

09/13/21

09/20/21

ORDINANCE NO. M-4347

AN ORDINANCE relating to Pearson Field Airport, substantively amending multiple sections of the VMC, re-codifying and amending several other sections of the VMC, and repealing multiple sections of the VMC in order to update and reflect preferred management practices, clarify and update the Aviation Advisory Committee and establish separate stand-alone Rules and Regulations applicable to Pearson Field Airport; providing for savings, severability and an effective date.

WHEREAS, as reflected in SR 131-21, the existing code in Title 10 has outdated sections with code language that needs updating to reflect current preferred management practices; and

WHEREAS, some existing parts of VMC Title 10 contain rules and regulations which are better suited to be in stand-alone Rules and Regulations document; and

WHEREAS, the codified composition, membership, and roles and responsibilities of the Aviation Advisory Committee require revisions; and

WHEREAS, outreach with Pearson Field Airport users was conducted, and comments were presented at a City Council workshop held on July 26, 2021; and

WHEREAS, this ordinance is an exercise of the city of Vancouver's policy and legislative authority derived from Wash. Const. art. XI, § 11 and is consistent with RCW 35.22.280, and is to protect the public's health, safety and welfare.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. VMC Chapter 10.05, is hereby amended to read as follows:

10.05 Pearson Field ~~Airport~~Airpark

Section 2. That part of Ordinance M-2733, as previously codified as VMC 10.05.010, is hereby amended to read as follows:

10.05.010 Purpose ~~of regulations.~~

In order to provide for the safety of tenants, users and the general public, efficient use of Pearson Field Airport facilities, and the continued stewardship of the historic, economic, public safety, educational, and cultural value of Pearson Field Airport this chapter shall apply to the governance of Pearson Field Airport and to the rules and regulations set forth in this chapter shall apply to Pearson Airpark and to all public and private use thereof.

Section 3. That part of Ordinance M-2733, as previously codified as VMC 10.05.020, is hereby amended to read as follows:

10.05.020 Construction ~~and d~~Definitions.

The following words and phrases, whenever used in this chapter or documents promulgated hereunder, shall be construed as defined in this section unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. All definitions contained in 49 U.S.C. § 40101 et seq. (hereinafter cited as "FAA Act") and all amendments thereto shall be considered as included herein; and all definitions shall be interpreted on the basis and intention of the FAA Act and amendments thereto, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly ascribed to the use of such words or phrases. Nothing in this chapter shall be construed to mean that the city intends to permit any violation of any federal or state law. FAA regulations, as currently adopted, including any future amendments, shall be the controlling factor. The following terms shall have the meanings indicated:

1. "Airpark" or "a Airport" means the land and facilities owned or controlled by the city of Vancouver known as Pearson Field ~~Airport~~ark.
2. "Aviation advisory committee" means that body which recommends to the City Council, ~~and City Manager and Airport Manager~~ on matters pertaining to Pearson Field Airport ark as set forth in Resolution M-545 or as the same may be amended.
3. "Airportark manager" means the individual or individuals designated by the city manager as having responsibility and authority for management of Pearson Field Airportark.
4. ~~"Airport layout plan" means the most recent approved layout of the airport property, indicating current and proposed usage as approved by the city council by resolution.~~
5. ~~"Based aircraft" means aircraft occupying hangar or tiedown space at the airpark on a monthly or other fixed term basis.~~
4. "City of Vancouver" means a municipal corporation organized under the constitution and statutes of the state of Washington and known as Vancouver, Washington or Vancouver, ~~USA~~.
5. "Commercial activity" means the conduct of any aspect of business, concession, an operation or agency in order to provide goods or services to any person for compensation, for-profit or hire. In addition, any activity which requires a business license or certification to be performed whether for compensation or not which is conducted on or based at the airpark is considered a commercial activity.

