

Orange County Airport

KORG

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Orange, Texas 77630
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Airport Rules and Regulations



**Adopted by the
Orange County, Texas Commissioners' Court
January 25, 2022**

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Purpose

The purpose of these Rules and Regulations is to provide for the efficient and safe operation of the Orange County Airport (hereinafter referred to as the "Airport"); and to provide the greatest service for the citizens of Orange County and the aviation public. These rules and regulations are adopted by the Orange County Commissioners Court, providing enforcement by the Orange County Commissioner's Court or Airport Manager, and providing penalties for violations; all as authorized by the Texas Transportation Code Chapter 22 "County and Municipal Airports".

The definition of "Airport", "aircraft", "airplane", and other common terms used herein is as defined in Part 1, Code of Federal Regulations, Title 14, Aeronautics and Space. Ultralight refers to aircraft that fall within the description given in FAR Part 103. "Airport" with a capital refers to the specific airport for which these rules are adopted. "TxDOT" herein refers to the Texas Department of Transportation, Aviation Division. "FAA" herein refers to the Federal Aviation Administration.

Federal Grant Assurances

Upon receiving federal and/or states funds, the County is contractually obligated to ensure that the Airport will be operated and maintained safely and efficiently in accordance with contractual conditions known as the FAA Grant Assurances. There are a total of thirty-nine (39) grant assurances. Full text of each assurance can be found on the FAA website:

[faa.gov/airports/aip/grant_assurances/](https://www.faa.gov/airports/aip/grant_assurances/).

Exclusive Rights

In accordance with the FAA Grant Assurance 23, the granting of rights or privileges to engage in activities shall not be construed in any manner as affording any entity an Exclusive Right, other than the exclusive use of the land and/or improvements that may be leased to an entity and then only to the extent provided in an agreement.

However, an airport sponsor may elect to provide certain activities directly (i.e., products, services, and facilities can be provided by the sponsor utilizing its own resources and its own personnel) in which case, the airport sponsor can exercise its proprietary Exclusive Right – as allowed in the Assurances.

Use of Airport Restricted

No person, partnership, firm, association, corporation or entity, incorporated or otherwise, shall use the Airport for any commercial activity, unless approved by a written permit from the Commissioners Court or its duly authorized agent.

General Rules and Regulations

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

Federal Air Traffic Rules

It shall be prohibited for any person to navigate, land, fly, service, move, maintain or repair any aircraft or conduct aviation activities, upon, on or from the Airport unless they are in compliance with current, applicable FAA rules and regulations established under federal authority. FAA air traffic rules and regulations applicable to aircraft operated in the United States are hereby adopted and incorporated herein, as existing or as may be hereafter revised by the FAA.

Responsible Party

Any person accessing the Airport shall be responsible for their actions and all actions of any person to whom they provide access, whether directly or indirectly.

Minimum Operating Standards

Prior to commencing any activities at the Airport, all persons shall comply with all applicable requirements concerning such activities as are set forth in these Rules and Regulations.

Safeguard of Persons and Property

The Airport Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport.

Through-the-Fence Operations

No private individual, partnership, FBO, company, or corporation shall be permitted direct ground access to the Airport by their aircraft, customers' aircraft, or private vehicle from property adjacent to or in the immediate vicinity of the Airport without prior coordination with TxDOT. Furthermore, no private individual, partnership, company, corporate, or customers' aircraft or vehicle shall be permitted direct ground access to property from the Airport – a practice commonly known as a “through-the-fence operation” without prior coordination with TxDOT.

Lien for Charges

To enforce the payment of any charge for repairs, improvements, storage, or care of any personal property by the County or its agents in connection with the operation of the Airport, the County may place a lien upon such personal property, which shall be enforceable as provided by law.

Lien Possessory Right

To enforce the payment of any such charge, the Airport Manager may retain possession of such personal property until all reasonable, customary, and usual compensation has been paid in full.

Unauthorized Signs and Equipment

No signs, non-aeronautical equipment, portable buildings, or trailers may be erected, moved-in, or installed on Airport property, except as may be specifically authorized by the Airport Manager.

