

CITY OF PHOENIX AVIATION DEPARTMENT

APPLICATION FOR FLYING CLUB PERMIT



CONTENTS:

Application Instructions
General Aviation Application Form
Flying Club Permit Sample
Minimum Standards for Flying Clubs
General Terms and Conditions for Non-Commercial Permits
Definitions

CITY OF PHOENIX AVIATION DEPARTMENT

APPLICATION FOR FLYING CLUB PERMIT

In November 2004, the City of Phoenix Aviation Department implemented new Minimum Standards governing flying club activities at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. Flying Club Minimum Standards, in the form of Aviation Department Flying Club Rules and Regulations, establish minimum requirements for persons wishing to obtain a permit to engage in flying club activities. Effective January 1, 2005, all tenants wishing to conduct flying club activities at City of Phoenix airports, must obtain a Flying Club Permit to be in compliance with Aviation Department Rules and Regulations.

APPLICATION INSTRUCTIONS

(refer to the Minimum Standards for Flying Clubs for detailed documentation requirements)

To apply for a Flying Club Permit, complete and/or submit the following required documentation and fee to the Airport Manager or his/her designee:

- General Aviation Application form.
- An original copy of designee's current and valid driver's license.
- A copy of the Flying Club Charter.
- A copy of the Flying Club Bylaws.
- A copy of the Flying Club Membership Roster (indicating club officers).
- Copies of applicable FAA aircraft registration or exclusive aircraft lease agreements for the listed aircraft.
- An original copy of a certificate of insurance for aircraft.

Note:

If flying club aircraft is registered in the name of a Corporation, Limited Liability Company (LLC), Limited Partnership (LP), or General Partnership (GP), one of the following must be provided:

- If registered in the name of a Corporation, a copy of the Articles of Incorporation as filed with the Arizona Corporation Commission.
- If registered in the name of a Limited Liability Company, a copy of the Articles of Organization filed with the Arizona Corporation Commission.
- If registered in the name of a Limited Partnership, a copy of the Certificate of Limited Partnership filed with the Arizona Secretary of State.
- If registered in the name of a General Partnership, a copy of the written partnership agreement.

Note:

A flying club wishing to conduct self-fueling operations must submit information regarding fuel dispensary vehicle:

- Vehicle identification number.
- License plate number and state of issuance.
- Current vehicle registration.
- Proof of ownership documentation for fuel dispensing equipment.
- An original copy of a certificate of insurance, if applicable.

Application for Self-Fueling Permit must be obtained prior to engaging in self-fueling activities.

Submittal address:

For Phoenix Sky Harbor International Airport:

Ms. Kate Szymczak
Economic Development Specialist
Business and Properties Division
3400 East Sky Harbor Boulevard, Suite 3300
Phoenix, Arizona 85034
Tel: 602-273-8881

For Phoenix Deer Valley Airport:

Mr. Ken McKinney
Acting Airport Manager
702 West Deer Valley Road
Phoenix, Arizona 85027
Tel: 623-869-0975

For Phoenix Goodyear Airport:

Mr. Barney Helmick
Acting Airport Manager
1658 South Litchfield Road
Goodyear, Arizona 85338
Tel: 623-932-1200

Processing Time:

Approximately 30 days after submittal.

Application Approval:

Upon approval of the application, a Flying Club Permit will be mailed to the address indicated on the application. Please review all information contained within the Permit. Please sign and notarize where indicated and return the Permit to the Airport Manager for execution. Permit is not in effect until it is signed by the Aviation Director.

Note: Notary service is available at no charge in the Airport administration office (all airports).

Application Denial:

The Aviation Department reserves the right to deny any application in accordance with Aviation Department Rules and Regulations- Minimum Standards for Flying Club.

Appeal Process:

The applicant has the right to appeal denial of application in accordance with Aviation Department Rules and Regulations.

Further Information:

For further information regarding the application process or for information regarding flying club activities at the Airport, please contact the Airport Manager.

CITY OF PHOENIX AVIATION DEPARTMENT

GENERAL AVIATION APPLICATION
(Non-Commercial Use)

Phoenix Deer Valley

Phoenix Goodyear

Phoenix Sky Harbor

Requested Permit/Access

- Aircraft Storage Permit, Self-Fueling Permit, Airside Access Card, Flying Club Permit

Requested Aircraft Storage

- Open Tie-Down, Small T-Hangar, Small Covered Tie-Down, Large T-Hangar, Large Covered Tie-Down

Office Use Only
Space No. _____ Rent Per Month _____
Key No. _____ Advance Pay _____
Account No. _____ Effective Date _____

Permittee

Permittee Name: _____
Mailing Address: _____ State: _____ Zip: _____
Telephone Number: _____ / _____ Cell Phone: _____ / _____ Fax: _____ / _____
E-Mail Address: _____
Authorized/Designated Signatory: _____ Signature: _____

Aircraft

Aircraft Owner / Lessee Name: _____
Aircraft Make and Model: _____ N-Number: _____
Additional Aircraft:
Aircraft Owner / Lessee Name: _____
Aircraft Make and Model: _____ N-Number: _____
Aircraft Owner / Lessee Name: _____
Aircraft Make and Model: _____ N-Number: _____

Office Use Only
Authorized Airside Driver/ Airside Access Card

Name: _____ Card No. _____
Driver's License Number: _____ Expiration Date: _____
Airport Managers Approval: _____ Date Issued: _____

Submittals

For aircraft owned by a Corporation, Limited Liability Corporation (LLC), Limited Partnership (LP) or General Partnership, ONE of the following must be provided:

- _____ Corporation - Articles of Incorporation; as filed with the Arizona Corporation Commission.
- _____ Limited Liability Company - Articles of Organization; as filed with the Arizona Corporation Commission.
- _____ Limited Partnership - Copy of Certificate of Limited Partnership; as filed with Arizona Secretary of State.
- _____ General Partnership - Copy of the written partnership agreement.

