

Division 1 - AIRPORTS

ARTICLE 1. - POLICY

Sec. 2-1-1. - Policy statement.

Whereas, The County of Orange is empowered by the laws of the State of California to acquire, own, maintain, and operate property for Airport purposes, including but not limited to the right to regulate the receipt, deposit, and removal of property; the embarkation and debarkation of passengers; the power to exact charges, fees and tolls; the power to lease or assign or operate any space and any necessary or useful appurtenances, appliances, or other conveniences; the power to own and operate aircraft; the power to employ pilots; the power to regulate the use of Airport facilities and other property or means of transportation within or over the Airport; the power to contract; and the power to perform any duties necessary or convenient for the regulation of air traffic;

Therefore, the County of Orange in its capacity as the proprietor and certificated operator of John Wayne Airport, and pursuant to the laws of the State of California and the federal government, establishes the following policies for operation of the Airport:

- (a) To operate the John Wayne Airport on an enterprise basis at no cost to the taxpayers through the imposition of fair and reasonable rentals, fees and charges;
- (b) To provide for both private and commercial aviation at John Wayne Airport to the extent practicable within physical, economic and environmental constraints;
- (c) To provide for the full range of on-base aeronautical support through private enterprise consistent with the need for the service and the availability of space and physical facilities;
- (d) To maintain and preserve all Airport facilities in a safe and secure condition; and to operate the Airport in conformance with the provisions of federally mandated security measures;
- (e) To promote fair competition among those who provide commodities and services at the Airport;
- (f) To provide facilities for general aviation at John Wayne Airport within such limits as may be imposed by applicable laws and regulations for purposes of safety, preservation of facilities, and protection of the public;
- (g) To promote the utility, educational and recreational aspects of general aviation;
- (h) To manage John Wayne Airport and grant concessions consistent with the provisions of Sections 21690.5 through 21690.10 of the Public Utilities Code.

(Ord. No. 3877, § 1, 3-16-93; Ord. No. 04-016, § 1, 9-9-04)

Secs. 2-1-2—2-1-10. - Reserved.

ARTICLE 2. - DEFINITIONS AND GENERAL PROVISIONS

Sec. 2-1-11. - General definitions.

- (a) *Airport* shall mean the John Wayne Airport, Orange County, California.
- (b) *Airport Commission* shall mean the Orange County Airport Commission, and its members, as appointed by the

Orange County Board of Supervisors.

- (c) *Airport Director* shall mean the chief officer or a duly authorized representative selected by the Board of Supervisors to manage the operation of the Airport, including, but not limited to, the supervision of Airport employees and the issuance of such regulations, orders and instructions as are necessary in the administration of the Airport. The term "Airport Manager" when used is synonymous with "Airport Director."
- (d) *Airport Noise Violation Committee* shall mean the Committee, and its members, as selected by means of lottery on an annual basis from the members of the Airport Commission.
- (e) *Air Operations Area (AOA)* shall mean the area of the Airport designed and used for landing, takeoff or surface maneuvering of aircraft.
- (f) *Board* shall mean the elected or duly appointed members of the Board of Supervisors, County of Orange, California.
- (g) *County* shall mean the County of Orange, California, acting by and through its Board of Supervisors, and persons designated by the Board to implement and enforce this Division.
- (h) *Environmental Laws* shall mean all applicable federal, state or local laws, regulations, ordinances, codes, judgments or orders pertaining to the environment, hazardous materials, pollution or occupational safety and health, and includes, without limitation, the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. §§ 9601, et seq., the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1986 and Hazardous and Solid Waste Amendments of 1984, 42 U.S.C. §§ 6901, et seq., the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701, et seq., the Toxic Substances Control Act, 15 U.S.C. §§ 2601, et seq., the Clean Air Act, 42 U.S.C. §§ 7401, et seq., the Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1251, et seq., and similar or implementing state and local laws, rules, orders, directives and regulations promulgated thereunder, as well as those laws, regulations, ordinances, codes, judgments and orders relating to:
 - (i) Emissions, discharges, releases or threatened releases of Hazardous Materials into the environment (including, but not limited to, ambient air, surface water, groundwater, land surface or subsurface strata); and
 - (ii) The manufacture, processing, distribution, use, generation, treatment, storage, disposal, transport or handling of hazardous materials, and related piping, emissions, discharges, releases or threatened releases therefrom.
- (i) *Field Area* shall mean that area on the aircraft operating area side of the terminal building and security fencing, including baggage handling sections, aircraft parking areas, shops, hangars, fuel storage areas, runways, taxiways, perimeter or service roads; all areas separated from roadways, sidewalks, buildings and highways by means of fencing, no-trespassing signs or lack of evidence of provisions of proper facilities for convenient, safe and easy entrance into and around subject land sections; and any other specific areas designated by the Airport Director as field areas.
- (j) *Hazardous Materials* shall mean any substance, pollutant, contaminant, radiation or chemical which is hazardous to human health or safety or the environment, including, without limitation, all of those substances which are listed or defined as "pollutants," "contaminants," "hazardous materials," "hazardous wastes," "hazardous substances," "toxic substances," "radioactive materials," "solid wastes," or other similar designations pursuant to Environmental Laws, including, without limitation, petroleum (including crude oil or any fraction thereof), any petroleum product, asbestos and asbestos-containing materials, and polychlorinated biphenyls.
- (k) *Permittee* shall mean permit holder, licensee, lessee, tenant of any kind, or property right holder, the

permittee's agent, contractors and employees.

- (l) *Person* shall mean any individual, firm, partnership, corporation, association, organization, joint stock association, business entity or body politic, and includes any trustee, receiver, assignee, or other similar representative thereof.
- (m) *Public Area* shall mean that area including concessions open to the public; rest rooms; the terminal building lobby section used for public access; roadways and walkways adjacent to the terminal building area; parking lots, exclusive of such areas as are designated as employee parking, truck parking, taxicab parking, freight and mail loading, and unloading ramps and docks.
- (n) *Security Identification Display Area (SIDA)* shall mean that area of the Airport to which access is controlled by the inspection of persons and property in accordance with an approved security program and where identification badges must be displayed.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 2, 9-9-04)

Sec. 2-1-12. - Airport Director powers and duties.

The Airport Director shall be appointed by the Board and shall have the following specifically enumerated powers and duties and additionally those which are set forth by Board resolutions and minute orders:

- (a) To issue such rules, regulations, orders and instructions as are necessary for the administration and security of the Airport.
- (b) To post signs at the Airport which state applicable rules, regulations, orders, or instructions.
- (c) To implement and enforce the Phase 2 Commercial Airline Access Plan and Regulation, any subsequent access plan adopted by the Board, and to implement any other Board directives in regard to aircraft access and regulation of aircraft noise.
- (d) To enforce all other Airport rules, regulations, orders, and instructions.
- (e) To withhold permission to use the Airport from any entity or person who violates applicable rules, regulations, orders, directives, or from any entity or person who is in default of any license, lease or agreement permitting operations on the Airport.
- (f) With the concurrence of the County Executive Officer, to perform duties, functions, and responsibilities necessary for the planning, design, construction, alteration, maintenance, and operation of buildings, structures, and grounds at the Airport. Such duties shall be in compliance with applicable Board resolutions and California law, including but not limited to the Public Contract Code.
- (g) To represent the Airport on matters affecting the interests of the Airport as to aviation matters.
- (h) To perform such other duties as are duly authorized or delegated by the Board.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 98-15, § 16, 12-8-98; Ord. No. 04-016, § 3, 9-9-04)

Sec. 2-1-13. - Limitation on authority.

No provisions of this article are intended to delegate to the Airport or Airport Director any authority or duty required by law to be performed by the Board or any other public officer or agency, or delegated by the Board to any other public officer or agency.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 4, 9-9-04)

Sec. 2-1-14. - Orange County Airport Commission—Created.

There is hereby created a commission, consisting of five (5) members, to be known as the Orange County Airport Commission.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 5, 9-9-04)

Sec. 2-1-15. - Same—Members appointed.

The Board shall appoint the members of the Airport Commission, each of whom shall reside in Orange County. A Supervisor from each Supervisorial district shall nominate one (1) Airport Commissioner. A member of the Board may appoint a person from outside of the District that the member represents, but may only appoint such a person with the concurrence in writing of the Board member who represents the District in which the proposed appointee resides. The term of each Airport Commissioner shall coincide with the term of the nominating Supervisor. A member may be removed during his/her term of office by majority vote of the Board. Vacancies on said Commission shall be filled by appointment by the Board of Supervisors.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 6, 9-9-04; Ord. No. 15-013, § 1, 9-1-15)

Sec. 2-1-16. - Same—Meetings.

The Airport Commission shall meet at such times and places in the County of Orange as may be fixed by the Commission and at such other times and places as the Board may request.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 7, 9-9-04)

Sec. 2-1-17. - Same—Officers.

The Airport Commission shall appoint one (1) of its members as chairperson, and one (1) as vice-chairperson, each of whom shall serve at the pleasure of the Commission. The chairperson shall preside at all meetings of the Commission and shall direct and coordinate the activities and functions of the Commission. The vice-chairperson shall perform the duties of the chairperson in the chairperson's absence. The Airport Director, or the Director's duly authorized representative, shall act as secretary of the Commission and shall keep the minutes of the Commission meetings and attend to the necessary correspondence of the Commission and shall be the custodian of the Commission.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 8, 9-9-04)

Sec. 2-1-18. - Same—Compensation and expenses of members.

Each member of the Airport Commission shall receive compensation as provided by Resolution of the Board for each Commission meeting attended by the member, not to exceed a number of meetings specified by such Resolution by the Board. Each member of said Commission shall be entitled to traveling expenses to and from his/her usual place of residence to the place of meeting of the Commission at the current rate allowed County employees for each mile actually and necessarily traveled in attending Commission meetings and shall be allowed traveling expenses on Commission business other than Commission meetings when specifically authorized by the Board.

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 9, 9-9-04)

Sec. 2-1-19. - Same—Powers.

The Airport Commission shall be advisory to the Board and shall have powers:

- (a) To recommend to the Board plans for the development, maintenance, and operation of John Wayne Airport and other airports which may be acquired or operated by the County.
- (b) To advise the Board and make recommendations on any matter pertaining to airports or air transportation.
- (c) To make such investigations as it may deem necessary in the exercise of the powers enumerated in this Section. The Airport Director shall give full cooperation in any such investigations.
- (d) To hold such hearings as are assigned in accordance with the procedures set forth in Section 2-1-30.14(f).