Surreptitious Activities

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

Wrecked Aircraft

Every aircraft owner, his/her pilot or agents, shall be responsible for notifying the FAA and promptly removing disabled or wrecked aircraft from the operational areas of the Airport, under the direction of the Airport Manager.

In the event the aircraft owner shall fail to arrange for the prompt removal of said aircraft, the Airport Manager may, within his/her discretion, have the aircraft removed as they deem necessary, with such removal being at the expense of the aircraft owner, his/her pilot or agents. The County and its employees and agents shall be without liability for damages which may result in the act of such movement or removal.

Abandoned Aircraft

Abandoned aircraft shall be disposed on in accordance with Texas Transportation Code 22.901.

Repairs to Aircraft

No aircraft shall be repaired on any part of the landing or takeoff area unless the repair is required to move the aircraft so that it minimizes damage to the aircraft and/or Airport property.

Preventive maintenance authorized by FAR Part 43 may be made by the owner or operator of any aircraft, but only within a hangar leased by that aircraft owner or operator or at places designated by the Airport Manager for such purpose.

Major engine, airframe, or avionics repairs shall be conducted by a properly licensed mechanic or other person authorized by the FAA.

Damage to Airport

No person shall destroy, deface, injure or disturb in any way Airport property or conduct at the Airport activities that are injurious, detrimental or damaging to Airport property or to activities and business of the Airport. Any person causing or liable for any damage shall be required to pay the County on demand the full cost of repairs. Any person failing to comply with this section shall be in violation of these regulations and may be refused the use of any Airport facility until the County has been fully reimbursed for damage done.

Injury to Person

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

Licensed Pilots

Only aircraft with current and correct FAA Certificates of Registration and Airworthiness and persons holding valid and current airman and medical certificates issued by the FAA, for those flight operations requiring medical certificates, shall be authorized to operate aircraft upon the Airport except as provided in these rules and regulations.

Ultralights operating under FAR part 103 do not require aircraft registration, pilot certificates, or medical certificates.

This limitation shall also not apply to students-in-training under licensed instructors or to public aircraft of the Federal government or of a State, Territory, or political subdivision thereof, or to aircraft licensed by a foreign government with which the United States has a reciprocal agreement covering the operation of such licensed aircraft.

Use of the Airport by ultralight aircraft and light sport aircraft in the weight shift control and powered parachute class shall be in accordance with FAA Order 5190.6 (latest change) and appropriate FARs Part 61 and 103 and any other rules established by the County.

Animals

No person shall enter the Airport with a dog, cat, or other animal unless the animal is, and remains, restrained by a leash or properly confined as determined by the Airport Manager. Nothing in these rules and regulations shall serve to prohibit or interfere with possession and use of service animals in accordance to state and federal laws.

Living Quarters

No person may make permanent living quarters on Airport property. Exceptions to this rule for cause, such as Airport Manager or security personnel, will be coordinated with TxDOT.

Intoxicants and Narcotics Prohibited

No person under the influence of any intoxicant, narcotic, or other illicit drug shall operate or fly in any aircraft to or from the Airport. Such prohibition shall not apply to a passenger under the care of a medical doctor and accompanied by a doctor, nurse, or caretaker.

Foreign Objects

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

Litter

No boxes, crates, cans, bottles, paper, unusable airplane parts or wreckage, scrap wood or metal, discarded airplane or automobile tires, trash, or other litter shall be permitted to accumulate in or about a hangar, building, or other leased space. If such trash and litter is permitted to accumulate around a privately owned, rented, or leased hangar/building, the Airport Manager shall notify the hangar/building owner, renter or lessee by registered letter to remove the offending litter. If within ten (10) work days after receipt of the letter the hangar/building owner, renter, or lessee has not removed the trash and litter as directed, the Airport Manager may have the area cleaned and the cost for such cleaning shall be charged to the hangar/building owner, renter, or lessee.