Self-Fueling Permit

- _____ Original copy of Applicant's current and valid driver's license reflecting any applicable ratings or endorsements.
- _____ Description of fueling equipment and method of dispensing fuel.
- _____ Original copy of a Certificate of Insurance naming the City as an additional named insured, if applicable.
- _____ List of the Applicant's bona fide employees' valid and current Fuel Handler's Card(s).
- _____ Copy of the proof of ownership documentation for any fuel dispensing equipment.
- _____ Copies of applicable Federal Aviation Administration (FAA) Aircraft Registration certificate(s) or aircraft lease agreement(s) for the listed aircraft.

Aircraft Fueler/Fueling Vehicle

Owner's Name: _____ (Must be the same as aircraft owner / lessee)

Vehicle Description: _____

Fire Inspection Number/Date: _____ Vehicle I.D. No.: _____

COPAD Fuel Handler's Permit Number: _____ Self-Fueler Fuel Type: 100LL Jet A

Flying Club

- _____ Current copy of the Flying Club Charter.
- _____ Current copy of the Flying Club Bylaw.
- _____ Current copy of the Flying Club Membership Roster.
- _____ List of all aircraft including make, model and N- number which are owned or exclusively leased and operated by the Flying Club.
- _____ Copies of applicable Federal Aviation Administration (FAA) Aircraft Registration certificate(s) or aircraft lease agreement(s) for the listed aircraft.

Confirmation of not-for-profit status:

"I attest that the applicant is a not-for-profit entity." Name (Print): _____

Signature: _____

Office Use Only

Entered by: _____

Date: _____

**CITY OF PHOENIX
AVIATION DEPARTMENT**

FLYING CLUB PERMIT

ONLY THOSE PERSONS AND AIRCRAFT CONTAINED WITHIN THIS PERMIT ARE AUTHORIZED TO ENGAGE IN FLYING CLUB ACTIVITIES UNDER THIS PERMIT. THE PERMIT SHALL BE SIGNED BY A PERSON WHO IS NAMED BY THE CLUB AS THE "DESIGNEE". THE DESIGNEE SHALL BE A DOCUMENTED OFFICER OF THE CLUB DULY AUTHORIZED TO EXECUTE SUCH BINDING DOCUMENTS.

PERMIT EFFECTIVE DATE: (MM/DD/YYYY)	PERMIT EXPIRATION DATE: (MM/DD/YYYY)
---	--

DESIGNEE INFORMATION:

DESIGNER NAME AND TITLE:	
MAILING ADDRESS: (NO P.O. BOX OR PMB)	CITY: _____ STATE AND ZIP CODE: _____
TELEPHONE NUMBER:	E-MAIL ADDRESS:

PERMITTEE INFORMATION:

FLYING CLUB NAME:	
MAILING ADDRESS: (NO P.O. BOX OR PMB)	CITY: _____ STATE: _____ ZIP CODE: _____
TELEPHONE NUMBER:	FAX NUMBER: _____ E-MAIL AND/OR WEB SITE ADDRESS: _____
EMERGENCY CONTACT NAME AND TELEPHONE NUMBER:	

FLYING CLUB OFFICER AND GENERAL MEMBERSHIP ROSTER

NAMES: (FIRST NAME, LAST NAME, TITLE)	
1.	5.
2.	6.
3.	7.
4.	If additional space required, please use a separate sheet and attach hereto.

FLYING CLUB AIRCRAFT INFORMATION

TAIL NUMBER:	MODEL:	SERIAL NUMBER:	REGISTERED OWNER:	AIRPORT OR BASE LOCATION:

FLYING CLUB FUEL DISPENSARY VEHICLE DESCRIPTION:
(IF ENGAGING IN SELF-FUELING ACTIVITIES ON AIRPORT)

VEHICLE IDENTIFICATION NO. (VIN):	LICENSE PLATE NO. AND STATE:
REGISTERED OWNER OF VEHICLE:	VEHICLE DESCRIPTION: (COLOR, MAKE MODEL, YEAR)
FIRE INSPECTION DECAL NO.:	FUEL TYPE: <input type="checkbox"/> 100LL <input type="checkbox"/> JET A

1. **AUTHORIZATION.**

Under authority conferred on the Aviation Director and in accordance with Chapter IV, Sections 4-2 and 4-149, of the Phoenix City Code, Permittee is authorized to engage, at own expense, in flying club activities as outlined in this Permit. Only those persons and aircraft contained within this Permit are authorized to engage in flying club activities under this Permit. The Permittee verifies that all information provided original in the application for Flying Club Permit is correct and agrees to notify the Aviation Director in writing within ten (10) business days of any change of that information.

