

**Lawrence County Ordinance # 29**

**RULES AND REGULATIONS**

**FOR**

**BLACK HILLS AIRPORT/CLYDE ICE FIELD**

**Adopted: October 12, 2010**

**Lawrence County Ordinance # \_\_\_\_\_**

BE IT ORDAINED by the Lawrence County Board of County Commissioners that there is hereby adopted the following rules and regulations intended to protect and promote the best interests of the public with regard to development and provision of aeronautical services and activities and other commercial activities at the Airport.

Dated this 12<sup>th</sup> day of October, 2010.

BY THE BOARD

\_\_\_\_\_  
Connie H. Douglas, Chairman

\_\_\_\_\_  
Daryl Johnson

\_\_\_\_\_  
Bob Ewing

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Terry Weisenberg

\_\_\_\_\_  
Tommy Thompson

ATTEST:

\_\_\_\_\_  
Connie Atkinson, Auditor

First Reading:  
Second Reading:  
Adoption:  
Effective Date:

## LAWRENCE COUNTY AIRPORT RULES AND REGULATIONS

### I. DEFINITIONS

- A. "Aircraft" means any device intended to be used in the air.
- B. "Airplane" means any engine driven fixed wing aircraft, heavier than air, supported in flight by the dynamic reaction of the air against the wings.
- C. "Airport Manager" an individual designated by the Lawrence County Airport Board to oversee the general operation and adherence to the rules and regulations and minimum standards, and any special edicts, as set forth by the Lawrence County Commission.
- D. "Fixed Base Operator" (FBO) means any person or firm operating at the airport and providing general aircraft services such as maintenance, storage, and ground and flight instruction and being authorized to conduct such business by virtue of contract with Lawrence County. See FBO requirements in Minimum Standards.
- E. "Limited Service Operator" means any person or firm operating at the airport and providing two or more aeronautical services, and being authorized to conduct such business by virtue of contract with Lawrence County. Limited Service Operators are prohibited from selling fuel or petroleum products and line services. See Limited Service Operator requirements in Minimum Standards.
- F. "Owner" means the County of Lawrence, South Dakota.

- G. "Person" means any individual, co-partnership, corporation, company association, joint-stock association, or body politic; and includes any trustee, receiver, assignee or other similar representative thereof.
- H. "Sponsor" means the Lawrence County Commission and the Lawrence County Airport Board and the designated Airport Manager that is responsible to manage, superintend, control and protect the Black Hills Airport.
- I. "Ultralight Vehicle" (UL) means any flying vehicle to be used or intended to be used manned by a single occupant for recreational and sport use only and does not have a use or foreign air worthiness certificate, must not weigh over 254 lbs, cannot carry more than 5 gallons of gas or go faster than 55 knots as required by FAA definition. See FAR PART 103

II. GENERAL

- A. All persons on any part of the property comprising the Airport shall be governed by these regulations and by the Ordinances, Resolutions and Minimum Standards established by the Lawrence County Commission relative to the use or occupancy of any part of the property comprising the Airport.
- B. No person shall post, distribute, or display signs, advertisements, and circulars, printed or written matter at the Airport without approval of the Sponsor. Said signs must be in good taste and be maintained in good condition.
- C. Aircraft hangars are considered storage facilities and any residential use, even for one overnight stay, is prohibited according to local regulations and applicable building codes.

- D. Areas between hangars are considered “Fire Lanes” and therefore parking, or storage of any kind is not allowed.
- E. No temporary structures of any kind such as mobile homes, campers, storage sheds, portable toilets, etc. shall be allowed on airport property without prior written approval from the airport board. Variances from this rule at the time of special events such as Fire Base Camp during fire season, special Airport events and Sturgis Bike Week shall be at the sole discretion of the Sponsor.
- Black Hills Clyde Ice Field Airport parking lots and grassy areas are **NOT** to be used as a parking or storage area for recreational vehicles, trailers, personal equipment, boats, boat trailers or secondary vehicles, etc. Any disabled ground vehicle will be removed from the airport within seven (7) days. Any disabled ground vehicle left on the airport for more than ten (10) days will be parked in the parking area designated by the Airport Manager with the owners contact information and a key left with the Airport Manger or commercial operator. Trailers and equipment incidental to Airport business may be stored in the designed areas with the approval of the Sponsor. Exceptions/waivers/variances to the above guidelines may be granted by the Sponsor through written request and Sponsor approval. Abandoned vehicles and instances of non-compliance with these rules and regulations may be reported to the appropriate law enforcement agency for action.
- F. Only personnel engaged in aviation activities are permitted on Airport ground between the time of darkness and daylight.