(Ord. No. 3877, § 2, 3-16-93; Ord. No. 04-016, § 10, 9-9-04)

Sec. 2-1-20. - Airport Noise Violation Committee—Created; designation of members.

There is hereby created a committee to be known as the Airport Noise Violation Committee, consisting of three (3) members of the Orange County Airport Commission, selected at random (by means of lottery) on an annual basis. Vacancies on said Committee shall be filled by means of lottery.

(Ord. No. 04-016, § 11, 9-9-04)

Sec. 2-1-21. - Same—Meetings.

The Airport Noise Violation Committee shall meet at such times and places in the County of Orange as may be fixed by the Committee, as necessary to fulfill its powers and responsibilities as enumerated in Section 2-1-30.4 of Article 3 of this Division, and at such other times and places as the Board may request.

(Ord. No. 04-016, § 12, 9-9-04)

Sec. 2-1-22. - Same—Officers.

The Airport Noise Violation Committee shall appoint one (1) of its members as chairperson whom shall serve at the pleasure of the Committee. The chairperson shall preside at all meetings of the Committee and shall direct and coordinate the activities and functions of the Committee.

(Ord. No. 04-016, § 13, 9-9-04)

Sec. 2-1-23. - Same—Compensation and expenses of members.

Each member of the Airport Noise Violation Committee shall receive compensation consistent with the compensation enumerated in Section 2-1-18 of Article 2 of this Division.

(Ord. No. 04-016, § 14, 9-9-04)

Sec. 2-1-24. - Same—Powers.

The Airport Noise Violation Committee shall adjudicate and decide all Notices of Appeal of Noise Violations which have been submitted pursuant to Section 2-1-30.14(d), and shall have such powers as enumerated in Section 2-1-30.14 of Article 2 of this Division.

(Ord. No. 04-016, § 15, 9-9-04)

Secs. 2-1-25—2-1-30. - Reserved.

ARTICLE 3. - NOISE

Sec. 2-1-30.1. - Policy.

- (a) As proprietor of John Wayne Airport, the County of Orange, by its Board of Supervisors, is empowered to restrict or deny the use of its Airport based upon noise considerations and finds it is in the public interest to minimize any risk of potential liability to the County of Orange for claims of damage caused by noise associated with aircraft operations at John Wayne Airport. This article reflects the intent of the Board of Supervisors of Orange County to enact a reasonable regulatory scheme, using the legislative process, to minimize noise and any potential for damage liability, which does not unjustly discriminate between types, kinds or classes of aeronautical uses.
- (b) Any aircraft operator or person desiring to use John Wayne Airport for the purpose of commercial airline or general aviation operations shall be authorized, pursuant to this article, to engage in such use provided that all aircraft operations are in compliance with noise standards as set forth in this article and as set forth in the Phase 2 Commercial Airline Access Plan and Regulation. Consistent with the noise standards as enumerated in this article, the Board of Supervisors of Orange County does hereby grant a revocable license to use John Wayne Airport by commercial airline and general aviation aircraft as such are defined in this article.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 16, 9-9-04)

Sec. 2-1-30.2. - Reserved.

Editor's note— Ord. No. 00-1, § 1, adopted February 1, 2000, amended the Code by repealing former § 2-1-30.2 in its entirety. Former § 2-1-30.2 pertained to remedies for violation, and derived from Ord. No. 3642, adopted June 16, 1987; and Ord. No. 3793, adopted September 11, 1990.

Sec. 2-1-30.3. - Definitions.

- (a) *Class A and Class E Aircraft*, for the purposes of this Division, shall mean aircraft which:
 - (1) Operate at maximum permitted gross takeoff weights at John Wayne Airport not greater than the maximum permitted gross takeoff weight for the individual aircraft main landing gear configuration, of one hundred forty thousand (140,000) pounds for dual gear and three hundred thousand (300,000) pounds for dual tandem gear; and which
 - (2) Generate actual energy average SENEL levels during takeoff, averaged during each noise compliance period, as measured at the John Wayne Airport noise monitoring stations ("NMS"), which are not greater than the SENEL values specified in Section 2-1-30.4. In determining whether an aircraft is a Class A or Class E Aircraft, its noise performance at the noise monitoring stations shall be determined at each individual noise monitoring station and the aircraft must meet each of the noise monitoring station criteria, without "trade-offs," in order to qualify as Class A or Class E Aircraft.
- (b) *Commercial Air Carrier Aircraft*, for the purposes of this Division, shall mean those aircraft operated as a federally certificated air carrier at John Wayne Airport under a current Certificated Passenger Airline Lease or Operating Agreement granted by the Orange County Board of Supervisors.

- (c) *dB*: A-weighted sound pressure level or A-level shall mean, for the purposes of this Division, the sound pressure level as measured using the slow dynamic characteristic for sound level meters specified in American National Standard Specification for Sound Level Meters, (ANSI S 1.4-1983, Type 1 for Aircraft Noise Measurement), which is hereby incorporated by reference. The A-weighting characteristic modifies the frequency response of the measuring instrument to account approximately for the frequency characteristics of the human ear. The reference pressure is twenty (20) micronewtons/ square meter (2 x 10⁻⁴ micro- bar).
- (d) Reserved.
- (e) *General Aviation Aircraft*, for the purposes of this article, shall mean all other aircraft operated at John Wayne Airport, except those as defined in Section 2-1-30.3(b) or exempted under Section 2-1-30.6.
- (f) *Arrival*, for the purposes of this Division, shall mean the flight of an aircraft from the time it descends for its approach on Runway 20L/R or Runway 2L/R until it is taxied from the runway.
- (g) *Noise Compliance Period*, for the purposes of this Division, shall mean each calendar quarter (successive three-month periods) occurring at regular intervals four (4) times a year, the first quarter of any given year beginning on the first day of April, the last quarter of any given year ending on the thirty-first day of March of the succeeding calendar year.
- (h) *Regularly Scheduled Commercial User*, for the purposes of this Division, shall mean any person conducting aircraft operations at John Wayne Airport for the purpose of carrying passengers, freight, or cargo where such operations: (i) are operated in support of, advertised, or otherwise made available to members of the public by any means for commercial air transportation purposes, and members of the public may travel or ship commercial cargo on the flights; (ii) the flights are scheduled to occur, or are represented as occurring (or available) at specified times and days; and (iii) the person conducts, or proposes to operate, departures at John Wayne Airport at a frequency greater than two (2) times per week during any consecutive three (3) week period.
- (i) *Single Event Noise Exposure Level ("SENEL")*: The single event noise exposure level, in decibels, for the purposes of this Division, shall mean the noise exposure level of a single event, such as an aircraft fly-by, measured over the time interval between the initial and final times for which the noise level of a single event exceeds a predetermined threshold noise level. For implementation of this section, the threshold noise level shall be at least ten (10) decibels below the numerical value of the single event noise exposure level limits specified in Sections 2-1-30.4(a), 2-1-30.5 or 2-1-30.6, as the case may be. Specific SENEL limitations, for purposes of this article, shall be determined at each noise monitoring station without "trade-offs" between noise monitoring stations.
- (j) *Departure*, for the purposes of this Division, shall mean the flight of an aircraft from the time it commences its departure on Runway 20L/R or Runway 2L/R.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 00-1, § 2, 2-1-00; Ord. No. 04-016, § 17, 9-9-04; Ord. No. 14-010, 12-9-14)

Sec. 2-1-30.4. - Commercial airline operations.

- (a) No person may engage in commercial airline operations at John Wayne Airport if such aircraft generate a SENEL level at any of the following respective noise monitoring stations ("NMS"), averaged over each noise compliance period, which is greater than the following SENEL values for Class A aircraft when operating as a Class A operation and for Class E aircraft when operating as a Class E operation:

| | | |
|--|---------|---------|
| | Class A | Class E |
|--|---------|---------|

| | | |
|--------|----------|---------|
| NMS 1S | 102.5 dB | 94.1 dB |
| NMS 2S | 101.8 dB | 93.5 dB |
| NMS 3S | 101.1 dB | 90.3 dB |
| NMS 4S | 94.8 dB | 86.6 dB |
| NMS 5S | 95.3 dB | 87.2 dB |
| NMS 6S | 96.8 dB | 87.2 dB |
| NMS 7S | 93.7 dB | 86.6 dB |

- (b) The location of the noise monitoring stations shall be as set forth in the John Wayne Airport Regulations.
- (c) *Curfew.* No aircraft may engage in regularly scheduled commercial operations at John Wayne Airport as follows: (i) for departures between the hours of 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring station; or (ii) arrivals between the hours of 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring station.
- (d) *Scheduled Departure Time Prohibition.* No commercial airline aircraft shall publish or advertise a scheduled departure time for any flight originating from John Wayne Airport which is: (i) prior to 6:45 a.m. or after 9:45 p.m. (local time) Monday through Saturday; or (ii) before 7:45 a.m. or after 9:45 p.m. (local time) Sunday. For purposes of this subsection, "scheduled departure time" shall mean the time at which a commercial aircraft is scheduled by its operator to depart from the passenger terminal gate. If the operator is a commuter carrier which has been authorized by the Airport Director to conduct operations from a fixed base operator ("FBO"), scheduled departure time shall mean the time when the aircraft is scheduled to depart the FBO location for departure operations. In light of current passenger airline practices, it is presumed, for the purposes of this Division, that the scheduled departure time is the departure time published by the operator in the Official Airline Guide and computer reservation databases.
- (e) Any person conducting air service at John Wayne Airport is deemed conclusively to have accepted all terms and conditions of this Division of the County's Ordinances and of the terms and conditions of the Phase 2 Commercial Airline Access Plan and Regulation. In addition, the terms of any lease or operating agreement with an airline require the airline to conduct all operations and activities at John Wayne Airport in strict compliance with this Division and with the Phase 2 Commercial Airline Access Plan and Regulation. In addition to the enforcement remedies provided for in Section 2-1-30.14, violation of the noise or operating limitations of this Section shall be cause for termination of the passenger airline lease or operating agreement by the County of Orange against such operator and shall be subject to the penalties and/or fines set forth in Section 8 of the Phase 2 Commercial Airline Access Plan and Regulation.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 3, 2-1-00; Ord. No. 04-016, § 18, 9-9-04; Ord. No. 15-015, § 1, 10-6-15)

Sec. 2-1-30.5. - General aviation operations.