- ~~8. "Commercial operator" means any person who owns or operates or who is legally responsible for conduct of a commercial activity.~~
- ~~9. "Adjoining private property" means privately owned property abutting to and adjoining any part of Pearson Airpark.~~
- ~~10. "Employee" means any individual performing services at the airpark for another person and designated as an employee so that federal/state unemployment insurance, federal social security or federal withholding taxes are withheld from wages by his or her employer.~~
6. "FAA" means the Federal Aviation Administration.
- ~~12. "FCC" means the Federal Communications Commission.~~
- ~~13. "Flying club" means a nonprofit corporation or organization (as evidenced by articles of incorporation or other appropriate documents) in which all aircraft are equally owned or leased by all members of the corporation or organization.~~
- ~~14. "Fuel handling" means the transportation, delivering, fueling and draining of aircraft fuel, or any one of the above.~~
- ~~15. "Fixed base operator" means a proprietor of a commercial operation which offers multiple aeronautical related activities and services to the general public.~~
- ~~16. "Itinerant aircraft" means aircraft not based upon the airpark.~~
- ~~17. "Independent contractor" means one who contractually undertakes to perform services for another, but who is not controlled by the other nor subject to the other's right to control with respect to physical conduct in performing the services.~~
- ~~18. "Landing area" means the runway, taxiways, turnoffs and adjoining areas.~~
- ~~19. "Long term leases" means lease periods of more than two years.~~
- ~~20. "Motor vehicle" means automobiles, trucks, buses, public automobiles, limousines, taxis, and any other vehicle by which persons or property may be transported or carried on land, but not including aircraft.~~
- ~~21. "Operator" means the owner or the person, firm or representative or corporation controlling the operations of any certain aircraft or motor vehicle.~~
7. "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
8. "Rules and regulations" means written rules as have been or ~~are~~may be promulgated from time to time by the ~~director of parks~~Airport Manager to carry out this chapter or other city ordinance or law as needed to protect public health, safety, interests, and welfare on the ~~airport~~airpark, and which are consistent with this chapter and which have been adopted as provided herein.
9. "T-Hangar" means a multiple aircraft storage building individually compartmentalized and normally leased to individual airplane operators.
10. "Tenant" means any person (as defined above) who through agreement with the city occupies and controls or benefits from the use of ~~airport~~airpark premises.
- ~~26. "Contract or commission services" means a person performing contract or commission services for compensation on the airpark~~"Tie-Down" means city owned ramp space where aircraft can be

tied down and typically uncovered.”

~~27. "Non-aviation services" means restaurants, car rentals and any other non-aeronautical services provided on the airpark.~~

11. "Fees and charges" means charges directly imposed by the city upon users of the airport for services of direct benefit.

~~29. "Standards for commercial/noncommercial operations" means rules and regulations which by their terms pertain only to commercial/noncommercial operations on Pearson Airpark.~~

Section 4. That part of Ordinance M-2733, as previously codified as VMC 10.05.030, is

hereby amended to read as follows:

10.05.030 ~~Regulations for airport use generally~~Adoption of Rules and Regulations.

~~A.—Any permission granted by the airport manager or by his/her representative, directly or indirectly, expressly or by implication, to any person or persons to enter or use the airport or any portion thereof, including aircraft operators, crew members and passengers, spectators, pleasure and commercial vehicles, officers and employees of lessees and also including other persons occupying space on the airport, persons doing business with the city of Vancouver, its lessees, sublessees and permittees, and all other persons whatsoever, is conditioned upon such persons' compliance and continued compliance with these rules and regulations. Entry upon or into the airport by any person shall be deemed to constitute an agreement by that person to comply with all said rules and regulations.~~

~~B.—Use of the airport for carrying on activities in aviation on a commercial basis is restricted to those persons who shall have established themselves as tenants under a tenancy contract or permit from the city of Vancouver. No person who is not so authorized or who is in default under a tenancy contract or permit shall operate, service or repair aircraft on the premises or carry on any business of any nature thereon; provided, however, that an owner of an aircraft which is regularly stored on the airport, either by arrangement with the airport manager, or with an established tenant operator, may employ a qualified pilot/instructor to operate such owner's aircraft and/ or to give instruction to such owner without being deemed in violation of this subsection.~~

~~C.—No person or persons, except airmen, duly authorized personnel, passengers going to or from aircraft, persons having business to transact in offices located in hangars, or other persons being personally conducted by airmen or airport attendants, shall be permitted to enter the area within the fence, i.e., within the landing area proper. Even the persons so excepted who thus shall have the privilege of unrestricted use of the space within the fence, are restricted to the necessary use of such space in connection with flights, inspections and routine duties.~~

~~D.—Permit Required for Commercial Services. It is unlawful for anyone to engage in any commercial service in premises at Pearson Airpark unless he or she has first secured a permit from the city to do so; provided, this shall not apply to persons operating a business at the airpark under a tenancy agreement with the city, but all such persons must have a city business license, unless exempted by terms of Chapter 5.04 of this code.~~

The document titled “Pearson Field Airport Rules and Regulations,” is adopted by City Council Resolution. Any future changes or amendments shall be subject to review and adoption by resolution of the City Council, subject to review and recommendation by the Aviation Advisory Committee.

Section 5. That part of Ordinance M-2733, as previously codified as VMC 10.05.040, is

hereby amended to read as follows:

10.05.040 ~~Refuse—Property damage—Tampering~~ Aviation Advisory Committee.

