



# **RULES AND REGULATIONS**

Cape May Airport  
Rio Grande, New Jersey

August, **2001**

# AIRPORT RULES AND REGULATIONS

## **Cape May Airport Rio Grande, New Jersey**

The rules and regulations contained herein are adopted to govern all activities at Cape May Airport.

The provisions of this booklet supersede all previous editions of rules and regulations for Cape May Airport and are set forth in the interests of public safety and efficient operation.

Approved and Adopted by the Commissioners of the Delaware River & Bay Authority.

*August 2001*

*Resolution # 01-63*

# AIRPORT RULES & REGULATIONS

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## **AIRPORT RULES & REGULATIONS**

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### **SECTION 1 – DEFINITIONS AND USE**

The following terms as used in these rules and regulations shall have the following meanings:

#### **1.01 Accident**

A collision between an aircraft or a vehicle, and an aircraft, vehicle, person, stationary object or other object which results in property damage, bodily injury or death; or an entry onto or emerging from a moving aircraft or vehicle by a person which results in bodily injury or death to such person or some other person, or which results in property damage.

#### **1.02 Advertising**

The action of calling (as a commodity for sale, a service offered or desired ) to the attention of the public by means of posting, voicing, distributing or displaying signs, literature, circulars, pictures, sketches or other forms of printed or written material.

#### **1.03 Aircraft**

Shall mean any contrivance known or hereafter designed, invented, or used for navigation in the air, except a parachute or other contrivance used primarily as safety equipment.

#### **1.04 Aircraft movement area**

The runways, taxiways, and other areas of the airport utilized for taxiing, take-off and landing of aircraft exclusive of aircraft loading ramps and parking areas.

#### **1.05 Airfield service vehicles**

Vehicles routinely used for service and maintenance of the Air Operations Area.

#### **1.06 Airport**

An area of land that is used or intended to be used for the landing and take-off of aircraft. The Cape May Airport is under the jurisdiction of and operated by the Delaware River & Bay Authority.

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### **1.07 Airport administration office**

The office of the Airport Management.

### **1.08 Airport employee**

The authorized airport personnel of all organizations, activities, governmental agencies, located on or connected with the operation, maintenance, and servicing of the airport.

### **1.09 Airport management**

Shall mean the Airports Director and staff members of the Airports Division.

### **1.10 Air Operations Area – AOA**

All space on the airport where the general public and users of the airport are restricted by fence or posting, or such areas where aircraft are parked or operated, or where operations not open to the general public are conducted; and such term shall include, but is not limited to, the aircraft ramps, aprons, taxiways and runways.

### **1.11 Apron or ramp**

Those areas of the airport within the AOA designated for the loading, unloading, servicing or parking of aircraft.

### **1.12 Aviation operator**

Any person engaged in business of an aviation nature not within the scope of a Fixed Base Operator, as defined herein, who is authorized to conduct such business by virtue of a contract with the DRBA.

### **1.13 Based aircraft**

Any aircraft whose operator leases tie-down or hangar space from DRBA or one of the Fixed Based Operators (FBO's) on a month-to-month or longer term basis.

### **1.14 Commercial activity**

The exchange, trading, buying, hiring or selling of commodities, goods, services or property of any kind, or any revenue producing activity on the airport.

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### **1.15 Commercial vehicle**

The term "commercial vehicle" means every vehicle designed, maintained or used primarily for the transportation of property or passengers in furtherance of commercial enterprise, regardless of whether the charge is paid for directly or indirectly by the customer being served. Examples of commercial vehicles include but are not limited to, on duty taxicabs, limousines, courtesy vehicles, delivery and chartered/scheduled buses.

### **1.16 DRBA**

The Delaware River & Bay Authority

### **1.17 Driver**

Every person who drives, operates or is in actual physical control of a vehicle.

### **1.18 Fixed Base Operator**

Shall mean a firm doing business at the airport dedicated to the sale, storage and hangaring of aircraft, the sale of petroleum, oil and lubricants, the services of maintenance, repair and modification of aircraft, engines or other equipment, the cleaning and provisioning of aircraft, and the provision of transient and related services pursuant to an agreement with the DRBA.

### **1.19 Flammable liquids**

Any liquid which emits a flammable vapor at or below a temperature of 100 degrees Fahrenheit, as determined by flash point from a Tagliabue Open Cup Tester, and shall include, but is not limited to, any other combustible liquids currently used for aircraft fuels.

### **1.20 Fuel**

Fuel shall mean the substance, either solid, liquid or gaseous, used to operate any engine in aircraft or vehicles.

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### **1.21 Fuel Handling**

Fuel handling shall mean the transporting, delivering, fueling or draining of fuel or fuel waste products.

### **1.22 General aviation**

All phases of aviation other than aircraft manufacturing, military aviation, scheduled, nonscheduled and regulated air carrier operations.

### **1.23 Hazardous materials**

A substance or material in a quantity or form that may pose an unreasonable risk to health or safety, or property when stored, transported, or used in commerce as defined by the U.S. Department of Transportation.

### **1.24 Itinerant operations**

All aircraft arrivals and departures other than based aircraft.

### **1.25 Jet Aircraft**

Jet aircraft shall mean any and all aircraft which are not propeller-driven and which accomplish motion entirely as a direct reaction to the thrust of any engine, including but not limited to engines which operate on turbine, ram rocket or nuclear principles.

### **1.26 Loading area**

A designated space for loading and unloading.

### **1.27 Loading gate**

That space reserved for the loading of passengers onto commercial vehicles.

### **1.28 Local aircraft operations**

Aircraft operating in the local traffic pattern, aircraft that are known to be departing for, or arriving from flight in local practice areas, aircraft making simulated instrument approaches or low passes at the airport.

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### **1.29 Motor vehicle**

Any self-propelled wheeled, tracked vehicle, or trailer hitched onto a motor vehicle upon by which a person or property may be transported, carried or otherwise moved from point to point, or for the service and maintenance of equipment or property.

### **1.30 Movement Area**

All runways, taxiways, and other areas of an airport which are used for taxiing, hover taxiing, take off, and landing of aircraft, exclusive of loading ramps, aircraft parking areas, and designated crossing areas. Airport signage and markings are published in the Airman's Information Manual chapter 2 section 3.

### **1.31 Operator**

The person, firm or corporation in possession of an aircraft or vehicle or by any person who has rented such for the purpose of operation by himself or his agent.

### **1.32 Operations office**

The office in charge of all safety and operations of the airport.

### **1.33 Permission**

Means approval granted by airport management.

### **1.34 Person**

Any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and includes any trustee receiver, committee, assignee, or other representative or employee thereof.

### **1.35 Private vehicle**

A vehicle transporting persons or property, for which no charge is paid directly or indirectly by the passenger or by any other entity, excepting, and excluding any vehicle that is a courtesy vehicle as defined herein.

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### **1.36 Public vehicular parking areas**

Those portions of the airport designated and made available temporarily or permanently by DRBA to the public for the parking of vehicles.