Ground Operations

Air, Ground & Vehicular Traffic

No person shall operate a vehicle on the Airport except in accordance with the following rules, and all federal, state, and local law:

- A. All vehicles shall be parked in spaces designated for vehicle parking.
- B. Unoccupied vehicles shall not be parked in aircraft tie down areas.
- C. All vehicles shall yield right of way to aircraft in motion and emergency vehicles.
- D. No vehicle except ground service and emergency vehicles shall approach so close to any aircraft with running engine(s) as to create a hazard.
- E. All vehicles entering or exiting an operating Airport access gate shall wait for the gate to completely close behind them before proceeding to their destination so as to not allow the entry of any other vehicle.
- F. Any vehicle authorized to operate on the Airport runways or taxiways shall display a rotating or steady beacon that complies with FAA Advisory Circular 150/5210 (latest change).
- G. All vehicles authorized to access the taxiways or runways is required to monitor the published Common Traffic Advisory Frequency (CTAF) for the Airport, and have the ability to communicate with aircraft via a two-way aviation radio.

Speed Limits

The maximum speed limit for all vehicles in the airside area, with the exception of authorized county vehicles in the performance their official duties, is fifteen (15) miles per hour, unless posted otherwise.

Airport Security

Security

The Airport uses the Transportation Security Administration publication "Security Guidelines for General Aviation Airports", Information Publication A-001 dated May 2004 or most recent version as a guideline to security on the Airport and is incorporated as a working document. The publication is available for reference on their website - www.tsa.gov/.

Access Codes

Persons who have been provided a code for the purpose of obtaining access to the Airport shall not divulge, duplicate, or otherwise distribute the same to any other person, unless otherwise approved in writing by the Airport Manager.

Access Cards

Access cards are designed to provide airport tenants with convenient airside access and enhance aviation safety.

An access card will be issued to a tenant upon execution of a signed lease agreement and shall be returned upon termination of the lease. Access cards are non-transferrable. Tenants accept responsibility for damages or injuries that result from the improper use of an Airport owned automatic gate.

Persons who have been provided an access card for the purpose of obtaining access onto the Airport through its security perimeter gates shall not duplicate or otherwise distribute the same to any other person.

Damaged Access Cards

Access cards can be damaged or broken during normal use and can be replaced at the Airport Manager's office. Damaged cards must be returned to the Airport Manager before a replacement card will be issued.

Lost or Stolen Access Cards

Lost or stolen access cards shall be reported to the Airport Manager within 24 hours at (409) 988-5706. A \$5 replacement card fee applies to all lost or stolen cards.

Intercom Access

Guests desiring access onto the Airport through its security perimeter gates should contact Airport staff via intercom for approval.

Aircraft Operation Rules

Aircraft Tie Downs

- A. All aircraft not hangared shall be tied down and additionally should have the wheels chocked when remaining overnight and during inclement weather.
- B. All aircraft owners or their agents are responsible for the tie down or security of their aircraft at all times and particularly during inclement weather.

Running Aircraft Engines

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

Damage to Airport Lighting

Any person damaging any runway, ramp, or taxiway light or fixture by operation of aircraft or otherwise, shall immediately report such damage to the Airport Manager. Persons causing damage to runway and taxiway lights as a result of negligent operation or willful acts will be liable for replacement cost of the light(s) and/or fixture(s) and may be charged with a misdemeanor as provided in the Penalty for Violation section of this order.

Taxiing Aircraft

- A. No person shall taxi an aircraft until it is reasonably ascertained there will be no danger of collision with any person or object in the immediate area.

- B. Aircraft not equipped with adequate brakes will not be taxied near buildings or parked aircraft unless an attendant (wing-walker) is at a wing of the aircraft to assist the pilot.
- C. Aircraft shall not be taxied by engine power into or out of any hangar.

