

**City of Wharton**  
**Ordinance No. 2020-04**  
**WHARTON REGIONAL AIRPORT RULES AND REGULATIONS**

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## Wharton Regional Airport Rules and Regulations

**Wharton Regional Airport  
Rules and Regulations**

ORDINANCE: AN ORDINANCE REPEALING ORDINANCE NO. 1997-06 AND REPLACING IT WITH ORDINANCE NO. 2020-04-WHARTON REGIONAL AIRPORT RULES AND REGULATIONS.

An Ordinance providing rules and regulations for the efficient and safe operation of the **Wharton Regional Airport** (hereafter referred to as "the Airport"); providing that no person shall use the airport for carrying on of commercial activities, for instruction in aviation in any of its branches, for sale of any commodities, etc., unless approved by written permit from the City of Wharton Airport Board if so granted by the City Council; providing general rules and regulations in use of the Airport; regulating air and ground traffic; regulating the use of aircraft engines; providing for fire regulations; regulating student training and practice flying; providing for conflict of rules and regulations; providing penalties for violations; providing for conflicting rules; and providing for severability; all as authorized by the "Municipal Airports Act," Texas: Transportation Code, Title 3-Aviation.

**Be it Ordained by the City Council of the City of Wharton, Texas.**

- Section 1. 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 City Council or its duly authorized agent.
- Section 2. General Rules and Regulations**--The following rules and regulations shall be observed in the use, operation and conduct of the Airport:
- Rule 1.** Federal Air Traffic Rules of the Federal Aviation Administration (FAA) for aircraft operated anywhere in the United States, and presently or hereafter effective, are hereby referred to, adopted, and made a part hereof as though fully set forth and incorporated herein.
- Rule 2.** Safeguard of Persons and Property--The City Manager shall at all times have authority to take necessary and legal actions to safeguard any person, aircraft, equipment, or property at the Airport.
- Rule 3.** Hangars and other buildings or structures owned by the city may be rented to private individuals, companies, or corporations on a monthly or yearly basis for the storage of personally owned, current airworthy aircraft and ancillary aircraft equipment only, or to conduct a commercial Fixed Base Operation (FBO).
- Rule 4.** **Lease of Airport Property**--The city 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 the approved Airport Master Plan. All leased property and all buildings or structures erected on the leased property must be utilized for aviation-related

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activity only. Storage of non-aviation equipment or conduct of non-aviation business in any privately-owned hangar or structure is prohibited.

- A. No leases will be written for a primary period in excess of twenty (20) years, without the written approval of the City Council and then only for the length of a mortgage in excess of twenty (20) years obtained from a lending institution by the mortgagee/FBO to construct such building(s) or hangar(s) on the Airport for which the mortgage was obtained.
- B. Any private structure or hangar not in use for aviation purposes for a period in excess of ninety (90) days or not available for rent or subleased for aviation purposes, unless so authorized by the city, must be removed after due notice to the owner in writing by registered mail or the city will consider such structures or hangars abandoned and title will pass to the city.
- C. Leased land from which any building, hangar, or structure is removed after due notice or expiration of the lease will be cleared, cleaned, and put back in its original condition.
- D. Leased property on the Airport may be subleased by the lessee only with written approval of the city.
- E. No hangars or structures may be erected beyond the building restriction line or in conflict with the FAA and/or Texas Department of Transportation, Division of Aviation approved airport layout plan.
- F. All construction must be authorized by the city council and must be of a compatible standard capable of withstanding winds of 85 mph, with doors open or closed. Furthermore, all structures must comply with the City of Wharton city building codes and Airport hazard zoning (and compatible land use) ordinance(s).
- G. **Through the Fence Operations Prohibited**--No private individual, partnership, FBO, company, corporation, or body politic shall be permitted direct ground access to the Airport by their aircraft, customers' aircraft, or private vehicle from private property adjacent to or in the immediate area of the Airport. Further, no private individual, partnership, company, corporate, body politic, or customers' aircraft or vehicle shall be permitted direct ground access to private property from the Airport--a practice commonly known as a "through the fence operation."

