in the case of an emergency, land or take-off an Aircraft at the Airport unless it is equipped with brakes and a functioning radio capable of direct two-way communication with the FAA control tower.
- 7.9 A Person shall not position, start, or taxi an Aircraft at the Airport in such manner that its propeller slipstream or engine exhaust blast may cause injury to Persons or damage to property.
- 7.10 A Person shall not start an Aircraft engine unless the main landing wheels are chocked and the brakes of the Aircraft are fixed and locked, or the Operator complies with an alternate procedure having the prior written approval of the CEO.
- 7.11 A Person shall not start, run or taxi a fixed-wing Aircraft at the Airport unless that Person is a pilot certified by the FAA to operate that particular type of Aircraft, or an FAA-

certified airframe and engine mechanic qualified to start, run and taxi that particular type of Aircraft.

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

- 7.18 No Person shall pull in or back up an aircraft without the use of one (1) or (2) two wing walkers unless an alternative plan has been submitted in writing and approved by the Airport Authority's Department of Airfield Operations.
- 7.19 The owner of a wrecked or disabled Aircraft shall promptly remove such Aircraft and parts thereof from the Airport unless specifically directed otherwise by the CEO, or appropriate federal agency to delay removal pending investigation. If the owner fails or is unable to remove such wrecked or disabled Aircraft or parts thereof from the Airport, the CEO may remove or cause to be removed such Aircraft or parts at the owner's expense and without liability for damage which results in the course of removal.
- 7.20 A Person shall not give instructions at the Airport in the operation of Aircraft unless such Person is duly licensed, certified and registered in accordance with applicable state and federal regulations, and fully informs the students concerning the relevant rules and regulations in effect at the Airport, and assumes responsibility for the conduct of students while under instruction.
- 7.21 A Person shall not operate an Aircraft on the ramp area or at any gate position on the Airport if that Person reports, has knowledge of, or has been advised of, an indication of a fire or a malfunction or potential explosive device on the Aircraft, inadequate brakes, or loss of power to any Aircraft control device until the CEO authorizes the operator to use the ramp or apron area or Aircraft gate position. A violation of this Subsection is a misdemeanor.
- 7.22 Any violation of the Airport Certification Specification Manual, as sanctioned by 14 CFR Part 139, is a violation of this Ordinance.
- 7.23 A Person shall not conduct operations commonly referred to as "trim checks and/or run-ups" except in areas and on headings approved in writing by the CEO as designated for such operation.

- 7.24 The right to determine the size and configuration of Aircraft parking positions, including the determination and marking of parking limit lines, Aircraft lead-in lines, wing tip clearances, and ground vehicle parking areas is reserved to the CEO in order to safeguard the rights of other Aircraft operators and provide for safe operations on ramps and aprons at the Airport. The CEO may close portions of Airport ramps, aprons, runways, taxiways, taxilanes or other areas as required from time to time in order to clean, repair or reconstruct the same, or in order to construct other facilities required in the interests of increasing the safety or efficiency of operations at the Airport. A Person shall not park, store or operate Aircraft or ground vehicles on the Airport in violation of markings or signage made or displayed pursuant to this Subsection.
- 7.25 If a Person moves, operates, or stores an Aircraft in violation of any of the requirements of this Section 7, that Person is subject to suspension of all permission to use the Airport, and is further subject to an administrative civil penalty.
- 7.26 Any Aircraft based in the State more than ninety (90) days must be registered in accordance with 1945 PA 327, Michigan Aeronautics Code, and amendments thereto, as defined by MCL 259.76 (1) et seq.
- 7.27 An Aircraft pilot shall not taxi an Aircraft, nor shall any Person direct an Aircraft, to a terminal gate if any of the following conditions exist upon the Aircraft: fire, CBRNE (Chemical, Biological, Radiological, Nuclear, Explosive) threat, or serious suspicious situation that has caused notification of law enforcement or the Domestic Events Network (DEN). The Aircraft, with proper FAA Tower clearances, shall proceed to the Airport's inspection area via the most expeditious route, avoiding the proximity of other Aircraft, terminals and other buildings. Violation of this Subsection is a misdemeanor.
- 7.28 ABANDONED AND DISABLED AIRCRAFT.
- a. For the purpose of this Subsection and this Ordinance, the following definitions are applicable:

- i. Abandoned Aircraft means an Aircraft that is parked, stored or left on Airport property, including the subleased premises of a tenant, without having been flown for a period in excess of one hundred eighty (180) days.
 - ii. Disabled Aircraft means an Aircraft in a Non-Flyable Condition (as hereinafter defined) that is parked, stored, located or left on Airport property, including the subleased premises of a tenant, for a period in excess of ninety (90) days. A Non-Flyable Condition is where the CEO determines in his sole discretion that any one of the following apply: (1) the Aircraft does not have a current and valid Certificate of Registration from the Federal Aviation Administration; (2) the Aircraft does not have a current and valid Certificate of Airworthiness from the Federal Aviation Administration; (4) the Aircraft is not airworthy (as determined in accordance with 49 U.S.C. Sec. 44704; (5) the Aircraft fails to contain all of its critical parts and systems, such as an engine(s), instrumentation, structural components, safety systems, etc.; (6) the Aircraft requires more than ten hours of mechanical repair and additional parts in order to become airworthy (as determined in accordance with 49 U.S.C. Sec. 44704); or (7) the Aircraft is not able to move under its own power and without the assistance of a tug.
- b. There shall be no Abandoned Aircraft or Disabled Aircraft on any portion of the Airport, including the subleased premises of a tenant. The CEO, at his or her sole discretion, may extend the period of time that an Aircraft, which is otherwise abandoned or disabled, may remain on the Airport.

- c. Aircraft parts (or Aircraft from which parts are being removed) or components being held as inventory must be located in an enclosed, authorized facility, or stored in a manner approved in writing by the CEO.
- d. Any Abandoned Aircraft or Disabled Aircraft and any and all parts thereof not removed from Airport property by the Aircraft owner or Operator may be removed by the CEO at the owner's or Operator's expense and without liability for damage which may be incurred as a result of such removal. The CEO shall cause the removal of such Aircraft from the Airport, at the discretion of the CEO, in one of the following manners with the cost of said removal being charged to the owner or Operator:
 - i. The CEO may impound and store the Aircraft or Aircraft parts, as the case may be, and charge an impoundment fee at the reasonable rate determined by the CEO. Said Aircraft or Aircraft parts would be released and returned to the owner or Operator upon the payment of the impoundment fee. At any time during the impoundment of an Aircraft or parts of an Aircraft, the CEO may elect to pursue the remedy found in subparagraph (ii) of this paragraph d.
 - ii. The Aircraft may be sold at public auction through sealed bids to the highest bidder. Where no bid is received, the Aircraft may be sold by negotiation, scrapped, disposed of as junk, or donated to any government agency. The Authority shall retain any surplus arising from the sale of the Aircraft after expenses incurred by the Authority in connection with the Aircraft have been paid.
- e. The Authority shall not be liable for any costs, liabilities or damage arising out of the disassembly, scrapping, removal or storage of any Aircraft as described herein.

- f. The CEO may assess and recover from the owner or operator of the aircraft, all Airport charges, landing fees, towing, handling, aircraft storage charges, appraisal, advertising, attorney's fees, and other reasonable expenses incurred by the Authority in connection with the enforcement of this Ordinance.
- g. Nothing contained in this Subsection shall prohibit a repair facility operating on the Airport as a tenant from having Disabled Aircraft on its premises in a hangar while the Aircraft is awaiting or undergoing bona fide scheduled repairs; however, such Aircraft may only be in a hangar and storage of such Aircraft anywhere else on the tenant's premises other than a hangar shall be a violation of this Subsection. Additionally, nothing contained in this Subsection shall prohibit the parking or storage of a flyable Aircraft (or an Aircraft that is not in Non-Flyable Condition), provided such Aircraft may only be parked or stored in an enclosed hangar on the Airport for periods in excess of one hundred eighty (180) days.

SECTION 8: CONSTRUCTION AND ALTERATIONS

- 8.1 Permits. A Person shall not undertake construction or alteration on Airport property without a Permit. The CEO may require as conditions to obtaining a Permit both a payment bond and a performance bond, indemnity provisions, satisfactory insurance coverage and other conditions necessary or appropriate due to the nature of the work to be performed. A Person shall not occupy or use the constructed or altered premises without the written permission of the CEO.
- 8.2 Utility Marking. A Person shall not undertake construction or alteration on Airport property without locating and marking utilities in accordance with the Airport Authority’s Contractor Safety Guidelines, as promulgated by the CEO and revised from time to time, a copy of which shall be made available to any Person upon request, provided such request is made at the Airport Authority’s administrative offices during its regular business hours. For the purposes of this Subsection 8.2, “Utility” means any of the following: electrical, natural gas, sanitary, storm, combined sewer, water (both fire and potable), copper, fiber, jet fuel, glycol, oil, telephone, gasoline, steam, condensate, diesel, and anything that succeeds to any purpose of any of the aforementioned items.
- 8.3 The construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings, structures and property shall comply with the following: Michigan Construction Codes; Federal, State, and local regulations, laws and ordinances; Wayne County Airport Authority Standards, all provisions of this Airport Ordinance, applicable NFPA codes and standards, the ADA, ADAAG, the AD-ABA Accessibility Guidelines and Wayne County Airport Authority Construction/Alteration Permit Conditions. In the event of a conflict between codes/standards, the most stringent provision shall apply. All construction is subject to inspection by the Authority.

**SECTION 9: FIRE FIGHTING, FIRE PREVENTION, EMERGENCY MEDICAL SERVICES
AND BUILDING SAFETY**

- 9.1 A Person in or upon the Airport shall not commit or omit any act if the commission or omission thereof endangers or is likely to endanger Persons or property. Violation of this Subsection 9.1 is a misdemeanor.
- 9.2 The minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, lots or premises shall be the International Fire Code, Act No. 207 of the Michigan Public Acts of 1941, as amended, NFPA Codes or any more stringent codes or standards, set forth herein.
- 9.3 Fire lanes, for the purpose of allowing the safe and efficient passage of fire and rescue apparatus, may be established in such places and in such a manner as deemed necessary by the CEO. A Person shall not obstruct a fire lane. Violation of this Subsection 9.3 is a misdemeanor.
- 9.4 A driver of a vehicle, unless authorized, shall not follow closer than five hundred (500) feet a fire or rescue apparatus which has flashers or siren in operation and shall not drive or park any such vehicle within five hundred (500) feet of where fire or rescue apparatus has stopped in answer to a fire or rescue alarm. Violation of this Subsection 9.4 is a misdemeanor.
- 9.5 A Person shall not drive a motor vehicle over an unprotected hose of the fire department when it is laid down on a street, service drive, apron, taxiway, runway or on a parking lot, without the consent of the Authority Fire Department official in command. Violation of this Subsection 9.5 is a misdemeanor.
- 9.6 A Person shall not knowingly and willfully obstruct nor interfere with the performance of a firefighter's duties, or willfully disobey an order of an officer or a fire official at the scene

or in the immediate vicinity of a fire or emergency rescue. Violation of this Subsection 9.6 is a misdemeanor.

