

COLLIER COUNTY ORDINANCE NO. 90- 29
AIRPORT RULES AND REGULATIONS



AN ORDINANCE ESTABLISHING, APPROVING AND ADOPTING RULES AND REGULATIONS RELATING TO THE CONDUCT OF ALL PERSONS AND ANY ACTIVITY INVOLVING COUNTY OWNED AND COUNTY LEASED AIRPORTS.

WHEREAS, Collier County owns and operates the Immokalee Airport and the Everglades City Airport, and

WHEREAS, Collier County is desirous of establishing Airport Rules and Regulations for County-owned and County-leased airports to govern the conduct of all persons and any activity at County-owned and County-leased airports;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA:

SECTION ONE - FINDINGS AND PURPOSE:

The Board of County Commissioners of Collier County, Florida, (hereinafter the "Board") does hereby make the following findings:

Rules and Regulations for County-owned and County-leased airports are necessary and essential to the health, welfare, and general well-being of residents and tourist economy.

SECTION TWO - TITLE AND CITATION:

This Ordinance shall be known and may be cited as the "Collier County Airport Rules and Regulations Ordinance."

SECTION THREE - APPLICABILITY:

This Ordinance shall apply to and be enforced in all unincorporated areas of Collier County.

SECTION FOUR - DEFINITIONS:

The following words, phrases or terms as used in this Ordinance shall have the following meanings unless the context clearly indicates otherwise:

AIRCRAFT - A device designed, used, or intended to be used for navigation or flight in the air, excluding parachutes, hot air balloons, ultra lights, hang gliders or other devices not licensed or certified by the F.A.A.

AIRCRAFT ACCIDENT - An occurrence associated with the operation of an aircraft which occurs between the time any person boards the aircraft with the intention of flight, until such time as all such persons have deplaned, and in which any person suffers death or serious injury as a result of being in or upon the aircraft, or by direct contact with the aircraft or anything attached thereto or in which the aircraft received substantial damage.

AIRCRAFT FIRE AND RESCUE VEHICLES - Those vehicles approved and routinely operated by County personnel for response to aircraft crash, fire, and rescue situations at the Airport.

AIRCRAFT INCIDENT - An Alert situation associated with the operation of an aircraft not meeting criteria as outlined in AIRCRAFT ACCIDENT.

AIR OPERATION AREA (A.O.A.) - An area of the Airports used or intended to be used for landing, takeoff, or surface maneuvering of Aircraft.

AIRPORT(S) - Shall mean the Collier County Immokalee Airport and/or the Everglades Airport and any other right-of-way owned, leased, operated or hereafter acquired and placed under the jurisdiction, control and administration of the Board of County Commissioners for aviation purposes.

AIRPORT TENANT - See "Tenant" definition.

AIRPORTS SERVICE EQUIPMENT - Those vehicles and equipment approved and operated by the County used for service, maintenance, and construction on the Airports.

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TALLAHASSEE FLORIDA

AVIATION OPERATOR - Any person or organization engaged in business of an aviation nature under authority of a lease or permit from the Board.

BOARD - The Board of County Commissioners, Collier County, Florida.

COMMERCIAL OPERATIONS - Shall mean all operations on Collier County Airports for commercial purposes.

COUNTY - Shall mean Collier County, Florida.

COURTESY VEHICLES - Shall mean those vehicles operated to and from the Airports, specifically for the transportation and convenience of their patrons or prospective patrons, for which no compensation is rendered, for hotels, motels, public parking firms, car rental companies, and other commercial operations.

EMERGENCY VEHICLES - Those vehicles, excluding aircraft fire and rescue vehicles and other County authorized vehicles, approved and routinely operated for response to emergency situations, including ambulances and other mutual aid equipment.

ENVIRONMENTAL BUFFER ZONE - Shall mean those areas, (within a fence barrier), set aside by the Federal, State or Local Government as ecologically sensitive.

FAA - means the Federal Aviation Administration or its statutory successor.