2. **TERM.**

The term of this Permit shall commence on the effective date and shall be month-to-month and subject to renewal on an annual basis in accordance with Phoenix City Code.

3. **FLYING CLUB ACTIVITY.**

All flying clubs desiring to base their aircraft and operate on one of the Phoenix Aviation Department Airports must comply with the applicable provisions of the City of Phoenix Aviation Department Rules and Regulations. A flying club shall be a non-profit entity (corporation, association or partnership) organized for the express purpose of providing its members with an aircraft, or multiple aircraft, for their personal use and enjoyment only. The ownership of the aircraft, or multiple aircraft, must be vested in the name of the flying club, with the names of the members who own the aircraft in equal shares. The property rights of the members of the club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.

Flying clubs shall not offer or conduct any commercial aeronautical operation (e.g., charter, air taxi, or rental of aircraft). They may not conduct aircraft flight instruction except for regular members, and only members of the flying club may operate the aircraft. No flying club shall permit its aircraft to be utilized for the giving of flight instruction to any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instruction, except when instruction is given to a member by an instructor authorized by the Aviation Department to provide flight training.

Any flying club member who instructs other members may be compensated by credit against payment of dues or flight time. A flight instructor, including a flying club member who is an instructor, may charge a club member for providing flight instruction, provided that such instructor has obtained authorization to provide flight instruction from the Aviation Department and is authorized to receive compensation for his or her services.

Any flying club member who provides mechanical maintenance for aircraft owned by the Club may be compensated by credit against payment of dues or flight time. A mechanic, including a flying club member who is a mechanic, may charge the Club for mechanical maintenance, provided that such mechanic has obtained authorization to provide mechanical maintenance from the Aviation Department and is authorized to receive compensation for his or her services.

All flying clubs and their members shall be prohibited from leasing or selling aircraft or services whatsoever to any person or firm other than a member of such club at the airport except that said flying club may sell or exchange its capital equipment to the benefit of all its members.

Current flying club activity guidelines and detailed rules and regulations are described in detail in the City of Phoenix Aviation Department Rules and Regulations Minimum Standards for Flying Clubs. A copy of the Rules and Regulations for Flying Clubs current as of the Permit effective date is attached hereto and incorporated herein by this reference.

4. **RULES, REGULATION, AND COMPLIANCE.**

Permittee shall observe and comply with all laws, ordinances, rules, regulations, orders, and standards of the United States Government, the State of Arizona, the County of Maricopa, the City of Phoenix and all agencies thereof which may be applicable to its operations or to the operation, management, maintenance or administration of the Airport now in effect or hereafter promulgated. The Permittee agrees to abide and conform by the City of Phoenix Aviation Department Rules and Regulations Minimum Standards for Flying Clubs as may be amended. Furthermore, without limiting the other conditions set forth elsewhere in this Permit, Permittee shall also comply with the specific requirements as set forth in the City of Phoenix Aviation Department Rules and Regulations General Terms and Conditions for Non-Commercial Permits. A copy of the Rules and Regulations General Terms and Conditions for Non-Commercial Permits current as of the Permit effective date is attached hereto and incorporated herein by this reference.

Permittee acknowledges that the City of Phoenix Aviation Department Rules and Regulations represent the standard of care and behavior required to retain this Permit. Any violation may subject Permittee to penalties up to and including termination of this Permit.

5. **AIRPORT SECURITY.**

Permittee shall abide by the Airport Security Plan and the Vehicle Access System.

6. **SOLICITATION FOR SALES PROHIBITED.**

Permittee acknowledges that this Permit does not authorize any revenue-producing, commercial activity on Airport premises.

7. **INDEMNIFICATION.**

Indemnification. Permittee shall indemnify, defend, save and hold harmless the City of Phoenix and its officers, officials, agents, and employees from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Permittee or any of its officers, directors, agents, employees or contractors, arising out of or related to Permittee's use of Airport Premises. It is the specific intention of the parties that the City of Phoenix shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the City of Phoenix, be indemnified by Permittee from and against any and all claims. It is agreed that Permittee will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration for the use of Airport Premises, the Permittee agrees to waive all rights of subrogation against the City of Phoenix, its officers, officials, agents and employees for losses arising from the use of Airport Premises.

8. **ASSIGNMENT.**

Permittee shall not assign its authorization under this Permit. Any attempt to assign, sell, transfer or encumber this Permit shall be void. This Permit or any interest therein, shall not be subject to assignment by operation of law. It is specifically stipulated and agreed that Permittee will not enter into any other arrangement(s) or agreement(s) with any other operator(s) or assign any of the rights herein whereby other operators share in the privileges or services authorized in this Permit or allow other operators to dispense fuels or lubricants under this Permit.

9. COMPLETE AGREEMENT.

Permittee acknowledges that no representations, guarantees or warranties have been made as to matters not included in this Permit, or attachments, or otherwise, by any representative of the City of Phoenix, and that this Permit (together with all referenced Rules and Regulations and annexed exhibits) contains the entire understanding between the City of Phoenix and Permittee with regard to the subject matter of this Permit; and, no representative or employee of either the City of Phoenix or Permittee has made, or is authorized to make, any representations beyond this Permit, or to change the terms hereof.