**Rule 5. Lien for Charges**--To enforce the payment of any charge made for repairs, improvements, storage, or care of any personal property, made or furnished by the City of Wharton or its agents, in connection with the operation of the

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Airport, the City of Wharton shall have a lien upon such personal property, which shall be enforceable as provided by law.

- Rule 6. 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 shall have been paid in full.
- Rule 7. Unauthorized Signs**--No signs, non-aeronautical equipment, portable buildings, or house trailers may be erected, moved-in, or installed on the Airport property except as may be specifically authorized by the City Manager.
- Rule 8. Surreptitious Activities**--Any person observing suspicious, unauthorized or criminal activities should report such activities immediately to the Airport Manager, police, officers of the Department of Public Safety, or other peace officers.
- Rule 9. Wrecked Aircraft**--Every aircraft owner, his/her pilot, or agents, shall be responsible for notifying FAA, and promptly removing disabled or wrecked aircraft from the operational areas of the Airport, under the direction of the Airport Manager.
- Rule 10. Repairs to Aircraft**--No aircraft shall be repaired on any part of the landing or take-off area, and all outside repairs shall be made at the places designated by the Airport Manager for such purpose. Commercial or repair maintenance operations shall be conducted within a hangar or building rented, leased, or owned for commercial aircraft engine, airframe, avionics, etc. maintenance or repair purposes.
- Rule 11. Agricultural Spraying Operations**--Agricultural spraying operations are limited to SHORT-TERM USAGE periods of time within the property confines of the City of Wharton Regional Airport. The short-term usage is defined as less than 15 calendar days during the year which may occur due to inclement weather conditions at the Operator's normal base of operations unless changes are approved by the airport board. The Operator shall contact the Airport Manager or City Manager at least 24 hours before conducting operations on the Municipal Airport and have written approval from the City before conducting operations. This written approval will be provided only if the City has the appropriate certificate of insurance on hand and the City of Wharton and the Fixed Base Operator at the Airport is named as additional insured.

The City shall develop forms, guidelines and distribute to aerial spraying applicators. The forms will also be provided to the operator at a requested time.

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Operations shall be conducted on designated areas of the Airport as determined by the Airport Manager and/or the City of Wharton. Careless handling of chemicals and unsafe flying will not be tolerated.

Chemicals used in agricultural flying operations shall be dispersed, maintained, the dispensing area cleaned, and empty chemical containers stored, and promptly disposed of in accordance with the rules and regulations established by the Environmental Protection Agency, Texas Natural Resources Conservation Commission, Texas Department of Agriculture, Texas Department of Health, and the City of Wharton Airport Board. Washing of agricultural (Ag) aircraft and flushing of Ag aircraft spray tanks or hoppers will not be allowed on the Airport. No agricultural chemicals shall be stored overnight on Airport property.

The agricultural aircraft operator/pilot must hold an appropriate FAA commercial certificate and be properly rated for the aircraft being used in the operations. The aircraft must have an airworthiness certificate and meet all the requirements of the FAA. The aircraft shall be owned or leased as evidenced in writing.

The Wharton Regional Airport traffic pattern may be deviated from (FAA Part 137.45) only if –

- (a) Prior coordination is made with the Airport manager;
- (b) Deviations are limited to the agricultural aircraft;
- (c) Except in an emergency, landings and takeoffs are not made on ramps, taxiways, or other areas of the Airport not intended for such use; and
- (d) The aircraft at all times remains clear of, and gives way to, aircraft conforming to the traffic pattern.

Agricultural aircraft Operators shall not exceed the maximum gross hopper weight as "stamped" on the aircraft hopper by the aircraft manufacturer or listed in the aircraft's specifications, corrected for field elevation and current temperature.