FENCE BARRIER - Shall mean all wire fencing (to include chain link), Airport buildings, masonry barriers, and/or any other structure that now, or shall in the future, enclose Airport property which prohibits direct access to the Air Operations Area.

FENCE BARRIER OPENINGS - Shall mean all closeable openings that are part of the Fence Barrier, i.e., wire gates, both pedestrian and vehicular, electric or manual; all doors located on or within buildings that form part of the barrier and open onto Air Operations Area.

FIXED BASED OPERATOR - Those aviation operators who furnish and engage in a full range of aeronautical services and activities for the public, line service, sale of aircraft, parts and supplies, maintenance and repair of airframes and engines, aircraft charter and rental.

GROUND SUPPORT EQUIPMENT - Those vehicles and equipment approved and routinely used on the aircraft aprons or parking areas in support of aircraft operation.

GROUND VEHICLES - The category of vehicles and equipment having authorized access to the AOA including: airport service equipment, ground support vehicles, aircraft fire and rescue vehicles, and all other emergency and County authorized and operated vehicles necessary for the safe and secure operation of the Airports.

GROSS WEIGHT (MGLW) - The certified maximum allowable gross landing weight of an aircraft, as determined by the manufacturer, Federal Aviation Administration, or any other governmental agency having jurisdiction.

ITINERANT PILOT - A pilot operating an aircraft not based at the airport.

LANDING AREA - All aircraft operation areas, including runways, taxi-ways, ramps and aprons.

LEASE AGREEMENT OR LEASE - A contract by which Collier County has conveyed real or personal property to an individual, partnership, firm, organization, association, company or corporation.

LEASED AIRCRAFT - An aircraft in the sole possession of the Lessee and being utilized in the pursuit of the commercial activities authorized through the Lease Agreement with the Board.

LESSOR - The Board of County Commissioners of Collier County, Florida who has conveyed an interest in real or personal property.

MANAGER - (hereinafter called "Airport Manager") shall mean the County Manager or his designee, acting under the direction of the Board, who shall be charged with the duties of enforcing these Rules and Regulations, and of administering and controlling any airport property.

MOTOR VEHICLES - Any and all motor driven vehicles.

MOVEMENT AREA - The runways, taxiways, and other areas of the Airports which are utilized for taxing, takeoff, and landing of aircraft.

PERSON - Shall mean any individual, partnership, firm, organization, association, company, corporation, or their agents.

PRIVATE PLANE - A plane operated by an individual owner for pleasure or of other purpose, where no direct monetary return is received from its operation.

PUBLIC AIRPORT - Means an airport which is open to the general flying public, and at which commodities or services are offered for sale to the general flying public.

PUBLIC PARKING FACILITIES - Shall mean all automobile parking facilities provided for the public at the Airports.

SOLICITATION OR "TO SOLICIT" - Shall mean to directly or indirectly, actively or passively, openly or subtly, ask (or endeavor or obtain by asking), request, implore, please for, importune, seek, or try to obtain.

TENANT - Shall mean any individual, partnership, firm, organization, association, company, corporation, being a part of a fully executed lease agreement with the Board for lands or structures at any County-owned and County-leased Airport.

TRANSIENT AIRCRAFT - Shall mean an aircraft not using the Airports as its permanent base of operations.

ULTRALIGHT VEHICLE - A vehicle used or intended to be used for manned operation in the air by a single or dual occupant which meets all requirements as specified by Federal Aviation Regulations, Part 103.1.

VEHICLE - Any conveyance, except aircraft, used on the ground to transport persons, cargo, or equipment including: airport service equipment, ground support vehicles, aircraft fire and rescue vehicles, and all other emergency and County authorized and operated vehicles necessary for the safe and secure operation of the Airports.