- (a) No person shall operate any general aviation aircraft at John Wayne Airport if it generates a SENEL level, as measured at John Wayne Airport NMS 1S, NMS 2S, or NMS 3S, on takeoff or landing, which is greater than the following SENEL values:

| | |
|--------|----------|
| NMS 1S | 102.5 dB |
| NMS 2S | 101.8 dB |
| NMS 3S | 101.1 dB |

(b) *Curfew.*

- (1) No person shall operate any general aviation aircraft at night at John Wayne Airport if it generates a SENEL level at any of the following respective noise monitoring stations, either on takeoff or landing, which is greater than the following SENEL values:

| | |
|---------|---------|
| NMS 1S | 87.5 dB |
| NMS 2S | 87.6 dB |
| NMS 3S | 86.7 dB |
| NMS 4S | 86.7 dB |
| NMS 5S | 86.7 dB |
| NMS 6S | 86.7 dB |
| NMS 7S | 86.7 dB |
| NMS 8N | 86.9 dB |
| NMS 9N | 86.9 dB |
| NMS 10N | 86.9 dB |

- (2) For purposes of this Section, general aviation aircraft operations at night shall mean departures between the hours of 10:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring station, and arrivals between the hours of 11:00 p.m. and 7:00 a.m. (8:00 a.m. on Sundays) (local time), as measured at any John Wayne Airport noise monitoring station.

(c) The location of the noise monitoring stations shall be as set forth in the John Wayne Airport Regulations.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 4, 2-1-00; Ord. No. 04-016, § 19, 9-9-04; Ord. No. 15-015, § 1, 10-6-15)

Sec. 2-1-30.6. - General exemption.

The following categories of aircraft shall be exempt from the provisions of Sections 2-1-30.4 and 2-1-30.5:

- (a) Aircraft operated by the United States of America or the State of California;
- (b) Law enforcement, emergency, fire or rescue aircraft operated by any county or city of said state;
- (c) Aircraft used for emergency purposes during an emergency which has been officially proclaimed by competent authority pursuant to the laws of the United States, said State, or the County;
- (d) Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- (e) Aircraft engaged in arrival(s) or departure(s) while conducting tests under the direction of the Airport Director in an attempt to rebut the presumption of aircraft noise violation pursuant to the provisions of Section 2-1-30.7 or 2-1-30.9;
- (f) Emergency aircraft flights for medical purposes by persons who provide emergency medical care, provided written information concerning dire emergency is submitted to the Airport Director for all emergency aircraft flights within seventy-two (72) hours prior to or subsequent to the departure or arrival of the aircraft. It is intended that the exemption provided for in this subparagraph shall have the same meaning and be interpreted consistent with, and to the same extent as Public Utilities Code Section 21662.4 as enacted or as it may be amended.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 20, 9-9-04)

Sec. 2-1-30.7. - Presumption of aircraft noise violation.

- (a) In the event that the Airport Director determines in his reasonable discretion that available published noise measurements or historical noise data gathered and maintained by John Wayne Airport, for a particular type or class of aircraft, indicate that it cannot meet the noise levels set forth in Section 2-1-30.4 or 2-1-30.5, it shall be presumed that operation of such aircraft will result in a continued violation of the provisions of Section 2-1-30.4 or 2-1-30.5, and any aircraft of such particular type or class will not be permitted to arrive at, tie down on, be based at or depart from John Wayne Airport, except in dire emergencies for the preservation of life or property; provided, however, that the owner or operator of such aircraft shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director by furnishing evidence to the contrary.
- (b) The Airport Director shall attempt to notify all aeronautical users of the list of aircraft not permitted to operate at John Wayne Airport by means including, but not limited to, notification to the Federal Aviation Administration, business and general aviation organizations and John Wayne Airport fixed base operators.
- (c) In the event any specific aircraft of the type or class of aircraft not excluded at John Wayne Airport under subsection (a) generates SENEL levels in violation of the levels set forth in Section 2-1-30.4 or 2-1-30.5 of this article, it shall be presumed that operation of such aircraft will result in a continued violation of the provisions of Section 2-1-30.4 or 2-1-30.5 and such aircraft will not be permitted to arrive at, tie-down, be based at, or depart from John Wayne Airport; provided, however, that the owner or operator of such aircraft shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director under procedures and limitations specified in Section 8.9.3 and Section 11 of the Phase 2 Commercial Airline Access Plan and

Regulation if a commercial aircraft, or if a general aviation aircraft by furnishing contrary evidence, including but not limited to, any change in operating personnel, any retro-fitting measure, any change in engine or of maintenance or performance of a noise qualification test.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 21, 9-9-04)

Sec. 2-1-30.8. - Denial of use of airport.

- (a) In the event that any aircraft owner or operator has three (3) or more violations of Section 2-1-30.4 or 2-1-30.5 of this article within any three-year period, then for a period of three (3) years after the date of the third, or most recent, violation, such aircraft owner and/or operator shall be denied the right to arrive at or depart from John Wayne Airport, except in dire emergencies for the preservation of life or property as reasonably determined by the Airport Director, and, except for when otherwise modified, shall be denied the right to lease, rent or use space for aircraft (including tie-down) at the Airport insofar as the County has the right to deny such use of John Wayne Airport.
- (b) In the event any aircraft owner or operator referred to in subsection (a) of this Section is a corporation or partnership which is owned, controlled or succeeded by another person, corporation or partnership which either operates at the Airport, or which owns or controls aircraft which could operate at the Airport (affiliated person or entity), the Airport Director may also deny the use of the Airport for a like period to: (1) the affiliated person or entity; and (2) any persons, owners or operators which are owned or controlled by the affiliated person or entity, if the Airport Director determines that such disqualification is necessary or appropriate to permit effective enforcement of the prohibitions and penalties established by this Ordinance.
- (c) For purposes of subsection(b) of this Section, a person, owner or operator owned or controlled by an affiliated person or entity shall be deemed to include: (1) any aircraft owner or operator in which the affiliated person or entity owns or controls ten percent or more of the equity or voting rights; and (2) any aircraft owner or operator operating aircraft at the Airport which are leased or licensed from the disqualified owner or operator, or any affiliated person or entity of the disqualified owner or operator.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 22, 9-9-04)

Sec. 2-1-30.9. - Exclusion of violation-prone aircraft

In the event that any aircraft is operated by any aircraft owner or operator who has three (3) or more violations of Section 2-1-30.4 or 2-1-30.5 of this article within a three-year period then it shall be presumed that operation of such aircraft will result in a continued violation of the provisions of Section 2-1-30.4 or 2-1-30.5 of this article and such aircraft will not be permitted to arrive at, tie down, be based at or depart from the Airport except in dire emergencies for the preservation of life or property; provided, however, any new owner or operator of such aircraft not denied the right to use JWA pursuant to Section 2-1-30.8 shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director under procedures and limitations specified in Section 8.9.3 and Section 11 of the Phase 2 Commercial Airline Access Plan and Regulation if a commercial aircraft, or if a general aviation aircraft by furnishing contrary evidence, including, but not limited to, any change of operating personnel, any retro-fitting measure, any change in engine or of maintenance or performance of a noise qualification test.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 23, 9-9-04)

Sec. 2-1-30.10. - Unlawful to use Airport after use denied.

- (a) It shall be unlawful for any aircraft owner or operator to arrive at or depart from the Airport or to lease or rent

space (including tie-down) for aircraft at the Airport after such owner and/or operator has been denied use of the Airport in accordance with the provisions of Section 2-1-30.8.

- (b) It shall be unlawful for any aircraft owner and/or operator to arrive at or depart from the Airport after such aircraft has been excluded from the Airport pursuant to the provisions of Section 2-1-30.7 or 2-1-30.9.
- (c) Violations of Section 2-1-30.10(a), (b) shall be a misdemeanor and shall be punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.
- (d) In the event that any aircraft owner or/operator arrives at or departs from the Airport after use has been denied, then for an additional period of three (3) years after the date of such violation and for each and every violation thereafter, such aircraft owner or operator shall be denied the right to land or take off from John Wayne Airport, except in bona fide emergencies for the preservation of life or property as is reasonably determined by the Airport Director, and for that period of time shall be denied the right to lease, rent, or use space for aircraft (including tie-down) at the Airport insofar as the County has the right to deny such use of John Wayne Airport.
- (e) Within thirty (30) days after receipt of a Notice of Violation of Denial of Use, that violation may be appealed by sending a Notice of Appeal and Request for Hearing by regular U.S. mail to the attention of the Airport Director. The procedures set forth in section 2-1-30.14 of the Codified Ordinances of the County of Orange shall apply to the adjudication of such Notices of Appeal.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 5, 2-1-00; Ord. No. 04-016, § 24, 9-9-04)

Sec. 2-1-30.11. - Culpability of instructor pilot.

In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the provisions of this article, the instructor pilot shall be presumed to have caused such violation. The instructor pilot shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Director by furnishing evidence to the contrary.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90)

Sec. 2-1-30.12. - Culpability of aircraft owner or lessee.

For purposes of this article, if the actual pilot or lessee of an aircraft cannot be identified, the owner and/or owners of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operations, or presumed to have authorized or assisted the operation; except that where the aircraft is leased, the lessee shall be presumed to be the pilot, or to have authorized or assisted in the aircraft's operation. Such presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot or aircraft operator at the time of the violation.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 04-016, § 25, 9-9-04)

Sec. 2-1-30.13. - Enforcement officials.

The Airport Director, and such other Airport employees as are designated by the Airport Director and who are acting under the direction and control of the Airport Director, as well as personnel from an authorized law enforcement agency pursuant to the provisions of Penal Code Section 836.5, are authorized to enforce the provisions of this Division.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 6, 2-1-00; Ord. No. 04-016, § 26, 9-9-04)

Sec. 2-1-30.14. - Enforcement procedures.