- G. Access to aircraft movement areas shall be limited to only those individuals with a legitimate purpose. Access shall be through one of the two electronic security gates; individuals entering or exiting through these gates are required to wait for the gate to close behind them to eliminate the possibility of others to “tailgate” through the still open gate.
- H. No person under the influence of liquor or narcotic drugs shall operate a motor vehicle or aircraft of any kind on the Airport.
- I. No person shall commit any disorderly, obscene or indecent act or commit any nuisance on the Airport.
- J. Any person who does not comply with these rules and regulations may be removed or ejected from the Airport upon the order of the Sponsor, and/or the Airport Manager, to insure the safeguarding of the Airport property and the public and its interests therein.
- K. Each operator/individual shall be responsible for the orderly parking of aircraft in the areas leased or assigned to him and for the cleanliness of the area he uses.
- L. Soliciting of any kind is prohibited on Airport property.
- M. Dumping of waste materials at any location on the Airport is expressly prohibited except in designated containers, and according to all applicable rules and regulations.
- N. Any damage to any of the physical property on the Airport shall be reported immediately to the Sponsor or Airport Manager.
- O. The Sponsor and Airport Manager assumes no responsibility for loss, injury or damage to persons or property by reason of fire, theft, vandalism, wind, flood,

earthquake, collision, strikes, or acts of God or of the public enemy, nor does it assume any liability for injury to persons or property while on the Airport or while using the facilities of same.

- P. Prior permission must be obtained from the Sponsor for any air show, fly-in, or other unusual activity to be held on the airport grounds. All such activity must be covered by liability insurance in an amount to be determined by the Sponsor and according to such other terms and conditions as prescribed by Sponsor.
- Q. All movements of aircraft will be governed by federal regulation, good operating practices and common sense. Said movements are the responsibility of the pilot in command.
- R. UNICOM will be used for landing advisories if possible. Blind broadcast will be made on UNICOM for taxiing, take-off, landings and in the pattern.
- S. Large aircraft will utilize only hard surface areas unless authorized by the Airport Manger.
- T. Any hand propping of aircraft will be done with a qualified pilot in the cockpit, or with the tail tied down, or be chocked.
- U. Any damaged aircraft will be removed from the Airport or stored within 24 hours of release by FAA.
- V. No open flames or welding in private or public hangars will be allowed unless it is done within the confines of a 1-hour fire retardant room.
- W. No bulk storage of any toxic, highly volatile, or flammable material will be allowed in any public or private hangar.

### III. CONFINEMENT OF AIRCRAFT OPERATIONS

Take-offs, landing and other operations of all aircraft shall be limited and confined to the designated runways, taxiways and aprons. Aircraft of a weight less than 12,500 lbs. is classified by these regulations as small aircraft.

Aircraft of a weight of more than 12,500 lbs. is classified by these regulations as large aircraft.

Aircraft landing, taking-off, taxiing or maneuvering in the vicinity of the Black Hills Airport shall conform to the published Traffic Patterns and Federal Aviation Regulations as promulgated by the Federal Aviation Administration.

#### IV. TRAFFIC PATTERNS

A. Landing and take-offs shall be made directly into the wind or on the runway or landing strip most nearly aligned with the wind as indicated by the windsock.

1. When landings or take-offs are made in a direction other than as prescribed in the above paragraph, the pilot is solely responsible for determining that the operation can be completed with safety.

2. Such landings and take-offs are not authorized for convenience and shall only be made for bonafide reasons such as crosswind take-off and landing instruction, use of a longer runway for heavily loaded or large aircraft, etc.

B. Aircraft intending to remain in the traffic pattern shall, after take-off, continue to climb to an altitude of 4400' MSL prior to the first 90 degree turn.