### **1.37 Restricted areas**

Areas which are closed to the general public, pursuant to Federal Aviation Regulations, excluding airport access roads to private facilities. Those areas are defined as areas which are used to perform the everyday activities and operations of the airport. These areas include, but are not limited to the Airport Operations Area (AOA). These areas are restricted to use by authorized airport personnel while engaged in their respective duties only.

### **1.38 Runway**

An improved surface area reserved exclusively for the landing and taking off of aircraft.

### **1.39 Solicitation or to solicit**

To directly or indirectly, actively or passively, openly or subtly, ask (or endeavor to obtain by asking), request, implore, plead for, importune, seek, or try to obtain.

### **1.40 Taxiway**

Any surface used to and from a runway and controlled by Airport Management.

### **1.41 Transient aircraft**

An aircraft not using the airport as its permanent base of operations.

### **1.42 Ultra-light vehicles**

A vehicle that is used only for aviation recreation or sport aviation purposes, and satisfies all criteria and requirements of the Federal Aviation Regulations, Part 103, including subsequent amendments.

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### **SECTION 2 – GENERAL**

#### **2.01 Authority to adopt rules and regulations**

The Airport Management shall promulgate rules and regulations to govern the operation and control of the airport and taxing fees and charges, subject to approval by the Delaware River & Bay Authority Board of Commissioners. These regulations are subject to additions, cancellation or amendments as deemed necessary by the Airport Management and the Board of Commissioners. Any person, firm, partnership, association or corporation who shall violate these rules and regulations shall, upon receiving written notification from Airport Management identifying the violation may be removed or ejected from the airport premises and may be denied the use of the airport and its facilities.

#### **2.02 The Airport Management**

The Airport Management has the authority to take such action as may be necessary to safeguard the public in attendance at the airport as well as all facilities under its control. Persons employed on or using the airport shall cooperate with the Airport Management to enforce these rules and regulations. Airport Management may remove or eject from the airport premises any person who knowingly and willfully violates any rule or regulation prescribed in this part, or any order or instruction issued by the Airport Management, and may deny the use of the airport and its facilities to any such person if he determines that such denial is necessary under the circumstances.

#### **2.03 Compliance with rules and regulations**

Any permission granted by the Airport Management directly or indirectly, expressly or by implication, to any person or persons to enter or use the airport or any part thereof (including aircraft operators, crew members or passengers, spectators, operators of pleasure and commercial vehicles, officers and employees of airlines and any other persons occupying space within the airport, persons doing business with the DRBA, its lessees or sub-lessees and permittees, any other person whatsoever) is conditioned upon strict compliance with these rules and regulations and payment of such rates, fees or charges as may be established by the Airport Management.



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### **2.04 Suspension of activities**

The Airport Management may suspend or restrict any or all operations without regard to weather conditions or other considerations whenever such action is deemed necessary in the interest of safety.

### **2.05 Accidents**

Participants in an accident of any nature whatsoever on the airport shall make a full report of same to the Airport Management, with the names and addresses of the parties involved within 24 hours.

### **2.06 Commercial activities must be approved**

No person shall use Cape May Airport for the purpose of carrying out commercial activity; for the carrying for hire of passengers, freight, express, or mail; for the instruction in aviation in any of its branches; for the conduct of any phase of any aviation activity; for the sale of fuel or refreshments; or for any other commercial purpose without first securing a written permit from Airport Management and paying the fee and charges prescribed for such privileges, the use of the airport, its facilities, and for services rendered in conformance with the Federal Aviation Administration, State of New Jersey, County of Cape May and DRBA statutes and regulations.

### **2.07 Restricted areas**

No person shall enter any restricted area of the airport posted as being closed to the public without permission, except persons assigned to duty therein or authorized representatives of the Airport Management. Air Operations Areas, are closed to the public, and no tenant shall permit any authorized person to gain access to the ramp either by private or common use passageways or through private areas. Proper authorization, instruction and/or escort is required from airport management or designated representative, prior to the use of any area or portion of the airport by officers or employees of the DRBA or by contractors acting specifically on behalf of the DRBA or by any policeman, fireman or other person(s) when required in the performance of official duties to be on airport property.

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### **2.08 Obstruction of public use**

No person shall travel by foot or vehicle on any portion of the airport except upon the roads, walks, or places provided for that particular class of traffic; nor occupy the roads or walks in such manner as to hinder or obstruct their proper use.

### **2.09 Signs and advertisements**

No person shall post, distribute or display signs, advertisements, circulars, printed or written matter at the airport, except as authorized in writing by the Airport Management.

### **2.10 Selling, soliciting and entertaining**

No person, except those authorized by contract with the DRBA or permission of Airport Management, shall in or upon any area, platform, stairway, waiting room or other appurtenance of the airport:

- A. Solicit alms or funds for any purpose whatsoever;
- B. Sell, or offer for sale, any article or merchandise;
- C. Solicit any business or trade, including the carrying of baggage for hire, or the shining of shoes;
- D. Entertain any persons by singing, dancing or playing any musical instrument.

### **2.11 Responsibility for damages**

Any person causing damage to or destroying public property of any kind at Cape May Airport, including buildings, fixtures, or appurtenances, whether through violation of these rules and regulations or through any act or omission, shall be fully liable to the DRBA. Any such damage shall be reported at once to Airport Management.

### **2.12 Animals**

No person may enter the airport with a domestic or wild animal without written permission of the Airport Management;

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### **Exceptions**

- A. Person entering any part of the airport with a domestic animal that is kept restrained by a leash or is confined so as to be completely under control;
- B. Person entering the terminal building or gate loading area with a small domestic animal (such as a dog or cat) that is to be transported by air and is kept restrained by a leash or is confined so as to be completely under control; or
- C. Blind or deaf person entering the terminal building or gate loading area with a seeing-eye dog or hearing-aid dog.

Any stray livestock or animal on the airport will be disposed of in accordance with the laws of the State of New Jersey and the municipal ordinances applicable.

### **2.13 Refuse Disposal**

No person shall place, discharge, or deposit in any manner, raw sewage, garbage, or any refuse in or upon the airport without the permission of the Airport Management and in prescribed containers.

### **2.14 Mislaid property**

Any person finding any mislaid property on any of the airport premises shall deposit the same at the Airport Administration Office. The Airport Management shall immediately make a reasonable effort to ascertain the true owner of such property. In the event he/she cannot ascertain the true owner, any such property unclaimed by the true owner within sixty (60) days after its finding will be considered property of the Airport Management and may be disposed of at their discretion.

### **2.15 Storage of property**

Unless otherwise provided by a lease or other contractual agreement, no person shall use any area of the airport, including buildings, either privately owned or publicly owned for the storage of cargo or any other property without permission of Airport Management. If notwithstanding the above prohibition, a person uses such areas for

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storage as aforesaid without first obtaining such permission, Airport Management shall have authority to order the cargo or any other property removed or to cause the same to be removed and stored at the expense of the owner or consignee thereof, without responsibility of liability for damages arising therefrom.

### **2.16 Demonstration, all other**

No person shall conduct or participate in parading, marching, patrolling, demonstrating, sit-ins, assembling, distributing pamphlets or other material, carrying or displaying of signs or placards in or upon or in any manner whatsoever obstructing buildings, grounds, roads, walks, approaches or any of the property of the airport without the written permission of the Airport Management.