The agricultural aircraft operator shall carry a minimum of liability insurance in the amount of \$1,000,000.00 payable to the City of Wharton for clean-up of any hazardous chemical spills on the Airport property caused by the Operator. Operator to post a bond of which the bond amount would be determined by the City considering its financial risk and exposure resulting from the agricultural aircraft operations.

The Operator shall inform the Airport Fixed Based Operator when operations have been completed and the City shall inspect the area used

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by the Operator, and if the inspection is satisfactory, the City will provide an approval in writing to the Operator.

- Rule 12. Damage to Airport**--Any person, individual, corporation, or the owner of any aircraft causing damage of any kind to said Airport, whether through violation of any of these rules or through vandalism or any act of negligence, shall be liable therefore in and to said City of Wharton.
- Rule 13. Injury to Person**--Persons entering upon the Airport ground side property by automobile, other vehicular conveyance, or pedestrian traffic (does not include persons in aircraft using approved air side facilities i.e. runways or taxiways) do so at their own risk and with no liability incurring to the City of Wharton, the Airport Authority, the City Manager, or any Airport employee for any injury or damage to person or property. Further, any person desiring to use the Airport shall observe and obey all valid laws, resolutions, orders, rules, and regulations promulgated and enforced by the city or by any other Authority having jurisdiction over the conduct and operation of the Airport including the FAA and the Texas Department of Transportation, Division of Aviation.
- Rule 14. Licensed Pilots**--Only properly registered aircraft and persons holding current airman and medical certificates issued by the FAA shall be authorized to operate aircraft on the Airport. This limitation shall not apply to students in training under licensed instructors nor 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.
- Note:** Use of the Airport by ultralight vehicles shall be subject to approval by the Airport Authority and shall be in accordance with FAR Part 13 and any other rules established by the city or Airport Authority.
- Rule 15. Registration**--Every person owning an aircraft based at the Airport, employed, or receiving instructions at the Airport shall register at the office of the Airport Manager, with their name, address, telephone number, aircraft model, aircraft registration "N" number in accordance with Wharton Municipal Airport Hangar Lease agreement.
- Rule 16. Intoxicants and Narcotics Prohibited**--No person under the influence of an intoxicant, narcotic, or other illicit drugs shall operate or fly in any aircraft upon, from, or over the Airport; provided however, such prohibition shall not apply to a passenger when accompanied by a nurse or caretaker in an aircraft apart from the pilot.
- Rule 17. Foreign Objects**--No foreign objects, including 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

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Airport. Individuals are encouraged to pick up such foreign objects when observed and place them in a trash receptacle.

**Section 3. Ground Operations**

**Rule 18. Air and Ground Traffic - Vehicular Traffic --** All vehicular traffic shall be confined to streets, roads, and avenues of passage designated and provided for that purpose by the Airport Authority, and shall not be operated at a speed in excess of 30 miles per hour. Official vehicles only will be driven on the landing area. Such vehicles will have a ground to air radio transceiver tuned to the local UNICOM frequency and a flashing, yellow beacon light mounted on the roof of the car or a checkered orange and white flag mounted on the front bumper of the vehicle. Special use vehicles such as an ambulance, hearse, delivery van, or pickup vehicle may be driven on the apron with the permission of the Airport Manager to load-unload a patient, body, or special cargo. An aircraft owner that rents, leases, or owns his/her private hangar may park his/her automobile in the hangar while on a trip in his/her airplane.