1. Pattern altitudes are:

Ultralight	4500'	MSL
Single Engine	4700'	MSL
Piston Twins	4900'	MSL
Turbine Aircraft	5400'	MSL

- C. Aircraft entering the traffic pattern shall exercise caution and courtesy so as not to cause aircraft already in the pattern to deviate from their course.
  - 1. All patterns will be left hand.
    - a. Exception: When using Runway 13, a right hand pattern will be used.
- D. Instructions contained in FAA publications are adopted by reference as part of the above traffic patterns. Crosswind entries at pattern altitude are acceptable for RWY 13/31.
- E. Ultralight Vehicular (UL) traffic will utilize procedures outlined in the latest FAA regulation Part 103.
- F. UL vehicles will utilize RWY 04/22 or 8/26. The pattern used will avoid over-flight of RWY 13/31.
- G. No UL vehicle will be within 200' of runway 13/31.
- H. Ultralight vehicles will cross the ends of hard surface runway 13/31 at least one mile away.
- I. Runway 13/31 may be used by ultralight vehicles for emergencies or high wind conditions.
- J. Extreme caution will be exercised during UL operations.
- K. Glider aircraft will utilize patterns similar to other aircraft. The pattern should remain inside the conventional pattern and both glider and tow ship shall utilize the unicom frequency.
- L. All pilots are reminded that gliders have the right of way over all other aircraft when landing (except free air balloons).

V. TAXING RULES

- A. No person shall taxi an aircraft until it is ascertained that there will be no danger of collision with any person or object.
- B. Aircraft not equipped with brakes shall have an attendant at each wing when an aircraft is taxied near building or other aircraft.
- C. All aircraft shall be taxied at a safe and reasonable speed with due regard for other aircraft, persons and property.
- D. Aircraft awaiting take-off shall stop at the yellow “hold-short” line for the runway in use, or hold in recess area at the end of the runway in position so as to have a direct view of aircraft approaching for landings.
- E. Warm-ups and final check prior to take-off must be performed in the recess area at the end of the runway behind the “hold-short” line.

VI. AIRCRAFT SAFETY, REPORTS AND ACCIDENTS

- A. No aircraft shall be operated in a negligent, careless or reckless manner on the ground or in the air.
- B. In case of an accident on or near a runway, aircraft in the air will depart the area, continue to circle the field, or land, wind permitting, on unobstructed runways.
- C. Persons involved in aircraft accidents occurring on the Airport shall make, in addition to making all other required reports, a full report thereof to the Airport Manager or Sponsor who shall advise the Airport Board Liaison Officer.
- D. No person shall run the engine or engines of aircraft directly in front of buildings, hangars, or any location on the Airport in such a manner as to cause

damage or injury to other aircraft, property or persons, or which directs prop  
blast into a shop or open hangar.

- E. No person shall park aircraft in any area on the Airport other than prescribed by the Airport Manager.
- F. In case of an accident occurring on the airport, no vehicle or personnel will be permitted at the accident site without approval of Sponsor or Airport Manager, emergency equipment excepted.

VII. FUELING AND DEFUELING OF AIRCRAFT

- A. Lawrence County and the Lawrence County Airport Board exercises the exclusive right for the distribution and sale of aviation fuel at and on the Black Hills Airport/Clyde Ice Field, according to FAA Airport compliance requirements 5190.6.
- B. Private aircraft owners may assume the right to obtain fuel and bring it on the Airport to service his/her own aircraft but only with his/her own employees and only in conformance with reasonable safety standards or requirements and approval of the Lawrence County Airport Board. Fuel trucks shall have prior approval of the Lawrence County Airport Manager.
- C. Any fuel obtained from off-airport facilities and brought on airport property for aircraft usage, shall be charged .10 cents per gallon (jet-A), or .05 cents per gallon (Av Gas) County flowage fee. This fee is to be paid on the 5<sup>th</sup> of each month, for the previous month, to the Airport Manager who will deposit that amount with the Lawrence County Auditor's Office.