9.7 A Person shall not use a fire hydrant without written authorization from the CEO. Violation of this Subsection 9.7 is a misdemeanor.

9.8 A Person shall not operate an oxy-acetylene torch, electric arc or similar flame or spark-producing device on any part of the Airport without first obtaining a Permit to Burn from the CEO. Violation of this Subsection 9.8 is a misdemeanor.

9.9 A Person shall not start an open fire of any type on any part of the Airport without first obtaining a Permit to Burn from the CEO. Violation of this Subsection 9.9 is a misdemeanor.

9.10 A Person shall not store, keep, handle, use, dispense, or transport at or upon the Airport:

- a. Class 1, 1.1-1.6 explosives (as defined by the Department of Transportation 49 CFR 173.50)
- b. dynamite, nitroglycerine, black powder, fireworks, blasting caps or other explosives;
- c. gasoline, alcohol, ether, liquid shellac, kerosene, turpentine, formaldehyde or other flammable or combustible liquid, ammonium nitrocellulose film, peroxide or other flammable solid or oxidizing material;
- d. hydrochloric acid, sulfuric acid, or other corrosive liquid;
- e. prussic acid, phosgene, arsenic, carbolic acid, potassium, cyanide, tear gas, lewisite or any Class A poisonous substance, liquid or gas;
- f. compressed gas, or any radioactive article, substance or metal;
- g. hazardous articles and materials as the same are defined in the current FAR; or any article employing atomic fission or any radioactive material; at such time or place or in such time or place, or in such manner or condition, without a Permit.

All of the above activities shall be regulated by the NFPA Code, EPA Standards and other codes, standards, or requirements listed, herein.

Violation of this Subsection 9.10 is a misdemeanor.

- 9.11 A Person shall not heat Aircraft engines at the Airport except by the use of steam, hot water, hot air, or electric heaters approved for such use by the Authority. Violation of this Subsection 9.11 is subject to an administrative civil penalty.
- 9.12 A Person shall not tamper with fire extinguishing equipment at the Airport at any time or use such equipment for any purpose other than fire fighting or fire prevention. All such equipment shall be made available for inspection by the Authority in conformity with Section 901 of the International Fire Code. Tags displaying the date of the last inspection shall be attached to each unit. Any tampering with or use of any fire fighting equipment located on the Airport shall be reported to the Authority. A violation of this Subsection 9.12 is a misdemeanor.
- 9.13 A Person shall report to the Authority immediately any fire, regardless of the extent or damage that occurs. Failure or neglect to report immediately is a violation of this Subsection 9.13 and subject to an administrative civil penalty.
- 9.14 A Person shall not conduct indoor spray applications of flammable or combustible materials except in those areas constructed in accordance with the provisions of the NFPA Code and other codes and standards as stated herein. Violation of this Subsection 9.14 is subject to an administrative civil penalty.
- 9.15 A Person shall not conduct outdoor spray applications of flammable or combustible materials without first obtaining a Permit to Proceed from the CEO. Violation of Subsection 9.15 is subject to an administrative civil penalty.
- 9.16 A Person shall not conduct cleaning, painting or paint removal operations using flammable or combustible materials in areas not specifically designed for these activities,

without first obtaining a Permit to Proceed from the CEO. Violation of this Subsection 9.16 is subject to an administrative civil penalty.

9.17 A Person shall not keep, store, handle or dispense any lubricating oil in or upon the Airport in a manner other than as provided in the NFPA Standard Code. Violation of this Subsection 9.17 is subject to an administrative civil penalty.

9.18 A Person shall not store empty fuel or oil containers on the Airport, unless such containers are secured within an enclosure to prevent such container being moved by winds. Violation of this Subsection 9.18 is subject to an administrative civil penalty.

9.19 A Person shall not tamper with Automatic External Defibrillator (AED) equipment at the Airport at any time or use the device for any unauthorized purpose. A violation of this Subsection 9.19 is a misdemeanor.

9.20 All Airport tenants shall notify the CEO of the installation, change or removal of any telephone or telephone line located on Airport property and capable of making an external emergency call.

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

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

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

- a. NFPA Standard Number 386, entitled "Standard for Portable Shipping Tanks for Flammable and Combustible Liquids";
- b. NFPA Standard Number 385, entitled "Standard for Tank Vehicles for Flammable and Combustible Liquids";

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

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

- a. A safety inspection decal will be issued by the Authority to each vehicle upon passing a quarterly inspection conducted by the Authority and paying a quarterly inspection fee not to exceed six hundred dollars (\$1,000.00) per year.

Equipment may be re-inspected by the Authority at any time and the safety inspection decal removed if the vehicle fails to pass inspection criteria.

- b. If, upon inspection, a vehicle is found to be in violation of this Airport Ordinance, the Authority shall deny its use until all violations are corrected. Equipment operating on the Airport without a safety inspection decal will be impounded.
- c. Vehicles that are not self-propelled, (e.g., trailers) and have cargo tanks for the transportation of fuels are prohibited.

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

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

- 10.5 Bonding Required. A Person shall not conduct fuel handling operations in connection with any Aircraft at the Airport unless the fueling apparatus or equipment is bonded to the Aircraft by use of a cable, thus providing a conductive path to equalize the potential between the fueling equipment and the Aircraft. The bond shall be maintained until fueling connections have been removed.
- 10.6 Fueling Prohibition. A Person shall not fuel an Aircraft while any of the Aircraft's engines are operating or combustion heaters are being operated.
- 10.7 Aircraft Occupancy During Fuel Servicing Operations.
- a. If passengers remain onboard an Aircraft during fuel servicing, at least one (1) qualified Person trained in emergency evacuation procedures shall be in the Aircraft at or near a door at which there is a passenger loading walkway, integral stairs that lead downward, or a passenger loading stair or stand. One (1) additional exit shall be operable and maintained during fuel servicing.
 - b. Where fueling operations take place with passengers onboard away from the terminal building, and stairways are not provided, all slides shall be armed and the ARFF services shall be notified to respond in stand-by position.
 - c. For each Aircraft type, operators shall determine the areas through which it could be hazardous for boarding or deplaning passengers to pass while the Aircraft is being fueled. Controls shall be established so that passengers avoid such areas.
- 10.8 Fueling and defueling equipment, including all hoses, must be maintained in a safe, non-leaking condition. Fueling trucks must be kept clean and free of any leaks, oil and grease.
- 10.9 Training Requirements. A Person shall not fuel or defuel an Aircraft unless authorized and trained in the safe operation of the Aircraft refueling apparatus and equipment used and in the procedures and operation of emergency controls by an accepted trainer under FAR Part 139.321 (14 CFR 139.321). The lessee of Airport premises served by the

refueling apparatus and equipment and the operator of such apparatus and equipment shall be responsible for providing adequate training for all employees engaged in Aircraft refueling.

10.10 Transfer Between Vehicles. A Person shall not transfer flammable or combustible liquid from a tank vehicle into another vehicle within the boundaries of the Airport without first securing the written permission of the Authority.

10.11 Flame/Torch Restrictions. A Person shall not operate or carry any lighted smoking materials, matches lighters or similar devices, oxy-acetylene torches, electric arcs, or similar flames within one hundred (100) feet of any Aircraft being refueled, or within fifty (50) feet of any parked Aircraft or tank vehicle containing any flammable or combustible liquid.

10.12 Fuel Spills. A Person causing any spillage of a flammable or combustible liquids , as defined in the Michigan Rules for the Transportation of Flammable and Combustible Liquids, which encompasses an area at the Airport in excess of ten (10) square feet or a quantity greater than five (5) gallons, or any spill that enters a catchbasin, drain or ditch, shall report such spill immediately to the Authority. The CEO shall have the authority to take all necessary steps and prescribe all necessary restrictions and corrections to abate the hazard. The Person causing the spill shall be responsible for reimbursing the Authority for all costs the Authority incurs in response to the spill. The Person responsible for the spill shall submit a written report to the Authority within four (4) days of the spill summarizing the incident and the clean-up measures taken.

10.13 Roadway Restrictions. A Person shall not operate tank vehicles carrying flammable, combustible or other Hazardous Substance except on roadways authorized by the CEO. Department of Transportation classified dangerous goods shall not be transported through any tunnel at the Airport, unless expressly permitted by the CEO.

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

SECTION 11: SECURITY

- 11.1 Airport Security Rules and Procedures - The CEO shall establish Airport Security Rules and Procedures that identify the security rules and procedures that must be followed at the Airport. The CEO may also establish administrative penalties and/or the suspension of unescorted access privileges for a violation of the Airport Security Rules and Procedures.
- 11.2 Airport Security Plan – The Airport Security Plan is a controlled document, submitted in accordance with 49 Code of Federal Regulations (49 CFR), Transportation Security Regulations, section 1542.10 (a). Violation of the Airport Security Program is a violation of this Ordinance, which may result in a misdemeanor.
- 11.3 Security Sensitive Areas - The CEO shall establish Security Sensitive Areas within the Airport and access to these areas shall be limited to personnel authorized by the CEO. Violation of this Subsection 11.3 is a misdemeanor.
- 11.4 Security System, Measure or Procedure
- a. No person may:
 - i. Tamper, damage, or interfere with, compromise, modify, attempt to circumvent, or cause a person to tamper or interfere with, compromise, modify, or attempt to circumvent any security system, measure, or procedure.
 - ii. Enter, or be present in a Security Sensitive Area without complying with the security measures being applied to control access to, or presence or movement in, such areas.
 - iii. Interfere with, assault, threaten, or intimidate screening, inspection or any other Airport Security personnel in the performance of their duties.
 - iv. Forge, alter, duplicate, use, allow to be used, or cause to be used, any Airport-issued or Airport-approved access medium or identification

medium that authorizes the access, presence, or movement of persons or vehicles in a Security Sensitive Area in any other manner than that for which it was issued.

- v. The provisions of this Subsection 11.4 do not apply to conducting inspections or tests to determine compliance with TSR 1542 or 49 USC Subtitle VII authorized by the TSA, the Airport operator, aircraft operator or foreign air carrier when acting in accordance with the procedures described in a security program approved by the TSA.

- b. Violation of this Subsection 11.4 is a misdemeanor.