SECTION FIVE - ADOPTION OF AIRPORT RULES AND REGULATIONS:

The Board of County Commissioners shall adopt by Resolution the Airport Rules and Regulations of Collier County, Florida. Said adopted rules and regulations shall have the full force and effect of law and shall be binding upon all persons and activity at any County-owned and County-leased and County-Leased airport. The Board of County Commissioners may amend said Airport Rules and Regulations by Resolution approved by the Board of County Commissioners at regularly advertised Commission meetings.

SECTION SIX - PENALTIES:

If any person fails or refuses to obey or comply with or violates any of the provisions of this Ordinance, such person upon conviction of such offense, shall be guilty of a misdemeanor and shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00) or by imprisonment not to exceed Sixty (60) days in the County jail, or both, in the discretion of the Court. Each violation or non-compliance shall be considered a separate and distinct offense. Further, each day of continued violation or non-compliance shall be considered as a separate offense.

Nothing herein contained shall present or restrict the County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

Further, nothing in this Section shall be construed to prohibit the County from prosecuting any violation of this Ordinance by means of a Code Enforcement Board established pursuant to the authority of Chapter 162, Florida Statutes.

All remedies and penalties provided for in this Section shall be cumulative and independently available to the County and the County shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.

SECTION SEVEN - REPEAL OF RESOLUTION NO. 419:

Collier County Resolution No. 419, dated January 25, 1977, which established Collier County Airport Rules and Regulations, and the Rules and Regulations adopted and made a part thereof by reference, are hereby repealed in their entirety.

SECTION EIGHT - COMPLIANCE WITH OTHER FEDERAL/STATE OR LOCAL CODES:

All other ordinances not in conflict with said Airport Rules and Regulations of Collier County, Florida shall also be enforced on all airports and airport property under the jurisdiction, administration and control of the County of Collier and violators may be punished in accordance with the particular Federal, State or local ordinance, statute, code, rule or regulation violated. Furthermore, all persons shall comply with applicable ordinances, codes, rules and regulations, inclusive of but not limited to the Florida Statutes relating to aircraft and aviation, which are hereby adopted by reference as an aid to make uniform air traffic laws throughout the County and for County-owned and County-leased property.

SECTION NINE - CONFLICT AND SEVERABILITY:

In the event this Ordinance conflicts with any other ordinance of Collier County or other applicable law, the more restrictive shall apply. If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION TEN - ORDINANCE CONSTRUCTION:

In construing this Ordinance and each and every word, phrase, or part hereof, where the context will permit, the singular includes the plural and visa versa; the masculine includes the feminine and neuter and visa versa; and the word "person" includes, but not by way of limitation, individuals, children, firms, associations, joint adventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

SECTION ELEVEN - EFFECTIVE DATE:

This Ordinance shall become effective upon receipt of notice from the Secretary of State that this Ordinance has been filed with the Secretary.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida this 10th day of April, 1990.

BOARD OF COUNTY COMMISSIONERS
ATTEST:
JAMES C. GILES, Clerk
By: Max A. Hasse, Jr., D.C.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA
BY: *Max A. Hasse, Jr.*
MAX A. HASSE, JR., Chairman

Approved as to form and legal sufficiency:
Dennis P. Cronin
Dennis P. Cronin
Assistant County Attorney
Collier County, Florida

This ordinance filed with the Secretary of State's Office the 24th day of April, 1990 and acknowledgement of that filing received this 24th day of April, 1990
By: *Louise Chesoin*
Deputy Clerk

STATE OF FLORIDA)
COUNTY OF COLLIER)

I, JAMES C. GILES, Clerk of Courts in and for the
Twentieth Judicial Circuit, Collier County, Florida, do
hereby certify that the foregoing is a true copy of:

Ordinance No. 90-29

which was adopted by the Board of County Commissioners on
the 10th day of April, 1990, during Regular Session.

WITNESS my hand and the official seal of the Board of
County Commissioners of Collier County, Florida, this 10th
day of April, 1990.

JAMES C. GILES
Clerk of Courts and Clerk
Ex-officio to Board of
County Commissioners

Maurcen Henry

By: /s/ Maurcen Henry
Deputy Clerk