- (a) Violation of Section 2-1-30.4 or 2-1-30.5 of this Division shall be a misdemeanor, punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.
- (b) As an alternative, the Airport Director is authorized to issue a Notice of Noise Violation to any aircraft, aircraft owner, aircraft operator, and/or any other responsible person for any violations of Section 2-1-30.4 or 2-1-30.5. The determination of whether to issue a Notice of Noise Violation shall be within the sole discretion of the Airport Director.
- (c) *Notice Of Noise Violation.*
 - (1) A Notice of Noise Violation shall include a citation of the section violated, the noise readings at John Wayne Airport noise monitoring stations, the time and date of the violation, the type and registration number of the aircraft, the name of the aircraft owner, and/or the aircraft operator, if known, and any other pertinent information.
 - (2) A Notice of Noise Violation shall be sent by certified mail to the aircraft owner and/or aircraft operator, if known, within forty-five (45) days of the date of violation. If the aircraft operator is not known, and the aircraft owner identifies the person who in fact was the aircraft operator at the time of the violation and a current address for that person, a Notice of Noise Violation shall also be sent by certified mail to the aircraft operator within forty-five (45) days of the date the Airport is notified of the identity of the aircraft operator.
- (d) *Right to appeal the Notice of Noise Violation.*
 - (1) Within thirty (30) days after receipt of a Notice of Noise Violation, the aircraft owner and/or operator may appeal the Notice of Noise Violation by sending a Notice of Appeal by regular U.S. mail to the Airport Director.
 - (2) The Notice of Appeal shall be in writing and shall set forth a concise statement of: (i) each factual issue relevant to the violation; (ii) each legal issue relevant to the violation; (iii) the relief requested by the aircraft owner and/or operator; and (iv) whether a hearing is requested in connection with the Notice of Appeal. The Notice of Appeal shall include attachments of all documents relevant to the factual or legal issues raised and relied on in filing the Notice of Appeal. The Notice of Appeal shall further contain appropriate and full citation to any relevant legal authorities.
 - (3) It is the basic purpose of these rules to provide a reasonable, fair, constitutionally appropriate, and expeditious means by which persons contesting a Notice of Noise Violation imposed by the Airport Director can obtain review of the violation decision by administrative means.

To the extent this Section provides procedural processes and safeguards in excess of the minimum requirements of the United States and California Constitutions, those procedures are a courtesy only, and not an acknowledgement of any claim that this Division creates any "vested" right.
 - (4) Upon receipt of the Notice of Appeal, the Airport Director shall promptly take the following actions:
 - (i) The Airport Director shall review the Notice of Appeal and its contents and determine whether to (a) grant the relief requested in the Notice of Appeal; (b) modify the violation; or (c) uphold the violation and refer the matter to the Airport Noise Violation Committee for hearing, if a hearing has been requested on the matter; and
 - (ii) The Airport Director shall give written notice to the person requesting review of his decisions and determinations not later than forty-five (45) days after his receipt of the Notice of Appeal.
- (e) *Referral To The Airport Noise Violation Committee.* If the Airport Director determines that the County should

refer the Notice of Appeal, in whole or in part, to the Airport Noise Violation Committee, pursuant to Section 2-1-30.13(d)(4)(i)(c), then, within thirty (30) days of the Committee's receipt of the Notice of Appeal, the Committee shall give written notice to the party requesting review of the date of the hearing at which the matter will be heard. In selecting the date for the hearing by the Airport Noise Violation Committee, the Committee shall seek to obtain the most expeditious review of the issues possible, taking into consideration the rights of the parties to a fair adjudication of the issues.

(f) *Hearing.*

- (1) *Rules of evidence.* The hearing need not be conducted according to the technical rules relating to evidence set forth in the California Evidence Code. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. The rules of privilege shall be effective to the same extent that they are recognized in civil actions and irrelevant and unduly repetitious evidence may be excluded by the Airport Noise Violation Committee.
- (2) *Determination.* The Airport Noise Violation Committee shall determine, based upon all the evidence presented, whether said Notice of Violation and/or the penalty or sanction imposed should be upheld or revoked. The decision shall be supported by appropriate findings on all material issues raised at the hearing.

(g) *Decision.*

- (1) Written notice of the Airport Noise Violation Committee's decision on the Notice of Appeal shall be given to the party filing the Notice and all other interested parties within thirty (30) days after the date of the hearing.
- (2) The decision of the Airport Noise Violation Committee is final and binding on all parties.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3793, § 2, 9-11-90; Ord. No. 00-1, § 7, 2-1-00; Ord. No. 04-016, § 27, 9-9-04)

Secs. 2-1-30.15, 2-1-30.16. - Reserved.

Editor's note— Ord. No. 00-1, §§ 8 and 9, adopted February 1, 2000, amended the Code by repealing former §§ 2-1-30.15 and 2-1-30.16 in their entirety. Former § 2-1-30.15 pertained to enforcement, and former § 2-1-30.16 pertained to education, transition or modification periods. Both sections derived from Ord. No. 3642, adopted June 16, 1987.

Secs. 2-1-31—2-1-39. - Reserved.

ARTICLE 4. - COMMERCIAL ACTIVITIES

Sec. 2-1-40. - General provisions.

- (a) *Policy.* All commercial activities at the Airport shall be regulated and governed by the policies set forth and established in Section 2-1-1.
- (b) *Business and commercial activity.* For the purpose of this article, "business or commercial activity" includes but is not limited to the following types of activities when done for profit, hire, compensation or reward:
 - (1) Sales or rental of any goods, wares, merchandise, or services;
 - (2) Pilot training and flight instruction;

- (3) Sale, rental or charter of aircraft;
 - (4) Air carrier, commuter, scheduled air taxi and air taxi operations;
 - (5) Sale of aviation petroleum products;
 - (6) Sale, rental or service of aircraft parts, avionics, instruments or other aircraft equipment;
 - (7) Repair, maintenance, rebuilding, alteration or exchange of aircraft and aircraft engines, components or other parts;
 - (8) Flying clubs;
 - (9) Taxicabs, buses, limousines and other ground transportation;
 - (10) Car rental;
 - (11) Commercial photography;
 - (12) Aircraft wash and wax operations;
 - (13) Sale of newspapers or periodicals through use of newsracks;
 - (14) Any activity for monetary gain, unless specifically excluded herein;
- (c) *Prohibition.* No person shall engage in any business or commercial activity on the Airport without a lease, operating agreement, license, permit or contract approved by the County, or a sublease from a duly authorized master lessee. This prohibition shall also apply to persons who use the Airport as a base for conducting their activity and who derive income from the Airport but whose office or other place of business is not located on the Airport. This prohibition does not apply to:
- (1) Aircraft operations in which the flight originates and terminates elsewhere and the Airport is utilized as a temporary stopping place for such purposes as landings, refueling or other aeronautical service, or the embarking or debarking of passengers, except in the case of scheduled air taxi, commuter or scheduled airlines;
 - (2) Company- or corporate-owned aircraft where personnel or products are transported free of charge, the trip being merely incidental to the company's principal business and not, in itself, an enterprise for profit;
 - (3) Casual or isolated transactions such as sales by the owner;
 - (4) Any person who comes onto the Airport at the request of, and for the purpose of, delivering articles of merchandise to or performing services, of an isolated and incidental nature, for any person authorized to conduct commercial activities on the Airport pursuant to this article; the Airport Director may, however, restrict the location where such deliveries or services are provided as the public safety and convenience require.
- (d) *Commercial operations.* A person authorized to engage in any commercial activity at the Airport may only charge fair, reasonable and not unjustly discriminatory prices for each unit or service, provided that the person may be allowed to make reasonable and non-discriminatory discounts, rebates or other similar types of price reductions to volume purchasers. No product or service may be provided on the condition that the customer is required to purchase a different product or service.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 3877, § 3, 3-16-93; Ord. No. 04-016, § 28, 9-9-04)

Sec. 2-1-41. - Air carrier operations.

Air carrier, cargo carrier, commuter and scheduled air taxi operations shall be regulated as provided by resolution of the Board of Supervisors as the Phase 2 Commercial Airline Access Plan and Regulation ("the Phase 2 Access Plan"), by such orders, instructions and notices of the Airport Director as are necessary in the administration of the Phase 2 Access Plan; and

by the general terms of this Division.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 29, 9-9-04)

Sec. 2-1-42. - Taxicabs and other commercial carriers.

- (a) No person shall operate a vehicle that is carrying passengers for hire to or from the Airport unless he is the holder of a contract authorizing same by the Board.
- (b) No person shall park, on the Airport, a vehicle used for the purpose of carrying passengers for hire unless he is the holder of a contract authorizing same by the Board.
- (c) No person shall, on the Airport, solicit or invite any person to ride in a vehicle used for the purpose of carrying passengers for hire, either by driving slowly past a loading entrance to an airport building or by any other act or utterance calculated to induce that person to engage the vehicle unless said operator is the holder of a contract authorizing same by the Board.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 30, 9-9-04; Ord. No. 18-003, § 1, 8-28-18)

Sec. 2-1-43. - Courtesy vehicles.

No person shall operate a hotel, motel or similar courtesy vehicle at John Wayne Airport for pickup or discharge of airport passengers, for purposes of transport to an off-airport location, unless a permit has been issued for such courtesy vehicle by the Board. A fee shall be required for such permits, as established by Resolution of the Board of Supervisors, and shall require the courtesy vehicle operator to maintain insurance in amounts and under terms and conditions determined by the County Risk Manager to be necessary or desirable to protect the interest of the County and the general public.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 31, 9-9-04)

Sec. 2-1-44. - Car rental agencies.

- (a) *On-airport car rental agencies.* On-airport car rental agencies, those which solicit or accept customers on the Airport other than in response to a customer's request that the agency come onto the Airport to deliver a rental car or pick up the customer for subsequent delivery of a rental car off the Airport, shall lease counter space in the terminal subject to an operating agreement with the County or otherwise act as a sublessee of an Airport fixed base operator, in which rental car activity is a permitted use under the FBO lease.
- (b) *Off-airport car rental agencies.* All car rental agencies, other than on-airport car rental agencies, shall be authorized to transact business on the Airport only if a permit therefor is first obtained from the Board. Such permit shall limit the off-airport car rental agency to the activity of delivering rental cars to a customer (or picking up the customer at the Airport for delivery of a rental car off the Airport) where the customer has requested the rental car agency to come onto the Airport for such purposes. The permit shall contain such other terms and conditions as the Board determines to be necessary for the protection of the safety, convenience and welfare of the County and the general public. Such permits shall require the off-airport car rental agency to pay a fee, as established by resolution of the Board of Supervisors, and shall require the off-airport car rental agency to maintain insurance in amounts and under terms and conditions determined by the County Risk Manager to be necessary or desirable to protect the interest of the County and the general public.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 32, 9-9-04)

Sec. 2-1-45. - Commercial photography.

- (a) Except as hereinafter provided, no person shall take a still, motion or sound picture on the Airport for commercial purposes without the permission of the Board.
- (b) The Airport Director may allow any of the following to take pictures on the Airport for commercial purposes, without prior permission of the Board:
 - (1) Professional photographers and motion picture cameramen photographing events on the Airport as representatives of news concerns or bona fide news publications.
 - (2) Professional photographers and motion picture cameramen photographing events at the Airport for nonprofit exhibit, to stimulate interest in air commerce or travel or for nonprofit educational purposes.
 - (3) Professional photographers photographing scenes on the Airport for general artistic purposes.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 33, 9-9-04)

Sec. 2-1-46. - Wash and wax operations.