11.5 Dangerous Weapons

- a. The Airport Authority finds that:

- i. Allowing the possession of dangerous weapons anywhere at the Airport, except in compliance with this Subsection 11.5, would increase unacceptably the risk to air transportation passengers and others on Airport property of acts of criminal violence and the introduction of unauthorized weapons onto Aircraft.
- ii. Allowing possession of dangerous weapons anywhere at the Airport, except in compliance with this Subsection 11.5 would require Airport security personnel to divert an unreasonable amount of resources to ensuring that individuals carrying dangerous weapons in the Airport are, in fact, permitted to do so and would impair the ability of Airport security personnel to perform the other important security functions, including assisting TSA personnel performing screening operations and responding to incidents in support of the Airport's security program pursuant to 49 CFR 1542.215.

- iii. Allowing the possession of dangerous weapons anywhere at the Airport, except in compliance with this Subsection 11.5, would conflict with and undermine the Authority's desire and ability to fulfill the Congressional objectives of maintaining safe and secure airports and instilling public confidence in airport security as those objective are codified by the Aviation and Transportation Security Act and other federal laws.
 - iv. The prohibition of dangerous weapons at the Airport, as provided in this Subsection 11.5, is necessary to fulfill the Airport Authority's obligations under federal law to provide for the safety and security of persons and property on Aircraft operating in air transportation or intrastate air. 49 CFR 1542.101(a)(1).
- b. No person shall:
- i. Possess a dangerous weapon in any area of the Airport. This includes, but is not limited to, all Airport buildings, Airport terminals, airfields, parking lots, Aircraft and vehicles using the Airport, and any building or gate that opens onto the airfield.
 - ii. For purposes of this Subsection, dangerous weapon includes, but is not limited to, any firearms, explosives, knives, razor, slingshot, spring stick, metal knucks, blackjack, sand club, sandbag, bow and arrow, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nun cacao shuriken, or fighting chain, any disc of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, any mechanism designed to emit an electronic, magnetic, or other type of charge that exceeds the equivalency

of a five milliamp sixty hertz shock and used for the purpose of temporarily incapacitating a person, which may be known as a stun gun, any mechanism designed to emit an electronic magnetic, or other type of charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person, which may be known as a taser.

iii. The provisions of this Subsection 11.5(b) shall not apply to:

- a) Persons possessing a dangerous weapon or firearm that is unloaded and properly encased for transshipment by air in accordance with TSA regulations.
- b) Federal, state, or local law enforcement officers required to carry dangerous weapons while in the performance of their official law enforcement duties.
- c) Persons who need the dangerous weapon while in the performance of their assigned duties for legitimate Airport purposes.
- d) The carrying of a concealed pistol by a Person with a valid concealed pistol license (CPL) issued by the State or another state; provided that a Person with a valid CPL shall not carry a pistol or any other dangerous weapon on or about his or her person or in property accessible to him or her:
 - 1) When the TSA screening process has begun, or
 - 2) When entering into, or while in, any Security Sensitive Area.

c. Violation of this Subsection 11.5 is a misdemeanor.

11.6 Badging Requirement - All Persons who require access to a Security Sensitive Area must possess a current, valid Airport identification badge.

a. ID Badge Privileges. In the interest of public safety and security, the Authority may refuse to grant unescorted access authority to a Security Sensitive Area and may suspend or revoke an individual's unescorted access authority if any of the following conditions exist:

- i. The applicant/badge holder has been arraigned on or charged with, without final disposition, one or more of the TSA disqualifying criminal offenses (identified in 49 CFR 1542.209) in any jurisdiction, within the past ten (10) years prior to application for unescorted access authority.
- ii. The applicant/badge holder has been found guilty, plead guilty, plead no contest or found guilty by reason of insanity or otherwise of one or more of the TSA disqualifying criminal offenses (identified in 49 CFR 1542.209) in any jurisdiction, within the past ten (10) years prior to application for unescorted access authority.
- iii. The applicant/badge holder is currently on parole, probation or is required to wear, by court order, a "tether" device.
- iv. The applicant/badge holder has an outstanding warrant.
- v. Other condition(s), that in the reasonable judgment of the CEO or his or her designee, threatens the safety and security of the public and/or the Airport.

b. ID Display - A person shall not enter or remain in any Security Sensitive Area without properly displaying an Airport identification badge issued by the Authority. Violation of this Subsection 11.6 b is a misdemeanor.

c. Visitors - A visitor to the Airport shall not enter any Security Sensitive Area unless the Authority first has issued to that visitor a currently valid Airport visitor's badge,

the visitor's name has been checked against the Airport's disqualification list and that visitor is escorted by an authorized Person from the time of entry until his or her departure from such area. Violation of this Subsection 11.6 c is a misdemeanor.

- d. Renewal of ID Badge - Badge holders are required to renew their Airport identification badge prior to its expiration date. Failure to renew an Airport identification badge will result in suspension of access privileges and may result in the assessment of an administrative penalty.
 - e. Return of ID Badge or Access Media - Individuals are required to return their Airport identification badge and/or access media upon their resignation, termination, transfer, or when the Airport identification badge is no longer valid or upon request of the Airport Authority.
 - f. Additional Sanctions - In addition to any criminal or civil penalty, individuals found in violation of this Airport Ordinance may have their unescorted access privileges suspended or permanently revoked.
- 11.7 Criminal History Records Check - At a minimum, a Federal Bureau of Investigation (FBI) criminal history records check will be conducted for all Airport identification badge and public vehicle license applicants. A criminal history review may be conducted on an annual basis or more frequently, if deemed necessary or appropriate by the CEO.
- 11.8 Warrant Check - All applicants for an Airport identification badge will be checked for active warrants before receiving their initial access badge or a renewal. If an active warrant exists, the applicant will be denied an Airport identification badge until the warrant is cleared.
- 11.9 Sensitive Security Information - A person shall not divulge Sensitive Security Information to any individual(s) who does not have an operational need to know such information. For the purposes of this Subsection, the term "Sensitive Security Information" includes

any writing, drawing, map, tape, film, photograph or other means by which information is preserved, irrespective of format, dealing with the security of the Airport. Violation of this Subsection 11.9 is a misdemeanor.

11.10 Access to Public Areas - A Person shall not deny any other Person access to any public area of the Airport without permission of the CEO. Violation of this Subsection 11.10 is a misdemeanor.

11.11 Passenger Screening - No Person may enter a Sterile Area or board an aircraft without first submitting to TSA passenger screening and the inspection of his or her person and accessible property (unless otherwise approved by TSA regulations). Violation of this Subsection 11.11 is a misdemeanor.

11.12 False Statement - No Person may make, or cause to be made, any fraudulent or intentionally false statement in any application for any ID badge or access media. Violation of this Subsection 11.12 is a misdemeanor.

SECTION 12: ENVIRONMENTAL CONTROLS

12.1 Floor Drains From Hangars and Buildings.

- a. Floor drains in hangars and buildings where washing or maintenance of vehicles, ground service equipment or Aircraft takes place shall be connected to the sanitary sewer system unless otherwise approved in writing by the CEO.
- b. Floor drains should be connected to an oil/water separator before entering a sanitary sewer if there is a probability that oil may enter the floor drain.
- c. No pipes receiving storm water shall connect to floor drains discharging to a sanitary sewer.
- d. Airport tenants shall maintain a current spill management plan (SMP) appropriate for the activities conducted by the tenant. The SMP shall be provided to the CEO, or his/her representative upon request.

12.2 Aircraft and Vehicle Washing, and Maintenance.

- a. Washing of Aircraft, Aircraft ground support equipment or vehicles shall not be performed anywhere on the Airport except (1) with the written authorization from the CEO or his/her representative or (2) if performed within a hangar area or building in which all floor drains are connected to the sanitary system.
- b. Every lessee on the Airport shall keep the floors of leased hangars, other buildings, and ramp and apron areas free and clear of oil, grease and other flammable materials. The floors of hangars, other buildings, and ramp and apron areas shall be regularly cleaned by the lessee thereof and kept free of rags, waste material and other trash, except in proper storage facilities in compliance with federal, State and local laws.
- c. The owner or operator of any Aircraft or vehicle shall immediately clean up all spills resulting from the operation and/or maintenance of said Aircraft or vehicle. If the owner or operator fails to clean a spill with reasonable promptness, the

CEO may cause the spill to be cleaned and the expense thereof shall be charged to the owner or operator.

12.3 Lubricating Oil and Bulk Oil Waste.

- a. Virgin oils, waste oil, solvents, hydraulic fluids, grease, transmission fluid, and all other oils shall be stored in bulk waste oil storage tanks or other appropriate vessels and the storage location shall comply with all applicable federal, State and local laws and be approved by the CEO in writing. The storage tanks shall be a closed container, properly marked and have a capacity of at least fifty-five (55) gallons; storage tanks larger than six hundred sixty (660) gallons shall not be used within or adjacent to a terminal building or passenger concourse without the written permission of the CEO. All above ground storage tanks of any size shall have appropriate secondary containment to prevent the release of stored oil to any floor drain or stormsewer. The collected waste oils and solvents shall be removed and disposed of by the lessee in compliance with applicable federal, State and local laws, and whose records shall be available for periodic inspection by the CEO.
- b. Drip pans shall be placed under valves of oil or hydraulic fluid storage tanks to collect any leakage which may occur. The collected oil or fluids shall be emptied into the bulk waste oil storage tanks each day, or more often as necessary or as required by law, to avoid overflow.
- c. Spent oil cans, rags and all other combustible rubbish or trash shall be placed in leak proof metal receptacles with self closing covers for storage. All such materials shall be disposed in accordance with all applicable federal, state and local laws by the lessee at an appropriate location off the Airport.

- d. A Person shall not dispose of waste oils, solvents, or any chemicals into or on the ground or permit such solvents or materials to drain into drainage ditches or to enter a storm or sanitary sewer.
- e. A Person shall not discharge any oil-containing product or other waste into any sanitary sewer or discharge any tank, bucket or other container containing petroleum or industrial waste into any toilet, sink, sump or other receptacle connected to a sanitary sewer.

12.4 Apron Cleaning.

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

12.5 De-Icing/Anti-Icing.

- a. A Person shall use sufficient quantities of aircraft deicing or anti-icing fluids to ensure safe winter Aircraft operations. Excessive use of aircraft deicing fluids (i.e., to melt snow on pavement or thaw frozen equipment) must be avoided.

- b. De-icing with chloride-based salts is prohibited on runways, taxiways, aprons, ramps and any Aircraft Movement Area.
- c. A Person shall not use a product containing urea (ammonia, NH₄) for purposes of de-icing activities anywhere on Airport property.
- d. During any de-icing season, a Person shall not de-ice Aircraft or store Aircraft de-icing fluid at any Airport location unless that Person has an approved de-icing runoff control plan for the current de-icing season on file with the Authority.
- e. Only propylene-based de-icing and anti-icing fluids are authorized for use at the Airports.
- f. All de-icing/anti-icing functions in any year must be done on approved Airport de-icing pads unless specifically allowed in the Authority-approved Airline De-icing Management Plan for the current year.