Parking Aircraft

- A. Unoccupied aircraft shall not be parked or tied down within any protected area (object free area, runway safety area, etc.) as described in FAA AC 150/5300-13 (latest change) and all aircraft not hangered shall be parked in the areas designated for that purpose.
- B. Unoccupied aircraft shall not be parked within fifty (50) feet of an aircraft fuel pump or fuel service truck parking area.
- C. Aircraft shall not be parked in such a manner as to hinder the normal movement of other aircraft and traffic unless specifically authorized by the Airport Manager as an emergency measure.
- D. It is the responsibility of the pilot in command when leaving a parked aircraft unattended to see that the brakes are set and/or it is properly chocked and/or tied down.

Loading and Unloading Aircraft

Loading or unloading aircraft with the engine running is prohibited.

Authority to Suspend Operations

The Airport Manager may suspend or restrict any or all operations whenever such action is deemed necessary in the interest of safety.

Takeoffs on Other than Runways

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

Takeoffs

Takeoffs Allowed, Non Towered Airports – Low approach, full stop, touch and go, or stop and go landings may be made at the discretion of the pilot in command. Pilots remaining in the traffic pattern making landings should broadcast on the CTAF their pattern direction of turn and their landing (low approach, full stop, touch and go, stop and go) intentions at least by the final segment leg. All aircraft departing shall check the traffic pattern for traffic before taxiing into takeoff position. See FAR 91.113 (g).

Student Training

All student training activities shall be conducted in compliance with current, applicable FAA rules and regulations. Instructors and their students shall observe all rules and regulations, including local rules and FARs in effect at the Airport.

Independent Flight Instructors

An independent flight instructor may provide student flight instruction at the Airport if the independent instructor applies for, and is granted, a permit by the Orange County Commissioners Court or its duly authorized agent. An application for the permit shall be in writing by using the applicable form and filed with the Airport Manager.

Agricultural Spraying Operations

Agricultural (Ag) spraying operations will be conducted in accordance with procedures approved by the Airport Manager and made known to all persons conducting agricultural spraying operations. Said operations shall be accomplished in accordance with the standards of the Environmental Protection Agency and the Texas Commission on Environmental Quality in an area so designated by the Airport Manager.

Each Ag operator shall be responsible for notifying the Airport Manager and any other appropriate authority of any hazardous chemical spills. The Ag operator is responsible, at their own expense, for the clean-up of any hazardous chemical spills caused by the Ag operator.

Special Procedures, Parachuting

- A. The Airport Manager may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows or aviation fly-ins, agricultural operations, gyroplanes, powered lift, gliders, balloons, airships, ultralights, and light sport aircraft in the weight shift control or powered parachute class. Any such change from standard procedures shall be published in the FAA's Airport/Facility Directory if of a permanent nature or the Airport Manager or their duly authorized agent shall issue a NOTAM if such change is of a temporary nature. Permanent changes require filing through TxDOT Aviation Division to the FAA. Temporary closing of a portion of the airport for special events will be approved by the FAA, through TxDOT Aviation Division. See FAA Order 5190.6 (latest change).
- B. Parachute descent onto the Airport property shall not be permitted without the recommendations of the Airport Advisory Board and the written approval of the Commissioners Court. The Airport Manager may develop operating procedures and designated landing areas for parachute operations.

Model Aircraft

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

Drones

Drone operators should avoid flying near airports because it is difficult for manned aircraft to see and avoid a drone while flying. Drone operators must be aware of and avoid traffic patterns and takeoff and landing areas. A drone must not interfere with operations at the Airport and must yield right-of-way to all other aircraft.

Airspace associated with the Airport is classified as Class E and Special Use Airspace. For flight near airports in controlled airspace (Class B, C, D, and E), drone operators must receive an airspace authorization prior to operation and fly at or below 400'.

Airspace authorizations come with altitude limitations and may include other operational provisions.

For more information refer to FAA Advisory Circular 91-57B.