### **2.17 Use of airports**

- A. No person or group shall organize, promote or participate in any aviation event including but not limited to air shows, formation landings and takeoffs, use of "ski geared aircraft", parachuting, glider or ultralights and hot air balloon operations, Banner towing without the prior written approval of the Airport Management and the Federal Aviation Administration as required. Approval by Airport Management of any request to organize/sponsor an air show at Cape May Airport will be contingent upon the group/individual satisfactorily completing all applications, operations plans, proof of insurance and special use operating permits required by Airport Management.
  
- B. Persons or parties wishing to conduct a commercial operation on the airport and not involved with a lease of buildings or ground from the DRBA will require an operating permit issued by the Airport Management. The specific requirements to obtain this permit will be detailed by the Airports Director of the Division of Airports and a fee charged for this permit at the discretion of Airport Management.

## **SECTION 3 – MOTOR VEHICLES**

### **3.01 Required licenses**

No vehicle shall be operated in or about a vehicular parking area, or any road within the airport or upon any of the aircraft facilities, unless the driver thereof possess a rated operators license; except that approved ramp equipment may be operated on the public ramp and apron area by accredited employees certified by the employers to the Airport Management as qualified to operate such equipment.

### **3.02 Operation of vehicles**

- A. All vehicles and traffic ordinances of Lower Township pertaining to the operation of vehicles on public streets shall apply on the airport. No vehicle (except emergency vehicles) shall be driven faster than 25 m.p.h. on any non public internal streets and taxiways. The speed limit for ramps, aprons, aircraft parking and hangar areas shall be 10 m.p.h.
  
- B. No motor vehicle shall be driven in the Airport Operations Area without:
  - Proper authorization from airport operations.
  - Proper knowledge of operating vehicles in the AOA (information required determined by airport management.)
  - The use of either an installed or portable airfield radio on Unicom frequency 122.7, or
  - being properly escorted
  
- C. All vehicles which for one reason or another are authorized to operate in the Airport Operations Area shall be painted (Vehicles operating in special and infrequent instances may display an approved 4' x 6' flag in lieu of being painted, upon special permission of the Airport Management). Between the hours of sunset and sunrise, such vehicles shall display an overhead yellow light which shall be visible from all directions and of sufficient brilliance to be seen under clear weather a distance of at least one mile with the naked eye, plus normal operating headlights and tail lights in addition to two red reflectors on each side and on the rear. Non-motor propelled carts and trailers shall have two amber reflectors on each side and two front and two rear. All reflectors shall be visible for at least

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500 feet when opposed by normal vehicle headlights.

### **3.03 Stopping, standing or parking**

No person shall drive, stop, stand or park a vehicle on a public vehicular parking area, operational area, or road within the airport except at such places and for such periods of time and at such speeds as may be prescribed or permitted by the Airport Management or indicated by appropriate signing.

### **3.04 Vehicle sale or repair**

No person shall park, or operate a vehicle upon any roadway or other airport property for the principal purpose of:

- A. Displaying such vehicle for sale.
- B. Greasing, oiling, lubrication, painting or repairing such vehicle, except repairs necessary to remove vehicle.
- C. Displaying advertising.

### **3.05 All vehicles operating in Airport Operational Areas**

All vehicles operating in Airport Operational Areas will yield to aircraft at all times

### **3.06 Abandoned or illegally parked vehicles**

- A. Airport Management officers finding a vehicle standing or parked upon a street or other public place on the airport in violation of the provisions of this section are authorized to move such vehicle or require the driver or the person in charge of the vehicle to move the same.
- B. No person shall abandon or park as "dead storage" any motor vehicle on the airport. Any vehicle parked or left unattended in violation of the provisions of this section may be taken into custody by the Airport Management and removed to a place of safe keeping.
- C. DRBA Police shall make every effort to notify the owner or operator of such vehicle as to its whereabouts within three (3) days of its removal.

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Notice to be given in writing or other means of the fact of such removal and the reasons thereof and the place to which such vehicle has been removed. The person claiming it shall pay all costs incurred.

- D. DRBA Police may use airport or their own personnel, equipment, and facilities for removal and preservation of the vehicle, or may hire other personnel, equipment and facilities for those purposes.

### **3.07 Employees' parking areas**

Employees' parking lots have been established for the exclusive use of those persons employed at the airport. All employees shall park their cars in the assigned employees' parking area and in the parking spaces provided or in the areas as may be designated by the Airport Management.

### **3.08 Courtesy vehicle**

The airport management will permit a hotel or motel to provide courtesy limousine service, providing the service is free and those providing the courtesy limousine service abide by the airport's rules and regulations.

### **3.09 Taxicab/buses**

No person shall operate any taxicab or public service vehicle from the airport unless such operation has the approval of the Airport Management.

### **3.10 Building entrance**

No driver of a taxicab/bus or public service vehicle shall be permitted in the waiting areas of the terminal building, or in any of the entrances or passages thereto for the purpose of soliciting business.

### **3.11 Charges made by the taxicab**

Charges made by the taxicab limousine or bus companies for conveyance of persons in their vehicles shall be posted in an appropriate place in the terminal building, in the vehicle, and made available to Airport Administration Office.

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### **3.12 Temporary/transient vehicles**

No temporary or transient vehicle shall be allowed in the terminal (ramp) area unless escorted by Safety staff vehicles. Temporary/transient vehicles, operating in the Air Operations Area outside the ramp must be marked by a company decal, logo or flag, and have the permission of the Airport Management as indicated in Rule 8.2 of this section.

## **SECTION 4 - AIRCRAFT OPERATIONS**

### **4.01 Conformance with Regulations**

All aeronautical activities at this airport, including all aircraft in flight within air space or the airport, or in motion, or parked on the runways, taxiways, aprons, or ramps of the airport, shall be governed by the current Federal Aviation Administration, the Division of Aeronautics of the State of New Jersey Rules and Regulations, as well as the rules and regulations of the airport and to the extent applicable with the orders and instructions issued by the Airport Management.

### **4.02 Careless or negligent operation**

No vehicle or aircraft shall be operated on the surface of a public aircraft parking and storage area or public landing area or public ramp and apron area in a careless or negligent manner or in disregard of the rights and safety of others, or without due caution and circumspection, or at a speed or in a manner which endangers unreasonably, or is likely to endanger unreasonably, persons or property, or while the pilot or other persons aboard controlling any part of the operation thereof is under the influence of intoxicating liquor or any narcotic or habit-forming drug, or if such aircraft is so constructed, equipped or loaded as to endanger unreasonably, or to be likely to endanger unreasonably, persons or property.

### **4.03 Safety of aircraft operation**

In the event the Airport Management believes the conditions of the airport to be unsafe for landings or take offs, it shall be within his authority to issue a NOTAM closing the



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airport or any part thereof. This shall normally be accomplished by notice to the Millville Flight Service Center by the person authorized to represent the Airport Management.

### **4.04 Accident reports**

Persons involved in aircraft accidents occurring on the airport shall make a full report thereof to the Airport Management, for transmittal to the New Jersey Division of Aeronautics, as soon after an accident as possible, which shall include their names and addresses. When a written report of an accident is required by the Federal Air Regulations, a copy of such report may be submitted to the Airport Management in addition to the report required above.