12.6 Fuel Storage and Transfer.

- a. All emergency shutoff and by-pass valves on fuel trucks shall be tag sealed during fueling operations. A lessee of Airport property served by fuel trucks and the operator of such trucks shall establish a procedure to ensure that:
 - 1. all broken tag seals are reported to the CEO;
 - 2. any equipment malfunction which causes the emergency shutoff or by-pass valve to be used shall be repaired before placing the truck back in service;
 - 3. emergency shutoff or by-pass valves shall be resealed after repairs are made and before the truck is placed back into service;
 - 4. A truck with a broken tag seal shall not be operated on the Airport.
- b. All fuel farms shall be equipped with an oil/water separator, as well as dikes sufficiently impervious to contain spilled fuel. All fuel transfers shall take place on a paved area and said area shall be maintained in an impervious condition.

Drainage from such areas of the fuel farm shall flow through an oil/water separator.

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

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

12.7 Fuel Spills.

- a. A Person responsible for any fuel spill at the Airport shall take such immediate action as may be necessary to prevent the spilled fuel from entering sewers, drainage ditches or drains. Adequate personnel and equipment shall be immediately assigned to the area to prevent the fuel spill from entering into drains, drainage ditches or sewer systems. A person causing a spill must immediately report the spill in accordance with Section 10.12.
- b. All Persons and vehicles engaged in fuel handling shall have appropriate quantities and types of absorbent and/or catchbasin sealing materials on hand at all times. During Aircraft fueling operations, an absorbent ring, pad, boom or seal shall be available on the fueling vehicle and shall be placed around or over storm water inlets in the event fuel is spilled.

- c. A Person causing or responsible for a fuel spill occurring during the transportation of fuel, shall immediately dam off and place oil absorbent material downstream of any spilled fuel in sufficient quantity to prevent the spill from reaching any storm drain. The Person causing the spill shall submit a written report to the Authority within four (4) days of the spill, summarizing the incident and the clean-up measures taken.
- d. A Person causing or responsible for a fuel spill shall furnish all necessary oil absorbent materials at the spilled fuel site. Any commercially-produced oil absorbent material may be used on paved surfaces. Straw and sand shall not be used on paved areas. If straw, sand or other similar material is used on gravel areas, it shall be removed as soon as possible.
- e. All used oil absorbing material shall be cleaned up by the Person causing or responsible for the spill as soon as possible and removed from the Airport. The clean-up is also to include the complete removal of all light water (fire retarding foam) if used by the Authority during the incident. Spill areas shall be left free and clean of all oil, grease, fuel and other inflammable material.
- f. When fuel from a spill enters a storm drain, all costs incurred to prevent the spilled fuel from reaching Wayne or Washtenaw County drains, including cleanup of fuel which enters any storm water detention pond and/or pumphouse wet well, shall be at the expense of the Person causing or responsible for the spill.
- g. In the event that Airport personnel, equipment or materials are utilized to clean up spilled fuel because of failure to do so by the Person causing or responsible for the spill or to prevent interruption of an essential Airport service, the entire cost of the clean up operation shall be at the expense of such Person.

- h. Persons transporting fuel(s) on Airport property shall provide, on each vehicle transporting such fuel, sufficient containment and absorption material to prevent any spill from reaching any storm drain from such vehicle.
- 12.8 Removal of Asbestos. Removal of asbestos shall be commenced only after obtaining a written Permit from the CEO. Prior to removal of any asbestos on Airport property, the location, types and quantity of asbestos shall be identified through an asbestos survey provided or caused to be provided by the Authority. The removal of asbestos-containing materials shall be performed only by firms properly certified by the State of Michigan to remove and dispose of asbestos-containing materials, or, in case of emergency or when minimum quantities are involved, by employees of the Authority who have received authorized training in removal and disposal of asbestos-containing materials. Such properly certified firms must carry asbestos specific liability insurance. Any removal and disposal of asbestos-containing materials must comply with all applicable federal, State and local regulations.
- 12.9 Evacuation for Asbestos Removal. If there exists a reasonable possibility that, during the contemplated removal of any asbestos-containing materials from a building on Airport property any Person at the Airport may be exposed to airborne asbestos fibers of a level unacceptable to the Authority, then the CEO may order the evacuation of all or part of such building prior to such removal in order to safeguard the health and welfare of the general public and/or employees working at the Airport.
- 12.10 Hazardous Substances. All Airport tenants and concessionaires must comply with all applicable federal, State and local laws, including the Michigan Occupational Safety and Health Act (MIOSHA), being MCL 408.1001 et seq., and any amendments thereto with respect to the use and storage of all hazardous substances on Airport property. All Airport tenants and concessionaires shall furnish to the CEO semi-annually, a current list of all hazardous substances stored and used on Airport property and up-to-date supply

of Material Safety Data Sheets (MSDS) required by MIOSHA if said sheets list all of the hazardous chemicals stored and used on Airport property.

- 12.11 Evacuation for Hazardous Substance Clean-Up. In the event of a spill of a Hazardous Substance used or stored by an Airport tenant or concessionaire, that tenant or concessionaire shall be responsible for the cost of containment, clean-up and disposal of the Hazardous Substance. No containment (unless an emergency situation exists), clean-up or disposal shall be undertaken without first obtaining a Construction/Alteration Permit from the Authority and complying with all applicable federal and State environmental rules and regulations. If the spill of a Hazardous Substance potentially endangers the health and safety of the traveling public or Persons at the Airport, the CEO may order the evacuation of all or part of the building in which a spill has occurred until the clean-up of the Hazardous Substance has been completed.
- 12.12 PCB. All electrical and/or mechanical equipment suspected of containing PCBs shall be tested, identified and PCBs removed in accordance with federal and state requirements. All responsible parties must keep accurate records of such activities pursuant to the federal Toxic Substances Control Act, being 15 USC 2601 et seq.
- 12.13 Other Hazardous Materials. Hazardous substances, as defined by State and federal regulations, shall be handled in strict accordance with applicable federal, State and local laws and shall not be stored, transported or disposed of without the prior written permission of the CEO.
- 12.14 Contamination of Airports' Storm Water Detention System. A Person shall not take any action, including but not limited to, removal of catch basin inserts or the opening of a flap gate, which may result in the contamination of any detention basin of the Airport storm water system. Violation of this Subsection is a misdemeanor.
- 12.15 Disposal of Trash. No Person shall dispose of trash, garbage, paper, junk, debris or other refuse or materials except in containers and at locations designated for that

purpose. All tenants and businesses conducting operations on Airport property shall make a reasonable effort to contain trash around their buildings, hangars and areas of operation. If, after warning by the Authority, an area is not cleaned, the Authority may clean the area at the tenant's expense.

SECTION 13: GOVERNING COMMERCIAL GROUND TRANSPORTATION ACTIVITIES
AT DETROIT METROPOLITAN WAYNE COUNTY AIRPORT

13.1 Definitions. The following words and phrases shall have the following meanings solely for purposes of this Section 13:

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

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

Commercial Ground transportation Vehicles upon the streets, ways, or property of the Airport.

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

SECTION 14: FREE SPEECH ACTIVITIES

14.1 Introduction. An individual or organization desiring to use the Airport for the purpose of exercising constitutional rights of free speech and freedom of religion shall be free to engage in such activities provided that they are in compliance with the provisions of this Section 14. Purposes of this Section 14 include the following:

- a. to ensure that Persons seeking to exercise constitutional freedoms of religion and expression can communicate effectively with users of the Airport;
- b. to ensure adequate safety and security personnel for the efficient and safe functioning of Airport operations and services and the protection of all Persons using the Airport in a lawful manner;
- c. to prevent interference with public access to the Airport, and to protect Airport customers from fraud, deceptive practices, harassment and intimidation;
- d. to ensure the free and orderly flow of vehicle and pedestrian traffic through the Airport and its terminals and in all other public areas on Airport property; and
- e. to ensure the efficient functioning of Airport operations and services.

14.2 Findings. The Airport is designed, operated and maintained as a facility for air transportation. The Airport was not designed and is not intended for use as a public forum for free speech activities. If left unregulated, free speech and expressive activities – such as proselytizing, cause advocacy, leafleting, and picketing – could negatively impact the Airport and the traveling public in a number of ways, including compromising the character and intended uses of the Airport, exacerbating congestion and delay, causing confusion and duress related to the solicitation of funds, and compromising public safety and security. With respect to the above, the Board of the Authority has made the following findings:

- a. Character and Intended Uses of the Airport. The objective, physical characteristics of the Airport, and actual public access to and uses of the Airport

are such that certain types of expressive activity are not appropriate or compatible with that access and those uses. While the non-secured areas of the Airport are open to the public without restriction, they do not contain any location that is lined with stores and other commercial activities of the types that are typically indicative of a public forum.

- b. Congestion and Delay. The Airport serves tens of millions of passengers per year, and air travelers are often on a tight schedule. Departing travelers need to move quickly from their modes of transportation, through ticket counters, check-in areas, and security checkpoints, to departure gates beyond. Passengers with connecting flights need to move quickly from one gate area to another, sometimes changing terminals and exiting and reentering secured areas. Arriving passengers need to retrieve bags and connect with surface transportation. In response, the Airport's terminal buildings, corridors, roads and parking areas were designed to reduce congestion and facilitate the rapid and efficient movement of large numbers of people. The Airport Authority also closely monitors and modifies the Airport's hallways, throughways and passenger security checkpoints to accommodate new amenities and facilities, evolving TSA technology and screening procedures, and changes in passenger flows. As such, free speech activities – especially solicitation involving the immediate receipt of funds – have the potential to disrupt passenger flows, increase congestion, and contribute to missed flights and travel delays, if not appropriately regulated by the Authority.
- c. Confusion and Duress Related to the Solicitation of Funds. The Airport's customers may be susceptible to undue pressure, misrepresentation, duress or even fraud from persons engaged in solicitation for the immediate receipt of funds. Airport travelers are often unfamiliar with their immediate surroundings,

and may be fatigued and under time pressure, particularly considering that some passengers have mobility challenges, are young or elderly, or speak little or no English.

- d. Safety and Security. The Airport, as both a large domestic hub and a major international airport, is a potential target for attack, terrorist or otherwise. The Airport is also one of the iconic symbols of the Detroit metropolitan region. To deter attack, the Airport is mandated by the TSA to implement the highest available security measures. The Airport Authority must maintain the flexibility to adjust its operations on little or no notice to comply with federal security directives issued in response to perceived or actual threats against air travel, and free speech activities, like all activities at the Airport, must be conducted consistently with a strong and effective security program.

14.3 Content Neutrality. The regulation of free speech and expressive activities at the Airport shall be content neutral. This Section 14 shall apply and be enforced without regard to the identity of the individuals or organizations seeking to engage in regulated activities or the content of the message those individuals or organizations seek to communicate.