~~A.—*Refuse.* No person shall throw, dump or deposit any waste, refuse, litter or garbage on the grounds of the airport. All waste, refuse, litter and garbage shall be placed and kept in closed garbage cans or containers, and all operating areas shall be kept in a safe, neat, clean and orderly condition at all times.~~

~~B.—*Property Damage.* Anyone who intentionally destroys, injures, defaces or disturbs in any way any building, sign, equipment, marker or other structures, or other public property on the airport shall be guilty upon conviction of a misdemeanor. Any person responsible for the destruction or damage of airport property, whether by accident or otherwise, shall pay the city for such damage and destruction, and, in appropriate cases, for other financial losses to the airport which follow from such damage or destruction.~~

~~C.—*Tampering with Aircraft.* No one may interfere or tamper with any aircraft or start the engine of such aircraft unless authorized to do so.~~

1. Purpose.

The purpose of the Aviation Advisory Committee is to provide advice and recommendations to the Airport Manager, City Manager, and City Council, as well as other city departments, regarding the management and operations of the Airport and other aviation related issues affecting Pearson Field Airport. The committee shall provide advice and recommendations on:

- i. Issues pertaining to maximizing the historic, economic, public safety, educational, and cultural value of the Airport.
- ii. Airspace compatibility of any economic development projects with potential to affect the Airport (ex. zoning, building standards, etc.).
- iii. General financial oversight of the airfield, including all proposed fees, commercial leases, rental rates, and rental agreement formats.
- iv. Proposals to construct or remove any building, capital improvements, or to enlarge airport facilities.
- v. The adoption or amendment of airport rules and regulations, Commercial Minimum Standards, and the development of airport related plans including the master plan and airport layout plan.
- vi. Formal agreements with the National Park Service, or any other entity, with either operational or financial implications for the Airport
- vii Operations, changes and advancements in aviation technology and airspace use.
- viii Aviation matters referred to the committee by City Council, City Manager, or their designee.
- xi Other aviation matters that originate from within the committee.
- x. Review all Airport grants before application and before submission to the City Council for acceptance of the grant. The exception will be if grant acceptance and Council action is required sooner than the AAC can meet.

2. Members – Appointment

The Aviation Advisory Committee shall consist of 9 members selected by City Council subcommittee and appointed by the City Council. Committee members will serve without compensation. Members will have a demonstrable interest in the Airport, and/or aviation and aeronautical activities, and preferably have skills in one or more relevant areas such as airport management, legal, marketing, finance, FAA knowledge, real estate, business, and engineering. Members shall demonstrate the ability to work effectively with others in a volunteer committee role.

If a suitable candidate is available, one member shall be a representative from the Port of Portland and one member will be from a surrounding neighborhood. In support of assuring a balanced range of community perspective on the AAC and subject to exception by the City Council in their process of appointing members of the Committee, no more than three (3) members of the Committee may be a tenant of the Airport, subject to Council exception. No members will be employees of the City of Vancouver.

3. Terms

Aviation Advisory Committee members shall be appointed for three-year terms; provided of the nine initial members, three shall be appointed to a three-year term, Three to a two-year term and one to a one-year term. Subsequent appointments shall be to fill any unexpired term or to a three-year term. Service of members may not exceed three consecutive full terms.

4. Officers

Each year, the committee shall elect by majority vote a chair and vice chair and such other officers as the committee finds necessary. Officers shall serve for one-year and may not serve for more than two consecutive years.

5. Removal. Any member may be removed, prior to the expiration of their term of appointment, by a majority vote of the City Council

6. Meeting-Quorum. The committee shall hold meetings at least quarterly and may hold such other meetings as it finds necessary. A majority of the current members of the aviation advisory committee shall constitute a quorum.

7. Bylaws. The Aviation Advisory Committee shall adopt bylaws that outlines the transaction of its business. The bylaws will be consistent with City values and subject to review by the City Manager or designee. The Aviation Advisory Committee may thereafter amend the bylaws or repeal and replace the bylaws subject to review by the City Manager or designee and referral, if appropriate, to the City Council for ratification. The bylaws may only contain provisions for the regulation and management of the affairs of the Aviation Advisory Committee as consistent with law and this chapter of VMC 10.05.

8. Assistance

The Airport Manager or the Manager's designee shall serve as staff liaison and Secretary to the Committee ("Secretary"). The City's staff and consultants, under direction of the Secretary, shall furnish professional and technical information and advice to the Committee.

Section 6. That part of Ordinance M-2733, as previously codified as VMC 10.05.050, is hereby amended to read as follows:

10.05.050 Access to Pearson Airpark from adjoining private property Federal and State Grants.

~~Access to Pearson Airpark will not be permitted from adjoining private property. A control and security fence will be erected and maintained separating Pearson Airpark and private property.~~

All funds shall be disbursed only for the purposes approved by the FAA or granting State or local agency. Such funds shall not be dispersed or loaned for any other reason unless permitted under the grant and approved by the City Council.