10. CANCELLATION AND TERMINATION.

The Permittee may cancel this Permit upon ten (10) calendar days' written notice. The Aviation Director may cancel this Permit at any time and/or without cause, provided ten (10) calendar days prior written notice is given to the Permittee. The Aviation Director may terminate this Permit for any breach by Permittee of any of the provisions of Chapter IV of the Phoenix City Code, this Permit (together with all annexed exhibits), including non-payment of applicable fees, or any violation of applicable law, the City of Phoenix Aviation Department Rules and Regulations, including Aviation Department Minimum Standards for Flying Clubs, now in effect or hereafter promulgated. The Aviation Director may cancel the Permit effective immediately where such action is necessary for public health, safety or welfare in the operation of the Airport as determined in the sole discretion of the Aviation Director.

11. APPEAL.

The Permittee shall have the opportunity to appeal the termination, suspension or revocation of this Permit in accordance with the City of Phoenix Aviation Department Rules and Regulations.

IN WITNESS WHEREOF, the parties herein have caused this Permit to be executed in duplicate originals.

Permittee:

City of Phoenix, a municipal corporation,
FRANK A. RIBBANS, City Manager

By: _____ Date: _____
Printed Name: _____ David Krietor _____
Flying Club Designee _____ Aviation Director _____ (MM/DD/YY)

ATTEST:

SUBSCRIBED AND SWORN TO before me this _____ day of _____, _____
(month) (year)

City Clerk

Notary Public

APPROVED AS TO FORM:

My Commission Expires: _____

City Attorney

CITY OF PHOENIX AVIATION DEPARTMENT RULES AND REGULATIONS
MINIMUM STANDARDS – FLYING CLUB

Authority: These Rules and Regulations are promulgated pursuant to Phoenix City Code, Chapter IV, Article I, Section 4-2.

Rule and Regulation: Minimum Standards – Flying Club

Purpose: These Rules and Regulations govern the Flying Club Permits established at Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport, and Phoenix Goodyear Airport. They are designed and intended to facilitate a safe and efficient operating environment for the Airports and their users. All persons shall comply with these Rules and Regulations, restrictions, and conditions at all times.

The information and requirements defined in these Rules and Regulations have been derived from Federal Aviation Administration documents, City of Phoenix Ordinances and the City of Phoenix Aviation Department Rules and Regulations. All amendments to these documents shall be considered as included, and all definitions shall be interpreted on that basis and in consideration of the intentions of these documents.

Definitions: Definitions for terms used in these and all other City of Phoenix Aviation Department Minimum Standards Rules and Regulations shall be enclosed by parenthesis or quotation marks or reflected in Section I “Definitions”. Terms which are not enclosed by parenthesis or quotation marks nor listed in Section I “Definitions” shall be construed using the common meaning as they apply to generally known aviation industry standards.

Application of Rule and Regulation: Except as may be prohibited by other provisions of these Rules and Regulations and any other applicable law, owners of one or more aircraft who desire to establish a flying club, must apply for and must receive a Flying Club Permit from the Aviation Department prior to the performance of any flying club activities.

The flying club shall be the “Permittee” and the Permittee and its members shall comply with all applicable requirements concerning flying club activities as set forth in these Rules and Regulations as well as any amendments thereto.

These Rules and Regulations, as modified or amended, shall be deemed to be a part of each Flying Club Permit unless otherwise provided in the Permit. The mere omission of any particular standard from a written permit shall not constitute a waiver or modification of such standard in the absence of clear and convincing evidence that the City intended to waive or modify such standard.

Standards

All flying clubs desiring to base their aircraft and operate on one of the Phoenix Aviation Department Airports must comply with the applicable provisions of these Rules and Regulations. A flying club shall be a nonprofit entity (corporation, association or partnership) organized for the express purpose of providing its members with an aircraft, or multiple aircraft, for their personal use and enjoyment only. The ownership of the aircraft, or multiple

aircraft, must be vested in the name of the flying club or in the names of the members who own the aircraft in equal shares. The property rights of the members of the club shall be equal and no part of the net earnings of the club will inure to the benefit of any member in any form (salaries, bonuses, etc.). The club may not derive greater revenue from the use of its aircraft than the amount necessary for the operations, maintenance and replacement of its aircraft.

Flying clubs shall not offer or conduct any commercial aeronautical operation(s) (e.g., charter, air taxi, or rental of aircraft). They may not conduct aircraft flight instruction except for regular members, and only members of the flying club may operate the aircraft. No flying club shall permit its aircraft to be utilized for the giving of flight instruction to any person, including members of the club owning the aircraft, when such person pays or becomes obligated to pay for such instruction, except when instruction is given to a member by an instructor permitted by the Aviation Department to provide flight training.

Any flying club member who instructs other members may be compensated by credit against payment of dues or flight time. A flight instructor, including a flying club member who is an instructor, may charge a club member for providing flight instruction, provided that such instructor has obtained authorization to provide flight instruction from the Aviation Department and is authorized to receive compensation for his or her services.

Any flying club member who provides mechanical maintenance for aircraft owned by the club may be compensated by credit against payment of dues or flight time. A mechanic, including a flying club member who is a mechanic, may charge the club for mechanical maintenance, provided that such mechanic has obtained authorization to provide mechanical maintenance from the Aviation Department and is authorized to receive compensation for his or her services.