14.4 Definitions. The following words and phrases shall have the following meanings for purposes of this Section 14:

- a. Designated Expression Areas means those certain areas at the Airport specifically designated by the CEO or his/her designee for the exercise of Regulated Activities by any individual or organization in accordance with the procedures set forth herein.
- b. Regulated Activities means the distribution of literature, proselytizing, cause advocacy or solicitation of funds that will be received off-site in the future, so long as such activity is conducted not for profit but, rather, for a non-commercial purpose. Distribution or solicitation of funds of any nature that is not a Regulated

Activity is deemed use of the Airport premises for Commerce and shall be subject to Section 6 of this Ordinance.

- c. Permittee means an individual conducting Regulated Activities pursuant to a permit duly issued under this Section 14.

14.5 Solicitation for the Immediate Receipt of Funds Prohibited. In-person solicitation of funds, when combined with immediate receipt of that money, creates a risk of fraud and duress that is well recognized, and that is different in kind from other forms of expression or conduct, in addition to exacerbating issues of congestion as people have to reach for their wallet or checkbook or take other steps to transfer the funds. Therefore, the following conduct is prohibited at the Airport if the receipt of funds from such conduct would be on-site and part of the same interaction in which the conduct occurs:

- a. The sale of any merchandise, including but not limited to jewelry, foodstuffs, candles, flowers, badges and clothing.
- b. The sale of flyers, brochures, pamphlets, books, or any other printed or written material.
- c. The solicitation and receipt of funds.

14.6 Permit Required. It shall be unlawful for an individual to engage in Regulated Activities without a permit.

14.7 Permit Application: Written applications for permits may not be filed more than eight weeks before the proposed date for commencement of the Regulated Activities. The CEO or his/her designee will provide application forms to those desiring to use them, but no particular form need be used if the applicant supplies all information required by this Airport Ordinance. Any application shall signed by the applicant and must be filed with the CEO or his/her designee, and shall set forth the following:

- a. The full name, mailing address and telephone number of the group or individual that proposes to engage in Regulated Activities. If applying as a group, each

participating individual must be available, or provide information sufficient to be contacted immediately, during the exercise of Regulated Activities.

- b. A brief description of the proposed Regulated Activities.
- c. The date or dates and times during which the applicant desires to engage in Regulated Activities.
- d. The location in which the proposed activities are desired to be carried out.
- e. A statement that the proposed activities are undertaken not for profit but, rather, for a non-commercial purpose. An organization may apply for a permit on behalf of an individual provided that the application contains the information required by this Subsection. If, at the time of applying, an organization does not know the identity of the individual who will be conducting Regulated Activities, a permit may be granted, but the effectiveness of the permit will be conditioned upon submission of the information required prior to commencement of Regulated Activities under the permit.
- f. Applications for permits shall be accompanied by a copy of any material proposed to be distributed or displayed, along with a certification that such material is the only material that will be utilized for such purposes by the applicant. Until such a certification is made, the three business day period provided for in Section 14.9 shall toll. Once provided, the material proposed to be distributed or displayed will be reviewed for the sole purpose of confirming that it is not commercial in nature, an incitement to crime, fighting words, a true threat, or obscene, and shall not be reviewed for the purpose of exercising any judgment regarding the content of any communication.

14.8 Public Access to Permit Information. All applications for permits and the statements and documentation required under this Section shall be available for viewing by the public during normal business hours.

14.9 Issuance of Permit. Upon the receipt of a complete permit application, the CEO or his/her designee must issue a permit promptly and no later than three business days after the application is filed, unless the CEO or his or her designee finds that the applicant's proposed activities do not constitute Regulated Activities, that any information, material, statements or documentation required by this Section 14 has not been provided, or the proposed Regulated Activity is an incitement to crime, fighting words, a true threat, or obscene.

- a. Each permit issued shall be for the time period requested in the application or for a period of five days, whichever is less, and shall designate the Designated Expression Area(s) in which the Permittee may conduct the proposed Regulated Activities.
- b. Requests for locations set forth in permit applications will be granted on first-come, first-served basis. If two or more different applicants have pending permit applications requesting authorization for identical times at a Designated Expression Area such that the number of individuals present would exceed the number that can safely engage in Regulated Activities in that Designated Expression Area at any given time, the competing applicants shall be offered the opportunity to divide the Designated Expression Area evenly among all affected applicants or as otherwise agreed to between the applicants. If the affected applicants do not mutually agree to a division of the Designated Expression Area, rotating permits for equal time periods of not less than fifteen minutes each nor greater than sixty minutes each shall be issued to all applicants equally for each Designated Expression Area at issue for the time period(s) that more than one applicant has requested.
- c. Existing permits shall not be extended or renewed. Rather, an applicant may reapply for a permit for a new period successive to an existing permit.

14.10 Registration Required. Prior to conducting Regulated Activities on each day on which he/she will conduct Regulated Activities, each Permittee must register by reporting to the person or department specified by the CEO.

a. Time and Location of Registration. The opportunity to register shall be made available during regular business hours at the Authority Administrative Office or where otherwise designated by the CEO.

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

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

ii. For Groups or Organizations. If the proposed Regulated Activity involves two or more persons who desire to engage in the Regulated Activity as a group or organization, the interested registrant shall specify:

a) the formal group or organization name, or a general reference thereto if there is no formal name,

b) the number of persons expected to participate in the Regulated Activity at the Airport as members of the group or organization; and

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

c. Forms. Registration forms shall be made available at the Authority Administrative Office for those desiring to use them but no particular form need

be used if the registrant supplies in writing the information required in Subsection (b) directly above.

14.11 Time of Regulated Activities. The areas established as Designated Expression Areas will be available to individuals intending to engage in Regulated Activities at all times that the Airport is open to the public; provided that, if necessary to preserve the safety of the Airport or the free flow of pedestrian traffic in the Airport, the CEO may suspend the exercise of Regulated Activities if he/she declares an emergency on account of weather, schedule interruptions, extremely heavy traffic movements, security or safety concerns. In such an instance, all persons engaged in Regulated Activities shall immediately cease such activities for the duration of such emergency. The CEO shall allow the resumption of all Regulated Activities suspended under this Airport Ordinance upon abatement of the conditions or circumstances giving rise to the emergency. Temporary restriction or suspension of Regulated Activities under this Subsection shall not constitute the denial or revocation of a permit.

14.12 Place of Regulated Activities. Regulated Activities may take place in the Designated Expression Areas. The Designated Expression Areas shall be available to as many persons as can safely occupy them at any particular time, such safety designation to be made at the sole and absolute discretion of the CEO. Designated Expression Areas' locations and available occupancy shall be on file at the Authority Administrative Office. Additionally:

- a. A Permittee shall not conduct Regulated Activities outside of the Designated Expression Areas.
- b. The CEO may, on written notice to a Permittee, amend a permit to substitute Designated Expression Area(s) when, in the judgment of the CEO, such a relocation is necessary to the rapid and efficient operation of the transportation function of the Airport or to maintain safety and security.

- c. A Mass Picketing Area that has not been reserved for Picketing, each as defined in Section 15, may temporarily be designated as a Designated Expression Area by the CEO or his/her designee, if the Designated Expression Areas provide insufficient space for a prospective Permittee or Permittees to safely occupy and conduct regulated activities.

14.13 Manner of Regulated Activities.

- a. A Permittee shall not use light, sound or voice amplifications systems, musical instruments, radio communication systems or other mechanical sound or light devices.
- b. A Permittee shall not make loud noise which disturbs the peace of the Airport or which interferes with the ability of others to hear public announcements over the Airport intercom system or to transact business at the Airport.
- c. A Permittee shall not wear or carry a sign or placard larger than 24 x 28 inches in size. Signs, placards, or other material shall not be affixed to the exterior or interior of any building or other appurtenance on the Airport premises. Notwithstanding the above, a Permittee shall not display signs or placards in a manner that interferes with the wayfinding capabilities of passengers.
- d. Each person engaged in Regulated Activities shall wear a badge not less than 3 x 5 inches in size, which shall clearly identify the name of the Permittee and, if conducting such Regulated Activities on behalf of a group or organization, the group or organization on whose behalf the person is conducting the Regulated Activities.
- e. A Permittee shall not in any way obstruct, delay or interfere with the free movements of any other person, or seek to coerce or physically disturb any other person.

- f. A Permittee shall not place any table, chair, or other structure and/or use any stationary or wheeled device, with exception of persons requiring the use of a wheelchair or other disability-related device, in any Designated Expression Area or elsewhere on Airport property.
- g. A Permittee shall not store any literature or other materials in any public use areas or in any parking areas, restroom facilities, terminal doors, stairways, vestibules, and storage areas used by the Airport or its concessionaires and lessees, except in a carry bag which must be carried or harnessed so as not to extend beyond the holder's body width.
- h. A Permittee shall not misrepresent the purposes of any Regulated Activities in which the Permittee is engaging or the purposes of any organization on whose behalf he/she is acting in conducting such activities.

14.14 Revocation of Permit. The CEO shall have authority to revoke the permit of any Permittee who, while conducting Regulated Activities, violates this Airport Ordinance or any State or federal law. The Permittee shall be notified in writing of the reasons for the revocation. Upon receipt of such notification, the Permittee shall immediately cease all Regulated Activities under the permit.

14.15 Review Procedures. The following procedure shall apply if a permit or registration is denied or revoked:

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

- i. notifying the CEO in writing that an appeal is desired, identifying the permit or registration denial or revocation at issue or providing a copy of the denial, and
- ii. providing a current address and telephone number where the applicant or Permittee, as the case may be, can be contacted concerning the requested appeal.

Such notification shall be effective upon delivery to the Authority Administrative Offices.

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

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

- i. the name, address and telephone number of the individual handling the review petition on the Authority's behalf;
 - ii. the court where the petition was filed;
 - iii. the petition filing date, court number and assigned judge, if available; and
 - iv. all scheduled hearing dates and times.
- d. Automatic Approval, Failure to Participate. If the issue presented for judicial determination is not heard and decided on the merits by the court within thirty days from the date judicial review is sought, and if the court has not entered an order enjoining the proposed activity, then, at the expiration of such thirty day period, an interim permit or registration shall be deemed granted under this rule to the applicant by operation of law, and all Regulated Activities proposed to be conducted on the original permit or registration application may be conducted just as though a permit or registration had been duly granted by the CEO, subject to the same restrictions and obligations applicable under these rules to other Regulated Activities .

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

14.16 Indemnification. In accepting any permit, the Permittee agrees to indemnify the Authority and the State from and against any and all claims and demands by any third parties, whether just or unjust, for personal injuries (including death) or property damage

(including theft or loss) caused by or alleged to be caused by the Permittee's activities on Airport property during the term of the permit.