- (a) Except as herein provided, no person shall wash or wax any aircraft at the Airport without first applying for and obtaining an Aircraft Washing and Waxing Permit issued by the Airport Director.
- (b) Subsection (a) shall not apply to those persons who perform washing or waxing operations on their own aircraft or to authorized fixed base operators who perform washing or waxing on their leaseholds, tie-downs, or demised premises, as incidental to aircraft maintenance operations.
- (c) All persons who perform wash and wax operations shall do so in such a manner as to prevent any water, washwater or rinsate from discharging into the storm sewer or drainage system.
- (d) All persons who perform wash and wax operations at the Airport shall perform such operations in compliance with the following: Airport Rules and Regulations; all applicable Environmental Laws, including, but not limited to, federal, state and local Water Quality regulations and permits, and OCCO §§4-13-10, et seq., or §§9-1-10, et seq.; all requirements of any permit; and all requirements of this Article.
- (e) Failure to perform wash and wax operations in accordance with this Section shall constitute a violation of this Article and shall be grounds for immediate revocation of the Airport Washing and Waxing Permit, tie down license or rights of permittee.
- (f) Violation of Section 2-1-46 may be a misdemeanor and may be punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 34, 9-9-04)

Sec. 2-1-46.1. - Other non-stormwater discharge.

- (a) "Non-stormwater discharge" means any discharge to storm sewer or drainage systems that is not composed entirely of stormwater.
- (b) No person on Airport premises shall allow any non-stormwater discharge, with the exception of irrigation water and water being used to fight fires, to flow into the Airport's storm drain system or inlets in violation of the Airport's Stormwater Discharge Permit requirements and conditions.
- (c) All persons shall carry out all activities related to non-stormwater discharges on Airport premises in compliance with the following: Airport Rules and Regulations; all applicable Environmental Laws, including, but not limited to, federal, state and local Water Quality regulations and permits, and OCCO §§4-13-10, et seq., or

§§ 9-1-10, et seq.; all requirements of any permit; and all requirements of this Article. Failure to carry out the work or occupy the premises in such a manner shall be a violation of this Article and grounds for immediate revocation of the rights of the permittee.

- (d) Violation of Section 2-1-46 may be a misdemeanor and may be punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.

(Ord. No. 04-016, § 35, 9-9-04)

Sec. 2-1-47. - Maintenance operations and hazardous materials.

- (a) No person shall perform maintenance on any aircraft at the Airport without an Aircraft Maintenance License issued by the Airport Director or his or her designee.
- (b) Subsection (a) shall not apply in the following situations:
- (1) Aircraft maintenance performed by a person holding an authorized lease, sublease, operating agreement, license, permit, or contract approved by the County and/or the Airport Director, provided such maintenance being performed is duly authorized in said document.
 - (2) Preventive maintenance, as defined by Airport Rules and Regulations, performed by the registered owner of said aircraft, as such ownership is indicated in the document of aircraft registration issued by the Federal Aviation Administration. The registered owner of an aircraft who possesses a current Federal mechanic rating, such as Airframe & Powerplant (A&P) or Airworthiness Aviation Safety Inspector (A/W ASI), may do additional work on said aircraft, provided prior written approval is obtained from the Airport Director.
- (c) All aircraft maintenance shall occur only in areas designated pursuant to Airport Rules and Regulations.
- (d) Any person performing maintenance on any aircraft or other equipment on Airport premises shall comply with all applicable Environmental Laws and regulations regarding the use, storage, distribution and/or disposal of Hazardous Materials. Any person on the Airport who causes or has responsibility for any Hazardous Material spill, leak or discharge shall immediately make any necessary repairs and take any necessary corrective or remedial actions, including clean up and disposal of the material spilled and clean up of any ground or substance that is contaminated by the spill, leak or discharge.
- (e) Each person to whom space on the Airport is leased or otherwise granted, assigned or made available for use, shall keep the space free and clear of gasoline, fuel, oil, grease or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition, or could discharge into the storm drain system or damage Airport pavement or property.
- (f) No person shall start the engine of an aircraft or other vehicles or equipment on the Airport if there is any gasoline or other volatile flammable liquid on the ground beneath the aircraft, vehicle or equipment of sufficient quantity to constitute a hazard or danger to persons, property or the environment.
- (g) All persons on the Airport handling Hazardous Materials shall carry out their work or occupy Airport premises in compliance with the following: Airport Rules and Regulations; all applicable Environmental Laws; all applicable federal or state-issued municipal, industrial, construction or other Stormwater Permits; the County's Water Quality Requirements prepared pursuant to such a permit or pursuant to this Article or to OCCO §§4-13-10, et seq., or §§9-1-10, et seq.; stormwater-related provisions of a County-issued permit; the requirements of any applicable permits; all requirements of this Article; and the requirements of OCCO §2-1-56, "Fire Hazards and Fueling Operations." Failure to carry out the work or occupy the premises in such a manner shall be a violation of this Article and grounds for immediate revocation of any permit held by the person responsible for said violation.

- (h) Violation of Section 2-1-47 may be a misdemeanor and may be punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 36, 9-9-04)

Sec. 2-1-47.1. - Non-hazardous materials.

- (a) Any person operating an aircraft or other equipment on Airport premises shall comply with all applicable laws and regulations regarding the use, storage, distribution, and/or disposal of non-hazardous materials such, as dirt, biffy waste material, lavatory waste, solid waste, trash or other substances (hereafter, "non-hazardous substances"). Any person on the Airport who causes or has responsibility for any non-hazardous material spill, leak, or discharge, shall immediately take any necessary corrective or remedial actions, repairs, clean up and disposal of the material spilled and any ground or substance that is contaminated by the spill, leak or discharge.
- (b) No person shall use any material (such as oil absorbents or similar material) in a manner that creates an eye hazard when picked up, swirled or blown about by the wind or a blast from aircraft propellers or engine or other vehicle or equipment engine. No person shall allow absorbent materials to be discharged into an Airport storm drain or use it in a manner that can be a danger to persons, property or the environment.
- (c) All persons on the Airport in regard to the handling of non-hazardous materials shall carry out their work or occupy Airport premises in compliance with the following: Airport Rules and Regulations; all applicable Environmental Laws; all applicable federal or state-issued municipal, industrial, construction or other Stormwater Permits; the County's Water Quality Requirements prepared pursuant to such a permit or pursuant to this Article or to OCCO §§ 4-13-10, et seq., or §§ 9-1-10, et seq.; stormwater-related provisions of a County-issued permit; the requirements of any other applicable permit; and all requirements of this Article. Failure to carry out the work or occupy the premises in such a manner shall be a violation of this Article and grounds for immediate revocation of any permit held by the person responsible for said violation.
- (d) Violation of Section 2-1-47 may be a misdemeanor and may be punishable as set forth in Section 1-1-34 of the Codified Ordinances of the County of Orange.

(Ord. No. 04-016, § 37, 9-9-04)

Sec. 2-1-47.2. - Abatement of the use, storage, distribution, disposal of hazardous materials and non-hazardous materials and non-stormwater discharges.

- (a) The Airport Director may issue such rules, regulations, orders, and instructions as are necessary for the immediate abatement and termination of the use, storage, distribution, and/or disposal of hazardous materials, non-hazardous materials, and non-stormwater discharges.
- (b) The Airport Director may issue notices of non-compliance, compliance orders, and cease and desist orders, to any person on Airport property, for the purpose of terminating and abating the use, storage, distribution, and disposal of hazardous materials, non-hazardous materials, and non-stormwater discharges.
- (c) The Airport Director may deliver to any person on Airport property who becomes a subject of this section, an invoice for costs for the actual costs incurred by the County in the issuing or enforcing of any notice or order issued under this section. All costs and expenses incurred by the County in enforcing this section are recoverable under state law and shall be recoverable from those persons who are the subject of any regulation, notice, or order issued under the authority of Sections 2-1-46 and 2-1-47.

(Ord. No. 04-016, § 38, 9-9-04)

Sec. 2-1-48. - Newsrack regulation.

- (a) *Definitions.* As used in this article:
- (1) *Newsrack* , for the purposes of this Division, shall mean any self-service or coin-operated box, container, storage unit, or other dispenser installed, used, or maintained for the display and sale of newspapers, magazines, periodicals or other written or printed publications or materials (Written Materials).
 - (2) *Newsrack operator* , for the purposes of this Division, shall mean any person who is permitted by the County to install, maintain, or operate a newsrack at John Wayne Airport.
- (b) *Permission required.* A person shall not sell, give, dispense, or distribute any Written Materials by use of a newsrack at the Airport, or permit same, except pursuant to this Section.
- (1) A person shall not sell, give, dispense or in any way distribute Written Materials by use of a newsrack at John Wayne Airport without permission of the County by means of first having obtained a license in accordance with Section 2-1-40(c). The Airport Director may revoke that license if the licensee uses any newsrack in violation of the provisions of this section.
 - (2) Any license allowing the use of a newsrack at the Airport shall be awarded by the Airport Director on a first-come, first-served basis and without discrimination or regard to content of the written or printed material; provided, however, that no newsrack shall be permitted to dispense and display Written Materials which are in violation of this section.
- (c) *Annual fee.* Each newsrack operator shall pay an annual fee as established by Resolution of the Board per vending bin within the newsrack, and that fee shall be paid to the County in advance prior to each year of the license. The fee shall be deemed earned by the County when paid and shall not be refunded if the license is revoked during the annual period.
- (d) *Standards.* In order to facilitate and promote the safety and convenience of the users and employees of the Airport and to avoid obstructions, congestion and delays caused by newsracks which could impede or hinder the orderly flow of pedestrian traffic, all newsracks shall be installed, maintained and operated in accordance with the following:
- (1) Each newsrack shall be maintained in a clean, neat, functional condition and in good repair at all times. Written Materials shall be restocked when depleted and all superseded publications shall be removed and replaced with the then current edition. Should the newsrack operator not maintain the newsracks, the County may maintain them at the operator's expense.
 - (2) No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale, or purchase of the Written Materials sold or distributed therein.
 - (3) Newsracks shall only be placed in the approved locations set forth in the license. The Airport Director may require any newsrack operator to relocate or remove newsracks in order to promote safety or allow for the orderly flow of pedestrian or other traffic and to provide for a safe and efficient allocation of airport space.
 - (4) Newsracks shall comply with the standards set forth in Orange County Codified Ordinance Section 6-1-92, unless otherwise authorized by the Airport Director.
 - (5) Newsracks shall be governed by the provisions set forth in Orange County Codified Ordinance Section 6-1-111.
- (e) *Removal.*
- (1) Any newsrack installed, used or maintained in violation of the provisions of this article may be removed and stored in any convenient place by the Airport Director or Sheriff. The Airport Director or Sheriff shall,

prior to removal, take reasonable steps to notify the owner thereof. Upon failure of the owner, following notice, to claim such newsrack and pay the expenses of removal and storage within thirty (30) days after such removal, such newsrack shall be deemed to be unclaimed or abandoned property in possession of the Sheriff and may be disposed of pursuant to law.