**Rule 19. Fueling of Aircraft**

- A.** Aircraft shall not be fueled while the engine is running or while in a hangar or other enclosed place, except that an Ag spray aircraft on a fast turnaround may be fueled and loaded with chemicals with the aircraft engine idling if the Airport Authority has provided written authority to the Ag operator, that the Ag aircraft's wheels are chocked, that there are at least two 20B fire extinguishers within fifty (50) feet of the Ag aircraft being serviced, and that a qualified ground crew member is present during the fueling operation.
- B. Bonding--**Prior to making any fueling connection to an aircraft, the fueling equipment (fuel pump, hydrant service, fuel truck) shall be bonded to the aircraft by use of a cable, thus providing a conductive path to equalize static electrical potential between the fueling equipment and the aircraft. The bonding cable resistance shall not exceed 10,000 ohms. The bond shall be made prior to fueling and maintained until fueling is completed and fuel connections have been removed, thus permitting the reuniting of separated static electrical charges that could be generated during the fueling operation. In addition, when fueling over wing, the fueling nozzle shall be bonded with a nozzle bond cable having a clip or a male plug to a metallic component of the aircraft that is metallicity connected to the aircraft fuel tank filler port or a female receptacle designed to accommodate the male plug. If there is no plug receptacle or means for attaching a clip, the operator shall touch the filler cap with the nozzle spout before removing the cap so as to equalize the static electrical potential between the nozzle and the filler port. The nozzle spout shall be kept in contact with the filler neck until the fueling is completed. When a funnel is used in aircraft fueling, it shall be kept in contact with the

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- filler neck as well as the fuel spout or the fuel supply container to avoid the possibility of a spark at the fill opening. Only metals funnels shall be used for fueling. Bonding and fueling connections shall be disconnected in the reverse order of connection after fuelling is completed. Grounding during aircraft fueling is no longer required because "National Fire Protection Association" testing has disclosed that no amount of bonding or grounding will prevent static electrical discharges from occurring inside of a fuel tank.
- C.** All aircraft shall be fueled clear of all hangars, other buildings, and aircraft by at least fifty (50) feet.
- D.** Fueling trucks shall not be parked within any buildings or hangar or within fifty (50) feet distance of a building, hangar, or parked aircraft. Fuel trucks shall be parked with at least ten (10) feet separation between vehicles.
- E.** Aircraft fuel storage tanks for below-ground or above-ground use, will be constructed and installed according to federal and state standards, registered with the state, monitored, checked for leakage, operated, and maintained in accordance with the federal and state statutes, rules, and regulations promulgated by the Environmental Protection Agency and the Texas Natural Resources Conservation Commission.
- F.** Aviation or auto fuels shall not be stored within a hangar or building.
- G.** Persons or aviation businesses wishing to supply and dispense aviation fuel for their private use must first obtain permission from the Airport Board.
- H.** Public sale of automobile gas for use in aircraft will not be permitted on the Airport without written approval of the city. Aircraft authorized by the FAA to use auto gas may be privately fueled by their owner in a location designated by the Airport Manager in accordance with all rules appertaining to aircraft fueling and fire safety contained in these Rules and Regulations.
- I.** All aviation fuel storage tanks, aviation fuel pumps, hydrant fuel services, aircraft fuel service vehicles, whether publicly or privately owned, shall have the type of aviation fuel dispensed printed in large block letters upon them, including octane if aviation gasoline, the aviation fuel code, and "No Smoking." This information shall be printed on all sides of the fueling tanks, pumps, etc., so the information is visible from any direction.
- J.** All aircraft fueling, fuel equipment, and procedures will be in accordance with Manual 407 "Aircraft Fuel Servicing, 1990," or as



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revised, published by the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, telephone 1-800-735-0100.

**Rule 20. Tie down of Aircraft**

- A. All aircraft not hangared should be tied down and the wheels chocked at night 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.

**Rule 21. 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 for removing them.
- B. No airplane will be hand propped, started, or left running without qualified personnel 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.

**Rule 22. Damage to Runway Lights--**Any person damaging any runway or taxiway light or fixture by operation of an aircraft, or otherwise, shall immediately report such damage to the Airport Manager. Persons causing damage to runway or taxiway lights as a result of negligent operation of an aircraft 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 Section 8 B, herein.

**Rule 23. Taxing Aircraft**

- A. No person shall taxi an aircraft until he/she has ascertained there will be no danger of collision with any person or object in the immediate area.
- B. Aircraft will be taxied at a safe and prudent speed, and in such manner as to be under the control of the pilot at all times.
- C. 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.