14.17 Prohibited Conduct. A Person shall not, except with a permit issued by the CEO, erect, post, distribute, or display signs, bills, leaflets, or other visual or auditory advertising matter upon Airport premises.

14.18 Penalties. Violation of this Section 14 is a misdemeanor subject to the maximum allowable punishment under law..

SECTION 15: PICKETING IN PUBLIC AREAS

15.1 Introduction. An individual or organization desiring to use the Airport for the purpose of exercising constitutional rights of free speech and freedom of religion through Picketing shall be free to engage in such activities, provided they are in compliance with the provisions of this Section 15. Purposes of this Section 15 include the following:

- a. to ensure that Persons seeking to exercise constitutional freedoms of religion and expression can communicate effectively with users of the Airport;
- b. to ensure adequate safety and security personnel for the efficient and safe functioning of Airport operations and services and the protection of all Persons using the Airport in a lawful manner;
- c. to prevent interference with public access to the Airport, and to protect Persons using the Airport from harassment and intimidation;
- d. to ensure the free and orderly flow of vehicle and pedestrian traffic through the Airport and its terminals and in all other public areas on Airport property; and
- e. to ensure the efficient functioning of Airport operations and services.

15.2 Findings. The findings of Section 14.2 are hereby adopted in their entirety for purposes of this Section 15, except with respect to confusion and duress related to the solicitation of funds.

15.3 Content Neutrality. The regulation of free speech and expressive activities at the Airport shall be content neutral. This Section 15 shall apply and be enforced without regard to the identity of the individuals or organizations seeking to engage in Picketing or the content of the message those individuals or organizations communicate.

15.4 Definitions. The following words and phrases shall have the following meanings for purposes of this Section 15:

- a. Mass Picketing Areas means those certain areas at the Airport specifically designated by the CEO or his/her designee for Picketing by any individual or

group who registers with the CEO in accordance with the procedures set forth herein.

- b. Picketing means peaceful patrolling or parading activity by any individuals, groups or organizations for the purpose of exercising First Amendment rights of free speech, usually with signs of protest or claims in labor disputes or public policy controversies. This Section 15 shall not govern expression of a commercial nature, nor shall it govern solicitation or the distribution of any materials in conjunction with Picketing activities. Any non-commercial solicitation and/or distribution of materials conducted in conjunction with Picketing shall be treated as a Regulated Activity and be governed by Section 14, Non-Commercial Distribution and Solicitation, of this Airport Ordinance.

15.5 Permit Required. It shall be unlawful for an individual to engage in Picketing without a permit.

15.6 Permit Application. Written applications for permits may not be filed more than eight (8) weeks before the proposed date for commencement of the Picketing. The CEO or his/her designee will provide application forms to those desiring to use them, but no particular form need be used if the applicant supplies all information required by this Airport Ordinance. In either case, the applicant must signed the application prior filing it with the CEO or his/her designee. An application shall be signed by the applicant and must be filed with the CEO or his/her designee and shall set forth the following:

- a. The full name, mailing address and telephone number of the group or individual that proposes to engage in Picketing. If applying as a group, each participating individual must be available, or provide information sufficient to be contacted immediately, during the Picketing.
- b. The date or dates and times during which the applicant desires to engage in Picketing.

- c. Applications for permits shall be accompanied by a copy of any material proposed to be displayed, on pickets or otherwise, along with a certification that such material is the only material that will be utilized for such purpose by the applicant. Until such a certification is made, the three business day period provided for in Section 15.8 shall toll. Once provided, the proposed material will be reviewed for the sole purpose of confirming that it is not commercial in nature, an incitement to crime, fighting words, a true threat, or obscene, and shall not be reviewed for the purpose of exercising any judgment regarding the content of any communication.

15.7 Public Access to Permit Information. All applications for permits and the statements and documentation required under this Section shall be available for viewing by the public during normal business hours.

15.8 Issuance of Permit. Upon the receipt of a complete permit application, the CEO or his/her designee must issue a permit promptly and no later than three business days after the application is filed, unless the CEO or his or her designee finds that the applicant's proposed activities do not constitute Picketing, that any information, material, statements or documentation required by this Section 15 has not been provided, or the proposed Picketing activity is an incitement to crime, fighting words, a true threat, or obscene.

- a. Each permit issued shall be for the time period requested in the application or for a period of five days, whichever is less, and shall designate the Mass Picketing Area(s) in which the Permittee may conduct the proposed Picketing activity.
- b. Requests for Mass Picketing Areas set forth in permit applications will be granted on first-come, first-served basis. If two or more different applicants submit permit applications requesting authorization for Picketing at an identical Mass Picketing Area such that the number of proposed picketers exceeds the number that can

safely Picket, the competing applicants shall be offered the opportunity to divide the available Mass Picketing Area evenly among all affected applicants or as otherwise agreed to between them. If the affected applicants do not mutually agree to a division of the affected Mass Picketing Area, rotating permits for equal time periods of not less than fifteen minutes each nor greater than sixty minutes each shall be issued to all applicants equally for each Mass Picketing Area at issue for the time period(s) that more than one applicant has requested.

- c. The renewal or modification of a valid Picketing permit shall be granted by the CEO or his/her designee upon the receipt of written notification from the initial permit applicant or some other individual authorized to act on the original applicant's behalf. To be effective, the notification shall be delivered to the Authority Administrative Office not later than 12:00pm on the business day before expiration of the original Permit. Forms for this purpose shall be made available for those desiring to use them, but no particular form need be used if the notification states that a "permit renewal and or modification is requested" and further identifies the initial applicant or group name and the original Permit or application date, and, in the case of a modification, specifies the particular modification requested.

15.9 Registration Required. Prior to Picketing on each day on which the Permittee will engage in Picketing, any individual, group or organization desiring to engage in Picketing shall first register with the CEO.

- a. Time and Location of Registration. The opportunity to register shall be made available during normal business hours at the Authority Administrative Office or where otherwise designated by the CEO.
- b. Information. To register, an interested individual or group shall provide, in writing, the following information:

- i. For Individuals. If the Picketing shall involve only one person, that person shall specify his/her name and an address and emergency telephone number where he/she can be contacted.
- ii. For Groups or Organizations. If the Picketing shall involve two or more persons who desire to engage in concerted picketing as a group or organization, the interested registrant shall specify:
 - a) the formal group or organization name, or a general reference thereto if there is no formal name,
 - b) the number of persons expected to participate in the Picketing at the Airport as members of the group/organization, and
 - c) the name of an individual designated to act as spokesperson along with an address and telephone number where he/she can be contacted in the event of an emergency.
- c. Forms. Registration forms shall be made available at the Authority Administrative Office for those desiring to use them, but no particular form need be used if the registrant supplies in writing the information required in Subsection (b) directly above.

15.10 Time for Picketing. The areas established as Mass Picketing Areas will be available to individuals intending to engage in Picketing at all times that the Airport is open to the public; provided that, if necessary to preserve the safety of the Airport or the free flow of pedestrian traffic in the Airport, the CEO may suspend the exercise of Picketing if he/she declares an emergency on account of weather, schedule interruptions, extremely heavy traffic movements, security or safety concerns. In such an instance, all persons engaged in Picketing activities shall immediately cease such activities for the duration of such emergency. The CEO shall allow the resumption of all Picketing suspended under this Airport Ordinance upon abatement of the conditions or circumstances giving rise to the

emergency. Temporary restriction or suspension of Picketing under this Subsection shall not constitute the denial or revocation of a permit.

15.11 Place for Picketing. Picketing may take place in the Mass Picketing Areas. The Mass Picketing Areas shall be available to as many persons as can safely occupy them at any particular time, such safety designation to be made at the sole and absolute discretion of the CEO. Mass Picketing Areas' locations and available occupancy shall be on file at the Authority Administrative Office. Additionally:

- a. A Permittee shall not conduct Picketing outside of the Mass Picketing Areas.
- b. The CEO may, on written notice to a Permittee, amend a permit to substitute Mass Picketing Area(s) when, in the judgment of the CEO, such a relocation is necessary to the rapid and efficient operation of the transportation function of the Airport or to maintain safety and security.
- c. In the event that the existing Mass Picketing Areas are insufficient for the number of persons to be engaged in Picketing under a permit, the CEO may create a temporary Mass Picketing Area for only for the duration through which the existing Mass Picketing Areas would be insufficient.

15.12 Manner of Picketing. The following rules shall apply to all Picketing on Airport property:

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

- d. Signs, placards, banners or other material used in conjunction with the Picketing shall not be affixed to the exterior or interior of any building or other appurtenance within Airport terminals or anywhere else on Airport property.
- e. Signs, placards, banners or other material used in conjunction with Picketing shall not be larger than 24 x 28 inches in size. A Permittee shall not display signs or placards in a manner that interferes with the wayfinding capabilities of passengers.
- f. Each person engaged in Picketing shall wear a badge not less than 3 x 5 inches in size, which shall clearly identify the name of the Permittee and, if conducting such Picketing on behalf of a group or organization, the group or organization on whose behalf the person is conducting the Picketing.
- g. A Permittee or registrant shall not in any way obstruct, delay or interfere with the free movements of any other Person, or seek to coerce or physically disturb any other Person.
- h. A Permittee or registrant shall not place any table, chair, or other structure and/or use any stationary or wheeled device, with exception of persons requiring the use of a wheelchair or other handicap-related device, in any authorized Picketing location or elsewhere on Airport property.
- i. A Permittee or registrant shall not store any literature or other materials in any public use areas or in any parking areas, restroom facilities, terminal doors, stairways, vestibules, and storage areas used by the Airport or its concessionaires and lessees, except in a carry bag which must be carried or harnessed so as not to extend beyond the holder's body width, where such materials would be an obstruction to Persons using the Airport facilities or would create a health, safety or security hazard.

15.13 Revocation of Permit. The CEO shall have authority to revoke the permit of any Permittee who, while conducting Picketing, violates this Airport Ordinance or any State or federal law. The Permittee shall be notified in writing of the reasons for the revocation. Upon receipt of such notification, the Permittee shall immediately cease all Picketing under the permit.

15.14 Review Procedures. The following procedure shall apply if a Permit for Picketing is denied or revoked:

- a. Written Reasons and Appeal Notification. If a duly completed Permit or registration application is denied to any individual, group, or organization seeking to Picket in authorized public areas under this Section 15, or if a previously granted registration or permit is revoked, written reasons for such action shall be provided to the applicant or Permittee, as the case may be, at the time of the denial or revocation, together with notification that the applicant or Permittee, as the case may be, may seek review of such action by:
 - i. notifying the CEO in writing that an appeal is desired, identifying the permit or registration denial or revocation at issue or providing a copy of the denial, and
 - ii. providing a current address and telephone number where the applicant or Permittee, as the case may be, can be contacted concerning the requested appeal.