(2) In the case of violations of this Section relative to restrictions upon attachments of newsracks to property other than that owned by the owner of the newsrack, to fixed objects or each other, and upon location of newsracks, the Airport Director or Sheriff may, as an alternative to removal under paragraph (1) of this subsection, remove such attachment and/or move such rack or racks in order to restore them to a legal condition.

(f) *Abandonment.* In the event any newsrack installed pursuant to this article is not serviced with the publication it is designed to disseminate for a period of over fourteen (14) days, the County reserves the right to remove same pursuant to the procedure set out in Orange County Codified Ordinance Section 6-1-94. For purposes of this Section, abandonment shall include, but is not limited to, circumstances where no publication is in the rack for a period of over fourteen (14) days.

(Ord. No. 3877, § 4, 3-16-93; Ord. No. 04-016, § 39, 9-9-04)

Sec. 2-1-49. - Reserved.

ARTICLE 5. - AIRPORT OPERATIONS

Sec. 2-1-50. - Aircraft operations.

- (a) No person shall conduct any aircraft operation to, on, from or over the Airport except in conformity with all Federal Aviation Administration regulations, this Section and rules and regulations established by the Airport Director.
- (b) No person shall take off or land an aircraft on the Airport except on a hard surface area, unless otherwise authorized by the air traffic control tower.
- (c) All aircraft traffic shall conform to the established traffic pattern as approved by the Federal Aviation Administration.
- (d) No person shall park or loiter an aircraft on any runway or taxiway at the Airport.
- (e) No person shall park or store an aircraft at the Airport except in areas designated by the Airport Director.
- (f) Preventive maintenance work, as defined in Title 14, Part 43, Appendix A(c), Code of Federal Regulations, may be performed at the Airport tiedown areas by the owner or operator of the aircraft. Aircraft owners who possess current mechanic ratings such as A&P and A&I may do additional work in the tiedown areas subject to approval of the Airport Director. All aircraft maintenance, rebuilding and alterations shall be performed pursuant to, and in areas designated by, regulation of the Airport Director.
- (g) No person shall conduct experimental flight or ground demonstrations on the Airport without prior permission of the Airport Director.
- (h) No person shall take any aircraft from the landing area or hangars or operate such aircraft while under the influence of intoxicating liquor or a dangerous drug or other controlled substance.
- (i) No person shall board or disembark from any aircraft on a runway or in the takeoff or landing area except in an emergency or with prior approval of the Airport Director.

- (j) Persons parking transient aircraft on County transient areas shall register their aircraft with the Airport Director or his or her representative or the Transient Apron Operator as soon as possible after landing at the Airport.
- (k) All owners and operators who desire to base their aircraft at the Airport shall register their aircraft with the Airport Director or his or her representative prior to beginning operations. Any change in ownership of the aircraft shall be reported immediately.
- (l) No person shall leave an aircraft unattended unless it is properly tied down, placed in a hangar, or otherwise properly secured in accordance with Federal or local regulations.
- (m) No engine in an aircraft shall be started or run without a competent person at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has adequate parking brakes. No aircraft engine shall be operated in such manner as to endanger life or property.
- (n) No aircraft shall be operated in, or taxied into or out of, a hangar.
- (o) If the Airport Director believes the conditions at the Airport or any portion thereof are unfavorable for aircraft operations, he may close the Airport or such portions thereof, using applicable FAA procedures, as appropriate. The Airport Director may delay, suspend or restrict any or all flight operations at the Airport and may refuse takeoff clearance to any aircraft without regard to weather conditions whenever such action is deemed necessary in the interest of public safety.
- (p) No aircraft capable of movement on the ground shall be operated on the Airport unless it is equipped with wheels and wheel brakes, except with permission of the Airport Director. When the pilot of an aircraft that is not equipped with adequate brakes receives permission from the control tower operator to taxi such aircraft, such pilot shall not taxi such aircraft near buildings or parked aircraft unless an attendant is at the wing of the aircraft to assist the pilot. Aircraft exceeding three thousand (3,000) pounds gross weight shall not be taxied under any circumstances when brakes are inoperative but shall be towed until brakes are repaired and operative.
- (q) No aircraft shall be permitted to remain on any part of the landing or takeoff areas for the purpose of repairs.
- (r) All aircraft shall be taxied at slow and reasonable speeds and shall not be taxied onto a runway without first stopping and waiting for any approaching aircraft preparing to land, or as directed by the tower. Tower direction shall take precedence during tower operation hours.
- (s) No person shall, without the owner's permission, enter, interfere or tamper with an aircraft parked or stored at the Airport.
- (t) No person shall move an aircraft on the Airport in a negligent or reckless manner.
- (u) No person shall start or taxi any aircraft on the Airport in a place where the air or exhaust blast is likely to cause injuries to persons or property. If the aircraft cannot be taxied without violating this paragraph, the operator must have it towed to the desirable destination.
- (v) No person shall move a rotorcraft on the Airport while its rotors are turning unless there is a clear area of at least fifty (50) feet from the outer tip of each rotor.
- (w) All aircraft operating or based at the Airport shall be maintained in a safe and airworthy condition, and shall have a current annual inspection in accordance with Federal Aviation Regulations, and be certified to be in an airworthy condition.
- (x) Any aircraft found unattended, abandoned or in an unsafe or nonairworthy condition on the airport shall be subject to removal and storage in an area designated by the Airport Director and be subject to a daily storage fee as established by the Board.
- (y) No aircraft on which any storage fees, tie-down fees, parking fees, or any other fees for services rendered by

the Airport Director are unpaid may be removed without the prior written consent of the Airport Director. In addition to all other remedies provided by law for the collection and enforcement of charges or fees due for the storage, tying down or parking of aircraft, the County shall have a lien upon aircraft for the storage, tying down or parking thereof. Whenever such lien is lost by reason of loss of possession through trick, fraud or device, the repossession thereof by the County shall revive such lien. Any lien of the County upon aircraft for the storage, tying down or parking thereof may be foreclosed in the same manner as is provided generally by the statutes of California for the foreclosure of liens upon aircraft or personal property.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 40, 9-9-04)

Sec. 2-1-51. - Aircraft accident procedures.

- (a) All persons involved in an aircraft accident occurring on the Airport, or their representative, shall make a full report thereof to the Airport Director within twenty-four (24) hours after such accident
- (b) Any person damaging property on the airport by means of contact with aircraft shall report such damage to the Airport Director immediately and shall be fully responsible to the County for costs of repairs.
- (c) Every pilot and aircraft owner shall be responsible for the prompt removal of his disabled aircraft or parts thereof, as directed by the Airport Director or his or her representative, subject to accident investigation requirements.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 41, 9-9-04)

Sec. 2-1-52. - Motor vehicle regulations.

- (a) No vehicle shall be operated on the Airport if it is so constructed, equipped or loaded as to endanger persons or property.
- (b) Each operator of a motor vehicle involved in an accident between that vehicle and an aircraft, or in any other motor vehicle accident, on the Airport, that results in personal injury or in total property damages of more than five hundred dollars (\$500.00) shall make a full report thereof to the Airport Director as soon as possible but no more than five (5) days after the accident. The report must include the name and address of the person reporting.
- (c) No person shall operate any motor vehicle on the Airport in violation of this article or rules promulgated and posted by the Airport Director or the laws of the State of California.
- (d) No person shall operate a motor vehicle on the Airport in a negligent or reckless manner, or in excess of posted speed limits.
- (e) No motor vehicle shall be permitted on taxiways, operational areas, ramps or aprons, except authorized maintenance or service vehicles, without prior permission of the Airport Manager or Airport Security Office.
- (f) No person shall operate a vehicle on, to or across a runway, except when authorized by the Airport Director or his or her representative or during emergencies such as fires and accidents.
- (g) Operators of motor vehicles on the field area shall yield the right-of-way to taxiing aircraft.
- (h) All motor vehicles on the field area shall pass to the rear of aircraft whose engines are running.
- (i) When backing gasoline tenders, the driver shall remain in the vehicle and shall not stand on the running board or fender while backing. Gasoline tenders shall at no time be so positioned as to prevent their rapid removal.
- (j) Except as authorized by the Airport Director, no person shall clean or make any repairs to motor vehicles anywhere on the Airport other than designated shop areas, except those minor repairs necessary to remove such motor vehicle to a proper location.

(k) *Parking.*

- (1) No person shall park a motor vehicle on the Airport except in an area specifically designated therefor.
- (2) No person shall park a motor vehicle in any posted area on the Airport for a period longer than that prescribed by the Board.
- (3) No person shall park a vehicle in a restricted or reserved area on the Airport unless he displays, in the manner prescribed by the Airport Director, a parking permit issued by the Airport Director for that area.
- (4) No person shall double-park a motor vehicle on any road on the Airport.
- (5) No person shall abandon a motor vehicle on the Airport.
- (6) No person shall leave a motor vehicle standing unattended or parked on the Airport with a key in the ignition switch, the motor running, a key in the door lock or an open door.
- (7) No person shall park a motor vehicle at any place on the Airport in violation of any sign posted by the Airport Director.
- (8) No person shall park a motor vehicle within fifteen (15) feet of a fire hydrant on the Airport, or park in such manner as to block any fire gate or entrance.
- (9) No person shall park a motor vehicle in any marked space in such manner as to occupy more than one (1) space.
- (10) No person shall park a motor vehicle in a pay parking area without paying the required parking fee.
- (11) No person shall park a motor vehicle in individual storage hangars or aircraft shelters unless permitted by the owner or lessee of said structure.
- (12) The Airport Director, or his or her agent, may remove, at the owner's expense, any motor vehicle which is parked on the Airport in violation of this article. The vehicle shall be subject to storage charges and a lien for the cost of removal.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 42, 9-9-04)

Sec. 2-1-53. - Rules of conduct.