Section 7. That part of Ordinance M-2733, as previously codified as VMC 10.05.060, is hereby amended to read as follows:

10.05.060 ~~Motor vehicle regulations~~ Audits.

~~A.—No one shall operate any vehicle on the airpark in a negligent manner, nor in disregard of the rights and safety of others, nor at a speed likely to endanger unreasonably any person or property, nor while the driver is under the influence of intoxicating liquor, or any narcotic drug, as such condition is defined in the city traffic code at Chapter 9.56 of this code.~~

~~B.—No person not having a valid vehicle operator license shall operate any vehicle on the airport, nor shall any person operate at the airpark any vehicle which is not properly licensed under the laws of the state of Washington or of another state.~~

~~C.—All vehicles operated on the airpark shall be driven at a safe and reasonable speed, but not to exceed fifteen miles per hour.~~

~~D.—No motor vehicle shall be driven onto the landing area proper, without the express permission of the airpark manager or designated representative, and then only in accordance with these instructions.~~

~~E.—No one shall operate any motor vehicle on the airpark, off designated streets, except fueling trucks, city operated or authorized patrol or emergency vehicles, management and maintenance vehicles, FAA maintenance vehicles, and business tenants and their employees, and T-hangar or tiedown tenants, while directly going to and from their leased areas.~~

~~F.—No go-carts, bicycles or similar vehicles, or horses are permitted on the ramps, runways or taxiways of the airpark.~~

~~G.—No one shall operate any commercial vehicle carrying passengers for hire from the airpark unless such operation is conducted with the approval of airpark management; provided, this shall not prevent taxicabs from bringing persons to the airpark, nor shall it prevent taxicabs licensed by the city from picking up passengers at the airpark.~~

~~H.—*Accident Reports.* The driver of any vehicle involved in an accident in the airpark shall within forty eight hours make a complete report in writing to the airpark manager.~~

Audits. Audits shall be conducted for Pearson Field Airport no less than every three (3) years. Audit results, and subsequent action plans, shall be provided to airport and City management and the Aviation Advisory Committee.

Section 8. That part of Ordinance M- 2733 previously codified as VMC 10.05.135, is hereby re-codified as VMC 10.05.065, and is hereby amended to read as follows:
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10.05.065135 Posting regulations.

1. Rules and regulations adopted pursuant to this chapter shall be ~~made available~~ posted in a prominent place in offices of businesses and at other conspicuous places at the airpark, as found necessary by the ~~a~~ Airpark mManager. The rules and regulations shall also be posted on the Pearson Field Airport website. Copies of this chapter and also of such rRules and regulations shall be supplied to all applicants and interested parties upon request to the ~~a~~ Airport mManager. (Ord. M-2733, 1987)
2. Current airport plans (Master, Layout, Business, etc.) shall be posted on the Pearson Field Airport website.

Section 9. That part of Ordinance M- 2733, previously codified as VMC 10.05.145, is hereby re-codified as VMC 10.05.075, and is hereby amended to read as follows:

10.05.075145 ~~Fees and~~ Fee and Charges.

~~A.~~ All fees and charges to users of Pearson Field shall be administratively established pursuant to the standards and requirements set forth herein.

~~B.~~ 1. Fees and rates charged shall may be evaluated annually. Rates shall be established with consideration given to the self-support (a) airport self-sustainability based on actual and projected costs and (b) competitiveness with local benchmark airports adjusted for differences in services, amenities, and geography policy for Pearson Field, local market conditions, and consistency with other regional airport pricing. The Airport ~~aviation a~~ Advisory eCommittee shall review fees and charges and make recommendations to city staff consistent with this chapter.

2. Notice shall be given to airport userstenants of all a Advisory eCommissiontee and City Council meetings where changes that affect such users will be considered. Notice of a proposed fee or rate ~~increase~~ change shall be provided to such affected airport userstenants thirty (30) days in advance of such proposed increasechange. Fee and rate provisions for land and building lease and or rental holders will be described in individual agreements.

~~C.~~ 3. Landing Fee for Nnon-tenants. Anyone operating an aircraft for commercial purposes and who lands such an aircraft at Pearson Airpark more than once in any thirty-day period, and who is not a tenant at Pearson Airpark, shall, beginning with such second landing, be subject to and shall pay to the city a landing fee for each such landing, except that only one landing fee shall be charged per day for each aircraft using the facility regardless of the number of landings per day for that same aircraft. Such fee is to be paid on a monthly basis and must be accompanied by a form prepared by the airpark manager and filled out by the commercial operator to show the numbers of aircraft and times of each such landing. The airpark manager with the approval of the city manager shall make rules and regulations consistent with this section as are found necessary for its administration.