### **4.05 Qualified personnel to start and taxi aircraft**

No aircraft engine shall be started or aircraft taxied at the airport unless a pilot certificated to operate that particular type of aircraft, or a certificated A&E mechanic qualified to start and run up the engines of that particular type aircraft, shall be attending the controls. Wheel blocks and tie-downs or other approved devices for blocking an aircraft shall always be placed at the front and rear of each main landing wheel, and the brakes of the aircraft shall be on and locked before the engine or engines are started.

### **4.06 Right-of-way for aircraft**

Taxiing aircraft shall have the right-of-way over all vehicles, except authorized emergency vehicles. No person shall taxi an aircraft until he has ascertained that there will be no danger of collision with any person or object in the immediate area.

### **4.07 Speed of aircraft on ground**

All aircraft shall be taxied at a safe and reasonable speed, with due regard for other aircraft, persons and property.

### **4.08 Operation in hangar prohibited**

No aircraft shall be taxied into or out of a hangar under its own power nor shall the engines be operated while the aircraft is inside the hangar.

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### **4.09 Navigational lights**

If an aircraft is parked, taxied, or towed while its engine(s) are running, navigational lights shall remain on.

### **4.10 Miscellaneous taxiing rules**

- A. Aircraft not equipped with brakes shall have an attendant at a wing when the aircraft is taxied near buildings or other aircraft.
- B. All aircraft will taxi on hard surface.
- C. Aircraft taxiing shall conform to the taxi patterns as established by the Airport Management.
- D. Federal Aviation Regulations will be observed at all times.

### **4.11 Aircraft parking**

No person shall park an aircraft or leave the same standing on a public landing area, public aircraft ramp and apron area, public passenger ramp and apron area, public cargo ramp and apron area, public aircraft parking and storage area, or operational area of the airport, except at such places as may be prescribed or permitted by the Airport Management. The landing gear of every such aircraft shall be chocked with wheel blocks or other approved devices, except in the procedure followed by scheduled airlines, which must be equally safe. Upon direction from Airport Management, the operator of any aircraft parked or stored at any area shall move said aircraft from the place where it is parked or stored to any other designated place; if the operator refuses to comply with such direction, the Airport Management may tow said aircraft to such designated place at the operator's expense, and without liability for damage which may result in the course of such moving. The operator or owner is responsible for any damage done by or to his aircraft.

### **4.12 Repairs to aircraft**

No personnel shall perform major repairs to aircraft on any ramp, apron, taxiway, runway, or in any public area at the airport except upon approval from the Airport Management. All such repairs must be performed in a hangar designed for that

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## **AIRPORT RULES & REGULATIONS**

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purpose. All aircraft found in a state of disassembly on the airport will be considered disabled and derelict and shall be subject to such remedial action as may be considered necessary by the Airport Management.

### **4.13 Disabled aircraft**

Unless required or directed by the Airport Management, or Authorized Representatives of the Federal Aviation Administration, or National Transportation Safety Board, or New Jersey Department of Transportation-Division of Aeronautics, to delay such action pending an investigation, all disabled aircraft and parts thereof on the airport shall be promptly removed from the airport by the owner. If any person refuses to move an aircraft as directed by the Airport Management, said aircraft may be removed by the DRBA at the owner's or operator's expense for any damage done in the course of or after such moving. The same shall apply to removal of a wrecked or damaged aircraft and its parts.

### **4.14 Disabled aircraft storage**

No person shall park or store a damaged or disabled aircraft at the airport for more than thirty (30) days except:

- A. When undergoing or awaiting repairs at a repair facility, or
- B. When specifically authorized by prior written permission of the Airport Management.

### **4.15 Operations on other areas**

No aircraft shall take off or land on taxiways or any paved or unpaved areas other than the designated runways except with specific permission of the Airport Management in an emergency.

### **4.16 Landings and take offs**

- A. The Airport Management may prohibit any aircraft takeoff or landing, except for emergency landing, at any time and under any circumstances when he deems such landing or take off likely to endanger persons or property. Airport Management also is authorized to prohibit takeoff of any

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aircraft whenever, in his opinion, any debt or account of owner, pilot or passenger is unpaid or whenever the Management finds same is desirable to prevent any crime or misdemeanor or to apprehend any person believed to be guilty of any crime or misdemeanor. The Airport Management may also prohibit in all or in any part, the use of the airport for any purpose by an individual group.

- B. Any pilot landing after having declared an emergency is required to provide airport personnel with details of the incident and reasons for declaring an emergency.

### **4.17 Helicopters**

Helicopters when not in use shall have brake devices and/or rotor mooring tie-downs applied to the rotor blades.

### **4.18 Motorless aircraft**

No motorless aircraft may land or take off at the airport without permission of the Airport Management.

### **4.19 Parachutes**

Except in an emergency, no parachute landings shall be made at the airport without the written permission of the Airport Management.

### **4.20 Use of the airport**

No experimental aircraft, limited licensed aircraft, ultra lite, kits or home-made aircraft or fighter type aircraft will operate from the airport, unless an exception is granted by the Airport Management.

### **4.21 Brakes**

Aircraft, either locally based or making frequent local usage, shall be landed on or taken off from the airport unless it is equipped with properly functioning brakes that are consistent with the safe operation of the aircraft.

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### **4.22 Tail skids**

No aircraft equipped with a tail skid shall land or take off from or be based on the airport.

### **4.23 Securing of unattended aircraft**

No aircraft shall be left unattended on the airport unless properly secured or within a hangar or tied down. Owners of such aircraft shall be held responsible for any damage resulting from failure to comply with this rule.

### **4.24 Emergency**

During an emergency, all aircraft shall clear active runways and shall hold their positions.

### **4.25 Aerobatics prohibited**

No aircraft shall be flown within the Airport Traffic Zone in maneuvers other than those required in normal routine operations.

### **4.26 Knowledge of regulations**

It shall be the responsibility of all persons, firms and corporations operating on the airport to acquaint themselves, their pilots, instructors, and students with the Federal Aviation Regulations and all airport rules and regulations contained herein.

## **SECTION 5 - AIRCRAFT FUELING**

### **5.01 Aviation fuel**

- A. No person shall dispense fuel either to the public or to private aircraft either owned by himself or others except those vendors authorized by the Airport Management.
- B. Only Essential Personnel Permitted. Only personnel engaged in the fueling, maintenance, and operation of an aircraft shall be permitted within 50 feet of fuel tanks of such aircraft during any such operation.

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### **5.02 Distance from buildings**

Aircraft fuel handling at the airport shall be conducted at a distance of at least fifty (50) feet from any hangar or other building.

### **5.03 Fuel handling while engines are running**

Aircraft fueling is prohibited while the engine of the aircraft being fueled is running.

### **5.04 Proper static grounds**

During all fuel handling operations in connection with any aircraft at the airport, the aircraft and the fuel dispensing or draining apparatus shall be grounded by wire to prevent the possibility of static ignition of volatile liquids and gases.