All flying clubs and their members shall be prohibited from leasing or selling any goods or services whatsoever to any person or firm other than a member of such club at the Airport except that said flying club may sell or exchange its capital equipment to the benefit of all its members.

The flying club, with its permit application, shall furnish the items identified below under "Required Documentation". In addition, the flying club shall confirm the club's not-for-profit status and provide a roster, or list of members, including names of officers and directors, to be revised and submitted to the City on an annual basis. The books and other records of the club shall be available for review at any reasonable time by airport management or its authorized agent.

Aircraft Ownership

All listed aircraft must be owned by the flying club or its members equally. Documentation to prove ownership of all aircraft must be submitted with the Flying Club Permit application and kept current for the duration of the Permit. Permittee shall notify the City of, and provide updated proof of, any changes in status of ownership of aircraft within ten (10) business days. If as a result of the change in ownership, the Permittee no longer has any aircraft identified on the permit, then the permit will automatically terminate in ninety (90) days, unless the Permittee notifies the City of a replacement aircraft within in the ninety (90) days.

In addition, a flying club may use aircraft pursuant to an exclusive lease agreement if that lease provides for exclusive use and the term of the lease is one (1) year or more.

Application Processing

Applications for Flying Club Permits will be submitted to the Airport Manager. The City of Phoenix Aviation Department, in accordance with Phoenix City Code, shall be responsible for

processing, and deciding applications for flying club activities at the Airport. The Aviation Department will make efforts to process applications within thirty (30) days of submittal.

The application shall be signed by a person who is named by the club as the "Designee". The Designee shall be a documented officer of the club properly authorized to execute such binding documents.

Required Documentation

The Applicant shall, at a minimum, submit the following documentation with the above referenced application:

- A current copy of the Flying Club Charter;
- A current copy of the Flying Club Bylaws;
- A current copy of the Flying Club Membership Roster;
- A list of all aircraft including Make, Model and Tail Number (N #) which are owned or exclusively leased and operated by the Flying Club;
- Copies of applicable Federal Aviation Administration (FAA) Aircraft Registration Certificates or aircraft lease agreements for the listed aircraft; and
- Confirmation of not-for-profit status.

If the above mentioned aircraft are registered in the name of a Flying Club, corporation, Limited Liability Company, Limited Partnership, or General Partnership, one of the following must be provided:

- If registered in the name of a corporation, a copy of the Articles of Incorporation as filed with the Arizona Corporation Commission;
- If registered in the name of a limited liability company, a copy of the Articles of Organization filed with the Arizona Corporation Commission;
- If registered in the name of a limited partnership, a copy of the Certificate of Limited Partnership filed with the Arizona Secretary of State; or
- If registered in the name of a general partnership, a copy of the written partnership agreement.

Application Denial

The City may deny any application if it is determined that:

- The Applicant does not meet the qualifications and standards set forth in Chapter IV of the Phoenix City Code, the Rules and Regulations of the Aviation Department including these Minimum Standards;
- The activities will require the City to expend funds, or to supply labor or materials as a result of the Applicant's activities, or will result in a financial loss to the Airport;
- The Applicant or any of its members has knowingly made any false or misleading statements in the course of applying for this or any previously sought permit;
- The Applicant or any of its members has a prior record of violating federal, state, or local laws including Chapter 4 of the Phoenix City Code, Aviation Department Rules and Regulations, including these Minimum Standards, Federal Aviation Regulations or is in default of payments due and owing the City or the Applicant has a history in the prior twenty-four (24) months of failing to make timely payments to the City of Phoenix; or
- The Applicant has not submitted or is unable to submit appropriate documentation supporting the proposed activity.

Appeal Process

The Applicant or Permittee shall have the opportunity to appeal the denial, suspension or revocation of a permit in accordance with the City of Phoenix Aviation Department Minimum Standards Notice of Violation (NOV) Program.

Term of Permit

The term of the Flying Club Permit shall be month-to-month and subject to renewal on an annual basis in accordance with Phoenix City Code. The Flying Club Permit may be cancelled by the Permittee upon ten (10) days' written notice. In addition to revocation through the Notice of Violation (NOV) Program, the Aviation Director or his/her designee may cancel the Permit without cause upon ten (10) days' written notice or effective immediately where such action is necessary for public health, safety, or welfare in the operation of the Airport as determined in the sole discretion of the Aviation Director or his/her designee.

The foregoing Rules and Regulations are hereby adopted and promulgated this 1st day of October 2004.

David Cavazos, A.A.E
Acting Aviation Director

Nancy Kesteloot
Assistant Chief Counsel

CITY OF PHOENIX AVIATION DEPARTMENT RULES AND REGULATIONS
GENERAL TERMS AND CONDITIONS FOR
NON-COMMERCIAL PERMITS

Authority: These Rules and Regulations are promulgated pursuant to Phoenix City Code Chapter IV; Article I, Section 4-2.

Rule and Regulation: General Terms and Conditions for Non-Commercial Permits

Purpose: These Rules and Regulations shall be applicable to non-commercial permits issued by the Aviation Department under the Airports Rules and Regulations and/or Minimum Standards. All persons shall comply with these Rules and Regulations, restrictions and conditions at all times.