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- D. Aircraft shall not taxi onto the runway from the ramp and taxiway area if there is an aircraft approaching to land, or on the ground in takeoff position. Aircraft waiting on the taxiway for another aircraft to takeoff or land will remain behind the runway holding position markings.
- E. Aircraft shall not be taxied by engine power into or out of a hangar.

**Rule 24. Parking Aircraft**

- A. Unoccupied aircraft shall not be parked or tied down within ADGp I, two-hundred (200) feet of the centerline of the runway or forty-four-and-one-half (44.5) feet from the centerline of the runway or forty-four-and-one-half (44.5) feet from the centerline of a parallel taxiway. All aircraft not hangared shall be parked in the areas designated by the Airport Board for that purpose.
- B. 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 City Manager as an emergency measure.
- D. It is the responsibility of the pilot when leaving a parked aircraft unattended to see that the brakes are set and/or that the plane is properly chocked and/or tied down.

- Rule 25. Loading/Unloading Aircraft--**Pilots are prohibited from loading or unloading aircraft with the engine running.

**Section 4. Landing and Takeoff Rules**

- Rule 26. 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, provided operations under instrument meteorological conditions (IMC) may be continued by properly instrument-rated pilots following appropriate flight rules.

- Rule 27. Clearing Street--**No aircraft shall land or takeoff in such manner as to clear any public street or highway at an altitude of less than fifteen (15) feet, or seventeen (17) feet over an interstate highway, twenty-three (23) feet over a railroad, or twenty-seven (27) feet over a coastal water way, or the clearance height of the tallest bridge over the water way, nor land or takeoff on the taxiway or over hangars or other structures, automobile parking areas, or groups of spectators.

- Rule 28. UNICOM--**All pilots with radio equipped aircraft shall call on the local UNICOM frequency 122.7 kHz to determine the active runway and to announce their position and intentions for takeoff or landing. Pilots of radio equipped aircraft taking off or landing at the Airport when the local UNICOM radio is not being monitored (or if the

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facility does not have a UNICOM radio) should report their traffic intentions on the MULTICOM Frequency 122.8 kHz.

**Rule 29. Emergency Locator Transmitter (ELT)**

- A.** Immediately after takeoff and after landing, prior to engine shut down, pilots should tune their aircraft radios to the emergency frequency (121.5 kHz or 243.0 MHz) and listen to determine if their aircraft's emergency locator transmitter (ELT) has accidentally turned on as the result of a rough takeoff or landing. If the ELT turned on and transmitted after a takeoff or landing, as soon as possible after turning it off, advise the FAA Automated Flight Service Station for the area at telephone number 1-800-WX-BRIEF, that your ELT accidentally turned on at the approximate time and coordinates, if known, and the time and coordinates it was turned-off. This should prevent the USAF Rescue and Coordination Center from directing the Civil Air Patrol to commence a search and rescue operation resulting from the false ELT transmissions for an airplane that has not crashed.
- B.** If a pilot lands his/her aircraft at Wharton Municipal Airport, parks and locks or hangars his/her aircraft with the ELT transmitting and the Airport Manager determines such has occurred, the Airport Manager shall take immediate action to telephone and/or locate the pilot of the aircraft, advise him/her of the situation, and request that he/she return to the Airport immediately and turn off the ELT. Should the Airport Manager be unable to locate the pilot or if the pilot is unable to return to the Airport within a reasonable time to turn off the ELT, the Airport Manager, accompanied by a local peace officer, a Civil Air Patrol officer, or an FAA representative, shall take the necessary action to turn off the ELT, provided the action does not result in damage to the aircraft. The aircraft owner shall be responsible for all charges associated with turning off the ELT.

**Rule 30. Takeoffs on Apron--**Takeoffs or landings shall not be made on the apron, parking ramp, or taxiway by fixed-wing, rotary-wing, or ultralight aircraft except by special permission of the Airport Manager.