For the purposes of this chapter, as amended, the term "commercial purposes" includes air taxi operations, and the carrying in air commerce in small aircraft by any person (other than an air carrier) of persons or property for compensation or hire. The term shall not cover student instruction, ferry or training flights.

It is unlawful for anyone liable therefore to fail to properly file a return and pay the tax imposed by this section, and anyone convicted in district court of failing to do so shall be sentenced to pay a fine of fifty dollars shall execute an agreement with the City for such purposes. Incidental or occasional use does not require an agreement.

~~D.~~ Permit and Fee Required for Conducting Commercial Services. It is unlawful for anyone to engage in any commercial service in premises at Pearson Airpark unless he or she has first secured

a permit so to do, and has paid the designated fee; provided, this subsection shall not apply to persons operating a business at the airpark under a tenancy agreement with the city but each such person shall have a city B&O license and pay B&O fees and taxes unless exempted therefrom by Chapter 5.04 of this code.

~~E.4. Hangar-T-Hangar Fee~~ rent established. City-owned Monthly rates for T-hangars buildings shall be rented on a month-to-month basis for the storage of aircraft. A waiting list shall be maintained when demand is in excess of supply that are substantially similar in size, configuration and amenities will be set consistently across the airport. A schedule of rates for each class of hangars will be published on the Pearson Field website.

~~F.5. City controlled Tiedown Fee – City Controlled. The aAirport managementr may~~ shall designate areas for both transient and permanent monthly tiedown space. Payment for such use will be either daily or monthly. A schedule of rates for monthly tie-down spaces will be published on the City and Pearson Field Airport website.

~~G. Tiedown Fee – Tenant Controlled. The airpark manager may enter into agreements, on forms to be prepared by the city attorney, with various tenants to provide for collections of such tiedown fees, and for the assignment of certain areas of the airpark to each of such tenant for supervision and maintenance of such tiedown areas. Tiedown fees shall be paid by the user to a properly designated tenant who shall furnish a receipt therefore and who shall transmit to the city director of Financial and Management Services a duplicate of such receipt and an agreed upon percentage of the money which has been thus collected, not later than the tenth day of each month.~~

~~H.6. Fuel Flowage Fee. All aviation fuel delivered for resale purposes to Pearson Field Airportark must be delivered only to in-ground storage those facilities designed for aviation fuel. The deliverer dispenser of such fuel shall be required to pay directly to the City (airport fund) the fuel flowage fee of three cents per gallon or such other amount as may be established by city ordinance or by resolution adopted by the city council after a public hearing. Such payment to be made by the twentieth day of each month for the previous month's delivery in an amount and manner agreed to by contract.~~

~~I. Leasehold Tax. A Washington State leasehold tax shall be included in each rental or lease payment schedule for use of airpark property when such rent or lease is for thirty consecutive days or more.~~

7. Deposits, Fines and Fees. Any deposits, fines or fees, paid in association with the airport will be maintained in an airport account by the City for exclusive use by the airport. All such charges will be invoiced by the City by either regular mail or electronically. (VMC 3.12.093).

~~J.8. Payments. All payments of fees and charges are due and payable in advance of the first day of the month unless otherwise provided. Payments shall be made to the director of Financial and Management Services, P.O. Box 1995, Vancouver, WA 98668 – 1995.~~

Section 10. The following new sections of the VMC are hereby added and codified as follows:

A new Section is added to the VMC, codified as VMC 10.05.015 to read as follows:

10.05.015 Ownership and Operation

Pearson Field Airport is operated by the City of Vancouver, Washington on land owned by the City or leased under agreement with the National Park Service (NPS).

Management and operation of Pearson Field Airport shall be consistent with all applicable local, State and Federal Regulations.

Section 11. A new Section is added to the VMC, codified as VMC 10.05.035 to read as follows:

10.05.035 Minimum Standards for Commercial Activities at Pearson Field.

The City Council has adopted Minimum Standards for Commercial Activities at Pearson Field Airport (Resolution M-3857, 2015) and by reference is included here as though set forth herein verbatim. The Minimum Standards for Commercial Activities apply to the conduct of all commercial activity on Pearson Field Airport. Nothing herein is intended to prevent persons from selling goods or services during any special event on the airport approved by the Airport Manager. Non-profit entities are not commercial activities or operations. Any change or amendment requires City Council approval.

Section 12. The following sections of the VMC are hereby repealed:

That portion of Ordinance M-2733, codified as VMC 10.05.070, is hereby repealed.