Application of Rule and Regulation: Except as may be prohibited by other provisions of these Rules and Regulations and any other applicable law these Rules and Regulations shall be deemed to be a part of each non-commercial permit issued under the Airports Rules and Regulations and/or Minimum Standards unless such provisions are amended or modified by the City of Phoenix Aviation Department. The mere omission of any particular standard from a written permit shall not constitute a waiver or modification of such standard in the absence of clear and convincing evidence that the Aviation Department intended to waive or modify such standard.

Non-Exclusive Rights

Permits are non-exclusive and nothing herein shall prevent the City from accessing or using the Airport or shall prohibit the City from permitting other persons to access or use the Airport. Nothing herein shall be construed to bar the City from further alteration, development, expansion or improvement of the Airport and the City expressly reserves the right to do so.

Indemnification

Permittee shall indemnify, defend, save and hold harmless the City of Phoenix and its officers, officials, agents, and employees (hereinafter referred to as "City") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Permittee or any of its owners, officers, directors, agents, employees or contractors, arising out of or related to Permittee's use of Airport Premises. It is the specific intention of the parties that the City shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the City, be indemnified by Permittee from and against any and all claims. It is agreed that Permittee will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable. In consideration for the use of Airport Premises, the Permittee agrees to waive all rights of subrogation against the City, its officers, officials, agents and employees for losses arising from the use of Airport Premises.

Accidents, Damages, and/or Injuries

Persons, Permittee's, or other operators shall immediately report any on-Airport accident, damages, or injuries. Persons, Permittee's, or operators shall be fully responsible for all damages to Airport property including environmental damages, whether caused by negligence, abuse, or carelessness on the part of their employees, agents, visitors, contractors or persons with whom they may do business, in addition to any terms that might be contained in any Permit.

Any person, Permittee, or operator causing or liable for, any damage to Airport property shall be required to pay to the City of Phoenix on demand the full cost of the damage plus appropriate administrative fees. Any person failing to comply with this section shall be in violation of these Rules and Regulations and shall be refused access to the Airport until the City of Phoenix has been fully reimbursed.

The City of Phoenix assumes no responsibility or liability for loss, injury or damage to persons, property or business on the Airport or Airport facilities, by reason of fire, vandalism, wind, flood, earthquake or other acts of God, civil disorder, armed conflict or collision damage, nor does it assume any liability by reason of injury to persons or property while using said facilities.

Compliance with Law

All persons, Permittee's, and other operators shall observe and comply with all laws, ordinances, rules, regulations and orders of the United States Government, the State of Arizona, the County of Maricopa, and the City of Phoenix and all agencies thereof, including guidance issued by the Federal Aviation Administration, which may be applicable to its operations or to the operation, management, maintenance or administration of the Airport now in effect or hereafter promulgated.

Failure to comply with such laws shall be grounds for denial of, or immediate termination of, the Permit.

Permittee's shall abide by all Airport Rules and Regulations of the City of Phoenix Aviation Department including environmental laws regarding the handling, discharge, release and dumping of hazardous substances.

In the event of spillage, discharge or dripping of gasoline, oil, grease, pollutant or any material which may be unsightly, detrimental or regulated under any environmental law, onto the surface in any area of the Airport, the same shall be removed immediately and reported to Airport Operations and the Airport Environmental Coordinator in accordance with the Aviation Department Storm Water Enforcement and Civil Penalty Policy. The responsibility for the immediate removal of such gasoline, oil, grease, or other material shall be assumed by the operator or owner of the aircraft or equipment causing the same or by the Permittee responsible for the deposit on the surface. Upon default of the responsible party to clean such area, the City may provide the necessary cleaning and bill the responsible party or parties for the expense thereof including Administrative fees.

Conflicting Regulations

Where a conflict exists between any of the regulations, limitations, or restrictions prescribed or adopted hereunder, or in conflict with a provision of the safety, fire, health codes or other ordinances of the City, or any other matter, the provision which establishes the higher standard and more stringent limitation or requirement for the promotion and protection of the health and safety of the people, shall govern and prevail. The definition of conflicting regulations shall include laws, ordinances, regulations, contracts, agreements, leases and permits.

Notices of Violation, Suspension or Revocation

In accordance with the City of Phoenix Aviation Department Minimum Standards and Notice of Violation (NOV) Program, a permit is subject to suspension or revocation for any violation of any term of the City of Phoenix Aviation Department Rules and Regulations including, without limitation, failure to make payments in the amounts and at the times specified in these Rules and Regulations, operation of any unauthorized commercial aviation activity, or failure to comply with any of the federal, state, local laws or ordinances, or Rules and Regulations of the City of Phoenix. Any violation of the Rules and Regulations will be deemed a violation of the Permit, and any suspension, revocation or other penalty will be assessed against the permit holder.

Amendment or Modification of Requirements

The Aviation Department may waive or modify any portion of these Rules and Regulations, for any person, when it is determined that such waiver or modification is in the best interest of the City and will not result in any unjust discrimination among Permittee's on or accessing the Airport.

Assignment

Permittee shall not assign its authorization under the Permit. Any attempt to assign, sell, transfer or encumber the Permit shall be void. The Permit or any interest therein, shall not be subject to assignment by operation of law. It is specifically stipulated and agreed that the Permittee will not enter into any other arrangement(s) or agreement(s) with any other operator(s) or assign any of the rights herein whereby other operators share in the privileges or services authorized in the Permit or allow other operators to access the airport under the Permit. Such assignment or transfer shall be grounds for immediate termination of the Permit without recourse.