- D. No aircraft shall be fueled or de-fueled while the engine is running or being warmed by application of exterior heat.
- E. Smoking and the use of tobacco products are prohibited on County owned property.
- F. Persons engaged in fueling or de-fueling or aircraft shall exercise care to prevent overflow of fuel.
- G. Adequate fire extinguishes shall be within ready reach of all fueling and de-fueling operations.
- H. Ground cables shall be connected when applicable.
- I. No bulk fuel shall be stored in any public or private hangar.

VIII. VEHICULAR TRAFFIC

- A. Motor vehicle traffic will be marked with a proper flag/lights and shall not cross over any active runway without UNICOM notification.
- B. The movement of personnel and vehicles on the landing area shall not be permitted unless prior authorization has been granted by the Airport Manager or Sponsor.
- C. Any Authorized vehicles operated on the Airport shall not operate closer than 50 feet from the edge of the runways or across any of the runways or taxiways, prior to being cleared by the Airport Manager or Sponsor.
- D. Parking or storage of vehicles shall be in those areas designated as parking/storage areas by the Airport Manager or Sponsor.
- E. Any disabled ground vehicle will be removed from the Airport within seven (7) days. Any ground vehicle left on the Airport for more than three (3) days will

be parked in a parking area designated by the Management with the owner's contact information and a key left with the Airport Manager or other onsite commercial operator. Abandoned vehicles will be reported to the Lawrence County Sheriff for appropriate action. Trailers and equipment incidental to Aircraft businesses may be stored in designated areas with the approval of Airport Manager or Sponsor.

- F. All authorized pedestrians and vehicular traffic shall advise the Airport Manager or Unicom operator of their purpose and intentions while operating in aircraft operating areas.
- G. Lawrence County owned vehicles shall only be operated by drivers registered and at the Lawrence County Auditor's Office and with the Lawrence County insurance representative. Drivers must have a valid driver's license for the equipment operated and have prior approval of the Lawrence County Airport Board.

IX. COMMERCIAL OPERATIONS

- A. No person shall engage in any commercial activity on the Airport except with the express written approval of the Sponsor and under such terms and conditions as it may prescribe.
- B. Any person, firm or corporation desiring to enter into any form of business or commercial activity of any nature upon the premises of the Black Hills Airport shall first obtain permission from the Sponsor in the form of a permit or lease agreement.

- C. The Sponsor will act upon such requests for a permit or lease agreement individually, and on a case by case basis, relative to the requirements for buildings, personnel, services, hours or operation and insurance requirements, based on the type of business or commercial activity being proposed.
- D. The Sponsor will not accept a request to lease land, unless the applicant submits in writing a proposal which sets forth the scope of operation the applicant proposes, including the following:
- 1) The services applicant will offer.
  - 2) The amount of land the applicant desires to lease.
  - 3) The building space applicant will construct or lease.
  - 4) The number of aircraft applicant will provide.
  - 5) The number of persons applicant will employ.
  - 6) The hours or proposed operation.
  - 7) The number and types of insurance coverage applicant shall maintain.
  - 8) Evidence of applicant's financial capability to perform and provide the above services and facilities.
- E. All sub-leasing shall be subject to the written consent of the Sponsor or Airport Manager.
- F. Fixed Base Operators or Commercial applicants, in addition to other requirements or this article, are subject to the following:
- 1) Applicants shall present evidence of financial stability and credit rating with respect to payment of rentals, taxes and insurance required by the County.

- 2) Fixed Based Operators shall provide services consistent with normal fixed base operations, including aircraft repair, aircraft sales, aircraft rental, flight instruction, charter operations, and any other operations required by Sponsor and the approved Black Hills Airport/Clyde Ice Minimum Standards.
- 3) Applicant shall be prepared to provide minimum daily hours of service to the aviation public.

G. Applicants for commercial activity who, in the opinion of Sponsor, would offer goods or services as a commercial activity located on the airport, will be required to adhere to the published Minimum Standards as set forth by the Airport Board.