**Rule 31. Takeoffs Allowed--**Touch and go landings may be made at the discretion of the pilot. Pilots remaining in the pattern making touch and go landings should broadcast on the Common Traffic Advisory Frequency (CTAF) their pattern turns and their touch and go intentions after turning final. All aircraft shall clear for landing and takeoff traffic before taxiing into takeoff position.

**Rule 32. Takeoff Climb--**On takeoff, all aircraft shall climb straight out to a level of five-hundred (500) feet above ground level (AGL) 600 (MSL), clear the Airport boundary, and execute a ninety (90) degree turn to the left. To leave traffic, the aircraft shall climb to six hundred (600) feet (AGL), 700 (MSL) then execute a forty-five (45) degree climbing turn to the right out of traffic. Straight out departure, the aircraft shall

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climb to one-thousand (1,000) feet (AGL), 1100 (MSL) then execute a forty-five (45) degree climbing turn to the right out of traffic.

- Rule 33. Traffic Pattern Altitude**--Traffic pattern elevation at Wharton Airport is one-thousand (1,000) feet above ground level (AGL), which is 1,100 feet mean sea level (MSL) altitude for the Wharton Municipal Airport.
- Rule 34. Common Courtesy**--Aircraft entering the traffic pattern shall exercise caution and practice courtesy so as not to cause aircraft already in the pattern to deviate from their course.
- Rule 35. Aircraft Turn**--Any aircraft within three (3) nautical miles of the Airport at an altitude less than one-thousand-five-hundred (1,500) feet AGL shall conform to the flow of traffic. All aircraft shall establish their pattern altitude (except in an emergency) until descent for landing is necessary.
- Rule 36. Student Training and Practice Flying**
- A. Flight instructors shall inform students and themselves on all rules and regulations in effect at the Airport.
  - B. Aircraft shall not be permitted to remain on the landing or takeoff areas for the purpose of instruction.
- Rule 37. Special Procedures**
- A. The Airport Board may, in the interest of safety, designate special traffic procedures for certain operations, such as helicopters, air shows, agricultural operations, gliders, ultralights, etc.
  - B. Parachute jumping on to the Wharton Municipal Airport property shall not be permitted without the recommendations of the City of Wharton Airport Board and the written approval of the City of Wharton City Council. The sponsor of an approved parachuting event shall be required to provide proof to the city of liability insurance for the event in the amount of at least one million dollars (\$1,000,000), with the city additional named insured. A copy of the insurance policy shall be provided to the Airport Manager.
- Rule 38. Flying of Model Airplanes**--Model, gasoline-engine powered airplanes, free flight or radio controlled, or model gliders shall not be permitted to be operated or controlled, takeoff or launched from, flown over, flown in the terminal area of, or land at the Wharton Regional Airport except with the approval of the Airport Board during special events.

**Section 5. Fire Regulations.****Rule 39. Fire Regulations**

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- A. Every person going upon or 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 within fifty (50) feet of any aircraft, above-ground 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 City Manager.
- D. No flammable substance shall be used in cleaning motors or other parts of an aircraft inside a hangar or building.
- E. No one shall smoke or ignite a match or lighter in any building or hangar, except in posted "Designated Smoking Areas" identified by the Airport Manager.
- F. Hangar entrances shall be kept clear at all times.
- G. The floors in all buildings shall be kept clean and free from oil. Volatile, flammable substances shall not be used for cleaning the floors.
- H. No boxes, crates, cans, bottles, paper, tall grass, weeds, 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 or building. If such trash and litter is permitted to accumulate around a private 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) working 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.
- I. Prior to the fueling of any aircraft, the aircraft shall be bonded to the fuel pump, hydrant service, or fuel truck to equalize the static electrical potential between the fueler and the aircraft. Bonding shall be accomplished in the interest of fire safety as described in Section 3, Rule 19, Par. B, "Bonding".
- J. At least two 20B portable extinguishers will be available within 50 feet of the fuel pumps where the open hose discharge capacity of the fuel pump is not more than 200 gallons per minute. Where open hose discharge capacity of the aircraft fueling system or equipment is more than 200 gallons per minute, at least one listed wheeled extinguisher having a rating of not less than 80B and a minimum capacity of 125 pounds of agent shall be provided.
- K. Aircraft fuel service trucks shall have two 20B fire extinguishers, located at the rear of and on each side of the fuel service truck.