Severability

If any terms, rules, regulations or restrictions herein contained are ruled invalid or unenforceable by any court or agency of competent jurisdiction, then the remaining terms, rules, regulations or restrictions shall remain in full force and effect.

Subordination

Any rights herein granted to the Permittee are subordinate and/or junior to any rights of the Federal Government touching or concerning the City's ownership, management and operation of the Airport including, but not limited to, any rights accruing to the Federal Government as a result of federally assisted grant programs accepted by the City.

Supplemental Conditions

The City of Phoenix reserves the right to further develop, improve, repair and alter the Airport and all roadways, parking areas, terminal facilities, landing areas and taxiways as it may reasonably see fit, free from any and all liability to Permittee for losses or damages of any nature whatsoever to Permittee occasioned during the making of such improvements, repairs, alterations and additions.

The City of Phoenix reserves the right, but is in no way obligated to Permittee, to maintain and keep in repair the landing area of the Airport and all publicly owned facilities of the Airport, together with the right to direct and control all activities of Permittee in this regard.

Permittee acknowledges that the Permit is subordinate to any existing or future agreement between the City of Phoenix and the United States concerning the development, operation or maintenance of the Airport.

The Permit is subordinate to the reserved right of the City of Phoenix, its successors and assigns, to occupy and use for the benefit of the public the airspace above the Premises for the right of flight for the passage of aircraft. This public right of flight shall include the right to cause

in said airspace any noise inherent in the operation of any aircraft through said airspace or in landing at or taking off from, or operation on an Airport.

Permittee, by accepting this Permit, covenants for itself and its successors that no use will be made of the Premises that might in any manner interfere with the landing and taking off of aircraft from the Airport, or otherwise constitute a hazard to air navigation. As a remedy for the breach of said covenant the City of Phoenix reserves the right to enter upon the Premises and cause the abatement of such interference, all at the expense of Permittee.

Permittee acknowledges that nothing contained in the Permit shall be construed to grant or authorize the granting of an exclusive right within the meaning of 49 U.S.C. §40103(e) and nothing in the Permit shall be construed to ban the City from permitting other persons to access or use the Airport.

The Permit and all the provisions hereof are subordinate to whatever rights the United States now has or in the future may acquire affecting the control, operation, regulation and taking-over of the Airport, or the exclusive or non-exclusive use of the Airport by the United States during a time of war or national emergency.

The foregoing Rules and Regulations are hereby adopted and promulgated this 1st day of October, 2004.

David Cavazos, A.A.E.
Acting Aviation Director

Nancy Kesteloot
Assistant Chief Counsel

CITY OF PHOENIX AVIATION DEPARTMENT RULES AND REGULATIONS
MINIMUM STANDARDS - DEFINITIONS

Authority: These Rules and Regulations are promulgated pursuant to Phoenix City Code Chapter IV; Article I, Sec. 4-2.

Rule and Regulation: Definitions

1. *Accident* – means any event that results in property damage, personal injury or death.
2. *Aircraft* – means a device that is used or intended to be used for flight in the air.
3. *Aircraft Fueling Equipment* – means a tank vehicle (tank truck, tank fuel trailer, tank semi-trailer) employed in the transportation and/or transfer of fuel into or from an aircraft.
4. *Aircraft Operation* – means an aircraft landing, takeoff or maneuver.
5. *Airport* – means all of the land, buildings, and facilities comprising Phoenix Sky Harbor International Airport (PSHIA), Phoenix Deer Valley Airport (PDVA), or Phoenix Goodyear Airport (PGA), as now existing or as the same may hereafter be expanded and developed, unless otherwise designated.
6. *Air Taxi* – means a classification of air carriers, which transports, in accordance with Federal Aviation Administration Regulations (FAR) Part 135, persons, property, and mail using small aircraft (under 30 seats or a maximum payload capacity of 7,500 lbs).
7. *Articles of Incorporation* – means a document that sets forth the basic terms of a corporation's existence, including the number and classes of shares and the purpose and duration of the corporation.
8. *Articles of Organization* – See Articles of Incorporation.
9. *Assignment* – means the transfer of rights or property or the rights or property transferred.
10. *Aviation Department* – means the City of Phoenix Aviation Department, the operator of Phoenix Sky Harbor International Airport, Phoenix Deer Valley Airport and Phoenix Goodyear Airport.
11. *Aviation Director* – means the Aviation Director of the City of Phoenix or his/her designee.
12. *Bona Fide Employee* – means a person who is employed by the Permittee whose employment can be verified by the U.S. Internal Revenue Service.
13. *Bonded or Bonding* – means a device or procedure to minimize the hazard of static electricity as necessary to equalize electrical charges before they build-up to a high enough potential to create a static spark.
14. *Business or Concession* – means the sale, offering for sale or the furnishing of any commodity, article, facility or service.
15. *Bylaws* – means rules or administrative provisions adopted by an association or corporation for its internal governance.
16. *Certificate of Insurance* – means a document acknowledging that an insurance policy has been written and setting forth in general terms what the policy covers.
17. *Charter (Aircraft)* – means a commercial aeronautical activity that provides on-demand, non-scheduled passenger service in aircraft having no more than thirty (30) passenger seats.
18. *City* – means the City of Phoenix, Arizona, U.S.A.