- (a) No person shall be disorderly, obnoxious, indecent or commit any act of nuisance on the Airport.
- (b) No person shall engage in gambling in any form on the Airport.
- (c) No person shall dispose of garbage, papers, refuse or other such material on the Airport except in receptacles provided for that purpose.
- (d) No person shall destroy, injure, deface or disturb any building, sign, equipment, marker or other structure, tree, flower, lawn or other public property on the Airport.
- (e) No person shall alter, make additions to or erect any building or sign or make any excavations on the Airport without the permission of the Airport Director, subject to lease provisions.
- (f) No person shall willfully abandon any personal property on the Airport.
- (g) No person may ride horseback on the Airport without permission of the Airport Director.
- (h) No person shall hunt, pursue, trap, catch, injure or kill any bird or animal on the Airport without authorization of the Airport Director.
- (i) No person, except peace officers, an authorized post office or Airport employee or a member of the armed forces of the United States on official duty, shall carry any weapon, explosive or flammable material on or about his person, openly or concealed, on the Airport without the written permission of the Airport Director.

This Section shall not apply to persons carrying firearms in cases, broken down or unloaded when said firearms are being transported by air. For the purposes of this section, a weapon includes all those listed in California Penal Code Sections 12000-12654.

- (j) No person shall post, distribute or display signs, advertisements, circulars or other printed or written matter in the public area of the Airport without permission of the Airport Director.
- (k) No person may enter the Airport with a dog or other domestic animal, except a:
 - (1) Person entering any part of the Airport (other than the terminal building, gate loading area or other restricted area) with a domestic animal that is kept restrained by a leash or is confined so as to be completely under control;
 - (2) Person entering the terminal building or gate loading area with a small domestic animal (such as a dog or cat) that is to be transported by air and is kept restrained by a leash or is confined so as to be completely under control; or
 - (3) Blind, deaf or disabled person entering the terminal building or gate loading area with a guide dog, signal dog or service dog.
- (l) No person shall loiter or trespass on any part of the Airport.
- (m) No unauthorized person shall enter any restricted area posted as being closed to the public.
- (n) No person shall use a rest room other than in a clean and sanitary manner.
- (o) No person shall drink alcoholic beverages in the terminal building lobby.
- (p) No person shall go barefoot in the terminal building lobby.
- (q) All persons in the terminal building lobby shall be decently attired, including an appropriate garment above the waist.
- (r) Smoking is prohibited in the terminal building except in posted designated areas or as provided in Sections 4-7-1, *et seq.*, of the Codified Ordinances.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 98-15, § 17, 12-8-98; Ord. No. 04-016, § 43, 9-9-04)

Sec. 2-1-54. - Use of roads and walks.

- (a) No person shall travel on the Airport except on a road, walk or other place provided for the kind of travel being undertaken.
- (b) No person shall occupy or place an object on the road or walk on the Airport in a manner that hinders or obstructs its proper use.
- (c) No person shall walk in a picket line as a picket or take part in a labor or other public demonstration on any part of the Airport except as provided in Article 6.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 44, 9-9-04)

Sec. 2-1-55. - Use of gate positions.

- (a) All ramp equipment shall be parked and kept in a neat and orderly manner.
- (b) Terminal building tenants shall be responsible for the proper usage of areas designated for freight and mail handling by their own personnel or by persons with whom they do business.
- (c) Airline personnel shall be responsible for the proper usage of their assigned passenger gates, and shall ensure that gates are properly secured when not in use.
- (d) No person shall use an aircraft gate position on the Airport unless that person has been authorized to use it.

- (e) No person operating a private, itinerant, nonscheduled or military aircraft shall park, stand, unload passengers, or attempt to use any aircraft gate position assigned to a scheduled air carrier without the advance approval of the Airport Director.
- (f) No person shall double-park an aircraft at a passenger gate unless specifically authorized by the Airport Director.
- (g) Except in an emergency, no person shall enplane or deplane passengers on the Airport in an area that has not been established for that purpose by the Airport Director.
- (h) No person shall park an aircraft which is carrying explosives or flammable material, nor shall that person load or unload such items on or from such aircraft, other than in areas designated by the Airport Director.
- (i) No person may repair an aircraft while it is parked at the gate position except for minor adjustments, or as authorized by the Airport Director, or his or her designee.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 45, 9-9-04)

Sec. 2-1-56. - Fire hazards and fueling operations.

The provisions of the Uniform Fire Code set forth in Orange County Codified Ordinance Sections 3-3-1, et seq., are incorporated herein by reference.

- (a) *Fuel delivery and dispensing.* No person shall transport or deliver aviation fuels, oils or lubricants on the Airport or dispense fuels into aircraft unless that person is the holder of written authorization from the County authorizing such activity.
- (b) *Open-flame operations.* No open flame, flame-producing device or other source of ignition shall be permitted in any hangar or similar type building except in locations approved by the Airport Director.
- (c) *Smoking.* No person shall smoke on any apron or ramp, in any hangar or shop, in any aircraft or in any other place on the Airport where smoking is specifically prohibited by local ordinance or the Airport Director.
- (d) *Storage.*
 - (1) No person shall store or place material or equipment on the Airport in a manner that constitutes a fire hazard or otherwise unsafe condition.
 - (2) No person shall store any combustible materials, flammable liquids or other hazardous materials in an aircraft hangar or other building on the Airport except in locations and containers approved by the Airport Director and the Fire Authority.
 - (3) Each lessee of a hangar (or its sublessee) on the Airport shall provide suitable metal receptacles with tight-fitting metal lids for storage of waste, rags and other rubbish, and shall remove all rubbish from its premises each week.
- (e) *Apron surface areas and floor surface.*
 - (1) Each person to whom space on the Airport is leased, assigned or made available for use shall keep the space free and clear of oil, grease or other foreign materials that could cause a fire hazard or a slippery or otherwise unsafe condition.
 - (2) No person shall use any material (such as oil absorbents or similar material) that creates an eye hazard when picked up, swirled or blown about by the blast from an aircraft engine in any passenger loading area or other public area.
- (f) *Repair/refurbishing/restoration processes.*

- (1) No person shall conduct a doping, spraying or similar process using flammable liquids on the Airport e designed fire-resistive and ventilated room or building in which all lights, wiring, heating, ventilating ec outlets and fixtures are approved for use in such hazardous areas, and in which all exit facilities are ap maintained for such use, or except in an open area as designated by the Airport Director and the Fire /
 - (2) No person shall enter or work in a dope room while doping processes are being conducted unless he is wearing sparkproof shoes.
- (g) *Fueling operations.*
- (1) No person shall fuel or defuel an aircraft on the Airport while:
 - a. Its engine is running or is being warmed by applying external heat.
 - b. It is in a hangar or enclosed space.
 - c. Passengers are in the aircraft unless a passenger loading ramp is in place at the cabin door, the door is open and a cabin attendant is at or near the door. A "No Smoking" sign shall be displayed in the cabin and the rule enforced.
 - d. Fueling operations are permissible while an approved auxiliary power unit (APU), designed for such purpose, is in operation.
 - (2) No person shall start the engine of an aircraft or other vehicles or equipment on the Airport if there is any gasoline or other volatile flammable liquid on the ground beneath it of sufficient quantity to constitute a hazard.
 - (3) No person shall operate a radio transmitter or receiver, or switch electrical appliances on or off, in an aircraft on the Airport while it is being fueled or defueled.
 - (4) During the fueling of an aircraft on the Airport, the dispensing apparatus and the aircraft shall both be bonded in accordance with orders and instructions of the Airport Director, and applicable FAA Advisory Circulars.
 - (5) Each person engaged in fueling or defueling on the Airport, shall exercise care to prevent the overflow of fuel, and shall have readily accessible and adequate fire extinguishers.
 - (6) Each hose, funnel or appurtenance used in fueling or defueling an aircraft on the Airport shall be maintained in a safe, sound and nonleaking condition and must be properly bonded to prevent ignition of volatile liquids.
- (h) *Fire prevention code.* All persons shall (h) comply with the provisions of the Fire Prevention Code of Orange County (Codified Ordinances Section 3-3-1, wherein the Uniform Fire Code and Uniform Fire Code Standards are incorporated).
- (i) *Inspections.* The County Fire Authority Chief or its duly authorized representatives shall inspect monthly or as often as may be necessary all buildings and premises for the purpose of ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread or endanger life or property from fire. All orders, notices or recommendations of the Orange County Fire Authority shall be complied with by all persons without delay.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 98-15, § 18, 12-8-98; Ord. No. 04-016, § 46, 9-9-04)

Sec. 2-1-57. - Obligation of tenants.

- (a) *Use of premises.* No lessee of Airport property shall knowingly allow that property to be used or occupied for any purpose prohibited by this article.

(b) *Trash containers.*

- (1) No tenant, lessee, concessionaire or agent of any of them, doing business on the Airport, shall keep uncovered trash containers on sidewalk or road or tiedown area, or in a public area, of the Airport.
- (2) No person shall operate an uncovered vehicle to haul trash on the Airport.
- (3) No person shall operate a vehicle for hauling trash, dirt or any other material on the Airport unless it is built to prevent its contents from dropping, sifting, leaking or otherwise escaping.
- (4) No person shall spill dirt or any other material from a vehicle operated on the Airport.

(c) *Bulletin boards.* Each lessee of a hangar or other operational area specified by the Airport Director on the Airport, shall maintain a bulletin board in a conspicuous place in his hangar or area. He shall post on that board current workers compensation notices, a list of competent physicians, a list of his liability insurance carriers, a copy of this division, and a copy of each pertinent order or instruction issued under this article.

(d) *Storage of equipment.* No tenant or lessee of a hangar, shop facility or other operational area specified by the Airport Director on the Airport shall store or stack equipment or material in a manner to be a hazard to persons or property.

(e) *Fire apparatus.* Each tenant or lessee of a hangar, shop facility or other operational area specified by the Airport Director on the Airport shall supply and maintain adequate and readily accessible fire extinguishers, approved by Underwriters' Laboratories for the hazard involved, as determined by the Fire Authority. All fire extinguishers must be inspected annually and serviced after each use.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 98-15, § 18, 12-8-98; Ord. No. 04-016, § 47, 9-9-04)

Sec. 2-1-58. - Rates and charges.

A schedule of rates and charges for use of the Airport and its facilities shall be established by the Board, and each person or organization subject to said rates and charges shall promptly pay the amounts due. A copy of such schedule shall be posted in the office of the Airport Director.

(Ord. No. 3642, § 1, 6-16-87; Ord. No. 04-016, § 48, 9-9-04)

Sec. 2-1-59. - Reserved.