X. SNOW REMOVAL AND MOWING PLAN (Amended **January 11, 2006**)

Snow removal procedures shall begin at the discretion of the Airport Manager. Priorities for snow removal within the Airport property shall be as follows:

Lawrence County:

Primary road into the public parking areas to be cleared by Black Hills Airport personnel:

1. Airport access road not plowed by County Highway Dept.
2. Primary Runway and Taxiways
3. Fuel Pumps and Ramp areas around Fuel Island
4. Public Parking area at FBO
5. Public Parking areas and access around commercial business buildings
6. Commercial Business hangars
7. County T-Hangar taxiways
8. Private Hangar taxiways
9. County T-Hangar aprons
10. Private Hangar aprons\*
11. Clean-up in areas needing attention

\* Private hangar aprons will only be cleared if hangar owner has signed a

“Hold Harmless” agreement with Lawrence County for potential damage to apron surface. Hangars without hard surfaced aprons will only be cleared when conditions allow, preventing rutting, etc.

The Airport Manager shall be the contact person for any questions or requests pertaining to snow removal around the airport or at private hangar or business locations.

County personnel are instructed not to take requests for snow removal; anyone doing so will be referred to the Airport Manager in an effort to keep requests for snow removal in an orderly manageable effort.

Private hangars and commercial business buildings along with any other obstacles shall be cleared as close to the building as the County Equipment Operator deems prudent.

This procedure will be adhered to in order to minimize building, fence, gate and landscaping damage.

It shall be the responsibility of the hangar tenant, owner or private business owner to finish clearing around their respective areas after airport personnel move from the area.

No person other than specifically authorized County personnel shall be authorized to operate any County equipment. It shall be left to the discretion of the Airport Board and the Airport Manager to decide if additional work force is needed for snow removal at the Airport at any given time and date.

Priority for snow removal shall be as follows: emergency flight aircraft, ground emergency vehicles, law enforcement, business operators, hangar tenants and the general public.

- A. Snow removal procedures will be initiated when snow depth on the runway or snow characteristics are such that a hazard to aircraft exists or appears probable.
- B. The decision to plow the snow and the timing of any snow plow operations will be made by the designated Airport Manager or Sponsor.
- C. Snow removal vehicles, or the operators, must be equipped with two-way radio communication equipment and at least one (1) vehicle will be in contact with the UNICOM at all times.
- D. In the event that snow depth results in hazardous conditions, the Airport will be closed until it is cleared. Such decision will be made by the Airport Manager or Sponsor
- E. Grass will be mowed before if becomes a hazard as determined by the Airport Manager or Sponsor.

XI. REVISION OF REGULATION

The Sponsor reserves the right to make any additions or deletions to the Rules and Regulations which it deems necessary.

XII. GRIEVANCE PROCEDURE

A. Any person that is dissatisfied with or has a question concerning any Airport Operation or Procedure will submit the grievance in writing as soon as possible but not later than thirty (30) days from discovery of the issue by the grievant to the appropriate personnel in the following order:

- 1) Individual/Business concerned
- 2) If the issue is not resolved, then to the Lawrence County Airport Manager.
- 3) If the issue is not resolved, then to the Lawrence County Airport Board.
- 4) If the issue is not resolved, then to the Lawrence County Commission.

XIII. SPONSOR-OWNED HANGAR WAITING LIST

(Adopted Date 2010)

Intent:

In order to have a fair and equitable procedure for prioritizing allocation of Sponsor-owned hangar spaces at Black Hills Airport/Clyde Ice Field (the "Airport"), there is hereby created a waiting list (the "New List" and the "List") for potential leasees desiring to occupy a Sponsor-owned hangar space at the Airport.

Procedure:

The List shall be kept and maintained by the Airport Manager on behalf of the Sponsor. The List shall be available for public inspection during normal business hours at the office of the Airport Manager. It shall be the duty of the Airport Manager to provide a copy of the List to the Sponsor upon request.

There shall be a non-refundable fee (the "Fee") of \$250.00 charged to any person desiring to be added to the List. The Fee shall be applied to off-set the lessee's first month's lease payment upon approval of a lease agreement between the Sponsor and Leasee. Any difference between the monthly lease rate and the Fee shall be kept by the Sponsor to off-set the Sponsor's costs.