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

- b. Court/Judicial Review. Upon receipt of a written appeal notification, the CEO shall apply to a court of record having jurisdiction within two court days of submission of the notification (excluding Saturdays, Sundays and holidays) in

order to obtain judicial review of such action. A copy of all court papers shall be served by first class mail on the Permittee or applicant.

- c. Burden and Necessary Cooperation. The CEO shall exert every reasonable effort to have the issue heard on its merits without delay and as soon as legally possible. The burden of showing that the proposed activities may be prohibited shall rest with the CEO, but the Permittee or applicant shall voluntarily agree to accept service of process and be subject to all governing court rules as a named party for such proceeding and shall provide information and cooperate as necessary to obtain expedient hearing dates, make court appearances and offer testimony and evidence as required by the court for resolution of all disputed issues.

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

- i. the name, address and telephone number of the individual handling the review petition on the Authority's behalf,
 - ii. the court where the petition was filed,
 - iii. the petition filing date, court number and assigned judge, if available, and
 - iv. all scheduled hearing dates and times.
- d. Automatic Approval, Failure to Participate. If the issue presented for judicial determination is not heard and decided on the merits by the court within thirty days from the date judicial review is sought, and if the court has not entered an order enjoining the proposed activity, then at the expiration of such thirty day period, an interim permit or registration shall be deemed granted under this Airport Ordinance to the applicant by operation of law, and all Picketing activities proposed to be conducted on the original permit or registration application may

be conducted just as though a permit or registration had been duly granted by the CEO, subject to the same restrictions and obligations applicable under this Airport Ordinance to other Picketing activities.

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

- 15.15 Indemnification. In accepting any permit, the Permittee agrees to indemnify the Authority and the State from and against any and all claims and demands by any third parties, whether just or unjust, for personal injuries (including death) or property damage (including theft or loss) caused by or alleged to be caused by the Permittee's activities on Airport property during the term of the permit.
- 15.16 Prohibited Conduct. A Person shall not, except with a permit issued by the CEO, erect, post, distribute, or display signs, bills, leaflets, or other visual or auditory advertising matter upon Airport premises.
- 15.17 Effect on Collective Bargaining Agreements. Nothing in this Section 15 shall be deemed to permit or authorize any activity prohibited or restricted by a collective bargaining agreement to which the Authority is a party, or to amend any such agreement.
- 15.18 Penalties. Violation of this Section 15 is a misdemeanor subject to the maximum allowable punishment under law.

SECTION 16: SIGNS

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

SECTION 17: AIRCRAFT LANDING AND PARKING FEES; MISCELLANEOUS
TERMINAL CHARGES

17.1 Landing Fees.

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

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

SECTION 18: VEHICULAR TRAFFIC

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

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

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

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

18.3 A Person shall not fail or refuse to comply with a lawful order or direction of a police officer or Authority representative when that officer or representative is guiding, directing,

controlling or regulating traffic on the Airport roads, ramps, service drives, parking areas, public and private driveways, or other areas of the Airport.

- 18.4 A Person shall not fail or refuse to comply with any traffic light, sign, mechanical or electrical signal, or pavement marking unless directed otherwise by a police officer or Authority representative.
- 18.5 A Person shall not operate a vehicle within the Airport in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution or circumspection, or at a speed or in a manner which endangers or is likely to endanger persons or property; or while the Person is under the influence of intoxicating liquor or any narcotic or habit-forming drugs; or if such vehicle is so constructed, equipped or loaded as to endanger or be likely to endanger persons or property.
- 18.6 A Person shall not operate a vehicle in or upon the Airport unless the operator thereof is duly licensed to operate such vehicle and such vehicle is registered in accordance with applicable state law. A vehicle not required under the Michigan Motor Vehicle Code to be registered shall not be operated on any area of the Airport without written authorization of the CEO and registration of such vehicle by the CEO.
- 18.7 Vehicle Registration. Commercial or corporate vehicles must be registered with the Airport Authority and clearly marked with tenant's name or logo to be allowed to operate in the Air Operations Area of the Airports. Persons operating unescorted vehicles or equipment in the AOA must have received airside driver's training through the Authority and maintain insurance, in the limits set by the Authority. Personal vehicles are prohibited from operation on ramp and apron areas unless authorized by Permit. Violation of this Subsection is a misdemeanor.
- 18.8 A Person shall not transport or possess any alcoholic liquor in a container which is open, uncapped, or upon which the seal is broken within the passenger compartment of a vehicle on the Airport roads, runways, ramps, service drives, parking areas, public and private driveways, or other

areas on Airport property. If a vehicle does not have a trunk or compartment separate from the passenger compartment, a container which is open, uncapped or upon which the seal is broken shall be encased or enclosed. This Subsection shall not apply to any chartered passenger vehicle licensed by the Michigan Public Service Commission.

- 18.8 A Person shall not operate a vehicle within or upon Airport premises unless that vehicle shall be in sound mechanical order, having adequate lights, horns, brakes, and a clear and unobstructed view from the operator's seat. Aircraft ground service vehicles operating on Airport roads and ramps are exempt from this Subsection.
- 18.9 A trailer shall not be drawn within the Airport premises unless equipped with electrically operated taillights or reflector buttons placed on the rear of the trailer, proper brakes preventing the free rolling of the trailer when disengaged from a towing vehicle, and positive lock couplings.
- 18.10 A Person operating a vehicle shall yield the right-of-way to any and all Aircraft in motion.
- 18.11 A Person shall not operate a vehicle at a speed greater than the speed posted, or at a speed in excess of twenty-five (25) miles per hour in unposted areas, or at a speed exceeding fifteen (15) miles per hour when on the ramp and apron area or an Aircraft parking and storage area.
- 18.12 A Person shall not operate a vehicle between an Aircraft and its loading gate.
- 18.13 A Person, except in unavoidable emergencies, shall not stand or park a vehicle in front of a driveway; within a bus stop; safety zone or taxicab zone; or on either side of a parked or stopped vehicle (except for the immediate time to necessary to load and unload passengers and luggage); within fifteen (15) feet of a fire hydrant; or in any other manner not in compliance with posted restrictions.
- 18.14 A Person shall not park a vehicle within any commercial vehicular parking area except upon payment of the fees and charges designated on signs posted within such area.
- 18.15 A Person shall not abandon a vehicle on the Airport.

- 18.16 Any Authority representative may remove or cause to be removed, from any area of the Airport, a vehicle which is disabled, abandoned or parked in violation of this Ordinance at the owner's expense, and without liability for damage which may accidentally result in the course of such removal.
- 18.17 A Person shall not make repairs to vehicles on Airport premises other than in designated repair shop areas; except that emergency repairs necessary to remove such vehicles from the Airport may be made.
- 18.18 A Person shall not operate a vehicle on the Airport premises while towing more than six (6) baggage carts.
- 18.19 A Person shall not operate any vehicle or moving equipment on the AOA unless utilizing a safety belt. However, this Section 18.19 shall not apply if (a) the manufacturer of such vehicle or equipment did not install a safety belt prior to its delivery and (b) a safety belt or safety belt kit for the vehicle or equipment is not currently available from the manufacturer.
- 18.20 A Person shall not operate any vehicle or moving equipment on the AOA while utilizing a mobile phone, such utilization including, but not limited to, "hands-free" usage, SMS messaging, MMS messaging, or data usage.

SECTION 19: INTRA-TERMINAL VEHICLE REGULATIONS

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

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

SECTION 20: RULES AND REGULATIONS FOR CROSSWINDS MARSH

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

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

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

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

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

20.4 Hunting and Fishing. A Person shall not hunt, or attempt to hunt, trap, catch, wound, kill or treat cruelly, any bird, fish, or animal, or molest or rob any nest, lair, den or burrow of

any bird, fish, or animal, in or upon any land or waters upon Crosswinds Marsh property without approval of the CEO. Such activities when permitted in accordance with the laws of the State of Michigan, must take place only in such areas designated for such purposes.

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

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

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

- 20.6 Swimming, Bathing, Wading. A Person shall not, upon any property administered by the CEO, swim, bathe, wade or scuba dive in a lake, pond or slough, except at such times and in such areas as approved and provided for such purposes, and then only under the posted rules as determined by the Authority.
- 20.7 Boating. A Person shall not bring into use or navigate a boat, canoe, raft or other watercraft, except for designated rental watercraft, upon a lake, pond, or slough located within the Crosswinds Marsh, without the authorization of the CEO, except at such times or places as may be provided or designated for such purposes. All watercraft shall comply with and be used in compliance with Part 801 of Michigan's Natural Resources Environmental Protection Act (MCL 324.80101 through 324.80199, (1994 PA 451)), as amended, and such regulations as may be adopted under the authority of such Act.
- 20.8 Camping. It shall be unlawful to camp in any area of the Crosswinds Marsh without approval of the CEO by written permit.
- 20.9 Hindering, Resisting or Impersonating Employees. A Person shall not interfere with, impersonate, fail or refuse to obey a lawful command of, or in any manner hinder an employee, agent, or contracted employee of the Authority while in the performance of their official duties at Crosswinds Marsh.
- 20.10 Unlawful Obstruction. A Person shall not, by force, threats, intimidation, by placing any kind of barrier or barriers to the entrance of any Crosswinds Marsh property, roadway or designated access way, or by any other means, prevent or obstruct a Person from entering, leaving, or making full use of any property at Crosswinds Marsh unless specifically designated as closed to the public.
- 20.11 Alcohol, Gambling, and Drugs. It shall be unlawful for any Person to be under the influence of intoxicants, narcotics, or other mind-altering drugs, or to engage in any violent, abusive, loud, boisterous, vulgar, lewd, wanton, obscene, or otherwise disorderly conduct tending to create a breach of the peace or disturb or annoy others while on or

within the Crosswinds Marsh. It shall be unlawful to conduct or to participate in any form of gambling, lottery, or game of chance upon Crosswinds Marsh property. It shall be unlawful to consume or be in possession of any wine, beer, or alcohol upon Crosswinds Marsh property.

20.12 Firearms. A Person shall not, at any time, bring into or upon Crosswinds Marsh property or have in their possession, nor discharge or set off anywhere upon said property, a bow and arrow, cross bow, spear, revolver, pistol, shotgun, rifle, air rifle, air gun, or any gun, rifle, firearm or any other weapon that discharges projectiles either by air, explosive substance or any other force. Provided, however, that this Subsection shall not apply to any duly authorized law enforcement officer or Authority employee, agent, or contracted employee while carrying out the duties and responsibilities of his or her position.

20.13 Fireworks. It shall be unlawful for a Person to fire, discharge or have in their possession, any rocket, firecrackers, sparklers, squib, torpedo, or other fireworks or any substance of any explosive dangerous to nature, within or upon Crosswinds Marsh property.