Fueling, Flammable Fluids, and Fire Safety

Fueling Aircraft

- A. All aircraft fueling, fuel equipment, and procedures will be in accordance with Manual 407 – “Standard for Aircraft Fuel Servicing, 2012 edition,” (or as revised) published by the National Fire Protection Association, 1 Batterymarch Park, Quincy MA 02169-7471, 800-344-3555, <http://catalog.nfpa.org>
- B. All transportation, storage and other handling of aircraft and vehicle fuel shall comply with the International Fire Code, 2012 Edition, (or current edition) as published by the International Code Council, Inc. and FAA Advisory Circular 150/5230-4, (latest change).
- C. Fueling trucks shall not be parked within any building or hangar or within fifty (50) feet of any building, hangar, or parked aircraft. Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.
- D. Aircraft fuel storage tanks for below-ground or above-ground use will be constructed and installed, registered as required, monitored for leakage, operated, and maintained in accordance with Federal and State statutes, rules, and regulations promulgated by the Environmental Protection Agency and the Texas Commission on Environmental Quality.
- E. Aviation or auto fuels stored within a hangar shall be stored in containers manufactured and marked for such purpose.
- F. Public sale of automobile gasoline for use in aircraft will not be permitted on the Airport. Aircraft authorized by the FAA to use auto gasoline may be privately fueled by the owner in accordance with all rules appertaining to aircraft fueling and fire safety contained herein.
- G. All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, and aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters, including octane if aviation gasoline, plus the fuel I.D. number, and “NO SMOKING” signs. This information shall be printed on all sides of the fueling tanks, pumps, etc. so the information is visible from any direction on the ground.
- H. Fuel spills in excess of one gallon must be reported to the Airport Manager and immediate action taken by the spilling entity to clean up the spill in accordance with all local, state, and federal regulations.

Fire Safety

- A. Every person using the Airport or its facilities in any manner shall exercise the greatest care and caution to avoid and prevent fire.
- B. Smoking or open flame on public ramp areas or within fifty (50) feet of any fuel tank, fuel pump, or fuel truck is prohibited.
- C. Compressed flammable gas shall not be kept or stored upon the Airport, except at such place as may be designated by the Airport Manager.
- D. No flammable substance shall be used for the cleaning of any aircraft part or anything inside a hangar, T-hangar, or other building upon the Airport.

- E. Hangar entrances must be clear in a manner such that emergency or fire / rescue personnel and equipment can immediately access the hangar without hindrance.
- F. The floors in all buildings shall be kept clean and free of oil. Volatile or flammable substances shall not be used to clean floors, walls or any portion of a hangar structure.
- G. The County shall supply and maintain such adequate and readily accessible fire extinguishers as may be required by applicable fire codes and regulations. Each fire extinguisher shall carry a suitable tag showing the date of most recent inspection.

Lease of Airport Property and Construction on Airport

Hangars and other buildings or structures owned by the County may be leased to private individuals, companies, or corporations on a monthly or yearly basis for the storage of aircraft and ancillary equipment.

The County may lease property within the building area or other portions of the Airport for the construction of hangars, buildings, lean-tos, aprons, taxiways, and auto parking lots in accordance with an approved Airport Master Plan/Airport Layout Plan and design guidelines. Aviation related use must be given priority in the use of all leased or privately owned property, buildings or structures. Approval from TxDOT Aviation Division must be received prior to granting authorization for non-aviation use.

Lease Term

No lease of Airport property or facilities shall be granted for a term exceeding (20) years, however the initial term of a lease of Airport property or facility may exceed twenty (20) years but in no case more than forty (40) years if a loan or deed of trust lien is obtained expressly for construction of the facility which will become property of the County at the end of the lease term, free and clear of all liens and encumbrances.

Non-Aeronautical leases shall be on a month-to-month basis. If aeronautical demand for the space is needed the non-aeronautical tenant must vacate within 30 days. Additionally, non-aeronautical rates shall be adjusted to reflect Fair Market Value (FMV).

Leased Hangars

The FAA Policy on the Non-Aeronautical Use of Hangars at Obligated Airports, 81 FR 38906-38911 dated June 2016 or most recent version, is used by the Airport as a guideline of hangar use. This policy is adopted and incorporated herein, as existing or as may be hereafter revised by the FAA.