### **5.05 Fire extinguishers required**

During fuel handling operations in connection with any aircraft at the airport, adequate fire extinguishers approved by the fire underwriters shall always be immediately available for use.

### **5.06 Fueling equipment**

Fueling hoses and defueling equipment must be maintained in a safe, non-leaking condition. Fueling trucks will be kept clean and at all times free of leaks, oil and grease.

### **5.07 Fueling when passengers are aboard**

During fuel handling and transfer in connection with any aircraft, no passenger shall be permitted to remain in such aircraft unless in each case a cabin attendant is at the door and a passenger ramp is in position if the same should be required for the safe and rapid debarkation of passengers.

### **5.08 Smoking near aircraft**

Smoking is prohibited in or about any aircraft or on any ramp, apron or loading position where fueling is taking place. Only personnel engaged in fuel handling or in the maintenance and operation of the aircraft being fueled shall be permitted within a distance of 50 feet of the fuel tanks of such aircraft during the fuel handling operations.

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### **5.09 Starting engines**

No person shall start the engines of any aircraft where there is any type of fuel exposed on the ground under the aircraft.

### **5.10 Fuel spills**

Persons engaged in the fueling and defueling of aircraft shall exercise care to prevent spillage of fuel. In the event of a fuel spill, the Airport Management shall be notified immediately. The operator shall be fully responsible for the costs to remove said material and/or the restoration of grounds or pavements damaged or altered by the spillage.

### **5.11 Fuel storage**

- A. All fuel tanks will conform to the appropriate Municipal Fire Codes, applicable NFPA standards, state and federal regulations.
- B. Persons or companies using any fuel tanks are responsible for keeping yards free of weeds for a distance of five feet outside of yard fences. Yards will be kept free of trash and other debris at all times.
- C. Under no circumstances shall a fueling vehicle be left unattended at a fuel tank during the loading or unloading process. Loading or unloading shall not be considered complete until the delivery hose is detached from both vehicle and tank.
- D. Care shall be taken in filling tanks to ensure that they are not filled to the point where they will overflow from heat expansion.

### **5.12 No photo flash bulbs**

No photo flash bulbs, electrical tools, drills, buffers or similar tools which produce sparks or arcs shall be used in the immediate vicinity of aircraft during fueling operations.

### **5.13 Automotive refueling**

Automotive and vehicular ramp equipment shall be refueled only at refueling stations and from dispensing devices approved by the Airport Management. No aircraft refueling apparatus shall be used for automotive refueling purposes.

## **AIRPORT RULES & REGULATIONS**

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### **SECTION 6 – FIRE AND SAFETY**

#### **6.01 General Rule**

No person in or upon the airport shall do or omit to do any act if the doing or omission thereof endangers unreasonably or is likely to endanger unreasonably persons or property. All persons using, in any way, any airport or the facility of the airport shall exercise the utmost care to guard against fire and injury to persons or property. All recommendations emanating from the Airport Management or the Lower Township Fire Department shall be complied with by any and all tenants, lessees and personnel without delay.

#### **6.02 Obstructions**

All hangar doors, fire hydrants and pits, hose boxes, and all fire fighting apparatus and other appurtenances shall be kept clear of obstructions at all times.

#### **6.03 Elimination of fire hazards**

When the Airport Management has in writing notified or requested any lessee, tenant, or other person on the airport to correct or eliminate any fire hazard on the airport for which such lessee, tenant, or other person is responsible, such lessee, tenant, or other person shall correct or eliminate such hazard in the manner and within the time prescribed in the written notification or request received by him.

#### **6.04 Smoking**

No person shall smoke or carry lighted cigars, cigarettes, pipes, matches or any naked flame in or upon any fuel storage areas, public ramp and apron area, or public aircraft parking and storage area or in any other place where smoking is specifically prohibited by signs, or upon any open space within fifty (50) feet of any fuel carrier or aircraft which is not in motion; nor shall any person throw from an open deck, gallery or balcony contiguous to such areas, or such carriers or aircraft, cigars, cigarettes or similar articles.



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## **AIRPORT RULES & REGULATIONS**

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### **6.05 Explosives**

No person shall, keep, transport, handle, dispose or store at, in or upon the airport any cargo of explosives or other dangerous articles which are barred from loading in or transportation by civil aircraft in the United States under the provisions of the Federal Air Regulations. Any waiver of such regulations or of any part thereof by any competent governmental authority shall not constitute or be construed to constitute a waiver of this rule or an implied permission to keep, transport, handle or store such explosives or other dangerous articles at, in or upon the airport.

### **6.06 Radioactive materials**

No person shall without prior permission of the Airport Management, store, keep, handle, use or transport at, in or upon the airport the following radioactive materials:

- A. Source materials (as defined in Standards for Protection Against Radiation, promulgated by the Atomic Energy Commission. Title 10, Code of Federal Regulations, Part 20) including, but not limited to Uranium, Thorium, or any combination thereof (but not including the "unimportant quantities of source material" set forth in 10 CFR 40.13);
- B. Special nuclear material (as defined in Standards for Protection Against Radiation promulgated by the Atomic Energy Commission, Title 10, Code of Federal Regulations, part 20) including, but not limited to, Plutonium, Uranium 233. Uranium enriched in the Isotope 233 or in the Isotope 235, or any material artificially enriched by any of the foregoing.
- C. Nuclear reactor fuel elements that are partially expended or irradiated;
- D. New nuclear reactor fuel elements;
- E. Radioactive waste material;
- F. Any radioactive material moving under an Interstate Commerce Commission special permit and escort.

Advance notice of at least forty-eight (48) hours shall be given the Airport Management to permit full investigation and clearance for any operation requiring a waiver to this rule.

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The permission of the Airport Management may be given to movements of radioactive materials only when such materials are packaged, marked, labeled and limited as required by the Interstate Commerce Commission and Federal Aviation Administration regulations applying to transportation of explosives and other dangerous articles and do not create undue hazard to life or property at the airport.

### **6.07 Firearms or destructive devices**

No person shall carry or possess a firearm or destructive device on the airport except:

- A. Firearms enclosed in a carrying case or other container for shipment by air;
- B. Firearms carried by peace officers, government employees, or members of the Armed Forces of the United States, DRBA employees, when such person is on official duty which authorizes the possession of a firearm.
- C. DRBA employees working with the wildlife management program.

### **6.08 Fire apparatus**

All tenants or lessees shall supply and maintain such adequate and readily accessible fire extinguishers as are approved by the National Fire Protection Association for the particular hazard involved as may be recommended by the Fire Department. All fire apparatus shall be maintained in first class operable condition.

### **6.09 Open fires**

No person shall start any open fires of any type, including but not limited to, open flame heaters, flare pots, or torches on any part of the airport without permission from the Airport Management.

### **6.10 Cleaning of aircraft**

Cleaning of aircraft shall be done only in areas designated for that purpose by the Airport Management.

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### **6.11 Gasoline and oil spillage**

Receptacles containing waste oil must be placed in containers provided by the tenant and disposed of as the law requires. Throwing oil on the pavement or on any grassed or planted area is prohibited, and any offender shall be liable for damage thereto as determined by the Airport Management.