20.14 Fires. It shall be unlawful for a person upon Crosswinds Marsh property to:

- a. willfully set or cause to be set on fire, any tree, woodland, brush land, or meadow;
- b. build any fire except within the designated receptacles or open spaces provided and approved for such purpose by the CEO; or
- c. drop, throw, or otherwise scatter lighted matches, burning cigars, cigarettes, tobacco paper or other flammable material.

Periodic, planned, prescribed burns to foster the growth of certain plant species may be authorized with written approval of the CEO.

20.15 Horses. It shall be unlawful for a Person to ride a horse on any Crosswinds Marsh property except on specifically designated and posted bridle trails. It shall be unlawful for a Person to ride a horse in a careless, negligent, or reckless manner so as to create

a nuisance or to endanger the life, property or person of others on any Crosswinds Marsh property.

- 20.16 Operation of Bicycles. It shall be unlawful to operate a bicycle on Crosswinds Marsh property, excluding the parking lot adjacent to the entrance, provided however, that this Subsection shall not apply to any duly authorized law enforcement officer or Authority employee, agent, or contracted employee, while carrying out the duties and responsibilities of his or her position.
- 20.17 Parking. It shall be unlawful for the operator of a motor driven vehicle to stop, stand, or park in any parking area in such a manner as to form an obstruction to traffic thereon.
- 20.18 Motor Driven Vehicles. It shall be unlawful for a Person upon or within the Crosswinds Marsh to operate a motor driven vehicle of any kind or nature, except on designated roads or parking areas. A Person violating this Subsection and thereby creating damage to turf areas will be subject to prosecution and responsible for full restitution of the damaged area. It shall be unlawful for a Person to operate a motor driven sled, toboggan, snowmobile, motorcycle, trail bike, mini bike, scooter, all terrain vehicle, or similar type of sport vehicle in any area of the Crosswinds Marsh, provided, however, that this Subsection shall not apply to a duly authorized law enforcement officer, Authority employee, agent, or contracted employee, while carrying out the duties and responsibilities of his or her position.
- 20.19 Littering and Pollution. It shall be unlawful upon any Crosswinds Marsh property to discard, deposit refuse of any kind or nature, other than in receptacles designated for such purposes by the CEO. It shall be unlawful to throw, cast, lay, drop or deposit into or leave in waters, any substance, matter, or things liquid or solid, which may or shall result in the pollution of said waters.
- 20.20 Emergency Power. This Section shall not prohibit or hinder duly authorized law enforcement agents from performing their official duties. This Section shall not prohibit

the United States federal government, the State of Michigan, the Authority or its duly authorized agents, from establishing emergency rules required to protect the health, welfare, and safety of Crosswinds Marsh visitors and/or to protect Crosswinds property and to maintain order.

SECTION 21: EMERGENCY AND DISASTER MANAGEMENT

21.1. In the event of a Governor's State of Disaster or Emergency, the CEO may make, amend, or rescind ordinances or rules necessary for emergency management purposes that supplement a rule, order or directive issued by the Governor or a state agency. Any such making, amendment, or rescission of an ordinance or rule shall be temporary and, upon the Governor's declaration that the Governor's State of Disaster or Emergency is terminated, shall no longer be in effect. For purposes of this Section 21.1, "Governor's State of Disaster or Emergency" means an executive order or proclamation by the Governor that implements the disaster or emergency response and recovery aspects of the Michigan Emergency Management Plan.

21.2 Personnel Or Disaster Relief Forces, Powers, Duties, Rights, Privileges And Immunities And Compensation. While on duty, personnel of Authority disaster relief forces shall have the following rights:

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

21.3 Liability. The Authority or the agents or representatives of the Authority shall not be liable for personal injury or property damage sustained by any person appointed or acting as a volunteer disaster relief worker or a member of any agency engaged in disaster relief activity. In addition, a volunteer disaster relief worker or a member of any agency engaged in disaster relief activity shall not be liable in a civil action for damages resulting from an act or omission arising out of and in the course of the person's good

faith rendering of that activity, unless the person's act or omission was the result of that person's gross negligence or willful misconduct. This Section shall not affect the right of a person to receive benefits or compensation to which he or she may otherwise be entitled to under the Workers Compensation Law, any pension law, or act of Congress.

- a. This Section 21.3 shall not apply to a person engaged in disaster relief activity for remuneration beyond reimbursement for out-of-pocket expenses in connection with the activity.
- b. The Authority or, except in cases of willful misconduct, gross negligence or bad faith, its employees, agents or representatives, or any volunteer or auxiliary disaster relief workers or member of any agency engaged in any disaster relief activity, complying with or reasonably attempting to comply with this Section, shall not be liable for the death of or injury to persons, or for damage to property, as a result of that activity.
- c. A person owning or controlling real estate or other premises who voluntarily and without compensation grants to the Authority a license or privilege, or otherwise permits the Authority to inspect, designate, and use the whole or any part or parts of the real estate or other premises for the purpose of sheltering persons during an actual, impending, mock, or practice disaster, together with his or her successors in interest, if any, shall not be civilly liable for the death of or injury to any person on or about the real estate or premises under such license, privilege or permission or for loss or damage to the property of the person.
- d. A person owning or controlling real estate or other premises who has gratuitously granted the use of the real estate or other premises for the purposes stated in this Section shall be legally obligated to make known to the licensee any hidden dangers or safety hazards which are known to the owner or occupant of the real

estate or premises which might possibly result in the death or injury or loss of property to a person using the real estate or premises.

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

- a. Interfere with the course or conduct of a labor dispute. However, actions otherwise authorized by this Section or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.
- b. Interfere with the dissemination of news or comment on public affairs. However, any communications facility or organization, including radio and television stations, wire services, and newspapers, may be requested to transmit or print public service messages furnishing information or instructions in connection with a disaster or emergency.
- c. Affect the jurisdiction or responsibilities of law enforcement agencies, fire fighting forces, and units or personnel of the armed forces of the United States when on active duty. However, state, local, and interjurisdictional emergency operations plans shall place reliance upon the forces available for performance of functions related to disasters or emergencies.
- d. Limit, modify, or abridge the authority of the Governor to proclaim a state of emergency pursuant to Act No. 302 of the Public Acts of 1945, being Sections 10.31 to 10.33 of the Michigan Compiled Laws, or exercise any other powers vested in him or her under the State Constitution of 1963, statutes or common law of the State of Michigan.
- e. Limit or abridge the power, duty, or responsibility of the CEO to act in the event of a disaster or emergency, particularly as provided for in Section 6.1(b) of this Ordinance.

21.5 Penalty. Any Person, who shall violate or fail to comply with any provisions of this Section 21 or who shall willfully disobey or interfere with the implementation of a rule, order or directive issued pursuant to this Ordinance, shall be guilty of a misdemeanor.

SECTION 22: ENFORCEMENT AND PENALTIES

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

22.7 Administrative Penalties. A Person who is in violation of a provision of this Ordinance which is designated as subject to an administrative penalty, may be assessed by the CEO with a penalty not to exceed one thousand dollars (\$1,000.00).

22.8 Schedule. The schedule of Airport administrative penalties shall be as follows:

- a. First offense: \$100.00
- b. Second Offense: \$250.00
- c. Third offense: \$500.00
- d. Fourth and above: \$1,000.00

Additionally, if a violation subject to an administrative penalty is discovered or reported by the Airfield Operations Department, the CEO may impose a one-time intermediate penalty of \$50.00 prior to assessing the administrative penalty for a first offense for that violation.

22.9 Administrative Limits. Airport administrative penalties shall only be assessed against Persons having a contractual or business relationship with the Authority and shall not be applicable to the general public.

22.10 Right to Appeal. Upon being assessed an administrative penalty, the violator shall have ten (10) business days to either pay the penalty or to request an appeal. Penalties may be paid, either in person or by mail to the Authority Administrative Office. To request an appeal, a violator must submit his or her request, provided in writing, to the CEO. Failure to request an appeal within the time limits will be taken as an admission of the facts and acceptance of the penalty assessed.

22.11 Appeals Board. Appeals of Airport penalties shall be handled by the Airport Penalties Board, hereinafter referred to as the Appeals Board.

22.12 Appeals Board Composition. The Appeals Board is created and shall be appointed by the CEO in cooperation with the Detroit Airport Affairs Management Council, hereinafter referred to as DAAMC. The Appeals Board shall consist of five members, three selected

by the CEO and two selected by the DAAMC, who shall each serve one-year terms and may be removed from their Appeals Board position at the will of the CEO. A chairperson shall be elected at the beginning of each year by a majority vote of the Appeals Board. The Appeals Board may make recommendations for revision of these provisions.

22.13 Appeals Board Meetings. The Appeals Board shall meet once per month, or more if necessity dictates. The Appeals Board shall keep minutes of its proceedings showing the vote of each member on each case. A record of Appeals Board action shall be made and maintained. Meetings shall be held at an Airport location designated by the chairperson; however, Appeals Board members may attend meetings by teleconference, video conference, or other electronic means with the prior written approval of the chairperson .

22.14 Case Review. The Appeals Board shall function as a reviewing body. It shall review and render written decisions on contested cases. It may uphold the original penalty, adjust it, or dismiss the proceedings.

22.15 Appeals Board Procedures. The Appeals Board shall function primarily from written pleadings. The Appeals Board may, at its discretion, take oral testimony [for discussion].

22.16 Assessments. Each assessment issued shall be presumed to be valid and reasonable and shall be prima facie evidence of the truth of the matters and stipulations set forth in the assessment.

22.17 Collection. The collection of penalties from a violation of this Ordinance shall rest with the Authority. The Authority shall seek recovery under a policy of strict enforcement relating to all penalties specified in this Ordinance. Upon rendering of the Appeals Board's decision, the Authority shall allow the person an opportunity to become current in the settlement of funds, but no longer than thirty (30) days, after issuance of the Appeals Board decision.

- 22.18 Revocation of Privileges. Upon a Person's failure to pay an assessed penalty within a thirty (30) day period, the Authority may revoke the Person's Air Operations Privileges and/or Airport identification badge, terminate the Person's parking privileges or provide cause for termination of contractual agreement with the Authority.
- 22.19 Separate Offenses. Each Ordinance violation is a separate offense. Each day that a continuing violation exists is a separate offense.
- 22.20 Headings. The headings contained herein are for convenience in reference and not intended to define or limit the scope of any provision of this Ordinance.

SECTION 23: SEVERABILITY

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

SECTION 24: EFFECTIVE DATE AND SUPERSEDER

This Ordinance shall be effective on March 12, 2013, and any version hereof adopted prior to such date is superseded in its entirety, except with respect to Resolution No. 03-86, adopted July 30, 2003, which supplemented this Ordinance with the Uniform Traffic Code and Michigan Vehicle Code.