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- L. Aircraft fuel service trucks shall have an "Emergency Cut-Off" valve, clearly identified and painted red.
- M. All aviation fuel nozzles shall have "dead man" controls which will shut off the fuel flow when the nozzle hand is released. Automatic fuel cut off nozzles will not be permitted for fueling aircraft.
- N. The pilot and passengers will exit the aircraft and the aircraft will be unoccupied during fueling operations.
- O. In all matters related to airports, heliports and helistops, the provisions of the Standard Fire Prevention Code, Chapter 30, 1994 edition or as revised and adopted by the City of Wharton, shall prevail. Any regulation not specifically contained in the Standard Fire Prevention Code, Chapter 30, pertaining to airports, aircraft hangars and airport operations shall comply with the latest provisions of the National Fire Protection Association, Standard 407, Aircraft Fuel Servicing, published and available from the Nation Fire Protection Association, 1 Batterymarch Park, P.O. box 9101, Quincy, Massachusetts 02269-9101, telephone 1-800-735-0100.

**Section 6. Knowledge of Rules Implied--**By publication of this ordinance/order as required by law, all persons shall be deemed to have knowledge of its contents. However, the Airport Manager is directed to have copies of the ordinance/order printed and posted 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 on the Airport.

**Section 7. Conflict of Rules and Regulations--**If and where there is conflict in the rules and regulations promulgated by this ordinance and the Federal Aviation Regulations (FARs), the latter shall prevail. Where there exists a conflict between any of the rules or regulations prescribed in this ordinance/order and any other city/county rules applicable to the same area, the more stringent limitation or requirement shall govern and prevail.

**Section 8. Penalty for Violation of Rules and Regulations**

- A. Any person operating, using, or handling an aircraft in violation of any of these rules or refusing to comply therewith, may, at once, be ejected from the Airport, or may for any period of time, not exceeding fifteen (15) days, be denied use of the Airport by the Airport Manager, and upon a hearing by the Airport Board may appeal to the City Council of the City of Wharton, Texas and may be deprived of the further use of the Airport and its facilities for such period of time as may appear necessary for the protection of life and property.
- B. Any violation of this ordinance/order shall be a misdemeanor, punishable by fine not exceeding two-hundred (\$200.00) dollars, and each day a violation

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continues to exist shall constitute a separate violation. This section is cumulative of all other penalties for violation of federal, state, and local laws, rules, regulations, ordinances, and orders. Citation of violation or issuance of a violation ticket of any of these rules and regulations shall be made by any local authorized city police officer. Payment of such fine imposed or "plea of not guilty" shall be made at the City of Wharton Municipal Court.

**Section 9. Severability**--If any of the provisions of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance 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.

**Section 10. Emergency Enactment**--Whereas, the immediate operation of the provisions of this ordinance is necessary for the preservation of the public health, public safety, and general welfare an EMERGENCY is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage by the City Council of the City of Wharton, Texas and publication and posting as required by law.

The effective date of this ordinance is February 7, 2020.

**Read, passed, and adopted** by a vote of the City Council of the City of Wharton, Texas this the 27th day of January 2020.

CITY OF WHARTON, TEXAS

By: *Tim Barker*  
TIM BARKER  
Mayor

ATTEST:  
*Paula Favors*  
PAULA FAVORS  
CITY SECRETARY

APPROVED AS TO FORM:  
*Paul Webb*  
PAUL WEBB  
CITY ATTORNEY