- A. Leased hangar space shall be used for the storage of the aircraft described in the Hangar Lease Agreement. Lessee shall notify the Airport Manager of any change in aircraft.
- B. All hangar tenants are required to store an airworthy aircraft in their leased space. For the purposes of hangar lease agreements, an airworthy aircraft is defined as one that has successfully completed an annual inspection by a properly certified aircraft inspector according to the aircraft's log book(s) within the preceding twelve

- (12) month period. Non-airworthy aircraft are defined as any aircraft not in a condition for safe operation with the following exception:
1. Aircraft undergoing and/or awaiting service or repairs for a period not to exceed one hundred twenty (120) calendar days without written approval from the Airport Manager.
 2. Final assembly of aircraft under construction.
 3. Non-commercial construction of amateur-built or kit-built aircraft.
- C. All hangar tenants are required to store active aircraft in their leased space. The FAA defines an active aircraft as one that flies at least one hour during the year.
- D. Lessee is fully responsible, at their own expense, for repairs to any damage caused by the Lessee.
- E. Lessor has the right to enter into the leased hangar at any time for the purpose of maintenance and inspections that may be required by the FAA, TxDOT Aviation, and Orange County. The Lessee shall provide the Airport Manager with an extra key or the combination of the lock to the leased hangar to allow access as necessary.
- F. Lessor shall perform routine maintenance on hangars insofar as the Lessee notifies the Lessor of such a need for maintenance. Prior to performing any maintenance in hangars, Lessee shall arrange for aircraft housed therein to be removed while maintenance activities are performed. Lessee shall comply with requests to remove aircraft in a timely manner to prevent unnecessary damage to their aircraft.
- G. Modifications to hangars are forbidden without Lessor's prior approval.
- H. All communications between parties shall be made as follows:
1. Lessor – communication should be directed to the Airport Manager.
 2. Lessee – communication should be directed to the address, phone number, or email address contained in the lease agreement.
- I. If Lessee fails to pay rent within thirty (30) days after an invoice is mailed a late fee of \$60.00 shall be assessed. Where Lessee becomes more than sixty (60) days in arrears or breaches any other provision of their lease, Lessor reserves the right to terminate the lease agreement.
- J. The term of the lease shall be month to month. The lease shall be automatically renewed each successive month unless either party communicates to the other, in writing, that the party wishes to discontinue the agreement. To be effective, written notice must be given thirty (30) days in advance of the date of termination.

Hangar Rental Rates

FAA Grant Assurance 24, Fee and Rental Structure, provides, in pertinent part, that the sponsor of a federally obligated airport:

“...maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at that particular airport, taking into account such factors as the volume of traffic and economy of collection.”

Rates are set by the Orange County Commissioners' Court and will be reviewed on an annual basis and updated as required to ensure they are sufficient for the purpose intended.

Hangar Waiting Lists

The Airport Manager maintains waiting lists to ensure the fair and orderly assignment of County-owned hangar spaces.

In order to be placed on a waiting list, applicant shall submit their name, telephone number, and tail number of aircraft to the Airport Manager. The Manager shall contact the applicant only when the type of hangar space desired is available for assignment to the applicant.

When hangar space becomes available for assignment, the Airport Manager or their duly authorized agent shall attempt to contact the first applicant on the waiting list. The Manager or their duly authorized agent will make a minimum of three calls over a seven-day period in an effort to contact the applicant. If contact has not been established after seven days, the next applicant on the list will be contacted.

If an applicant is either unable to be contacted or declines the space offered after being contacted, the space offered and date declined shall be notated on the waiting list. The applicant's current position on the list shall be retained after the first and second spaces offered are declined. The applicant shall be removed from the waiting list if the third space offered is declined.