10.05.070 Vehicular parking regulations.

~~A.—No person shall park a motor vehicle on the airport other than in the manner and at places prescribed by the airport manager.~~

~~B.—No automobile, truck or other motor vehicle shall be parked in front of any T hangar, except for service or delivery vehicles, and then only long enough to make such service or delivery.~~

~~C.—A T hangar tenant may park his or her own vehicles in his/her T hangar.~~

~~D.—No one shall abandon any motor vehicle on the airport, or leave any vehicle in a public parking area in excess of seventy two consecutive hours unless express approval for such parking has been obtained from the airpark~~

~~manager. Any vehicle in violation of this section may be towed away for storage at direction of the airpark manager. All charges for towing and storage shall be at the owner's expense.~~

~~E.—Persons parking vehicles on the airport do so at their own risk and such vehicles may be entered by airport personnel for the purpose of moving the vehicles when it becomes necessary for area maintenance or for enforcement of this or other ordinance.~~

Section 13. That portion of Ordinance M-2733, codified as VMC 10.05.080, is hereby repealed.

10.05.080 General operations—Regulations.

~~A.—Federal, State and City Rules to be Observed. The airpark landing area is open for public use in accordance with the rules and regulations governing the operation of aircraft and the conduct of airmen as promulgated by the appropriate agencies of the United States government, the state of Washington, and the city.~~

~~B.—Minimum Standards. Minimum standards for the conduct of commercial and other activity on~~

~~Pearson Airpark including specific rules and regulations shall be adopted by resolution of city council. Such rules and regulations shall be consistent with this chapter governing airport operations and with state and federal laws and with generally accepted practices of general aviation airports. Resolution M 2378, establishing such minimum standards, is ratified and confirmed insofar as consistent with this chapter.~~

~~C.—*Authority to Suspend Operations.* The airport manager, either directly or through a designated agent, may suspend or restrict any or all operations without regard to weather conditions whenever the manager finds such action is necessary in the interest of safety.~~

~~D.—*Compliance for Safety Required.* The airport manager shall at all times have authority to take such actions as may be necessary to safeguard the public in attendance at the airport. Every pilot, mechanic or other person employed on or using the airport shall cooperate with the airport management in enforcement of this chapter and to see that all persons upon the premises use due care and caution to prevent injury to persons or damage to property.~~

~~E.—*Student Pilots.* Instructors shall fully acquaint their students with the provisions of this chapter and shall be responsible for the conduct of students under their direction during dual instruction. When a student is flying solo, it shall be his/her sole responsibility to observe and abide by the provisions of this chapter.~~

~~F.—*Use of Intoxicants and Drugs.* Pilots and any other members of an aircraft crew in operation on the airport, or any person directly attending or assisting in said operation, will not be under the influence of or affected by intoxicating liquor or a drug which affects their ability to safely perform their duties. Aircraft passengers may be denied flight passage if they are under the influence of intoxicating liquors or drugs to the extent that they might endanger the safety of other persons.~~

~~G.—*Accident Reports.* The pilot of an aircraft involved in an accident on the airport causing personal injury or property damage shall, within forty eight hours, make a report to the airport manager. In the event that he/she is unable to do so, the owner or his/her agent shall make such report and witnesses also may make and file such reports.~~

~~H.—*Repairs.* Repair of aircraft, aircraft engine, propeller or apparatus (except emergency repairs to facilitate movement of an aircraft) shall be made only in spaces designated for this purpose and only by persons working on their own aircraft or who have a valid city business license, in conjunction with either a permit or tenancy agreement from the city of Vancouver.~~

Section 14. That portion of Ordinance M-2733, codified as VMC 10.05.090, is hereby repealed.

10.05.090 ~~Landing and takeoff rules.~~

~~A.—Landings and takeoffs shall be made into the wind on that runway which is most nearly aligned with the wind as indicated by the "automatic runway designator" provided; exceptions may be made when the airfield is under instrument flight rules (IFR).~~

~~B.—No aircraft shall land or take off, nor continue its approach to the runway or runway safety areas thereto, when vehicles, equipment or personnel are on the runway or when the airpark manager has closed the runway by placing a white "X" above the runway numerals.~~

~~C.—All arriving or departing aircraft shall conform to a traffic pattern which identifies appropriate geographical boundaries from which turns shall be made. Such air traffic pattern will be adopted by city resolution after FAA approval, and shall be posted on the airpark.~~

~~D.—The standard traffic pattern for Pearson Airpark is one thousand feet MSL, left hand landing runway 08 and right hand landing runway 26.~~

Section 15. That portion of Ordinance M-2733, codified as VMC 10.05.100, is hereby repealed.