### **6.12 Hazards to aviation**

No person shall operate or release any model aircraft rocket, kite, balloon, parachute, or other article or substance upon or over the boundaries of the airport or in aircraft zones approach where a hazard to safe flight would be created, without the prior approval of the Airport Management except:

- A. Personnel of the National Weather Service, United States Department of Commerce, when performing their official duties;
- B. Persons parachuting from an aircraft in an emergency situation;
- C. Persons releasing seeds, sprays, dusts, or similar substances for horticultural or agricultural purposes over farms adjacent to the airport.

### **6.13 Combustible refuse**

- A. No person will dump any refuse, oil waste or soil-can waste in any storm sewer, drainage ditch or natural drain within or adjacent to the airport boundary.
- B. No person shall keep uncovered trash containers in any outside area. Covered trash containers shall have a means of securing trash container cover to the receptacle.

### **6.14 Airport Management**

Airport Management may as necessary establish Standard Operating Procedures with other individuals, groups, or agencies for dealing with the operational emergencies that arise on the airport.

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### **6.15 Right of access to airport property**

- A. The Airport Management shall have the responsibility of providing and designating access gates in the perimeter fencing of the airport for use by emergency equipment.
- B. The Airport Management reserves the right to deny access to the airport to any person or persons not directly connected with emergency operations.
- C. Pedestrian traffic beyond any portion of the perimeter fencing of the airport to the scene of an accident within the airport is strictly prohibited.

### **6.16 Right to inspect**

Right to inspect at any time all buildings leased at Cape May Airport to identify any potential safety hazards and lease violations.

### **6.17 Discharge of a Pollutant or and air contaminant restricted**

New Jersey law (7Del. C, §6028) requires strict controls over the discharge of pollutants or air contaminant. Therefore, the following conditions apply at the airport.

- A. **Spills.** Any hazardous material or pollutant spill on a paved surface of the airport which covers a surface area whose diameter is six (6) feet [1.8 meters 25 gallons] or greater, or on an unpaved surface area of the airport, must be reported to the Department of Environmental Protection (DEP) of the State and to Airport Management. The provisions of the Airport Certification Manual (ACM) shall also apply.
- B. **Spill Containment Capability.** All Fixed Base Operators (FBO's) and tenants with self-fueling capability shall have on hand at all times sufficient containment booms to form a three (3) inch high barrier around the spill if the circumference of the containment circle is sixteen (16) feet [4.9 meters]. Additionally, they shall have sufficient cleanup absorbents, pillows, pads, etc. to pick up a minimum of ten (10) gallons [37.85 liters] of the product and to store the same (saturated booms, blankets, etc.) in a sealed container or containers until proper disposal can be effected. The salvage drum or drums shall be approved by the U.S. Department of Transportation

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- C. **Aircraft Preflight Inspection.** No hazardous substance or pollutant shall be disposed of onto any paved surface, the ground or the air at the airport during aircraft preflight inspection.
- D. **Deicing.** The use of pavement and/or aircraft deicers at the airport requires prior written permission from Airport Management. The following conditions shall apply:
- (1) No glycol-based deicer may be used on any aircraft parking area or ramp under the control of the Airport Authority.
  - (2) Airport Management shall inspect and approve of the containment plan and mechanisms to be used for aircraft deicing operations by tenants on their demised premises before issuing permission for aircraft deicing on the airport. The main terminal ramp has been designated as the only area where glycol can be dispense in the open
- E. **Aircraft Washing.** Prior written permission must be obtained from the Airport Operator for the washing of aircraft on the demised premises of a tenant. In order to receive such permission, the area used for aircraft washing shall be paved and provided with containment curbs and floor drains. All drains shall be provided with oil-water separators. Drains flowing into the Sanitary Sewer System must be approved by the Public Works Department of Cape May County. Airport Management reserves the right to require the use of biodegradable cleansing products.
- F. **Right of Inspection.** Airport Management reserves the right of entry onto the grounds and facilities of any tenant during their hours of business for the purpose of inspection to determine compliance with all applicable Federal, State and County laws and ordinances including, but not limited to, applicable environmental practices that are prescribed by law or regulation. Areas of special interest are:
- (1) Ground vehicle fueling operations;

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- (2) Aircraft maintenance facilities;
  - (3) FBO maintenance facilities;
  - (4) Other areas where aircraft overhauls, preventive maintenance, painting, washing or refurbishing occur; and
  - (5) Ground vehicle maintenance facilities.
- G. **Right of Independent Action.** Should Airport Management determine that during the course of an environmental incident the responsible party is not, is not capable of, has not, or refuses to take, the appropriate action in a timely manner to mitigate the adverse environmental incident (this determination is solely that of the Airport Authority), then Airport Management reserves the right to employ those actions or services that the Airport Management determines appropriate to control and/or clean up the site. The cost of such actions or services shall be borne by the responsible party.

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**SECTION 7 - MINIMUM STANDARDS FOR FIXED BASE OPERATORS**

- A. All commercial aeronautical services must provide buildings and land in accordance with the following table:

	OFFICE, LOUNGE, HANGAR	LAND	TOTAL SPACE REQUIRED
AIRCRAFT SALES	3,000	15,000	18,000
AIRCRAFT REPAIR	10,000	15,000	25,000
AIRCRAFT RENTAL BANNER TOWING	3,000	15,000	18,000
FLIGHT TRAINING	4,000	15,000	19,000
AIR TAXI/CHARTER	6,000	15,000	21,000
FUEL/SERVICE	3,000	20,000	23,000
RADIO INSTRUMENT PROP SERVICE	3,000	15,000	18,000

**SPECIAL COMMERCIAL FLIGHT SERVICES**                      **SUBJECT TO NEGOTIATION**

MULTIPLE SERVICES	WHICHEVER IS GREATER OF	15,000/20,000	AS REQUIRED
	75% OF TOTAL SERVICES OR LARGEST SINGLE REQUIREMENT		

- B. All commercial aeronautical services must provide a building capable of housing at least one aircraft.
- C. Multiple services need only provide additional land in the largest amount required for a service they offer.
- D. A commercial aeronautical service engaged in the sale of aircraft shall provide:
1. One or more persons holding a current commercial pilot certificate with

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ratings appropriate for the aircraft offered for sale.

2. An office which is attended at least (8) hours per day, (5) days per week.
- E. A commercial aeronautical service offering airframe or power plant repair shall provide:
1. At least one person currently certified by the Federal Aviation Administration with ratings appropriate for the work being performed.
  2. An office which is attended at least (8) hours per day, (5) days per week, and make provision for emergency mechanical on weekends and holidays.
  3. Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturer recommendations or equivalent on various type of based aircraft.
- F. A commercial aeronautical service offering aircraft rental/banner towing shall provide:
1. At least one person holding a current commercial pilot certificate with ratings appropriate to the aircraft being rented.
  2. At least one aircraft equipped for flight under instrument conditions shall be owned by under exclusive lease to the service.
  3. An office which is attended at least (8) hours per day, (5) days per week.
  4. Restrooms.
- G. A commercial aeronautical service offering flight training shall provide:
1. Properly certified instructors.