Priority shall be on a "first-come" basis according to the order a name is added to the List and upon payment of the Fee. However, governmental agencies shall be given priority ahead of private persons at the Sponsor's discretion, and the Fee may be waived for any such governmental agencies at the discretion of the Sponsor. A priority position on the

List is not subject to sale, transfer or assignment and inures only to the benefit of the person named on the List.

Upon availability of a hangar space, it shall be the duty of the Airport Manager to give notice to the person in the priority position. Notice shall be given according to contact information given by the interested person. The person shall have ten (10) days from the time notice is given to secure the priority position by delivering in writing to the Airport Manager notice of intent to lease hangar space. It is the duty of the person whose name is on the List to provide current contact information. In the event a person having priority position cannot be contacted according to contact information provided or who otherwise fails to confirm interest within the prescribed period or who fails to agree to the lease terms tendered by the Sponsor in a timely fashion, shall forfeit their priority position on the List and the person's name shall be purged from the List. The person may have their name added to the List by paying a new Fee and that person's position will be prioritized as of the date the new Fee is received. If the person in the priority position fails to avail oneself of the lease opportunity for any of the reasons stated above, the Airport Manager shall then contact the new person occupying the priority position and so on.

#### XIV. PRIVATE HANGAR CONSTRUCTION

##### Intent:

In order to accommodate the demand for private hangar space at Black Hills Airport/Clyde Ice Field while maintaining uniformity of design and construction and to create an aesthetically pleasing appearance, a procedure has been developed for private individuals to construct hangar buildings at the Airport. This procedure includes an application, payment of applicable fee, the allocation of a building site for construction of the hangar building, approval of building design and materials by the Sponsor, and a ground lease agreement between the building owner and the Sponsor, all as more fully explained below.

##### Development Plan Review:

A Development Plan Review shall be required for all proposed private hangar construction. There shall be a non-refundable fee (the "Fee") of \$250.00 charged to the Applicant for review of the Development Plan and is due at the time the request for Development Plan Review is submitted to the Airport Board. The Fee shall be applied to off-set the annual rent payment upon approval of the Development Plan and a lease agreement with the County. Applicant is responsible for providing the required information as set forth below.

##### A. Requirements of a Development Plan:

1. Proposed building site location. Applicant is responsible for contacting the Airport Manager to determine building sites available.

2. Proof of FAA air-spacing approval. Once a building site is selected, a Notice of Proposed Construction or Alteration Form (7460-1) must be completed and submitted to the FAA for approval. It may take up to 90 days to receive FAA approval. Once approved, the applicant shall submit proof of FAA approval as part of the Development Plan.
3. Building Permit. Applicant is responsible for obtaining a building permit from the City of Spearfish and is solely responsible for the cost thereof. Applicant shall submit a copy of the building permit as part of the Development Plan.
4. Applicant shall submit a building design plan endorsed with an engineer's certificate of design, including building dimensions, building materials (to include doors and windows) and color, and specifications for any other improvements, e.g. ramp construction leading to the hangar.
5. A timeline of construction shall also be provided indicating dates of commencement of project and anticipated date of completion.
6. The applicant's contact information and that of the builder shall be provided.
7. Applicant shall have entered into a lease agreement with the Sponsor prior to commencement of any construction or dirt work.

B. Building Design and Materials Requirements:

1. Buildings or alterations to existing buildings must conform to the applicable building codes and building set-backs then in effect
2. Applicant is also expected to follow all applicable regulations contained in the Black Hills Airport Rules and Regulations and Minimum Standards.
3. Basic construction shall be a metal covered commercial-type building.
  - a. **Framing.** All framing shall be of metal or dimensioned lumber, or pole type meeting applicable building code regulations.
  - b. **Foundations.** Design and construction shall meet all applicable building code regulations.
  - c. **Exterior Walls.** Exterior finish shall be high-rib metal panel, using a minimum 26 gauge steel with a permanent maintenance free coating. Exterior color shall be either white or earth-tone color. Earth tone color must be approved as part of the Development Plan process. All hangars in a hangar row shall be of the same color unless otherwise approved by the Sponsor. No wood exterior finish, including door and window framing is allowed. Exterior walls shall be a minimum of 14 feet high.