Construction on Leased Property

- A. As given in FAR part 77, the sponsor or sponsor's agent will file electronically with the FAA for any construction on or near the airport. See FAR part 77. File at <http://oeaaa.faa.gov> (or most current URL). A determination of no objection must be received from the FAA prior to any construction on the Airport. No hangar or structure may be erected beyond the building restriction line or in conflict with the approved Airport Layout or Development Plan.
- B. All plans and specifications for construction, renovation, remodeling, or refurbishing of the leased premises shall meet all current Standard Fire and Building Codes published by the Southern Building Code Congress and the National Electrical Code, and shall provide for the construction to be from material satisfactory and acceptable to the Commissioners Court. All construction must be of a compatible standard capable of withstanding winds of 130 mph, with doors open or closed.
- C. The Commissioners Court's written approval of the plans and specifications must be obtained prior to construction of the improvements.
- D. Construction must begin within one hundred twenty (120) days after the effective date of the lease or final comment from TxDOT and the FAA for the filed air space study as required by FAR Part 77, whichever date is later. Construction must be substantially completed within one hundred eighty (180) days of start of construction. Projects anticipated to exceed 180 construction days require approval of the Airport Manager. The Improvements on the leased premises shall remain the tenant's property until expiration or termination of the lease and its covenants or as otherwise agreed to in the contract between the County and the tenant.
- E. Any privately owned structure or hangar not in use for aviation purposes for a period in excess of ninety (90) days or not available for lease or sublease for aviation purposes, unless so authorized for non-aviation uses by TxDOT Aviation, must be removed after due notice to the owner in writing or the Commissioners Court will consider such structures or hangars abandoned and will seek title to such structure or hangar.

- F. Leased land from which any building, hangar, or structure is removed, after due notice will be cleared, cleaned, and put back in its original or acceptable condition.

Assignment and Sub-letting

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

Flying Clubs

A Flying Club ("Club") shall meet the following standards:

- A. At the time of applying for a lease, license, permit or agreement to operate at the Airport, the Club shall furnish the Airport Manager with a copy of its documents of organization; the Club's list of members, including names of officers and managers; evidence of required insurance; a description of all aircraft used; evidence that such aircraft are properly certificated; evidence of ownership of such aircraft; and any operating rules of the Club.
- B. All aircraft used by the Club shall be owned by the Club or leased exclusively by written agreement to the Club, and all ownership or lease rights to such aircraft must be vested on a pro-rata basis in all of the Club's members. The property rights of the Club members shall be equal, and no part of any revenues received by the Club shall inure to the direct benefit of any member (e.g., by salary or bonus). The Club shall not derive greater revenue from the use of its aircraft than the amount necessary for the operation, maintenance and replacement of its aircraft and facilities.
- C. The Club's aircraft shall not be used by any person other than the Club's members and shall not be used by any person for hire, charter, or air taxi. Flight instruction may be given in Club aircraft.

Environmental Issues and Indemnification

Any tenant of the Airport, its agents, employees, independent contractors, or sub lessee shall not install, store, use, treat, transport or dispose of any:

- A. Asbestos in any form.
- B. Urea formaldehyde foam insulation.
- C. Transformers or other equipment which contain dielectric fluid containing levels of polychlorinated biphenyls in excess of 50 parts per million; or
- D. Any other chemical, material, air pollutant, toxic pollutant, waste, or substance which is regulated as toxic or hazardous or exposure to which is prohibited, limited or regulated by the Resource Conservation Recovery Act, the Comprehensive and Environmental Response Compensation and Liability Act, the Hazardous Materials Transportation Act, the Toxic Substances Control Act, the Clean Air Act, and/or the Clean Water Act or any other federal, state, county, regional, local or other governmental authority or which, even if not so regulated, may or could pose a hazard to the health and safety of the occupants of the Leased Premises, and which is either:
 - 1. in amounts in excess of that permitted or deemed safe under applicable law;
 - 2. or in any manner which is prohibited or deemed unsafe under applicable law.(The substances referred to in (A), (B), (C) or (D) are collectively referred to hereinafter as "Hazardous Materials").

Environmental Cleanup Laws

An Airport tenant will, at their own expense, comply with all existing or hereafter enacted laws relating to Hazardous Materials (collectively, "Cleanup Laws") in effect at the time of the lease, and all future laws thereafter.