19. *Co-op* – means an organization formed by several aircraft owners for the purpose of self-fueling.
20. *Damages* – means compensation that the law awards to someone who has been injured or has suffered a loss because of the action of another.
21. *Dead Man* control device – means a device which requires a positive continuing action of an operator to allow the flow of fuel.
22. *Designee* – means a person who has been designated to perform some duty or carry out some specific role.
23. *Environmental Laws* – means those laws promulgated for the protection of human health or the environment and any other laws, regulations and ordinances (whether enacted by local, state or federal government) now in effect or hereafter enacted, that provide for the regulation or protection of human health or the environment including the ambient air, ground water, surface water and land use including substrata soils.
24. *Flowage Fee* – means a per gallon fee that must be paid to the City by any person or entity dispensing fuel on the airport.
25. *Flying Club* – means nonprofit entities, including corporations, associations or partnerships that are organized for the express purpose of providing its members with an aircraft, or aircraft, for their personal use and enjoyment only, in which the ownership of the aircraft and property rights are shared equally, and in which the aircraft is vested in the name of the club or in the names of the members who own the aircraft in equal shares.
26. *Fuel Dispensing Equipment* – see *Aircraft Fueling Equipment*.
27. *Fuel Handlers' Card* – means a card issued by the City which shows proof that a person has completed the training and passed the test required to fuel aircraft on any of the City's three airports.
28. *Fuel Handling* – means the transportation, delivery, fueling and draining of fuel or fuel waste products.
29. *Ground Service Equipment* – means equipment used to supply auxiliary needs to aircraft.
30. *Limited Partnership* – means a partnership composed of one or more persons who control the business and are personally liable for the partnership's debts (called general partners) and one or more persons who contribute capital and share profits but who cannot manage the business and are liable only for the amount of their contribution (called limited partners).
31. *Loading Ramp* – means the aircraft area used for the loading and unloading of aircraft.
32. *Minimum Standards* – means the qualifications which may be established by an airport owner as the minimum requirements to be met as a condition for the right to conduct an aeronautical activity on the airport.
33. *NFPA* – means National Fire Protection Association.
34. *Not-for-profit* – means a corporation, association or partnership organized for some purpose other than to generate income or profit.
35. *Notice of Violation (NOV)* – is a form issued by Aviation Department personnel for violations of any rules, regulations and laws governing the Airport.
36. *Operator* – means the person, firm or corporation in possession of an aircraft or vehicle or any person who has rented an aircraft or vehicle for the purpose of operation by him/herself or his/her agent.
37. *Park* or *Parking* – means an aircraft, bicycle or motor vehicle standing attended or unattended.
38. *Partnership Agreement* – means a contract defining the partners' rights and duties toward one another – not the partners' relationship with third parties.
39. *Permittee* – means any person, partnership, association, firm or corporation operating on an airport under a permit issued by the Aviation Department.
40. *Phoenix City Code* – means the Charter of the City of Phoenix, the City Code, the Zoning Ordinance and the Index which constitute what is ordinarily referred to as the

- Phoenix City Code. The ordinances are classified according to subject matter with each chapter preceded by a table of contents. The index relates to the entire subject matter. The Charter is changed only when amended, added to or repealed by a majority vote of the voters of the City of Phoenix. The general ordinances and the zoning ordinances are amended, added to or repealed by enactment of the Phoenix City Council. Subscribers to the Phoenix City Code receive a monthly supplement which makes the authorized changes. The City Clerk's office is the depository for all ordinances enacted by the Phoenix City Council. Inquiries relating to the history or previous enactment of ordinances may be directed to the staff of the City Clerk's office.
41. *Pilot* – means the person responsible for the operation and control of an aircraft.
 42. *Premises* – means the leasehold or site occupied by Permittee pursuant to a lease, license or permit.
 43. *Proof of Ownership* – means documentation required by the Aviation Director to prove that the Permittee owns an aircraft or equipment.
 44. *Release* – means any releasing, spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, disposing or dumping.
 45. *Revocation* – means an annulment, cancellation or reversal, usually of an act or power.
 46. *Roadway* – means any street or roadway whether improved or unimproved within the boundaries of the airport set aside or designated for use by vehicles whether dedicated or not.
 47. *Self-Fueling and Self-Service* – means the fueling or servicing of an aircraft by the owner of the aircraft or the owner's bona fide employee using the owners equipment. Self-service includes activities such as adjusting, repairing, cleaning and otherwise providing service to an aircraft provided the service is performed by the aircraft owner or his/her employees with resources supplied by the aircraft owner.
 48. *Spill Prevention, Control, and Countermeasure (SPCC) Plan* – means the document required by Title 40, Code of Federal Regulations, Sec. 112 that details the equipment, workforce, procedures and steps to prevent, control and provide adequate countermeasures to a discharge.
 49. *Vehicle* – means a device in, upon or by, which any person or property is or may be propelled, moved or drawn upon a roadway or other ground surface.
 50. *Vehicle Access System* – means an access control system which utilizes reader gates to allow authorized vehicular access to the Limited Vehicular Area on the airport.

The foregoing Rules and Regulations are hereby adopted and promulgated this 1st day of October 2004.

David Cavazos, A.A.E
Acting Aviation Director

Nancy Kesteloot
Assistant Chief Counsel