- d. **Roof.** Metal buildings shall be constructed with a high-rib panel metal roof with a maximum 4:12 pitch. No flat or barrel roofs are allowed. All hangars in a hangar row shall have the same roof pitch unless otherwise approved by the Airport Board.
- e. **Floor.** Hangar floor shall be reinforced concrete and meet applicable building codes then in effect. Floor elevation shall be verified with Airport engineer prior to construction. Applicant is responsible for any cost associated with engineering services.
- f. **Doors.** All hangars shall have an engineered bi-fold, hydraulic type, or vertical bi-fold door or similar door that does not block the access to adjacent hangars or otherwise comprise a safety hazard, a nuisance or interfere with airplane traffic. All pedestrian doors shall be metal clad.
- g. **Apron.** Connecting apron between hangar and taxiway is to be constructed at the expense of the hangar owner. *Note: a "Hold Harmless" provided by the County shall executed by applicant as a pre-condition for the County providing snow removal for any apron.* Aprons shall be designed and constructed according to the applicable building codes then in effect to support heavy snow removal equipment.
- h. **Utilities.** Electric, gas and telephone utilities are located close to hangar development sites. All utilities shall be installed underground at the applicant's sole expense. Proposed locations for utilities must have prior written approval of the Airport Manager. All wiring and plumbing shall meet commercial codes and standards.
- i. **Construction Standards.** Plans must be certified by a qualified engineer. Construction must be completed within the time frame approved by the Airport Board. If construction is not completed within the specified time, the applicant shall be responsible for removal of that portion of the hangar constructed and site restoration at applicant's sole expense.

The Sponsor reserves the right to remove any structure that remains unfinished before the expiration of the completion deadline and/or not in compliance with the Airport Rules and Regulations or Minimum Standards. Any such expense to the Sponsor shall be passed to the applicant who shall be responsible for reimbursing the Sponsor for all such expense in a timely fashion.

During construction the applicant is responsible to ensure that the site remains free of debris and that all building materials are secured to prevent aircraft hazards. Construction trailers

shall be kept in locations approved by the Airport Manager away from taxi areas to prevent incursions.

A policy for Builders Risk and/or Liability Insurance is required to be in effect before construction begins with evidence of coverage provided to the Airport Manager. The minimum amounts of such insurance coverage shall be: \$1,000,000.00 for each occurrence, \$3,000,000.00 aggregate with the Lawrence County named as an additional named insured.

A representative of the Black Hills Airport and/or the City of Spearfish reserves the right to inspect and reject any phase of construction.

Applicant shall, at applicant's own expense be responsible for remedying any non-conforming construction to include, but not limited to, building design and construction materials used.

- j. **Clean-up and Reclamation**. A covered dumpster or other suitable covered receptacle shall be placed on-site prior to construction and shall be used for all waste material. The location of any such receptacles shall be located with the approval of the Airport Manager. All disturbed areas including utility trenches, must be compacted, covered with topsoil, seeded and compacted again. The applicant is responsible for any damage caused by contractor or subcontractor vehicles.

#### XV. AIRPORT BOARD VACANCIES

- A. In the event of a vacancy for a non-County Commissioner seat, the County Commission shall post in designated areas and advertise a notice of vacancy requesting letters of interest be submitted to the County Commission. Upon receipt and review by the County Commission, the letters of interest received shall be forwarded to the Airport Board for its review and recommendation.

#### XVI. VIOLATIONS, PENALTIES AND ENFORCEMENT

- A. Violation of these Rules and Regulations is punishable by a fine and imprisonment as provided below:
  - 1) In addition to all other remedies available to the County to prevent, correct or abate violations of this Rules and Regulations Ordinance, a violation of this Rules and Regulations Ordinance is also punishable by a fine and/or imprisonment pursuant to SDCL 7-18A-2 as provided below:

- a. A fine not to exceed five hundred dollars (\$500.00) for each violation by imprisonment for a period not to exceed thirty (30) days for each violation, or by both the fine and imprisonment. Each day the violation continues shall constitute a separate violation. The date of the first violation shall be the date the Sponsor first received notice of the violation.
- 2) Sponsor may seek to enjoin, in any court of competent jurisdiction, the violation, attempted violation of any provision of this Rules and Regulations Ordinance.