ARTICLE 6. - CERTAIN NONCOMMERCIAL ACTIVITIES

Sec. 2-1-60. - Policy.

The primary and intended purpose of the Airport is to efficiently and safely accommodate the air-traveling public; to enhance the promotion and accommodation of air commerce and navigation; and to provide the necessary space and services needed by the traveling public to efficiently, safely, and comfortably access the air transportation system at the Airport.

To best accomplish this purpose, the terminal sidewalks, walkways and open space adjacent to the terminal are divided into those areas consisting of leased space designed and used to provide travel-related services such as ticketing counters and areas, ground transportation counters and areas, and concession and food service areas; and further are divided into both leased and unleased common public utilization areas designed and used for walkways, sidewalks, baggage claim, ticketing lines, restrooms, seating and waiting areas.

To best serve the intended purpose of the Airport, the activities that occur therein must be limited and regulated so as to restrict as much as possible any congestion and disruption to members of the air-traveling public in order to allow movement with relative ease throughout the terminal and adjacent walkways and open space.

The Airport was neither designed for nor intended to be used by the public as a forum for expressive conduct and purposes. If the Airport is to be operated for its intended purpose to best serve the air-traveling public and to raise sufficient funds for its continued operation, the activities authorized at the Airport must be limited and regulated in a manner consistent with that intended purpose.

(Ord. No. 3877, § 5, 3-16-93)

Sec. 2-1-61. - Regulated noncommercial activities.

This article applies to and regulates the asserted exercise of First Amendment activities at the Airport, including the following described noncommercial activities:

- (a) Solicitation and receipt of funds;
- (b) Distribution of leaflets, handbills, and other literature, including distribution for surveys and petitions;
- (c) Picketing or other assemblies pertaining to labor disputes or other purposes;
- (d) Demonstrations, advocacy, protests, assemblage of persons and disseminating information for religious proselytism, political advocacy or other purposes.

(Ord. No. 3877, § 5, 3-16-93)

Sec. 2-1-62. - Permit for noncommercial activities.

- (a) *Permit Required.* Each person or organization conducting any noncommercial activity described in section 2-1-61, unless otherwise prohibited, must hold a valid permit issued by the Airport Director and conduct that activity in conformity with applicable laws, regulations and the terms of the permit. It shall be unlawful for any person or organization to engage in any such noncommercial activity without first having obtained a permit from the Airport Director. Each permit shall describe the noncommercial activity authorized and the area in which it may be conducted.
- (b) *Procedure.* For purpose of obtaining a permit, a written application shall be made in a form prescribed by the Airport Director and shall state the following information:
 - (1) The full name, mailing address, and telephone number of the person or organization sponsoring, promoting, or conducting the non-commercial activity;
 - (2) The full name, mailing address, and telephone number of the individual person or persons who will be engaged in the noncommercial activities;
 - (3) A general description of the proposed noncommercial activity;
 - (4) The date and time which the noncommercial activities are proposed to begin and conclude;
 - (5) That the activity is for noncommercial purposes shall be stated in the application.

(Ord. No. 3877, § 5, 3-16-93)

Sec. 2-1-63. - Issuance of permit.

- (a) Failure to submit the information required shall result in a denial of a permit by the Airport Director. Upon

receipt of a complete and valid permit application, a permit shall be issued unless all available permits have been issued to prior applicants and/or so long as the noncommercial activity does not impair or interfere with the operational functions of the Airport or the policies stated in section 2-1-60. The permit is not transferable except among individuals who have completed and submitted applications for the same permit.

- (b) In accordance with the policies set forth in section 2-1-60, the permit shall specify the location and area of the Airport where the noncommercial activity may be conducted. The permit shall also specify the time and duration of the noncommercial activity.
- (c) A fee may be charged for issuance of a permit as established by Resolution of the Board.
- (d) If the information disclosed on the application for a permit indicates the potential for County liability as a result of the activity described therein, the Airport Director as a condition for issuance of the permit shall require applicants to obtain a comprehensive general liability insurance policy acceptable to the County and issued by an insurance company authorized to do business in the State of California, with coverage that includes the permitted activities and the location in which the activities will occur. The County and its officers, agents, and employees shall be named as additional insured on the policy for protection against claims of bodily injury, wrongful death and property damage. The policy limits of the policy shall not be less than one million dollars (\$1,000,000.00) per occurrence combined single limit for both bodily injury and property damage. The policy shall contain a provision that no termination, cancellation, or change of coverage of the insured or additional insured is effective until after thirty (30) days' notice thereof has been given in writing to the County. The Airport Director shall not require insurance coverage based upon the content of any speech or message related to any noncommercial activity described in the permit.
- (e) As a condition for issuance of the permit, the permittee shall indemnify and hold harmless the County and its officers, agents and employees, and shall defend, indemnify and save them from any and all claims, demands, suits, actions or proceedings of any kind or nature, including workers compensation claims, of or by anyone in any way resulting from any act or omission of the permittee or such officers, agents or employees of the permittee.

(Ord. No. 3877, § 5, 3-16-93)

Sec. 2-1-64. - Restrictions on noncommercial activities.

In conducting the noncommercial conduct described in section 2-1-61:

- (a) No person may conduct the noncommercial activity without a permit or with a permit which has expired.
- (b) No person may conduct the noncommercial activity with a permit issued in response to a false application.
- (c) No person may conduct the noncommercial activity with a permit outside the area designated on the permit.
- (d) No person may conduct the noncommercial activity within fifty (50) feet of the following:
 - (1) A ticket counter;

(2)

A baggage claim facility;

(3)

A departure gate/check-in counter;

(4)

A departure gate lounge;

(5)

Premises leased for the exclusive use of a concessionaire;

(6)

Restaurant facilities;

(7)

A stair, escalator or elevator;

(8)

A doorway or entrance way;

(9)

A motor vehicle with embarking or disembarking passengers;

(10)

A public service information counter;

(11)

Persons waiting in line at any of the above-listed areas.

- (e) No person may use sound or voice amplification systems, musical instruments, radio communication systems or other mechanical sound devices.
- (f) No person may sing, chant, dance, shout or make any loud noise.
- (g) Each person shall wear an identification badge at all times on Airport property, which badge shall be issued by the Airport Director or the Director's designee, and which shall contain, in a form authorized by the Airport Director, the following:
 - (1) Name of the person;
 - (2) Name of the group or organizations, if any, on whose behalf the person is conducting regulated activities.
- (h) No person may in any way obstruct, delay, or interfere with the free movement of any other person; seek to coerce or physically disturb any other person; or hamper or impede the conduct of any authorized business at the Airport.
- (i) A person shall immediately cease all noncommercial activities directed at any individual, where such individual has indicated his/her unwillingness to listen to the person or accept any handbill, flower or other object proffered by the person.
- (j) No bags, containers, written materials, or other personal property shall be left unattended by a person in any area of the Airport premises.

- (k) While conducting regulated activities on Airport premises, a person shall not falsely or fraudulently represent that he or she is a member of any organization other than the one which is stated in his or her application permit.
- (l) While conducting regulated activities on Airport premises, no person may approach any person who is entering or exiting a curbside vehicle or any person seated inside a curbside vehicle.

(Ord. No. 3877, § 5, 3-16-93)

Sec. 2-1-65. - Reserved.

Editor's note— Ord. No. 04-016, § 49, adopted September 9, 2004, amended the Code by repealing former § 2-1-65 in its entirety. Former § 2-1-65 pertained to prohibition of solicitation of funds, and derived from Ord. No. 3877, adopted March 16, 1993.

Sec. 2-1-66. - Enforcement as misdemeanor or infraction.

- (a) A violation of any section contained in this Division, (except Section 2-1-30.10(a), (b)), may be deemed an infraction and may be punished as such, notwithstanding the fact that, at the discretion of the District Attorney, the violation of any section contained in this Division may be filed as a misdemeanor. The complaint charging such violation shall specify whether the violation is a misdemeanor or an infraction.
- (b) Every violation determined to be an infraction is punishable by:
 - (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation;
 - (2) A fine not exceeding two hundred dollars (\$200.00) for a second violation within one year of the first violation; and
 - (3) A fine not exceeding five hundred dollars (\$500.00) for the third and each additional violation of the same ordinance within one year of the first violation.
- (c) The County may commence civil actions or administrative proceedings against the offending person to enforce and/or prevent any violation of any section contained in this Division. Such actions may be in law or equity, and may seek injunctive relief, abatement of nuisance(s), and other equitable relief. Such actions may seek to recover any damages or expenses incurred by the County to remediate any environmental damage or repair any facilities damage due to any violation of this ordinance by any person. These damages and expenses include environmental remediation costs, facilities repair costs, loss of revenue, staff time, attorneys fees, court costs, and reimbursement, defense and indemnification for any fine or legal or administrative proceeding to which the County may have been exposed or for which the County may have become liable due to the actions of the offending person.
- (d) The Airport Director may enact rules or regulations to enforce this ordinance. Such rules or regulations may include provisions for notices of noncompliance, administrative compliance orders, cease and desist orders, abatement of nuisance, recovery of costs, administrative hearing process and other terms.
- (e) Notwithstanding the foregoing, all parking violations as enumerated in Section 2-1-52 subdivisions (a) through (k) and Section 2-1-54(b), shall be punished by civil fine in an amount approved by the Board of Supervisors in the Orange County Uniform Traffic Bail Schedule."

(Ord. No. 04-016, § 50, 9-9-04; Ord. No. 10-002, § 1, 2-2-10)

Editor's note— Ord. No. 04-016, § 50, adopted September 9, 2004, amended the Code by repealing former § 2-1-66 and adding a new § 2-1-66. Former § 2-1-66 pertained to revocation of permit, and derived from Ord. No. 3877, adopted March 16, 1993.

Sec. 2-1-67. - Severability clause.

If any division, article, section, subsection, sentence or clause of this chapter is for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or the effectiveness of the remaining portions of this chapter or any part thereof. The County of Orange Board of Supervisors hereby declares that it would have adopted this chapter notwithstanding the unconstitutionality, invalidity or ineffectiveness of any one or more of its divisions, articles, sections, subsections, sentences or clauses.

(Ord. No. 04-016, § 51, 9-9-04)

Editor's note— Ord. No. 04-016, § 51, adopted September 9, 2004, amended the Code by repealing former § 2-1-67 and adding a new § 2-1-67. Former § 2-1-67 pertained to enforcement as misdemeanor or infraction, and derived from Ord. No. 00-1, adopted February 1, 2000.