10.05.100 Aircraft ground and taxiing rules.

~~A.—At no time shall engines be operated within any hangar, shop or other building. When an engine is being hand propped, a competent operator shall be at the controls and the wheels shall be chocked, and/or operating parking brakes shall be set.~~

~~B.—No one shall taxi an aircraft to or from the hangar line or to or from an approved parking space until he has ascertained that there will be no danger of collision with any person or object in the immediate area.~~

~~C.—*Speed.* No aircraft shall be taxied except at a speed which is safe and reasonable under all circumstances then existing.~~

~~D.—*Brakes.* No aircraft which is not equipped with adequate brakes shall be taxied near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot.~~

~~E.—Runways will not be used in lieu of or as taxiways. Taxiing to and from runways will be done along those taxiways which provide the most direct route.~~

~~F.—*Closed Taxiways.* No aircraft shall be taxied by any person upon a taxiway which has been designated by the airpark manager as being closed. The closure of any taxiway shall be so designated as such by the airport manager by placement of a white "X" on the centerline of the taxiway.~~

~~G.—Aircraft awaiting takeoff shall stop at the runway holding line in a position to have direct view of aircraft approaching or landing.~~

Section 16. That portion of Ordinance M-2733, codified as VMC 10.05.110, is hereby repealed.

10.05.110 Aircraft parking.

~~A.—Unless otherwise provided in a lease or other agreement, no person shall use any area of the airpark for parking and storage of aircraft or property without first obtaining permission of the airpark manager. If anyone does use any such area without first having obtained permission, then the airpark management may order the aircraft or other property impounded, removed and stored at the expense of the owner, without liability for damage thereto or any costs arising from or out of such removal or storage.~~

~~B.—Aircraft shall be properly blocked and tied down by the owner or operator when parked overnight or when conditions otherwise warrant blocking or tying down. Owners of aircraft shall be responsible for any damage resulting from failure to comply with this rule.~~

~~C.—Securing of aircraft shall be the sole responsibility of the owner or operator of the aircraft, and the city of Vancouver, its employees and agents shall in no way be held responsible to secure aircraft or for the consequences of failure of the owner or operator to so secure.~~

Section 17. That portion of Ordinance M-2733, codified as VMC 10.05.115, is hereby repealed.

10.05.115 Disabled aircraft.

~~A.—Aircraft owners and pilots are required to remove promptly from any public landing area their disabled aircraft as soon as permitted and/or directed by cognizant FAA and/or National~~

~~Transportation Safety Board authorities or by the city airport management.~~

~~B. Non-airworthy aircraft, wrecks, "junkers" or parts thereof shall not be parked or stored anywhere on the airpark unless awaiting bona fide and scheduled repairs by a licensed commercial aviation maintenance business on the airpark, unless express authority has been granted in writing by the airpark manager.~~

~~C. Should any person refuse to remove an aircraft or any parts thereof when directed to do so by the airpark manager in compliance with this chapter, such aircraft may be removed at the owner's or operator's expense and without liability (to the city) for damage which may result in such moving.~~

Section 18. That portion of Ordinance M-2733, codified as VMC 10.05.120, is hereby repealed.

10.05.120 Fuel handling and storage requirements.

~~A. Fuel storage and servicing equipment must comply with all city, state and federal laws and regulations.~~

~~B. Fueling hoses, fuel equipment and fuel trucks shall be maintained in a safe, sound and non-leaking condition.~~

~~Fuel trucks shall proceed slowly and with caution on the airpark.~~

Section 19. That portion of Ordinance M-2733, codified as VMC 10.05.125, is hereby repealed.

10.05.125 Rules for use of T-hangars.

~~A. T-hangars will be rented only for aircraft storage and only on a month-to-month basis. Rental agreements are nontransferable.~~

~~B. Hoisting or holding mechanisms will not be attached to any part of any T-hangar.~~

~~C. Tenants will not paint, alter or modify any part of the T-hangar and associated fixtures without prior written permission of the airpark manager.~~

~~D. Electrical and/or gas-fired heaters will not be used in or about T-hangars.~~

~~E. Paint, dope and other flammable or volatile materials shall not be stored in T-hangars at any time, except in aircraft fuel tanks; provided, not to exceed two cases of one quart cans of oil may be stored in T-hangars.~~

~~F. Storage or use of flammable and/or volatile liquids for cleaning aircraft or parts is prohibited.~~

~~G. Aircraft engines shall not be operated inside T-hangars.~~

~~H. T-hangars shall be kept clean and free of debris and oily rags or other fire hazardous materials.~~

~~I. Tenants shall not park or leave aircraft adjacent to T-hangar doors so as to unduly interfere or obstruct access to adjacent T-hangars.~~

Section 20. That portion of Ordinance M-2733, codified as VMC 10.05.130, is hereby repealed.