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2. Within its required building shall have a pilot lounge, classroom, flight planning area and restrooms.
  3. One aircraft equipped for flight and training under instrument conditions shall be owned or exclusively leased by the service.
  4. An office which is attended at least eight (8) hours per day, five (5) days per week.
- H. A. commercial aeronautical service engaged in air taxi or charter service shall provide:
1. At least one commercial pilot appropriately rated to conduct the service offered.
  2. One aircraft equipped for flight under instrument conditions must be owned by or exclusively leased to the service. If only one aircraft is used, it shall be multi engine.
  3. An office which is attended at least eight (8) hours per day, five (5) days per week.
- I. A commercial aeronautical service offering fuels and dispensing services shall provide:
1. At least one person capable of performing the services offered shall be on duty from 8:00 a.m. to sunset seven (7) days per week, including holidays, with a qualified person on call at all other times.
  2. Minimum of two (2) mobile fueling vehicles capable of adequate separation of various fuel grades and properly metered. Mobile trucks shall have a minimum of 1,000 gallons total or 500 gallons in two (2) separate tanks. Storage for a minimum of 6,000 gallons each of aviation gas and 20,000 gallons aviation turbine fuel.
  3. Service shall be required to provide the following:
    - a. Fuel service of aviation gas and aviation turbine fuel.
    - b. Inflate tires and aircraft struts.

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- c. Jacking and dollies for removal of disabled aircraft
  - d. and starting service.
  - e. Tow vehicles
- J. A commercial aeronautical service offering radio, instrument, or propeller service shall provide:
- 1. At least one Federal Aviation Administration certified repairman qualified to perform the operations listed in the repair station certificate.
  - 2. An office which is attended at least eight (8) hours per day, five (5) days per week.
- K. All flying Clubs will not be required to meet the minimum standards if they meet the following requirements:
- 1. Are a non-profit corporation or partnership,
  - 2. File a list of officers and members with the Airport Management and keep the list current.
  - 3. Are the sole owners of the aircraft used by the club or have an exclusive lease on such aircraft and submit evidence of title to the Airport Management. No aircraft shall be leased from an officer or director of the club or a member of their immediate families or from a corporation in which they hold an interest.
  - 4. File an annual financial statement with the Airport Management.
  - 5. All members or stockholders must hold an equal interest in the aircraft.
  - 6. A copy of the articles of partnership or incorporation and of the organizations by laws must be filed with the Airport Management and kept current.
  - 7. At all times the pilot in command of or the person receiving instruction in aircraft must be a member of the club. The aircraft shall not be used for the instruction of non-members.

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- L. All services shall provide motor vehicle parking as required by the DRBA ordinances.
- M. All commercial aeronautical service shall provide insurance of the type and in the amount set forth in this section.
  - 1. If the service acts as a bailee of aircraft, hangarkeepers insurance in an amount sufficient to cover liability for damage to or destruction of aircraft placed in his care. In no event shall the policy be in an amount less than \$500,000
  - 2. Products liability insurance in the amount of \$1,000,000 per person and \$5,000,000 per occurrence.
  - 3. General liability insurance in the amount of \$1,000,000 per person and \$5,000,000 per occurrence.
- N. Worker's Compensation insurance as required by state law.
- O. The DRBA shall be named as an additional insured on all insurance policies.
- P. All services offering flight instruction or aircraft rental shall inform the student or renter in writing whether his potential liability is insured and state the limits of any policy.

### **SECTION 8 – PENALTIES**

#### **8.01 Violations**

Any person who knowingly, willfully, or recklessly violates any rule or regulation prescribed in these regulations or any order or instruction issued by the Airport Management herein may be removed or rejected from the airport premises, fined and may be denied the future use of the airport and its facilities. Any person or persons operating or handling aircraft, or operating any vehicle, equipment or apparatus on the airport, or using any of the airport facilities in violation of these rules and regulations

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shall be subject to the following penalties. Fines shall not be less than \$10 or more than \$1,000 for the first offense. For the second offense occurring within 12 months after the date of the first offense, the fine shall be not less than \$50 or more than \$1,000. For each subsequent offense thereafter, but occurring within 12 months after the date of the first offense, the fine shall not be less than \$100 or more than \$1,000. Each violation of the relevant rules and regulations shall constitute a separate offense for which a separate penalty shall be imposed. The Superior Court or the municipal court in the municipality in which the violation occurs shall have jurisdiction to enforce and collect in summary proceedings any such penalty.

### **8.02 No Entry**

Operation of any type of motor vehicle, bicycle or any pedestrian on foot shall be prohibited on any airport ramp, taxiway, runway, apron or airfield service and access roads, except for airport vehicles, FAA maintenance vehicles, fuel trucks, catering trucks, and ground service equipment, or vehicles authorized by the Airport Management.

### **8.03 Tampering with perimeter fence**

Any person tampering with cutting, or altering any portion of the perimeter fence to include gates, locks, and signs will be subject to the penalties provided by these rules and regulations and by New Jersey law.

### **8.04 Unauthorized access**

Any non-tenant having gained access to the Air Operations Area, unescorted by the tenant, by utilizing a tenant's key or key card shall be considered trespassing. Also subject to the penalties provided by these rules and regulations and by New Jersey law.

## **SECTION 9 - T-HANGAR RULES AND REGULATION**

The following are rules and regulations governing use of the multiple type T-hangars located at the Cape May Airport.

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1. Each one of the individual T-hangar spaces is designed for the housing of one airplane only. Although there will be some excess space around airplanes of the smaller type, it is not intended to permit any attempt to crowd two airplanes into any one T-hangar space or to allow use of such excess space for any other purpose except the housing of owner's automobile while they are out with their plane, (the automobile is to be removed upon return of the airplane to the hangar;) necessary housing of personal gear for which small portable cabinet may be installed by occupant if desired; housing of supplies and accessories required for use with one airplane, exclusive of gasoline and oil.
2. No airplane repair or overhaul work is to be permitted or conducted in any of the T-hangar spaces without proper authorization. Owners are reminded of FAR 43, 65, and 91, prohibiting maintenance in unsuitable locations by unlicensed persons.
3. Doors are to be kept closed at all times except when an airplane is being moved in or out of the T-hangar. The T-hangar renter will be responsible for security of the hangar door at all times.
4. In the assignment of the individual T-hangar spaces, active airplanes shall have preference over dead storage airplanes. Application for dead storage will be considered only in the event of space to spare and shall be subject to removal on 24 hours notice when space is needed for active airplanes.
5. There shall be no structural alterations made to buildings, wiring, piping, or other; no holes drilled or punched, no nails or screws driven into any floor, walls, or ceilings, without the written approval of the DRBA. Any repairs that need to be accomplished shall be reported to the Airport Management office.
6. There shall be no lettering or signs or any other painting done in or on the building.
7. There shall be no storage of snowmobiles, mobile homes, motorcycles or any non aeronautical vehicles or equipment within any aircraft T-hangar.
8. The occupant shall keep his/her section of the building, grounds, and aprons pertaining thereto in a clean, neat and orderly condition at all times.