An Airport tenant will, at their own expense, make all submissions to provide all information to, and comply with all requirements of the appropriate governmental authority (the "Authority") under the Cleanup Laws. Should any Authority require that a cleanup plan be prepared and that a cleanup be undertaken because of the existence of Hazardous Materials which were installed, stored, used, treated, transported, disposed of or discharged on the leased premises, by an airport tenant, its agents, employees, independent contractors or sub lessees during the term of a lease, the Airport tenant will prepare and submit the required plans and financial assurances in accordance with such Cleanup Laws.

The Airport shall be indemnified and held harmless from and against all obligations, damages, injunctions, fines, penalties, demands, claims, costs, expenses, actions, liabilities, suits, proceedings and losses of whatever nature (including, without limitation, attorneys' fees and court costs), and all cleanup or removal costs and all actions of any kind arising out of or in any way connected with the installation, storage, use, treatment, transporting, disposal or discharge of Hazardous Materials in or on the leased premises by an Airport tenant.

Environmental Notices

An Airport tenant shall promptly supply the Commissioners' Court with copies of any notices, correspondence and submissions made or received from any governmental authorities of the United States Environmental Protection Agency, the United States Occupational Safety and Health Administration, or any other local, state or federal authority that requires submission of any information concerning environmental matters or Hazardous Materials.

Environmental Survival

An Airport tenant's liability pursuant to any environmental issue shall survive the expiration or earlier termination of their lease.

Storm Water Compliance

- A. The Airport is subject to federal storm water regulations, 40 C.F.R. Part 122 for "vehicle maintenance shops" (including vehicle rehabilitation, mechanical repairs, painting, fueling and lubrication), equipment cleaning operations and/or deicing operations that occur at the Airport as defined in these regulations and, if applicable, state storm water regulations. Each Airport tenant shall become familiar with these storm water regulations if it conducts "vehicle maintenance" or operates equipment cleaning operations and/or deicing activities as defined in the federal storm water regulations.
- B. The County shall take steps necessary to apply for or obtain a storm water discharge permit as required by the applicable federal and/or state regulations, including the leased property occupied or operated by an Airport tenant. A storm water discharge permit issued to the County may name an Airport tenant as a co-permittee.

- C. An Airport tenant's close cooperation is necessary to ensure compliance with any storm water discharge permit terms and conditions, as well as to ensure safety and to minimize costs. An Airport tenant may have to implement and maintain "Best Management Practices" to minimize the exposure of storm water (and snow melt) to "significant materials" generated, stored, handled or otherwise used as defined in the federal storm water regulations.
- D. The County's storm water discharge permit is incorporated by reference into each lease and any subsequent renewals.

Non Discrimination Covenants

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

Hold Harmless

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

Knowledge of Rules Implied

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

Conflict of Rules and Regulations

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

Penalty for Violation

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

Any violation of these rules and regulations shall be a misdemeanor, and upon conviction, be punishable by a fine not exceeding two-hundred (\$200) dollars, and each day a violation continues to exist shall constitute a separate offense. This section is cumulative of all other penalties for violation of Federal, State, and local laws, rules, regulations, ordinances, and orders. Citation for violation or issuance of a violation ticket of any of the rules and regulations prescribed herein may be made by any authorized police officer. The Airport Manager or Commissioners Court may request authorized police officers to investigate any suspected violation of these rules.

Severability

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

Emergency Enactment

Whereas, the immediate operation of the provisions of these rules and regulations is necessary for the preservation of the public health, public safety, and general welfare, an EMERGENCY is hereby declared to exist, and these rules and regulations shall be in full force and effect from and after its passage by the Commissioners Court of the County of Orange, Texas and publication and posting as required by law.

Passed and adopted by a vote of the Orange County Commissioners Court on the 25th day of January, 2022.


John Gothia, County Judge


Johnny Trahan, Commissioner Pct. 1


Theresa Beauchamp, Commissioner Pct. 2


Kirk Roccaforte, Commissioner Pct. 3


Robert Viator, Commissioner Pct. 4

By:  Chief Deputy
ATTEST: Brandy Robertson, County Clerk