10.05.130 Fire regulations.

~~A.—All persons using the airport area or the facilities of the airport in any way shall exercise the utmost care to guard against fire and injury to persons or property.~~

~~B.—No person shall smoke or carry any lighted cigar, pipe, cigarette, match or any open flame in or upon the airport within fifty feet of fuel storage areas, fuel loading situations, fuel handling vehicles or aircraft being fueled or having fuel drained, or in any other place where smoking is prohibited by sign.~~

~~C.—*Welding.* No person shall conduct any welding or open flame operations in or adjacent to any hangar or building unless specifically authorized by the airport manager. When so authorized, all safety precautions shall be observed and welding equipment shall be operated by an experienced and qualified operator.~~

~~D.—*Refuse and Waste.* Lessees shall provide metal receptacles with self-closing covers for the storage of oily wastes, rags or other rubbish produced in their leased premises.~~

~~E.—*Floor Care.* All lessees shall keep floors of hangars and adjacent areas free and clear of all oil, grease and other flammable material.~~

~~F.—*Storage of Flammables.* No one shall keep or store any flammable materials on the airpark or in any building on the airpark other than in compliance with the Uniform Fire Code as adopted by ordinance of the city of Vancouver.~~

~~G.—*Extinguishers.* All tenants or lessees of hangars or shop facilities shall supply and maintain adequate and readily accessible fire extinguishers. Such fire extinguishers shall be rated for Class B and C fires.~~

~~H.—*Cleaning Fluids.* No person shall use volatile, flammable liquids in the cleaning of floors, aircraft, aircraft engines, propellers and appliances in hangars or other buildings on the airpark, unless such cleaning operations are conducted in open, ventilated, fire proofed areas and equipped with adequate and readily accessible fire-extinguishing apparatus.~~

~~I.—*Painting.* Painting and associated processes shall be conducted only in properly designated rooms or buildings conforming to city building code requirements for this type of operation. No spray painting operation shall be conducted in T-hangars.~~

~~J.—No heating devices intended to be used to preheat an aircraft, aircraft engine, or used to lower the humidity, shall be used in T-hangars.~~

~~K.—Periodic inspections may be made by the Vancouver fire department to ensure compliance with these and other city fire regulations.~~

Section 21. That portion of Ordinance M-2733, codified as VMC 10.05.140, is hereby repealed.

10.05.140 Penalties for violations.

~~A.—Generally, every person who violates or fails to comply with any provision of this chapter, or who operates or handles an aircraft in violation of any provision of this chapter, may be promptly removed or ejected from the airport by or under the authority of the airport manager, and upon the order of the airport manager may be deprived of the further use of the airport and its facilities for such length of time as may be required to insure the safeguarding of the same and the public and its interest therein. In addition, any person who violates or fails to comply with any of the requirements of this chapter is guilty of a misdemeanor and upon conviction thereof in Clark County District Court shall be punished by a fine of not more than three hundred dollars or~~

~~by imprisonment for not more than thirty days, or by both such fine and imprisonment.~~

~~B. *Traffic Violations.* Any person violating these rules and regulations and/or the traffic laws of the state of Washington or the city of Vancouver in connection with vehicular traffic on the airpark, shall be subject to prosecution in the appropriate court for such violation.~~

~~C. Fuel trucks, when servicing aircraft, must be positioned so that they may be readily driven away without backing up to an open area in an emergency.~~

~~D. An adequate fire extinguisher shall be within ready reach of all persons engaged in fueling or defueling of aircraft.~~

~~E. All aircraft shall be positively grounded while being serviced with fuel.~~

~~F. Aircraft shall not be fueled or defueled while the engine is running or while such aircraft is in a hangar or any enclosed area.~~

~~G. Aircraft electrical appliances and radios shall be turned off during fueling or defueling.~~

~~H. Fuel spills that create a potential fire hazard shall promptly be reported to the Vancouver fire department with a request for assistance.~~

Section 22. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 23. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 24. Effective date. This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: September 13, 2021

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: September 20, 2021

PASSED by the following vote: 5-1

Ayes: Councilmembers Paulsen, Lebowsky, Glover, Hansen, Mayor McEnerny-Ogle

Nays: Councilmember Stober

Absent: Councilmember Fox

SIGNED this 20th day of September, 2021.

DocuSigned by:
Anne McEnerny-Ogle
58CB15C0032F403...
Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, City Clerk

DocuSigned by:
Jonathan Young
9A7DC2E31F694A2...
Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4347

AN ORDINANCE relating to Pearson Field Airport, substantively amending multiple sections of the VMC, re-codifying and amending several other sections of the VMC, and repealing multiple sections of the VMC in order to update and reflect preferred management practices, clarify and update the Aviation Advisory Committee and establish separate stand-alone Rules and Regulations applicable to Pearson Field Airport; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).