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9. All fire extinguishers will be inspected and certified once a year. The T-hangar occupant is responsible for the storing and safe keeping of the fire extinguisher during his/her time of occupancy.
10. It shall be the responsibility of a tenant who decides to relinquish his/her regularly assigned space to notify DRBA in writing one full month prior to the end of that respective month. This will preclude improper billing and facilitate planning for subsequent reassignment.
11. There shall be no refueling of aircraft in the T-hangar area unless the aircraft is grounded and is fueled by a certified agent. There shall be **no fueling inside the t-hangar at any time.**
12. Hangar lights and aircraft engine heaters should not be left on unless the occupant is using the facility.
13. No aircraft may be tied down outside of any T-hangar.
14. No fuels or oils may be disposed of on the ground at any time when using the facility.
15. There will be no smoking inside the T-hangars at any time.
16. The Airport Director, and/or his/her designated staff, have the right to inspect all tenant premises and to observe tenant activities as a condition to and a method of preventing unsafe practices.
17. Each tenant will need to show proof of adequate liability insurance before a unit will be rented.

### **SECTION 10 – CONSTRUCTION AT THE AIRPORT**

1. The airport tenant shall not make or cause to be made any of the foregoing which affects in any way the exterior of any structures or portion thereof, or the structural supporting frame, roof or structural part of any structure now or hereafter existing at the Airport. The airport tenant shall with respect to the

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foregoing obtain comprehensive general liability insurance in such limits as shall be proper and adequate commensurate with the type of work to be performed and the hazards and risks pertaining thereto.

2. The Tenant shall not do any work or permit others to do any work at the Airport without the prior written consent of the DRBA. Work done at the Airport without the approval of the DRBA shall either be changed to the satisfaction of the DRBA or removed from the affected portion of the Airport to the condition thereof prior to the doing of said work at the cost of the tenant.
  
3. Prior to the commencement of construction by the Tenant or others with the permission of the Tenant, the Tenant shall submit to the DRBA two sets of plans and specifications that have been signed and stamped by a licensed engineer in the state of New Jersey for the Operator's consent. The DRBA may refuse to grant consent, if any such proposed work as set forth in said plans and specifications (all of which shall be in such detail as may reasonably permit Airport Management to make a determination as to whether the requirements hereinafter referred to are met) shall:
  - Be structurally unsound, unsafe, hazardous or improper for the use and occupancy for which it is designed, or not comply with the harmony of exterior architecture of similar existing or future construction at the Airport, or
  - Not be compatible with external building materials and finishes of similar existing or future construction at the Airport, or will not provide for sufficient clearances for taxiways, runways and apron areas, or
  - Be designed for use for purposes other than those authorized under the agreement, or
  - Not provide adequate circulation arteries for vehicular and pedestrian traffic and fire-fighting equipment, or Interfere with the line of sight between the Control Tower and the public landing area at the Airport, or not comply with the Airport Operator's Airport Layout Plan and Approved Major Development Plan, or

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- Has not obtained the proper permits from SHPO, NJDOT, DEP, FAA, Cape May County including building, sewer and water, County Planning approval, or the State Aeronautics office in advance of the proposed construction, or Be in violation or contravention of any other provisions and terms of this Agreement.
4. The Airport Tenant hereby assumes the risk of loss or damage to all property of the Authority arising out of or in connection with the performance of the work. In the event of such loss or damage, the Airport Tenant shall forthwith, repair, replace and make good the work and the property of the airport without cost or expense to the airport. The Airport Tenant shall indemnify and hold harmless the Airport, its Commissioners, officers, agents and employees from and against all claims and demands, just and unjust, or third persons (including employees, officers and agents of the airport) arising or alleged to arise out of the performance of the work and for all expenses incurred by it and by them in the defense, settlement or satisfaction thereof, including without limitation thereto, claims and demands for death, for personal injury or for property damage direct or consequential, whether they arise from acts or omissions of the airport or of third persons, or from acts of God or of the public enemy.
  5. All work shall be done in accordance with drawings and specification to be submitted to and approved by the Authority prior to commencement of the work, and shall be subject to its inspection, and the Airport Tenant shall re-do or replace at its own expense any work not done in accordance with the drawings and specifications submitted and approved by the Authority.
  6. The Airport Tenant shall pay or cause to be paid all claims lawfully made against it by its contractors, subcontractors, material men and workmen, and all claims lawfully made against it by other third persons arising out of or in connection with or because of the performance of the work, and shall cause its contractors and subcontractors to pay claims lawfully made against them. Nothing herein contained shall be deemed to constitute consent to the creation of any lien or claim against the Authority. All contracts entered into by an airport tenant shall contain a no mechanics lien provision.
  7. With respect to work, the Airport Tenant shall procure and maintain comprehensive general liability insurance, including automotive, covering bodily



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injury(including death) and property damage liability, shall be in addition to all policies of insurance otherwise required by this agreement, or, if the work is to be done by an independent contractor or others the Airport Tenant shall require such contractor or others to procure and maintain such insurance in the name of the contractor or others and in any case naming the Authority as an additional assured, said insurance not to contain any care, custody, or control exclusions, and in such minimum limits as the DRBA shall require in connection with similar work at other airports.

8. As to any insurance required by this Section, such insurance shall be maintained in effect during the performance of the work. Proof of insurance must be submitted to the Airports Division two (2) weeks prior to the start of construction.
9. The tenant shall be responsible for all contracts for work let by it or others, and for any loss or damages resulting therefrom, notwithstanding the same have been approved by the Authority and notwithstanding the incorporation therein of Authority recommendations. The DRBA shall have no liability or obligations in connection with any contracts entered into by the tenant or others for the work and the tenant hereby releases and discharges the DRBA, its Commissioners, officers, representatives and employees of and from any and all liability or claims for damages or losses of any kind whether legal or equitable, or from any action or cause of action arising or alleged to arise out of the performance of any work pursuant to such contracts. Any warranties contained in any such contract shall be for the benefit of the DRBA as the tenant or others.
10. The word “work” as used in this Section shall be deemed to mean the construction, erection or installation of any buildings, Structures, improvements, additions or fixtures (other than trade fixtures to the area affected) or any modifications, replacements, alterations, or repairs made at the airport by the tenant.
11. If the DRBA has paid any sum or sums or has incurred any obligations or expense which the tenant has agreed to pay or reimburse the DRBA for, or if the DRBA is required or elects to pay any sum or sums or incurs any obligations or expense by reason of the failure or neglect of the tenant to perform or fulfill any one or more of the conditions, provisions or agreements contained in this agreement or as a result of an act or omission of the tenant contrary to the said

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conditions, provisions or agreements, the tenant shall pay to the DRBA the sum or sums so paid or the expense so incurred, including all interest, costs, damages and penalties.

12. The DRBA, by its officers, employees, agents, representatives and contractors shall have the right at all reasonable times to enter upon the leasehold for the purpose of inspecting the same, for observing the performance by the Tenant of its obligations under this agreement, and for the doing of any act or thing which the DRBA may be obligated or have the right to do under this agreement.
13. Nothing in this Section shall or shall be construed to impose upon the DRBA any obligations to construct or maintain or to make repairs, replacements, alterations or additions, or shall create any liability for any failure so to do. The DRBA shall not in any event be liable for any injury damage to any property or to any person.

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